

LAW, COURTS, AND JUDICIAL PROCESS SECTION

NEWSLETTER

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Instructions to Contributors

The Newsletter publishes articles, news items, announcements, commentary, and features of interest to members of the Law, Courts, and Judicial Process Section. The Newsletter is published three times each year in Fall, Spring, and Summer issues. Deadlines for submission of materials for each issue are as follows: Fall (September 15th), Spring (January 15th), and Summer (May 15th). Contributions to the Newsletter should be sent to the appropriate editor listed below.

Articles and Commentary

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

Please send two copies of prospective articles and commentary to:

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

Conventions and Bibliographic Information

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

Professor Charles Lamb, Associate Editor
Law, Courts, and Judicial Process Section Newsletter
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Announcements for organizing panels should be submitted well in advance of deadlines. Announcements of past panels should include the name of the meeting, dates, name of the panel, paper titles, and authors of the papers.

Announcements and Correspondence

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

Professor Charles A. Johnson, Editor
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[Editor's Note: Most of us spend a significant fraction of our teaching time working with those who aspire to careers not in political science but in law. The essay printed below with the author's permission is the most thought-provoking assessment of pre-law education and of the frustrations we experience playing that role that I have encountered in my 13 year stint, just concluded, as our college's pre-law advisor. Thomas Eisele, now associate professor in the University of Tennessee's College of Law, is a student of James Boyd White. He presented this paper to a meeting of the Southeastern Association of Pre-law Advisors October 25-26, 1985, at Vanderbilt Law School. He raises important generic questions about the nature of teaching that do not merely apply to pre-law education. - L.H.C.]

MUST VIRTUE BE TAUGHT?

Thomas D. Eisele

My title, "Must Virtue Be Taught?", is meant to recall a question put at the beginning of Western education by the most famous teacher we have, Socrates. In an early dialogue, Plato's *Protagoras*, we find Socrates asking what the nature of virtue is, and whether it can be taught. This dialogue never settles happily on an answer to Socrates' question, but rather develops a paradox. Socrates, you'll remember, has confronted Protagoras, one of the greatest of the so-called Sophists, and has asked him to say what he teaches and how he manages to teach it. Protagoras self-importantly announces his subject as virtue (which is *arete* in the transliterated Greek and which, we must remember, might be better translated as "excellence") and Socrates proceeds to subject Protagoras to a devastating dialectical analysis, during all of which Socrates is protesting his ignorance as to the nature of virtue.

By the end of the dialogue, however, we find a remarkable transformation: Protagoras, broken by Socrates' questions, has failed to make any clear or consistent account of virtue, and is reduced to claiming that virtue is not a kind of knowledge, not a thing which we can claim to know, and thus is not teachable. He has, accordingly, effectively refuted his authority to teach what he had earlier claimed to be able to teach--and had been recognized as teaching. Socrates moves in the opposite direction. From an initial stance of self-professed ignorance concerning the nature of virtue or excellence, we find him moved to assert that virtue is knowledge, and knowledge virtue, such that virtue is teachable. Only, Socrates cannot find anyone who knows sufficiently what exactly the elements of virtue are such that he (or she) can claim to be able to teach virtue. (In ancient Greece, it was emphatically a "he" who would claim to teach it.) So Protagoras, a famous teacher of virtue, concludes that virtue is not teachable, and Socrates, an irritating gadfly, concludes that virtue is teachable, but that no one can teach it. Either way, we may agree, this is not a very happy conclusion for virtue, or for education, or for our culture, or for us.

As I say, we may agree that his is a pessimistic--nay, a monstrous--conclusion, but you may equally be wondering, "What in the world can this piece of antiquarianism have to do with a conference on pre-law education in the late twentieth century?" The one has quite a lot to do with the other, I believe, and of course, in what follows, I am going to try to get you to share this belief. We shall see.

The Pre-Law Curriculum: A Problem?

We are charged today with thinking about and discussing what we know about law in the contemporary world, and how what we know might lead us to better design our pre-law curricula. It is true that I am a lawyer and a law teacher, and hence know a few things about law in our world today, but I have no particular expertise in the field of pre-law curriculum design or planning. With respect to the latter, I have only my own experience as a pre-law student to fall back on, and my general concern with the quality of undergraduate education. Still, in pondering the relation between law (perhaps better, legal theory) in the modern world and the way in which we prepare students for law school--and beyond that, for the practice of law itself--I thought I saw a way to make a useful contribution to the discussion. In this case, I thought a useful approach might be to ask, "To the extent that there is a problem here, is it a problem with the pre-law curriculum?" And I find myself leaning in favor of saying, "No."

Let me be more explicit. To address a problem effectively, we have to know what the problem is. I ask, first of all, what is the problem? To say that the problem is the pre-law curriculum, and that we wish to correct it, is to assume exactly that which we must prove or show. For example, are we inferring that the pre-law curriculum is inadequate based on a perceived inadequacy in the products of that curriculum--namely, the students who go through it? If so, then I ask, "In what sense are these students inadequate? What do they lack? Are they poor law students, or poor lawyers, or what?" I take it the common response to these questions is, "They are poorly equipped to deal with law school and, beyond that, with the practice of law." Now I want to know the basis of this diagnosis. We hear people say today that undergraduates do not know how to write, or they cannot think critically, or they are unoriginal and timid in their thinking, or they do not know their own history and culture. And, knowing what we do about law school and the practice of law, we say that such undergraduates are unprepared, or ill-equipped, for the law.

No doubt, we are dissatisfied with something here; I want to ask us to look more closely, or thoughtfully, at our dissatisfaction. Are we dissatisfied with our students because of their lack of common skills which we have come to expect of educated people, by which I mean the shared capacities for reading, writing, thinking and plain old conversing? Or are we dissatisfied because of what this lack of skills tells us about these students as people--and what it tells us about us, their parents and teachers--and, ultimately, what it tells us about our society and culture? If the former, then perhaps we can address this lack by way of changing the design of our undergraduate curriculum. But I fear that the dissatisfaction we feel is due, instead, to the latter diagnosis.

When we find a student unable to write coherent or cogent papers, unable to think for himself or herself, unable to spell, unable to construct grammatical sentences, unable to say anything of interest or value about his or her cultural inheritance, we may be addressing an isolated instance calling for remedial education. But when we find a class of such individuals, indeed, a generation of them, the cause and cure would seem to be elsewhere.

I believe our dissatisfaction with undergraduate education is in part an expression of our shock and dismay that our students have not become as acculturated as we wish them to be--as we see ourselves as having become acculturated. On the college level, and in the frequency noted, the absence of common skills or capabilities of an educated person--as defined and understood in our society and culture--is not a group of individual failures but rather reveals a failure to social transmission and cultural inheritance. I take our dissatisfaction with undergraduate preparedness for professional school and professional life to express, however inchoately or inarticulately, our recognition that these

people--in whose hands and minds the future of our society and culture inevitably resides--have not *accepted* our society or culture. And, thus, they have not accepted us; they have not followed us.

This is rejection of the most painful, disturbing kind--it is profoundly alienating. We used to call it a "generation gap." That hardly does an adequate job of expressing the cultural plight it characterizes, either from their perspective or from ours. Nor, in its picture of social and cultural divisiveness, does this phrase operate to express the self-loathing that, it seems to me, all but inevitably accompanies such perception. If they have failed us, we have failed them.

Examples of Excellence

I leave this theme incompletely explored; I have wanted, for the moment, simply to suggest that the roots of our dissatisfaction go much deeper than may ordinarily be recognized. Do I have any solutions for this dissatisfaction? If you ask this question in terms of a particular suggestion for curriculum design, then I do not have such a solution. But if you ask it in a different spirit, then perhaps I do have a suggestion.

My thought is that virtue or excellence of the kind desired--which I take to be as much intellectual and practical as anything directly moral--is taught and learned not through didactic education, but by example. Hence, it is not the case that tinkering with the undergraduate curriculum will fix this problem, because it is not a problem amenable to changes in course content or even a course design or format. What I take as missing from all too many of our undergraduate courses is exactly the intent of teachers to put themselves forth as exemplars of virtue or excellence. We deny the role we must play if excellence is to be taught and acquired.

What I mean by this must, in this forum, be said quickly and cursorily. I believe that the intellectual and practical virtues we find missing from pre-law students today are matters that not only *can* be taught (to answer Socrates), but *must* be taught. They are transmissible in no other way. The continuity of society and culture depends on such transmissions or inheritances between generations and through the centuries. Taking responsibility for such transmissions is, I believe, one of the highest obligations of a college or professional school teacher today.

How does one take on such responsibility? Since I believe that virtue or excellence is taught not by didactic methods, but through modeling--imitation and emulation and initiation--I believe that teachers fulfill this responsibility by *displaying* in class the virtues or excellences we find lacking in our students. In other words, the kind of knowledge about which we are speaking here is not the propositional kind, not a matter of "knowing that" or "knowing what." It is, instead, a matter of performative knowledge, a "knowing how." Consequently, it is a component of education that rests upon performances being given and received in the classroom, and then duplicated by students. Of course we have long recognized that teachers are performers, that teaching is performative; now I am simply asking us to be more conscious of this fact and its consequences in our lives, especially as they relate to the perceived deficiencies in our students, who (after all) have only us to follow. Or to reject. To enable them to accept the basics of our society and culture would be to show them that our society and culture are *acceptable*. We do this--or fail to do this--in our teaching, in our classroom performance.

Closing Coda

I began by appealing to Socrates in the *Protagoras* and I shall end the same way. I said that the *Protagoras* begins and ends paradoxically; that is, I believe, the currently

accepted reading of that dialogue, but it is not, I think, its deepest reading. Protagoras and Socrates conclude by agreeing, seemingly, that even if virtue is knowledge and thus teachable, no one seems to know what virtue is specifically or how to teach it--transmit it--specifically. But I claim that someone does know these things. Socrates knows them. And we know them, too.

On my reading of this dialogue, Socrates is an example (or exemplar) of virtue or excellence; he enacts or performs excellence in his incessant questioning and questing. He may not be able to articulate fully what virtue is--neither he nor I ever said it was a matter of *propositional* knowledge--but he is able to *embody* it. And his example *teaches* us what virtue or excellence is. We learn virtue from his example.

Here I think of two things. First, Socrates is the patron saint of both law and philosophy. What makes him such a compelling figure? Western philosophy takes him to be the first, and possibly the purest, example of the philosopher--the person moved or motivated to think solely because he has an insatiable need to know. In law, of course, we claim to be following his method in our teaching, at least in our first-year courses, and we believe this to be the best possible introduction to, and preparation for, a life in the law.

Second, we need to remember that Socrates' example of excellence is not to be equated either with societal sycophancy or with radical rejection of his society. In the *Apology*, Socrates opposes Athens, chiding its prosecution of him on the grounds that he corrupted the morals of Athenian youth. Yet, in the *Crito*, Socrates equally chides his friend and student, who implores him to disobey the decree and to avoid the death penalty Athenian justice has handed down. Here Socrates displays his fidelity to Athenian law by refusing to remove himself from its faithful--and fateful--execution. I cannot imagine a more moving example of virtue or excellence in action.

We are all students of Socrates. So I ask us now: How well have we learned his lessons? How well have we emulated him? How well have we passed along his legacy?

REMINDER

PLEASE INDICATE YOUR CONTINUED INTEREST
IN THE
LAW, COURTS, AND JUDICIAL PROCESS SECTION
BY CHECKING THE APPROPRIATE BOX ON YOUR
APSA RENEWAL FORM

SECTION NEWS

ANNUAL SECTION MEETING, 1986

The annual meeting of the Law, Courts and Judicial Process Section was August 28, 1986, at the Washington Hilton Hotel. Section Chair Bradley C. Canon presided. Before proceeding to the agenda items, Canon distributed copies of the Section's revised by-laws, reported that Section membership was about 600, and reminded members that there would not be a cash bar reception following the meeting because the Section had lost money the previous three years in doing this.

Secretary-Treasurer Susette Talarico reported that the current balance in the Section bank account was \$1904.10. The Section had received \$1039.82 and incurred expenditures of \$557.18 since the last Section meeting.

In the absence of William McLaughlan, Nominating Committee Chair, Canon presented the committee's nominations as published in the Summer *Newsletter*: Larry Baum (Ohio State) for Chair, 1986-87; Marie Provine (Syracuse) for Chair-elect, 1986-87; Lettie Wenner (Illinois at Chicago) and Susan Olson (Utah State) for Executive Committee Members (1986-88), and Victor Flango (Center for the Study of State Courts) for Secretary-Treasurer (1986-89). No other nominations were filed with the Chair or advanced at the meeting and the nominating committee slate was declared elected.

Gerald Rosenberg of the University of Chicago was presented an award of \$100 and a copy of the *CQ Guide to the Supreme Court* for giving the "Best Graduate Student Paper" during the previous year. Rosenberg was a student at Yale when he wrote "Judicial Independence and the Reality of Political Power," which he presented at the 1985 APSA meeting.

Sam Krislov, member of the 1987 APSA official Program Committee in charge of judicial panels, reported that the Constitution and constitutionalism would be the theme of the 1987 program. Consequently, he has 12 panels and anticipates little difficulty accommodating a wide variety of subjects. He will work closely with Larry Baum, who is in charge of setting up the Section's panels. The Section will try to organize service panels and substantive panels in areas not covered by the official program. Proposals for panels, papers or other service on the 1987 program should be sent to Krislov or Baum, with a carbon to the other, by November 1 and preferably earlier.

Charles Johnson announced that 1986-1987 would be his last term as editor of the Section *Newsletter*. Section Chair Baum will appoint a committee to find another editor; members wanting to suggest prospects or indicate their own willingness to serve should contact Baum. Johnson asked members to continue submitting material on judicial events in various states, bibliographic reviews and other articles of interest. He indicated that he would ask the Section Executive Committee to appropriate about \$450 for editorial assistance during 1987.

--Bradley C. Canon

ANNUAL MEETING OF THE SECTION EXECUTIVE COMMITTEE

The Section Executive Committee met August 29, 1986, at the Washington Hilton Hotel. Members present were Beth Henschen, Alan Tarr, Lettie Wenner and *Newsletter* Editor Charles Johnson. Because illness prevented Section Chair Larry Baum from going to Washington, past Section Chair Bradley Canon presided.

- (1) The Committee voted to study the feasibility of establishing an annual "Lifetime

Achievement Award" which would be presented to a retired or retiring scholar in the Law, Courts and Judicial Process area in recognition of his/her contributions to scholarship. A plaque commemorating the award would be given to the recipient at the annual Section meeting and a cash award, of perhaps \$100, would be donated to the recipient's department. Baum will appoint a committee to make a recommendation to the 1987 Annual Section Meeting, specifying details if it recommends positively.

(2) The Committee voted to provide up to \$500 in funding for editorial work of the *News/etter* for the 1986-87 year.

(3) The Committee voted to permit papers jointly authored by two or more graduate students (but not with faculty members) to be entered in the Best Graduate Student Paper award. To be considered, all papers must be received by the Committee by June 1 of each year. (Papers given at the Law and Society meeting, if submitted by June 1, can be considered for the award a year later. Papers given at the APSA should be submitted for the following year's award.)

(4) Members expressed concern about the small number of entries for the Best Graduate Student Paper award. The Section Chair or Committee Chair was asked to send an announcement of the award to all Ph.D.-granting department chairs and to all section members at Ph.D.-granting universities.

(5) There was considerable discussion about the Section panels at the 1987 APSA meeting. The Committee suggested that Baum try to arrange the following type panels if feasible: (a) an author meets critic session, (b) a presentation on the undergraduate pre-law curriculum and pre-law advising, (c) a panel at which representatives of various organizations related to the judiciary, e.g., the ABAF, the AJS, describe what they do and how they do it, (d) a "state of the art or subfield" roundtable, and (e) a roundtable on the rise and status of interpretive theory. Other suggestions and proposals are welcome. Format of panels at which papers are given was also discussed. The format in which the chair summarizes papers (in panels with several papers) followed by discussants' comments, then followed by the authors' comments, was favored. This would reduce presentation time and greater enable the chair to direct the panel's focus. (This is sometimes called the "Charlie Johnson format" and had been tried in the past with some success.)

(6) Considerable discussion concerned the need for good candidates for the *News/etter* editorship. The committee believed wide publicity should be given to the impending vacancy and Section members should be encouraged to nominate likely candidates.

(7) By a 4-0 vote with one abstention, the committee voted to ask Baum to schedule the Section and Executive Committee meetings at the 1987 Chicago APSA Meeting so they do not conflict with the Cubs game at Wrigley Field.

--Bradley C. Canon

SEARCH FOR NEWSLETTER EDITOR

With Charles Johnson in the last year of his three-year term as editor for the Section's newsletter, a search committee has been appointed to find a replacement. Members of the committee are Susan Olson, chair, John Brigham, and Beth Henschen. Persons who would like to be considered for the position and persons who would like to suggest someone for the position are urged to contact a member of the committee by December 15. It would be helpful to the committee to include some information about the applicant.

The editor is responsible for the content, production and mailing of three newsletters per year. The new editor will begin work in the summer of 1987 on a September 1987 issue. During the past year two associate editors have assumed responsibilities for the articles and conferences/bibliographic information. Charles Johnson believes this arrangement has worked well, but the new editor would have considerable latitude to organize the newsletter as he or she thinks appropriate.

The institutional support the editor would need includes a word processing system to prepare copy for the newsletter, a highspeed printing system to print 600-700 copies of the newsletter at a cost of about 2.5 cents per page, secretarial support to prepare copy and organize the mailing for the newsletter (mailing labels are supplied by APSA), and cooperation of the department to cover production expenses until reimbursed by the APSA. Funds for a copy editing assistant may be available.

Johnson will provide more information about the editor's responsibilities to anyone interested. If you are interested in working on the newsletter or know someone who might be, please contact a member of the search committee.

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1986-87 GRADUATE STUDENT PAPER AWARD

At the APSA meetings in 1987, the Section again will offer an award for the best graduate student paper presented at a professional meeting in the area of law, courts and the judicial process. The award will consist of \$100 honorarium and a copy of *Guide to the U.S. Supreme Court* (Congressional Quarterly, 1979), donated by CQ Press. The award will be announced at the annual Section meeting.

Papers presented in the 1986-87 academic year, beginning with the 1986 APSA meeting and concluding with the 1987 Law and Society meeting, are eligible for the 1987 award. Papers authored by a graduate student or by two or more graduate students are eligible for the award; papers co-authored with professors are ineligible.

Graduate students may submit their own papers, or others may nominate them. We would appreciate it if Section organizers and panel chairs would nominate strong papers by graduate students at their conferences. Please submit copies of papers to each member of the award committee: Lettie Wenner, (Committee Chair) Department of Political Science, University of Illinois, Chicago, Illinois 60680; Milt Heumann, Department of Political Science, Rutgers University, New Brunswick, New Jersey 08903; and Mary Cornelia Porter, 1213A Central St., Evanston, Illinois 60621.

ANNOUNCEMENTS

GUIDE TO FEDERAL FUNDING FOR SOCIAL SCIENTISTS

The myriad offices, agencies and departments of the federal government are major supporters of research in the social and behavioral sciences, but until now, no comprehensive guide to federal grants, contracts and fellowships in these fields has been available. The *Guide to Federal Funding for Social Scientists* was prepared by the Consortium of Social Science associations with support from the Russell Sage Foundation. The *Guide* is designed to help experienced scholars discover alternative funding sources for their research and to introduce new scholars to the federal funding arena.

The *Guide* contains almost 200 entries with information on more than 300 federal programs that provide support for the social and behavioral sciences and related areas of the humanities, either through research grants and contracts, fellowships or dissertation support. Program descriptions are based largely on in-depth interviews with agency directors and staff discussing their current and future research priorities and the specific role they see for the social sciences in their programs or agencies. Also included are contact persons, budget information, application and review processes, deadlines, funding mechanisms, and examples of funded projects.

Other chapters in the *Guide* include "Academics and Contract Research," "Structure and Organization of the Social Sciences in the Federal Funding Arena," and "The Federal Statistical Agencies," all written by experts in these fields; and inside views on funding procedures at the National Science Foundation, the National Institutes of Health, and the Alcohol, Drug Abuse, and Mental Health Administration, written by officials at those agencies.

The *Guide* is published by the Russell Sage Foundation and distributed by Basic Books. The cost is \$19.95 for individuals; \$24.95 for libraries/institutions. Members of COSSA Member and Affiliate organizations (e.g., the APSA) can purchase the *Guide* for \$14.95. Orders should be sent to the address below. Please include payment or purchase order; publisher pays postage on prepaid orders. For the discount price, indicate affiliation. NY residents please add sales tax. Allow 3-4 weeks for delivery. Contact:

Consortium of Social Science Associations
 Department G-043
 1200 17th Street, NW, Suite 520
 Washington, DC 20036
 (202) 887-6166

LAW AND SOCIAL SCIENCE PROGRAM
National Science Foundation

The Law and Social Science Program at the National Science Foundation continues to support scientific studies of law, legal process 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; human behavior and interaction as these relate to law; the dynamics of legal decisionmaking; and the nature, sources, and consequences of variations and changes in legal institutions. Examples of recently supported research include:

"Collaborative Research on Minority-Majority Voting on the U.S. Supreme Court"

"Dynamics of Civil Motion Practice"

"Appellate Courts as Distributors of Political Resources, A Cross-National Perspective"

"The Process of Litigation in Civil Rights Cases"

"Panel Study of Political Tolerance and Political Freedom in the U.S."

"Collaborative Research on the Influence of Interest Groups on Agenda-Setting in the U.S. Supreme Court."

These are only several of the areas of scientific interest to members of the "Law, Courts, and Judicial Process" Section that are well within the "open window" of the Law and Social Science Program. Whatever the theoretical perspectives, methodologies or contexts for study (including comparative, cross-cultural, and longitudinal research), the primary consideration is that the work aims to advance the scientific knowledge base about law and legal process. The Program's budget estimate for fiscal year 1987 is \$1.8 million.

The January 15 target date permits funding on or after July 1, 1987. The following target date is August 15. For further information, write or call Felice J. Levine, Program Director, Law and Social Science Program, National Science Foundation, Washington, D.C. 20550; (202) 357-9567.

JUDICATURE: CALL FOR PAPERS

Judicature, the journal of the American Judicature Society, is soliciting manuscripts for a symposium issue devoted to "The Judicial Power and the Constitution." Topics should address the relationship between the Constitution and the judicial system, with particular reference to Article III and Amendments IV-VIII. General topics such as judicial independence and judicial federalism would also be appropriate. Planned publication date is August-September, 1987.

Manuscripts, of 20-25 pages, should be submitted by March 15, 1987, to David Richert, editor, *Judicature*, 25 E. Washington, Suite 1600, Chicago, Illinois 60602. Authors will be notified of the reviewers' decision by May 1.

CONFERENCE INFORMATION

LAW, COURTS, AND JUDICIAL PROCESS SECTION (1987)

As in recent years, the Section will sponsor panels at the 1987 APSA meeting in Chicago. I will be organizing panels for the Section and coordinating my efforts with those of Sam Krislov, the member of the APSA program committee for public law and judicial politics. His interests and plans are described in the summer issue of *PS*.

I have two kinds of goals for the Section's panels: I am interested in ensuring there is a place in the program for as much good work as possible and I would like to offer some "special" panels of interest to people in the field. Possible topics for such panels include teaching and advising of students, the state of research in the field, and research on the courts by non-political scientists.

Please let me know of your ideas for panels or for individual papers. My address

is Department of Political Science, Ohio State University, Columbus, OH 43210; my phone number is (614) 422-6088. Feel free to send your proposals to Sam and me; to help us in coordinating, let us know if you have done so. We will accept proposals until early December, but we would appreciate hearing from you as soon as is feasible.

--Lawrence Baum, Chair

LAW AND SOCIETY ASSOCIATION (1987)

The annual meeting of the Law and Society Association will be June 10-14, 1987, in Washington, D.C.. This is an open forum for all aspects of law and society research, theory and comment.

This year, the Program Committee has three additional interests. First, given the location of the meetings in Washington, we encourage exchange between policymakers and scholars on contemporary issues. We are concerned about the relationship between socio-legal studies and policy. Is it natural, beneficial, insidious, frivolous or impossible? Second, because the Program Committee wants to encourage active exchange across disciplinary, national and cultural lines, we particularly invite submissions from a wide range of disciplines and countries. Third, we would like to provide opportunities for more informal discussion through a wide variety of formats. Therefore, we seek participation in panels, workshops, roundtables and film discussions to stimulate dialogue on legal processes, structures and behaviors.

Please contact any committee member named below and indicate how you want to participate:

(a) Propose a panel, workshop, roundtable or discussion group: Submit a title, a short description of the theme and format, list participants and titles of their presentations or forms of participation. (Priority deadline: December 1, 1986.)

(b) Submit a Paper: Please indicate the title and enclose a one-paragraph abstract of your work. (Deadline: January 12, 1987.)

(c) Be a discussant or participate in a workshop, roundtable or discussion group: Submit a one-paragraph description of your research interests. (Deadline: January 12, 1987.)

Proposals for panels, workshops, roundtables and discussion groups received by December 1, 1986, will receive priority. All proposals for participation MUST be received by January 12, 1987. All participants meeting these deadlines, regardless of the format of their participation, will be listed on the program.

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SOUTHERN POLITICAL SCIENCE ASSOCIATION (1986)

The following papers will be presented at the annual meeting of the Southern Political Science Association, November 6-8, 1986, in Atlanta, Georgia:

The Policy Role of State Courts

"The Structure of Local Legal Cultures: Organizational and Political Influences on Decision Making in Georgia's Superior Courts," Allissa Pollitz-Worden, Michigan State University

"Judicial Agenda Setting: A Demand-Response Model," Paul K. Warr, Texas A&M University

"The Content of Judicial Policy: Outcomes of Criminal Appeals," David W. Neubauer, University of New Orleans

Federal Judicial Decisionmaking

"Published and Unpublished Decisions of Lower Federal Courts: Similarities and Differences," Donald R. Songer, Oklahoma Baptist University

"Testing Communication Theory in the Study of Judicial Impact: The 1986 Abortion Cases," Thomas R. Hensley, Joyce A. Baugh and Steven R. Brown, Kent State University

"An Empirical Assessment of Judicial Activism in Agency Cases Before the Supreme Court," Lauren Brown and Mitzi Mahoney, University of Kentucky

Women and the Courts: Institutional Development, Behavior and Decisions

"Legal Institution-Building in the Progressive Era: Women's Courts," Beverly Cook, University of Wisconsin-Milwaukee, and Freda Solomon, Dennison University

"Gender Cases and the U.S. Supreme Court," Karen O'Connor, Emory University, and Jeffrey Segal, SUNY at Stony Brook

"The Behavior of Women State Supreme Court Justices," Diane Wall, Mississippi State University, and David Allen, Mercyhurst College

"Gender and the Federal Judiciary," Bridgett Todd, University of Kansas

Strategies in Judicial Research: A Roundtable

"Interviewing at the Supreme Court," H.W. Perry, Harvard University

"Interviewing in Trial Courts," Milton Heuman, Rutgers University

"Working With Supreme Court Docket Books," Saul Brenner, University of North Carolina at Charlotte, and Jan Palmer, Ohio University

"Supreme Court Justices' Private Papers," Sidney Ulmer, University of Kentucky

"Content Analysis of Judicial Opinions," John Gates, University of New Orleans

"Interviewing Supreme Court Justices and Litigants," Lee Epstein, Southern Methodist University

NORTHEASTERN POLITICAL SCIENCE ASSOCIATION (1986)

The following papers will be presented at the annual meeting of the Northeastern Political Science Association, November 13-15, 1986, in Boston, Massachusetts.

The Courts and Individual Freedoms

"The Cuomo Court and the Disposition of Civil Rights and Liberties Cases in the New York Court of Appeals," Jon Gottschall, SUNY-Plattsburgh

"What Makes a Right Fundamental?," Daniel N. Hoffman, Johnson C. Smith University

"The Burger Court and Freedom of Religion," Wayne R. Swanson, Connecticut College

"State Courts and the Issue of Human Rights," Peter J. Galie, Canisius College

Federal Judges and Non-Traditional Mass Toxic Tort Claims: Problems and Prospects

"The Clash of Scientific and Legal Proof in Radioactive Fallout Federal Tort Trials," Howard Bell, University of Utah

"Assessing Causality in Epidemiological and Environmental Research," Jay Olshansky, Argonne National Laboratory (Chicago)

"An Analysis of *Anderson, et al., v. Cryovac, et al.*," Michael B. Keatin, ESQ., Foley, Hoag and Eliot (Boston)

The Burger Court: Political and Judicial Profiles

"Justice William H. Rehnquist," Nathan Hakman, SUNY-Binghamton

"Justice William O. Douglas," Stephen C. Halpern, SUNY-Buffalo

"Justice Byron R. White," Daniel C. Kramer, College of Staten

JOURNAL INFORMATION

Charles Lamb, Associate Editor

AMERICAN POLITICS QUARTERLY (VOL. 13, 1985)

- "Looking at Supreme Court Impact in Context: The Case of Reapportionment and State Spending," Douglas G. Feig 167

- "From Desegregation to Integration: Second Generation School Discrimination as an Institutional Impediment," Robert E. England and Kenneth J. Meier 227

AMERICAN POLITICAL SCIENCE REVIEW (VOL. 79, 1985)

- "The Transmission of Legal Precedent: A Study of State Supreme Courts," Gregory A. Caldeira 178

AMERICAN JOURNAL OF POLITICAL SCIENCE (VOL. 29, 1985)

- "Measuring Change on the Supreme Court: Examining Alternative Models," Jeffrey A. Segal 461

JOURNAL OF POLITICS (VOL. 47, 1985)

- "Alexander M. Bickel: Toward a Theory of Politics," John Moeller 113

- "The Outsider on the Court," Craig R. Ducat and Victor E. Flango 282

- "Modern Jurisprudence and the Transvaluation of Liberal Constitutionalism," Gary J. Jacobsohn 405

- "The Diversification of the Federal Bench: Policy and Process Ramifications," Thomas G. Walker and Deborah J. Barrow 596

- "The Supreme Court and Public Opinion: Judicial Decision Making in the Post-New Deal Period," David G. Barnum 652

- "Governmental Litigants, Underdogs, and Civil Liberties in the Supreme Court: 1903-1968 Terms," S. Sidney Ulmer 899

- "Stability and Change in Constitutional Litigation: The Public Piety Cases," Frank Way 910

- "Equality Since Rawls: Objective Philosophers, Subjective Citizens, and Rational Choice," Philip Green 972

- "The Supreme Court in Periods of Critical Realignment," William Lasser 1174

POLITY (VOLS. 17-18, 1985)

- "An Extravagance of Righteousness: Reconsidering Integrity & Dignity as Bases for the Exclusionary Rule," Stanley C. Brubaker 715

- "Judicial Whipsaw: Interest Conflict, Corporate Business & The Seventh

Amendment," Karen Orren	70
"Jobs, Dollars & Gender: An Analysis of the Comparable Worth Issue in Urban Areas," Charles Davis & Jonathan West	138
"Die Meistersinger von Nurnberg' & the United States Supreme Court: Aesthetic Theory in Constitutional Jurisprudence," Lief H. Carter	272
<i>SOCIAL SCIENCE QUARTERLY (VOL. 66, 1985)</i>	
"Race and Civil Liberties," Richard Seltzer and Robert C. Smith	155
"Women Defendants in Court: The Interaction between Sex and Race in Convicting and Sentencing," Cassia Spohn, Susan Welch, and John Gruhl	178
"The National Crime Survey Program: Problems in Sample Selection and Data Analysis," Stephen E. Brown and Thomas W. Woolley	186
<i>WESTERN POLITICAL QUARTERLY (VOL. 38, 1985)</i>	
"Influence Relationships Within the Supreme Court: A Comparison of the Warren and Burger Courts," Harold J. Spaeth and Michael F. Altfeld	70
"A Note on Substantive Access Doctrines in the United States Supreme Court: A Comparative Analysis of the Warren and Burger Courts," William A. Taggart and Matthew R. DeZee	84
"Bridging the Gap Between Congress and the Supreme Court: Interest Groups and the Erosion of the American Rule Governing Awards of Attorneys' Fees," Karen O'Connor and Lee Epstein	238
"B.F. Wright on the Contract Clause: A Progressive Misreading of the Marshall-Taney Era," Wallace Mendelson	262
"Assessing Judicial Elections: Effects Upon the Electorate of High and Low Articulation Systems," Nicholas P. Lovrich Jr. and Charles H. Sheldon	276

The Section sadly notes the death of John Patrick Hagan in an auto accident on October 10, 1986. Professor Hagan was a Visiting Assistant Professor of Political Science at the University of North Carolina--Chapel Hill while on leave from the department at West Virginia University. The family has established the J.P. Hagan Scholarship Fund in his memory. For more information contact: Chemical Bank & Trust Co., South Charleston, West Virginia 25303.

BY-LAWS

LAWS, COURTS, AND JUDICIAL PROCESS SECTION

(As Amended; Summer 1986)

I. Name and Purpose of Section

The name of this Section is the Law, Courts, and Judicial Process Section of the American Political Science Association. The purpose of the Section is to promote interest in teaching and research in the areas of law and the judicial process. The Section also seeks to encourage communication between persons interested in law and the judicial process within the association and with related disciplines.

II. Governance of the Section

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

B. The duties of these officers are as follows:

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

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

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

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

C. The election of officers should proceed as follows:

1. In March the Section Chairperson should organize a nominating committee consisting of at least five members of the Section representing the diverse interests of the Section.
2. Following its appointment, the nominating committee should solicit the members of the Section for nominations for Section officers. The nominating committee shall nominate a slate of officers that (a) is taken from the names received, particularly persons receiving several mentions, and (b) represents the diverse interests of the Section. The slate shall be listed in the summer issue of the Section Newsletter and/or PS or otherwise distributed to the Section members so that the nominees are known prior to the annual Section meeting.
3. Five members of the Section may nominate candidates for any office (except Chairperson) at the annual Section meeting, or by petition sent to the Chairperson prior to the meeting.
4. For offices for which no nominations are received or made at the annual Section meeting, the nominating committee's slate shall be considered elected and the officers shall assume office at the conclusion of the meeting. Offices which are contested by the end of September. The winner shall be determined by a majority vote of all members participating in the election. In cases where no individual receives a majority of votes, a run-off election between candidates receiving the two greatest number of votes should be held at a date no later than November 1st. The winners shall assume office upon election.
5. The membership of the Section should be informed of the election outcomes in the next Section Newsletter.
6. Questions or conflicts regarding any election should be settled by the Executive Committee.

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

Chairperson: one year

Chairperson-elect: one year

Secretary-Treasurer: three years

Executive Committee: two years

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

III. Membership in the Section

- A. All regular, student, family, retired, and life members of the American Political Science Association are eligible for membership in this Section.
- B. Associate membership in the Section is available to all non-political scientists who share an interest in law and the judicial process. Associate members may receive all benefits and services of regular members except that they may not participate in the election of officers or serve as officers.
- C. Membership in the Section is established by payment of annual Section dues to the APSA, or, for associate members, to the Secretary-Treasurer.
- D. The dues for members and associate members will be set by the Executive Committee at the level necessary to cover expenses for elections and other services provided by the Section.

IV. Amendments to the By-Laws

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

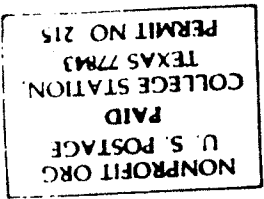
V. Implementation of these By-Laws

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

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

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

Charles A Johnson
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