

LAW, COURTS, AND JUDICIAL PROCESS

SECTION NEWSLETTER

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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. Deadlines for submission of materials for each issue are as follows: Fall (Oct. 15th), Spring, (Feb. 15th), and Summer (June, 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
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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, and 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
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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:

Professor Wayne McIntosh, Associate Editor
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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:

William P. McLauchlan, Editor
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Editor's Note. Christopher Smith, a young scholar fresh from the field, reminds us in this essay of the opportunities and frustrations that predominate in participant observation research. He also describes some ethical issues that

arise in such settings. These observations about observation will not surprise seasoned veterans, but they may help beginners appreciate the tactics of effective field work.

NOTES ON OBSERVATIONAL RESEARCH IN THE JUDICIARY

Professor Christopher Smith
Department of Political Science
University of Akron

A recent president of the American Political Science Association utilized his presidential address to stress that "we need political scientists to go take a first-hand look at our politicians and report back to us. And we need political scientists to keep doing it" (Fenno, 1986: 14). Although observational research is fraught with difficulties, e.g., design replication and reproducibility of findings (Gibson, 1983), this presidential statement seems particularly appropriate for political scientists who study the judiciary. Some of the most important contributions made by political scientists (and other social scientists) to the understanding of courts and law involve insights and analyses that move beyond the formal, descriptive presentations by legal scholars and practitioners. Political science courses about the judiciary challenge students' simplistically idealized notions about law and legal processes by illuminating the existence of 'politics' throughout the supposedly impartial Third Branch of government. To do so successfully, it is imperative that judicial researchers gain a complete picture of all processes and interactions within the judiciary.

Despite our desire to follow Fenno's exhortations, those of us who study the judiciary face special problems when we attempt to conduct observational research with our "politicians", namely judges, lawyers, and other judicial actors. It is easy enough to observe trials and hearings conducted in open courtrooms, but it can be difficult to gain access to the 'backroom' processes and interactions which are so important to understanding value allocations and outcomes. Any observations of the actual, invisible processes within the judiciary can expose the "myth of neutrality and formalism" which has been characterized as the "common thread running through much of American legal thought" (Stumpf, 1988: 41). To the judges and lawyers who utilize the image of law and justice in performing their functions for society, the exposure of the myth and illumination of 'politics' within the judiciary may tarnish the judiciary's perceived legitimacy, and moreover, may clash with the judicial actors' own perceptions of their work and importance. In addition, the primacy of confidentiality in law deters judicial actors from revealing much to outsiders. Thus the researcher can have difficulty gaining cooperation and access.

Because of the benefits gained from observational research in the judiciary, I utilized that methodology for my doctoral dissertation study of the United States magistrates within the federal courts. This article discusses a few experiences with observational research in the hope that others may benefit in planning future studies.

U.S. magistrates are full-fledged federal judicial officers who possess the authority to undertake virtually any task performed by U.S. district judges except felony trials and sentencing. Magistrates can preside over misdemeanor and full civil trials with the consent of litigants (see 28 U.S.C. sections 631-636). In addition to interviews, surveys, and other research methods, I spent a total of three months during 1987 engaged in full-time observations of several individual magistrates. I 'shadowed' the judicial officers during all of their daily activities, including trials, hearings, settlement conferences, and interactions with the other actors within the federal courthouses. I did several short-term observations (one day to two weeks), which included accompanying a magistrate inside a maximum-security state prison to conduct a trial in a prisoner's civil rights case. I also did two long-term observations lasting four weeks and six weeks respectively with magistrates in different courthouse settings, e.g., small and large courthouses; urban and small city location, etc. My experiences in seeking access to the hidden processes and interactions involving this less visible tier of subordinate federal judges led me to reflect upon the difficulties and benefits of observation studies within the judiciary.

Gaining Access

The first barrier to observational research in the judiciary is the researcher's own expectations about what is possible. When I began to develop my research proposal, I contacted social scientists who had studied the federal courts to seek advice (and to make sure I was not inadvertently stumbling over someone else's on-going research). One researcher, upon being told that I wished to observe the magistrates in their daily activities, informed me in no uncertain terms, "they will never agree to that, they will never permit you to do that." I secretly feared, along with this professor, that judicial officers would not have the interest, inclination, time, or patience to become full-time, long-term hosts to an unknown, inexperienced social scientist. Indeed, on several occasions I encountered judges and magistrates who claimed that they were too busy to permit even a half-hour interview at any time during a two-year period. In spite of the apparent obstacles, it can be quite worthwhile to explore alternative avenues of entry into the judiciary.

One effective means of gaining access is to utilize the connections and legitimacy of any judicial actors who initially become interested in a research project. In my case, one magistrate was a former law professor who was very interested in my research topic. He wrote letters of introduction for me to various judges and magistrates that provided access and cooperation in several courthouses. In another instance, all of my letters and telephone calls to one magistrate over a ten-month period were intercepted and screened by a secretary so that I was unable to ascertain whether the magistrate had ever even heard about my project and my request for cooperation. A senior district judge in the courthouse, after inquiring whether I had interviewed the magistrate and subsequently learning about my failed attempts to communicate with the magistrate, walked down the hall to the magistrate's office with me and provided a useful introduction. The assistance from the judge enabled me to get past the guardian secretary. Gaining a foothold in one judicial officer's chambers can lead to additional opportunities for research elsewhere.

Because I have a law degree, I discovered that I enjoyed certain apparent advantages in gaining access and information. Interviewees and observation subjects often asked questions about my background as they

attempted to determine how well I would understand their explanations about legal processes. On numerous occasions, judges, magistrates, and lawyers relaxed and became more forthcoming upon learning that we shared a common professional language. Although other political scientists have commented that my access to these federal courthouses may be attributed to the fact that judicial officers viewed me as part of their 'fraternity,' I believe that my colleagues who do not benefit from the 'lawyer' label can gain comparable access. The key issue here is in arousing the interest of and establishing rapport with the subjects. Good discussions exist concerning the process of establishing rapport during an observational study (e.g., Ryan et al, 1980: 253-257), but the earlier threshold issue of gaining opportunities for access also depends upon impressing the judicial officers with the researcher's knowledge, interest, and sensitivity. There are several means for establishing such initial rapport, such as sending the judicial officer copies of the researcher's previous published works or interviewing the subject in order to establish a favorable impression before broaching the subject of access for observations. A law degree may be an asset in some ways, but it is not necessarily a prerequisite for gaining access.

It has been observed that "there are no hard-and-fast rules for the participant observer" so that "research in the field will always involve the researcher in a great deal of soul-searching and negotiation" (Bogdan & Taylor, 1975: 30). The opportunity to undertake observational research in the judiciary in particular involves the establishment of negotiated understandings between the researcher and court personnel. As with other studies of the judiciary, "(o)rganizational access for field research on the courts must at some point be negotiated" (McCall, 1975: 115). Because I was unsure what I had to offer to any judicial officers in order to win permission to shadow them for month-long periods of time, I attempted to utilize my legal background as a resource and bargaining chip for gaining access.

In my initial letters to magistrates requesting opportunities to observe their daily tasks and interactions, I offered to spend some time assisting in legal research tasks. Some magistrates misperceived my offer as a request for employment and declined to cooperate because they lacked funds to "hire" a new law clerk. Two magistrates took me up on my offer and I ultimately wrote a total of eleven draft opinions on the kinds of cases that absorb a significant proportion of many magistrates' working lives: civil pretrial motions, prisoners' habeas corpus petitions, and prisoners' civil rights suits. On the positive side, these few legal research tasks during four to six week observation periods provided me with direct exposure to the kinds of cases that magistrates frequently decide. Moreover, I had something educational to do during some of the 'down' times when magistrates are sitting at their typewriters or word-processing terminals generating orders, recommendations, and opinions. Obviously, however, this level of participation generates serious risks of biasing the researcher's perceptions through too-intimate involvement with the subjects and processes being studied.

For example, there is a disagreement in the academic literature concerning whether federal judicial officers give adequate scrutiny to petitions filed pro se by indigent prisoners (see Turner, 1979; but cf. Hanson, 1987). In observing the usual high rates of summary dismissals for such cases, I detected indications of routinized decision-making processes that did not thoroughly examine the assertions of the uneducated, lay claimants. Most notably, magistrates and their law clerks often began consideration of prisoners' petitions with the question 'How can I dismiss this case?' rather than asking 'Does this claim have any merit?' -a difference in approach that

could affect outcomes in some cases. My legal work for the magistrates permitted me to see and evaluate these decision-making processes, but also challenged me to insure that my observations were not clouded by my intimate participation, either through inappropriately attributing my own perceptions to the actors around me or through rationalizing justifications for the behavior I detected.

The limited legal research assistance I provided was a *quid pro quo* for permission to take up so much of the magistrates' time and attention. Although any such offer made by a researcher is highly problematic, one must seriously consider what sorts of negotiated understandings are necessary and appropriate in order to gain the benefits of infrequently-permitted intimate glimpses 'behind the purple curtain.' Most observational studies within the judiciary apply social science analysis to observations of public processes such as hearings and trials (e.g., Provine, 1986; Ryan et al, 1980; Eisenstein & Jacob, 1977). By contrast, I had opportunities to observe interactions and processes, such as settlement conferences and discussions between judicial officers and their law clerks, that occur beyond the purview of the public. Despite the risks, I felt that the development of reciprocal relationships was a small price to pay for the rapport and access that I gained.

Although I also relied upon formal interviews and surveys in my research on factors underlying the development of various magistrates' roles and on the systemic consequences of an ambiguously-defined, subordinate judicial office, the observational work provided unique opportunities which I hope to exploit in future research. Some phenomena are available for comprehensive analysis and theory building only through internal access into courts. For example, in order to examine the role of judicial officers in the settlement process, one should not simply interview litigants and observe settlement conferences. Judicial officers' activities in chambers also affect settlements by deciding the timing and outcomes of rulings on motions, determining whether parties as well as attorneys must be present at conferences, and developing settlement proposals or other strategies for discussing issues. If one were to examine judicial decision making from an organizational perspective, it would not be sufficient merely to recognize that there is a hierarchy of decision makers within the federal courts, including law clerks, magistrates, and district judges. Observation illuminates the extent of communication between various actors, the degree of supervision applied to the work of law clerks and magistrates, and the impact of routinized processes for producing outcomes and opinions.

Offering assistance and, in some instances, participating in judicial work increased the acceptability of my presence in the courthouses. This small step affected the magistrates' behavior toward me during usually-secret pretrial processes, such as settlement conferences. The magistrates' ability to accept and ignore my presence at such meetings facilitated my acceptance by other actors, namely attorneys and their clients, who usually presumed that I was a member of the magistrates' staff. As a result, I observed processes and interactions that would have been inaccessible without the rapport developed from my participatory involvement.

For example, moments before a trial was to begin in a personal injury case, plaintiff's counsel approached the magistrate, who was to preside over the trial by consent of the litigants, to seek a conference in chambers. At the conference, attended only by the plaintiff's counsel, the magistrate, a deputy court clerk, and me (and notably without either the defense counsel or the plaintiff), the attorney explicitly expressed his concerns about his possible

malpractice liability for failing to fulfill the necessary *prima facie* case and asked the magistrate to talk to the plaintiff about accepting a previously offered settlement. The magistrate thereupon called the plaintiff into chambers, carefully accentuated the risks attendant to any jury trial by telling him a story about someone who turned down a \$1 million settlement offer and was eventually awarded only \$90,000, and effectively persuaded the plaintiff to accept the settlement.

Similar access in another courthouse permitted observation of a settlement conference for opposing attorneys in a suit over conditions at a county jail. The magistrate and the attorneys for both sides cooperated in plotting to keep the case "out of the newspapers" in order to prevent elected county officials from noticing the lawsuit and exploiting it politically by publicly opposing any settlement discussions. Again, opportunities to observe such hidden interactions were dependent upon a high degree of cooperation and rapport between the researcher and the subject.

The *quid pro quo* underlying my research was clearly facilitated by my legal training and experience. However, other social scientists may be able to gain similar access if they can succeed in the potentially difficult task of convincing lawyer-judicial officers that non-lawyer social scientists have valuable skills to offer. A useful analogy might be to the Judicial Fellows Program and the projects performed by non-lawyer social scientists for the Chief Justice of the Supreme Court, the Administrative Office of the U.S. Courts, and the Federal Judicial Center. Individual judges or district courts may need assistance with organizing or analyzing data on a smaller scale. Although I have some personal misgivings about the risks of contributing to routinized decision making, in those districts with high loads of "routine" cases, e.g., prisoners' petitions and Social Security appeals, it may even be possible for non-lawyers to assume tasks such as reviewing complaints for patent, non-substantive errors, e.g., naming improper government entities as defendants, failure to exhaust state remedies in prisoner habeas corpus cases, etc. Appropriate and creative offers of assistance may create new opportunities for access with receptive judicial officers.

Close contacts with research subjects obviously creates risks of influencing the subjects' behavior. The researcher's desire to preserve rapport and access can collide with the need to maintain distance from the study's foci. The most difficult situations arise when the judicial officers come to view the researcher as a confidant with attendant expectations that the researcher can provide advice about difficult issues. In one instance, during a magistrate's first experience in presiding over a civil jury trial, I was in the magistrate's chambers before and after the trial's daily events as well as during recesses. The magistrate sought my comments and suggestions on how to gain control over some particularly combative attorneys and uncooperative witnesses. Although my mildly reassuring and noncommittal responses disappointed the magistrate, I feared that my close contact and access had created an unwanted opportunity to influence the judicial officer's behavior during the trial.

The Benefits of Access to Observation Opportunities

Despite the difficulties, both practically and methodologically (Gibson, 1983) with observational research, there are numerous benefits to be gained from embarking upon such projects. Interacting with and observing the subjects of our research within their everyday environment adds vivid 'flesh and blood' images to the material we present to our students. It is not simply

a matter of collecting anecdotal 'war stories,' but rather a process that adds insight and, as Fenno would say, "context" (1986: 4) to the objects of our inquiry and analysis.

The use of surveys, interviews, and brief observations of public processes provides 'snapshots' of perceptions and behaviors at specific moments in time. Long-term observations have temporal limitations as well, but the opportunity to link together continuous observations of a single subject may take us one step closer to a 'film' of the complexities of human behavior. For example, over the course of six weeks at one courthouse, I observed a particular lawyer appearing before the magistrate in hearings and conferences on several different cases. The lawyer was habitually late. When the lawyer was late to yet another hearing, the magistrate donned his robe and asserted his role as an authoritative judicial officer by questioning the lawyer on-the-record. The initial interchange indicated that the lawyer did not seem to understand that the magistrate is a full-fledged judicial officer. When the magistrate abruptly ended the encounter with an ominous "there will be a price to be paid if you are late--Do I make myself clear?", the lawyer appeared embarrassed and slightly bewildered. The access and continual observation permitted me to see the lawyer's changed and deferential behavior at his timely arrival to the next conference, even though I also had learned that the magistrate was bluffing and had no idea what he would do if the lawyer were tardy again. Through such observations I could see ambiguously-defined, subordinate judicial officers experimenting and asserting themselves in a series of interactions with other judicial actors in order to develop an authoritative judicial role.

Access to continual observation of behind-the-scenes court processes creates opportunities to develop further such familiar analytic concepts as the roles and functions of judicial actors. For example, previous research on magistrates, limited to surveys and interviews, led to the development of a typology characterizing magistrates as performing three roles (Seron, 1986). By utilizing observations and close contact with magistrates, the typology can be examined and refined to more precisely reflect the status, expectations, relationships, and activities of the judicial officers in various courthouses. Moreover, the elements which define roles and role behavior, namely the expectations and interactions of various judicial actors (Vines, 1969: 464), can reveal the dynamic and continuous role development of a relatively new and ambiguously-defined judicial officer.

Similarly, judicial actors' functional consequences for the court system can be discerned through observation of the complete range of activities undertaken. For example, magistrates fulfill a buffering or mediating function for federal court contacts with the public in an analogous fashion to Blumberg's (1967) characterization of criminal defense attorneys as serving as agent-mediators for the criminal justice system. Magistrates in various courthouses served as the first judicial officers coming into contact with criminal defendants (arraignments, bail hearings, etc.) and civil litigants (pretrial conferences). Thus magistrates bore the responsibility both for explaining federal court procedures to confused or hostile lay people and receiving the complaints and cathartic reactions from the same.

Observation has been effectively utilized in the criminal justice system to develop theories about police decisions to arrest, prosecutors' behavior, and plea bargaining. Although there can be greater obstacles hindering such research opportunities with judges, observation could enhance theories about judicial decision making by examining judges' preliminary reactions, processes, and interactions which affect the development of outcomes and

opinions. For example, how does a judge's selection and use of particular cases for training law clerks affect the processing of such cases and the judge's developing perceptions of the merits? In addition, theories about court organization and the processing of cases can benefit from qualitative assessments of relationships and procedures that affect the internal development and functions of judicial institutions. The examination of these processes and, no doubt, other phenomena depend on observational research inside the protected environment of the judiciary.

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Statutes

The Federal Magistrates Act. Pub. L. No. 90-578, 82 Stat. 1107 (1968)
(codified as amended at 28 U.S.C. secs.631-639).

WHEN RENEWING YOUR APSA MEMBERSHIP

BE CERTAIN TO INDICATE

YOUR DESIRE TO JOIN OR RENEW

YOUR MEMBERSHIP IN

THE

**LAW, COURTS, AND
JUDICIAL PROCESS SECTION**

MEMBERSHIP HAS ITS "PRIVILEGES"

Editor's Note

If any of you read the Summer, 1988, PS, you probably noticed that the Law, Courts, and Judicial Process Section is now the largest of the seventeen APSA organized sections, with 586 members. While that is significant, it is more important that the Section serve the needs of those members, regardless of how many there are. The entire Executive Council would like you to communicate with any of us if there are matters which concern you or you feel the Section should attend to. In light of several comments made at the Section Business Meeting your editor is beginning the labor-intensive task of developing a Directory of members. Since the APSA cannot provide that information in the "right" form, I will have to translate it into useable form here, and then mail it. I expect that I will send it out to the Section members as of January 1, 1989, and treat it as a "fourth," Winter issue of the Newsletter. If any of you have ideas about how to develop useful information about the members, please contact me just as soon as possible. Several people have indicated that telephone numbers or information about research and teaching interests would be useful to have included in the directory. However, that will have to emerge in a later directory.

Incidentally, your addresses are maintained by the APSA, not by me, so when you change addresses, you should communicate that with the "Membership" people, particularly Chris Hill, at APSA. The best way of getting your Newsletter, and other APSA materials quickly, would be to send a change-of-address notice to the APSA in Washington, D.C.

I would like to emphasize several items that follow in this Newsletter, because they are of significance for members of the Section. First, we wish to encourage the development of graduate student papers, and this year was a disappointment because of the few number which were nominated. It is essential that we continue to develop young faculty and a graduate student paper award is one way of doing that. Please, submit the papers of graduate students who have done work in your seminars, or encourage graduate students to nominate their own papers.

Second, we are interested in the development of sections in the APSA, and in order to continue the progress of our Section, it is important that more members of the section (1) become active in the Association, and (2) participate in the Convention. In order to encourage that, there are several items below which you should consider carefully. Those relate to service on APSA committees and the like. Karen O'Connor, the Section Chair, will facilitate your efforts at this; just contact her.

Third, after a number of years of admirable service as Articles Editor for this Newsletter, Lief Carter has indicated his intention to "retire" at the end of this current year. As a result, I would be very interested in talking with a section member who would like to undertake this interesting task. Lief could give you some idea of what he has done and how much time and effort that has taken, so you might wish to call him as well. However, I would certainly like to talk with you if you have any inclination to help with the Newsletter.

The Data Column in this issue contains the first of what Wayne McIntosh and I hope will be regular, substantive discussions of matters of general research interest to those of us in the field. We strongly encourage anyone to submit "pieces" to Wayne for inclusion in later issues that focus on subjects that might be of interest to the Section. Mark Kesler's contribution should be of interest to many of us.

wpm

ANNOUNCEMENTS

Nominations for the Corwin Award:

Please remember that any doctoral dissertation in the field of public law, broadly defined to include the judicial process, judicial behavior, courts, law, legal systems, the American constitutional system, civil liberties, or any other substantive area, or any work that deals in a significant fashion with a topic related to or having a substantial impact on the American Constitution

that was completed and accepted during the 1987 or 1988 calendar year is eligible for the Corwin Award.

Entries must be submitted by January 15, 1989. Departments are requested to submit three copies of each dissertation nominated, directly to the committee members. A copy of the letter of nomination should be sent to Dissertation Awards, APSA, 1527 New Hampshire Avenue, NW, Washington, DC 20036.

Members of the Corwin Committee are:

Michael W. Combs, Chair
Department of Political Science
University of Nebraska-Lincoln
Lincoln, NE 68588-0328

David M. O'Brien
Dept. of Gov't & Foreign Affairs
University of Virginia
Charlottesville, VA 22901

Karen O'Connor
Department of Political Science
Emory University
Atlanta, GA 30322

NOMINATIONS SOUGHT FOR HARRY KALVEN PRIZE

The Harry Kalven Prize is awarded by the Law & Society Association biennially for "distinguished research on 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, and at least some portion of the work for which the award is given should therefore have been completed within the past few years.

A committee has been appointed to select the 1989 recipient of the award. The members of the committee are:

Phoebe Ellsworth, University of Michigan
Malcolm Feeley, University of California, Berkeley
Carol Greenhouse, Cornell University
John Heinz, chair, American Bar Foundation/Northwestern University
James Short, Washington State University

Nominations of candidates or suggestions for the committee's consideration should be forwarded to the chair of the committee:

John P. Heinz, Chair, Harry Kalven Prize
American Bar Foundation
750 North Lake Shore Drive
Chicago, IL 60611

Documentation concerning the significance and contributions of the research, including citations to publications, will assist the committee in the consideration of candidates. Nominations should be sent to the committee by December 1, 1988. The award will be presented at the 1989 annual meeting of the Association in Madison, Wisconsin.

CONFERENCE ANNOUNCEMENT

A national symposium will be held in Seattle, Washington, on April 15-17, 1989 to commemorate the fiftieth anniversary of the appointment of William O. Douglas to the United States Supreme Court. Papers and commentaries will be presented by thirty distinguished historians, legal scholars and political scientists; symposium addresses will be given by Professors Vern Countryman (Harvard) and Charles Reich (University of Santa Barbara). Symposium participation is open to scholars and professionals; registration is limited.

For further information, write:
Symposium Secretary
The William O. Douglas Institute
P. O. Box 45745
Seattle, WA 98145

<h3>SECTION AFFAIRS</h3>

Section Graduate Student Paper Award

At both the annual section meeting and the session of the Executive Committee, the importance of casting a wide net for graduate student papers to be considered for this award was noted. You are encouraged to nominate any of your students' papers that have been given at a professional meeting occurring between August 31, 1988 and June 15, 1989. Students are also able to nominate their own papers. The author must be a graduate student when the paper was written. Co-authored papers by graduate students also are eligible. The deadline for submissions is June 30, 1989. The next newsletter will carry the names of the Committee Chair and committee members. In the meantime, you may make submissions to the Section Chair:

Elliot Slotnick, Chair
 Dept of Political Science
 The Ohio State University
 Columbus, OH 43210-1373

Section Nominating Committee

Please begin considering potential nominees for Section office. Section positions which are open include: Chair-Elect; Secretary-Treasurer; Executive Committee (3). This year the Nominating Committee also will forward a list to the APSA Nominating Committee for consideration for APSA office and committee positions where appropriate. Sue Davis has agreed to Chair this Committee. Her address is:

Sue Davis
 Dept of Political Science
 University of Delaware
 Newark, DE 19716

The remainder of the committee members will be announced in the next newsletter.

Supreme Court Oral Argument

There has been a good deal of interest shown by Section members regarding the live broadcasting of Supreme Court Oral Argument. This is discussed in the Business Meeting Report below. However, the current prospect for this is NOT eminent. C-SPAN, in particular, has made repeated efforts and shown continuing interest in providing "gavel to gavel" coverage of oral argument. However, this has not produced any progress, despite the apparent willingness of several Court members to move on this front.

Recently there has been some change in oral argument material that should help those of us interested in it for research or teaching purposes. The Supreme Court has allowed the press to have same-day access to recordings of the Oral Argument. That was in order to insure proper attribution and facilitate accurate reporting of argument. In addition, since Fall of 1986, the recordings of Oral Argument have been placed in the National Archives. Tapes cost approximately \$30 to \$40 each. Researchers using their own equipment may make copies of these tapes free of charge at the National Archives Buildings. For more information, contact Leslie C. Warren, Motion Picture, Sound, and Video Branch, the National Archives, Washington, DC 20408. That should also provide scholars with some access to these materials, even though it is not current or instantaneous.

The Section is beginning the process of developing and proposing a Resolution that the APSA could adopt indicating the Association's support for live coverage of oral argument. That should mean the Resolution will be considered and voted on at the APSA Convention next Fall. Whether this will have the intended effect is not clear, but the Section Executive Committee felt it better at least to be "on record" as favoring this change.

1989 APSA Convention Section Panels

The 1989 annual meeting will be held in Atlanta, Georgia. To this date, I have received a large number of proposals for Roundtables. I would very much like to receive some paper proposals. Papers dealing with state and local courts, administrative law, constitutional doctrine, interest group litigation, and comparative law would be especially welcome to complement the proposals I have received to date. I, of course, remain open to any suggestions.

After a heated meeting of the program committee at the 1988 meeting, Cathy Rudder was given the responsibility of reapportioning the number of panels given to each section. We were recently allotted 14 panels, an increase of 4 over our original allotment. In addition, Lucius Barker, who is visiting at Harvard this year, has been given 5 panels on the topic of Civil Rights. Lucius and I expect that there will be a considerable amount of overlap in our proposals and plan to work together closely in finalizing our panels. Please note if you have submitted your proposal to both of us or to another section head.

If you wish to participate as a panel chair or discussant, please let me know. Send all correspondence to:

Karen O'Connor
Department of Political Science
Emory University
Atlanta, GA 30322
(404-727-6572)

Please encourage your graduate students to submit paper proposals!

<p>Annual Business Meeting, Thursday, September 1, 1988 Section on Law, Courts, and the Judicial Process</p>
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This year's annual business meeting featured the usual array of reports from officers and committee chairs, as well as a discussion initiated from the floor (by Malcolm Feeley) concerning policies and priorities for panels at the 1989 meeting. Visiting members of the International Political Science Association with an interest in courts and law were guests at our meeting and the Section cocktail party that followed. Judge Ruth Bader Ginsburg, who had lectured earlier that evening on women's rights and the constitution, also attended the Section cocktail party.

The financial state of the Section is good. [See the Treasurer's Report below.] The newsletter is once again coming out on time. Section chair Marie Provine gave a brief report on our finances in the absence of secretary-treasurer Gene Flango. Newsletter Editor Will McLauchlan was present and reported no problems with production of the newsletter. He did warn members, however, that we would be losing the services of Lief Carter after this year. We need a new Associate Editor for Articles for the Newsletter. Volunteers are welcome. Members also learned that APSA Executive Director Catherine Rudder considers ours to be the best section newsletter in the organization; apparently she reads them all regularly.

Jim Gibson reported for the Section Award Committee (for best graduate-student paper during the year just past) that the committee had decided not to make an award this year because of the dearth of submissions. Only three papers were received. Jim and the others on the Committee, Alison Renteln and Milton Heumann, offered a series of suggestions on how to increase the number of candidates for the award, including direct submission by graduate student authors. It was agreed that the Executive Committee would consider the options and offer ideas to next year's committee.

The Nominating Committee, chaired by John Brigham, with members Sue Davis, Kim Scheppele, John Schmidhauser, and Harry Stumpf, offered the following slate of candidates: Stuart Scheingold, University of Washington, for chair-elect, and for the two executive committee positions open this year: Leslie Goldstein, University of Delaware, and Twiley Barker, University of Illinois - Chicago. No other nominations were received from the floor or by petition to the current chair, so the slate was at that point deemed elected, in accordance with section by-laws. This news was met with great enthusiasm by the assembly.

Karen O'Connor, the in-coming chair, encouraged Section members to submit panel and paper proposals for next year's meeting early and often. She reported that the APSA has changed its policy this year with respect to the organized sections. No longer will section members have to choose between submitting to the section and to the member of the program committee in our field. From now on, the section chair will receive all submissions.

In other business Marie Provine noted that this year our section, in cooperation with the American Bar Association Commission on College and University Nonprofessional Legal Studies, sponsored a short course on the teaching of comparative law perspectives in public law courses. Sam Krislov taught the course, which was designed to provide bibliographic and course planning assistance. Provine attended the Wednesday session and reported that it was well-received by participants. Provine also reported on a proposal concerned with the video-taping of oral arguments before the U.S. Supreme Court. The proposal, endorsed by the executive committee last year, was that the section encourage the APSA to pass a resolution in favor of video-taping the Court's oral arguments. During the year Provine negotiated with Catherine Rudder to develop a resolution. The position of the APSA at this point is that it will go forward with this resolution if the Supreme Court does

not act promptly on its own to allow video-taping. Apparently video-taping is presently in the works, however, even without the backing of the APSA.

Malcolm Feeley asked how the paper submission policy got changed and how the number of available slots per section was determined. Provine noted that the single-submission policy would be more efficient and that it was in the planning stage last year. The question of how many slots our section gets in the annual distribution got little airing in the business meeting, but developed into a major item on the agenda at this year's executive meeting. We adjourned for cocktails and conversation without reluctance at about 7:40.

- Marie Provine

Annual Meeting of the Executive Committee

The Section Executive Committee met on September 3, 1988 at the Washington Hilton Hotel. Present were Christine Harrington, Marie Provine, Neal Tate, Henry Glick, Leslie Goldstein and Newsletter Editor Will McLaughlan.

1. There was considerable discussion of the allotment of panels to the Section. The Section was allocated 10 panels by Program Chair Nelson Polsby. This was the same number that was given to much smaller sections. The Committee urged Section Chair Karen O'Connor to argue strenuously for more panels at the Program Committee meeting to be held the next day.
2. The apparent tendency of several major journal editors to decline publication of public law articles was discussed. Many expressed concern about "send it to a law review" comments. It was decided to conduct a survey of journal editors to obtain acceptance/rejection rates of judicial manuscripts.
3. Plans and logistics for preparing a Directory of Section members was discussed. Five hundred dollars was allocated for this purpose.
4. Again, the dearth of graduate student papers eligible for consideration for the Graduate Student paper award was bemoaned.
5. Concern was expressed about the fact that our field is still perceived by many to be as not part of the Political Science discipline. The small number of panels we were given for 1989 and the fact that one year we were originally omitted from the official APSA program were noted. In an attempt to remedy the problem, the Section Nominating Committee will be requested to forward names to the APSA Nominating Committee for consideration for APSA positions.

- Karen O'Connor

**Law, Courts, and Judicial Process
Section Treasurer's Report**

July 1, 1987 through June 30, 1988

INCOME

Section's share of income from Newsletter

July 1 to December 31, 1987	570.00
January 1 to June 30, 1988	740.80
 Total Income for FY 1987-88	 1310.80

EXPENSES

Newsletter editing	90.00
Supplemental fonts for Newsletter	60.00
1987 Section Award, Patrick Bruer	100.00
 Total Expenses for FY 1987-88	 250.00

BALANCE FY 1987-88 \$1060.80

DATA COLUMN

Editor's Note. In the interest of collegial exchange of ideas, the Newsletter is beginning a series of commentaries that draw attention to specific unfilled data needs of consequence to the sub-field. The

Newsletter welcomes comments or responses to these essays, as well as ideas for future discourse. Our first contribution comes from Mark Kessler, Assistant Professor, University of Kentucky

Taking Legal Culture Seriously

Mark Kesler

Research on local courts published in the past two decades or so demonstrates clearly that legal processes and outcomes vary, often quite dramatically, among localities. Studies of local criminal processes, for example, show wide variation in such areas as arrest rates, methods of case disposition, length of time from arrest to trial, conviction rates, and sentencing (e.g., Wilson, 1968; Eisenstein and Jacob, 1977; Levin, 1977; Feeley, 1979; Nardulli, et al., 1988). Civil court research documents variation among localities in the process by which disputes are transformed into or out of the legal arena (e.g., Friedman and Percival, 1976; Miller and Sarat, 1980-81) and the

characteristics of parties who win and lose cases brought to court (compare Wanner, 1975 with McIntosh, 1985).

To explain the diversity of local processes and outcomes, a variety of theoretical approaches have been employed. Some, for example, focus on the personal backgrounds, values, role perceptions, and incentive structures of those occupying important roles and positions in the legal system (e.g., Hogarth, 1971; Gibson, 1978). Others examine the organizational context in which cases are processed and disposed, paying particular attention to the policies and technologies of sponsoring and court organizations and the relationships among members of "courtroom workgroups" (e.g., Eisenstein and Jacob, 1977; Nardulli, 1978). Still others argue that variations in court processes and procedures are produced by differences in the environments of courts, especially differences in the content of what is referred to in the literature as "local legal culture." (e.g., Church, 1985; Eisenstein, et al., 1988)

Large quantities of data have been collected, much of which permit explicit comparisons among local jurisdictions, to document variation in legal processes and facilitate the measurement of crucial concepts derived from the various theoretical perspectives. However, while researchers have devoted considerable attention to operationalizing and measuring concepts derived from individual-level and organizational perspectives, legal culture, with only a few notable exceptions (Church, 1985; Eisenstein, et al., 1988), has not been the focus of structured empirical research. Although many have used legal culture to explain research findings, few have elaborated its specific components, measured its content precisely, or systematically explored the mechanisms through which it is translated into particular patterns of behavior and outcomes. As Macaulay (1984: 178) observes, legal culture "has been offered more often as a catch phrase to label everything inexplicable by other factors than as something established by research."

Defining Legal Culture

Originally developed by anthropologists, the general concept of culture is used to describe the system of informal norms, assumptions, expectations, and symbols with which a population understands their experiences and formulates courses of action (see Geertz, 1973). Other disciplines employ this concept to explain a wide variety of phenomena. Political scientists, for example, study political culture, "the particular pattern of orientation to political action in which each political system is embedded" (Elazar, 1966: pp. 84-85), and its influence on patterns of politics and public policy. Legal scholars, such as Friedman (1969), Ehrmann (1976), and Sarat (1977), refer to perceptions, norms, and informal expectations relating to law and the legal system as a society's legal culture.

The handful of empirical studies that test rigorously the effects of culture on legal processes show, at best, only very weak and indirect influences. This is not surprising, since most of these studies employ Elazar's typology of state political culture (individualistic, moralistic, traditionalistic) or aggregate measure of political activity, such as the degree of interparty competition on voting turnout, as surrogates for politico-legal culture. Kritzer (1979) has argued, quite correctly I believe, that although Elazar's typology may measure some aspects of citizens' beliefs about government and

politics, it does not adequately reflect norms and informal expectations about law and the legal system. Further, there is no reason to believe that such things as interparty competition and voting turnout tell us anything about the perceptions of citizens regarding legal processes and institutions. If we assume that perceptions about politics and law are distinct, and there is empirical evidence that indeed this is the case (see Scheingold, 1974), then studies employing measures of legal culture which only tap perceptions about politics and political institutions are bound to conclude that legal culture has little to offer in explanations of court processes and outcomes.

Studying Local Legal Culture

A major investment of time and resources is required to assess the contribution of legal culture to explanations of local criminal and civil processes adequately. Data must be collected that permit the measurement of several important dimensions of culture.

First, and most obvious, the specific content of legal culture establishes a set of behavioral norms and informal understandings. Previous research suggests that two populations -- the general community and legal elites -- are potentially significant sources of legal culture's content. Engel (1984), Landon (1985), and Greenhouse (1986), for example, suggest that citizens residing in the localities they studied shared expectations about the types of issues that should be brought to courts. Church (1985: 451), on the other hand, views legal culture as "practitioner norms governing case handling and participant behavior." In a similar vein, Eisenstein, et al. (1988) develop the notion of a "court community" composed of those individuals who interact with criminal courts. Members of this community, they argue, share a distinctive set of norms and informal understandings shaped by ongoing interaction in work settings and, in some cases, longstanding social relationships. By studying the content of culture as it applies to general and court communities, researchers may gain important insights into the process by which norms are developed and communicated and the specific ways in which mass and elite populations influence one another's perceptions and behavior.

Data probing the boundaries of legal culture's content also need to be collected. What aspects of the legal system are of concern to citizens and members of court communities? Are informal norms and expectations shared regarding all aspects of the legal system or do norms apply only to certain processes and outcomes? A useful way to think about legal culture's boundaries is in terms of what Heumann (1979) refers to as a "zone of indifference." In his discussion of legal culture and criminal court processes, Heumann argues that there is an "area within which the community is relatively indifferent to how outcomes are arrived at and, in fact, to what those outcomes are." Further, he argues, "cases outside the zone are ... subject to the general constraints imposed by the community's political and legal culture." (at 215) Church (1985) reports that criminal attorneys in the localities he studied shared expectations about court processes, but disagreed on appropriate outcomes (such as length of sentence) depending on the role they occupied (prosecutors versus defense lawyers). Others (e.g., Engel, 1984; Landon, 1985; Greenhouse, 1986) have found shared normative expectations among community residents regarding the initiation of civil lawsuits. These

studies constitute an important starting point in specifying the boundaries of legal culture. However, much remains to be accomplished.

The collection of data on the content and boundaries of legal culture will permit researchers to measure a third important dimension – the degree of consensus among community residents and members of court communities. Reliable data on the degree of consensus will facilitate the answering of a number of significant questions. For example, is there one set of norms shared by most members of the community? Or are there a few or many subcultures? Do differences among residents in shared norms vary depending on class, race, ethnicity, or other sets of characteristics? Do most legal elites share beliefs and expectations regarding the practice of law, legal processes, and the outcomes of legal action? Are the boundaries of zones of indifference drawn in similar places by most community members? If subcultures are evident, which set of norms govern behavior under what set of circumstances?

Finally, data are required that address the effectiveness of legal culture in shaping behavior. How effective are cultural norms in constraining the behavior of citizens and legal elites who wish to engage in activity deemed to be inappropriate? If individuals violate normative prescriptions and engage in behavior that falls outside the zone of indifference, how are they dealt with by others in the community? In general, what mechanisms are used to translate the content of legal culture into behavior?

Research techniques and instruments need to be devised that explicitly tap the four dimensions of legal culture outlined above. Given the present state of knowledge, a variety of methodological approaches and research instruments will contribute to this goal. At this point, ethnographic and intensive interviewing approaches may be most appropriate and fruitful for probing the boundaries of culture and the mechanisms employed in enforcing normative systems. One promising avenue by which to begin the process of mapping the areas covered by legal culture and the specific content of norms and beliefs is the intensive interviewing of small samples of respondents, much like that done in Lane's (1962) seminal study of political attitudes. After establishing the contours of culture more structured approaches, such as those using survey research methods, will permit more precise measurement of specific sets of attitudes and beliefs identified as salient in studies employing less structured methods.

There is much to suggest that students of legal processes ought to take legal culture seriously. Anyone who has walked the halls of local courthouses and listened to local judges and attorneys discuss their jobs and the practice of law can not help but notice that local practitioners have clearly developed ideas regarding the types of legal activity that are appropriate or unacceptable in their community. Those who have conducted comparative field research can attest to the fact that these "do's" and "don'ts" often vary among localities. The few published studies which focus on these informal understandings among local citizens and practitioners find that often they assist in explaining other important processes. Church (1985), for example, shows how norms shared by actors in the criminal justice system relate to the time it takes to dispose of cases and other case disposition variables. Greenhouse (1986), in a study of dispute resolution in an Atlanta suburb populated primarily by Baptists, demonstrates how scriptural mandates and

cultural norms preclude the bringing of civil legal disputes to court. Engel (1984) describes how different sets of cultural norms influenced residents in the rural Illinois county he studied to bring breach of contract disputes to court, but avoid litigating personal injuries. And Landon (1985) argues that community values shared by the legal community in the rural Missouri counties he studied constrained individuals from filing certain types of lawsuits perceived as "taboo," such as those dealing with medical malpractice, child abuse, and civil rights.

Students of the legal system must move beyond the use of aggregate data on political and legal activity to measure legal culture by devising research instruments that more closely relate to normative systems about law, legal action, and legal institutions. The collection of reliable data on legal culture promises to fill an important gap in the literature on the legal system and improve our understanding of local legal processes. At least some of the variation in legal processes uncovered in previous research is likely to be related to differences among communities in the content of legal culture. And those factors derived from individual-level and organizational approaches that have been shown to influence legal processes may themselves be a function of the general environment in which courts operate.

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DATA ANNOUNCEMENTS

Federal Trial and Appeals Court Data Base Soon to be Available.

A significant new data base has been released to the ICPSR from the Research Division of the Federal Judicial Center.

Description:

The tapes contain data for every district case filed, pending, or terminated in the federal courts between July 1, 1969 and June 30, 1987 and every appellate court case filed, pending, or terminated between July 1, 1970 and June 30, 1987.

In 1982 the Research Division of the Federal Judicial Center initiated the Integrated Data Base (IDB) project. The goals of the project were (1) to document the information recorded on data tapes compiled by the Administrative Office of the United States Courts (AO) on cases filed in the federal court system, (2) to gather several years of data together into a single data base to facilitate multiyear analyses, (3) to provide a common format for the data so that those analyses could be done without having to contend with record formats that changed from year to year, and (4) to provide a vehicle for linking cases from the district to the appellate level. The time period covered by the initial project was statistical year 1970 through statistical year 1983 (July 1, 1969 through June 30, 1983). These data have since been updated to include cases through statistical year 1987 (June 30, 1987). The data base includes all federal appellate and district court cases active during this time period. There is one data set of terminated cases for each statistical year (SY) for each of the three data categories: district civil (18 data sets, SY70-SY87), district criminal (18 data sets, SY70 - SY87), and appellate (17 data sets, SY71 - SY87). In addition, in each category there is a data set of cases still pending at the end of the time period (3 data sets, SY87). Separate codebooks are available for the district civil, district criminal and appellate data sets, describing format and fields.

The data tapes and documentation (codebooks can be obtained separately) are available through the Inter-University Consortium for Political and Social Research at the University of Michigan (not from the Federal Judicial Center). The material will be released for distribution in December, 1988, but can be requested now. For more information, contact Vickie Schneider at ICPSR (313/763-5010)

Existing Data Archives and Information Systems

You can generally obtain a current data set directory and/or information packet upon request:

ICPSR, The Institute for Social Research,
P.O.Box 1248,
Ann Arbor, MI 48106,
313/764-2570

BITNET address: ICPSR NETMAIL@UM.CC.UMICH.EDU

The Criminal Justice Archive and Information Network (CJAIN)
The University of Michigan
P.O. Box 1248
Ann Arbor, MI 48106
313/764-2570

The Bureau of Justice Statistics issues frequent reports based upon the data it sponsors. Contact:

National Criminal Justice Reference Service
Box 6000
Rockville, MD 20850
301/251-5550

The Federal Justice Center offers a Catalog of Publications. Contact:

Federal Judicial Center
Information Services
1520 H Street, N.W.
Washington, DC 20005
202/633-6365

<i>CALL FOR PAPERS</i>

LAW AND SOCIETY ANNUAL MEETING

25TH ANNIVERSARY MEETING

MADISON, WISCONSIN

JUNE 7-11, 1989

The 1989 Annual Meeting of the Law and Society Association will be held in Madison, Wisconsin, June 7-11, 1989. Since this is the 25th anniversary of the formation of the Law and Society Association, we expect that this will be the biggest and perhaps best annual meeting held to date. The purpose of this call is to solicit papers, panel chairs and discussants from within the political science/law and social science community.

The 25th anniversary of the association is an excellent time for political science to re-assert its ties to Law and Society. Over the last decade or so some have perceived the association to have drifted in a direction that is less relevant to the concerns of political scientists studying law, politics, and the legal process. Whatever the veracity of these perceptions, there is clearly new evidence that the association, including the *Law and Society Review*, welcomes the participation of political science. The Madison meeting provides an excellent opportunity for us to respond to this more favorable climate.

Consequently, I urge you to consider participating in the 1989 annual meeting. There are many opportunities for papers and panels of special interest to political science, and the meeting is shaping up as one that will be generally interesting to all who are investigating political dimensions of the legal process. I sincerely hope that you will consider presenting some of your work at the meeting.

A formal call for papers will be issued by the program committee fairly soon. In the meantime, please begin planning for the meeting. If you have any ideas, comments, suggestions, please do not hesitate to contact me. I look forward to seeing you in Madison!

James L. Gibson
Department of Political Science
University of Houston
Houston, TX 77204

713/749-4322

713/660-8813

BITNET: POLSBR @UHUPVM1

The Law and Society Association is seeking nominations for its Student Awards, which will be given at the Association's Annual Meeting in Madison, Wisconsin, in June, 1989. Awards will be made to the undergraduate and to the graduate student whose nominated paper best represents outstanding law and society research. The awards are \$100 and travel expenses to attend the LSA meeting. Nominations can be made only by a non-student member of the Law and Society Association and through the submission of the recommended student paper to the Committee on Student Awards.

The subject matter and methodology of recommended papers should participate in the tradition of interdisciplinary law and society research, and should reflect the style of articles that appear in the *Law & Society Review*. All papers entered in the competition should be authored by matriculated students at any (U.S. or non-U.S.) institution of higher education between September 1987 and January 1989. Submissions from undergraduate students will be evaluated separately from those for graduate or law students.

Submissions should be received by **January 25, 1989**, and should be sent to:

Susan Silbey
Department of Sociology
Wellesley College
Wellesley, MA 02181

The papers will be read and evaluated by the Committee on Student Awards: Lawrence Baum, Ohio State University; Sheldon Messinger, University of California, Berkeley; John Monahan, University of Virginia; Marjorie Zatz, Arizona State University; and Susan S. Silbey (chair), Wellesley College.

FUNDING OPPORTUNITIES

**LAW AND SOCIAL SCIENCE PROGRAM
National Science Foundation
FUNDING OPPORTUNITIES**

A new fiscal year is beginning and the Law and Social Science Program at the National Science Foundation is once again looking for creative, exciting, imaginative research proposals to fund. The Law and Social Science Program supports social scientific studies of law and law-like systems of rules. These can include, but are not limited to, research designed to enhance the scientific understanding of the impact of law; the role of law and normative ordering in society; the dynamics of legal decision making; and the nature, sources, and consequences of variations and changes in legal institutions. The primary consideration is that the research aims to advance a fundamental understanding of law and legal processes. Within this framework, the Program has an "open window" for diverse theoretical perspectives, methods, and contexts for study, including non-U.S., cross-cultural and comparative research. Examples of recently supported research include the following: "Dynamics of Judicial Intervention to Promote Settlement," "The Influence of Pretrial Publicity on Jury Decisionmaking," and "A Neoinstitutional Theory of Senate Voting on Supreme Court Justices." Research on dispute processing, modelling jury decisionmaking, legal and social change, social control, patterns of discretion in sentencing, procedural justice, the social and economic impacts of law, compliance and deterrence, regulatory enforcement, and legal socialization and the legal profession are among the many areas that have recently received program support.

The review process for the Law and Social Science Program takes six to nine months. It includes appraisal of proposals by ad hoc reviewers selected for their expertise from throughout the social scientific community and by an advisory panel that meets twice a year. The next target dates for the submission of proposals are January 15, 1989, for proposals to be funded on or after July 1989 and August 15, 1989, for proposals to be funded after January 1990. For further information on application procedures, write or call Felice J. Levine, Program Director, Law and Social Science Program, National Science Foundation, Washington, D.C. 20550; (202) 357-9567.

There are a number of initiatives at the National Science Foundation which represent potential, additional funding opportunities of interest to the law and social science community. Among these are several pertaining to women scientists and engineers: the Visiting Professorships for Women Program enables experienced women scientists and engineers to undertake advanced research and teaching at host institutions; Research Initiation Awards are for women who have not previously received Federal research support or who are returning to research activities after a career interruption; and Research Planning Grants are small grants for a limited duration to help women develop competitive research programs. For further information on application procedures, contact Margrete S. Klein, Program Director, Visiting Professorships for Women Program and Research Opportunities for Women, National Science Foundation, Washington, D.C. 20550; (202) 357-7734.

Other initiatives of interest include Research Assistantships for Minority High School Students and Research Experiences for Undergraduates (REU). These two programs provide supplemental funding to augment the budgets of ongoing NSF projects so that active participation in ongoing research projects of high school and undergraduate students, respectively, can be encouraged. In addition, the Research in Undergraduate Institutions (RUI) Program is intended to provide support for research and research equipment for investigators in non-doctoral departments in predominantly undergraduate institutions. For further information about these programs, write or call Felice J. Levine, Program Director, Law and Social Science Program.

Convention Panels

Northeastern Political Science Association (1988)

The following papers will be presented at the annual meeting of the Northeastern Political Science Association, November 10-12, 1988, in Providence, RI:

Judicial Interpretation in the States

Moderator: Stephen L. Wasby, SUNY-Albany

Papers:

State Constitutionalism: The Quest for a Principled Jurisprudence in Maryland,

Michael C. Tolley, The Johns Hopkins Univ.

The Vanderbilt Court and the Origins of Judicial Activism in New Jersey,

Voorhees E. Dunn, Jr., Univ. of Texas-Dallas

Discussant: James E. Lennertz, Lafayette College

The Politics of Judicial Interpretation

Moderator: Gary J. Aichele, Juniata College

Papers:

Do We Need a Perfect Constitution?

Mark A. Graber, Univ. of Texas-Austin

Public Pressure on Supreme Court Decisions,

John Havick, Georgia Inst. of Technology

Discussant: Barbara Hinkson Craig, Wesleyan Univ.

Agenda Setting and Accountability for Public Policy Choices

Moderator: Francis J. Leazes, Jr., Rhode Island College

Papers:

Dissent in the Organization: A Portrait of the
Whistleblower,
Philip H. Jos, College of Charleston

Citizen Perspectives on the Privatization of Dislocated
Worker Programs,
Yuan Ting and Robert G. Sheets, Northern Illinois Univ.

Federal Agenda Setting: The Case of AIDS,
Jean Shumway Warner, Univ. Of Oklahoma

Discussants: T.B.A.

The Courts and the Electoral Process

Moderator: Richard J. Del Guidice, SUNY-Potsdam

Papers:

The Court's Approach to Gerrymandering and Representation
Mark Rush, The Johns Hopkins Univ.

The Politics of Court Reform in Detroit
E. Yvoone Moss, Southeastern Massachusetts Univ.

The Effects of Constitutional Perception on Amendment Politics
Brian Holland, Columbia Univ.

Discussants: Robert Heineman, Alfred Univ.
James E. Lennertz, Lafayette College

Southern Political Science Association (1988)

The following papers will be presented at the annual meeting of the Southern Political Science Association, November 3-5, 1988, in Atlanta, GA:

Political Behavior Research and the Judicial Process

Chair: Michael Giles, Emory Univ.

Papers:

Judicial Review and Party Systems
Mark Graber, Univ. of Texas-Austin

American Jewish Interest Groups in the Supreme Court
Gregg Ivers, Emory Univ.

The Effects of Jury Panel Service on Attitudes Toward the
Courts

M. Margaret Conway and Wayne McIntosh, Univ. of Maryland
& Lee Johnston, Univ. of North Carolina

Supreme Court Nominations and Roll Call Voting
Jeffrey Segal, Albert D. Cover and Charles Cameron,
SUNY-Stony Brook

Discussants: Michael Giles, Emory Univ.
Roy Flemming, Texas A&M Univ.

Retrospective: Judicial Process Research

Chair: Bradley Canon, Univ. of Kentucky

Paper:

Studying the Studies: Political Science Research on Judicial
Politics, 1960-1987
Thomas R. Hensley and James Rhoads, Kent State Univ.

Discussants: Susette Talarico, Univ. of Georgia
Thomas Walker, Emory Univ.
Judith Baer, California State Polytechnic Univ.

Judicial Behavior

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