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Descriptive Summary

Identifier                ICU.SPCL.ARBITRATION
Title                     University of Chicago. Law School. Arbitration Study. Records
Date                      1916-1966
Size                      38.5 linear feet (70 boxes)
Repository                Special Collections Research Center
                          University of Chicago Library
                          1100 East 57th Street
                          Chicago, Illinois 60637 U.S.A.
Abstract                  This collection contains the records of a study of commercial arbitration practices in the U. S. undertaken in the 1950s by the University of Chicago Law School. Material includes correspondence, questionnaires, data analysis and computer printouts, and article and monograph manuscripts. Material dates from 1916 to 1966, with the bulk dating from 1950 to 1959.

Information on Use

Access
The collection is open for research.

Citation
When quoting material from this collection, the preferred citation is: University of Chicago. Law School. Arbitration Study. Records, [Box #, Folder #], Special Collections Research Center, University of Chicago Library.

Historical Note
The University of Chicago Law School's study of commercial arbitration was undertaken between 1953 and 1959, by Soia Mentschikoff and other researchers (including Hal Smith, Norman Miller, Jean Allard, Ernest Haggard, and Christopher Wright). It began soon after Mentschikoff’s arrival at the Law School and is a reflection of her (and others’) interest in applying social science research techniques to the study of law.

The study focused exclusively on commercial arbitration, and almost solely on domestic cases and organizations. The researchers were interested in a number of issues, including the provision of arbitration services by trade and manufacturing organizations and commodity and stock exchanges, the conditions under which and situations in which such services were used, and the history of arbitration usage in such organizations. They were interested in similar issues with respect to organizations like the American Arbitration Association, set up expressly to provide
such services. The researchers were also interested in the decision-making process and in the factors that influence arbitrators in reaching their decisions.

The study had several phases. The researchers sent questionnaires to hundreds of trade associations and commodity exchanges and analyzed their answers. They undertook records surveys of the New York Stock Exchange and the American Arbitration Association. They also observed arbitration hearings in New York and Chicago, and played tapes of settled hearings to panels of arbitrators selected for the study. Arbitrators were selected for their background and expertise and were questioned about their attitudes to the parties in the hearing and their agreement with the decision reached.

The study yielded several articles, though they dealt with or resulted from particular components of it (e.g. the experimental phase, the Stock Exchange survey) rather than the study as a whole.

Scope Note

The Arbitration Study had several components. Researchers will find analysis of the individual components and in some cases articles or reports summarizing and interpreting the findings. However, while there are outlines and memoranda describing the project as a whole, there is no general summarizing article, book or report.

Because material in the collection dates mostly from a small time frame, material is arranged by study component or phase rather than chronologically or alphabetically. This division reflects the original arrangement of the files, in most cases down to the folder level. The alphabetical arrangement in most series has been imposed after the fact, however. Each component of the study has its own series. The various phases of the study also produced related articles and monographs; these writings are included in the series with the study phases that produced them. There also are many sheets of computer printouts of information from punch cards (though very few cards); most of these have little or no context or labelling.

The collection is divided into 10 series:

Series I, General, contains a few pieces of general correspondence, memos describing the project as a whole, brochures and style guides, orphan computer printouts (i.e. data that isn’t labelled), administrative records, and articles. Material is arranged alphabetically.

Series II, Trade Association, Exchange, and Industry Studies, contains material from the part of the study that focused on trade associations and commodity exchanges. It is divided into subseries as follows:
Subseries 1: Correspondence. This subseries contains correspondence with ineligible associations, and old correspondence with the American Arbitration Association regarding a similar project of theirs in 1950. Material is arranged alphabetically.

Subseries 2: Trade Associations and Exchanges. This subseries contains correspondence, questionnaires, interviews, and publications from/with trade and manufacturing associations, commodity and livestock exchanges. There are two alphabetical ranges of correspondence, one for the associations and one for the exchanges.

Subseries 3, Trade Association and Exchange Analysis, contains analysis and coding of the data gleaned from the questionnaires in Subseries 2. Material is arranged alphabetically.

Subseries 4: Industry studies. This subseries contains analysis of arbitration practices grouped by industry type, arranged alphabetically, and one focused study of the National Hay Association.

Series III, New York Stock Exchange Study, contains notes, memos, and drafts of a long monograph on the New York Stock Exchange by Norman Miller. He traced the history and administrative development of the stock exchange, and its changing view of its own role in industry, through its administrative records. Folders labelled "Notes from New York Stock Exchange Records" essentially contain transcriptions of excerpts from NYSE administrative records and committee minutes. Research material is arranged alphabetically, and drafts and excerpts of Miller's monograph are at the end.

Series IV: American Arbitration Association Records Survey contains notes, code sheets, and analysis from the survey of the institutional records of the AAA, arranged alphabetically. Two articles are also included here.

Series V: Field Studies contains hearing transcripts and reports and analysis of arbitration hearings observed by study researchers, arranged alphabetically.

Series VI: Experimental Arbitration contains the records of a series of experiments in which professional arbitrators and law students were presented with recordings of arbitration proceedings and asked various questions about their responses to the proceedings. Material includes the panel responses, analysis of various metrics, and transcripts of the cases used. It is arranged chronologically.

Series VII: Industry Sectors contains clippings contemporaneous to this study and data from old commodity sales studies, arranged alphabetically by type of industry.
Series VIII: Institutional Studies contains notes, memoranda, and analysis of data regarding arbitration provided by the same sorts of organizations in Series II, plus material on government inspection and regulation. Most of the notes, charts, and other material were created and collected by Christopher Wright for his report "The Self-Government of Commercial Communities" (also included here).

Series IX: Audio contains 5 flexi disc recordings of interviews at the New York Produce Exchange.

Series X: Oversize contains oversize computer printouts and charts.

**Related Resources**

The following related resources are located in the Department of Special Collections:

http://www.lib.uchicago.edu/e/spcl/select.html

Soia Mentschikoff. Papers

University of Chicago Law School. Jury Project

**Subject Headings**

- Mentschikoff, Soia, 1915-1984
- American Arbitration Association
- New York Stock Exchange
- University of Chicago. Law School
- Arbitration and Award
- Arbitration, Industrial--United States.
- Law and the social sciences

**INVENTORY**

**Series I: General**

This series contains a few pieces of general correspondence, memos describing the project as a whole, brochures and style guides, orphan computer printouts (i.e. data that isn’t labelled), administrative records, and articles. Material is arranged alphabetically.

- **Box 1**
  - **Folder 1**
    - American Arbitration Association – Correspondence, President’s Report, 1952-1954
- **Box 1**
  - **Folder 2**
    - American Arbitration Association – Correspondence, 1955-1958
- **Box 1**
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Folder 4
American Arbitration Association – Practice Arbitration, undated
Box 1
Folder 5
American Arbitration Association Rule Brochures, 1953-1960
Box 1
Folder 6
Anonymous Typescript (English Contract Law), undated
Box 1
Folder 7
Arbitration Project Memos, 1953-1958
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Bibliographies [1 of 2], 1952-1958
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Bork, Robert H. – "Research Methods for the Arbitration Project" – Typescript, undated
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Case Notes, circa 1955
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Codes – American Arbitration Association and Trade Association, undated
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Correspondence, 1953-1954
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Correspondence, 1955-1958
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Folder 1
Correspondence – Matthews, Robert E. 1956
Box 2
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Course Outline, Materials, undated
Box 2
Folder 3
Data and Miscellaneous Reports, 1956, undated
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Folder 4
  Heyn’s Comments on Arbitration Proposal, 1952
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Folder 5
  "History of Comm. Court and Arbitration" – Partial Manuscript, undated
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Folder 6
  Inventories and Financial Records, 1958, undated
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  Jackson, David – Letter, “Choice of Law” Typescripts, Clipping, 1955
Box 2
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  Labor Press Release, Brochure, 1951-1952
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  Memoranda, 1952-1953
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  Mentschikoff, Soia – Arbitration Article Headings, 1958
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  New York State Bar Association Newsletter, 1953
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Folder 15
  Note Cards: Arbitration Rules and Cases, undated
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Folder 16
  Notes – English Arbitration, undated
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Folder 17
  Perlman, “The Australian Arbitration System,” 1951
Box 2a
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"Socialistic Thinking in America – 1953" (With Poster and Enclosures), 1953
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"Soia's Book" – Outline, Notes, Cases, 1960
Box 2b
Folder 1
Style Manuals, 1937, 1957
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Trade Association Survey Tables – Allen Barton, undated
Box 2b
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UNESCO Agenda Items, 1955-1956
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UNESCO/Economic Commission for Europe Report: National and International Institutions Active in the Field of International Commercial Arbitration [1 of 3], 1956
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Folder 7
UNESCO Reports, ICC Memoranda, 1958
Box 2b
Folder 8
Uniform Arbitration Act: Drafts, Memos, Newsletter, 1954-1956

Series II: Trade Association, Exchange, and Industry Studies

This Series contains material from the part of the study that focused on trade associations and commodity exchanges. It is divided into subseries as follows:
Subseries 1: Correspondence. This subseries contains correspondence with ineligible associations, and old correspondence with the American Arbitration Association regarding a similar project of theirs in 1950. Material is arranged alphabetically.

Subseries 2: Trade Associations and Exchanges. This subseries will contain correspondence, questionnaires, interviews, and publications from/with trade and manufacturing associations, commodity and livestock exchanges. There are two alphabetical ranges of correspondence, one for the associations and one for the exchanges.

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Subseries 4: Industry studies. This subseries contains analysis of arbitration practices grouped by industry type, arranged alphabetically, and one focused study of the National Hay Association.

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      Chambers of Commerce -- American Arbitration Association Correspondence – Positive, 1950
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Form Letters for Trade Associations, 1954

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Ineligible Trade Associations – American Arbitration Association Correspondence, 1950

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Folder 14
Organizations with No Arbitration -- American Arbitration Association Correspondence, 1950

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Professional Organizations – Correspondence, 1950, 1953

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Folder 16
Real Estate Boards – Correspondence and Yearbook, 1950-1955

Box 3
Folder 17
Trade Association Correspondence – Defunct Organizations, 1954

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Trade Association/Exchange Correspondence (Inapplicable and Unanswered) – Ag-Am, 1954

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Trade Association/Exchange Correspondence (Inapplicable and Unanswered) – St-W, 1950-1954

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Folder 3
Webb-Pomerene Associations – Correspondence, 1954

Subseries 2: Trade Association and Exchange Surveys

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Allied Underwear Association, 1954

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Air Filter Institute, 1954

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American Carnivals Association, 1950-1954
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   Jewelers' Board of Trade, 1950-1954
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Limited Price Variety Stores Association, 1950, 1954

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