

# Court Review

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## EDITOR'S NOTE

In this issue, we bring you our annual round up of criminal law and procedure cases issued by the United States Supreme Court. Prof. Eve Primus and her co-author Lily Sawyer-Kaplan provide an informative and thoughtful review of the developments from the Supreme Court's last term on issues like search, flight, tribal authority, and the shadow docket. If you handle any cases in the criminal arena, you will want to keep their summary nearby even after you have read it.

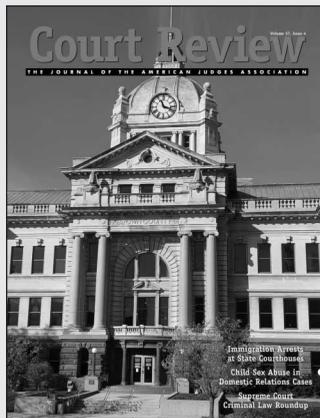
In another timely article, Prof. James Gingerich updates us on developments in the field of making immigration-related arrests at courthouses. You will know that this became a major point of contention around courthouses, particularly state courthouses, over the last few years. Prof. Gingerich provides a thorough and engaging review of the recent history and the serious implications of targeting people for arrest as they exercise rights of access to the courts. Prof. Gingerich also examines for us the latest developments at the national level to address these issues.

For those of us that handle domestic relations cases in the trial court, did you ever notice how frequently we consider allegations of child abuse that would take a criminal trial several days to examine and we handle them in domestic relations hearings along with conducting a full financial accounting in only a couple of hours? Judge Mike McHenry examines some of the issues presented by the way we litigate child sex abuse claims in domestic relations cases. Judge McHenry discusses some of the problems raised by therapist testimony in these cases and the problematic logical fallacies often argued in such cases. Any judge that examines evidence to draw inferences will find Judge McHenry's article an enlightening cautionary tale even if you are not specifically considering a claim of child sex abuse.

Coincidentally, our Thoughts from Canada column in this issue is closely related to the foundational issue of evidentiary inferences addressed in Judge McHenry's article. In his column, Judge Gorman provides a look at truly fascinating case law in Canada addressing the danger of allowing social stereotypes to invade a factfinder's inferences disguised as "common knowledge." While Judge Gorman's column is always interesting, this one is particularly informative to any judicial officer in any jurisdiction. The warnings from Canada's appellate courts about how we approach the drawing of inferences from evidence that Judge Gorman discusses have universal application.

Our ethics columnist, Cynthia Gray of the National Center on State Courts provides us excellent insights on the dangers of *ex parte* communications and identifies some situations we may not consider without her highlighting them for us. Of course, we also bring you a message from our new president of the AJA, the Resource Page, and the crossword. The hardworking team at *Court Review* hope you find this issue informative and thought provoking.

—David Prince



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

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On the cover: The Brown County, Wisconsin Courthouse. We usually tell you the architect and other building specifics but the proud plaque in the place of honor at this courthouse tells a different story. This courthouse hosted the first stockholders meeting of the Green Bay Football Corp., the Green Bay Packers, in 1923. It also hosted the trial by an injured fan in 1933 whose verdict forced the team into receivership.

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