

Researching

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The ABF Neukom Chair: Expanding Diversity and Equity in Law and Society

ABF American Bar Foundation
EXPANDING KNOWLEDGE • ADVANCING JUSTICE



The ABF Neukom

Expanding Equity in

Throughout the ABF's nearly seventy-year history, researchers have documented systemic racism and inequality in the justice system. Work by ABF researchers has helped detect and contend with the explicit, implicit, and structural dimensions of inequalities that marginalize individuals and communities. In addition, they have studied the history of transformative movements, and demonstrated how they helped pave the way to change through social and legal remedies.

Recent events have again reminded Americans that our country must continue to contend with systemic issues preventing equity and inclusion. Horrific violence, xenophobic harassment, and bigotry against marginalized and immigrant communities in recent years have led to countless episodes of explicit bias. The COVID-19 pandemic exacerbated many of these ongoing issues while also revealing that health equity is far from a reality.

These recent events underscore the need for empirical and interdisciplinary legal research to understand and break down barriers to promote a just society. The ABF is dedicated to expanding

knowledge and advancing justice through rigorous research on the law, legal institutions, and legal processes. With this goal in mind, the ABF founded the [William H. Neukom Fellows Research Chair in Diversity and Law](#) in 2014.

The ABF Neukom Chair has been a one-year position filled by an exceptional scholar who conducts empirical and interdisciplinary research on the legal and social issues contributing to inequities in the law and legal processes. Each of the previous chairs has investigated the experiences of vulnerable groups, including women, people of color, people with disabilities, and persons from the LGBTQ community.

ABF faculty choose the scholar based on a distinguished record of scholarship in the law and social sciences. While the projects undertaken by each Neukom Chair vary in nature, they all converge on the fundamental theme of promoting a more just society. The work of the Neukom Chair builds on the ABF's robust law and diversity research program, fostering collaboration among the community of scholars and legal practitioners concerned with these issues.

The generous contributions of [William H. Neukom](#) and the ABF Fellows made the ABF Neukom Chair possible. Neukom is an ABF Philanthropist Fellow and

Chair:

Diversity and Law and Society

a steadfast investor in research and programs at the ABF. He is the founder and chief executive officer of the [World Justice Project](#) (WJP), an organization devoted to promoting the rule of law throughout the world. He is also a law lecturer at Stanford Law School. In addition, Neukom served as past president of the American Bar Association (ABA) and CEO of the San Francisco Giants.

In 2020, as the program entered its sixth year, the ABF was thrilled to support the most recent ABF Neukom Chair, Meera E. Deo.

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Meera E. Deo
2020–21

Fighting for Diversity and Inclusion in Legal Academia

[Meera E. Deo](#), the 2020-21 ABF Neukom Chair, is a renowned interdisciplinary scholar on legal education and diversity. She is a professor, author, director, and national speaker. Her research merges jurisprudence with empirical methods to interrogate institutional diversity, affirmative action, and racial representation.

Deo is currently a law professor at Southwestern Law School in Los Angeles and a member of the American Law Institute. She was previously a tenured professor at Thomas Jefferson School of Law. Deo has also held previous visiting positions at Berkeley Law, UC Irvine School of Law, UCLA

School of Law, UC Davis School of Law, and New College of Florida.

Deo's passion for diversity in higher education and affirmative action has led to her scholarship and leadership in the field. She received her J.D. from the University of Michigan Law School, where she joined the legal team as a student and attorney working as an Intervening-Defendant on the landmark affirmative action case of *Grutter v. Bollinger*. She practiced Civil Rights, Cyberspace, and First Amendment litigation at the ACLU National Legal Department as the William J. Brennan First Amendment Fellow. Deo then practiced law focusing on policy and advocacy efforts, working as director of the Breast Cancer Legal Project and staff attorney

for Women’s Health at the California Women’s Law Center in Los Angeles. After practicing law, she obtained her Ph.D. in Sociology at UCLA.

Deo’s experiences led to her interest in empirical research, which she saw as a tool for policy and litigation. As director of the [Law School Survey of Student Engagement](#) (LSSSE), based at Indiana University-Bloomington, Deo helps give law students a voice to describe the impact and effects of their law school experience. LSSSE provides the largest dataset of the law school experience with over 350,000 law student responses from 200 law schools in the U.S., Canada, and Australia. Since 2004, LSSSE has provided research and services that law schools can use to improve how they serve students and for comparative analysis with other law schools.

In February 2020, LSSSE launched the Module on Diversity and Inclusiveness, which examines student perceptions and experiences in various diversity measures. The module aims to provide law schools with information on their own students’ experiences with diversity and inclusion in order to improve them further. The resulting [Report, Diversity & Exclusion](#), uncovers how underrepresented and non-traditional students remain marginalized in law schools. The findings also highlight the importance of institutions

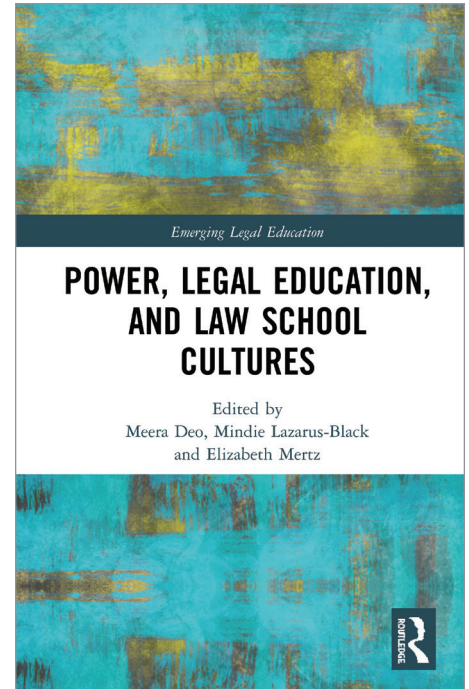
to support underrepresented students. For example, research shows that enrolling a more diverse group of students is not enough unless accompanied by inclusion tactics. In addition, while underrepresented students are the most affected by policies on diversity, they are the least satisfied with diversity efforts in the law schools they attend.

In response to these findings, Deo said, “Law schools that want their students to succeed as future lawyers and leaders must commit to fostering a campus community where the most vulnerable and non-traditional are encouraged to reach their full potential.”

Becoming the Neukom Chair During the Pandemic

Before becoming Neukom Chair, Deo collaborated with ABF Research Professor Elizabeth Mertz and former ABF Visiting Scholar Mindie Lazarus-Black

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in editing the book [Power, Legal Education, and Law School Cultures](#) (Routledge Press, 2019). Their work examines how hierarchies of power and cultural norms shape and maintain inequities in legal education. The ABF hosted a book launch of their work in March 2020, just before the pandemic closed the ABF offices. Deo was later offered the position of Neukom Chair.

“I remember when Devon Carbado, Angela Harris, and other superstars were announced as the Neukom Chair in years past. It is such an honor to follow in their footsteps, as they are people I very much respect and admire who produce exceptional scholarship,” said Deo.

Deo’s experience as Neukom Chair was different from that of her predecessors. Due to the

COVID-19 pandemic, Deo became the first Neukom Chair to serve her term remotely for safety and precautionary reasons.

“I was very disappointed not to be in person in Chicago,” said Deo. “My research would have benefitted from being able to casually bounce ideas off someone after a meeting or walk next door to talk through a sticky methods problem. However, I hope to visit the ABF this fall in person.”

Examining Race and Gender in Legal Academia

Deo is the author of [*Unequal Profession: Race and Gender in Legal Academia*](#), the first empirical study on the barriers underrepresented law professors face in legal academia that covers the full spectrum of faculty from Assistant Professor to Dean Emeritus. Her book reports findings from her project, *Diversity in Legal Academia*. A rigorous mixed-method empirical study of law professors tied to Critical Race Theory, privilege, implicit bias, and more, her book reveals the ongoing race and gender biases faculty encounter in legal academia. Deo also proposes structural solutions to improve faculty conditions and law schools.

Throughout her interviews with participants in the *Diversity in Legal Academia* project, Deo found that professors’ race and gender often affect their interaction

with students, promotional opportunities, and work/life balance. Their stories reveal challenges of belonging. Faculty of color face barriers to entry as employers in legal academia rely on overrated credentials in their recruiting process. Deo’s research finds that potential hires are expected to be graduates from elite schools, have clerkship experience, Fellowships, and PhDs. However, many candidates of color lack this experience due to economic and social constraints. Consequently, privileged white candidates who attended elite schools have the upper hand in the hiring process.

Notably, women of color struggle to view administrative leadership positions as a viable path, given the lack of representation of their race and gender in those respective roles. Deo finds that privileged law students often challenge women of color faculty. Some experience being “tested” by their students, who asked purely

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tangential questions to trip them up. In addition, many face the expectation of students to have a white, male professor rather than a woman of color. In her research, Deo finds that women of color had to do more to prove their professional competence than their white male colleagues.

The book also examines how female professors are more likely to be overloaded by responsibilities than male colleagues, as they are given extra roles, including more student meetings and service on university committees. Deo’s research highlights the work/life balance challenges for women faculty, who have personal responsibilities such as caregiving for family members, ultimately affecting their professional lives. Female professors also encounter mansplaining and silencing in their jobs. Women faculty expressed being ignored and silenced by their male counterparts. One common pattern among female professors was to have their ideas ignored, but those same ideas were accepted when conveyed by a male colleague.

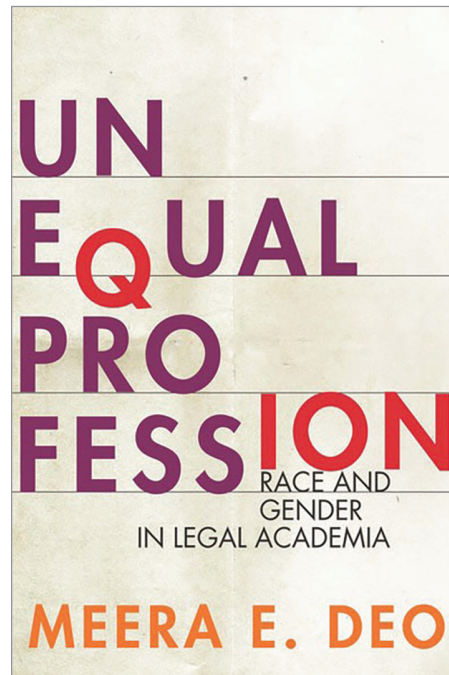
Deo has delivered her book findings to law schools nationwide through presentations and interviews. In addition, she has spoken in podcasts including, The ABF’s original podcast, *Whose Law Is It Anyway?*, Rutgers Law School’s podcast, *The Power of Attorney*, and the University of Denver’s Interdisciplinary Research Institute for the Study of (In) Equality (IRISE) podcast, *RAGE*.

“It turns out that the findings from my book provide an excellent baseline study of disparities in legal academia from before the pandemic hit,” said Deo. “Since then, each of the barriers has been raised higher, expanding inequities even further.”

COVID-19 and Barriers in Legal Academia

Deo initially planned to spend her time as Neukom Chair studying the hiring trends in legal academia, particularly the reliance on hyper-credentials for hiring purposes. However, the COVID-19 pandemic caused schools to institutionalize hiring freezes, preventing her from conducting research and forcing a shift in focus. Instead, Deo decided to expand her research from *Unequal Profession* on the need to improve diversity and equity in legal academia. The personal and professional challenges caused by COVID-19 led her to examine how the pandemic exacerbated the structural inequalities underrepresented faculty face in legal academia.

At the ABF, Deo initiated the Pandemic Effects of Legal Academia (PELA) project. As a part of this project, she wrote [“Investigating Pandemic Effects on Legal Academia”](#) (*Fordham Law Review*, Vol. 89, 2021), using quantitative and qualitative data to study how the pandemic affects the retention and mental health of law faculty. The study focuses on the most vulnerable professors,



emphasizing junior faculty, caregivers, faculty of color, and women faculty.

In her preliminary analyses, Deo observes that women faculty spent significant time supporting students and transforming their classes to be more accessible to learning online as students’ stress skyrocketed due to school closings. In addition, students report feeling more comfortable speaking with women faculty, whom they see as more available and responsive to their needs. As such, many women faculty found themselves in the dual roles of professor and therapist for their students.

Deo’s research from *Unequal Profession* confirms that women tend to serve as primary caretakers for children, elderly parents, and even neighbors. In the PELA study, she finds the pandemic intensified the role of caretakers, especially

for women. This was especially true for those with children at home due to school closures. In turn, this extra time dedicated to such priorities affected the time they could spend on scholarship. Her study also concludes that male and female pre-tenure and contract-based faculty are especially vulnerable since they do not have security from tenure and, in many cases, cannot even vote on faculty issues. Some faculty reported having difficulty focusing on their writing, while others said they felt anxiety because of their low productivity, and a few did not write all year.

“Scholarship is the coin of the realm in academia,” said Deo. “Regardless of how much student support you are providing, what most administrators want to see is that you are publishing. That is how faculty get promoted.”

Deo’s PELA study uncovered the impact of the pandemic on law professors’ mental health. Grief due to losing a loved one,

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isolation, and guilt were significant contributors to negative mental health outcomes. In addition, some reported having an increased sense of loneliness due to the inability to interact with others.

In her interviews, Deo realized her own experiences as a professor resonated with that of her colleagues, but she found it helpful to know she was not alone.

“One big takeaway is that faculty need greater support from their administration and institution, whether through tenure delays, teaching or service reductions, more T.A.s or R.A.s, or funds to purchase necessary equipment,” said Deo. “Supporting professors is a win for legal education and the legal profession as a whole.”

Deo’s study calls for action, including increasing faculty support, evaluating individual situations of junior faculty, and providing teacher relief and equipment for their classes as needed. The PELA study also

includes content that individuals and institutions can use to improve diversity, equity, and inclusion efforts, including affirmative action policies. Deo has shared her findings through numerous presentations to the ABF Fellows, the ABF research community, and other external institutions.

“I could not have done this research without the support of the ABF,” said Deo. “It was a pleasure to build relationships with people from all parts of the ABF community, from doctoral students who sought my advice to senior scholars who made themselves available to talk through issues about methods.”

Looking Forward

As Deo looks ahead, she is currently continuing to disseminate her findings from the PELA study. Her goal is to consult with professionals on initiatives to improve diversity, equity, and inclusion.

“I am working directly with law school leaders and individual committees to identify opportunities to build on their existing efforts and work toward creating antiracist and inclusive law schools,” said Deo.

Her other projects include a forthcoming article in the *North Carolina Law Review*, “[The End of Affirmative Action](#),” on the benefits of more significant investment in equity and inclusion beyond simple educational diversity.

She is also working on an expansion of another piece, “[Why BIPOC Fails](#)” (*Virginia Law Review Online*, 2021), on the drawbacks of using the term “BIPOC” by applying that thesis to the context of legal education.

As the latest in a powerful line of ABF Neukom Chairs, Deo expressed gratitude for being part of a group of distinguished scholars.

“I hope this year has simply laid a foundation, and I will have many more opportunities to interact in person with the ABF community,” Deo said.

“I am so grateful to the ABF for giving me the time and space to put so many of these plans into action this year, and I am excited about what is ahead,” she added.

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The Legacy of ABF Neukom Chairs

Deo's predecessors consist of a group of renowned scholars from different backgrounds and areas of expertise. Like Deo, they share a passion for expanding equity and diversity in the law and society. After their tenure, ABF Neukom Chairs have continued charting paths as leading scholars. They have contributed to the literature on law and diversity and fostered collaboration among the community of scholars and legal practitioners concerned with these issues.

Rachel F. Moran 2015–16



[Rachel F. Moran](#)

served as the inaugural ABF Neukom Chair. She is currently a distinguished law

professor at the University of California, Irvine School of Law. Moran is a leading scholar on educational access, diversity, equality, and Latino-related law and policy.

Before joining the ABF, Moran was President of the Association of American Law Schools (AALS) in 2009. In addition, President Obama appointed her to serve on the Permanent Committee for the Oliver Wendell Holmes Devise in 2011.

During her time at the ABF, Moran was the Dean Emerita and the Michael J. Connell Distinguished Professor of Law at UCLA School of Law. As Neukom Chair, Moran studied U.S. inequality, diversity, and the future of legal education and the legal profession. In addition, she joined ABF

Research, Professor Robert Nelson, as co-director of the ABF's nationwide interdisciplinary research project, [The Future of Latinos in the United States: Law, Opportunity, and Mobility](#). The project aims to advance research and policymaking related to the current condition of Latinos in the United States and the structural barriers that impede full integration and equality. In collaboration, Nelson and Moran convened regional roundtables with scholars, legal advocates, community activists, foundation representatives, and students to discuss the role of law and policy in opportunity and mobility for the Latino population. [Now headquartered at UC Irvine School of Law](#), the Future of Latinos initiative



focuses on four key areas: immigration, education, economic participation, and civic and political engagement.

Her work with the ABF Future of Latinos project led to her recent article, "[Citizenship, Personhood, and the Constitution in 2020](#)" (*Harvard Law & Policy Review*, 2020) and influenced other of her works including, "[Dreamers Interrupted: The Case of the Rescission of the Program of Deferred Action for Childhood Arrivals](#)" (*UC Davis Law Review*, Vol.53, 2020).

Moran was recently named a 2023 Board of Trustees Member with the Law and Society Association (LSA), where she will serve as Secretary starting in October 2021. Moran also works alongside ABF Research Professor Elizabeth Mertz on the LSA's Task Force on Social-Legal Metrics. The task force aims to inform stakeholders about the impact of U.S. News & World Report's plan to incorporate citation counts into law school rankings.

Laura F. Edwards 2016–17



[Laura F. Edwards](#) is currently the Class of 1921 Bicentennial Professor in the History of American

Law and Liberty at Princeton University. She is an award-winning legal historian and an expert on race, gender, and law in the 19th Century.

Before her time as Neukom Chair, Edwards served as a professor at UCLA, the University of South Florida, and the University of Chicago. When she joined the ABF, she was the Peabody Family Professor of History in Trinity College of Arts and Sciences at Duke University.

As Neukom Chair, Edwards focused on her forthcoming book, [Only the Clothes on Her Back: Women, Textiles, and State Formation in the Nineteenth-Century United States](#) (Oxford University Press). This work examines how subordinated groups in 19th Century America engaged in the textile trade and used the legal system to own property. It reveals that women and slaves in the 19th Century redefined property ownership rights and ultimately shaped the nation's government institutions. Her book generates new implications for the way inequality in the law is understood today. Edwards has delivered talks on her book project at the University of Nevada, William S. Boyd School of Law,

and the American Society for Legal History in Las Vegas.

Edwards completed several fellowships after her time at the ABF, including with the American Council of Learned Societies, the National Endowment for the Humanities Fellowship, and the Newberry Library in Chicago.

She is also the author of [A Legal History of the Civil War and Reconstruction: A Nation of Rights](#) (Cambridge University Press, 2015) on the nation's legal order. Edwards will be producing another book, *America's Unintended Journey: The Civil War and Reconstruction* (forthcoming, commissioned by the University of North Carolina Press).

Angela Onwuachi-Willig 2017–18



[Angela Onwuachi-Willig](#) is currently the Dean of Boston University School of Law. Her research focuses

on civil rights law, critical race theory, employment discrimination, family law, social inequality, and torts.

Before serving as Neukom Chair, she taught at the University of Iowa College of Law and the University of California, Davis, King Hall. She was also the Chancellor's Professor of Law at the University of California, Berkeley School of Law.

As Neukom Chair, Onwuachi-Willig worked on two research projects. Her first article, "[Policing the Boundaries of](#)

[Whiteness: The Tragedy of Being 'Out of Place' from Emmett Till to Trayvon Martin](#)" (*Iowa Law Review*, 2017) examines the race-based traumas African Americans undergo within the criminal justice system. This project studies the 1955 lynching of Emmett Till and the 2012 murder of Trayvon Martin, two significant and parallel black experiences: the death of a young unarmed black man at the hands of armed white men. It explains the similarities of the two murders via the subsequent trials and acquittals of J.W. Milam and Roy Bryant, the men responsible for Till's slaying, and George Zimmerman's trial in Martin's death.

Onwuachi-Willig's second research project centers on the [National Bar](#)

[Association](#) (NBA), the nation's oldest and largest coalition of predominantly African American lawyers and judges. The project examines the stories of the five black lawyers who founded the NBA, including S. Joe Brown, Charles P. Howard Sr., James B. Morris, Gertrude Rush, and George H. Woodson. After being denied membership in the American Bar Association, the undeterred lawyers created the NBA. Onwuachi-Willig examines how in a time when racial discrimination reigned supreme in America, the NBA's founders understood the impending challenges they would face in the bar and courtroom but carried on their mission.

Devon Carbado 2018–19



[Devon Carbado](#) is the Honorable Harry Pregerson Professor of Law and the former Associate Vice Chancellor

of BruinX for Equity, Diversity, and Inclusion at UCLA School of Law. He is a renowned legal scholar on critical race theory, constitutional law, and criminal adjudication.

Before becoming Neukom Chair, Carbado worked alongside inaugural Neukom Chair Rachel Moran. Together, they published [Race Law Stories](#) (Foundation Press, 2008) and "[Race Law Cases in the American Story](#)" in *Civil Rights in American Law, History,*

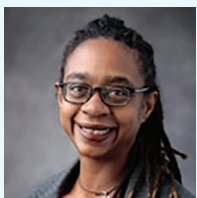
and Politics 16 (edited by Austin Sarat, Cambridge University Press, 2014).

As Neukom Chair, Carbado focused on two projects. His first work, "[From Stop and Frisk to Shoot and Kill: Terry v. Ohio's Pathway to Police Violence](#)" (*UCLA Law Review*, 2017), examines the systemic injustices inflicted by police brutality towards minorities. Carbado argues that analyzing police violence stems from two trains of thought: a generalized rogue police officer performing duties out of the purviews of the law and a more complex explanation of structural, institutional problems lasting generations. His second project, *Critical Race Judgments: Rewritten Court*

Opinions on Race, is an edited volume with Bennet Capers, Angela Onwuachi-Willig, and Robin Lenhardt under contract with Cambridge University Press, forthcoming in February 2022. The series aims to reimagine past court decisions through the lens of various scholarly perspectives.

Carbado recently produced "[Critical Race Theory Meets Third World Approaches to International Law](#)" with Tendayi E. Achiume (*UCLA Law Review*, 2021). In his work, he argues how critical race theory has been the social whistleblower towards "the racial dimensions of United States law and international law" through a multi-pronged approach.

Angela P. Harris 2019–20



[Angela P. Harris](#) is a distinguished law professor at the University of California Davis School of Law. She

is also a research affiliate of the Center for Poverty and Inequality at UC Davis. Harris specializes in critical legal theory and law's impact on gender, sexuality, race, and class issues.

Before joining the ABF, she served as vice dean of research and faculty development at the State University of New York - University at Buffalo School of Law. She also served as a visiting law professor at Georgetown, Yale, and Stanford.

At the ABF, Harris worked on her book project, [The Color of Farming: Race, Law, and American Agriculture](#). The project focuses on the two components of agriculture in the United States: farming as basic citizenship and farming as a capitalistic entity. Harris argues that law and public policy create guidelines that often pair the two types of farming as adversaries. It also explores contemporary small-scale farmers of color, who she argues carry their own "agrarian dreams" about agriculture as a practice of racial, economic, and ecological justice.

Harris recently produced a paper with Aysha Pamukcu, "[Fostering the Civil Rights of Health](#)" (*Public Health Law Watch*, March 2021), on the impact

of racial disparity and health care for minorities in the U.S. She also presented her work as the keynote address for the University of Virginia Schools of Law's conference, "Nursing and Medicine: Healing Hate: A Public Health Perspective on Civil Rights in America."



Ian Haney López

The 2021–22 ABF Neukom Chair

Professor [Ian Haney López](#) has been named the American Bar Foundation (ABF) 2021–22 William H. Neukom Fellows Research Chair in Diversity and Law. Haney López is the Chief Justice Earl Warren Professor of Public Law at the University of California Berkeley Law School, where he teaches race and constitutional law. He specializes in Critical Race Theory and is a leading thinker on the evolution of racism since the 1960's civil rights era.

In the past decade, Haney López has studied the use of racism as a class weapon in electoral politics. As Neukom Chair, he will examine

Latino voting participation, with a particular focus on their response to racialized rhetoric that demonizes “illegal aliens.” His project will study the connection between electoral rhetoric and racial identity, as well as the link between racial beliefs and public policy.

“I am excited to work alongside the amazing group of scholars at the ABF during my time as Neukom Chair,” said Haney López. “I look forward to the collaborative nature of the ABF’s academic environment and working together towards innovative and pathbreaking scholarship.”

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