

University of Nebraska - Lincoln

DigitalCommons@University of Nebraska - Lincoln

Court Review: The Journal of the American
Judges Association

American Judges Association

2013

Court Review: The Journal of the American Judges Association, Volume 49, Issue 4, Editor's Note

Follow this and additional works at: <https://digitalcommons.unl.edu/ajacourtreview>

"Court Review: The Journal of the American Judges Association, Volume 49, Issue 4, Editor's Note"
(2013). *Court Review: The Journal of the American Judges Association*. 405.
<https://digitalcommons.unl.edu/ajacourtreview/405>

This Article is brought to you for free and open access by the American Judges Association at DigitalCommons@University of Nebraska - Lincoln. It has been accepted for inclusion in Court Review: The Journal of the American Judges Association by an authorized administrator of DigitalCommons@University of Nebraska - Lincoln.

Court Review

THE JOURNAL OF THE AMERICAN JUDGES ASSOCIATION
Volume 49, Issue 4

2013

EDITOR'S NOTE

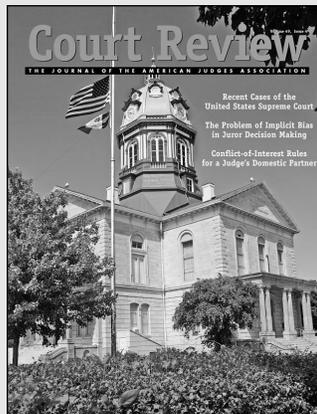
This issue features our annual review of the past Term's decisions of the United States Supreme Court. Our regular contributors, Professor Todd Pettys, of the University of Iowa College of Law, and Professor Charles Weisselberg, of Berkeley Law, review the civil and criminal decisions in separate articles. Once again, they have concentrated on the issues most of concern to judges in state courts, which represents the majority of the American Judges Association's membership.

As both professors note, the big decisions this Term came on the civil side, so we start with Professor Pettys review of those cases—including the striking down of key parts of the Defense of Marriage Act and the Voting Rights Act. Other civil cases included ones determining how far a city can go in giving or withholding land use permits before being required to pay for the property; one limiting the ability of lawyers to use personal information from state motor-vehicle databases to solicit clients; and another ruling (added to three in the prior Term) reversing a state court that had failed to enforce arbitration agreements under the Federal Arbitration Act. Professor Pettys also reviews cases being heard in the October 2013 Term.

On the criminal side, Professor Weisselberg reviews several significant Fourth Amendment decisions, including one on obtaining and analyzing an arrested person's DNA (approved 5-4), one determining that detailed evidence about the qualifications of a drug-sniffing dog wasn't needed, and one holding that a dog sniff on the front porch of a home was a search subject to Fourth Amendment safeguards. Weisselberg also reviews a key Fifth Amendment case involving whether a defendant's silence may be mentioned if a suspect doesn't expressly invoke the right to silence in a non-custodial interview or interrogation (yes, 5-4). Professor Weisselberg also reviews cases being heard in the October 2013 Term, and he reviews some of the caselaw developments that have already taken place interpreting last Term's key decisions.

Our third article looks at whether implicit bias affects jury decisions and, if so, what can be done about it. Researchers Jennifer Elek and Paula Hannaford-Agor review existing research on the effect of implicit bias on juries; they also review potential steps that might help to lessen that effect.

Our final article examines an interesting question involving the Model Code of Judicial Conduct, which was updated by the American Bar Association in 2007 to include the term "domestic partner" and to make judges subject to conflict-of-interest rules regarding domestic partners to the same extent they were previously subject to those rules with respect to spouses. Andrew Stankevich notes that some states have not adopted this provision, perhaps because the state isn't friendly to gay and lesbian rights. Stankevich suggests that this is a short-sighted approach with respect to this specific issue, since the failure to include domestic partners arguably makes less strict conflict-of-interest rules applicable to gay and lesbian judges.—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 189 of this issue. *Court Review* reserves the right to edit, condense, or reject material submitted for publication.

Advertising: *Court Review* accepts advertising for products and services of interest to judges. For information, contact Shelley Rockwell at (757) 259-1841.

Cover photo, Mary S. Watkins (maryswatkins@mac.com). The cover photo is of the Madison County Courthouse in Winterset, Iowa. Built in 1876, the courthouse is listed on the National Register of Historic Places.

©2013, American Judges Association, printed in the United States. *Court Review* is published quarterly by the American Judges Association (AJA). AJA members receive a subscription to *Court Review*. Non-member subscriptions are available for \$35 per volume (four issues per volume). Subscriptions are terminable at the end of any volume upon notice given to the publisher. Prices are subject to change without notice. Second-class postage paid at Williamsburg, Virginia, and additional mailing offices. Address all correspondence about subscriptions, undeliverable copies, and change of address to Association Services, National Center for State Courts, Williamsburg, Virginia 23185-4147. Points of view or opinions expressed in *Court Review* are those of the authors and do not necessarily represent the positions of the National Center for State Courts or the American Judges Association. ISSN: 0011-0647.

Cite as: 49 Ct. Rev. ____ (2013).