

LAW AND COURTS *NEWSLETTER*

Summer, 1992

The Law and Courts Section of the American Political Science Association

TABLE OF CONTENTS

Articles

Judicial Politics Research in Canada Ian Brodie	1
Court-Annexed Arbitration as a Political Phenomenon Keith O. Boyum	6

Bibliography

A Select Bibliography on Canadian Constitutional and Judicial Politics	4
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Announcements

APSA "Short Course"	6
Criminometrica	8
LSA E-Mail	8
ABA Standing Committee on Dispute Resolution	8
Nominees for Section Officers	10
U.S. Supreme Court On-line Dissemination of Opinions	11
Constitutionalism: Theory and Practice Mini-Conference	12
National Science Foundation Awards List	13
Judicial Politics: Readings from Judicature	14

Conference Presentations

Law and Society Association	15
Southwestern Social Science Association	16
Midwest Political Science Association	17
Research Committee on Comparative Judicial Studies	19

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

Roy B. Flemming, Editor
Law and Courts Section Newsletter
Department of Political Science
Texas A&M University
College Station, TX 77843-4348
(409) 845-5623
FAX: (409) 847-8924
BITNET: E339RF @ TAMU1

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 (October 15), Spring (February 15), and Summer (June, 15).** Contributions to the *Newsletter* should be sent to the appropriate editor listed below.

ARTICLES AND COMMENTARY

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

Professor Ronald C. Kahn, Associate Editor
Law and Courts Section Newsletter
Rice Hall
Oberlin College
Oberlin, OH 44074-1095
(216) 775-8487

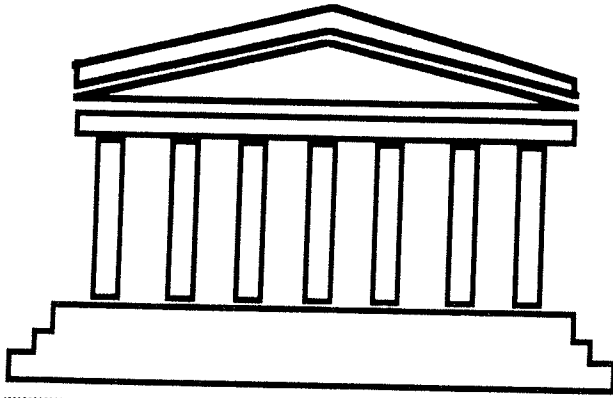
Prospective articles and commentary focusing on **empirical research and quantitative analyses** of law, courts and judicial process should be sent to:

Professor Albert Matheny, Associate Editor
Law and Courts Section Newsletter
Department of Political Science
University of Florida
Gainesville, FL 32611
(904) 392-0262
BITNET: MATHENY@NERVM

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
Law and Courts Section Newsletter
Department of Government and Politics
University of Maryland
College Park, MD 20742
(301) 454-2124
BITNET: MCTOSH@UMD2



LAW AND COURTS

NEWSLETTER

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JUDICIAL POLITICS RESEARCH IN CANADA

Ian Brodie
Department of Political Science
The University of Calgary

On April 17, 1982, Queen Elizabeth II visited Ottawa to proclaim a set of amendments to the Canadian constitution, including a new Charter of Rights and Freedoms. In ten short years, that Charter has transformed Canadian politics and the study of Canadian politics. The new importance of the court system has reinvigorated research on judicial politics in Canada. The new subjects and techniques of judicial politics research are making the area a distinct subfield of Canadian political science.

During the first eight decades of this century, judicial politics formed part of the mainstream of Canadian political science. Until 1982, most studies of Canadian politics revolved around federalism. The importance of the courts to federalism and the influence of British institutional analysis on the Canadian profession generally ensured that the courts remained a prominent part of Canadian political science.

Judicial politics research flourished in Canada during the Great Depression when politicians battled the courts over the Canadian New Deal legislation. These outrages of judicial activism provoked many streams of bitter criticism. (Cairns 1971 provides a complete list of works.) Whereas the US Supreme Court served as Roosevelt's foe during the US New Deal episode, the imperial Judicial Committee of Britain's Privy Council took on the role of the judicial enemy in Canada. As a result, strong strains of nationalism coloured the Canadian New Deal

battles and the academic commentary that they inspired. The disputes provided an impetus for Canadian judicial independence in 1949, when the Supreme Court of Canada became the final appeal court for all law in Canada. Deprived of a convenient villain, the scholars that had so bitterly criticized the Privy Council gradually took on other interests. The brief involvement of the Supreme Court in the operation of the federal system following 1949 attracted scholarly attention from students of federalism, but when Canadian governments replaced litigation with negotiation over jurisdiction, even the importance of the courts to federalism waned.

While political scientists largely ignored the courts in the post-war years, Canadian legal scholars began to advance new ideas about a stronger political role for the Canadian court system. The premier Canadian legal scholars stopped making pilgrimages to Oxford and Cambridge and began travelling to the top U.S. law schools. The legal profession, along with most other facets of Canadian society, turned away from British influences to become enamoured of U.S. practices. Canadian lawyers lost faith in "black letter" British law and gained faith in the political reform possibilities of the judiciary.

The courts only attracted new interest from political science when constitutional reform became a consistent topic on the Canadian political agenda. During the 1960's, as the province of Quebec began its sweeping program

of social and political modernization known as the "Quiet Revolution," successive Quebec governments also started to demand special constitutional status for their province and a profound devolution of powers. The Quebec constitutional agenda posed serious problems for federal authorities. It had its roots in the new secular Quebec nationalism that had spawned secessionist movements. Federal officials and anti-nationalists within Quebec worried that Quebec governments would gradually detach the province from Confederation.

Federal officials recruited Pierre Trudeau to politics out of this potent milieu. Trudeau was one of the legal scholars increasingly enthralled with the political reform possibilities of legal politics. He also formed part of the intellectual leadership of Quebec's anti-nationalist forces. Elected to Parliament in 1965, Trudeau became Minister of Justice two years later and Prime Minister in 1968. He felt that a constitutional bill of rights could overcome the vice-lock of federalism on Canadian politics and bind Quebec opinion to the Canadian system. He forced the idea of a constitutional bill of rights onto the country's political agenda for two decades.

Trudeau also realized that in the hands of the conservative and self-restrained judiciary Canada had in the late-1960's that a constitutional bill of rights would be a dead letter. He instigated a program of reform to bolster the political potential of the Canadian court system in preparation for a bill of rights. In addition to enacting critical changes to the procedures of the court system, he rapidly promoted Bora Laskin from the dean's office at the University of Toronto Law School through Canada's unified court system to the Chief Justiceship of the Supreme Court of Canada in 1973. Laskin drove the Canadian judiciary into a higher-profile role in the country's political system (for example, by spearheading a drive to give Canada the broadest rules on standing to sue in any English-speaking justice system), a profile which was well-established by 1982.

After years of setbacks and defeats, Trudeau finally succeeded in inserting the Charter of Rights and Freedoms into the constitution in 1982. The Charter covers most of the guarantees of the US Bill of Rights, with the notable exceptions of the rights to bear arms and to property. The Canadian document also in-

cludes expansive guarantees of the right to vote, various different language rights, and equality rights. The Charter's "notwithstanding clause" allows Parliament or a legislature to exempt a law from most of its non-language rights for five-year renewable periods. The notwithstanding clause is now deeply controversial. Its repeated use by the Quebec legislature probably moved public opinion against the Meech Lake Accord, thus contributing to the current constitutional crisis in Canada.

In the hands of a new generation of judges, the Charter has revolutionized entire areas of Canadian politics and law. In ten years, Canadian courts have had to decide the full breadth of issues that US courts have had two hundred years to consider. The Charter has also broken the federal system's bias toward territorial interests and issues by allowing cross-cutting interests and issues into court. For example, Canadian feminists have scoured the experiences of US "public interests" for lessons on how to use judicial politics to their own advantage. They have organized a central legal action fund to coordinate a feminist legal strategy. Other groups are following the lead of feminists into court. Oddly, Canadian governments have encouraged these groups to sue them by providing ample funding for Charter challenges. The federal government provides millions of dollars to the Court Challenges Program to help groups and individuals sue it under the Charter. Charter victories in court have inspired other groups to pursue non-Charter issues with heavy political implications (such as environmental policy) through the court system.

All this activity has rejuvenated the study of the judiciary in Canadian political science. Political science scholars are now studying such newly-important subjects as judicial voting records, judicial backgrounds, appointment mechanisms and the procedural basis of the court system in Canada. The profession cannot keep up with the need for case studies on judicial policy-making in the dozens of fields that have been subject to judicial scrutiny in the past decade. The newly-powerful groups that have taken advantage of the Charter have attracted hardly any attention. No one has yet studied the effect of government funding for Charter challenges on the interest group sys-

Trudeau . . . felt that a constitutional bill of rights could overcome the vice-lock of federalism on Canadian politics and bind Quebec opinion to the Canadian system.

tem or the governments themselves.

As the political importance of the judiciary has expanded, judicial process/public law has become a distinct and active subfield in the Canadian profession. York University and the University of Calgary have established centres to promote research in the area. The Canadian government agency that funds social sciences research has named "law and society" as a priority field. The expansion of judicial research in Canada is drawing the subfield away from the mainstream of Canadian political science. At the same time, judicial process scholars are dragging the mainstream of the profession into new areas as all Canadian political scientists try to come to terms with the impact of the Charter. Beyond political science, scholarly interest from sociology, social work, business and many other areas has made judicial research increasingly interdisciplinary.

The report of the Committee on the Status of the Law, Courts and Judicial Process Organized Section of the APSA (the Sarat Committee) raised a number of interesting questions about the status of law and politics in the wider US political science profession. In Canada, the status of judicial process research seems to be guaranteed. Peter Russell, the leading scholar of judicial politics in Canada, has just completed a term as President of the Canadian Political Science Association. His textbook, *The Judiciary in Canada* (1987), must be on every PhD reading list in the country, as must Alan Cairns' works on the broader political impact of the Charter (1991). Peter McCormick and Ian Greene's new book *Judges and Judging* (1990) is probably headed for reading lists. Rainer Knopff and Ted Morton's *Charter Politics* (1992) will become a controversial but leading analysis of the Charter's first decade. Carl Baar has toiled to prove the importance of judicial administration to Canadian political scientists (1990). Courtesy of James Snell and Frederick Vaughan (1985), we now have a political history of the Supreme Court of Canada.

While the CPSA Annual Meetings do not include a separate public law or judicial politics section (there is a "Public Policy and Public Law" section), they do not lack papers on the judi-

Scholars with considerable exposure to US experiences and literature have led the recent Canadian work on law and politics.

Because of the influence of US events on Canadian events, US political scientists may find Canadian work of interest.

ciary, the Charter and legal politics. The Canadian profession cannot support the number of journals that the US profession does (which might be a blessing!), but the Canadian Journal of Law and Society has thrived in the short period since its founding. The Canadian Journal of Political Science publishes many articles on judicial research and publishing in the country's leading law journals does not seem to be the feared fate for Canadians that the Sarat Committee implies it is for US political scientists.

The Canadian hiring situation also appears promising. For decades, judicial politics was targeted as a secondary speciality for faculty interested in federalism or other areas of Canadian politics. As judicial politics becomes a targeted primary field for more departments, more positions should open up. As groups and individuals launch Charter challenges and as governments try to defend themselves, political scientists have ample consulting opportunities. The federal Department of Justice has hired political scientists in permanent positions to help cope with Charter assaults.

Graduate training remains a serious problem for the study of judicial politics in Canada. It will be years before today's newly-hired political scientists can offer extensive graduate training in law and politics. Even at York and Calgary, which have strong commitments in the area, graduate programs remain small. The traditional Canadian solution to such problems, to ship promising students south to US graduate schools, might serve Canada's needs well. Scholars with considerable

exposure to US experiences and literature have led the recent Canadian work on law and politics. Because of the heavy influence of US events on Canadian developments, US training might better prepare Canadians to study judicial politics.

The importance of US events to the development of Canadian judicial politics is hard to overestimate. We have a Charter of Rights because of the example of the US Bill of Rights. Interest groups have drawn their inspiration and have learned their tactics from US legal history. Students of US legal decisions will find

the issues in the Canadian Supreme Court's Charter decisions familiar (Manfredi 1990). US policy analysts that follow areas under judicial scrutiny will likely find their Canadian counterparts puzzling over new judicial incursions into their fields.

Because of the influence of US events on Canadian events, US political scientists may find Canadian work of interest. The Sarat Committee mentioned a need to broaden law and politics research with transnational studies. Much of the Canadian law and politics research adopts an explicitly comparative focus because of the US influence. The similarity of the Canadian and US court systems and of the two countries' politics generally might make Canada an ideal comparative counterpart for US political scientists. Abortion, electoral boundaries, immigration, environmental law, voting rights, education and schooling policies, Sunday shopping, Indian or native law, school prayer, affirmative action, mandatory retirement, military justice and every conceivable aspect of criminal law and procedure - the list of Canadian court cases with counterparts in the US is enormous.

At the same time, the Sarat Committee spoke of the need to integrate law and politics research into broader theoretical frameworks.

Here Canadian scholars have produced some interesting work. For example, Michael Mandel, Andrew Petter, Peter Glasbeek, Judy Fudge and Rob Martin have elaborated an extensive marxist critique of the Charter of Rights. While the US left has traditionally supported ever more-expansive and liberal readings of the US Bill of Rights and other statutory guarantees, the Canadian left is divided on this issue. State-centred theoretical work also exerts a strong influence on judicial research in Canada. The deliberate attempts of various governments to structure politics through legal reforms and through the judiciary make state-centred theories attractive. The state-centred framework also neatly accounts for government funding of court cases against governments and for the influence of judicial politics on federalism.

Few US political scientists have taken advantage of the Canadian Charter revolution to test the hypotheses they have derived from their domestic experiences (Tate and Sittiwong 1989). None has ventured into the Canadian theoretical literature. But as the subfield matures in the Canadian profession, US scholars should find Canadian developments increasingly interesting. Canada is quickly becoming as judicialized as the US, and Canadian political science is trying hard to catch up.

A Select Bibliography on Canadian Constitutional and Judicial Politics

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- Editor's Note:** Ted Morton of the University of Calgary and Ian Brodie offered the suggestions that make up this limited, select bibliography.
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Court-Annexed Arbitration as a Political Phenomenon*

Keith O. Boyum
Professor of Political Science
California State University, Fullerton

Court-annexed arbitration (CAA) is an alternative dispute resolution mechanism for civil cases in trial courts. Decisions to route cases to arbitrators in this scheme are mandatory, but the decisions themselves are nonbinding in the sense that all arbitration decisions may be appealed to a judge. Twenty-five states have established CAA schemes.¹ (McIver and Keilitz 1991) *The Justice System Journal* recently published a thematic issue devoted to studies of CAA in five states: Hawaii, North Carolina, Colorado, Fulton County, Georgia, and New Jersey.² In this comment I want to draw on those studies to make the case that court-annexed arbitration is a phenomenon that ought to interest political scientists whose scholarly orientation is to judiciaries. The proposition that courts are political has been standard political science for more than forty years (see, e.g., Peltason 1955; Pritchett 1948). For all of that, it seems appropriate to say what that means with respect to court-annexed arbitration.

A first sense of calling something (such as a court) "political" is simply that it may be amenable to a political analysis. We may judge it illuminating to ask, among other things, what the involved parties want, how they influence each other to gain what they want, and who wins and who loses (compare Lasswell, 1950). By asking a set of questions appropriate to a political analysis we may expect to win some insight about courts, about a basketball game, or about a lovers' spat.

Beyond that, courts are public forums in which values are both created and distributed. Scholars of the appellate courts, particularly in studies focused on the U.S. Supreme Court, have recognized that judges create values. That, after all, has been the central focus for the study of the constitutional law.

I propose, without quite attempting to prove the point in this short comment, that modern analyses of the civil business of trial courts have commonly focused on the values that litigants seek from each other, with a correspondingly diminished focus on the values that are more or less directly created by the courts in the course of such cases. A focus on distribution seems natural, of course: Jones would not sue Smith if Jones did not think that he might win something from Smith (such as money damages). But if trial courts are conceived as convenient public forums to which essentially private disputes are brought, a focus on distribution can crowd out a view of the values created in trial courts.³

In this comment about court-annexed arbitration (CAA), I want to set the analysis in both realms: courts as value

APSA "SHORT COURSE"

Under the APSA's "Short Course" format, the *Law and Courts Section* will be sponsoring a discussion on the "The State of the Field." The event is to run from 2:00 to 5:30, Wednesday, September 2 in conjunction with the meetings in Chicago.

After gathering, John Brigham, Greg Caldeira and Leslie Goldstein will lead a survey of the field with attention to what has come to be included and the contributions being made to Political Science through the study of law and courts.

From 4-5:30 a number of noted scholars will address areas of specialization in smaller groups. These areas will include The Supreme Court and Constitutional Law, Judicial Process, Law and Society, Legal Theory and Administrative Law. Discussions will be led by Larry Baum, Lee Epstein, Christine Harrington, Susan Lawrence, Gerry Rosenberg, Martin Shapiro and others.

Although the program will serve as an introduction to the range of work being done in the field for graduate students and recent PhDs, the program is open to all interested scholars. This activity is being coordinated with a miniconference on constitutional law organized for Wednesday afternoon and evening by the Conference Group on Jurisprudence and Public Law.

creators, and courts as distributors of the values about which private parties dispute. Court-annexed arbitration may be - should be - of interest to political scientists because the process is one in which parties seek and secure values from each other. But CAA is also a process in which values are created, and our interest may be as readily piqued by that fact.

Who Gets What - From Each Other - in Court-Annexed Arbitration?

Broadly, we learn from the studies reported in *The Justice System Journal* that the same parties prevail in civil disputes processed via CAA as would have prevailed without CAA. A first glance at the evidence from studies of the Colorado and North Carolina CAA schemes suggests that plaintiffs do not receive from defendants anything that they might have achieved in other processes. Awards and outcomes apparently do not differ in amount or in frequency of plaintiff success in comparison to ordinary litigation typically leading to settlement or occasionally trial.

But if the timing of awards is taken into account, as in a sensitive analysis it ought to be, then we find some evidence that plaintiffs gain at defendants' expense in the CAA cases. This finding is not clearly established, but studies in Georgia, Colorado and Hawaii found a quicker pace to disposition for arbitrated cases, while the evidence from New Jersey ran counter to that. With this caveat, we may trace the argument in the following way.

The Colorado study noted that plaintiffs win a large percentage of all cases that were provided CAA processing - even as plaintiffs win a large percentage of regularly-processed civil cases. With that in mind, when we note that in Georgia, North Carolina and Hawaii the times to disposition were reduced for CAA cases, it would follow that defendants as a group were obliged to compensate plaintiffs as a group sooner than they would have had to if their cases had followed a regular civil process. An alert eighth grader (indeed, my own), remembering that bank accounts earn interest, would conclude that defendants lose.

So: who wins and who loses in CAA, taking the view of CAA as a contest between plaintiff and defendant? A credible assertion, if not quite a confident finding, would be that plain-

tiffs win, on the basis of award x time. Equally credibly, the finding may be of interest to those of us curious about who gets what, when and how.

Who Gets What - From the Courts - in Court-Annexed Arbitration?

Court-annexed arbitration appears to provide tangible, practical things to easily-identifiable parties. Studies in Colorado, New Jersey and North Carolina found high satisfaction with CAA among attorneys, and the reasons seem easy to understand. In general terms, CAA apparently can help attorneys achieve more efficient practices. Discovery appears less frequent. The pace to disposition appears quicker. And if cases can be brought sooner and with less procedural fuss before official third parties for decision, attorneys may achieve richer, fuller and more frequent feedback on going rates for different types of cases (discussed more fully

below). Attorneys can better forecast case outcomes; knowing with good probability what will happen allows for planning, efficiency, and success in a law practice.

As well, court administrators appear to win tangible, practical things from CAA. If court administrators want professional fulfillment, and if that amounts in substantial measure from achieving efficiency for the court system, it would follow that court administrators desire efficiency.

Importantly for policy-neutral, efficiency-minded administrators, CAA does not appear to change outcomes in cases (or at least, not in any systematic way observable to scholars who studied the North Carolina and Colorado systems). In the context of that welcome finding of no change, the pace of arbitrated cases appeared quicker (in 3 out of 4 states), the proportion of cases tried decreased (in 2 out of 3 states), and in North Carolina there may have been some other helpful reductions in judge time and effort.

We may also look a bit more broadly beyond to the tangible, practical outcomes for lawyers and administrators. This requires a brief review of just what courts in fact dispense.

The values that courts dispense, it seems to me, are guideposts for orienting human activities along a particular path. It is nowhere near

... defendants as a group were obliged to compensate plaintiffs as a group sooner than they would have had to if their cases had followed a regular civil process.

sufficient to say that courts are in the business of settling disputes. Courts are in such a business, of course; but to say only that courts settle disputes is the equivalent of saying a bicyclist is in the cycling business. It is not false to say that; but how much more interesting would it be to note that the biker is on his way to London, to see the Queen? For courts, the purpose of dispute settlement must draw our attention. As with the cyclist, the purpose or goal is the essential story.

Thus we focus on the dispensation of values as the purpose or goal of the dispute settlement activity. The values enshrined in precedent, opinion, and in decisional and sanctioning patterns are derived from the defining values of the regime which the courts serve. Indeed, the derivation of these values is the game. Courts define and refine, innovate and renovate, the values that comprise the social, economic and political systems. It can be no surprise that American courts vindicate capitalist values as outcomes in commercial and property cases. More general social values are shaped, endorsed, renewed, as disputes over divorce, custody, spousal relationships and the like are concluded in front of judges.

Values in support of the established political order may especially draw our attention. In the rare instance, values in support of the regime are present at the surface, in full measure. Prosecutions for treason, sedition, or for tax evasion come to mind. But beyond that, and touching more cases, by authoritatively concluding private disputes the government legitimizes itself directly. In order to maintain a basic public order government provides for the sanctioning of social deviance (and in so doing, bolsters its legitimacy: consider that politics unable to keep order are replaced).

A major effect of this is making clear and making known the rules that govern the settlement of disputes. Such rules are of two kinds. Some rules set out the decisional criteria per se: who is to be found guilty; who is to be found liable. Others set out the standards for sanction or compensation, defining how much is due the felon for his crime, how much is due the plaintiff for his loss. Let us call this "retailing of the going rates," as courts supply to disputants yardsticks according to which they can dispose of their own disputes.

Court-annexed arbitration may supply some of these items in fuller measure than traditional civil case-disposition systems. In North Carolina and in New Jersey, settlements were principally displaced by CAA; in Georgia, CAA displaced both trials and settlements. It seems fair to say that through CAA there was more retailing of the going rates, in that an official, court-supplied third party announced those going rates. Broadly, again: if in retailing the going rates courts legitimize themselves and the regime, then where more of that transpires more legitimation transpires.

The issue of legitimation alerts us to reactions to CAA on the part of its ordinary users. In a word, they like it. The Hawaii study suggests that their costs may be minimized in court-annexed arbitration. In the matter of satisfaction with outcomes, winners in Colorado understandably thought

continued page 9

ANNOUNCEMENTS

Criminometrica

Criminometrica, an international journal devoted to the advancement of criminological theory and research, is now published by the Canadian Centre for Justice Statistics. The journal welcomes original manuscripts related to the study of crime processes — theoretical, research-based, statistical, mathematical models, computer simulations, etc. Correspondence and submissions should be directed to: Editor, **Criminometrica**, Canadian Centre for Justice Statistics; Statistics Canada; R. H. Coats Bldg.; Tunney's Pasture; Ottawa, Ont. Canada K1A 0T6.

LSA E-Mail

Law and Society Association has for distribution by e-mail (ascii format) an alphabetical listing (by authors) of articles published in the *Law & Society Review*. Anyone interested in receiving the list should send an e-mail request to the Executive office at LSA@UMAS.BITNET.

ABA Standing Committee on Dispute Resolution

The **American Bar Association's Standing Committee on Dispute Resolution** has published the *1992 Dispute Resolution Directory*. The directory lists mediation, conciliation and arbitration programs and provides a brief description of each including its history, type of cases, program procedures, staff and training. Copies of the directory are available from the ABA Order Fulfillment Department, 750 North Lake Shore Drive, Chicago, IL 60611.

Announcements continued page 10

more highly of their outcomes than losers did. But more than that the Colorado study found that litigants offer a high estimate of the essential fairness of hearings. Still more broadly, upon experiencing court-annexed arbitration, Colorado litigants were moved to offer a positive review of the system as a whole. And perhaps most impressively, litigants as a group in North Carolina apparently express a higher satisfaction with the system overall upon experiencing court-annexed arbitration than they do upon experiencing regular litigation.

Recent literature sheds light on this. Court proceedings can be unsatisfying. As Zemans (1991: 731) puts it, "in the high volume, minor criminal and juvenile courts ... the formal procedures that may instill a sense of fairness are sometimes shortcircuited in the interests of moving the caseload." Plaintiffs who come to court may be quite disappointed with the process. Zemans (1991: 731) says,

They come with a sense of entitlement and a desire to assert legal claims. They want the zero-sum game that they view on television dramatizations of the courtroom. They want a winner and a loser, an assertion of who is right and who is wrong The courts in contrast receive these claims with great ambivalence. Court personnel try to provide help for what they see as problems rather than to focus on underlying legal claims. Yet . . . [t]he fact that many or most of these claims are interpersonal in nature does not diminish the plaintiffs' perceptions of legal entitlement.

Zemans echoes the claim that what litigants want from courts is a sense of fairness and justice, a chance to tell their side of the story (Cf. Casper and Brereton, 1984; Lind, et. al., 1989; Tyler, 1990; MacCoun, 1991).

The evidence seems pretty clear that court-annexed arbitration goes some way toward meeting these expectations on the part of litigants. It would seem to follow that courts which feature CAA are more likely to be highly rated by litigants than are courts without CAA.

NOTES

1. The jurisdictions include Alaska, Arizona, California, Colorado, Connecticut, Delaware, Washington, DC, Florida, Georgia, Hawaii,

Illinois, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, and Washington.

2. This special issue of *Justice System Journal* (Vol 14, No 2, 1991) was edited by John P. McIver and Susan Keilitz.
3. To be sure, there are interesting exceptions to the rule. Galanter (1974), Mnookin (1979), and others have called our attention to the rules sought by "repeat players," and the ways in which people organize their lives (and their disputing) in the shadow of such rules. The development of the common law drew scholarly interest, perhaps especially a generation or two ago. And concerns for delay in trial courts, and interest in other efficiencies, often spring from the notion that values of promptness, efficiency, and their kin are not always properly distributed.

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- TYLER, Tom R. (1990) *Why People Obey the Law*. New Haven, CT: Yale University Press.
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NOMINEES FOR SECTION OFFICERS

The following members are nominees for chair-elect and for positions on the Section's executive committee. Leslie Goldstein as chair-elect will become Chair for the 1992-1993 term. Jeffrey Segal will continue as secretary/treasurer.

Nominees for Chair-Elect: Lynn Mather (Dartmouth College)

Nominees for Executive Committee:

1992-1993 term: Micheal Giles (Emory University)

1992-1994 term: Charles Lamb (SUNY - Buffalo)
Susan Gluck Mezey (Loyola University)

U.S. Supreme Court On-line Dissemination of Opinions

On May 11, 1990 the United States Supreme Court announced a two-year experimental program called "Project Hermes." The objective of this project was to rapidly provide copies of the Court's opinions in electronic form to as wide an audience as possible. In light of the enthusiastic response which Project Hermes has attracted, the Supreme Court is expected to continue the program.

What this means to you is that you can receive electronically the full text of the Court's opinions within minutes of their release. This service is available to you **FREE OF CHARGE**. One of the twelve organizations involved in the Project Hermes is a noncommercial, nonprofit consortium comprised of Case Western Reserve University, EDUCOM, and the National Public Telecomputing Network (NPTN).

It works like this . . .

When the Court decides to release an opinion or set of opinions, a computer at the Supreme Court Building open-ups twelve telephone lines and simultaneously sends copies to its primary distributors. Two things will then occur. First, a copy of each of the "clean" documents will be sent electronically to the EDUCOM offices in Washington DC. EDUCOM will then place the files on both the Internet and BITNET networks for distribution to the academic and research community. Second, and at the same time, copies will be distributed across all NPTN affiliated community computer systems.

You may have the Court's opinions sent directly to you if you have access to either a BITNET or Internet computer (many, if not most, major universities are connected to one service or the other); or you may download the files directly from any NPTN community computer system. There is no charge to receive this service beyond whatever fees your university computing center might have, or the cost of a telephone call to an NPTN affiliate.

To receive more information on how to sign-up for the BITNET/Internet service, or if you would like to know more about accessing these files on an NPTN community computer, please send your name, organization or firm, address, city, state, and zip, to: PROJECT HERMES, CWRU Community Telecomputing Lab, 319 Wickenden Building, Cleveland, OH 44106.

For general information about Project Hermes or about the National Public Telecomputing Network, please contact: **Tom Grundner** at the above address or at (216) 368-2733.

You can also contact Project Hermes electronically via:

Internet: aa584@cleveland.freenet.edu
BITNET: aa584@cleveland.freenet.edu@cunyvm

Please remember: the files are text files only. They **DO NOT** contain the italics, underlings, and other non-text expressions which might, in some cases, alter or influence the meaning of the document.

CONSTITUTIONALISM: THEORY AND PRACTICE

MINI-CONFERENCE

You are invited to attend a conference on "Constitutionalism: Theory and Practice" at the Palmer House in Chicago on September 2, 1992, beginning at 2 p.m. The conference is being held the day before the meetings of the American Political Science Association start. The Constitutionalism conference is being sponsored by the Conference Group on Jurisprudence and Public Law.

The three panels conference cover a broad set of questions. In the first panel, Constitutionalism in Theory, participants will take up crucial questions of American constitutionalism, asking particularly how the American experience of constitutional theorizing is distinctive. In the second panel, Constitutionalism in Practice, people who have been involved in the development of constitutionalism and the draft of new constitutions in post-communist Europe will discuss the challenges posed by the transition from communism as well as the strengths and limitations of the American model of constitutionalism. Finally, in the last panel, The New Constitutionalism, participants will discuss alternative ways of thinking about constitutional theory. Panels will be held as roundtables, with plenty of time for audience discussion and participation.

PROGRAM

Panel 1
Constitutionalism
in Theory

Wednesday, September 2,
1992, 2-3:30 p.m.

Chair:

Kim Lane Scheppele, University
of Michigan

Panelists:

Martin Shapiro, University of Cali-
fornia at Berkeley
Jennifer Nedelsky, University of
Toronto
Sanford Levinson, University of
Texas

Panel 2
Constitutionalism
in Practice

Wednesday, September 2,
1992, 4-5:30 p.m.

Chair:

Donald Robinson, Smith College

Panelists:

A. E. Dick Howard, University of
Virginia
Peter Paczolay, Chief Counsellor,
Constitutional Court of the Re-
public of Hungary
Louis Fisher, Congressional Re-
search Service, The Library of
Congress

Panel 3
The New
Constitutionalism

Wednesday, September 2,
1992, 8-9:30 p.m.

Chair:

Christine Harrington, New York
University

Panelists:

Jeremy Waldron, University of
California at Berkeley
Karol Soltan, University of Mary-
land
Ellen Kennedy, University of Penn-
sylvania

For more information contact:

Kim Lane Scheppele, IPPS, 446 Lorch Hall, University of Michigan, Ann Arbor, MI 48109. BITNET: USERLBK1@UMICH. INTERNET: USERLBK1@um.cc.umich.edu Phone: (313) 764-7507; (313) 747-1098.

Karol E. Soltan, Department of Government and Politics, University of Maryland, College Park, MD 20742. INTERNET: KSOLTAN@bss2.umd.edu. Phone: (301) 405-4135.

NATIONAL SCIENCE FOUNDATION AWARDS LIST

The following awards were announced by the Law and Social Science Program for the past fiscal year. For information on submission of proposals for research, research-related activities, and doctoral thesis support in sociolegal studies, contact: **Law and Social Science Program**, National Science Foundation, Washington, DC 20550; (202) 357-9567. (* = Member, Law and Courts Section)

Duane F. Alwin and James R. Kluegel, University of Michigan, *American Perceptions of Justice: An East-West Collaborative Study* (\$278,750).

James Andreoni, University of Wisconsin-Madison, *Theoretical and Empirical Study of Reasonable Doubt in Law* (\$80,471).

Eugene Borgida and Steven D. Penrod, University of Minnesota, *A Field Experiment on the Effects of News Media in the Courtroom* (\$77,042).

William J. Bowers, Northeastern University, *Models of Decision-making Among Sentencing Jurors* (\$146,621).

John Braithwaite, American Bar Foundation, *Theoretical and Empirical Dimensions of Emerging International Regulatory Order* (\$74,968).

Susan J. Buck, University of North Carolina Greensboro, *Global Perspectives on the Emergence of Water Rights* (\$31,000).

David Cantor, Westat Inc., *Collaborative Research on the Use of Case Control Methods to Test Opportunity Theory* (\$24,704).

Wayne A. Cornelius, University of California, San Diego, *A Global Perspective on Illegal Immigration* (\$190,000).

Andrew F. Daughety and Jennifer F. Reinganum, University of Iowa, *Strategic Information Acquisition in Models of Settlement and Litigation* (\$72,142).

Shari S. Diamond and Jonathan D. Casper,* American Bar Foundation, *Jury Reactions in*

Verdict Consequences: Blindfolding and Channeling (\$4,000).

William J. Dixon, University of Arizona, *Collaborative Research on the Effects of International Crises on Supreme Court Decision-making* (\$21,707).

Lee Epstein,* Washington University, *Collaborative Research on the Effects of International Crises on Supreme Court Decision-making*, (\$30,000).

Baruch Fischhoff, Carnegie Mellon University, *Development of a Decision-Analytic Methodology for Definition of Standards of Disclosure* (\$33,000).

Marc Galanter and Thomas M. Palay, University of Wisconsin, *Transformation of the Large Law Firm in England: A Comparative Analysis* (\$60,709).

Bryant G. Garth and Yves Dezalay, American Bar Foundation, *International Commercial Arbitration in the Emerging Global Economy* (\$103,997).

James L. Gibson* and **Raymond Duch**, University of Houston, *Democratization in the USSR: The Impact of Political Culture on Processes of Political Change* (\$219,964).

James L. Gibson,* University of Houston, *Cultural Values and Transformation of the Soviet Union* (\$2,700).

James L. Gibson,* University of Houston, *U.S. Supreme Court Judicial Data Base: Phase II* (\$5,800).

Ellis Goldberg, University of Washington, *The Impact of Law*

on the Development of Transnational Markets in the Islamic World (\$41,364).

V. Lee Hamilton, University of Maryland, *Rule Systems in Japanese and American Schools* (\$15,000).

V. Lee Hamilton, University of Maryland, *Collaborative Research on Global Corporate Structures and Attributions of Responsibility and Wrongdoing* (\$15,000).

Valerie P. Hans, University of Delaware, *Public Views of Corporate Responsibility for Wrongdoing* (\$35,104).

Robert M. Hayden, University of Pittsburgh, *Fact-finding Evaluation and the Ordering of Speaking Turns in Legal Settings* (\$63,651).

Benjamin E. Hermalin and Michael L. Katz, University of California, Berkeley, *A More Complete View of Incomplete Contracts* (\$75,153).

J. Craig Jenkins, Ohio State University, *The Globalization of Social Conflicts and the Growth of the World Refugee Problem* (\$54,907).

Peter Just, Williams College, *RUI: Dispute Settlement and the Maintenance of Community in a Context of Cultural and Legal Pluralism* (\$62,000).

James P. Lynch, American University, *Collaborative Research on the Use of Case-Control Methods to Test Opportunity Theory* (\$25,294).

Roy S. Malpass, SUNY Research Foundation, *Planning Grant on*

Cross-Racial Eye-witness Identification in the Context of Multi-Racial and Multi-Cultural Change (\$14,619).

Ineke Marshall and Vincent Webb, University of Nebraska, Omaha, *International Collaborative Research on Youthful Misbehavior* (\$80,000).

Sally E. Merry, Wellesley College, *RUI: Legal Pluralism and the Emergence of Legal Culture in Hawaii* (\$93,440).

Chet Mirsky and Michael McCoville, New York University, *The Dynamics of Change in the Plea Bargaining System* (\$10,000).

Janet Mitchell, Cornell University, *A Economic Analysis of Bankruptcy Laws and Financial Endowed Institutions in Reforming Socialist Economies* (\$70,000).

Daniel S. Nagin, Carnegie Mellon University, *Crime Causation and the Linkage Between Past and Future Criminal Offending* (\$65,500).

Robert N. Parker, Pacific Inst. Res. & Evaluation, *Homicide in Urban America: 1950-1980* (\$24,000).

Nancy Pennington, University of Colorado, Boulder, *Cognitive Processes in Juror Decision-making* (\$130,000).

Lawrence Rosen, Princeton University, *Cultural Change and Modern Islamic Law* (\$64,823).

Robert J. Sampson, National Opinion Research Center, *Comparative Study of the Influence of Structural Variations on Juvenile Justice Processing* (\$72,652).

Joseph Sanders, University of Houston, *Collaborative Research on Global Corporate Structures and Attributions of Responsibility and Wrongdoing* (\$80,516).

David A. Schum, George Mason University, *Evidence Marshaling and Argument Structuring by Investigators and Advocates* (\$52,977).

Jeffrey Segal,* SUNY at Stonybrook, *A Principal-Agent Perspective on Supreme Court-Circuit Court Interaction* (\$64,000).

Steven Shavell, NBER, *Topics in the Economic Analysis of Law* (\$59,891).

Ora Simcha-Fagan, Columbia University, *Macro-Micro Links in Offending Careers from Adolescence to Young Adulthood* (\$55,000).

Wesley G. Skogan, Northwestern University, *Reassurance and the Impact of Policing* (\$66,011).

Donald R. Songer,* University of South Carolina, *Columbia, Multi-User Data Base for the U.S. Courts of Appeals* (\$146,582).

Pablo T. Spiller, University of Illinois, *Rational Choice Models of the Supreme Court* (\$32,986).

Cassie C. Spahn and Julie Horney, University of Nebraska, Omaha, *The Dynamic and Impact of Criminal Law Reform* (\$45,439).

Thomas G. Walker,* Emory University, *Collaborative Research on the Effects of International Crises on Supreme Court Decision-making* (\$31,406).

Gary L. Wells, Iowa State University, *The Selection of Distractors and Eyewitness Identification* (\$88,000).

Lucie E. White, University of California, Los Angeles, *Client Involvement in Governance of Head Start* (\$109,955).

Judicial Politics: Readings from Judicature

The **American Judicature Society** has published *Judicial Politics: Readings from Judicature*, a collection of nearly 70 articles from the society's journal. Edited, and with introductory notes by Elliot Slotnick of Ohio State University, articles in the *Reader* examine such subjects as: The constitutional system and the Supreme Court in the American polity; participants in the judicial process; politics of representation; trial and appellate court processes; courts and their publics; alternative forms of dispute resolution; and judicial policy making in the U.S. For a complimentary examination copy for course adoption, write to Nelson-Hall Publishers, 111 N. Canal Street, Chicago, IL 60606. Provide course title, present text, and enrollment.

LAW AND SOCIETY ASSOCIATION

May 28-31, 1992
Philadelphia, Pennsylvania

Nearly 725 scholars, researchers, and practitioners from the United States and from abroad participated in 154 scheduled sessions at the LSA's Annual Meeting in Philadelphia this past May. Austin Sarat, a Section member, chaired LSA's program committee; Greg Caldeira, chair of the Section, and Kristin Bumiller also a Section member served on the program committee. The large number of presentations prohibits a complete listing of them in the *Newsletter*. A copy of the Program is available from the **Executive Office: Law and Society Association, Hampshire House, University of Massachusetts, Amherst, MA 01003; (413) 545-4617; FAX (413) 545-1640.**

The following Section members presented papers at LSA's Annual Meeting:

Borrelli, Mary Anne. The Legal and Societal Implications of the Small Claims Court: A Historical Analysis

"What do we have law for . . .?": Plaintiff Views of Defendant Non-Compliance with Small Claims Court Orders: The Role of the Court as Perceived by Members of the Community

Braman, Sandra. Information Policy Principles for a Morphogenetic and Co-Evolutionary State

Brigham, John. Sexual Entitlement: The Baths and AIDS in California, 1983-1986

Cheit, Ross E. Business Litigation in Rhode Island State Court, 1980-1987

Coglianesi, Cary. Legal Rules and the Costs of Environmental Litigation

Epstein, Lee. Amicus Participation in State Supreme Courts: A Longitudinal Study

Gilliom, John. Super Vision: The Rise of the Watchful Eye in Social Control Policy

Goldschmidt, Jona. Crossing the Boundaries of Legal Practice: Unauthorized Practice of Law, the Paralegal Movement and Social Theory

Greenspan, Rosann. Criminal Due Process Rights and the Administrative State

Harrington, Christine. The Private State of Administrative Law

Heumann, Milton. Lawyers as Problem-Solvers: Alternative Methods of Negotiation in the Settlement of Civil Litigation

Khonsari, Arezou. Requiem for *Miranda vs. Arizona*: The Rehnquist Court's Erosion of Individual Rights

Kritzer, Herbert M. Toward a Theory of Representation in Adversary Proceedings

Miller, Mark C. Lawyers and American Politics: An Interdisciplinary Perspective

Olson, Susan. Public Perceptions of State Courts

Provine, Doris Marie. Revising Law's Boundaries: Women's Petitions to the European Commission on Human Rights

Rippey, Phyllis Farley. The Constitution and Participation: No Impediment to a Strong Democracy

Sarat, Austin. Speaking of Death: Acts of Violence, Rhetorics of Responsibility

Scheingold, Stuart. The Politics of Sexual Psychopathy

Scheppele, Kim Lane. Abortion and the Breakdown of Politics-as-Usual

Segal, Jeffrey. Glendon Schubert's Judicial Mind

Songer, Donald R. Amicus Participation in State Supreme Courts

Stookey, John A. Trials and Tribulations: A Socio-Political History of Twentieth Century American Courts

Weatherford, Bernadyne. Privacy and Penumbra: The Search for Unenumerated Rights

Wenner, Lettie McSpadden. Judicial Oversight of Administrative Decisions in the Ninth Circuit: Before and After Reagan

Wenzel, James. Disagreement in Principle: The Institutional and Political Determinants of Value Conflict on the U.S. Supreme Court

Worden, Alissa Pollitz. Attitudinal Similarities and Differences Between Men and Women Police Officers

Zalman, Marvin. A Comparison of Two Neighborhood Mediation Centers in Detroit

CONFERENCE PRESENTATIONS

SOUTHWESTERN SOCIAL SCIENCE ASSOCIATION 1992 ANNUAL MEETING AUSTIN, TEXAS

Justices of the Rehnquist Court

"Meritocracy's Convert: Justice White on Affirmative Action," Bert C. Buzan, California State University at Fullerton

"Justice White: Probable Cause and the Warrant Requirement," Paula C. Arledge, Northeast Louisiana University

"The Political Process of Justice Scalia," David Schultz, Trinity University

Judicial Behavior and the Judicial Role

"Unpublished Opinions: Judicial Windfalls or Democratic Pitfalls," Anthony J. Eksterowicz, Mary G. Morris, and Paul C. Cline, James Madison University

"The Concept of Representation and the Role of Judges," Olethia Davis, University of Wisconsin at Milwaukee

"Justice Blackmun and Capital Punishment: Attitude vs. Role Orientation," Alexandra M. Gauthier and Edward V. Heck, San Diego State University

Policy Making in State Courts: Aspects of Family Privacy

"Legal Remedies at the Local Level: Victims of Family Violence," Linda L. Nickum, University of Texas At Arlington

"A Comparative Analysis of State Appellate Court Decisions Interpreting Rights of Privacy," Timothy O. Lenz, Florida Atlantic University

"The U.S. Supreme Court and the Right to Die: The Impact of *Cruzan v. Director, Missouri Department of Health*," Henry R. Glick, Florida State University

First Amendment Church-State Issues

"Justice Brennan and the Establishment Clause: Resolving Church-State Issues," Rodney A. Grunes, Centenary College

"Church and State: Approaches to the Constitutional Issues," John J. Carroll, University of Massachusetts at Dartmouth

"The Meaning of Free Exercise in Early America," Ellis M. West, University of Richmond

Historical Perspectives on Constitution Theory

"Macedo and Constitutional Theory," L. Peter Schultz, Assumption College

"State Sovereignty and American Constitutional Development," Stephen M. Griffin, Tulane Law School

"The Ninth Amendment and the Rights Dilemma: The States' Prerogatives Paradigm," Marshall L. DeRosa, Florida Atlantic University

"James Madison: The Forgotten Amendments and a Theory of Federalism," John Kearnes, Armstrong State College

Cross-National Perspectives on U.S. Courts

"A Comparative Analysis of the Right to Access to the Courts for Indigents in Canada and the U.S.," Michael Tager, Belmont Abbey College

"The Interpretation of Treaties and the Constitution of Native American Identity," Ronald L. Steiner, University of Minnesota

"Presidential Undeclared Warmaking and Functionalist Theory: *Dellums v. Bush* and Operation Desert Shield and Desert Storm," George S. Swan, North Carolina A&T State University

"The O'Brien Test and Standards of Review: Doctrinal Development in the First Amendment Cases of the Surger Court," Mark Turetsky and Edward V. Heck, San Diego State University

Doctrinal Approaches to Freedom of Expression

"Justice Antonin Scalia and the Politics of Expression: A Study of the Law's Violence," Richard A. Brisbin, West Virginia University

MIDWEST POLITICAL SCIENCE ASSOCIATION

**PALMER HOUSE HILTON
APRIL 9-11, 1992
CHICAGO, ILLINOIS**

New Perspectives on Judicial Impact

"Deciding Whether to Advertise Legal Services: A Test of Environmental Theory," Lauren Bowen, John Carroll University

"Beyond Instrumental Legal Rhetoric: The State Legislative Abortion Debate After *Webster*," Susan R. Burgess, University of Wisconsin at Milwaukee

"Lower Court Responses to *Oklahoma v. Dowell* (1991)," Augustus J. Jones, Jr., Miami University

"The Supreme Court, the Civil Rights Movement, and the African-American Press," Gerald N. Rosenberg and Tom Thress, University of Chicago

Behavioral Studies of the Modern Supreme Court

"Interpretive Theory and Judicial Behavior on the Rehnquist Court, 1986-1990," John R. Rink, Washington College

"Opinion Assignment and Opinion Writing on the Warren, Burger, and Rehnquist Courts," Jeffrey A. Segal, SUNY at Stony Brook, and Harold J. Spaeth, Michigan State University

"Federalism and the Supreme Court," Richard C. Kearney, University of Connecticut, and Reginald S. Sheehan, University of North Texas

"Subgroup Stability on the Rehnquist Court," John W. Winkle, III, and Kevin Axelrod, University of Mississippi

Comparative Perspectives on Judicial Politics

"Judicial Policy-Making in Comparative Perspective," Charles R. Epp, University of Wisconsin-Madison

"Authoritarianism and Judicial Support of Government: The Marcos Regime," Stacia L. Haynie, Louisiana State University

"Court-Legislative Relations: The Policy Role of the Courts in Three American Governmental Systems," Mark C. Miller, Clark University

"International Influences on the Canadian Supreme Court," Shannon K. Smithey, Ohio State University

Research on State Courts

"The California Supreme Court and the Death Penalty," Craig F. Emmert, Univer-

sity of Alabama and Carol Ann Traut, University of South Dakota

"The New Judicial Federalism and State Supreme Courts," Michael Esler, Southern Illinois University at Carbondale

"Out of the Closets and into the Courts: Should Abolishing Sodomy Statutes be Pursued in Court or at the Legislature?" Chuck Smith, University of Kentucky

"The Impact of Amici Briefs in Southern Supreme Courts," Donald R. Songer and Ashlyn Kuersten, University of South Carolina

Contemporary Issues in Constitutional Law

"Privacy in Decline: A Conceptual Analysis," Patricia Ann Boling, Illinois Wesleyan University

"Wither Religious Free Exercise," Gregg Ivers, The American University

"Civil Liberties, the Modern Court, and Public Opinion," Thomas R. Marshall, University of Texas at Arlington

"The National Endowment for the Arts Controversy: Freedom of Expression Censored," Martha T. Zingo, Oakland University

The Supreme Court and its Justices

"Rating the Justices: Lessons from Another Court," Lee Epstein, Washington University-St. Louis, Tracey E. George, Stanford University, Micheal W. Giles and Thomas Walker, Emory University

"Freshman and Court Effects for Justices of the Supreme Court," Timothy M. Hagle and Carolyn I. Speer, University of Iowa

"Justice Souter and the Rehnquist Court's Conservative Revolution," Thomas R. Hensley, Kent State University

"The Judicial Odyssey of Harry Blackmun: The Dynamics of Individual Level Change on the U.S. Supreme Court," Joseph F. Kobylka, Southern Methodist University

The Dynamics of Supreme Court Appointments: Studies in Advice and Consent

"The Supreme Court Justice Nomination Process During the Reagan Era: A Study in Political Game Controversy," Victoria A. Farrar, University of Illinois at Urbana-Champaign

"The Senate's Investigation of Nominees to the Supreme Court: Changing Confirmation Criteria?" Frank Guliuzza, Weber State University, David M. Barrett, Villanova University, and Daniel Reagan, Ball State University

"Towards a Theory of Interest Group Activity in Supreme Court Nominations: Tactics, Intensity, and Efficacy," Steven R. Van Winkle, Ohio State University

"Alternative Models of Supreme Court Nomination Voting in the Senate," Herbert F. Weisberg, Ohio State University, John D. Felice, University of New Orleans, and Leo Hennessy, Ohio State University

The First Amendment and the College Campus

"The Contours of a New Cleavage: 'Political Correctness' Through the Eyes of the Academy," Gregory A. Diamond and James R. Sopp, University of Illinois at Urbana-Champaign

"Limits of the First Amendment: Verbal Terrorism on Campuses," Leslie Freidman Goldstein, University of Delaware

"Hate Speech at College: Where to Draw the Line," Kenneth P. Nuger, San Jose State University

"'Politically Correct' on Campus: The Student Perspective," Diana Owen and Ashley Andrus, Georgetown University

Empirical Studies of the Lower Federal Bench

"Race, Gender and Ethnicity in Recruitment to the Lower Federal Bench," Deborah J. Barrow, Gerard S. Gyski and Gary Zuk, Auburn University

"Judges on the U.S. Courts of Appeals: National Agents Tied to Local Interests?"
Susan Haire, University of South Carolina

"Toward a General Theory of Public Law; Roe's Progeny: Federal District Court Outcomes in Abortion Cases 1973-1990,"
Barbara M. Yarnold, Florida International University

"Controlling Litigation and Local Legal Culture," Frances Kahn Zemans, American Judicature Society, Herbert Kritzer, University of Wisconsin-Madison, and Lawrence Marshall, Northwestern University

**PROGRAM OF THE
1992 INTERIM MEETING OF THE
RESEARCH COMMITTEE ON COMPARATIVE JUDICIAL STUDIES**

**UNIVERSITY OF BOLOGNA,
FORLI, ITALY, 14-17 JUNE, 1992**

***The Judicialization of Politics:
Concepts and Multinational
Studies***

"The Judicialization of Politics: An Overview," Torbjorn Vallinder, University of Lund

"The Roots of the Judicialization of Politics," Christine Pigacé-Mudry, Université d'Aix-en-Provence

"Judicialization and Participatory Democracy," Henry W. Ehrmann, Dartmouth College

"The Impact of Juridicized Legislative Processes on Constitutional Jurisprudence in France, Germany, and Spain," Alec Stone, University of California, Irvine

"Equity and the Judicialization of Politics in England and the United States," John Blakeman, University of Virginia

The Judiciary and Politics in Italy

"The Independence of the Italian Judiciary: A Comparative Assessment and a Ten-

tative Explanation," Carlo Guarnieri, University of Bologna

"Legal Politics Italian Style: Is the Italian Constitutional Court Conservative or Progressive," Michael Mandel, York University

"Judicial Recruitment and Removal," Elizabetta De Franciscis, University of Naples

"The Revised Italian Legal Code and the Judicialization of Politics in Italy," Giuseppe Di Federico, University of Bologna

"Italian Constitutional Reform," Giuseppe Cuomo, Università di Federico II

"Judges' Salaries in Italy and the USA: A Special Aspect of Their Independence," Francesca Zannotti, University of Bologna

The Judicialization of Politics in Democracies: Western Europe

"Judicialization of Politics in the United Kingdom," Maurice Sunkin, University of Essex

"The Judicialization of Politics in the Netherlands," Peter van Koppen and Jan ten Kate, Erasmus University

"The Judicialization of Politics in Sweden," Barry Homström, University of Uppsala

"The Judicialization of Politics in France," Jacqueline L. LaFon, University of Paris XI

"The Judicialization of Politics in Germany," Christine Landfried, University of Hamburg

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