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Viewpoint

On Gastronomic Jurisprudence and Judicial Wellness as a Matter of Competence

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Abstract: For over a century, critics have postulated that a judge's state of hunger or post-prandial mental state is a determinant of judicial outcomes. This idea, known in contemporary discourse as the 'judicial breakfast,' is used as a surrogate of the larger ways in which biases, even if the individual is not aware of them, influence judicial outcomes. In 2011, the publication of a landmark study paired parole decisions with judicial meal breaks, inviting a literal interpretation of the judicial breakfast. Since that publication, the literature on nutritional neuropsychology has grown rapidly. The findings of these studies are highly relevant to judges experiencing high stress levels, including workload demands and activities within the adversarial system. This stress represents significant harm to an individual judge's wellbeing, and based on updated findings within neuropsychology, has potential relevance to judicial outcomes. Emergent research indicates that dietary choices and blood/brain glucose have the potential to act as important mediators of decision-making under conditions of stress and fatigue. With proper evidence-based attention, we can better understand the extent to which diet and lifestyle can positively influence judicial wellness and, by extension, support or refute the longstanding assumptions surrounding the "hungry judge effect" and gastronomic jurisprudence.

Keywords: competency; judicial breakfast; hungry judge effect; burnout; resiliency; stress; wellness; nutritional psychiatry; reactive hypoglycemia; punishment

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1. Introduction

> "*The length of sentences received by criminals. . .depends as much upon the condition of the judge's digestion as upon the enormity of the offense*." Editors of the *Waukesha Freeman*, 1880 (Anon 1880).

> "*The object of the law [did not] contemplate that the term of imprisonment should depend, as was suggested by one of our State Prison Directors, on what the judge ate for breakfast*." Judge Noble Hamilton, 1886 (Hamilton 1886).

Discourse in the realm of legal psychology includes scrutiny of judicial decisions made by individual judges. Included in this discussion is research on how their lived experiences, worldviews, political ideology, personal emotions related to external events, and pro-prosecution biases influence sentencing, granting of bail, damage awards, and a variety of other outcomes (Berryessa et al. 2023; Boldt et al. 2021; Harris and Sen 2019; Eren and Mocan 2018). Related to this is the century-old axiom that judicial decisions are so

variable that they depend on the state of culinary satisfaction (or alternatively, indigestion) subsequent to "what the judge ate for breakfast" (Priel 2020). This view, known by its contemporary moniker of "the judicial breakfast", or "gastronomic jurisprudence", captures the serious subject of whether legal outcomes are dependent upon a mechanical view of facts and laws alone (legal formalism) or via consideration of psychosocial realities and evolving research in the application of the law (legal realism) (Tampubolon et al. 2023). Despite professional safeguards and constraints designed to minimize irrelevant influences on judicial decision-making, research continues to show that even experienced judges incorporate irrelevant factors into decisions as crucial as sentencing (Englich et al. 2006; Bystranowski et al. 2021).

Academic discussions of formalism vs. realism are important as courts increasingly grapple with advances in neurosciences and challenges to the assumptions of free will. However, the argument made in this Viewpoint article is that there is a literal interpretation to the judicial breakfast—that is, post-prandial biophysiology matters to judicial outcomes. As discussed below, emerging science in the realm of nutritional psychology suggests that the cognitive-behavioral consequences of select meals and dietary patterns are relevant to judicial decisions and the steady maintenance of impartial outcomes. This argument is contextualized by the larger frame of burnout and high stress levels among the courtroom work group, especially judges. The view that personal health and wellbeing are a prerequisite for workgroup competence is reflected in the statements of the recent American Bar Association's (ABA) National Task Force on Lawyer Wellbeing: "*To be a good lawyer, one has to be a healthy lawyer. Sadly, our profession is falling short when it comes to well-being. . .we recommend revising this Rule* [ABA Rule 1.1 governing Professional Conduct/Competency] *and/or its Comments to more clearly include lawyers' well-being in the definition of "competence*" (Buchanan et al. 2017).

2. Stress and Burnout in the Courtroom Work Group

Burnout is an occupational syndrome characterized by physical and emotional exhaustion, cynicism toward work, mental distancing from the work role, and a reduced sense of efficacy in the workplace. The pathway to burnout is paved with multiple factors, including organizational culture, high demands and low resources, leadership/management style, and high levels of unmanaged stress (Zheng et al. 2024; Mijakoski et al. 2015). Much of the research into occupational burnout has been directed at the helping professions, including nursing, psychology, and medicine, with clear evidence showing that burnout compromises patient care, including matters of safety (Hodkinson et al. 2022; Teoh et al. 2022). In the criminal justice realm, burnout among police officers has been linked with aggression and excessive use of force (Correia et al. 2023). Although the courtroom work group—prosecutors, defense attorneys, and judges—have received less attention from researchers interested in burnout, there are indications that high levels of occupational stress are common, and the risk of burnout is significant (Tsai and Chan 2010; Casaleiro et al. 2021; Krill et al. 2016; Miller et al. 2018b). Indeed, recent evidence from the National Survey on Drug Use and Health (NSDUH) in the United States shows that mental illness and substance misuse are more common among lawyers than other highly-skilled professions. Analyzing the NSDUH, scholars concluded that it is "the best evidence to date that the legal professional faces a specific and significant challenge in supporting the mental health of practitioners" (Pyle and Rosky 2025).

Several factors might place judges at increased risk of burnout due to high levels of stress, including social isolation, exposure to traumatic images/evidence, public scrutiny, overall workload, and the weight of consequential decisions (Schrever et al. 2024; Gabayoyo et al. 2024; Resnick et al. 2011). Judges are concerned with in-court violence for good

reasons, and higher personal levels of stress increase in tandem with perceptions of threats to courtroom safety (Miller et al. 2018a). Research from the United States and Australia indicates that a significant number of judges have subsyndromal posttraumatic stress disorder (measured through Secondary Traumatic Stress Scales), symptoms of anxiety and depression, and have higher rates of alcohol use vs. the general population (Schrever et al. 2019; Swenson et al. 2020). In a large study involving 413 judges in Portugal, researchers reported that judges had less favorable perceptions of their overall health, sleep quality, and levels of stress experienced, than reference values for the general Portuguese population. Moreover, the judges reported higher average scores on burnout scales, particularly the 'Exhaustion' dimension (Pratas et al. 2025). In a study of 71 salaried judges in Northern Ireland, the majority reported significant workload-related stress, manifesting in sleep disturbances (70%), headaches (55%), irritability (43%), and burnout (27%) (Thomas 2024).

In the largest survey of its kind, involving 1034 judges working at state, local, and federal levels, 40% of judges reported that workplace stress manifests as fatigue (Swenson et al. 2020). Among twelve unique stress management and resiliency activities used by judges (e.g., physical activity/sports, mindfulness/meditation, engagement with social support networks, hobbies, etc.), the practice of eating healthy and nutritious meals at regular times was reported to be the most frequently used approach, and of highest interest to judges (Swenson et al. 2020). Despite this, we have no evidence to indicate what the typical dietary patterns of practicing judges might look like, especially those working in the criminal courts.

Older research indicates that judges are more likely than practicing lawyers to gain weight over time (Wyshak and Lawrence 1983). Among workers in two dozen occupations in the United States, males working in the legal profession witnessed one of the most significant increases in obesity between 2004 and 2011 (Gu et al. 2014). This finding is supported by a 2012 survey that indicated lawyers and judges are among professions where weight gain is likely, and provoked in part by unhealthy dietary choices, including stress-induced eating (Cassens Weiss 2012). Since most judges were once practicing lawyers, evidence showing that lawyers often skip meals, snack instead of consuming a meal, eat at irregular times, eat over work at their desk, and rely upon caffeine, could be informative (Skead et al. 2018).

While there is sparse research on the personality features of judges and psychological stress, available research points toward maladaptive perfectionism (i.e., high levels of self-criticism, fear of negative responses to perceived failures, perceptions of social pressure to be perfect) (Kong et al. 2021) and a trait-based need for dominance and order (Showalter and Martell 1985). It is worth noting that plant-based dietary patterns have been associated with lower social dominance orientation and predisposition to prejudice (Veser et al. 2015) and higher levels of openness, agreeableness, and conscientiousness (Pfeiler and Egloff 2018; Holler et al. 2021). Consuming a high carbohydrate dietary pattern (i.e., bread, pasta, snacks) is negatively associated with conscientiousness and emotional stability (Pfeiler and Egloff 2020).

Social isolation is a risk factor for ultra-processed food intake (Zhang et al. 2024). Epidemiological studies linking ultra-processed food consumption to depressive symptoms, anxiety (Gomez-Donoso et al. 2020; Adjibade et al. 2019; Lane et al. 2023; Lee and Choi 2023; Werneck et al. 2020; Coletro et al. 2022; Sun et al. 2023; Zheng et al. 2020; Samuthpongtorn et al. 2023), and antisocial and/or aggressive behavior (Zahedi et al. 2014; Mohseni et al. 2021; Abiri et al. 2023; Wu et al. 2020; Khayyatzadeh et al. 2019; Mrug et al. 2021; Gketsios et al. 2023) are likely relevant to judicial wellness. Multiple studies have linked burnout with higher consumption of fast-foods and ultra-processed foods high in sugar and fat (Utter et al. 2023; Penttinen et al. 2021; Alexandrova-Karamanova et al. 2016). Diet is

presented as being both a mediating and moderating factor in burnout risk (Esquivel 2021). In medical practice, physicians who do not engage in healthy diet and lifestyle habits are less likely to recommend them to patients despite clear supportive evidence of their value (Klein et al. 2016). The health risks of unhealthy dietary patterns are obvious to the individual, yet our discussion below provides additional reasons why the dietary patterns of judges are worthy of expanded scrutiny.

3. Hypoglycemia and Self-Control

For almost a century, researchers within fields related to criminal justice have queried relationships between blood/brain glucose levels and cognition and behavior. The early origins of the interest were fueled by New York Medical College neurologist, Dr. Joseph Wilder (Wilder 1940, 1943). Writing in the 1947 *Handbook of Correctional Psychology*, Wilder concluded that, depending on the individual, states of hypoglycemia could provoke irritability, emotional reactivity, and loss of central inhibition. For some, hypoglycemia could lead to being justice involved—ranging from disorderly conduct to serious violence (Wilder 1947). This work inferred that blood glucose, and by extension, brain glucose, was protective against antisocial behavior. It also led to discussions of how dietary patterns high in processed sugar might lead to a rebound hypoglycemia in the hours following a significant intake of sugar. In the years following Wilder's report, hypoglycemia was successfully used by defense counsel (in several cases, pairing oral glucose tolerance tests with abnormal electroencephalogram interpretations) as a mitigating factor in cases ranging from shoplifting to homicide (Associated Press 1951; Hill et al. 1943; Canadian Press 1952; Clapham 1965; Bovill 1973).

In the 1970s and 1980s, this sugar-induced reactive hypoglycemia was tenuously linked to violence and antisocial behaviors among offenders (Bolton 1976; Virkkunen and Huttunen 1982; Virkkunen 1986). In addition, small studies involving otherwise healthy adults linked low blood glucose (in the period following an oral glucose challenge) with questionnaire measures of aggressiveness (Benton et al. 1982; Donohoe and Benton 1999). These studies reported aggressive tendencies at glucose levels of 3.5 mmol/L or below. Since low glucose can lead to a combination of low cortical arousal and heightened autonomic arousal in the periphery, it was theorized that hypoglycemia can induce a state of "tense tiredness"; indeed, when researchers induced hypoglycemia (2.5 mmol/L) in otherwise healthy adults (using a hyperinsulinemic glucose clamp), they found a triad or decreased energy, lowered mood, and increased tension (Gold et al. 1995). Nevertheless, researchers reported wide individual variations in emotional reactions to falling blood glucose levels, even in the hypoglycemia range of 2.5 mmol/L. Hostility and anger in response to hypoglycemia were thought to be a product of baseline proclivity toward aggression (Merbis et al. 1996). However, researchers could find no clear relationships between trait anger or measures of anger expression (i.e., questions related to the degree of suppression of angry feelings, expression of angry feelings as aggressive behavior, degree of control a person exerts over angry feelings) and actual levels of anger reported in association with laboratory-induced hypoglycemia (McCrimmon et al. 1999). Perhaps because of conflicting results and overall poor-quality research, the study of hypoglycemia and antisocial behavior fell out of favor by the mid-1990s (Fishbein and Pease 1994). According to some experts writing at the time, this dismissal was premature (McCrimmon et al. 1999; Benton 1988).

Over the last decade, connections between blood glucose and aggressive or antisocial behavior have been revisited with better quality research designs (DeWall et al. 2011). Studies with adult volunteers show that blood glucose levels predict better performance on self-control tasks, while the acute consumption of glucose beverages attenuates self-

control impairments (Gailliot and Baumeister 2007; Gailliot et al. 2007). This supports Wilder's 1940s-era idea that glucose maintains behavioral inhibition. Further support can be found in research involving stress-prone individuals, wherein the acute consumption of carbohydrate-rich food can stabilize mood and attenuate stress reactivity in conditions of experimental stress (Markus et al. 1998; Markus et al. 2000). Human research shows that the acute administration of glucose can reduce aggression in lab-manipulated scenarios involving social rejection (Pfundmair et al. 2015), elevate feelings of guilt, and increase helping behavior in experimental conditions otherwise designed to prime antisocial behavior (Xu et al. 2014). This human research is supported by animal studies insofar as anxiety and behavioral disturbances are early manifestations of experimentally-induced hypoglycemia (Gutierrez Garcia and Contreras 2023). Animal studies show that the consumption of diets high in sugar and fat drives impulsive choices (Steele et al. 2017).

Supportive research can also be found in a remarkable human study published in the *Proceedings of the National Academy of Sciences*. Researchers measured am and pm blood glucose levels of 107 married couples over the course of 21 days; as a surrogate marker of mood/aggression, the participants were provided a doll and pins, with the following instructions: "*This doll represents your spouse. At the end of each day, for 21 consecutive days, insert between 0 and 51 pins in the doll, depending how angry you are with your spouse. You will do this alone, without your spouse being present*." At the end of the 21 days, the participants also engaged in a computer game against their spouse, with the reward for the "winner" being able to subject the spouse to uncomfortable noise (e.g., fingernails scratching on a chalkboard, dentist drills, ambulance sirens) at levels ranging from 60 dB to 105 dB (the latter is approximately the same level as a fire alarm). The results showed that lower blood glucose levels among participants was associated with both greater numbers of pins stuck into the doll and more frequently subjecting the spouse to noise at higher intensity and for longer duration. Moreover, low blood glucose predicted both aggressive impulses and realized aggressive behavior (Bushman et al. 2014).

Beyond the acute benefits of glucose on self-control, research also shows that consuming meals rich in complex carbohydrates and protein (vs. simple carbohydrates) can help sustain attentional performance (Muth and Park 2021). Depending on age and baseline glycemia control, this appears to be especially important for cognitive performance and mood following breakfast (Manippa et al. 2021; Sanchez-Aguadero et al. 2020). These breakfast decisions appear to have social consequences. For example, in a study involving otherwise healthy adults, the consumption of a high carbohydrate breakfast (vs. breakfast with a more balanced carbohydrate/protein/fat ratio) was associated with increased social punishment behavior in response to norm violations (Strang et al. 2017).

Although one study has reported no significant changes in mood (or self-reported signs of hypoglycemic symptoms, such as dizziness) during a two-hour period following intake of a high glucose (80 g) beverage, the study design involved a controlled laboratory setting wherein participants were placed in a private room and invited to rest or read magazines (Markus and Rogers 2020). This is distinct from studies wherein participants are subjected to experimental stress or followed in real-world settings. Moreover, researchers have pointed out that reactive hypoglycemia symptoms (post-glucose test) may be first noticed beyond the two-hour window (Peterson 1978, 2023). While studies linking oral glucose tests with measures of hypoglycemia and stress reactivity (or ecological studies in real-world settings) await, recent evidence confirms that reactive hypoglycemia may be found in 15 to 54% of high-weight adults (without diabetes) when using a five-four post-glucose follow-up time (Rania et al. 2023).

Related to hypoglycemia and mood/behavior research is the topic of delay (or temporal) discounting. This refers to discounting the value of future rewards in favor of smaller

immediate rewards. Higher levels of delay discounting relate to diminished concern for the future consequences of here-and-now decisions. As cognitive load increases, future-oriented thinking diminishes (and impulsivity increases), and when impulsivity increases, so does the administration of punishments that could be considered unjust (Israel et al. 2021; Zhao et al. 2024). Remarkably, even subtle environmental reminders of fast-food appear to increase impatience and diminish future-oriented behaviors (DeVoe et al. 2013; House et al. 2014). In lab-based studies, glucose levels have been positively associated with future-oriented thinking, and compared to artificially-sweetened beverages (or beverages containing sugar alcohols), the consumption of a glucose-sweetened beverage led to increases in the value of future rewards (Wang and Dvorak 2010; Wang and Huangfu 2017). Emerging prospective research also suggests that, over time, metabolic glucose dysregulation fuels an increased likelihood of impulsivity (Gómez-Martínez et al. 2024).

Taken as a whole, the above research suggests that, at least for a significant portion of adults, skipping breakfast or consuming a high-sugar, ultra-processed food breakfast can lead to reactive hypoglycemia. In turn, this lowered blood and brain glucose can potentially lead to cognitive and behavioral disturbances, including an increased aggressive impulse and increased propensity to punish a "loser" in experimental games. Obviously, the outcomes in courts are not lab-based games—they are of the highest order consequence to individuals, communities, and the whole of society. There is no reason to suspect that judges are immune from being among the otherwise healthy adults prone to reactive hypoglycemia. On the contrary, when considering the contextual frame of a highly stressful occupation in which high-sugar ultra-processed foods might serve to acutely remedy the hypoglycemia, and over time contribute to it, this topic is of significant concern to the courts.

4. Self-Control Fatigue and the Hungry Judge

> "*Your lank-jawed hungry judge will hang the guiltless, rather than eat his mutton cold*!"
> William Shakespeare (Cibber 1847)

While the professional work of judges is varied, and day-to-day responsibilities do not always occur under high cognitive demand, most judges experience periods of formidable workload and sustained cognitive demands (Schrever 2024). Whether in civil or criminal courts, judges are tasked with making crucial decisions that influence the trajectory of cases, and by extension, influence the lives of individuals, communities, and entire nations. The legal system's fundamental promise is consistency and predictability—similar cases should yield similar outcomes. Yet, given the reality of individual differences, this is no easy feat. So immense is the task itself, along with society's expectations, famed legal scholar Ronald Dworkin conceptualized a metaphorical Justice Hercules—"a lawyer of superhuman skill, learning, patience and acumen" (Dworkin 1974). Dworkin acknowledged that real-world judges under pressure will find it difficult to be as reflective and self-conscious as Judge Hercules, yet he maintained that Judge Hercules has aspirational value. Critics have suggested that embracing the Judge Hercules metaphor is problematic insofar as it veils advances in neurocognitive sciences and biopsychology, adds to unrealistic and stressful expectations, and maintains the myth of superhuman cognition (Levy 2022).

The intense work of being a judge in an adversarial criminal justice system requires significant levels of self-control and sustained suppression of any biases and worldviews (e.g., political ideologies regarding crime and punishment) that might otherwise compromise impartiality (Uhl and Pickett 2025). According to self-control fatigue (aka, ego-depletion) theory, this maintenance of self-control over time, especially in the context of steady decision-making, places great demand on attentional resources (Forestier et al. 2022). Historically, self-control theory has been the subject of much debate. However, recent years

have witnessed a significant growth of high-quality research, underscoring that self-control fatigue is "undeniably real and indeed among the very best replicated phenomena in social psychology" (Baumeister et al. 2024). Research indicates that when attentional resources are taxed and energy levels diminish, certain features of self-control are compromised. The result is that meanness can emerge, along with preexisting worldviews related to justice (Mawritz et al. 2017; Rosen et al. 2016; Loseman and van den Bos 2012).

Self-control fatigue has been associated with the emergence of aggressive tendencies in socially relevant economic games; high-density electroencephalogram measures suggest that disengagement of frontal areas leads to diminished self-control (Ordali et al. 2024). Self-control fatigue can result in displaced aggression, a form that is less predictable and directed at innocent individuals (Cheng et al. 2024). Among financial traders, self-control fatigue increases reliance on heuristics, emotion-driven trading strategies, and overpricing of the markets (Kocher et al. 2019).

In real-world experience sampling from a community setting, researchers find that depleted feelings increase over time from early morning until evening; however, significant reductions in depleted feelings occurred after mealtimes, supporting the idea that glucose is a factor (Baumeister et al. 2019), whether through an overall abundant supply to the brain or appropriate allocation to areas in need (Beedie and Lane 2012). Periods of deliberate focused attention can deplete cognitive resources and increase the odds of irrational decision-making; however, human research shows that a glucose (vs. artificially-sweetened) beverage can minimize this risk (Masicampo and Baumeister 2008; McElroy et al. 2020). Although high levels of trait self-control have been associated with various aspects of wellbeing, they may not be protective when a high trait individual is confronted with conditions that tax attentional resources (Imhoff et al. 2014). The point is that, just as all humans are susceptible to muscle fatigue when the load is heavy and the demand for lift is extended over time, all appear susceptible to self-control fatigue when the demands are high.

Alarmingly, there are research-based indicators that hypoglycemia may play a role in judicial decision-making (Figure 1). Several studies have shown that judges provide less favorable outcomes (e.g., fines and bail decisions) at the end of a session compared to the beginning (Danziger et al. 2011a; Hemrajani and Hobert 2024; Torres and Williams 2022). In the best known of these studies, Israeli researchers examined the sequential parole decisions (1112 judicial rulings in a 10-month period) made by ten experienced judges. They found that throughout the day, judges increasingly chose a default decision and declined parole. However, the periods immediately following a mid-morning snack and post-lunch upended this trend—judges demonstrated greater leniency during this period and were much more likely to side with the offender and grant parole (Danziger et al. 2011a). These observations were not a product of the seriousness of the original crime. While far from definitive proof, this provides suggestive evidence that blood/brain glucose plays a role in decision-making among judges.

Although the Israeli parole study has been challenged by critics, the authors have effectively defended their methodology and robust findings (Danziger et al. 2011b). Hypothetical simulations suggest that the findings might be explained by rational case-based time management among judges (unaccounted for in the original study) (Glöckner 2016). Without conducting original replication research in real-world multi-centered justice systems, some critics have confidently claimed that "there is no hungry judge effect" (Chatziathanasiou 2022). However, the work is supported by a recent study of decisions made by judges in county-based traffic courts in the United States. As sessions progress, judges are less likely to dismiss charges at arraignment. Specifically, the dismissal rate in arraignments falls from around 30% at the start of the session to under 18% at its end.

As the authors point out, regardless of whether their results are tied to glucose drops, "persons accused of the same offense whose hearings take place at different times should be judged equally" (Hemrajani and Hobert 2024). Further research points toward individual differences among judges; that is, court session fatigue might lead to decreased engagement with a defendant and higher bail amounts when workload intersects with unique courtroom environmental factors and personality features of a particular judge (Torres and Williams 2022).



Figure 1. The Hungry Judge Effect? Research suggests self-control fatigue and blood/brain glucose influence judicial outcomes, although this remains to be proven.

The so-called "hungry judge" effect has provoked researchers to examine the possibility that the time of day influences high-stakes decision-making within the medical profession. For example, researchers have shown that the specificity of mammography readings (i.e., the number of readings correctly reported as negative for malignancy) by radiologists dips in the late morning and late afternoon (Alshabibi et al. 2020). In a separate study, using retrospective analysis of over 35,000 magnetic resonance imaging (MRI) reports, researchers determined that radiologists were more likely to report malignancies in scans read later in the day (Becker et al. 2024). In a separate study involving 848 patient appointments during 133 different doctor work shifts, orthopedic surgeons were significantly less likely to refer a patient for appropriate surgery as the work shift moved toward lunch and again as the post-lunch period moved toward the end of the shift (Persson et al. 2019). Primary care physicians have also been found to prescribe unnecessary antibiotics as the morning session moves toward lunch, and again as the post-lunch break moves to the afternoon (Linder et al. 2014). Research also indicates that bank loan officers are more likely to make judgment errors while making decisions on small business loans in a fasting state (Beshyah et al. 2018). At least one preprint study failed to find a relationship between professorial grading of oral law school exams and session time (Bergonzoli et al. 2024). In laboratory settings designed to test moral disengagement, researchers report that subjects are more likely to engage in unethical behavior later in the day; this susceptibility appeared to be especially evident in persons with a lower propensity to morally disengage. In other words, individuals expected to maintain moral engagement may be most prone to circadian or biological influences on moral disengagement, without conscious awareness of their vulnerability (Kouchaki and Smith 2014).

5. Future Directions

Despite the far-reaching implications of judicial wellness (including dietary choices) and equal treatment under the law outcomes, the topic has received surprisingly little research attention. The landmark finding that judges make differential parole decisions based on temporal factors (and meals associated with court session times) should have been a clarion call for large-scale follow-up work. Almost a decade and a half later, we still do not know whether specific dietary choices or hypoglycemia (including reactive hypoglycemia to high-sugar ultra-processed foods) can be confidently linked to judicial outcomes. Although popular press writings present the parole decision paper as the "hungry judge effect," in the absence of studies demonstrating causation, it would be more correctly called the hungry judge theory. Experts contend that justice systems should vigorously engage with researchers to cast light into the "dark corners" of the biopsychology and neuropsychology or legal reasoning, including a detailed study of so-called hungry judges (Bublitz 2020).

The most obvious way to test the hungry judge theory is to randomly assign judges to a breakfast that is equal in calories yet differing in macronutrient arrangements, then examine subsequent decisions (e.g., fines, sentencing, bail, parole, etc.). Researchers have shown that consumption of a powdered plant-based breakfast drink rich in fiber results in less post-prandial hunger and higher satisfaction (over a four-hour period) compared to an iso-caloric breakfast of cornflakes and milk; moreover, the plant-based breakfast drink was associated with lower blood levels of glucose, insulin, and cholecystokinin, suggesting slower digestion (Wilcox et al. 2024). Similarly, a fiber-rich sourdough croissant (compared to a conventional croissant) was shown to be associated with improved fasting glucose levels and increased urolithin levels (Lumaga et al. 2024); urolithin is formed through gut microbial action on dietary polyphenols and has been noted in multiple preclinical studies to positively influence neurocognition (Huang et al. 2025; Misrani et al. 2024). Isocaloric drinkable meals with different polyphenol and fiber contents have been shown to influence cognition one to four hours after consumption (Guadagni et al. 2025). Outcomes of controlled studies can include aspects of mental wellbeing, stress, and specific judicial decisions.

Recent research shows that adults reporting more severe burnout symptoms have high levels of both glucose and insulin levels in response to an oral glucose tolerance test (Lennartsson et al. 2025). Indeed, high blood glucose in response to an oral glucose tolerance test may point toward an underlying mental disorder (Cohen et al. 2006; Yoshida et al. 2025). However, many studies examining oral glucose tolerance tests and potential linkage to psychiatric symptoms have not added the additional component of experimental stress. This is important because the "hungry judge" theory is that the stress of the workload, in conjunction with lowered blood glucose over time, might increase punishment or failure to consider the nuanced details of a case. The same is true with theories suggesting that hypoglycemia increases vulnerability to aggression and antisocial behavior—the context of an added stressor matters. Hence, there is a need to incorporate a laboratory stressor into research designs. For example, volunteers could undergo a four-hour glucose tolerance test, perform cognitively challenging tasks in the latter portion of this period, and then consider punishment decisions based on vignettes typical of those used in mock juror studies.

As mentioned above, judges state that efforts to eat healthy, nutritious foods are the top approach to tackling stress. This simple survey-based answer invites multiple questions, including those related to baseline dietary choices among judges, and whether they are consuming high fat/sugar ultra-processed foods regularly. In an era where ultra-processed foods make up major portions of dietary choices in many parts of the world, especially the United States (Juul et al. 2022), what does a judicial breakfast actually look like? Recent meta-analytic work indicates that approximately 14% of adults meet the criteria for ultra-

processed food addiction (Gearhardt et al. 2023). Even though judges acknowledge the importance of eating healthy, how often are ultra-processed 'comfort' foods used to mitigate fatigue under stressful conditions (Gemesi et al. 2022)? How do personality features (e.g., social dominance orientation, authoritarianism, belief in a just world) of relevance to justice-related decision-making match up with routine dietary choices (Braunsberger et al. 2021; Veser et al. 2015)? With the recent development of objective blood and urine-based measures of ultra-processed food intake (Abar et al. 2025), multiple lines of research will open up.

Researchers can employ relatively non-invasive technology for periodic or continuous glucose monitoring (CGM) (Xu et al. 2022), aiding in real-world studies examining judicial wellness and decision-making. CGM has been used to link blood glucose with cognitive function and mood in adults with diabetes (Sugimoto et al. 2023; Marchini et al. 2024). While blood glucose may not play an outsized role in judgements among healthy, resilient, and highly skilled judges, CGM can help settle the question, or at least open up new lines of study. It will also be essential to distinguish between reactive hypoglycemia at clinical vs. subclinical levels (Kishimoto 2023), feelings of hunger (Swami et al. 2022), and subsequent impulses toward punishment/leniency and/or the emergence of preexisting worldviews and ideologies.

Despite significant levels of work stress, judges in the United States rate their own mental health as being very good (Miller et al. 2018a). However, the same study shows that over 25% of judges in the United States report missing 10 or more days of work per year due to stress. Research in the area of mental illness and substance abuse among lawyers indicates that higher degrees of confidence in the anonymity and confidentiality of the survey leads to more forthright disclosures (Pyle and Rosky 2025). Assuming judges are not overestimating the state of their mental health, the self-reports of very good mental health suggest high levels of resiliency among the group. Since gut microbiota appear to make significant contributions to mental health (Shoubridge et al. 2022), resiliency (An et al. 2024), and blood glucose control (Howard et al. 2022; Palmnas-Bedard et al. 2022), this represents an important research opportunity. Using contextual biopsychosocial markers and assessments, researchers might compare the gut microbiome of judges with defendants/offenders.

Based on the available research, significant biophysiological differences should emerge as a product of total lived experiences over time (including socioeconomic variables) (Prescott and Logan 2017; Robinson et al. 2022). As mentioned, part of the reason why interest in the relationship between hypoglycemia and antisocial/aggressive behavior waned in the 1990s was related to the inconsistencies of the findings. However, advances in microbiome sciences demonstrate that individual variations in glucose control and metabolic health can be mediated by gut microbes (Kirtipal et al. 2024). Almost half of adults in the United States are now living with prediabetes or diabetes (Liu et al. 2023; Prater 2023), and there is no reason to assume that judges sit outside the common experience of irregularities in blood glucose and insulin control. It is worth considering that acute hyperglycemia in adults with Type II diabetes has been linked to mood disturbances, cognitive difficulties, and dysphoria (Sommerfield et al. 2004). Although laboratory studies point toward an acute benefit of glucose in self-control, there is a need to understand how prediabetic metabolic dysregulation might influence cognition and decision-making after a high-sugar breakfast.

On one level, it is not surprising that the topic of legal formalism vs. realism has been the subject of thousands of academic articles. However, the scrutiny of lifestyle and dietary habits among judges (vis à vis decisions) remains wanting. Scholars have noted that judges have escaped scrutiny more broadly, with much of the interest by psychologists

directed at political ideology and cognitive style, and greater interest in juries rather than judges (Mitchell 2010). From the perspective of medico-scientific disciplines, the siloed nature of discoveries and discourse likely contribute to the lack of research attention by the legal profession. At the same time, when critical research discoveries are made within nutritional neuropsychology, relevance to the criminal justice system is often overlooked (Logan and Schoenthaler 2023). Attention has been paid to the dietary practices of police and correctional officers and their links with stress, sleep, burnout, and chronic disease risk (Wirth et al. 2014; Buden et al. 2016; Wirth et al. 2022; Gibson et al. 2018). However, we know very little about judges. We know even less about the extent to which tired and hungry juries might expedite decisions, bypass judicial instructions, and potentially lean toward punitive outcomes (Doyle and Doyle 2007). Existing measures that effectively capture stress and mental health in law enforcement personnel, such as the Patient Health Questionnaire-15 (PHQ-15), could be used to assess the wellness of judges and judicial outcomes (Ramey et al. 2024). For this area of research to move forward, transdisciplinary involvement will be needed. As vaccine pioneer Jonas Salk stated, "*It's the questions that we need to discover, because the answers preexist. If we ask the right questions, the answers will come*" (Scarr 1972). Asking the right questions will require input from multiple angles of expertise.

6. Conclusions

> "*To the students of gastronomic jurisprudence, breakfast foods assume a controlling role: what the judge eats will determine what the Constitution says*." Richard H, Ernst, Yale Law Review, 1937 (Ernst 1937).

Judges are highly skilled professionals, typically with years of training and experience as lawyers before joining the bench. Evidence suggests that as a whole, judges maintain high levels of job satisfaction. However, international research underscores that lawyers and judges often experience high stress levels as a product of workload and activities within the adversarial system. Judges may experience unique stressors, especially work-related social isolation, and the continued demands of refereeing complex cases. This stress represents significant harm to the wellbeing of the individual judge and should be the subject of further research and evidence-based support. At the same time, there are indications that workplace fatigue and stress can ripple out into decisions directed at defendants/offenders. One mediator of judicial decision-making under conditions of stress and fatigue might be dietary choices and blood/brain glucose.

While research in nutrition and behavioral health has a long and convoluted history, emergent studies under the banner of nutritional psychology/psychiatry are leaving little doubt that nutrition is a critical component of mental health (DeAngelis 2023; Dal and Bilici 2024; Sarris et al. 2015). The implications of nutritional psychology research extend to the criminal justice system, offenders, and members of the courtroom work group. For researchers interested in the intersection of juridical wellness and equal treatment of defendants/offenders, questions surrounding the quality of the judicial "breakfast" loom large. Advances in nutritional psychology, acute-post-prandial studies, and emergent research on the prevalence of reactive hypoglycemia suggest that there will be connections between acute and chronic dietary choices and judicial outcomes. Although it is unlikely that hypoglycemia and dietary factors will be of universal relevance across all judges in all environments, high-quality research can bring us beyond theory and anecdote. With proper evidence-based attention, we can better understand the extent to which dietary awareness might positively influence judicial wellness and whether or not that will, at the same time, diminish workload-induced temporal tendencies toward partiality.

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