Day 1: Dispute Resolution in Context

8:30am  Continental Breakfast

9:00am  Welcome and Introduction

Heinz Klug, Howard Erlanger & Charles Irish
(University of Wisconsin Law School)

9:15am – 10:45am  Dispute Resolution and Political Development

Recognition that good governance is a central ingredient in the process of development has placed constitution-building at the center of political transitions. Along with this perspective has come a view that independent judiciaries are necessary to protect human rights, curb arbitrary government actions, and enhance citizenship. Many countries have chosen to centralize the judicial oversight role in newly established constitutional courts. Are courts the appropriate instrument to achieve these goals? If they are, what needs to be done to ensure that courts are in a position, both politically and institutionally, to bear this burden? What role does constitutional conflict and dispute processing institutions have in political developments in different cultural and economic settings?

Heinz Klug (University of Wisconsin)
Tamir Moustafa (University of Wisconsin)
Muna Ndulo (Cornell University)
Asifa Quraishi (University of Wisconsin)
Victoria Nourse (University of Wisconsin)

10:45am – 11:00am  BREAK

11:00am – 12:30pm  Dispute Resolution and Economic Development

Contemporary economic development theory assigns a major role to the judiciary. Courts are seen as an integral part of the infrastructure of a market economy. They protect property rights, enforce the observation of contracts, provide a shield against excessive state intervention in the market, interpret and enforce regulatory law. Is this model based on the actual role courts play in advanced economies? Are courts in developing and transition
countries performing these tasks? Are other institutions available to handle some or all of these functions?

David Trubek (University of Wisconsin)
Kathryn Hendley (University of Wisconsin)
Stewart Macaulay (University of Wisconsin)
Neil Komesar (University of Wisconsin)

12:30pm – 2pm LUNCH

2pm – 4:00pm Case Studies of Courts in Context: India, China, Latin America

In order to test theories and evaluate projects, one has to see courts and their alternatives in the overall context in which they operate. To do that, we will look at three parts of the world and examine the operation of the disputes processing institutions in these areas.

India: Marc Galanter (University of Wisconsin) & Jay Krishnan (University of Minnesota)
China: Jonas Grimheden (Lund University)
Latin America: Joseph Thome (University of Wisconsin) & Luciana Gross Cunha (FGV Law School, Sao Paulo)

Day 2: Disputes and Development Assistance: Projects and Evaluation

9:30 am – 11:00 am Capacity Building for Dispute Resolution – I

The World Bank, regional development banks, bilateral aid agencies, and foundations have devoted substantial attention to judicial reform projects in developing and transition countries, as well as to reform of international judicial processes like those in the WTO. What type of assistance has been provided? What has been the record of these projects?

Linn Hammergren (World Bank)
Yoshiharu Matsuura (Nagoya University)
Gregory Shaffer (University of Wisconsin)
Charles Irish (University of Wisconsin)
Shirley Abrahamson (Wisconsin Supreme Court Chief Justice)

11:00am – 11:15am BREAK
11:15 am – 12:00

Capacity Building for Dispute Resolution – II

Continuation of discussion

12:00pm – 2pm

LUNCH

2pm – 4pm

Evaluation of Judiciary Reform and other Dispute Resolution Projects

Although billions have been spent on judicial reform projects, less attention has been devoted to how to evaluate these efforts. What questions should be asked in evaluation? What methods are most suited to this task? What has been the experience of evaluation to date? How could the academy help improve the evaluation process?

Linn Hammergren (World Bank)
Veronica Taylor (University of Washington)
Kathryn Hendley (University of Wisconsin)
Charles Irish (University of Wisconsin)
Yoshiharu Matsuura (Nagoya University)