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Alan Tomkins

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Court Review

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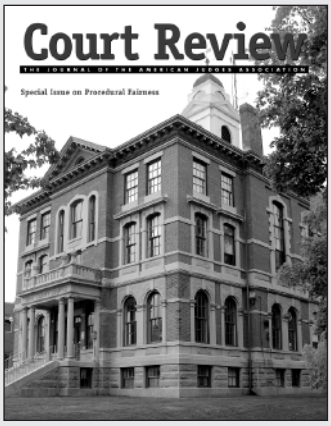
EDITOR'S NOTE

This special issue of *Court Review* focuses on procedural justice. Tom Tyler has called procedural justice the most powerful explanatory concept for why people obey rules that restrict their behavior in ways they would otherwise find unacceptable. David Rottman has written "having a sense that court decisions are made through processes that are fair is the strongest predictor by far of whether members of the public approve of or have confidence" in courts. Procedural justice is worthy of a deep look, and this issue of *Court Review* does precisely that—it presents papers from some of the nation's leading scholars who have been thinking about procedural justice and related constructs.

The special issue begins with Judges Burke and Leben's White Paper on procedural justice. Theirs is the first White Paper issued by the American Judges Association (and the Burke/Leben White Paper was recently endorsed by the Conference of State Court Administrators at their 2008 Annual Meeting, July 30, 2008). Originally presented at the meeting of the American Judges Association in September 2007 and available on the AJA website, it is the first article in this special issue. It summarizes both arguments and empirical research making in detail the case for state courts that Tyler and Rottman make, that is, procedural justice matters. It matters a lot, in their opinion. It is the key construct for court improvement.



The rest of the issue examines procedural justice in a variety of contexts. The issue contains an article by Tyler and an essay by Rottman. Tyler and Rottman join Judges Burk and Leben in arguing for the centrality of procedural justice in the justice system. Weisz, Wingrove, and Faith-Slaker join them in extolling procedural justice concepts; they see procedural justice as important for improving the experiences for children in the courts, though they point out research documentation is still sparse. Support for procedural justice continues with Denton, who explains how the California courts have embraced the procedural justice concept to drive major reforms. Abuwala and Farole also applaud procedural justice in their study of its impact in a limited-jurisdiction-court context (landlord-tenant, housing courts) in New York City.

In a summary of a large body of research, Sivasubramaniam and Heuer point out that procedural justice has different meanings for decision recipients (i.e., litigants) than for decision makers (i.e., judges), and among other things they indicate how these differences might cause reform problems in the justice system. Bornstein and Dietrich summarize a complementary literature—distributive justice studies—and counsel that courts pay attention to outcomes as well as procedures. Finally, Wexler points to another complementary area—therapeutic jurisprudence—and argues desirable outcomes are even more likely to occur by heeding the lessons of the therapeutic jurisprudence framework. – Alan Tomkins

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 55. *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 one of *Court Review's* editors: Judge Steve Leben, 301 S.W. 10th Ave., Suite 278, Topeka, Kansas 66612, e-mail address: sleben@ix.netcom.com; or Professor Alan Tomkins, 215 Centennial Mall South, Suite 401, PO Box 880228, Lincoln, Nebraska 68588-0228, e-mail address: atomkins@nebraska.edu. Comments and suggestions for the publication, not intended for publication, also are welcome.

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