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Fostering the Next Generation: Three Decades of the ABF Doctoral and Postdoctoral Fellowship Programs

Fostering the Next Generation of Scholars: Three Decades of the ABF Doctoral and Postdoctoral Fellowship Programs

In 1987, the American Bar Foundation (ABF) established the first Doctoral Dissertation Fellowship in Law and Social Science for Ph.D. students whose research focused on sociolegal studies and social scientific approaches to law, legal processes and legal institutions. In the same year, the ABF launched fellowships for students from minority backgrounds to combat the lack of minority scholars involved in the empirical investigation of law. Thirty-one years later, the ABF's fellowship program continues to thrive and has expanded into a robust program that helps foster the next generation of prominent sociolegal scholars.

Fostering new generations of scholars is an idea that first began at the ABF in the late 1970s, following the commission of an outside report by current ABF Research Professor Emeritus and Emeritus Director, Jack Heinz, that called for a more rigorous research program at the ABF and stronger integration of its work with the wider sociolegal research community. Encouraged by Heinz' report, ABF Executive Director at the time, William "Bill" Felstiner, met with Terence Halliday (current ABF Research Professor

and former Research Associate at the ABF), Ray Solomon (current University Professor of Law and Dean Emeritus at Rutgers University and former Associate Director and a Research Fellow at the ABF) and the wider ABF faculty to brainstorm ways to enliven the Foundation's intellectual and social atmosphere.

"We wanted a critical mass of scholars on the ground, and postdoctoral scholars offered a way to increase that density of social and intellectual life," Felstiner explained.

While many graduate students worked at the Foundation as research associates in the 1960s and 70s and wrote dissertations on ABF supported research, such as Halliday, the ABF had no formal doctoral and postdoctoral fellowship program. Felstiner and other members of the faculty hoped that housing scholars in the early stages of their careers might broaden and enrich the Foundation's disciplinary diversity.

"Of course, in addition to augmenting intellectual

exchanges at the ABF, we wanted to nurture new generations of socio-legal scholars. Bringing first rate doctoral or postdoctoral students who were already working on law promised a double payoff — in the short term an injection of more life day to day and, in the long-term, a stream of top-flight scholars flowing into socio-legal research."

So, in 1987, the ABF first began offering highly competitive fellowships for exemplary doctoral students, which helped to expand the Foundation's scholarly community and bring in top students working in law who would later contribute to sociolegal scholarship and become future intellectual leaders. The ABF has since continued to support strong doctoral and postdoctoral fellowships and expanded the program by

establishing new partnerships with prestigious national organizations, such as the National Science Foundation (NSF) and AccessLex Institute (a Washington D.C.-based nonprofit conducting research on critical issues in legal education), and top universities like Northwestern University (NU).

Today, the ABF offers three distinct fellowships for post-doctoral and doctoral students:

1. **The ABF/NSF Doctoral Fellowship in Law & Inequality**, which is funded in part by the National Science Foundation for scholars pursuing innovative empirical and interdisciplinary research on law and inequality.
2. **The ABF/NU Doctoral Fellowship**, which is sponsored by Northwestern University to encourage

original and significant research on law, legal processes, and legal institutions.

3. **The ABF/AccessLex Institute Doctoral Fellowship in Legal & Higher Education**, which is partially funded by AccessLex Institute and committed to supporting the work of scholars studying issues of access, affordability and value in legal and higher education.

Scholars awarded these fellowships work in residence for one to two years and become immersed in the ABF's intellectual community by attending weekly seminars, giving presentations of their work, and engaging in substantive conversations with faculty and mentors outside the organization who help to expand their perspectives and influence the direction of their research.

As many as 180 applicants apply in any given year, and each year the number of scholars and type of fellowships offered varies. The ABF selects scholars based on academic credentials, the strength of recommendations, the cutting-edge projects being conducted at the intersection of law and social science, record of publication and the promise for future publication. The entire ABF faculty participates in the initial process of reviewing applications and selecting scholars, while a special selection committee takes faculty recommendations into consideration before making a final decision.

The ABF/NSF Doctoral Fellowship in Law and Inequality

In 2008, a significant period of expansion occurred for the ABF doctoral and postdoctoral fellowship program. Recognizing the need to provide underrepresented minorities with more opportunities in the field of law and social science, ABF Research Professors, Laura Beth Nielsen and Robert Nelson, partnered with the Law & Society Association (LSA), one of the leading professional

associations for those interested in the interdisciplinary study of law, to establish a fellowship. With support from the LSA and a grant from the National Science Foundation (NSF), the ABF established the first LSA/ABF/NSF Doctoral Fellowship in Law & Inequality in June 2008, which later became the ABF/NSF Doctoral Fellowship in Law & Inequality.



Laura Beth Nielsen



Robert Nelson

“The LSA wanted to provide underrepresented minorities

with more opportunities to make their way in the field of law and social science. When the ABF came upon financial difficulties during the recession, we decided to pair up with the LSA,” said Nielsen, who holds a joint appointment as a Research Professor at the ABF and Professor of Sociology and Law and Director of Legal Studies at Northwestern University.

Since 2008, a total of 20 doctoral scholars have received the ABF/NSF Doctoral Fellowship in Law & Inequality. Coming from top universities around the country, including Harvard University, Northwestern University, the University of Chicago and the University of California, Berkeley. The ABF selects two scholars each year based on their academic record, the work they are conducting on pressing matters within the field of law and inequality, and their potential for future success. Research conducted by scholars who have received the fellowship has been focused in areas as diverse as employment discrimination, race relations, immigration, the environment, crime and mass incarceration, and human rights.

The ABF has received over \$1 million in funding for the LSA/

ABF/NSF Doctoral Fellowship in Law & Inequality, which beginning in 2017 has been solely funded by the ABF and NSF. Being associated with the NSF makes the fellowship very prestigious.

“It’s a really great thing to have a doctoral fellowship from the ABF, but a doctoral fellowship from the ABF that’s co-sponsored by the NSF, shows that this fellowship is very highly regarded, competitive and elite,” Nielsen said.

Many fellowship alumni have moved on to successful careers as tenure track/tenured professors and practicing attorneys. Some notable alums of the ABF/NSF Doctoral Fellowship in Law & Inequality include Jamilah Bowman Williams, a social psychologist and tenure track professor at Georgetown University Law Center who conducts research on discrimination and racial bias in different settings, from employment to housing; Diana Hernandez, who studied access to justice and legal representation for people living in poverty in New York and is now a tenure track professor at Columbia University Mailman School of Public Health; and Jamie Longazel, an Associate

Professor in the Department of Political Science at John Jay College of Criminal Justice at the City University of New York, whose research focused on how anti-immigrant bias is implemented at the local level.

Nielsen said what is most important about the fellowship is how it connects scholars in the early stages of their careers to ABF faculty, many of whom work in law and inequality and can provide much-needed expertise, guidance, connections and research opportunities.

“So many of our faculty work in law and inequality. It might be racial inequality, economic inequality, gender inequality, global inequalities. So, I think of the fellowship as an anchor program for the ABF because it meets so many of our research needs, and it’s doing something important in the sociolegal academic community by trying to help people from underrepresented minorities advance in the field,” Nielsen said.

The ABF/NSF Doctoral Fellowship in Law & Inequality has also been an anchor for the ABF’s expanding programs on diversity and law, including the William H. Neukom Fellows

The interdisciplinary nature of the center is valuable. We tend to be really isolated in our disciplinary approaches, and the study of law is really strengthened by insights from a range of disciplines.

– Mary Ellen Stitt
(2018–20 ABF
Doctoral Fellow)

Research Chair in Diversity and Law. The Neukom Chair is a yearly position at the ABF that is awarded to an accomplished scholar in the field of law and social science who is conducting innovative research on diversity and law.

“We’re really poised to be the center for the study of law and inequality. I think, arguably, we are,” Nielsen said.

Nelson agreed, noting that the beauty of the ABF is its having become the main residential institute for the study of law and social science. He added that the ABF/NSF Doctoral Fellowship in Law & Inequality has also strengthened the

There are no departments at the ABF, so it is truly an interdisciplinary organization. One of the great things was that I was able to talk to not only historians, but also other social scientists as well, and learn from them. I got a sense of how interdisciplinary research worked on the ground.

– Ajay Mehrotra
(ABF Executive Director)

networks within law and social science research.

“We were able to get outstanding talent to come through and bring in scholars to study the area of law and social science who would not otherwise have made those connections,” Nelson said.

A Closer Look at Notable Alumni

The ABF’s doctoral and postdoctoral fellowship

program has produced distinguished alumni who now work as scholars and practitioners in the fields of law and social science. Though many work at prestigious institutions around the world, some have returned to work at the ABF.

American Bar Foundation Executive Director Ajay K. Mehrotra (ABF Doctoral Fellow from 2001–2003)



Ajay Mehrotra

“The ABF has been critical to my academic career and professional development,” said ABF Executive Director, Ajay Mehrotra, who first learned about the ABF’s fellowship programs as a graduate student pursuing his Ph.D. in History at the University of Chicago. Mehrotra was selected in 2001 to join two other scholars for the ABF Doctoral Fellowship in Law and Social Science. As

a doctoral fellow, Mehrotra focused on research for his dissertation on the history of progressive taxation in America. The fellowship provided him with the opportunity to forge strong relationships with his cohort and established scholars at the Foundation, including Christopher Tomlins, Victoria Woeste and Terence Halliday (Woeste and Halliday are both still full-time faculty members at the ABF today), as well as gain important insights with the help of critical scholarly mentors. Most of all, Mehrotra developed an appreciation for what he describes today as the truly interdisciplinary and collaborative atmosphere of the ABF.

“There are no departments at the ABF, so it is truly an interdisciplinary organization,” Mehrotra explained. “One of the great things was that I was able to talk to not only historians, but also other social scientists as well, and learn from them. I got a sense of how interdisciplinary research worked on the ground.”

Mehrotra said that the camaraderie between himself and the other doctoral fellows in his cohort also contributed to his positive fellowship experience. After completing his fellowship, Mehrotra

maintained strong ties with the Foundation, including with his ABF mentor, Chris Tomlins, who later became the editor of Mehrotra’s 2013 book, *Making the Modern American Fiscal State: Law, Politics and the Rise of Progressive Taxation, 1877–1929*, which was based off his dissertation and awarded the Best Book Award from the Society for U.S. Intellectual History in 2014. In 2015, Mehrotra was invited to apply for the position of director at the ABF, an invitation he gladly accepted.

“The ABF launched my career. It helped me with my research, and so the opportunity to come back as director was really an honor and privilege. I wanted to give back to the community that had done so much for me,” Mehrotra explained.

Today, Mehrotra, whose scholarship is focused on legal history and tax law, has authored numerous articles in law reviews and scholarly journals. In addition to his position as ABF executive director and research professor, he is a professor of law at Northwestern Pritzker School of Law and an affiliated professor of history at Northwestern University. In February 2018, Mehrotra was elected as a

Fellow of the American College of Tax Counsel, an honor that distinguishes him as among the top tax attorneys in the U.S.

Dean and Clifton R. Musser Professor of Law and Economics at the University of Chicago Law School, Tom Miles (ABF Doctoral Fellow from 1998–2000)



Tom Miles

Tom Miles was a doctoral student pursuing his dissertation in the economics department at the University of Chicago when he was awarded a doctoral fellowship at the ABF. From 1998–2000, he wrote several papers relating to his dissertation, including one on the study of exceptions to “employment at will,” the law which states that a person could be fired at any time for any reason or for no reason at all.

“That was the longstanding rule at common law for many years. Then there began to be a series of exceptions to it that courts recognized. My paper looked at what were the employment consequences of those exceptions,” Miles said.

Today, Miles is the dean and Clifton R. Musser Professor of Law and Economics at the University of Chicago. He is a leading scholar of criminal justice and judicial behavior and has been widely published in economic and legal journals. His research was the first to find statistical evidence that the racial identity of judges matters in how judicial panels decide cases and highlighted the importance of diversity on the bench.

According to Miles, the interdisciplinary nature of the ABF’s environment positively influenced his work and contributed to his success in his career, and the fellowship program’s emphasis on helping to shape the next generation of lawyers is one of the reasons that the program is so important.

“It was a great environment in which to be doing that sort of work because at the ABF, you’re surrounded by other people from a variety of different

The research fellows are an incredible group of colleagues, and I so enjoyed being a part of that community of young scholars and the discussion to which we contributed through our research, answering questions that are central to the ABF's mission: access to justice, representative diversity within the legal profession, and reforms to legal systems. My cohort and the fellowship were a reflection of the ABF's core values, as well as proof of its commitment to cultivating scholars, to producing excellent research, and to fostering diversity.

- CJ Ryan
(2017–18 ABF
Doctoral Fellow)

disciplines, all focused on trying to understand law and legal institutions. So, there's a shared purpose but also a rich methodological diversity," Miles explained, "It's really important for scholars, first, to have an environment in which they can do research on law and legal institutions from a law and social science perspective and second, very helpful for our understanding of law and legal institutions to have scholars who are devoting their careers to these inquiries. Many of these young scholars go on to become professors, and through their teaching, they then shape the next generation of lawyers and how those lawyers think about law."

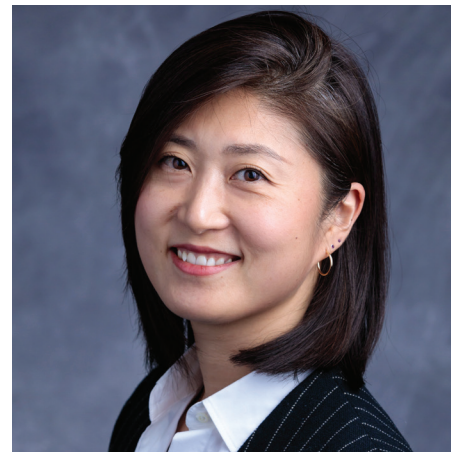
Recent and Current ABF Doctoral and Postdoctoral Fellows

The ABF's 2018 doctoral scholars, Hye Yun Kang, Paul Baumgardner, Mary Ellen Stitt, and Evelyn Atkinson, were selected from among a highly competitive pool of applicants. Their research interests vary from the history of corporate constitutional rights, to the legal interpretations of security laws, the alternatives to punishment in state court systems, and the rise of the conservative legal

movement in higher education during the 1980s.

Asad Rahim, another current doctoral fellow who has been working at the ABF since 2017 on research related to race and the law, and Christopher J. Ryan, a former doctoral fellow who is now an associate professor of law at Roger Williams University School of Law in Rhode Island, further demonstrate the breadth of scholars that have contributed to and been influenced by the ABF's interdisciplinary, diverse and lively community.

**Hye Yun Kang, ABF/
Northwestern University
Doctoral Fellow (2018–2019)**



Hye Yun Kang

Hye Yun Kang is a doctoral candidate in Political Science at Northwestern University and in Philosophy at the Ecole Normale Supérieure in Paris. Her research is focused on the

politics of law and security, International Relations theory and critical theory.

Kang will continue to work on her current research project while in-residence at the ABF from 2018–2019. The project is based, in part, on her dissertation, "Unintended Intentions: Security Script and Performative Enactment," which shows how the language of "security" enables forms of violence that are not recognized as such because they are regarded to be legal. For the project, she will explore the unintended consequences of security laws and investigate how legal institutions interpret security laws, attempting to understand how this interpretation leads to the unexpected consequence of extra-judicial security measures.

Kang holds an M.A. in International Relations from Seoul National University and a B.A. in Political Science from Ewha Womans University in Seoul, South Korea.

What Research Will You Focus On As A Fellow?

"Security action seems to be a strange field because the outcomes of national security policies and security laws sometimes do more harm than good to the people that they

are supposed to protect. Deep down, it's a very basic paradox in international relations and political science, like when countries seek to increase security through war. I realized that the explanation that I find often in the field is that this paradox is framed as a failure of politics or politicians. I disagree with this idea that bad outcomes are the results of dirty politics or corrupt politicians. Instead, I argue that these outcomes are systematic—that's why this paradox constantly happens through security actions.

I'm focusing my research on the Authorization for the Use of Military Force (AUMF), which I think of as representative of other security laws, and am investigating how legal interpretations of security actions, which we think of as straightforward, can bring unintended consequences. In security studies, and also in international relations, we tend to think that increasing legalization will bring more justice, more transparency, more due process. But I see cases where legalization is used to justify security actions, which create tragic consequences like civilian casualties. I also want to test whether this is a common feature of security law.

The bridge between graduate school and tenure track professorship is a long bridge, and it's not a natural development in the arc of any young scholar. There are a lot of things that change between your final years of graduate school and your first years as a professor. It's nice to have fellowships such as the fellowships that ABF has crafted because they do a good job of professionally assisting young scholars to give them the time to work on and perfect their research, offering them a new network of thinkers here at the foundation and also offering workshops and seminars.

- Paul Baumgardner
(2018–19 ABF
Doctoral Fellow)

I think because of the nature of security—where we use the language of security, safety, self-protection, self-defense—it’s different from normal legal procedures. That’s what I want to research more clearly this year with this fellowship.”

How Has the ABF Fellowship Supported Your Research?

“I’m already very grateful for the intellectual stimulation I find at the ABF, and now I understand a lot more about the legal aspect of my work. The legal aspect was already there, but when you change your perspective, you see things more clearly. I don’t have any experience in law, but I now see more clearly how my work is connected to international law, the legal system and democracy.

Learning from different perspectives and, specifically, legal perspectives, has helped me to see other dimensions of my work. In my dissertation, I see the interesting way the legal realm and the realm of emergency politics are converging. I see how law and the legal perspective can be very useful to me, especially in terms of the ways that we wage war and the ways that we deal with terrorism. I’m naturally interested in the legal aspect of it.”

What Have You Found to Be Most Rewarding About the Fellowship?

“I think the ABF’s weekly seminar is really special. Many of the presenters and audience members are senior scholars, but they remain committed to attending every week and ask very genuine, interesting questions. I like the way that scholars question and interact in the seminar. It’s very constructive feedback: sharing thoughts and comments. It makes the seminar more interesting to listen to all these different perspectives. I also learn a lot from the different forms of each presentation. I think, ‘Oh, that works, or that doesn’t work.’ I think that is very helpful.

I also enjoy the atmosphere here. The environment at the ABF is very animated and that is something I really appreciate. It’s an intellectual environment that I feel is very rewarding.”

I also appreciate the network of people here. I have a strong feeling that it will be helpful for me, along the way. We [the doc fellows] talk to each other about our work, and we see some possible overlap. I think that’s very important. You need to know people that you can go to and ask when you have

a certain kind of problem or question. In that sense, this fellowship will help to create the next generation of scholars. Now that we know each other, if we want, we can work together or publish together in the future.”

Paul Baumgardner, ABF/ AccessLex Institute Doctoral Fellow in Legal and Higher Education (2018–2019)



Paul Baumgardner

Paul Baumgardner is a doctoral candidate seeking a joint Ph.D. in the Department of Politics and the Humanities Council at Princeton University. While in residence at the ABF from 2018–2019, Baumgardner will be working on a research project focusing on the rise of the conservative legal movement during the 1980s.

Baumgardner’s research has appeared and is forthcoming

Many of these young scholars go on to become professors, and through their teaching, they then shape the next generation of lawyers and how those lawyers think about law.

– Tom Miles
(Dean of the University of Chicago Law School)

in leading academic journals, including *Law & Social Inquiry*, *Journal of Church and State*, and *Law and History Review*. He also recently co-authored a book about interdisciplinary and university life titled *Keywords: For Further Consideration and Particularly Relevant to Academic Life*, which was published by Princeton University Press in 2018. He holds a B.A. from Baylor University and an M.A. from Princeton University.

What Research Will You Focus On As A Fellow?

“In the late 1970s, as American conservatives became frustrated with what they perceived to be the growing liberalism of both

legal theory and legal practice, they decided to do something about it. They decided to organize and fight back. They created electoral campaigns and grassroots mobilization. There were litigation efforts. They provided professional outlets for conservative students and young lawyers, and these highly coordinated efforts were quite successful during the decade. Unfortunately, very little attention has been paid to the role of law school faculty, students, and deans during this period. I think that is an important lacuna within the scholarship. There were absolute battles being waged across many top law schools.

Did You Look Forward To Working With Any Faculty or Affiliated Scholars at the ABF?

“Many different people have been willing to help, sit down and talk to me about their work and my own work. One of my advisors had pointed me towards Elizabeth Mertz and her work on New Legal Realism, and she and I will be meeting to talk more about my own research project. I think she’ll be an invaluable resource. I remember last year sitting in my apartment opening a *Washington Post* article by Christopher Schmidt

on issues of religious freedom and thinking that it was a very unique perspective and one that I wanted to engage with in my own research on First Amendment jurisprudence, so he and I were already able to sit down and talk about our work, and I look forward to speaking more with him. Steve Daniels and I are grabbing a coffee to talk about his work on legal education, and hopefully he can help me on my own work.

Why Do You Think The ABF Fellowship Program Is Important?

“The bridge between graduate school and tenure track professorship is a long bridge, and it’s not a natural development in the arc of any young scholar. There are a lot of things that change between your final years of graduate school and your first years as a professor. It’s nice to have fellowships such as the fellowships that ABF has crafted because they do a good job of professionally assisting young scholars to give them the time to work on and perfect their research, offering them a new network of thinkers here at the foundation and also offering workshops and seminars. We have a doctoral fellows workshop every week

that helps with topics like crafting a cover letter, working on a CV, developing as a public intellectual, and giving you opportunities to present your research. That's important, having the opportunity to work with cohorts your age rather than having to go at it alone."

Mary Ellen Stitt, ABF/NSF Doctoral Fellow in Law and Inequality (2018–2020)



Mary Ellen Stitt

Mary Ellen Stitt is a doctoral candidate in sociology at the University of Texas at Austin. Her research focuses on state punishment and reform across a range of institutional domains. Stitt will be in residence at the ABF from 2018–2020, working on her dissertation, "Therapeutic Alternatives in the Criminal Courts," which examines the growing use of treatment-based alternatives to criminal punishment in the U.S.

Before returning to graduate school, she spent several years working with community groups and nonprofits that advocate for change in school punishment and in the penal system. Stitt's work has appeared in the social science journals *Social Forces* and *Social Problems*. She holds an M.A. in Latin American Studies from Tulane University and a B.A. in Spanish from Carleton College.

What Research Will You Focus On As A Fellow?

"I study the use of therapeutic alternatives in the court system. The focus is on prosecutor-led diversion programs, in which people facing mostly lower level felony charges can enter a program of treatment, and if they complete it successfully, they are able to have their charges dismissed. There's been huge interest from advocates of penal system reform across the political spectrum, including more treatment within the penal system and particularly on the front end as an alternative to incarceration. The goal has been to address root causes rather than punishing people who are in the system primarily because of mental illness or addictions. But the social science on what this looks like in practice has been very limited. My project

I'm already very grateful for the intellectual stimulation I find at the ABF, and now I understand a lot more about the legal aspect of my work.

– Hye Yun Kang
(2018–19 ABF Doctoral Fellow)

tries to get on the ground and look at what the experience is like for those who go into court-mandated treatment programs and what some of the implications are of repurposing the penal system to deliver mental healthcare.

I spent this past year doing participant observation and in-depth interviews in a large urban jurisdiction in Louisiana and collected data from prosecutors' offices. Now I'm working on analyzing and writing about that data and am planning to field a survey experiment as the final piece of data collection this month."

How Has the ABF Fellowship Supported Your Research?

"As a sociologist of law, it's been really valuable to be a part of a group of scholars

who are applying such different sets of expertise to the study of law and can challenge me to think about my project in new ways and can point me toward scholarship that I might not have come across. The interdisciplinary nature of the center is valuable. We tend to be really isolated in our disciplinary approaches, and the study of law is really strengthened by insights from a range of disciplines."

Why Do You Think the ABF Fellowship Program Is Important?

"It's an amazing opportunity for doctoral students to have the chance to join a new intellectual community and broaden our horizons in that way. I've already been exposed to a huge range of law and society research that I would have not

I feel like everyone here is law plus something: law plus sociology, law plus political science. It's just a rich academic environment.

– Evelyn Atkinson
(2018–20 ABF Doctoral Fellow)

come across if I hadn't been at the ABF. And as doctoral students it can be hard to form serious, substantive mentoring relationships with faculty outside of our own programs. The ABF doctoral fellowship is a unique opportunity to do that. I don't know of anything else like it."

Evelyn Atkinson, ABF/NSF Doctoral Fellow in Law and Inequality (2018–2020)



Evelyn Atkinson

Evelyn Atkinson is a doctoral candidate in history at the University of Chicago. She works on the history of corporate personhood in the nineteenth century, and her dissertation, "American Frankenstein: Creating the Constitutional Corporate Person," focuses on how popular movements advocating for corporate responsibility gave rise to legal cases that created

the constitutional doctrine of corporate personhood that exists today. While in-residence at the ABF from 2018–2020, Atkinson plans to complete her dissertation and enter the law teaching job market.

Atkinson has published her research in prominent academic journals, including the *Journal of Law & Social Inquiry*, the *Law & History Review*, the *Yale Journal of Law & Humanities*, and the *Harvard Journal of Law & Gender*. She received the Fishel-Calhoun Article Prize from the Society for Historians of the Gilded Age and Progressive Era and the Graduate Student Paper Competition Prize from the *Journal of Law & Social Inquiry*, for her article, "The Burden of Taking Care: Attractive Nuisance Lawsuits and the Safety First Movement" (2018). She holds a J.D. cum laude from Harvard Law School and a B.A. in Liberal Arts from Sarah Lawrence College.

What Research Will You Focus On As A Fellow?

"Originally when I began my Ph.D., I thought I would focus on women's rights and constitutional law. Then, as I was reading more about the topic, I was so struck by how strange it was that corporations

received constitutional rights before women or African Americans did. Corporations were the ones who had these robust constitutional protections, when the court had totally stripped the meaning of the Fourteenth Amendment and other constitutional protections from women and African-Americans. I was really intrigued by how this came to be the case. I became completely derailed by that question and decided to focus on the history of corporate personhood.

How did corporations initially, and continue, to claim constitutional rights and establish their status as constitutional people? It goes back to the very beginning of the American republic. I look at popular movements in the nineteenth century and how people on the ground tried to assert control over corporations. I think about what kind of language they used, how that did or did not impact the legal arguments that were being made, and then, ultimately, what the court decided. What I see over and over is that this attempt of people to claim control over corporations is done using the language of popular sovereignty and democracy. They see it as a democratic project for the

people to control corporations, and they see corporations as creatures of the state. They call them, ‘Children of the State,’ but they’re children that have exceeded the bounds of parental authority and have become Frankenstein’s.”

What Have You Found to Be Most Rewarding About the Fellowship?

“What I enjoy the most is the interdisciplinary nature of the ABF, but interdisciplinary in a way where people know both disciplines, which is not always what you find. I have a law and history background. I have my J.D., and I’m completing my Ph.D. in history right now, so it’s nice to speak to an audience that understands both fields. I feel like everyone here is law plus something: law plus sociology, law plus political science. It’s just a rich academic environment.”

Why Do You Think The ABF Fellowship Program Is Important?

“It’s great for a couple of reasons. One of them is that my funding at the University of Chicago is only five years. Now, starting in my sixth year, if I didn’t have this fellowship, I would have to support myself solely by teaching, and I would

have to teach so much that I wouldn’t have any time to write. So, the practical aspect of the fellowship is invaluable, giving me the time to do research and write and providing material support. I also think, intellectually, it would be easy when writing a dissertation to not interact with anyone. Being a part of an environment like the ABF’s, with weekly meetings and workshops where you’re interacting with your peers and established professors on a regular basis, keeps you motivated to think, ‘This is why I’m doing this, or what this person is doing is really exciting.’”

Asad Rahim (2017–2019 ABF/NSF Doctoral Fellow in Law and Inequality).



Asad Rahim

Asad Rahim is a doctoral candidate in the Jurisprudence and Social Policy Program at

the University of California Berkeley School of Law. Rahim is working on his dissertation, “From Equality to Diversity: The Diversity Rationale and the Construction of Racial Identity,” which examines the ways that black graduate students in prestigious universities experience the diversity norms within their departments. His work raises important questions about the role that universities play in furthering or obstructing intellectual pluralism and racial equality, both on campus and in the broader society.

Rahim’s work has appeared in the *Annual Review of Law and Social Science*. Before law school, he worked as an equity derivatives analyst for a global finance firm in Hong Kong. Rahim holds a J.D. from Harvard Law School and a B.S. in Business Administration from Babson College.

What Has Your Research Focused On As A Fellow?

“I’ve focused mainly on my dissertation, which looks at the origins of affirmative action in higher education and the experience of students of color within elite universities.”

How Has the ABF Fellowship Supported Your Research?

“The community here has been great. It’s one of the best parts about the fellowship. I don’t think I fully realized when I was starting my PhD program how academia is organized. It’s organized into discrete disciplines and people want to know foremost which team you’re on: Are you a sociologist? A political scientist? A historian? But I entered academia wanting to be a race scholar. My primary commitment wasn’t to a particular discipline but rather to a particular set of concerns surrounding racial inequality. Coming into grad school with that intellectual orientation can make things difficult because, for example, the sociologists want you to have a certain approach to your study of race, and the historians want you to have a certain approach, and the anthropologists want you to have a certain approach. The ABF is not invested in maintaining those kinds of disciplinary boundaries. The faculty here is serious about helping doctoral fellows to produce high quality, interdisciplinary work. People here understand the kind of work I want to produce. I don’t feel like I have to contort myself or my work to fit into this community.”

These scholars are treated like a faculty member. It’s a great transition, when they figure out how to allocate their time and work on their own.

–Laura Beth Nielsen
(ABF Research Professor)

Your Research Is Focused On Race And Law — What Attracted You To The ABF As A Place To Conduct This Research?

“I realized that so many of the young race scholars of color had fellowships at the ABF. That is one of the reasons I applied for the fellowship. I thought, ‘Oh, there’s a space out there for me.’ The ABF does a good job of giving you a launching pad and pushing you out in the world. Now, I feel like I am part of a larger community. The ABF is also attentive to the particular issues that you might face as a person of color trying to enter the academy. They’ve been very good about helping me, and others, navigate that.”

Christopher J. Ryan (associate professor of law at Roger Williams University School of Law and former ABF/AccessLex Institute Doctoral Fellow in Legal and Higher Education from 2017–2018)



Christopher J. Ryan

CJ Ryan is an associate professor of law at Roger Williams University School of Law and was an ABF/AccessLex Institute Doctoral Fellow in Legal and Higher Education at the ABF from 2017–2018. While at the ABF, Ryan was pursuing his Ph.D. in policy studies at Vanderbilt University, from which he graduated in June 2018. His research focused on law and policy, specifically issues of organizational and individual decision making in legal education, business and intellectual property. In addition to teaching as an Associate Professor of Law at Roger Williams University, Ryan

focuses his research on trust, estates and intellectual property law. He is currently engaged in several research projects examining current issues in American legal education as well as a project that evaluates the legal and financial ramifications of endowment divestment from fossil fuels.

Prior to pursuing his Ph.D. at Vanderbilt University, Ryan worked in law and university administration. He has also served as a higher education policymaker and gubernatorial appointee to the Kentucky Council on Postsecondary Education. He received his A.B. from Dartmouth College, his M.Ed. from the University of Notre Dame, and his J.D. from the University of Kentucky.

What Is Your Research Focused On?

“I’ve always had this interest in law and policy. I have been trained in using econometric and quantitative methods, and I wanted to put that to use to investigate questions of the law. So, folks at the ABF like Beth Mertz, Bob Nelson, Steve Daniels, and many others used econometric methods to investigate questions on legal academe and the legal profession. I’m sort of following in their footsteps

to some degree, but they’ve blazed the trail for how to do that. Doctrinally, my expertise is in trust and estates and intellectual property, but what has always been central to my research is looking at the university as a firm and the way that it interacts with the law and the broader economy, the knowledge economy as well as the fiscal economy, and makes decisions about its assets and capital, including human capital. The methods that I have been trained in, both law and quantitative methods, were able to be refined at the ABF because there were so many like-minded scholars who could push me further in my research and that was a tremendous benefit. I’m standing on the shoulders of giants, and I couldn’t be here without them.”

How Did the ABF Fellowship Support Your Research?

“I believe, firmly, that I would not have been as strong a candidate on the American Association of Law Schools (AALS) law school market had I not been a fellow at the ABF. The reasons are manifold, but the support I received from colleagues at the ABF is invaluable to me. For instance, the AALS, which is the clearing house for hiring all

law faculty in the country for doctrinal positions, has a very idiosyncratic method of hiring. You put your information into the AALS [national database] and law schools that have a particular need in a certain area will find this information and contact you to meet with them for about 15 minutes during one weekend in October or November. You have 15 minutes to make a good impression on a law school hiring committee to get a fly-out interview, which is another can of worms. The AALS meeting interviews were fast paced and grueling, but I went into it with a level of confidence because I had colleagues like Janice Nadler and Tom Ginsburg and Beth Mertz [at the ABF] and Pete DiCola [at Northwestern Law] who did a mock interview for me. They simulated what that situation would be like because it’s a rather unique hiring process, and I was prepared in a way that I wouldn’t have been otherwise.

Additionally, Steve Daniels put together a panel for the ABA mid-year meeting in which we presented our research alongside juggernauts like Barry Currier (the ABA’s Managing Director for Legal Education and Admissions to the Bar), Judith Welch Wegner (Professor

Emerita at the University of North Carolina Chapel Hill School of Law and the Section Chair for the AALS Section on Empirical Study of Legal Education and the Legal Profession), and Rachel Van Cleave (Professor of Law and former Dean at Golden Gate University School of Law). This was an amazing opportunity for me to share my research with a wider audience, and I could not have imagined a better platform to present the initial findings from my dissertation. So the investment that my colleagues made in me was substantial. I’ve tried to, through my research, return that investment and spread the goodwill of the ABF and its brand widely.”

What Have You Found To Be Most Rewarding About the Fellowship?

“The central element of the ABF is this collegial, scholarly environment, and I think its best exemplified by the Wednesday speaker series. We have these great minds and this great exchange of ideas from varied academic disciplines that we have come to expect every Wednesday, and there’s nothing like that as far as I know at many other places. I have a wonderful community of colleagues here at Roger

Williams, with whom I have forged great relationships in the last six months, but what the ABF has is really unique. I’m lucky to remain a part of it as an affiliated scholar.

My colleagues, the other fellows, are also a remarkable group of people that I want to acknowledge. As I looked around the room at any of our fellows meetings last year, I saw sociologists, anthropologists, historians, political scientists, a higher education administration and policy expert, and me, and I’m sort of an academic mutt as a quantitative methodologist and legal nerd. Those were just the disciplinary backgrounds of the fellows in my short year as a fellow. So, just in terms of disciplines, the diversity was incredible. Our cohort had fellows trained in nearly every investigative method in social science that exists all under one roof, and the perspective that diversity provided made all our work better.

In terms of racial, ethnic, and gender diversity, it was so refreshing to be able to enter a room of young scholars and not be the only minority in the room. I am half-Mexican-American. It’s something that I am sort of subconsciously aware of when I meet with

Coming into grad school with that intellectual orientation can make things difficult because, for example, the sociologists want you to have a certain approach to your study of race, and the historians want you to have a certain approach, and the anthropologists want you to have a certain approach. The ABF is not invested in maintaining those kinds of disciplinary boundaries. The faculty here is serious about helping doctoral fellows to produce high quality, interdisciplinary work. People here understand the kind of work I want to produce. I don't feel like I have to contort myself or my work to fit into this community.

– Asad Rahim
(2017–19 ABF Doctoral Fellow)

The research fellows are an incredible group of colleagues, and I so enjoyed being a part of that community of young scholars and the discussion to which we contributed through our research, answering questions that are central to the ABF's mission: access to justice, representative diversity within the legal profession, and reforms to legal systems. My cohort and the fellowship were a reflection of the ABF's core values, as well as proof of its commitment to cultivating scholars, to producing excellent research, and to fostering diversity.

– CJ Ryan
(2017–18 ABF Doctoral Fellow)

colleagues in the academy, especially law professors, which are not a terribly diverse group, racially speaking. It was so refreshing to be able to interact with other scholars of color and have parity in our fellows cohort between men and women scholars.

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The Future of the Fellowship Program

The ABF's doctoral and postdoctoral fellowships were designed to provide scholars with the resources, connections and additional opportunities they need to advance in their fields and over the course of

their careers. In fact, one goal of the fellowships was to help scholars find their intellectual fit in a way that is not available to them in their university departments.

"It does students a world of good to be at the ABF. I think it's really important that the Fellowship program stays residential," Nielsen said. "Being in an interdisciplinary environment like the ABF, where you're going to seminars every week and talking to different faculty members, that's crucial. These scholars are treated like a faculty member. It's a great transition, when they figure out how to allocate their time and work on their own."

While scholars benefit in numerous ways from the fellowship program, the ABF continues to examine how the program can be expanded and improved in the future. Nielsen, Nelson and Mehrotra would like to see the ABF connect with more institutions to create new fellowships that allow recipients the opportunity to continue to make important connections. Nielsen and Nelson also said they would like to see an increase in the number of scholars who apply and the resources offered for each fellowship.

"More resources are no small matter because if we're having students move from their home institutions to Chicago, there are costs involved in that, and there is now a lot more competition for these doctoral fellowship programs around the country. It's important for us to remain competitive," Nelson said.

With regards to the ABF/NSF Doctoral Fellowship in Law & Inequality, Nelson added that it's important that the fellowship continue to emphasize serving underrepresented groups and offering recipients the opportunity to work at the ABF for a longer period of two years.

"A one-year fellowship is not long enough for people to really get the benefit of the programs," Nelson explained.

Mehrotra said developing new partnerships would be essential to further enriching the program.

"What we've done is branched out and added new areas. I think we've already taken a pretty robust program and tried to make it even more meaningful," Mehrotra said. "It would be great if we could find other partners to expand the program. We've had

some discussions with other organizations that might want to partner with us in the same way that the AccessLex Institute and the National Science Foundation (NSF) have, so we'll see how those develop."

Not only has the ABF doctoral and postdoctoral fellowship program demonstrated its success in the past, but it's clear that the program has a bright future ahead of it.

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