

Court Review

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EDITOR'S NOTE

Although there are a lot of things about 2020 that we would rather forget, it will always remain a year we have to remember. The leading reason, of course, is the Covid-19 pandemic, which affects every aspect of life. Measuring these effects is only just beginning, but there are important data to share. This issue of *Court Review* presents our readers with a focus on the pandemic tailored to our judge readers and others who are interested in how courts are being affected. Katheryn Yetter, Senior Academic Director for the National Judicial College, joins psychologist David X. Swensen in “Judicial Stress and Resiliency Survey—Covid-19 Update.” Surveying over 1,000 judges of all jurisdictions, the article outlines stressors unique to courts from the pandemic, including “Zoom fatigue.” It is a valuable study for our understanding of our environment, and prudent steps to stay mentally healthy during these tough times. The National Center for State Courts (NCSC) is also leading the way to help judges withstand the virus's effects. In “Jury Trials In A (Post) Pandemic World—National Survey Analysis,” we reprint the NCSC's review of its survey of the general public to find out how the pandemic affects potential jurors, and what works to ensure proper accommodations. Moreover, the Institute for the Advancement of the American Legal System (IAALS) allows us to reprint “Pandemic Positives: Extending the Reach of Court and Legal Services,” a report gleaned from the activities and feedback from a cross-section of courts and legal services organizations. It concludes that not everything about the pandemic is necessarily bad, at least not among the legal system and its needy litigants. By documenting and detailing examples, statistics, and overall comparisons, all courts and organizations found the pandemic emergency made them work better, and develop better resources to serve more people. Finally, we are always proud to feature Judge Wayne Gorman and his worthy Canadian perspective. For our focus, he offers “Judging in the Time of a Pandemic: The Impact of Covid-19 on Bail and Sentencing in Canada.” The article deftly lays out good research and information about the impact of remote court activity in criminal courts up north, as well as how judges feel about what is happening.

In addition to the pandemic focus, we offer a diverse group of topics to benefit our readers' everyday work. In “The Value of Intuition in Judging: A Case Study,” Professor Joseph Kimble presents an example of how judges can use “reasoned intuition” to lead them when the letter of the law or legislative history does not. Doctoral student Evan Murphy joins Professor Markus Kimmelmeier and the National Judicial College's Patrick Grimes to explain their interesting survey regarding what judges think about continuing education in “Motivations, Barriers, and Impact of Continuing Judicial Education.” The line of cases underlying the taking of blood without a warrant is presented in Jessica Riders's “Warrantless Blood Draws and the Fourth Amendment: A Chronological Look at U.S. Supreme Court and State Supreme Cases from *Missouri v. McNeely* to *Commonwealth v. Bell*.” Judge David Suntag's essay about how judges' personal approaches in domestic violence cases affects people in substantive and important ways completes the issue with “Pleas, Plea Bargaining, and Domestic Violence: Procedural Fairness As An Answer To A Failing Process.”

Thanks for reading *Court Review*!—David 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 32 of this issue. *Court Review* reserves the right to edit, condense, or reject material submitted for publication.

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On the cover: In these difficult times, our traditional historic courthouse cover is replaced by this urgent image facing all courts now. Pictured is the El Paso County Judicial Building for the 4th Judicial District in Colorado Springs, Colorado. Photo by Chelsea Olstad.

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