

## LAW, COURTS, AND JUDICIAL PROCESS SECTION

### NEWSLETTER

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*Executive Committee: R. Carp, L. Carter, B. Henschen, C. Lamb, G. Tarr*

*Newsletter Editor: Charles A. Johnson*

*Associate Editors: Lief Carter and Charles Lamb*

### Instructions to Contributors

The Newsletter publishes articles, news items, announcements, commentary, 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. Deadlines for submission of materials for each issue are as follows: Fall (September 15th), Spring (January 15th), and Summer (May 15th). 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 to:

Professor Lief Carter, Associate Editor  
Law, Courts, and Judicial Process Section Newsletter  
Department of Political Science  
University of Georgia  
Athens, Georgia 30602  
[(404) 542-2057]

Authors are encouraged to call Professor Carter if in doubt about whether an article is appropriate for submission to the Newsletter.

#### Conventions and Bibliographic Information

The Newsletter attempts to inform members of upcoming and past conferences as well as the publication of judicial articles and books. Organizers of judicial panels at national, regional, state, or other professional meetings are encouraged to inform the Newsletter so that papers and participants may be reported. Authors of judicial books are also encouraged to inform the Newsletter of their manuscript's publication. Suggestions and information concerning conventions or publications in the field should be sent to:

Professor Charles Lamb, Associate Editor  
Law, Courts, and Judicial Process Section Newsletter  
Department of Political Science  
State University of New York at Buffalo  
Buffalo, New York 14260  
[(716) 636-2251]

Announcements for organizing panels should be submitted well in advance of deadlines. Announcements of past panels should include the name of the meeting, dates, name of the panel, paper titles, and authors of the papers.

#### Announcements and Correspondence

Announcements and section news will be included in the Newsletter. Developments in the field such as fellowships, grants, etc., will be announced if there is sufficient time for submission of materials to the granting body. Announcements and correspondence concerning the Newsletter should be sent to:

Professor Charles A. Johnson, Editor  
Law, Courts, and Judicial Process Section Newsletter  
Department of Political Science  
Texas A&M University  
College Station, Texas 77843  
[(409) 845-2511]

## SELECTED BIBLIOGRAPHY ON DISPUTE RESOLUTION

Christine Harrington\*

Dispute processing reforms calling for the creation of "alternative dispute resolution" (ADR) have received substantial attention among judicial reformers in the past decade. This reform movement shifts from a rights-oriented strategy for expanding access to justice toward the establishment of consensus-building approaches to dispute resolution. Reformers are enthusiastic about the institutionalization of ADR and the number of mediation programs has grown almost four-fold in the last five years, but scholarly attention has not yet directly confronted this phenomenon.

Research on litigation and dispute processing, however, provides important theoretical and methodological insights for studying ADR. For example, research on civil litigation directs attention to the role of negotiation and settlement practices within the context of courts. Dispute processing research has also identified dispute processes embedded in existing institutions, such as housing authorities and community organizations. This work suggests that negotiation occurs at a number of points within the adjudicatory process as well as outside courts.

The most useful framework for studying and teaching ADR is one which locates ADR within the context of other settlement practices rather than one which views mediation as a separate dispute resolution process. ADR fits into the context of studying legal institutions and judicial processes in a number of public law courses. For example, the treatment of courts and adjudication by political scientists covers a range of institutions-- public and private and formal and informal (see Sarat and Grossman, 1975)--where ADR has been introduced and informal dispute processes exist. In courses on the criminal or civil justice systems, ADR can be examined as a reform movement and in terms of its impact on the role of judges and on lawyer/client relations. Courses on law and public policy also provide an opportunity to examine the application of ADR in substantive policy areas such as environmental politics, women and the law, and regulatory negotiation.

This selected bibliography identifies social science research on dispute processing and informal justice for political scientists interested in teaching and/or researching ADR. Many publications are oriented toward practitioners in this field. These are not included in this bibliography; however, the last section lists newsletters and directories that identify some leading organizations involved in ADR. The bibliography is organized into nine sections covering general readings on dispute resolution; historical background of ADR; contemporary access to justice reform movement; politics of informal justice; relevant research on dispute processing; dispute theory; selected ADR processes; application of ADR to substantive areas; and ADR program directories, journals, and newsletters.

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\*Christine Harrington is an assistant professor at New York University, Department of Political Science, 25 Waverly Place, New York, New York 10003

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*Dispute Resolution Notes*, University of Wisconsin--Madison

*Program on Negotiations*, Harvard Law School

*Resolve*, the Conservation Foundation, Washington, D.C.

## Section News

### *CHANGE IN BY-LAWS AND APPOINTMENT OF NOMINATING COMMITTEE*

The revision of the Section By-laws proposed by the Executive Committee in the fall newsletter was approved unanimously by all section members returning ballots to Secretary-Treasurer Susette Talarico. As you may recall, the revision makes two major changes in the way the Section is governed. First, it creates the position of Chair-elect. This person will serve on the Executive Committee for a year before becoming Chair and upon assuming the Section Chair will not need orientation about what is going on in the Section as I did when I became Chair. Second, the Nominating Committee will propose a single slate of officers rather than competitive nominees. The slate will be named in the summer newsletter, and in the absence of additional nominations from Section members, will assume office at the conclusion of the Section's annual meeting.

The revision of the By-laws means that this year's nominating committee will need to nominate both a Chair to serve in 1986-87 and a Chair-Elect who will assume the Chair in 1987-88. Also because the three year term of the Secretary-Treasurer expires this year, the nominating committee will need to nominate a candidate to serve in that position for the 1986-89 period. In addition, two positions on the Executive Committee expire, so the Committee will need to nominate candidates for the two 1986-88 terms.

The following persons, representing diverse interests within the Section, have agreed to serve as the 1986 Nominating Committee:

William McLauchlan (Chair), Department of Political Science, Purdue University, Lafayette, Indiana 47907

Craig Ducat, Department of Political Science, Northern Illinois University, De Kalb, Illinois 60115

Samuel Krislov, Department of Political Science, University of Minnesota, Minneapolis, Minnesota 55455

Marie Provine, Department of Political Science, Syracuse University, Syracuse, NY 13210

Donald Songer, Department of Political Science, Oklahoma Baptist University, Shawnee, OK 74801

Please send any suggested nominees, either names in general or for a particular office, to William McLauchlan or another member of the committee by April 7th. The Committee is charged with proposing a slate, representing diverse interests within the Section, by May 1st.

Bradley C. Canon  
University of Kentucky  
Section-Chair

#### *1986 APSA MEETING PLANS*

The Section is tentatively planning to co-sponsor with the APSA a Supreme Court Workshop prior to the APSA meeting in Washington, D.C. A workshop for the D.C. Circuit Court of Appeals is also a possibility, but plans for this activity are not very firm. The next newsletter and general announcements from the APSA will detail information about these possible workshops.

The Section is also sponsoring several panels and roundtables. The topics of the panels are:

"Political Power and Reform of Criminal Justice"

"Workshop on Sources of Data for Judicial Research"

"Comparing State Supreme Courts and the U.S. Supreme Court: A  
Workshop on Researching State Appellate Courts"

"Equality and the Constitution"

"Appealing to Principle: Values and Justification in Law"

"Appellate Court Management and Jurisprudence"

"Roundtable on the Role of Moral Philosophy in Constitutional Law"

Papers and participants for these panels are now selected and will be published with a list of official program panels in the summer issue of this Newsletter.

The business meeting of the Section will be held on Thursday September 1 at 5:30 pm and the Executive Committee will meet on Friday September 2 at 5:30 pm.

#### *MEMBERSHIP REMINDER*

Section members are reminded to be sure to check the appropriate space on the APSA membership renewal form to continue their membership in the Law, Courts, and Judicial Process Section. The mailing list for the *News/etter* is provided by the APSA which maintains our membership rolls.

## ANNOUNCEMENTS

*JUSTICE SYSTEM JOURNAL*

The Justice System Journal, sponsored by the Institute for Court Management of the National Center for State Courts, continues to seek quality manuscripts and notes describing research on the operation of courts and related agencies. The Journal is especially interested in manuscripts with explicit policy implications and which address problems concerning judicial administration, broadly defined. Manuscripts should be sent to the new editor-in-chief:

Professor Thomas W. Church, Director  
Court Systems Management Program  
Department of Political Science  
State University of New York at Albany  
135 Western Avenue  
Albany, New York 12222

The Journal is also initiating a Review Section, to be comprised of reviews of books, articles, and research reports of interest to the judicial administration community. A particular focus of this section will be reports published by the National Center for State Courts, the National Institute of Justice, the Federal Judicial Center, the American Judicature Society, and similar organizations. Articles in relevant journals will also be noted. The Journal also intends to have some review essays in which the focus would be a subject or theme rather than particular books or reports; the reviewer would discuss, integrate, and synthesize a range of materials (books, reports, and articles). Proposals for such "theme" review essays are welcomed; proposals should define the topic, delineate its scope, and provide at least a basic bibliography of materials to be covered. They should be sent to the Journal's Review Editor:

Professor Stephen L. Wasby  
Department of Political Science  
State University of New York at Albany  
135 Western Avenue  
Albany, New York 12222

*CENSUS DATA AVAILABLE FROM FEDERAL JUDICIAL CENTER*

The Research Division of the Federal Judicial Center has prepared a data set that may be of great interest to those researching socio-legal questions. The Center has made available a data tape that presents data from the U.S. Census Bureau's 1983 County and City Data Book broken down by federal judicial districts (91 units), administrative divisions (204 units), and jury divisions (317 units). The data set may be sorted by state, U.S. Circuit number, U.S. District number, district Prefix, and Division or Jury number. Data for each of these judicial units contain information on area and population, households, vital statistics, health, income, crimes, housing, education, labor force, government finances, manufacturers, wholesale and retail trade, service industries, and agriculture. In preparing the tape the Census Bureau gathers data from the 1980 Census of Population and Housing, the 1977 Economic Censuses, the 1978 Census of Agriculture and other data from a number of federal government and private agencies; in total, there are approximately 600 variables by judicial unit. The data set, technical information, and codebook are available through

the Inter-university Consortium for Political and Social Research (ICPSR, P.O. Box 1248, Ann Arbor, Michigan 48106). If there are additional questions, please contact Carroll Seron at the Research Division, Federal Judicial Center, 1520 H Street NW, Washington, D.C. 20005 or at (202) 786-6123.

#### *CANADIAN LAW AND SOCIETY ASSOCIATION*

The Canadian Law and Society Association will hold its second annual meeting at the Learned Societies Conference in Winnipeg on June 5. Six panels, a luncheon, and a business meeting are scheduled. Membership in the CLSA is \$25 Cdn annually, and includes a subscription to its newsletter and its new journal, the Canadian Journal of Law and Society. For more information about the CLSA, write CLSA; Research Unit for Socio-Legal Studies; University of Calgary; Calgary, Alberta T2N 1N4. Manuscripts for the Journal should be sent to the editor, Rainer Knopff, at the same address.

#### *CANADIAN CHARTER OF RIGHTS DECISIONS REPRINTS*

Recent Supreme Court of Canada decisions involving the new (1982) Charter of Rights and Freedoms are available in edited reprint forms. Decisions to date have involved issues such as freedom of religion and Sunday closing, right to counsel and the exclusion of evidence, Cruise Missile testing and "political questions," double jeopardy, substantive due process, and judicial independence. Pending decisions deal with abortion and censorship of pornography. Students of American and Comparative constitutional law should find these decisions of interest. The reprints average 12 pages in length, and are available on a single, subscription, or bulk order basis. For more information, write: Leading Decisions of the Supreme Court of Canada; Research Unit for Socio-Legal Studies; University of Calgary; Calgary, Alberta T2N 1N4.

#### **\*\*\*Graduate Student Paper Award Reminder\*\*\***

The Section is offering an award for the best paper presented by a graduate student in a professional meeting concerning the law, courts, and judicial process. The award includes a \$100 honorarium and a copy of the *Guide to the U.S. Supreme Court*. The competition is open to papers authored solely by a graduate student presented at a professional meeting during the 1985-86 academic year, including the 1985 APSA meeting.

To be considered a copy of the paper should be sent to each member of the evaluation committee: David O'Brien, Department of Government, University of Virginia, Charlottesville, Virginia 22901; David Neubauer, Department of Political Science, University of New Orleans, Louisiana 70148; and Lettie Wenner, Department of Political Science, University of Illinois -- Chicago, Chicago, Illinois 60680.

## CONFERENCE INFORMATION

### *SOUTHWESTERN POLITICAL SCIENCE ASSOCIATION (1986)*

The following papers will be presented at the annual meeting of the Southwestern Political Science Association, March 19-22, 1986, in San Antonio, Texas.

#### *Constitutional Change: Judicial Review and the Amendment Process*

"The Amendment Process," Walter Dellinger, Duke University Law School

"The Amending Process and the Meaning of the Alternative Clause," Joseph Menez, Ball State University

"Constitutional Change through Judicial Review," Sue Davis, University of Delaware

#### *Equality and Equal Protection*

"Yes, but is it 'Reasonable,' 'Important,' or 'Compelling?'--The Shell Game of Tests and Terms used in Gender-Based Classification Cases," James Brooks, New Mexico State University

"Gender Classifications at the Constitutional Crossroads," Bert C. Buzan, California State University, Fullerton

"The Equal Protection Clause: Contemporary Meanings of Equality," Donald W. Jackson, Texas Christian University

"Liberty and Equality in the Warren and Burger Court," Stephen A. Graham, Indiana Central University

#### *State Appellate Courts: Selection and Policy*

"A Question of Tokenism: Women on State Supreme Courts," David W. Allen, Mercyhurst College, and Diane E. Wall, Mississippi State University

"Financing Appellate Court Campaigns in Washington State, 1974-1984: Analysis and Observations," Paul Gillie and Graham E. Johnson, Public Disclosure Commission, State of Washington

"Judicial Incumbency: The Case of Mississippi Supreme Court, 1932-1985," Diane E. Wall, Mississippi State University

#### *The Courts and Environmental Policy*

"California v. Watt: The Court's Ability to Resolve Complex Policy Disputes," Edward A. Fitzgerald, St. John's University

"The Courts, Environmental Law and the Public Trust Doctrine: A Comparative

Study of Judicial Policy Making," James L. Lawler, Oklahoma State University

"Judicial Expansion of Presidential Power Since Watergate," A. Stephen Boyan Jr.,  
University of Maryland, Baltimore County

*Policy Making at the Lower Court Level*

"Presidential Influences on Federal District Judges' Policy Choices: An Exploration of  
Cases Involving Disadvantaged Minorities and Civil Rights and Civil Claimants,"  
Robert Carp and Ronald Stidham, University of Houston

"Racial Discrimination in Sentencing Policy," Margaret E. Gilkison, Louisiana State  
University

"Minority Vote Dilution: The Search for an Appropriate Standard," C.E. Teasley, The  
University of West Florida

"Determinants of Sentencing Policy in South Carolina," Ernest A. Dover Jr.,  
Midwestern State University

*Courts and Their Environments*

"Pornography and Privacy: Community Attitudes Analyzed," Mary L. Volcansek,  
Florida International University

"How Judges Evaluate Lawyers: One City's Experience," Paul J. Weber, University  
of Louisville

*Religion, Schools, and the Courts*

"Religion and the Schools: Squeezing the Lemon Test," Kenneth F. Mott, Gettysburg  
College

"Amicus Briefs and the Moment of Silence," Danny M. Adkison, Oklahoma State  
University

"The U.S. Constitution in School: The Rights of Students," Gayle R. Avant, Baylor  
University, and Hugh Davis, Assistant City Attorney, City of Fort Worth

"The Burger Court and Human Rights: Which Way to Turn?" Richard B. Riley,  
Baylor University

*Workshop on Research on State Supreme Court*

"Measuring Judicial Activism in State Supreme Courts: Ideology, Intervention, and  
Caseload Composition," Patrick Hagan, West Virginia University

*Constitutional Interpretation*

"James Madison's Rules for Interpreting the Constitution." William E. Brigman, University of Houston-Downtown, and John S. Vanderoef, Florida State University

"Bio-Ethical Medical Cases: Karen Ann Quinlan and Baby Doe: Human Rights and the Quality of Life," George Heneghan, California State University, Dominguez Hills

"Federal Law, Federalism and the Garcia Decision," Joseph L. Rose, Murray State University

"Due Process and the Tenured Professor in Texas," Melvin P. Straus, The University of Texas at El Paso

*WESTERN POLITICAL SCIENCE ASSOCIATION (1986)*

The following papers will be presented at the annual meeting of the Western Political Science Association, March 20-22, 1986, in Eugene, Oregon.

*The Politics of Law in the States: Elections and Reform*

"An Exploration of Campaign Finances in Judicial Elections," John H. Culver, California Polytechnic State University

"Ousting the Judge: Campaign Politics in a Judicial Election," Kenyon N. Griffin and Michael Horan, University of Wyoming

"Public and Professional Perceptions of State and Local Courts: A Comparison of Merit and Elective Jurisdictions," Nicholas P. Lovrich Jr., Charles H. Sheldon, and Erik Wasmann, Washington State University

*The Political Economy of Law: Corporations, Criminal Justice and Change*

"Criminal Prosecution of Corporate Crime," Barbara Haler, Sangamon State College

"The Law of Corporations: Time for Change," Gerald Houseman, St. Mary's College

"Capitalism in Crisis: Trial Courts and the Emergence of the Positive State," John Stookey, Arizona State University

*A New Judicial Federalism? Constitutional Law and the State Courts*

"Constitutional Litigation: Pursuing the Watergate Principle," Michael W. Bowers, University of Nevada at Las Vegas, and Richard Cortner, University of Arizona

"Deconstructing the 'Stone Age': The Burger Court and the Exclusionary Rule,"  
Kenneth Lehrman, Ithaca College

"The Constitutions in *Washington v. Chrisman*," Walfred Peterson, Washington  
State University

*Social Research on Ideologies of Right and Process*

"The Political Ideologies of Environmental Mediation," Douglas Amy, Mount Holyoke  
College

"Right, Rage and Remedy: Group Perspectives on Law and Legal Process," John  
Brigham, University of Massachusetts

"The Processing of Student Disputes and the Construction of Meaning: An  
Examination of the Cultural Connection," Mark P. Petracca and Deborah  
Daniloff, University of California, Irvine

*Comparative Perspectives in Law and Judicial Process*

"Judicial Impact on Environmental Policy in Latin America: A Comparative Study,"  
Anthony R. Burrello, University of Mexico

"The Influence of American Constitutionalism on Current Western European Judicial  
Decisions," Samuel Krislov, University of Minnesota

"The Relationship of National Dependency Status and the Influence of National  
Supreme Courts," John R. Schmidhauser, University of Southern California

*Judicial Review and Judicial Competence*

"*California v. Watt*: The Court's Ability to Resolve Complex Policy Disputes,"  
Edward A. Fitzgerald, St. John's University

"Judicial and Legislative Modes of Representational Reform: Apportionment in Canada  
and the United States," James Lennertz, Lafayette College

"The Impact of the Charter of Rights and Freedoms on the Canadian Polity:  
1983-1985," F.L. Morton, University of Calgary

"Judicial Review, the Warren Court: A Revisionist View," T. Eugene Shoemaker,  
California State University, Sacramento

*The Constitution and the Reagan Administration*

"The Protection of Americans Abroad: Presidential Power, the Constitution and  
Grenada," David Adler, Idaho State University

"A Reply to Ed Meese -- Let No More Be Heard on Confidence in Man...," J.D.  
Williams, University of Utah

"Original Intention v. Contemporary Ratification of the Constitution," Carwin C. Williams, Brigham Young University

"Domestic Security Intelligence Investigations Under Two U.S. Attorney Generals: Comparing the Levi with the Smith Guidelines," Eugene Hogan, Western Washington University

*MIDWEST POLITICAL SCIENCE ASSOCIATION (1986)*

The following papers will be delivered at the annual meeting of the Midwest Political Science Association, April 10-12, 1986, in Chicago, Illinois.

*Interest Groups and the Litigation Process*

"State Attorneys General as Interpreters of State Constitutions," Thomas R. Morris, University of Richmond

"Litigation Strategies of Interest Groups in the United States," Kim Scheppele and Jack Walter, University of Michigan

"Factions in Court: Studying Interest Group Litigation," Patrick J. Bruer, University of Wisconsin, Madison

*Individuals, Groups and Decision Making in Appellate Courts*

"Federal Judges and Presidential Power: Truman to Reagan," Craig R. Ducat, Northern Illinois University, and Robert Dudely, Colorado State University

"Women State Supreme Court Justices: Do They Make A Difference?" Diana Wall, Mississippi State University and David W. Allen, Mercyhurst College

"Minority-Majority Voting in the U.S. Supreme Court, 1946-1975," Saul Brenner, University of North Carolina, Charlotte and Rubin Dorff, North Carolina State University

*The U.S. Supreme Court and Democratic Government: Longitudinal Analyses*

"Presidential 'Success' in Supreme Court Appointments: Racial Equality Cases, 1960-1984," Jeffrey E. Cohen and John B. Gates, University of New Orleans

"Supreme Court Support for the Solicitor General: A Longitudinal Analysis," Jeffrey Segan, State University of New York, Stony Brook

"Legitimation, Public Opinion, and the Supreme Court: Old Polls, New Evidence," Thomas R. Marshall, University of Texas, Arlington and David Barnum, DePaul University

*Lawyers and the Legal Process*

"The Impact of Negotiation Style and Content on the Civil Justice Process," Herbert M. Kritzer, University of Wisconsin, Madison

"The Politics of Legal Representation: The Influence of Local Politics on the Activities of Poverty Lawyers," Mark Kessler, Bates College

"Is the Preliminary Round the Main Event in Criminal Court? The Pretrial Decisions of Defense Attorneys," Roy B. Flemming, Wayne State University

*Constraints on Legal Decision Making: Doctrine, Precedent, and Routine*

"Doctrine and Legal Decision Making," Thomas Y. Davies, American Bar Foundation

"Behavioral Jurisprudence, Notes Toward a Theory," Charles A. Johnson, Texas A&M University

"Criminal Courts and Bureaucratic Justice," Peter F. Nardulli, University of Illinois, and Roy B. Flemming, Wayne State University

*Agenda Setting in the U.S. Supreme Court*

"The Supreme Court Agenda Across Time: Toward a Theory of Agenda-Building," Richard L. Pacelle Jr., Indiana University

"The Business of the United States Supreme Court, 1971-1983: An Analysis of Demand and Supply," William P. McLauchlan, Purdue University

"Indices and Signals in the Certiorari Process," H.W. Perry, Washington University

*Justices of the Burger Court: Approaches to Expression Issues*

"Justice Blackmun and 'Expression' Cases," Joseph F. Kobylka, Southern Methodist University

"Justice Brennan and 'Expression' Cases," Edward Heck, San Diego State University

"Justice Rehnquist and 'Expression' Cases," Sue Davis, University of Delaware

"Justice Stevens and 'Expression' Cases," Paula Arledge, Nicholls State University

*NORTHEASTERN POLITICAL SCIENCE ASSOCIATION (1986)*

The Northeastern Political Science Association annual meeting for 1986 will be held in November in Boston. Proposals for panels and for papers should be sent to Professor Douglas I. Hodgkin, Department of Political Science, Bates College, Lewiston, ME 04240 (phone: 207-786-6133) or to Professor Carole Holden, Department of Political Science, Jersey City State College, Jersey City, NJ 07305.

*SOUTHERN POLITICAL SCIENCE ASSOCIATION (1986)*

The Southern Political Science Association annual meeting for 1986 will be held in November in Atlanta. Proposals for panels and for papers should be sent to Jeffrey Cohen, Department of Political Science, University of New Orleans, New Orleans, LA 70148 (phone: 504-286-6383) or to Eric Herzik, Department of Political Science, Texas A&M University, College Station, TX 77843 (phone: 409-845-2511). The deadline for submission for proposals is March 14.

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