JOURNAL OF
DISPUTE RESOLUTION

VOLUME 2006, NUMBER 1

CONTENTS

SYMPOSIUM

Introduction to Vanishing Trial Symposium ................................................. John Lande 1

A World Without Trials? .............................................................................. Marc Galanter 7

What We Know and What We Should Know about American Trial Trends ................................................. Margo Schlanger 35

Vanishing Trials?: An English Perspective .................................................. Emilie Cloatre 51

Vanishing or Increasing Trials in the Netherlands? ........................................ Bert Niemeijer 71

Worlds in a Small Room ............................................................................. Christopher Honeyman 107

Not Quite a World Without Trials: Why International Dispute Resolution is Increasingly Judicialized .......... Andrea Kupfer Schneider 119

When We Hold No Truths to be Self-Evident: Truth, Belief, Trust, and the Decline in Trials ......................... Lisa Blomgren Bingham 131

Public Access to Information in Civil Litigation vs. Litigant’s Demand for Privacy: Is the “Vanishing Trial” an Avoidable Consequence? ........ Dennis J. Drasco 155

Vanishing Trial, Vanishing Community? The Potential Effect of the Vanishing Trial on America’s Social Capital ...... Robert M. Ackerman 165

Designer Trials ......................................................................................... Elizabeth Thornburg 181

How Much Justice Can We Afford?: Defining the Courts’ Roles and Deciding the Appropriate Number of Trials, Settlement Signals, and Other Elements Needed to Administer Justice .................................................. John Lande 213

Reconciling Professional Legal Education with the Evolving (Trial-less) Reality of Legal Practice ..................... Julie Macfarlane 253

Published by University of Missouri School of Law Scholarship Repository, 2006
NOTES

Parties to International Commercial Arbitration Agreements Beware: Bankruptcy Trumps Supreme Court Precedent Favoring Arbitration of International Disputes .................................................... Lindsay Biesterfeld 273

When Confidentiality is not Essential to Mediation and Competing Interests Necessitate Disclosure ................................................................................................. Patrick Gill 291

Whose Finding is it Anyway?: The Division of Labor Between Courts and Arbitrators with Respect to Waiver ..................................................... David LeFevre 305

How Far is too Far?: Reexamining the Continuing Extension of Arbitral Immunity to Arbitral Organizations ................................................... Elizabeth Wilhelmi 319