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Russell J. Otter

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President's Column

"A GOOD JUDGE"

Russell J. Otter

Founded in 1959, the American Judges Association has long been "The Voice of the Judiciary®." This role has been amplified in recent times with the mission of "Making Better Judges®," which is premised on the assumption that our members are good judges already.

Electors and governments choose those whom they consider will make good judges. The AJA seeks to make good judges better.

What makes a good judge has been the subject of extensive debate and dispute over the years by numerous judges, lawyers, and other commentators. Whether a judge is elected or appointed, it matters not. Among the two foremost qualities of making good judges, I would submit, are professional excellence and judicial temperament.

In an assessment of that appropriate temperament, consideration is given to personal characteristics. According to the Ontario government's advisory committee on judicial appointments, these personal characteristics should include the following:

- an ability to listen;
- respect for the essential dignity of all persons regardless of circumstances;
- politeness and consideration for others;
- moral courage and high ethics;
- the ability to make decisions on a timely basis;
- patience;
- punctuality;
- good regular work habits;
- a reputation for integrity and fairness;
- compassion and empathy; and
- an absence of pomposity and authoritarian tendencies.

Simon Rifkin, an American lawyer, in a speech highlighted in the *New Yorker* (May 23, 1983, at page 63), said that "the courtroom, sooner or later, becomes the image of the judge. It will rise or fall to level the judge who presides over it No one can doubt that to sit in the presence of a truly great judge is one of the great and moving experiences of a lifetime." From a common-law jurisdiction, Lord MacMillan, a former member of the House of Lords, once wrote that "courtesy and patience must be more difficult virtues to practice on the Bench than might be imagined seeing how many otherwise admirable judges have failed to exhibit them, yet they are essential if our courts are to enjoy public confidence." (*Law and Other Things* 218-19 (1937)).

The primary mechanism of the American Judges Association

in Making Better Judges® has always been its outstanding educational programs, which promote professional excellence. These include regular updates on leading appellate decisions such as the widely acclaimed lecturer on American constitutional law, Dean Erwin Chemerinsky, from University of California, Irvine, School of Law. On the Canadian side, our journal, *Court Review*, includes a regular update of Supreme Court of Canada decisions by Judge Wayne Gorman from Newfoundland.

Our next annual meeting is from September 11 to 15, 2017, at the Renaissance Cleveland Hotel in Cleveland, Ohio—the home of the Rock and Roll Hall of Fame, the American League Champion Cleveland Indians, the National Basketball Association Champion Cleveland Cavaliers, and the 2016 host of the Republican National Convention. There will be fascinating and informative presentations under the theme of "Improving Access to Justice" on such topics as Courts and Technology, the Right to Counsel, Procedural Fairness, and Pretrial Justice for Juveniles. On professional ethics and conduct, there will be a special session dealing with Living Outside the Robe: How to Manage Life Beyond the Bench, and a timely presentation on the intersection between courts and the communities they serve.

Your professional duty is an ongoing obligation to become a better judge. What better way to do it than to attend an educational program put on by the American Judges Association?

To register for this or other conferences, please go to our website: <http://www.amjudges.org/conferences/>. Urge your colleagues to attend! If they are not already members of the American Judges Association, they can become first-time members with a complimentary membership for their first year. Direct them to the AJA website for that purpose and to see all the other benefits of AJA membership.

Judicial education is a vital and central requirement in Making Better Judges®. In this regard, I wish to announce that the midyear educational conference in 2018 will be April 19 to 21 in Memphis, Tennessee. The 2018 annual conference will be in Lihue, Hawaii (Island of Kauai), from September 22 to 27, 2018.

The American Judges Association is the largest independent judges' association in the United States. Your continued involvement in our educational programs and by maintaining your membership helps us maintain that position. Membership can also strengthen the judicial characteristics that resulted in your election or appointment.

Hope to see you in Cleveland.

