

Court Review

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EDITOR'S NOTE

This issue presents four viewpoints on current issues involving judicial elections, politics, and the effect of public opinion on the courts. In our lead article, Shira Goodman and Lynn Marks of Pennsylvanians for Modern Courts tell the story of Pennsylvania's 2005 retention election for the Pennsylvania Supreme Court. With very little warning, public opposition developed to the retention of two justices: one was retained with 54% of the vote and one was thrown out of office with only 49% voting to retain him. The election was unusual because it did not relate to opinions issued by either justice. Rather, the court and its judges got caught up in controversy over pay raises for the judiciary, which passed only as a package with raises for other governmental officials. Goodman and Marks explore both the story and its implications.

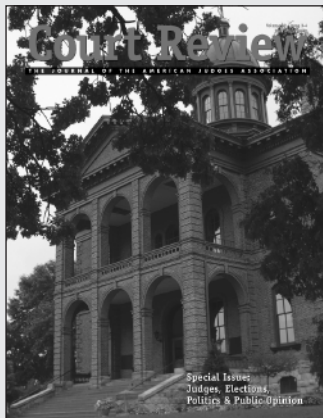
Jan Baran, an election-law expert, reviews the methods used today to select judges and the ethics issues presented in a post-*Republican Party of Minnesota v. White* world. His survey notes recent caselaw answering some of the questions left open in the *White* decision.

Bert Brandenburg, executive director of the Justice at Stake campaign, presents the results of their comprehensive national survey on the public's views about the judiciary. He discusses how judges and others defending the court system can communicate effectively with the public about these issues. The American Judges Association is a partner organization in Justice at Stake. Brandenburg and others from Justice at Stake will hold a workshop for attendees at the AJA midyear meeting in Newport, Rhode Island, in April 2007.

Frank Cross, a political science professor, provides empirical data that support the proposition that judges rely on precedents, not their own personal ideological views, in making most of their decisions. Contrary to the views of some court critics, he found substantial disregard of precedent to be quite rare.

In addition to these articles, John Barkai, Elizabeth Kent, and Pamela Martin present the findings of a detailed study in the Hawaii courts on what leads to case settlements, when in the process cases are most likely to settle, and what factors lead to settlements. One of our student editors, William Hurst IV, presents a review of two books on the rule of law.

In the next issue, we will have an exciting announcement about plans for *Court Review*.—SL



Court Review, the quarterly journal of the American Judges Association, invites the submission of unsolicited, original articles, essays, and book reviews. *Court Review* seeks to provide practical, useful information to the working judges of the United States and Canada. In each issue, we hope to provide information that will be of use to judges in their everyday work, whether in highlighting new procedures or methods of trial, court, or case management, providing substantive information regarding an area of law likely to be encountered by many judges, or by providing background information (such as psychology or other social science research) that can be used by judges in their work. Guidelines for the submission of manuscripts for *Court Review* are set forth on page 14. *Court Review* reserves the right to edit, condense, or reject material submitted for publication.

Court Review is in full text on LEXIS and is indexed in the Current Law Index, the Legal Resource Index, and LegalTrac.

Letters to the Editor, intended for publication, are welcome. Please send such letters to *Court Review*'s editor: Judge Steve Leben, 100 North Kansas Avenue, Olathe, Kansas 66061, e-mail address: sleben@ix.netcom.com. Comments and suggestions for the publication, not intended for publication, also are welcome.

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Photo credit: Mary Watkins (marywatkinsphoto@earthlink.net). The cover photo is of the historic Washington County Courthouse in Stillwell, Minnesota. Stillwell is often referred to as the birthplace of Minnesota; in 1848, a territorial convention that began the process of making Minnesota a state was held there. The courthouse, originally opened in 1870, was placed on the National Register of Historical Places in 1971 as the oldest standing courthouse in Minnesota. County offices moved out of the building in 1975. For more information about the building and its history, go to http://www.co.washington.mn.us/info_for_residents/parks_division/historic_courthouse/.

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