

May 2003

Court Review: Volume 40, Issue 1 - Editor's Note

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"Court Review: Volume 40, Issue 1 - Editor's Note" (2003). *Court Review: The Journal of the American Judges Association*. 113.
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Court Review

THE JOURNAL OF THE AMERICAN JUDGES ASSOCIATION
Volume 40, Issue 1

Spring 2003

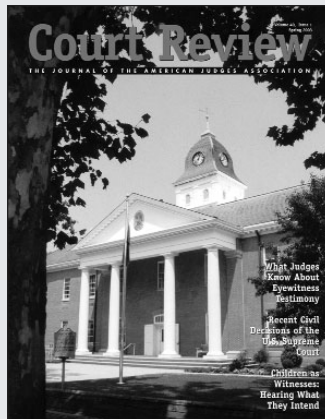
EDITOR'S NOTE

The lead article in this issue gives you a chance to test your beliefs about what leads to accurate—or to mistaken—eyewitness testimony. For 14 separate propositions on which research has given relatively clear answers, researchers Richard Wise and Martin Safer summarize the conclusions of researchers in the field. They also report the results of a survey of judges that tested judicial knowledge in these 14 areas, plus a few others. Thus, a review of this article will let you compare your knowledge both to other judges and to the best research available today.

Wise and Safer argue that better safeguards against erroneous eyewitness testimony are needed in light of the wrongful convictions proved by DNA testing; a great percentage of those appear to have been based on erroneous eyewitness testimony. It may not be surprising that Wise and Safer, who are trained psychologists, conclude that the best proven method of giving jurors sufficient education in this area is through the use of expert testimony. And, to be sure, there may also be other useful ways of approaching the situation, some of which are also discussed in the article. Nonetheless, Wise and Safer have provided a useful overview of both the state of judicial knowledge and present research, as well as suggested actions the judiciary can take to improve the situation.

The issue also contains Professor Charles Whitebread's annual review of the past year's civil decisions by the United States Supreme Court. As Whitebread notes, last year's decisions included some blockbuster cases: the approval of affirmative action, the striking down of bans on gay sexual relations, further restriction on punitive damage awards, and a turnabout in the Court's federalism revolution. All of the civil decisions of note are briefly reviewed in this article. Last year's criminal cases will be in our next issue.

I will note two other items that I hope you'll review in this issue. The issue includes an essay by David Battin and Stephen Ceci on children as witnesses. They explain some of the communication difficulties encountered when standard English is used with kids between 3 and 10 years old. The essay provides some useful background context to keep in mind when evaluating the statements of children. I would also ask you to read the American Judges Association's President's Column on the facing page. It reprints the remarks given by present president Michael McAdam at last year's annual conference. He provides a useful overview of what the AJA is, and of what it will be doing this year. —SL



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Court Review is in full text on LEXIS and is indexed in the Current Law Index, the Legal Resource Index, and LegalTrac.

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