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Editor's Preface

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Symposium Alternative Dispute Resolution

EDITOR'S PREFACE

IT is becoming increasingly apparent, in both the lay and legal communities, that the traditional judicial methods of resolving private disputes are inadequate in many respects. These inadequacies have resulted from the overburdening of the system and from the system's inherent adversarial nature. The overburdening has resulted in tremendous costs and unreasonable time delays. The adversarial system has proven itself insensitive to family and neighborhood disputes.

These problems have caused a growing number of alternative dispute resolution techniques to develop. While there is considerable literature on the various alternatives, there has not been a definitive work that consolidates the alternatives on both a theoretical and a practical basis.

In an effort to provide such a work, and to address this growing aspect of the legal profession, the *Villanova Law Review* dedicated its 1984 Symposium to a discussion of Alternative Dispute Resolution. At the Symposium, panelists presented brief summaries of their theses, which developed into the articles published in this issue.

Villanova Law School Professor Henry Perritt, Jr. introduced the topic by presenting a broad overview of the entire area. Third Circuit Executive Paul Nejelski then gave a court administrator's perspective, proposing that these new techniques should be considered supplements, not alternatives, to the traditional means. Federal District Court Judge Thomas Lambros presented a brief discussion of his successful use of the summary jury trial. Delaware County Attorney William Kraut then addressed the need for mediation in the family law area. Mr. Philip Harter explained his negotiated rule making procedure, with its applications in administrative law.

Former Secretary of Labor John Dunlop then discussed the actual technique of negotiation. His discussion focused on the labor law

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perspective, one of the first areas of law to use alternative dispute resolution to a significant degree. Judge Ethan Allen Doty reviewed the Philadelphia arbitration program that he supervises, which is perhaps the most successful program of its kind in the country. Finally, Mr. Paul Wahrhaftig, President of Conflict Resolution Center, Inc., talked about neighborhood justice centers and warned of creeping professionalism in alternative dispute resolution.

After the panelists had presented their summaries, Professor Perritt moderated a panel discussion and an audience question and answer session. This Symposium issue of the *Villanova Law Review* contains the full text of the articles submitted by the participants as well as an edited transcript of the discussion and question period. The issue also includes the results of a survey analyzing the Philadelphia Arbitration Program, conducted by Professors Sebastian Raignone and Angela Cerino of the Villanova University School of Commerce and Finance. Finally, the issue contains a student comment on a negotiated rule making procedure which closely parallels the procedure proposed by Mr. Harter.

On behalf of the *Law Review*, I would like to thank both the panelists in this year's Symposium and those who attended the oral presentation. I would also like to express my appreciation for the assistance which Professors Henry Perritt, Jr., Doris Brogan and Walter Taggart of the Villanova Law School provided in planning this Symposium. Finally, I wish to thank the *Law Review* secretary Mrs. Margaret Smith, the dedicated staff of the *Law Review*, J. Gordon Cooney, Editor-in-Chief, and most especially my wife Mindy, for all their help.

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Research/Projects Editor