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Introduction to the American Bar Foundation

**Mission**

The American Bar Foundation (ABF) seeks to expand knowledge and advance justice through innovative, interdisciplinary, and rigorous empirical research on law, legal processes, and legal institutions. To further this mission the ABF will produce timely, cutting-edge research of the highest quality to inform and guide the legal profession, the academy, and society in the United States and internationally.

The American Bar Foundation is among the world’s leading research institutes for the interdisciplinary and empirical study of law. An independent, nonprofit organization for over sixty years, the ABF has advanced the understanding and improvement of law through research projects of unmatched scale and quality on the most pressing issues facing the legal system in the United States and the world. The Foundation is committed to broad dissemination of its research findings to the organized bar, scholars, and the public. The results are published in a wide range of forums, including leading academic journals, law reviews, and academic and commercial presses.

**Research Faculty**

The research program of the American Bar Foundation is implemented through the projects designed and conducted by the members of the ABF’s resident research faculty. ABF Research Professors are among the leading scholars in their disciplines, which include anthropology, economics, history, law, political science, psychology, and sociology. A research project is undertaken only after completion of a very extensive review process. The internal review committee, an external review panel, the Research Committee of the ABF Board, and ultimately the Board of Directors must conclude that the proposed study will make a significant contribution to the field and that the research can be carried out with the appropriate standards of integrity, human subjects protection, and scholarship.

**Funding**

The Foundation extends special thanks to the American Bar Endowment (ABE). The American Bar Endowment’s grant of $3,414,720.00 in fiscal year 2016-17 makes the Endowment the Foundation’s largest supporter. Founded in 1942, the ABE is a charitable organization dedicated to improving the quality of justice in the United States by funding research, educational, and public service projects in the field of law. ABA members who participate in the Endowment’s group insurance programs can contribute to these efforts. Those members who participate in the Endowment’s insurance plans, and allow the ABE to retain dividends payable on the group insurance policies, provide essential support for the ABE’s grant program. The Foundation would like to thank all ABA members who participate in ABE insurance plans and donate their dividends, along with the ABE, for the valuable funding they have provided.

Other sponsors include the Fellows of the American Bar Foundation and private foundations and government agencies that award grants to support specific research projects and other ABF programs. The American Bar Foundation is recognized as a 501(c)(3) nonprofit organization.

**The Fellows of the American Bar Foundation**

The Fellows of the American Bar Foundation is an organization of lawyers, judges, law faculty, and legal scholars who have been elected by their peers to become members of the Fellows because of their outstanding achievements in the legal profession. The Fellows support the research work of the American Bar Foundation through their annual contributions and sponsor seminars and events of direct relevance to leaders of the legal profession.
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Fellows Research Advisory Committee

**Mission**
The Fellows Research Advisory Committee (FRAC) works with the Director of the ABF and the officers of the Fellows to organize the Fellows Research Seminars each year and serves as a bridge between the research program of the American Bar Foundation and the profession, including the practicing bar, the judiciary, and legal education.

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### Past Presidents of the American Bar Foundation

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<thead>
<tr>
<th>2014–2016</th>
<th>David A. Collins</th>
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<tr>
<td>2012–2014</td>
<td>Hon. Bernice B. Donald</td>
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<td>2010–2012</td>
<td>William C. Hubbard</td>
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<td>2008–2010</td>
<td>Richard Pena</td>
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<td>2006–2008</td>
<td>David K.Y. Tang</td>
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<td>2004–2006</td>
<td>Robert O. Hetlage*</td>
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<td>2002–2004</td>
<td>M. Peter Moser*</td>
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<td>2000–2002</td>
<td>Jacqueline Allee</td>
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<td>1996–1998</td>
<td>Robert MacCrater*</td>
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<td>1994–1996</td>
<td>John C. Deacon*</td>
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<td>1986–1988</td>
<td>Randolph W. Thrower*</td>
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<td>1984–1986</td>
<td>F. Wm. McCalpin*</td>
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<td>1982–1984</td>
<td>Seth M. Hufstedler</td>
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<td>John J. Creedon</td>
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<td>Robert W. Meserve*</td>
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<td>Bernard G. Segal*</td>
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<td>1974–1976</td>
<td>Maynard J. Toll*</td>
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<td>1971–1974</td>
<td>Hon. Erwin N. Griswold*</td>
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<td>1968–1971</td>
<td>Lewis F. Powell*</td>
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<td>Ross L. Malone*</td>
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<td>William T. Gossett*</td>
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<td>Whitney North Seymour*</td>
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<td>Charles S. Rhyne*</td>
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<td>E. Smythe Gambrell*</td>
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<td>1954–1955</td>
<td>Loyd Wright*</td>
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<td>1953–1954</td>
<td>William J. Jameson*</td>
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<td>1952–1953</td>
<td>Robert G. Storey*</td>
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<td>(Elected the first president on November 21, 1952)</td>
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As I continue my third year as Director of the American Bar Foundation (ABF), it remains a great honor and pleasure for me to thank all of our many supporters and to tell you about some of our new and continuing research.

Let me begin by conveying our sincerest gratitude to the many institutions and individuals that support ABF research and programming. First and foremost, our deepest thanks to the American Bar Endowment (ABE), which has been — and we hope will always be — our most significant funder. The ABE board of directors has long been and remains a highly engaged and supportive group of individuals assisting the ABF.

Thanks also to the thousands of individual ABF Fellows who make up our global honor society of leading members of the bar, bench and legal academy. The ABF Fellows are not only an important source of funding, they have also become a critical dissemination channel, helping us extend the reach of our research findings and the importance of our programming.

Third, let me thank the many public and private organizations that support the ABF, including the National Science Foundation (NSF), Open Society Foundations, and the AccessLex Institute, to name just a few. It is because of all these institutions — the ABE, the ABF Fellows, and our external funders — that the ABF remains among the world’s leading research institutes for the empirical and interdisciplinary study of law, legal institutions, and legal processes.

We remain a distinguished research organization mainly because of our longstanding commitment to empirical and interdisciplinary scholarship at the intersection of law and the social sciences. There are, to be sure, many law schools, universities, and think tanks conducting research on the law. But few are able to take on rigorous, in-depth, and long-term projects that cut across disciplines and are the hallmark of ABF research. These include projects like the After the JD, which continues to follow the career paths of a cohort of lawyers from the early 2000s, and inform new ABF research projects, including our recent collaboration with the American Bar Association’s (ABA) Commission on Women and the ABA President’s Office: “The Long-term Career Success of Women in the Law.”

Our distinctive research on the legal profession and legal education is matched by our work on Access to Justice. From our research on tort reform, and our work assessing the “justice gap” to our studies of activist human rights lawyers, and our many projects on criminal justice reform, the ABF continues to produce some of the most innovative and influential research on the great challenges facing the advancement of justice.

One critical aspect of our work that cuts across nearly all of our research is our study of what Harvard Law School Dean, Roscoe Pound, famously identified a century ago as the gap between “law on the books” and “law in action.” Nearly all ABF scholarship investigates how and why formal laws do not always correspond with law in practice, including our research on the efficacy of advanced directives for end-of-life decisions, our recent study of employment discrimination, our work on the adverse consequences of “problematic policing,” and our scholarship on comparative constitutionalism.

As many of you may know, the ABF was founded over sixty-five years ago to expand knowledge and advance justice. We are able to fulfill this mandate through our research and because of the support of our many funders. With your continued assistance, we look forward to sustaining our mission for another sixty-five years.
Major Studies Published in 2017

Two major books by American Bar Foundation (ABF) scholars were published in 2017: Global Lawmakers: International Organizations in the Crafting of World Markets, by ABF Research Professor Terence C. Halliday and Fordham University School of Law Professor (and ABF-affiliated scholar) Susan Block-Lieb, and Rights on Trial: How Workplace Discrimination Law Perpetuates Inequality, by ABF Research Professors Robert L. Nelson and Laura Beth Nielsen and University of Toronto Professor (and ABF-affiliated scholar) Ellen Berrey.

Global Lawmakers is the first extensive empirical examination of commercial lawmaking within the United Nations. Using extensive data, the book investigates three episodes of trade lawmaking between 1999 and 2012, in which “hard” and “soft” law for international adoption was created. Global Lawmakers reveals dynamics of competition, cooperation, and competitive cooperation within and between international organizations, including the UN, World Bank, IMF, and UNIDROIT, as they craft international laws. The book concludes with an appraisal of creative global governance by the UN in international commerce over the past fifty years and investigates prospective challenges for the twenty-first century.

Professor John Braithwaite of Australian National University called Global Lawmakers “a magnificent book on who makes the commercial law of the world, and how. Beautifully written, its pages present an ethnography of transnational legal orders and insurgent orders.”

Halliday and Susan Block-Lieb were featured presenters at the United Nations Commission on International Trade Law’s (UNCITRAL) 50th Anniversary Celebration in Vienna, Austria in June 2017. Global Lawmakers was highlighted in a panel that engaged the authors in discussion about the book’s themes on UNCITRAL’s forms of global governance and the Commission’s past and future. The ABF celebrated the book’s publication with a launch event in 2017.

Rights on Trial illustrates how employment civil rights litigation entrenches patterns of discrimination in and out of the workplace. This long-anticipated study offers a comprehensive analysis of employment civil rights litigation in the U.S. and gives voice to real plaintiffs in their pursuit of justice and defense of their fundamental civil rights.

Sociologists Ellen Berrey, Robert L. Nelson, and Laura Beth Nielsen examined 1,788 cases filed between 1988 and 2003 and conducted 100 interviews with plaintiffs, plaintiffs’ attorneys, employer defendants, and defense attorneys to represent a holistic view of workplace discrimination law in action.

Though significant legislative and judicial progress in civil rights protections has been made over the past fifty years, Rights on Trial emphasizes how workplace discrimination based on race, gender, age, and disability persists. The authors find that the adversarial nature of litigation places plaintiffs at a disadvantage from the outset. Legal recourse is rare, but plaintiffs who do file legal charges often experience substantial challenges in navigating litigation, including mistreatment by their colleagues and management, difficulty securing legal representation, and extensive personal and financial burdens — including job loss — as a result of the case. Meanwhile, employers manage litigation in ways that minimize costs and insulate their workplaces from change, particularly through their reliance on small settlements.

The book also exposes the ways that employment civil rights litigation can underscore existing systems of privilege. The research reveals that many plaintiffs struggle to obtain a lawyer as a result of structural...
inequalities and lawyer biases. It finds that 23 percent of workplace discrimination cases are filed without a lawyer or pro se. Cases filed pro se are dismissed at a rate of 40 percent compared to 11 percent for cases with attorneys. These disadvantages are exacerbated for people of color: African American plaintiffs are 2.5 times more likely to file claims without a lawyer, and Asian American and Latino plaintiffs are 1.9 times more likely to file pro se, compared to their white peers.

“Even though Americans revere rights, and employers say they strongly favor discrimination law, the litigation process devalues the people who make rights claims,” Nelson said in a trailer for the book. “In fact, employment civil rights litigation tends to reinforce the very patterns of inequality that the law was intended to eliminate.”

*Rights on Trial* is the culmination of more than a decade of research examining the U.S. model of employment civil rights litigation. It is a continuation of the research in Nelson and Nielsen’s 2008 book, *Handbook of Employment Discrimination Research*. In February 2017, the Equal Employment Opportunity Commission (EEOC) cited the research contained in *Rights on Trial* as a basis for changes in its 2017-2021 Strategic Enforcement Plan.

“This book reflects ABF research at its finest,” said ABF Director Ajay K. Mehrotra. “The authors have conducted a deeply rigorous, empirical study of employment discrimination that tackles timely and important questions about the stubborn persistence of discrimination and its relationship to social inequality.”

For more information on *Rights on Trial*, please visit [rightsontrial.com](http://rightsontrial.com).

**Neukom Chair Scholar Develops New Framework for Understanding the Development of Inequality in the United States**

Laura F. Edwards, the Peabody Family Professor of History at Duke University, was the 2016-17 William H. Neukom Fellows Research Chair in Diversity and Law at the American Bar Foundation (ABF). An award-winning historian, Edwards is an expert on race, gender and the law. Her research focuses on how disadvantaged and dependent groups such as slaves, women and children used the law in the nineteenth century to empower themselves and shape their communities.

During her year at the ABF, Edwards worked on a book project tentatively titled “Only the Clothes on Her Back: Textiles, Law, and Commerce in the Nineteenth-Century United States.” It explores the relationship between U.S. textile trade in the nineteenth century and institutions of law and governance and reveals the ways in which subordinated groups engaged in trade, used

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1. From left to right: Laura Beth Nielsen, Robert L. Nelson, and Ellen Berrey.
2. The authors presenting their findings at reception at the ABF offices in 2017
3. Berrey, Nelson, and Nielsen examined 1,788 cases filed between 1988 and 2003 and conducted 100 interviews with plaintiffs, plaintiffs’ attorneys, employer defendants, and defense attorneys.
the legal system, and ultimately shaped the nation’s governing institutions.

Along with writing numerous related epilogues, essays and articles, Edwards completed two papers for her book manuscript. The first paper, “Textiles and the Material Culture of Law and Governance,” was for Emancipations, Reconstructions, Revolutions: African American Politics and U.S. History in the Long 19th Century, 1776-1920, a conference at the CUNY Graduate Center in New York City and the McNeil Center for Early American Studies in Philadelphia in February 2017. The second piece, “‘Take No Account of Anything Made Entirely within Yourself’: The Legal Power of Textiles and the Status of Women between the Revolution and the Civil War in the United States,” was for the ABF’s United States Legal History Roundtable in May 2017. “It is very much an ABF book… All the intellectual heavy lifting was done at the ABF, and the resulting book owes to conversations and seminars there,” Edwards wrote in a letter to ABF Director Ajay K. Mehrotra.

The William H. Neukom Fellows Research Chair was established in 2014 to lead the ABF’s empirical research on law and legal processes relating to issues of diversity and inequality that women, people of color, people with disabilities, and persons from the LGBTQ community face in the justice system. It was created to build upon the work of the ABF’s Research Group on Legal Diversity, a network of scholars who conduct empirical research on diversity in the legal profession and institutions of justice, as well as the impact of diversity on legal processes and institutions.

Edwards’ other activities as Neukom Chair:

- Speaker, Panel on the Fourteenth Amendment for ABA Law Day, May 2017
- Epilogue for The Civil War and the Transformation of Citizenship
- Paper for the Tobin Project’s Conference on the History of American Democracy in June 2017; Contributor to the Tobin Project’s working paper series on American democracy
- Article on the 14th Amendment for Insights, a journal by the American Bar Association
- Historiographical article on legal history, “Sarah Allingham’s Sheet and Other Lessons from Legal History,” for the Journal of the Early Republic
- Essay, “Legal History as Social History” for The Oxford Handbook of Historical Legal Research (Oxford University Press)
- Commentator, Pryer Prize, American Society for Legal History
- Participant, roundtable on the Fourteenth Amendment, Organization of American Historians
- Commentator and Presenter, 2017 Prizes, Department of History, Dartmouth College
- Presenter, ABF Legal History Workshop
- Member, American Council of Learned Societies (ACLS) Selection Committee

2. Edwards was a featured panelist for “The 14th Amendment: Transforming American Democracy”, part of the ABA’s Law Day activities on May 1, 2017.
3. Laura F. Edwards.
ABF Goes to Washington

China’s unprecedented crackdown on criminal defense and human rights lawyers began on July 9, 2015 with the disappearance of lawyers Wang Yu and Bao Longjun and their sixteen-year-old son. Since then, hundreds of human rights lawyers and activists, as well as their family members, have been detained, summoned for questioning, or disappeared. The detained lawyers have been charged with “subversion of state power” or “inciting the subversion of state power” and several have been denied access to their appointed lawyers. These events came to be called the “709” crackdown.

On June 28, 2017, ABF researcher Terence Halliday, an expert on Chinese law who has written extensively on the crackdown, provided testimony before the Congressional-Executive Commission on China. The hearing, “Gagging the Lawyers: China’s Crackdown on Human Rights Lawyers and its Implications for U.S.-China Relations,” supported the Commission in examining the effects and foreign policy implications of the “709” crackdown on relations between the United States and China. The Commission also examined the detained lawyers’ motivation for taking on politically sensitive cases and the responses of their spouses and family members, who have been emboldened in their own advocacy.

“Viewing China through the lens of courageous lawyers reveals that legal change in China has turned toward repression, a repression which has taken deeply sobering turns since 2015,” Halliday said at the hearing. “Nevertheless, deep impetuses for change remain within China.”

To address key questions about the crackdown, Halliday drew from his empirical research on Chinese activist-lawyers and his book with ABF researcher Sida Liu, Criminal Defense in China: The Politics of Lawyers at Work. The Commission also heard testimony from several Chinese human rights lawyers: Teng Biao co-founder of the Open Constitution Initiative; Xia Chongyu, the son of imprisoned human rights lawyer Xia Lin, and Xiaorong Li, a researcher at the Institute for Philosophy and Public Policy at the University of Maryland.

On the same day of the hearing, June 27, The Wall Street Journal published an op-ed by Halliday, entitled “Why China Fears Lawyers.” A full recording of the hearing can be found on the Congressional-Executive Commission on China’s YouTube Channel.

In April, Halliday gave a briefing on his research findings to officials at the U.S. State Department Bureau of Democracy, Human Rights, and Labor and invited NGO officers.

1. ABF Researcher Terence Halliday at the U.S. State Department Bureau of Democracy, Human Rights, and Labor, briefing State Department and NGO officers on his research on the plight of defense and human rights lawyers in China.
2. Senator Marco Rubio (R-Florida), chairman of the Congressional-Executive Commission on China, provided opening statements at the hearing.
Halliday also served on a panel entitled “Endangered Species: Protecting Lawyer-Activists in China and Around the World” at the ABA Section of International Law Spring Meeting on April 28, 2017. Halliday’s presentation focused on the crackdown and explored how members of the legal community should respond to lawyer repression in China and other authoritarian states with regard to international human rights law and fundamental ethical obligations. Halliday was joined on the panel by Henri J. Barkey (Woodrow Wilson International Center for Scholars), Deborah Enix-Ross (Debevoise & Plimpton LLP), and Martin S. Flaherty (Leitner Center for International Law and Justice at Fordham Law School). Nina Totenberg, NPR award-winning legal affairs correspondent, acted as moderator.

A Variety of Perspectives on Tax Reform

In 2017, Congress embarked on fundamental tax reform for the first time in more than thirty years, creating new challenges and opportunities in the global economy. The American Bar Foundation partnered with Tax Analysts, an independent, nonprofit multimedia organization dedicated to fostering open and informed debates on taxation, to get a variety of perspectives on this important issue. Together, the two organizations hosted a series of panels across the country entitled, “Tax Reform: Perspectives From Across the Nation,” featuring leading tax experts and scholars. The series was dedicated to examining and advancing the conversation around tax reform in the United States.

The series kicked off in Chicago at Northwestern Pritzker School of Law on May 16, 2017. It continued with panels in New York City (NYU School of Law), Houston (Vinson & Elkins), Gainesville (University of Florida Levin College of Law), Atlanta (Alston & Bird), San Diego (University of San Diego School of Law), Boston (Boston University School of Law), and concluded in Los Angeles (USC Gould School of Law) on October 25, 2017.

ABF Director Ajay K. Mehrotra, an expert on tax law, was a moderator for several of the panels. Other featured speakers included: Ray Beeman (Washington Council Ernst & Young), Peter Merrill (PwC), Daniel Shaviro (NYU School of Law), Peter Blessing (KPMG), Charlotte Crane (Northwestern Pritzker School of Law), Eric Solomon (Ernst & Young), Mark Humphrey (Koch Industries), Greg Matlock (Ernst & Young), David Peck (Vinson & Elkins), Christine Vaughn (Vinson & Elkins), Bret Wells (University of Houston Law Center), Mindy Herzfeld (University of Florida Levin College of Law), Stephen Looney (Dean Mead), Greg Rosica (Ernst & Young), Debora Correa Talutto
Record Year for External Funding — and its Impact

In the 2016-17 fiscal year, the ABF secured over $1 million in grant awards to support new research and ongoing programming activity, a new record in garnering external funding. Although the ABF’s primary support is provided by the American Bar Endowment (ABE) and the Fellows of the American Bar Foundation, the organization relies heavily on external research grants for additional research and programming support.

In 2017, the ABF secured grants from the following organizations: the National Science Foundation (NSF), AccessLex Institute, Open Society Foundations, Kenneth and Harle Montgomery Foundation, Spencer Foundation, California Community Foundation, National Association for Law Placement (NALP) Foundation, Northwestern Pritzker School of Law, American Society for Legal History, AT&T, Oscar M. Ruebhausen Fund at Yale Law School, and the UCLA César E. Chávez Department of Chicana/o Studies. The grants will support the ABF’s research and programming in the fields of access to justice, legal education, and the ABF’s innovative Future of Latinos Project.

“We are extremely grateful to all our new and continuing funding partners,” said ABF Executive Director Ajay K. Mehrotra in a press release announcing the grants. “While the ABF is smaller in size than some other research institutes, few research organizations have the capability to conduct the kind of rigorous, independent empirical projects that are hallmarks of ABF research.”

The ABF also received significant grants in support of the organization’s growing doctoral and postdoctoral fellowship programs. A key grant from the Spencer Foundation was awarded to support the research of ABF Postdoctoral Fellow Matthew Shaw, who began an academic appointment at Vanderbilt University in Fall 2017. Shaw’s research for the ABF examined the financial stability of historically Black colleges and universities during an era of decreased state funding.

“Matt Shaw is an example of a highly original scholar who has learned a great deal during his time at the ABF,” Mehrotra noted in the press release. “The findings from his project will inform funding and policy decisions that will affect thousands of lives and careers in the years ahead.”

Research Professor John Hagan received a prestigious fellowship at the Center for Advanced Study in the Behavioral Sciences (CASBS) at Stanford University.

A Commitment to Fostering the Next Generation of Law and Social Science Scholars

Thanks to the ABF’s success in garnering external funding, the organization welcomed its largest cohort of funded doctoral fellows ever in September 2017.

Meghan L. Morris, ABF/NSF Postdoctoral Fellow in Law and Inequality; Margot Moinester and Asad Rahim, ABF/NSF Doctoral Fellows in Law and Inequality; Rachel Montgomery and Christopher J. Ryan Jr., ABF/AccessLex Institute Doctoral Fellows in Legal and Higher Education; and Amanda Kleintop, ABF/Northwestern Doctoral Fellow; joined continuing doctoral fellows Jeffrey Omari and Ayobami Laniyonu, ABF/NSF/LSA Doctoral Fellows.

“Thanks to the generous support of our partners at the National Science Foundation (NSF), the AccessLex Institute, and Northwestern University, we will be hosting one of the largest and most talented groups of ABF doctoral and postdoctoral fellows working at the intersection of law and social science,” ABF Executive Director Ajay K. Mehrotra said in a press release announcing the 2017 fellows.

The research interests of the ABF’s doctoral and postdoctoral fellows are wide-ranging and interdisciplinary. Morris’ dissertation, “Property in the Shadow of the Post-Conflict,” is an interdisciplinary study examining how property can become understood as both the root of violent conflict and the key to peace. Morris’s dissertation explored this through an ethnographic account of how the reordering of property is central to ongoing efforts to achieve a post-conflict era in Colombia.

Moinester’s dissertation, Detain and Deport: Growth and Inequality in American Immigration Enforcement, charts the unprecedented expansion of the immigration enforcement system in the United States over the past several decades. Rahim’s dissertation, From Equality to Diversity: The Diversity Rationale and the Construction of Racial Identity, is a rigorous and provocative examination of the ways that Black graduate students in prestigious universities experience diversity norms. Montgomery’s dissertation examines the concept of “administrative

Highlights

(Truemann Banking Software Co.), Jerry Cohen (Eversheds Sutherland), Jasper L. (Jack) Cummings, Jr. (Alston & Bird), Victor Fleischer (University of San Diego School of Law), Cathy Koch (Ernst & Young), Alan Feld (Boston University School of Law), Ameek Ponda (Sullivan & Worcester), Christina Rice (Boston University School of Law), Edward Kleinbard (USC Gould School of Law), Sam Melehani (PwC), as well as Tax Analysts experts Lee Sheppard, Joseph Thorndike, Christopher Bergin, and Ariel Greenblum.

Recording of all of the panels can be found on the Tax Analysts YouTube Channel (youtube.com/TaxAnalysts).
co-leadership” through an in-depth analysis of its implementation in the form of co-deanships at several law schools across the country. Ryan’s dissertation, Chasing Paper: The Economics of Attending Law School in the 21st Century, explores the economics of legal education and examines the risk tolerance of and labor market returns to law school graduates. Kleintop’s dissertation, The Terms of Emancipation: Conflicts over Debts for the Value of Slaves from 1862-1875, explores the political consequences of white southerners’ attempts to profit from what they believed was their right to own property in humans by claiming compensation for their freed slaves from the federal government and relief from their debts for the value of slaves.

A Third Decade of Fostering Diversity in Legal Practice and the Academy

Since 1988, 122 talented undergraduates have participated in the ABF’s Montgomery Summer Research Diversity Fellowship in Law and Social Science. The fellowship welcomes outstanding students from across the country to join the ABF’s intellectual community and gain an in-depth introduction to the rewards and demands of a research-oriented career in the field of law and social science. Admission to the program is highly selective. Students from diverse backgrounds, who demonstrate academic excellence and a keen interest in law and social science are encouraged to apply. Each year, four exceptional individuals are chosen as fellows, and the summer 2017 cohort was no different.

Marcus Lane Jr. (Syracuse University), Sushmitha (Sushi) Ram (Smith College), Larkin Smith (University of Chicago), and Zoe Walker (University of Notre Dame) spent eight weeks working alongside ABF research professors on their projects. They also attended seminars and conferences, visited law firms, clinics, and area courthouses, and met with local judges, legal practitioners, law professors, and ABA representatives.
Research at the ABF is conducted by a residential research faculty and over 50 affiliated scholars from across the nation and the world. In the following areas and more, the ABF has been recognized as a thought leader and a source of research that is shaping law and policy. The findings from ABF research presented below are representative, but by no means exhaustive, of the ABF’s collective research efforts and achievements.

Criminal Defense in China
ABF Research Professor and Co-Director of the Center on Law & Globalization, Terence C. Halliday, and ABF Faculty Fellow Sida Liu, spent more than a decade researching the work of Chinese criminal defense lawyers and their struggle for basic legal rights under an authoritarian state. Their book, Criminal Defense in China: The Politics of Lawyers at Work (Cambridge University Press, 2016) represents the first comprehensive social science study of the everyday work and political mobilization of criminal defense lawyers practicing in China. Between 2005 and 2015, Halliday and Liu collected extensive media data and conducted 329 interviews with Chinese criminal defense lawyers and human rights activists. Among other findings, Halliday and Liu revealed the following:

- Five classifications of lawyers: progressive elites, pragmatic brokers, political activists, routine practitioners, and notable activists.
- A comparative and historical approach to the growth of political liberalism among Chinese lawyers, placing the movement within the framework of similar movements in Taiwan, Korea, Europe, and the Americas.
- Among the respondents studied, the longer criminal defense lawyers remain in practice, the more their motivation in pursuing justice and constraining state power increases.
- The political activism of Chinese activist lawyers is sustained not only by strong ideals, but also by the social networks in which they are embedded (e.g. collegial networks, human rights networks, religious networks, and transnational networks that include foreign journalists, NGOs and foreign governments).

The Future of Latinos
Inaugural ABF William H. Neukom Fellows Chair in Diversity and Law Rachel F. Moran and ABF Research Professor Robert Nelson co-direct the major research and planning initiative, The Future of Latinos in the United States: Law, Opportunity, and Mobility. The Future of Latinos is a nation-wide, interdisciplinary project dedicated to understanding and advancing research on the following:

Learning and Practicing Law

After the JD Study
The ABF long has been recognized as the leading source of research on legal education and the profession. One of the ABF’s hallmark projects in this area is After the JD (AJD), the first national study of legal careers. AJD is following a large national sample of lawyers admitted to the bar in 2000 over the first decade-plus of their careers. AJD is a unique source of information on the changing nature of legal careers. Data collection for Wave III of AJD was completed in early 2013. Data analysis on this rich sample continues, and a capstone book project is now underway on the findings from the first three waves. Recent findings include:

- Lawyers are moving away from private practice toward business (both as inside counsel and in non-law positions). In 2003, only 8.4% were working in the business sector; by 2012 that figure jumped to 20%. Meanwhile, the percentage of lawyers working in private practice declined from 68.8% to 44.1% over the same period.
- The gender pay gap persists. In 2012, female respondents working full time earned 80% of the pay reported by male respondents.
- The gender gap in attaining partnership persists. In 2012, 52.3% of female respondents working in law firms were partners compared with 68.8% of male respondents. Of partners, 65.5% of men were equity partners compared with 53% of women.
- Overall, 40.8% of respondents said that the economic downturn of 2008-09 had no noticeable effect on their careers.

76% of respondents indicated they were “moderately” or “extremely” satisfied with their decision to become a lawyer. When asked whether law school was a “good career investment” on a 1 to 7 scale, with 4 meaning “neither agree nor disagree,” the mean score was 5.46, indicating a relatively positive assessment.
The current condition of Latinos in the United States.

The structural barriers that impede full equality and integration for this emerging population.

The sites of intervention that promise to be most effective in promoting opportunity and mobility through law and policy.

Since its launch in 2015, the initiative has convened leading national policy makers and experts for a series of national roundtable events focused on identifying existing research and resources, understanding social and legal barriers to opportunity, developing reform recommendations that support full integration and inclusion, and cultivating a new generation of young Latino leaders.

The Financing of Legal Education

The American Bar Association’s (ABA) 2014-15 Task Force on Legal Education examined the student costs associated with legal education, specifically educational debt and financial aid and scholarships. The Task Force's consultant and reporter, ABF Research Professor Stephen Daniels, has been continuing the work of the Task Force by analyzing existing data and collecting additional materials on the changing dynamics of legal education. The Task Force’s research revealed that:

- Most law schools are heavily tuition-dependent for operating revenue. For one-quarter of them, over 80% of revenue comes from tuition.
- Accounting for inflation, private school debt increased by 25% between 2005 and 2013, and public school debt increased by 34%.
- Between the Fall 2009 and Spring 2015 academic years, new enrollments declined 30% for private law schools and 18% for public schools.

After Tenure, Phases I & II

The After Tenure study, led by Research Professor Elizabeth Mertz, in collaboration with colleagues Frances Tung, Katharine Barnes, and Wamucii Njogu, is the first in-depth examination of the lives of post-tenure law professors in the United States. Post-tenure law professors play an important role in the American legal system by directing the initial screening and training of lawyers. Legal academics can also directly affect the conceptualization of national and local legal issues through their scholarship or through their own personal involvement as advocates, judges, or government officials. In addition to its contribution to our knowledge of law professors, the study also speaks to a larger body of literature on both the legal profession and the academy. The study involved a national survey of over 1,000 of these professors and follow-up interviews with 100 of the survey participants.

In their analysis of the experiences of these tenured law professors, Mertz and her colleagues discovered the following:

- Nearly 39% of U.S. tenured law professors teach in the 50 top-ranked law schools in the country, as compared to the remaining three tiers (comprising 129 additional schools). Most law professors (60%) teach in private institutions.
- Educational levels of the mothers of professors of color and white women tended to be higher than those of white men.
- The vast majority of professors reported feeling respected and comfortable in their teaching positions, with 96% feeling respected by students and 98% feeling comfortable in the classroom.
- Despite the fact that most tenured law professors expressed overall satisfaction with their work lives, female professors and professors of color reported differentially negative experiences.

Civil Jury at Work

ABF Research Professor Shari Seidman Diamond’s research on video-taped jury deliberations in fifty real civil trials in the state of Arizona has yielded a wealth of findings, including the following:

- Jurors who are allowed to discuss the case as the trial progresses show better accuracy of recall and report greater comprehension of expert testimony.
- Questions submitted by jurors during trials reveal that jurors are intensely aware of the adversarial nature of the trial process and are attempting to check and gather information to clarify competing claims, rather than advocating for one side or another.
- When jury instructions fail, they do so more because of a lack of clarity in instruction rather than opaque legal language.
As a member of the American Bar Association’s (ABA) American Jury Project, Professor Diamond helped draft the Principles for Juries and Jury Trials, which were adopted in 2005. Diamond’s research has been incorporated into the evaluation and training programs of the Federal Judicial Center.

Employment Discrimination
Recent research conducted by ABF Research Professors Laura Beth Nielsen and Robert L. Nelson, with Ellen Berrey, considers how race may play a role in plaintiffs’ ability to find a lawyer. Examining racial patterns of lawyer use in employment discrimination cases, the investigators found the following:

- African-Americans are 2.5 times more likely than white plaintiffs to file employment discrimination cases pro se, or without a lawyer. Other racial minorities, including Hispanics and Asians, are 1.9 times more likely to file pro se than their white counterparts.
- Lack of information about the legal system, lack of trust in lawyers and their motives, and lack of time and resources to go through the arduous process of searching for a lawyer are all “bottom up” factors that contribute to the disparity in representation.

Parental Incarceration
Research is being carried out at the ABF examining the effects of mass incarceration on individuals, families and communities. With funding from the National Science Foundation (NSF), ABF Research Professor John Hagan is engaged in a multi-phase research project examining the social effects of mass incarceration and the impact of parental incarceration on children. According to Hagan’s research, approximately 700,000 inmates return to their families and communities from prison and half of these former prison inmates re-entering society are parents.

A recently concluded phase of the project has revealed the following:

- More than 3 million American children have an incarcerated parent.
- The overall U.S. college graduation rate of 40% drops to 1-2% among children of mothers who are imprisoned and to about 15% for children of imprisoned fathers.
- Even if their own parents are not imprisoned, when children go to schools where 10-20% of other parents are imprisoned, the college graduation rate drops by half.

Roles Beyond Lawyers
ABF Faculty Fellow Rebecca Sandefur leads the ABF’s Access to Justice research initiative. Her new report, Roles Beyond Lawyers: Evaluation of the New York City Court Navigators Program and Its Three Pilot Projects, assesses the efficacy of legal navigator programs to bridge the access to justice divide for underrepresented individuals in New York City’s civil courts. Roles Beyond Lawyers is the first comprehensive evaluation of this program and the first of its kind in American civil courts. Her findings show the following:

- Litigants who received the help of any kind of Navigator were 56% more likely than unassisted litigants to say they were able to tell their side of the story (surveyed responses).
- Tenants assisted by a Housing Court Answers Navigator were 87% more likely than unassisted tenants to have their defenses recognized and addressed by the court.
- In cases assisted by University Settlement Navigators, zero % of tenants experienced eviction from their homes by a marshal. By contrast, in recent years, one formal eviction occurs for about every nine nonpayment cases filed citywide.

Sandefur conducted the study with Thomas M. Clarke from the National Center for State Courts with funding from the Public Welfare Foundation.
The Probative Versus Prejudicial Effect of Gruesome Photographs in Court

Lawyers, judges, and juries are faced with a barrage of evidence and argument displayed in visual form — sometimes gruesome in nature. Advances in hand-held video technology have made it commonplace for accidents and crimes to be visually recorded. In the past decade, the use of visual evidence and arguments during legal proceedings has exploded, but empirical research on the effects of these tools for visual “meaning-making” has barely begun. Trials have always been battles over competing stories, but now these stories are being told through displays on courtroom screens. Courtroom images can influence beliefs, emotions, and judgments in ways that have never been empirically examined. This project will investigate how these emotionally evocative modes of visual evidence can affect the psychology of jurors’ decision making processes through influence on their emotions, attention to evidence, and legal judgments at the individual and group level.

ABF Research Professor Janice Nadler and her colleagues are undertaking a set of experiments that represent a theoretically driven and nuanced evaluation of how and why emotionally evocative photographs affect guilt and punishment judgments. Nadler and her team will:

- Examine the extent to which gruesome photographs (as opposed to verbal descriptions or neutral photographs) rouse negative emotion, causing jurors to pay more selective attention to case evidence that is consistent with their emotions and away from evidence that is not consistent with them.
- Test legal safeguards such as substituting black and white photographs.
- Examine the practice of instructing the jury on the potentially prejudicial influence of photographs.
- Examine the dynamic of group deliberation.

from birth to age five helps increase the likelihood of healthier lifestyles. Heckman has shown the following:

- Disadvantaged children who receive quality early healthcare and education are more likely to demonstrate self-control, follow doctors’ instructions and lead healthier lives as adults.

Heckman has also demonstrated that early childhood education helps reduce the following:

- Lower the crime rate
- Reduce the achievement gap
- Reduce the need for special education

In late 2016, Heckman released a new co-authored paper, The Life-Cycle Benefits of an Influential Early Childhood Program, which compared two pre-kindergarten education programs aimed at disadvantaged children and provided the long-term, cost-benefit analysis of investing in these programs over 35 years. The findings from this paper show the following:

- High-quality birth-to-five programs for disadvantaged children can deliver a 13% per year return on investment — a rate substantially higher than the 7-10% return previously established for preschool programs serving 3- to 4-year-olds. Significant gains are realized through better outcomes in education, health, social behaviors, and employment.

Surrogate Decision Making

ABF Research Professor Susan Shapiro, using unprecedented data from two years of observation in two intensive care units at a major urban teaching hospital, is examining how surrogate decision makers make medical — often end of life — decisions for patients unable to speak for themselves. Thus far, Shapiro’s real-time observations of medical decision making offer a very different perspective on the effectiveness of advance medical directives than that suggested in previous research based on retrospective accounts. In particular, Professor Shapiro finds the following:

- Medical advance directives are of limited value as few people have them and those that exist are often ignored by decision makers and physicians.
- Advanced directives are not followed for a variety of reasons, including:
  —The directive not being in the patient’s chart.
  —The directive not accurately reflecting the patient’s wishes.
—The directive being too abstract to provide meaningful guidance.
—The surrogate decision makers not following the directive.

* At present, given the limitations of advance directives, the best protection for potential patients is to have a family member who is designated to be aware of the patient’s wishes and to honor them.

Global Lawmaking

Global lawmaking by international organizations holds the potential for enormous influence over world trade and national economies. Representatives from states, industries, and professions produce laws for worldwide adoption in an effort to alter state lawmaking and commercial behaviors, whether of giant multi-national corporations or micro, small and medium-sized businesses. Who makes that law and who benefits from it affects all states and all market players.

Global Lawmakers: International Organizations in the Crafting of World Markets (Cambridge University Press, 2017) is a recently-completed study conducted by ABF Research Professor Terry Halliday and collaborator Susan Block-Lieb. Global Lawmakers offers the first extensive empirical study of commercial lawmaking within the United Nations. It shows who makes law for the world, how they make it, and who comes out ahead. Using extensive and unique data, the book investigates three episodes of lawmaking between the late 1990s and 2012. Through its original socio-legal orientation, it reveals dynamics of competition, cooperation and competitive cooperation within and between international organizations, including the United Nations, World Bank, International Monetary Fund (IMF), and the International Institute for the Unification of Private Law (UNIDROIT), as these international organizations craft international laws.

Writing Rights

Tom Ginsburg, ABF Research Professor and Leo Spitz Professor of International Law and professor of political science at the University of Chicago, and his colleagues are examining the origins and diffusion of rights in national constitutions from 1789 to the present, using new data from the Comparative Constitutions Project. In doing so, they offer a mix of quantitative and qualitative methodologies on a set of contemporary controversies in history, political science, and law. Researchers have identified the constitutions where various rights are first entrenched, explained why these rights were entrenched where they were (and not in another constitution written during the same era), and then assessed how these innovations in constitutional rights were propagated around the world. Unlike the existing literature, which emphasizes international factors, the researchers argue that domestic political factors and country characteristics (e.g. colonial heritage, prior entrenchment patterns, regime-type, domestic, etc.) are crucial in understanding the development and spread of constitutional institutions. They focus special attention on first constitutions and region as the drivers of adoption. Researchers are currently examining the following:

* The factors that predict the adoption of new rights in the entire corpus of rights.
* The role of international treaties in coordinating rights provisions in national constitutions.

A Comparative History of U.S. Resistance to the Value-added Tax

This project, led by ABF Executive Director and Research Professor Ajay Mehrotra, seeks to explore how and why the United States has historically rejected national consumption taxes. Nearly all developed, industrialized countries, and many in the developing world have a national consumption tax in the form of a Value-added Tax (VAT), except for the United States. This project focuses on the question: why no VAT in the United States? In addressing this research question, this project explores three key historical periods:

* The 1920s when tax theorists in the United States and Germany first began to conceptualize, formulate, and propose crude forms of value-added taxes.
* The decades of the mid-20th century when the United States seriously considered but rejected national consumption taxes aimed at raising revenue for World War II. Similarly, after the war, during the U.S. occupation of Japan, American economic experts designed and implemented a proto-VAT for Japan that was adopted for a short period.
* During the 1970s and ’80s American lawmakers considered and even supported a U.S. VAT but eventually withdrew their support or were ousted from political office for recommending a VAT. At the same time, other developed countries, such as Japan and Canada, began to move towards a national VAT.

By focusing on these three key historical periods from a comparative perspective, this project seeks to study how and why the U.S. has failed to adopt national consumption taxes, like the VAT.
Bernadette Atuahene
J.D., Yale Law School; M.P.A., Harvard University
Joint Appointment: Professor, ITT Chicago-Kent College of Law
Research Interests: law and international development, particularly the dispossession and restitution of property rights in the developing world. Research has examined the challenges faced by transitional democracies where past property dispossession is a prominent political and moral issue.
Current ABF Project:
Conceptualizing Property Takings
Using the concept of a “dignity taking,” linking the unconscended taking of property rights with the deprivation of dignity which Atuahene has explored previously, this research project seeks to further understand the relationship between property and dignity, and extends the earlier analysis to the case of squatting. Among other things, the research will help illuminate why some populations choose to squat instead of pursuing alternative accommodations, and how these risky and illegal actions may enhance or degrade their dignity.

Traci Burch
Ph.D., Government and Social Policy, Harvard University
Joint Appointment: Associate Professor of Political Science, Northwestern University
Research Interests: criminal justice policy, political participation, race and ethnic politics.
Current ABF Project:
Policing on Political Participation
Burch is working on several papers that concern the effects of policing on political participation and public opinion. Two papers will use survey data from a collaborative survey of Americans fielded after the 2016 election to look at how policing and criminal justice contact shapes political participation and public opinion about police. Another paper will collect nationwide data on police killings and other geographic information to see the relationship between police killings and protest incidents. A final paper examines how aggressive policing practices shape neighborhood political participation.

Stephen Daniels
Ph.D., Political Science, University of Wisconsin
Research Interests: law and public policy, legal education, the legal profession, and the American civil justice system. Research has addressed innovation in legal education, the delivery of legal services, civil juries, trial courts, plaintiffs’ lawyers, and the politics of civil justice reform — including the areas of medical malpractice, products liability, and punitive damages.
Current ABF Projects:
The Financing of Legal Education (in part with David Thomson)
Supported by a grant from AccessLex Institute, this research builds on Daniels’ work as the reporter and consultant to the 2014-15 American Bar Association (ABA) Task Force on the Financing of Legal Education. It does so by fully analyzing the data collected as a part of the Task Force’s work in combination with additional data and materials relevant to the challenges facing legal education.
Licensed Legal Professionals and the Justice Gap (with James Bowers)

This project examines questions surrounding the increasing interest in licensed legal professionals as means of promoting greater access to justice. Using nurse practitioners as a reference point, it has two main goals: to explore the role such professionals can play in providing access to justice and to examine the current and past debates over such professionals.

Shari Seidman Diamond
Ph.D., Social Psychology, Northwestern University; J.D., University of Chicago
Joint Appointment: Howard J. Trienens Professor of Law and Professor of Psychology, Pritzker School of Law, Northwestern University
Research Interests: legal decision-making, including conflicts between expertise and impartiality, discretion and control; equality and individuation; and science and law. Research addresses how these conflicts influence jury and judicial decision-making, how juries grapple with evidence and the law, and how courts use and fail to make use of scientific evidence.

Current ABF Projects:
Science and the Legal System (with Richard O. Lempert)
Science and law increasingly interact, but the quality of scientific expertise in the legal system is often in doubt. The first phase of this project surveys elite scientific and engineering experts, exploring their attitudes toward the legal system, reasons why they accept or refuse to participate as experts in legal proceedings, their experience when they do participate, and how procedures might be changed to facilitate greater participation.

Building on the Arizona Filming Project (with Mary R. Rose and Beth Murphy)
Using a unique opportunity to study 50 real civil jury deliberations, this project tests a variety of claims about how juries function. The picture that emerges from the close quantitative and qualitative study of these deliberations reveals a complex process of reasoning and decision making not fully captured in laboratory and archival work.

Laura F. Edwards
Ph.D., History, University of North Carolina at Chapel Hill; 2016–17 William H. Neukom Fellows Research Chair in Diversity and Law
Joint Appointment: Peabody Family Professor of History in Trinity College of Arts and Sciences, Duke University
Research Interests: race, gender, and the law in the nineteenth century.

Current ABF Project:
Only the Clothes on Her Back: Textiles, Law, and Commerce in the 19th-Century United States
This book project shifts the analytical frame from property the minority owned to property the majority possessed, a shift that changes our understandings of Americans’ relationship to the law and the development of the state. Exploring the relationship between the textile trade in the nineteenth century and institutions of law and governance, Edwards reveals the ways that subordinated groups engaged in trade, used the legal system, and ultimately shaped the nation’s governing institutions. As such, the project provides a new framework for understanding the development of inequality in the United States.
Tom Ginsburg
Ph.D., Jurisprudence and Social Policy, University of California, Berkeley; J.D., Boalt Hall School of Law, University of California, Berkeley

**Joint Appointment:** Leo Spitz Professor of Law and Professor of Political Science, University of Chicago

**Research Interests:** the drafting, design, and implementation of national constitutions; international law and comparative public law; and the role of law in rebel regimes and law relevant to armed conflict.

**Current ABF Project:**

**Constitutional Design for Territorially Divided Societies: The Future of the Middle East**
This project examines constitutional reform in recent years, with a particular focus on territorial organization, in order to advance our understanding of territorial cleavages in constitutional design. The goal is to typologize existing arrangements and come up with new frameworks to understand divided societies. It seeks to draw lessons from recent experiences to generate policy proposal for the future, focused especially on the Middle East and North Africa.

John Hagan
Ph.D., Sociology, University of Alberta

**Joint Appointment:** John D. MacArthur Professor of Sociology and Law (on leave), Northwestern University

**Research Interests:** the intersections of international criminal law, war crimes, war resistance, mass incarceration, domestic criminality, and policing and prosecution.

**Current ABF Project:**

**Adolescent and Adult Lives of Children of Parents Returning from Prison (with Holly Foster)**
In the United States, approximately 700,000 inmates return to their families and communities from prison. Half of these former prison inmates re-entering society are parents. This project analyzes the effects of parental incarceration and the return of these parents on their children, with particular attention to variation in the effects of state variation in policies exclusion and inclusion for these children and their parents.

Terence Halliday
Ph.D., Sociology, University of Chicago

**Joint Appointment:** Adjunct Professor of Sociology, Northwestern University; Honorary Professor, School of Regulation and Global Governance, Australian National University

**Research Interests:** research on law and markets focuses on international trade law, with special reference to the ways in which international organizations create global norms in such diverse areas as corporate bankruptcy law, maritime law, secured transactions, anti-money laundering and combating the financing of terrorism. Research on globalization and politics analyzes degrees of activism by the legal complex (e.g. lawyers, judges, prosecutors, law faculty) to the protection of basic legal freedoms and advance of political liberalism worldwide.

**Current ABF Project:**

**The Rise of Lawyer Activism in China (with Sida Liu)**
A study of the varieties of activism exercised by China’s lawyers in criminal defense, the protection of basic legal freedoms, and public interest causes, such as health, the environment, protection of women and children, and rule of law.
James J. Heckman
Ph.D., Economics, Princeton University

Joint Appointment: Henry Shultz Distinguished Service Professor, Department of Economics and the College, University of Chicago

Research Interests: the economics of human flourishing, or the circumstances under which people are able to develop the skills to thrive in our current economy. These encompass the conventional, cognitive sense of the word (education, on-the-job training), as well as the non-cognitive sense (such as the qualities of perseverance and accountability). Developing theoretical models of parental choice and child preference formation, as well as intergenerational models of family influence.

Current ABF Project:
Analyzing the Influential Early Childhood Policies that are Proven to Promote Human Flourishing: Understanding Which Strategies Work (Including a Cost-Benefit Analysis) and Why
A large and flourishing literature documents the effectiveness of early childhood interventions on a variety of outcomes, including crime, education, teenage pregnancy, earnings, health, and mental health. We are strengthening the evidence and interpreting it more finely with an eye toward guiding the design of effective policy and determining which programs work.

Carol A. Heimer
Ph.D., Sociology, University of Chicago

Joint Appointment: Professor of Sociology, Northwestern University

Research Interests: law, regulation, and governance, particularly in healthcare; legal pluralism and non-state law; law and globalization. Research has focused on the relationship between law and other systems of rules and norms, the diffusion of more legalistic forms of governance to healthcare (HIV clinics, infant intensive care units), and the diffusion and adaptation of rules as they flow across boundaries.

Current ABF Projects:
The Legal Transformation of Medicine: How Rules Work in the International World of HIV/AIDS
This book project braids together investigations of three transformative events — the “legalization” and globalization of medicine and the advent of HIV/AIDS — in a study of how laws, regulations and other rules are actually used in HIV research and treatment in the United States, Uganda, South Africa, and Thailand. It investigates what happens when laws, regulations, and guidelines are transported to new sites where they confront the realities of medical care, clinical research, and healthcare administration in developing countries — resource shortages, desperate patients, culturally-based miscommunications about ethical principles, discrepancies between first-world research designs and third-world research settings, as well as the mundane uncertainties typical of the encounter between medicine and human biology.

The core hypothesis of this project is that the pattern of unevenness in globalization — here termed “punctuated globalization” — in part reflects the cyclical processes of legal change followed by adjustment to new legal regimes, in turn followed by further legal adjustments. This project will use the case of medicine and health care, decomposed into a series of domains to provide adequate variability, to investigate the role law plays in encouraging or discouraging processes of globalization.
John P. Heinz
Research Professor Emeritus; LL.B., Yale University
Research Interests: the social structure of the legal profession, the political activity of lawyers, and interest group politics.
A leading scholar of the legal profession, former director of the ABF, and winner of the Harry J. Kalven, Jr. Award for Outstanding Scholarship in Law and Society, Professor Heinz has retired from teaching and research. He remains active in the ABF intellectual community and in Chicago civic and professional activities. He continues to write and publish on a variety of topics.

Steven D. Levitt (on leave)
Ph.D., Economics, Massachusetts Institute of Technology
Joint Appointment: William B. Ogden Distinguished Service Professor of Economics, University of Chicago
Research interests: crime, the criminal justice system, corruption, and a wide variety of issues related to racial disparity and education.

Ajay K. Mehrotra
ABF Executive Director & Research Professor; Ph.D., History, University of Chicago; J.D., Georgetown University Law Center
Joint Appointment: Professor of Law, Northwestern University, Pritzker School of Law
Research Interests: tax law, legal history, and the relationship between taxation and American fiscal state formation in historical and comparative contexts.

Elizabeth Mertz
Ph.D., Anthropology, Duke University; J.D., Northwestern University, Pritzker School of Law
Joint Appointment: Professor of Law, Northwestern University, Pritzker School of Law; John and Rylla Bosshard Professor Emerita, University of Wisconsin Law School
Research Interests: the language of law, legal education, and social science and law.
Current ABF Project:
Senior Status, Gender, and Race in the Legal and Liberal Arts Academies — Phase II (with Katherine Barnes and Frances Tung)
This study is examining the post-tenure experience of law professors. The project addresses several core questions: Do the experiences of female or minority law professors differ significantly from those of white male law professors? If so, in what way do they differ? Is there variation in law professors’ experience according to institutional characteristics such as the status or size of the law school? In addition to addressing these issues, the study will provide the first national-level picture of law professors’ post-tenure experiences along multiple dimensions. A book announcing the results of Phase II of the project (in addition to some more findings from Phase I) titled, “American Law Professors at the Edge of Change,” is currently in progress.
Research Faculty

**Janice Nadler**
Ph.D., Social Psychology, University of Illinois; J.D. Boalt Hall School of Law, University of California, Berkeley

**Joint Appointment:** Nathaniel L. Nathanson Professor of Law, Northwestern University, Pritzker School of Law

**Research Interests:** social psychology and law, focusing on the expressive effects of law and legal authority. Research focuses on three main areas: 1) how moral judgments and legal judgments interact and influence one another; 2) Fourth Amendment jurisprudence regarding notions of voluntariness and consent; and 3) food regulation and policy.

**Current ABF Projects:**

**Public Opinion, Private Governance, and the Influence of Source Credibility**
We seek to explore whether corporate endorsements and implementations of practices influence public support for legislation and regulation that would generally mandate such practices. This research has practical implications for legislators and regulators who seek to disseminate factual information about public health, safety, and environmental issues to the public.

**The Probative Versus Prejudicial Effect of Gruesome Photographs in Court**
Courtroom images can influence beliefs, emotions, and judgments in ways that have never been empirically examined. This project will investigate how these emotionally evocative modes of visual evidence can affect the psychology of jurors’ decision making processes through influence on emotions, attention to evidence, and legal judgments at the individual and group level.

**Robert L. Nelson**

ABF Director Emeritus
MacCrate Research Chair in the Legal Profession; Ph.D., Sociology, Northwestern University; J.D., Northwestern University, Pritzker School of Law

**Joint Appointment:** Professor of Sociology and Law, Northwestern University, Pritzker School of Law

**Research Interests:** the sociology of law, with special emphasis on anti-discrimination law and the social organization of the legal profession.

**Current ABF Projects:**

**Academic Programming for Diversity and Law**
This research initiative supports the Foundation's program of diversity research and includes the Research Group on Legal Diversity (RGLD). Scholars are examining trends in diversity in the legal profession and other institutions of justice, as well as the impact of diversity on legal processes and institutions. The Research Group holds a biannual conference that brings together scholars and practitioners for an in-depth review of the latest diversity research. In addition, the academic programming includes research activities related to diversity efforts. Such projects include collaborative work with American Bar Association (ABA) entities on pipeline issues, surveys of past participants in the Judicial Internship Opportunity Program, and the creation of a comprehensive diversity databook. In May 2016, the RGLD held its fourth conference on the theme “Diversity, Metrics, and Law.” Two volumes of conference papers are being planned for publication.

**The Future of Latinos in the United States: Law, Opportunity and Mobility** *(with Rachel F. Moran)*
By the year 2050, Latinos are projected to account for nearly one in three Americans. Yet, they lag behind on key indicators of educational attainment, economic security, and political participation, and they face significant uncertainties with respect to immigration policy. Building on a record of path-breaking research on both inequality and diversity, the ABF has launched a project on The Future of Latinos in the United States: Law, Opportunity, and Mobility. The project is hosting a series of regional roundtables to address the critical law and policy challenges facing the Latino community. The roundtables are designed...
to facilitate creative exchange among academic researchers from a range of disciplines, advocates from community organizations, media representatives, foundation officials, and emerging leaders. In addition, the project is bringing together key stakeholders from law school clinics, law firm pro bono programs, public interest firms, and foundations to seek solutions to the growing access to justice gap in the Latino community.

**After the J.D.** (with Ronit Dinovitzer, Gabrielle Plickert, Bryant Garth, Meghan Dawe, and Joyce Sterling)
A longitudinal study of a national sample of lawyers who passed the bar in 2000 who have been interviewed in 2003, 2007, and 2012, complemented by in-depth interviews with a subsample of survey respondents.

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**Laura Beth Nielsen**
Ph.D., Jurisprudence and Social Policy, University of California, Berkeley; J.D., Boalt Hall School of Law, University of California, Berkeley

**Joint Appointment:** Professor of Sociology and Law, Director of Legal Studies, Northwestern University

**Research Interests:** the sociology of law, with particular interests in legal consciousness and the relationship between law and inequalities of race, gender, and class; civil rights generally and employment civil rights in particular.

**Current ABF Project:**
**Contested Constructions of Discrimination** (with Jill D. Weinberg and Jeremy Freese)
Despite the volume of empirical research about employment civil rights litigation, little is known about how people come to assess whether workplace experiences are thought to be “discrimination” or “personal disputes.” This project combines a quantitative analysis of judges’ and laypeople’s determinations about whether hypothetical workplace disputes rise to the level of discrimination, with qualitative in-depth interviews of judges to probe this determination further. Drawing on the legal consciousness and judicial decision-making literatures, this research examines the effect of social status, workplace context, plaintiff characteristics, and dispute characteristics on the likelihood that a person determines that a workplace dispute constitutes discrimination.

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**Angela Onwuachi-Willig**
Ph.D., Sociology and African American Studies, Yale University; 2017–18 William H. Neukom Fellows Research Chair in Diversity and Law

**Joint Appointment:** Chancellor’s Professor of Law, Boalt Hall School of Law, University of California, Berkeley

**Research Interests:** law and inequality, employment discrimination, family law, evidence, Critical Race Theory, and torts.

**Current ABF Projects:**
**Trials and Trauma: The Ties Between Till and Trayvon**
An examination of the race-based traumas that African-Americans experience in the wake of high-profile acquittals of defendants who have killed unarmed African-Americans. Research is approached through a legal comparison and analysis of the murders of Emmett Till and Trayvon Martin and the acquittals for those responsible, J.W. Milam and Roy Bryant, and George Zimmerman.

**National Bar Association**
This project focuses on the founding and development of the National Bar Association (NBA): the country’s largest network of predominantly African-American lawyers and judges formed in 1925 in Des Moines, Iowa. The research will explore how the five founders understood their role as black lawyers during that time period, as well as the factors that drove the NBA’s development and the challenges the founding members faced in the bar and courtroom.
Research Faculty

Jothie Rajah
Ph.D., University of Melbourne; LL.B., National University of Singapore

Research Interests: the intersections of law, language and power in the following areas: law, legitimacy and authoritarianism; international organizations and the global public sphere in constructions of norms for the rule of law; and the relationship between law, religion, and national identity.

Current ABF Project:
Rule of Law Discourses
This study analyzes the different ways in which global institutional actors (the United Nations (UN), the World Bank, the International Commission of Jurists, the World Justice Project) define “rule of law” through a close reading of texts and practice of these institutions in order to investigate global norms for the rule of law. By focusing on the normative content of global texts and practices, the study seeks to uncover the history and politics of global discourse on the rule of law.

Justin B. Richland
Ph.D., Anthropology, University of California, Los Angeles; J.D., Boalt Hall School of Law, University of California, Berkeley
Joint Appointment: Associate Professor of Anthropology and the Social Sciences, University of Chicago

Research Interests: legal discourse analysis and semiotics, anthropology of law, contemporary Native American law, politics, art and ethnographic museology.

Current ABF Research Project:
Open Fields: Ethics, Aesthetics, and the Very Idea of Natural History
This project explores whether changes in federal laws regarding Native American cultural property and human remains (especially the Native American Graves Repatriation and Protection Act) are impacting how tribal nations in the United States are engaging with non-native institutions and agencies that control those materials. This includes not only federal agencies like the U.S. Forest Service and the Bureau of Land Management, but also federally funded private institutions like the Field Museum of Natural History and the American Museum of Natural History. This is part of a larger project that explores the details of negotiations between native and non-native officials in government and related institutions, and how a close analysis of these engagements sheds light on the regulatory practices of notice-and-comment that make up the regular site of government-to-government engagement between the United States and tribes today.

Susan P. Shapiro
Ph.D., Sociology, Yale University

Research Interests: the social construction, social organization, and social control of fiduciary, trust, and principal-agency relationships. Research has examined white-collar crime, ethics, conflict of interest, the professions, the news media, and medical decision making.

Current ABF Project:
Surrogate Decision Making at the End of Life: An Observational Study
This observational study of two intensive care units investigates how surrogate decision makers make medical decisions on behalf patients who lack capacity to make their own medical decisions or to speak for themselves. It also examines the role of law at the bedside in general and that of advance directives in particular.
Victoria Saker Woeste
Ph.D., Jurisprudence and Social Policy, University of California, Berkeley

Research Interests: historical change in American law, specifically the broad nature of government-business relations and the civil rights movement; the institutional and regulatory dimensions of agriculture and agribusiness; and the dodgy, indeterminate character of hate speech regulation as it intersects with the free exercise of religion.

Current ABF Project:
Reconstituting Civic Community: Hate Speech and the State in the Post-World War II Era
This project focuses on hate speech, hate speakers, and their relationship to the state and society in the United States. It will interrogate how the Westboro Baptist Church (WBC) uses law to further its agenda and in so doing becomes a compelling legal subject. The WBC has made itself notorious for using public occasions of mourning, particularly the funerals of military service members, to proclaim its interpretation of God’s word on subjects ranging from homosexuality to idolatry and adultery. The purpose of this project is two-fold. First, it will produce an interpretative synthesis of First Amendment jurisprudential foundation and analyze its impact on the changing nature of speech rights. The goal is to show that despite the limited categories available for regulating speech, there may be room to recognize “the harm in hate speech.” Second, it will recover the legal career of WBC founder the Rev. Fred W. Phelps Sr. (1929-2014), whose checkered legal practice featured a steady stream of federal cases challenging school desegregation and employment discrimination in Topeka and Wichita, K.S.

John L. Comaroff
Ph.D., Anthropology, University of London (London School of Economics)
Hugh K. Foster Professor of African and African-American Studies and of Anthropology, Oppenheimer Fellow in African Studies, Harvard University; Honorary Professor of Anthropology, University of Cape Town

Research Interests: crime and policing in contemporary South Africa, democracy and difference in post-revolutionary societies, and postcolonial political economy in the global south.

Bryant G. Garth
Ph.D., European University Institute; J.D., Stanford Law School
Chancellor’s Professor of Law, Co-Director, Center for Empirical Research on the Legal Profession, University of California, Irvine; Director Emeritus, American Bar Foundation

Research Interests: the legal profession, dispute resolution, and internationalization. The topics intersect around the question of how internationalization — seen as the import and export of ideas, technologies, approaches, resources, and hierarchies — affects the position and importance of law in regulating the economy and the state; the changing role of the legal profession in the United States; and the globalization of legal education.

Current ABF Project:
After the J.D. (with Ronit Dinovitzer, Gabrielle Plickert, Robert Nelson, Meghan Dawe, and Joyce Sterling)
Please refer to Robert L. Nelson’s entry for project description.
Research Faculty

**Dylan C. Penningroth**  
Ph.D., History, Johns Hopkins University  
Professor of Law and History, University of California, Berkeley  
**Research Interests:** African-American history, comparative histories of slavery and emancipation, and socio-legal history, with a particular focus on family relations, the rise of the independent black church, migration, the interaction between legal categories and popular conceptions (such as respectability, race, and “slavish origins”), and the cultural, social, and legal legacy of slavery in colonial Ghana and the United States.

**Robert J. Sampson**  
Ph.D., Sociology, State University of New York at Albany  
Henry Ford II Professor of the Social Sciences, Harvard University  
**Research Interests:** crime, disorder, the life course, neighborhood effects, civic engagement, inequality, “ecometrics,” and the social structure of the city.

**Christopher L. Tomlins**  
Ph.D., History, Johns Hopkins University  
Elizabeth J. Boalt Professor of Law, University of California, Berkeley  
**Research Interests:** Anglo-American legal history, from the beginning of the sixteenth century into the later 20th century. Currently engaged in research on the Southampton County (Virginia) slave revolt of 1831, known as the Turner Rebellion. Additional work includes research on the history of contemporary legal thought, on the philosophy of legal history, and on the materialist jurisprudence detectable in the work of the German literary critic Walter Benjamin.

**Ronit Dinovitzer**  
Ph.D., Sociology, University of Toronto  
**Joint Appointment:** Professor of Sociology, University of Toronto  
**Research Interests:** the sociology of law, with a particular interest in the legal profession, focusing on the sources of inequality within the profession and the mechanisms that produce and reproduce them. Combining analyses of the professions with research in social policy, including the social organization of lawyers, the role of labor markets, and the effects of culture on professional work. Recent work has examined the gender gap in lawyer incomes, the distribution of lawyer satisfaction, and the career trajectories of urban law school graduates.  
**Current ABF Project:**  
**After the JD** (with Bryant Garth, Robert Nelson, Gabriele Plickert, Meghan Dawe, and Joyce Sterling)  
Please refer to Robert L. Nelson’s entry for project description.
Sida Liu
Ph.D., Sociology, University of Chicago; LL.B., Peking University Law School
Joint Appointment: Assistant Professor of Sociology, University of Toronto; Affiliate Faculty, Center on the Legal Profession, Harvard Law School; Affiliated Scholar, U.S.-Asia Law Institute, New York University
Research Interests: sociology of law, specializing in the legal profession, law, and globalization; sociolegal theory; and general social theory. His research has an empirical focus on the legal profession in China and a theoretical focus on law as a social space.

Current ABF Project:
The Rise of Lawyer Activism in China (with Terence Halliday)
Please refer to Terence Halliday’s entry for project description.

Rebecca L. Sandefur
Ph.D., Sociology, University of Chicago
Joint Appointment: Associate Professor of Sociology and Law, University of Illinois at Urbana-Champaign
Research Interests: inequality, particularly as it relates to law. Her scholarship includes investigations of work and inequality in the legal profession and related occupations, lawyers’ pro bono service and its contributions to legal aid, innovative means of legal services delivery, and studies of ordinary people’s experiences with common problems that could bring them into contact with the civil justice system.

Current ABF Projects:
Accessing Justice in Contemporary America: The Community Needs and Services Study (CNSS)
The CNSS is a multi-method, community-sited study of ordinary people’s experiences with common civil justice problems and the institutions of remedy that exist for those problems. The study focuses on a core set of commonly experienced problems that have civil legal aspects, raise civil legal issues, and have consequences shaped by civil law.

Increasing Access to Justice through Expanded Roles Beyond Lawyers
Many in the United States who need assistance handling civil justice issues do not obtain it; some call this an “access to justice crisis.” Emerging strategies for responding include new “roles beyond lawyers” — people who are not fully trained and qualified attorneys but who are authorized to do some of the work that traditionally only licensed lawyers have been able to do, such as giving legal advice to members of the public. These innovations seek to expand people’s access to rights and remedies under law while at the same time reducing the burdens that courts face when many litigants appear without lawyer representation. The Roles Beyond Lawyers study investigates how and how well these programs work at achieving their goals.

Legally Empowering Technologies
An exploration of the landscape of technological innovations that aim to assist people in handling civil justice problems and an evaluation of what makes such technologies accessible, effective, scalable, and sustainable.
Research Faculty

Christopher W. Schmidt  
Ph.D., History of American Civilization, Harvard University; J.D., Harvard Law School  
**Joint Appointment:** Professor, Associate Dean for Faculty Development, Norman and Edna Freehling Scholar, ITT Chicago-Kent College of Law  
**Research Interests:** the intersection of social movement mobilization and constitutional change in recent American history, the ways in which constitutional claims emerge and develop outside the courts, and the effect of these extrajudicial claims on legal doctrine. Current research focuses on the egalitarian constitutionalism of the civil rights movement, and the libertarian constitutionalism that has gained traction with the rise of populist conservatism in recent decades.  
**Current ABF Projects:**  
- **The Sit-Ins: Protest and Legal Change in the Civil Rights Era**  
  This book project is a legal history of the lunch counter sit-in movement of the 1960s. It tells the story of how the student lunch counter sit-in demonstrations that swept across the South in 1960 sparked a national debate over the meaning of the Constitution’s requirement that all Americans receive the equal protection of the law. The book is completed and was published (University of Chicago Press) in March 2018.  
- **Civil Rights: An American History**  
  This book project offers a history of how Americans have struggled over the meaning of the term civil rights from the Civil War through today. The work offers an explanation of how label initially conceived in the aftermath of the Civil War as a narrow term of legal categorization, valued as much for what it excluded as for what it protected, became a rallying cry for a social movement in the middle decades of the twentieth century.

Meghan Dawe  
Ph.D. Candidate, Sociology, University of Toronto  
**Research Interests:** law and inequality, with a focus on inequality and stratification in the legal profession.  
**Current ABF Project:**  
- **After the JD** *(with Bryant Garth, Robert Nelson, Gabriele Plickert, Ronit Dinovitzer, and Joyce Sterling)* 
  Please refer to Robert L. Nelson’s entry for project description.

Pilar Margarita Hernández Escontrías  
Ph.D., Anthropology, Northwestern University  
**Research Interests:** anthropology of law, colonialism, critical race theory, Latin American social theory, citizenship, and capitalism. Research is situated at the intersection of material studies and legal studies and seeks to unpack the daily material processes that constructed a form of emergent citizenship in early colonial Latin America that was raced and gendered.  
**Current ABF Project:**  
- **The Future of Latinos in the United States: Law, Opportunity, and Mobility** 
  Please refer to Robert L. Nelson’s entry for project description.
Elizabeth L. Murphy
M.A., Sociology, University of Illinois, Chicago

Research Interests: jury decision making, and ways to assist courts in optimizing jury trials.

Current ABF Project:
Building on the Arizona Filming Project (with Shari Seidman Diamond and Mary R. Rose)
Please refer to Shari Seidman Diamond’s entry for project description.

Caroline Tipler
Ph.D., Social Psychology, Tulane University

Research Interests: gender, dehumanization, stereotyping, and social cognition. One aspect of her research focuses on the relationship between gender, status, and power, while the other investigates the impact of dehumanizing communications on attitudes towards outgroup members.

Current ABF Project:
Senior Women in the Legal Profession (with Roberta D. Liebenberg and Stephanie A. Scharf)
This is a collaborative research project between the American Bar Foundation (ABF) and American Bar Association (ABA). The goal of the project is to better understand the unique career dynamics facing women lawyers, identifying the reasons that foster or impede their careers in the law. This collaboration is part of ABA President Hilarie Bass’ Presidential Initiative on “Achieving Long-Term Careers for Women in Law.”

Frances Tung
Ph.D., Psychology, Suffolk University

Research Interests: legal education.

Current ABF Research Project:
Senior Status, Gender, and Race in the Legal and Liberal Arts Academies — Phase II (with Elizabeth Mertz and Katherine Barnes)
Please refer to Elizabeth Mertz’s entry for project description.
Selected Publications

**Berndette Atuahene**
- Stategraft: A Pernicious Form of Corruption Unveiled (forthcoming book)
- “Stategraft” (w. T. Hodge), Southern California Law Review (forthcoming 2018)

**Traci Burch**

**John L. Comaroff**

**Stephen Daniels**
- “Where Have All the Cases Gone? The Strange Success of Tort Reform Revisited” (w. J. Martin), 65 Emory Law Journal (2016)

**Shari Seidman Diamond**

**Ronit Dinovitzer**
- Editor (with S. Headworth, R. Nelson, & D. Wilkins), Diversity in Practice (Cambridge University Press, 2016)

**Laura F. Edwards**
- A Legal History of the Civil War and Reconstruction: A Nation of Rights (Cambridge University Press, 2015)
- The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South (University of North Carolina Press, 2009)

**Bryant G. Garth**
- “‘Lords of the Dance’ as Double Agents: Elite Actors In and Around the Legal Field” (w. Y. Dezalay), 3:2 Journal of Professions and Organizations 188 (2016)
• “Brazil and the Field of Socio-Legal Studies: Globalization, the Hegemony of the US, the Place of Law, and Elite Reproduction,” 3:1 Brazilian Journal of Empirical Legal Studies 12 (2016)

Tom Ginsburg

John Hagan
• “Maternal imprisonment, economic marginality, and unmet health needs in early adulthood” (w. H. Foster), 99 Preventive Medicine 43 (2017)
• “Depressive Symptoms and the Salience of Job Satisfaction Over the Life Course of Professionals” (w. Gabriele Plickert and F.M. Kay), Advances in Life Course Research (2017)

Terence Halliday

James J. Heckman

Carol A. Heimer
• “Colonizing the Clinic: The Adventures of Law in HIV Treatment and Research” (w. J. Morse), in H. Klug and S.E. Merry, eds., The New Legal Realism, Volume II: Studying Law Globally (Cambridge University Press, 2016)

John P. Heinz
• Editor (with A. Heinz), Women, Work, and Worship, in Lincoln’s Country — The Dumville Family Letters (University of Illinois Press, 2016)

Steven D. Levitt
• Pensez comme un freak!: l’économie déjantée fait travailler vos ménings (w. S. Dubner) (De Boeck Superieur, 2016)

Sida Liu

Ajay K. Mehrotra
Selected Publications

Janice Nadler

Robert L. Nelson
- “Employment Civil Rights as a Dignity Taking” (w. E. Berrey and L.B. Nielsen), Chicago Kent Law Review (forthcoming)
- Editor (with S. Headworth, R. Dinovitzer and D. Wilkins), Diversity in Practice: Race, Class, and Gender in Legal and Professional Careers (Cambridge University Press, 2016)

Laura Beth Nielsen
- “Employment Civil Rights as a Dignity Taking” (w. E. Berrey and R. Nelson), Chicago Kent Law Review (forthcoming)

Jothie Rajah

Justin B. Richland

Rebecca L. Sandefur

Christopher Schmidt
- The Sit-ins: Protest and Legal Change in the Civil Rights Era (University of Chicago Press, 2017)

Susan P. Shapiro

Victoria Saker Woeste
**Law & Social Inquiry**

*Law & Social Inquiry* (LSI) is a quarterly, interdisciplinary, peer reviewed scholarly journal of international standing in law and the social sciences. Contributors include law and sociology professors, social scientists, and lawyers. LSI examines pressing sociolegal issues across multiple disciplines, including anthropology, criminology, economics, history, law, philosophy, political science, sociology and social psychology. Recent LSI articles have been awarded numerous distinctions, among them the prestigious Law & Society Association Article Prize.

Submitted manuscripts are reviewed by the editorial committee and then sent out to expert scholars in a double-blind peer review process. LSI also regularly features symposia, or a series of manuscripts centered on a specific sociolegal theme. In addition to its high quality of original research, LSI is widely known for its review essays. Review essays are article-length treatments of a book or group of books that situate them within their greater intellectual context and engage with relevant discourse, focusing on the bigger questions the books evoke. Each issue of the journal also includes "Book Notes" that present brief descriptions of twenty or thirty recently published books of interest to those working in the field of law or the social sciences. LSI also holds an annual student paper competition for graduate and law students, which includes a monetary prize and publication of the winning paper.

LSI’s mission is to publish the best sociolegal scholarship from around the world. American Bar Foundation (ABF) scholars play a critical role in achieving this goal through their service as editors, peer reviewers, and authors.

**Researching Law**

*Researching Law: An ABF Update* is a quarterly newsletter designed to acquaint a wide audience with the research activities of the American Bar Foundation (ABF). The articles that appear in this publication present the findings of ABF projects in a concise, nontechnical format but in sufficient length to convey the full flavor of the research reported on. The topics covered in 2017 include: “Opening Doors to Inquiry: The Summer 2016 Summer Research Diversity Fellowship,” “Illuminating the Invisible American Sovereignty: A Profile of the ABF’s First Scholar of Native American Legal Systems,” and “Three ABF Scholars Put Rights on Trial in New Book About Employment Civil Rights Litigation.” The newsletter is distributed to a wide audience, including the Fellows of the American Bar Foundation, policy makers, libraries, foundations, government agencies, and media outlets. Issues are also posted on the ABF website and may be downloaded at americanbarfoundation.org/publications/researchinglaw.
Recent Major Media Coverage and Faculty Op-Eds

“Your only right is to obey: lawyer describes torture in China’s secret jails” | Terence Halliday interviewed | The Guardian | January 23, 2017


“Detroit’s homeowners deserve better” | Op-Ed by Bernadette Atuahene | Detroit News | January 31, 2017

Television Segment: “Trump Travel Ban” on Sky News | Laura Beth Nielsen interviewed | February 7, 2017

“I asked 8 experts if we’re in a constitutional crisis. Here’s what they said.” | Tom Ginsburg interviewed | Vox | February 13, 2017

“A U.S. citizen is denied college aid — because of her mother’s immigration status” | Matthew Shaw interviewed | The Washington Post | March 5, 2017

“What happened when Congress decided to tax all soda” | Ajay K. Mehrotra interviewed | The Washington Post | April 6, 2017


“Thwarted by China’s courts, ‘diehard’ lawyers ‘fight to the death for justice’” | Sida Liu interviewed | The Globe and Mail | April 27, 2017


“China’s ‘war on law’: victims’ wives tell US Congress of torture and trauma” | Terence Halliday interviewed | The Guardian | May 18, 2017

“The case for restricting hate speech” | Op-Ed by Laura Beth Nielsen | Los Angeles Times | June 21, 2017


Television Segment: “Free speech causes PTSD and smoking?” on Tucker Carlson Tonight (Fox News) | Laura Beth Nielsen interviewed | June 30, 2017


“We Won’t See You in Court: The Era of Tort Lawsuits Is Waning” | Stephen Daniels interviewed | The Wall Street Journal | July 24, 2017

“Asian Americans Still Face Barriers In Legal Industry” | After the JD research cited | Bloomberg Law | August 2, 2017

“Why Confederate statues fail to represent Southern history” | Op-Ed by Laura Edwards | The Hill | August 23, 2017


“Are Trump’s Attacks on the Press a Dog Whistle to Anti-Semites?” | Op-Ed by Victoria Saker Woeste | Newsweek | September 5, 2017

“The Limits of ‘Diversity’” | features research by Ellen Berrey conducted at the ABF as a doctoral fellow and visiting scholar | The New Yorker | October 9, 2017


“Here’s What to Know Before You File a Sexual Harassment Lawsuit” | article by Laura Beth Nielsen and Ellen Berrey | Motto (TIME) | October 17, 2017

“10 myths show the harsh realities of employment civil rights litigation” | article by Ellen Berrey, Robert L. Nelson and Laura Beth Nielsen | ABA Journal | November 2017


Television Segment: “Professor and Activist Discusses Detroit’s Property Tax Foreclosures Crisis” | Bernadette Atuahene interviewed | The Upside with Tavis Smiley | November 22, 2017

“Sexual Harassment Cases Often Rejected By Courts” | Laura Beth Nielsen interviewed | NPR Radio | November 28, 2017


“Yes, there is a right to discriminate. But the political branches, not the courts, should be determining its contours.” | Op-Ed by Christopher Schmidt | The Washington Post | December 5, 2017

“Historians on the tax fight: ‘This was manufactured urgency’” | Ajay K. Mehrotra interviewed | Vox | December 18, 2017

“The Best Legal Education Articles of 2017” | “If You Build It, They Will Come” by Stephen Daniels (co-author) | TaxProf Blog | December 29, 2017
Since its founding in 1952, the ABF has focused on providing useful research to the organized bar, bench and academy through the dissemination of research findings and by conducting specific research projects. The ABF Liaison Research Services Program was developed to bring the research expertise of the Foundation to the work of the bar.

From time to time, the ABF collaborates with ABA entities on specific research initiatives. There have been several such projects undertaken and continued in 2017. The Women Trailblazers in the Law Project captures the oral histories of women pioneers in the legal profession nationwide, memorializing their stories in their own voices and preserving their experiences and observations for future generations. Initiated by the ABA Commission on Women in the Profession and now sponsored by the ABA Senior Lawyers’ Division, the ABF has become a proud research partner in this endeavor that is devoted to capturing, recording, and preserving the complete life histories of pioneering women lawyers as told by the women themselves.

ABA President Hilarie Bass is working with ABF Executive Director Ajay Mehrotra on the ABA Presidential Initiative, Achieving Long-Term Success for Women in the Legal Profession. This project, led by co-Principal Investigators Stephanie Scharf and Bobbi Liebenberg, along with ABF researchers Joyce Sterling and Caroline Tipler, will conduct surveys and focus groups to investigate the career trajectories of senior women in the profession. President Bass is also working with the ABF on initiatives in legal education. Ms. Bass gave welcome remarks to participants in the March 3, 2017 ABF workshop: Legal Education in Crisis? Bringing Researchers and their Resources Together to Generate New Scientific Insight.

ABA Immediate Past President Linda Klein is working with Faculty Fellow Rebecca Sandefur and others on the newly-created ABA Center for Innovation. Sandefur is a member of the Governing Council. The Center’s mission is to “increase access to justice and improve the delivery of legal services through innovative programs and initiatives.”

ABF Executive Director Ajay Mehrotra and ABF faculty have been working with Past President Paulette Brown and the ABA Diversity Center on the creation of a model diversity survey charting the demographic profiles of law firms.

ABF researchers continue to provide substantive advice and expertise through consultation and participation with bar leaders and organizations. For example, ABF Research Professor Susan Shapiro has been a consultant to the ABA’s Center on Aging and the Law. Research faculty members serve on various committees, provide specific research findings, and contribute articles to publications. ABF Research Professor Stephen Daniels continues his research on the financing of legal education, a project that began with Daniels’ participation as consultant and reporter for the ABA Presidential Task Force on the Financing of Legal Education, appointed by Past ABA President James Silkenat and chaired by ABA Past President Dennis Archer.

Finally, the ABF regularly furnishes condensed research briefs to ABA entities to keep leaders and members abreast of the latest research findings on some of the most relevant topics in the ongoing national and international conversations on law. These efforts support the goal of the ABF to enhance the public’s understanding of law, legal institutions, and legal processes.
Montgomery Summer Research Diversity Fellowships in Law and Social Science for Undergraduate Students

2017 ushered in the third decade that the American Bar Foundation (ABF) has hosted four outstanding undergraduate students as Montgomery Summer Research Diversity Fellows. The fellowship program offers students, who are selected from across the country in a highly competitive application process, the opportunity to explore the field of sociolegal research and observe law practice in the private and public sector. Since 1988, 122 undergraduates have participated in the program. The Montgomery Summer Research Diversity Fellowship in Law and Social Science is supported by generous grants from the Kenneth F. and Harle G. Montgomery Foundation, National Science Foundation (NSF), Law School Admission Council (LSAC) and AT&T.

- **Zoe Walker**, a native of Indianapolis, Ind., is a junior at the University of Notre Dame, majoring in political science and English. Zoe spent her summer at the ABF working with ABF Research Professor Traci Burch on developing an original database of American protest activity since 2005.

- **Larkin Smith**, a native of Vail, Colo., is a junior at the University of Chicago, where she is in an interdisciplinary program in Fundamentals: Issues and Texts and Human Rights. Larkin assisted ABF Research Professor Victoria Saker Woeste with her research on the Westboro Baptist Church and the legal career of Fred Phelps. Following her summer fellowship, she continued this work as a research assistant for Professor Woeste.

- **Sushmitha (Sushi) Ram**, a native of Spring, Texas, is a senior at Smith College majoring in history and economics with a Community Engagement and Social Change (CESC) concentration focused on immigration and domestic violence. During her summer at the ABF, Sushi worked alongside ABF Executive Director Ajay K. Mehrotra on research to support his comparative fiscal history project.

- **Marcus Lane Jr.**, a native of Hartford, Conn., is a junior at Syracuse University, majoring in policy studies with concentrations in government and business and society and the legal system. Marcus spent the summer assisting ABF Research Professor and Director Emeritus Robert L. Nelson with analyzing data collected from the After the JD research project, a longitudinal, empirical study that tracks the career trajectories of almost 5,000 lawyers who were admitted to the bar in 2000.
The ABF is committed to developing the next generation of scholars in the field of law, social science, and higher education by offering several doctoral and postdoctoral fellowship opportunities.

Fellowships are held in residence at the ABF offices in Chicago and offer fellows the opportunity to engage with our intellectual community, gain feedback on scholarly and professional projects in workshop settings, and utilize ABF resources toward academic goals. Fellows receive valuable mentorship from ABF research faculty members and a generous stipend to help complete dissertation projects, as well as fund research and conference travel. Past fellows have built on their experiences at the ABF to go on to promising careers in tenure-track university positions and as legal professionals.

The ABF/NSF Doctoral Fellowship Program in Law & Inequality is co-sponsored by the ABF and the National Science Foundation (NSF). Its purpose is to encourage original and significant empirical and interdisciplinary research on the study of law and inequality.

The ABF/AccessLex Doctoral Fellowship Program in Legal & Higher Education is co-sponsored by the ABF and AccessLex Institute. It aims to assist emerging scholars who research issues of access, affordability, or value in legal and higher education.

The ABF/Northwestern University Doctoral Fellowship Program is co-sponsored by the ABF and Northwestern University and seeks to encourage original and innovative research on law, the legal profession, and legal institutions.

More information about each fellowship and the application process can be found under the Fellowships tab at americanbarfoundation.org.

2017 ABF Doctoral and Postdoctoral Fellows:

- **Amanda Kleintop**, Ph.D. candidate in history at Northwestern University
- **Ayobami Laniyonu**, Ph.D. candidate in political science at the University of California, Los Angeles
- **Margot Moinester**, Ph.D. candidate in sociology at Harvard University
- **Meghan L. Morris**, Ph.D., Anthropology, University of Chicago; J.D., Harvard Law School
- **Rachel Montgomery**, Ph.D. candidate in higher education at Pennsylvania State University
- **Jeffrey Omari**, Ph.D. candidate in anthropology at the University of California, Santa Cruz; J.D., University of Illinois College of Law
- **Asad Rahim**, Ph.D. candidate in the Jurisprudence and Social Policy program at the University of California, Berkeley School of Law; J.D., Harvard Law School
- **Christopher J. Ryan Jr.**, Ph.D. candidate in policy studies at Vanderbilt University; J.D., University of Kentucky

Sponsored Programs

The ABF research program is supported by an annual grant from the American Bar Endowment (see page 2) and contributions from The Fellows of the American Bar Foundation and other supporters. The ABF also seeks grants for specific research projects and other Foundation programs from government agencies and private foundations. The following external sponsors provided support for projects over the last several years.

**AccessLex Institute**
- Emerging and Visiting Scholars Fellowship Program in Higher Education (Ajay K. Mehrotra and Bryant Garth)
- Follow up Analyses from the Work of the ABA Task Force on the Financing of Legal Education (Stephen Daniels)

**Allstate Insurance Company**
- Fourth Conference of the Research Group on Legal Diversity (RGLD) on Metrics, Diversity, and Law

**American Philosophical Society**
- Reconstituting Civic Community: Religion, Hate Speakers, and the Law in Modern America (Victoria Saker Woeste)

**American Society for Legal History**
- United States Legal History Roundtable (Christopher Schmidt)

**AT&T**
- Montgomery Summer Diversity Research Fellowships in Law and Social Science

**California Bar Foundation**
- The Future of Latinos: Law, Opportunity, and Mobility, A Network for Justice Planning Summit: Creating Legal and Legislative Support for Latino Communities (Robert Nelson and Rachel Moran)

**California Community Foundation**
- The Future of Latinos: Law, Opportunity, and Mobility, A Network for Justice Planning Summit: Creating Legal and Legislative Support for Latino Communities (Robert Nelson and Rachel Moran)

**Center for Advanced Study in Behavioral Sciences**
- Research Faculty Fellowship (John Hagan)
- Research Faculty Fellowship (Carol Heimer)

**Chicago Community Trust**
- The Future of Latinos in the United States: Law, Opportunity, and Mobility, Midwest Regional Roundtable (Robert Nelson and Rachel Moran)
- Research and consultation on the project Tackling Chicago's Race Narrative (Robert Nelson)
- Research and consultation on the project Policing and Chicago Community (Robert Nelson)

**Kenneth F. and Harle G. Montgomery Foundation**
- Montgomery Summer Diversity Research Fellowships in Law and Social Science
- Research on equal opportunity in the legal profession (Robert Nelson et. al)

**Kirkland & Ellis**
- Fourth Conference of the Research Group on Legal Diversity (RGLD) on Metrics, Diversity, and Law

**Law School Admission Council**
- Montgomery Summer Diversity Research Fellowships in Law and Social Science

**Legal Services Corporation and Friends of Legal Services Corporation**
- Accessing Justice in Contemporary America (Robert Nelson and Rebecca Sandefur)

**Google Grants**
- Ongoing in-kind support of the American Bar Foundation website (http://www.americanbarfoundation.org/index.html)

**Microsoft Corporation**
- Fourth Conference of the Research Group on Legal Diversity (RGLD) on Metrics, Diversity, and Law

**National Association for Law Placement Foundation**
- After the JD: The Trajectories of Legal Careers (Ronit Dinovitzer, Robert Nelson, Bryant Garth, Gabriele Plickert, and Joyce Sterling)

**National Conference of Bar Examiners**
- After the JD: Legal Careers in Transition (Ronit Dinovitzer, Robert Nelson, Bryant Garth, and Joyce Sterling)

**National Science Foundation**
- Law and Social Science Fellowship and Mentoring Program on Law & Inequality (Ajay K. Mehrotra, Traci Burch, Nicole Gonzalez Van Cleve, and Laura Beth Nielsen)
- Workshop: Legal Education in Crisis? Bringing Researchers and Resources Together to Generate New Scientific Insights (Elizabeth Mertz)
- Adolescent and Adult Lives of Children of Parents Returning from Prison (John Hagan and Holly Foster)
  —Supplemental grant also awarded under the NSF Research Experiences for Undergraduates Program
- Conceptualizing Property Takings (Bernadette Atuahene)
• Workshop: Parental Incarceration in the United States: Bringing Together Research and Policy to Reduce Collateral Costs to Children (John Hagan)
• Law and Social Science Dissertation Fellowships and Mentoring Program (Laura Beth Nielsen; joint program with the Law and Society Association)
• Punishment Regimes and the Multi-Level Effects of Parental Imprisonment: Inter-institutional, Inter-generational and Inter-sectional Models of Inequality and Exclusion (John Hagan and Holly Foster)
  —Supplemental grant also awarded under the NSF Research Experiences for Undergraduates Program
• Workshop: Access to Civil Justice: Re-envisioning and Reinvigorating Research (Rebecca Sandefur)
• Accessing Justice in Contemporary America: The Community Needs and Services Survey (Rebecca Sandefur, Robert Nelson)
  —Supplemental grant also awarded under the NSF Research Experiences for Undergraduates Program
• After the JD III: The Trajectories of Legal Careers (Ronit Dinovitzer, Robert Nelson, Bryant Garth, and Joyce Sterling)
• Crime, War and Wealth in Pre- and Post- Invasion Iraq (John Hagan)
• Ethnicity, Inc. (John Comaroff and Jean Comaroff)
• Local Courts and African American Life, 1865-1930 (Dylan Penningroth). Funded under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5)
• Lawyers in the Pursuit of Basic Legal Rights: Criminal Defense in China (Terence Halliday and Sida Liu)

Northwestern University
• Aspen Institute Justice & Society Seminar for Judges of the U.S. Court of Appeals for the Seventh Circuit and its District Courts
  —Pritzker School of Law
• The Future of Latinos: Law, Opportunity, and Mobility, Inaugural Midwest Regional Roundtable (Robert Nelson and Rachel Moran)
  —Office of the Provost
  —Pritzker School of Law
• Fourth Conference of the Research Group on Legal Diversity (RGLD) on Metrics, Diversity, and Law
  —The Graduate School
  —Weinberg College of Arts and Sciences
  —Kellogg Graduate School of Business
  —Pritzker School of Law
  —Office of the Provost

Open Society Foundations
• Legally Empowering Technologies (Rebecca Sandefur)

Oscar M. Ruebhausen Fund at Yale Law School
• Future of Latinos in the United States Law, Opportunity, and Mobility, Northeast Regional Roundtable (Robert Nelson and Rachel Moran)

Research Funds
The American Bar Foundation acknowledges with gratitude those individuals who continue to support its research funds.
The Robert O. Hetlage Scholarship Fund supports the participation of students and young faculty in the research programs of the American Bar Foundation, including the Summer Research Diversity Fellowship Program for undergraduate minority students, the Doctoral Fellowship Program for dissertation research, and a Young Scholars Program to support research in the first five years of an academic career.
The William Reece Smith, Jr. Research Fund advances ABF research on the topics of professionalism, pro bono legal services, and the role of the legal profession internationally to advance human rights and access to justice.
The Liz and Peter Moser Research Fund in Legal Ethics, Professional Responsibility and Access to Legal Services supports path-breaking, empirical research in the field of legal ethics, professional responsibility, and access to legal services.

Public Welfare Foundation
• Increasing Access to Justice through Expanded Roles Beyond Lawyers: Developing and Testing an Evaluation Framework (Rebecca Sandefur, in conjunction with the National Center on State Courts)

Robert Wood Johnson Foundation
• Investigator Award in Health Policy Research: Gatekeepers at Life’s End: Surrogate Decision-Making in Intensive Care (Susan Shapiro)

Spencer Foundation
• Financial Vulnerability of Public HBCUs to State Funding Policies (Matthew Shaw)

University of California, Los Angeles
• The Future of Latinos: Law, Opportunity, and Mobility, A Network for Justice Planning Summit: Creating Legal and Legislative Support for Latino Communities (Robert Nelson and Rachel Moran)
  —School of Law
  —Office of the Executive Vice Chancellor and Provost
  —School of Law’s David J. Epstein Program in Public Interest Law and Policy
  —César E. Chávez Department of Chicana/o Studies
  —School of Law’s Critical Race Studies Program
  —Chicano Studies Research Center

University of California, Davis School of Law
• The Future of Latinos: Law, Opportunity, and Mobility, A Network for Justice Planning Summit: Creating Legal and Legislative Support for Latino Communities (Robert Nelson and Rachel Moran)
Destiny Peery, associate professor of law and psychology at Northwestern University, at her seminar, “Beyond Explicit Bias? Challenges to Incorporating Implicit Bias as a Legal Theory of Discrimination,” on March 29, 2017. Peery is an alumna of the ABF’s Montgomery Summer Research Diversity Fellowship (2004). During her fellowship, she assisted Shari S. Diamond, ABF research professor and professor of law and psychology at Northwestern University, with research for her Arizona Jury Project. This inspired Peery to pursue a J.D. and Ph.D. in social psychology from Northwestern (and a lasting mentorship by Diamond, who also holds a J.D./Ph.D. in social psychology).

Presentations at the ABF 2017

- Hendrik Hartog, Princeton University—“Practicing Gradual Emancipation,” January 11
- Kevin Escudero, Brown University—“Organizing While Undocumented: Intersectional Immigrant Subjectivities in San Francisco, Chicago and New York City,” January 25
- Paul Frymer, Princeton University—“Building an American Empire: The Era of Territorial and Political Expansion,” February 8
- Chuck Myers, The University of Chicago Press, February 15
- Shauhin Talesh, University of California, Irvine—“Data Breach, Privacy, and Cyber Insurance: How Insurance Companies Act as ‘Compliance Managers’ for Businesses,” February 22
- Aliza Luft, UCLA—“Theorizing Behavioral Variation in Genocide and Opportunities for Intervention,” March 11
- Michelle Oberman, Santa Clara University—“Chapter Two: Assessing the Impact of El Salvador’s Abortion Ban,” March 8
- Destiny Peery, Northwestern University—“Beyond Explicit Bias? Challenges to Incorporating Implicit Bias as a Legal Theory of Discrimination,” March 29
- Gwendolyn Leachman, University of Wisconsin, Madison—“Cooperating Counsel? Private and Public Interest Lawyering for Marriage Equality,” April 5
- Nick Cheesman, Australian National University—“Theorizing about torture,” April 12
- Austin Goolsbee, The University of Chicago Booth School of Business, April 26
- Ajay Mehrotra, ABF and Northwestern Pritzker School of Law—“Corporations and American Democracy” Book Panel Discussion & Reception with The Tobin Project, April 24
- Shari Diamond and Janice Nadler, ABF and Northwestern Pritzker School of Law—“Judging Experts: What Real Juries Do,” May 3
- Neil Gotanda, Western State College of Law at Argosy University, “Mapping the Muslim Category: An Examination of Race, Identity, Religion and the Black-White Paradigm,” May 17
- Asad Rahim, ABF Doctoral Fellow—“Beyond the Border and into the Heartland: Spatial Patterning of U.S. Immigration Detention,” September 13
- Amanda Kleintop, ABF Doctoral Fellow—“The Constitution as it Is, and the Union as it Was”: White Southerners’ Resistance to Immediate, Uncompensated Emancipation in the U.S. South,” September 20
- Meghan Morris, ABF Postdoctoral Fellow—“Speculative Fields: Property in the Shadow of Post-Conflict Colombia,” September 20
- Rachel Montgomery ABF Doctoral Fellow—“Processes & Context: The Study of Co-Deanship Roles in U.S. Law Schools,” October 4
- CJ Ryan, ABF Doctoral Fellow—“Chasing Paper: Examining the Decision to Attend Law School in the 21st Century,” October 4
- Kaushik Sunder Rajan, University of Chicago—October 11
- Olivier Sylvain, Fordham Law School—“Intermediate Design Duties,” October 18
- Forrest Stuart, University of Chicago—“Urban Violence in the Digital Age,” October 25
- Tom Ginsburg, University of Chicago—“How Constitutional Democracy is Lost (and Saved)” November 1
- Peter DiCola, Northwestern University—“Copyright and Creative Work After Digitization and the Internet,” November 8
- Kimberly Kay Hoang, University of Chicago—“Risky Investments: Varieties of Relational Obfuscation and Heterogeneous Relations Between Market Actors and State Elites in an Emerging Market,” November 15
- Cristie Ford, The University of British Columbia Peter A. Allard School of Law—“Innovation and the State: Finance, Regulation, and Justice,” December 6
The Fellows of the American Bar Foundation

The Fellows of the American Bar Foundation is an honorary organization of attorneys, judges, and legal scholars whose public and private careers have demonstrated exceptional dedication to the highest principles of the legal profession and to the welfare of their communities.

Established in 1955, Fellows encourage and support the research of the American Bar Foundation and sponsor seminar programs on topics of direct relevance to the legal profession. Membership in the Fellows is limited to one percent of the bar membership in each jurisdiction. Fellows are nominated by other Fellows, and nominations are approved by the State Chairs, Fellows Officers, and ABF Board of Directors.

**Fellows Programming**

The Fellows CLE Research Seminar, “The Unintended Consequences of American Criminal Justice” was held in February during the ABA Midyear Meeting in Miami. Anchored by a research presentation by John Hagan, ABF Research Professor, co-director of the Center on Law & Globalization at the ABF and John D. MacArthur Professor of Sociology and Law at Northwestern University, the panel explored American criminal laws and policies which frequently have unexpected and unintended consequences from mass incarceration to the death penalty. With topics including the effects of parental incarceration on children and the application of the death penalty to people with mental disabilities, the panel of leading experts discussed the broad reach of the current American criminal justice system. Panelists were: Hon. Bernice Donald, United States Court of Appeals for the Sixth Circuit; Meredith Martin Rountree, Visiting Assistant Professor, Northwestern Pritzker School of Law; and, Neal R. Sonnett, Esq., Founder and Managing Partner, Neal R. Sonnett, P.A.. The panel was moderated by Marissel Descalzo, Esq., Partner, Tache, Bronis, Christianson and Descalzo, P.A.

“The Unintended Consequences of American Criminal Justice” was co-sponsored by the ABA Commission on Disability Rights, ABA Section of Civil Rights and Social Justice, ABA Criminal Justice Section, and the ABA Solo, Small Firm and General Practice Division.

For the first time, the 2017 ABA Annual Meeting, which was held in August in New York, included a special set of CLE programs to showcase the expertise of New York area lawyers in many fields. Entitled “CLE in the City,” programs took place at various law firms and other venues in Midtown. The Fellows’ CLE program was “How Juries Think and Behave: Empirical Research from Real Jury Deliberations” and featured Shari Seidman Diamond, ABF Research Professor & Professor of Law, Northwestern University Pritzker School of Law, with a review of the findings of an extensive empirical study by the ABF of deliberations of actual trial juries in real civil cases. Panelists Susan Fillichio, Decision Quest, Los Angeles, CA; Justice George J. Silver, Supreme Court of the State of New York, Civil Branch; and Stephen Susman, Susman Godfrey L.L.P., Houston, TX, and Executive Director, Civil Jury Project, New York University School of Law, discussed how those findings confirm or contradict what trial lawyers believe about how juries work in general and whether the results from Arizona are representative of deliberations in other parts of the country. The program was moderated and chaired by Ajay Mehrotra, ABF.

1. The panel for the Fellows CLE, “The Unintended Consequences of American Criminal Justice,” at the 2017 ABA Midyear Meeting in Miami. From left to right: Marissel Descalzo, partner at Tache, Bronis, Christianson and Descalzo, P.A., Meredith Martin Rountree, professor at Northwestern Pritzker School of Law, Honorable Bernice B. Donald, circuit judge on the U.S. Court of Appeals for the Sixth Circuit, and Neal R. Sonnett, founder and managing partner at Neal R. Sonnett, P.A.

2. Judge Bernice B. Donald (United States Court of Appeals for the Sixth Circuit) speaks at the Fellows CLE, “The Unintended Consequences of American Criminal Justice,” at the 2017 ABA Midyear Meeting in Miami.
The Fellows of the American Bar Foundation

Director & Research Professor and Professor of Law, Northwestern University Pritzker School of Law; and Julie North, Esq., Cravath Swaine & Moore LLP.

The Fellows Research Advisory Committee (FRAC) works with the Director of the ABF and the officers of the Fellows to organize the Fellows Research Seminars each year and serves as a bridge between the research program of the American Bar Foundation and the profession, including the practicing bar, the judiciary, and legal education.

Fellows Events

The Fellows events at the ABA Midyear Meeting in Miami in February began with the Fellows Opening Reception held at the Whisper Lounge on the 50th Floor of the W Hotel Miami, and sponsored by Boies Schiller Flexner. Fellows enjoyed panoramic views of downtown Miami and remarks from Chair of the Fellows Michael H. Byowitz and Tony Patterson on behalf of the American Bar Endowment.

The 61st Annual Fellows Awards Banquet, generously sponsored by Wachtell, Lipton, Rosen & Katz, took place at the historic Alfred I. DuPont Building. Professor Akhil Amar delivered the keynote address entitled “The Rule of Law and the Role of Lawyers in the Age of Trump.” The banquet featured presentations to the following honorees:

- **Outstanding Service Award**: Helaine Barnett, Esq., New York, New York
- **Outstanding Scholar Award**: Professor Akhil Amar, Yale Law School
- **Outstanding State Chair Award**: Washington State Co-Chairs Hon. Eileen A Kato (Ret.) and Salvador A. Mungia, Esq.
- **Distinguished Life Fellow Award**: Professor Charles J. Ogletree, Jr., Harvard Law School

During the ABA Annual Meeting in New York City in August, the Fellows gathered for a special evening of camaraderie and celebration at the iconic Russian Tea Room for the Fellows Opening Reception generously sponsored by Jones Day.

The Fellows met again the next morning for the annual Fellows Business Breakfast. The breakfast featured a conversation with Helaine Barnett, Past President of Legal Services Corporation (LSC), and Robert J. Grey, Jr., LSC Board Member and Past President, American Bar

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2. From left to right: Harold D. Pope, ABF board member, Professor Amelia Boss, Pennsylvania State Co-Chair and Life Fellow, and Nicole Goodwin, Arizona Fellow, at the 2017 ABA Midyear Meeting Fellows Opening Reception at the W Hotel Miami.

3. Honorable Cara Lee T. Neville (Ret.), former chair of the Fellows (2015-16), introduces the 2017 recipients of the Outstanding State Chair Award: the Washington state co-chairs, Honorable Eileen A. Kato (Ret.) and Salvador A. Mungia, partner at Gordon Thomas Honeywell LLP.

4. Rew R. Goodenow, chair of the Fellows, with the 2017 recipient of the Outstanding Scholar Award, Akhil Reed Amar. Amar is the Sterling Professor of Law and Political Science at Yale University.

5. Helaine Barnett, the 2017 recipient of the Outstanding Service Award from the Fellows of the ABF. Barnett devoted her entire professional career to providing legal aid to the poor.
Association, and Alexander Forger, Past President, LSC, discussing the importance of access to the civil justice system and current threats to LSC. Fellows Chair Michael Byowitz recapped the work of the Fellows and the ABF during his term as chair, as well as discussed new Fellows business. The Fellows gratefully recognize the following sponsors:

- Platinum Sponsor: Wachtell, Lipton, Rosen & Katz
- Gold Sponsor: Latham & Watkins, LLP
- Silver Sponsor: Winston & Strawn, LLP

The Fellows were pleased to hold a first-ever Fellows Reception in conjunction with the Annual Meeting of the Nation Bar Association in Toronto, as well as present a CLE panel featuring ABF Doctoral Fellow Matthew Shaw.

Many Fellows State Chairs organized local events where Fellows heard presentations from noteworthy speakers and socialized among colleagues and friends. In May, Minnesota Fellows gathered for a panel discussion titled “The First Amendment in the Time of Trump” featuring CNN Legal Analyst Laura Coates and ABF Research Professor Victoria Saker Woeste. Washington, D.C. Fellows held their annual dinner in April featuring a keynote by New York Times U.S. Supreme Court Correspondent Adam Liptak. The March New York Fellows Luncheon featured Chief Judge Robert A. Katzmann, U.S. Court of Appeals for the Second Circuit. Local Fellows events were also hosted in Alabama, Arizona, California, Colorado, Georgia, Illinois, Kentucky, Maryland, Massachusetts, Missouri, Nebraska, New Jersey, Nevada, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Utah, Washington, and Wisconsin. Several ABF Research Professors and scholars spoke at these Fellows events.

2017–2018 Fellows Officers

- Chair: Rew R. Goodenow, Reno, Nevada
- Chair-Elect: Reginald Turner, Detroit, Michigan
- Secretary: Ellen M. Jakovic, Washington, D.C.
- Immediate Past Chair: Michael H. Byowitz, New York, New York

2016–2017 Fellows Officers

- Chair: Michael H. Byowitz, New York, New York
- Chair-Elect: Rew R. Goodenow, Reno, Nevada
- Secretary: Reginald Turner, Detroit, Michigan
- Immediate Past Chair: Honorable Cara Lee Neville, Minneapolis, Minnesota

1. From left to right: Judge Tiffany M. Williams, New Jersey Fellow, Ayanna L. Jenkins-Toney, California Fellow, Audrey Kucia, Illinois Fellow, and Professor Christine C. Goodman, California Fellow, at the 2017 ABA Annual Meeting Fellows Opening Reception at The Russian Tea Room in New York City.
3. Reginald Turner, chair-elect of the Fellows, with Charles J. Ogletree, Jr., the Jesse Climenko Professor of Law at Harvard Law School and the 2017 recipient of the Distinguished Life Fellow Award.
4. Alexander Forger, past president of the Legal Services Corporation (LSC), Helaine Barnett, past president of LSC, and Robert J. Grey, Jr., LSC board member and past president of the American Bar Association, discussed the importance of access to the civil justice system and current threats to LSC at the 2017 Fellows Business Breakfast.
5. Linda Klein, then president of the American Bar Association (2016-17), speaks at the Fellows Business Breakfast at the 2017 ABA Annual Meeting in New York City.
Life Fellows Contributions to the American Bar Foundation

Each year Life Fellows’ contributions support the innovative and influential research being done by the American Bar Foundation. This continued financial support is vital to the ABF’s work.

Life Fellow Giving Societies*

Giving Societies are composed of Life Fellows whose commitment to advancing justice and the understanding of law is reflected by contributions to the ABF above and beyond their initial pledge of support. Giving societies are as follows:

- A Life Fellow who contributes an aggregate of $50,000 will be named a Philanthropist Fellow
- A Life Fellow who contributes an aggregate of $25,000 will be named a Visionary Fellow
- A Life Fellow who contributes an aggregate of $17,500 will be named a Leadership Fellow
- A Life Fellow who contributes an aggregate of $10,000 will be named a Benefactor Fellow
- A Life Fellow who contributes an aggregate of $5,000 will be named a Patron Fellow
- A Life Fellow who contributes a minimum of $250 annually will be named a Sustaining Life Fellow

*Changes to aggregate amounts were made in 2002 and 2017

We extend our appreciation to the many Philanthropist, Visionary, Leadership, Benefactor, Patron, and Sustaining Life Fellows listed below who invested in the ABF between September 1, 2016 and December 5, 2017. Their generosity continues a longstanding culture of philanthropy that supports the empirical research work of the ABF.

Contributions can be pledged over a period of years. Life Fellows who contribute annually at the Sustaining Level and higher will be recognized in the ABF Annual Report, at Fellows events, and on the Fellows website. All Fellows are acknowledged in the Fellows Roster.

Philanthropist Fellows
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† Deceased
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Alondra Almaraz-Camacho
Malika Balachandran
Lars Benson

Leila Blatt
Michelle David
Alejandra Delcid
Arless Hudson
Amina Kirk
Abigail Kliosky
Joan Marks
Matthew Nelsen
Angelica Parrilli
Elisabeth Phillips
Thomas Ritz
Matthew Schneider
Eric Seymour
Ari Shaw
Larkin Smith
Matilda Stubbs
Samuel Taylor
Arielle Tolman
Frances Tung
Indra Wechsberg
Carter Wietecha
Corey Wilga

Collaborating & Affiliated Scholars

Atinuke Adediran, Northwestern University
Ellen Berrey, University of Toronto
James Bowers, St. John Fisher College
Henry Brady, University of California, Berkeley
Thomas M. Clarke, National Center for State Courts
Jean Comaroff, Harvard University
Susan Coutin, University of California, Irvine
Flavio Cunha, Rice University
Sarah Deer, Hamline University School of Law
Justin Desautels-Stein, University of Colorado Law School
Sara Dezalay, Cardiff University
Yves Dezalay, Centre National de Recherche Scientifique, Paris
Markus Dirk Dubber, University of Toronto
Mustafa Emirbarer, University of Wisconsin-Madison
Zachary Elkins, University of Texas at Austin
Stephen Engel, Bates College
John Ferejohn, New York University School of Law
Holly Foster, Texas A&M University
Marco Francesconi, University of Essex
Nicole Gonzalez Van Cleve, Temple University
Paula Hannaford-Agor, National Center for State Courts
Anna Hanson, Northwestern University
Spencer Headworth, Purdue University
Richard Holden, University of New South Wales, Australia
Aziz Huq, University of Chicago Law School
Philip Edward Jones, University of Delaware
Joshua Kaiser, Northwestern University
Fiona Kay, Queens University
Sanja Kutnjak Ivkovich, Michigan State University
Rasmus Landersen, Rockwool Foundation
Kay Lehman Schlozman, Boston College
Richard O. Lempert, University of Michigan
Joanne Martin, American Bar Endowment
Ethan Michelson, Indiana University Bloomington
Sarah Morando Lakhani, University of California, Berkeley, School of Law (J.D. candidate)
Monique Payne-Pikus, University of Texas at Austin
Rodrigo Pinto, University of California, Los Angeles
Gabriele Plickert, California State Polytechnic University, Pomona
Mary R. Rose, University of Texas at Austin
Greg Shaffer, University of California, Irvine School of Law
Carole Silver, Northwestern University Pritzker School of Law
Joyce Sterling, University of Denver, Sturm College of Law
David Thomson, University of Denver, Sturm College of Law
David M. Trubek, University of Wisconsin Law School
Sidney Verba, Harvard University
Gregory Veramendi, Arizona State University
Mila Versteeg, University of Virginia School of Law
Alaka Wali, Field Museum of Natural History
Jill Weinberg, Tufts University
David B. Wilkins, Harvard University Law School
Hongqi Wu, China University of Political Science and Law
Hye Young You, Vanderbilt University

Visiting Scholars

Leslie Abramson, Independent Scholar
Karen Alter, Department of Political Science, Northwestern University
Swetha Ballakrishnen, Postdoctoral Associate at New York University Abu Dhabi
Susan Block-Lieb, Professor, Fordham University School of Law
Nick Cheesman, Department of Political & Social Change, Australian National University
David Embreck, Sociology Department and African Studies Institute, University of Connecticut
David John Frank, School of Social Sciences, University of California, Irvine
Janice Gallagher, Department of Political Science, Rutgers University
Patrisia Macias-Rojas, Department of Sociology, University of Illinois at Chicago
Alyx Mark, Department of Political Science, North Central College
Stephen C. Nelson, Department of Political Science, Northwestern University
Boyece Robert Owens, Civic Consulting Alliance
Russell K. Robinson, University of California, Berkeley School of Law
Winnifred Sullivan, Department of Religious Studies, Indiana University Bloomington
Robert Vargas, Department of Sociology, University of Chicago

The Future of Latinos Project (FLP)

Robert L. Nelson, Rachel F. Moran, Co-directors
FLP Advisory Council

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Ajay Mehrotra (ex officio member), Director, American Bar Foundation, Professor, Northwestern Pritzker School of Law

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Cristina Rodríguez, Leighton Homer Surbeck Professor, Yale Law School

Daniel B. Rodríguez, Dean and Harold Washington Professor, Northwestern Pritzker School of Law

Gary M. Segura, Dean, UCLA Luskin School of Public Affairs

Doctoral and Post-Doctoral Fellows

Amanda Kleintop, History, ABF/Northwestern University Doctoral Fellow (2017–2018)

Ayobami Laniyonu, Political Science, ABF/National Science Foundation/Law & Society Association Doctoral Fellow (2016–2018)

David McElhatten, Sociology, ABF/Northwestern University Doctoral Fellow (2016–2017)

Meghan L. Morris, Anthropology, ABF/National Science Foundation Postdoctoral Fellow in Law and Inequality (2017–2020)

Margot Moinester, Sociology, ABF/National Science Foundation Doctoral Fellow in Law and Inequality (2017–2019)


Jeffrey Omari, Anthropology, ABF/National Science Foundation Doctoral Fellow in Law and Inequality (2016–2018)

Asad Rahim, Jurisprudence and Social Policy, ABF/National Science Foundation Doctoral Fellow in Law and Inequality (2017–2019)


Members of the Wheeler External Research Review Panel

Kevin Davis, New York University

Professor Stewart Macaulay, University of Wisconsin School of Law

Professor Michael McCann, Comparative Law and Society Studies Center, University of Washington

Professor Sally Engle Merry (Chair), Department of Anthropology, New York University

Professor Jennifer Robbennolt, University of Illinois College of Law

Mark Suchman, Brown University

Rule of Law Research Consortium, World Justice Project

Benito Arrunada, University Pompeu Fabra

Tim Besley, London School of Economics

Nehal Bhuta, European University Institute

Juan Botero, World Justice Project

Rosa Brooks, Georgetown University

David Caron, King’s College London

Thomas Carothers, Carnegie Endowment

Nick Cheesman, Australian National University

Yu-Chien Chang, Academia Sinica

Albert Chen, Hong Kong University

Adam Chilton, University of Chicago

John Comaroff, Harvard University

Mariano-Florentino Cuéllar, Stanford University

Kevin Davis, New York University

Larry Diamond, Stanford University

Brad Epplely, University of South Carolina

Julio Faundez, University of Warwick

Julio Rios Figueroa, Centro de Investigación y Docencia Económicas

Bryant Garth, University of California-Irvine

James Gathii, Loyola University Chicago

Tom Ginsburg, Co-Chair, University of Chicago and American Bar Foundation

Jon Gould, American University

Gillian Hadfield, University of Southern California

John Hagan, Northwestern University

Gretchen Helmke, University of Rochester

Susan Hirsch, George Mason University

Aziz Huq, University of Chicago

Erik Jensen, Stanford University

Hamid Khan, George Washington University

Rachel Kleinfeld, Carnegie Endowment

Jack Knight, Duke University

Timur Kuran, Duke University

Margaret Levi, Stanford University

Katerina Linos, University of California, Berkeley

Beatriz Magaloni, Stanford University
Statement of Financial Position  
Fiscal Years Ended August 31, 2017 and 2016

<table>
<thead>
<tr>
<th></th>
<th>August 31, 2017</th>
<th>August 31, 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Assets</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash and cash equivalents</td>
<td>$910,680</td>
<td>$974,802</td>
</tr>
<tr>
<td>Long-term investments</td>
<td>24,229,861</td>
<td>22,577,108</td>
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<tr>
<td>Receivables and other</td>
<td>762,463</td>
<td>588,892</td>
</tr>
<tr>
<td>Prepaid expenses</td>
<td>23,879</td>
<td>11,689</td>
</tr>
<tr>
<td>Property and equipment</td>
<td>83,864</td>
<td>126,407</td>
</tr>
<tr>
<td><strong>Total Assets</strong></td>
<td><strong>$26,010,747</strong></td>
<td><strong>$24,278,898</strong></td>
</tr>
<tr>
<td><strong>Liabilities</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounts payable and other</td>
<td>398,249</td>
<td>543,805</td>
</tr>
<tr>
<td>accrued expenses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deferred revenues</td>
<td>142,664</td>
<td>141,125</td>
</tr>
<tr>
<td>Deferred rent liability</td>
<td>285,990</td>
<td>403,214</td>
</tr>
<tr>
<td>Pension liability</td>
<td>1,451,844</td>
<td>1,508,145</td>
</tr>
<tr>
<td><strong>Total Liabilities</strong></td>
<td><strong>2,278,747</strong></td>
<td><strong>2,596,289</strong></td>
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<tr>
<td><strong>Net Assets</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unrestricted</td>
<td>15,611,051</td>
<td>14,520,514</td>
</tr>
<tr>
<td>Temporarily restricted</td>
<td>4,201,320</td>
<td>3,268,642</td>
</tr>
<tr>
<td>Permanently restricted</td>
<td>3,919,629</td>
<td>3,893,453</td>
</tr>
<tr>
<td><strong>Total Net Assets</strong></td>
<td><strong>23,732,000</strong></td>
<td><strong>21,682,609</strong></td>
</tr>
<tr>
<td><strong>Total Liabilities and Net</strong></td>
<td><strong>$26,010,747</strong></td>
<td><strong>$24,278,898</strong></td>
</tr>
</tbody>
</table>

**Notes:**  
These financial statements were abstracted from the Foundation’s August 31, 2017 financial statements which were audited by Plante & Moran, PLLC.
### Statement of Activities
Fiscal Years Ended August 31, 2017 and 2016

<table>
<thead>
<tr>
<th></th>
<th>August 31, 2017</th>
<th>August 31, 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenue</strong> – Unrestricted in FY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>American Bar Endowment grant</td>
<td>$2,930,998</td>
<td>$3,247,417</td>
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<tr>
<td>The Fellows of the American Bar Foundation</td>
<td>2,202,467</td>
<td>1,896,493</td>
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<tr>
<td>ABF Endowment annual spending allowance</td>
<td>1,278,787</td>
<td>1,253,726</td>
</tr>
<tr>
<td>Grants, contributions and other support</td>
<td>394,371</td>
<td>461,697</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>$6,806,623</td>
<td>$6,859,333</td>
</tr>
<tr>
<td><strong>Expenses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research activities</td>
<td>3,533,800</td>
<td>3,496,375</td>
</tr>
<tr>
<td>Fellows’ services (net of event revenue)</td>
<td>588,033</td>
<td>595,866</td>
</tr>
<tr>
<td><em>Law &amp; Social Inquiry</em></td>
<td>190,406</td>
<td>160,885</td>
</tr>
<tr>
<td>Liaison research</td>
<td>18,174</td>
<td>1,591</td>
</tr>
<tr>
<td>Academic affairs and fellowships</td>
<td>380,529</td>
<td>307,681</td>
</tr>
<tr>
<td>Development and fundraising</td>
<td>330,568</td>
<td>403,863</td>
</tr>
<tr>
<td>Administration and facilities</td>
<td>1,591,602</td>
<td>1,487,619</td>
</tr>
<tr>
<td>Pension expense</td>
<td>103,612</td>
<td>432,564</td>
</tr>
<tr>
<td><strong>Total Expenses</strong></td>
<td>$6,736,724</td>
<td>$6,886,444</td>
</tr>
<tr>
<td><strong>Results from Operations</strong> – Unrestricted in FY</td>
<td>69,899</td>
<td>[27,111]</td>
</tr>
</tbody>
</table>

**Notes:**
These financial statements were abstracted from the Foundation’s August 31, 2017 financial statements which were audited by Plante & Moran, PLLC.
Allocation of Funding

FY 2016–2017
American Bar Foundation Research Projects

- 23% Making and Implementing Law
- 29% Protecting Rights, Accessing Justice
- 20% Other Research Programs
- 28% Learning and Practicing Law
Resolution

Whereas, William T. (Bill) Robinson III was a Life Leadership Fellow of the American Bar Foundation and served as an elected board member from 2013-2016;

Whereas, Mr. Robinson served as an ex-officio member of the Board of Directors of the American Bar Foundation through his tenure as officer and president of the American Bar Association from 2005-2012;

Whereas, Mr. Robinson demonstrated his lasting commitment to the mission of the American Bar Foundation to advance justice through support of empirical research and the creation of new knowledge on law;

Resolved, that the Board of Directors of the American Bar Foundation expresses its profound sadness at the passing of its dear friend and colleague, William T. (Bill) Robinson III, offers its heartfelt condolences to his family and his law firm, and records its appreciation for his service and leadership to the American Bar Foundation, the American Bar Association, the legal profession, and the public.

Adopted at Chicago, Illinois, this twenty-fifth day of May 2017, by the Board of Directors of the American Bar Foundation.
Learning and Practicing Law

Protecting Rights, Accessing Justice

Making and Implementing Law