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Articles

ADR IN THE FEDERAL COURTS: WOULD UNIFORMITY BE BETTER?

John Maull

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This article analyzes the alternative dispute resolution ("ADR") programs implemented by federal district courts, pursuant to the Civil Justice Reform Act. It considers whether Congress should impose ADR uniformity in the federal system or whether Congress should continue to allow district courts to experiment with ADR. The article proposes a solution to this question, which balances the autonomy of district court ADR programs and the preservation of core federal values. The article also examines how ADR impacts indigent litigants and suggests that the federal system reevaluate its approach toward indigents and ADR.

THE IMPACT OF SOCIOLOGICAL JURISPRUDENCE ON INTERNATIONAL LAW IN THE INTER-WAR PERIOD: THE AMERICAN EXPERIENCE

Samuel J. Astorino

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Two visions of world order clashed dramatically in the period between World War I and World War II. One vision advocated the position that if there were an agreement on the meaning and function of law, perhaps it then would be possible to build a world order based on the obligations of law instead of force. The other vision advocated that if there were a realistic understanding of the inadequacies or impossibilities of international law, perhaps it then would be possible to build a stable world order based on a realistic political concept of force. This article examines how the jurisprudence of international law came under increasing attack on two fronts in the inter-war period. The jurisprudential underpinnings were criticized as an outdated formalistic positivism that was incapable of responding to the political and social realities of the time. Also, the jurisprudential underpinnings were attacked by realists, who believed that the very nature of international law was idealistic and impractical.

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