As we all know, the Fellows of the American Bar Foundation is an organization of lawyers, judges, law teachers and legal scholars who have been invited and elected by their peers to become members of the Fellows because of their outstanding achievements in the legal profession. Membership in the Fellows is limited to one-third of one percent (1/3 of 1%) of the bar membership in each State and is in support of the research work of the American Bar Foundation.

But what do the Fellows do? And what kind of research work by the American Bar Foundation do the Fellows support?

The various non-research activities of the Fellows (programs, seminars, social events, foreign delegations and referral networks) are quite important and have been described previously in the Fellows News. The common bond and community of feeling within the Fellows that is created by these activities is palpable and continuing. But the legal research activities that the Fellows, as an organization, was formed to support have received less visibility within the Fellows membership, although outside acclaim for such research has been considerable.

The research faculty of the ABF is comprised of an interdisciplinary group of Research Scholars with academic training in law, sociology, psychology, political science, economics, history and anthropology. Some of the Research Scholars hold full-time positions at the ABF, while others have joint appointments at Chicago-area universities. The ABF Research Scholars bring their expertise to the empirical examination of the law, legal institutions and the legal profession in a series of research projects approved by the Board of Directors of the American Bar Foundation.

Topics and issues being addressed in current research efforts by ABF Scholars are:

- factors that affect the career patterns of young lawyers;
- jury decision-making behavior in civil trials;
- dissemination of the rule of law;
- legal needs of the public and access to lawyers;
- dynamics of employment discrimination litigation;
- attitudes of ordinary citizens about their legal rights;
- creation of a transnational legal field of human rights enforcement;
- effects of tort reform on plaintiffs’ practice; and
- impact of victim testimony on punishment judgments.

The visibility of ABF Scholars to the general public and the academic world has increased considerably in recent years because of the groundbreaking nature of much of their work. For example:

- James Heckman was awarded the Nobel Prize in Economics. A Senior Research Fellow at the ABF, Professor Heckman studies the impact of social factors such as education, job training programs, minimum wage legislation and anti-discrimination laws on the economic well-being of African Americans;
- Senior Research Fellow Steven Levitt, whose research focus is on issues related to racial disparity and education, recently won the John Bates Clark

continued on page 2
Medal, which is awarded to the “most influential economist under the age of 40.” He has appeared on television frequently in connection with his recent book, *Freakonomics*:

- Based on research reported in her book, *License to Harass*, published by Princeton University Press, ABF Research Fellow Laura Beth Nielsen recently testified before Congress on the issue of hate speech; and
- Senior Research Fellow Susan Shapiro won the Distinguished Book Prize, which is awarded by the American Sociological Association, for her book, *Tangled Loyalties: Conflict of Interest in Legal Practice*.

Given your position as a leading member of the profession, we are interested in hearing your suggestions with regard to the pressing issues facing the system of justice and the profession that might be the subject of systematic empirical research at the ABF. What substantive issues in your daily practice could benefit from such an examination? Where are there significant holes in the understanding by lawyers and judges of the underlying facts behind criminal sentencing, corporate ethics, intellectual property and tax law matters? In what areas might empirical research raise new factors for lawyers and judges to consider instead of the old, standard assumptions?

It would be a great help to the Fellows, to the ABF and, indeed, to the American legal profession generally, if you would forward suggested research topics to me (phone: 212-492-3318; e-mail: silkenat.james@arentfox.com) or to the Chair of the Fellows Advisory Research Committee, Ellen Flannery (phone: 202-662-5484; e-mail: eflannery@cov.com). Your suggestions will provide input that will add a great deal to the work of the Fellows and could lead to significant improvements in the U.S. justice system.

I look forward to seeing you in Chicago in August during the ABA Annual Meeting. Details concerning a wide variety of Fellows events and activities at the Annual Meeting will be sent to you in the coming weeks. Have a good summer.

Regards,

J.R.S.

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**Fellows in Print**

**Phillip I. Blumberg** (with collaborators), *Blumberg on Corporate Groups* (2nd ed. 2005).


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**Send Us Your News!**

Submissions for the “Fellows in Print,” “Fellows in the News” and “State Happenings” features in *The Fellows News* are always gratefully received. Please send the information to Laura Curley in the Fellows Office at 750 North Lake Shore Drive, Chicago, IL 60611 (or call her at 1-800-292-5065).
State Happenings

CO The Colorado Fellows held their annual meeting at the University Club in Denver on June 3, 2005. Despite a torrential downpour before the meeting, some 60 Fellows and guests were able to attend. The evening was marked by good fellowship, good food, and great entertainment provided by Life Fellow Robert J. Kapelke and his roving group of merrymakers. State Chair and Life Fellow Dale R. Harris provided a brief overview of the current activities of the Foundation and introduced the 23 new members who have joined the Fellows in the past year. He also paid special tribute to Life Fellow Karen J. Mathis who will become President-Elect of the American Bar Association in August. Karen is the third woman to hold that position and the first lawyer from Colorado to do so. At the end of the evening, Mr. Harris announced his retirement as State Chair after 7 years, and handed the podium over to incoming Chair, Frederic B. Rodgers, judge of the Gilpin Colorado County Court.

OK The spring meeting of the Oklahoma Fellows was held April 15–16 in Norman, Oklahoma. Friday night the Fellows and their guests gathered for a reception in the Western History Collection at the University of Oklahoma. This was particularly memorable since the Collection is housed in what was the Great Reading Room of the old law school. The venue was made available by the special efforts of Life Fellow Andrew M. Coats, Dean of the OU College of Law. On Saturday, Fellows met at the new law school facility for a business meeting and the election of two new Fellows. After the meeting, tours were given of the Natural History Museum, which has the longest dinosaur in the nation. The weekend concluded with the Spring Red-White Intrasquad OU football game, which the Sooners won.

IL On July 19, the Illinois Fellows will gather in the George Morris Conference Room in the American Bar Center in Chicago. Thomas Z. Hayward, Jr., Life Fellow and Chair of the ABA’s Standing Committee on the Federal Judiciary, will lead the discussion of the ABA’s role in reviewing nominations to the U.S. Supreme Court and other federal courts.
In April this year, a delegation of the Fellows traveled to Russia in a maiden experiment for the organization.

The Russian trip was conceived a year ago, when the officers, Steve Walther, Jim Silkenat, and Richard Pena, were considering new approaches to provide additional educational, cultural, and social opportunities to the Fellows. Richard Pena, who has served as a delegate leader on People to People Ambassador Programs (“People”) in the past, suggested the possibility of a partnership with that organization. People was initially conceived by President Dwight D. Eisenhower in 1957, and is presently run by his granddaughter, Mary Eisenhower.

People quickly agreed to co-partner a trip with the Fellows of the American Bar Foundation. Steve Walther, Immediate Past Chair of the Fellows, who received his undergraduate degree in Russian from the University of Notre Dame, served as the Delegation Leader. After applications for the trip quickly began to roll in, People advised Mr. Walther that, in view of the number of travelers, he could choose a co-leader to work with him. Mr. Walther chose Judge Ellen F. Rosenblum, of Oregon, Secretary of the Fellows, to serve as the Delegation Co-leader.

People accepted the first 35 qualified applicants. The professional delegates consisted of 21 persons from 14 different states. Also included were 14 guests and spouses of the professional delegates.

The group met in Moscow on April 16th. They were greeted by Alla Levitina, National Guide for the delegation, and Mila Bolgak, People representative in Moscow. The delegation was placed in the conveniently located Katerina Hotel and given a briefing that evening. The first full day was a cultural and historical experience. They started off with a visit to the Kremlin, with very knowledgeable guides leading them through the Armory and other historical buildings of the huge brick enclosure, on which construction started about 900 years ago. The evening was capped with a visit to the magnificent and historic Bolshoi Ballet Theater. The second full day in Moscow was the first professional day. The delegation began with a two-hour exclusive meeting with the Chief Justice of the Supreme Court of the Russian Federation, Vyacheslav Mikhailovich Lebedev. Chief Justice Lebedev served as Chief Justice of the Supreme Court of Russia during the latter part of the Soviet Union, and has served as Chief Justice of the newly constituted Supreme Court of the Russian Federation since the adoption of the new Russian Constitution on December 12, 1993. He has exerted very positive leadership in re-forming and educating the Russian judiciary during his tenure. Also, Chief Justice Lebedev is no stranger to the ABA. In 1994, the Chief Justice, who has been a longtime friend of Mr. Walther, accepted an invitation from him to travel from Moscow to New Orleans to join him as a co-moderator of a panel on “Litigation and Arbitration in Russia” at the ABA Annual Meeting. The meeting with the Chief Justice was informal, insightful, and extremely interesting. He extended warm hospitality to the delegation. He discussed the three separate judicial branches that existed under the Constitution, the Supreme Court of the Russian Federation, the largest branch and the one over which he has jurisdiction; the Supreme Arbitration Court, which has jurisdiction over commercial matters; the Constitutional Court, which deals with issues arising out of the Constitution of the new federation. He also discussed the death penalty, pointing out that, although it is not formally outlawed in Russia, the Supreme Court considers itself “within the space” of the European Union, which has outlawed the death penalty; hence, no actual executions have taken place in Russia in recent times. Further, he pointed out that, in any instance in which international law and domestic law, even constitutional law, conflict, international law governs.

The delegation then traveled to meet with Chief Judge Olga Yegorova, Chief Judge of the Moscow City Court. Chief Justice Lebedev had strongly urged the delegation to make this visit with Chief Judge Yegorova and to see the new Moscow City Court building. The building is brand new, with modern architecture, and has an efficient layout to serve its active court calendar. The courtrooms included a jury box, with adjacent jury deliberation rooms. Some courtrooms also had a bulletproof enclosed glass cell, which had an entrance to and from the courtroom in the enclosed portion of the cell, for criminal cases for defendants who have a high propensity toward violence. The meeting with Chief Judge Yegorova was very interesting, and covered topics including criminal prosecution, evidence, enforcement of judgments, and interim appeals. The group then traveled to a restaurant which served the adjacent National Hunting Club, a hunting preserve set aside in Moscow for the enjoyment of the Soviet elite. This provided the delegates with a unique
look at the ambiance of the facilities of the Soviet elite during the
Communist days. The next professional meeting that day was with the
Rector, faculty, and law students of The New Moscow Juridical Institute. The New Moscow Juridical Institute has four separate campuses in
Moscow, and provides legal education (including paralegal education) throughout the Russian Federation. The courses have different degrees
of difficulty and complexity, given the different occupations (other than
as a lawyer) for which students are being trained to utilize legal knowl-
dge. There is a strong thirst for legal knowledge in Russia at this time.
New educational institutions are springing up all the time. The Institute is
led by Rector and Professor Alexander Maximovich Yakovlev, who is the
chief architect of the new Russian Constitution and a true adherent to the
rule of the law. He is a renowned professor and respected author, having
published “Striving for Law in a Lawless Land,” which discusses the
effort to bring law to the Russian Federation. The delegation concluded
this meeting by having a lively and engaging discussion with the students.
Following the meeting, Mr. Walther and Rector Yakovlev were inter-
viewed by Voice of Russia regarding the delegation trip. During the
interview they were informed that the station had a listening audience,
including Asia, of over 25 million at any given time.

The second professional day was a four-hour roundtable with 13
Americans and Russians and leaders in different phases of judicial and
legal education, media, professional organizations, and politics. The
roundtable discussion was very informative. It included Boris Notkin,
chief television commentator for many years, who gave frank answers to
probing questions posed to him regarding the situation in Russia
invoking the independence of the media and freedom of the press. The
evening was capped by sumptuous hors d’oeuvres and cocktails in the
extremely elegant and artistic surroundings of the Gallery of Art Restau-
rant. The next morning, the delegation visited the Tretyakov Gallery, one
of the most famous art galleries in Russia, which contains the largest icon
collection in the world. In the afternoon, the group boarded the plane
for St. Petersburg.

The group was met in St. Petersburg with a slight snowfall which,
given the extraordinary architecture of the city, set it off in a most
beautiful way. The group was placed in the comfortable, modern, and
highly-rately Dostoevsky Hotel. The first professional meeting of the
delegation was with the law firm of Baker & McKenzie, a global law firm
and the first Western law firm to establish an accredited office in the
former Soviet Union. Mr. Maxim Kalinin, the Managing Partner of the St.
Petersburg office, attended St. Petersburg Law School, and provided a
very frank, insightful, and humorous information regarding the practice
of law in Russia, the application of existing laws, the effectiveness of
criminal prosecution, and methodology of enforcement of judgments,
qualification requirements for persons to practice law and try cases in
Russian courts. The next day the group visited the St. Petersburg Law
School, (which was named The Leningrad State University during the
Communist period), which was initially conceived by Peter the Great.
The law school provided legal education, such as it then was, to both
Vladimir Ilyich Lenin and Vladimir Putin, the current president of Russia.
The meetings with the law students, both in Moscow and St. Petersburg,
were among the most enjoyable experiences for the delegation. The
students were extremely well educated, both in law and in international
politics, and asked very probing and sophisticated questions. An
example of a question posed was “You tell us you value life, but if that is
so, why do you have the death penalty?” Over ten law students from the
St. Petersburg Law School, following their meeting with the delegates,
applied to join as student members of the American Bar Association.

St. Petersburg has a rich history and is filled with beautiful architec-
ture. The group visited St. Isaac’s Cathedral, an architectural marvel; the
Peter and Paul Fortress, where the last of the Tsarist Romanov family,
namely the family of Tsar Nicholas II, was finally buried; and the Hermit-
tage Museum (also known as the Winter Palace), constructed in 1762,
which holds over 3,000,000 art pieces, the largest in the world, possibly
second only to the Louvre in Paris. The group also had lunch at the
historic Literary Cafe, formerly known as Wolf and Beranger’s Confectionery,
where Alexander Pushkin, Russia’s greatest poet, had his final meal before he walked down the famous Nevsky Prospekt and engaged in
a fatal duel in 1937. One evening the group attended the exceptional
and legendary Mariinsky Ballet, formally the Kirov Ballet.

Concurrently, both in Moscow and in St. Petersburg, the guests and
spouses attended different cultural trips while the professional meetings
were taking place. For example, in St. Petersburg the group went into the
country to Peterhof, known as “The Russian Versailles,” because of its
gorgeous and numerous fountains, founded as the Summer Palace of
Peter the Great in 1917.

The logistics were flawless. The delegation was collegial, helpful to
each other, interested and interesting, and all had a very good time with
each other in the meetings generally. To top it all off, the professional
delegates received up to 19.2 continuing legal education credits. Ratings
from the delegation received by People showed that 80% of the
attendees stated the trip exceeded their expectations, and 20% stated the
trip met their expectations. None of the attendees indicated that their
expectations were lower than their initial expectations. According to
People, the response, and the enthusiasm, were “off the charts.”

It is hoped that this trip will serve as a precursor for future trips for the
Fellows. Fellows Chair Silkenat has indicated the next trip will be to China.
Those of you who are interested in participating in future trips of the
Fellows should contact the main office of the Fellows in Chicago, or
express interest in obtaining more information on the Fellows website.
Pictures of the Russian trip, and the report to the People prepared by Mr.
Walther, Delegation Leader, may also be found on the Fellows website.
Fellows in the News

CA  Fellow Carrie Menkel-Meadow, Georgetown Law Professor, has been appointed to the newly established A.B. Chettle, Jr. Chair in Dispute Resolution and Civil Procedure. She was formally installed in an inauguration ceremony at the Law Center on April 25.

DC  Georgetown University Professor and Fellow Susan Low Bloch was awarded the prestigious Smith College Medal. Professor Bloch was cited as “one of the most prominent women legal scholars in the nation.”

Barry E. Carter, Georgetown Professor and Fellow, has been appointed Director of International and Transnational Programs. He will oversee one of the largest and most comprehensive law programs in the world.

Fellow Donald R. Dunner was named International Lawyer of the Year for Patents by Who’s Who Legal: The International Who’s Who of Business Lawyers. This is the first time an individual has been singled out for such an honor. Mr. Dunner received more nominations from both clients and peers than any other practitioner in the field.

MA  Michael S. Greco, ABA President-Elect and Boston Life Fellow, delivered the keynote address at the 15th Anniversary fundraising reception of the Brooklyn Bar Association Volunteer Lawyers Project in New York on May 3rd.

MI  Saul A. Green, a Detroit Fellow, was recently named one of Michigan’s top African-American Achievers by Corp! magazine.

MO  ABF President and Life Leadership Fellow, Robert O. Hetlage of St. Louis, was recognized in the recently released Euromoney Publication’s Guide to the World’s Leading Real Estate Lawyers. This edition marks the tenth consecutive year he has been included in the list. Lawyers are named in the Guide based on responses to questionnaires distributed to more than 3,600 senior practitioners and in-house counsel.

NC  Linda M. McGee, a Fellow from Hickory, was the keynote speaker at the kick-off luncheon for the Charlotte chapter of the North Carolina Association of Women Attorneys (NCAWA). Judge McGee was a charter member of the NCAWA when it was formed in 1978.

NJ  Woodbridge Fellow Stuart A. Hoberman was recently installed as the President of the New Jersey State Bar Association.

NY  Recognized recently at the annual presentation of the Distinguished Alumni Awards at the University of Buffalo Law School were Buffalo Fellow Diane F. Bosse and Life Fellow Judith S. Kaye of New York. Ms. Bosse was recognized for Public Service, while Judge Kaye was honored for Outstanding Service to the University and Community by a Non-Alumnus.

Brooklyn Fellow Avery Eli Okin was honored at the 15th Anniversary reception of the Brooklyn Bar Association Volunteer Lawyers Project with the 2005 Leadership Award.

Lauren D. Rachlin, a Life Fellow from Buffalo, received the New York State Bar Association’s annual Award for Distinction in International Law and Affairs for his contributions to the global development of international law.

The International Bar Association revised and re-published its history, The Business of Law, dedicated to New York Life Fellow George C. Seward. It tells how he reorganized the Association and how it then grew to include members from almost every country in the world. Mr. Seward is the Honorary Life President of the Association and is also the Honorary President-Founder of its Division on Law Practice.

Fellow Paul T. Williams, Jr. of New York was honored by Senator Hillary Rodham Clinton, Arkansas Fellow, at her Fifth Annual African-American Heritage Celebration. The event paid tribute to distinguished members of the community and honored African-American culture and achievement in New York.

OH  Cincinnati Life Fellow Daniel J. Hoffheimer has been elected Presiding Co-Chair of the Board of Directors of the National Underground Railroad Freedom Center.

OR  Portland Life Fellow and Secretary of The Fellows, Ellen F. Rosenblum, has been appointed to the Oregon Court of Appeals.

PA  Life Fellow John C. Becker, of University Park, has received a Fulbright Senior Specialist award. Professor Becker will travel to the University of New England’s Australian Centre for Agriculture and Law in Armidale, New South Wales, to assist in establishing the Centre’s research agenda, its outreach programs, and the University’s undergraduate, graduate, and law programs.

TX  Waco Fellow William D. Underwood has been appointed as Baylor University’s interim President.
The Fellows of the American Bar Foundation
Annual Meeting Schedule of Events

registration
Thursday and Friday 8 a.m.-6 p.m.

Friday, August 5, 2005

7:30 - 9:30 a.m. Fellows Annual Business Breakfast  Ticketed Event  $ 35
Hyatt Regency  Crystal Room
Featured Speaker: ABF Senior Research Fellow and author of the bestselling book, *Freakonomics*, Steven D. Levitt

12:00 - 2:00 p.m. Fellows Regional and State Chairs Luncheon & Workshop
ABA Center, 321 N. Clark Street  Museum of Law

6:00 - 8:00 p.m. Fellows Summer Reception  Ticketed Event  $ 95
Hotel Intercontinental  King Arthur Room
Featured Speaker: John D. O'Connor, author of *Vanity Fair* article, “I'm the Guy They Called Deep Throat.”

Saturday, August 6, 2005

2:30 - 4:30 p.m. American Bar Foundation Research Seminar
*Urban Lawyers: The New Social Structure of the Bar*
Hotel Intercontinental  Camelot Room

Sunday, August 7, 2005

11:30 a.m. – 1:30 p.m. Margaret Brent Women Lawyers of Achievement Awards Luncheon
For tickets contact ITS 1-800-421-0450. To be seated with The Fellows, check the appropriate box below.

2:00-3:30 p.m. The Fellows in Russia: A Professional and Cultural Experience
Hotel Intercontinental  Seville Ballroom West

Registration for Chicago, Illinois Ticketed Fellows Events

| Name ____________________________ | My check is enclosed. (Make checks payable to The Fellows of the ABF) |
| Address __________________________ | Please charge my credit card.  MasterCard  Visa |
| City, State _______________ ZIP ______________ | (Sorry, The Fellows cannot accept American Express.) |
| Guest’s Name ____________________ | Credit Card Number ___________________ Expiration Date ___________________ |

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☐ I have purchased tickets for the Margaret Brent Luncheon through ITS, but wish to be seated with The Fellows

To expedite your registration fax this form to: 312-988-6579, attn: Chicago.
Or you may return it to:
Fellows of the American Bar Foundation
750 N. Lake Shore Drive
4th Floor
Chicago, IL 60611
Attn: Chicago Registration
BUSINESS LAW SECTION GIFT TO MOSER RESEARCH FUND

Life Benefactor Fellow Barbara Mendel Mayden announced that the Section of Business Law had made a $10,000 contribution to the Liz and Peter Moser Research Fund in Legal Ethics, Professional Responsibility, and Access to Legal Services. Ms. Mendel Mayden pointed out that the Section of Business Law recognizes the importance of research that examines the roots of ethical problems, evaluates proposed solutions, and assesses approaches to providing access to legal services. She noted that the Section commends the Mosers for their commitment to these critical issues and their support of ABF research though their substantial gift. The Section of Business Law has formally issued a challenge to other ABA Sections to support this significant research fund.

THE LIZ AND PETER MOSER RESEARCH FUND IN LEGAL ETHICS, PROFESSIONAL RESPONSIBILITY, AND ACCESS TO JUSTICE

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