

# Court Review

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## EDITOR'S NOTE

Last year, Congress enacted legislation authorizing annual appropriations of up to \$10 million to create up to 125 mental health courts throughout the United States. The legislation included congressional findings, noting that Broward County, Florida, had created a separate mental health court “with positive results.” Although that finding was based largely on anecdotal evidence, our lead article begins the process of presenting a more formal analysis of the effectiveness of this court. In the article, a team of researchers from the University of South Florida present preliminary observations from an exhaustive study, still in progress, of the Broward County Mental Health Court.

We also present an introduction for judges to neuropsychological assessment. I checked a few months ago on an e-mail list serve of judges to see whether there was interest in such a narrowly focused subject; quite a few judges wrote me indicating great interest in having a plain-language introduction to the topic. Let me know whether you find this article of interest and whether you'd like introductory material on other psychological or scientific subjects.

The issue also includes significant and interesting materials on the judicial ethics issues involved when judges comment on pending or impending matters. Noted legal ethics professor Monroe Freedman joins in the debate over the propriety of Judge Richard Posner's book on the Clinton impeachment, which had concluded—well before a plea agreement ended any threat of prosecution—that Clinton had “engaged in a pattern of criminal behavior and obsessive public lying.” Freedman concludes that Posner's comments were ethically proper; Steven Lubet, who raised the issue in his essay in our Summer 2000 issue, replies. In addition, our Resource Page section explores another real-life controversy involving a judge's comments on a pending case. We reprint the sections of the appellate briefs in *U.S. v. Microsoft* dealing with the propriety of Judge Thomas Penfield Jackson's public comments on that case.

Also in this issue, we reprint the remarks made by Judge Thomas W. Ross from the November 2000 ceremony in which he received the William H. Rehnquist Award. A leader in state criminal sentencing reform, his comments on that subject and its relationship to public trust and confidence in the courts are worth noting. We also include a book review of the book *Managing Notorious Trials*.

Last, we invite your attention to the annual index of the past four issues of *Court Review*. All of the articles listed are available on our website at <http://aja.ncsc.dni.us/courtrv/review.html>—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. 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 13. *Court Review* reserves the right to edit, condense, or reject material submitted for publication.

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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](mailto:sleben@ix.netcom.com). Comments and suggestions for the publication, not intended for publication, also are welcome.

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