## What's the Measure of Judicial Excellence?

**By the Subcommittee on the Criteria for an Excellent Judge, ISBA Bench and Bar Section Council***

*Here are standards, developed and approved by the ISBA Bench and Bar Section Council, that voters and others can use to evaluate judicial candidates and critique sitting judges.*

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*At the June 2001 ISBA Annual Meeting, President Timothy Eaton suggested to the Hon. Jane Stuart, then chair of the Bench and Bar Section Council, that the council develop a set of standards defining what makes an "excellent" judge. Judge Stuart appointed a subcommittee to answer President Eaton's challenge, and the group authored this report. It was approved by the Bench and Bar Section Council and, ultimately, by the ISBA Board of Governors.*

*Hon. Lloyd A. Karmeier,*
*Co-Chair*
*Subcommittee on the Criteria for*
*an Excellent Judge*

### I. Introduction

What qualities make an individual an "excellent" judge? When this question was first posed to the members of the subcommittee, there was a wide array of responses. After reviewing numerous articles discussing the qualities that an excellent judge should possess, and after long hours of discussion and debate, the subcommittee members distilled their varied responses into several performance criteria deemed to be the most important attributes to elevate a jurist to a level of excellence.

An excellent judge adheres to high standards of integrity, honesty, and fairness. An excellent judge also possesses a good judicial temperament, hallmarked by civility, courtesy, dignity, patience, tact, understanding, compassion, and a personality free from arrogance, bias, and prejudice. In addition, an excellent judge is a skilled communicator who not only can clearly convey thoughts and ideas, but who also possesses the ability to listen. An excellent judge has broad world-life experiences, a strong foundation of legal knowledge, and a varied background of legal experience. Finally, an excellent judge is accountable, decisive, and can effectively manage a caseload and a courtroom.

What follows is a discussion of each of these criteria. The criteria are not ranked, as the subcommittee concluded that each is important in its own right.

### II. Integrity, Honesty and a Commitment To Fairness

The first question on the Illinois State Bar Association *Ballot for Rating Candidates for Judicial*

*Office* is: "Will the candidate adhere to the high standards of integrity and ethical judicial conduct required of the office?" Of all the attributes of an excellent judge – and a person aspiring to become one – integrity, honesty and a commitment to fairness must be foremost. Without them, the quality of justice in our courtrooms will suffer greatly, if not irreparably. In turn, the public trust and confidence in our justice system will be fundamentally damaged.

Webster defines "integrity" as "soundness of and adherence to moral principle and character: uprightness; honesty."[1] Accordingly, there can be no integrity without honesty. It is clear, however, that integrity encompasses far more than honesty. What, then, are we seeking when we refer to a judge adhering to the "high standards of integrity and ethical judicial conduct?"

One answer is offered by the Chicago Bar Association's Judicial Evaluation Committee, which refers to integrity as "a rigid adherence to the facts and the law." Accordingly, under this definition, a person of "integrity" must be unbiased and have an unswerving commitment to fairness. Legal training and professional skills must be applied even-handedly so that the judge never becomes an advocate.

An excellent judge must make an intentional and ongoing commitment to decide difficult questions without fear or favor, to treat everyone fairly and impartially, and to assure all involved that he or she is indeed a neutral magistrate with the desire and responsibility to seek and do justice.[2] In sum, instincts toward "self-preservation, self-aggrandizement, prejudice, bias and selfishness should be completely eliminated or suppressed as far as is humanly possible in decisions to be made by a judge."[3]

Judges make decisions that affect the lives and fortunes of those who come before the court. Litigants and all those who are affected by judicial decisions must have confidence in the intellectual honesty, trustworthiness, sincerity, honor, and reliability of the judge. The judge must possess an abiding commitment to fairness and ethical conduct that, at the minimum, includes a pledge to adhere to the law, the Code of Judicial Conduct, and the Code of Professional Responsibility.[4] All of these traits are included within the term "integrity," and are found in an excellent judge.

**III. Judicial Temperament**

An excellent judge possesses a "judicial temperament." This term encompasses a variety of attributes, including civility, courtesy, dignity, patience, tact, understanding, compassion, and a personality free from arrogance, bias, and prejudice.

Judges are role models in our profession. They set the tone for their staffs and for all who appear in their courtrooms. A judge's conduct should promote public confidence in our legal system and "be characterized at all times by courtesy and patience toward all participants."[5] The courtroom brings together people from all walks of life who enter as parties, witnesses, jurors, counsel or observers. Judges owe "all participants in a legal proceeding respect, diligence, punctuality, and protection against unjust and improper criticism or attack."[6]

A judge should be firm yet dispassionate in presiding over matters brought before the court. He or she must demonstrate patience to enable lawyers and litigants to present their arguments. A judge must also

keep an open mind and render a deliberate, impartial and reasoned decision. Excellent judges are courteous and considerate to lawyers, parties, witnesses and juries, maintain a dignified decorum in their courtroom, and conduct proceedings in an even-handed and respectful manner.

Regardless of the provocation, an excellent judge responds in an even-tempered way. An excellent judge demonstrates professionalism by conducting proceedings with civility to all concerned. "Civility has deep roots in the idea of respect for the individual" and is the mark of an accomplished professional.[7]

According to Hon. Edward J. Devitt, former chief judge of the United States District Court for the District of Minnesota, there are 10 commandments for a new judge: (1) Be kind. (2) Be patient. (3) Be dignified. (4) Don't take yourself too seriously. (5) A lazy judge is a poor judge. (6) Don't fear reversal. (7) There are no unimportant cases. (8) Be prompt. (9) Use common sense. (10) Pray for divine guidance.[8]

Judge Edward F. Hennessey offers another perspective:

> The administration of justice is a fine art, and the lawyers and many others are its generators, but the efforts of all can reach no higher than the personality of the judge permits. Perfection, if the judge seeks it, requires the knowledge of the law and faithful application of the law; diligence and efficiency; unfailing courtesy without sacrifice of firmness and decisiveness; evenhandedness, while retaining a jealous regard for the individuality of every person; restraint, eternal restraint, particularly as to both the quality and the quantity of speech; courage and strength in the face of criticism. Above all, integrity in all its nuances.[9]

**IV. Ability to Communicate**

The ability to clearly and effectively communicate is essential in all aspects of our daily lives. Whether we listen to the radio in the morning, read a newspaper, or watch television at night, we are involved in communication. During the day at work, we speak with colleagues and converse on the telephone with people inside and outside of our offices. We give directions to others on our staffs, exchange e-mails, write letters, draft various pleadings and documents. We also communicate by our actions, through body language. In short, we communicate all day, every day.

In the courtroom, a judge communicates orally, in statements or rulings from the bench, and in writing, through opinions and orders. An excellent judge must be adept at clearly conveying his or her thoughts and ideas to all participants in a legal proceeding. This means that the rulings made by the judge, and the reasons therefor, must be equally understandable to the litigants as well as to learned counsel. Indeed, an understanding of *how* judicial decisions are reached, rather than simply the decisions themselves, is a significant factor in the public's perception of the "procedural fairness" of our court system.[10]

Therefore, an excellent judge must not only do justice, but must in the process communicate with the participants in such a way that they leave the courtroom with a sense that justice was done. The

following example illustrates the problems that may result from a judge's ineffective communication:

> [Defendant was charged with sexual assault.] Several witnesses who saw the couple in public that night testified that they had seemed affectionate toward one another. The woman denied giving her consent. The defendant took the stand and testified vehemently that she had been willing.
>
> After closing arguments, the judge had the defendant stand. Without making any findings or discussing the evidence, the judge summarily pronounced him guilty.
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> The judge followed the same procedure at sentencing. After listening patiently to a dozen character witnesses, he had the defendant stand, pronounced a sentence of 30 years' imprisonment, and took a recess. Neither the defendant nor his lawyer knew why the judge had found him guilty or given him a heavy sentence.11

In this example, the trial judge failed to communicate the basis of his ruling to the defendant and his counsel, thereby transgressing the precept that an excellent judge "will always state his reasons, leaving a record of the grounds for his decision."12 While the example pertains to oral communication, the principle is equally applicable to written orders and opinions. Orders and opinions authored by an excellent judge will include a recitation of the pertinent facts, a statement of the reasoning supporting the result, and, where appropriate, citation to authority.

"Communication," however, is not limited to conveying thoughts to others. Communication also involves the ability to listen to others. An excellent judge, therefore, must possess the ability to listen. Indeed, whether a litigant has a sense of effectively "participating" in the legal proceedings is an important factor in the public's perception of the judicial system's commitment to ensuring procedural justice. "Participation" refers to the "extent to which the judicial officer allows the litigants an active voice in the decision-making process, whether litigants feel they have 'been heard' and whether the judicial officer has good communication and 'attentive listening' skills."13

A judge may "communicate" in the courtroom in another, less obvious way: through "body language." An excellent judge will be aware of his or her body language and will guard against engaging in subtle motions or actions that could influence a jury's impression of a witness or of the facts or arguments presented. "It is essential that jury trials shall be managed fairly, and that trial judges shall not only be just to both sides, but that they shall conduct themselves in such a manner that an impartial state of mind is apparent to all concerned."14

In assessing whether an individual possesses the necessary abilities of communication, a review of the individual's writings, as well as a face-to-face interview allowing observation of the individual's ability to converse, listen, and body language, may provide useful information.

## V. World-Life Experiences

A judge first takes the bench, the most prominent position in the courtroom, with all of the knowledge, biases, prejudices, and information he or she has gained through experiences in life that preceded this day. Is there something from this background that makes one person a better judge than another?

The ISBA Standing Committee on Judicial Evaluations includes in its guidelines the following among its several criteria for its interviewers and evaluators to consider: litigation experience, professional experience, legal knowledge and ability, sensitivity to diversity and bias, and character. The Chicago Bar Association's questionnaire for judicial applicants includes among its criteria a focus on professional accomplishments: trials, appeals, transactional matters handled, and bar association activities.

Although each life experience is unique, affirmative answers to the following questions are considered desirable for the would-be excellent judge. Does the individual possess a good understanding of the judicial system and process? Has this person tried or handled a variety of cases? Represented clients from a variety of backgrounds that presented a diversity of legal issues? Lived, worked, or traveled in areas that provided exposure to people from diverse backgrounds and cultures?

The evaluation of an individual's experiences against these criteria is more subjective than objective. One person may score highly with respect to some of these factors, while another candidate may score highly with respect to others. Both could turn out to be excellent judges or average judges.

The United States does not have a set career path to develop judges as in France, for example, where judicial candidates train for a lifetime civil service career on the bench. Here, "it is still possible for a judge who the day before had made his living drafting corporate indentures to be called upon to rule on the validity of a search or to charge the jury on the law of entrapment."[15] Does this transactional lawyer have sufficient other experiences to enable him or her to rule decisively and confidently on these types of issues apart from the lawyer's practice background? It seems the ultimate question for the judicial candidate might simply be phrased: What have you done in your life?

## VI. Legal Knowledge

Legal knowledge is essential for a judge to be able to perform his or her judicial duties, render fair and just decisions, and contribute to the body of case law. Therefore, an excellent judge must possess a level of legal knowledge that includes an understanding of substantive law, the rules of evidence, and the rules of procedure.

Most judges are generalists, concentrating in no particular area of the law except the fair administration of justice for all. However, depending upon the court in which the judge sits, the emphasis upon the type and level of legal knowledge considered desirable may vary. For example, judges who preside over trial courts are often forced to make quick decisions and respond instantly to objections and evidentiary rulings. Accordingly, it is very important for such judges to possess a clear understanding of the rules of procedure and evidence, as well as knowledge of the local court rules.

Judges who sit on courts of review have the

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unique burden of determining whether the issue presented by the parties was properly raised below and is ripe for appeal, as well as the appropriate standard of review. Therefore, knowledge of the rules of jurisdiction and the scope of review for each issue becomes critically important. In addition, a judge's knowledge in writing on legal issues will take on added importance on the appellate court, where what is written is as important as the outcome of a particular case. The written opinion explains the court's rationale for arriving at the decision and provides precedent and authority of case law for others to follow and build upon.

Side Bar

- Limiting the limits on judicial campaign speech

The concept of "legal knowledge," however, encompasses more than simply what the individual knows about the rules of law. An excellent judge must also have the ability to effectively research legal issues. For example, when a judge does not know the status of the law in a particular area, the judge must be able to research the question and arrive at the appropriate result. In conducting research, the judge may discover that there are competing legal precepts. Based upon the judge's legal knowledge, he or she must analyze the information, and determine which law controls. It is through a judge's legal knowledge that he or she will analyze a case, know what fundamental legal principles have been established, decide what law to follow, and apply the appropriate law to the facts presented.

**VII. Legal Experience**

Legal experience is closely related to both legal knowledge and world-life experience. An excellent judge will have a broad range of legal experience. The broader an individual's legal experience, the broader his or her legal knowledge and the more of a track record the individual has for evaluating his or her ethical standards and views. Legal experience encompasses all facets of the law, including practical hands-on experience and the ability to research the law, apply the law to the facts at hand, and convey the results clearly to the parties, either orally or in writing.

Because of the nature of today's litigation and pressures of a busy docket, legal experience in the courtroom is of particular advantage to trial judges, who are called upon to weigh testimony and evidence, manage a courtroom, and handle attorneys in a limited period of time. Legal experience in the law library – researching and writing complex motions and briefs – is of advantage to all judges, but particularly to appellate judges, who must decide all issues in a case on legal and factual principles and write an opinion explaining the decision.

Further, the court's decision is not made in a vacuum. An excellent judge will consider both the practical and legal consequences of the decision's analysis and result. A decision rendered by a judge has several important legal consequences. For example, the ruling resolves the issue presented by the parties and binds the parties to that result. However, it also serves as precedent for future cases.

The prior legal experience of the judge will remind the judge of the day when he or she represented clients, had to consider the cost-benefit ratio of litigation, and was cognizant of clients' and attorneys' satisfaction or dissatisfaction with the legal process. By considering the consequences and effects of litigation, a judge is better equipped to make value judgments and appropriate rulings to fit the case.

## VIII. Accountability, Decisiveness, and the Ability to Manage Cases and the Courtroom

"Accountability" is an important hallmark of an excellent judge. A judge must always be accountable to the constitution, legislative enactments, and the decisions of the supreme and appellate courts. An important component of accountability is "judicial independence," which means that justice is not influenced by partisan interests or the fear of retribution for following the law rather than public sentiment. Excellent judges will view the concept of "judicial independence" not as something only for their own benefit, but for the benefit of all those who come before them.

As stated earlier, judges are role models in our profession, and have a responsibility to earn public trust and confidence in the judicial system. Excellent judges will not only exhibit professionalism, but will also reach out to the public to explain the judicial process so that citizens better understand how the system works and why decisions are made the way they are. One way in which a judge can be accountable to the public is by participating in outreach programs for school children as well as the media, jurors, witnesses and the general public. Many programs exist on how a judge can be involved in judicial outreach. (See bibliography of materials on "Improving Public Trust and Confidence" found online at <www.isba.org/member/oct02lj/judgebibliography.pdf>.)

The conduct of an excellent judge, both on and off the bench, should promote public confidence in our legal system. A judge must always avoid even the appearance of bias or injustice because confidence in the entire system of justice is diminished when any single judge engages in conduct that lowers public trust in the fair and impartial administration of justice. The bench and bar have a responsibility to respond to unjust and improper criticism or attack on judges.

Another important component of accountability is decisiveness, which includes punctuality, diligence, and efficiency in preparing for trials. In addition, decisiveness includes the timely ruling on motions and the writing of decisions that are understandable and clearly based on the law. It has often been said that justice delayed is justice denied. A judge who holds cases under advisement for an inordinate amount of time is delaying justice. Waiting for ultimate perfection is not fair to the parties. An excellent judge is not afraid to make a mistake; an excellent judge has confidence that mistakes can be corrected through the appellate process.

The traits of an excellent judge also include a number of abilities, skills, and commitments that equal good management principles and practices, which result in prompt and affordable justice. For many years leaders in the field of judicial administration focused on reducing the cost and delay of legal proceedings in an effort to better serve the public. This negative view has been replaced by the more positive goal of delivering prompt and affordable justice.

To this end, excellent judges clearly articulate their expectations with respect to case management and how attorneys will practice in their courtrooms. A significant cause of courtroom delay is continuances. An excellent judge understands that it is the judge, and not the attorneys, who controls the courtroom. Courts all over the country have reduced delay and backlog by taking control over caseflow management.

In the old days, judges did nothing until the two attorneys filed papers that the case was ready for trial. As a result, the public complained that it took five or six years to get to trial. Research strongly suggests that both speed and backlog are determined in large part by established expectations, practices, and informal rules of behavior of judges and attorneys. Indeed, the term "local legal culture" refers to the cluster of related factors that influence whether a court is known for delays or promptness.

One commentator has correctly noted that "the crucial element...is concern on the part of judges with the problem of court delay and a firm commitment to do something about it."16 This approach has led to an emphasis on accountability, performance, efficiency, and effectiveness. In 1990, the Commission on Trial Court Performance Standards found that for courts to function optimally, they needed to provide access to justice, act in an expeditious and timely manner, and assure that equality, fairness, and integrity animated all procedures and decisions. In addition, the study found that courts, as governmental institutions, must maintain both independence and accountability, and must engender public trust and confidence in the judicial branch of government.

In 1992, the ABA adopted standards for trial court management that had been developed by the National Conference of State Trial Judges. These standards were based upon suggestions that judges should aggressively exercise their responsibility to manage trial proceedings (see sidebar). The standards established that "[t]he judge shall be prepared to preside and take appropriate action to ensure that all parties are prepared to proceed, the trial commences as scheduled, all parties have a fair opportunity to present evidence, and the trial proceeds to conclusion without unnecessary interruption."

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Side Bar

- ABA Standards for case disposition

These standards provide that the effective use of trial time includes a trial management conference two weeks before trial to ensure that trial counsel are prepared and can help judges prepare for trial. An excellent judge maintains the momentum in a trial by ensuring evidence is presented without repeated interruptions or distractions, having counsel have exhibits organized and having them state objections succinctly and in appropriate legal terms to permit the court to rule summarily. (For more, please see the selected bibliography of case management references at <www.isba.org/member/oct02lj/judgebibliography.pdf>.)

## IX. Conclusion

Although the attributes listed above may not be conclusive, the subcommittee believes that a truly excellent jurist will possess each of them in varying degrees. These qualities are desirable both in candidates seeking judicial office and in judges already on the bench. Encouraging these important attributes will not only enhance the quality of the judiciary, but will improve court performance, promote a positive image, and increase the public's trust and confidence in the judicial process.

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1. Webster's New Universal Unabridged Dictionary ©1994.

2. See *What It Means to Be a Judge,* Joseph P. Nadeau, The Judges' J, Summer 2000.

3. *Guidelines for Judicial Selection, Board Approved May 25, 1978 (as amended through March 21, 2002),* Judicial Evaluation Committee, The CBA © 2001.

4. *Evaluative Criteria,* Marla N. Greenstein, Handbook for Judicial Nominating Commissioners, Am Judicature Society, at p 59.

5. Final Report of the Committee on Civility of the Seventh Federal Judicial Circuit, 143 FRD 441, 448 (1992).

6. Id.

7. *Professional Attitude,* Senior Judge Louis H. Pollak, 84 ABA J 66 (Aug 1998).

8. *Ten Commandments for the New Judge,* Judge Edward J. Devitt, published in Handbook for Judges, Am Judicature Society, 1984, p 33.

9. *Excellent Judges*, Judge Edward F. Hennessey, Franklin N. Flaschner Judicial Inst., Inc., 1997, at 11.

10. Roger K. Warren, *Public Trust and Procedural Justice,* Ct Rev, at 14-15 (Fall 2000).

11. *Good Trial Judges,* Benson Everett Legg and John Henry Lewin, Jr., 9 No. 3 Litigation 8 (ABA Spring 1983) at 10, 60 ("*Legg and Lewin*").

12. Id at 60.

13. Id.

14. *The Trial Judge, His Facial Expressions, Gestures and General Demeanor – Their Effect on the Administration of Justice,*" Leslie L. Conner, Am Crim L Q, p 177, quoting *People v Marino,* 414 Ill 445, 111 NE2d 534, 538 (1953).

15. *Legg and Lewin* at 10 (cited in note 11).

16. Thomas W. Church et al., *Justice Delayed: The Pace of Litigation in Urban Trial Courts* (Williamsburg, Va Natl Center for State Cts).

## Limiting the limits on judicial campaign speech

On June 27, 2002, the United States Supreme Court, in *Republican Party of Minnesota v White*, 122 S. Ct. 2528 (2002), held that the Minnesota Supreme Court's canon of judicial conduct prohibiting candidates for judicial election from stating their views on legal and political issues violates a candidate's right to free speech under the First Amendment. Thus, after *White*, it is clear that a state judicial canon cannot contain an "announce clause" which directs a judicial candidate to refrain from "announc[ing] his or her views on disputed legal or political issues." What is less clear, however, is the impact of *White* on judicial canons in states such as Illinois, which do not employ an "announce clause" but which restrict the speech of judicial candidates by other means.

**The *White* decision.** *White* had its genesis in a federal suit filed by an unsuccessful former candidate for the Minnesota State Supreme Court, who alleged that the announce clause forced him to refrain from stating his conservative views on disputed issues during the campaign, to the point where he "declined response to questions put to him by the press and public, out of concern that he might run afoul" of the prohibition. The lower courts ruled in favor of the state, affording great weight to the state's concerns about maintaining an independent judiciary and preserving the public's confidence in the judicial system.

The Supreme Court reversed. Justice Antonin Scalia, writing for the 5-4 majority, found that the announce clause violated the First Amendment in that it not only prohibited speech on the basis of its content, but also burdened a "category of speech that is 'at the core of our First Amendment freedoms' – speech about the qualifications of candidates for public office." In arriving at this conclusion, the Court rejected the argument advanced by the state that the restrictions on speech contained within the announce clause were narrowly tailored to serve the state's compelling interest in preserving the "impartiality" of the state judiciary.

The justices observed that the concept of "impartiality" is vague and may be defined in at least three different ways. For example, they wrote, impartiality might mean "the lack of bias for or against either *party* to the proceeding" (emphasis added). They held that the announce clause was not narrowly tailored to achieve this goal because the clause "does not restrict speech for or against particular *parties*, but rather speech for or against particular *issues*" (emphasis added).

Alternatively, the Court wrote, if impartiality is a "lack of preconception in favor of or against a particular *legal view*," (emphasis added) promoting it is not a compelling state interest because "[a] judge's lack of predisposition regarding the relevant legal issues in a case has never been thought a necessary component of equal justice." The majority observed that it would be "virtually impossible to find a judge who does not have preconceptions about the law," and, indeed, if a judge did not have preconceived views on legal issues, this "'would be evidence of lack of qualification, not lack of bias.'"

Finally, assuming that impartiality is "openmindedness," the justices wrote that although this attribute is

"desirable" in the judiciary, they were unconvinced that the Minnesota Supreme Court adopted the announce clause to promote it; instead, they concluded that the purpose of the announce clause was to "undermin[e]...judicial elections."

The Court observed that there is "an obvious tension" between popularly electing judges and the announce clause, "which places most subjects of interest to the voters off limits." The justices held that "the notion that the special context of electioneering justifies an *abridgment* of the right to speak out on disputed issues sets our First Amendment jurisprudence on its head," (emphasis in original) and they noted that the Court has "never allowed the government to prohibit candidates from communicating relevant information to voters during an election."

***White's* impact on Illinois and other states.** Nearly 40 states elect judges, and these states, in varying degrees, restrict what judicial candidates may say or do while campaigning to promote an image of fairness and independence for the courts. Minnesota was one of nine states that incorporated the "announce clause" within their judicial canons. It is clear that, under *White,* speech restrictions under the announce clause are no longer valid.

However, the impact of *White* on states that employ other means to restrict what judicial candidates may say remains unclear. The *White* opinion was careful to limit its ruling to the validity of the announce clause, and the decision also stated that not all restrictions on speech unique to judicial elections would be unconstitutional: "[W]e neither assert nor imply that the First Amendment requires campaigns for judicial office to sound the same as those for legislative offices."

Nearly 30 states, including Illinois, have incorporated the so-called "commitment clause" within their judicial canons. The commitment clause prohibits "statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court." See Illinois Supreme Court Rule 67A(3)(d)(i). Indeed, the Court in *White* specifically declined to address the validity of the "commitment clause."

Furthermore, although the *White* Court observed that the Minnesota code of judicial conduct also contained a narrower "pledges or promises" canon prohibiting candidates from promising how they will vote in future cases, the justices in the majority explicitly stated that this provision was not challenged in this case and that they expressed no opinion as to its validity.

Thus, in *White*, the Court invalidated only one type of restriction on the speech of judicial candidates – the restriction found within the announce clause – and left for another day the question of the validity of other types of restrictions. It appears that the Court in *White* has not ruled out all restrictions on what candidates for judicial office may say, and that there may still be room for regulation of judicial elections. What the parameters of such regulation will be, however, remains an open question.

*– Michele Jochner**

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**ABA Standards for case disposition**

The American Bar Association recommends the following schedule for adjudicating or otherwise concluding cases.

| **CASE TYPE** | **90 percent** | **98 percent** | **100 percent** |
|---|---|---|---|
| | | | |
| General Civil | 12 months | 18 months | 24 months |
| Domestic Relations | 3 months | 6 months | 12 months |
| Felony | 120 days | 180 days | 365 days |
| Misdemeanor | 30 days | — | 90 days |

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