July 2005

Court Review: Volume 42, Issue 2 - Editor's Note

Follow this and additional works at: http://digitalcommons.unl.edu/ajacourtreview

Part of the Jurisprudence Commons

http://digitalcommons.unl.edu/ajacourtreview/30

This Article is brought to you for free and open access by the American Judges Association at DigitalCommons@University of Nebraska - Lincoln. It has been accepted for inclusion in Court Review: The Journal of the American Judges Association by an authorized administrator of DigitalCommons@University of Nebraska - Lincoln.
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 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 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