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Florida Supreme Court adopts no-frills judicial robe policy

By Debra Cassens Weiss
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The late Chief Justice William H. Rehnquist **wore stripes** on the sleeves of his robe, inspired by the design of a Gilbert and Sullivan character. Justice Ruth Bader Ginsburg **favors a white lace collar**.

In Florida, however, judges will have to stick to basic black, unadorned robes, as a result of a new rule approved last Thursday by the Florida Supreme Court. The **Legal Profession Blog** and the **Palm Beach Post** covered the pronouncement, adopted on the court's own motion.

The rule states that, "during any judicial proceeding, robes worn by a judge must be solid black with no embellishment." The Florida

Supreme Court said the rule would promote trust and confidence in the judicial system.

The decision might please Washington Post style columnist Robin Givhan, who **called the basic black judicial robe** "fashion perfection" in an October 2010 column. The black robe "sends a singularly powerful message: I am here to uphold the law, without prejudice," Givhan wrote.

The Florida Supreme Court said embellished or different colored robes could lead to uncertainty for those coming before the courts. An embellishment could cause confusion about whether it denotes a rank based on tenure, ability or some other factor. A robe of a different color could lead to questions about whether the judge is "a real judge" or whether the judge is taking the proceedings seriously.

In addition, the Florida Supreme Court said, robe color could be seen as a reflection of a judge's mood or attitude that day.

"Should a defendant facing the death penalty feel trepidation when the presiding judge appears in a red robe or feel more at ease when the robe is green?" the court wrote. "The possibility that the unique attire of the judge assigned to one's case could raise these concerns and thereby diminish public trust and confidence in the proceedings is not acceptable."

Before adopting the rule, the court had published notice and sought comments.



Conferences of county and circuit judges took no position. The Rules of Judicial Administration Committee said the rule was appropriate. But the Conference of District Court of Appeal Judges didn't see a need for the rule and said it was unaware of any inappropriate circumstances that would be curtailed by the rule.

Another commenter, Judge Merrilee Ehrlich of Broward County, said any problem should be addressed on a case-by-case basis, rather than with a blanket rule, according to the Palm Beach Post story. "I wear a simple white lace collar on my plain black robes to add a touch of femininity to the dignity of the robe," she wrote. "It is equally important for the Florida Supreme Court to acknowledge that we now have a diverse bench."

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