

American
Bar
Foundation

research journal

Volume 1978
Summer
Number 3

Meyer Research Grant Program

**A Phantom Doctrine: The Origins and Effects of
*Just v. Marinette County***

David P. Bryden

**Law School Accreditation Standards and the Structure of
American Legal Education**

Donna Fossum

**Costly Misconceptions of Law and Legal Services: The Small
Business Owner vs. the Chicago Personal Property Tax**

Kenneth P. Fisher and Gail S. Humphreys



Indian Tribal Courts, what they are and how they work...

American Indian Tribal Courts: The Costs of Separate Justice

by Samuel J. Brakel

This study, comparing court procedures and interviews of court personnel and related officials on five reservations having tribal courts with seven tribes without tribal courts, traces the history and development of the tribal justice systems, examines the reservation environments in which they function, and presents descriptions of legal codes, personnel, selection, training, court facilities, and tribal politics. The author concludes that greater justice for reservation Indians could be achieved by integrating tribal courts into state court systems. Since this is unlikely to be viewed as an acceptable solution by today's Indian leadership, he recommends alternatives to improve the existing tribal court system.

Publication: October 1978 142 pages Cloth: \$10.00 Paper: \$5.00

Samuel J. Brakel is a Research Attorney, American Bar Foundation.

A Different Approach to the Problems of Judicial Reform...

The Nature of System Change: Reform Impact in the Criminal Courts

by Raymond T. Nimmer

It is the thesis of this monograph that misconceptions about the nature of the judicial process and about how behavior within that process can be modified are the principal causes for the failure of reform efforts in the criminal courts. The author contends that the judicial system is a "closed system" reflecting long-standing accommodations to various interests that resist external control. Citing case studies of comparable efforts to reform criminal courts in different locales, Nimmer demonstrates that such reforms will produce differing impacts according to the local distribution of intragroup power.

For those interested in designing and implementing judicial reforms, Nimmer offers a systematic framework to examine how changes will affect a system; he assesses the possible beneficial and detrimental effects of reform on different elements of the judicial process, and he estimates the likelihood and extent of change.

Publication: October 1978 193 pages Cloth: \$10.00 Paper \$5.00

Raymond T. Nimmer is Associate Professor of Law and Associate Dean, University of Houston College of Law, and an Affiliated Scholar of the American Bar Foundation.

ORDER FROM:



AMERICAN BAR FOUNDATION PUBLICATIONS
1155 East 60th Street
Chicago, Illinois 60637

American
Bar
Foundation

research journal

**Volume 1978
Summer
Number 3**

Meyer Research Grant Program 393

**A Phantom Doctrine: The Origins and Effects of
Just v. Marinette County 397**

David P. Bryden

**Law School Accreditation Standards and the Structure of
American Legal Education 515**

Donna Fossum

**Costly Misconceptions of Law and Legal Services: The Small
Business Owner vs. the Chicago Personal Property Tax 545**

Kenneth P. Fisher and Gail S. Humphreys

EDITORIAL ADVISORY BOARD

CARL A. AUERBACH
Professor and Dean
University of Minnesota Law School

WALTER J. BLUM
Wilson-Dickinson Professor
University of Chicago Law School

DAVID F. CAVERS
Fessenden Professor Emeritus
Harvard Law School

BARLOW F. CHRISTENSEN
Senior Research Attorney
American Bar Foundation

ALFRED F. CONARD
Henry M. Butzel Professor
University of Michigan Law School

BARBARA A. CURRAN
Associate Executive Director and
Senior Research Attorney
American Bar Foundation

WILLARD HURST
Vilas Professor
University of Wisconsin Law School

CHARLES J. MEYERS
Richard E. Lang Professor and Dean
Stanford Law School

Publication of articles by the American Bar Foundation signifies that the works are regarded as valuable and responsible. The analyses, conclusions, and opinions expressed are those of the authors and not those of the American Bar Foundation, its officers and directors, or other persons or institutions associated with its work.

Second-class postage paid at Chicago, Illinois.

The *American Bar Foundation Research Journal* is published quarterly—in winter, spring, summer, and fall. The annual subscription rate is \$15.00; single copy \$4.50. Reprints of single articles are available (with quantity discounts available for orders of 10 or more): \$2.00 for an article up to 49 pages; \$2.50 for an article from 50 to 99 pages; \$3.25 for an article over 100 pages.

All notifications of change of address should include old and new address and be directed to: Foundation Publications, American Bar Foundation, 1155 East 60th Street, Chicago, Illinois 60637.

Editorial communications should be addressed to: The Editor, *American Bar Foundation Research Journal*, 1155 East 60th Street, Chicago, Illinois 60637.

Cite as 1978 A.B.F. Res. J. 000

AMERICAN BAR FOUNDATION

BOARD OF DIRECTORS 1978-79

Bernard G. Segal, *President*, of the Pennsylvania Bar
Robert W. Meserve, *Vice-President*, of the Massachusetts Bar
Phil C. Neal, *Secretary*, University of Chicago Law School
J. David Andrews, *Treasurer*, of the Washington State Bar
Francis A. Allen, University of Michigan Law School
John J. Creedon, of the New York Bar
Hon. Patricia Roberts Harris, Department of Housing and Urban Development,
Washington, D.C.
Seth M. Hufstedler, of the California Bar
F. Wm. McCalpin, of the Missouri Bar
Hon. Vincent L. McKusick, Supreme Judicial Court, Portland, Maine
Maynard J. Toll, of the California Bar
David E. Ward, Jr., of the Florida Bar

ex officio:

S. Shepherd Tate, President, American Bar Association
Leonard S. Janofsky, President-Elect, American Bar Association
John C. Shepherd, Chairman, House of Delegates, American Bar Association
J. David Andrews, Treasurer, American Bar Association
Gibson Gayle, Jr., President, American Bar Endowment
Hon. Charles W. Joiner, Chairman, The Fellows of the American Bar Foundation
John Gavin, Vice-Chairman, The Fellows of the American Bar Foundation

RESEARCH COMMITTEE 1978-79

Ray Garrett, Jr., *Chairman*, of the Illinois Bar
Hon. Patrick E. Higginbotham, United States District Court, Dallas, Texas
Robert J. Kutak, of the Nebraska Bar
Robert L. Stern, of the Illinois Bar
Stanton Wheeler, Yale Law School

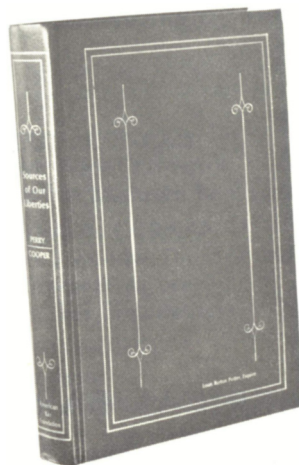
Announcing . . .
A special limited edition of
Sources of Our Liberties

Edited by Richard L. Perry

Consider this handsomely bound collection of historic documents for

- an addition to your personal or your firm's library
- an award for service to the bar or a firm
- a gift to commemorate an anniversary or retirement
- a tangible way to recognize professional or academic achievement

Each copy of *Sources of Our Liberties* may be personalized or commemorated by embossing in gold the name of an individual, a firm, or an event on the front cover at no additional cost.



The American Bar Foundation proudly presents this masterfully printed and handsomely bound collection of historic documents that constitute the major sources of our individual liberties. Among the documents included are: the Magna Carta, the Mayflower Compact and other charters drawn under British rule in America, Petition of Right, the Abolition of the Star Chamber, the Northwest Ordinance, and the Constitution and its amendments.

Each document is preceded by an editorial note on its political background, its effectiveness in its own time in meeting the problems it sought to solve, and its ultimate influence in the establishment of our liberties. These introductions, with marginal notes and bibliographies, tie together the documents as part of a long political process. This edition contains a bibliographical note by Stanley N. Katz, Professor of Legal History and Associate Dean, University of Chicago Law School, detailing publications since the 1959 edition.

xxii + 466 pages 1978 \$50.00*

*Library, student, faculty, and dealer discounts are not applicable. Please allow six weeks for delivery.

Because this is a special deluxe edition of *Sources of Our Liberties* and no additional copies will be published again, you may at this time order a maximum of five pre-paid copies, have them held in reserve for you for up to five years, embossed as needed, and shipped individually. The name that you want to have appear on the cover should be printed or typed exactly as you wish it to be embossed.

Full payment must accompany all orders.



Publications Department
American Bar Foundation
1155 East 60th Street
Chicago, Illinois 60637