



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

**PUBLISHER**

**David F. Levi**  
Levi Family Professor of Law  
and Judicial Studies and  
Director of the  
Bolch Judicial Institute

# Judicature

VOLUME 106, NUMBER 3

**MANAGING EDITOR**

**Melinda Myers Vaughn**

**ARTICLES EDITOR**

**Amelia Ashton Thorn**

**EDITORIAL ASSISTANCE**

Connor Leydecker, Flora Lipsky,  
Grady MacPhee, Matthew McKnight,  
Neeki Memarzadeh, Eric Surber,  
Tatiana Varanko, Susan Wampler,  
George Werner

**PRODUCTION ASSISTANCE**

Kevin Norris

**WEB & SOCIAL MEDIA**

Eric Surber

**BUSINESS MANAGER**

Lora Farmer

ISSN 0022-5800

© 2023 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  
919-613-7073  
judicature@law.duke.edu

## Dear Friends:

This is my last publisher's note. As of Jan. 1, 2023, retired U.S. District Judge Paul Grimm is the new director of the Bolch Judicial Institute and the publisher of *Judicature*. I am so delighted that Paul has dedicated this next phase of his remarkable career to furthering the rule of law mission of the Institute. His leadership will foster new projects and initiatives, always maintaining our commitment to excellence, neutrality, and the fair presentation of issues affecting the judiciary. As a long-serving judicial officer, he fully understands what is important to judges and what it takes to protect and defend an independent judiciary as a key pillar of the rule of law.



### FROM THE PUBLISHER

We have accomplished much in the past five years since the Institute's creation. The Bolch Prize for the Rule of Law, the Lemkin Medal, the LLM in Judicial Studies, the McGovern Symposium on mass harms, our best practices guides, our yearly judicial administration roundtable, our podcasts and special programs, our informative social media and website, and, of course, *Judicature* and *Judicature International* are all signature programs of the Institute.

None of this would have been possible without the vision and founding support of Carl and Susan Bolch. From the very beginning, they have urged us to always think big and to aim for greater and greater impact. Their commitment is based on their unshakeable conviction, shared by scholars, developed over a lifetime in law and business, that no society can successfully address the needs and aspirations of its citizens without the rule of law, and that the rule of law is unobtainable without an independent judiciary. It is rare in life that one gets the opportunity to start an institution that will have lasting impact for good over the ages. Thank you, Carl and Susan, for your inspired support.

Many thanks also to the staff of the Institute, who have worked so hard before, during, and after COVID to make this Institute something special. Melinda Vaughn and Amelia Thorn have dedicated themselves to *Judicature* and to making it informative, interesting, lively, and moving. Thanks to our *Judicature* editorial boards and to the chairs of those boards over the past few years. Your ideas for articles have shaped the magazine. Thank you to our readers. Many of you are judges, and you have told us over the years how much you look forward to receiving your copy of *Judicature*. Thanks to our many donors who have made it possible to send *Judicature* to every federal judge and many state appellate judges free of charge and to make *Judicature* freely available online at [judicature.duke.edu](http://judicature.duke.edu).

And finally, thank you to our Institute Advisory Board and Leadership Council, which have helped us develop our focus and new projects. Special thanks to Peter Kahn, who has led our Advisory Board so well, and to David Ichel, who so capably leads our Leadership Council; both are devoted Duke Law alumni who have been and continue to be generous with their time and wisdom. A wonderful institute like the Bolch Institute cannot flourish without strong institutional support, and we have been so fortunate to have that from the faculty and dean of Duke Law School and the president and provost of Duke University.

In the end, when facing the unrelenting threats — some big and obvious, some small and insidious — to the rule of law and an independent judiciary, it will be the strong culture of the judiciary and the support of our citizens that will see us through. Or not. There are no guarantees of success in this struggle. It must constantly be renewed, in every generation. As my father once put it in a farewell address to the Department of Justice during equally querulous and divisive times, the rule of law “can never be won for all time. [It] must always be won anew.” What a privilege it has been for me to join with you, with the Bolch Judicial Institute, and with so many others in this most important of endeavors. Thank you.

David F. Levi, Director, Bolch Judicial Institute