

# Report of the Director

Robert L. Nelson, Director



The American Bar Foundation plays a unique role in the production of knowledge about the law. Our mission is to conduct empirical research that helps to explain how the law actually works (or fails to work), so that our profession and our society can better understand the challenges we face and what policies can more fully realize a just society. By bringing some of the world's leading scholars to examine the most pressing issues of our times, ABF research is having a real world impact. The ABF is doing research that makes a difference in the lives of children, in efforts to extend the rule of law, in public support for the courts and our system of justice, in the career opportunities of young people from diverse social backgrounds, in the opportunities and challenges that all lawyers face in their careers, including women and minorities; in the operation of the jury system, in the search for access to justice, in efforts to end workplace

discrimination, in global campaigns to treat HIV/AIDS, in efforts to advance democracy in the United States and abroad, in the pursuit of human rights (including the role of international law in attacking genocide, state-sponsored violence against women and ethnic minorities, and sexual trafficking), and in the critical decisions that families confront when a loved one no longer can make medical decisions on their own behalf.

This year we are using a different format for our Annual Report in an effort to better capture the substance of our research program. 2009 was a year of enormous accomplishments for ABF. We call attention to some of these in a Highlights section. We then briefly describe the major topical areas of ABF research.

While the format of this report is new, the efforts described here would not have been possible without the very substantial and ongoing support of the American Bar Endowment. The Endowment successfully weathered the financial turmoil that began in the fall of 2008 and has been able to provide the same level of grant support in fiscal year 2009-10 as it did in fiscal year 2008-09. We are deeply indebted to the ABE for their support. We also very much appreciate the support of the Fellows of the American Bar Foundation, who set another record amount for annual fundraising.

As we look back on the achievements of 2009, we look forward to continuing our work to better understand the law and the important role it plays in our society. We are privileged to practice our craft in one of the world's leading research organizations. We thank our supporters and institutional leaders for making it possible for us to advance justice by expanding knowledge.

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Legal Profession, American Bar Foundation, and  
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# Highlights

In June, ABF Research Professor John Hagan received the Stockholm Prize in Criminology for his path-breaking research on genocide in Darfur and in the Balkans. In the words of the international jury that presented the prize, “Hagan and colleagues pioneered the application of advanced crime measurement techniques to the study of genocide in their empirical work on violence in Darfur and in the Balkans. Their conclusions were reported in more than one hundred newspapers worldwide, helping to transform public comprehension and discussion of the tragedy in Darfur.”

In February, at the Midyear Meeting of the American Bar Association, scholars on the After the JD study of lawyers careers (Ronit Dinovitzer, Joyce Sterling, Robert Nelson, and David Wilkins) presented the first findings from the second wave of interviews with a large national sample of lawyers who passed the bar in the year 2000. The results confirmed the widespread view that young lawyers are extremely mobile—with more than one-half having changed practice settings between 2003 and 2007. But the results also contradicted reports of high levels of dissatisfaction among lawyers, as more than three-quarters of respondents reported being extremely satisfied or satisfied with their decision to become a lawyer. While the survey showed that women and minorities had made enormous progress in the profession, the results showed that women are far more likely than their male counterparts to be unemployed or work part-time.

ABF and University of Chicago Professor James Heckman’s research on the relative advantages of investing in early childhood development and education, earlier reported in *Science*, was recognized by the Society for Research in Child Development, which awarded him the 2009 Distinguished Contributions to Public Policy for Children Award, citing his “tireless work promoting cost-benefit perspectives on early childhood programs and other human capital policies to business leaders and policy makers; for developing important methodological innovations that are now widely used throughout the social sciences; and for developing innovative models of child development that incorporate insights from



On June 23, 2009 the Stockholm Prize in Criminology was awarded to John Hagan (left) of the ABF and Northwestern University, and Raúl Zaffaroni (right) of the Supreme Court of Argentina, by Swedish Minister of Justice, Beatrice Ask. Photo by Pernille Toft.



# Highlights



*International Criminal Courts Prosecutor Luis Moreno Ocampo (left) addresses participants at the Center on Law and Globalization's Interdisciplinary Colloquium on Sexual Violence as International Crime, hosted by the Grotius Centre for International Legal Studies, Leiden University, The Hague, June 2009. Photo by Martijn van Dam.*



*Glenn C. Loury, Professor of Economics at Brown University, delivers the keynote address to the participants at the Discoveries of the Discrimination Research Group conference, convened in conjunction with the Center for Advanced Study in the Behavioral Sciences, at Stanford University, November 7, 2008, held at Stanford Law School.*

neuroscience, development psychology, and economics.”

In June, the ABF's Center on Law and Globalization (a collaboration of the ABF and the University of Illinois College of Law) convened a conference at the Hague on Sexual Violence as International Crime. Led by John Hagan and Charlotte Ku, the conference brought together social scientists and international jurists to examine how these groups could work together to prosecute cases of sexual violence. The conference was addressed by Navanethem Pillay, the United Nations High Commissioner for Human Rights and Luis Moreno Ocampo, Prosecutor of the International Criminal Court.

In November 2008, days after the election of Barack Obama, the ABF collaborated with the Center for Advanced Study in the

Behavioral Sciences to hold a conference at Stanford Law School on the findings of the Discrimination Research Group. Noted economist Glenn Loury gave the conference keynote, key findings were presented at a press briefing conference, and original research papers were given by leading scholars in discrimination and law.

In August, Research Professor Shari Diamond, one of the world's foremost experts on jury decision-making, presented findings from her landmark study of civil juries that revealed that while most talk about the law during jury deliberations is legally accurate, significant errors due to confusing jury instructions and other structural factors occurred in 1 out of 6 cases.

In November, *Global Perspectives on the Rule of Law*, edited by James Heckman, Robert Nelson, and Lee Cabatingan, was published as part of the scholarship program of the World Justice Project. The collection includes essays by Nobel Laureates James Heckman and Amartya Sen, as well as other distinguished scholars. The book was distributed to participants in the World Justice Forum II held in Vienna, Austria, November 11-14, 2009.

The ABF launched an expanded doctoral fellowship program with support from a grant by the National Science Foundation and in collaboration with the Law and Society Association. The program brought five doctoral fellows to the ABF from the University of California-Santa Barbara, Yale, Cornell, Stanford, and M.I.T. Nicholas Buchanan of M.I.T. was awarded the Hetlage Prize for the outstanding article by a doctoral fellow for his research on litigation involving the Klamath Tribe's claims to water

rights on the Klamath River in Oregon. This year five recent ABF doctoral fellows received academic appointments at major research universities, an extraordinary accomplishment in an economically depressed hiring year.

In the summer the ABF greeted four Montgomery Summer Research Diversity Fellows, who worked with ABF research faculty while gaining exposure to a range of practice settings in the Chicago legal community.

Over the current and prior fiscal years, ABF researchers have been awarded some \$758,000 in research grants from the National Science Foundation and other foundations. Indeed, the last 13 proposals submitted by ABF scholars to the National Science Foundation have received awards, a success rate that far exceeds the average success rate of 10%. The grant recipients include John Comaroff, John Hagan, Terence Halliday, Robert Nelson, Laura Beth Nielsen, Dylan Penningroth, and Susan Shapiro.

ABF scholars continued to receive scholarly prizes for their research and career accomplishments. Dylan Penningroth received a prize for his research on slavery in the United States and Ghana, Terence Halliday (along with Bruce Carruthers) was recognized for his research on the diffusion of international bankruptcy law, John Hagan received a book prize for his book *Darfur and the Crime of Genocide* (along with Wenona Rymond-Richmond), new ABF Research Professor Traci Burch received prizes for best dissertation from several political science associations, Laura Beth Nielsen was elected Secretary of the Law & Society Association, Bonnie Honig held an American Philosophical Society fellowship at Oxford University.

