

Northern Illinois University Law Review

Volume 22 | Issue 2

Article 9

5-1-2002

Vol. 22, no. 2, Spring 2002: Table of Contents

Northern Illinois University Law Review

Follow this and additional works at: <https://huskiecommons.lib.niu.edu/niulr>



Part of the [Law Commons](#)

Recommended Citation

Northern Illinois University Law Review (2002) "Vol. 22, no. 2, Spring 2002: Table of Contents," *Northern Illinois University Law Review*. Vol. 22: Iss. 2, Article 9.

Available at: <https://huskiecommons.lib.niu.edu/niulr/vol22/iss2/9>

This Other/Newsletter is brought to you for free and open access by the College of Law at Huskie Commons. It has been accepted for inclusion in Northern Illinois University Law Review by an authorized editor of Huskie Commons. For more information, please contact jschumacher@niu.edu.

Northern Illinois University Law Review

Volume 22

Spring 2002

Number 2

2001 Symposium Issue “Hot Topics in Dispute Resolution: What Advocates, Neutrals, and Consumers Need to Know.”

Foreword

Mediation’s Coming of (Legal) Age

Professor James J. Alfini 153

Professor Alfini provides an introduction to the symposium, a description of the included materials, and his own reflections on the institutionalization, regulation, and resulting uniformity of mediation within the context of the recently drafted Uniform Mediation Act.

Keynote Address

The Process of Drafting the Uniform Mediation Act

Judge Michael B. Getty 157

This piece is a transcript from Judge Getty’s keynote address at the conference. Judge Getty provides a unique perspective on the process of drafting the Uniform Mediation Act. Since Judge Getty served as the Chair of the National Conference of Commissioners on Uniform State Laws Uniform Mediation Act Drafting Committee, he is uniquely qualified to describe the efforts to bring uniformity to the mediation field through the passage of the Uniform Mediation Act.

Uniform Act

The Uniform Mediation Act 165

Essays

The Uniform Mediation Act: An Essential Framework for Self-Determination

Philip J. Harter251

This piece is an interpretive essay of key provisions of the Uniform Mediation Act. In connection with the analyses of these provisions, the author identifies certain dilemmas that are created by the wording of certain provisions. The author identifies the weaknesses in the drafting process of the Uniform Mediation Act and at the same time applauds the efforts of the drafters in their journey to create uniformity in the field of mediation.

An Analysis of Principled Advocacy in the Development of the Uniform Mediation Act

Gregory Firestone, Ph.D265

In this piece, the author examines the drafting of the Uniform Mediation Act in light of the eleven guiding principles endorsed by the organizations represented by the author. The author examines and analyzes numerous shortcomings in the wording of the Act. This piece will closely examine the difficulty mediators, courts, and consumers may encounter once the Act is put into practice. The piece also serves as a guide for state legislatures considering implementing the Uniform Mediation Act, in that the author identifies problems states may have and offers solutions for the predicted difficulties. Necessarily, however, the piece also reveals the strong points of the Act and serves as a useful, insightful look into the proposal, drafting, and consequent implementation of a uniform statute.

Article

Mediating Lanham Act Cases: The Role of Empirical Evaluation

Jennifer Shack and Susan M. Yates287

This article studies existing mediation programs in the context of Lanham Act cases. The research design is based on the author's experiences in mediation practice. The resulting article is an interesting, valuable study of the effectiveness of court-sponsored mediation programs. Raw data is mixed with explanatory analysis to provide the reader with a real sense of what exactly was studied, and what exactly was determined through that study. The appendices provide examples of the surveys used and some useful charts and graphs that more completely explain some of the results.

Comments

The Warsaw Convention: A Cat With Nine Lives Walks the Plank One More Time

Tamara A. Marshall 337

This comment advocates elimination of the liability limits imposed under the Warsaw Convention in the event of an aviation accident. The comment first examines the history of the Warsaw Convention. Next, the comment looks at application of a subjective test to prove willful misconduct in order to overcome such liability limits. The application of a subjective test is analyzed in the context of two recent cases. Legislative intent in approving recent changes to the applicable Warsaw Convention language is also covered. The comment then calls for use of an objective test to establish willful misconduct and recommends ratification of the 1999 Montreal Convention eliminating liability limits altogether. Finally, this piece concludes with a special addendum analyzing the feasibility of removing liability limits after the events of September 11, 2001.

Problems With the Adoption of Proportionate Share Liability in Illinois Remediation Actions

Thomas Crowley 365

This comment argues that the Illinois Legislature's replacement of joint and several liability with proportionate share liability in environmental remediation actions was not carefully thought through. The author contends that the constitutionality of the system of proportionate share liability and the burdens of proof is highly questionable. Further, the piece advises that, given that the attempt to reform tort liability in the 1990s was not constitutional, the legislature should have carefully reconsidered the civil justice statutes related to environmental remediation actions. In the author's conclusion, the system of proportionate share liability should end with the same result as the attempt at tort reform: a finding of unconstitutionality.