



The Resource Page



NEW PUBLICATIONS

Jon O. Newman *Benched: Abortion, Terrorists, Drones, Crooks, Supreme Court, Kennedy, Nixon, Demi Moore, and Other Tales from the Life of a Federal Judge*. William S. Hein & Co., Inc., 2017. 306 pp. (\$29.95). <https://www.wshein.com>.

In contrast to many memoirs now being published, *Benched* is not the story of a miserable childhood, a struggle against enormous odds, or escape from a dysfunctional family. Rather, its author, Judge Jon O. Newman, tells of his balanced and uncommonly productive life, much of it spent as a federal judge for the district court and then the court of appeals for the Second Circuit.

Judge Newman's path to the federal appellate bench was paved with well-connected mentors, who seemed eager to provide him with opportunity after opportunity. However, the book shows that this "charmed" career was the result not just of luck, but of his obvious competence and deep willingness to take on thankless duties. Judge Newman attended Princeton University and Yale Law School and then served as a law clerk on the D.C. Circuit Court of Appeals. This clerkship led, remarkably, to an offer to serve as a clerk for Chief Justice Earl Warren, even though he had not formally applied for the position. The section on his time at the Court provides a fascinating, if all-too-brief, glimpse of its workings at the time.

The tales from the bench, including his important cases involving abortion, are more interesting from the years before his appointment to the appellate court, where even big cases with big names, can be fairly dry. What shines in the latter part of the book is the clarity of Judge Newman's mind and his ability to explain complicated legal issues clearly and concisely. In sum, the book offers an entertaining mix of political history, legal insights, war stories, and a glimpse inside the mind of a happy judge.

Andrea L. Miller, *Expertise Fails to Attenuate Gendered Biases in Judicial Decision-Making*, SOC. PSYCHOL. AND PERSONALITY SCI. 1-8 (8 pp)(Sage 2018). <http://journals.sagepub.com/doi/pdf/10.1177/1948550617741181>

Professor Andrea L. Miller, a social psychologist at the University of Illinois, conducted a set of controlled experiences in which trial court judges and laypeople evaluated a hypothetical child custody case and a hypothetical employment discrimination case. Professor Miller compared judges' and laypeople's decision making and determined that judges were no less influenced by litigant gender and their own gender ideology than were laypeople, suggesting that expertise does not attenuate gendered biases in legal decision making.

Arizona Task Force on Digital Evidence Issues Report

In 2016 Arizona's Supreme Court directed the creation of a Task Force on Court Management of Digital Evidence (Hon. Samuel A. Thumma, Chair). Their report is available at <http://www.azcourts.gov/cscommittees/Digital-Evidence-Task-Force> and published in 13 WASH. J. L., TECH. & ARTS 2 (Winter 2018) (<http://hdl.handle.net/1773.1/1788>). The report includes 10 recommendations for how to approach the issue of digital evidence. Among them:

A standardized definition of basic terms used throughout rules of court, such as what exactly is "digital evidence," "electronic evidence," "video," etc.

Standardized set of formats and technical protocols for all courts and cases in the state along with a rules change requiring all digital evidence to be submitted in the standard format(s).

Deciding where and how the digital evidence is to be stored.

Amending court rules to balance public access to court records with the rights and privacy of victims and non-victim witnesses.



ONLINE RESOURCES

The National Center for State Courts has launched a webpage, *Opioids and the Courts*, as an online resource center to provide courts with materials and information about how best to respond to the opioid epidemic. Currently, the page provides statistics, a news roundup, and listings of available resources, including child welfare, medication-assisted treatment, and recommendations from national organizations. Materials developed and collected by the National Judicial Opioid Task Force will be located on this site as they are developed. Task Force co-chairs are Indiana Chief Justice Loretta Rush and Tennessee State Court Administrator Deborah Taylor Tate. <http://www.ncsc.org/opioidsandcourts>.

The National Center for State Courts has a Resource Center on "Improving Relationships with ICE." Among other resources, the site contains information from judges and justice stakeholders throughout the U.S., DOJ and DHS statements and materials, reference materials concerning the authority of courts to limit access to premises or information, state and local procedures and initiatives, and references to resources to understand potential legal or ethical issues related to actions by judges and court officials. <http://www.ncsc.org/Topics/Courthouse-Facilities/Improving-Relationships-with-ICE/ICE.aspx>.

The Cyberviolence Court Training Initiative referenced on the Resource Page in Court Review Vol. 53:1 is underway, and webinars and in-person trainings are available for judicial officers around the U.S. If you are interested in attending a webinar or in-person training, contact the National Network to End Domestic Violence, www.nnedv.org or the Safety Net Project at www.techsafety.org for information about upcoming events.