

# LAW, COURTS, AND JUDICIAL PROCESS

## SECTION NEWSLETTER

Vol. 8, No. 2

Fall, 1991

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**Associate Editors:** Ronald Kahn, Wayne McIntosh, and Albert Matheny

### Instructions to Contributors

The *Newsletter* publishes articles, news items, announcements, commentaries, and features of interest to members of the Law, Courts, and Judicial Process Section. The *Newsletter* is published three times each year in Fall, Spring, and Summer issues. A fourth, Winter issue, is the Section Directory and is published in February. Deadlines for submission of materials for each issue are as follows: Fall (October 15), Spring, (February 15), and Summer (June, 15). Contributions to the *Newsletter* should be sent to the appropriate editor listed below.

### Articles and Commentary

Brief articles and notes describing matters of interest to the field will be published subject to review by *Newsletter* editors. Authors are encouraged to share research findings, teaching innovations, or commentary on developments in the field which would interest members of the section. Footnote and reference style should follow that of the American Political Science Review. Please send two copies of prospective articles and commentary dealing with *constitutional law and jurisprudence* to:

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### Data and Analysis Information

The *Newsletter* wishes to keep the Section informed regarding availability of data sets of interest to the field. This includes newly archived data sets held by the Consortium as well as non-archived ones which individual researchers would like to share with colleagues. Special analysis and data problems or queries of interest to the field will also be published. Suggestions and information should be sent to:

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### ANNOUNCEMENTS, CORRESPONDENCE, AND BIBLIOGRAPHIC INFORMATION

Announcements and section news will be included in the *Newsletter* as well as information regarding upcoming and past conferences. Organizers of panels focusing on law, courts, and professional meetings are encouraged to inform the *Newsletter* so that papers and participants may be reported. Developments in the field such as fellowships, grants, and awards also will be announced if there is sufficient time for submission of materials to the granting or awarding body. Finally, authors of judicial books should inform the *Newsletter* of their manuscript's publication. Announcements and correspondence dealing with these matters should be sent to:

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# LAW, COURTS, AND JUDICIAL PROCESS SECTION

## NEWSLETTER

VOL. 8, NO. 2

FALL, 1991

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### FROM THE CHAIR

As we move into another academic year, the Organized Section is vital and flourishing. Students of law, courts, and judicial politics were all over the Program at Washington; we sponsored or participated in more than three dozen panels. By my count, well more than a hundred people attended the Business Meeting and then packed into the reception. We observed an important landmark in the maturation of our organization when Professor C. Herman Pritchett awarded the first annual Pritchett Award to Susan Lawrence of Rutgers. One very important sign of the health of our section is the influx of new, young faces at the panels, meetings, and receptions.

These good things did not just happen. We owe a debt to those people who do the work of the Organized Section. Special thanks go to John Brigham for his stewardship of the Organized Section over the last year. He has forcefully advanced our collective interests in the APSA and represented the diverse constituencies in the Section. Roy Flemming has done an extraordinary job of producing a handsome and interesting *Newsletter* on time. It is not a simple task; but he does it well, efficiently, and without complaint. Leslie Goldstein and John Brigham put together a terrific set of panels for the APSA Meetings in Washington. These panels are the most important activity of the Organized Section, and putting them together is a challenging and time-consuming task.

Please feel free to contact me if you have questions about or ideas for improving the business of the Organized Section. I intend to continue the initiatives of my predecessors and perhaps to try out an idea or two of my own.

Finally, two very important matters in this *Newsletter* demand your attention. First, the Executive Committee has suggested several changes in the Section's constitution. Please review these recommendations and mail in your vote. Second, the Membership Directory is being revised to include e-mail addresses, fax numbers and rank or position. Be sure to return the form attached to this *Newsletter*. And, if you haven't done so yet, check your entry in the Directory. Make any corrections on the questionnaire and mail it to the *Newsletter* Editor

Greg Caldeira

## ARTICLES

### Public Opinion Polls and the Courts: What We Know, What We Don't, What We Should

Thomas Marshall

Ever since the Constitution was first debated, scholars and politicians have debated whether court rulings should or do reflect popular attitudes. Public opinion polling originated as early as the 1824 American presidential election (Smith: 1990). The actual use of public opinion polls in studying judicial policy-making is of a much more recent vintage. Not until the 1930s did the first "scientific" or "modern" pollster ask a poll item to tap popular attitudes toward a specific court ruling. In the December 1935 survey of the Gallup Poll, respondents were asked "Do you favor or oppose the Agricultural Adjustment Act?" — an issue soon before the Supreme Court in *U.S. v Butler* (1936).

During the 1930s, 1940s, 1950s, and 1960s pollsters occasionally sought to measure popular attitudes toward the Supreme Court (e.g., Caldeira: 1987) or toward specific rulings (e.g., Gallup: 1973). On the average, only one or two Supreme Court rulings per term could be matched with scientific, nationwide poll questions, and no pollster at that time appears to have been concerned with the lower federal courts or with state courts. These poll items were occasionally featured in newspaper stories or in pollsters' news releases, but they largely escaped the attention of either judicial or public opinion scholars.

During the 1970s and 1980s this situation changed dramatically. First, the number of nationwide poll items which could be matched with Supreme Court rulings increased dramatically. On the average, four to five Supreme Court rulings per term captured some pollster's attention sufficiently to inspire a poll item. Second, an increasing number of academic polls — especially the National Opinion Research Center (NORC) or the Survey Research Center (SRC) — included questions to tap public attitudes toward the courts. Third, there were many more academic surveys which studied perceptions of the judicial process or specific court rulings. Fourth, several polls — especially media surveys — used poll items to study how accurately Americans understood court rulings.

The best published sources of data remain the Gallup Poll yearbooks. The computerized archives at the Roper Archive of the University of Connecticut and the Harris

Poll at the University of North Carolina are also helpful to researchers. Along with the long-interested Gallup Poll are other media polls, such as the Harris Poll, the CBS-New York Times Poll, the ABC-Washington Post Poll, the Los Angeles Times Poll, the Times Mirror Poll, Newsweek, and even USA Today. Among the academic surveys, NORC's logitudinal items (dating back to the 1972 survey) and the SRC stand out, while statewide academic polls also occasionally contribute items.

The proliferation of articles, books, and convention papers which relied on polls to analyze the courts or court rulings began in earnest during the mid- to late-1970s. By the late 1980s polls were widely used in studying judicial policy-making. By this author's own count, during the 1950s and 1960s only about one article per year appeared in political science or law-related journals. By the late 1980s, that total had increased to an average of 12 articles per year in political science or law-related journals.

In recent years the use of polls has also spread to several applied areas beyond academic political science. Poll results are often presented to courts as evidence in jury venue cases, trademark cases, obscenity cases, or death penalty cases, and law journal articles frequently appear on standards for polling evidence.

#### *What We Know, What We Don't*

After half a century of using polls to study judicial policy-making, what do we know? What research areas might we pursue during the 1990s?

One apparent conclusion is that American courts, including the U.S. Supreme Court, generally reflect public opinion. Court rulings typically reflect majority or plurality attitudes, especially where public opinion is relatively clear either through elections or through heightened public interest. Indeed, there is no evidence to show that American courts less often reflect public opinion than do popularly-elected legislators or executives.

The relatively high level of agreement between judicial decisions and popular opinion may be surprising since there is no clear electoral connection between most judges (especially life-tenured, appointed federal judges) and the

public. Nor does the evidence suggest that large majorities of Americans correctly understand more than a handful of the best-publicized court rulings. Even for the Supreme Court's most highly publicized cases, only half to three-fifths of the public seem to correctly understand what the Court has ruled. Neither can the high level of agreement between court rulings and public attitudes be tied to the judges' personal background. Nor are courts normally able to "legitimize" their rulings by influencing mass public opinion, although some rulings may polarize group attitudes. The evidence on whether judges themselves feel they "should" reflect public opinion is mixed and inconclusive.

Why American courts so often reflect mass public opinion is an area where further evidence would be welcome. It may be, higher education and social standing aside, that American judges "sense and share" community values despite a formal linkage process that is very tenuous indeed.

A second area in which more research would be welcome is for courts other than the U.S. Supreme Court. There are too few studies of public opinion and judicial decision-making for the lower federal courts or state courts. The assumption that the courts generally reflect mass public opinion may or may not be accurate in the perennially neglected state courts, or for federal district and appellate courts. To answer these questions it will be necessary to identify state-level poll items on topics where state courts have ruled, or to disaggregate or simulate statewide or regional public opinion. These involve serious methodological problems, but more evidence here would be very welcome.

A third area for future research relates to the problem that almost all the available poll items are from the most highly visible and highly publicized court cases. Further, a disproportionate large number of poll items tap Bill of Rights disputes, such as free speech, civil rights, abortion and gender claims, and death penalty cases. Too little evidence is available from the Court's economic rulings, or from the areas of renewed importance during the Rehnquist era, such as federalism and intergovernmental relations.

This bias in available polls which match court rulings is vexing. It not only means that most of what we know about public opinion and court rulings comes from the nation's best known court (the U.S. Supreme Court); but the evidence also is largely drawn from the most highly publicized cases. Pollsters have paid much less attention to federalism and intergovernmental relations cases which form a growing part of the Rehnquist Court's concerns. The danger is that what we know about how well the courts represent public opinion may become time-bound and court-bound, and less accurate as the Rehnquist Court turns away from civil liberties and rights issues during the 1990s.

A fourth promising area of research is to consider public opinion as a control variable. Several studies of interest groups and the courts, for example, focus on a group's win-loss ratio as an indicator of influence (e.g., George and Epstein, 1991). Some evidence, however, suggests that an interest group's win-loss ratio depends on how often that group itself agrees with nationwide public opinion. More attention could be paid to this issue.

Finally, more attention might be paid to group attitudes. Franklin and Kosaki (1989), for example, have demonstrated that Court rulings may affect different groups in different ways. Other questions concerning group attitudes have not yet been explored. For example, does the Court represent some groups' attitudes better than those of other groups? Does a justice who symbolically represents a group actually represent that group's opinions better than other justices do? These are long-standing issues in judicial politics which could well be explored with available public opinion poll items.

This short list of research ideas obviously does not exhaust the list of useful research in judicial politics which could benefit by considering public opinion polls. It may, however, suggest that the proliferation of research we have witnessed since the mid-1970s could well continue through the 1990s.

## REFERENCES

I have not tried to review this extensive and rapidly growing literature in depth. For two recent reviews of the literature, see Gregory Caldeira, 1991, "Courts and Public Opinion," in John Gates and Charles Johnson, ed.s, *The American Courts: A Critical Assessment*, Washington, D.C.: Congressional Quarterly, or Thomas Marshall, 1989, *Public Opinion and the Supreme Court*, Boston: Allen-Unwin.

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## Does Rodney Dangerfield Deserve Any Respect? Political Science and the Study of Civil Trial Courts

John A. Stookey

In the Fall 1990 *Newsletter* there was discussion of whether political scientists who study law were like Rodney Dangerfield — we get no respect. If this is true of any part of the subfield it certainly appears to be most true for those of us who do empirically based studies of civil trial court litigation. Two brief stories make the point.

While I was completing my law degree at Stanford last year, I was told a story by Lawrence Friedman. Before Stanford recently hired Lucius Barker into the Political Science Department, it had been several years since that department had a full time judicial person. Lawrence was constantly chiding them about this. He was doing so at a party one night, when one of the more prominent members of the department said, "We can't find any of 'them' (judicial persons) who do interesting work. We certainly don't want to hire someone who does trial courts." Similarly, I was recently told by a distinguished colleague that my work on trial courts "is not political science."

My normal reaction to these types of comments is indignation and a Rodney Dangerfield tug at my tie, collar and cuff, saying "We get no respect, no respect at all." However, rather than adopt this defensive posture or jump to an opposite advocacy that the discipline adopt an "I'm O.K.; you're O.K. philosophy," perhaps it is worth considering whether I or others in this area deserve any political science respect. Perhaps we have not done a very good job of putting "politics" into the political science study of trial courts. In that light I make some suggestions about the types of trial court data that might be profitably gathered in the future.

### *The Trial Court as a Political Institution.*

While we have studied litigation as political behavior and have argued that trial court decisions are the authoritative allocation of values, we have never very effectively asked about the role of civil trial courts in the U.S. political system. Certainly the dispute resolution and decision making perspectives evaluate aspects of trial courts that reveal their role: who uses the courts, why they use them, who wins and who loses. However, we tend to ignore the trial court as a political "institution." This means that we also tend to ignore two important political characteristics of trial courts: (1) the role and mission of the trial court are defined by the political process; and (2) trial court decision making is often a cause of political change.

Trial courts are institutions composed of a variety of actors whose actions are circumscribed not only by their predilections and internally imposed court rules, but also by politically mandated definitions of court power and rules of the game. The trial court is an important manifestation of political power because it reflects the political system's judgment as to which types of disputes should receive official recognition. For example, legislation making work place sexual harassment and age discrimination justiciable are examples of how the changing political character of American society is manifested in trial courts. The trial court is in many ways a barometer of political concern.

As many commentators have noted, these political definitions of trial court role have become more important as the legislature has increasingly impinged upon the common law system. At a simple level, I am merely making the old argument that "law matters," and that it matters more now than ever before. However, I am also arguing that we need to understand the political history of those laws and rules. Why does the political system change its delegation of authority to trial courts over time? Why are trial courts in different states given different task definitions? The answers to these questions offer important insights not only into trial courts, but also into politics generally.

When I read our work on trial courts I always get the feeling that law and rules are only considered to be pesky intervening variables that have to be controlled for. I believe that we must give such rules and law central importance in our study. By doing so, we also define trial courts as a part of the political system.

The other side of this institutional coin is that trial court activity does not merely allocate value, but it also provides the impetus for political change in other branches of government. For instance, a class of losing litigants may petition for a rule change that may prevent that type of litigation or change the rules of the game to support their position. A classic example of this is the passage of debt and foreclosure moratoriums during the Great Depression.

Thus, an institutional perspective asks about the role given to trial courts by the political branches of government and the impact of trial courts on the behavior of other institutions.

### *The Unique Institutional Role of Trial Courts*

Extending this logic, trial courts are not merely "a" political institution among others, but one that plays a unique role in a democratic society. That unique role is that it provides the opportunity for two sets of lay citizens to become actual participants in the government process. Those citizens are litigants and jurors. Unlike the voter, these citizens are actual decision makers in a political process; they become part of the "institution." Will a case be filed? When will the case terminate? Will a loss be appealed? Who wins and who loses? These are all questions answered by lay participants. This unique characteristic not only gives significance to the trial court as a political institution, but also often defines the parameters of the political debate over the role of trial courts in American society.

If we think about twentieth century tort law issues, they relate to political attempts to limit or broaden the power and authority of lay participants. For example, workers compensation took away the right of injured workers to use the legal system. It simultaneously took away the jury's right to determine the appropriate value for a worker injury. Current no fault plans and limits on damages are of the same type. The political message seems to be that citizen participants in the legal system can not be trusted to act for the common good.

In many instances an opposite political message about lay participants has been given. For example, the political system has increasingly defined laws and rules that permit and encourage certain lay participation. Grants to tenants to challenge the action of landlords is an example in the property law area. Increased ability of consumers to challenge certain contracts is another. Divorce law is also an interesting example in this regard. The current move-

ment toward no fault is the attempt to provide the litigants an almost totally unfettered right to control the governmental decision making process.

Politically defined rules and laws which either encourage or discourage certain types of lay participation or decision making are a key element to understanding the unique role of trial courts as political institutions. At first blush this may sound like I am proposing that we go back to the study of upper court and legislative rule making and actually ignore trial courts, but that is not what I am saying. Actual litigant and juror behavior is still the primary data. However, before that data can be understood we must map the political dynamics which have defined the law and rules applied by these courts. Similarly, we must understand how that behavior will affect the general political system.

What I am proposing is that the political science study of trial courts requires data sets that are sensitive to the trial court as a political institution, interacting with other political institutions. Central to that understanding is the role of lay participants in the process. This means that before beginning additional data collection projects on litigant or juror behavior, we need information about historical and cross sectional variations in trial court role. For example, what restrictions do various states place upon the types of tort actions that can be filed and/or on jury award of damages? With such data we not only begin to understand the political role of trial courts, but we also then have necessary contextual information to help interpret actual trial court data.

Will this approach convince those who currently give us no respect? Probably not. However, it may provide a dose of self respect, making us more confident in saying "Of course it's political science. Besides the stuff you voting behavior people do is pretty boring."



*"To answer your question. Yes, if you shoot an arrow into the air and it falls to earth you know not where, you could be liable for any damage it may cause."*

## LETTERS TO EDITORS

April 24, 1991

To the Editor:

By chance, I recently again read the letter from Chief Justice Rehnquist to Professor Bradley and Professor Abraham's letter to Professor McLauchlan in the Fall, 1989, issue of the *Section Newsletter* (pages 8-9), regarding the voting procedure in the Supreme Court. I, too, was so advised by the Chief Justice in a letter to me, dated April 4, 1990, a copy of which is enclosed.

The Chief Justice's letter to me was in reply to my having called to his attention a comment by C. Dickerman Williams (who was Chief Justice Taft's law clerk during the 1924 Term) that:

"The Chief Justice would make a presentation of the case. After as much discussion as seemed necessary, the Justices would vote, the Junior Justice voting first" (Supreme Court Historical Society, Yearbook 1989, page 43, underlining supplied).

I am quite certain that voting was in ascending order, with the junior Justice voting first, at least, to the Vinson period.

I will appreciate your publishing my letter and enclosure.

Very Truly yours,

David M. Levitan  
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## Chief Justice Rehnquist's Letter

April 4, 1990

David M. Levitan, Esq.  
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Dear Mr. Levitan,

Thank you for your letter of March 19th, inquiring as to the method of voting on the part of the Justices of the Supreme Court in Conference. Ordinarily — and this has been true during my entire tenure on the Court — the discussion begins with the Chief Justice, who both "discusses" and then "votes," and then passes down the line in the order of seniority. I know that there is much comment leading to the conclusion that it was otherwise at the time of Chief Justice Hughes, and perhaps later than that; I really don't know when it changed.

I found the letter which Felix Frankfurter wrote to you interesting.

Sincerely,

Chief Justice Rehnquist

.....

What do C. Herman Pritchett and  
Baseball Have in Common?

The question . . . why baseball is so resistant to film art is easily answered . . . [by] Roger Angell's now famous quip that "baseball seems to have been invented for the purpose of explaining everything else." In a word, baseball resists dramatization because it is a metaphor itself.

James T. Farrell once wrote a piece called "Baseball Statistics," which at least implied that the romance was the numbers, not the players. In that view, baseball can be seen as a kind of living lottery. Farrell was definitely on to something. Around the time he wrote, one of the most striking uses of the baseball metaphor was taking shape in the mind of **C. Herman Pritchett**, who began the epic work of matching the playing records of Supreme Court Justices in terms of each other's records, i.e., number of At Bats — in this case opinions, majority opinions (home runs?), concurred in by others (assists) and strikeouts (dissents) along with all the other tracking that intrigues the fans of both "sports."

Today it is taken for granted that both the Court and the major leagues, whose seasons overlap closely and each of which utilize nine players, are best understood as statistical metaphors for the society both serve. There has been very little good theater or movies about the Supreme Court also. It's hard to do a metaphor about a metaphor.

Letter to the Editor  
*New York Times*, 19 May 91

## SECTION NEWS

### MINUTES OF THE MEETING OF THE EXECUTIVE COMMITTEE

On August 31, 1991, the Executive Committee of the Organized Section met in Washington, DC, and transacted the following business:

**Financial Business:** We discussed the Section's financial status John Brigham reported on his successful efforts to recover an additional \$1 in dues per member from the APSA. The closing balance of the Section was estimated at \$1,922.

**1992 Program:** Procedures for the organization of the 1992 APSA Program were discussed. Lynn Mather and Bruce Murphy discussed their views. Leslie Goldstein, organizer of the 1991 program, discussed her experiences.

**Constitutional Amendments:** We discussed a series of proposed changes in the constitution of the Organized Section. Lynn Mather agreed to put these into writing and Roy Flemming agreed to put a ballot on them in the Fall version of the *Newsletter*.

**Newsletter:** Roy Flemming reported on the Status of the *Newsletter*. The Committee discussed the possibility of a revised version of the *Membership Directory*.

**Law and Politics Book Review:** The Executive Committee discussed a report from Herb Jacob on the first year's experience on the book review journal.

**Workshops:** The Committee discussed the possibility and agreed on the desirability of a Workshop for Graduate Students on the day prior to the convention. John Brigham agreed to undertake this project for the Section.

**Financial Assistance:** Members of the Committee discussed the possibility of providing some modest financial assistance, as the budget allows, to encourage participation at the meetings from members of groups who might not otherwise be able to go to the convention. The organizers of the Program and the Chair of the Section agreed to consult on this matter and to provide assistance as needed and as possible.

.....

### C. HERMAN PRITCHETT AWARD IS GRANTED TO SUSAN E. LAWRENCE

The selection committee included David M. O'Brien, University of Virginia; Priscilla H. Machado, United State Naval Academy; and Sheldon Goldman, University of Massachusetts. The committee reviewed 58 nominated books written by political scientists, law professors and scholars in other disciplines. It excluded from consideration textbooks and edited collections, when making its final selection.

The committee awarded the 1991 C. Herman pritchett Prize to Susan E. Lawrence for her book, *The Poor in Court: The Legal Services Program and Supreme Court Decision Making*, published by Princeton University Press. Professor Lawrence teaches at Rutgers University and received her Ph.D., under the direction of Professor J. Woodford Howard, at Johns Hopkins University. Her book is a revised version of her disseration, which received the 1986 Edward S. Corwin Award.

Professor Lawrence analyzes the Legal Service Program's litigation before the Supreme Court during the period of 1966 to 1974 and the Supreme Court's responses to that litigation. In doing so, Professor Lawrence addresses a range of issues and interests central to the field and, more generally, political science — from access to the judicial system and the efficiency of special-interest group litigation, to the politics of the Supreme Court's agenda-setting and decision-making processes, and, finally, to larger concerns about the Court's institutional role in American politics. *The Poor in Court* commendably combines original quantitative research with measured analysis that provides insight into the judicial process and the policy-making process in the Supreme Court and in relation to other political institutions and processes. As such, Professor Lawrence's book makes an outstanding contribution and serves as a model for future research.

## LIST OF OFFICERS

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##### **1991-1992**

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#### **Pritchett Prize:**

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##### **1991-1993**

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Stuart Scheingold, Washington (Chair)

### NOMINEES FOR PI SIGMA ALPHA AWARD

The following papers were nominated for the 1991 Pi Sigma Alpha Award for the best paper at the annual meeting: Edward J. Bronson and Robert S. Ross, "Justice in the Era of the High-Profile Defendant: Will a Change of Venue Help?" and Deborah J. Barrow, Gerard S. Gyski, and Gary Zuk, "The Institutional Politics of Federal Judicial Regeneration: 1869-1990."

The paper by Bronson and Ross uses public opinion research in the context of change of venue motions seeking an impartial jury in well publicized trials. The data has been collected for over a decade and is brought together here to tell a fascinating story of institutional promise, local culture and striking characters.

The paper by Barrow, Gyski and Zuk looks at one of the fundamental issues in institutional studies — how institutions are regenerated. The focus on federal judicial appointment is timely given the contemporary transformation of the federal bench by Republican administrations.

John Brigham  
Law, Courts, and Judicial Process

### Award for Outstanding Graduate Student Research Paper

At its business meeting at the 1991 APSA meeting, the Section named **Robin M. Wolpert** of the University of Chicago as the 1991 recipient of its Award for the Outstanding Graduate Student Research Paper, for "Explaining and Predicting Supreme Court Decision-Making: The Gender Discrimination Cases, 1971-1987." Advisor for the project was Professor Gerald N. Rosenberg.

An Honorable Mention certificate was awarded to **Teresa Romero** of the University of Washington, for "Abortion Legislation in Italy and the United States: A Comparative Study of Political Science, Legal Ideology, and Politics." Advisor for the project was Professor Daniel S. Lev.

## ANNOUNCEMENTS

### THE REVIEW OF POLITICS

### INAUGURATES ITS SPECIAL ISSUE ON

### LAW AND JUDICIAL PROCESS

The *Law, Courts, and Judicial Process* Section of the American Political Science Association and *The Review of Politics* are inaugurating an unusual and experimental three-year effort by devoting one issue a year of the *Review* to judicial process, legal theory, and judicial behavior. The *Review* has achieved a particularly strong reputation through the years in the areas of constitutional theory and jurisprudence, and these topics will continue to be of great interest but broader topics and concerns are also encouraged, especially in accordance with the focus of the *Law, Courts, and Judicial Process* Section.

Editor for the special issue will be **Samuel Krislov**, University of Minnesota and Associate Editor will be **Doris Marie Provine**, Syracuse University. **Donald**

**Kommers**, the editor-in-chief of the *Review*, will function as representative of the journal in the selection process of the articles and overall coordination of the issue with the *Review*.

Submissions should meet *The Review of Politics* standards and stylesheet and four copies should be sent to:

*The Review of Politics*  
Box B  
Notre Dame, IN 46556

Authors who wish to publish in the special issue should so indicate. The *Review* editors may also route regular submissions for inclusion in the special issue.

## NATIONAL SCIENCE FOUNDATION REQUEST FOR PROPOSALS ON "GLOBAL SOCIOLEGAL STUDIES"

The Law and Social Science Program at the National Science Foundation is continuing its special competition for research dealing with global perspectives on sociolegal studies. The aim of this initiative is to support research on law and law-related processes and behaviors in light of the growing interdependence and interconnectedness of the world. The competition seeks to encourage examination of **both** global dimensions of sociolegal phenomena (e.g., disputing, law and social change, legal pluralism, social control, crime causation) **and** sociolegal dimensions of global phenomena (e.g., economic and commercial transactions, immigration and population shifts, social and ethnic conflict, regulation of the environment, public and private governance). Proposals are welcome that advance fundamental knowledge about legal interactions, processes, relations, and diffusions that extend beyond any single nation as well as about how local and national legal institutions, systems, and cultures affect or are affected by transnational or international phenomena. Thus, proposals may locate the research within a single nation or between or across legal systems or regimes as long as they illuminate or are informed by global perspectives.

Proposals submitted to this initiative must be received at NSF by **February 1, 1992**. In addition to standard proposals, planning grant proposals, travel support requests to lay the foundation for research, and proposals for improving doctoral dissertation research are welcome. Funding decisions will be announced approximately four months after the deadline. Proposals should be prepared in accordance with the guidelines in *Grants for Research and Education in Science and Engineering* (NSF90-77). For more information on the types of activities eligible for support, contact **Michael C. Musheno**, Program Director, Law and Social Science, National Science Foundation, 1800 G Street, NW, Washington, DC 20550. (202) 357-9567; e-mail MMUSHENO@NSF.BITNET; fax (202) 357-0357.

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## HURST PRIZE COMMITTEE OF THE LAW AND SOCIETY ASSOCIATION

The **Hurst Prize Committee** seeks nominations and suggestions for works appropriate for the 1992 prize. The Hurst prize is given to the best work in American legal history published between January 1990 and December 1991. The field of legal history — in the spirit of Willard Hurst's own work — is broadly defined to include the history of interrelationships between law and social, economic, and political change; the history functions and impact of legal agencies, legislative and administrative as well as judicial; and the history of the legal profession. Although the prize is for American legal history, significant comparative work that sheds light on American history will also be considered. The submission of purely doctrinal studies of the evolution of appellate case law is, however, discouraged. Preference in making the award will normally be given to books; but articles and monographs of exceptional quality will also be considered. Nominations should be received **December 1, 1991**. The award will be represented at the 1992 Annual Meeting of the Association in Philadelphia. Recommendations should be sent to Committee Chair: **Hendrik Hartog**, School of Law, University of Wisconsin-Madison, Madison, WI 53706.

## COURT HISTORIAN Oral History Interviews with Federal Judges

In 1988, the Federal Judicial History Office began collecting information on existing oral history interviews related to the federal courts. The survey included both federal court history programs and private oral history collections. To date, more than 900 such interviews have been located; persons interviewed comprise court staff, litigants, associates of important figures, members of the bar, and federal judges themselves.

The information gathered about these recorded interviews appears in a directory published by the Federal Judicial Center. The directory includes name, subject, institutional, and geographical indexes and identifies, where possible, the date of the interview, interviewer, repository, length, formats available for interlibrary loan and purchase, and restrictions on use.

The directory will be sent automatically to federal court libraries upon publication. If you would like to receive a copy of the directory, please write to the **Federal Judicial History Office**, Federal Judicial Center, 1520 H Street, NW, Washington, DC 20005.

## AFTER THE LAW: A SERIES ON LAW IN SOCIETY

John Brigham and Christine Harrington are editing Routledge's new series, *After the Law*. This series goes beyond the truism that law is political, and begins to examine the ways in which law constitutes social relations. The Series will feature work that sees law as an important force in constituting the political terrain, thus challenging the conventional idea that law simply referees contests of interest.

Sociolegal scholarship that opens new inquiries into social relations, ideology, and dialectical processes is evident in the Series' three themes:

*Social Movements:* We are interested in works that address law in the dynamism of movements. Studies on the civil rights, abortion, and women's movements, with potential work coming from the emerging struggle between protectionism and absolute equality, and the movement for social justice, are of particular interest.

*Institutions and Institutional Change:* Through institutions, at rest or in transition, we see ways in which the law constitutes social relations. From works on appellate courts, which are often at the "end of the line" in adjudicative matters, to statutory reforms, such as the new presidential primary system, the Series seeks manuscripts

that depict legal change constituting the institutions of our political life.

*Professional Communities:* The Series will draw attention to the political consequences of professional and other ideological communities which discipline and police the activities of public life. Interpretive communities, such as law and economics, critical legal studies, and other groupings within the legal profession, organize teaching and practice according to different views of what law means for society.

Please send inquiries to the Series editors:

**Professor John Brigham**  
Department of Political Science  
University of Massachusetts  
Amherst, MA 01003  
(413) 545-0450

**Professor Christine B. Harrington**  
Department of Politics  
New York University  
715 Broadway  
New York, NY 10003  
(212) 998-8509

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### AMERICAN BAR ASSOCIATION Commission on College and University Nonprofessional Legal Studies

announces

#### *Mini-Grant Awards for 1991-1992*

- Course Development and Faculty Seminar on "Western Legal Traditions," Louise Shelley, Chair/Justice, Law and Society, *American University*, Washington, DC.
- "Computer Courseware on the History and Structure of American Courts," Micheal Giles, Political Science, *Emory University*, Atlanta, GA.
- "The Law Forum: Student Discussion and Debate about Law-Related Current Events," Kathleen Moore, Philosophy, *Oregon State University*, Corvallis, OR.
- "Course and Materials Development for 'Mexican-Americans and the Law: The Last 25 Years'," Ray Leal, Public Justice, *St. Mary's University*, San Antonio, TX.
- "Social Science Field Course in Poverty Law," Marcia Steinbock, Criminal Justice, *Stockton State College*, Pomona, NJ.
- "Programs on Women and the Law," Marie Henry, Chair/Social and Behavioral Sciences, *Sullivan County Community College*, Loch Sheldrake, NY.
- "Course and Materials Development for 'The Psychology of Mediation in the Legal Process,'" Jane Goodman, Psychology, *University of Washington*, Seattle, WA.

## AMERICAN LEGAL AND AMERICAN CONSTITUTIONAL HISTORY

Garland Publishing announces a search for monographs and conference papers on American Legal and American Constitutional History. We seek work covering a range of subjects, and time frames, and invite inquiries.

Please send inquiries to **Professor Harold Hyman**, Series Editor, History Department, Rice University, Houston, TX 77251-1892.

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### LAW AND SOCIETY REVIEW

#### CALLS FOR

#### MINI-SYMPOSIA PROPOSALS

For the purpose of increasing the range of topics, research traditions, and types of theory offered to readers of the *Law & Society Review*, the General Editor-Elect is initiating a call for proposals for mini-symposia on subjects relevant to sociolegal research for a new feature in the *Review*, commencing in Volume 26 (1992).

*Submitting a Proposal:* Proposals to organize a mini-symposium may be made at any time and should be sent to the General-Editor of the *Law & Society Review*. Proposals at any stage of development are welcome.

Proposals should be in the form of a letter, no more than a few pages in length, and should set forth the symposium topic, explain its importance, suggest who the organizer might invite to participate and why, and describe what an introductory essay might cover and who will write it. It is assumed that no commitments from authors will have been obtained prior to submission of the proposal and that the proposal may undergo further development after the consultation with the editor. In some cases, a further public call for contributions may be appropriate, while in others, relevant work might be limited to a small number of persons who are obvious choices for selection. Send Proposals to: **Frank Munger: Editor, Law & Society Review**; Faculty of Law; State University of New York at Buffalo, Buffalo, NY 14260. (fax: (716) 636-2064).

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### Harry Kalven Prize of the LAW AND SOCIETY ASSOCIATION

The **Harry Kalven Prize** is awarded by the Law and Society Association for "empirical scholarship that has contributed most effectively to the advancement of research in law and society." It is not a book prize, but is given in recognition of a body of scholarly work. Neither is it a "career achievement" award, however; at least some portion of the work for which the award is given should have been completed within the past few years. As the Kalven prize was not awarded at the Amsterdam meeting of the Association, prizes will be offered in each of the next two years.

Nominations of candidates or suggestions for the committee's consideration should be forwarded to: **June Starr**, Kalven Prize Committee Chair, 1769 Park Boulevard, Palo Alto, CA 94306. Documentation concerning the significance and contributions of the research, including citations to publications, will assist the committee in its consideration of candidates. Nominations for the 1992 prize should be received by **December 1, 1991**. The award will be presented at the Annual Meeting of the Law and Society Association in Philadelphia.

### RESPONSIVE COMMUNITY: RIGHTS AND RESPONSIBILITIES JOURNAL

*The Responsive Community: Rights and Responsibilities* is a new journal that explores the balance between individual rights and community obligations. First issues have concerned First Amendment Rights vs. national security, rights of criminals vs. rights of victims, future of the American family, AIDS, corporate social responsibility, national service, and education reform. Publishers of the journal are offering a **\$1,000 prize** for the best commentary received (and published) on any of the controversial articles and provocative cases included in its first four issues. Editor of the Journal is Amitai Etzioni (sociology, George Washington University). The Editorial Board is comprised of an assortment of ethicists, political scientists, and sociologists, including John Coffee (Columbia University), Ilene Nagel (Indiana University) and Philip Selznick (University of California, Berkeley). For more information about the journal and/or the prize write to: *The Responsive Community*, 714 Gelman Library, The George University, Washington, DC 20052.

## SOCIO-LEGAL STUDIES ASSOCIATION IN BRITAIN

Socio-Legal Studies embraces disciplines and subjects concerned with the social effects of law, legal processes, institutions and services. In November 1989 a Socio-Legal Studies Association was for the first time established in Britain.

The Association's activities include: publication of the Socio-Legal Newsletter; an annual conference of international standing; seminars for policy-makers, researchers and postgraduates; and production of a research directory and guide to postgraduate courses.

For further information contact: **Nancy Drucker**, Development Officer SLSA, Centre for Socio-Legal Studies, Wolfson College, Oxford OX2 6UD. Telephone: (0865) 52967 FAX: (0865) 59111.

## Columbia Journal of Gender and Law

The *Columbia Journal of Gender and Law* (JGL) has published its first issue. The journal was founded by students at Columbia Law School to foster dialogue on legal issues of concern to women. It takes an interdisciplinary and international approach. The first issue contains articles on women prisoners with AIDS, feminism, empowerment of women in India, and international law and women's rights. For information on manuscript submissions or subscriptions contact: *Columbia Journal of Gender and Law*, 435 West 116th Street, New York, NY 10027-7297; (212) 316-7652.

## Webb-Smith Essay Award

The Department of History at the University of Texas, Arlington, announces the 1992 **Webb-Smith Essay Competition**, a **\$500 award** for the best essay of 10,000 words or less on the topic "English Law and the American Experience." The winning essay will be included in Volume Twenty-seven of the Walter Prescott Webb Memorial Lectures Series published by Texas A&M University Press. Manuscripts must be submitted by **February 1, 1992**. For submission forms and additional information write: **The Walter Prescott Webb Memorials Lectures Committee**, Department of History, Box 19529, University of Texas at Arlington, Arlington, TX 76019.

## CONFERENCE CALLS

### CALL FOR PAPERS AND PANELS

**New England Political Science Association  
1992 Annual Conference  
April 3-4, 1992  
Providence, Rhode Island**

The New England Political Science Association encourages participation across a broad range of interests and disciplines in political science. The 1992 Annual Conference will feature "Meet the Author" roundtables, topical roundtables, and panels presenting scholarly research.

Please write:

***Constitutional Law, Free Speech on Campus, Legal Foundations of Public Policy***

**Frederick P. Lewis**  
Department of Political Science  
University of Massachusetts at Lowell  
Lowell, MA 01854  
(508) 934-4000

**Robert S. Gilmour**  
Department of Political Science  
University of Connecticut  
Storrs, CT 06269  
(203) 486-4518/1459

Proposals for papers should include author, title, and an abstract. Proposals for whole panels are welcome. The deadline for receipt of submissions is **December 15, 1991**.

**AMERICAN BAR ASSOCIATION**

Commission on College and University  
Nonprofessional Legal Studies

**8th Annual Invitation Conference**

*"Beyond Our Borders: Global Themes in Legal Studies"*

**April 23-25, 1992**

**Application Deadline: January 31, 1992.**

The American Bar Association will sponsor its 8th annual higher education conference, "Beyond Our Borders: Global Themes in Legal Studies," from April 23-25, 1992, at the Rye Town Hilton in Rye, New York. The conference will provide opportunities to discuss the integration of global themes in law-related courses and programs. The ABA will provide two nights lodging and a number of meals for invited participants. Interested faculty should send a CV and cover letter describing their teaching interests and benefits expected from the conference by **January 31, 1992** to: **John Paul Ryan**, ABA Commission on College and University Nonprofessional Legal Studies, 541 N. Fairbanks Court, Chicago, IL 60611-3314.

**1992 LAW AND SOCIETY ASSOCIATION**

**ANNUAL MEETING**

**"Crossing Boundaries"**

**May 27-31, 1992**

**PHILADELPHIA, PA**

**Send Paper or Panel Proposals To:**

**Austin Sarat  
Amherst College  
Amherst, MA**

**1992 BOLOGNA INTERIM MEETING**

**OF THE**

**RESEARCH COMMITTEE ON**

**COMPARATIVE JUDICIAL**

**STUDIES OF IPSA**

A 1992 Interim Meeting of the Research Committee on Comparative Judicial Studies of the International Political Science Association will be hosted on June 14-17, 1992 by the *Centro Studie Recherche Sull' Ordinamento Giudiziario* at the University of Bologna's new buildings in Forli, a few KM east of Bologna, Italy. Those interested in organizing panels, presenting papers, or otherwise participating in or attending the 1992 Bologna/Forli meeting should contact the Convenor, at the addresses given below, as soon as possible. Contact:

**Professor Neal Tate**

Department of Political Science  
University of North Texas  
Denton, TX 76203-5338 USA  
(817) 565-2337 (o); (817) 387-7774 (h)  
BITNET: TATE at UNTVM1  
FAX: (817) 565-2599

## SOCIO-LEGAL STUDIES ASSOCIATION CONFERENCE '92

April 13-15, 1992

*Keele University, UK*

### Conference Themes:

Discrimination:	Race
Nations:	Gender
Family Law:	Reform and Representation
Medico-legal:	Politics
Health Regulation:	Business Regulation
UK, USA and Europe:	Research Aims
Methods:	Discourse

**Abstracts:** 200 words maximum to be submitted by December 12, 1991

**Programme:** Sally Wheeler, Shaun McVeigh  
Staffordshir, ST5 5BG, UK  
Phone: (0782) 621111 FAX: (0782) 712794

## CONFERENCE PRESENTATIONS

The panels and papers listed below were presented at the 1991 annual meetings of the regional associations.

### MIDWEST POLITICAL SCIENCE ASSOCIATION

#### ***Decision-Making in the Supreme Court: New Departures***

- Papers:*
- "The Dimensionality of Supreme Court Opinion: An Alternative Conceptualization," James P. Wenzel, University of Houston
  - "The Supreme Court's Use of Per Curiams: A Reexamination," Stephen L. Wasby, United States Naval Academy, Steven Peterson, James Schubert, Alfred University, and Glendon Schubert, University of Hawaii
  - "Swing Voting: Does Aggregate Data Analysis Hide the True Picture?" Janet Blasecki, University of Connecticut

#### ***Courts as Political Institutions — Here and Abroad***

- Papers:*
- "On the Nature of Supreme Court Decision-Making," Lee Epstein, Southern Methodist University and Tracey George, Stanford Law School

"Inside the European Court of Justice: The Court as a Political Institution," Sally J. Kenney, University of Iowa

"Selective Reporting of Appellate Decisions and the Distribution of Legal Values: Some Insights from the English Judicial System," Burton M. Atkins, Florida State University

### **Courts and Publics**

*Papers:* "Television News and the Supreme Court: 'Game Day' Coverage of the *Bakke* Case," Elliot E. Slotnick, Ohio State University

"The Salience of Supreme Court Decisions," Charles H. Franklin and Liane Kosaki, Washington University, St. Louis

"Public Opinion, Courts, and Civil Liberties in Canada," Shannon Smithey, Ohio State University

### **Problems in Contemporary Constitutional Law**

*Papers:* "The Judicial Science of Politics, or Why Taxation Without Representation is Constitutional and Party Discipline is Not — with Thoughts on a Paradigm Shift," James R. Stoner, Louisiana State University

"The Constitution, the Court, and the Legislative Veto," Randall W. Bland, Southwest Texas State University, and John Grasso, Stanford University

"Exploring Alternatives to Judicial Supremacy: Prospects and Problems in the Abortion Debate," Susan R. Burgess, University of Wisconsin-Milwaukee

### **The Continuing Battle for Justice**

*Papers:* "The Senate's Confirmation Role in Supreme Court Nominations: Legal Qualifications Versus Political Considerations," Albert P. Melone, Southern Illinois University

"The Brandeis and Bork Battles: A Systematic Comparison," Charles R. Epp, University of Wisconsin-Madison

"Character, Competency, and Constitutionalism: Did the Bork Nomination Represent a Fundamental Shift in Confirmation Criteria?" Daniel J. Reagan, Ball State University, Frank Buliuzza, Weber State University and David M. Barrett, Villanova University

### **Courts and Policy-Making**

*Papers:* "Testing the Limits of Precedent: Judicial Standards for the Desegregation of Education," Grant B. Mindle and Kenyon Bunch, University of North Texas

"State Responses to *Hodgson v. Minnesota* and *Ohio v. Akron Center for Reproductive Health*," Augustus J. Jones, Jr. and Michelle Deardorff, Miami University

"Defining Judicial Policymaking: Developing a Heuristic Framework," Chuck Smith, University of Kentucky

### **Gender in the Courts**

*Papers:* "Gender Effects on the Voting of Judges in the United States Courts of Appeals," Sue Davis, University of Delaware, Donald Songer, Susan Haire, and Kassi B. Gillette, University of South Carolina

"Explaining and Predicting Supreme Court Decision-Making: The Gender Discrimination Cases, 1971-1990," Robin Wolpert, University of Chicago

"Apolitical Courts? Sentencing in Rape Cases," Barbara M. Yarnold, Florida International University

### ***Constitutional Interpretation***

*Paper:* "The Formalism of Robert Bork," Timothy L. Smith, Johns Hopkins University

"The Logic of Originalism," Dennis Goldford, Drake University

"Justice Antonin Scalia: Contradictions in the Opinions and Behavior of the Supreme Court's Institutional Guardian," Christopher E. Smith, University of Akron

### ***Litigation, Lawyers, and Courts***

*Papers:* "Legal Mobilization in Canada and the United States: Consumer Problems in North America," Herbert M. Kritzer, University of Wisconsin-Madison, Neil Vidmar, Duke University, Kathleen Zahorik, United States Probation Service and W.A. Bogart, University of Windsor

"Responses to Social Stress: Litigation and Other Coping Behaviors," Wayne V. McIntosh and Cynthia Cates Colella, University of Maryland

"Attitudes and Behavior: The Case of Lawyer Advertising," Lauren Bowen, John Carroll University

## **SOUTHERN POLITICAL SCIENCE ASSOCIATION**

### ***Reason in Law and the Problems of Constitutional Interpretation***

*Papers:* "Skepticism and the Pursuit of an Authoritative Interpretive Theory," Peter Digeser, University of California, Santa Barbara

"The Law and Economics Paradigm: An Analysis of its Impact and Assumptions," Gerald L. Houseman, Indiana University, Purdue University

"A Primer on the Common Law Today for Students of the Judicial Process," James R. Stoner, Jr., Louisiana State University

"Constitutional Interpretation and Grounded Critical Legal Theory," Richard R. Weiner, Rhode Island College

### ***Politics, Interest Groups, and Judicial Policy-Making***

*Papers:* "Beyond Legal Mobilization: Finding the Lost Branch of Government," Herbert Jacob, Northwestern University

"Institutional Effects on Interest Group Litigation," Paul J. Wahlbeck, Washington University

"The Impact of Interest Group Participation on Individual Vote Decisions of Supreme Court Justices," Eric Waltenburg, Ohio State University, Sam Loeman, Ohio State University

### ***The Politics of the Appointment Process and Judicial Decision Making***

*Papers:* "Time Series Models of Ideological Change in Supreme Court Decision Making, 1953-1988," Reginald S. Sheehan, University of North Texas, William Mishler, University of South Carolina

"Redrawing the Political Map: An Impact Analysis of the Reagan Appointment on the Supreme Court," Leo Hennessy, Ohio State University

"Reassessing the 'Freshman Effect': The Assimilation of New Justices on the U.S. Supreme Court, 1921-1989," John M. Scheb, II, University of Tennessee

### ***State Courts, Criminal Trials and the Judicial Process***

- Papers:*
- "Hypnotism in the Courtroom: Science or Suggestion?" Robert C. Bradley, Illinois State University
  - "Expansion of the Jury Pool as an Extension of Democracy," Margaret T. Stopp, University of West Florida
  - "To Plea or Not to Plea: The Prosecutor's Political Agenda," Stacia L. Haynie, Louisiana State University, Ernest A. Dover, Jr., Midwestern State University

### ***Political Culture and Its Impact Upon Commercial Speech, Right to Privacy, and Abortion***

- Papers:*
- "Pre-1973 State Abortion Laws and Hospital-Based Abortion Services Today: Political Culture as the Causal Link to Compliance with Roe v. Wade," Raymond Tatalovich, Loyola University of Chicago
  - "The Supreme Court and Capitalism: The Commercial Speech Doctrine," Lauren Bowen, John Carroll University
  - "Justice Blackmun and the Evolving Standard of the Right to Privacy on the Burger and Rehnquist Courts," Joseph F. Kobylka, Southern Methodist University

### ***Justices and Judicial Biographies***

- Papers:*
- "Dual Biographies: Justices Hugo Black and William O. Douglas," Phillip Cooper, SUNY-Albany, Howard Ball, University of Vermont
  - "Competing Visions of New Deal Justice: Social Theory and the Judicial Philosophies of Justices Felix Frankfurter, Hugo Black, and Robert Jackson," Jeffrey Hockett, University of Tulsa
  - "Life-Mapping Justices: A Reassessment of Justice Abe Fortas," Bruce Murphy, Pennsylvania State University
  - "Better Right Than Consistent: Harlan I and Race," Tinsley E. Yarbrough, East Carolina State University

### ***The Impact of Environmental and Structural Variables on Voting Behavior in State and Federal Courts***

- Papers:*
- "The Effects of Region on Voting Behavior in the U.S. Courts of Appeals," Susan Haire, University of South Carolina
  - "Determinants of Judicial Voting: Cases, Judges, Courts and Their Environments," Melinda Gann Hall, University of Wisconsin-Milwaukee, Paul Brace, University of Illinois Chicago
  - "Reality or Myth?: A New Look at the Freshman Effect," Richard Pacelle, Indiana University, Patricia Pauly, University of Kentucky

### ***The Judicial Selection Process in State and Federal Courts: Race and Sex as Recruitment Variables***

- Papers:*
- "The Politics Surrounding the Enactment and Implementation of Judicial Pork Barrel Legislation: Some Implications for Minority Recruitment to the Lower Federal Bench," Gary Zuk, Auburn University, Deborah J. Barrow, Auburn University, Gerard S. Gryski, Auburn University
  - "African-American Supreme Court Justices and the Electoral Process: Race and Controversy as Variables," Roger Handberg, University of Central Florida

### **State Courts: Public Perceptions and Judicial Behavior**

- Papers:* "Assessing Information of Two High Courts: An In-depth Examination of Ohioan Perception About the Ohio and U.S. Supreme Courts," John D. Felice, Ohio State University
- "The Impact of Legal Innovations Upon Rates of Judicial Dissent," Beth Ann Hull, University of Wisconsin-Milwaukee

### **SOUTHWESTERN SOCIAL SCIENCE ASSOCIATION**

#### ***The Courts and Discrimination***

- Papers:* "Imperiled Legacy: The Burger Court and Affirmative Action," Bert C. Buzan, California State University, Fullerton
- "Ward's Cove v. Antonio: A Feminist Analysis of the Burden of Proof Issue in Disparate Impact Discrimination Cases," Kate Greene, University of Southern Mississippi
- "State Courts and Gender Classifications," Shannon Tracy, University of California, Riverside

#### ***Judicial Reform and Policy Implementation: Issues in State Politics***

- Papers:* "Local Justice in the Rural Southwest: Perceptions of Professionalism and Change Among Non-Attorney Judges," John C. Domino, Sam Houston State University
- "The Decision to Advertise Legal Services: The Role of State Regulations," Lauren Bowen, John Carroll University
- "Beyond Tinker: Limiting the Discretion of School Administrators," Gayle Avant, Baylor University

#### ***Policy Making in the Federal Courts***

- Papers:* "Indian Rights and Law Before the Federal District Courts," Ronald Stidham, Lamar University and Robert A. Carp, University of Houston
- "A Social Model of Judicial Behavior in Abortion Cases," Sherion Stevens, University of Texas, Dallas
- "Federal Courts and the Desegregation of Higher Education: Does 'Just Schools' Mean 'Just Colleges'?" Paula C. Arledge, Northeast Louisiana University
- "Social Judgement and Judicial Policy-Making in the Federal Trial Courts," C.K. Rowland, University of Kansas

#### ***Policy Making in State Courts: Judges, Voters, and Legislatures***

- Papers:* "Judicial Behavior and Electoral Considerations: The Texas Supreme Court and Court of Criminal Appeals," Joseph Ignagi, University of Texas at Arlington
- "State Judicial Recruitment, Citizen Preferences and Elite Attitudes: A Computer Simulation," Marcia Lynn Whicker, Virginia Commonwealth University and Ruth Ann Strickland, Appalachian State University
- "Educational Equity in Higher Education: Universities in Search of Equal Opportunity Funding," Ray Leal, St. Mary's University
- "Political Culture and Sentencing in State Courts," David Bowers, University of Southern Mississippi

### ***Judicial Scandal, Reform, and Modernization: The Case of Oklahoma***

- Papers:* "The 1964 State Supreme Court Scandal and the Move to Reform in the Oklahoma Judicial System," Phillip M. Simpson, Cameron University
- "The Modernizing Judiciary: The Development of an Alternative Dispute Resolution System in Oklahoma with Rural and Urban Components," Hon. Carol Hansen, Judge Oklahoma Court of Appeals
- "The Modernizing Judiciary: ADRS in the Post Conviction Setting of the Oklahoma Department of Correction," Michael T. Oakley, Post Conviction Mediation Program, Oklahoma Department of Corrections
- "The Modernizing Judiciary: Issues in the Development of the Administrative Office of the Judiciary," Marvin Emerson, Oklahoma Bar Association

### ***The Bill of Rights After 200 Years***

- Papers:* "James Madison: A Theory on the Politics of Rights," John Kearnes, Armstrong State College
- "Drug Testing and Individual Rights of Privacy," Ernest Giglio, Lycoming College
- "Forget the Rhetoric: What the Fourth Amendment Really Means," Priscilla H. Machado, U.S. Naval Academy

### ***Law and Courts in Comparative Perspective***

- Papers:* "Jury Trials and the English Judicial System," Larry Noble, Clark College, Atlanta University
- "British Law Lords as Legislators," Barbara Hazlewood, Sul Ross State University
- "Unmanageable Burden: Chinese Law and the Limits of Justice," Lloyd E. Kelly, Rice University
- "Large Scale Litigation and Social Justice: A Comparative Impact Analysis," Gregory G. Curtin, University of Southern California

### ***The Supreme Court in the Brennan Years (1956-1990)***

- Papers:* "Justice Brennan and the Problem of Obscenity," Rodney A. Grunes, Centenary College
- "Tom C. Clark: Reluctant Activist in the Sit-In Cases," Mary P. Beeman, Incarnate Word College
- "The State, the Individual, and the Rehnquist Court: Two Recent Cases," Michael Tager, Belmont Abbey College
- "The Battle Over Strict Scrutiny: Coalitional Conflict in the Rehnquist Court," Richard A. Brisbin, West Virginia University and Edward V. Heck, San Diego State University

### ***Issues in Constitutional Interpretation***

- Papers:* "Constitutional Reciprocity: The Origin and Growth of a Concept," Jeffrey D. Hockett, University of Tulsa
- "The Supreme Court and Original Intent: The First 100 Years," Gordon Lloyd, University of Redlands
- "Jurisprudence in the Twentieth Century," Virginia C. Armstrong, Hardin-Simmons University
- "*Bowers v. Hardwick* Reconsidered: The Supreme Court, Privacy, and Equal Protection," Kenneth F. Mott and Brian Tyler, Gettysburg College

## **WESTERN POLITICAL SCIENCE ASSOCIATION**

### ***The Supreme Court***

- Papers:* "Protecting Judicial Leadership: Would Rehnquist Rather Switch than Fight?" Frank Guluizza, III, Weber State University
- "Beyond *Von Raab* and *Skinner*: Lower Court Policy Applications of the Special Needs Rationale," Kenneth Nugar, San Jose State University
- "Justices' Participation in Supreme Court Oral Argument," James N. Schubert and Steven A. Peterson, Alfred University, Gledon A. Schubert, University of Hawaii, and Stephen L. Wasby, United States Navel Academy

### ***Administrative Law — Why and How to Teach It in Political Science Courses***

- Papers:* "Why and How to Teach Administrative Law to a Clientele of Public Administration and Public Policy Students: A Practical Guide with Bibliography," Lief Carter, University of Georgia
- "How a Constitutional Law Teacher Can Tool Up to Teach Administrative Law: A Practical Guide with Bibliography," Martin Shapiro, University of California, Berkeley
- "Administrative Law and Statutory Interpretation: A Brief Practical Guide to the New Literature on Statutory Interpretation for Teachers of Constitutional Law," Daniel Rodriguez, University of California, Berkeley

### ***Economic Rights, Culture and Courts***

- Papers:* "The Courts and Labor Law in India: Judicial Impact Development and Workman's Rights," Anthony Brunello, Eckerd College
- "Environmental Cultures, Regulation and the Constitution," Dennis J. Coyle, Catholic University
- "Land, Water and Reindeer: Two Culture's Conflicting Visions of Public v. Private and Individual v. Collective Property Rights," Fae Korsmo, University of New Mexico

### ***The Politics of Public and Private Courts***

- Papers:* "Can There Be a Theory of Supreme Court Confirmations?" Mark Silverstein, Boston University and William Haltom, University of Puget Sound
- "Can There Be a Theory of Judicial Voting Behavior?" Melinda Gann Hall, University of Wisconsin - Milwaukee and Paul Brace, University of Illinois
- "International Arguments and the Politics of U.S. Tort Reform," Ross Chait, Brown University
- "The NCAA and Drug Testing: State Agent or Private Association?" Don Crowley, University of Idaho

### ***Comparative Law for Teachers of American Constitutional Law***

- Papers:* "How to Prepare a Comparative Constitutional Law Course," David Danelski, Stanford in Washington
- "Introducing Students to One Facet of Comparative Constitutional Law: Comparative Human Rights in General and Freedom of Expression in Particular," Jan K. Darget, University of Tampa

"Comparative Elements in the American Constitutional Law Course," Kenneth M. Halland, Memphis State University

The Value of Comparative Constitutional Law," Donald P. Kommers, University of Notre Dame

"Integrating Comparative Constitutional Review Materials in Public Policy Courses," Alec Stone, Middlebury College

"Constitutional Development and Social Change in Comparative Perspective," Michael C. Tolley, Northeastern University

## LAW AND POLITICS BOOK REVIEW

### Volume 1, Number 1 (March 1991)

Abdullahi Ahmed An-Nacim and Francis M. Deng, *Human Rights in Africa: Cross-Cultural Perspectives*, Washington: The Brookings Institution, 1990. Reviewed by Matthew Lippman (University of Illinois at Chicago).

Eve S. Buzawa and Carl G. Buzawa, *Domestic Violence: The Criminal Justice Response*. Newbury Park, CA: Sage Publications, 1990. Reviewed by Alexander Weiss (Northwestern University).

John M. Conley and William O'Barr, *Rules Versus Relationships: The Ethnography of Legal Discourse*. Chicago: University of Chicago Press, 1990. Reviewed by Austin Sarat (Amherst College).

Bernard Grofman, *Political Gerrymandering and the Courts*. New York: Agathon Press, 1990. Reviewed by Frank Sorauf (University of Minnesota).

James Davison Hunter and Os Guinness, *Articles of Faith, Articles of Peace: The Religious Liberty Clauses*. Washington: The Brookings Institution, 1990. Reviewed by Jeremy Rabkin (Cornell University).

Susan E. Lawrence, *The Poor in the Court: The Legal Services Program and Supreme Court*. Princeton: Princeton University Press, 1990. Reviewed by Harry Stumpf (University of New Mexico).

Laurence H. Tribe and Michael C. Dorf, *On Reading the Constitution*. Cambridge: Harvard University Press, 1991. Reviewed by Richard A. Brisbin (West Virginia University).

Harry H. Wellington, *Interpreting the Constitution: The Supreme Court and the Process of Adjudication*. New Haven: Yale University Press, 1990. Reviewed by Laura Wolliver (University of South Carolina).

### Volume 1, Number 2 (April 1991)

Ellen S. Cohn and Susan O. White, *Legal Socialization: A Study of Norms and Rules*. Secaucus: Springer-Verlag, 1990. Reviewed by Tom Tyler (University of California, Berkeley).

Arthur D. Hellman, *Restructuring Justice: The Innovations of the Ninth Circuit and the Future of the Federal Courts*. Ithaca: Cornell University Press, 1990. Reviewed by Sheldon Goldman (University of Massachusetts).

Wayne V. McIntosh, *The Appeal of Civil Law: A Political-Economic Analysis of Litigation*. Champagne: University of Illinois Press, 1990. Reviewed by Herbert Kritzer (University of Wisconsin, Madison).

Richard A. Posner, *The Problems of Jurisprudence*. Cambridge: Harvard University Press, 1990. Reviewed by Lief Carter (University of Georgia).

**Volume 1, Number 3 (May 1991)**

John B. Gates and Charles A. Johnson, *The American Courts: A Critical Assessment*, Washington: Congressional Quarterly Press, 1991. Reviewed by Malcolm Feeley (University of California, Berkeley).

Jennifer Nedelsky, *Private Property and the Limits of American Constitutionalism*. Chicago: University of Chicago Press, 1990. Reviewed by Michael McCann (University of Washington).

Richard A. Posner, *Cardozo: A Study in Reputation*. Chicago: University of Chicago Press, 1990. Reviewed by Jerry Goldman (Northwestern University).

Donald R. Kelley, *The Human Measure: Social Thought in the Western Legal Tradition*. Cambridge: Harvard University Press, 1990. Reviewed by Kenneth A. Betsalel (University of North Carolina at Asheville).

Paul Kens, *Judicial Power and Reform Politics: The Anatomy of Locher v. New York*. Lawrence, KS: University of Kansas, 1990. Reviewed by Rogers M. Smith (Yale University).

**Volume 1, Number 4 (June 1991)**

David P. Currie, *The Constitution in the Supreme Court: The Second Century 1888-1896*. Chicago: University of Chicago Press, 1991. Reviewed by Ronald Kahn, Oberlin College.

**Volume 1, Number 5 (July 1991)**

Judith N. Levi and Anne Graffam Walker, *Language in the Judicial Process*. New York: Plenum Press, 1990. Reviewed by Marie Provine (Syracuse University).

Cass R. Sunstein, *After the Rights Revolution: Reconceiving the Regulatory State*. Cambridge: Harvard University Press, 1990. Reviewed by Dennis Coyle (Catholic University).

Paul Wice, *Judges and Lawyers: The Human Side of Justice*. New York: HarperCollins, 1991. Reviewed by Donald D. Landon (Southwest Missouri State University).

**Volume 1, Number 6 (August 1991)**

Christian G. Fritz, *Federal Justice: The California Court of Ogden Hoffman, 1851-1891*. Lincoln, NB: Nebraska University Press, 1991. Reviewed by Charles Sheldon (University of Washington, Seattle).

James Boyd White, *Justice as Translation: An Essay in Cultural and Legal Criticism*. Chicago: University of Chicago Press, 1990. Reviewed by John Brigham (University of Massachusetts).

T. R. van Gell, *Understanding Supreme Court Opinions*. New York: Longman, 1991. Reviewed by Albert Matheny (University of Florida).

Lief Carter, *In Introduction to Constitutional Interpretation: Cases in Law and Religion*. New York: Longman, 1991. Reviewed by Albert Matheny (University of Florida).

Christopher F. Edley, Jr., *Administrative Law: Rethinking Judicial Control of Bureaucracy*. New Haven: Yale University Press, 1990. Reviewed by Christine Harrington (New York University).

**Volume 1, Number 7 (September 1991)**

Charles M. Lamb and Stephen C. Halpern (eds.), *The Burger Court: Political And Judicial Profiles*. Champaign: University of Illinois Press, 1991. Reviewed by Lawrence Baum (Ohio State University).

Joseph F. Kobylka, *The Politics of Obscenity: Group Litigation in a Time of Legal Change*. Westport, CT: Greenwood Press, 1991. Reviewed by Donald Downs (University of Wisconsin, Madison).

Daniel A. Farber and Philip P. Frickey, *Law and Public Choice: A Critical Introduction*. Chicago: University of Chicago Press, 1991. Reviewed by Jonathan Riley (Tulane University).

David Weisburd, Stanton Wheeler, Elin Waring, and Nancy Bode, *Crimes of the Middle Class*. New Haven: Yale University Press, 1991. Reviewed by Stuart Scheingold (University of Washington).

**Volume 1, Number 8 (October 1991)**

Patricia J. Williams, *The Alchemy of Race and Rights*. Cambridge: Harvard University Press, 1991. Reviewed by Kenneth A. Betsalel (University of North Carolina).

Stuart A. Scheingold, *The Politics of Street Crime: Criminal Process and Cultural Obsession*. Philadelphia: Temple University Press, 1991. Reviewed by James Eisenstein (Pennsylvania State University).

**HAVE YOU READ THE LATEST BOOKS BY . . .**

Susan White	John Conley	Bernard Grofman	Laurence Tribe
Richard Posner	Wayne McIntosh	Arthur Hellman	
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T.R. van Gell	Christian Fritz	Ellen Cohn	
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Harry Wellington	Michael Dorf	Eve and Carl Buzawa	
John Gates	Jennifer Nedelsky	Donald Kelley	Paul Kens

*All have been reviewed in the last six months in*

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**Herbert Jacob, Editor**  
Law and Politics Book Review

## RECENTLY PUBLISHED BOOKS

The following list of the recently published books is drawn largely from *Law and Social Inquiry*, which includes brief descriptions about each book, but also includes other titles that have come to the editor's attention. The names of authors who are members of the section are highlighted.

### Administrative Justice

**Carter, Lief** and **Christine B. Harrison**. *Administrative Law and Politics*, 2nd ed. New York: HarperCollins, 1991.

Edley, Christopher F., Jr. *Administrative Law: Rethinking Judicial Control of Bureaucracy*. New Haven, CT: Yale University Press, 1990.

Ginsburgs, George, ed. *Soviet Administrative Law: Theory and Policy*. Boston: Kluwer/Martinus Nijhoff, 1990.

Handler, Joel F. *Law and the Search for Community*. Philadelphia: University of Pennsylvania Press, 1990.

### Biography and Memoirs

Kalman, Laura. *Abe Fortas: A Biography*. New Haven, CT: Yale University Press, 1990.

**Lamb, Charles M.** and Stephen C. Halpern, eds. *The Burger Court: Political and Judicial Profiles*. Urbana: University of Illinois Press, 1991.

Novick, Sheldon M. *Honorable Justice: The Life of Oliver Wendell Holmes*. Boston: Little, Brown & Co., 1989.

Posner, Richard A. *Cardozo: A Study in Reputation*. Chicago: University of Chicago Press, 1990.

Simon, James F. *The Antagonists: Hugo Black, Felix Frankfurter and Civil Liberties in Modern America*. New York: Simon & Schuster, 1990.

**Wasby, Stephen L.**, ed. *"He Shall Not Pass This Way Again: The Legacy of Justice William O. Douglas"*. Pittsburgh: University of Pittsburgh, 1990.

Watson, Denton. *Lion in the Lobby: Clarence Mitchell, Jr.'s Struggle for the Passage of Civil*

*Rights Laws*. New York: William Morrow & Co., 1990.

### Civil Justice System

Bacigal, Ronald J. *The Limits of Litigation: The Dalkon Shield Controversy*. Durham, NC: Carolina Academic Press, 1990.

Dennis, Everette E., and Eli M. Noam, eds. *The Cost of Libel: Economic and Policy Implications*. New York: Columbia University Press, 1989.

**Kritzer, Herbert M.** *The Justice Broker: Lawyers and Ordinary Litigation*. New York: Oxford University Press, 1991.

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**McIntosh, Wayne V.** *The Appeal of Civil Law: A Political-economic Analysis of Litigation*. Champaign: University of Illinois Press, 1990.

### Civil Rights/Liberties

Berk-Seligson, Susan. *The Bilingual Courtroom: Court Interpreters in the Judicial Process*. Chicago: University of Chicago Press, 1990.

Ewing, K. D. and C. A. Gearty. *Freedom Under Thatcher: Civil Liberties in Modern Britain*. New York: Oxford University Press, 1990.

Flaherty, David H. *Protecting Privacy in Surveillance Societies*. Chapel Hill: University of North Carolina Press, 1989.

Greenawalt, Kent. *Speech, Crime, and the Uses of Language*. New York: Oxford University Press, 1989.

**Greene, Kathanne W.** *Affirmative Action and Principles of Justice*. Westport, CT: Greenwood Press, 1989.

**Halbrook, Stephen P.** *A Right to Bear Arms: State and Federal Bills of Rights and Constitutional Guarantees*. Westport, CT: Greenwood Press, 1989.

**Henkin, Louis.** *The Age of Rights*. New York: Columbia University Press, 1990.

**Lichtenberg, Judith, ed.** *Democracy and the Mass Media*. New York: Cambridge University Press, 1990.

**Minow, Martha.** *Making All the Difference: Inclusion, Exclusion, and American Law*. Ithaca, NY: Cornell University Press, 1990.

**Moshman, David.** *Children, Education, and the First Amendment: A Psycholegal Analysis*. Lincoln: University of Nebraska Press, 1989.

**Nelkin, Dorothy, and Laurence Tancredi.** *Dangerous Diagnostics: The Social Power of Biological Information*. New York: Basic Books 1989.

**Parker, Frank R.** *Black Votes Count: Political Empowerment in Mississippi After 1965*. Chapel Hill: University of North Carolina Press, 1990.

**Percy, Stephen L.** *Disability, Civil Rights, and Public Policy: The Politics of Implementation*. Tuscaloosa: University of Alabama Press, 1989.

**Randall, Richard S.** *Freedom and Taboo: Pornography and the Politics of Self Divided*. Berkeley: University of California Press, 1989.

**Shiffrin, Steven H.** *The First Amendment, Democracy, and Romance*. Cambridge, MA: Harvard University Press, 1990.

**Sowell, Thomas.** *Preferential Policies: An International Perspective*. New York: William Morrow and Co., 1990.

**Swanson, Wayne R.** *The Christ Child Goes To Court*. Philadelphia: Temple University Press, 1990.

**Walker, Samuel.** *In Defense of American Liberties: A History of the ACLU*. New York: Oxford University Press, 1990.

**Watson, Alan.** *Slave Law in the Americas*. Athens: University of Georgia Press, 1990.

**Williams, Robert A., Jr.** *The American Indian in Western Legal Thought: The Discourse of Conquest*. New York: Oxford University Press, 1990.

**Wright, R. George.** *The Future of Free Speech Law*. New York: Quorum Books, 1990.

## **Constitutional Theory and History**

**Barnett, Randy E., ed.** *The Rights Retained by the People: The History and Meaning of the Ninth Amendment*. Fairfax, MA: George Mason University Press, 1989.

**Fehrenbacher, Don E.** *Constitutions and Constitutionalism in the Slaveholding South*. Athens: University of Georgia Press, 1989.

**Henin, Louis, and Albert Rosenthal, eds.** *Constitutionalism and Rights: The Influence of the United States Constitution Abroad*. New York: Columbia University Press, 1990.

**Kens, Paul.** *Judicial Power and Reform Politics: The Anatomy of *Lochner v. New York**. Lawrence: University Press of Kansas, 1990.

**Reid, John Phillip.** *The Concept of Representation in the Age of the American Revolution*. Chicago: University of Chicago Press, 1990.

**Shevory, Thomas C., ed.** *John Marshall's Achievement: Law, Politics, and Constitutional Interpretations*. Westport, CT: Greenwood Press, 1989.

**Snowiss, Sylvia.** *Judicial Review and the Law of the Constitution*. New Haven, CT: Yale University Press, 1990.

**Weber, Paul J., and Barbara A. Perry.** *Unfounded Fears: Myths and Realities of a Constitutional Convention*. Westport, CT: Greenwood Press, 1989.

## **Consumers and the Law**

**Sullivan, Teresa A., Elizabeth Warren, and Jay Lawrence Westbrook.** *As We Forgive Our Debtors: Bankruptcy and Consumer Credit in America*. New York: Oxford University Press, 1989.

## **Courts and Judges**

**Cappelletti, Mauro.** *The Judicial Process in Comparative Perspective*. New York: Oxford University Press, 1989.

**Gates, John B.** *The Supreme Court and Partisan Realignment: A Macro- and Microlevel Perspective.* Boulder, CO: Westview Press, 1991.

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Braithwaite, John, and Philip Pettit. *Not Just Deserts: A Republican Theory of Criminal Justice.* New York: Oxford University Press, 1990.

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## International Law

Berat, Lynn. *Walvis Bay: Decolonization and International Law*. New Haven, CT: Yale University Press, 1990.

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### **Jurisprudence and Sociolegal Theory**

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### **Law and Education**

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Stone, Lawrence. *Road to Divorce: England 1530-1987*. New York: Oxford University Press, 1990.

### **Law and Labor**

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Weiler, Paul C. *Governing the Workplace: The Future of Labor and Employment Law*. Cambridge, MA: Harvard University Press, 1990.

### **Law and Literature**

White, James Boyd. *Justice as Translation: An Essay in Cultural and Legal Criticism*. Chicago: University of Chicago Press, 1990.

### **Law and Medicine**

Johnson, Ann Braden. *Out of Bedlam: The Truth About Deinstitutionalization*. New York: Basic Books, 1990.

Price, Monroe E. *Shattered Mirrors: Our Search for Identity and Community in the AIDS Era*. Cambridge: Harvard University Press, 1989.

Smither, George P., II. *The New Biology: Law, Ethics and Biotechnology*. New York: Plenum Press, 1990.

### Law and Religion

Gordis, Robert. *The Dynamics of Judaism: A Study in Jewish Law*. Bloomington: Indiana University Press, 1990.

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### Law in Non-U.S. Societies and Cultures

*The Windsor Yearbook of Access to Justice*, Vol. 9 (1989). Windsor, Ontario: Faculty of Law, University of Windsor, 1990.

Galanter, Marc. *Law and Society in Modern India*. Delhi: Oxford University Press, 1989. Edited with an introduction by Rajeev Dhavan.

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## CONSTITUTIONAL REVISIONS

**Resolved:** That the following amendments to the Constitution of the Law, Courts, and Judicial Process Section be adopted, to be put into effect January, 1992.

### PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE LAW, COURTS, AND JUDICIAL PROCESS SECTION (Proposed additions are in boldface. Proposed deletions are ~~dashed out.~~) (Revised September, 1991)

#### EXPLANATION OF PROPOSED AMENDMENTS

##### Article I. Change of Section Name

This change would shorten the name of our section to "Law and Courts" rather than the current "Law, Courts and Judicial Process." Rationale for the change is ease of reference: APSA already refers to us as "Law Courts" and our checks are now imprinted "Law and Courts" because a longer title would not fit. No offense is intended toward the judicial process field (and indeed judicial process remains stated in the opening paragraph under "purpose of section").

##### Article II, Section 3, Paragraph d

a) Rather than the current system of officers simply being "considered elected" this change would require the slate of names to be "submitted for election," thus allowing the section membership at least a measure of democratic participation.

b) Instead of the current prescribed dates of September and November 1 in this change would leave the exact timing unstated, with the understanding that ballots would be mailed as soon as is practical.

##### Article II, Section 4

The change in terms of office is to allow for more continuity between newly-elected and retiring officers, so that the retiring officers would also attend another Executive Committee meet. This change simply puts into writing what has actually been the informal practice of our section.

#### BY-LAWS LAW AND COURTS, ~~AND JUDICIAL PROCESS SECTION~~ of the AMERICAN POLITICAL SCIENCE ASSOCIATION

##### Article 1. Name and Purpose of Section

The name of this section is the Law ~~and Courts and Judicial Process~~ Section of the American Political Science Section 3. Membership in the Section is established by payment of annual Section dues to the APSA, or, for associate members, to the Secretary-

### Treasurer.

Association. The purpose of the section is to promote interest in teaching and research in the areas of law and the judicial process. The section also seeks to encourage communication between persons interested in law and the judicial process within the Association and with related disciplines.

## Article II. Governance of the Section

Section 1. The Section will be governed by a Chairperson, a Chairperson-elect, a Secretary-Treasurer, and five members of the Executive Committee.

Section 2. The duties of these officers are as follows:

*Chairperson:* Chair an Annual Section Meeting during the Annual Meeting of the APSA; organize section meetings or panels as requested by the executive council, by regional associations, or related disciplines; chair or select a chair for a nominating committee for section officers; and take other actions requested by the Executive Committee or that are in the interest of the Section.

*Chairperson-elect:* Assume the office of the Chairperson at the next annual section meeting; serve as a member of the Executive Committee; chair the meeting of the Section or the Executive Committee in the absence of the Chairperson; assume the office of Chairperson in the event of a vacancy.

*Secretary-Treasurer:* Maintain a record of actions of the Executive Committee and the annual meeting; maintain the financial records of the Section; communicate relevant information to the Section membership; and conduct mail ballots when necessary.

*Executive Committee:* Except when the office of chairperson is filled as described above, it shall fill all vacancies in any office including its own membership until the next election; audit the annual report of the Secretary-Treasurer; propose amendments to these by-laws or receive petitions for changes in the by-laws; make decisions and recommendations for any other business of the Section; and interpret these by-laws.

Section 3. The Election of officers should proceed as follows:

- a. In March the Section Chairperson should organize a nominating committee consisting of at least five members of the Section representing the diverse interests of the Section.
- b. Following its appointment, the nominating committee should solicit the members of the Section for nominations for section offices. The nominat-

ing committee shall nominate a slate of officers that (a) is taken from the names received, particularly those persons receiving several mentions, and (b) represents the diverse interests of the section. The slate shall be listed in the summer issue of the Section *Newsletter* and/or PS or otherwise distributed to the Section members so that the nominees are known prior to the annual Section Meeting.

- c. Five members of the Section may nominate candidates for any office (except Chairperson) at the Annual Section meeting, or by petition sent to the Chairperson prior to the meeting.
- d. For offices for which no nominations are received or made at the Annual Section Meeting, the nominating committee's slate shall be ~~considered elected and the submitted for election at the section meeting.~~ **The new officers shall assume office at the conclusion of the meeting. Offices which are contested shall be filled by mail ballot sent to all members of the section by the end of September. The winner shall be determined by a majority vote of all members participating in the election. In cases where no individual receives a majority of votes, a run-off election between candidates receiving the two greatest number of votes should will be held at a date no later than November 1st. The winners shall assume office upon election.**
- e. The membership of the section should be informed of the election outcomes in the next Section *Newsletter*.
- f. Questions or conflicts regarding any election should be settled by the Executive Committee.

Section 4. The terms of office for Section officers are as follows:

*Chairperson:* One Year

*Chairperson-elect:* One Year

*Secretary-Treasurer:* Three Years

*Executive Committee:* Two Years

Terms shall expire at the conclusion of the APSA Annual ~~Section~~ Meeting, except that when an office is contested, the incumbent shall continue in office until his/her successor is elected.

## Article III. Membership in the Section

Section 1. All regular, student, family, retired, and life members of the American Political Science Association are eligible for membership in this section.

Section 2. Associate membership in the Section is available to all non-political scientists who share an interest in law and the judicial process.

Associate members may receive all benefits and services of regular members except that they may not participate in the election of officers or serve as officers.

- Section 4. The dues for members and associate members will be set by the Executive Committee at the level necessary to cover expenses for elections and other services provided by the Section.

#### **Article IV. Amendments to the By-Laws.**

Amendments to these by-laws may be proposed by the Executive Committee, by a majority vote of the participants at the Annual Section Meeting, or by a petition containing the names of 25 percent of the members of the Section submitted to the Chairman 30 days prior to the Annual Section Meeting. Amendments should be voted upon by mail ballot. Amendments to the by-laws become effective immediately after approval by two-thirds of the members returning their mail ballots.

#### **Article V. Implementation of these By-Laws**

This section will be official upon receipt of 100 signatures of interested members of the APSA and approval of the APSA Executive Council.

After receipt of at least 100 signatures from interested members, the convenor of the Law, Courts and Judicial Behavior Subfield Group should organize a representative committee for the organization and conducting of elections for officers at the next Annual APSA Meeting or by April 1st which ever comes first. The officials should assume their official duties when elections are completed.

At the first Annual Section meeting, Executive committee members should draw lots to determine which two members will serve one year terms and the remaining three, two year terms.

## **BALLOT**

### **On Constitutional Revision**

*To be received by December 15, 1991*

**INDICATE YOUR PREFERENCE BY CHECKING  
ONE OF THE BOXES BELOW**

☒

**YES for constitutional revision**

☐

**NO on constitutional revision**

Mark your ballot and return to:

**ROY FLEMMING**  
Department of Political Science  
Texas A&M University  
College Station, TX 77843-4348