

Annual Report



2021

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ABF American Bar Foundation

EXPANDING KNOWLEDGE • ADVANCING JUSTICE



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Introduction to the American Bar Foundation



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

Mission

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

Research Faculty

The research program of the ABF is implemented through the projects designed and conducted by the members of the ABF's resident research faculty. ABF Research Professors are among the leading scholars in their disciplines, which include anthropology, economics, history, law, political science, psychology, and sociology.

A research project is undertaken only after the completion of a very extensive review process. The internal review committee, an external review panel, the Research Committee of the ABF Board of Directors, and ultimately the full ABF Board must conclude that the proposed study will make a significant contribution to the field and that the research can be carried out with the appropriate standards of integrity, human subject protection, and scholarship.

Funding

The Foundation extends special thanks to the American Bar Endowment (ABE). The American Bar Endowment's grant of \$3,496,588 in fiscal year 2020-21 makes the Endowment the ABF's largest supporter. Founded in 1942, the ABE is a charitable organization dedicated to improving the quality of justice in the United States by funding research, educational, and public service projects in the field of law. ABA members who participate in the Endowment's group insurance programs can contribute to these efforts. Those members who participate in the Endowment's insurance plans and allow the ABE to retain dividends payable on the group insurance policies provide essential support for the ABE's grant program. The Foundation would like to thank all ABA members who participate in ABE insurance plans and donate their dividends, along with the ABE, for the valuable funding they have provided.

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

The Fellows of the American Bar Foundation

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

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Fellows Research Advisory Committee

Mission

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

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*Deceased



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(Elected the first president on November 21, 1952)

*Deceased



Executive Director's Letter: Ajay K. Mehrotra



It is a bittersweet honor to write my last Annual Report Letter as the Executive Director of the American Bar Foundation (ABF). Nearly seven years ago, I had the distinct privilege to become the ABF's ninth Director. At that time, I was returning home to the research institute that helped launch my academic career. I now look forward to passing the baton to my successor this summer and joining my colleagues as an ABF Research Professor, as well as a Professor of Law & History at Northwestern University.

As everyone knows, the last two years have been challenging for all of us. A global health care crisis has tested the resiliency of all nonprofit organizations, including the ABF. We, of course, mourn all those whom we have lost due to the pandemic. While the world slowly returns to a new sense of normal, the ABF continues to do its part to expand knowledge and advance justice.

Despite the pandemic, our community has continued to produce highly innovative and influential research. Indeed, the ABF remains among the world's leading research institutes for the study of law because of our longstanding commitment to serious, sophisticated, empirical and interdisciplinary scholarship. Five years ago, we completed a strategic plan that recategorized our research into three broad groups: (1) learning and practicing law; (2) protecting rights/accessing justice; and (3) making and implementing law. In the pages that follow, we highlight publications and programs from each of these broad research contours.

The past year in particular has been a highly productive one for ABF research and programming. Our community continues to generate cutting-edge research on diversity in legal education and the profession, with the capstone book from the *After the JD* project currently in completion. Similarly, our work on nearly all aspects of criminal justice—from the collateral damage of mass incarceration to juvenile justice issues to the impact of problematic policing on political participation—remains a vital part of ABF research. Our scholarship on international law, including the rule of law during wartime and the relationship between the legal institutions and democratic governance, continues to provoke significant policymaking conversations. In this sense, all of our ABF research operates not only at the intersection of law and the social sciences, but more importantly at the juncture of law and society.

In addition to our research, ABF programing has also remained at the forefront of identifying and recruiting the next generation of sociolegal scholars. As part of our strategic plan, we have implemented a strategy for faculty succession that has brought several new researchers to the ABF over the last six years, as some of our most distinguished senior scholars have begun phased retirements. At the same time, we continue to mentor emerging, junior scholars through our many postdoctoral and doctoral programs, and our Montgomery Summer Undergraduate Research Fellows program for diverse college students. These young, new scholars continue to bring fresh energy and novel ideas to our ABF community.

None of ABF research and programming would be possible but for the support of our entire community. Our ABF community encompasses not only our brilliant scholars, dedicated staff and engaged board of directors, but also our generous supporters and partners. Many thanks, as always, to the American Bar Endowment for their annual, unrestricted grant, and to all of the individuals who support us as ABF Fellows. We are also grateful to our longstanding and new grantors, including the National Science Foundation, the AccessLex Institute and, most recently, the JPB Foundation and the Urban Institute. We look forward to continuing these significant institutional relationships for many years to come.

In conclusion, let me add my personal thanks to all of the individuals and organizations who have supported me and the ABF during my time as director. Leading this storied organization has been one of the highlights of my professional career. Because my ABF roots run deep, I hope always to remain a committed member of the ABF community. Thank you.

Highlights

The ABF Launches the Ruth Bader Ginsburg Endowed Fund for Research in Civil Rights and Gender Equality

Late United States Supreme Court Justice Ruth Bader Ginsburg spent her career as a fierce advocate for equal justice under law. She was a tireless supporter of civil rights, and she inspired countless lawyers and advocates to fight for civil rights for all in the United States. Although progress has been made, the modern civil rights movement continues to work to address the serious and significant inequities in our society.

The American Bar Foundation's (ABF) Ruth Bader Ginsburg Endowed Fund for Research in Civil Rights and Gender Equality aims to honor Justice Ginsburg's lifelong work to ensure that all Americans receive equal protection under the law. It commemorates her legacy as a legal trailblazer by supporting significant and pathbreaking research and programming on civil rights and gender equality. This endowed fund is dedicated to preserving and upholding Justice Ginsburg's legacy by championing scholarship that will engender a more fair, equitable, and just future.

U.S. Supreme Court Justice Ruth Bader Ginsburg received The Fellows annual award for outstanding

research in law and government at the 1995 ABA Annual Meeting.

The endowed fund also pays tribute to Justice Ginsburg's steadfast and generous support of the ABF. As a part of her longstanding service to the American public and the legal profession, Justice Ginsburg served on the ABF Board of Directors for more than a decade prior to her nomination to the United States Supreme Court. She was an officer on the ABF Board, holding the position of Board Secretary for many years. Justice Ginsburg was also a Patron Fellow of the ABF and played a crucial role in making the ABF the institution it is today. The endowed fund has been endorsed by Justice Ginsburg's children, James and Jane Ginsburg, in honor of their mother's long legacy and affiliation with the ABF.

In order to achieve this vision, the ABF seeks to build the Ruth Bader Ginsburg Endowment to support high-quality research and programming in civil rights and gender equality. Each gift is essential to helping the ABF lead the way forward with empirical and interdisciplinary research that promotes a more equal and just society. Supporters of the campaign will share in the success of this vital undertaking.



The Honorable Ruth Bader Ginsburg, Associate Justice of the United States Supreme Court, receives The Fellows annual award for outstanding research in law and government from Marna Tucker, Vice-Chair of The Fellows, 1995 Annual Meeting.

Highlights

New Book Examines the Evolving Meaning of Civil Rights in America

A new book by American Bar Foundation Research Professor **Christopher W. Schmidt** examines the history of America's fight over the meaning of civil rights. Published by Cambridge University Press, *Civil Rights in America: A History* is the first book to trace the evolution of the term "civil rights" in America from the Civil War through today.

Generations of Americans have struggled over what it means to live in a nation dedicated to protecting civil rights, with each generation giving the label new life and new meaning. Today civil rights is most commonly used to refer to protections against racial discrimination, and it is also used to describe protections against discrimination based on sex, age, disability, and sexual orientation. Some seek to characterize the right to bear arms or religious freedoms as issues of civil rights. Others argue that economic opportunity or education are the real civil rights challenges of our day. The term has such a familiar presence in discussions about American politics and law that it tends to be used reflexively and intuitively. Rarely, however, do people stop to think about what it means to label something an issue of civil rights and why certain uses seem right or wrong.

There has never been a singular, unchanging definition of civil rights, Schmidt argues. His book charts the historical evolution of an evolving collection of civil rights concepts, which gain salience and fall into disuse as people draw on the label for their own purposes.

Schmidt contends that struggles over the meaning of civil rights have been central to our ongoing efforts to make the United States a more equal and just society.

"In this book, I hope to convey the rich complexity as well as the power that history has infused into this term," said Schmidt, who in addition to being an ABF faculty member is also a law professor at Chicago-Kent College of Law. "Americans have often used civil rights to limit the scope and speed of social change. For this reason, Black Americans, the group that is most identified with the term, have a long history of ambivalence toward it. Yet the term has also served a distinctively valuable role as a tool for translating aspiration into legal change. In telling this history of civil rights, I reveal a conception of civil rights that is flawed, modest, and limited—but, under the right circumstances, transformative."

Civil Rights in America: A History examines the power of the civil rights label and the importance of its historical context as different groups used it to legitimize their own causes. Schmidt brings his historical account up

to the present day, when both liberals and conservatives proclaim their commitment to defending civil rights, yet with very different conceptions of what this means. The book demonstrates how words can become objects of contestation and used as points of leverage for social, political, and legal action.

"Chris Schmidt's book is vital to our understanding of the historical and current meanings of civil rights," said ABF Executive Director Ajay K. Mehrotra. "In his deeply empirical reexamination of this seemingly familiar phrase, Chris helps us make sense of the term as we work to expand knowledge and advance justice."

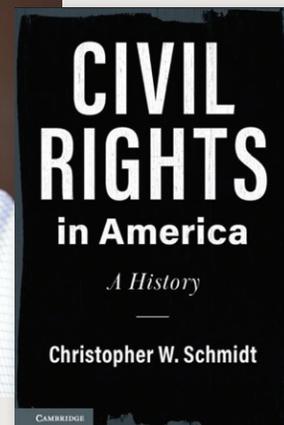
A New Study Examines the Disappearing Jury Trials

A new study co-authored by American Bar Foundation Research Professor **Shari Seidman Diamond** explains the decline in jury trials and examines factors that can slow down or reverse their disappearance. The study finds that while judges and lawyers agree that jury trials are fairer than other alternatives, jury trials have been suppressed by laws such as mandatory arbitration, damage caps, criminal sentencing guidelines, and mandatory minimum sentences.

Administered by The American Bar Association (ABA) Commission on the American Jury, the study surveyed 1,460 lawyers and judges from 2016 to 2019



Christopher W. Schmidt



on the importance of jury trials in the judicial process. The article, titled “Reasons for the Disappearing Jury Trial: Perspectives from Attorneys and Judges,” was co-authored by Diamond, also a Northwestern University law professor, and Jessica M. Salerno, an associate professor of psychology at Arizona State University. Results of the study were published in the *Louisiana Law Review* as part of a symposium issue on “We the Jury.”

According to the article, the number of cases decided by jury trials has dropped so dramatically in recent years in both federal and state courts that “the jury trial is an exceptional rather than a commonplace outcome.” The percentage of civil jury trials fell from 5.5% in 1962 to 0.8% in 2013. The percentage of criminal jury trials fell from 8.2% in 1962 to 3.6% in 2013.

In their responses to the survey, judges and lawyers said that other case resolution procedures are more predictable, faster, and more cost-effective than jury trials. However, judges and lawyers said that jury trials excel in terms of fairness and are worth the costs associated with them. These favorable responses suggest that measures should be taken to reverse the disappearing trend of jury trials.

The authors recommend steps to help protect jury trials, including eliminating mandatory arbitration and damage caps. Lawyers and judges have indicated that these laws are the most significant influences

in reducing jury trial rates in civil cases. They also recommend reforming criminal sentencing guidelines and abolishing mandatory minimums, which discourage jury trials in criminal cases due to the severe penalties attached to these laws. Instead, defendants are pressured to plead guilty.

The survey found that both judges and attorneys rank mediation as the fairest way to resolve civil cases, followed by jury and bench trials, and find arbitration to be the least fair. Survey results also show that lawyers perceive judges and mediators, as well as the opposing parties’ attorneys, as the main sources of pressure to settle civil cases and forego trial.

“The factors that have reduced access to and use of jury trials comes at a cost to society,” said Diamond. “Our laws need to safeguard citizen participation in the justice system by ensuring that jury trials don’t disappear.”

The study concludes that as fewer jury trials take place, citizens’ ability to provide feedback in the justice system is limited, which “threatens the values of a deliberative democracy.”

The American Bar Foundation Launches *Whose Law Is It Anyway?* Podcast

The American Bar Foundation premiered the *Whose Law Is It Anyway?* podcast on Tuesday, April 27, 2021. The podcast explores U.S. and international social issues



Shari Seidman Diamond



Highlights

and legal challenges through exclusive interviews with ABF scholars, experts, and legal practitioners.

Whose Law Is It Anyway? goes beyond the headlines and into classrooms, courtrooms, and homes, illustrating how empirical and interdisciplinary research matters in everyday life. Echoing the ABF's motto, "Expanding Knowledge and Advancing Justice," the podcast offers an in-depth exploration of sociolegal subjects such as access to justice, rent and housing, civil rights, and sexual consent on college campuses.

In each episode, host **Matthew Martinez Hannon** interviews the ABF's researchers and other top scholars to learn how they seek the uncompromising truth through interdisciplinary and empirical research. Rounding out this long-form, in-depth interview is a conversation with experts and legal practitioners that provides insight into the real-world impact of these topics.

As the ABF's Development Associate, Hannon is new to sociolegal research, but that makes him an ideal podcast host. His intellectual journey, and the questions he asks, will offer new insights as he learns alongside listeners about the rules and laws that govern our lives.

"We're excited to debut the ABF's new podcast and share our research with intellectually curious listeners throughout the world," said Mehrotra. "With each episode of this podcast, the audience will have the

opportunity to hear compelling, in-depth conversations with a diverse range of voices."

The first episode of *Whose Law Is It Anyway?* highlighted access to justice in the United States. Hannon interviewed ABF Faculty Fellow and Arizona State University Professor **Rebecca Sandefur** about her work studying how everyday people view and contend with their justice problems. Salvador Mungia, a partner at Gordon Thomas Honeywell and ABF Life Fellow, discussed his view of justice in the United States and the lessons he learned from serving on the Washington State Access to Justice Board.

New podcast episodes are released monthly and available to stream or download on Apple Podcasts, Spotify, or any podcast streaming platform. Find links to all platforms on the Anchor.fm show page or the ABF website.

Scholars Showcase Highlights Work on Advancing Access to Justice

The inaugural cohort of the American Bar Foundation/JPB Foundation Access to Justice Scholars presented their projects during a virtual event on Saturday, April 24. The six faculty scholars discussed their research, which advances access to justice scholarship and practice across the United States.

Between half to two-thirds of Americans confront at least one civil justice problem, leading to critical negative

From above left:
Margaret Hagan, Rebecca Johnson, Sarah Lageson, Erin Paquette, Emily Ryo, Kathryn Young



results, including poverty, unemployment, losing a home and even health problems. Yet, limited knowledge about access to civil justice has prevented many Americans from addressing everyday problems through the law.

The ABF/JPB Foundation Access to Justice Scholars Program seeks to generate more effective approaches to access to justice that can combat poverty and improve justice for all. The program brings together two cohorts of six Faculty Scholars serving overlapping 15-month terms. The program seeks to support the scholars' research, mentor their progress, and build intellectual relationships needed to grow the access to justice field. The goal is to obtain new knowledge, establish a theoretical and empirical understanding of what is currently happening with access to civil justice, and create concrete proposals for increasing access that are likely to be effective, scalable, and sustainable.

Over the past year, the first cohort of six ABF/JPB scholars from diverse disciplines have worked to address a variety of civil justice problems in America, including: understanding how people seek legal help on the internet, examining how automated systems will affect access to justice, exploring legal services for medically complex children and their parents, and identifying immigration lawyers and judges and their impact in removal proceedings.

"In the midst of a global pandemic, renewed attention on access to civil justice could not be timelier," said Program Director Rebecca Sandefur. "With creativity and hard work, these scholars are helping to change the way we solve legal problems, practice law, and seek justice."

The showcase featured the following Access to Justice Scholars:

- **Margaret Hagan** (Director of the Legal Design Lab, Stanford University) seeks to understand how people obtain legal help on the internet, and what kinds of strategies can most effectively engage them with public legal help.
- **Rebecca Johnson** (Incoming Assistant Professor in Quantitative Social Science, Dartmouth College) investigates how school districts grapple with ethical dilemmas about whom to help as they navigate legal mandates that conflict with fiscal realities.
- **Sarah Lageson** (Assistant Professor at Rutgers University-Newark School of Criminal Justice) examines how automated systems will change our understandings of access to justice, the perpetuation of bias and inequality, and effective legal outcomes.
- **Erin Paquette** (Assistant Professor of Pediatrics, Northwestern University Feinberg School of Medicine) seeks to describe legal issues in a group of medically

complex children who were referred for legal services, explore parental experiences with the medical-legal partnership, and evaluate health outcomes associated with referral to a medical-legal partnership.

- **Emily Ryo** (Professor of Law and Sociology, USC Gould School of Law) seeks to advance a comprehensive understanding of who immigration lawyers are and the contingent nature of their impact on removal proceedings.
- **Kathryne M. Young** (Assistant Professor of Sociology at the University of Massachusetts, Amherst) investigates everyday people's legal consciousness—their beliefs and understandings of the law—around seven key civil justice problems.

The event also featured remarks from: **Rebecca Sandefur**, Program Director, ABF Faculty Fellow, and professor at Arizona State University; and **Ajay K. Mehrotra**, ABF Executive Director and Research Professor.

UC Berkeley Law Professor Appointed the 2021-22 ABF William H. Neukom Fellows Research Chair in Diversity and Law

Professor **Ian Haney López** has been named the American Bar Foundation 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."

The William H. Neukom Fellows Research Chair in Diversity and Law was established in 2014. Since 2015, the Chair has been held annually by a leading international legal scholar who spends the academic year as a Visiting Research Professor at the ABF, and whose scholarship focuses on diversity, equity, and inclusion.

Highlights

The Chair leads empirical and interdisciplinary research at the ABF on law and legal processes related to issues of diversity and inequality experienced by women, people of color, people with disabilities, and persons from the LGBTQ community. The work of the Chair builds on the ABF's robust law and diversity research program and fosters collaboration among the community of scholars and legal practitioners concerned with these issues.

"The ABF is excited to welcome Professor Haney López as our incoming Neukom Chair. As an expert on race, law and American politics, Ian will continue to build upon the principles and values of the Neukom Research Chair in Diversity and Law," said Mehrotra.

Haney López has published four books and two anthologies. He has been a visiting professor at both Yale and Harvard University. In his latest book, *Merge Left* (2019), Haney López reported on his work with communication specialists and pollsters to develop an effective Democratic response and explained Donald Trump's complex relationship with dog whistling. In *Dog Whistle Politics* (2014), he detailed the fifty-year history of coded racism in American politics. He has co-chaired the AFL-CIO's Advisory Council on Racial and Economic Justice, co-founded the Race-Class Narrative Project, and created the Race-Class Academy. Haney López received his M.P.A. from Princeton University and his J.D. from Harvard University.

2020-2021 Neukom Chair Meera E. Deo Examines Diversity and Equity in Law and Society

Meera E. Deo was the 2020-2021 William H. Neukom Fellows Research Chair in Diversity and Law. 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.

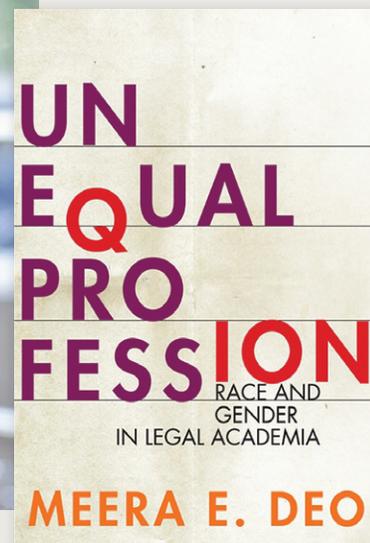
Before becoming Neukom Chair, Deo collaborated with ABF Research Professor Elizabeth Mertz and former ABF Visiting Scholar Mindie Lazarus-Black in editing the book *Power, Legal Education, and Law School Cultures* (Routledge Press, 2019). Their work examines how hierarchies of power and cultural norms shape and maintain inequities in legal education. The ABF hosted a book launch of their work in March 2020, just before



Ian Haney López



Meera E. Deo



the pandemic closed the ABF offices. Deo was later offered the position of Neukom Chair.

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 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.

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. Thus, 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.

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

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.

Highlights

“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.”

The ABF Welcomes New Board Members

The American Bar Foundation announced the election of four new board members who will help the organization pursue its mission of expanding knowledge and advancing justice. Sandra J. Chan, Ellen M. Jakovic, Daniel B. Rodriguez, and Hon. Diane P. Wood were each elected to serve a five-year term on the ABF Board of Directors. Chan will also become ABF Treasurer.

“We are extremely excited and grateful to welcome four new board members,” said Ajay K. Mehrotra, ABF Executive Director and Research Professor. “Each one of them provides our board with a distinguished background and unique perspective, and we’re grateful for the opportunity to channel their expertise and energy into furthering our mission.”

The four new board members began their new terms on the ABF board on September 1, 2021.

- **Sandra Chan** established her own estate planning, trusts, and estates practice in 1997, and retired from private practice in September 2016. Previously Chan was

a partner in the Los Angeles Office of Perkins Coie LLP; Of Counsel from 1996 to 2002; and maintained a Los Angeles office to service her Los Angeles-area clients.

- **Ellen Jakovic** is of counsel in Kirkland’s Antitrust Practice Group. Prior to 2021, Jakovic was a partner and headed the firm’s Hart-Scott-Rodino Antitrust Improvements Act (HSR) filing practice.
- **Daniel Rodriguez** is the Harold Washington Professor at Northwestern University Pritzker School of Law. From 2012 to 2018, he served as the dean of the law school (and, with that, was an ex officio member of the ABF Board of Directors).
- **Hon. Diane Wood** is the Chief Judge of the U.S. Court of Appeals for the Seventh Circuit. She has served on the court since 1995. She is also a Senior Lecturer in Law at the University of Chicago Law School, where she teaches in the areas of federal civil procedure, antitrust law, and international trade and business.

Continuing the Commitment to the Next Generation of Scholars

In the fall, the American Bar Foundation welcomed five new emerging scholars from a highly competitive applicant pool as 2021-22 doctoral and postdoctoral fellows. The new doctoral/postdoctoral fellows are:

Brandon Alston, ABF/Northwestern University (NU) Doctoral Fellow in Law and Social Science; **Isabel Anadon**,

Left to right:
Alex Reiss-Sorokin,
Kumar Ramanathan,
Hardeep Dhillon,
Sonya Rao



ABF/National Science Foundation (NSF) Doctoral Fellow in Law and Inequality; **Hardeep Dhillon**, ABF/NSF Post-Doctoral Fellow in Law and Inequality; **Sonya Rao**, ABF/AccessLex Institute Post-Doctoral Fellow in Legal and Higher Education; **Alex Reiss-Sorokin**, ABF/AccessLex Institute Doctoral Fellow in Legal and Higher Education. These fellows join those returning for their second fellowship year: **Kumar Ramanathan**, ABF/NU Doctoral Fellow in Law and Social Science; **Amber Joy Powell**, ABF/NSF Doctoral Fellow in Law and Inequality; and **Charquia Wright**, ABF/AccessLex institute Post-doctoral Fellow in Legal and Higher Education.

“The ABF is proud to continue to identify and mentor the next generation of scholars and their significant research in the areas of law, social science, and higher education,” said Mehrotra. “We are grateful to our many partners who help us make these fellowships possible.”

In the summer, the American Bar Foundation awarded five outstanding undergraduate students the Summer Undergraduate Research Fellowship (SURF) in Law and Social Science for their exemplary work throughout their undergraduate careers. The 2021 Fellows, selected among a highly competitive group of applicants, were: **Natasha Chaiyarat**, Brandeis University; **Laura Fagbemi**, Rice University; **Connor Herbert**, University of Cincinnati; **Nicole Maria Mateo**, University of Chicago; and **Sasha Matsuki**, Indiana University.

Also known as the Montgomery Summer Research Diversity Fellowship Program, SURF allows undergraduate students from underrepresented groups who are considering careers in the field of law and/or social science to partake in a hands-on learning experience for eight weeks during the summer. Each Fellow works closely with an ABF Research Professor on the design and implementation of a research project, affording them the opportunity to be mentored by and take part in sociolegal research with experienced scholars.

While the students work primarily as research assistants, they also attend a series of seminars and forums conducted by ABF faculty, program alumni, and legal professionals, who acquaint the students with their research and work. Due to the ongoing COVID-19 pandemic, the 2021 Fellows worked virtually throughout the summer.

The SURF program is supported by generous grants from the Kenneth F. and Harle G. Montgomery Foundation, the Law School Admission Council (LSAC), Walmart, Kirkland & Ellis, LLP, Banner Witcoff, and AT&T.

“We are deeply grateful to the individuals and institutions that have supported this important pipeline program since its inception,” said Mehrotra. “It is because of these partners that the ABF is able to continue its mission to foster the next generation of scholars who can be the catalysts for broader diversity, equity, and inclusion in the legal profession and social science research.”



From above left:
Natasha Chaiyarat, Laura Fagbemi, Connor Herbert,
Nicole Maria Mateo, and Sasha Matsuki

Suites, Streets, and States

A Conference and Symposium Celebrating the Research of John Hagan



John Hagan

On May 31, 2021, the American Bar Foundation (ABF) hosted the Suites, Streets, and States Conference and Symposium Celebrating the Research of John Hagan. The ABF sponsored the event along with the Department of Sociology, Northwestern University, and the Global Justice Lab, University of Toronto.

John L. Hagan is the John D. MacArthur Professor of Sociology and Law at Northwestern University and a Research Professor here at the American Bar Foundation. He is a leading figure in criminology, research on state violence and genocide, and the legal profession. To honor Professor's Hagan's extensive research and long history of publication, this first-ever conference was organized by Traci Burch of the American Bar Foundation and Northwestern University, Ron Levi, of the University of Toronto, and Robert Nelson of the American Bar Foundation and Northwestern University.

The conference was divided into four sessions, with presenters from across the country:

Plenary

- Swethaa Ballakrishnen “*Rethinking Inclusion: New Capitals, Extensions, and Directions in Legal Profession Research*”
- Traci Burch “*Effects of Police Violence on Voter Turnout*”
- Jens Meierhenrich “*Toward a Sociology of International Law: John Hagan and Beyond*”

Session 1: Suites

Moderator—Shaun Ossei-Owusu

- Fiona Kay “*Law Firm Culture and The Revolving Door for Women Lawyers*”
- Ronit Dinovitzer and Meghan Dawe “*Assaults on Worth and Professional Exit: Explaining Systemic Inequalities in the Legal Profession across Two National Contexts*”
- Heather Schoenfeld “*When the Suites take on Crime in the Streets: Corporate Foundations and Criminal Justice Reform*”
- Ron Gillis, John Hagan, Steven Cook, and Detelina Radoeva “*Institutionalizing Men, Women, and Mental Illness in la Belle Époque*”

Session 2: Streets

Moderator—Robert J. Sampson

- Angela Zorro-Medina “*Does Increasing Prosecutorial Power Lead to Higher Incarceration Rates? A Quasi-Experimental Evaluation of the Latin American Criminal Procedural Revolution in Incarceration Rates*”
- Bill McCarthy and Jared Joseph “*‘Who are the Criminals?’ Two Decades of Profit Through California Asset Forfeiture*”
- Simon Singer “*The Power to Deny Adolescence: Juvenile Lifers as Criminally Responsible Adults*”
- Marina Zaloznaya and Alexandra Yakes “*Is White Collar Crime White? National Press Coverage of White-Collar Crime by African Americans, 1950-2010*”

Session 3: States

Moderator—Marjorie Zatz

- Wenona Rymond-Richmond “*Children of War Resisters: Intergenerational Transmission of Social and Political Activism*”
- Joachim Savelsberg and Brooke Chambers “*Darfur Model of Genocide and Judicial Representations*”
- Hollie Brehm, Evelyn Gertz, and Christopher Uggen “*Judging Genocide: Emotional Labor During Transitional Justice*”
- Aliza Luft “*Dehumanization as Cause, not Consequence, of Violence in Genocide*”
- Nachmann Ben-Yehuda “*Development of Atrocities in Submarine Warfare*”

All conference presenters: Swethaa Ballakrishnen, UC Irvine; Nachman Ben-Yehuda, Hebrew University of Jerusalem; Hollie Brehm, Ohio State University; Traci Burch, American Bar Foundation, Northwestern University; Brooke Chambers, University of Minnesota; Steven Cook, University of Michigan; Meghan Dawe, The American Bar Foundation; Ronit Dinovitzer, University of Toronto; Holly Foster, Texas A&M University; Jess Garcia, Texas A&M University; Evelyn Gertz, Ohio State University; Ron Gillis, University of Toronto; Jared Joseph, UC Davis; Fiona Kay, Queen's University; Aliza Luft, UC Los Angeles; Bill McCarthy, Rutgers University;

Jens Meierhenrich, London School of Economics; Robert Nelson, American Bar Foundation, Northwestern University; Shaun Ossei-Owusu, University of Pennsylvania; Detelina Radoeva, York University; Wenona Rymond-Richmond, University of Massachusetts; Robert J. Sampson, Harvard University; Joachim Savelsberg, University of Minnesota; Heather Schoenfeld, Boston University; Simon Singer, Northeastern University; Christopher Uggen, University of Minnesota; Alexandra Yakes, University of Minnesota; Marina Zaloznaya, University of Iowa; Marjorie Zatz, UC Merced; Ángela Zorro Medina, University of Chicago



Clockwise from above left: John Hagan; Heather Schoenfeld, Boston University; Robert J. Sampson, Harvard University; Ángela Zorro Medina, University of Chicago; Aliza Luft, University of California, Los Angeles

Research Program

ABF research is conducted by a residential research faculty and over fifty affiliated scholars from across the nation and the world. The ABF is recognized as a thought leader and a source of research that shapes law and policy. The research projects presented below reflect research questions and findings from the past several years. These projects are representative, but by no means exhaustive, of the ABF's collective research efforts and achievements.



Learning and Practicing Law

Portrait Project 2.0

Asian Americans are a growing presence in all sectors of the legal profession. They work in BigLaw and in smaller firms and solo practice, and as government attorneys, corporate counsel, prosecutors, public defenders, judges, and more. But they fall short in attaining leadership positions and have the highest attrition rates from major law firms. Research has not substantially studied the many ways in which Asian American lawyers and law students struggle and thrive, and the unique incentives and constraints that shape their career paths.

With pioneering support from National Asian Pacific American Bar Association (NAPABA) and Yale Law School, the first phase of the 2017 Portrait Project study resulted in a widely circulated report that revealed that while Asian Americans have entered every facet of the legal profession, they are underrepresented in top leadership positions across all sectors.

A new Portrait Project 2.0 study of law student demographics provides a comprehensive analysis of recent U.S. law school enrollment trends since the economic downturn and financial crisis of the late 2000s. *Who's Going to Law School? Trends in Law School Enrollment Since the Great Recession (UC Davis Law Review)*, is authored by Miranda Li, Phillip Yao, and California Supreme Court Justice Goodwin Liu.

The study's findings include the following:

- Total enrollment in law school has declined by almost 25% since the recession. Despite a recent increase, enrollment seems unlikely to rebound to the pre-recession levels.
- Women have outnumbered men in law school since 2016, and the recent uptick in total enrollment is entirely attributable to more women pursuing law.
- Since the Great Recession, Asian Americans and Whites have comprised a smaller share of enrollment in law schools. Asian American enrollment in

particular has declined more steeply than any other group since the Great Recession. After rising for four decades, the number of Asian American lawyers is projected to stagnate beginning in 2030.

- African Americans and Hispanics have also comprised a larger share of enrollment since the Great Recession. However, women, African American students, and Hispanic students are disproportionately enrolled in lower-ranked schools with lower rates of bar passage and post-graduation employment. As a result, it is unclear to what extent the changing diversity of law students will translate into greater diversity in the legal profession.
- The number and percentage of multiracial students and international students in the J.D. program have grown. These trends have particular salience for Asians and Asian Americans, and they present increasingly serious challenges for collecting and reporting demographic data.

In 2021, the second publication for this project, *Sociolegal Research, the Law School Survey of Student Engagement, and Studying Diversity in Judicial Clerkships*, was published in the *Journal of Legal Education*. In December 2021, the researchers presented preliminary findings from their diversity and judicial clerkship study at the annual conference hosted by the National Asian and Pacific American Bar Association (NAPABA). In the previous year, the researchers published the first article based on this project, "Who's Going to Law School: Trends in Law School Enrollment Since the Great Recession" in the *UC Davis Law Review*.

This project is supported by the National Asian Pacific American Bar Association (NAPABA), Asian American Bar Association—Greater Bay Area, Asian Pacific American Bar Association—Silicon Valley, the Asian American Law Fund of New York, Northwestern Pritzker School of Law, Oscar M. Ruebhausen Fund at Yale Law School, Davis & Polk, Arnold & Porter, Latham and Watkins, Davis Wright Tremaine, Haynes and Boone, Silvia Chin, and anonymous donations.

The Future of Latinos

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

- The current condition of Latinx community in the United States.
- The structural barriers that impede full equality and integration for this emerging population.
- The sites of intervention that promise to be most effective in promoting opportunity and mobility through law and policy.

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

In 2020, the University of California, Irvine became the campus home for the Future of Latinos research project. In the fall of 2020, UC Irvine hosted a book talk series, “Reimagining the Latinx Experience in America,” which pushes attendees to think about the realities—past and present—of Latinx people in the U.S. and how the future may look different, including better access to justice, resources, and opportunities.

After the JD Study

The ABF has long been recognized as the leading source of research on legal education and the profession. One of the ABF’s hallmark projects in this area is *After the JD* (AJD), the first national study of legal careers. AJD is following a large national sample of lawyers admitted to the bar in 2000 over the first decade-plus of their careers, providing a unique source of information on the changing nature of legal careers. The study design was longitudinal: the first cohort of lawyers was surveyed in 2002, the second in 2007, and the third in 2012. Analysis of this rich sample continues.

ABF Research Professor Robert Nelson, ABF-affiliated scholar Ioana Sendroiu, ABF Faculty Fellow Ronit Dinovtizer, and ABF Research Social Scientist Meghan Dawe recently published the article “Perceiving Discrimination: Race, Gender, and Sexual Orientation in the Legal Workplace” in *Law & Social Inquiry*. The article analyzed survey responses from the *After the JD* study

and found that perceived discrimination on the basis of race, gender, and sexual orientation remains pervasive in the legal workplace despite efforts of bar leaders to eliminate discrimination from the legal profession. Findings from the article include:

- Attorneys of color, white women, and LGBTQ attorneys perceive high levels of workplace bias compared to white male attorneys and to respondents in other workplace studies.
- Female attorneys in every racial and ethnic group reported higher levels of discrimination than their male counterparts, ranging from 50% of African American women to 30% of white women.
- 42% of African American male attorneys reported workplace discrimination. Studies of African American workers across all occupations find that 28% report discrimination at work.
- LGBTQ men were nearly twice as likely as non-LGBTQ men to report discrimination at 29% vs. 16%.

A book based on findings from the *After the JD* project, *The Making of Lawyer Careers: Inequality and Opportunity in the American Legal Profession*, is under contract with the University of Chicago Press. In September 2020, ABF researchers published “Mind the Gap: Gender Pay Disparities in the Legal Academy” in the *Georgetown Journal of Legal Ethics*. This article shared findings from the *After Tenure* survey (a subset of data from the *After the JD* project). It revealed evidence of gendered earnings disparities among tenured law professors that is particularly acute for women of color and demonstrates how these disparities stem from the differential valuation of human capital.

The Rise of Lawyer Activism in China

Following their earlier research on the lawyers and defense of basic legal freedoms in China, ABF Research Professor Terence C. Halliday and ABF Faculty Fellow Sida Liu’s current project addresses the question: *how does an international legal complex shape struggles over basic legal freedoms within China?* The present moment may be a critical historical juncture for China and in China’s relations with the United States and other states, institutions and publics. This project is creating an empirically grounded understanding of activism to influence legal change within China and China’s role as an actor within international arenas to shape global norms and practices on legal rights and freedoms. The project collects and analyzes three bodies of new data from 2015-2024 with a dedicated focus on international legal organizations, civil society and governance:

Research Program

- Archival and documentary analysis of international organizations and international governance institutions;
- Interviews with state and non-state actors in international arenas; and
- Participant observation in civil society and governance settings. The project has major salience for legal rights in China, for national and international policy-making on China, and for international civil society and publics.

The Financing of Legal Education

The American Bar Association's Task Force on Legal Education examined the student costs associated with legal education, specifically educational debt and financial aid and scholarships. The task force's consultant and reporter, ABF Research Professor Stephen Daniels, has been continuing the work of the task force by analyzing existing data and collecting additional materials on the changing dynamics of legal education. The project's objective has three main components:

- Explore questions on patterns and changes surrounding the financing of legal education over time, including enrollment, applications, tuition, and employment outcomes for graduates.
- Gather student-level data from the annual LSSSE (Law School Survey of Student Engagement) surveys and other sources to explore patterns and changes related to students and their views on legal education, key services provided by schools, and information on students themselves.
- Gather information from law school websites and other sources to explore recent changes and innovations in response to the changing law school environment.

Senior Status, Gender, and Race in the Legal and Liberal Arts Academies

This research, led by ABF Research Professor Elizabeth Mertz, is the first in-depth examination of the lives of post-tenure law professors in the United States. Post-tenure law professors play an important role in the American legal system by directing the initial screening and training of lawyers. Legal academics can also directly affect the conceptualization of national and local legal issues through their scholarship, or through their own personal involvement as advocates, judges, or government officials. In addition to its contribution to our knowledge of law professors, the study also speaks to a larger body of literature on both the legal profession and

the academy. The study involved a national survey of over 1,000 of these professors and follow-up interviews with 100 of the survey participants.

In their analysis of the experiences of these tenured law professors, Mertz and her colleagues have found that:

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



Protecting Rights, Accessing Justice

Science and the Legal System

ABF Research Professor Shari Seidman Diamond's research with Richard O. Lempert considers the relationship between scientists and engineers and the legal system. More specifically, this project seeks to understand how scientists have experienced their interactions with the legal system. Surveys and in-depth interviews have yielded a wealth of findings, including the following:

- Most of the scientists and engineers surveyed agreed to participate in lawsuits when asked, more often for educational and moral reasons than financial.
- If the scientists and engineers refused to participate in lawsuits when asked, it was mainly because they lacked the time or relevant expertise.
- Some of the scientists and engineers reported being uncomfortable with adversarial legal proceedings and would be more likely to participate in the future if procedural changes were made.
 - These changes include having the opportunity to meet with an opposing trial expert and write a mutual report and being able to serve as an expert appointed by the judge instead of on behalf of a certain legal party.

Constructing Feminized Courts and Carceral Institutions: Gender, the Legal Regulation of Race, and the Making of Modern Criminal Justice

The study, led by ABF Research Professor Tera Agyepong, focuses on the twentieth-century emergence of women's courts and carceral institutions for girls and will elucidate the ways in which gender has shaped racialized processes of criminalization in Illinois and New York. By exploring the advent of these institutions alongside the ideals that guided their institutional practices, this project will shed light on the kinds of local-level processes that undergird the modern criminal justice system.

The ABF Board approved this research project in May 2021. Agyepong published a book chapter: "Race, the Construction of Dangerous Sexualities, and Juvenile Justice," in *Intimate States: Gender, Sexuality, and Governance in Modern US History*. in 2021.

Racial/Ethnic Inequalities in Paternal Imprisonment, Investment in Families and Schools, and Child Educational Inequality

For at least three decades, African American parents and their adolescent children have been at disproportionate risk of being imprisoned and removed from their families and communities. Some of these parents and children are now slowly returning to society. The primary goal of this research is to increase understanding of processes leading into and out of the exclusionary traps of mass incarceration experienced by these parents and children.

In December 2020, ABF Research Professor John Hagan presented a Social, Behavioral, and Economic Sciences Distinguished Lecture at the National Science Foundation on "A Tale Half Told: State Investment in Prisons and Schools, Criminalization of Parents & Adolescent Children, and Child Educational Attainment." In March 2021, Hagan and ABF Affiliated Scholar and Professor at Texas A&M University, Holly Foster, were awarded an NSF grant in support of this project. The overall grant objectives are directly related to continuing research on the effects of parental incarceration on both parents and their children's socio-economic outcomes over the life course, with particular attention to race and ethnicity.

Consent to Sex on Campus: How Undergraduates Understand and Enact Sexual Consent in the Title IX Era

ABF Research Professor Laura Beth Nielsen is studying the impact (if any) of the Obama-era "Dear Colleague" (DCL)

letter on undergraduates at universities, as they relate to drinking, drugs, and sexual activity. The project combines a large-scale quantitative analysis of Title IX compliance policies at a national, random sample of universities, along with a large-scale, in-person interview phase with undergraduates at five college campuses in the Midwest about Title IX compliance regarding sexual assault among undergraduates. The study builds on Nielsen's previous scholarly work investigating the dissemination of information about civil rights, how organizations respond when they are responsible for enforcement, the institutional structures that interfere or complement achieving the goals of the civil rights movement, and, most importantly, how, if at all, ordinary people think about, integrate, and ignore law as they go about their daily life.

In 2021, this project moved into analysis phase of the data collected from more than 150 interviews at seven schools in three states. The project received a grant from the National Science Foundation, with Nielsen listed as the sole project investigator. Finally, Nielsen was named the president-elect of the Law and Society Association.

Tenant Screening and Fair Housing Law in the Information Age

This project by ABF Research Professor Anna Reosti contains two extensions of a larger study of tenant screening and fair housing law in the information age. The first extension investigates the costs of housing searches for renters with criminal conviction records, past evictions and/or damaged credit histories. Findings highlight the significant economic, social and health-related costs associated not only with the substandard housing options that renters with stigmatizing background records are relegated to, but with the housing search process itself. Another collaborative project, with coauthor Kyle Crowder, University of Washington, explores how landlords in Seattle understand and adapt to new regulations, using in-depth interviews, focus groups and a large-scale survey conducted during the lead-up to, and following the enactment of, multiple laws governing tenant screening and move-in fees. It investigates the less-visible ways landlords shape the meaning and effects of new laws through their ground-level practices.

Reosti published an article on this research in May 2021: "The Costs of Seeking Shelter for Renters with Discrediting Background Records," *City & Community* 20:3 (2021).

Research Program

Regulating the Crisis, Phase I: An exploratory study of landlord responses to pandemic-era tenant protection regulations

ABF Research Professor Anna Reosti examines how landlords are impacting the implementation and effects of pro-tenant regulations during the pandemic through their ground-level business practices and interactions with tenants. The initial phase of this study will investigate how landlords are responding to the immediate challenges of the pandemic for the rental industry; namely missed rental payments and a changing regulatory environment. Phase I of the project will draw on in-depth interviews with a diverse group of Chicago area landlords and other rental industry agents, housing advocates and policymakers, and distressed renters.

In July 2021, Reosti was awarded a grant in support of this project from the Urban Institute Housing Crisis Research Collaborative. Her paper, “The Impact of COVID-19 on Small Rental Property Management: Insights from a Chicago Case Study” (with Allison Helmuth, University of Illinois-Chicago), was published by the ABF in December 2021. Their research revealed how shifts in rental management practices on the part of small-scale landlords seeking to recoup COVID-related losses and insulate themselves from future financial risks threatens the viability of this rental sector and its traditional role in the provision of relatively affordable, low-barrier housing for disadvantaged tenants. Policy interventions like those proposed by Reosti and Helmuth may help stabilize these rental housing providers and thereby improve access to safe, stable and affordable rental housing.

Civil Rights: An American History

ABF Research Professor Chris Schmidt’s book project offers a history of how Americans have struggled over the meaning of the term “civil rights” from the Civil War through today. It provides a historical case study of how the words and categories by which we understand our world become objects of contestation and points of leverage for social, political, and legal action.

In December 2020, Schmidt published, *Civil Rights in America: A History*, a book which examines the history of America’s fight over the meaning of civil rights. It is the first book to trace the evolution of the term “civil rights” in America from the Civil War through today. In 2021, he published *Brown v. Board of Education*, in *The Oxford Research Encyclopedia of American History*.

Violated: Understanding Structural Racism Through the Property Tax Foreclosure Crisis in Detroit

ABF Research Professor Bernadette Atuahene links the unconsented taking of property right with the deprivation of dignity. Among other things, the research aims to further understand the relationship between property and dignity and extends the analysis to the case of squatting. Using the concept of a “dignity taking,” linking the unconsented taking of property rights with the deprivation of dignity which Atuahene has explored previously, this research project seeks to further understand the relationship between property and dignity.

This project is a deep examination of the causes and consequences of the property tax assessment crisis in Detroit. It will analyze interview data, conduct additional interviews, and engage in participant observation surrounding the tax foreclosure crisis in Detroit and a possible compensation program offered by the City. The proposal is centered around Professor Atuahene’s concept of dignity takings and restoration as well as scholarship about procedural justice. The project has the potential to advance the frontiers of knowledge about law, legal practice, and law’s impact on society and to help advance justice.

Legal Tech for Non-Lawyers

ABF Faculty Fellow Rebecca Sandefur leads the ABF’s Access to Justice research initiative. Her latest report, *Legal Tech for Non-Lawyers: Report of the Survey of U.S. Legal Technologies*, examines an expansive list of digital tools that help a range of users to act on a legal problem. *Legal Tech for Non-Lawyers* assesses how legal technology tools can assist people who do not practice law in dealing with legal challenges, with a focus on bridging the access to justice gap for low-income communities and others who have restricted access to law and legal services. Her findings reveal:

- Over 320 digital legal tools for nonlawyer users exist for US jurisdictions, offering assistance with a range of both criminal (e.g., arrest, police stops, expungement) and civil (e.g., family, housing, health, employment) justice problems.
- Just over half of the tools (52%) assist the user in taking some action on a justice problem, such as producing a legal document, compiling evidence, diagnosing a legal problem, or resolving a dispute.
- Using many of the tools requires resources or capabilities that some groups and communities

are unlikely to have. The same groups often unable to access traditional lawyer assistance—such as people with low incomes, racial minorities, and people with lower levels of education—are also less likely to be able to use digital tools.

Sandefur conducted the study with the assistance of Alice Chang, Taemesha Hyder, Sajid Khurram, Elizabeth Prete, Matthew Schneider, and Noah Tate. Funding for the Survey came from the Open Society Foundations.

Employment Discrimination

Research conducted by ABF Research Professors Laura Beth Nielsen and Robert L. Nelson, with ABF Affiliated Scholar and University of Toronto Sociologist Ellen Berrey, illustrates how employment civil rights litigation entrenches patterns of discrimination in and out of the workplace. Though significant legislative and judicial progress has been made, workplace discrimination based on race, gender, age, and disability persists.

The research reveals the ways that employment civil rights litigation can underscore existing systems of privilege. The research exposes how many plaintiffs struggle to obtain a lawyer as a result of structural inequalities and lawyer biases. The investigators found:

- 23% of workplace discrimination cases are filed without a lawyer, or *pro se*. Cases filed *pro se* are dismissed at a rate of 40%, compared to 11% for cases with attorneys.
- African Americans are 2.5 times more likely than white plaintiffs to file employment discrimination cases *pro se*. Other racial minorities, including Hispanics and Asians, are 1.9 times more likely to file *pro se* than their white counterparts.
- Lack of information about the legal system, lack of trust in lawyers and their motives, and lack of time and resources to go through the arduous process of searching for a lawyer are all “bottom up” factors that contribute to the disparity in representation.

Parental Incarceration

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

The project revealed:

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

Policing and Political Participation

Despite the prominence of policing and police misconduct on the national agenda, scholars still know very little about the extent to which police act in ways that are contrary to the public good and public safety. Primarily, this lack of information stems from a lack of data and analytical techniques that can be used to examine policing. This project by ABF Research Professor Traci Burch addresses this important dearth of information and will develop measures of problem policing over a series of papers and attempt to examine the effects of problem policing on voter turnout and political protest. It will result in a book manuscript and will be the first to attempt to measure multiple forms of problematic policing and to examine their effects both separately and simultaneously.

In a forthcoming paper, Burch identifies two key factors surrounding an incident necessary to shape political interest: visibility and framing. Understanding the effect of visibility and framing on political interest is critical for evaluating the public’s likelihood of holding politicians, police chiefs, and others responsible for the police department’s problems. Burch argues that the failure to contemplate both visibility and framing of officer-involved killings can lead researchers to miss critical political effects in these cases.

Burch’s article, “Not All Black Lives Matter: Officer-Involved Deaths and the Role of Victim Characteristics in Shaping Political Interest and Voter Turnout,” was published in *Perspectives on Politics* in December 2021.

The Probative Versus Prejudicial Effect of Gruesome Photographs in Court

Lawyers, judges, and juries are faced with a barrage of evidence and arguments displayed in visual form—sometimes gruesome in nature. Advances in handheld video technology have made it commonplace for accidents and crimes to be visually recorded. In the past decade, the use of visual evidence and arguments

Research Program

during legal proceedings has exploded, but empirical research on the effects of these tools for visual meaning making has barely begun. Trials have always been battles over competing stories, but now these stories are being told through displays on courtroom screens. Courtroom images can influence beliefs, emotions, and judgments in ways that have never been empirically examined. This project will investigate how these emotionally evocative modes of visual evidence can affect the psychology of jurors' decision-making processes, through influence on emotions, attention to evidence, and legal judgments at the individual and group level

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

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



Making and Implementing Law

Surrogate Decision Making

ABF Research Professor Susan Shapiro, using unprecedented data from two years of observation in two intensive care units at a diverse urban hospital, examined how surrogate decision makers make medical—often end of life—decisions for patients unable to speak for themselves.

In 2019, Shapiro published a book based on these findings. *Speaking for the Dying: Life-and-Death Decisions in Intensive Care* used real-time observations of medical decision making to offer a very different perspective on the effectiveness of advance medical directives than that suggested in previous research based on retrospective accounts. In particular, Shapiro found:

- Medical advance directives are of limited value as few people have them, and those that exist are often ignored by decision makers and physicians.

- Advanced directives are not followed for a variety of reasons, including:
 - the directive not being in the patient's chart.
 - the directive not accurately reflecting the patient's wishes.
 - the directive being too abstract to provide meaningful guidance.
 - the surrogate decision makers not following the directive.
- At present, given the limitations of advance directives, the best protection for potential patients is to hold ongoing conversations with a family member who is designated to be aware of the patient's wishes and to honor them.

Rule of Law and Discourse

'Rule of law' is a concept and category that is incessantly invoked in the international public domain. At different times and in different hands, a range of different meanings has attached to 'rule of law.' In response to the impact of the post-9/11 rule of law, this project led by ABF Research Professor Jothie Rajah includes both doctrinal and non-doctrinal articulations of meanings, values, and relations for rule of law. In 2019, Rajah worked on a forthcoming monograph, *Reading for Law in a Post-9/11 World*, which is driven by a protective and passionate concern for rule of law as a legal, social, and political ideal. *Reading for Law* examines both standard legal text—legislation—as well as non-doctrinal texts to illuminate legal meanings, relations, and values that are being constructed and disseminated in ways that tend to evade critical attention. In particular, it is motivated by the striking contrast in visibility that marks the events of 9/11 and the visible legal response.

In 2022, Rajah will publish *Discounting Life: Law, Culture, and the Long War on Terror* (Cambridge University Press). This book examines how extrajudicial, extraterritorial killings of War on Terror enemies by the U.S. state have become the new normal. Alongside targeted individuals, unnamed and uncounted others die and are maimed. Despite the absence of law's conventional sites, processes, and actors, the U.S. state celebrates these killings as the realization of 'justice'. Meanwhile, images, narrative, and affect do the work of law; authorizing and legitimizing the discounting of some lives so that others—implicitly, American nationals—may live. How then, as we live through this unending, globalized war, are we to make sense of law in relation to the valuing of life? Adopting an interdisciplinary approach to law and interrogating the U.S. state's

justifications for the project of counterterrorism, this book's temporal arc, the long War on Terror, illuminates the profound continuities and many guises for racialized, imperial violence informing the contemporary discounting of life.

Legal Defenses Against Democratic Decline

In this research, ABF Research Professor Tom Ginsburg and his University of Chicago Law School colleague Aziz Huq explore how democracies erode and how to better uphold democratic values by drawing on historic lessons and recent experiences of democratic decline worldwide. Their co-authored book, *How to Save a Constitutional Democracy*, investigates the two main pathways that can lead a nation away from democracy:

- Authoritarian collapse, which is defined as the sudden and complete collapse into an authoritarian form of government.
- Democratic erosion, which occurs when the rule of law, individual rights and competitive elections decay slowly over time.

The book offers a wealth of examples from around the world to demonstrate how, in practice, constitutional rules can both deter and accelerate decline. From Latin America to Eastern Europe, democracies have been susceptible to a single political party that eliminates political competition or would-be autocrats who have found ways to manipulate the system by undermining the checks and balances of the federal government, a robust civil society and media and individual rights.

Using these examples, the authors mount an urgent argument against complacency and for constitutional reform. They make the case that while the U.S. Constitution has endured for centuries, it does not contain the necessary provisions to slow down any potential autocrat or eroding political competition that is bent on dismantling the republic.

In September 2020, Ginsburg spoke as a witness to the United States House of Representatives Subcommittee on Courts, Intellectual Property, and the Internet on the subject of "Maintaining Judicial Independence and the Rule of Law: Examining the Causes and Consequences of Court Capture." In 2021, Ginsburg (w. A.Z. Huq and D. Landau) published the "The Comparative Constitutional Law of Presidential Impeachment" in the *University of Chicago Law Review*. He also published "How Authoritarians Use International Law," in the *Journal of Democracy*.

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

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

In addressing this question, this project explores three key historical periods:

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

By focusing on these three key historical periods from a comparative perspective, this project seeks to study how and why the U.S. has failed to adopt national consumption taxes, like the VAT.



Research Faculty



Tera Agyepong

J.D./Ph.D., Northwestern University School of Law, Department of African American Studies

Joint Appointment: Associate Professor of Legal History and African American History, DePaul University

Research Interests: *Intersection of race, gender, history, and the law. Research addresses how historical processes of constructing race and gender have shaped the evolution of criminal and juvenile justice laws.*

Current ABF Project:

Gender, the Legal Regulation of Race, and the Making of Modern Criminal Justice

The study, which focuses on the twentieth-century emergence of women's courts and carceral institutions for girls, will elucidate the ways in which gender has shaped racialized processes of criminalization in Illinois and New York. By exploring the advent of these institutions alongside the ideals that guided their institutional practices, this project will shed light on the kinds of local-level processes that undergird the modern criminal justice system.



Bernadette Atuahene

J.D., Yale Law School;

M.P.A., Harvard University

Joint Appointment: Professor, ITT Chicago-Kent College of Law

Research Interests: *Law and international development, particularly the dispossession and restitution of property rights in the developing world. Research has examined the challenges faced by transitional democracies that provide compensation for past property dispossession, as well as how land titling programs can best address urban poverty.*

Current ABF Project:

Violated: Understanding Structural Racism through the Property Tax Foreclosure Crisis in Detroit

This project is a deep examination of the causes and consequences of the property tax assessment crisis in Detroit. It will analyze interview data, conduct interviews, and engage in participant observation surrounding the tax foreclosure crisis in Detroit and a possible compensation program offered by Detroit. The proposal is centered around Professor Atuahene's concept of dignity takings and restoration as well as scholarship about procedural justice. The project began in 2016 when the researcher received a National Science Foundation (NSF) grant to study squatters in Detroit in the aftermath of the great recession. The project has the potential to advance the frontiers of knowledge about law, legal practice, and law's impact on society and to help advance justice.



Traci Burch

Ph.D., Government and Social Policy, Harvard University

Joint Appointment: Associate Professor of Political Science, Northwestern University

Research Interests: *U.S. criminal justice system, political behavior, and structural inequality.*

Current ABF Project:

Policing and Political Participation

Despite the prominence of policing and police misconduct on the national agenda, scholars still know little about the extent to which police act in ways that are contrary to the public good and public safety. Primarily, this lack of information stems from a lack of data and analytical techniques that can be used to examine policing. This project addresses this important dearth of information and will develop measures of problem policing over a series of papers and attempt to examine the effects of problem policing on voter turnout and political protest. Burch will identify and collect existing data on policing in order to develop measures of "problem policing." This project will be the first to attempt to measure multiple forms of problematic policing and to examine their effects both separately and simultaneously.



Stephen Daniels

Ph.D., Political Science, University of Wisconsin

Research Interests: *Law and public policy, legal education, the legal profession, and the American civil justice system. Research has addressed innovation in legal education, the delivery of legal services, civil juries, trial courts, plaintiffs' lawyers, and the politics of civil justice reform—including the areas of medical malpractice, products liability, and punitive damages.*

Current ABF Projects:

Alternative Legal Professionals

The lack of access to competent legal assistance because of the absence of resources, social capital, awareness, or because of geographic distance is described as a justice gap. The existence of this gap is uncontested, and the gap is wide. In response, bar groups, the courts, and academic commentators are giving increasing attention to a range of access-enhancing innovations all of which share a greater role for nonlawyers. This project explores the recent diffusion of one of those innovations, an especially important one, Washington State's Limited Licensed Legal Practitioner Program.

The Financing of Legal Education

This project follows up on and expands the work of the 2014-15 American Bar Association Task Force on the Financing of Legal Education (Daniels served as the reporter and consultant for the Task Force). It does so by fully analyzing the data collected as a part of the Task Force's work in combination with additional relevant data and materials relevant to the challenges facing legal education. Like the Task Force itself, this project takes seriously the need to mine and analyze the best available data relevant to the challenges facing legal education—not just financing. This project has been supported by a grant from Access/Lex Institute.

Prosecutors and Law Students: An Opportunity Project (w. S-C. Chien)

Working with Fair and Just Prosecutions (an organization working with newly elected reform prosecutors) this project explores law student motivations for attending law school, their interest in criminal law, and their interest in working as prosecutors—all at a fraught time for the criminal justice system. It is especially interested in experiential learning opportunities for students as a way of enhancing interest in criminal law and working as a prosecutor. It involves survey data on students along with interviews with law school clinicians and with prosecutors' offices.



Meera E. Deo

William H. Neukom Fellows Research Chair in Diversity and Law (2020-21);

Ph.D., Sociology, University of California, Los Angeles;

J.D., University of Michigan Law School

Joint Appointment: The Honorable Vaino Spencer Professor of Law at Southwestern Law School and Director of the Law School Survey of Student Engagement (LSSSE)

Research Interests: *Legal education, institutional diversity, and affirmative action.*

Current ABF Project:

Pandemic Effects on Legal Academia

Deo is expanding on research from her book, *Unequal Profession: Race and Gender in Legal Academia*. The book reveals barriers women of color face as law professors and outlines individual strategies and structural solutions to these challenges. Deo has broadened her research to help law schools improve law faculty recruitment and retention. She is also investigating the impact of the COVID-19 pandemic in exacerbating existing structural inequalities in legal academia.

Research Faculty



Shari Seidman Diamond

Ph.D., Social Psychology, Northwestern University;
J.D., University of Chicago

Joint Appointment: Howard J. Trienens Professor of Law and Professor of Psychology, Pritzker School of Law, Northwestern University

Research Interests: *Legal decision-making, including conflicts between expertise and impartiality, discretion, and control; equality and individuation; and science and law. Research addresses how these conflicts influence jury and judicial decision-making, judgments about fairness, and how courts use and fail to make use of scientific evidence.*

Current ABF Project:

Science and the Legal System: Phase Two (with Richard O. Lempert and Beth Murphy)

The legal system often, and increasingly, calls on scientists and engineers for assistance. Some commentary suggests that scientists regard the legal system with suspicion and discomfort. What stands in the way of effective engagement in law by high-quality scientists? What legal or policy changes would aid in overcoming those obstacles? This project provides the first systematic empirically grounded look at the sometimes-strained relationship between science and law. Phase Two of the project is building on the results from Phase One with two new surveys: one drawn from a more heterogeneous and representative sample of scientists and engineers, and one drawn from a listing of those who explicitly offer their services as experts in legal proceedings. As in the earlier surveys, we are probing requests, responses to requests, experience with the legal system, and assessments of how the legal system handles scientific evidence.



Tom Ginsburg

Ph.D., Jurisprudence and Social Policy, University of California, Berkeley;
J.D., University of California, Berkeley School of Law

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

Research Interests: *The drafting, design, and implementation of national constitutions; legal reform in Northeast Asia; international law; and judicial independence.*

Current ABF Project:

Democracies and International Law: The Trials of Liberal Theory

This project evaluates the liberal theory of international law with empirical evidence. Liberal theory assumes that democratic societies will be more inclined than others to cooperate on the international plane, but we do not know much about whether this is the case. This project seeks to develop testable propositions from liberal theory, and then to test them by examining whether and how democracies actually do behave with regard to international legal institutions. It will also ask about the relationship between international institutions and democratic backsliding.



John Hagan

Ph.D., Sociology, University of Alberta

Joint Appointment: John D. MacArthur Professor of Sociology and Law, Northwestern University

Research interests: *The intersection of international criminal law, war crimes, war resistance, mass incarceration, lawyers, and domestic criminality.*

Current ABF Project:

Racial/Ethnic Inequalities in Paternal Imprisonment, Investment in Families and Schools, and Child Educational Inequality (with Holly Foster)

For at least three decades, African American parents and their adolescent children have been at disproportionate risk of being imprisoned and removed from their families and communities. Some of these parents and children are now slowly returning to society. The primary goal of this research is to increase understanding of processes leading into and out of the exclusionary traps of mass incarceration experienced by these parents and children. Labelling theorists have argued that below the surface of our culture there are subterranean traditions that encourage excitement, thrill-seeking, and risk-taking by advantaged White American youth who engage in less visible “party behavior” in more private, less public spaces. This contrasts with the consequences of the disproportionate and often disputed punishment of less advantaged African American youth for minor suspected drug offenses associated with police profiling and mass incarceration policies.



Terence Halliday

Ph.D., Sociology, University of Chicago

Joint Appointment: Adjunct Professor of Sociology, Northwestern University;

Honorary Professor, School of Regulation and Global Governance, Australian National University

Research Interests: *The globalization of law in markets and politics. Research on law and markets focuses on international trade law with special reference to the ways in which international trade organizations (such as UNCITRAL, UNIDROIT, and the Hague Conference on Private International Law) create global norms in such diverse areas as corporate bankruptcy law, maritime law, and secured transactions. Research on globalization and politics analyzes the support or resistance of the legal complex (e.g., lawyers, judges, prosecutors, law faculty) to the advance of political liberalism worldwide. The most recent project completed research on China’s criminal defense lawyers’ efforts to protect basic legal freedoms. A new project assesses how the legal complex and international organizations mobilize outside China to influence its adherence to global human rights norms.*

Current ABF Project:

Lawyer Activism in China (with Sida Liu)

Following our earlier research on the lawyers and defense of basic legal freedoms in China, our current project addresses the question: *how does an international legal complex shape struggles over basic legal freedoms within China?* The present moment may be a critical historical juncture for China and in China’s relations with the United States and other states, institutions, and publics. This project is creating an empirically grounded understanding of activism to influence legal change within China and China’s role as an actor within international arenas to shape global norms and practices on legal rights and freedoms. The project collects and analyzes three bodies of new data from 2015-2024 with a dedicated focus on international legal organizations, civil society, and governance: (1) archival and documentary analysis of international organizations and international governance institutions; (2) interviews with state and non-state actors in international arenas; and (3) participant observation in civil society and governance settings. The project has major salience for legal rights in China, for national and international policymaking about China, and for international civil society and publics.

Research Faculty



Carol A. Heimer

Ph.D., Sociology, University of Chicago

Joint Appointment: Professor of Sociology, Northwestern University

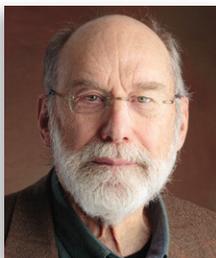
Research Interests: *Sociology of law; global and transnational sociology. Research has focused on the relationship between law and other systems of rules and norms; the diffusion of more legalistic forms of governance to healthcare (HIV clinics, infant intensive care units); and the diffusion and adaptation of rules as they flow across boundaries.*

Current ABF Project:

The Legal Transformation of Medicine:

How Rules Work in the International World of HIV/AIDS

This book project braids together investigations of three transformative events—the “legalization” and globalization of medicine and the advent of HIV/AIDS—in a study of how laws, regulations and other rules are actually used in HIV research and treatment in the United States, Uganda, South Africa, and Thailand. It investigates what happens when laws, regulations, and guidelines, admittedly created with the best of intentions, are transported to new sites where they confront the realities of medical care, clinical research, and healthcare administration in developing countries—resource shortages, desperate patients, culturally-based miscommunications about ethical principles, discrepancies between first-world research designs and third-world research settings, as well as the mundane uncertainties typical of the encounter between medicine and human biology. The project combines an examination of what has happened at the level of national and international policymaking with a close look at how the plethora of laws, regulations, rules, guidelines, codes, protocols, frameworks, and standard operating procedures actually affect how healthcare workers do their jobs. The book manuscript is now under review at a major university press.



John P. Heinz

Research Professor Emeritus; LL.B., Yale University

Research Interests: *The social structure of the legal profession, the political activity of lawyers, and interest group politics.*

A leading scholar of the legal profession, former director of the ABF, and winner of the Harry J. Kalven, Jr. Award for Outstanding Scholarship in Law and Society, Professor Heinz has retired from teaching and research. He remains active in the ABF intellectual community and in Chicago civic and professional activities. He continues to write and publish on a variety of topics.



Steven D. Levitt (on leave)

Ph.D., Economics, Massachusetts Institute of Technology

Joint Appointment: William B. Ogden Distinguished Service Professor of Economics, University of Chicago

Research interests: *Crime, the criminal justice system, corruption, and a wide variety of issues related to racial disparity and education.*



Ian Haney López

William H. Neukom Fellows Research Chair in Diversity and Law (2021-22);
J.D., Harvard Law School; M.P.A., Princeton University;
M.A., Washington University

Joint Appointment: John H. Boalt Professor of Law, University of California, Berkeley School of Law

Research Interests: Race and constitutional law, racism in electoral politics. Recent research emphasizes racial divisions in society and growing wealth inequality in the United States.

Current ABF Project:

Democracy Endgame: Dog Whistle Politics and How to Defeat It

López 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.



Ajay K. Mehrotra

ABF Executive Director and Research Professor;
Ph.D., History, University of Chicago;
J.D., Georgetown University Law Center

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

Research Interests: Tax law, legal history, legal profession and education; and law and political economy in historical and comparative contexts.

Current ABF Projects:

The VAT Laggard

This project explores how and why the United States has historically rejected national consumption taxes. Nearly all developed countries, and many in the developing world have a national consumption tax in the form of a value-added tax (VAT). The United States is a glaring exception. This project focuses on the research question: why no VAT in the United States? To address this overall research question, this project explores three key historical periods from a comparative perspective to study how and why the U.S. has failed to adopt national consumption taxes, like the VAT.

Portrait Project 2.0 (with Hon. Goodwin Liu)

Asian Americans have been the fastest-growing minority group in the legal profession for the past three decades, but they have made only limited progress in reaching the top ranks of the profession, according to a recent report (Portrait Project) supported by the National Asian Pacific American Bar Association and Yale Law School. This new ABF project, conducted with support from several external organizations, and in collaboration with the Hon. Goodwin Liu, will expand upon the Portrait Project’s initial findings and explore the next phase of research. “Portrait Project 2.0” will explore several follow up questions, including: Why do Asian Americans have such high attrition rates at major law firms? Why do minority law students not get clerkships in proportion to their numbers at the top law schools? What explains the sharp and continuing decline in Asian American and other minority law school enrollment since 2009? Why are Asian Americans so dramatically underrepresented among the top ranks of prosecutors and other government officials?

Research Faculty



Elizabeth Mertz

Ph.D., Anthropology, Duke University;
J.D., Northwestern University Pritzker School of Law

Joint Appointment: Lichtstern Distinguished Research Scholar in Residence 2020-21 in the Department of Anthropology, University of Chicago; John and Rylla Bosshard Professor of Law Emerita, University of Wisconsin Law School

Research Interests: *The language of law, legal education, social science and law.*

Current ABF Project:

Senior Status, Gender, and Race in the Legal and Liberal Arts Academies—Phase II

(with Katharine Barnes, Frances Tung and Meghan Dawe)

While many of the more overt forms of discrimination are arguably on the wane, scholars have identified a number of “second generation” problems in employment discrimination. These include structural and cultural exclusion and other attitudes that create hostile or unpleasant work environments. This study is examining the post-tenure experience of law professors, addressing several core questions: Do the experiences of female or minority law professors differ significantly from those of white male law professors? Is there variation in law professors’ experience according to institutional characteristics of the law schools in which they teach? The study will provide the first national-level picture of law professors’ post-tenure experiences along multiple dimensions. A book announcing the results of Phase II of the project (in addition to more findings from Phase I) titled, *American Law Professors at the Edge of Change*, is currently in progress.



Janice Nadler

Ph.D., Social Psychology, University of Illinois;
J.D., University of California, Berkeley School of Law

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

Research Interests: *Social psychology and law, focusing on compliance with the law; the psychology of property; perceptions of responsibility and fairness; and negotiation and conflict.*

Current ABF Projects:

Public Opinion, Private Governance, and the Influence of Source Credibility

This project seeks to explore whether corporate endorsements and implementations of practices influence public support for legislation and regulation that would generally mandate such practices. While scholars have addressed the effects of popular media and the rise of a hyper-politicized media on popular attitudes and the production of law, they have largely ignored the possible effects of corporate endorsements and the implementation of practices on popular attitudes and, hence, the lawmaking and regulatory processes. This project aims to fill that gap in the literature, building on experimental surveys, case studies and theoretical analysis.

The Probative Versus Prejudicial Effect of Gruesome Photographs in Court

Courtroom images can influence beliefs, emotions, and judgments in ways that have never been empirically examined. This project will investigate how these emotionally evocative modes of visual evidence can affect the psychology of jurors’ decision-making processes, through influence on emotions, attention to evidence, and legal judgments at the individual and group level. The project will examine the extent to which gruesome photographs (versus verbal descriptions or neutral photographs) rouse negative emotion, causing jurors to pay more selective attention to case evidence that is consistent with their emotions and less attention to evidence that is not consistent with them.



Robert L. Nelson

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

Joint Appointment: Professor of Sociology and Law, Northwestern University

Research Interests: *The social organization of law practice and the relationship between law and social inequality. Research has addressed transformations in the legal profession, the role of corporate counsel, gender inequality, and employment discrimination.*

Current ABF Projects:

After the JD: Analysis and Book Write-Up

(with Ronit Dinovitzer, Bryant Garth, Joyce Sterling, David Wilkins, Ethan Michelson, and Meghan Dawe)

Designed as a longitudinal study of lawyers' careers, "After the JD" is tracking the professional lives of more than 4,500 lawyers during their first twelve years after law school. After three waves of data collection on lawyers, the project can explore the full range of factors—personal, professional, and contextual—that lead to different career outcomes. The influence of gender, race, and ethnicity, in particular, will be more apparent as these lawyers have become more established in their careers and personal lives. The timing of the third wave, which followed the global financial crisis, will allow us to assess the effects of the economic collapse on the legal profession and individual lawyer careers. The project is in the final stages of analysis and writing and the authors have a book contract with the University of Chicago Press, with the manuscript for *The Making of Lawyer Careers: Inequality and Opportunity in the American Legal Profession* to be submitted in December 2021.

The Future of Latinos in the United States: Law, Opportunity and Mobility (with Rachel F. Moran)

This project is a nationwide, interdisciplinary research initiative devoted to understanding the current condition of Latinos in the United States, the structural barriers that impede full equality and integration for this emerging population, and the sites of intervention that promise to be most impactful in promoting opportunity and mobility through law and policy. The goal of the project is to generate findings that can be converted into concrete recommendations for reform and readily utilized by organizations and individuals to effect change. The project has held four regional roundtables, a fifth is planned, to be followed by a national summit. The project has now moved to UC-Irvine Law School under the directorship of Professor Rachel Moran.



Laura Beth Nielsen

Ph.D., Jurisprudence and Social Policy, University of California, Berkeley;
J.D. University of California, Berkeley School of Law

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

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

Current ABF Projects:

Consent to Sex on Campus

This project is a multi-year, large-scale data collection and analysis phase of a research project about "new" civil rights. Nielsen is studying the impact (if any) of the Obama-era "Dear Colleague" letter on undergraduates at universities, as they relate to drinking, drugs, and sexual activity. The project combines a large-scale quantitative analysis of Title IX compliance policies at a national, random sample of universities, along with a large-scale, in-person interview phase with undergraduates at five college campuses in the Midwest about Title IX compliance regarding sexual assault among undergraduates. The research also will incorporate (as is possible) the current dismantling of these regulations by the Trump administration. The study builds on Nielsen's previous scholarly work investigating the dissemination of information about civil rights, how organizations respond when they are responsible for enforcement, the institutional structures that interfere or complement achieving the goals of the civil rights movement, and, most importantly, how, if at all, ordinary people think about, integrate, and ignore law as they go about their daily life.

Research Faculty

Contested Constructions of Discrimination (with Jill D. Weinberg and Jeremy Freese)

Despite the volume of empirical research about employment civil rights litigation, we know very little about how people come to assess whether workplace experiences are thought to be “discrimination” or “personal disputes.” This project combines a quantitative analysis of judges’ and laypeople’s determinations about whether hypothetical workplace disputes rise to the level of discrimination with qualitative in-depth interviews of judges to probe this determination further. Drawing on the legal consciousness and judicial decision-making literatures, this research examines the effect of social status, workplace context, plaintiff characteristics, and dispute characteristics on the likelihood that a person determines that a workplace dispute constitutes discrimination.



Jothie Rajah

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

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

Current ABF Project: Rule of Law Discourses

‘Rule of law’ is a concept and category that is incessantly invoked in the international public domain. At different times and in different hands, a range of different meanings has attached to ‘rule of law.’ In response to the impact of the post-9/11 rule of law, this project includes both doctrinal and non-doctrinal articulations of meanings, values, and relations for rule of law. A forthcoming monograph, *Reading for Law in a Post-9/11 World*, is driven by a protective and passionate concern for rule of law as a legal, social, and political ideal. *Reading for Law* examines both standard legal text—legislation—as well as non-doctrinal texts to illuminate legal meanings, relations, and values that are being constructed and disseminated in ways that tend to evade critical attention. In particular, it is motivated by the striking contrast in visibility that marks the events of 9/11 and the visible legal response.

Discounting Life: Law, Culture, and the Long War on Terror will be published by Cambridge University Press in 2022. This book examines how extrajudicial, extraterritorial killings of War on Terror enemies by the U.S. state have become the new normal. Alongside targeted individuals, unnamed and uncounted others die and are maimed. Despite the absence of law’s conventional sites, processes, and actors, the U.S. state celebrates these killings as the realization of ‘justice.’ Meanwhile, images, narrative, and affect do the work of law; authorizing and legitimizing the discounting of some lives so that others—implicitly, American nationals—may live. How then, as we live through this unending, globalized war, are we to make sense of law in relation to the valuing of life? Adopting an interdisciplinary approach to law, and interrogating the U.S. state’s justifications for the project of counterterrorism, this book’s temporal arc, the long War on Terror, illuminates the profound continuities and many guises for racialized, imperial violence informing the contemporary discounting of life.



Anna Reosti

Ph.D., Sociology, University of Washington

Research Interests: *Law’s relation to inequality in the criminal justice and housing settings. Research addresses the consequences of modern background screening practices for rental housing access and discrimination, as well as the capacity of local innovations in fair housing law to improve housing outcomes for renters with criminal convictions, evictions, and other stigmatizing background records.*

Current ABF Project: Regulating the Crisis, Phase I: An exploratory study of landlord responses to pandemic-era tenant protection regulations

This project examines how landlords are impacting the implementation and effects of pro-tenant regulations during the pandemic through their ground-level business practices and interactions with tenants. The initial

Research Professors

phase of this study will investigate how landlords are responding to the immediate challenges of the pandemic for the rental industry; namely missed rental payments and a changing regulatory environment. Phase I of the project will draw on in-depth interviews with a diverse group of Chicago area landlords and other rental industry agents, housing advocates and policymakers, and distressed renters.



Christopher W. Schmidt

Ph.D., History of American Civilization, Harvard University;
J.D., Harvard Law School

Joint Appointment: Professor of Law, Associate Dean for Faculty Development, Co-Director of the Institute on the Supreme Court of the United States, Chicago-Kent College of Law

Research Interests: *The intersection of social movement mobilization and constitutional change in American history, the ways in which constitutional claims emerge and develop outside the courts, and the effect of these extrajudicial claims on legal doctrine. Current research focuses on the evolution of the term “civil rights” in the United States from the Civil War to today and the history of the modern U.S. Supreme Court and its relationship with the American people.*

Current ABF Project:

Civil Rights: An American History

This book project offers a history of how Americans have struggled over the meaning of the term “civil rights” from the Civil War through today. It provides a historical case study of how the words and categories by which we understand our world become objects of contestation and points of leverage for social, political, and legal action.



Susan P. Shapiro

Ph.D., Sociology, Yale University

Research Interests: *The social construction, social organization, and social control of fiduciary or trust relationships. Research has examined topics such as white-collar crime, ethics, conflict of interest, the professions, the news media, guardianship, and surrogate decision-making.*

Current ABF Project:

Trust 2.0: Law, Social Control, and New Technologies of Trust

Observers of the world of trust or fiduciary relationships have identified an evolution from institutional trust—which flows upward from individuals to states, organizations, and third parties—to distributed trust—which “flows laterally between individuals, enabled by networks, platforms, and systems”—for example, the difference between the dollar and bitcoin, the New York Stock Exchange and Kickstarter, the *New York Times* and Facebook, or the United Way and GoFundMe. Fueled by new technologies, distributed trust is often virtual, digital, global, decentralized, algocratic, and sometimes structured to escape legal or government oversight. This capstone project revisits Shapiro’s scholarship on “traditional” institutional trust to examine the legal and social control of computer-mediated distributed trust—what Shapiro calls Trust 2.0. The project will survey new developments in the role of law, regulation, and social control of trust in the internet age. It will examine the opportunities, strategies, efficacy, and limitations of these measures. It will explore the often-belated scrutiny by legal institutions of forms of trust that intentionally sought to escape state or legal oversight. It will examine how this regulatory landscape has evolved over the relatively short lifespan of Trust 2.0.

Research Faculty



Ian Ayres

Ph.D., Economics, Massachusetts Institute of Technology;
J.D., Yale Law School

Deputy Dean and William K. Townsend Professor of Law, Yale Law School

Research Interests: Antitrust, civil rights, commercial law, contracts, corporations, corporate finance, intellectual property, law and economics, empirical law and economics, property.



John Donohue III

J.D., Harvard Law School;
Ph.D., Economics, Yale University

C. Wendell and Edith M. Carlsmith Professor of Law, Stanford Law School

Research Interests: Criminal law, drug policy, employment discrimination; law and economics; policing and gun policy; public policy and empirical studies; punishment and death penalty; race and the criminal justice system.



Bryant G. Garth

Ph.D., European University Institute;
J.D., Stanford Law School

Distinguished Professor of Law Emeritus, Co-Director, Center for Empirical Research on the Legal Profession, University of California, Irvine; Director Emeritus, American Bar Foundation

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



Austan D. Goolsbee

Ph.D., Massachusetts Institute of Technology;
M.A., Yale University

Robert P. Gwinn Professor of Economics at the University of Chicago Booth School of Business

Research Interests: The Internet; the new economy; government policy; taxes.



Bonnie Honig

Ph.D., Political Science, John Hopkins University

Nancy Duke Lewis Professor, Modern Culture and Media (MCM) and Political Science, Brown University

Research Interests: Normative political theory, contemporary democratic theory with particular attention to the area of law and politics. Research addresses how constitutions, legal norms, the centrality of rights, and cultural politics operate to help or hinder spontaneous and organized collective actions in democracies.

Affiliated Research Professors



Tracey Meares

J.D., University of Chicago Law School

Walton Hale Hamilton Professor and Faculty Director of the Justice Collaboratory, Yale Law School

Research Interests: Policing in urban communities, understanding how members of the public think about their relationship(s) with legal authorities such as police, prosecutors, and judges.



William J. Novak

Ph.D., History, Brandeis University

Charles F. and Edith J. Clyne Professor of Law, University of Michigan Law School

Research Interests: Interdisciplinary perspectives on law, legal history and law and the humanities, legal theory and philosophy, public law and regulatory policy.



Dylan C. Penningroth

Ph.D., History, Johns Hopkins University

Professor of Law and History, University of California, Berkeley

Research Interests: African-American history, comparative histories of slavery and emancipation, and socio-legal history, with a particular focus on family relations, the rise of the independent black church, migration, the interaction between legal categories and popular conceptions such as respectability, race, and “slavish origins”; the cultural, social, and legal legacy of slavery in colonial Ghana and the United States.



Robert J. Sampson

Ph.D., Sociology, State University of New York at Albany

Henry Ford II Professor of the Social Sciences, Harvard University

Research Interests: Crime, disorder, the life course, neighborhood effects, civic engagement, urban inequality, “econometrics,” and the social structure of the city.



Peter Siegelman

Ph.D., Economics, Yale University

Phillip I. Blumberg Professor of Law, University of Connecticut Law School

Research Interests: Employment discrimination, contracts, insurance law and economics, empirical law and economics.

Research Faculty



Christopher L. Tomlins

Ph.D., History, Johns Hopkins University

Elizabeth J. Boalt Professor of Law, University of California, Berkeley

Research Interests: *Anglo-American legal history, from the beginning of the sixteenth century into the later twentieth century. Currently engaged in research on the Southhampton (Virginia) slave revolt of 1831, known as the Turner Rebellion. Additional work includes research on the history of contemporary legal thought, on the philosophy of legal history, and on the materialist jurisprudence detectable in the work of the German literary critic Walter Benjamin.*



Tom Tyler

Ph.D., Social Psychology, University of California, Los Angeles

Macklin Fleming Professor of Law and Professor of Psychology and Founding Director of The Justice Collaboratory

Research interests: *Criminal justice reform, social science and institutional design, law and psychology.*



Victoria Saker Woeste

Ph.D., Jurisprudence and Social Policy, University of California, Berkeley

Research Interests: *Research has examined how law mediates and shapes the relationships among the state, the market, and society in U.S. history, as well as uncovered institutional and organizational responses to legal and economic change.*



Ronit Dinovitzer

Ph.D., Sociology, University of Toronto

Joint Appointment: Professor of Sociology, University of Toronto

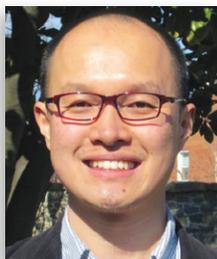
Research Interests: *The sociology of law, with a particular interest in the legal profession, focusing on the sources of inequality within the profession and the mechanisms that produce and reproduce them. Recent work has examined the gender gap in lawyer incomes, the distribution of lawyer satisfaction, and the career trajectories of urban law school graduates.*

Current ABF Project:

After the JD (with Bryant Garth, Robert Nelson, Gabriele Pickert, Meghan Dawe, and Joyce Sterling)

Please refer to Robert L. Nelson's entry for project description.

Affiliated Research Professors Faculty Fellows



Sida Liu

Ph.D., Sociology, University of Chicago;
LL.B., Peking University Law School

Joint Appointment: Associate Professor of Sociology and Law, University of Toronto

Research Interests: *The sociology of law, with an empirical focus on the legal professions in China, Hong Kong, and Taiwan and a theoretical interest in law as a social space.*

Current ABF Project:

Lawyer Activism in China (with Terence Halliday)

Please refer to Terence Halliday's entry for project description.



Justin Richland

Ph.D., Anthropology, University of California, Los Angeles;
J.D., University of California, Berkeley

Joint Appointment: Associate Professor of Anthropology, University of California, Irvine

Current ABF Project:

Open Fields: Ethics, Aesthetics, and the Very Idea of Natural History

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



Rebecca Sandefur

Ph.D., Sociology, University of Chicago

Joint Appointment: Professor, The College of Liberal Arts and Sciences, Arizona State University

Research Interests: *Access to justice, how legal services are delivered and consumed, how civil legal aid is organized around the nation, the role of pro bono, the efficacy of lawyers and non-lawyers as advocates and representatives, and how ordinary people think about their justice problems and try to solve them.*

Current ABF Projects:

ABF/JPB Access to Justice Scholars

The ABF/JPB Foundation Access to Justice Scholars Program, directed by Rebecca L. Sandefur, brings together cohorts of scholars in order to support their research, mentor their progress, and build intellectual relationships needed to grow the access to justice field. The program expands empirical access to justice scholarship by encouraging scholars to engage with this burgeoning research field. By facilitating the translation of research into practice, the program will generate more effective approaches to improve justice for all.

Accessing Justice in Contemporary America: The Community Needs and Services Study

This project investigates the American public's experiences with civil justice problems and the institutions of remedy that exist for those problems. The study focuses on a core set of commonly experienced problems that have civil legal aspects, raise civil legal issues, and have consequences shaped by civil law. Funded by the National Science Foundation and the American Bar Foundation, this project is now in the write-up stage.

Research Faculty

Increasing Access to Justice: Legally Empowering Technologies

This research examines the commodification of professional expertise and its distribution to lay people through technology. With funding from the Open Society Foundation, Sandefur is studying digital technologies that allow nonlawyers to understand, diagnose, or act on legal problems. Research questions include efficacy—for example, do the tools help solve people’s problems by producing repairs to substandard apartments or legal documents that successfully perform in court—but also questions of whether and how expertise and confidence are actually distributed to the public by these tools: that is, questions of legal empowerment. For example, do these tools increase the capacity of individuals or communities to identify and take action on problems; or do they divert people away from collective or public action and toward private resolution? Findings reveal the value of pairing the study of legal expertise and legal institutions with the study of public experience with justice problems. A striking finding is a substantial mismatch between available tools and people’s needs: few existing tools assist people with the kinds of justice problems that research shows people actually have.



Shih-Chun Chien

JSD, Stanford University; LL.M., University of California, Berkeley School of Law

Research Interests: *Comparative legal analysis, the legal profession, and criminal justice.*

Current ABF Project:

Portrait Project 2.0 (with Ajay K. Mehrotra and Goodwin Liu)

Please refer to Ajay K. Mehrotra’s entry for project description.



Meghan Dawe

Ph.D., Sociology, University of Toronto

Research Interests: *Law and inequality, with a focus on inequality and stratification in the legal profession.*

Current ABF Projects:

After the JD (with Bryant Garth, Robert Nelson, Gabriele Plickert, Ronit Dinovitzer, and Joyce Sterling)

Please refer to Robert L. Nelson’s entry for project description.

Senior Status, Gender, and Race in the Legal and Liberal Arts Academies (with Elizabeth Mertz)

Please refer to Elizabeth Mertz’s entry for project description.



Elizabeth L. Murphy

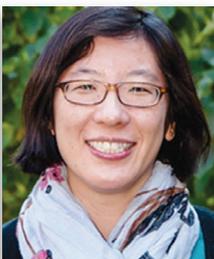
M.A., Sociology, University of Illinois, Chicago

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

Current ABF Project:

Science and the Legal System (with Shari Seidman Diamond)

Please refer to Shari Seidman Diamond’s entry for project description.



Frances Tung

Ph.D., Psychology, Suffolk University

Research Interests: *Law professors and the legal profession.*

Current ABF Project:

Senior Status, Gender, and Race in the Legal and Liberal Arts Academies—Phase II

(with Elizabeth Mertz and Katherine Barnes)

Please refer to Elizabeth Mertz’s entry for project description.

Selected Publications

Tera Agyepong

- “Race, the Construction of Dangerous Sexualities, and Juvenile Justice,” *The Intimate State: Sex, Gender, and Governance in Modern America*, ed. Margot Canaday, Robert Self, and Nancy Cott (2021)

Bernadette Atuahene

- “Predatory Cities,” 108(1) *California Law Review* 107 (2020)

Stephen Daniels

- “Looking Back: What Law School Graduates Say About Experiential Learning,” (w. D. Thomson) *Willamette Law Review* (2020)

Meghan Dawe

- “Lawyers in Canada,” (w. R. Dinovitzer) in R. Abel and O. Hammerslev, eds., *Lawyers in 21st Century Societies: National Reports* (Hart Publishing, 2020)
- *The Making of Lawyer Careers: Inequality and Opportunity in the American Legal Profession* (w. R. Nelson, R. Dinovitzer, B. Garth, J. Sterling, D. Wilkins, and E. Michelson) (University of Chicago Press, Under Contract)
- “Mind the Gap: Gendered Pay Disparities in the Legal Academy,” (w. C.J. Ryan) *Georgetown Journal of Legal Ethics* (Forthcoming)

Meera E. Deo

- “Investigating Pandemic Effects on Legal Academia,” 89 *Fordham L. Rev.* 2467 (2021)
- “Unequal Profession, Unleashed,” 73 *Rutgers L. Rev.* 857 (2021)

Shari Seidman Diamond

- *Juries, Lay Judges, and Mixed Courts: A Global Perspective*, S. Kutnjak Ivković, S.S. Diamond, V.P. Hans, & N.S. Marder, eds. (Cambridge University Press, 2021)
- “The Rise of the Jury in Argentina: Evolution in Real Time,” in S. Kutnjak Ivković, S.S. Diamond, V.P. Hans, & N.S. Marder, eds., *Juries, Lay Judges, and Mixed Courts: A Global Perspective* (Cambridge University Press, 2021)

(w. V. Almeida, D. Bakrokar, M. Bilinski, N. Chizik, A. Harfuch, L. Ortiz, M.S. Porterie, & A. Romano)

- “Introduction,” *Juries, Lay Judges, and Mixed Courts: A Global Perspective*, S. Kutnjak Ivković, S.S. Diamond, V.P. Hans, & N.S. Marder (Cambridge University Press, 2021)
- “Reasons for the Disappearing Jury Trial: Perspectives from Attorneys and Judges,” (w. J. Salerno) 81 *Louisiana Law Review* 120 (2020)
- “La duda razonable y el fallo “Cage vs, Louisiana”” [Cage v. Louisiana and Reasonable Doubt], in A. M. Binder & A. Harfuch, eds. *El juicio pro jurados en la jurisprudencia nacional e internacional: Sentencias comentadas y opiniones academicas del common law, del civil law y del la Corte Europea de Derechos Humanos* 217 (Buenos Aires, Argentina Ad Hoc Publishers, 2020)
- “Inequality in Talk and Group Size Effects: An analysis of measures,” (w. M. Rose & D. Powers) 23 *Group Processes and Intergroup Relations* 778 (2020)

Ronit Dinovitzer

- “Lawyers in Canada,” (w. M. Dawe), in *Lawyers in 21st Century Societies: National Reports*, R. Abel and O. Hammerslev, eds. (Hart Publishing, 2020)
- “The New Place of Corporate Law Firms in the Structuring of Elite Legal Careers,” (w. B. Garth) 45(2) *Law and Social Inquiry* 339 (2020)
- “The Interaction of Perceived Subjectivity and Pay Transparency on Professional Judgement in a Profit Pool Setting: The Case of Large Law Firms,” (w. K. Kelly, H. Gunz, & S. Gunz) 95(5) *The Accounting Review* 227 (2020)
- *The Making of Lawyer Careers: Inequality and Opportunity in the American Legal Profession*, (w. R. Nelson, B. Garth, J. Sterling, D. Wilkins, E. Michelson, and M. Dawe) (Under contract, University of Chicago Press)
- “Strategic Philanthropy and International Strategies: The Ford Foundation and Investments in

Law Schools and Legal Education, 1951-2003” (with R. Levi and W. Wong), chapter in B. Garth and G. Shaffer, eds., *Globalization of Legal Education* (Oxford University Press, Forthcoming).

Bryant G. Garth

- “The New Place of Corporate Law Firms in the Structuring of Elite Legal Careers,” (w. R. Dinovitzer) 45(2) *Law and Social Inquiry* 339 (2020)

Tom Ginsburg

- “Comparative Constitutional Law: State of the Discipline,” in D. Law and W. Chang, eds., *Comparative Constitutional Law* (Oxford University Press, Forthcoming)
- “The Comparative Constitutional Law of Presidential Impeachment” (w. A.Z. Huq and D. Landau) *University of Chicago Law Review* (2021)
- “Review of Dixon and Landau’s Abusive Constitutional Borrowing,” *The Canadian Journal of Comparative and Contemporary Law* (2021)
- “How Authoritarians Use International Law,” 31(4) *Journal of Democracy* 44 (2020)
- “Thailand’s Democratic Moment,” in G. Negretto, ed., *Redrafting Constitutions in Democratic Orders* 175 (Cambridge University Press, 2020)
- “Beyond Window Dressing: The Content of Authoritarian Constitutions,” in R. Smith and R.M. Beeman, eds., *Modern Constitutions*, 133 (University of Pennsylvania Press, 2020)
- “Proceso Constituyente Participativo e Innovación Constitucional,” in R. Araya, ed., *Doscientas Mil Voces: Ecos Y Aprendizajes del Proceso Constituyente del Gobierno de Michelle Bachelet* 57 (2020)
- “Authoritarian International Law?” 114(2) *American Journal of International Law* 221 (2020)
- “Democracy without Democrats,” (w. A. Huq) 6 *Constitutional Studies* 165 (2020)

Selected Publications

- “Political Theory of International Adjudication,” in H. Ruiz-Fabri, et al., *Max Planck Encyclopedia of International Procedural Law* (2020)
- “The Machinery of International Law and Democratic Backsliding: The Problem of Term Limits,” 14 *Law & Ethics in Human Rights* 1 (2020)
- “Moderation and Monarchy Mitigate Populism: How Norway’s Democracy Endures,” in *Uten Sammenligning: Festkrift til Elvind Smith 70 ÅR 279*, University of Oslo (2020)
- “Democratic Erosion Without Prerequisites? Poland and the Two Liberalisms,” in U. Belavusau and A. Gliszczynska-Grabias, eds., *Constitutionalism Under Stress: Essays in Honour of Wojciech Sadurski* (Oxford University Press, 2020)
- *From Parchment to Practice: Implementing New Constitutions*, T. Ginsburg and A. Huq, eds. (Cambridge University Press, 2020)

John Hagan

- “International Law and American Criminology: Lessons of Racist Torture and Reparations from Geneva to Chicago,” *International Criminology* 1:38-25 (2021)
- “Racist Torture and the Code of Silence: A Situational Analysis of Sidebar Secrecy and Legal Cynicism in the Trial of Jon Burge,” (w. B. McCarthy) *Du Bois Review* (2021)
- “America First Populism, Social Volatility, and Self-Reported Arrests,” (w. R. Levi and I. Sendriou) 117(43) *Proceedings of the National Academy of Sciences* (2020)
- “Race and Policing in the 2016 Presidential Election: Black Lives Matter, the Police, and Dog Whistle Politics,” (w. K. Drukulich, K. Wozniak, and D. Johnson) 58(2) *Criminology* 370 (2020)
- “A Tale Half Told: State Exclusionary and Inclusionary Regimes, Incarceration of Fathers, and the Educational Attainment of Children,” (w. H. Foster and C.J. Murphy) 88-89 *Social Science Research* (2020)

- “What the Study of Legal Cynicism and Crime Can Tell Us about Reliability, Validity, and Versatility in Law and Social Science Research,” (w. B. McCarthy and D. Herda) 16 *Annual Review of Law and Social Science* 1 (2020)
- “Neighborhood Climates of Legal Cynicism and Complaints about Abuse of Police Power,” (w. B. McCarthy and D. Herda) 58(3) *Criminology* 510 (2020)

Terence C. Halliday

- “Protecting Basic Legal Freedoms: International Legal Complexes, Accountability Devices, and the Deviant Case of China,” Terence C. Halliday, Shira Zilberstein and Wendy Espeland. 2021. *Annual Review of Law and Social Science*. 17:159-80.
- “The Bible in Contemporaneous Struggles for Basic Legal Freedoms,” in K. K. Yeo, *The Oxford Handbook of the Bible in China* (2021)
- “Dignity Discourses in Struggles for Basic Legal Freedoms in China,” *Asian Journal of Law & Society* 8:1 134-150 (2021)
- “International Law and Transnational Legal Orders: Permeating Boundaries and Extending Social Science Encounters,” (w. G. Shaffer) 22 *Chicago Journal of International Law* 168-184 (2021)
- Gregory Shaffer and Terence Halliday. 2021. “With, Within, and Beyond the State: The Promise and Limits of Transnational Legal Ordering.” In *Oxford Handbook of Transnational Law*, ed., Peer Zumbansen. Oxford: Oxford University Press. Pp. 987-1005.
- “Public Theology and Global Governance: Weak Actors in Lawmaking for the World Economy,” 14(4) *International Journal of Public Theology* 415 (2020)

Carol A. Heimer

- *The Legal Transformation of Medicine: How Rules Work in the International World of HIV/AIDS* (University of Chicago Press, Under Contract)

- Heimer, C.A., and A.W. Tolman. forthcoming. “Between the Constitution and the Clinic: Formal and De Facto Rights to Healthcare.” *Law and Society Review* 55(4). December 2021.

Sida Liu

- “Institutional Proximity and Judicial Corruption: A Spatial Approach.” (w. J. Wang), *Governance*, first published online on May 4, 2021.
- “Doing Ethnography on Social Media: A Methodological Guide to the Study of Online Groups in China.” (w. D. Wang), *Qualitative Inquiry* 27(8-9): 977-987. (2021)
- “Dignity Discourses in Struggles for Basic Legal Freedoms in China.” (w. T. Halliday), *Asian Journal of Law and Society* 8(1): 134-150. (2021)
- “The Forms and Architects of China’s International Legal Order.” (w. M. Erie) *Yale Journal of International Law* 46: 47-71. (2021)
- “Between Social Spaces,” *European Journal of Social Theory* (2020)
- “Professional Impurities,” 34 *Research in the Sociology of Work* 147 (2020)
- “The Gateway to Global China: Hong Kong and the Future of Chinese Law Firms,” (w. A. Au) 37(2) *Wisconsin International Law Journal* 310 (2020)
- “Performing Activism: Feminists, Lawyers, and Online Legal Mobilization in China,” (D. Wang) 45(3) *Law & Social Inquiry* 678 (2020)
- “Inside the ‘Red Circle’: The Production of China’s Corporate Legal Elite,” (w. J. Zhu, Jingqi and Y. Zhao) 7(1) *Journal of Professions and Organization* 87 (2020)

Ajay K. Mehrotra

- *A Half-Century with the Internal Revenue Code: The Memoirs of Stanley S. Surrey* (w. L. Zelenak, eds.), (Durham, N.C.: Carolina Academic Press, Under Contract)
- “From the Periphery to the Center and Back? A Brief History of Midwest Legal Realism,” (with P. Baumgardner) in S. Talesh, E. Mertz, and H. Klug, eds. *Research Handbook on Modern Legal Realism*, (Cheltenham, U.K.: Edward Elgar, 2021)

A full list of publications is available on the ABF website, under each faculty profile.
www.americanbarfoundation.org/faculty/faculty-profiles.html

- “Sociolegal Research, the Law School Survey of Student Engagement, and Studying Diversity in Judicial Clerkships.” (w. S.C. Chien and G. Wang) 69 *Journal of Legal Education* 530 (2020)

Elizabeth Mertz

- *Research Handbook on Modern Legal Realism* w. Talesh, S., & H. Klug eds., (Edward-Elgar Publishing 2021)
- “Multimodal conduct in the law: Language, gesture and materiality in legal interaction by Gregory Matoesian and Kristin Enola Gilbert (review)” *Language* (2021)
- “Law in Reality, Law in Context: On the Work and Influence of Stewart Macaulay,” (w. L.M. Friedman) in D. Campbell, ed., *Stewart Macaulay: Selected Works* 15 (Springer, 2020)
- “Within and Beyond the Anthropological Study of Law and Language,” in *Oxford Handbook on Law and Anthropology* (Oxford University Press, In Press)
- *Challenging Translations: Law and Social Sciences* (In Press)

Janice Nadler

- “Emotional Evidence in Court,” (w. H.J. Phalen and J.M. Salerno) in S. Bandes, et al, eds., *Research Handbook on Law and Emotion* (2021)
- “Ordinary People and the Rationalization of Wrongdoing,” 118(6) *Michigan Law Review* 1205 (2020)
- “Reducing Meat Consumption by Appealing to Animal Welfare: Protocol for a Meta-Analysis and Theoretical Review,” (w. M. Mathur, T.N. Robinson, D.B. Reichling, C.D. Gardner, P.A. Bain, J. Peacock), 9 *Systematic Reviews* 3 (2020)

Robert L. Nelson

- *The Making of Lawyer Careers: Inequality and Opportunity in the American Legal Profession* (w. R. Dinovitzer, B. Garth, J. Sterling, D. Wilkins, E. Michelson, and M. Dawe) (University of Chicago Press, Under Contract)

Jothie Rajah

- “Representing Transnational Law,” in P. Zumbansen, ed., *The Oxford Handbook of Transnational Law* (2021)
- “Imperialism,” in M. Valverde, P. Kotiswaran, E. Darian-Smith, and K. Clarke, eds., *The Routledge Handbook on Law and Society* (2021)
- “Transnational Law as Drama,” in P. Zumbansen, ed., *The Many Lives of Transnational Law: Critical Engagements with Jessup’s Bold Proposal* (Cambridge University Press, 2020)
- “Law’s Governing Centers: A Global Sociolegal Approach,” in F. Gadinger and J.A. Scholte, eds., *(Dis)Order: Technique, Power, Legitimacy in Polycentric Governing* (Forthcoming)

Anna Reosti

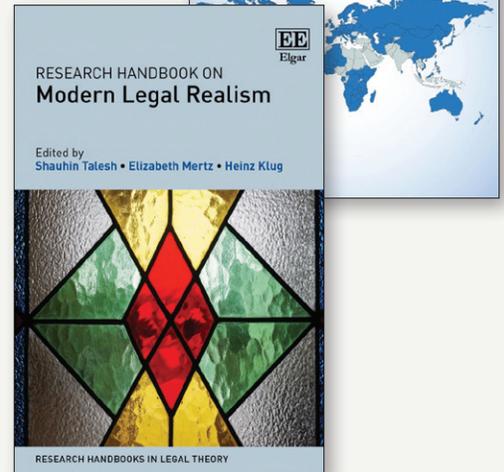
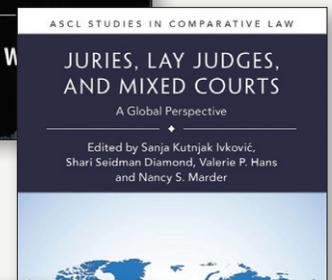
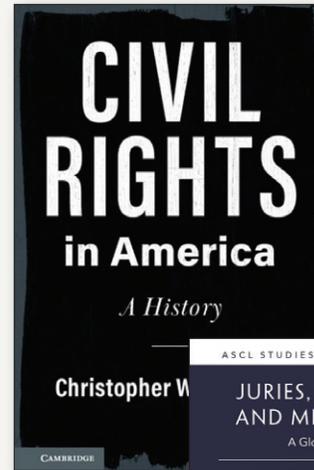
- “The Costs of Seeking Shelter for Renters with Discrediting Background Records,” *City & Community* 20:3 (2021)

Rebecca L. Sandefur

- “Legal Advice from Nonlawyers: Consumer Demand, Provider Quality, and Public Harms,” 16(2) *Stanford Journal of Civil Rights & Civil Liberties* 283 (2020)
- “Lawyers and Access to Justice,” (w. R. Hunter & A. Olesen) in *Lawyers in 21st Century Societies* (Hart Publishing, 2020)
- “The American Legal Profession in the New Millennium: Out of Many, One?” (w. S.L. Cummings, C.S. Seron, A. Southworth, S.A. Boutcher, & A. Raup-Kounovsky) in R. L. Abel, O. Hammerselv, and H. Sommerlad, eds., *Lawyers in Society* (Oxford, UK: Hart Publishing, Forthcoming)
- “Paralegals and the Casualisation and De-Professionalization of Lawyers,” (w. H. Sommerlad, S. Gustaffson, J. Hersant, N. Holvast, L. Verzelloni, and T. M. Clarke.) in R. L. Abel, O. Hammerselv, and H. Sommerlad, eds., *Lawyers in Society* (Oxford, UK: Hart Publishing, Forthcoming)

Christopher Schmidt

- *Civil Rights in America: A History* (Cambridge University Press, 2021)

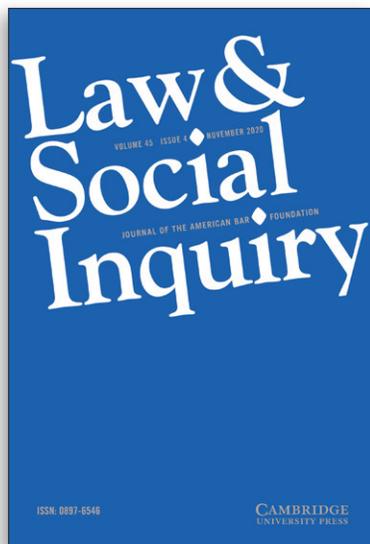


- “Rights, Dignity, and Public Accommodations,” 38(3) *Law and History Review* 599 (2020)

Susan P. Shapiro

- “Balancing Past vs Future Values in Decision-making,” 323(19) *JAMA* 1975 (2020)
- “Why Advance Directives Do Not Direct: A Researcher’s Perspective,” 12(1) *PM&R Journal* 77 (2020)
- “Sociology of Law: Speaking for the Dying,” 48(3) *ASA Footnotes* (2020)
- “Lessons about Law at Life’s End: Rethinking Advance Directives in the Shadow of a Pandemic,” 1 *Juriste International* 17 (2020)

ABF Publications



Law & Social Inquiry

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

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

ABF scholars play a critical role in maintaining *LSI*’s excellent standards for sociolegal scholarship through their service as editors, peer reviewers, and authors.



Researching Law

The *Researching Law* newsletter is designed to acquaint a wide audience with the American Bar Foundation’s research activities. The articles that appear in the publication present ABF research project findings and highlight relevant research about up-to-the-minute social issues in a concise, nontechnical format.

Researching Law is written and edited by the ABF’s communications team. The newsletter is distributed to a wide audience, including the Fellows of the American Bar Foundation, policymakers, libraries, foundations, government agencies, and media outlets. Issues are posted and available for download on the ABF website.

This year’s issues of *Researching Law* celebrated new and ongoing ABF programs. The Spring 2021 issue of *Researching Law* highlighted the ABF/JPB Foundation Access to Justice Scholars Program and the ongoing work of the Scholars. The Fall 2021 issue of *Researching Law* focused on recent work by Meera Deo, 2020-21 ABF Neukom Fellows Research Chair in Diversity and Law. This issue also highlighted the past work of previous Neukom Chairs and their current work.



Recent Major Media Coverage and Faculty Op-Eds

- “N.C. court finds felon disenfranchisement rule ‘unconstitutional’” | **Traci Burch** | WNCT | September 10, 2020
- “Injured?” | **Stephen Daniels** | *New York Magazine* | September 16, 2020
- “How to honor RBG by supporting her favorite causes” | **American Bar Foundation** | CNN | September 19, 2020
- “Amid Virus, Disaster Attys Struggle To Reach Survivors” | **Rebecca Sandefur** | *Law 360* | September 20, 2020
- “Why Motivations Matter to the Study of Legal Education and the Legal Profession” | **Stephen Daniels and Shih-Chun Shien** | *Law School Survey of Student Engagement Blog* | September 24, 2020
- “Research shows link between criminal arrests and ‘America First’ ideology” | **John Hagan** | *Northwestern University News* | October 14, 2020
- “Local law professor weighs in on day 3 of Judge Amy Coney Barrett’s confirmation hearings” | **Christopher W. Schmidt** | *WGN News* | October 14, 2020
- “Coalition urges Wayne County to continue ban on tax foreclosures in 2021 and beyond” | **Bernadette Atuahene** | *The Detroit News* | October 21, 2020
- “How should the US rewrite its constitution?” | **Tom Ginsburg** | *Quartz* | October 21, 2020
- “Supreme Tradition: The story of justices’ black robes” | **Christopher W. Schmidt** | *WGN News* | October 21, 2020
- “Detroit shouldn’t have to tackle blight alone. Look for a regional solution.” | **Bernadette Atuahene** | *Detroit Free Press* | October 28, 2020
- “How many tenured law professors are Black? Public data does not say” | **Meera E. Deo** (ABF Neukom Chair) | *ABA Journal* | October 28, 2020
- “Diversity and Exclusion Within Legal Education” | **Meera E. Deo** (ABF Neukom Chair) | *The Regulatory Review* | November 9, 2020
- “Cute as a Button” | **Meera E. Deo** (ABF Neukom Chair) | *Strict Scrutiny Podcast* | November 2020
- “Politically Speaking- The Supreme Court” | **Christopher W. Schmidt** | WNIT PBS | November 20, 2020
- “Detroit City Council rejects mayor’s plan for overtaxed homeowners, calling it insufficient” | **Bernadette Atuahene** | *Detroit Free Press* | November 24, 2020
- “Facing a First Amendment fight, a small Minnesota town allows a White supremacist church” | **Laura Beth Nielsen** | *The Washington Post* | December 14, 2020
- “How Fragile is Our Democracy?” | **Tom Ginsburg** | *Washington Monthly* | December 17, 2020
- “When families of murder victims speak at death penalty trials, their anguish may make sentencing less fair” | **Janice Nadler** | *The Conversation* | December 18, 2020
- “Laws Are Killing Jury Trials, Hurting Due Process, Study Says” | **Shari Seidman Diamond** | *Law360* | December 18, 2020
- “Study: Why Civil and Criminal Jury Trials are Disappearing” | **Shari Seidman Diamond** | *Detroit Legal News* | December 21, 2020
- “The Vanishing Jury Trial and Other Important Lessons for Mediators” | **Shari Seidman Diamond** | *Mediate.com* | January 2021
- “International law expert Tom Ginsburg on the future of U.S. democracy” | **Tom Ginsburg** | *The Sunday Magazine with Piya Chattopadhyay* | January 3, 2021
- “Unjust property tax assessments still burden some Detroit homeowners” | **Bernadette Atuahene** | *Detroit Free Press* | January 08, 2021
- “The Pandemic Could Set Women Law Professors Back Years. These Academics Want to Find Solutions” | **Meera E. Deo** | *Law.com* | January 13, 2021
- “What Do We Lose When Jury Trials Disappear?” | **Shari Seidman Diamond** | *The AmLaw Litigation Daily* | January 13, 2021
- “Housing advocates call on Gov. Whitmer, Detroit leaders to repay overtaxed homeowners” | **Bernadette Atuahene** | *Detroit Free Press* | January 14, 2021
- “International Workshop Series to Discuss Buddhism and Comparative Constitutional Law” | **Tom Ginsburg** | *BuddhistDoor Global* | January 14, 2021
- “New Workshop Series Blends Buddhism and Constitutional Law” | **Tom Ginsburg** | *The Buddhist Review, Tricycle* | January 16, 2021
- “Detroit property values climb 8%, marking fourth straight year of growth” | **Bernadette Atuahene** | *The Detroit News* | January 21, 2021
- “The Dilemmas of Democratic Disqualification: The New Trump Impeachment Process in Comparative Perspective” | **Tom Ginsburg** | *International Journal of Constitutional Law Blog* | January 21, 2021
- “After Riot, Legal Reasons For Disparate Policing Prove Elusive” | **Christopher Schmidt** | *Law360* | January 24, 2021
- “This month Detroit homeowners can ask city to re-consider their property assessment” | **Bernadette Atuahene** | *ABC7 WXYZ* | February 5, 2021
- “Jury Trials are Disappearing. Here’s Why.” | **Shari Seidman Diamond** | *Injustice Watch* | February 17, 2021

Recent Major Media Coverage and Faculty Op-Eds

- “Analyst: Trump legal team expected to lean on ‘free speech’ argument” | **Tom Ginsburg** | *AlJazeera* | February 10, 2021
- “Biden Wants To Limit The Capital Gains Tax Preference. History Shows It Will Be Hard” | **Ajay K. Mehrotra** | *Forbes* | February 16, 2021
- “The Black Cops Who Fought Brutality on Their Own Force” | **Tera Agyepong** | *JSTOR Daily* | February 28, 2021
- “Advocates back study that found Detroit still inflating property taxes” | **Bernadette Atuahene** | *The Detroit News* | March 11, 2021
- “Federal judge rules on lawsuit over property tax appeals in Detroit” | **Bernadette Atuahene** | *The Detroit News* | March 14, 2021
- “Can Chinese law firms take over the world?” | **Sida Liu** | *The Economist* | March 3, 2021
- “Facing Terminal Cancer” | **Susan Shapiro** | *Chicago Health Magazine* | March 14, 2021
- “Dan Gilbert committed \$500M to Detroit neighborhoods. Here’s the immediate impact” | **Bernadette Atuahene** | *Yahoo News* | March 25, 2021
- “Housing experts: ‘Massive outreach’ needed to make Gilbert’s \$15M donation successful” | **Bernadette Atuahene** | *Detroit Free Press* | March 26, 2021
- “Op-Ed: Anti-Asian attacks might have been taken more seriously if we had more Asian American DAs” | **California Supreme Court Associate Justice Goodwin Liu** (Co-Principal Investigator, ABF Portrait Project 2.0) | *Los Angeles Times* | March 26, 2021
- “Why Buddhism Matters in Constitutional Reform” | **Tom Ginsburg** | *The University of Chicago Law School News* | March 26, 2021
- “Property tax foreclosures; young MI poet wins honors; art center navigates pandemic” | **Bernadette Atuahene** | *Michigan Radio* | April 2, 2021
- “Female professors have less time to research in the pandemic. It could force them out of academia” | **Meera E. Deo** (ABF Neukom Chair) | *The Lily* (and in print in the *Washington Post*) | April 5, 2021
- “How the Criminal Justice System Deploys Mass Surveillance on Innocent People” | **Sarah Lageson** (ABF/JPB Foundation Access to Justice Scholar) | *Vice* | April 5, 2021
- “Which places will require proof of a COVID-19 vaccine? And should they?” | **Erin Paquette** (ABF/JPB Foundation Access to Justice Scholar) | *WHYY PBS* | April 5, 2021
- “UCI Law Names Interim Dean Ahead Of National Search” | **Bryant Garth** (ABF Director Emeritus and Affiliated Research Professor) | *Law 360* | April 8, 2021
- “Why policing’s ‘bad apple’ argument has to end with Derek Chauvin” | **Nicole Gonzalez Van Cleve** (ABF Affiliated Scholar) | *MSNBC* | April 11, 2021
- “Don’t Pack the Court” | **Tom Ginsburg** | *Persuasion* | April 21, 2021
- “Child welfare systems have long harmed Black children like Ma’Khia Bryant” | **Tera Agyepong** | *Washington Post* | April 30, 2021
- “From Trayvon Martin to George Floyd: The Trauma of Injustice” | **Angela Onwuachi-Willig** (Former ABF Neukom Chair) | *Common Law* | May 2021
- “In Detroit, many are missing out on property tax debt relief. Here’s why.” | **Bernadette Atuahene** | *Detroit Free Press* | May 2, 2021
- “Rights, Facts, and Roe” | **Christopher W. Schmidt** | *Jotwell: The Journal of Things We Like (Lots)* | May 4, 2021
- “Securing Essential Work for Low Wage Workers” | **Deepa Das Acevedo** (ABF Visiting Scholar) | *Jotwell: The Journal of Things We Like (Lots)* | May 7, 2021
- “Online, Mug Shots Are Forever. Some States Want to Change That.” | **Sarah Lageson** (ABF/JPB Foundation Access to Justice Scholar) | *Pew Trust* | May 10, 2021
- “The Conflicts And Characters Behind The World’s Constitutions” | **Tom Ginsburg** | *Washington Post* | May 12, 2021
- “South Asian communities have built power in the wake of violence” | **Hardeep Dhillon** (ABF/NSF Post-Doctoral Fellow in Law and Inequality) | *Washington Post* | May 15, 2021
- “Profs. discuss police accountability one year after George Floyd’s murder” | **Traci Burch** | *The Daily Northwestern* | May 25, 2021
- “Helicopters, a patrol car and virtual bodyguards: Inside Citizen’s scattered push to upend public safety” | **Sarah Lageson** (ABF/JPB Foundation Access to Justice Scholar) | *CNN* | June 3, 2021
- “The false promises of more immigration enforcement” | **Emily Ryo** (ABF/JPB Foundation Access to Justice Scholar) | *Vox* | June 3, 2021
- “Dr. Christopher Schmidt on the upcoming Supreme Court decisions on Obamacare, voting rights, and more” | **Christopher W. Schmidt** | *WGN Radio* | June 6, 2021
- “How Far Are Republicans Willing to Go? They’re Already Gone.” | **Tom Ginsburg** | *The New York Times* | June 9, 2021
- “How to Build Trust: A Practical Guide” | **Janice Nadler** | *The New York Times* | June 10, 2021

- “In Absentia: No Latino Superior Court judges in these majority-Latino California counties” | **Laura Beth Nielsen** | *CalMatters* | June 14, 2021
- “How to Truly Protect Academic Freedom” | **Tom Ginsburg** | *The Chronicle of Higher Education* | June 16, 2021
- “Freeing Cosby on narrow grounds disappoints lawyers seeking clarity on testimony by abuse victims” | **Laura Beth Nielsen** | *The Philadelphia Inquirer* | June 30, 2021
- “Entitled” | **Tom Ginsburg** | *University of Chicago Podcast Network* | July 2021
- “Politicians and Social Justice Groups demanding Detroit to end tax foreclosures and repay residents” | **Bernadette Atuahene** | *WCMU Public Radio* | July 7, 2021
- “Tax justice group calls on Detroit to fix ‘unfair’ property assessments” | **Bernadette Atuahene** | *The Detroit News* | July 7, 2021
- “Solving civil justice issues in the classroom” | **Alyx Mark** (ABF Affiliated Scholar) | *ABA Journal* | July 8, 2021
- “Priced Out: Nation’s Property Taxes Reveal Staggering Inequity” | **Bernadette Atuahene** | *NBC Nightly News* | July 9, 2021
- “Student Debt is a raceXgender Issue” | **Meera E. Deo** | *LSSSE Insights Blog* | July 9, 2021
- “The Supreme Court Isn’t Broken” | **Tom Ginsburg** | *Persuasion* | July 9, 2021
- “If small landlords in King County are selling their rentals, should we care?” | **Anna Reosti** | *Crosscut* | July 9, 2021
- “Why Language Matters for Diversity, Equity, and Inclusion” | **Meera E. Deo** | *Law School Admission Council Blog* | July 12, 2021
- “Hope: A Message to China’s Defense Lawyers” | **Terence C. Halliday** | *China Change* | July 16, 2021
- “Little Mermaid Part 1: The Golden Contract” | **Laura Beth Nielsen** | *Revisionist History* | July 22, 2021
- “With the detention of Canadian pop star Kris Wu, has the #MeToo movement finally arrived in China?” | **Sida Liu** | *Toronto Star* | August 7, 2021
- “Detroit’s population decline continues for 7th straight decade, 2020 census data shows” | **Bernadette Atuahene** | *Detroit Free Press* | August 12, 2021
- “5 Legal Aid Web Usability Insights” | **Rebecca Sandefur** | *LexBlog* | August 18, 2021



Collaboration with Strategic Partners

Since its founding in 1952, the ABF has collaborated with strategic partners to provide useful research for the organized bar, bench, and academy by conducting research and disseminating scholarly findings.

The ABF leverages its resources to increase collaborations with strategic partners, such as the American Bar Association (ABA) and other research-oriented institutions. From time to time, the ABF collaborates with ABA entities on specific research initiatives.

“Achieving Long-Term Careers for Women in Law” is an in-depth, ongoing research project with the ABA. It is led by Hilarie Bass, Stephanie Scharf, and Bobbi Liebenberg, with assistance from ABF scholar Joyce Sterling and ABF Research Social Scientist Caroline Tipler, has explored the unique issues and career dynamics, including the disproportionately high rate of attrition, facing women lawyers in practice for more than 20 years. One of the recent reports, “Left Out and Left Behind,” was co-authored (with Paulette Brown and Eileen Letts) by former ABF Doctoral Fellow Destiny Peery. Professor Sterling presented to the ABA Women’s Caucus at the August 2020 ABA Virtual Annual Meeting.

The ABF is collaborating with the ABA Senior Lawyer Division in helping to disseminate the findings of the longstanding ABA project, “Women Trailblazers in the Law.” This project is devoted to capturing, recording,

and preserving the complete life histories of pioneering women lawyers as told by the women themselves. ABF Executive Director Ajay K. Mehrotra is working closely with ABA leader Brooksley Born, the founder of this project, and Linda Ferren, the project manager, in assisting with the final stages, including broad dissemination of the project to scholars and other stakeholders. Thus far, the team has hosted panel discussions at the American Association of Law School’s annual conference, the Stanford Law School, and the Law & Society Association annual conference.

The ABF also regularly provides presentations, briefs, and substantive advice to ABA entities to keep leaders and members abreast of the latest research findings on some of the most relevant topics in the ongoing national and international conversations on law. These efforts support the goal of the ABF to enhance the public’s understanding of law, legal institutions, and legal processes.

In addition to the ABA, the ABF continues to partner and collaborate with other entities to support research and dissemination. For the ABF’s Portrait Project 2.0, the ABF has partnered with Hon. Goodwin Liu, NAPABA, Yale Law School, Northwestern Pritzker School of Law, and several Asian American Bar Associations. Throughout 2021, researchers from the ABF also collaborated with the Association of American Law Schools (AALS), the World Justice Project, and the National Bar Association.



Summer Undergraduate Research Fellowship Program

The Summer Undergraduate Research Fellowship (SURF) program offers students the opportunity to explore the field of sociolegal research and observe law practice in the private and public sectors. Since 1988, 134 undergraduates have been selected from across the country in a highly competitive application process to participate in the fellowship. The SURF program is supported by generous grants from the Kenneth F. and Harle G. Montgomery Foundation, the Law School Admission Council (LSAC), Walmart, Kirkland & Ellis, LLP, Banner Witcoff, and AT&T.

2021 Summer Undergraduate Research Fellows



Natasha Chaiyarat is an incoming senior at Brandeis University, pursuing a double major in International Studies and History. Natasha worked with ABF Research Professor Christopher Schmidt on his current project on the relationship between the U.S. Supreme Court and the American people since 1930.



Laura Fagbemi is a rising senior at Rice University, with a double major in Social Policy Analysis and English. Laura examined the Future of Latinos and After the JD projects with ABF Research Professor Robert Nelson.



Connor Herbert is an incoming senior at the University of Cincinnati, majoring in Political Science and International Affairs. He plans to focus on Chinese lawyer activism and international responses to human rights violations. Connor worked alongside ABF Research Professor Terence Halliday.



Nicole Maria Mateo is a rising sophomore at the University of Chicago and is pursuing a double major in Psychology and Law, Letters, and Society. Nicole worked on the Portrait Project 2.0 on Asian American Lawyers and diversity in the legal profession with Ajay K. Mehrotra, ABF Executive Director and Research Professor.



Sasha Matsuki is an incoming junior at Indiana University majoring in History and Political Science. Sasha worked alongside ABF Research Professor Tom Ginsburg on his project, Democracies and International Law: The Trials of Liberal Theory.

2021-22 Doctoral and Postdoctoral Fellows

The ABF is committed to developing the next generation of scholars in the field of law, social science, and higher education by offering several doctoral and postdoctoral fellowship opportunities.

Fellowships are typically held in residence at the ABF offices in Chicago. This year, due to the COVID-19 pandemic, all fellowships were held virtually. Still, fellows were given the opportunity to virtually engage with our intellectual community, gain feedback on scholarly and professional projects in workshop settings and utilize ABF resources toward academic goals. Fellows receive valuable mentorship from ABF researchers and a generous stipend to help complete their dissertation projects as well as fund their research. Past fellows have built on their experiences at the ABF by moving on to promising careers in tenure-track university positions and as legal professionals.

The ABF offers several distinct fellowship opportunities to foster the next generation of scholars engaging in original and significant research in law, social science, and higher education.

- **The ABF/NSF Doctoral and Postdoctoral Fellowships in Law & Inequality** aim to encourage original and significant empirical and interdisciplinary research on the study of law and inequality.
- **The ABF/NU Doctoral Fellowship in Law & Social Science**, co-sponsored by the ABF and Northwestern University, seeks to encourage original and innovative research on law, the legal profession, and legal institutions.
- **The ABF/AccessLex Institute Doctoral and Postdoctoral Fellowships in Legal and Higher Education**, co-sponsored by the ABF and AccessLex Institute, aims to assist emerging scholars who research issues of access, affordability, or value in legal and higher education.

Doctoral Fellows



Brandon Alston
Ph.D. candidate in Sociology, Northwestern University



Amber Joy Powell
Ph.D. candidate in Sociology at the University of Minnesota



Isabel Anadon
Ph.D. candidate in the Department of Sociology at the University of Wisconsin-Madison



Kumar Ramanathan
Ph.D. candidate in Political Science at Northwestern University



Alex Reiss-Sorokin
Ph.D. candidate in the Program in History, Anthropology, Science, Technology, and Society at the Massachusetts Institute of Technology

Postdoctoral Fellows



Hardeep Dhillon
Ph.D. in History with a secondary in Women, Gender, and Sexuality Studies at Harvard University



Sonya Rao
Ph.D. in Linguistic and Legal Anthropology, University of California, Los Angeles



Charquia Wright
J.D., Georgetown University Law Center; L.L.M., University of California, Los Angeles

ABF/JPB Foundation Access to Justice Scholars Program

The American Bar Foundation (ABF), in partnership with The JPB Foundation, is invigorating the field of civil access to justice research by seeding and supporting new research projects and growing a network of access to justice scholars. The ABF/JPB Foundation Access to Justice Scholars Program brings together faculty scholar cohorts to support research, mentorship, and to build the intellectual relationships needed to grow the access to justice field. By facilitating the translation of research into policy and practice, the program supports and amplifies effective approaches to improve justice for all.

The program's Director is ABF Faculty Fellow Rebecca L. Sandefur. Professor Sandefur founded the ABF's Access to Justice Research Initiative in 2010 and received a MacArthur "Genius" grant for her access to justice work in 2018. In 2021, Professor Sandefur was joined by senior program officer Matthew Burnett, who joined the ABF to grow the access to justice program and build new opportunities to bridge civil justice research to policy and practice.

The 2021-22 cohort of Access to Justice Scholars are listed below. Additional program information and project descriptions are listed on the ABF website.



Robin Bartram

(Assistant Professor of Sociology, Tulane University) studies homeowners at risk of displacement, how they understand justice and injustice, and how this understanding serves as key to their ability to access justice.



Brittany Friedman

(Assistant Professor of Sociology, University of Southern California) explores the civil justice crises behind the relationship between legal representation, pay-to-stay policies in prisons and jails, and civil recoupment strategies and how these contribute to socioeconomic inequality.



Shannon Gleeson

(Professor of Labor Relations, Law, and History, Cornell University ILR School) investigates the impact of immigration status on worker precarity, particularly during the COVID-19 pandemic and amid racial inequality.



Karin D. Martin

(Assistant Professor, University of Washington Evans School of Public Policy & Governance) examines how amnesty for unpaid court-ordered debt affects subsequent housing insecurity.



Victor Quintanilla

(Professor of Law, Indiana University Maurer School of Law and Affiliated Professor, Indiana University Department of Psychological and Brain Sciences) investigates access to justice for unrepresented people in virtual court proceedings, focusing on the structural, technological, and psychological challenges that people face.



Michele Statz

(Assistant Professor, University of Minnesota Medical School and Affiliated Faculty, University of Minnesota Law School) explores how socio-spatial dimensions of rural jurisdictions influence access to justice, rights mobilization, and the work of tribal and state courts in northern Minnesota and Wisconsin.



Nicole Summers

(Lecturer on Law, Harvard Law School) investigates legal pathways by which eviction filings result in actual evictions.

Institutional Support

The ABF research program is supported by an annual grant from the American Bar Endowment (see page 2) and contributions from The Fellows of the American Bar Foundation and other supporters. The ABF also receives support from government agencies, private foundations, and corporations for specific research projects and programs. The ABF is enormously grateful to the following institutions, which have provided support for projects and programs since 2018.

-
- 195 Essential LLC
 - ABA Commission on Women in the Profession
 - ABA Criminal Justice Section
 - ABA Health Law Section
 - ABA National Conference of Federal Trial Judges
 - ABA Solo, Small Firm and General Practice Division
 - AccessLex Institute
 - Albany Law School
 - American Bar Endowment
 - American Society for Legal History
 - Arnold & Porter Kaye Scholer LLP
 - Asian American Bar Association of New York
 - Asian American Bar Association of the Greater Bay Area
 - Asian American Law Fund of New York
 - Asian Pacific American Bar Association – Silicon Valley
 - AT&T
 - Baker, Donelson, Bearman, Caldwell & Berkowitz. PC
 - Banner & Witcoff, LTD.
 - Barran Liebman LLP
 - Bennett Jones LLP
 - Boies Schiller and Flexner LLP
 - Briggs and Morgan
 - Bullivant Houser Bailey PC
 - Center for Advanced Study in Behavioral Sciences
 - Chicago Community Trust
 - Clark Hill PLC
 - Clifford Law Offices
 - Crowe & Dunlevy
 - Davis Polk & Wardwell
 - Washington DC Bar
 - Dickinson Wright PLLC
 - Dykema Gossett PLLC
 - Emory University School of Law
 - Epstein Becker Green
 - Fasken Martineau DuMoulin LLP
 - Fishman Haygood LLP
 - Franczek P.C.
 - Google Grants
 - Gordon Thomas Honeywell LLP
 - Harrison & Held, LLP
 - Haynes and Boone, LLP
 - Howard University School of Law
 - IFK Foundation
 - Innocence Project New Orleans
 - James W. Tippin & Associates
 - Jenner & Block
 - Jones Walker LLP
 - Kenneth F. and Harle G. Montgomery Foundation
 - Kirkland & Ellis LLP
 - Latham & Watkins LLP
 - Law School Admission Council
 - Louisiana Bar Foundation
 - Louisiana Judicial Council - National Bar Association
 - LSU Law
 - Marquette Associates
 - Michigan State University College of Law
 - National Asian Pacific American Bar Association
 - National Association of Women Judges
 - National Science Foundation
 - Nelson Mullins Riley & Scarborough LLP
 - NeunerPate
 - Northrop Grumman
 - Northwestern University Pritzker School of Law
 - One Acadiana
 - Open Society Foundations
 - Oscar M. Ruebhausen Fund at Yale Law School
 - Parsons Behle & Latimer
 - Perkins Coie LLP
 - Practising Law Institute
 - Provençal Collective, Inc.
 - Public Good Software
 - Public Welfare Foundation
 - Qualcomm Foundation
 - Rutgers Law School
 - Sher Garner Cahill Richter Klein & Hilbert, L.L.C.
 - Simon, Peragine, Smith & Redfean LLP
 - Sourcebooks
 - Spencer Foundation
 - State Bar of Michigan
 - Sterne Kessler Goldstein Fox PLLC
 - The George Washington Law School
 - The JPB Foundation
 - Thomson Reuters
 - Tres Chicas
 - UC Berkeley School of Law
 - UCLA Law Critical Race Studies Program
 - United Airlines
 - United Way of Acadiana
 - University of Alberta, Faculty of Law
 - UNLV William S. Boyd School of Law
 - Wachtell, Lipton, Rosen & Katz
 - Walmart
 - Washington Performing Arts
 - Wilentz
 - Wilson, Elser, Moskowitz, Edelman & Dicker LLP
 - Wolters Kluwer
 - Wolverine Bar Association
 - Yamini Designs
 - Young Mayden Connect Legal Search & Consulting

2021 Research Presentations at the American Bar Foundation

- Osagie K. Obasogie, University of California, Berkeley School of Public Health—“Excited Delirium and Police Use of Force,” January 13
- Greg Shaffer, University of California, Irvine School of Law—“Emerging Powers and the World Trading System,” January 20
- Olufunmilayo Arewa, Temple University Beasley School of Law—“Technology, Governance, & Law: #EndSARS and the Digital Era Protest,” January 27
- Terry A. Maroney, Vanderbilt Law School—“What We Talk About When We Talk About Judicial Temperament,” February 3
- Ian Haney López, UC Berkeley School of Law—“Racism, Plutocracy, and the 2020 Election,” February 10
- Megan M. Francis, University of Washington—“The Crimes of Freedom,” February 17
- Khalil Muhammad, Harvard John F. Kennedy School of Government—“‘The Most Elaborate Fraud in Modern Times’: Social Science, Law, and the Limits of Criminal Legal Reform,” February 24
- Anna Lvovsky, Harvard Law School—“Vice Patrol: Complicating the History of Anti-Gay Policing through the ABF Archives,” March 3
- Deepa Das Acevedo, ABF Visiting Scholar and University of Alabama School of Law —“The Battle for Sabarimala,” March 10
- Deborah Dinner, Emory University School of Law—“Motherhood, Women’s Labor, and the Origins of Neoliberal Regulation, 1964-1978,” March 17
- César F. Rosado Marzán, University of Iowa College of Law—“Organizing For a Moral Economy Chapter 7: How Co-enforcement Shapes Informal Generalism,” March 31
- Darryl Li, The University of Chicago—“Comedy of Terrors: Conspiracy Law, National Security Fictions, and the Origin Story of al-Qa’ida,” April 14
- Shaun Ossei-Owusu, University of Pennsylvania Carey Law School—“Police Quotas,” April 21
- Michele Bratcher Goodwin, University of California, Irvine School of Law—“A Different Type of Property: White Women and the Human Property They Kept,” April 28
- Franita Tolson, University of Southern California Gould School of Law—“*In Congress We Trust? Enforcing Voting Rights from the Founding to the Jim Crow Era*,” May 5
- Allison Harris, Yale University—“Can Racial Diversity Among Judges Affect Sentencing Outcomes,” September 8
- Matthew Erie, University of Oxford—“Does China Have ‘Law Power’? China, African States, and the New Extraterritoriality,” September 15
- Ari Waldman, Northwestern University School of Law—“Industry Unbound: The Inside Story of Privacy, Data, and Corporate Power,” September 22
- Irene Oritseweyinmi Joe, UC Davis School of Law—“Learning from Mistakes,” September 29
- Timothy H. Lovelace, Jr., Duke University School of Law—“Corporate Social Responsibility during the Civil Rights Movement,” October 6
- Jinee Lokaneeta, Drew University—“Policing in Liberal Democracies: Legal Violence and Scientific Interrogations in India,” October 13
- Ran Hirschl, University of Toronto School of Law—“City, State: Constitutionalism and the Mega City,” October 20
- Maggie Blackhawk, University of Pennsylvania Carey Law School—“America’s Other Original Sin: Indians and the Constitution in the Shadow of Empire,” October 27
- Russell Robinson, UC Berkeley School of Law—“Marriage Equality and Intersectionality,” November 3
- Mark Fathi Massoud, University of California, Santa Cruz —“How Religion Strengthens the Rule of Law: Research Findings from the Horn of Africa,” November 10
- James M. Binnall, California State University Long Beach—“Twenty Million Angry Men: A Conversation about the Exclusion of Individuals with a Felony Conviction from Jury Service,” November 17
- Dorothy E. Roberts, University of Pennsylvania Carey Law School—“Family Surveillance,” December 1
- Tracey L. Meares, Yale Law School—“Achieving Criminal Justice: A Civic Education Approach,” December 8



The Fellows of the American Bar Foundation

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

Established in 1955, Fellows support the research of the American Bar Foundation (ABF) and sponsor seminar programs on topics of direct relevance to the legal profession. Membership in the Fellows is limited to one percent of licensed lawyers in each jurisdiction. Fellows are recommended by their peers and approved by the Board of the ABF.

National Events

The Fellows held two virtual events in conjunction with the 2021 ABA Virtual Midyear Meeting. Featuring the research of ABF Research Professor **Janice Nadler**, the Fellows CLE seminar entitled “**The Emotional Influence of Gruesome Photographs in the Courtroom**” examined the complex interplay between gruesome courtroom photographs, conviction rates, and racial bias. The discussion was moderated by U.S. Court of Appeals Sixth Circuit Justice **Hon. Bernice Donald** and included contributions from **Mary D. Fan**, Jack R. MacDonald Endowed Chair and Professor of Law at the University of Washington School of Law, as well as **Sandra Guerra Thompson**, Newell H. Blakely Chair and Criminal Justice Institute Director at the University of Houston Law Center. The program was co-sponsored by the ABA Young Lawyers Division.

The **65th Annual Fellows Virtual Awards Banquet** recognized the contributions of the following honorees:

- **Outstanding Service Award:**
Stephen A. Saltzburg, Wallace and Beverley Woodbury University Professor of Law, George Washington University Law School
- **Outstanding Scholar Award:**
Laura E. Gómez, Rachel F. Moran Endowed Chair in Law; Director, Critical Race Studies Program, UCLA
- **Distinguished Life Fellow Award:**
James J. Sandman, Distinguished Lecturer and Senior Consultant, Future of the Profession Initiative at the University of Pennsylvania Carey Law School; President Emeritus, Legal Services Corporation.
- **Outstanding State Chair Award:**
Louisiana Co-Chairs **Elwood F. Cahill, Jr.**, Founding Member of Sher, Garner, Cahill, Richter, Klein & Hilbert, L.L.C. Business Group; **Frank X. Neuner, Jr.**, Partner, NeunerPate

The program included keynote remarks “**When Should Law Forgive?**” delivered by 300th Anniversary Harvard University Professor Martha Minow. The Fellows gratefully recognize Platinum sponsor: **Wachtell, Lipton, Rosen & Katz** and Gold Sponsors: **Kirkland & Ellis** and **Sandra Chan & Gary Yoshimura**.

At the **ABF Fellows Annual Business Meeting**, held in conjunction with the August 2021 ABA Hybrid Annual Meeting, Fellows leadership reflected on the successes of the previous fiscal year, discussed upcoming Fellows business, and recognized the contributions of outgoing state chairs and Immediate Past Fellows Chair **Ellen Jakovic**. The meeting closed with incoming Fellows Chair Dean Emeritus **Cynthia Nance** thanking outgoing Fellows Chair **Hon. Eileen Kato** for her leadership.

The Fellows continued to host bi-monthly national webinar programming in 2021, inviting researchers and legal practitioners to discuss their findings about the law’s role in society and possible strategies for refining its practice. In March, **2020-2021 ABF William H. Neukom Chair in Diversity and Law Professor Meera Deo** spoke with social scientist **Destiny Peery** and ABA Senior Lawyers Division Women Trailblazer’s Project Committee Chair **Brooksley Born** in a discussion called “Bridging the Gap: Race and Gender in the American Legal Profession.” Topics included ways to make the legal profession more inclusive and accessible to women and people of color, therefore increasing access to justice for diverse communities. A November national webinar entitled “Cooperation Without Submission” provided a space for ABF Faculty Fellow Professor **Justin Richland** to discuss the challenging relationships between native and non-native governmental authorities with University of Colorado Law Professor **Kristen Carpenter** and Hopi Appellate Court Associate Justice Hon. **Patricia Sekaquaptewa**.

State Events

In 2021, law school deans continued to process the changes brought on by the pandemic and 2020's civil unrest. The New York Fellows held a Dean's Roundtable Virtual Lunch Program in March that included Syracuse University College of Law Dean **Craig M. Boise**, Touro Law Center Dean **Elena B. Langan**, and NYU School of Law Dean **Trevor W. Morrison**. This was followed in June by a **DC Fellows Virtual Event** featuring Howard Law School Dean **Danielle Holley-Walker**, who continued the conversation about the role law schools play in defining new generations of lawyers, judges, activists, politicians, and professors.

In June, the Louisiana Fellows hosted a virtual lunch program where ABF Research Professor **Anna Reosti** presented her research on landlord responses to tenant protection policies during COVID-19. She was joined by Acadiana Legal Service Corporation Executive Director **Greg Landry** and Southeast Louisiana Legal Services Executive Director **Laura Tuggle** to discuss the pandemic's impact on the local level.

Several chapters hosted virtual conversations with state Supreme Court Judges. **Chief Justice Martha L. Walters** joined the Oregon Fellows in March for a virtual fireside chat. In June, Colorado **Justice Richard L. Gabriel** addressed judicial decision making in his presentation, "How Judges Decide Cases: Myths and Reality." The Washington Fellows closed out the year in December

Research Funds

The American Bar Foundation acknowledges with gratitude those individuals who continue to support its research funds.

The **Robert O. Hetlage Scholarship Fund** supports the participation of students and young faculty in the research programs of the American Bar Foundation, including the Summer Undergraduate Research Fellowship Program, the Doctoral Fellowship Program, and a Young Scholars Program.

The **William Reece Smith, Jr. Research Fund** advances ABF research on the topics of professionalism, pro bono legal services, and the role of the legal profession internationally to advance human rights and access to justice.

The **Liz and Peter Moser Research Fund in Legal Ethics, Professional Responsibility and Access to Legal Services** supports path-breaking, empirical research in the field of legal ethics, professional responsibility, and access to legal services.

by hosting **Justice Raquel Montoya-Lewis**, followed by a Q&A and virtual networking.

Additional regional Fellows events were hosted by the ABF State Chairs of Utah, Missouri, Minnesota, California, Illinois, Georgia, Texas, Rhode Island, and Massachusetts.



Life Fellows Contributions to the American Bar Foundation

Each year, Life Fellows of the ABF provide contributions that support the innovative and influential research being conducted by the American Bar Foundation. Their continued financial support is vital to the ABF's work.

Life Fellow Giving Societies*

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

- A Life Fellow who contributes an aggregate of \$50,000 will be named a **Philanthropist Fellow**
- A Life Fellow who contributes an aggregate of \$25,000 will be named a **Visionary Fellow**
- A Life Fellow who contributes an aggregate of \$17,500 will be named a **Leadership Fellow**
- A Life Fellow who contributes an aggregate of \$10,000 will be named a **Benefactor Fellow**
- A Life Fellow who contributes an aggregate of \$5,000 will be named a **Patron Fellow**
- A Life Fellow who continues to contribute at the level listed below will be designated **Sustaining**

Sustaining Giving for Life Fellow Giving Societies

GIVING LEVEL	ANNUAL GIVING AMOUNT	GIVING LEVEL	ANNUAL GIVING AMOUNT
Philanthropist Fellow	\$5,000	Benefactor Fellow	\$1,000
Visionary Fellow	\$2,500	Patron Fellow	\$500
Leadership Fellow	\$1,750	Life Fellow	\$300

*Changes to aggregate amounts were made in 2002 and 2017

We extend our appreciation to the many Philanthropist, Visionary, Leadership, Benefactor, Patron, and Sustaining Life Fellows listed below who invested in the ABF between **September 1, 2020 and December 31, 2021**. Their generosity furthers the longstanding culture of philanthropy that has supported the ABF's empirical research.

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

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Late United States Supreme Court Justice Ruth Bader Ginsburg spent her career as a fierce advocate for equal justice under law. She was a tireless supporter of civil rights, and she inspired countless lawyers and advocates to fight for civil rights for all in the United States. Although progress has been made, the modern civil rights movement continues to work to address the serious and significant inequities in our society.

The American Bar Foundation's (ABF) Ruth Bader Ginsburg Endowed Fund for Research in Civil Rights and Gender Equality aims to honor Justice Ginsburg's lifelong work to ensure that all Americans receive equal protection under the law. It commemorates her legacy as a legal trailblazer by supporting significant and pathbreaking research and programming on civil rights and gender equality. This endowed fund is dedicated to preserving and upholding Justice Ginsburg's legacy by championing scholarship that will engender a more fair, equitable, and just future.

The endowed fund also pays tribute to Justice Ginsburg's steadfast and generous support of the ABF. As a part of her longstanding service to the American public and the legal profession, Justice Ginsburg served on the ABF Board of Directors for more than a decade prior to her nomination to the United States Supreme Court. She was an officer on the ABF Board, holding the position of Board Secretary for many years. Justice Ginsburg was also a Patron Fellow of the ABF and played a crucial role in making the ABF the institution it is today. The endowed fund has received an endorsement from Justice Ginsburg's children, Jim and Jane, in honor of their mother's long legacy and affiliation with the ABF.

In order to achieve this vision, the ABF seeks to build the Ruth Bader Ginsburg Endowment to support high-quality research and programming in civil rights and gender equality. Each gift is essential to helping the ABF lead the way forward with empirical and interdisciplinary research and programming that promotes a more equal and just society. Supporters of the campaign will share in the success of this vital undertaking.

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Christopher J. Ryan, *Roger Williams University School of Law*
Ioana Sendroiu, *University of Toronto*
Matthew Shaw, *Vanderbilt Law School*
Carole Silver, *Northwestern University Pritzker School of Law*
Stefan Vogler, *Northwestern University Center for Legal Studies*
Jill Weinberg, *Tufts University*

Collaborating Scholars

Atinuke Adediran, *Northwestern University*
James Bowers, *St. John Fisher College*
Henry Brady, *University of California, Berkeley*
Thomas M. Clarke, *National Center for State Courts*
Jean Comaroff, *Harvard University*
Susan Coutin, *University of California, Irvine*
Flavio Cunha, *Rice University*
Sarah Deer, *Hamline University School of Law*
Justin Desautels-Stein, *University of Colorado Law School*
Sara Dezalay, *Cardiff University*
Yves Dezalay, *Centre National de Recherche Scientifique, Paris*
Markus Dirk Dubber, *University of Toronto*
Mustafa Emirbarer, *University of Wisconsin-Madison*
Zachary Elkins, *University of Texas at Austin*
John Ferejohn, *New York University School of Law*
Marco Francesconi, *University of Essex*
Paula Hannaford-Agor, *National Center for State Courts*
Anna Hanson, *Northwestern University*

Richard Holden, *University of New South Wales, Australia*
Aziz Huq, *University of Chicago Law School*
Philip Edward Jones, *University of Delaware*
Joshua Kaiser, *Northwestern University*
Fiona Kay, *Queens University*
Sanja Kutnjak Ivkovich, *Michigan State University*
Rasmus Landersø, *Rockwool Foundation*
Kay Lehman Schlozman, *Boston College*
Richard O. Lempert, *University of Michigan*
Joanne Martin, *American Bar Endowment*
Ethan Michelson, *Indiana University Bloomington*
Monique Payne-Pikus, *University of Texas at Austin*
Rodrigo Pinto, *University of California, Los Angeles*
Gabriele Plickert, *California State Polytechnic University, Pomona*
Mary R. Rose, *University of Texas at Austin*
Greg Shaffer, *University of California, Irvine School of Law*
Joyce Sterling, *University of Denver, Sturm College of Law*
David Thomson, *University of Denver, Sturm College of Law*
David M. Trubek, *University of Wisconsin Law School*
Sidney Verba, *Harvard University*
Gregory Veramendi, *Arizona State University*
Mila Versteeg, *University of Virginia School of Law*
Alaka Wali, *Field Museum of Natural History*
David B. Wilkins, *Harvard University Law School*
Hongqi Wu, *China University of Political Science and Law*
Hye Young You, *Vanderbilt University*

Visiting Scholars

Jeannette A. Colyvas, *Kellogg School of Management*
Deepa Das Acevedo, *University of Alabama*
Kimberly Kay Hoang, *University of Chicago*
Rahim Kurwa, *University of Illinois at Chicago*
Jack Jin Gary Lee, *Centre for Asian Legal Studies, NUS Law*
Mark McGarvie, *College of William and Mary*
Mona Oraby, *Amherst College*
Raul Sanchez-Urribarri, *La Trobe University*

Financial Report 2020–2021

Statement of Financial Position

Fiscal Years Ended August 31, 2021 and 2020

	August 31, 2021	August 31, 2020
Assets		
Cash and cash equivalents	\$2,475,611	\$3,040,179
Long-term investments	31,172,584	27,063,922
Receivables and other	4,069,995	3,728,731
Prepaid expenses	125,336	71,491
Property and equipment	82,124	57,087
Total Assets	\$37,925,650	\$33,961,410
Liabilities		
Accounts payable and other accrued expenses	713,766	469,168
Deferred revenues and refundable grant advances	631,672	516,697
Capital lease obligations	43,612	57,087
Deferred rent liability	160,065	89,169
Pension liability	—	962,046
Loans payable	175,532	1,420,985
Total Liabilities	\$1,724,647	\$3,515,152
Net Assets		
Unrestricted	22,437,628	18,538,720
Donor restricted	13,763,375	11,907,538
Total Net Assets	\$ 36,201,003	\$30,446,258
Total Liabilities and Net Assets	\$37,925,650	\$33,961,410

Note:

This information is abstracted from the ABF's 2021 and 2020 financial statements.

Financial Report 2020–2021

Statement of Activities

Fiscal Years Ended August 31, 2021 and 2020

	August 31, 2021	August 31, 2020
Revenues		
American Bar Endowment grant	\$ 3,443,994	\$3,241,519
The Fellows of the American Bar Foundation	2,415,318	2,313,343
ABF Endowment annual spending allowance	319,319	395,215
Grants, contributions and other support	1,380,823	984,953
Total Revenues	\$7,559,454	\$6,935,030
Expenses		
Research activities	4,038,964	3,477,565
Fellows' services	362,463	475,313
<i>Law & Social Inquiry</i>	147,866	179,491
Academic affairs and fellowships	555,583	614,696
Development and fundraising	554,449	538,202
Administration and facilities	1,870,696	1,783,570
Total Expenses	\$7,530,021	\$7,068,837
Results from Operations	\$29,433	\$(133,807)

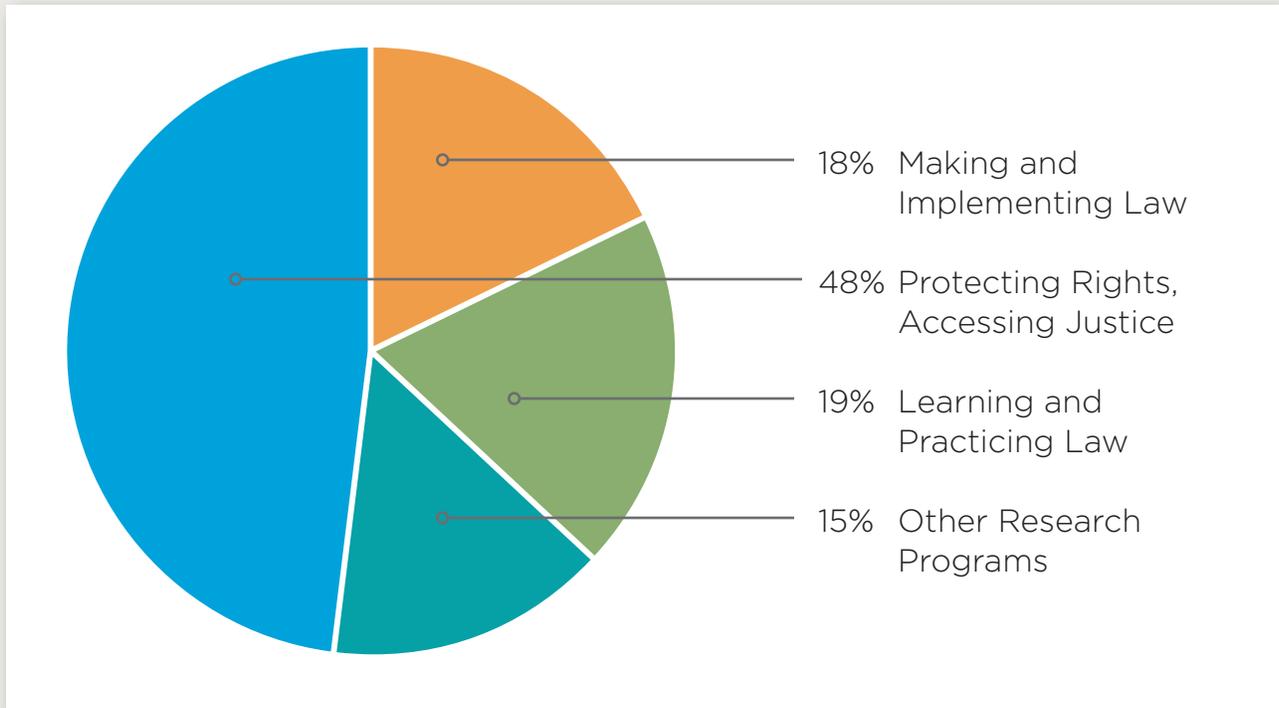
Note:

This information is abstracted from the ABF's 2021 and 2020 financial statements.

Allocation of Funding

FY 2020-2021

American Bar Foundation Research Projects



Annual Report

2021

