

# Court Review

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## EDITOR'S NOTE

**G**reetings from the Editors of *Court Review*! Even though we are all thinking that the pandemic is past, our courts are still working on the aftereffects. Overdue jury trials, long awaited hearings, and the pent-up demand for attention among our litigants keeps our caseloads active and urgent. As judges confront the everyday problems of ordinary Americans, we are always committed to providing valuable content and information to help ease the burden. Congratulations to you for all the hard work amidst an uncertain time.

Perhaps the leading legal story of this year is our Supreme Court. Even besides the decision overturning *Roe v. Wade*, there has rarely been a time in which the Court has taken such a central role in American society. This issue again presents the annual return of our U.S. Supreme Court review of notable civil cases from the 2021 Term ending last June 30. Thomas M. Fisher, Solicitor General of the State of Indiana, and four-time High Court contender, again adroitly outlines a challenging set of civil cases. We all benefit from this formidable round-up of our current legal landscape.

Have you ever wondered whether there is any kind of social science that applies to jury selection? A trio of scholars—Richard Rogers, Eric Y. Drogin, and Sara E. Hartigan—set out to address that question especially with respect to death penalty trials and juror impartiality. In “Threats to Impartiality in Capital Jury Selection,” jury selection research is reviewed comparing the effectiveness of general voir dire techniques with strategic questioning regarding biases and data about honesty of jurors. The article makes a strong case for more empirical testing about jury questioning, and improved voir efforts in death penalty matters. It is a valuable article for all jurists whether or not they preside over jury trials.

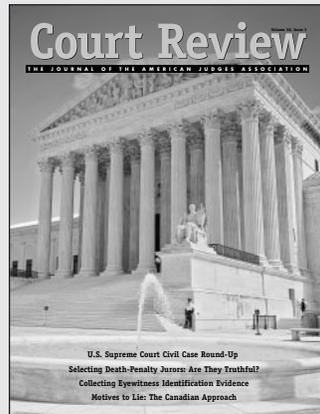
In “Science-Based Recommendations for the Collection of Eyewitness Identification Evidence,” Professor Margaret Bull Kovera, with three graduate student co-authors, outlines cogent data and arguments regarding best practices to ensure validity and fairness of eyewitness identification and testimony. The discussion of lineups, showups, and other law enforcement procedures is very beneficial for judges when applying standards of admissibility in criminal cases.

Our Resource Page is always a qualitative extra for our readers. This issue, we present some worthy references for relevant topics affecting our everyday judicial practice. A recent symposium on judicial independence makes valuable material available for all of us as we consider this growing challenge to judges and court staff in times of crisis. We are all affected by mental pressure, and the National Center for State Courts presented a great study last year applying data about workplace stress in court environments. In addition, there are helpful references for resources for family and juvenile court judges as well..

Finally, we always welcome Judge Wayne Gorman's regular column from the Canadian perspective. This issue presents a very interesting look at witness motives to lie, and embellishment of testimony. It is thought-provoking and gratifying.

Thanks for reading *Court Review*.

— David J. Dreyer



*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 149 of this issue. *Court Review* reserves the right to edit, condense, or reject material submitted for publication.

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On the cover: “United States Supreme Court Building on a Clear Day” by Sunira Moses, CC BY-SA 3.0, via Wikimedia Commons. The U.S. Supreme Court Building is located in Washington, D.C. After presiding in many locations, including New York City, Philadelphia, and some U.S. Senate Building rooms, the Supreme Court began its first term in a this separate permanent structure in 1935. Its architect, Cass Gilbert, designed the building as an example of neoclassical style, and a balance between classic grandeur and quiet dignity in harmony with nearby government buildings. Besides its courtroom, and offices for justices and clerks, the building also includes a gym and basketball court, sometimes called the “Highest Court in the Land.” In 1987, the building was designated a National Historic Landmark.

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