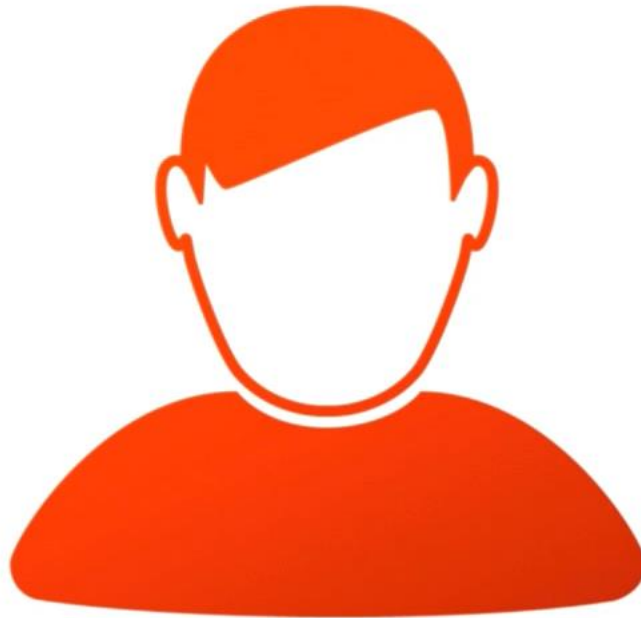


Dealing with difficult people



- Judge Stephen Bishop
- Chief Judge Kevin Higgins
- Judge Ryan Toone
- Judge Natalie Tyrrell

2025 NJLJ Conference

Tuesday, January 28th

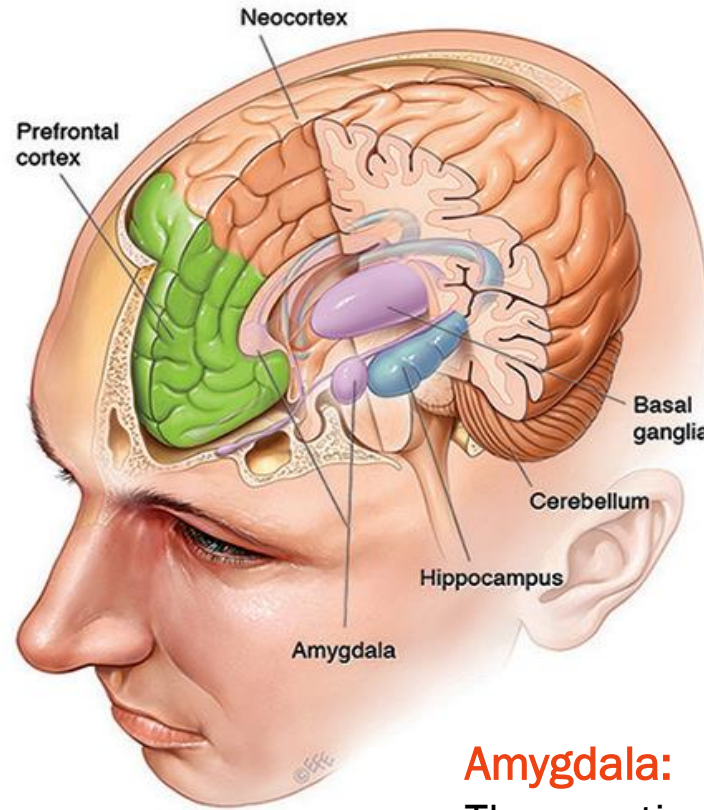
What difficult personalities or situations have you encountered while on the bench?



Brain Science

Prefrontal cortex:

Highly developed part of the frontal lobe that plays a role in the complex cognitive, emotional, and behavioral functioning.



Hippocampus: Involved in forming, storing and processing memory

Amygdala:

The emotional center of the brain

- *The brain is not one unified entity but an amalgamation of modules with different functions and operating characteristics.*
- *The prefrontal cortex operates slowly and is logical and precise, while the limbic system (amygdala, hippocampus) works fast and is dominated by emotion and impulse.*
- *In many ways these two modules are complementary opposites, often in conflict but extremely effective when coordinated well.*



Types of personalities



Cluster B Personality Disorders



Antisocial Personality Disorder

- disregard for rules
- disregard for the rights of others
- deceitfulness
- manipulation
- aggressiveness



Borderline Personality Disorder

- intense emotions
- fears of abandonment
- unstable relationships
- identity issues



Histrionic Personality Disorder

- dramatic behavior
- inappropriately sexual or provocative
- need to be the center of attention

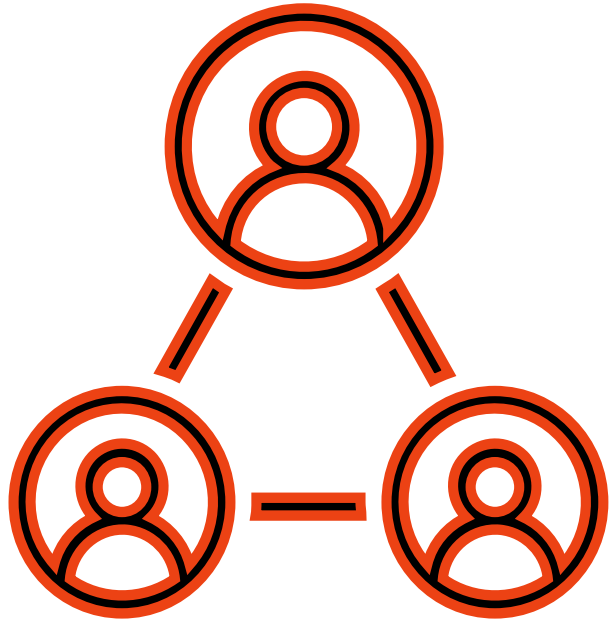


Narcissistic Personality Disorder

- feeling superior or special
- lack of empathy
- need for admiration
- exploiting others
- sensitive to rejection

Defining Factors of High Conflict Personalities

- Emotions are often exaggerated
- Repeated inappropriate behavior (across many contexts)
- Pattern of blaming others for problems
- Often persuasive; convey a sense of urgency
- Responses have a rigidity and do not change even when maladaptive
- Their cognitive distortions contribute to major internal distress



Situations

- **Constitutionalists**
- **Bullying attorneys**
- **Pushy press**
- **Upset victims, families, friends**
- **Jurors who don't want to serve**
- **Individuals with mental health issues**
- **Sovereign Citizens**

Sovereign Citizens

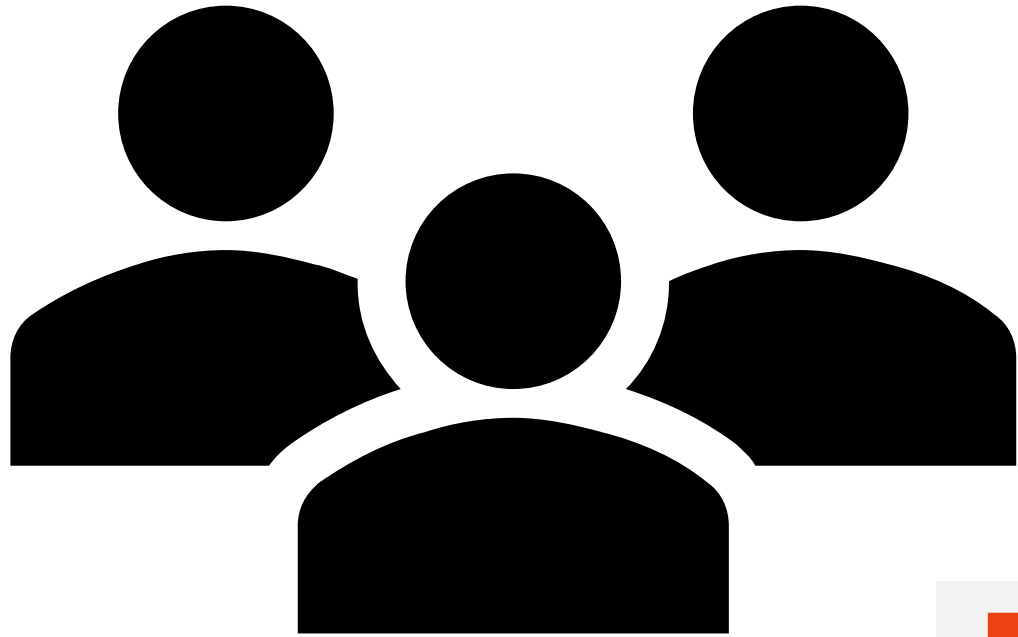


Sovereign Citizens believe:

- They are EXEMPT from government and laws.
- COURTS do not have jurisdiction over them.
- They do NOT need driver's licenses, registration, and insurance because they TRAVEL rather than drive.
- They file pleadings using phrases that do not make sense and commonly refer to a strawman and maritime/admiralty law.
- They usually place a red thumbprint next to their signature.

Do Not allow sovereign citizens to:

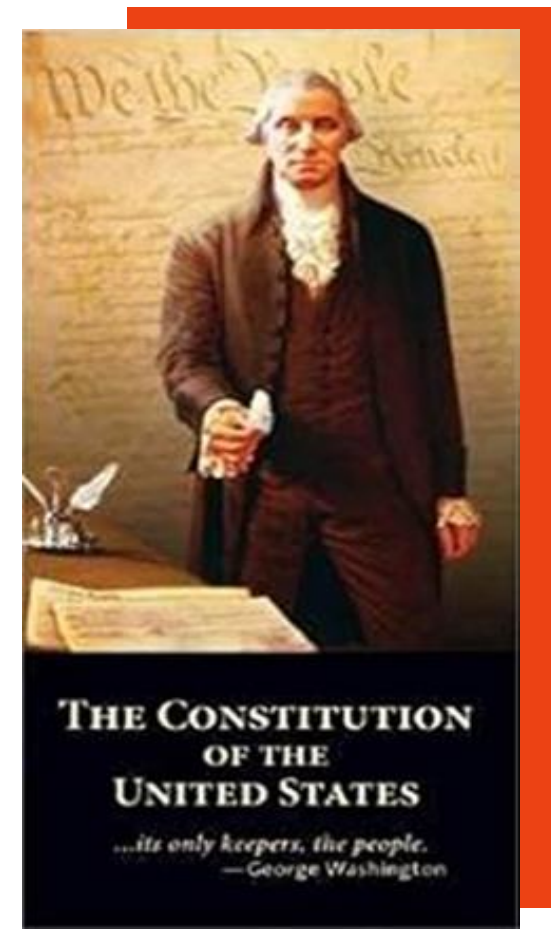
- Make you angry
- Allow you to lose control of your courtroom
- Treat them with the same PROCEDURAL FAIRNESS that you exercise in your courtroom with all litigants
- Be FIRM and clearly explain your decision



Jurors

"Video of the proceedings shows the judge throwing a book against the wall when yelling at the prospective juror, "You're going to completely throw out our entire justice system because you don't want to be fair and impartial." After excusing the prospective juror, the district court continued voir dire of the remaining venire. The next prospective juror to be questioned admitted that she had been sexually abused as a child but stated that she would not be biased. No other juror subsequently disclosed any bias or expressed any concerns about being impartial.

Later, during a break and outside the presence of the venire, **Azucena** moved to dismiss the entire venire out of concern that the judge's behavior and language in admonishing the prospective juror had "a chilling effect on the" rest of the voir dire, such that the remaining jurors would not be comfortable in expressing any bias they might have out of fear of the judge's reaction. The trial judge denied the request as "ludicrous," explaining that the prospective juror had changed her story and that the judge needed to make it known to the venire that they could not lie to get out of jury service. The district court then proceeded with voir dire. Trial began the next day and the jury eventually returned guilty verdicts on most of the counts with which **Azucena** was charged. **Azucena** appealed."

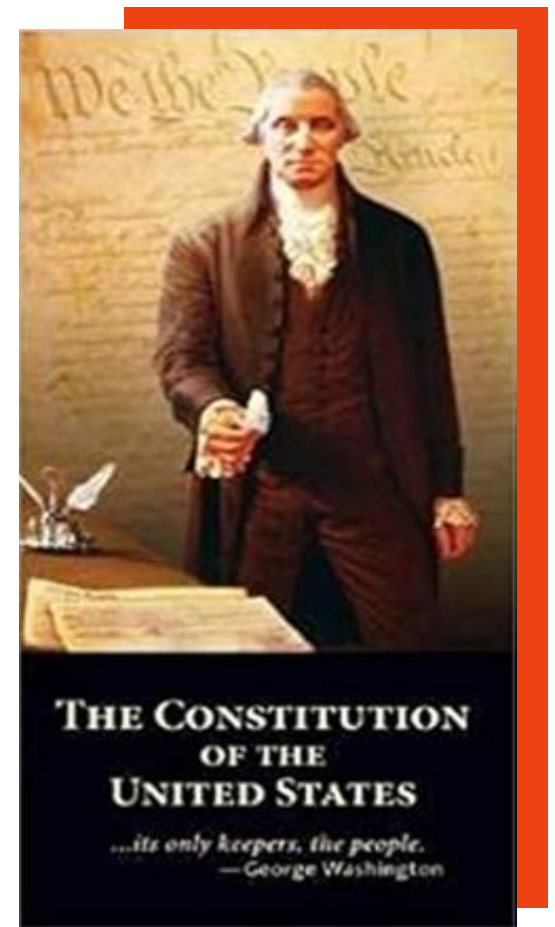


Azucena v. State, 135 Nev. 269 (2019)

"A trial judge has a responsibility to maintain order and decorum in trial proceedings." *Oade*, 114 Nev. at 621, 960 P.2d at 338. The judicial canons require a judge to "be patient, dignified, and courteous to . . . [***538*] jurors," NCJC Canon 2, Rule 2.8(B), and to "act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and . . . avoid impropriety and the appearance of impropriety," NCJC Canon 1, Rule 1.2. We have previously "urged judges to be mindful of the influence they wield" over jurors, as a trial judge's words and conduct are likely "to mold the opinion of the members of the jury to the extent that one or the other side of the controversy may be prejudiced." *Parodi*, 111 Nev. at 367-68, 892 P.2d at 589-90 (internal quotation marks omitted).

Trial judges are expected to treat jurors, as well as everyone else in the courtroom, with patience and dignity, and to act in a manner that promotes public confidence in the integrity of the judiciary at all times."

Azucena v. State, 135 Nev. 269, 272-273



***Azucena v. State*, 135 Nev. 269 (2019)**

A few thoughts...

- *How we respond makes a big difference with the "difficult person", other litigants, observers, attorneys, and staff*
- *We can improve our response: explain, set expectations, reduce fear and the unknown that often drives challenging behavior*

Strategies and Tools



Promote civility and predictability

Coordinate with court officers / staff

Remember importance of demeanor

Keep interactions positive

Acknowledge emotions



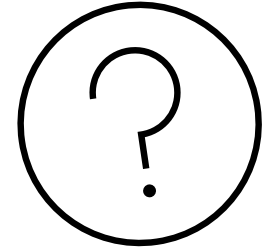
Provide structure and direction

Engage with constructive tasks

Make consequences clear

Don't escalate

Remember others in the room



Questions?

