

# Court Review

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## EDITOR'S NOTE

**T**he world—and we in the courts—faced a unique set of challenges in 2020. In this issue, we look for lessons from the social protest movements of the last year. As judges, we are dedicated to achieving actual fairness and impartiality; at the same time, we are limited in the roles we can play in advocating for or against contemplated reforms.

We in the courts can be of two minds in discussing reforms. We cherish the strengths of our system of justice and want to defend those strengths even as we may see shortcomings that merit change. At the same time, we are mindful of the dangers of undermining the credibility of the strengths in the existing system even as we recognize the need for transparency about our shortcomings to enhance that desired credibility.

The community can also be of two minds in approaching the courts. For many of us, protestors gathered at our courthouses demanding greater justice. But, at times, they also halted our provision of the very justice they demanded.

Our cover is a graphic illustration of the contradictions inherent in approaching the strengths and weaknesses of our courts. The photograph depicts the state supreme court building in my state, Colorado. It is relatively new and a fitting symbol of the judiciary in this state with many innovations. In 2020, it was shut down by protests. The windows were smashed and fences were erected to bar the public even from approaching the seat of our judiciary.

We as a community and as members of the judiciary see the condition of the courthouse every day (figuratively for some) and, if we bother to look, can easily see its injuries and flaws that need tending. Yet, I am sorry to say, it still sits there in 2021 with broken windows untended, boarded up sections gathering more scars, and surrounded by that fence preventing the people's approach.

A shortcoming in an institution can be like a hole in a wall of your home. You mean to address it when you first notice it. But, daily life keeps you from getting to it and, before long, you become blind to it, you begin to accept it, and, sometimes, you don't even notice as it leads to greater undermining of your home's structural integrity.

In this issue, we try to take a hard look at our beloved institution and address that deferred maintenance most of us already know needs our attention. We look to start the momentum for concrete steps to address those issues we've all set aside for too long.

We start with a discussion of the challenges of our dual roles in *As Judge and Citizen: An Ethical Path to Racial Justice* from former AJA president, Justice Robert

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*Court Review*, the quarterly journal of the American Judges Association, invites the submission of unsolicited, original articles, essays, and book reviews. *Court Review* seeks to provide practical, useful information to the working judges of the United States and Canada. In each issue, we hope to provide information that will be of use to judges in their everyday work, whether in highlighting new procedures or methods of trial, court, or case management, providing substantive information regarding an area of law likely to be encountered by many judges, or by providing background information (such as psychology or other social science research) that can be used by judges in their work. Guidelines for the submission of manuscripts for *Court Review* are set forth on page 118 of this issue. *Court Review* reserves the right to edit, condense, or reject material submitted for publication.

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On the cover: The Ralph L. Carr Colorado Judicial Center, in Denver, Colorado, was built in 2012 and designed by Fentress Architects. The Center incorporates an innovative Judicial Learning Center, [cjl.c.colorado.gov](http://cjl.c.colorado.gov). Photographer Bryan Lopez, taken November 17, 2020.

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