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Court Review

THE JOURNAL OF THE AMERICAN JUDGES ASSOCIATION

Volume 38, Issue 3

Fall 2001

EDITOR'S NOTE

Our issue begins with Judge Procter Hug, Jr.'s thoughts on judicial independence under pressure. We reprint the remarks he gave as the featured speaker at the American Judges Association's annual educational conference in October 2001. Judge Hug's comments, as well as those of AJA president Bonnie Sudderth in her president's column, deal with issues faced by judges in times of crisis, including in the aftermath of the September 11, 2001 terrorist attacks in the United States.

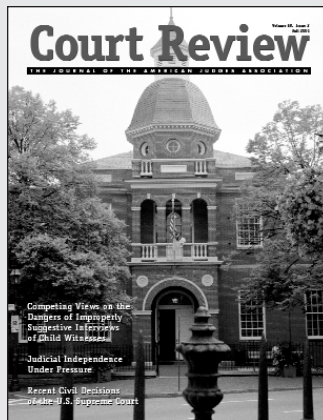
Our articles begin with an exchange regarding the suggestibility of children as a factor in assessing their credibility as witnesses. A bit of background will place these articles in context.

In our Summer 2000 issue, we featured an essay by Stephen J. Ceci and Maggie Bruck titled, "Why Judges Must Insist on Electronically Preserved Recordings of Child Interviews." In it, Ceci and Bruck presented their suggestion that child-witness interviews generally should be electronically recorded so that the extent to which poor interviewing techniques led the children to adopt suggested responses could be assessed. That essay was both an introduction to and an outgrowth of Ceci and Bruck's larger research, which is explained in detail in their book, *Jeopardy in the Courtroom: A Scientific Analysis of Children's Testimony*, which won the 1999 William James Award of the American Psychological Association for best book.

Recently, the work of Ceci and Bruck has been criticized by USC law professor Tom Lyon. For the benefit of judges, we present an overview of this debate in a pair of articles. Forensic psychologist David Martindale, who frequently testifies in court as an expert witness, defends the Ceci-Bruck research and position. Martindale suggests that improperly suggestive interviewing techniques are sufficiently widespread to be of serious concern and that expert testimony can appropriately educate judges and jurors. Lyon, who is both a law professor and a psychologist, replies to Martindale, contending that current research does not show that improperly suggestive interviewing techniques are widespread and that expert testimony on that subject is not always appropriate. We think you'll find their exchange a helpful introduction to this subject. For those interested in greater depth, all of the leading articles are cited in the footnotes of the two pieces.

We also present Professor Whitebread's annual review of the civil decisions of the United States Supreme Court for the past term. As you will see, *Bush v. Gore* was far from the only significant case decided.

Last, we present the winning essay from the American Judges Association's law school essay contest for 2000. Roxana Cardenas, who went to law school while already employed as a court interpreter in Los Angeles, has both interesting experiences and suggestions, which she shares in this article. —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, Canada, and Mexico. 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 25 of the Summer 2001 issue. *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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