

Mindfulness on the Bench by Judge Chris McAiley

Why do we speak of mindfulness for judges? Most judges, after all, do their jobs well without reference to mindfulness or calling on mindfulness practices. Without doubt, there are plenty of outstanding judges who have not considered the subject. I find it meaningful, in my work as a judge, as a means to focus on and enhance certain qualities important to judging.

Mindfulness practices are designed to enhance our ability to be present, in the moment, to our experience. The practice is one of focusing our attention on what is happening in our perceptions, thoughts, emotions, and body, without judgment. We simply observe. Anyone who has tried knows this is simple, but not easy. Over time we notice a shift, an opening, in our perception of outside events, and our internal experience. As Jon Kabat-Zinn famously wrote: “Wherever you go, there you are”; and for those who go to work as judges, mindfulness has clear benefits at work.

The practice encourages our open-minded awareness of what is happening before us. Courtrooms can be busy and distracting places, yet judges are expected to accurately perceive the argument of counsel, the testimony of witnesses, the behavior of jurors, and more. When we are distracted by other thoughts, this diminishes perception.

Importantly, mindfulness practice is not about eliminating wise discernment; but it is about minimizing prejudgment. With this, judges can better deliver procedural fairness. For example, much has been written about bias, that is, attitudes and stereotypes that often operate outside our conscious awareness, and research is pointing to the role mindfulness may play in bringing them to light, clarifying our perception. When a judge is able to whole-heartedly pay attention, without the distortion of habit, bias, or assumptions, that judge is more likely to treat people, and manage a courtroom, in a manner that encourages confidence in our system of justice.

—Judge Chris McAiley
U.S. Magistrate Judge
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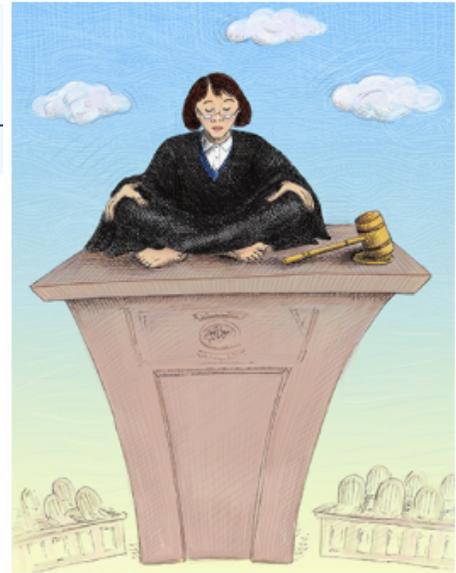


Illustration by Barbara Kelley