The Federal Arbitration Act (FAA), enacted in 1925, provides a framework for how we think about and practice arbitration in the United States today. Yet, the FAA is relatively new on the horizon, historically speaking. Prior to the American Revolution, arbitration flourished not only in England, but also in the English colonies in North America, where customary English arbitration practice and procedure were adapted to local circumstances. Following the American Revolution, new American state legislatures passed arbitration statutes that often encouraged arbitration as a matter of public policy, while also codifying the procedures for its practice. Yet, these state statutes did not eliminate the customary systems of arbitration already in use. Neither did they replace arbitration as it was practiced by distinct groups, such as religious communities. As a result, disputants wishing to utilize arbitration could choose from a diverse array of arbitration procedures.

The purpose of this symposium is to explore the broader histories of arbitration in America, considering not only what arbitration procedure, practice, and policy looked like in early America (and in the earlier legal, cultural, or religious systems from which American arbitration was adopted), but also how those broader histories might contribute to important discussions and developments in arbitration procedure, practice, and policy today.

Our main program, sponsored by the University of Missouri School of Law and the *Journal of Dispute Resolution*, includes a distinguished set of historians and legal scholars, with a keynote address by James C. Oldham, St. Thomas More Professor of Law and Legal History at Georgetown University Law Center and past president of the National Academy of Arbitrators. Papers from the symposium will be published in the *Journal of Dispute Resolution*, the flagship journal of the University of Missouri’s Center for the Study of Dispute Resolution.

**WORKS-IN-PROGRESS CONFERENCE**

Our main program will be preceded on Thursday, November 12 by a Works-in-Progress conference, facilitated by the University of Missouri School of Law and the Center for the Study of Dispute Resolution. Individuals who write on the history of dispute resolution, including, but not limited to, the history of negotiation, mediation, conciliation and arbitration, should consider participating in the Works-in-Progress conference. For more information about the WIP or to submit an abstract, please contact Prof. Carli N. Conklin at conklinc@missouri.edu.
8:00-8:45 Breakfast

8:45-9:00 Introductions

GARY MYERS
Dean and Earl F. Nelson Professor of Law
University of Missouri School of Law

RAFAEL GELY
Director, Center for the Study of Dispute Resolution
and James E. Campbell Missouri Endowed Professor of Law
University of Missouri School of Law

9:00-10:15 Panel I – Earlier Histories:
Arbitration in England and Early America

"For eschewing of trouble and exorbitant expense": Arbitration in the Early Modern British Isles
MARGO TODD
Walter H. Annenberg Professor of History
University of Pennsylvania

Arbitration and Elite Honour in Elizabethan England: A Case Study of Bess of Hardwick
FRANCIS CALVERT BOORMAN
Independent Scholar and Researcher for the Archives of Arbitration Project
Institute of Advanced Legal Studies, School of Advanced Study
University of London, England

CARLI N. CONKLIN
Associate Professor of Law
University of Missouri School of Law

Ancient and Comely Order: A History of Quaker Arbitration and Its Implications for Modern Commercial Dispute Resolution
F. PETER PHILLIPS
Director, Alternative Dispute Resolution Skills Program and Adjunct Professor
New York Law School
Business Conflict Management, LLC, Montclair, NJ

10:15-10:30 Break

10:30-11:45 Panel II – Later Histories:
New Perspectives on Current Debates

Examining the Federal Arbitration Act Through the Lens of History
IMRE SZALAI
Associate Professor of Law
Loyola University New Orleans College of Law

Why Informalism? Lessons from the History of the Federal Arbitration Act
HIRO ARAGAKI
Associate Professor of Law
Loyola Law School, Los Angeles

The History of Securities Arbitration
JILL I. GROSS
Professor of Law
Pace Law School

11:45-12:00 Break

12:00-1:00 Keynote Address:
The Historically Shifting Sands of Reasons to Arbitrate

JAMES OLDHAM
St. Thomas More Professor of Law and Legal History
Georgetown University Law Center

In addition to teaching courses at the Law Center, Professor Oldham does archival research on English legal history. His major work is The Mansfield Manuscripts and the Growth of English Law in the Eighteenth Century, two volumes, published by the University of North Carolina Press as part of the Studies in Legal History Series sponsored by the American Society for Legal History. An updated one-volume abridgement of this work, English Common Law in the Age of Mansfield, was published by UNC Press in 2004. Professor Oldham is also the author of Trial by Jury: The Seventh Amendment and Anglo-American Special Juries, published by New York University Press. And in 2013, his book, Case-Notes of Sir Soulden Lawrence 1787-1800, was published by the Selden Society, London, as its main series volume 128.

Professor Oldham teaches the first-year course on Contracts and seminars on English Legal History and Labor Arbitration. In practice before coming to Georgetown, he specialized in labor law with the Denver firm of Sherman and Howard, and now serves as a labor arbitrator on several permanent panels. He is currently the Neutral Discipline Arbitrator for the National Hockey League and the NHL Players Association; he also serves as a salary arbitrator for Major League Baseball and as a member of an Appeals Panel for the National Football League and the NFL Players Association. During 2013-14 he was president of the National Academy of Arbitrators, an honorary professional organization of approximately 650 labor and employment arbitrators practicing in the United States and Canada.

For more information, see law.missouri.edu/csdr-symposium

This symposium is free and has been approved for 4.2 hours of Continuing Legal Education credit in Missouri.

For more information, contact Laura Coleman, 573-882-5969, colemanl@missouri.edu.