

LAW AND COURTS
SECTION NEWSLETTER

Vol. 8, No.3

Spring, 1992

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Chair: Gregory Caldeira

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Newsletter Editor: Roy B. Flemming

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

Instructions to Contributors

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

Articles and Commentary

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

Professor Ronald C. Kahn, Associate Editor
Law, Courts, and Judicial Process 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
Department of Political Science
University of Florida
Gainesville, FL 32611
(904) 392-0262

Data and Analysis Information

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

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ANNOUNCEMENTS, CORRESPONDENCE, AND BIBLIOGRAPHIC INFORMATION

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

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LAW AND COURTS SECTION

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Executive Committee

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JUSTICE AND AESTHETICS: STUDENT REACTIONS TO *L.A. LAW*

Lief H. Carter

In the fall of 1988, in order to get my undergraduates to connect the academic study of law with the practice of law itself, I required the seventy-five students in my basic legal process course to view five consecutive episodes of *L.A. Law*. This project began as a teaching assignment that in the end managed to capture some spontaneous student efforts to articulate the meaning of justice and of good character in the context of contemporary legal and social life.

I had the students complete short essays in response to the following questions to each program.

- Describe briefly the episode in this show which you think comes closest to describing people and events in the 'real world.'
- In what episode in this show was justice done best and why?
- What episode in this show seemed most unjust and why?
- What character in this show do you admire the most and why?

This is a much truncated version of an earlier paper which I presented at the 1990 meetings of the Law and Society Association. Because of space restrictions, I will focus on the students' responses to the third program, the episodes of which are summarized below.

Program Three, November 10, 1988

- *Plot One:* In this story, a son sues his father for physically assaulting him after an argument. The incident, which took place at the father's office, resulted when the boy stopped by unexpectedly at a very busy time for the father. At a deposition, Stuart intervenes in an argument which erupts between the father, his son, and each individual's respective

attorney: he roundly criticizes the father for failing to spend enough time with his son and is astonished to believe that each of them could put their mother/wife through this situation. The result of Stuart's lecture is a settlement that is satisfactory to both parties.

Plot Two: Roxanne asks Arnie, who is swamped with work, to represent her sister-in-law in her divorce. He reluctantly agrees and acquires a restraining order against Roxanne's sister-in-law's husband to prevent him from selling their house. This move enrages her husband who subsequently attempts to bulldoze the house. Arnie rushes to the house to prevent its destruction. When he arrives, he instructs the police to stop the bulldozing; they succeed in stopping the house's total destruction but fail to stop the angered husband from crushing Arnie's Porsche.

Plot Three: The assistant district attorney, Grace, is prosecuting a man, Lyle Tory, for the murder of two policemen. What she does not know, but will soon find out, is that the confession of Tory to another inmate in the prison was instigated with police assistance, thus making it unconstitutional. This fact was kept from her by the district attorney. He feels that the prosecution should continue even under such circumstances; he knows that the confession is the linchpin in their prosecution. When Grace finds out about this sequence of events she angrily questions the district attorney about his part and his motives in what transpired. The district attorney says that he has decided to look the other way this time; he believes that Tory is such a dangerous criminal that it warrants this behavior. Disturbed and uncertain, Grace continues the case and gets the conviction of Tory.

Plot Four. Leland attempts to assuage the impact of Abbey's critical review which she received from several of the partners. He tries to reassure her that she still has a chance at a partnership. Abbey, however, has already made up her mind to leave the firm and start her own practice.

What is the Real World?

I had only the vaguest of goals when I asked which episode comes closest to describing people and events in the real world. I probably thought of it as a warm-up question designed to build student interest in the assignment. I suspected a widely dispersed set of answers, answers that the students' separate and idiosyncratic experiences would predominately shape. But the responses in fact cluster around a single perspective: reality tends toward injustice. Students named 10-15 different themes in each show as most like the real world, but doing justice, especially formal justice, was rarely mentioned as realistic. For each show, clear majorities of responses equated reality with pain, injustice, or some other negative experience.

Thirty-two of the 59 responses about realism in the third program were negative, 22 were neutral, and 5 were positive. The conviction of a cop-killer based on illegally obtained evidence seemed most realistic to 25 students. (No other issue in the show had more than six responses.) Fourteen students condemned the fact that Grace under pressure got a conviction based on illegal evidence. Ten more found the political and moral ambiguity of this situation, e.g., weighing the passion of police feelings and the reasons to believe that the defendant is a vicious killer against the illegal evidence, neutrally realistic. One response praised Grace for ignoring the law for the sake of society.

Here is one student's evaluation of the reality of the ambiguity in this situation. I coded it in the neutral category. This response identifies a central theme in all Stephen Boccho's productions:

I think the kind of choice that the female DA had to make represents the kind of choices people have to make in the real world. Because of the complex society we live in most choices cannot be seen as simply black and white, right and wrong choices. Many important decisions are painful and involve deep reflection and difficult ethical choices. People often believe that the more knowledge one possesses the easier it is to make the right choice. The fact is the more knowledge one has the more painful and

difficult decisions become. One learns that there is not such thing as the singular right choice.

I have suggested that legal rules, values and procedures do not seem central to student views of reality, nor as the next section indicates, are they central to the experience of justice. Perhaps this is because they seem to artificially force "right choices" and in doing so become less real.

Justice's Many Faces

In my analysis of the responses to the second and third questions about justice and injustice nearly all responses to both questions fell quite clearly into one of four categories. I describe these categories below, but I must report here that when I turned to other programs, these categories, or any others I could easily identify, failed to describe many responses.

The most frequent responses were distinctly pragmatic. By pragmatism I refer to the Deweyan notion that decisions and choices depend primarily on evidence, experience, and probably consequences rather than rules, formulas, and ideologies. For example, I coded responses which found it just to convict the cop killer because he was in fact guilty and likely to commit crimes in the future as pragmatic. The second category of responses equated justice with that which makes interpersonal relations better. Stuart's getting the father and son to make up as an alternative to litigation fell in this category. The third category equated justice with following a rule. As you will see, no student answered the justice questions by referring to this dimension, but nineteen identified the failure to follow a rule as the reason for injustice. The Aristotelian just deserts concept of justice completed the four categories.

I also coded separately those cases where a student's response pair used different categories within itself, e.g., where a student praised as pragmatically just the conviction based on illegal evidence to protect society but found the litigation between father and son to be unjust because it injured their relationship. Thirty-nine of the 59 response pairs were internally inconsistent in this way, but no strong pattern of inconsistent pairs emerged.

Here are the response frequencies:

JUSTICE:

- *Pragmatism:* Twenty-five students equated justice and pragmatism. Twenty-four said convicting the cop killer for the sake of society was most just. One said settling the father-son dispute out of court was just because it freed up court resources for more important cases.
- *Improving Relationships:* Twenty-four students linked justice with improving relationships. Eighteen applauded Stuart's getting father and son to make up, three applauded as most just the firm's effort at being more honest with Abby, and three applauded the son caring enough about his relationship with his father to sue him.
- *Following Rules:* No student identified justice in this manner.
- *Just Deserts:* Eight students felt that the cop-killing defendant got what he deserved, and two felt it most just that the divorcing husband did not deserve to bulldoze down the house and was justly stopped by a technicality.

INJUSTICE

- *Pragmatism:* Nineteen students equated injustice with the failure to take experience and consequences of actions seriously. Seven thought wasting court time in the father-son lawsuit the greatest injustice. Three thought the existence of the exclusionary rule unjust because of its social consequences, but three others condemned disguising the illegal evidence specifically because the exclusionary rule has a desirable practical effect on police behavior in other cases. Three thought it unjust to destroy property, either the house or Arnie's Porsche. The three remaining responses were scattered.
- *Improving Relationships:* Fifteen students found the destruction of relationships the most unjust, e.g., the father slapping the son, the son's suing the father, Rox's using Arnie, or the D.A.'s failure to play fair with Grace.

- *Following Rules:* Sixteen of the nineteen students responding in this category found violating the exclusionary rule and covering up the illegality the most unjust. Three of these sixteen simultaneously wrote that putting the defendant behind bars was most just, and all on pragmatic grounds. Each of these three acknowledged the apparent inconsistency and explained that they were simply reporting their honest reactions. Two found most unjust that rules did not work to prevent the attempt to bulldoze down the house, and one said that discretionary plea bargaining unjustly evaded the laws of crime and punishment.

- *Just Deserts:* To complete the fifty-nine unjust responses, three students found most unjust that Arnie, trying to do a good deed, had his car crushed. Two said the law firm had not given Abby the treatment she deserved, and one said Rox did not get the relationship she deserved with Dave.

As I indicated above, responses to these two questions from other programs did not so easily fall into these four categories. Given our pluralistic political culture, this diversity should not surprise us. If these explanations of justice and injustice have in common an experience of a fit or misfit among beliefs, values, and experiences, then we might say that these student explanations of justice follow from and report the student's reactions to performances which dramatize and emphasize the success or failure of people in action to fit things together. Fittedness and its absence would appear to be common to all these categories, even though fit itself may be defined as economic efficiency, love, complying with a command or getting one's due.

The Classic Virtues and Character

I have suggested that neither legal rules nor concepts of justice, at least as conventional jurisprudence defines and categorizes them, definitively shape student perceptions of reality or of justice and injustice. I have suggested as an alternative an aesthetic conception of justice, but of course that explanation, offered in the context of viewing dramatic performances, might well be entirely circular. As admittedly

modest evidence for the proposition that student responses are not purely the product of the dramatic performance but rather an interaction between values and performance, I describe here the much greater commonality of student responses to the evaluation of character. The data in this last category suggest that the diverse and sometimes unfocused and inconsistent understandings of the nature of justice and of the morality of the rule of law may not simply be the result of political and cultural pluralism. Were that so, we would expect to find similar diversity in the assessment of character. Instead, we find much agreement about what deserves admiration, which in turn suggests that both law and justice may matter less in political life than do matters of character.

Here is the percentage breakdown of the virtue responses by category for all five shows combined:

Courage	35%
Selfless help for other in need	23%
Steadfastness and doing one's duty	18%
Wisdom, open-mind, and honesty	13%
Compassion and empathy	9%
Following legal or moral principle	2%

Some Preliminary Reaction

Readers should not trust what I've just written too much. I coded these responses by hand alone. Readers who know my past writing, particularly *Contemporary Constitutional Law-making* (Pergamon, 1985), know that the findings so confirm my own jurisprudential theories as to raise suspicions of fraud. I have, however, counted and reported the numbers as accurately as I could in these unscientific conditions.

That confessed, however, these crude findings do suggest that students equate good character traits with those that achieve and respect the dignity of individual but differently situated people. The classical virtues are a language by which we may express our aspirations for our own dignity and the dignity of others. These virtues at the same time promote communitarian rather than individualistic or materialistic interests. In this respect they give

some hope that warnings of rampant materialistic Yuppieism were wrong or premature in late 1988. On the other hand, the responses to the questions about justice and injustice did not so strongly confirm a commitment to the classical virtues. The plurality of pragmatic responses confirms that quite separate element of our culture.

It seems clear that legal rules, values, and procedures are not central to student experience or reality, justice or character, which is as it should be if we take seriously the hope that political life dignifies relationships. We dignify ourselves and others in our actions, not in our theories. I deeply admire *L.A. Law* precisely because it dramatizes this fact. But I am left with the hunch that our political and moral

feelings and conclusions are strongly shaped by the power of dramatic performances to create coherence in the moment. That power, as the Nazi experience amply demonstrated, can create coherences that exclude values and beliefs that people hold widely and seriously. It can persuade us to find pragmatism, or fidelity to authority, or promoting dignity, or fostering loving relationships equally just. Good performances can persuade us to find it just to do one's duty under law and just to abandon law altogether. Perhaps this analysis at bottom indicates that we should consider the political messages of contemporary popular music — the good, like "Public Enemy," and the bad, like "2 Live Cru" — as seriously as we do those of dignified and dignifying programs like *L.A. Law*.

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STUDENT MOCK TRIAL COMPETITION AND UNDERGRADUATE LAW TEACHING

Teaching trial advocacy in law schools is based on the belief that such training is necessary to the practitioner and that it can be effectively taught in law school. Simulation in the law school environment requires the student to practice trial skills, such as opening statements, cross and direct examinations, and closing argument, to develop a theory of the case, and to develop pretrial skills, including counselling and interviewing. The advantage of simulation is that law students are able to focus on their goals, put the means into action as a plan, and then to evaluate and critique that plan.

At the undergraduate level, the immediate justification for mock trial competitions is not as apparent. Undergraduates have no in-depth knowledge of the law that would be needed in a trial advocacy course. And many students who take law-related courses are not necessarily preparing for legal careers. Nevertheless, the study of law in the undergraduate curriculum should introduce students to the trial process and the adversary system, the use of argument, manipulation of legal rules, the psychology of litigation, and the way lawyers and law students learn to approach the law. Trial advocacy simulation not only helps undergraduates focus on these issues, it encourages critical perspectives and inquiry. The trial process raises difficult ethical problems, not the least of which includes defending those whom one believes to be guilty, arguing facts that one may not be convinced are true, and accepting the doctrine of reasonable doubt in criminal cases.

Finally, there is an additional pedagogical advantage to the trial competition practice — the teaching of critiquing. Critiquing a performance is a method of teaching with which trial advocacy teachers are quite familiar. Critiquing is taught by the National Institute of Trial Advocacy and is taught in clinical education to faculty. Critiquing involves addressing the performance of a student, analyzing the goals the student is attempting to fulfill, comparing the extent to which the student actually met those goals, and, then, suggesting ways in which the performance could be improved. The critiquing function is useful not only in the teaching of trial advocacy but in studying other professional behaviors — as in medicine and social work. Critiquing also teaches the student to be a self-teacher and to analyze his/her performance. Thus, involvement in a trial advocacy program on the undergraduate level gives students the opportunity to learn the techniques of critiquing which they can then generalize and use in other fields of endeavor.

In a nutshell, trial advocacy simulations can relate to the purposes of undergraduate education and to the understanding of the legal process in ways that are both dramatic and effective.

For the last five years, Drake University has conducted a National Undergraduate Mock Trial Competition. This simulation, which closely resembles law school competitions, involves undergraduates from a wide variety of schools from across the country. In four of these years, Washburn University has sent a team or teams to this competition. The form of school involvement has varied from being a club to being a course offered from credit. This year we devised a two unit course for the Fall semester during which the students prepared for the competition and a one unit course for the Spring semester when the actual competition takes place.

The Fall semester included videotaping the students, teaching them to critique themselves by using former simulations as a way of practice, viewing films showing the trial advocacy process, and hearing lectures on techniques of trial advocacy. An innovation that was included

in this process was the teaching of critiquing and having the students critique each other's performance during the semester, score these performances on the critiquing sheet, and, then, using that as a portion of the grade. It was also felt that while the competition itself would not be graded, student grades would include their individual critiques of a videotape performance of some other person (not in the class) in order to examine their critiquing skills. Throughout the course the focus was on the relationship between the trial advocacy model of truth and the limits of the adversary system itself. Ethical issues were also addressed.

Undergraduate mock trial competition has proven to work well at Washburn University and we encourage faculty at other universities and colleges to explore the possibility of establishing a similar program. Please feel free to contact us for further information.

Professor Michael Kaye, Law School
Professor David A. Freeman, Department
of Political Science
Professor Steven Cann, Department of
Political Science
Washburn University
Topeka, KS 66621

SECTION NEWS

CONSTITUTIONAL REVISIONS APPROVED

In a referendum in which 32 Section members participated, the amendments to the Section's Constitution proposed in the last *Newsletter* were approved by a vote of 28 to 4. These amendments mean: (1) the Section's official name is now the "Law and Courts Section;" (2) the nominating committee's slate of officers will be submitted for election at the section meeting; and (3) the terms of office for incoming and outgoing officers have been clarified.

NOMINATIONS SOUGHT FOR SECTION OFFICERS

The nomination committee, chaired by **Lettie Wenner**, Northern Illinois University, is seeking candidates for four positions on the Section's executive committee. The committee is seeking nominees for Chair Elect and three executive committee positions (one for 1992-1993 and two for 1992-1994). Individuals seeking these positions or wishing to make nominations should contact Professor Wenner. Nominations should be made by **June 15, 1992** so that the names of the candidates can be published in the *Newsletter*. **Lettie Wenner**, Department of Political Science, Northern Illinois University, Dekalb, IL 60115-2887

LAW AND POLITICS BOOK REVIEW

CONSTITUTIONAL LAW CASE BOOK REVIEWS

We are about to embark on a major project. Susan Mezey of Loyola University in Chicago has agreed to be Special Editor of a series of reviews of current constitutional law case books. We are reviewing all books which have been published in original or revised form with a copyright date of 1988 or later. We plan for two reviews of each book; we hope for at least one of these to be by someone who has used the book in class.

We plan to begin publishing these reviews during the fall of 1992. Eventually, we hope to make these reviews available in printed form as well. If there are members who wish to participate in this project, they should send their vita to **Professor Susan Mezey**, Department of Political Science, Loyola University Chicago, 6525 N. Sheridan Road, Chicago, IL 60626.

PROGRESS REPORT

We have just completed the 12th issue of our journal. In this first year, we reviewed 54 books ranging over a wide variety of subjects in our subfield. We are already publishing reviews of books published in 1992; however, a few 1990 books remain in our inventory because we received them late from the publisher.

We have had extraordinary cooperation from our reviewers. Very few have been delinquent. We have lost only two books to colleagues who initially agreed to review a book and then failed to deliver. Most have gotten their review in on time, even express mailing it to us when they were in danger of being late. I find that remarkable.

SUBSCRIBING TO THE REVIEW

It is still easy to receive the *Review*; there is no subscription charge. If you are on bitnet or internet, simply send the message:

SUBSCRIBE PSRT-L yourname to LISTSERV@UMCVMB.BITNET

If you wish to connect to the *Review* bulletin board with your computer modem, set your computer communication program to 8-N-1 (8 data bits, neutral parity, 1 stop bit) and dial (708) 866-6718.

If you have suggestions for the editor, please write **Professor Herbert Jacob**, Department of Political Science, Northwestern University, 601 University Place, Evanston, IL 60208 or via e-mail: mztov@casbah.acns.nwu.edu.

LAW AND COURTS WORKSHOP: THE STATE OF THE FIELD

The Law and Courts section will sponsor a workshop on the state of the field on Wednesday afternoon of the APSA annual meeting. In this first workshop we are aiming for a graduate student audience but wider participation is welcome.

The workshop will run from 2 pm to 6:30 pm and the time will be divided roughly as follows:

Coffee	2:00-2:30
Survey of the Field	2:30-4:00
Special Area Studies	4:00-5:30
Cocktails	5:30-6:30

At this point plans for the survey of the field are being arranged by **John Brigham, Greg Caldeira** and **Leslie Goldstein**. We anticipate a number of speakers will lead discussions of the following "special areas:" Law and Society, Judicial Process, Administrative Law, Constitutional Law, Judicial Biography and Legal Theory.

There was a great deal of enthusiasm at the Executive Committee meeting last year for such an event so we look forward to active participation in this first workshop. Please send us your comments and suggestions for the program.

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OUTSTANDING GRADUATE STUDENT PAPER AWARD

The Law and Courts Section annually makes an award for the outstanding graduate student research paper. This year the selection committee is chaired by **Thomas Walker** of Emory University. Papers are eligible for the award if they are completed by a graduate student in political science between January 1, 1991 and July 1, 1992, whether prepared for a course or delivered at a conference. Papers in the field of law and courts, defined broadly with regard to both subject matter and methods of inquiry, are eligible for consideration. The award will be announced at the Section meeting in Chicago.

Papers to be considered for the award must be sent to the committee by **July 1, 1992**. Please send three copies of the nominated papers to: **Thomas G. Walker**, Department of Political Science, Emory University, Atlanta, GA 30322; (404) 727-7912

ANNOUNCEMENTS

NSF CREATES SEPARATE DIRECTORATE FOR SOCIAL SCIENCE

The National Science Foundation, in a major restructuring, has created a separate directorate for the social, behavioral, and economic sciences (SBES), which includes the **Law and Social Science Program**. The restructuring breaks social sciences out of its previous location in a directorate dominated by biological sciences and provides them with their "own place at the table." Howard J. Silver, Executive Director of the Consortium of Social Science Associations (COSSA), called the reorganization "a long overdue acknowledgement and a signal by the nation's foremost scientific research agency to the Congress and the American people that research in the social and behavioral sciences is vital and should be adequately supported at the federal level." (COSSA Washington Update, October 15, 1991)

NSF PROGRAM DIRECTOR OF LAW AND SOCIAL SCIENCE SOUGHT

The National Science Foundation is searching for a Program Director of the *Law and Social Science Program*. The position is for a visiting scientist who is challenged by the opportunity to advance the field of sociolegal studies. The term would start in the summer of 1992. The responsibilities include evaluating research proposals, representing the broad multi-disciplinary field within the National Science Foundation, and representing the National Science Foundation in the law and social science community and other relevant settings. Broad knowledge of the field, a Ph.D. or the equivalent and at least four years of research experience, administrative skill, an interest in working with others, and the ability to communicate effectively are required. To apply, send letter of interest, vita, and names, addresses and phone numbers of two references to: **Dr. Thomas Baerwald**, Acting Director, Division of Social and Economic Science, National Science Foundation, 1800 "G" Street, NW, Room 336, Washington, DC 20550.

*** NEW PUBLICATION ***

SOCIO-LEGAL STUDIES ASSOCIATION --- SOCIO-LEGAL RESEARCH DIRECTORY

The Socio-Legal Research Directory lists the projects, publications, research interests and addresses of more than 180 researchers in the United Kingdom. It was compiled between December 1990 and March 1991. The term socio-legal has been broadly defined and the research listed spans such fields as business, medical, family, labour law, criminology, the administration of justice, the legal profession, legal theory, and public administration.

Only £3.50 to members of SLSA, £10.50 to all others. Please send cheques in sterling or international money order to: **Bols Bibbings**, Cardiff Law School, University of Wales, P.O. Box 427, Museum Avenue, Cardiff CF1 1XD Wales. Cheques should be made payable to **Socio-Legal Research Directory**.

WORKING PAPERS FROM THE CENTER FOR LAW AND ECONOMIC STUDIES

The Columbia University School of Law, Center for Law and Economic Studies, has announced the availability of its latest working papers. Some of these papers are:

- John C. Coffee, Jr. "Does 'Unlawful' Mean 'Criminal'? Reflections on the Disappearing Tort/Crime Distinction in American Law"
- Victor P. Goldberg, "Recovery for Economic Loss Following the Exxon Valdez Oil Spill"
- William K. Jones, "Economic Losses Caused by Construction Deficiencies: The Competing Regimes of Contract and Tort"
- Julianne Nelson, "Legal and Economic Perspectives of Bankruptcy: A Comment"
- Mark Geistfeld, "Towards a More General Theory of Products Liability Reform"

A complete list of the working papers, their abstracts, and ordering information can be obtained by contracting:

Thelma Twyman, Assistant Director
Columbia University School of Law
Center for Law and Economic Studies
435 West 116th Street, Box E-2
New York, NY 10027-7201

THE FUND FOR RESEARCH ON DISPUTE RESOLUTION RESEARCH GRANTS

The Fund for Research on Dispute Resolution has awarded several new grants. To date, 47 grants have been awarded. Recipients of FRDR's new grants include:

- **Evelyn Brodtkin**, School of Social Service Administration, University of Chicago, \$55,814 to investigate the dispute handling processes and structures of two large welfare offices.
- **Phillip Davis**, Department of Sociology, Georgia State University, \$21,716 to explore the role of bystanders as third-party intervenors in male/female public disputes.
- **David Engel** and **Frank Munger**, School of Law, State University of New York at Buffalo, \$60,712 to study the perception and interpretation of disputes in the workplace involving persons with disabilities.
- **Yeheskel Hasenfeld**, School of Social Welfare, University of California at Los Angeles, \$68,521 to examine how welfare-work programs ensure recipients' compliance with regulations and how that system affects the development and handling of disputes.
- **Kevin McCarthy**, Institute for Civil Justice, Rand Corporation, \$50,000 to compare dispute handling by public courts and private courts and judges.
- **Kent Smith**, American Bar Foundation, \$40,000 to examine how individuals and tax auditors interact, how different interaction styles affect audit outcomes, and the development and resolution of disputes.
- **Yvonne Chilik Wollenberg**, Department of Political Science, Rutgers, the State University of New Jersey, \$15,000 to investigate how grass-roots environmental groups use the court system to resolve controversial policy conflicts.

Funded by the Ford Foundation, the Fund for Research on Dispute Resolution (FRDR) is an independent grants program affiliated with the National Institute for Dispute Resolution. For further information about FRDR, contact **Julliana Birkhoff**, program coordinator, Fund for Research on Dispute Resolution, 1901 L Street NW, Suite 600, Washington, DC 20036, (202) 785-4637.

NATIONAL CENTER ON WOMEN AND FAMILY LAW

The National Center on Women and Family Law publishes a quarterly newsletter, *The Women's Advocate*, which follows court cases, state legislation, and other developments affecting the rights and status of women. It also includes brief notes about recent publications focusing on women and the law, as well as serving as an information clearinghouse. In the latter capacity, the Center announced the availability of a packet of materials dealing with public benefits issues arising out of joint custody orders. For information, contact:

**National Center on Women
and Family Law, Inc.**
799 Broadway, Room 402
New York, NY 10003

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LAW SOCIETY OF UPPER CANADA ARCHIVES

The Law Society of Upper Canada Archives, with the assistance of the Osgoode Society and the Law Foundation of Ontario, is organizing a conference on "Law, State and Society in History," to be held May 15-17, 1992 at Osgoode Hall in Toronto. Papers will deal with State Trials; Power, Authority and the Law; Law in Colonial Societies; Independence of the Bar; Aboriginal Rights and Land Claims; Gender and Justice; and Sources and Methods in Legal History. For information: **Carolyn Strange**, Law Society of Upper Canada Archives, 120 Queen Street West, Toronto, Ontario, Canada, M5H 2N6 (fax 416-947-5967).

EDWARD McNALL BURNS CENTER FOR STATE CONSTITUTIONAL STUDIES

The revitalization of state constitutional law has proved to be one of the most constructive legacies of the 1970s and 1980s. A nationwide survey, completed in 1988, found that in more than 450 cases the highest courts of the states had construed state constitutional provisions to provide guarantees of rights and liberties more substantial and far-reaching than their federal counterparts. Judicial federalism has reached new heights, and its continued vibrancy seems assured.

The Edward McNall Burns Center for State Constitutional Studies at Rutgers University offers a forum for the critical assessment of these developments. The Center encourages and sponsors major research projects, symposia, and special programs, and provides materials facilitating the introduction of a series of state constitutional law courses, both at the graduate and undergraduate levels.

Several publications have appeared or are forthcoming. A quarterly publication, *State Constitutional Commentaries and Notes*, consists of timely contributions from academic reporters in the several states. A network of more than 90 correspondents has been established.

A series of Special Educational Reports has been introduced. The reports are intended to provide materials for use in graduate and upper-division undergraduate courses in state constitutional law and judicial federalism.

For further information, contact: **Edward McNall Burns Center for State Constitutional Studies**, Rutgers University, Hickman Hall, Douglass Campus, P.O. Box 270, New Brunswick, NJ 08903; (201) 932-6995

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CANADA PRIZE IN COMPARATIVE LAW

The Government of Canada has decided to establish, as a tangible expression of its interest in Comparative Law, a Grand Prize to be awarded by the International Academy of Comparative Law.

The prize, called the Canada Prize, is intended to recognize an original legal work, written in English or French, in which the common law and the civil law systems are the subject of a critical comparative study in a field of private or public law, although other legal systems may also figure in the study. The work should be of a high scientific quality, suitable

for publication in monograph form. The prize, in the amount of ten thousand canadian dollars (\$10,000), will be awarded every four years at the International Congress of Comparative Law held under the auspices of the Academy. The next Congress is scheduled for 1994. Information concerning the regulations for the competition may be obtained from the **Secretariat of the International Academy of Comparative Law**; 28, rue Saint-Guillaume, 75007 Paris (France), or from the **President of the International Academy of Comparative Law**, Professor P.A. Cr peau, Faculty of Law, McGill University, 3644 Peel, Montreal, P.Q., H3A 1W9.

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CANADIAN INSTITUTE OF RESOURCES LAW

The Canadian Institute of Resources Law was established in 1979 and focuses on the law relating to Canada's renewable and non-renewable resources. *Resources*, the Center's quarterly newsletter, provides topical information and comment about recent legal and public policy developments affecting Canada's resources. The Center recently announced the publication of the following monographs:

- *Richard Bartlett*, Resource Development and Aboriginal Land Rights
- *Steven Kennett*, Managing Interjurisdictional Waters in Canada: A Constitutional Analysis

For further information, contact: **Canadian Institute of Resources Law**, 430 BioSciences Building, The University of Calgary, Calgary, Alberta, Canada T2N 1N4

CALL FOR PAPERS

SYMPOSIUM ON PRESIDENCY AND CIVIL RIGHTS POLICY

The Policy Studies Organization is sponsoring a special symposium issue of the *Policy Studies Journal*. The topic of the symposium will be "The American Presidency and Civil Rights Policy" and will be co-edited by **James W. Riddlesperger, Jr.** and **Donald W. Jackson** of Texas Christian University.

Papers must focus on some aspect of civil rights policy at the national level as it relates to the institution of the presidency or to particular presidential administrations. Also relevant would be linkages and relationships between the presidency and other relevant civil rights policy institutions or agencies. While the editors suppose that most papers will cover the period from the beginning of the administration of Franklin Roosevelt to the present, they are open to other submissions, particularly those from the Reconstruction and post-Reconstruction periods.

Papers for the *Policy Studies Journal* issue must be no more than 15 typescript pages (3,000 words), including notes, references and tables. Papers to be published in the followup book must be no more than 25 typescript pages inclusive.

To be considered for inclusion in this refereed symposium, two copies of the short (15 page) version must be received by the editors no later than **November 14, 1992**. The final short version — following review and suggestions by the editors — will be due by **March 1, 1993**. The deadline for the longer version will be established later.

Inquiries and submissions should be sent to:

Professor James W. Riddlesperger, Jr.
Box 32873
Department of Political Science
Texas Christian University
Fort Worth, TX 76129-0001
(817) 921-7468
(817) 921-7333 (fax)

CONFERENCE PRESENTATIONS

MIDWEST POLITICAL SCIENCE ASSOCIATION

PRELIMINARY PROGRAM

50th ANNUAL MEETING

APRIL 9-11, 1992

CHICAGO, ILLINOIS

New Perspectives on Judicial Impact

Papers:

"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

Remembering Madison and the Constitution

Papers:

"James Madison and 'Praxis'." Bradley Kent Carter, Southern Methodist University

"The Problem of Federalism and the Framing of the Constitution." Francis Greene, Rutgers University

"The Allusiveness and Allure of James Madison." Alan R. Gibson, Notre Dame University

"Rituals of Rights: Constitutional Commemoration and Mass Media Displays." Daniel Levin, University of Wisconsin-Madison

Behavioral Studies of the Modern Supreme Court

Papers:

"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

Papers:

"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, The Ohio State University

Research on State Courts

Papers:

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

Papers:

"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

Women in the Judicial Profession

Papers:

"Gender Bias in the Courtroom: A Comparison of Male and Female Judges." Karen O'Connor, Emory University and Amy Weinhaus

"Entering the Judicial Profession: A Comparison of Access in Electoral and Appointive Systems." Barbara J. Hayles, Sangamon State University

"Women in the Judiciary: Does it Change Anything?" Judge Janine P. Geske, Milwaukee

"Justice O'Connor and the Equal Protection Clause." Jilda M. Aliotta, University of Hartford

The Supreme Court and Its Justices

Papers:

"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 Changes on the U.S. Supreme Court." Joseph F. Kobylka, Southern Methodist University

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

Papers:

"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 Gulluzza, 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, The Ohio State University

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

Constitutional Theory and Interpretation

Papers:

"Constitutional Racism: How the Framers of the U.S. Constitution Reinforced a Color-Conscious Political Identity." Paul Barton-Kriese, Indiana University East

"The Paradox of Originalism." Dennis J. Goldford, Drake University

"The Supreme Court, Constitutional Interpretation, and Civic Education." Ira L. Strauber, Grinnell College

"Whether to Entrench and Enumerate? Rethinking the Desirability of Written Constitutions." Andrews J. Taylor, University of Connecticut

Empirical Studies of the Lower Federal Bench

Papers:

"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

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