

The Resource Page: Focus on the Clinton Judicial Appointees

TOTAL CLINTON ADMINISTRATION APPOINTMENTS

Supreme Court	2
Circuit Court of Appeals	65
Trade Court	5
District Court, Art. III	305
District Court, Art. I	2
Court of Claims	7
Total	386

African-American	63	16%
Asian	5	1%
Hispanic	26	7%
Native American	1	0%
Women	115	30%
With Disabilities	5	1%

Source: United States Department of Justice. Figures include only nominations confirmed by the United States Senate.

A COMPARISON OF JUDICIAL NOMINATIONS

	Clinton I		Clinton II		Bush		Reagan I & II	
Total	233		222		195		385	
Men	160	69%	157	71%	158	81%	353	92%
Women	73	31%	65	29%	37	19%	32	8%
White	169	73%	172	77%	173	89%	361	94%
African-American	42	18%	31	14%	13	7%	7	2%
Hispanic	16	7%	14	6%	8	4%	15	4%
Other Minority	6	3%	5	2%	1	1%	2	1%
Women & Minorities	53%		46%		27%		15%	
ABA rated "well qualified"	65%		53%		52%		53%	

Source: United States Department of Justice. Data for the Clinton Administration includes all nominees except ones that were withdrawn.



The Resource Page



NEW BOOKS

ROBERT W. TOBIN, *CREATING THE JUDICIAL BRANCH: THE UNFINISHED REFORM*. National Center for State Courts, 1999 (\$27). 262 pp.

Robert Tobin places judicial independence within the state courts in context. Prior to 1950, state courts were a separate branch of government only in concept, if that. Without the administrative machinery to carry out its own mission, state appellate courts could not effectively lead their trial court brethren, and trial courts were so intertwined with local governments that they took on the unique characteristics of their fiscal hosts and defied being part of a coherent whole. Tobin reviews the administrative reforms that have turned the state judiciaries into more of a coequal branch of government. For those of us who lack Tobin's four decades of experience in court management and reform, the review of how we got to where we are today places current court reform ideas in their proper context. Tobin doesn't stop, however, with his description of the reform efforts of the past half century. He concludes with a review of the present court reform agenda—court and community collaboration, service-oriented courts, specialty courts, reform of the adversarial process, and the broadening view of what constitutes "justice." Any state court judge who is interested in the world outside his or her own courtroom would find this book of interest.

DAVID C. STEELMAN, JOHN A. GOERDT & JAMES E. McMILLAN, *CASEFLOW MANAGEMENT: THE HEART OF COURT MANAGEMENT IN THE NEW MILLENNIUM*. National Center for State Courts, 2000. (\$27). 272 pp.

For judges primarily interested in the world view from within their own chambers, this book is a practical, use-

ful reference. Most judges might look for guidance on managing the flow of cases from their colleagues, from a court administrator, from the brief coverage in a seminar, or from an article they once clipped out. David Steelman and his coauthors have shown, however, that there is much more to be learned on this subject, and they have organized these materials in a way that is readily accessible. The authors suggest that caseload management is the "conceptual heart" of judicial administration, and they bring together the best research on that topic from the past three decades. Specific suggestions are provided for civil, criminal, traffic, juvenile offender, child protection, divorce, and probate cases. In addition, concerns specific to rural and urban courts are discussed. Throughout the book, specific examples are provided. With an investment of \$27 and a little of your time, any judge should be able to get some practical tips from this book that would improve the daily working conditions in chambers.



WORTH NOTING

TJ Conference

The Second International Conference on Therapeutic Jurisprudence will be held May 3-5, 2001 in Cincinnati, Ohio. The conference, which will be held at the Glenn Weaver Institute of Law and Psychiatry at the University of Cincinnati, will allow judges, lawyers, educators, and others to explore the potential of therapeutic jurisprudence. A Web site regarding the conference can be found at <http://www.law.uc.edu/tj2001>. For those wanting background on therapeutic jurisprudence, take a look at the special issue of *Court Review* from Spring 2000. It's available on the Web at <http://aja.ncsc.dni.us/courtrv/review.html>.

Anastasoff Update

The most original assault ever made on rules prohibiting the citation of unpublished appellate decisions has ended with a whimper, not a bang. At least for now. In our Summer 2000 issue, we excerpted the decision of a panel of the United States Court of Appeals for the Eighth Circuit, which had held that such rules, at least in the federal courts, were unconstitutional. *Anastasoff v. United States*, 223 F.3d 898 (8th Cir. 2000), excerpted in *Court Review*, Summer 2000 at 37-39. That opinion was later vacated in an en banc opinion, 235 F.3d 1054 (8th Cir. 2000), after the government changed its position, mooting the underlying dispute. With respect to the constitutionality of its rule on citation of unpublished opinions, the court concluded, "The constitutionality of [our rule] which says that unpublished opinions have no precedential effect remains an open question in this Circuit." *Id.* at 1056.

FOCUS ON THE CLINTON JUDICIARY

The Resource Page presents a demographic overview of the judicial appointees of President Bill Clinton at page 43.

SUGGESTIONS FOR THE RESOURCE PAGE

Each issue of *Court Review* features The Resource Page, which seeks to help judges find solutions to problems they may be facing, alert them to new publications, and generally try to provide some practical information judges can use. Please let us know of resources you have found useful in your work as a judge so that we can tell others. Write to the editor, Judge Steve Leben, 100 N. Kansas Ave., Olathe, Kansas 66061, e-mail: sleben@ix.netcom.com.