

**Published** *by the*  
**BOLCH JUDICIAL INSTITUTE**  
of Duke Law School

**DIRECTOR**

**David F. Levi**

James B. Duke and Benjamin N. Duke Dean  
School of Law, Duke University

**DEPUTY DIRECTOR**

**John K. Rabiej**

**ASSOCIATE DIRECTOR**

**Melinda Myers Vaughn**

**JUDICATURE**

VOLUME 102, NUMBER 1

**MANAGING EDITOR**

**Melinda Myers Vaughn**

**Editorial Assistance**

Shani Cook, Lora Beth Farmer,  
Dacia Green, Janse Haywood,  
Dagny Lu, Valerie Marino, Forrest Norman,  
Andrew Park, Frances Presma,  
Sophia Tan

ISSN 0022-5800

© 2018 Duke University School of Law.  
All rights reserved. This publication, or any part thereof,  
may not be reproduced without written permission  
from Duke University. Views expressed herein do not  
necessarily reflect the views of Duke Law School  
as an entity or of its faculty.

Requests for reprints may be sent to:  
Bolch Judicial Institute of Duke Law School  
210 Science Drive | Box 90362  
Durham, NC 27708-0362  
Phone: 919-613-7073 | Fax: 919-613-7158

**judicature@law.duke.edu**  
**judicialstudies.duke.edu**  
**@DukeJudicature**

**WHAT AN HONOR IT IS FOR ME TO GREET YOU AS THE INAUGURAL  
DIRECTOR OF THE BOLCH JUDICIAL INSTITUTE OF DUKE LAW SCHOOL.**

As you will read in this journal, Carl and Susan Bolch have endowed this Institute to support and promote the study of courts and judicial decision-making, institutional design and reform, and, above all, the rule of law and the role of an independent judiciary in upholding the rule of law. It is a wonderful and broad mission that touches upon many areas of scholarship and law reform and opens up many avenues for collaboration, teaching, and field work. An effective, fair judicial and legal system is the foundation of any prosperous and functioning economy and culture. But it is not permanent or impervious to decay.



**FROM THE PUBLISHER**

This Institute will study the rule of law, how it is achieved, described, measured, and protected, and how it can be advanced to promote justice, nonviolence, and international order. We will study how technology and innovation can advance the rule of law and human rights, improve the administration of justice, and help provide access to justice. And we will share the results of our endeavors with judiciaries and governments around the world.

These are big and consequential topics. Fortunately, we have a deep “bench” of scholars here at Duke,

both at the law school and throughout the university, who are leaders and experts in these fields. We also are eager to work with other organizations around the world. We aspire to connect scholarly research to the large network of organizations that are already actively involved in fostering the rule of law on the ground. And we will look to the judiciary and the legal profession to join and enhance our efforts.

*Judicature* will continue to flourish under the umbrella of the Bolch Judicial Institute. As before, it will explore the administration of justice and the practice of judging. It will continue to offer scholarship that is relevant to the courts, insight that can inform and advance the work of the judiciary, and perspectives that challenge us to broader understanding. This edition’s cover story on forensic science is a good example of how scholarship and research can affect the decisions judges make on a day-to-day basis. The Bolch Judicial Institute’s renewed focus on judicial independence recalls *Judicature’s* original purpose as the magazine of the American Judicature Society, which was dedicated to promoting an independent judiciary insulated from the pressure of electoral politics. As it renews this focus, the Bolch Judicial Institute will work to expand *Judicature’s* reach within the legal profession and academy in the United States and around the world.

I am grateful for your support of this journal and look forward to working with you to pursue these important goals. Please send your comments and ideas, on this journal and on the future of the Bolch Judicial Institute, to [judicature@law.duke.edu](mailto:judicature@law.duke.edu) or to me directly at [levi@law.duke.edu](mailto:levi@law.duke.edu).

A handwritten signature in black ink that reads "David F. Levi". The signature is written in a cursive style.

**David F. Levi**  
James B. Duke and Benjamin N. Duke Dean, Duke Law School  
Director, Bolch Judicial Institute