

President's Column

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Judicial independence can be carried too far. When independence results in isolation from the public, it is carried too far. Isolation tends to reduce public information about and involvement with the courts; public understanding and confidence suffer as a result.

Judges and courts are created and empowered by the public. Our independence is likewise authorized by the public. Judicial independence is essential, but will be extended only so long as it is perceived to be justified; it is not a judicial birthright.

One source of public confidence is information about and involvement with judges and courts. It follows that one way to contribute to judicial independence is to promote public information and involvement.

Public confidence is expressed in well-known ways: the adequacy of the funding, impeachment demands, election results, term limits, media commentary, and public displays.

As judges, we appreciate fully what needs to happen—the public needs to be better informed and more involved. That is always the response: if the public only understood . . .

On the other hand, what courts and judges institutionally have yet to appreciate and act on is that it is judges and courts that must do the informing. Neither the public nor the media nor the executive branch nor the legislative branch will do so: who else will?

The practical predicament is that a judge's job is to judge, to manage the docket and try the cases. We are expected to devote full time and attention to those tasks. Furthermore, judicial ethics and due process require judges to avoid both improperly influencing the public and improper influence from the public. These factors combine to discourage very much judicial education or involvement of the public, and this precedent in which judges and courts are grounded makes it difficult for them to see the need, let alone act on it.

Recognizing these limitations, the American Judges Association assists all judges by evaluating new information, knowledge and techniques and disseminating it to judges and courts in practical ways they can put it to use.

The last issue of *Court Review* is a good example. It reported

in detail on the National Conference on Public Trust and Confidence held in May 1999. A review of that issue very effectively and efficiently brings all judges current on a topic that is of central importance to all of us.

In May of this year, AJA will join the National Consortium of Task Forces and Commissions on Racial and Ethnic bias in the Courts in sponsoring its a national conference to develop an action plan to confront the issues of diversity and ethnic equality in the courts. We hope to take the plan as it is developed and work with the existing judicial education organizations to bring that program to judges for their use.

Recently, the Office of National Drug Control Policy has agreed with our Judicial Leadership for Substance Abuse Reduction Initiative to support a national symposium to develop a program dealing with the abuse of alcohol and other drugs. This program will explain the most recent developments and successful techniques that are available, not only for drug courts, but also for criminal, domestic relations, domestic violence, juvenile, and traffic courts.

The Trial Court Performance Standards are another useful tool for courts and judges in meeting the issues we all face in public service. The Association is currently assisting in the development of a strategic action plan that will provide a very simple, straightforward way that courts and judges can immediately implement the standards and begin to use them as appropriate.

Finally, the Conference of Chief Justices and Conference of State Court Administrators are developing a "best practices" program that also involves our Association. This program will collect the best practices used by a variety of courts and make them available for modification and use by others.

The goal of these efforts is to provide courts and judges with proven tools and established methods to incorporate them without taking time from their otherwise busy dockets. The concept, of course, is that by their use judges and courts will be able to provide the public the service, information, and involvement that generates trust and confidence—and results in judicial independence.

