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**IMITATION IS THE HIGHEST FORM OF FLATTERY.** In this third edition of the revived *Judicature*, we imitate the previous editions by bringing you relevant, thought-provoking, and conversation-inspiring articles of interest to both judges and lawyers.

This edition leads with Judge Diane Wood's "Further Thoughts On Specialized Courts," a reflection on the costs and benefits of specialized courts. Next, we spotlight the amendments to the Federal Rules of Civil Procedure, which are slated to take effect on Dec. 1, 2015 — unless Congress acts to disapprove them. We begin with Judge David G. Campbell's "New Rules, New Opportunities," which reports on the work of the Duke conference and the drafting of the amendments and discusses the four areas of focus identified at the Duke conference:

cooperation, proportionality, early and active judicial case management, and ESI. The spotlight continues with Dean David Levi leading a roundtable conversation on the new rules with a panel of judges. An article by attorney Gregory Joseph offers insight into the changes in Rule 37(e) regarding ESI. Judge Lee Rosenthal and Professor Steven Gensler discuss the standards and guidelines for implementing the new proportionality amendments. And we end the spotlight with guidelines and best practices for implementing the changes, prepared by the



*From the editor in chief*

Duke Law Center for Judicial Studies and many faithful volunteers.

That is not all. Professor Daniel Capra and attorney Joseph Tartakovsky contribute to this edition with a comprehensive article on whether autopsy reports are "testimonial" under the Sixth Amendment's Confrontation Clause. And with the United States leading the world in mass incarceration, we appropriately turn our attention to this important issue with an article from Judge Lynn Adelman and his law clerk, Jon Deitrich, on "How Federal Judges Contribute To Mass Incarceration and What They Can Do About It." As a national conversation about criminal justice reform is underway, this timely article aims to both contribute to the conversation and to further provoke more discussions.

This edition also presents another inspirational installment from the Storied Third Branch series titled "One-in-A-Generation Kind of Judge," a profile of North Carolina State District Judge Anna Elizabeth Keever, by Justice Patricia Timmons-Goodson. Additionally, two knowledgeable lawyers, Andrew Pincus and Elizabeth Cabraser, present a "Point-Counterpoint" on claims-made class actions, exchanging thoughts on whether courts should award attorney's fees based on potential settlement amount or amount actually paid out to the class members. Finally, Aaron Ford contributes with a review of *Reimagining Courts: A Design For The Twenty-First Century*, a book that proposes reforms in our judicial system.

As we said in our inaugural edition, we see *Judicature* as a forum for discussion among the bench, bar, and academia. Please let us know what you think of the issues presented in this edition and whether we are succeeding in our efforts to bring you relevant, thought-provoking, and conversation-inspiring articles. Email us at [judicature@law.duke.edu](mailto:judicature@law.duke.edu).

Nancy Joseph, Editor in Chief  
U.S. Magistrate Judge, Eastern District of Wisconsin  
(Pictured above with Duke Law Dean David F. Levi)