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Court Review: Volume 43, Issue 4 – Editor's Note

Steve Leben

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Court Review

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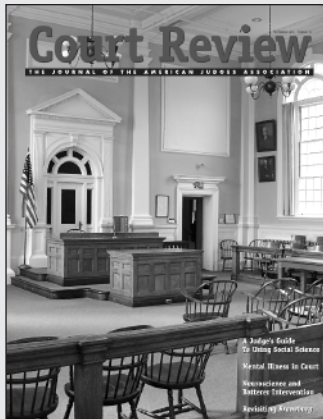
EDITOR'S NOTE

Divorce cases were part of my docket when I began my judicial career. I was single then and had not had children. I quickly faced lots of situations well beyond my experience: a breast-feeding mother who wanted the father's visitation limited to four hours in her presence each week, a parent who wanted to move across the country with the child, or even a dispute about parent-child access in a "typical" divorce. In the absence of expert testimony, could I look anywhere for answers other than court decisions that may—or may not—have been based on sound research?

I looked into this question and discovered the work of two Virginia law professors, John Monahan and Laurens Walker. Their original 1991 article on this subject (in a journal not readily available to most judges) continues even today to be cited by courts. See *Baxter v. Temple*, ___ A.2d ___, 2008 Westlaw 2097123 at n.1 (N.H. May 20, 2008). Monahan and Walker have refined their work over the years since 1991, and I'm proud that they have prepared a thoroughly updated version of their 1991 article especially for *Court Review*. Judges in trial and appellate courts regularly rule on issues that are significantly impacted by social-science information. Monahan and Walker discuss when and how we may take that substantial body of information into account in contested cases. Their work represents an important contribution to effective judicial decision-making.

This issue contains two additional articles that demonstrate the importance of social-science information in court. John Petrla and Allison Redlich discuss strategies that have been used in mental-health courts to reduce recidivism by defendants with mental illness. They also discuss ways in which judges in these courts are involved in what some view as nontraditional roles for judges.

Specialized courts like mental-health courts and domestic-violence courts rely upon judicial training regarding background social-science information like mental illness so that judges may more effectively deal with the situations confronting us. Ed Gondolf presents information of this sort that a judge handling a domestic-violence case might want to consider. Specifically, he suggests that some who have specific mental illnesses may not be helped by traditional batterer-intervention programs often ordered by judges. We can be better judges by being better-informed judges. The mission of *Court Review* is to help you to be that type of judge.—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 128. *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, email address: sleben@ix.netcom.com; or Professor Alan Tomkins, 215 Centennial Mall South, Suite 401, PO Box 880228, Lincoln, Nebraska 68588-0228, email address: atomkins@nebraska.edu. Comments and suggestions for the publication, not intended for publication, also are welcome.

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