

# Court Review

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## EDITOR'S NOTE

**G**reetings from the Editors of *Court Review*! We are all heading into the last quarter of yet another year of pandemic, and our courts surely feel the brunt of it all. As judges confront the everyday problems of ordinary Americans, the ongoing stress and management challenges are taking its toll. 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.

This issue presents the annual return of our U.S. Supreme Court review of notable civil cases from the 2020 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 and discussion of our current legal landscape.

Have you ever wondered how you are managing your emotions on the bench? A trio of scholars—Sharyn Roach Anleu, Jennifer K. Elek, and Kathy Mack—delve into ABA Canons and real disciplinary cases to discuss data and judicial dos and don'ts in *Judging and Emotion Work*. Part of a project studying U.S. and Australian courts, they construct a unique approach of how judges should be aware of their emotions and be good judges. It allows for judges to have emotion, but to manage emotions skillfully. It is a valuable article for all jurists of any age or experience.

As the pandemic continues, the ramifications will continue to multiply. Among employers, the issues regarding worker safety, vaccine mandates, remote performance, and others are developing and unsettled. The problem for courts is acute considering their obligation to provide access to justice and jury trials and to manage employees. Heather R. Falks, an employment attorney and the ADA administrator for the Indiana Office of Court Administration, expertly tackles this conundrum in *Covid-19 Employer Liability Still Unknown*. It is required reading for all of us who hire, fire, and supervise court staff.

Sometimes we judges become too preoccupied with our everyday pressures and cannot appreciate what we can do outside the courtroom that is just as valuable. Judge George Nicholson believes his experience over a long judicial career has shown that judges are uniquely qualified to calm the storms of social division. In *A Judge's Experiences and Reflections on Restoring Community*, Judge Nicholson presents engaging accounts of judicial community work that has made a difference in tangible ways. Our leadership has improved society, as Judge Nicholson shows.

Finally, we always welcome Judge Wayne Gorman's regular column from the Canadian perspective. This issue completes his 2-part study of social media evidence. After reviewing Canadian common law last issue, Judge Gorman now shows us how the Canada Evidence Act impacts the admission of social media.

Thanks for reading *Court Review*.

—Judge 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 151 of this issue. *Court Review* reserves the right to edit, condense, or reject material submitted for publication.

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On the cover: Originally constructed as City Hall in 1911 after the Great Fire of 1910 destroyed most of downtown Lake Charles, Louisiana, the building also served as City Court beginning in the 1940's until 1995. Court was held in the City Council Chambers. The Italian Renaissance style building is on the National Register of Historic Buildings. It is now used as an Arts and Cultural Center. Photo by Lindsey Janies. Photo generously provided by Judge John S. Hood in honor of his retirement. This was the first building in which Judge Hood served.

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