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Court Review

THE JOURNAL OF THE AMERICAN JUDGES ASSOCIATION

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EDITOR'S NOTE

Day after day, judges make decisions. Given the amount of time judges devote to decision making, it's logical for an organization devoted to helping judges do a better job—and its flagship journal—to focus on the subject. And we are.

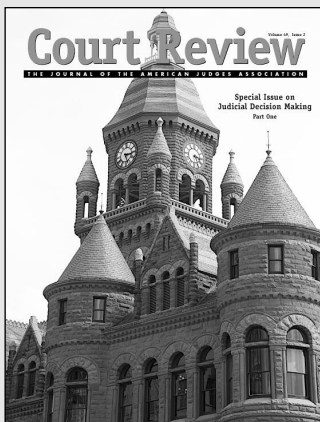
Last year, the American Judges Association obtained a grant from the State Justice Institute so that we could hire a researcher to help us look at this issue. Pamela Casey, a researcher with the National Center for State Courts, worked with AJA judges throughout 2012, jointly exploring the science of decision making, how what's known about that science is likely to have the greatest impact on judges, and how judges might take this information into account in their daily work. The result was the third white paper produced by the American Judges Association since 2007—a paper presented at the AJA's annual educational conference in New Orleans in October 2012. That paper is the lead article for this special issue on judicial decision making.

Our second article comes from Vanderbilt law professor Terry Maroney, who has done a great deal of work over the past two years considering how judges deal with their emotions. As Maroney explains, judges must expect to have emotional reactions to the cases and people they encounter while doing their job. She looks at the strategies judges might try to regulate their emotional responses, suggesting that some won't help much and some probably will be harmful—and that even when it is necessary, behavioral suppression (like a judge hiding emotional responses) comes at a cost to the judge. Maroney concludes with some practical suggestions.

Our third article comes from two Israeli social scientists, Eyal Peer and Eyal Gamliel, who consider one specific aspect of judicial decision making—the use of heuristics. As they describe them, heuristics are cognitive shortcuts, or rules of thumb, by which people make decisions without having to consider all the variables, relying on only a limited set of cues to make a decision. Peer and Gamliel consider how judges use heuristics, along with common situations in which the use of heuristics may lead to errors. They also provide an overview of ways in which judges might counter such errors.

Given the importance of judicial decision making, this will be the first of two *Court Review* issues on the topic. In our next issue, we'll have an article examining how well judges can make decisions about who's telling the truth in a trial. We'll also have an article looking at how judges use experts in making decisions. And we'll have articles describing several specific experiments involving judicial decision making, along with articles about the problems in evaluating judicial performance given the difficulty of evaluating decision making.

We hope you find the discussion of value. We'd also note that Professor Maroney will be speaking at our educational conference in September, and there will be a session based on the AJA decision-making white paper as well. We hope to see you there. —Steve Leben & 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 98 of this issue. *Court Review* reserves the right to edit, condense, or reject material submitted for publication.

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Cover photo, Mary Watkins. The cover photo is the Dallas County Courthouse, built in 1892 and replaced by a new courthouse in 1966. Known through the years as the Old Red Courthouse, the building is now a local-history museum, the Old Red Museum (www.oldred.org). The building features a 90-foot clock tower.

Note: Portions of the Resource Page are based on Steve Leben, *Can We Be (Facebook) Friends?*, J. KAN. B. ASS'N, Oct. 2010, at 16.

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