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## Court Review: Volume 44, Issue 4 – Editor's Note

Steve Leben

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# Court Review

THE JOURNAL OF THE AMERICAN JUDGES ASSOCIATION  
Volume 44, Issue 4

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## EDITOR'S NOTE

One of the great things about editing the journal of the American Judges Association is that you can ask some of the leading experts in various legal fields to write articles for us, and because they will be speaking directly to judges, they usually agree. Our lead article in this issue is a great example.

The United States Supreme Court has had several decisions in recent years regarding constitutional limits on punitive-damage awards, and it had appeared that another would come in the October 2008 Term of the Court. It heard oral argument in December 2008 in a case from Oregon, but in March it dismissed the certiorari petition as improvidently granted. What should we make of that? And what should judges—especially at the trial level—do to make sure that jury instructions conform to constitutional standards as presently interpreted?

We asked Benjamin Zipursky, coauthor of one of the leading casebooks on tort law, to help us out, and he readily agreed. He provides a careful analysis of the Supreme Court's decisions, along with his own suggestions for dealing with the analytical and jury-instruction problems created by them.

Our second article addresses one solution to a widely recognized problem: the use of commissions to help eliminate racial and ethnic bias in the judicial system. Based on several years of successful work with Nebraska's commission, Elizabeth Neeley reviews the factors that can lead to success by such a commission. Those same factors would likely be relevant to any ongoing initiative a court or court system might wish to undertake.

We also have an essay in this issue from Judge Donald Shaver telling about his experience learning about the European Court of Human Rights. That court differs from those found in the United States and Canada—the European Court of Human Rights is superior to the highest courts of member nations on civil-rights issues. We think you'll find his quick overview of the court of interest.

This issue closes with a ten-year index to the articles found in *Court Review* from 1998 forward. All of these articles are available to American Judges Association members on our website—and we don't think there is a more useful collection of resources for the average judge anywhere. I hope you'll set this issue aside and use the index from time to time. For those of you who are electronically inclined, we will have the index online, and we will keep it updated in the coming years. Each entry includes the URL at which you may find the article online. —Steve Leben



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

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

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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Photo credit: Mary Watkins (maryswatkinsphoto@earthlink.net). The cover photo is of the Atchison County Courthouse in Atchison, Kansas. Completed in 1897, this limestone building is one of 13 Kansas courthouses designed by architect George P. Washburn; it is listed in the National Register of Historic Places. A few feet from the northeast corner of the building a boulder contains a plaque commemorating a speech given at the site by Abraham Lincoln on December 2, 1859.

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