

DISPUTE RESOLUTION AND LEGAL EDUCATION: A BIBLIOGRAPHY

*Trevor C.W. Farrow**

TABLE OF CONTENTS

I. INTRODUCTION	119	R
II. BIBLIOGRAPHY	120	R
A. Academic Books and Articles.....	120	R
B. Reports.....	131	R
C. Manuscripts.....	134	R
D. Conference Materials.....	134	R
E. Case Law.....	134	R
F. News Reports	135	R
G. Selected Academic Dispute Resolution Centres and Programs.....	135	R
H. Other Online Materials	138	R

I. INTRODUCTION

This selected bibliography¹ is designed to act as a resource to assist in the ongoing, collaborative development of dispute resolution² initiatives and programs in legal education and research in North America and abroad.³ Further, the particular focus of this bibliography, in addition to the teaching and research of dispute

* Osgoode Hall Law School, York University, tfarrow@law.osgoode.yorku.ca. This bibliography has been influenced by the research collected for a report that I prepared for the University of Alberta, Faculty of Law on the topic of teaching and researching dispute resolution. That report benefited from significant research support from the John V. Decore Fund and the University of Alberta, Faculty of Law. I am grateful to Ian Smith for extensive and excellent research assistance; to Diana J. Lowe, Executive Director, and Michael Lines, Law Librarian and Information Coordinator, both of the Canadian Forum on Civil Justice for research assistance and comments; and to Michaela Keet for helpful comments on a draft of this bibliography.

¹ This bibliography is ideally designed to be used in conjunction with the teaching and research ideas that I have recently presented elsewhere: Trevor C.W. Farrow, *Dispute Resolution, Access to Civil Justice and Legal Education* 42 ALTA. L. REV. 741 (2005) [hereinafter *Dispute Resolution, Access to Civil Justice and Legal Education*].

² For purposes of this bibliography, I have used the term “dispute resolution” in its broad sense, to include both traditional civil litigation-type processes as well as alternative dispute resolution (ADR) processes.

³ For a discussion of these teaching and research initiatives, see *Dispute Resolution, Access to Civil Justice and Legal Education*, supra note 1. See also Trevor C.W. Farrow, *Thinking About*

120 *CARDOZO J. OF CONFLICT RESOLUTION* [Vol. 7:119]

resolution generally,⁴ is the emphasis that law reform initiatives⁵ are putting on dispute resolution processes as potentially useful⁶ tools for increasing access to systems of civil justice around the common law world.⁷

II. BIBLIOGRAPHY

A. Academic Books and Articles

1. HAROLD I. ABRAMSON, NATIONAL INSTITUTE FOR TRIAL ADVOCACY MEDIATION REPRESENTATION: ADVOCATING IN A PROBLEM-SOLVING PROCESS (2004).
2. Robert M. Ackerman, *ADR: An Appropriate Alternative?*, 33 WILLAMETTE L. REV. 497 (1997).
3. Kenneth W. Acton, *The Impact of Mediation on Legal Education and on the Profession*, 17 WINDSOR Y.B. ACCESS JUST. 256 (1999).

Dispute Resolution, 41 ALTA. L. REV. 559, 559-565 (2003) (reviewing DISPUTE RESOLUTION: READINGS AND CASE STUDIES (JULIE MACFARLANE, et al. eds., 2d ed. 2003)).

⁴ In addition to the significant amount of work that is being done in the development of dispute resolution research and teaching programs, there is also a large body of Canadian and American research that has been done over the past 20 years in the area of program evaluation. While that research is beyond the scope of this bibliography, the recent evaluative work of Julie Macfarlane and Michaela Keet, see *infra* Part II(B), is an example of that research. I am grateful to Michaela Keet for bringing this body of research to my attention.

⁵ In Canada, see, e.g., CANADIAN BAR ASSOCIATION, TASK FORCE ON SYSTEMS OF CIVIL JUSTICE, SYSTEMS OF CIVIL JUSTICE TASK FORCE REPORT (1996); LAW COMMISSION OF CANADA, TRANSFORMING RELATIONSHIPS THROUGH PARTICIPATORY JUSTICE (2003). Internationally, see, e.g., H.S. Woolf, ACCESS TO JUSTICE: FINAL REPORT TO THE LORD CHANCELLOR ON THE CIVIL JUSTICE SYSTEM IN ENGLAND AND WALES (1996); AUSTRALIAN LAW REFORM COMMISSION, REPORT NO. 89, MANAGING JUSTICE: A REVIEW OF THE FEDERAL CIVIL JUSTICE SYSTEM (1999).

⁶ I say “potentially useful” because – as I acknowledge (and in fact argue) elsewhere – ADR is certainly not for all cases and all people. Further, it certainly is not, particularly by itself, going to eliminate all current barriers to meaningful access to justice. Finally, I am also very concerned about the increasing democratic deficit resulting from current trends of privatizing large portions of our civil justice system through the use of ADR. See, e.g., *Dispute Resolution, Access to Civil Justice and Legal Education*, *supra* note 1, at 797, n. 365; Trevor C.W. Farrow, *Privatizing our Public Civil Justice System*, 9 NEWS AND VIEWS, Spring 2006, at 16, available at [http://www.cfcj-fcjc.org/issue_9/CFCJ%20\(eng\)%20spring%202006-Privatizing.pdf](http://www.cfcj-fcjc.org/issue_9/CFCJ%20(eng)%20spring%202006-Privatizing.pdf); Trevor C.W. Farrow, *Re-Framing the Sharia Arbitration Debate*, 15:2 CONSTITUTIONAL FORUM (forthcoming 2006).

⁷ See generally *id.*

2005] *DISPUTE RESOLUTION BIBLIOGRAPHY* 121

4. GEORGE W. ADAMS, *MEDIATING JUSTICE: LEGAL DISPUTE NEGOTIATIONS* (2003).
5. George W. Adams & Naomi L. Bussin, *Alternative Dispute Resolution and Canadian Courts: A Time For Change*, 17:2 *ADVOCATES' Q.* 133 (1995).
6. Van A. Anderson, *Alternative Dispute Resolution and Professional Responsibility in South Carolina: A Changing Landscape*, 55 *S.C. L. REV.* 191 (2003).
7. Paul Barron, *Can Anything Be Done to Make the Upper-Level Law School Courses More Interesting?*, 70 *TUL. L. REV.* 1881 (1996).
8. GRAEME A. BARRY, *In the Shadow of the Rule of Law: Alternative Dispute Resolution and Provincial Superior Courts*, 2 *NEWS AND VIEWS*, Fall 1999, at 8, available at http://www.cfcj-fcj.org/issue_2/n2-shad.htm.
9. Margaret Martin Barry et al., *Clinical Education for this Millennium: The Third Wave*, 7 *CLINICAL L. REV.* 1 (2000).
10. *INTERCULTURAL DISPUTE RESOLUTION IN ABORIGINAL CONTEXTS* (Catherine E. Bell & David Kahane eds., 2004).
11. Derek Bok, *A Flawed System*, 5 *HARV. MAG.* 38 (1983), reprinted in 55 *N.Y.ST. B.J.* 6, 8 (Oct. 1983), and 55 *N.Y.ST. B.J.* 7, 31 (Nov. 1983).
12. Paul Brest, *The Alternative Dispute Resolution Grab Bag: Complementary Curriculum, Collaboration, and the Pervasive Method*, 50 *FLA. L. REV.* 753 (1998).
13. Paul Brest & L. Krieger, *Symposium on the 21st Century Lawyer: On Teaching Professional Judgment*, 69 *WASH. L. REV.* 527 (1994).
14. Warren E. Burger, *Isn't There a Better Way?*, 68 *A.B.A. J.* 274 (1982).
15. Suzanne Burn, *The Civil Justice Reforms in England and Wales: Will Lord Woolf Succeed Where Others Have Failed?*, 17 *WINDSOR Y.B. ACCESS JUST.* 221 (1999).
16. *EFFECTIVE LEARNING AND TEACHING IN LAW* (Roger Burridge et al. eds., 2002).
17. Colin Campbell, *Civil Justice Revisited*, *ADVOCATES' SOC'Y J.* 18 (2004).

122 *CARDOZO J. OF CONFLICT RESOLUTION* [Vol. 7:119]

18. CAN. F. ON CIV. JUST., *Civil Justice Reform Update*, 2 News and Views, Fall 1999, at 17, available at <http://www.cfcj-fcjc.org/issue-2/n2-upd.htm>.
19. CAN. F. ON CIV. JUST., *Cross Country Snapshot of Dispute Resolution*, 4 News & Views, Spring 2002, at 12, available at <http://www.cfcj-fcjc.org/issue-4/n4-snapshot.htm>.
20. Andrew J. Cannon, *A Pluralism of Private Courts*, 23 CIV. JUST. Q. 309 (2004).
21. Bob Carlson, *Student Perspectives: Why Slavery Reparations Are Good for Civil Procedure Class*, 47 ST. LOUIS U. L.J. 139 (2003).
22. Chris A. Carr & Michael R. Jencks, *The Privatization of Business and Commercial Dispute Resolution: A Misguided Policy Decision*, 88 KY. L.J. 183 (1999-2000).
23. Genevieve A. Chornenki, *Mediation: Entry Point Not Destination*, 17 WINDSOR Y.B. ACCESS JUST. 261 (1999).
24. GENEVIEVE A. CHORNENKI & CHRISTINE E. HART, *BYPASS COURT: A DISPUTE RESOLUTION HANDBOOK* (2d ed. 2001).
25. Kevin M. Clermont, *Teaching Civil Procedure Through Its Top Ten Cases, Plus or Minus Two*, 47 ST. LOUIS U. L.J. 111 (2003).
26. J.R. Coben, *Summer Musings on Curricular Innovations to Change the Lawyer's Standard Philosophical Map*, 50 FLA. L. REV. 735 (1998).
27. Melissa Cole, *Projecting Civil Litigation Through the Lens of Film Theory*, 47 SAINT LOUIS U.L.J. 21 (2003).
28. S.R. Cole, N.H. Rogers & J.B. Stulberg, *Sustaining Incremental Expansion: Ohio State's Experience in Developing the Dispute Resolution Curriculum*, 50 FLA. L. REV. 667 (1998).
29. Laura J. Cooper, *Teaching ADR in the Workplace Once Again: A Pedagogical History*, 53 J. LEGAL EDUC. 1 (2003).
30. CHARLES B. CRAVER, *EFFECTIVE LEGAL NEGOTIATION AND SETTLEMENT* (5th ed. 2005).
31. Melody R. Daily, Chris Guthrie & Leonard L. Riskin, *Damages: Using a Case Study to Teach Law, Lawyering, and Dispute Resolution*, 1 J. DISP. RESOL. 1 (2004).
32. Brian Dickson, *Excerpts from the Speech Delivered at the Closing Dinner of the Conference on Legal Education*, in LE-

2005] *DISPUTE RESOLUTION BIBLIOGRAPHY* 123

GAL EDUCATION CANADA 68 (R. Matas & D. McCawley eds., 1987).

33. Brian Dickson, *Access to Justice*, 1 WINDSOR REV. LEGAL SOC. ISSUES 1 (1989).
34. Brian Dickson, *ADR, The Courts and The Judicial System: The Canadian Context*, 28 L. SOC'Y GAZ. 231 (1994).
35. Ronit Dinovitzer & J.S. Leon, *When Long Becomes Too Long: Legal Culture and Litigators' Views on Long Civil Trials*, 19 WINDSOR Y.B. ACCESS JUST. 106 (2001).
36. Katheryn M. Dutenhaver, *Dispute Resolution and its Purpose in the Curriculum of DePaul University College of Law*, 50 FLA. L. REV. 719 (1998).
37. D.P. Emond, *Alternative Dispute Resolution: A Conceptual Overview*, in COMMERCIAL DISPUTE RESOLUTION: ALTERNATIVES TO LITIGATION 2 (D.P. Emond ed., 1989).
38. Russell Engler, *The MacCrate Report Turns 10: Assessing its Impact and Identifying Gaps We Should Seek to Narrow*, 8 CLINICAL L. REV. 109 (2001).
39. Jonathan L. Entin, *Scholarship About Teaching*, 73 CHICKENT L. REV. 847 (1998).
40. Trevor C.W. Farrow, *Privatizing our Public Civil Justice System*, 9 NEWS AND VIEWS, Spring 2006, at 16, available at [http://www.cfcj-fcjc.org/issue_9/CFCJ%20\(eng\)%20spring%202006-privatizing.pdf](http://www.cfcj-fcjc.org/issue_9/CFCJ%20(eng)%20spring%202006-privatizing.pdf).
41. Trevor C.W. Farrow, *Re-framing the Sharia Arbitration Debate*, 15:2 CONSTITUTIONAL FORUM (forthcoming 2006).
42. Trevor C.W. Farrow, *Dispute Resolution, Access to Civil Justice and Legal Education*, 42 ALTA. L. REV. 741 (2005).
43. Trevor C.W. Farrow, *Legal Education and Training: Canada to Japan*, HOSEI RIRON J. OF L. AND POL. (forthcoming 2005).
44. Trevor C.W. Farrow, *Globalization, International Human Rights, and Civil Procedure*, 41 ALTA L. REV. 671 (2003).
45. Trevor C.W. Farrow, *Negotiation, Mediation, Globalization Protests and Police: Right Processes, Wrong System, Issues, Parties and Time*, 28 QUEEN'S L.J. 665 (2003).
46. Trevor C.W. Farrow, *Thinking About Dispute Resolution*, 41 ALTA. L. REV. 559, (reviewing DISPUTE RESOLUTION:

124 *CARDOZO J. OF CONFLICT RESOLUTION* [Vol. 7:119

READINGS AND CASE STUDIES (Julie MacFarlane et al., 2d ed. 2003)).

47. Trevor C.W. Farrow, *Reviewing Globalization: Three Competing Stories, Two Emerging Themes, and How Law Schools Can and Must Participate*, 13 *MEIKEI L. REV.* 176 (2003), translated in 44 *AICHIGAKUIN L. REV.* 29 (2003), reprinted in 5 *J. CENTRE FOR INT'L STUD.* 1 (2004).
48. R. Fisher & W. Jackson, *Teaching the Skills of Settlement*, 46 *S.M.U. L. REV.* 1985 (1993).
49. Owen M. Fiss, *Against Settlement*, 93 *YALE L.J.* 1073 (1984).
50. Jack H. Friedenthal, *Exploring Some Unexplored Practical Issues*, 47 *ST. LOUIS U. L.J.* 3 (2003).
51. Cynthia Ford, *Including Indian Law in a Traditional Civil Procedure Course: A Reprise, Five Years Later*, 37 *TULSA L. REV.* 485 (2001).
52. Alison E. Gerencser, *Alternative Dispute Resolution Has Morphed Into Mediation: Standards of Conduct Must Be Changed*, 50 *FLA. L. REV.* 843 (1998).
53. Jack Giles, *The Compulsory Mediator*, 62 *ADVOC. (B.C.)* 537 (2004).
54. *DISPUTE RESOLUTION: NEGOTIATION, MEDIATION, AND OTHER PROCESSES* (Stephen B. Goldberg et al. eds., 4th ed. 2003).
55. Joseph W. Goodman, *The Pros and Cons of Online Dispute Resolution: An Assessment of Cyber-Mediation Websites* 2003 *DUKE L. & TECH. REV.* 0004 (2003), available at <http://www.law.duke.edu/journals/dltr/articles/2003dltr0004.html>.
56. Daniel Gordon, *Does Law Teaching Have Meaning? Teaching Effectiveness, Gauging Alumni Competence, and the MacCrate Report*, 25 *FORDHAM URB. L.J.* 43 (1997).
57. Jonnette Watson Hamilton, *The Significance of Mediation for Legal Education*, 17 *WINDSOR Y.B. ACCESS JUST.* 280 (1999).
58. Bethany R. Henderson, *Asking the Lost Question: What Is the Purpose of Law School?*, 53 *J. LEGAL EDUC.* 48 (2003).
59. Lonny Sheinkopf Hoffman, *A Parting Reprise*, 47 *ST. LOUIS U. L.J.* 43 (2003).

2005] *DISPUTE RESOLUTION BIBLIOGRAPHY* 125

60. William G. Horton, *ADR In Canada: Options for the Appropriate Resolution of Business Disputes*, *ADVOCATES' SOC. J.*, Sept. 2002, at 11.
61. Patricia Hughes, *Mandatory Mediation: Opportunity or Subversion?*, 19 *WINDSOR Y.B. ACCESS JUST.* 161 (2001).
62. Kevin R. Johnson, *Integrating Racial Justice into the Civil Procedure Survey Course*, 54 *J. LEGAL EDUC.* 242 (2004).
63. Michaela Keet & Teresa B. Salamone, *From Litigation to Mediation: Using Advocacy Skills for Success in Mandatory or Court-Connected Mediation*, 64 *SASK. L. REV.* 57 (2001).
64. John Lande, *Possibilities for Collaborative Law: Ethics and Practice of Lawyer Disqualification and Process Control in a New Model of Lawyering*, 64 *OHIO ST. L.J.* 1315 (2003).
65. Hugh F. Landerkin & Andrew J. Pirie, *Judges as Mediators: What's the Problem with Judicial Dispute Resolution in Canada?*, 82 *CAN. BAR REV.* 249 (2003).
66. Jill Leacock, *British Columbia Court of Appeal Judicial Settlement Conference Pilot Project*, 62 *ADVOCATE (B.C.)* 879 (2004).
67. L. Michelle LeBaron, *Windows on Diversity: Lawyers, Culture, and Mediation Practice*, 20 *CONFLICT RES. Q.* 463 (2003).
68. MICHELLE LEBARON, *BRIDGING TROUBLED WATERS: CONFLICT RESOLUTION FROM THE HEART* (2002).
69. Alain P. Lempereur, *Innovation in Teaching Negotiation Towards a Relevant Use of Multimedia Tools*, 9 *INT'L NEG.* 141 (2004).
70. Raleigh Hannah Levine, *Of Learning Civil Procedure, Practicing Civil Practice, and Studying A Civil Action: A Low-Cost Proposal to Introduce First-Year Law Students to the Neglected MacCrate Skills*, 31 *SETON HALL L. REV.* 479 (2000).
71. A.M. Lerner, *Law & Lawyering in the Work Place: Building Better Lawyers by Teaching Students to Exercise Critical Judgment as Creative Problem Solvers*, 32 *AKRON L. REV.* 107 (1999).
72. Jennifer J. Llewellyn, *Dealing With the Legacy of Native Residential School Abuse in Canada: Litigation, ADR, and Restorative Justice*, 52 *U. TORONTO L.J.* 253 (2002).

126 CARDOZO J. OF CONFLICT RESOLUTION [Vol. 7:119]

73. Lela Porter Love, *Twenty-Five Years Later with Promises to Keep: Legal Education in Dispute Resolution and Training Mediators*, 17 OHIO ST. J. ON DISP. RESOL. 597 (2002).
74. Robert MacCrate, *Yesterday, Today and Tomorrow: Building the Continuum of Legal Education and Professional Development*, 10 CLINICAL L. REV. 805 (2004).
75. Roderick A. Macdonald, *Access to Justice and Law Reform #2*, 19 WINDSOR Y.B. ACCESS JUST. 317 (2001).
76. Julie Macfarlane, *The Challenge of ADR and Alternate Paradigms of Dispute Resolution: How Should the Law Schools Respond?*, 31 L. TEACHER 13 (1997).
77. RETHINKING DISPUTES: THE MEDIATION ALTERNATIVE (Julie Macfarlane ed., 1997).
78. Julie Macfarlane, *What Does the Changing Culture of Legal Practice Mean for Legal Education?*, 20 WINDSOR Y.B. ACCESS JUST. 191 (2001).
79. Julie Macfarlane, *Why Do People Settle?*, 46 MCGILL L.J. 663 (2001).
80. Julie Macfarlane, *The New Advocacy: Implications for Legal Education and Teaching Practice*, in EFFECTIVE LEARNING AND TEACHING IN LAW, 173 (Roger Burrige et al. eds., 2002).
81. JULIE MACFARLANE, DISPUTE RESOLUTION: READINGS AND CASE STUDIES (2d ed. 2003).
82. Julie Macfarlane & Michaela Keet, *Civil Justice Reform and Mandatory Civil Mediation in Saskatchewan: Lessons from a Maturing Program* 42 ALTA. L. REV. 677 (2005).
83. Desmond Manderson, *In the Tout Court of Shakespeare: Interdisciplinary Pedagogy in Law*, 54 J. LEGAL EDUC. 283 (2004).
84. LEGAL EDUCATION CANADA: REPORTS AND BACKGROUND PAPERS OF A NATIONAL CONFERENCE ON LEGAL EDUCATION HELD IN WINNIPEG, MANITOBA, OCTOBER 23-26, 1985 (R.J. Matas & D.J. McCawley eds., 1987).
85. Joan I. McEwen, *JDR: Judicial Dispute Resolution*, NATIONAL, Nov. 1999, at 36.
86. Mary Brigid McManamon, *The History of the Civil Procedure Course: A Study In Evolving Pedagogy*, 30 ARIZ. ST. L.J. 397 (1998).

2005] *DISPUTE RESOLUTION BIBLIOGRAPHY* 127

87. Carrie Menkel-Meadow, *Ethics in ADR: The Many 'Cs' of Professional Responsibility and Dispute Resolution*, 28 *FORDHAM URB. L.J.* 979 (2001).
88. Carrie Menkel-Meadow, *Aha? Is Creativity Possible in Legal Problem Solving and Teachable in Legal Education?*, 6 *HARV. NEGOT. L. REV.* 97 (2001).
89. Carrie Menkel-Meadow, *Introduction: What Will We Do When Adjudication Ends? A Brief Intellectual History of ADR*, 44 *UCLA L. REV.* 1613 (1997).
90. Carrie Menkel-Meadow, *To Solve Problems, Not Make Them: Integrating ADR in the Law School Curriculum*, 46 *SMU L. REV.* 1995 (1993).
91. Carrie Menkel-Meadow, *Lawyer Negotiations: Theories and Realities—What We Learn From Mediation*, 85 *MINN. L. REV.* 361 (1993).
92. Ana Maria Merico-Stephens, with the assistance of Aaron F. Arnold, *One Proposed Tool for Learning, Playing, and Reducing Anxiety in Civil Procedure*, 47 *ST. LOUIS U. L.J.* 59 (2003).
93. Robert B. Moberly, *Introduction: Dispute Resolution in the Law School Curriculum: Opportunities and Challenges*, 50 *FLA. L. REV.* 583 (1998).
94. Catherine Morris, *The Moulding of Lawyers: ADR and Legal Education*, 17 *WINDSOR Y.B. ACCESS JUST.* 271 (1999).
95. JOHN S. MURRAY, ALAN SCOTT RAU & EDWARD F. SHERMAN, *PROCESSES OF DISPUTE RESOLUTION: THE ROLE OF LAWYERS* (3d ed. 2002).
96. Kate O'Neill, *Adding an Alternative Dispute Resolution (ADR) Perspective to a Traditional Legal Writing Course*, 50 *FLA. L. REV.* 709 (1998).
97. David Orr, *Alternative Dispute Resolution in the Canadian Court System*, 14:2 *THE COURT MANAGER* 36 (1999).
98. Jeffrey A. Parness, *Evolving Views of Civil Litigation: Future Civil Procedure Courses*, 31 *ARIZ. ST. L.J.* 945 (1999).
99. D. Peters, *Oiling Rusty Wheels: A Small Claims Mediation Narrative* 50 *FLA. L. REV.* 761 (1998).
100. CHERYL PICARD ET AL., *THE ART AND SCIENCE OF MEDIATION* (2004).

128 *CARDOZO J. OF CONFLICT RESOLUTION* [Vol. 7:119]

101. Ronald M. Pipkin, *Teaching Dispute Resolution in the First Year of Law School: An Evaluation of the Program at the University of Missouri-Columbia*, 50 *FLA. L. REV.* 609 (1998).
102. Andrew J. Pirie, *ALTERNATIVE DISPUTE RESOLUTION: SKILLS, SCIENCE, AND THE LAW* (2000).
103. Judith Resnik, *Revising the Canon: Feminist Help in Teaching Procedure*, 61 *U. CIN. L. REV.* 1181 (1993).
104. Judith Resnik, *Mediating Preferences: Litigant Preferences for Process and Judicial Preferences for Settlement*, 151 *J. DISP. RESOL.* 155 (2002).
105. Judith Resnik, *Procedures' Projects*, 23 *CIV. JUST. Q.* 273 (2004).
106. DEBORAH L. RHODE, *ETHICS BY THE PERVASIVE METHOD* (2d ed. 1998).
107. Leonard L. Riskin, *Mediation and Lawyers*, 43 *OHIO ST. L.J.* 29 (1982).
108. Leonard L. Riskin, *Disseminating the Missouri Plan to Integrate Dispute Resolution into Standard Law School Courses: A Report on a Collaboration with Six Law Schools*, 50 *FLA. L. REV.* 589 (1998).
109. Leonard L. Riskin, *A Response to Professor Pipkin*, 50 *FLA. L. REV.* 757 (1998).
110. Leonard L. Riskin, *Teaching and Learning from the Mediations in Barry Werth's Damages*, 1 *J. DISP. RESOL.* 119 (2004).
111. Leonard L. Riskin & James E. Westbrook, *Integrating Dispute Resolution into Standard First-Year Courses: The Missouri Plan*, 39 *J. LEGAL EDUC.* 509 (1989)
112. Kent Roach, *Review Article: What's New and Old About the Legal Process*, 47 *U. TORONTO L.J.* 363 (1997).
113. Kent Roach, *Teaching Procedures: The Fiss/Weinrib Debate in Practice*, 41 *U. TORONTO L.J.* 247 (1991).
114. Joshua Rosenberg, *Alternative Dispute Resolution in Public Law: Interview with Lord Woolf, C.J. Conducted by Joshua Rosenberg*, in *JUDICIAL REVIEW IN THE NEW MILLENNIUM* 109 (Richard Gordon ed., 2003).

2005] *DISPUTE RESOLUTION BIBLIOGRAPHY* 129

115. George Rutherglen, *Teaching Procedure: Past and Prologue*, 47 ST. LOUIS U. L.J. 13 (2003).
116. Albert M. Sacks, *Legal Education and the Changing Role of Lawyers in Dispute Resolution*, 34 J. LEGAL EDUC. 237 (1984).
117. Frank E.A. Sander, *Varieties of Dispute Processing*, 70 F.R.D. 111 (1976).
118. Frank E.A. Sander, *The Future of ADR*, 1 J. DISP. RESOL. 3 (2000).
119. Frank E.A. Sander, *Some Concluding Thoughts*, 17 OHIO ST. J. ON DISP. RESOL. 705 (2002).
120. Frank E.A. Sander & R.N. Mnookin, *Teaching of Problem Solving in Law Schools is a Worthy Challenge*, 6 DISP. RESOL. MAG. 21 (2000).
121. P. J. Schiltz, *Legal Ethics in Decline: The Elite Law Firm, the Elite Law School, and the Moral Formation of the Novice Attorney*, 82 MINN. L. REV. 705 (1998).
122. Jason M. Schmieg, *Phrasing the Question: The Use of The Buffalo Creek Disaster in Teaching Civil Procedure*, 47 ST. LOUIS U. L.J. 149 (2003).
123. S. J. Schmitz, *What Should We Teach in ADR Courses? Concepts and Skills for Lawyers Representing Clients in Mediation*, 6 HARV. NEGOT. L. REV. 189 (2001).
124. Suzanne J. Schmitz, *The Role of Law Schools in Improving Access to Justice: The Story of the Southern Illinois University School of Law and the Family Mediation Program*, 28 S. ILL. U. L.J. 1 (2003).
125. Elizabeth M. Schneider, *Rethinking the Teaching of Civil Procedure*, 37 J. LEGAL EDUC. 41 (1987).
126. Elizabeth M. Schneider, *The Challenge of Teaching Civil Procedure in a Time of Change*, 59 BROOK. L. REV. 1191 (1993).
127. Elizabeth M. Schneider, *Gendering and Engendering Process*, 61 U. CIN. L. REV. 1223 (1993).
128. Keith E. Sealing, *Civil Procedure in Substantive Context: The Exxon-Valdez Cases*, 47 ST. LOUIS U. L.J. 63 (2003).
129. Jeffrey M. Senger, *Turning the Ship of State*, 2000 J. DISP. RESOL. 79 (2000).

130 *CARDOZO J. OF CONFLICT RESOLUTION* [Vol. 7:119]

130. Stephen J. Shapiro, *Teaching First-Year Civil Procedure and Other Introductory Courses by the Problem Method*, 34 *CREIGHTON L. REV.* 245 (2000).
131. Margaret A. Shone, *Alberta Rules of Court Project: Promoting Early Dispute Resolution Through Settlement*, 68 *THE BARRISTER* 18 (2003).
132. Joseph J. Simeone, *Reflections on Fifty Years of Teaching Civil Procedure*, 47 *ST. LOUIS U. L.J.* 87 (2003).
133. William K. Slate II, *Online Dispute Resolution: Click Here to Solve Your Problems*, 56 *DISP. RESOL. J.* 8 (2002).
134. William R. Slomanson, *State Civil Procedure Plea*, 54 *J. LEGAL EDUC.* 235 (2004).
135. David Sloss, *Using Reeves to Teach Summary Judgment*, 47 *ST. LOUIS U. L.J.* 127 (2003).
136. Jeffrey W. Stempel, *Reflections on Judicial ADR and the Multi-Door Courthouse at Twenty: Fait Accompli, Failed Overture, or Fledgling Adulthood?*, 11 *OHIO ST. J. ON DISP. RESOL.* 297 (1996).
137. Stephen N. Subrin, *Teaching Civil Procedure While You Watch It Disintegrate*, 59 *BROOK. L. REV.* 1155 (1993).
138. Stephen N. Subrin, *A Traditionalist Looks at Mediation: It's Here to Stay and Much Better Than I Thought*, 3 *NEV. L.J.* 196 (2002-03).
139. Martin Teplitsky, *Universal Mandatory Mediation: A Critical Analysis of The Evaluations of the Ontario Mandatory Mediation Program*, *ADVOC.' SOC. J.* 10 (2001).
140. Martin Teplitsky, *Excessive Cost and Delay: Is There a Solution?*, *ADVOC.' SOC. J.* 5 (2000).
141. Larry L. Teply & Ralph U. Whitten, *Teaching Civil Procedure Using an Integrated Case-Text-and-Problem Method*, 47 *ST. LOUIS U. L.J.* 91 (2003).
142. A.L. Torres, *MacCrate Goes to Law School: An Annotated Bibliography of Methods of Teaching Lawyering Skills in the Classroom*, 77 *NEB. L. REV.* 132 (1998).
143. Gordon Turriff, *On the Road to Civil Justice Reform in British Columbia*, 62 *THE ADVOC. (B.C.)* 863 (2004).
144. Lea B. Vaughn, *Integrating Alternative Dispute Resolution (ADR) into the Curriculum at the University of Washington*

2005] *DISPUTE RESOLUTION BIBLIOGRAPHY* 131

- School of Law: A Report and Reflections*, 50 FLA. L. REV. 679 (1998).
145. THE CIVIL LITIGATION PROCESS: CASES AND MATERIALS 213-16 (Janet Walker ed., 6th ed. 2005).
146. J. Wegner, *Academic Programs*, 73 N. C. L. REV. 725 (1995).
147. CHARLES B. WIGGINS & L. RANDOLPH LOWRY, EDs., *NEGOTIATION AND SETTLEMENT ADVOCACY: A BOOK READINGS* (2d ed. 2005).
148. Warren K. Winkler, *Class Proceedings and ADR: Synergies In a Civil Action*, *ADVOC.' SOC. J.* 3 (2001).
149. Michael A. Wolff, *Introduction*, 47 ST. LOUIS U. L.J. 1 (2003).
150. Ellen Zweibel, *Where Does ADR Fit in the Mainstream Law School Curriculum*, 17 WINDSOR Y.B. ACCESS JUST. 295 (1999).

B. Reports

1. Douglass S. Adams, *Alternative Dispute Resolution Programs in Law School Curricula—What's Next?* (2001), available at <http://www.abanet.org/dispute/adampaper.pdf>.
2. ALBERTA JUSTICE, *ANNUAL REPORT 2002/03*, available at http://www.justice.gov.ab.ca/publications/downloads/annual_report/2003/index.htm.
3. COURT OF QUEEN'S BENCH OF ALBERTA, *CIV. PRAC. NOTE NO. 11, COURT ANNEXED MEDIATION* (effective Sept. 1, 2004), available at <http://www.albertacourts.ab.ca/qb/practicenotes/civil/pn11CourtAnnexedMediation.pdf>.
4. ALBERTA LAW REFORM INSTITUTE, *CONSULTATION MEMORANDUM NO. 12.6, PROMOTING EARLY RESOLUTION OF DISPUTES BY SETTLEMENT* (2003), available at <http://www.Law.ualberta.ca/alri/pdfs/cnslt-memo/cm12-6.pdf>.
5. Section on Legal Education and Admissions to the Bar, AMERICAN BAR ASSOCIATION, *REPORT AND RECOMMENDATIONS OF THE TASK FORCE ON LAWYER COMPETENCY: THE ROLE OF LAW SCHOOLS* (1979).
6. Section on Legal Education and Admissions to the Bar, *LAW SCHOOLS AND PROFESSIONAL EDUCATION: REPORT AND*

132 *CARDOZO J. OF CONFLICT RESOLUTION* [Vol. 7:119]

RECOMMENDATIONS OF THE SPECIAL COMMITTEE FOR A STUDY OF LEGAL EDUCATION OF THE AMERICAN BAR ASSOCIATION (1980).

7. Section on Legal Education and Admissions to the Bar, REPORT OF THE AMERICAN BAR ASSOCIATION WORKING GROUP ON CIVIL JUSTICE SYSTEM PROPOSALS, ABA BLUEPRINT FOR IMPROVING THE CIVIL JUSTICE SYSTEM (1992).
8. Section on Legal Education and Admission to the Bar, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM, THE REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: CLOSING THE GAP (1992).
9. Stephen P. Johnson, *Just Solutions: Seeking Innovation and Change in the American Justice System* (1994), available at <http://www.michbar.org/generalinfo/plainenglish/columns/126.html>.
10. Stephen P. Johnson, Section of Dispute Resolution, STATE AND LOCAL BAR ALTERNATIVE DISPUTE RESOLUTION SURVEY, 2001 EDITION (2001), available at <http://www.abanet.org/statelocal/summaryreport.pdf>.
11. Australian Law Reform Commission, DISCUSSION PAPER 62: REVIEW OF THE FEDERAL CIVIL JUSTICE SYSTEM (1999), available at <http://www.austlii.edu.au/au/other/alrc/publications/dp/62/>.
12. Australian Law Reform Commission, REPORT NO. 89, MANAGING JUSTICE: A REVIEW OF THE FEDERAL CIVIL JUSTICE SYSTEM (2000), available at <http://www.austlii.edu.au/au/other/alrc/publications/reports/89/>.
13. Marion Boyd, MINISTRY OF THE ATT'Y GEN., DISPUTE RESOLUTION IN FAMILY LAW: PROTECTING CHOICE, PROMOTING INCLUSION (2004), available at <http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/boyd/fullreport.pdf>.
14. Task Force on Systems of Civil Justice, CANADIAN BAR ASSOCIATION, SYSTEMS OF CIVIL JUSTICE TASK FORCE REPORT (1996).
15. COMMITTEE RESPONDING TO RECOMMENDATION 49 OF THE SYSTEMS OF CIVIL JUSTICE TASK FORCE REPORT, ATTITUDES—SKILLS—KNOWLEDGE: PROPOSALS FOR LEGAL ED-

2005] *DISPUTE RESOLUTION BIBLIOGRAPHY* 133

UCATION TO ASSIST IN IMPLEMENTING A MULTI-OPTION CIVIL JUSTICE SYSTEM IN THE 21ST CENTURY (1999).

16. JOINT MULTI-DISCIPLINARY COMMITTEE ON LEGAL EDUCATION, *ATTITUDES—SKILLS—KNOWLEDGE: RECOMMENDATIONS FOR CHANGES TO LEGAL EDUCATION TO ASSIST IN IMPLEMENTING MULTI-OPTION CIVIL JUSTICE SYSTEMS IN THE 21ST CENTURY* (2000).
17. Estee Garfin, et al., *How We Got to Yes: Introducing an ADR Practicum at the University of Toronto Faculty of Law* (2001), available at http://www.cfcj-fcjc.org/full-text/2001_dra/raphael_iscove.html.
18. MURRAY GLEESON, *MANAGING JUSTICE IN THE AUSTRALIAN CONTEXT* (2000).
19. David Hancock, *Message from Alberta's Minister of Justice and Attorney General, in ALBERTA JUSTICE'S CONSULTATION ON COURT-ANNEXED MEDIATION* 16 (2001).
20. CHRISTINE E. HART, *DRAFT MODEL GUIDELINES FOR COURT-CONNECTED MEDIATION PROGRAMS* (1998).
21. E.N. HUGHES, *ACCESS TO JUSTICE: THE REPORT OF THE JUSTICE REFORM COMMITTEE* (1988).
22. MICHAELA KEET, *ALTERNATIVE DISPUTE RESOLUTION, CURRICULUM REVIEW PROJECT* (1997).
23. LAW COMMISSION OF CANADA, *TRANSFORMING RELATIONSHIPS THROUGH PARTICIPATORY JUSTICE* (2003).
24. LAW SOCIETY OF UPPER CANADA, *ALTERNATIVES—THE REPORT OF THE DISPUTE RESOLUTION SUBCOMMITTEE* (1993).
25. M. Jerry McHale, *Uniform Mediation Act* (Aug. 2000), available at https://karl.srv.ualberta.ca:7778/pls/portal30/docs/FOLDER/CFCJ/FULL_TEXT_DOCS/uniform%20mediation%20act%20-%20mchale%202000_0.pdf (last visited Mar. 13, 2006); also available at: <http://www.ulcc.ca/en/poem2/index/cfm?sec=20008sub=2000hb> (last visited Mar. 13, 2006).
26. DAVID NEWMAN, *MANITOBA CIVIL JUSTICE REVIEW TASK FORCE REPORT* (1996).
27. T.G. ZUBER, *REPORT OF ONTARIO COURTS INQUIRY* (1987).

- 134 *CARDOZO J. OF CONFLICT RESOLUTION* [Vol. 7:119
28. ONTARIO CIVIL JUSTICE REVIEW, *CIVIL JUSTICE REVIEW: SUPPLEMENTAL AND FINAL REPORT* (1996).
 29. PRESIDENT'S COUNCIL ON COMPETITIVENESS, *AGENDA FOR CIVIL JUSTICE REFORM IN AMERICA* (1991).
 30. H.S. WOOLF, *ACCESS TO JUSTICE: FINAL REPORT TO THE LORD CHANCELLOR ON THE CIVIL JUSTICE SYSTEM IN ENGLAND AND WALES* (1996).

C. Manuscripts

1. John A. Agrios, *A Handbook on Judicial Dispute Resolution for Canadian Lawyers* (Jan. 2004) (unpublished manuscript), *available at* <http://www.cba.org/alberta/PDF/JDR%20Handbook.pdf> (last visited Mar. 13, 2006).

D. Conference Materials

1. Canadian Forum on Civil Justice et al., eds., *NEGOTIATING THE FUTURE: A NATIONAL CONFERENCE ON COURT-ANNEXED MEDIATION* (Nov. 15, 2001).
2. Justice Institute of B.C. et al., eds., *Symposium, Shaping Directions in Policy, Research and Pedagogy* (2003).

E. Case Law

1. *Canadian Union of Public Employees v. Ontario Minister of Labour*, [2000] 51 O.R. 3d 417.
2. *Delgamuukw v. British Columbia*, [1997] 3 S.C.R. 1010.
3. *Desputeaux v. Éditions Chouette (1987) Inc.*, [2003] 1 S.C.R. 178.
4. *Fortin v. Chrétien*, [2001] 2 S.C.R. 500.
5. *Reference Re Public Service Employee Relations Act, Labour Relations Act and Police Officers Collective Bargaining Act*, [1987] 1 S.C.R. 313.

F. News Reports

1. Eric Atkins, *Courses on ADR Becoming Popular in Canada's Law Schools*, THE LAWYERS WEEKLY, Nov. 3, 2000, at 24.
2. Dave Bilinsky, *Lawyers Can't Afford to Ignore Online ADR Providers*, THE LAWYERS WEEKLY, Jan. 16, 2004, at 9.
3. Jean Cumming, *CBA Pushing for ADR Training and Standards: No Uniformity in Teaching or Curriculum for Practitioners*, LAW TIMES, Mar. 13, 2000, at 15.
4. Andrew C. Dekany, *Judges Increasingly Mediating in Ontario and Quebec*, THE LAWYERS WEEKLY, Jan. 21, 2005, at 14.
5. Ann Osborne, *Collaborative Family Law Requires Attitude Shift From Practitioners*, THE LAWYERS WEEKLY, Jan. 21, 2005, at 10.
6. Cristin Schmitz, *Lawyers Keen on Collaborative Family Law Training*, THE LAWYERS WEEKLY, Aug. 10, 2001, at 13.

G. Academic Dispute Resolution Centres and Programs

1. Bond University, School of Law, Dispute Resolution Centre, <http://bond.edu.au/law/centres/drc/index.htm> (last visited Mar. 13, 2006).
2. California Western School of Law, William J. McGill Center for Creative Problem Solving, http://www.preventivelawyer.org/main/default.asp?Nav=creative_problem_solving.asp&body=creative_problem_solving/home.asp (last visited Mar. 13, 2006).
3. California Western School of Law, National Center for Preventative Law, <http://www.preventivelawyer.org/main/default.asp?pid=overview.htm> (last visited Mar. 13, 2006).
4. Cardozo Journal of Conflict Resolution, <http://www.cardozo.jcr.com/>.
5. Case Western Reserve University, Center for the Interdisciplinary Study of Conflict and Dispute Resolution, http://www.case.edu/curriculum/news_detail.asp?id=136&content_id=5 (last visited Mar. 13).

136 *CARDOZO J. OF CONFLICT RESOLUTION* [Vol. 7:119]

6. Dalhousie University, Negotiation and Conflict Management Program, <http://www.dal.ca/~henson/ncmp/ncmp.html> (last visited Mar. 13, 2006).
7. DePaul University Center for Dispute Resolution, <https://learning.depaul.edu/about/centers/dispute.asp> (last visited Mar. 13, 2006).
8. Harvard Law School, Program on Negotiation, <http://www.pon.harvard.edu> (last visited Mar. 13, 2006).
9. Harvard Law School Program on Negotiation, Clearinghouse, <http://www.pon.org/> (last visited Mar. 13, 2006).
10. Ohio State Journal on Dispute Resolution, <http://moritzlaw.osu.edu/jdr/index.html> (last visited Mar. 13, 2006).
11. Osgoode Hall Law School of York University, <http://www.osgoode.yorku.ca/> (last visited Mar. 13, 2006).
12. Pepperdine University School of Law, Dispute Resolution Law Journal, http://law.pepperdine.edu/organizations/dispute_resolution_law_journal (last visited Mar. 13, 2006).
13. Royal Roads University, <http://www.royalroads.ca> (last visited Mar. 13, 2006).
14. Stanford Law School, Stanford Center on International Conflict and Negotiation, <http://www.stanford.edu/group/SCCN> (last visited Mar. 13, 2006).
15. Stanford Law School, Martin Daniel Gould Center for Conflict Resolution, <http://www.law.stanford.edu/programs/academic/gould/> (last visited Mar. 13, 2006).
16. Stanford Law School, Gould Negotiation and Mediation Teaching Program, <http://www.law.stanford.edu/programs/academic/gould/nmtp/> (last visited Mar. 13, 2006).
17. The University of Adelaide Law School, <http://www.law.adelaide.edu.au> (last visited Mar. 13, 2006).
18. University of British Columbia, Program on Dispute Resolution, <http://www.law.ubc.ca/pdr> (last visited Mar. 13, 2006).
19. University of British Columbia, Conflict Resolution Core Program, <http://www2.vpl.vancouver.bc.ca/dbs/redbook/orgpgs/1/10884.html> (last visited Mar. 13, 2006).
20. University of Massachusetts Amherst, The Center for Information Technology and Dispute Resolution, <http://www.odr.info> (last visited Mar. 13, 2006).

2005] *DISPUTE RESOLUTION BIBLIOGRAPHY* 137

21. University of Melbourne, International Conflict Resolution Centre, <http://www.psych.unimelb.edu.au/ICRC> (last visited Mar. 13, 2006).
22. University of Missouri-Columbia School of Law, <http://www.law.missouri.edu> (last visited Mar. 13, 2006).
23. University of Missouri-Columbia, Center for the Study of Dispute Resolution, <http://www.law.missouri.edu/csdr/> (last visited Mar. 13, 2006).
24. University of Missouri-Columbia, The Initiative on Mindfulness in Law and Dispute Resolution, <http://www.law.missouri.edu/csdr/mindfulness.htm> (last visited Mar. 13, 2006).
25. University of Ottawa, Faculty of Law, <http://www.commonlaw.uottawa.ca/index.php> (last visited Mar. 13, 2006).
26. University of Queensland, Australian Centre for Peace & Conflict Studies, <http://www.uq.edu.au/acpacs/index.html> (last visited Mar. 13, 2006).
27. University of Saskatchewan College of Law, <http://www.usask.ca/law/> (last visited Mar. 13, 2006).
28. University of Toronto, Program on Conflict Management and Negotiation, <http://www.utoronto.ca/pcmn/menu.html> (last visited Mar. 13, 2006).
29. University of Victoria, Institute for Dispute Resolution, <http://www.dispute.resolution.uvic.ca/mandate.htm> (last visited Mar. 13, 2006).
30. Victoria University of Wellington Law School, New Zealand Centre for Conflict Resolution, http://www.lawschool.vuw.ac.nz/vuw/content/display_content.cfm?school=law&id=477 (last visited Mar. 13, 2006).
31. Victoria University of Wellington Law School, *Links*, http://www.lawschool.vuw.ac.nz/vuw/content/display_content.cfm?school=law&id=480 (last visited Mar. 13, 2006).
32. Victoria University of Wellington Law School, *NZCCR Bibliography*, http://www.lawschool.vuw.ac.nz/vuw/content/display_content.cfm?id=1433 (last visited Mar. 13, 2006).
33. Willamette University College of Law, Center for Dispute Resolution, <http://www.willamette.edu/wucl/cdr> (last visited Mar. 13, 2006).

H. Other Online Materials

1. ADR Institute of Canada, Inc., *Links*, <http://www.adrinstitute.ca/news/links.html> (last visited Mar. 13, 2006).
2. Alberta Arbitration & Mediation Society, <http://www.aams.ab.ca/> (last visited Mar. 13, 2006).
3. Canadian Forum on Civil Justice, *Internet Links*, <http://www.cfcj-fcjc.org/links.htm#7> (last visited Mar. 13, 2006).
4. Department of Justice, DR Centre for Excellence, DRS Programs and Services, http://canada.justice.gc.ca/en/ps/drs/drs_programs.html (last visited Mar. 13, 2006).
5. Justice Institute of British Columbia, Centre for Conflict Resolution, <http://www.jibc.bc.ca/ccr/default.htm> (last visited Mar. 13, 2006).
6. Deborah S. Laufer, *A Guide to ADR Links*, <http://www.adr.af.mil/general/guideadr.doc> (last visited Mar. 13, 2006).