



The Resource Page

BOOKS FOR JUDGES

Prof. Vicki Lawrence MacDougall of Oklahoma assembled a stellar team of authors to create *Negligence: Purpose, Elements, and Evidence The Role of Foreseeability in the Law of Each State*. Foreseeability has, and always will be, a foundational concept in negligence law. However, the recent publication of the Restatement (Third) of Torts has brought the concept to the front lines of trial and appellate courtroom debates across the country. The new Restatement proposes the elimination of foreseeability from the duty and proximate cause analyses. This proposes results in a variety of analytical and practical problems in tort cases, creating a host of potential conflicts with law and precedent in most states that have followed the Restatement principles in the past. Under Prof. Lawrence MacDougall's skillful guidance, this group of authors minimize the impulse to pontificate and, instead, give the blackletter law of each state on the role of foreseeability—for those states already struggling with the issues raised by the new proposal and those states yet to face them. The book is well organized and gives an introductory primer of torts. The book also provides a good organization for the judge or lawyer wanting to know the foreseeability history in a particular state whether that be the state handling your case or the states to which your state often looks for guidance. If you handle civil cases, the foreseeability issue is coming to you in the near future. This book will provide you with the essential tools to tackle the challenge.

Prof. Shauna Shapiro of Santa Clara University focuses her research on mindfulness and mindfulness-based cognitive therapy. She is a popular speaker on the judicial conference circuit. Prof. Shapiro has an excellent book on mindfulness called *Good Morning, I Love You*. Prof. Shapiro acknowledges that the practice that gave her this title seemed hokey even to her, but she goes on to explain how she overcame her self-conscious discomfort with the practice to discover how it can really help individuals. If you are like me, the research on many mindfulness practices is persuasive but many of the trainings can have too much of a “butterflies

and rainbows” with a dash of “crystals” to embrace. Prof. Shapiro embraces this aspect of mindfulness and is all the more persuasive and informative for doing so. If you are looking for a different angle on mindfulness that might work for you, consider Prof. Shapiro's work.

IMPLICIT BIAS RESOURCE

With support from the State Justice Institute and the National Center for State Courts, NCSC prepared an updated resource for the court community to summarize the current state of the continually maturing science on implicit bias as of March 2021. This report replaces NCSC's 2012 report, *Helping Courts Address Implicit Bias: Resources for Education*.

The Evolving Science on Implicit Bias: An Updated Resource for the State Court Community defines commonly used terms originating from the science of implicit bias; explains how the concept of implicit bias fits into broader conversations underway across the country about equity and fairness; and summarizes what is currently known from research in the psychological and brain sciences, including implicit bias interventions generally found to be effective and ineffective. This report concludes with some implications of this knowledge for state court leaders and other court practitioners who seek to better understand and address the reproduction and perpetuation of systemic biases through this lens.

The full report is available for download at <https://ncsc.contentdm.oclc.org/digital/collection/accessfair/id/911>.

HOW ARE COURTS DOING?

Our old friends at the Institute for the Advancement of the American Legal System (IAALS) have been hard at work as usual to provide us with new insights and resources. Together with their partner The Hague Institute for Innovation of Law (Hiil), IAALS recently released their report “Justice Needs and Satisfaction in the United States of America 2021, Legal Problems in Daily Life.” IAALS and Hiil launched a nationwide study on access to justice in the United States. They launched this study in 2019, just before the pandemic. Their study reveals that our tradi-

tional focus on those with low income as the heart of the access-to-justice problems in the United States is too narrow. The access-to-justice problem in the United States extends far beyond those of low income. In this report, IAALS and Hiil assess the legal needs across income levels. They conducted the first nationwide survey of such an ambitious scope. They present some startling results and provide data informed analysis of the issues. This is a must-read for anyone serious about understanding and addressing access-to-justice issues. You can access the report at <https://iaals.du.edu/sites/default/files/documents/publications/justice-needs-and-satisfaction-us.pdf>

LET'S KEEP TALKING

WE WANT YOUR FEEDBACK.

Have comments or suggestions for **Court Review**?

Have a topic for us to cover? Want to contribute an article? Let us know:

editors@courtreview.org

PHOTOGRAPHERS!

LET'S SEE YOUR COURTHOUSE!

Court Review shows a courthouse on the cover of every issue. We welcome submissions from our members and readers, so please send a photo of your courthouse any time - we hope to use them all!

Image files must be of resolution and dimensions sufficient to print 9" x 12" at 300 dpi. Files may be saved in uncompressed JPG or TIF formats.

Do not send large files by email, file transfer instructions and other technical information can be discussed by contacting us at:

editors@courtreview.org