

Judicial Philosophy

History is Philosophy teaching by examples. Thucydides

Jim Drennan
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Judges' decisions are a function of what they prefer to do, tempered by what they think they ought to do, but constrained by what they perceive is feasible.
James Gibson

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Philosophy drives attitude. Attitude drives actions. Actions drive results. Results drive lifestyles." That's a quote from America's business philosopher, Jim Rohn. If you don't like your lifestyle, look at your results. If you don't like your results, look at your actions. If you don't like your actions, look at your attitude. If you don't like your attitude, look at your philosophy. Most salespeople make the fatal mistake of starting in the middle. They start with "action." If you have no philosophy and you have a lousy attitude, what kind of action are you going to take? And if I asked you for your philosophy right now, your most likely response would be "Duh!"

Jeffrey Gitomer

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Apple (Job's) Philosophy

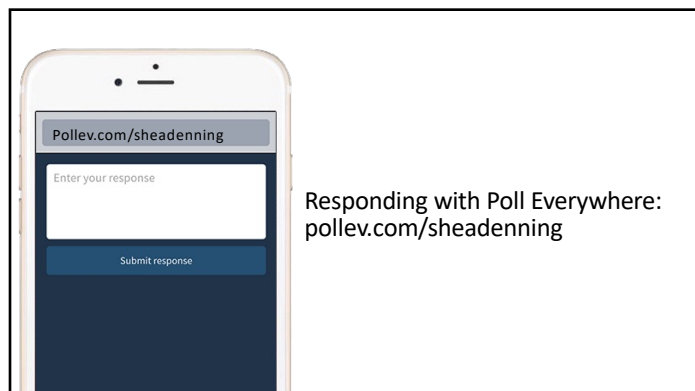
- Stylish design
- Touch screen
- Combine many functions
- One button
- People will pay more



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What three or four words describe your judicial philosophy? Use single words -- not phrases.

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What 3 or 4 words best describe how you would like to be described/remembered as a judge? Use single words -- not phrases.

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Your Philosophy

- What three or four words best describe what you are trying to achieve in your philosophy of judging?
- What three or four words best describe the way you want to be perceived as a judge?
- What three or four words best describe the traits you want to demonstrate as a judge?

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Ways to classify judges

- Activist—restrained
- Liberal—conservative
- Legal stickler—practical
- Due process—guilt/innocence
- Majority oriented—minority protective
- Independent—politically sensitive
- Controlling—laissez faire

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Sources of Motivation to Be a Judge

1. Adulation
2. Status
3. Mission
4. Obligation
5. Game
6. Program

No wrong answer. You can be a great judge in any category. This is a measure of what animates your life as a judge—where meaning comes from, for you.

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Adulation

- An adulation judge would see his role as trying to be fair and pleasant to all involved so that all participants held a good opinion of him. Typically very interested in helping people with whom he or she comes in contact. See's a value in harmony, to the extent possible.

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Status

- A status judge would stress the need for judges to maintain a good reputation and preserve respect for the court; most people in this category would do that by following traditional roles and meeting traditional expectations.

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Mission

- A mission judge would define his or her role as trying to improve society as a whole; often through addressing a particular cause (substance abuse, child abuse, dv, etc.)

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Obligation

- An obligation judge would stress his sense of duty—it's an important part of the system, and whether I like it or not is not the main thing. Often reflects a deference to rules and institutions and emphasizes the need for neutral umpire

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Game

- A game judge would express his or her role as the person in charge who has to keep things running smoothly, and make sure the game is played well and fairly. Enjoys playing the justice game, with the procedural challenges that may provide

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Program Judges

- A program judge would stress the role of the courts as a problem solver, within the courts. Often interested in the courts as a management entity.

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My "Motivational" type is:

1. Adulation—positive feedback from those close by
2. Status—prestige or respect from public
3. Mission—identity with a cause that provides purpose for life
4. Obligation—driven by duty; oriented toward principles
5. Game—enjoys the intellectual challenge, enjoys being in charge in managing things-activity oriented
6. Program—analytical problem solver and policy influencer

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To the extent that one goes to sleep in a dream of unattainable perfections, he becomes a victim of uncertainties. . . The courageous attitude of accepting uncertainty makes one's world picture more complex . . . But . . . as we learn more . . . we reduce the danger of being crushed [by our imperfections]. . *That is the paradox of wisdom: Insofar as we become mindful that life must be less perfect than we would like it to be, we approach near to perfection.*

Jerome Frank, *The Mind of the Law*.

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Dilbert's Office Meditation

Grant me the serenity to accept the things I cannot change; the courage to change the things I cannot accept; and the wisdom to hide the bodies of those people I had to kill today because they pissed me off. And also, help me to be careful of the toes I step on today, as they might be connected to the butt that I might have to kiss tomorrow.

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