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The rising popularity of section 1983 suits is likely to cause increasing numbers of judges to seek the protection of judicial immunity. If recent lower court decisions are any indication of what the future holds, most of the problems of judicial immunity will result from mistakes the Supreme Court made in Stump v. Sparkman. At the very least, the Court should clarify the term "judicial act." Moreover, the Court should recognize that a reasonable definition of that concept, and the development of means of judicial review of administrative action other than by prerogative writ, have obviated any need for the jurisdictional limit on immunity. Finally, the Court should recognize that the most important policy that judicial immunity serves is the protection of the appellate system from improper collateral attacks on judgments and, therefore, that invoking judicial immunity to protect acts that prevent access to appellate review must not be permitted.

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