

DPRP PUBLICATION SERIES ANNOUNCED

Working papers of the University of Wisconsin-Madison's Disputes Processing Research Program (DPRP) may now be obtained either on an annual subscription basis or by ordering a working paper individually by title.

A subscription rate of \$10 (overseas airmail, \$20) will include all working papers produced by DPRP in 1984, and all currently available working papers from 1983. Individual working papers may be purchased for \$1.00 each (which includes postage costs within the United States and for surface mail overseas).

DPRP working papers are individual studies that have not been published (though some will be published at a later stage). In addition to working papers, DPRP also has a series of "special publications," major monographs, reprints of important studies, reports and conference proceedings. These "special publications" are, as indicated in the list below, individually priced and generally will be available to subscribers to the DPRP working papers at a discount.

Set forth below are lists of currently available (and forthcoming) working papers — and of current "special publications."

Current Working Papers

- 1983-8 *Sweeping "Little Injustices" Under the Carpet: A Case Study of Consumer Dispute Treatment and Norm Generation in Denmark*, by Britt-Mari Blegvad. 67 pages, \$1.00.
- A study of extra legal dispute treatment agencies in Denmark since 1975, the generation of norms in the settlement process and the resulting roles and power relationships between consumers and decision-making agencies.
- 1983-12 *The Discretionary Decision: Adversarial Advocacy — Reform or Reconstruction?* by Joel F. Handler. 78 pages, \$1.00.
- This essay provides the theoretical arguments in support of the author's thesis that in relations between the state and people that are discretionary and continuous, a cooperative or consensual mode of decision making is more appropriate than standard adversarial forms.
- 1983-13 *Comparative Institutional Economics: The Governance of Rail Freight Contracting*, by Thomas M. Palay. 37 pages, \$1.00.
- This essay empirically verifies the hypothesis that the form of the governance structure chosen to facilitate a contractual relation depends upon the character of the investment supporting the underlying transaction. Where the investment is idiosyncratic, the governance mechanism is apt to be bilateral and unique to the parties. Conversely, as investment becomes more fungible, a reduction in governance specialization results.
- 1983-14 *Community Factors in the Brokerage of Consumer Product and Service Problems*, by Jack Ladinsky and Charles Susmilch, 39 pages, \$1.00.
- Using a stratified sample of 1,269 households in Milwaukee, this study reveals that the use of informal brokerage networks appears mostly in service-related consumer problems; virtually no one uses formal brokerage networks. They conclude that urban dispute institutions for most urban dwellers are not viable alternatives to informal dispute resolution.
- 1983-15 *Courts and Legislatures as Arbitrators*, by William H. Clune (forthcoming in the *Yale Law Review*). 32 pages, \$1.00.
- Reviewing Rebell and Block's *Educational Policy Making and the Courts* (Chicago, 1982), Clune reanalyzes the data using "comparative institutional analysis": this suggests 1) in correcting for discrimination against minorities, courts enhance the democratic process. 2) Through techniques of political representation, courts fulfill their proper role while preserving democratic values. 3) Because they are constituted and limited by the democratic process, courts may act progressively (their proper role) or conservatively (an improper role); but they are incapable of sponsoring radical change.
- 1983-16 *Law and the Behavioral Sciences: Is There Any There There?* by Stewart Macaulay. 71 pages, \$1.00.
- This article, a revised version of the 1983 James McCormick Mitchell Lecture, given on April 7, 1983, at the Law School, SUNY-Buffalo, assesses two decades of law and society research and identifies problems the field faces. The usual prescription to cure these difficulties is more theory, and yet calls for theory, reflect a distinct style of research with both costs and benefits. Some of the empirical findings about the operation of the legal system call into question some parts of common theories about the role of law in society. In turn, current theories, particularly those of the Conference on Critical Legal Studies, suggest that law and society research would profit if it were to attend more to such things as the legal culture and general world views about what is tolerable, necessary and just.

The CLRP Final Report may be purchased in microfiche form or in a two part paperbound set. The paperbound set is divided into Parts A and B:

Part A: Summary of Principal Findings

473 pp. Summarizes several of the major studies included in the report, with emphasis on the materials in Volume II.

Volume I—Studying the Civil Litigation Process: The CLRP Experience Describes the project goals, theoretical framework, survey design, data collected, archives of the project and lessons for civil justice research.

Volume II—Civil Litigation as the Investment of Lawyer Time

Sets out the investment model of lawyer time allocation, provides data on lawyers handling civil cases and assesses costs and benefits of ordinary litigation.

Part B. Volume III—Other Studies of Civil Litigation and Dispute Processing

540 pp. Twenty separate studies of civil litigation and disputes produced by CLRP staff and associates.

ISBN 0-915329-03-4 Microfiche set \$10.00

ISBN 0-915329-00-X Paperbound set (A and B) \$50.00

To order any of the publications listed here — or for further information concerning DPRP and its publications — simply contact:

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EDITOR'S NOTE

Some of you may have seen the newest addition to the University of Michigan's Law School building. It is multistoried, has a marvelous atrium, and is barely visible since it is almost completely underground. Only the sun-catching roof of the atrium pokes up above ground, disclosing its location. We also have, albeit modest, underground expansion plans, or should I say hopes. For the past few years the Law School's Building Committee has been pushing an addition to our building that would include an underground courtroom complex and faculty library. No atrium, no sun roof, just much needed facilities and space. So in December my hopes were raised when a backhoe ap-

peared on Bascom Hill and began digging a hole adjacent to the Law building. The hole got larger and larger, my hopes got higher and higher. Then, on the first day of exams, workers moved in an airhammer and I was forced to inquire about the purpose of the hole and how long the disturbing noise would continue. Alas, it was just a water main leak! No new offices, no new courtroom. But hope does spring eternal. Now almost two months after the hole was opened there is still no sign that it is about to be refilled. In fact, a plastic roof has appeared over it. Perhaps we can move fast and get squatter's rights (i.e., adverse possession). Even temporary space would be useful to us.

The photo on the back cover of

Forthcoming Working Papers

1984- 1 *The Small Case Division of the United States Tax Court: A Successful Small Claims Court?* by William Whitford.

Professor Whitford's study assesses the relative success of *pro se* litigation in this special court and speculates on why the tax court works where other small claims courts fail.

Current Special Publications and Reprints

**CIVIL LITIGATION RESEARCH PROJECT FINAL REPORT*, by David M. Trubek, Joel B. Grossman, William L. F. Felstiner, Herbert M. Kritzer and Austin Sarat (DPRP, Madison, 1983).

The Final Report of the Civil Litigation Research Project (CLRP) describes this pioneering nationwide study of litigation and other forms of dispute processing and sets forth all findings to date. Drawing on a sample of terminated cases from federal and state courts in five states, the study looked at the incidence of civil litigation, available alternatives to litigation, and the costs of civil litigation in time and in dollars.

this issue shows registration activities in the lobby of the Law School. This scene was repeated in January as the second semester got underway. There were, however, no students in shorts this time, as Madison was locked in a typical registration week sub-zero spell. All of us who remember registration in the cold and snow, or hot and rain, will undoubtedly mourn the introduction of computerized registration. The entire University hopes to go to this system within a few years, and the Law School may serve as the guinea pig to test the system. As a veteran of 14 semesters of in-person registration, I hope the University at least lowers the flag on Bascom Hall to half mast in memory of this "quaint" custom.