

EDITOR IN CHIEF

JOE BOATWRIGHT

Judge, Seventh Judicial District, Florida

BOARD OF EDITORS

SARAH A.L. MERRIAM

Magistrate Judge, U.S. District Court,
District of Connecticut

DAVID NUFFER

Chief Judge, U.S. District Court, District of Utah

MEMBERS OF THE BOARD

DINAH ARCHAMBEAULT

Judge, Twelfth Judicial Circuit Court, Illinois

JENNIFER BAILEY

Judge, Eleventh Judicial Circuit Court, Florida

CHERI BEASLEY

Justice, Supreme Court of North Carolina

FREDERIC BLOCKX

Judge, Commercial Court, Belgium

ROBERT BRUTINEL

Justice, Arizona Supreme Court

DAVID COLLINS

Justice, High Court of New Zealand

MARK DAVIS

Judge, North Carolina Court of Appeals

TIMOTHY DEGIUSTI

Judge, U.S. District Court,
Western District of Oklahoma

CHRIS DILLON

Judge, North Carolina Court of Appeals

BERNICE DONALD

Judge, U.S. Court of Appeals for the Sixth Circuit

MYRON DUHART II

Judge, Lucas County Court of Common Pleas, Ohio

JAMES GRIFFITH

Judge, Oneida Family County Court – Rome, New York

DAVID JONES

Chief Judge, U.S. Bankruptcy Court,
Southern District of Texas

SPENCER LEVINE

Judge, Fourth District Court of Appeal, Florida

EMMANUEL ROBERTS

Justice, Supreme Court of Sierra Leone

JENNIFER THURSTON

Magistrate Judge, U.S. District Court,
Eastern District of California

ANN TIMMER

Justice, Arizona Supreme Court

TRACIE TODD

Judge, Circuit Court, Alabama

“The rule of law is the foundation for the stability of society, human rights, a growing economy and flourishing culture and artistic life. An independent judiciary and a society’s belief in the fairness of its justice system are critical to preserving and protecting the rule of law.” - CARL BOLCH JR.

Welcome to the spring edition of *Judicature*. This edition includes an announcement of a very significant gift to benefit Duke’s judicial studies programs and *Judicature*: a \$10 million gift from Duke alumnus Carl Bolch Jr. and his wife, Susan Bass Bolch, to establish the Bolch Judicial Institute at Duke Law School. The institute will focus on the important and unique mission of promoting the rule of law and the value of a fair and independent judiciary in the U.S. and around the world. The Bolch Judicial Institute also will support the Master of Judicial Studies Program, which will graduate its third class this May — myself included. On behalf of the judges in the master’s program, I offer a special thank you to the Bolches for this extraordinary gift. We have benefited greatly from our experience at Duke, and it is wonderful to know that many more judges, in the United States and abroad, will now have the opportunity to participate in Duke’s programs.



FROM THE EDITOR IN CHIEF

This edition of *Judicature* also features three articles that analyze the validity of forensic methods used in the court system. With data from recent reports by the National Research Council, the President’s Council of Advisors on Science and Technology, and the American Association for the Advancement of Science, these articles note that many widely used forensic disciplines do not meet standards of scientific validity applied in scientific research and explore the challenge for courts and lawyers in managing forensic testimony in light of these claims of fallibility.

Other articles offer an account of how the U.S. Court of Appeals for the Tenth Circuit is addressing the ever-important issue of judicial health and a perspective on canons of construction and judicial writing from Bryan Garner, who offers a lively response to an article published in the winter edition of *Judicature* by Joseph Kimble. In keeping with the tradition of *Judicature*, this edition includes another installment of the Storied Third Branch, “Icon of the Bench and Gridiron,” honoring the life of Florida Seventh Judicial Circuit Judge Kim Hammond and written by Judge Hammond’s good friend and chief judge of the Seventh Judicial Circuit, Raul Zambrano. Our Point-Counterpoint for this edition highlights *Masterpiece Cakeshop Ltd. v. Colorado Civil Rights Commission*, a case pending before the U.S. Supreme Court; two religious liberty scholars, professors Frank Ravitch and Brett Scharffs, provide differing perspectives on the case’s implications. Finally, one of Florida’s finest appellate court judges (and my colleague in the LLM program), Spencer Levine of the Florida Fourth District Court of Appeal, provides a book review of *Lead Yourself First, Inspiring Leadership Through Solitude*, by Judge Raymond Kethledge of the U.S. Court of Appeals for the Sixth Circuit and co-author Michael Erwin.

It has been my pleasure to serve as the editor in chief of this edition of *Judicature*. Once again, on behalf of the May 2018 graduating class of the Judicial Studies Program, special thanks to Mr. and Mrs. Bolch for their wonderful gift to support judicial studies at Duke and to continue to give judges the incredible opportunity that I and my fellow members of the Class of 2018 have enjoyed.

Joe Boatwright, Judge, Putnam County, Seventh Judicial Circuit, Florida