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