

# The Docket

The Newsletter of the IPSA Research Committee on Comparative Judicial Studies (R.C. #9)

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Issue 34

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## London Meeting July 18-20 1999

**The Legacy of the Common  
Law, Donald Jackson, Coordinator**

*Ted Morton, RC#9 Convenor*

### REVISED PROGRAM

#### *Sunday, July 18*

6-8 p.m., Registration and  
Reception, at the Commonwealth  
Conference Center

#### *Monday, July 19*

Panel I, 8 to 10 a.m.  
Coffee, 10 to 10:30 a.m.  
Panel II, 10:30 a.m. to noon  
Lunch break, noon to 1:30 p.m.  
Panel III, 1:30 to 3 p.m.  
Coffee 3 to 3:30 p.m.  
Panel IV, 3:30 to 5 p.m.

**New: Reception at the flat of  
Burt and Lisa Atkins, 40 Sloan  
Court West (corner of Royal  
Hospital Road—in Chelsea), 6  
to 8 p.m. All conference  
participants are invited**

#### *Tuesday, July 20*

Panel V, 8 to 10 a.m.  
Coffee, 10 to 10:30 a.m.  
Panel VI, 10:30 to noon  
Lunch break, noon to 1:30 p.m.  
Panel VII, 1:30 to 3 p.m.  
Coffee, 3 to 3:30 p.m.  
Panel VIII, 3:30 to 5 p.m.

### **Brief business meeting following the last panel.**

Optional dinner at 7 p.m. at the  
nearby Trattoo Restaurant.

### REVISED PROGRAM

**DETAILS** (Copies of papers are  
available from Donald Jackson by  
request after August 2<sup>nd</sup>).

#### **Monday, July 19**

**8:30 to 10 a.m. Panel I, The  
Legacy Conceptually, Chair,  
Giuseppe Di Federico, University of  
Bologna**

Martin Edelman, University at  
Albany (SUNY), "The Common  
Law as Natural Law"

Mary Volcansek, Florida  
International University, "Stare  
Decisis Crosses the Channel and  
Invades the Continent."

Steven Wasby, University at  
Albany, SUNY, "The Incredible  
Shrinking Common Law."  
(presented by Donald Jackson on  
behalf of Professor Wasby)

**Discussant, David O'Brien,  
University of Virginia**

**10:00 to 10:30, break**

**10:30 a.m. to noon, Panel II,  
The Legacy in Particular  
Places, Chair. Ted Morton,  
University of Calgary**

Lydia Favali, University of  
Trieste, and Roy Pateman,  
University of California at Los  
Angeles, "The Legacy of the  
Common Law After Fifty Years

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our London Meeting
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Commonwealth  
Conference Center
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World Congress, Quebec  
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address

**Panel II (continued)**

of Italian Colonisation: The Case of Eritrea.”

Jason L. Pierce, University of Texas at Austin, “Dicey to the Dustbin? The Legacy and Prospects of Parliamentary Sovereignty in the Australian Legal System.”

Jeremy Sarkin, University of the Western Cape, “The Common Law in South Africa: Pro-Apartheid or Pro-Democracy?”

Chandra Mauli Singh, Indian Public School, Jaipur, “Trends of Policy Continuity in British and Post Independent India: A Study in the Legacy of the Common Law with Special Reference to Jagir Administration in Rajasthan State (India).”

**Discussant, Marcello Octavio de Jesus**

**Lunch break, noon to 1:30 p.m.**

**1:30 to 3 p.m. Panel III, The Legacy in Terms of Human and Transcendent Rights, Chair, Donald Jackson**

John C. Blakeman, Baylor University, “Freedom of Expression and the Common Law: Appellate Court Policymaking in the United States and Britain, 1970-1995”

Laura Langer, University of Arizona, “Strategic Behavior and Policy Saliency to the Elected Elite: State Judicial Review Across Four Areas of Law, 1970-1993”

**Discussant, Paul Brace**

**3 to 3:30 p.m. break**

**3:30 to 5 p.m., Panel IV, The Legacy as Institutions, and Processes, Chair, Henry Abraham, The University of Virginia**

Kate Malleson, London School of Economics: “The Changing Role of Politics in Common Law Judicial Selection Processes”

Carl F. Pinkele, Ohio Wesleyan University: “A Common Law Yes, But Not a Home Grown Variety.”

Jerold Waltman, University of Southern Mississippi: “The Common Law and Federalism.”

**Discussant, Michael Tolley**

**Tuesday, July 20**

**8:30 to 10 a.m. Panel V, The Legacy of Trial by Jury, Chair, Jacqueline LaFon, University of Paris**

Walter Carnota, National University of Buenos Aires, “Common Law in Civil Law Societies: Trial by Jury in Argentina and Spain.”

Oscar Chase, New York University School of Law, “Helping Jurors Determine Pain and Suffering Awards: A Point of Departure for Studying the Jury as the Voice of the Community”

**Discussant, Menachem Hofnung, Hebrew University of Jerusalem**

**10 to 10:30 a.m. break**

**10:30 to noon, Panel VI, The Legacy Concerning Business, Economics and the Regulatory State I, Chair Duane Windsor, Rice University**

Edward A. Fitzgerald and James L. Walker, Wright State University, “A Comparative Analysis of Environmental

Takings in Common Law Systems.”

Marcello Octavio de Jesus, University of Buenos Aires Law School: “Investing in the Rule of Law; Relationships Between the Judicial System and the Costs of the Economic System.”

Stephen L. Percy, University of Wisconsin—Milwaukee: “Examining the Judicial Underpinnings of the ADA and Its Mandate for Regulatory Compliance in the Public and Private Sectors.”

**Discussant, Walter Carnota**

**Noon to 1:30 Lunch break**

**1:30 to 3 p.m. Panel VII, The Legacy Concerning Business, Economics and the Regulatory State II, Chair Elisabetta de Franciscis, University of Bologna**

John Rohr, Virginia Polytechnic Institute and State University: “Dicey’s Ghost and Administrative Law”

Duane Windsor, Rice University: “Business Social Responsibility in American Common Law.”

**Discussant, Mary Volcansek, Florida International University**

**3 to 3:30 p.m. break**

**3:30 to 5 p.m., Panel VIII, Chair, Yoav Dotan, Hebrew University of Jerusalem**

Melinda Gann Hall, Michigan State University and Paul Brace, Rice University on The State Appellate Court Data Project

## **Panel VIII continued**

Eli Zalzberger, Hebrew University of Jerusalem on The Israeli Supreme Court Data Project

## **5 p.m. Brief Business Meeting**

### **Directions to the Commonwealth Conference Centre (Kensington, London)**

The Commonwealth Institute (Conference Centre) is on the North side of Kensington High Street adjacent to Holland Park. The nearest tube stations are High Street Kensington (Circle and District Lines) to the East and Holland Park (Central Line) to the North. The entrance to the Conference Centre is at the left of the building near the middle.

**For all who would enjoy a social gathering at the conclusion of the Conference, we will gather at 7 p.m. at the Trattoo Italian Restaurant, telephone: 0171-937-4448, at #2 Abington Road, very near the Conference Centre, just across Kensington High Street. We will need a head count by Monday afternoon of the conference, so the reservation can be accomplished.**

### **Papers for the Quebec World Congress, August 1-6, 2000**

We are allotted two panels with an option for a third if we choose to do a "state of the art" panel on comparative judicial studies. One panel will be on the conference theme: "World Capitalism, Governance and Community." Possible panels will be discussed at our London

meeting, but tentatively we propose the following:

Panel 1: The Role of Law/Courts in Dispute Resolution in the Global Economy.

Panel 2: The Role of Law/Courts in Federal States.

Panel 3: The Status of Political Science at the Year 2000: Comparative Judicial Studies

IPSA's deadline for proposing panels is December 1, 1999. The deadline for proposing papers for the World Congress is April 1, 2000.

### **Cape Town Meeting Postponed Until January, 2001**

Because flights to Cape Town are fully booked well in advance for January (the high season in South Africa), we have decided to postpone the Cape Town Meeting until January 7<sup>th</sup> (Sunday) through 9<sup>th</sup> 2001. Paper proposals should be submitted to the Convenor, Ted Morton, no later than December 1, 1999. Your participation will be confirmed by January 15, 2000, so that you can make your airline reservation a year in advance. **So please plan ahead.** The tentative themes for the Cape Town conference are: 1) transitional justice (one panel devoted to South Africa and one to other systems, 2) the roles of public prosecutors, and 3) interest groups in rights litigation. We will also entertain proposals on other topics.

## **Visit the RC #9 Web site**

The research committee's web site has been updated to include the latest newsletter and more complete information about the London meeting, including abstracts of the papers that will be presented and short c.v.'s of the presenters. Visit the web site at:  
[www.fastlane.net/homepages/jjackson](http://www.fastlane.net/homepages/jjackson).

**Send your email address to the Secretary:**  
**D.W.Jackson@tcu.edu** Email addresses  
will be posted on the web site when received.

Paper proposals for the Cape Town Meeting and for the Quebec World Congress should be sent to Ted Morton, Department of Political Science, University of Calgary, 2500 University Drive, Calgary, Alberta, CANADA T2N 1N4. FAX: 403-282-4773, email: morton@acs.ucalgary.ca

**Mailing List for The Docket.** If you are not currently a member of the Research Committee on Comparative Judicial Studies and would like to join, please complete the form below. No dues will be charged until 2000 :

**Name** \_\_\_\_\_

**Address** \_\_\_\_\_

**Bus. Phone** \_\_\_\_\_ **FAX** \_\_\_\_\_ **email** \_\_\_\_\_

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**ADDRESS CORRECTION REQUESTED**