

REVISED—February 12, 2006

RESEARCH COMMITTEE FOR COMPARATIVE JUDICIAL STUDIES

Interim Meeting

**Arizona State University
Tempe, Arizona**

February 16-17, 2006

Host: Doris Marie Provine
Director, School of Justice and Social Inquiry
College of Liberal Arts and Sciences
Arizona State University

Conference Site: The meeting will be held in Coor Hall, room 5536. Coor Hall is a new six-story social-science building located in the center of the Arizona State University campus. It stands next to the ASU art museum and is easily recognizable because of its large size and cobalt-blue glass exoskeleton. The conference room is on the 5th floor to the right as you enter the hallway and at the far corner of the building from the entryway.

RC#9 Convenor: Michael Tolley
Department of Political Science
Northeastern University

Theme:

Globalizing Justice--International and Transnational Law, Courts, and Processes

Wednesday, February 15, 2006

6:00-7:00 p.m. Reception and Registration
Tempe Mission Palms (bar)
60 E. 5th Street
Tempe, AZ

Thursday, February 16, 2006

8:00-8:30 a.m. Registration—Arizona State University, Coor Hall, Room 5536

8:30-10:30 a.m.

Panel 1. Transjudicial Communication

Chair: Michael Tolley (Northeastern University)

Papers:

Francine Banner (Arizona State University), Kenneth Miller (Arizona State University), and Doris Marie Provine (Arizona State University): “The Myth of Global Judicial Activism: An Empirical Review of the U.S. Supreme Court’s 2003 Docket”

Rhonda Evans Case (Claremont McKenna College) with the assistance of Candice Camargo, Phoebe Kinzie-Larson, and Kevin Okie: “Spreading the Word: State Lawyers, Courts, and the Diffusion of International Human Rights Norms”

Lisa Parshall (Daemen College) and David Hutt (Le Moyne College): “Divergent Views on the Use of International and Foreign Law: Congress and the Executive versus the Court”

Noga Morag-Levine (Michigan State University College of Law): “Judges, Legislators, and Europe’s Law: Aversive Constitutionalism and Foreign Precedents”

Christopher Whytock (Duke University): “Foreign Law in Domestic Courts: Different Uses, Different Theories”

Discussant: Jerold Waltman (Baylor University)

10:30-10:45 a.m. Break

10:45-12:15 p.m.

Panel 2. Globalizing Justice and Its Impact on Africa

Chair: Doris Marie Provine (Arizona State University)

Papers:

James L. Gibson (Washington University in St. Louis): “The Evolving Legitimacy of the South African Constitutional Court”

Lee R. Remington (University of Kentucky): “The Legitimacy of African Courts: An Analysis of Public Trust”

Rachel Ellett (Northeastern University): “Establishing Judicial Independence and the Rule of Law in Transitional Democracies: Uganda, Tanzania, and Malawi”

Joseph M. Isanga (University of Notre Dame): “Rule of Law in Uganda as an Emerging Democracy: The Role of International Actors”

Discussant: _____

12:15-1:30 p.m. Lunch

1:30-2:45 p.m.

Panel 3. Globalizing Justice and Its Impact on Latin America

Chair: Jodi Finkel (Loyola Marymount University)

Papers:

Walter Carnota (University of Buenos Aires): “How the International Law of Human Rights Changed the Argentine Supreme Court”

Raul A. Sanchez Urribari (University of South Carolina): “Constitutional Law in Latin America: Class Actions, the Struggle for Judicial Independence and the Protection of Fundamental Rights”

CANCELLED Beatriz Ester Larrain Martinez (Universidad de Concepcion): “Expansion of Judicial Power in Chile: A Study of Recurso de Proteccion”

Discussant: Michael Dodson (Texas Christian University)

2:45-3:00 p.m. Break

3:00-4:30 p.m.

Roundtable 1: Trends in Transnational Jurisprudence

Moderator: Mary Volcansek (Texas Christian University)

Discussants: Scott Henson (Vanderbilt University)
James Gibson (Washington University of St. Louis)
David Jacobson (Arizona State University)

7:00 p.m., Thursday, February 16: **Conference Dinner**

(All conference participants and their guests are invited. Money will be collected at registration to cover the cost of this event. For reservation purposes, please let me know in advance if you are planning to attend.)

Restaurant: Rula Bula Irish Pub and Restaurant
401 S. Mill Avenue
Tempe, AZ
480-929-9500

Friday, February 17

8:30-10:00 a.m.

Panel 4. International, Transnational, and National Law: Decline of Westphalian Sovereignty?

Chair: _____

Papers:

Donald Jackson (Texas Christian University): "International and Transnational Law versus National Sovereignty: Pure Power or a Dialectical Process?"

Scott Henson (Vanderbilt University): "Power and Justice in the Application of International Law: Changes in Participants' Profiles for the International Court of Justice 1947-2005"

Eugene E. Dais (University of Calgary): "Global Justice Post 9/11: A New Paradigm for International Law?"

Galya Ruffer (University of Chicago): "International Law Norms in Domestic Judicial Decision Making"

Discussant: Dale Holt (Center for the Study of Social, Religious and Political Freedom in America and Israel)

10:00-10:15 a.m. Break

10:15-11:45 a.m.

Panel 5. Courts Across Boundaries

Chair: Donald Jackson (Texas Christian University)

Papers:

Gregory Broberg (Arizona State University) and Doris Marie Provine (Arizona State University): “Criminal Courts and Immigration Control: Balancing Executive Leadership with the Demands of Due Process”

Charles Anthony Smith (University of Miami) and Heather M. Smith (University of California, San Diego): “The Electoral Dis-Connection: How the Institutional Structure of the Senate Explains US Hostility Towards the ICC”

Leila Kavar (New York University Law School): “Lawyers and the Implementation of International Refugee Law: The Cases of France and the United States”

Carlo Rossetti (University of Parma) and Michael Tolley (Northeastern University): “Fundamental Rights, the European Court of Justice, and the Constitutionalization of Europe”

Discussant: Dale Holt (Center for the Study of Social, Religious, and Political Freedom in America and Israel)

11:45-1:00 p.m. Lunch

1:00-2:15 p.m.

Roundtable 2. The Globalization of Judicial Politics

Moderator: Jerold Waltman (Baylor University)

Discussants:

Donald Jackson (Texas Christian University)
Kate Malleson (Queen Mary, University of London)
Mary Volcansek (Texas Christian University)
Doris Marie Provine (Arizona State University)

2:15-2:30 p.m. Break

2:30-3:30 p.m. Business Meeting

--Announce next interim meeting (January 17-19, 2007) at University of
Melbourne—Host: Professor Brian Galligan

3:30 p.m. Adjourn