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"Court Review: Volume 42, Issue 2 - Editor's Note" (2005). *Court Review: The Journal of the American Judges Association*. 30.

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Court Review

THE JOURNAL OF THE AMERICAN JUDGES ASSOCIATION
Volume 42, Issue 2

Summer 2005

EDITOR'S NOTE

Our lead article will be of interest to all judges who made child-custody decisions as part of their work. Psychologist Ira Turkat notes a seldom-discussed but critical point about child-custody evaluations conducted by psychologists—there is no scientific data demonstrating the validity of these reports. Given that fact, he discusses questions judges should ask and the framework within which these reports should be viewed. He also notes a recent Florida Court of Appeals case, *Higginbotham v. Higginbotham* (reprinted at page 9), in which the court noted that a court-ordered psychological evaluation had cost \$20,000, an amount equal to the parties' net worth, in a case in which the appellate court considered the issues "neither complex nor voluminous." The Florida appellate court is right to point out that judges should carefully consider the costs attendant to these investigations. Dr. Turkat's article provides help in considering whether the benefits are likely to exceed the costs for a given case.

We next have Professor Whitebread's annual review of the civil decisions of the past Term of the United States Supreme Court. The final year of the Rehnquist Court was perhaps most noteworthy on the civil side for the opinion upholding the use of eminent domain for business-development purposes. There are other decisions of note as well; many judges find Judge Whitebread's overviews helpful to make sure that new cases have not been missed as each year rolls by.

We round out the issue with two student pieces. First, we have one of the winning papers in our law-student essay contest. In it, Ryan Farley criticizes a recent Ninth Circuit decision dealing with application of the Fourth Amendment in searches of individuals entering the United States at its borders. Second, we have a review by one of our student editors, Angela Brouse, of the book, *Courtroom 302*, which goes behind the scenes of a busy Chicago criminal court for the year 1998.

I believe that the addition of our student editors will help us to continue to have excellent contents in *Court Review* while also getting us back on schedule. We are in the first year of having regular student editors and have selected editors for the coming year as well, with some continuity in the process. We are in catch-up mode, which should be good for you. In the next 12 months, you will receive at least five issues, rather than the normal four. And we have authors and articles in the pipeline that I am sure will be of interest. Please let me know (sleben@ix.netcom.com) if there are topics or authors that you'd like to see in *Court Review*. Please remember, too, that letters to the editor reacting to what you've read or thoughts you'd like to address to other judges are welcome.—SL



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 39. *Court Review* reserves the right to edit, condense, or reject material submitted for publication.

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Letters to the Editor, intended for publication, are welcome. Please send such letters to *Court Review*'s editor: Judge Steve Leben, 100 North Kansas Avenue, Olathe, Kansas 66061, e-mail address: sleben@ix.netcom.com. Comments and suggestions for the publication, not intended for publication, also are welcome.

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