

**CALL FOR PAPERS**  
**AALS SECTION ON LITIGATION**  
**2023 ANNUAL MEETING, JANUARY 4-7, 2023**  
***The Judiciary—Making the Least Democratic Branch of Government More Respected and Less Politicized If Not More Democratic***  
**Time (PST) and Date to be determined**  
**San Diego, CA**

The AALS Litigation Section is pleased to announce a Call for Papers for its upcoming panel ***The Judiciary—Making the Least Democratic Branch of Government More Respected and Less Politicized If Not More Democratic*** at the 2023 AALS Annual Meeting in San Diego, California.

Form and Content of Submission: Submissions should relate to the topic of the panel. There are no requirements for the length of the submission. The reviewers may prefer completed drafts over abstracts or outlines. Articles already submitted for publication are eligible, but the reviewers may prefer articles that have not yet been published.

Submission Method: Submit papers electronically in Microsoft Word format to the Litigation Section Chair, Mario Mainero, at [mmainero@chapman.edu](mailto:mmainero@chapman.edu), and the Litigation Section Chair-elect, Elizabeth Tippett, at [tippett@uoregon.edu](mailto:tippett@uoregon.edu), with "AALS Litigation Section Call for Papers" in the email subject line.

Due Date: **Monday, July 11, 2022 at 5:00 p.m. EDT (2:00 p.m. PDT).**

Submission Review: Members of the AALS Litigation Section Executive Committee will review the submissions to select one or two papers to be presented during our "Litigation Conduct" panel scheduled for the week of January 4-7, 2023 at an as yet to be determined day and time. The Section will notify the selected presenter(s) in early September 2022.

Panel Description: The Judicial Branch is the least democratic branch of government. Whether measured against the goal of legitimacy, or justice, or fairness, or democracy, or truth, it is unclear whether the current structure of the judicial branch is a feature or a glitch. This program will focus on:

1. Balancing populism, politics, and qualifications in selecting judges: Appointment, election, merit screening, and confirmation hearings.

2. Periodic performance review, and if so by whom: Terms, term limits, life tenure, retention elections and periodic performance review, and impeachment.
3. Neutrality and bias: recusal and peremptory strikes.
4. Other legitimacy concerns: Court-packing; division of power between judges and jury.

Some of these topics can be interrelated. For example, how do factors such as politics, qualifications and merit screening affect the preference for judicial appointment or judicial elections? Are term limits an effective brake on politicization of the judiciary, or is life tenure preferable? Can stricter recusal requirements be implemented, and would failure to recuse be severe enough to justify impeachment?

We look forward to papers, and panelists, who can explore these timely issues in a thoughtful, compelling way, and we thank those of you submitting papers in advance for your work.

This Program is being co-sponsored by the Section on Jurisprudence.