



The Resource Page



NEW BOOKS

VICTOR E. FLANGO & THOMAS M. CLARKE, *REIMAGINING COURTS: A DESIGN FOR THE TWENTY-FIRST CENTURY*. Temple University Press, 2015. 215 pp. (\$64.50).

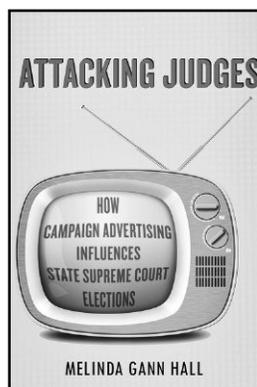
Two long-time National Center for State Courts executives have set out their recommendations for redesigning and improving courts in *Reimagining Courts*. The authors are Victor E. Flango, who recently retired as Executive Director of Program Resource Development, and Thomas M. Clarke, the Vice President for Research and Technology.

Flango and Clarke identify three key themes that tie their suggested reforms together: (1) a strong customer focus; (2) increased access to justice; and (3) more efficient delivery of services to litigants and other court stakeholders. They argue for such things as “building court services around the needs of court customers by using measurable standards to ensure that those services actually improve.” One way to implement such a goal is through the National Center’s “High Performance Court Framework” (see <http://goo.gl/WfjttE>). They also note that greater focus on court customers has a valuable payoff in treating parties with respect and dignity, a key ingredient in procedural justice.

The bulk of the book is devoted to a discussion of how cases are processed through courts and the different functions courts play—adjudicating adversarial disputes, expeditiously disposing of cases that must be resolved quickly, administrative resolution of cases with largely undisputed facts, and individualized (or problem-solving) justice where a person’s treatment needs predominate. The authors suggest that cases proceed in different ways through the court system depending upon whether the main need is for an adversarial trial or something else. Whether one agrees with every proposal or not, Flango and Clarke provide an overview of how things are done today

and how courts might change in ways that could provide better results, better service, and better customer satisfaction. The book also includes a comprehensive bibliography; anyone interested in court improvement would be well served by reading the book and then following up with further readings from those cited in the bibliography.

MELINDA GANN HALL, *ATTACKING JUDGES: HOW CAMPAIGN ADVERTISING INFLUENCES STATE SUPREME COURT ELECTIONS*. Stanford University Press, 2014. 264 pp. (\$27.95).



Modern political campaigning is examined with a judicial twist in the new book by Michigan State University political science professor Melinda Gann Hall. Hall presents findings from a study investigating the effect of television advertising on both the votes garnered by state supreme court justices and the overall likelihood that voters will cast ballots. Her historical review of state supreme court elections targets the increasing power of state supreme courts, the unique American nature of judicial elections, and the general negativity and attack advertising that is endemic in modern political campaigns. These three forces robustly combine to make this book an absorbing and important read for anyone interested in the courts, advertising, or political campaigns.

Hall relies on two data sources for her empirical enquiry: state supreme court election data for a 20-year period and storyboards for the campaign advertisements. There are plenty of details about the data for those interested in seeing

behind the statistics and plenty of clearly delineated explanations for those not as interested in the math behind her findings. Empirically contradicting some of the conventional beliefs about attack advertising and campaigns, Hall’s work should calm concerns about our modern judicial-selection process and provide solutions to some relevant issues.



WEBSITES OF INTEREST

Special Issue on Judicial Evaluation
Oñati Socio-Legal Series
<http://goo.gl/cf00xi>

In 2013, the International Institute for the Sociology of Law brought 22 judges, academics, and social scientists together for a workshop on how best to evaluate judicial performance. That has now resulted in a special journal issue with 12 articles offering international perspectives on evaluating judges. The articles (a) consider conceptual and methodological issues basic to judicial evaluations, (b) describe the experiences of senior judges in Australia, Germany, Sweden, and the U.S. as evaluators and subjects of evaluation, and (c) report new research related to the judicial-evaluation process.

We would note two articles of special interest. National Center for State Courts researcher David Rottman and Yale law professor Tom Tyler review in detail the data confirming that the public places the greatest importance on whether a judge meets public expectations of procedural fairness. They examine how that may best be made part of judicial evaluations. Rottman and another National Center for State Courts Researcher, Jennifer Elek, look at the problem of bias in judicial-performance evaluations. They cite research confirming that some survey methods are systematically biased and discuss ways to mitigate against bias. Any judge who wants to evaluate his or her own performance could benefit from thinking through the issues discussed in these articles.