

# Court Review

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## EDITOR'S NOTE

**T**his issue provides two articles and a book review dealing with expert witnesses and their interactions with courts and judges.

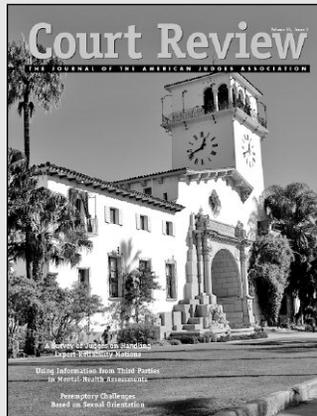
Our lead article, from Professor Andrew Jurs, reviews the results of surveys he conducted with judges in six states. Jurs wanted to compare how judges handled expert-witness issues in states using the traditional admissibility test of *Frye v. United States*, 293 F.1013 (D.C. Cir. 1923) (adopting the general-acceptance standard), and in states using the factor test announced in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). As judges, we often are unaware of whether we are in the mainstream among judges or are outliers. If you sometimes decide whether an expert's testimony is admissible under the standards applicable in your jurisdiction, we think you'll find of interest how judges are applying both the *Frye* and *Daubert* standards today.

Next, a group of researchers in the Department of Psychology at Drexel University reviews the use of information from third parties in psychological or psychiatric evaluations. Such information may be used by experts in child-custody evaluations, evaluations of competence to stand trial, risk assessments, civil-commitment proceedings, and other cases. The researchers discuss limitations that experts should recognize in their use of this information as well as the legal standards judges must apply. To the extent that admissibility is determined by practice in the field, the researchers conclude that the use of third-party information in forensic mental-health evaluations is "strongly supported within the fields of forensic psychology and forensic psychiatry."

For those interested in a detailed review of forensic mental-health assessments in legal proceedings, Judge John W. Brown and attorney Benjamin K. Hoover review the book *Forensic Assessments in Criminal and Civil Law*. The review specifically examines this book as a resource for judges.

Our issue concludes with consideration of the use of peremptory challenges to eliminate potential jurors based on their sexual orientation. Law student Colin Saltry considers how the standards of *Batson v. Kentucky*, 476 U.S. 79 (1986), which prohibits race-based peremptory challenges, might be applied in this context.

This is the first issue with my new coeditor, Eve Brank. Eve and I welcome your suggestions for future issues. Feel free to correspond with either or both of us by email (sleben56@gmail.com; ebrank2@unl.edu).—SL



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

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Cover photo, Mary S. Watkins (maryswatkins@mac.com). The cover photo is the Santa Barbara (Calif.) Courthouse, home of the Santa Barbara Superior Court. The courthouse was built between 1926 and 1929, with construction finished four months before the stock-market crash. The building was listed on the National Register of Historic Places in 1982 and was designated a National Historic Landmark in 2005. For more information about the building, see <http://goo.gl/AU9Kxf>.

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