

FILED

APR 19 2024

**BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON**

COMMISSION ON JUDICIAL CONDUCT

In Re the Matter of

The Honorable Joseph Wilson
Judge of the Snohomish County
Superior Court

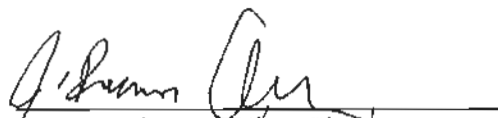
CJC No. 9334-F-190

**CERTIFICATE OF
COMPLETION AND ORDER**

The Commission on Judicial Conduct, pursuant to CJCRP 29(b), has considered information submitted by Judge Joseph Wilson. Based on the information considered and attached and incorporated herein, the Commission hereby certifies that Judge Wilson has satisfactorily completed the terms and conditions of the Agreement sections II(B)(4), (5), and (7) of the Stipulation, Agreement and Order of Censure filed November 20, 2020.

So ordered.

Dated this 19th day of April, 2024.



Ramon Alvarez, Vice-Chair
Commission on Judicial Conduct

9334

RECEIVED

JAN 13 2021

*Superior Court of the State of Washington
for Snohomish County*

JOSEPH P. WILSON
JUDGE

SNOHOMISH COUNTY COURTHOUSE
M/S #502
3000 Rockefeller Avenue
Everett, WA 98201-4060

Department 7
(425) 388-3792

11 January 2021

J. Reiko Callner
Executive Director
C.J.C.
P.O. Box 1817
Olympia, WA. 98507

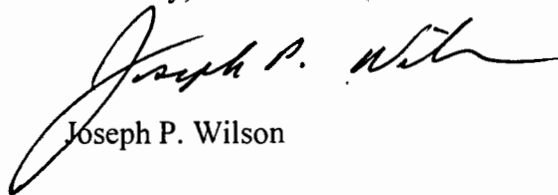
Re: CJC No: 9334-F-190

Dear Ms. Callner:

My apologies for being late with this declaration.

I declare under penalty of perjury of the laws of the State of Washington that I have read and familiarized myself with the Code of Judicial Conduct as required by the above referenced Stipulation.

Sincerely,



Joseph P. Wilson

February 7, 2022

J. Reiko Callner

Executive Director

Commission of Judicial Conduct

RE: CJC No. 9334-F-190

Dear Ms. Callner:

This letter and the enclosed documents are being provided to satisfy the requirements of the Stipulation I entered in November 2020. I certify that the statements herein are true and correct.

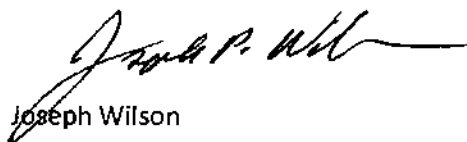
I have taken the following courses hoping to fulfill my obligations with the Commission. I attended the course titled "When the Blue Lights are Behind You" at the judge's annual conference on April 20, 2021. I attended the National Judicial College "Judicial Demeanor" course on June 10, 2021. The materials for that course are enclosed. I then attended the National Judicial College court "mindfulness and Stress-Reduction in Trying Times" on August 24, 2021. Those materials are also enclosed. Washington State Courts put on a course "Neuroscience and Art: Art, Social Justice and Wellbeing" on August 25, 2021, that I attended. The course description is enclosed. Finally, I viewed a webinar hosted by National Association of Drug Court Professionals titled "Calming Practices During Trying Times: Maintaining the Best Version of Yourself" This pre-recorded webinar teaches strategies and methods for reducing stress and anxiety, as well as ways to incorporate these strategies into life-long change.

I have also met and consulted with Dr. Stephan Feldman several times. I have asked him to send a verification letter to you that would satisfy the requirement that I participate in behavioral coaching. I have found these sessions to be insightful and extremely helpful in understanding my behavior.

In all, I hope the above actions meet with the approval of the Commission and that they satisfy the requirements of our Stipulation.

Please let me know if you need anything additional or if you do not receive the letter from Dr. Feldman.

Sincerely,



Joseph Wilson



THE NATIONAL JUDICIAL COLLEGE

Uniform Certificate of Attendance
This certificate should be filed with the appropriate MCJE/MCLE Board(s), Bar(s) or Commission(s) within 30 days of activity.

Sponsor: The National Judicial College
Program Name: SJI Ethics Webinar Series: Judicial Demeanor

Date(s): 6/10/2021 - 6/10/2021 -- 12:00 p.m. - 1:15 p.m. Pacific Time
Location: WebEx Webinar
Participant:

This program is eligible for a total of:

- 1.25 CLE credit hour(s) based on a 60 minute hour of which:
- 1.25 CLE credit hour(s) of this program is/are devoted to instruction in ethics.
- 0.00 CLE credit hour(s) of this program is/are devoted to instruction in domestic violence.
- 0.00 CLE credit hour(s) of this program is/are devoted to instruction in substance abuse.
- 0.00 CLE credit hour(s) of this program is/are devoted to instruction in professional responsibility.

Reminder: Introductory remarks, keynote addresses, business meeting breaks, receptions, etc., are not included in the computation of credit. Some states round down final credit hours (e.g. to the nearest quarter hour).

TO BE COMPLETED BY ATTORNEY (If you are a judge may be used for continuing judicial education (CJE) credits)

By signing below, I certify that I attended the activity described above and am entitled to claim _____ CLE credit hours, 1.25 Ethics credits.

Joseph P. Wilson
Attorney Name (Print) _____ Membership, Registration or Supreme Court Number _____

Joseph P. Wilson
Attorney Signature _____ Date 6/10/21

WA.
State where credits are to be registered

Note: Complete a certificate for each state in which you are required to file. CLE or CJE state filing is the participant's responsibility. The National Judicial College does not report CLE or CJE credits to boards, bars or commissions unless otherwise advised.

Acknowledged by: Muriel M. Bartlett

Muriel M. Bartlett, Registrar
(Sponsor Representative)

Making the world a more just place by educating and inspiring its judiciary



Est. 1963

THE NATIONAL JUDICIAL COLLEGE

Uniform Certificate of Attendance

This certificate should be filed with the appropriate MCJE/MCLE Board(s), Bar(s) or Commission(s) within 30 days of activity.

Sponsor: The National Judicial College
Program Name: Mindfulness for Judges – Core Skills for Judicial Officers

Date(s): 8/24/2021 - 8/24/2021 - 12:00 p.m. - 1:15 p.m. Pacific Time

Location: WebEx Webinar

Participant:

This program is eligible for a total of:

1.25 CLE credit hour(s) based on a 60 minute hour of which:

0.00 CLE credit hour(s) of this program is/are devoted to instruction in ethics.

0.00 CLE credit hour(s) of this program is/are devoted to instruction in domestic violence.

0.00 CLE credit hour(s) of this program is/are devoted to instruction in substance abuse.

0.00 CLE credit hour(s) of this program is/are devoted to instruction in professional responsibility.

Reminder: Introductory remarks, keynote addresses, business meeting breaks, receptions, etc., are not included in the computation of credit. Some states round down final credit hours (e.g. to the nearest quarter hour).

TO BE COMPLETED BY ATTORNEY (If you are a judge may be used for continuing judicial education (CJE) credits)

By signing below, I certify that I attended the activity described above and am entitled to claim

1.25 CLE credit hours, _____ Ethics credits.

Joseph Wilson
Attorney Name (Print)

Membership, Registration or Supreme Court Number

Joseph P. Will
Attorney Signature

8/24/21
Date

WA.
State where credits are to be registered

Note: Complete a certificate for each state in which you are required to file. CLE or CJE state filing is the participant's responsibility. The National Judicial College does not report CLE or CJE credits to boards, bars or commissions unless otherwise advised.

Acknowledged by: Muriel M. Bartlett

Muriel M. Bartlett, Registrar
(Sponsor Representative)

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LIVE WEBINAR



Neuroscience and Art: Art, Social Justice and Wellbeing

"Change" - Artwork by Dr. Krystal Roig-Palmer

**August 25, 2021
12:00 noon—1:00 p.m.**

Description: Explore the benefits of creative activities in a stressful life. Creativity reduces stress and enhances decision-making ability. Art increases neuroplasticity which also aides in decision-making, relieves decision fatigue and reduces burnout. Art is an outlet of expression to accommodate the role of the judge when the role and responsibility keeps you silent.

Join two judicial officers who have found a voice, a way to alleviate stress in their lives, and found that balance.

Faculty:

*Judge Anthony Gipe, Kent Municipal Court
Judge Mary Logan, Spokane Municipal Court*

CJE Credits:

1 general credit

Register:

Please register in advance for the August 25th webinar by clicking below. After registering, you will receive a confirmation email containing information about joining the webinar.

[Register](#)



THE NATIONAL JUDICIAL COLLEGE

SJI Ethics Webinar Series: Judicial Demeanor

Hon. Ilona Holmes and Hon. Thomas Zonay

Thursday, June 10, 2021

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HONORABLE ILONA M. HOLMES

Judge Ilona Holmes was a circuit judge in Broward County, Florida for nearly 24 years. She was appointed first as a county court judge in 1995 and from 1998 until her retirement in 2018 she served as a circuit judge. She has served in the civil and criminal divisions of the court. She served as the administrative judge for the criminal division from 2008-2010. Prior to taking the bench she served as an assistant United States attorney and an assistant state attorney in Miami-Dade County, Florida. Judge Holmes attended Stetson University and graduated from Florida Atlantic University with a bachelor's degree in political science. She earned her Juris Doctor degree from Texas Southern University's Thurgood Marshall School of Law. Judge Holmes also attended Florida Atlantic University and Florida International University and taking classes toward a doctorate in public administration. She has taught courses at the University of Fort Lauderdale, Nova Southeastern University, St. Thomas School of Law, Florida's New Judges College, Florida International University and the University of Mississippi through the National Center for Justice and the Rule of Law. She continues to serve on numerous boards and committees in the Florida court education system and in Broward County. Judge Holmes was inducted into the Broward County Women's Hall of Fame in March 2010. She was elected to the National Judicial College's Faculty Council in 2018 as a member at large. She has served as secretary and chair-elect of the Council. She is currently the chair of the Council. She was appointed to the Florida Federal Judicial Nominating Conference in March 2021 and is currently the chair. She is an alumna of the National Judicial College and joined the faculty in 2008.

HONORABLE THOMAS A. ZONAY

Judge Thomas A. Zonay is a judge of the Vermont Superior Court. He was appointed to the bench by Governor James Douglas in 2007. Prior to his appointment to the bench, he was an attorney in private practice and before that he was a police officer in Woodstock, VT. Judge Zonay received a bachelor's degree in food industry from Delaware Valley College and a Juris Doctor from Vermont Law School. He is currently a member, and past president of, the Vermont Trial Judge's Association. He is the current chair of the Vermont Judicial Education Committee, current chair of the Vermont Criminal Rules Committee, the current Chair of the Vermont Sentencing Commission, and a member of the Vermont Judicial Conduct Board. He is the past-chair of the Vermont Public Access to Court Records Committee, and served as a member of the Vermont Judiciary Advisory Council (chair of budget committee). He has served on the Vermont Bar Association Board of Managers (President, 2005); was a director of the Vermont Bar Foundation; and is past president of the New England Bar Association. At the time of his appointment to the bench, Judge Zonay was chairman of the Vermont Human Rights Commission and had previously served on other judicial and community boards and committees. He is also a U.S.C.G. licensed Master Captain. Judge Zonay is an alumnus of the National Judicial College, joined its faculty in 2012, and is currently the Chair-elect on the NJC Faculty Council representing General Jurisdiction.

Webinar Description

Too often we read stories in local and national media about judges who have displayed poor judicial demeanor in the courtroom. This webinar will focus on defining judicial demeanor and enable judges to easily recognize the characteristics of proper judicial demeanor. Participants will also learn why judicial demeanor is important and how it can impact the courtroom and develop strategies to help maintain proper judicial demeanor in their courtroom.

Learning Objective

After this webinar, judges will be able to:

- 1) Define judicial demeanor;
- 2) Explain why judicial demeanor is important;
- 3) Understand the impact of judicial demeanor in the court; and
- 4) Develop strategies for maintaining good demeanor.



THE NATIONAL  JUDICIAL COLLEGE

NJC On-Demand: Education on YOUR schedule

The National Judicial College is pleased to introduce NJC On-Demand, a one-stop shop for all of The College's web-based resources. More than 100 recorded webcasts, videos, documents, and self-study courses are easily accessible through the comprehensive search tool.

Log in at www.golearn.judges.org using the same username and password you would use to register for an NJC course.

NJC On-Demand is designed for state trial and appellate, administrative law, tribal and military judges, hearing officers, and adjudicators.

Register at judges.org

New content is being added regularly at www.golearn.judges.org.

Judicial Ethics: Demeanor

June, 2021

Hon. Ilona Holmes (Ret. – FL)

Hon. Thomas A. Zonay (VT)



Learning Objectives

As a result of this session, you will be able to:

1. Define judicial demeanor
2. Explain why judicial demeanor is important
3. Understand the impact of judicial demeanor in the court
4. Develop strategies for maintaining good demeanor

Socrates

It was Socrates who said that four things belong to a judge: to hear courteously, to answer wisely, to consider soberly, and to decide impartially.



NJC President Benes Aldana

"Start out with Aretha Franklin's advice of 'respect,' and carry it throughout the whole proceedings."



Two Trial Court Judges Disciplined for Poor Demeanor on the Bench

by Cheryl Miller | December 14, 2018 at 05:50 PM

Bullying from the Bench: A wave of high-profile bad behavior has put scrutiny on judges

BY MICHELLE W.

MARCH 1, 2019, 12:15 AM CST

Suspended Judge Is 'Learning the Rules and Procedures,' She Says in Answer to Ethics Charges

by Suzette Farrelly | December 14, 2018 at 01:09 PM

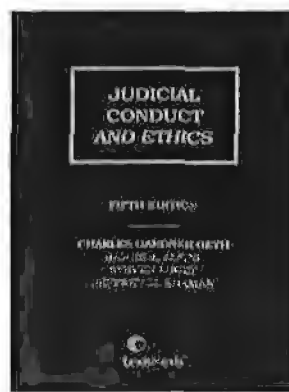
Poll Question

- Have you ever engaged in any behavior during a court proceeding where you believe you may have fallen short of exhibiting proper demeanor?
 - Yes
 - No

Poll Question

- Have you ever engaged in any behavior during a court proceeding where someone observing you may have believed you were not exhibiting proper demeanor?
 - Yes
 - No

THE CODE



Rule 1.2: Promoting Confidence

A judge shall act at all times in a manner that promotes public confidence in the independence,* integrity,* and impartiality* of the judiciary, and shall avoid impropriety and the appearance of impropriety.

Rule 2.8: Decorum, Demeanor, and Communication with Jurors

- (B) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.

Rule 2.8 (cont.)

Comment: [1] The duty to hear all proceedings with patience and courtesy is not inconsistent with the duty imposed in Rule 2.5 to dispose promptly of the business of the court. Judges can be efficient and businesslike while being patient and deliberate.

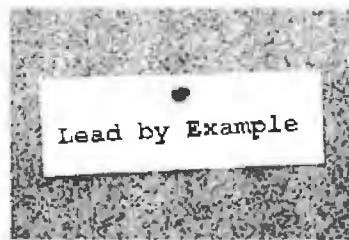
Why does it matter?

- Improper demeanor may:
 - impair the right of individuals to be fairly heard
 - intimidate or discourage individuals
 - diminish respect for judge/judiciary and orders
 - erode confidence
 - others?

In re Ellender, 16 So. 3d 351
(Louisiana 2009)

- Judges serve the public, in part, by setting an example in how to resolve these disputes in a patient, dignified, and courteous manner. If a judge acts belligerently, those before the judge believe belligerence is acceptable.”

“Judges have an opportunity to teach by example and demonstrate those attributes which all should strive to possess.”



In re Wilson,
(Washington, November 20, 2020)

- “The judge sets the tone for the courtroom. Discourteous and disrespectful behavior by a judge in the courtroom erodes the public’s confidence in the quality of justice administered by that judge, not only for the direct targets of such behavior, but also for all those who witness it.”

- “The public is more likely to respect and have confidence in the integrity and fairness of a judge’s decision if the judge is outwardly respectful, patient and dignified.”
- “Because of the power disparity between a judge and others in the courtroom, berating a litigant or an attorney is not a proper exercise of judicial power.”

Chat time!

- How do you define demeanor?
- In the chat please place your word(s) for demeanor

DEMEANOR

- Defined as:
 - behavior toward others
 - outward manner

How about?

- Actions
- Air
- Attitude
- Behavior
- Comportment
- Conduct
- Deportment
- Others?

What are the
words for
deportment?

deportment, behavior, conduct,
comportment, bearing, air, mien,
presence, manner, behaviour



© 1999 by J. L. ...

Demeanor includes

- Words
- Tone
- Body Language
- Facial impressions
- Others?



Words/Tone

- A judge's tone is described as loud, condescending, disrespectful, hostile, harsh, arrogant, belittling, nasty, derogatory, sarcastic, angry and contemptuous.
- Is this a potential problem?

Body Language/Facial Expressions

- The same judge is described as tense, upset, agitated, irritated, wide-eyed, redfaced, and clench-jawed, leaning forward in his chair, gesturing with his hand, and pointing with his finger in hearings.
- Is this a potential problem?

Inquiry Concerning VanVoorhis, 48 Cal.4th CJP Supp. 257 (Feb. 2003)

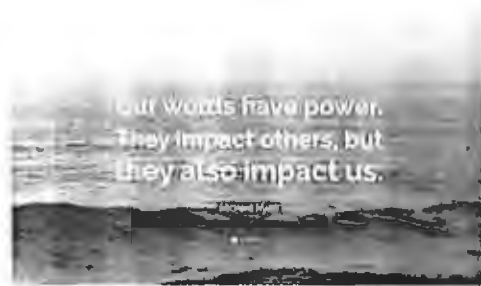
- The California Commission on Judicial Performance removed the judge for 11 instances of improper courtroom demeanor.

Why is demeanor important?

- Sets the tone
- People feel heard
- People feel respected
- People feel treated fairly
- People are more likely to accept decisions
- Provides foundation for all we do
- Others?

Affects/Impacts all in the Court

- Staff
- Attorneys
- Parties
- Witnesses
- Jurors
- Public perception



Poll Question

- Can a judge's demeanor impact the outcome of a case?
 - Yes
 - No

Can a judge's demeanor affect outcome?

- How greet people?
- How speak to people during proceedings?
 - Dismissive?
 - Accepting?
 - Annoyed?
 - Skeptical?
 - Others?

Can a judge's demeanor affect outcome?

- Expressions during proceedings
 - Annoyed?
 - Disbelief?
 - Shake head?
 - Looking away?
 - Others?

A Judge's Prayer

"So far today, God, I've done all right. I haven't gossiped, I haven't lost my temper, haven't been grumpy, nasty, or selfish. I'm really thankful for that. But in a few minutes, I'm going to get out of bed. And from then on, I'm probably going to need a lot of help."

I'm out of bed and
I made it to the keyboard.
What more do you want?



Poll Question – "What" you say

- Sometimes it is necessary for a judge to engage in "straight talk" with an attorney/litigant to make a necessary point in a hearing.
 - TRUE
 - FALSE

Does the subject matter impact demeanor?

- Criminal
- Civil
- Family

Case Study # 1

- The Washington State Commission initiated a complaint after the court of appeals reversed a sentence imposed by the judge and remanded for re-sentencing before a different judge.
- The reversal was based on the judge's use of profanity and comments that appeared to manifest bias against a defendant terminated from drug court.

Judge stated

- Judge told defendant he could, "Stop with the shoulder bulls*** now,"
- Judge then said: "So I got a guy standing in front of me, who won't tell me that he's got a dirty UA for alcohol, finally admits that he drank and then tells me he needs anger management. I think you're a f***ing addict and maybe you need treatment."

And added ...

- "I don't think it's got nothing to do with anger management. You think I give you anger management and that's gonna get you clean and sober? What the hell are you talking about? Have a seat, over here... Percocet and alcohol... I'm gonna relax a little bit and then figure out what to do with him."

But that's not all...

- The judge also said: "You, sir, are just a criminal, that's all you are, you're just a criminal. Do you have issues? Yep, you do. Are you going to deal with them? No, you're not.... You, the odds say, are going to die in prison."

Unrelated prior statements by the same judge

During a hearing the judge told an attorney who was trying to make a record: "You don't have the right to make a record" and "I am not going to proceed in this case with this counsel in front of me. The matter will be stricken, and re-note it in front of another judge..."

Same Judge different case also said

- At a sentencing hearing, the judge denied the prosecutor's request to have the victim present by telephone, saying in an elevated and agitated voice while pointing directly at the prosecutor, "Neither you nor your office have a right to tell this Court what it's going to do in its own courtroom."

In Re: Wilson,

Washington State Commission (11/20/20)

- Commission found judge to be "generally calm and professional on the bench at times he can be impatient or volatile," interrupting litigants and attorneys, addressing them "in an unduly confrontational, condescending, and harsh manner," using foul language, profanity, and language that manifested bias or prejudice, and expressing "anger or emotion."

The Sanction

- Judge had a prior 2018 public admonishment for statements at a hearing.
- Judge censured “for an intermittent pattern of intolerant and intemperate behavior.”
- The judge also agreed to participate in at least 2 hours of ethics training and to participate in behavioral coaching.

“Behavioral coaching” requirement

- The requirement for the coaching was set out to be with an emphasis on courtroom demeanor by a qualified behavioral modification professional until the “professional has certified, in writing, that such counseling has accomplished positive changes and that in his/her opinion, the Respondent has the competency to maintain these changes in the future.”

Case Study #2

- Judge has "unconventional" background prior to being appointed.
- States that the use of rough language and straight talk he became accustomed to in his pre-lawyer life gave him perspective.

- He believes his choice of words helped him build rapport and trust with clients.

- During a civil trial judge says:
- “I also have a medieval Christianity that says if you violate an oath, you’re going to hell. You all may not share that, but I’m planning to populate hell.”
- Any ethical issue with this?

How about...

- His statement during a sentencing hearing when he asked the defendant: “Has anything good ever come out of drinking other than sex with a pretty girl?”

How about...

- His statement to the jury in a domestic violence felony trial during the testimony of the victim that: "I'm sorry folks," he said to jurors, "but I can't slap her around to make her talk louder."

And even more...

- While sentencing someone for sexually abusing a 14-year-old girl the judge observed: "This was not someone who was, and I hate to use the phrase, 'asking for it.' There are girls out there that seem to be temptresses. And this does not seem to be anything like that."

- During the ethics proceedings the judge's attorney argued that the court system was partly to blame, having not provided adequate training or support staff for the new Superior Court judge."
- Judge censured and ordered to take sensitivity training.

Poll Question

- Sometimes it is necessary for a judge to raise his/her voice with an attorney/litigant to make a necessary point in a hearing.
 - TRUE
 - FALSE

Appropriate demeanor?



Judge vs. Prosecutor

Sanford judge yells at prosecutor, reverses jury's guilty verdict

By RYNE STOLZMAN
The Orlando Sentinel

Judge leaving criminal court after heated exchange with prosecutor

BY NEWS 13 FLORIDA | SEMINOLE COUNTY
PUBLISHED 2:44 PM ET MAR. 25, 2015

Sanford Florida Judge



Three Questions to Ask Yourself

1. Does it have to be said?
2. Does it have to be said by me?
3. Does it have to be said by me now?

Craig Ferguson, comedian
and former *Late, Late Show* host



Some Tips for Maintaining Good Demeanor

Helpful Tips)



Quick Tips
& Helpful Hints

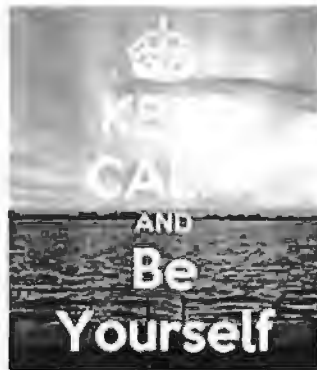


"Keep Calm"



KEEP
CALM

"Be Yourself"



"Lower your voice"



"Be respectful"



"Don't take it personally"



"Be patient"



"Never let them see you sweat"



“Take a Break”



Mean Mug



Ilona's tip

VISUALIZE
but don't
VERBALIZE





THE NATIONAL JUDICIAL COLLEGE

Mindfulness and Stress-Reduction in Trying Times

Tuesday, August 24, 2021

12:00pm Pacific Time, 1:00 p.m. Mountain Time, 2:00 p.m. Central Time, and 3:00 p.m. Eastern
Time

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Hon. Patricia Blackmon (Ret.)

Court of Appeals Judge, Ohio Eighth Judicial District Court of Appeals

Judge Patricia Ann Blackmon served five-terms on the Eighth District Court of Appeals in Cuyahoga County, Ohio. Judge Blackmon retired February 10, 2021, after 30 years on the court.

Judge Blackmon has earned numerous honors both personal and professional. Her honors include induction into the Ohio Women's Hall of Fame, recipient of the 1996 Alumna of the Year from Cleveland-Marshall College of Law, and notice at the 2001 "Evening of Stars - A Celebration of Educational Excellence" in a special salute to United Negro College Fund alumni. In 2017, she was inducted into C|M Law Hall of Fame, Living Legends. On May 15, 2018, she was conferred an honorary degree of Doctor of Laws from Cleveland State University. Further, Judge Blackmon is the first African American woman elected to any Court of Appeals for the State of Ohio.

In 2017, she attended the National Judicial College (NJC) *Mindfulness for Judges* conference, in Sedona Arizona. At the NJC conference she became acquainted with Judge Lee Sinclair, faculty member of the NJC. After Sedona, she was invited to present with Judge Sinclair at the National Judicial Institute and Conclave, *Emerging Ethics in Today's Cases* in April 2018 in Chicago, Illinois. Later that year, she was asked to substitute for Judge Sinclair for the NJC in November of 2018, *Mindfulness for Judges*. In 2019, she participated in a webcast and a podcast with Judge Sinclair for NJC on *Judicial Wellness*.

In April and November 2020, Judge Blackmon and other faculty members of the NJC Faculty presented the *Mindfulness for Judges* classes via Zoom to Judges in the Ukraine.

Since 2012, she has taught a six-week class on *Understanding the Court System* to senior citizens as part of the Institute for Learning in Retirement at Baldwin Wallace University in Berea, Ohio. Starting in April 2021, Judge Blackmon will begin teaching and second six-week course titled *Mindfulness: The Brain – Body Experience*, also part of the Institute for Learning.

She joined the faculty of the National Judicial College in 2018.

Hon. Linda Melendez

County Court Judge, 11th Judicial Circuit, Miami Dade County, Florida

Judge Linda Melendez has been a judge in Miami Dade County, Florida, Eleventh Judicial Circuit since 2017. She sits in the Civil Division at the Coral Gables Courthouse. Judge Melendez is a *magna cum laude* graduate of the University of Puerto Rico (B.S. 1988, J.D. 1991). Judge Melendez currently serves as the Eleventh Circuit representative for the Florida Judicial Wellness Committee. Judge Melendez has been a long-standing advocate for Mindfulness Meditation and alternative dispute resolution. She was one of the elected lawyers to participate at Harvard University Program on Negotiation and Dealing with Difficult People in 2003 and was certified by the Florida Supreme Court as a Mediator. Judge Melendez has been a presenter on the topic of Mindfulness at judges' conferences in Florida and at the Miami Dade County Bar Association. She joined the faculty of The National Judicial College in 2020.

Hon. V. Lee Sinclair, Jr. (Ret.)
Judge, Court of Common Pleas

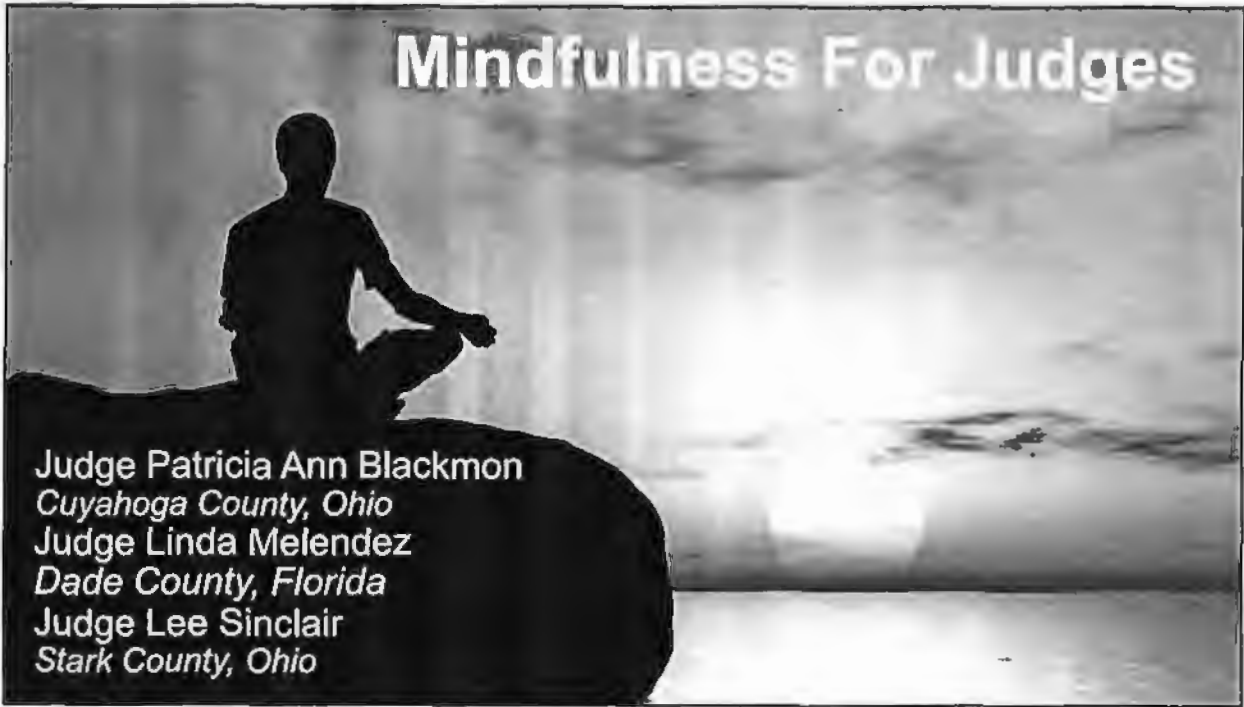
Judge Sinclair is retired from the Stark County Court of Common Pleas in Canton, Ohio. During his tenure, he served as both the administrative judge and the presiding judge. Judge Sinclair still presides on a regular basis by appointment of the Supreme Court of Ohio. Prior to taking the bench, he was a trial partner in one of Ohio's largest law firms and Stark County prosecuting attorney. As a trial lawyer, he was awarded an AV rating by his peers. Judge Sinclair earned his law degree from the University of Akron, School of Law where he was named Outstanding Law Student. Judge Lee Sinclair is nationally known as a judicial educator and court security consultant. Judge Sinclair has presented courses for judges, lawyers and court personnel for over 30 years, Judge Sinclair serves as a faculty member for several institutions, including the National Judicial College, Ohio Judicial College, University of Mount Union, National Center for State Courts, and the United States Army. Judge Sinclair has published extensively on legal and judicial topics. He is the lead author of the two-volume treatise, *Handling Capital Cases*; contributing author to the leading text on capital punishment, *Presiding Over a Capital Case*; and most recently, a text published by the National Judicial College titled *Judge's Resource Guide: Managing Jury Trials*. Additional publications include *An Introduction to Court Security* (2002), *Steps to Best Practices in Court Building Security* (revised 2016, National Center for State Courts, co-author) and "Security on a Beer Budget" (*Judges' Journal*, ABA, vol. 53 no. 4, 2014). He has published numerous other law review articles and other publications on legal topics. Judge Sinclair sits on the editorial board of the four-volume treatise, *Ohio Jury Instructions*. He is the past chair of the Board of Trustees of the Ohio Judicial College. He is past chair of the Faculty Council at the National Judicial College, and he joined the faculty in 2002.

Webcast Description and Learning Objectives

The COVID-19 pandemic only exacerbated many issues facing the judiciary, including an ever-increasing workload for judges due to unfilled judicial vacancies, insufficient funding for court operations, and tremendous public pressure to decide cases in a fair, efficient, and transparent manner. Judges and court administrators alike encounter challenges in maintaining a healthy balance in responding to these extraordinary circumstances. Promoting mindfulness will cultivate non-judgmental awareness in the present moment paying attention to thoughts, emotions, and physical sensations that can be effective to stress-reduction in trying times. This webcast will explore the most current research on mindfulness, including the neuroscience underlying mindfulness and the effects of mindfulness on work-related skills and behaviors. Participants will learn how mindfulness can help them to cope with stress, enhance leadership and boost creativity, which is crucial for providing effective response to current challenges.

Learning Objectives: After this webcast, judges and court administrators will be able to:

1. Define “mindfulness”;
2. Identify the research that supports mindfulness;
3. Describe how they can utilize mindfulness to maintain focus, calm, and objectivity in the midst of the pressures and challenges;
4. Summarize the benefits of mindfulness for both personal and professional life; and
5. Apply mindfulness to assist them in decision making, developing tolerance to uncertainty and in enhancing leadership and creativity in challenging times.



1



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Our Goals for Today

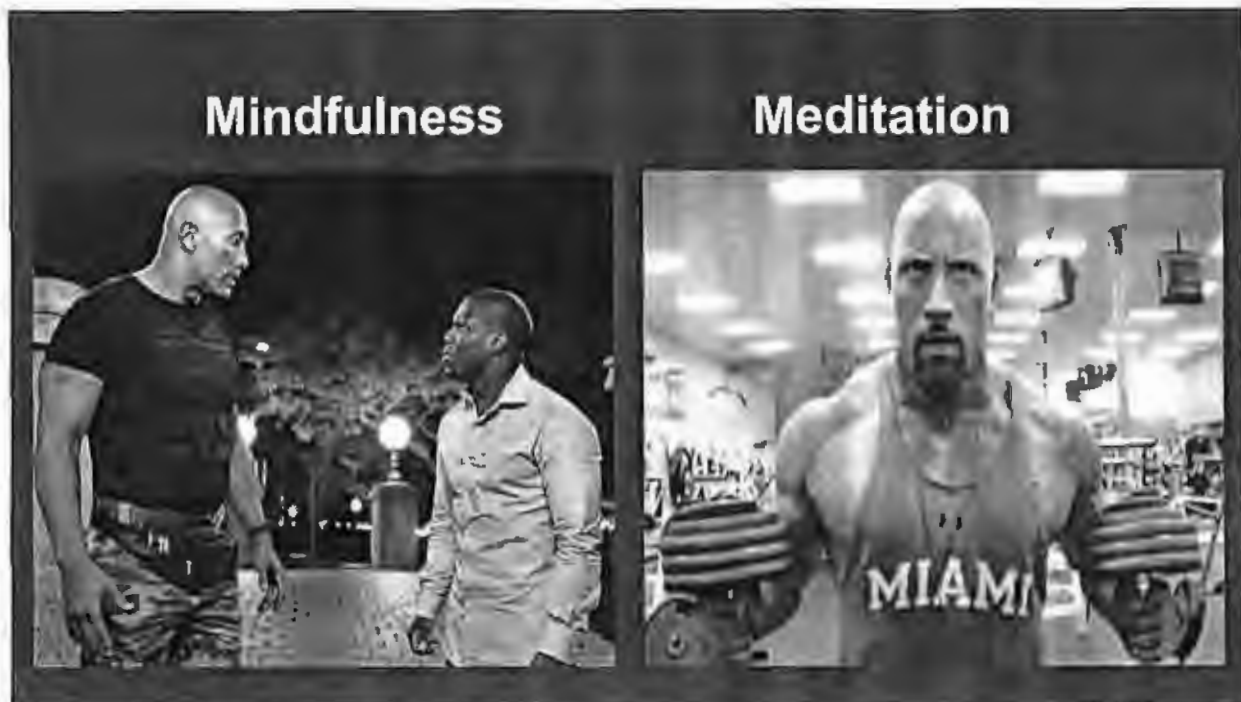
- To give you an introductory overview
- To pique your interest in mindfulness meditation
- To inspire you to adopt a mindfulness practice

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What Is Mindfulness Meditation?

- Break down the two concepts into the core words: mindfulness and meditation
- Two different concepts that ultimately join together
- You want to live a mindful life
- Meditation is what helps you develop and increase being mindful
- Sound confusing? Trust me!

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Mindfulness - What Is It?

- Informal definition of mindfulness = being aware of whatever you are doing
- Non-judgmental moment-to-moment awareness
- Opposite of **mindlessness** which is the autopilot zoning out we so often do most of the time
- Example: Meeting a new person

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Meditation: What Is It?

- Everyone here has meditated!
- Examples: prayer, exercise, playing music
- Exercise for the mind
- Meditation = When you intentionally set aside time to do something good for yourself

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Meditation: What Is It?

- Meditation is using the power of concentration to build the mind to overcome distractions and build focus
- Most forms involve concentrating on something
- Meditation practice evolves as you practice
- Practice makes you more perfect

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Have you tried Mindfulness before?

- a) Yes
- b) No

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Historical Roots of Meditation

- Saint Benedict of Nursia: 480 A.D.
- Prehistoric humans: One million years ago.
- The time of Buddha: 563 B.C.E.
- The Tibetan King Songtsen Gambo: 617 A.D.

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Meditation Is as Old as the Human Race

- What thing did early humans harness?
- Often associated with the Buddha and the Far East, but it is in every culture and religion
- A hundred types of meditation exist. Most are based on training and focusing the mind on something.

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Meditation Resources

- Thich Nhat Hanh, *The Miracle of Mindfulness* (1996)
- Jon Kabot-Zinn, *Full Catastrophe Living* (1990; revised 2013)

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The Genesis of Mindfulness Meditation



- Jon Kabat-Zinn, Ph.D.- Harvard University and Massachusetts General Hospital.
- Kabat-Zinn develops mindfulness meditation (circa 1979-1986).
- Becomes a worldwide program called Mindfulness Based Stress Reduction (1986) often termed **MSBR**

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What Jon Kabat-Zinn Developed

- He is a Buddhist-trained meditator, but he removed all religious dogma.
- It is a simple program: Mindfulness Based Stress Reduction – MBSR.
- He stressed health and wellness benefits.
- The MBSR program is an eight week course and is used for a variety of conditions and for general wellness.

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Mindfulness Meditation Defined

- The intentional state of paying attention on purpose, in the present moment, nonjudgmentally.
- You use meditation to develop mindfulness.
- Concentration is intense with some forms of meditation. Mindfulness meditation is gentle.

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Mindfulness Meditation Defined

- Train the mind in the same way as you would lift weights to strengthen a muscle
- Trains the mind to be able to concentrate and avoid the mind wandering around on autopilot
- It is not zoning out. It is zoning in without being judgmental.
- Time commitment: Ten minutes will reward you
- Consistency is the key

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Overview: How to Do It

- Silence all distractions and sit straight
- Breathe normally and observe your breath as it goes in and out
- Do not worry about doing it right
- Thoughts will enter your mind; do not judge them

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Overview: How To Do It

- Just gently return to observing the breath
- The key is to begin again and again without any worry
- Consistency is what brings benefits as you strengthen the mind
- Every practice is perfect ... because

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What Will You Experience?

- Distractions and the monkey mind
- There is no failure. Every breath is perfect because it is your breath and your practice.
- It takes about 1 or 2 months of consistent practice to begin to develop real benefits.
- Even sporadic practice will provide benefits.

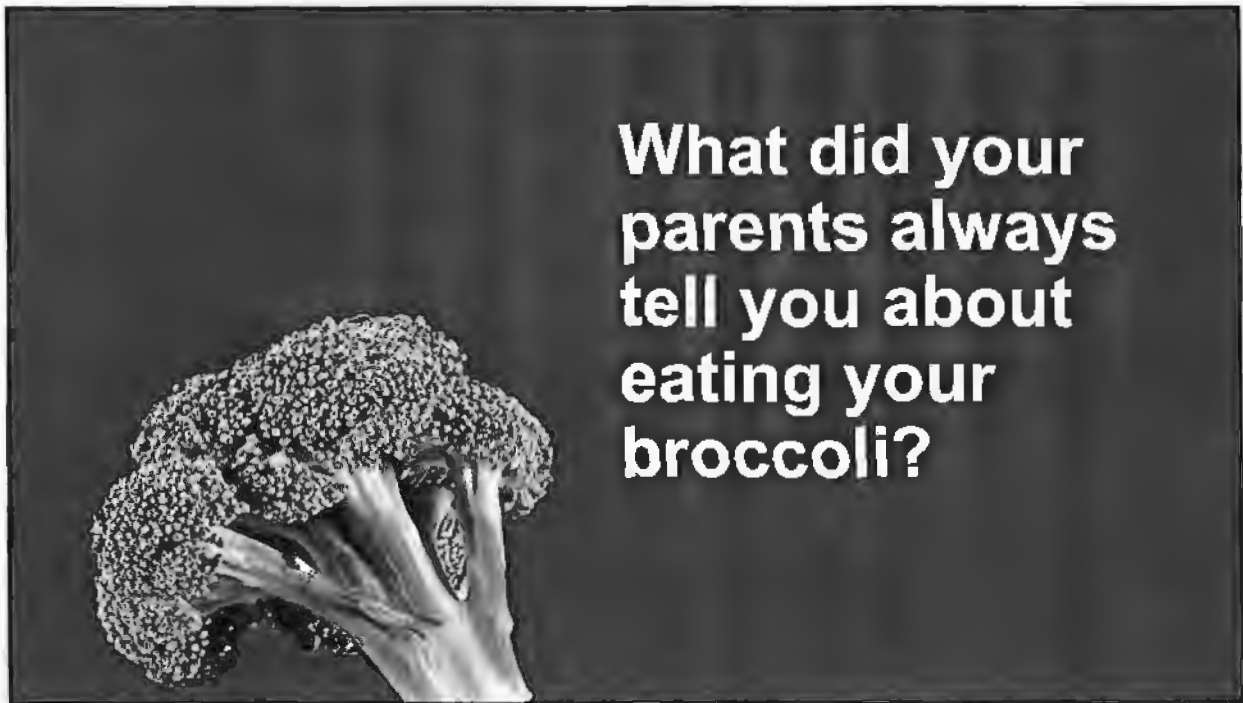


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Solid Real Life Benefits

- Clarity and calmness
- **Will you lose your edge? No!!!**
- Increased ability to focus (the myth of multitasking)
- Learn to respond, not react to life situations
- Less unjustified anger
- Stress levels will lower
- **Ten percent happier (10%)**
- You will be less of a pain in the ass to those around you!
- You will find more acceptance of things you cannot control

22



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How can I get there?

- Meditation is a daily practice – 10 to 20 minutes
- Be consistent in time and place
- Posture is important
- Choose a daily intention
- Get in the habit of breathing correctly

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Military Style Combat Breathing

Practice breathing the military style combat breathing for 10 to 20 minutes daily:

- Take a deep breath count to four
- Hold your breath count to four
- Exhale your breath slowly and completely count to four
- Hold your breath count to four

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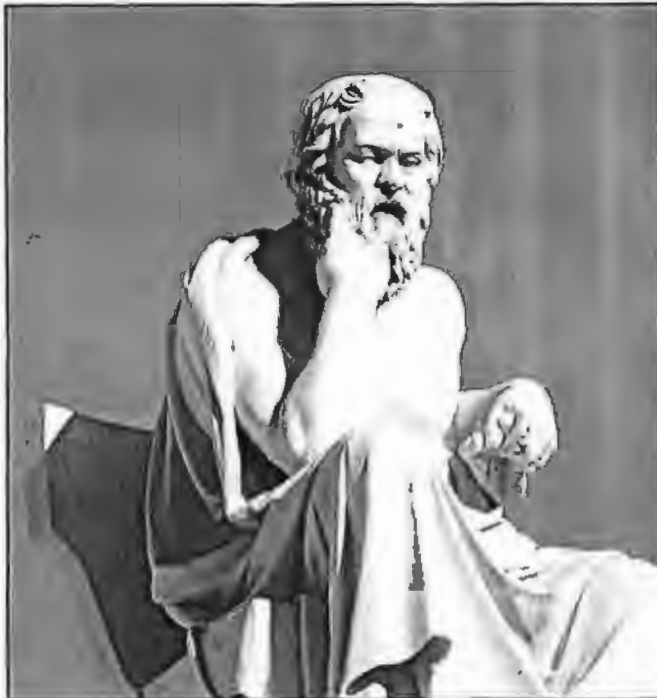


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Pitfalls of Being a Judge

- Isolation
- Burn out
- Stigma
- Resistance to change
- Resistance to learn new ways of coping
- Embarrassment / shame
- Denial / control
- Refusal to get help

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Four things belong to a judge:

1. To hear courteously
 2. To answer wisely
 3. To consider soberly
and
 4. To decide impartially
- ~ Socrates

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The Gifts of Meditation

- Present moment awareness
- Optimistic joyful thoughts and feelings
- Fairer play
- Better listener
- Awareness and acceptance
- Deep breath



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How, When, and Where Meditation Is Helpful

How does one meditate?

There are many methods:

- **Mindfulness:** Sitting with one's thoughts, emotions, and body sensations without judgment – just watching
- **Transcendental:** Focus on an object or word
- **Prayer:** Repeating the Lord's Prayer, for example
- **Breath meditation:** Where you concentrate on the breath as it moves in and out



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How, When, and Where Meditation Is Helpful

Where should you meditate? Any place you desire. However, for the beginning you might want to designate a quiet place at home or your office.

Meditation



Before



After

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Why and When we Practice Meditation?

Joy's Statement

We practice daily because mindfulness-meditation is a lifetime of awareness.

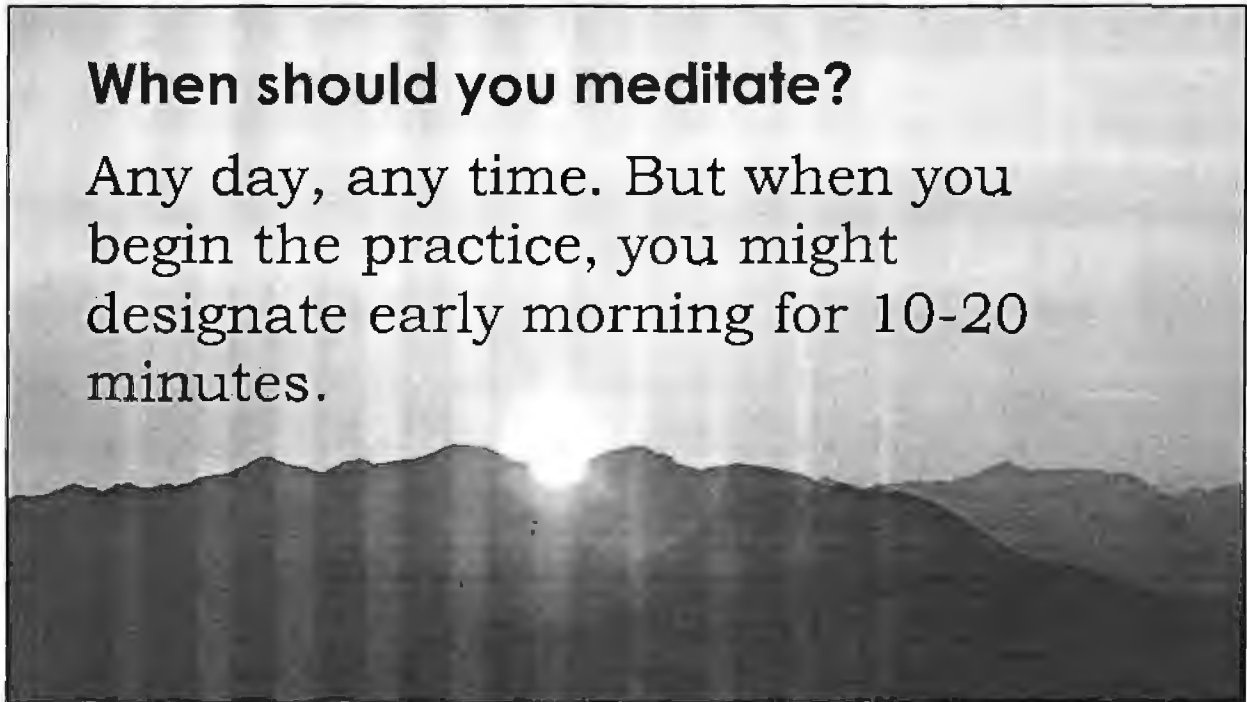
© 2008, 2010



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When should you meditate?

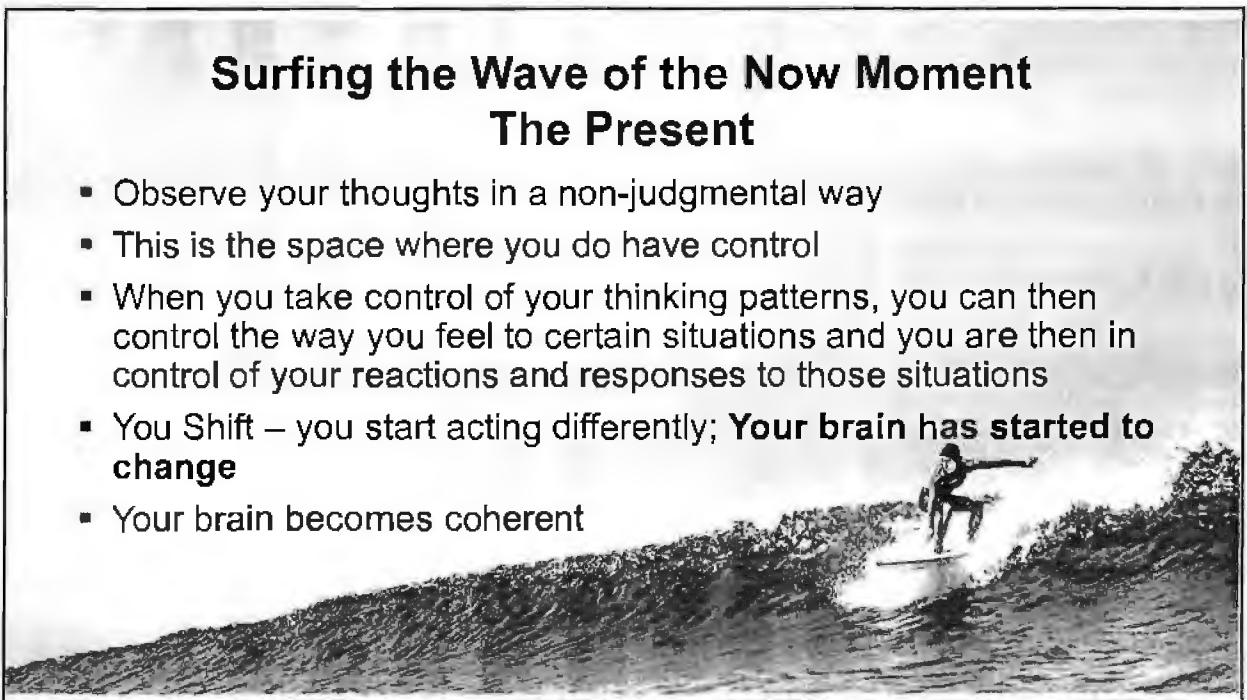
Any day, any time. But when you begin the practice, you might designate early morning for 10-20 minutes.



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Surfing the Wave of the Now Moment The Present

- Observe your thoughts in a non-judgmental way
- This is the space where you do have control
- When you take control of your thinking patterns, you can then control the way you feel to certain situations and you are then in control of your reactions and responses to those situations
- You Shift – you start acting differently; **Your brain has started to change**
- Your brain becomes coherent



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Benefits of Mindfulness Meditation

- Increased focus / memory
- Increased energy / immune system
- Improved sleep
- Improved respiratory function
- Improved cognitive function
- Improved eating habits
- Improved heart health
- Slow aging process
- Reduced depression, anxiety, disease

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Research Indicates Positive Benefits

- Multiple studies conclude that the positive effects of mindfulness meditation are statistically significant.
- Being used worldwide for aiding in the treatment of chronic pain, cancer coping, heart disease, substance abuse, anger management, PTSD, stress and anxiety, and depression. Also promotes general well-being.

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Scientific Foundations: Neuroplasticity

- The ability of the brain to form and reorganize synaptic connections, especially in response to learning or experience or following injury
- The traditional position that the brain stops developing after adolescence is erroneous

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Mindfulness Improves Brain Function

“Mindfulness Meditation is associated with changes in gray matter concentration in brain regions involved in learning and memory process, emotional regulation, self-referential processing and perspective taking.”

~ Hölzel et al. 2010

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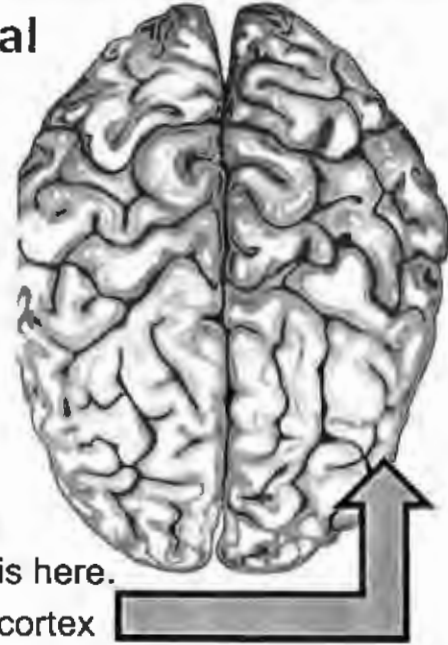
Our Brain Is a Muscle

- The brain is capable of regrowth
- That happens with mindfulness meditation in the present moment
- Resilience – left prefrontal cortex

Occipital Lobe

Parietal Lobe

Frontal Lobe



HAPPY is here.
Left prefrontal cortex

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So ... How does mindfulness meditation benefit my brain?

- The brain is neuroplastic. That means it changes!
- Age does not matter
- Magnetic Resonance Imaging (MRI) has shown that the brain changes during meditation. ("How Meditation Changes the Brain"; Liam McClintoch; Psychecentral.com)
- Our routines make routes in our brains

40

There are three components to the brain

1. **Thinking brain:** our experiences of the day, decisions
2. **Emotional brain:** how those experiences and decisions create an emotion: anger, frustration, joy, nervousness, etc.
3. **Reactive brain:** Your body reacts to the emotion: arguments, fight, cry, screaming, etc.

This all happens in a split second: You have an experience, an emotion attached to it and your body **reacts** to the emotion

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So ... How does mindfulness meditation benefit my brain?

- Enlarges prefrontal cortex - rational decision making. Meditation enlarges gray matter in this area
- Shrinks the amygdala - Emotional center of the brain. Meditation gives you greater emotional control
- Thickens the hippocampus - Key for learning and memory

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Mindfulness Meditation and Stress Reduction

- Stress is the psychological perception of pressure, and the body's response to it.
- Stress activates the fight or flight reaction (often when no real emergency exists).
- This results in the release of adrenaline and cortisol.
- Long term over-activation of stress response will result in disruption of the body's functions.
- Causes havoc physically and mentally.

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How Mindfulness Helps With Stress

- The mind and the body are one.
- We are hardwired to be more responsive to negative stimulation than positive. We scan our environment for **potentially** problematic situations. Then we run *storylines*.
- Mindfulness meditation by increasing calmness and clarity permits one to see the stressor is not a **real** life or death situation.
- This allows one to respond, not react to the stressor.
- This significantly reduces the release of cortisol, etc.
- The gorilla in the room and the lawyer who acts like a gorilla.

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So Who Is the Real Gorilla?

- One is a stressor only because you let it be a stressor.
- Mindfulness will help you recognize real life stressors from the perceived stressors.
- Learn to respond not react.



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When you have an unpleasant experience, you get angry, your heart starts racing, your hands start to sweat, your blood pressure rises and you have a full blown emotional explosion that ends in an action taken (usually not a pleasant one)

46

We have over
70,000 thoughts
per day!!!!
80% are repetitive

Bruce David,
Huffpost.com
(July 23, 2013)



47

Oh the places your mind goes!!!

The Past

- Our thoughts regularly drift into the past.
- Situations that already happened
- Situations we cannot change
- Situations we have no control over
- This is the cause of depression

The Future

- Our thoughts regularly drift into the future
- Situations that have not happened
- Situations we cannot change
- Situations we have no control over
- This is the cause of anxiety

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Impact of Past and Future Thinking

When your mind plays that event of the **past** over and over again, or a picture of a **future** event, over and over again, your body starts to react to the thought all over again: sadness, frustration or anger arises.

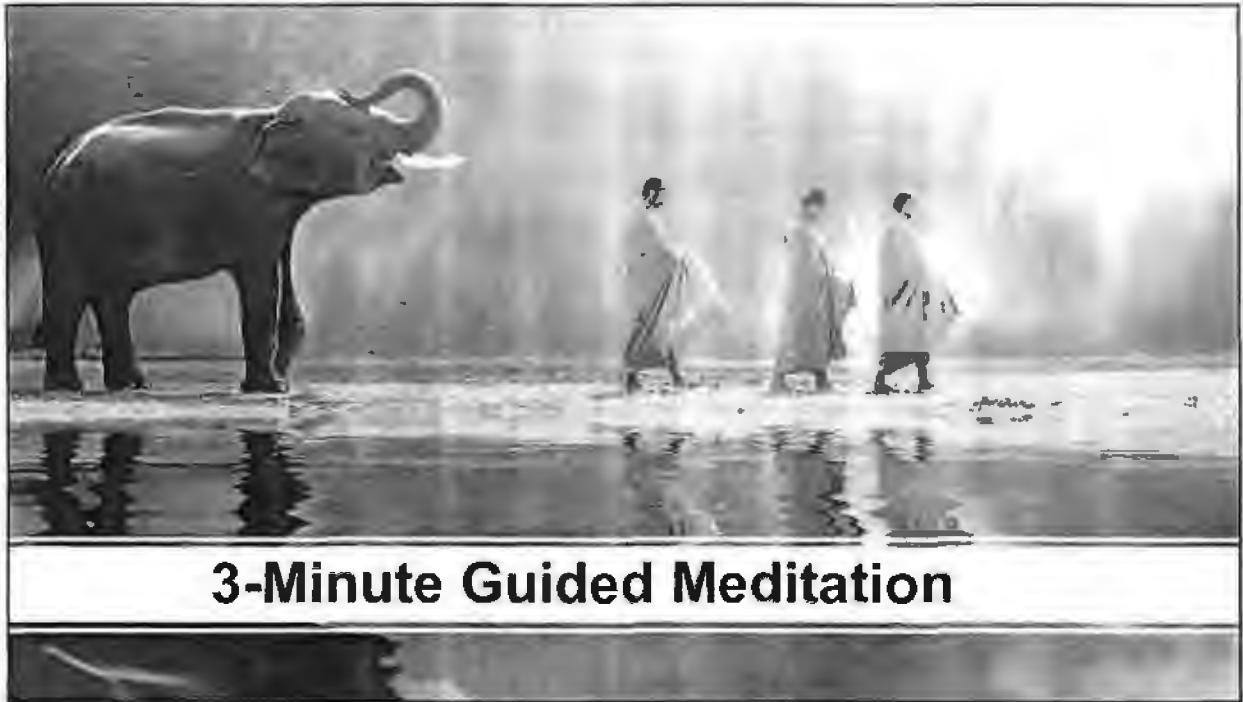
You start feeling the same emotions. Why? Because your brain cannot tell the difference whether the past or future incident is happening now or not!

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Pause
Breathe
Shift

50



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The One Minute Toothbrush Challenge

- Set aside one minute per day for thirty days
- Always do the challenge before brushing
- Ten normal breaths
- Count inhale one, exhale one; inhale two, exhale two; as you breathe
- When finished, smile in the mirror and congratulate yourself! Every practice is perfect ... because ...

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Being Awake v. Being Enlightened

- To be awake is to be enlightened about oneself
- To be enlightened is to be aware that we have many pieces and parts, but we strive for two things:
 1. Wisdom
 2. Compassion

Awareness from moment to moment is the joyful ride to both; however, it takes a lifetime of practice.

PAB

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The Final Result

- When you start practicing meditation you are beginning to know thy self
- You are beginning to map your brain by creating new neuropathways, new connections, new coherency
- You claim back your power
- You start living your full potential
- Positive changes start happening in your life

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I am going to meditate tomorrow.

- a) Yes
- b) I will try the 1-minute toothbrush challenge.
- c) No
- d) I am not sure. I am still not convinced mindfulness meditation will help me.

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Meditation Resources

- Thich Nhat Hanh, *The Miracle of Mindfulness* (1996)
- Jon Kabot-Zinn, *Full Catastrophe Living* (1990; revised 2013)
- Thich Nhat Hanh, *No Mud No Lotus*, 2014
- App: InsightTimer (Free)

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Suggested Reference



Andy Puddicombe, Co-Founder of Headspace

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Additional Meditation Resources

- Amit Sood, *The Mayo Clinic Guide to Stress Free Living* (2013)
- Goswami Kriyananda, *Beginner's Guide to Meditation* (2004)
- Daniel Goleman, *Focus: The Hidden Driver of Excellence* (2013)

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Contact Information

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FEB 23 2022

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February 14, 2022

Ms. J. Rieko Callner
Executive Director
Commission on Judicial Conduct
P.O. Box 1817
Olympia, WA 98507

Re: Judge Joseph Wilson

Dear Ms. Callner:

This letter is to certify that Judge Wilson attended and successfully completed the behavioral coaching required of him by the Commission in its Stipulation Agreement and Order of Admonishment filed on May 11, 2018.

If you need further information or have questions, please contact me.



Stephen R. Feldman Ph.D.