

# Court Review

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## EDITOR'S NOTE

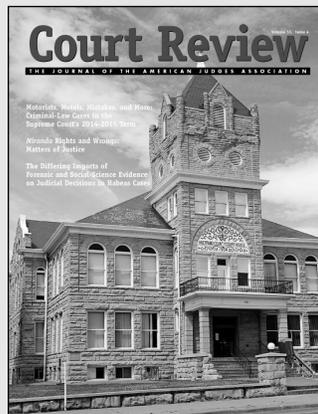
Our issue begins with the annual review of the past Term's criminal cases from the United States Supreme Court. Professor Charles Weisselberg of Berkeley Law presents this engaging review, this time joined by two of his students, Daniel Chen and Sameera Mangena. This is now the eighth straight year that Professor Weisselberg has provided this service to us. His reviews of the cases emphasize aspects most likely to affect judges in state courts, note emerging caselaw responses to the new decisions, and highlight issues that the Court will address in the Term now in progress.

Our second article provides the views of two noted psychologists on issues associated with *Miranda* warnings. I was surprised at the start to learn of the great variation in the way warnings are given—one study identified more than 1,000 unique variations. Richard Rogers and Eric Drogin then review ways in which a person's understanding of these warnings could be improved. Judges regularly decide motions to suppress evidence based on a claim that *Miranda* warnings weren't appropriately made or understood. This article will help place those discussions in a broader context.

Our third article presents a research study testing the reaction of judges to different types of evidence suggesting that a criminal defendant may have been wrongly convicted. They surveyed 308 judges to determine the different weight judges might place on forensic-science evidence of a wrongful conviction as compared to social-science evidence. The researchers did find that judges generally prefer forensic science over social science. They recommend greater judicial education, noting that judges tend to underestimate the prevalence of some of the errors that lead to wrongful convictions. The article also includes a quick overview of the leading causes of wrongful convictions: eyewitness misidentification, errors in forensic-science testing, police misconduct, undue weight given to expert testimony, and false confessions.

We also have two new features that first appeared in our last issue. Canadian judge Wayne Gorman, a judge of the Provincial Court of Newfoundland and Labrador, is now providing a regular column on aspects of Canadian law or practice that would be of general interest. In this issue, he talks about the expectations for the announcement of a decision by a Canadian judge in terms of providing reasons for the decision and how Canadian judges assess witness credibility. Arkansas judge Vic Fleming, who has written crossword puzzles and legal humor columns for many years, is providing a law-related crossword puzzle for your enjoyment.

Please let us know what you think of these new features—along with any other suggestions you may have for articles or authors or subjects you'd like to see. You can contact me (sleben56@gmail.com) or my coeditor, Eve Brank (ebrank2@unl.edu). As always, thanks for reading *Court Review*.—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 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 157 of this issue. *Court Review* reserves the right to edit, condense, or reject material submitted for publication.

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Cover photo, Mary S. Watkins (maryswatkins@mac.com). The cover photo is of the Huerfano County Courthouse in Waldenburg, Colorado; it was built in 1904.

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