



The Resource Page



JUDICIAL ETHICS BLOGS

Judicial Ethics and Discipline Blog
<http://ncscjudicialethicsblog.org>

Legal Profession Blog: Judicial Ethics and the Courts

<http://goo.gl/EHuafd>

Two blogs that are regularly updated can be a good resource that keeps judges thinking about the ethics rules we must abide by. Since reasonable people sometimes differ in their conclusions about the boundaries of ethics rules, it's good to follow more than one blog in this area, and both of these are good ones.

One of them—the Judicial Ethics and Discipline Blog—is maintained by Cynthia Gray, director of the Center for Judicial Ethics now housed at the National Center for State Courts. Gray has been tracking judicial-ethics issues since 1990, and she keeps track of pretty much everything that happens—advisory opinions, disciplinary cases, and rule amendments. A recent posting covered the issues that arise when a judge's spouse or relative supports a political candidate. You can sign up at this blog to receive each update by email.

The second blog—Judicial Ethics and the Courts (really the judicial-ethics entries from the larger Legal Profession blog, found in full at goo.gl/9yUJMB)—is regularly updated by Michael S. Frisch, the ethics counsel at Georgetown University and an adjunct law professor at Georgetown Law. He also covers recent cases and advisory opinions. For example, a recent posting talked about a North Dakota advisory opinion regarding the use of social media in an election campaign as well as whether a sitting judge may wear a judicial robe in campaign materials. Frisch not only summarized the recent advisory opinion (with a link) but also provided an excerpt from a 1979 North Dakota Supreme Court case that found no problem with a judge's campaign use of a video taken in judicial robes in a courtroom.



MORE ON JUDICIAL WISDOM

Heidi M. Levitt & Bridget R. Dunnavant, *Judicial Wisdom: The Process of Constructing Wise Decisions*, 28 J. CONSTRUCTIVIST PSYCHOL. 243 (2015).

Bridget R. Dunnavant & Heidi M. Levitt, *The Development of Wisdom in Judicial Decision-Making*, 43 HUMANISTIC PSYCHOLOGIST 1 (2015).

Psychology professors Heidi Levitt and Bridget Dunnavant set up a study to shed some light on the concept of judicial wisdom. They published two articles with their results—one getting at the definition of judicial wisdom and the other looking at how it can be developed.

The researchers interviewed 11 judges nominated more than once by others as wise judges. These 11 judges were asked about the behaviors and attitudes they associated with wise legal decision making. They talked about what they believed fostered wisdom, such as curiosity and seeing situations as nuanced rather than black and white.

These judges typically valued styles of courtroom management that emphasized listening, giving respect to litigants, explaining court procedures, and expressing compassion for parties while still upholding the law. They felt that it was important to be engaged in each case—not only giving their full attention to the parties and the law but also recognizing and dealing with the emotions that inevitably arise on the bench. Wise judges developed strategies for dealing with situations where their own values conflicted with the law or where they felt that the correct legal outcome was not necessarily the fair one.

To better promote wisdom, these judges suggested that law schools put more emphasis on pretrial problem solving, interpersonal skills, emotional intelligence, and social justice. They also felt that increasing the diversity of the judicial profession would be helpful.

Only abstracts of the articles are available on the web (go to goo.gl/NJpsif and goo.gl/FnnlEr); the full articles are available for purchase. But you can get more information from an audio interview with Professor Levitt. It's available at proceduralfairnessblog.org.



ARTICLES OF INTEREST

Fred L. Cheesman II, Scott E. Graves, Kathryn Holt, Tara L. Kunkel, Cynthia G. Lee & Michelle T. White, *Drug Court Effectiveness and Efficiency: Findings for Virginia*, 34 ALCOHOLISM TREATMENT Q. 143 (2016), available at <http://goo.gl/NrGgwu>.

The Virginia state courts contracted with the National Center for State Courts to conduct a statewide outcome and cost-benefit evaluation of Virginia's adult drug courts. The findings will be of interest to many, including those in jurisdictions that have—or might want to have—a drug court.

The program's overall finding was that drug courts saved taxpayers about \$20,000 per participant when compared with a business-as-usual alternative path through the judicial system. The study compared participants in Virginia drug courts with similar Virginia defendants who did not go through a drug-court program. The researchers concluded that successful graduation from a drug court led to a statistically significant reduction in the expected number of offenses committed thereafter.

One notable contribution of this evaluation was a finding that taxpayer dollars are saved on drug-court participants even before they are admitted to the drug court. At least in Virginia, these offenders spend less time in pretrial confinement (and supervision) than they would in the business-as-usual alternative (usually probation). In addition, the researchers found support for the use of cognitive-behavioral treatment in drug courts.