

American Bar Foundation

Vision for a Research Center in Diversity and Law

SUMMARY: The American Bar Foundation seeks to establish a new Research Center on Diversity and Law to investigate urgent questions surrounding diversity in the legal profession, as well as equal justice and opportunity. The Center will build on the ABF's position as the preeminent research institute for the empirical study of law. As an essential first step toward this vision, the Fellows of the American Bar Foundation now seek to establish an endowed Research Chair in Diversity and Law through a \$1.5 million fundraising campaign.

A diverse society needs a diverse legal system. As a matter of justice, we must seek to develop a bar and a judiciary that reflect our society and its varying legal needs. At the same time, the legal profession itself needs to attract, develop and retain the most talented individuals from all backgrounds.

While we have undertaken serious and sustained steps toward building a more diverse legal profession, we recognize a continuing gap between the ideal of equal opportunity and the reality of inequalities along lines of race, ethnicity, gender, disability, and sexual orientation. We have a long way yet to go.

The American Bar Foundation (ABF) believes that research has the power to illuminate the way forward. Only through empirical research can we assess our progress, explain our successes and failures, and identify promising avenues for advancing our goals for a diverse society and a diverse legal profession. Such research would yield meaningful insights for legal employers, law schools, policymakers, the judiciary, leaders of the profession, and individuals planning their careers.

Although many scholars and institutions across the country have contributed to an increasingly robust scholarly dialogue, there is no authoritative center for the study of the many profound issues at the nexus of diversity and the law.

The American Bar Foundation is uniquely positioned and prepared to take up this important role. The ABF has a long-term vision of creating a new Research Center in Diversity and Law that will draw on the ABF's own exceptional research staff, as well as its extensive academic and professional networks, to pursue an ambitious agenda of research in areas of both professional and public import.

As an essential first step toward this vision, the Fellows of the American Bar Foundation now seek to establish a Research Chair in Diversity and Law through a \$1.5 million fundraising campaign.

DIVERSITY AND LAW

- *What should law firms do to recruit diverse associates ?*
- *How can companies retain women and attorneys of color in corporate counsel careers?*
- *How does diversity in courts, juries, and practice teams affect decision-making?*
- *How can we increase the number of law school graduates of color?*
- *How will diversity in the legal profession be affected by globalization, technology, new practice models?*



American Bar Foundation

Vision for a Research Center in Diversity and Law

THE AMERICAN BAR FOUNDATION IS MOVING FORWARD

No organization in America is better prepared than the American Bar Foundation to lead the way forward in research on diversity and law.

Diversity is a burgeoning research focus in law, management and across the social sciences, and several universities and law schools have established research centers that seek to advance the science of diversity. These efforts have enriched the scholarly dialogue with a range of theoretical perspectives. Yet very little of the existing scholarship is empirical in nature. For methodologically rigorous research that analyzes the data behind the great questions and challenges we face, scholars turn to the ABF.

As the preeminent research institute for the empirical study of law, the ABF has an established track record of groundbreaking research on diversity and related issues. ABF scholars have examined topics ranging from minority law school education and the impact of civil rights legislation to the gender gap in pay and the effect of offensive public speech on women and minorities. For their work, ABF scholars have amassed honors including the Nobel Prize in economics and the Stockholm Prize in Criminology.

At the ABF today, more than a dozen faculty and numerous affiliated scholars are investigating diversity-related topics, including:

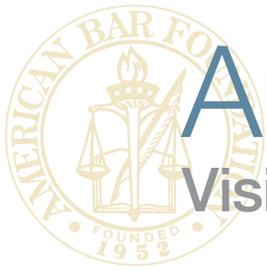
- Legal career trajectories of women and minorities
- Effects of judge and jury diversity on court cases
- Changing dynamics of employment discrimination litigation
- Perceptions of minorities concerning their treatment by the police

For example, the graphic below illustrates what ABF research tells us about how differently lawyers of color experience their workplace than do their white colleagues.

BLACK AND WHITE LAWYERS: DIFFERENT EXPERIENCES



Source: Payne-Pikus, Hagan, and Nelson "Experiencing Discrimination: Race and Retention in America's Largest Law Firms," *Law & Society Review* (2010), p.566



American Bar Foundation

Vision for a Research Center in Diversity and Law

POWERFUL CONNECTIONS

The ABF also benefits from strong connections to the organized bar, to legal practitioners, to the judiciary, to policymakers, and to the legal academy.

Through partnerships with leading law schools and research institutes (at Wisconsin, Harvard, Georgetown, Illinois, Northwestern and the University of Chicago, among others), the ABF has shaped the agenda of research on the legal profession generally and diversity and law in particular.

Source: Dinovitzer, Nelson, Plickert, Sandefur, and Sterling; After the JD II: Second Results from a National Study of Legal Careers(2009) p.67.

The Law Firms Working Group, a collaboration with the Indiana University Maurer School of Law, has provided more than a dozen research teams from universities around the country with unique data on trends in the managerial structures and practices of law firms. Many of these scholars are examining patterns of mobility and promotion for women and minority attorneys.

The table at right, from the signature ABF project, After the JD, reveals the wide gender discrepancies in salaries of young lawyers who passed the bar in the year 2000. This startling finding is just a small example of research on the legal profession that we urgently need to fight for equality and justice in our own profession.

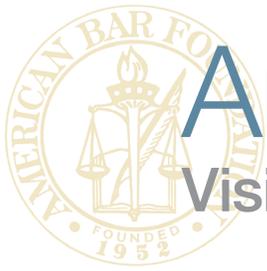
The ABF also helps prepare the next generation of diverse lawyers and scholars through the Montgomery Summer Research Diversity Program for undergraduate students and a Doctoral Fellowship program (in partnership with the Law and Society Association and the National Science Foundation) that supports research on law and inequality. Both of these programs emphasize the development of students from diverse backgrounds.

The same academic, professional and governmental relationships that strengthen the ABF's work also provide a powerful network for sharing outcomes. Through these ties, the ABF can effectively put the results of its research in the hands of those who need it.

WOMEN'S MEDIAN SALARIES LAG BEHIND MEN'S

Practice Setting	Female	Male	F/M
Solo	65,000	83,000	78%
Firms (2-20 lawyers)	80,000	92,000	87%
Firms (21-100 lawyers)	104,500	110,000	95%
Firms (101+ lawyers)	109,500	130,000	84%
Firms (251+ lawyers)	155,000	200,000	78%
Federal Government	95,500	101,500	94%
State Government	64,000	70,000	91%
Public defender	60,000	60,000	100%
Public Interest	65,000	72,500	90%
Nonprofit, education, other	71,000	70,000	101%
Business (counsel)	137,850	150,000	92%
Business (not practicing)	90,800	120,000	76%
Other	99,500	75,000	133%
OVERALL	89,000	105,000	85%

Source: Dinovitzer, Nelson, Plickert, Sandefur, and Sterling; After the JD II: Second Results from a National Study of Legal Careers(2009) p.67.



American Bar Foundation

Vision for a Research Center in Diversity and Law

THE RESEARCH CENTER IN DIVERSITY AND LAW: A VISION FOR RESEARCH IMPACT

To meet our great need for empirical research on diversity and the law, the American Bar Foundation envisions creating a Research Center on Diversity and Law to coordinate research efforts from both in-house faculty and scholars and work groups across the country.

DIVERSITY IN THE LEGAL PROFESSION

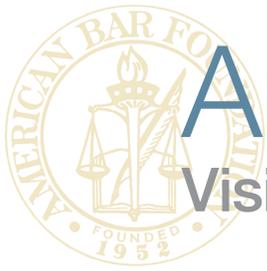
The ABF is the world's leading center for research on the legal profession, and its first priority in establishing the Research Center will be to assess the trends and factors shaping minorities' and women's careers in the legal profession. Building on the ABF's existing programs—including the seminal “After the JD” series and the Law Firm Working Group, among others—the Center's data-driven research will help legal employers and managers understand how recruitment, retention, advancement and other managerial and cultural directives can create a pathway for success for minorities and women in the law. This research will also serve policymakers, law schools and colleges, and individuals considering careers in law.

BROADER RESEARCH AGENDA

Under the direction of the inaugural Fellows Research Chair, the Research Center's agenda will eventually grow to encompass several additional areas of empirical study:

- **Social Scientific Perspectives on Diversity and Law.** In recent years the ABF, with support from the Center for Advanced Study in the Behavioral Sciences and the Ford Foundation, has assembled leading psychologists, economists, political scientists, historians, legal scholars, and sociologists to study how the law addresses issues of bias and discrimination. The Research Center will continue this important work, bringing valuable social scientific perspectives to the study of diversity and law.
- **Equal justice.** Legal diversity is a lynchpin in our society's efforts to provide equal justice under the law. The Research Center will allow the ABF to examine the extent to which diverse communities receive equal treatment in the legal system and how they perceive whether they have been treated fairly.
- **Education and human development.** Through the Research Center, ABF scholars and working groups will investigate questions of education policy, criminal justice policy, and other factors that affect the “pipeline” of diverse talent for colleges, law schools and, ultimately, employers. This research will also inform courts, which regularly consider such issues.

The ABF will engage working groups of researchers, policymakers, and employers to develop the vision for the Research Center, identify research topics and develop research projects. The Research Center will disseminate its work broadly through dedicated annual conferences and summits, a distinguished lecture series, existing meetings of other legal academic and professional groups, refereed journals, ABF imprinted publications, and a publicly-available online resource library.



American Bar Foundation

Vision for a Research Center in Diversity and Law

THE FELLOWS RESEARCH CHAIR: THE FIRST STEP FORWARD

The Fellows Research Chair in Diversity and Law is the crucial first step toward building a vibrant Research Center in Diversity and Law. The Fellows Research Chair will set the direction and agenda for the Research Center; build its relationships in the academy, the profession and the policy arena; and oversee its growth in the years ahead.

In recruiting the Fellows Research Chair, the ABF will seek:

- A world-class scholar with a body of empirical research in diversity and the law
- An entrepreneur with a vision for the growth and potential for the Center
- A skilled relationship-builder capable of convening the ABF's many professional and academic stakeholders in a collaborative research enterprise
- An effective ambassador and spokesperson for the Center's mission and work
- A proven professional whose talents, skills and perspective enhance the diversity of the ABF itself

As the first leader for the Research Center in Diversity and Law, the Fellows Research Chair will make an immediate and lasting impact on the field.

JOIN IN SUPPORT

The Fellows of the American Bar Foundation, an honorary organization whose membership is made up of leading lawyers and jurists, are launching a \$1.5 million campaign to establish the Fellows Research Chair in Diversity and Law.

Supporters of the campaign will share in the success of this vital undertaking. In particular, corporate supporters of the campaign may enjoy the following benefits:

- Early access to the Research Center's research, including data-driven recommendations that help legal employers achieve their diversity goals and strengthen their talent base
- Meetings with researchers and other corporate professionals and managers to discuss ABF research and advise on the topics for future research
- Invitations to ABF diversity-related events that present research results and generate dialogue on diversity issues

The Fellows of the American Bar Foundation invite you to join in this fundraising campaign. The Fellows Research Chair represents the first step toward a Research Center in Diversity and Law that will lead the way forward with empirical research of great value for legal employers, law schools, current and future lawyers, and policymakers.

Most importantly, this campaign will help advance a diverse legal profession that promotes a more just society. In supporting this campaign, we are helping to realize that goal.