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

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.
T

his issue features our annual review of the past Term’s decisions of the
United States Supreme Court. Our regular contributors, Professor Todd Pet-
tys, of the University of Iowa College of Law, and Professor Charles Weis-
selberg, of Berkeley Law, review the civil and criminal decisions in separate ar-
ticles. Once again, they have concentrated on the issues most of concern to judges
in state courts, which represents the majority of the American Judges Associa-
tion’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 Fed-
eral 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 analyz-
ing 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 defen-
dant’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 Weis-
selberg 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 con-
flict-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 unsoli-
cited, original articles, essays, and book reviews. Court Review seeks to provide practical, useful infor-
mation 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 back-
ground 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 prod-
ucts and services of interest to judges. For informa-
tion, contact Shelley Rockwell at (737) 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 His-
toric 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 pub-
lisher. Prices are subject to change without notice.
Second-class postage paid at Williamsburg, Virginia,
and additional mailing offices. Address all correspon-
dence 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).