

# Enduring Occupational Stress: Experiences of First Level Women Court Judges in Central Philippines

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**ABSTRACT.** The performance of a judge in the disposition of cases may be affected because of occupational stress. It may be both psychological and physical stress. This phenomenological study explored the work stress, stressors, and coping mechanisms of judges in Central Philippines. Participants were identified using a purposive sampling technique. Ten (10) female judges of the first-level courts answered using an unstructured interview. Six themes emerged from this study: deadlines in deciding cases, struggling with compliance with the reglementary period, balancing work and family life challenges, dealing with courtroom challenges during the pandemic, handling lawyers in the courtroom, handling various roles, and engaging in positive stress management activities. Hence, the multifaceted roles of judges in their work challenge them to dispense justice fairly. The prevalence of burnout and stress experienced by judges must be addressed.

## 1.0. Introduction

Occupational stress may refer to the harmful physical and emotional responses that occur when job demands do not match an employee's resources, capabilities, and needs (Chatzigianni, 2018). Despite the sizeable research exploration on stress encountered by law enforcement officers, little was explored on the stress experienced by judges (Gudaite & Valickas, 2014). However, they are the central actors in the organization and functioning of the judicial system (Pereira et al., 2022). However, there is a very limited literature about the essence and influence of work-related stress on judges (Tsai & Chan, 2010).

Coping skills are "skills to reduce pressure from a difficult circumstance". Judges develop coping mechanisms to cope with stress. Because of the position judges occupy in society, many choose not to ask for professional help. They fear that their problems will be known to the public (Maslach & Leiter, 2016). These may result in negative impacts on their private life and profession (Miller et al., 2018a).

Stress may be experienced at different levels among judges who may be subjected to different factors affecting their performance in court.

The most important is an individual's belief or perception regarding his or her efficacy to control and effectively manage the events causing stress (Bandura, 2001). Like any individual in different professions, judges may experience problems such as stress, depression, anxiety, and family issues. All these work-related stresses, when not managed, may affect the mental and physical health of judges. Judges may endure stressors in many ways, such as many case dockets, deadlines in deciding cases, and living a semi-hermit life.

There are several studies conducted on this from a global perspective. For instance, in the US, it was cited that active judges are likely to face numerous work-related experiences (e.g., traumatic cases) that affect the performance of their occupational duties. Studies about the well-being of judges are very significant, given their influences on their work and contextual performance. Some stressors and needs that judges encounter are universal, thus, experienced by everyone.

In the Philippines, most judges are overloaded with dockets of cases. Additionally, the reglementary period and strict rules of the Supreme Court in disposing of cases add to the work stress of judges. In the locale of the study, judges face the same challenges from the demands of their work in the court. However, there is a scarce study when it comes to research on the stress of subjects. Thus, this study aimed

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to fill in the gap by investigating and analyzing the lived experiences of female judges in the first-level courts on enduring occupational stress.

## 2.0. Methodology

*Research Design.* The researcher embarked on descriptive phenomenological inquiry to explore the lived experiences of ten (10) female first-level court judges in the central Philippines. This study employed the descriptive phenomenological research design to investigate and analyze the lived experiences of female judges during the pandemic. Phenomenological research design concentrated on exploring the participants' individual experiences (Lichtman, 2014). Ten participants were determined utilizing the purposive sampling technique. Campbell (2020) described purposive sampling as the random sampling within a given population that best fits the study's purpose.

*Participants.* There were ten (10) female participants in this study from the six (6) provinces of Western Visayas in the Philippines. Inclusion criteria were used to determine the participants, and purposive sampling was used. The judges who participated in the study had at least three years of experience in the judiciary, aged 40 to 60 years old, and with at least 50 court dockets within a year. At least two (2) participants were selected from each province. Their names were not divulged for confidentiality.

*Data Collection Procedure.* The researcher conducted three sessions of the unstructured interview to ensure a comprehensive result. Bracketing and counseling skills like listening attentively to the participant were applied by the researcher and were quick in clarifying ambiguous terms or words used by the participants. The researcher tried to be as flexible as possible in the interview flow, which may differ from participant to participant. Aspects of the topic that could not be covered during the initial interview were not squeezed hastily when the participant was reluctant to discuss. Two (2) commissioned stenographers recorded and transcribed the interview. An unstructured in-depth interview was used in gathering data. The research centered on the experiences of judges on occupational stress during the pandemic. The unstructured interview allowed participants to fully express themselves through open-ended questions that implied their understanding of the phenomenon. The participants had the latitude to express their thoughts about their unique experiences on the phenomena.

In addition, the researcher secured the

informed consent of the participants for their voluntary participation. The interview complied with confidentiality and provisions of the Data Privacy Act of 2012. The researcher adhered to the rules on confidentiality and privacy while ensuring that the research remains authentic and protecting the interests of all participants. The researcher also declared that there was no conflict of interest and claims of monetary benefits in the paper.

*Data Analysis Procedure.* The van Kaam methodology described by Moustakas (1994) was used in analyzing the data. Seven steps were used during the construction of themes: horizontalization, reduction and elimination of data, clustering and thematizing, validation, construction of textual description, and incorporating the structural and textual description into themes.

*Data Trustworthiness.* Trustworthiness is established using the criteria of credibility, transferability, dependability, and confirmability. It is one way the researcher can persuade themselves that their research findings are worthy of attention. It is how the researcher can show that the study is valid and reliable.

*Credibility.* The participants were oriented and informed prior to the series of interviews in sharing their personal experiences while assuring the confidentiality of their statements. Probing questions were used to elicit from the subjects their experiences with occupational stress during the pandemic. There was a follow up interview with participants twice to ensure the truthfulness of the statements they presented during the initial interview. Apart from my written notes and recorded interviews, two court stenographers were commissioned to transcribe and record the information shared by the participants. Thereafter, the encoded transcript of each participant was reviewed to confirm and correct the statements.

*Transferability.* A phenomenon must be described in sufficient detail to evaluate the extent to which conclusions are transferable to other times, settings, situations, and people. This was achieved by producing thick descriptions for each theme that meaningfully contextualized the participants' experiences. Using thick descriptions is a way of achieving external validity (Lincoln & Guba, 1985). The researchers exerted efforts to provide a substantial and rich account of descriptive data, methods, procedures, and interview transcriptions.

*Dependability.* When readers can examine the research process, they can judge the

dependability of the research (Lincoln & Guba, 1985). In this study, researchers can guarantee that the research process was done scientifically and well-documented. This was demonstrated by keeping all recorded data, such as transcripts, field notes, and the researcher's journal, until the research was finished and did not need further editing. Moreover, they strictly followed and observed the van Kaam method in analyzing the data.

*Confirmability.* The data was presented to my panel advisers to avoid subjectivity in my interpretations. Confirmability supports the establishment of the researcher's interpretations and results emanating from the data, directing the researcher to establish how conclusions and interpretations have been created (Lincoln & Guba, 1985). Each theme and subtheme was presented for critique and review. The suggestions, recommendations, and comments were considered on what themes and sub-themes be included.

### 3.0. Results

Common themes for the lived experiences of women judges included: deadlines in deciding cases, struggling with compliance with the reglementary period, balancing work and family life, dealing with courtroom challenges during the pandemic, handling lawyers in the courtroom, handling other administrative roles, engaging in positive stress management activities.

#### **Struggling with compliance with the reglementary period in deciding cases**

Judges are pressured to comply with the period to decide or dispose of the cases.

*Pressure in the submission of target case disposal of court.* It is mandated in the Constitution the period within which judges should decide the case. If judges cannot decide the case within the reglementary period will be subjected to administrative cases. Judges find it difficult at times to cope with the period given to them to decide the case because aside from deciding cases they are also required to conduct the hearings every day. Aside from the hearings everyday, there are also cases when it must be acted immediately, like when the case involves temporary restraining order wherein the hearing must be conducted within seventy-two (72) hours from the time of filing, and within fifteen days, the preliminary injunction must also be heard.

"It is very much stressful because of the pandemic I can only conduct few hearings. It is only twice a week or sometimes once a week. I am pressured to comply with the average disposal in a month." (Judge F, personal communication, December 23, 2021)

Civil cases are very difficult on the part of the respondents because the period to dispose of the cases is very limited.

"In summary hearings you have to decide it within one day. Sometimes the available facts are not sufficient to warrant a case disposition." (Judge D, personal communication, December 19, 2021)

"It is stressful because resetting of cases means no decision reached, I cannot submit my monthly report to the Supreme Court." (Judge E, personal communication, December 23, 2021)

*Extensions of the period discouraged.* The Supreme Court requires judges as much as possible to dispose of cases within the period provided under the rules except for the justifiable reasons provided by the law. The period in disposing cases is seldom extended. Extensions for deciding cases must be with permission from the Supreme Court. The judge who intends to file the request for an extension of time must also state why he is applying for an extension of time in deciding the case. Although the Supreme Court provides extensions, the judge asking for the extension must justify why an extension is necessary. Judge C expressed:

"It is tedious on the part of judges to file for extension of time to decide the case because you have to file documents to the Supreme Court your justification for the extension of time." (Judge C, December 19, 2021)

#### **Balancing work and family life challenges**

It is now a fact that most of the courts are occupied by female judges. Women continue to assume heavier responsibilities balancing work and family. This is despite the advancement of gender equality in the workplace. Working women are as important in the progress of society. In the past, a man dominates the provision of all the family's needs. At the same time, a woman

was accountable for household chores. However, due to higher education and socioeconomic evolutions, women have entered different fields to create robust careers at par with men. Today's working women face demands from work and life. They find it challenging to counterbalance workplace stresses and obligations belonging to home and family. Achieving a balance between work and life is crucial for female employees. The participant shared:

"At times my work requires me to have overtime in the office. I have to manage my time with my children who also needs my presence at home." (Judge A, personal communication, December 19, 2021).

### **Dealing with courtroom challenges during the pandemic**

*Unreadiness of the Courts.* The onset of the pandemic greatly impacted the courts of its prevailing setup, which is a lack of technology to cope with the challenges of the pandemic. Limitations necessary during this extraordinary period should be lifted as a priority.

"The hearings are postponed because of several lockdowns, which causes delays sometimes. I cannot decide the case. It gives me additional stress." (Judge A, personal communication, December 19, 2021)

*Health hazards on Judges.* With the pandemic, judges became more anxious about conducting hearings because it might be that litigants and lawyers may bring health hazards to them in attending the hearings. The safety and health of the judges were also at risk. Accused have the right to challenge the courts for the delay in the cognizance and trial of their cases at any time. They may even bring the matter administratively to the Supreme Court.

"Some of the lawyers came from different places. What if during the hearing there are lawyers who are positive? It adds to my stress." (Judge E, personal communication, December 23, 2021)

*Lack of Technology support.* The Supreme Court statement also urges the judicial system to adapt to changing circumstances. This approach is of great interest in the case of a pandemic, avoiding limitations on the functioning of courts.

Adequate resources need to be provided to make this possible. The statements from judges about immense caseloads as the cause for their frustration and angst necessitate structural transformations at a system-wide level. However, judges shared:

"The Supreme Court does not adequately provide judges of budget or equipment to upgrade the courts and cope up with the demands of technology." (Judge B, personal communication, December 19, 2021)

### **Handling lawyers in the courtroom**

*Dealing with inexperience among new lawyers in litigation.* Novice lawyers admittedly need time to study the cases. They are yet new to the practice of litigation. Judges must adjust to this reality. Most of the time, judges are constrained to reset the hearings to give the new lawyers time to delve into their evidence to be presented in court. What has been learned in law school differs from the actual application in court during litigation. New lawyers, at the same time, adjust to their litigation exposure. As participants shared:

"I have to consider that I have been once a new lawyer with no experience in the court, so when a lawyer asks for a postponement, I have to grant it. But of course, there is that worry that the postponement will cause a delay to the case, especially in deciding the case. (Judge I, personal communication, December 19, 2021)

"New lawyers have to be guided in court. Understandably, their being new to the court has to be considered. This means resetting the hearings when they are not ready or adding more trial dates to the case for the presentation of their evidence." (Judge B, personal communication, December 23, 2021)

"I have encountered lawyer who is not prepared during the hearings. It causes delay in the disposition of the case because the hearing is rescheduled." (Judge E, personal communication, December 30, 2021)

*Appeasing cranky lawyers.* These lawyers, at times, file motions to expedite the disposition of their cases. On the part of judges, they are

constrained to give priority to cases of lawyers who file these motions to resolve cases for fear that these lawyers may file administrative cases to the Supreme Court on the ground that their cases were not resolved accordingly. Additionally, the different characters of lawyers are also a challenge to judges. Most of the time, the court is a battleground of arguments for lawyers, and old practitioners will not bend to new lawyers when it comes to oral debate. The participants shared:

"When you encounter lawyers who are demanding in court it adds to your stress." (Judge F, personal communication, December 30, 2021)

"Lawyers sometimes do not understand that judges have many roles in court aside from conducting hearings. Also, it is not only their case alone that judges handle. They thought all the while that after few hearings their cases can be decided immediately." (Judge G, personal communication December 19, 2021)

### **Handling other administrative responsibilities**

*Managing court staff.* Although the clerk of court is the direct authority of the court staff, it is still the judge who decides and controls the work environment inside the court. The judge is also the manager of the employees in court, which means that conflict among the employees must be resolved. As the superior authority in court, the judge must motivate the employees to work effectively and efficiently. There is a yearly performance-based evaluation by the Supreme Court of the employees, and the monetary compensation of the court employees will be based on the evaluation. Thus, the judge has the responsibility that the employees of the court will have an outstanding performance. A participant shared:

"The clerk of court cannot decide on matters pertaining to the employees. She has still to consult the judge especially when there is conflict among the employees. The work must be clear to them because at times they do not ascribe to multi-tasking. As a consequence, when one staff is absent or on leave the flow of the work is disrupted." (Judge G, personal communication, December 19, 2021)

"When the interpreter is absent, or the stenographer is absent, the hearing is postponed." One cannot substitute the other." (Judge J, personal communication, December 19, 2021)

*Getting involved with financial liability.* Under the guidelines in the Supreme Court, the clerk of the court handles mostly the financial aspect of courts, such as filing fees, bail bonds, and court clearances. However, the Supreme Court makes the judge equally liable to the clerk of court when the latter commits malfeasance or malversation. Every court must prepare for two financial audits, one audit conducted by the Commission of Audit and the other by the Supreme Court. Almost every day, there is a financial matter dealt with by the court, like the filing fees when cases are filed, bail bonds posted, fees for court clearances, and other financial matters relative to the cases. Thus, judges must monitor the financial matters in the court always. This may add as a source of stress to judges, as one participant shared:

"I cannot monitor all the time the financial matters from STF (sheriff's trust fund), JDF (judiciary fund), fiduciary fund and others because I am also busy with hearings and make decision of cases. I also have apprehensions because judges will be held liable in case there is discrepancy in the finances in bank account especially when the COA (Commission on Audit) and the supreme court will audit." (Judge H, personal communication, December 30, 2021)

### **Engaging in positive stress management activities**

*Judges embarked on different activities as a way to manage stress.* Since there is no integrated program provided by the supreme court to aid judges in coping with stress, judges take the initiative to cope with it. They must make time for activities that may lessen their stress from their work. Their individual ways of finding an outlet for their stress at work have helped them cope with stress. Despite their busy schedule, they can find meaningful activities to recharge them and prepare them again for their work. Judges also mindfully and constructively respond to stress in their courts by immersing and engaging in positive activities that give them optimal well-being benefits.

"I have enrolled in a yoga class every Saturday and I find it stress relieving." (Judge A, personal communication, December 19, 2021)

"My husband and I bought a bike. We go biking around the town proper of Kalibo. It is my way of coping with the pressures of work. (Judge E, personal communication, December 23, 2021)

*Enduring Occupational Stress in the Courtroom.* Judges have become resilient overtime on the effects of stress from their work. The retirement age is seventy years old. Judges must endure all kinds of stress in the courtroom to survive the retirement age. They recognized that their patience is needed in dealing with stress in their work, such as managing their staff. It is also a help to them in dealing with the different characters of their staff. Their patience includes their ability to work toward their long years in service. They recognize that patience allows them to work effectively, more efficiently, and have more control of their surroundings which is crucial in managing stress.

"This is the profession we chose so I think that we should manage the stress in our work to dispense justice accordingly. When we do not know how to adjust with stress, we cannot be effective as judges in our court." (Judge D, personal communication, December 30, 2021)

#### 4.0. Discussion

Judges are entrusted with dispensing justice and defending the rights of everyone in accordance with the Constitution. Judges are sometimes unprepared in dealing with the stressful truths of the job that follow the trials, including overloaded dockets, intensified public scrutiny, serious decisions, troubling evidence, annoying lawyers, pressure over time limitations and expectations of perfection, dangers to safety, social isolation (Brafford & Rebele, 2018), and occupation-specific stress (Miller et al., 2018b).

Indeed, if judges are too burdened with being empathic, this could impact their work performance. Alternatively, burnout and fatigue may cause judges to be too exhausted to manage their cases (Feng et al., 2014). However, without connections of stress with grant or denial rates, court proceedings would be more efficient and stress-free for the parties involved if burnout and

stress among judges were reduced (Lustig et al., 2008).

Further, at least one of the short-term symptoms of stress has been identified as the "intolerance" of others. A handful of Judges have been recognized in circuit decisions as showing this behavior in court towards litigants. Judges join the profession with the highest and best purpose and intentions. They envision hearing complex stories from confused and unhappy people (Edwards & Miller, 2019). They also expect to hear about broken families, responsibility, and blame, along with heart-wrenching testimony and circumstances that are painful and terrifying to the participants and their children. Judicial college does nothing to equip family court judges for this aspect of the job (Graver & Curos, 2021).

The overwhelming majority of respondents reported aspects of the work (for example, sentencing, judgments, and decision-making) as their primary source of occupational stress (Hagen & Bogaerts, 2014). Courts in which judicial reforms face even more significant challenges in ensuring that they can handle their ordinary caseloads and those resulting from reduced productivity during lockdown or confinement. Despite the stressors and occupational demands to which judges were subjected, some judges experienced high levels of well-being because of, inter alia, their autonomy over certain aspects and the nature of their work and positive relationships with their colleagues (Lebovitz, 2017). Interventions should be utilized to manage stressors, job demands, and job resources that impact judges' well-being (Rothmann & Rossouw, 2020).

#### 5.0. Conclusion

The multifaceted roles of judges in their work challenge them to dispense justice fairly. The prevalence of burnout and stress experienced by judges must be addressed.

The study recognizes its many limitations. First, in the generalizability of the result, this study only applies to the female judges in the first-level courts in the sixth judicial region. The study may differ if conducted with female judges in the second-level courts and a different locale. Also, the result of the study may differ if conducted involving male judges. Second, the study was conducted in a situation where there was a pandemic. The result of the study may be different without the pandemic. The restrictions on the mobility of individuals and health protocols may have resulted in the limited gathering of data.

The legal system asks judges to deliver justice for injured parties through the cases they resolve. The assumption is that these legal decision-makers can accomplish these tasks rationally and reasonably. However, this is a complex task because the process can expose judges to several stressors that can negatively affect individuals and the legal system (Kong et al., 2021).

While the research did not particularly ask about coping mechanisms, many judges commented about the occupational challenges of serving as judges. They shared very personal and painful experiences of job-related burnout and stress. In general, occupational stress was linked with personal and work-related burnout for both judges. Client-related burnout was common for judicial officers with low social reinforcement.

A follow-up study should address whether burnout is associated with handling cases. Further, a study where a wider area of coverage of research will also be significant in arriving a data to support the assumptions on the stress of judges from work and whether the lived experiences of judges in the sixth judicial region are also experienced by judges in other regions in the Philippines.

The results of the study focused on the female judges in the first-level courts in the sixth judicial region. Consequently, I can conduct the same study by broadening the scope of the subject and the locale of the study. The subjects may also include male judges both in the first-level and second-level courts. I can further the impact of the study by conducting this at the national level involving the first-level court judges in the Philippines to find out whether occupational stress is also present in other judges of different areas. This study was specifically conducted during the advent of the pandemic; thus, I can conduct the study with fewer restrictions on mobility and health protocols.

The findings of this study can be utilized as a baseline to propose to the Supreme Court training, seminars, and workshops that educate more judges on how to manage occupational stress. The positive coping mechanisms of female judges may also be integrated into developing a long-term program for psychosocial support judges. Judges should be informed of the causes and effects of stress on their ability to perform their jobs. Additionally, the courts could enforce stress-relieving efforts such as counseling judges, forming peer support groups, or organizing training and seminars to handle work stress.

## 6.0. Declaration of Conflicting Interest

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