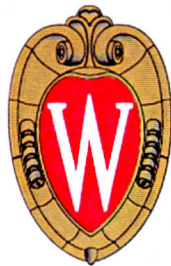


# 1ST NEW LEGAL REALISM CONFERENCE: NEW LEGAL REALIST METHODS

JUNE 25-27, 2004  
UNIVERSITY OF WISCONSIN  
LOWELL INN AND CONFERENCE CENTER

## PROGRAM



THE UNIVERSITY  
*of*  
**WISCONSIN**  
MADISON

COSPONSORED BY  
THE AMERICAN BAR FOUNDATION & THE INSTITUTE FOR LEGAL STUDIES



## OVERVIEW OF CONFERENCE TOPIC AND FORMAT

We are pleased to welcome you to our conference, co-sponsored by the American Bar Foundation and the Institute for Legal Studies. As you are all aware, the focus of the conference will be on developing a “new legal realist” paradigm for interdisciplinary empirical research on law. There is growing interest in social science among legal academics but to date there has been no organized paradigm within the legal academy that brings together multiple social science disciplines and methodologies. We seek to develop a tripartite approach that includes sophisticated consideration of legal issues, empirical research, and policy -- much as did the old legal realists, but with the benefit of several generations of new thinking in all of these areas. One difference in emphasis will be a greater empirical focus on the effects of law from the “bottom up,” following developments in sociolegal research over recent decades. This “bottom up” focus extends to the policy domain as well, in which we would wish to foster a “democratic” concern with the effects of law on people’s everyday lives and circumstances. At the same time, one must also study legal elites and institutions from the “top” in order to gain a thorough understanding of legal processes. Achieving a thorough “bottom-to-top” understanding of law requires a model that integrates empirical research on the effects of law at all levels, using a paradigm that permits a holistic understanding of law’s potential as well as its problems. To accomplish this, we also need a holistic methodological approach that permits us to integrate findings from the largest scale quantitative work through to the fine-grained results of ethnography and qualitative sociology. Thus this conference focuses on method: methods for studying law empirically in particular settings, methods for bridging across social science disciplines, and methods for translating between social science and law. One goal of the discussion will be to enable the people generating legal and policy recommendations to have a more sophisticated sense of the possibilities and limits of available empirical technologies and research -- while at the same time helping social scientists to understand the exigencies of available legal frames.

The Friday panels on history and theory begin to lay the groundwork for conceptualizing a new paradigm. We look back to past efforts at bridging between social science and law in order to learn from mistakes and successes, and then look forward to opportunities for a new effort to bring these two fields together. The Saturday panels provide exemplary work in two senses -- research that meets high standards, as it also exemplifies new legal realist work. Finally, on Sunday we will consider how to integrate social science research into law teaching, and will also meet in large and smaller groups to plan for ongoing projects.

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## **FRIDAY, JUNE 25TH: HISTORY AND THEORY PANELS**

2:30-3:00 Check in at the Lowell Center and Registration in the Lobby area.

### **Location: Room B-1B**

#### **3:00 OPENING SESSION: WELCOME & INTRODUCTIONS**

Jane Larson and Elizabeth Mertz, Co-Convenors  
Howard Erlanger, Director, Institute for Legal Studies  
Bryant Garth, Director, American Bar Foundation

#### **3:10-5:00 SESSION 1: LEARNING FROM THE PAST, LOOKING TO THE FUTURE**

In the opening session, we look back to the past and forward to the future. The speakers will examine the history of efforts to marry law and social science in an effort to learn from past successes and problems. These lessons can serve as the basis for an analysis of the current situation, and of how best to move head in generating paradigms for interdisciplinary social science research on law.

**Moderator:** David Sugarman (Princeton and Lancaster)

#### **Panelists:**

David Trubek (Wisconsin)

“Law and Society and the Turn to ‘Governance’: Back to the Future Again?”

Martha Fineman (Emory)

“The New Legal Realism Will Be Gendered”

Stewart Macaulay (Wisconsin)

“The New v. The Old Legal Realism: Things Ain't What They Used to Be”

Arthur McEvoy (Wisconsin)

“A New Realism for Legal Studies”

5:00-5:10 Break

#### **5:10-7:00 SESSION 2: ROUNDTABLE ON NEW LEGAL REALISM, NEW LEGAL PRAGMATISM, AND THE “RE-NEW DEAL”: FORMULATING A NEW PARADIGM**

This roundtable examines the potential for convergence among a number of similar current efforts to rethink the relationships among law, social science, and policy. The search for common ground will include consideration of methods for generating productive discussion – among those who seek to build new paradigms, between law and social science, and between legal institutions and the public they purport to serve. Another point of commonality is a shared goal of harnessing critique and social science in the service of constructive, pragmatic (in multiple senses) approaches to law.

**Moderator:** Joel Handler (UCLA)

#### **Panelists:**

Bill Simon (Columbia)

Orly Lobel (Harvard)

Elizabeth Mertz (Wisconsin and ABF)

Ed Rubin (University of Pennsylvania)

7:00 Break - walk to Law School

#### **7:15-9:15 Reception and Buffet Dinner in Lubar Commons (7200 Law)**

*Directions (5 minute walk): Walk down Langdon toward campus; turn left on Park, proceed to the sidewalk at the pedestrian overpass. Walk up Bascom Hill to the second building where you will enter the Law School on the 3<sup>rd</sup> floor - take the hallway to the right and the elevator to the 7<sup>th</sup> floor.*

Adjourn

## **SATURDAY, JUNE 26TH: EXEMPLAR PANELS**

### **NEW LEGAL REALISM IN ACTION: LEGAL THEORY, SOCIAL SCIENCE, & POLICY**

**Location: Room B-1B**

8:00-8:30 Coffee

#### **8:30-10:30 SESSION 3: LAW, POVERTY AND LAND**

This panel will explore poverty with an eye towards its roots and persistence, and law's mostly failed attempts to alleviate it. Panelists will talk about the Mexican-American War, New Deal resettlement communities in the South, urban America, and the developing world. A common thread is the acquisition or loss of wealth as a basic determinant of intergenerational economic position. The panel will consider the shortcomings of antipoverty "reforms" and examine alternative strategies. We will work from the premise that any remediation for poverty must begin from a clear grasp of cause, and that this requires a deep understanding of the social context in which the poor live, including how some become poor and others do not. Although diverse in subject matter, the papers presented in this panel all use empirical work as the basis for understanding that social context, and thus theorizing the problem.

**Chair/Panelist:** Jane Larson (Wisconsin)

**Panelists:**

Guadalupe Luna (Northern Illinois)

"Property and Chicano Poverty: A Fractionalized Legal Template From the U.S. Mexico War to the Present"

Thomas Mitchell (Wisconsin/DePaul)

"Interrogating Law & Economics Theory: Evaluating the Role of Race in Property Sales in Rural North Carolina"

Boa Santos (Coimbra and Wisconsin)

"The Unfinished Decolonization: Land, Law and Dispossession in Africa and Latin America"

Lucie White (Harvard)

"Action Research"

10:30-10:40 Break

#### **10:40-12:40 SESSION 4: TRANSNATIONAL LAWS AND PROCESSES**

This session will focus on research into the emergence, operation, and potential contestation of transnational norms and procedures in realms of global corporate law, trade, human rights, intellectual property, environmental protection, securities regulation, and the promotion of "rule of law" generally. It will examine research into potential spaces for progressive activity that emerge from transnational processes, and also research into the hierarchies and biases inherent in transnational processes -- including the processes that define what is "progressive."

**Chair/Panelist:** Bryant Garth (ABF)

"A New Legal Realism in Transnational Studies: Empirical Paths Between Idealism and Skepticism"

**Panelists:**

Sally Merry (Wellesley)

"Doing Deterritorialized Ethnography on Global Human Rights Law"

Elizabeth Boyle (University of Minnesota)

"From Human Rights to the Human Race: A New Perspective on Progressivity"

**Commentator:** Marc Galanter (Wisconsin)

12:40-1:40 Lunch in Lowell Center Dining Room

**1:40-3:40 SESSION 5: "PREVALENCE, CONSCIOUSNESS, AND CLAIMING: EMPIRICAL PERSPECTIVES ON ANTIDISCRIMINATION LAW"**

This panel will address employment discrimination from a sociolegal perspective. For the last three decades of the twentieth century, legal scholars, social scientists, and policymakers have attempted to document the prevalence of discrimination based on race, gender, age, and disability in American society, and have debated what role law should play in attempting to redress patterns of inequality. Nonetheless, we have made only limited progress in developing a social scientific understanding of anti-discrimination law as a system and its relationship to inequality in labor markets and other spheres of social and political life. This panel presents research from leading scholars whose work examines different aspects of workplace discrimination including questions of the prevalence of discrimination, rights consciousness (including social psychological research on claiming), and organizational responses to anti-discrimination law.

**Chair/Panelist:** Laura Beth Nielsen (ABF)

"Scaling the Pyramid: A Sociolegal Model of Employment Discrimination Litigation"

**Panelists:**

Brenda Major (UC Santa Barbara) and Cheryl Kaiser (Michigan State University)

"A Social Psychological Perspective on Perceiving and Claiming Discrimination"

Devah Pager (Northwestern & Princeton)

"Discrimination at the Point of Hire: An Experimental Audit Study of Discrimination in Low-Wage Labor Markets"

Susan Sturm (Columbia Law School)

"Constructing Workplace Equity Regimes"

**Discussant:** Robert L. Nelson (ABF)

3:40-3:50 Break

**3:50-5:50 SESSION 6: DISCRIMINATION IN THE LEGAL PROFESSION**

This session examines recent research on race and gender discrimination within the legal profession itself. Scholars examine the effects of implicit bias and the more subtle forms of discrimination which may nonetheless have powerful and detrimental effects on efforts to achieve a truly integrated legal system and profession in the United States.

**Co-Chair/Panelists:** David Wilkins (Harvard) and Mitu Gulati (Georgetown) Only the Strong Survive

**Panelists:**

Laura Beny (University of Michigan)

"Does Law Firm Diversity Pay?"

John Conley (University of North Carolina)

"Narratives of Diversity in Law Practice"

Alexandra Kalev (Harvard University)

"Two to Tango: Affirmative Action Law, Diversity Management and the Share of Women and African-Americans in Management"

Bruce Price (University of Denver)

"A Butterfly Flaps its Wings in Menlo Park: An Organizational Analysis of Increases in Associate Salaries"

5:50 Adjourn

**7:00 Reception and Dinner at Harvest Restaurant - 21 N. Pinckney Street on the Capitol Square.**

*Directions from the Lowell Center, corner of Langdon and Francis (10 minute walk):*

*Take Francis ½ block to State Street, turn left and go 5 blocks to the Capitol Square - Pinckney is across the square toward the left.*

## **SUNDAY, JUNE 27TH: TEACHING PANELS AND WRAP-UP**

9:00-9:15 Coffee

### **9:15-10:30 SESSION 7: NEW LEGAL REALISM IN THE LAW SCHOOL CURRICULUM**

This panel will focus on the integration of a New Legal Realism perspective into the law curriculum. John Conley will open the discussion by introducing a course that he has been teaching on Professional Responsibility that uses an ethnographic approach to engage students in the realities of legal practice. Louise Trubek will discuss the changing roles of public interest lawyers and the curricular reforms needed to accompany them. Howie Erlanger will discuss his work in progress on rethinking the role of law and society in the curriculum, arguing for an increased emphasis on the social processes surrounding legal practice and the lives of clients.

**Chair/Panelist:** John Conley (University of North Carolina)

**Panelists:**

Louise G. Trubek (Wisconsin)

“Crossing Boundaries: Legal Education and the Challenge of the ‘New Public Interest Law’”

Howard Erlanger (Wisconsin)

“Putting Legal Realism at the Core of the Law School Curriculum”

10:30-10:45 Break

### **10:45-12:30 SESSION 8: CONCLUDING OPEN DISCUSSION AND PLANNING FOR ONGOING WORK**

**Moderator:** Victoria Nourse (Wisconsin)

### **12:30-1:30 Lunch in Lowell Dining Room**

(break into small groups for additional discussion)

Adjourn

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### ***Acknowledgments***

The conference convenors wish to express a special and heartfelt thanks to Pam Hollenhorst, Associate Director of the Institute for Legal Studies, for her extraordinary skill and energy in overseeing this conference. Her patience, good humor, calm demeanor, and attention to detail were crucial in guiding the planning process, and we are truly grateful for all that she has done to make the conference a reality.

We would also like to thank the conference participants who have committed to making contributions to the NEW LEGAL REALISM FUND which will be administered by the Institute for Legal Studies for the purpose of providing seed money to NEW LEGAL REALISM working groups at law schools around the country. Information about this fund eventually will be posted at <http://www.newlegalrealism.org>.

**1<sup>ST</sup> NEW LEGAL REALISM CONFERENCE: NEW LEGAL REALIST METHODS  
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**Biographical Statements for Panelists and Faculty Discussants**

**PANELISTS**

**Laura N. Beny** joined the University of Michigan as Assistant Professor of Law in Fall 2003. Her current research interests span comparative law and economics, finance, political economy and economic institutions. Beny's published work includes articles on empirical law and finance, the economic and regulatory structure of U.S. stock markets, and African development. She earned an M.A. and Ph.D. from Harvard University, a J.D. from Harvard Law School and a B.A. from Stanford University. She was a recipient of the Harvard Prize, a National Science Foundation fellowship, and the John M. Olin Prize for Outstanding Paper in Law and Economics at Harvard and the John G. Sobieski Award for outstanding senior paper in economics at Stanford. From 2001-2003, Beny practiced law at Debevoise & Plimpton in New York City, where she represented private and pro bono clients. Beny's previous affiliations include the National Bureau of Economic Research, the World Bank and TransAfrica Forum. She is a member of the American Law and Economics Association and the New York Bar.

**Elizabeth Heger Boyle** is Associate Professor of Sociology and Law at the University of Minnesota. She holds a Ph.D. from Stanford University (1996) and J.D. from the University of Iowa (1987). Prior to joining the faculty at Minnesota, she was an instructor at Stanford University from 1991-96 and practiced law with Kutak, Rock & Campbell in Omaha, Nebraska, from 1987-1991. Professor Boyle is the author of *Female Genital Cutting: Cultural Conflict in the Global Community* (Baltimore: Johns Hopkins University Press, 2002). A common theme in her work is problematizing assumptions about national representation in modern democracies. Her most recent work focuses on the role of migrants in transnationalizing democracy. Previously she studied conflicts between human rights norms and institutionalized family practices. Professor Boyle has received awards for both her teaching and her service.

**John M. Conley** is William Rand Kenan, Jr. Professor of Law at the University of North Carolina at Chapel Hill. He received his undergraduate degree in classics from Harvard and his J.D. and Ph.D. (anthropology) degrees from Duke. He practiced law in Boston and Charlotte, North Carolina for six years, specializing in intellectual property and civil litigation, before joining the UNC law faculty in 1983. He teaches civil procedure, intellectual property, scientific evidence, biotechnology, professional responsibility, and law and social science. He has also taught anthropology courses regularly at both UNC-CH and Duke University, and is a member of the Executive Education faculty at UNC's Kenan-Flagler School of Business. He served for several years as president of Duke's Private Adjudication Center, an organization involved in alternative dispute resolution and a number of law and science projects. Since 1991 he has been a member of the faculty of the University of Virginia's Graduate Program for Judges, in which he teaches a course on social science evidence. He has written several books and numerous articles on such topics as the anthropological and linguistic study of the American legal system (with William O'Barr), the culture of business and finance, scientific evidence, and the law of intellectual property as applied to emerging technologies. In addition, he has been of counsel to the Charlotte law firm of Robinson, Bradshaw & Hinson for many years, concentrating in intellectual property and complex litigation.

**Howard S. Erlanger** is Director of the Institute for Legal Studies, Voss-Bascom Professor of Law and Professor of Sociology at the University of Wisconsin, Madison, where he has been on the faculty since 1971. He holds a Ph.D. in sociology from the University of California at Berkeley, and a J.D. from the University of Wisconsin and is the current President of the Law & Society Association. Since 1982 Professor Erlanger has been Review Section Editor of *Law and Social Inquiry*, where he has solicited and edited over 400 article-length essays representing the great diversity of views in socio-legal studies. His own socio-legal research has primarily focused on the legal profession—especially on the careers of lawyers in public interest practice and the socialization of law students—and on topics related to dispute resolution. Before joining the law faculty, he also specialized in the sociology of interpersonal violence.

**Martha Albertson Fineman** is Robert W. Woodruff Professor of Law at Emory University, the highest honor Emory can bestow on a faculty member. An internationally recognized law and society scholar, Fineman is a leading authority on family law and feminist jurisprudence. Following graduation from University of Chicago Law School, Fineman clerked for the Hon. Luther M. Swygert of the U.S. Court of Appeals for the Seventh Circuit, and then taught at University of Wisconsin and Columbia University. She joined Cornell Law School in 1999 to become the first endowed Chair in the nation in Feminist Jurisprudence. Her scholarly interest is in the legal regulation of intimacy. Fineman is founder and director of the Feminism and Legal Theory Project, which was inaugurated in 1984. Fineman's publications include *The Autonomy Myth: A Theory of Dependency*, The New Press (2003); "Taking Children's Interest Seriously," *Nomos*; "Why Marriage?" *UNIVERSITY OF VIRGINIA JOURNAL OF LAW AND SOCIAL POLICY* (2001); *The Neutered Mother, and The Sexual Family and other Twentieth Century Tragedies*, Routledge Press (1995). She has received awards for her writing and teaching and has served on several government study commissions. She teaches family law, feminist jurisprudence, law and sexuality, and seminars on reproductive issues and select topics in feminist legal theory.

**Marc Galanter**, John and Rylla Bosshard Professor of Law and South Asian Studies at the University of Wisconsin-Madison and LSE Centennial Professor at the London School of Economics, studies lawyers, litigation and legal culture. He is an outspoken critic of misrepresentations of the American civil justice system and of the inadequate knowledge base that makes the system so vulnerable to misguided attacks. He has been editor of the *LAW & SOCIETY REVIEW*, President of the Law and Society Association, Chair of the International Commission on Folk Law and Legal Pluralism, a member of the Council on the Role of Courts, a Guggenheim Fellow, and a Fellow of the Center for Advanced Study in the Behavioral Sciences. He is a member of the American Law Institute and a Fellow of the American Academy of Arts and Sciences.

**Bryant Garth** is Director of the American Bar Foundation. He holds a Ph.D. from the European University Institute in Florence, J.D. from Stanford Law School, and B.A. from Yale. His research focuses on the legal profession, including dispute processing, the internationalization of legal practice, and corruption. Research had focused on Latin America, and more recently Asia, including India, Singapore, Indonesia, and Korea to date. Among his ongoing research projects are also "Legal Professionalism and the Transformation of the Field of Legal/Business Advice," which he is undertaking with colleagues Yves Dezalay and Nancy Reichman. Through this project, they seek to gain an understanding of how internationalization and competition in the field of business advice is affecting the major providers of business and legal advice, including accounting firms, law firms, investment banks, and consulting firms. Recent publications include *The Internationalization of Palace Wars: Lawyers, Economists and the Contest to Transform Latin American American States* (co-authored with Yves Dezalay, Univ. of Chicago Press 2002) and *Global Prescriptions: The Production, Exportation, and Importation of a New Legal Orthodoxy* (co-edited with Yves Dezalay, Univ. of Michigan Press 2002).

**Mitu Gulati** is a faculty member at the Georgetown Law Center.

**Joel F. Handler** is the Richard C. Maxwell Professor of Law and Professor of Policy Studies at the School of Public Policy and Social Research at UCLA. He holds a B.A. from Princeton and J.D. from Harvard. Professor Handler teaches *Law and the Poor*, a research seminar on social welfare issues, and a graduate seminar in the LL.M. Program, which he directs. His research interests include poverty, social welfare reform, and the European conception of social citizenship. He has been a member of the National Academy of Science's Committee on the Status of Black America and chaired the Academy's Panel on High Risk Youth. He is a past president of the Law and Society Association, and was recently elected a fellow of the American Academy of Arts and Sciences. Professor Handler previously taught at the University of Wisconsin Law School as the George Wiley and Vilas Research Professor of Law, where he was a senior researcher at the Institute for Research on Poverty and chaired the Governor's Task Force for the Reform of General Relief. His published books include *Hard Labor: Poor Women and Work in the Post-Welfare Era* (co-edited with White, 1999); *We the Poor People: Work, Poverty, and Welfare* (with Hasenfeld, 1997); *The Poverty of Welfare Reform* (1996); and *Social Citizenship and Workfare in the United States and Western Europe - The Paradox of Inclusion* (2003). For *Down From Bureaucracy: The Ambiguity of Privatization and Empowerment* (1996), he won the Gladys M. Kammerer Award for the best political science publication in the field of U.S. national policy.



**Cheryl R. Kaiser** is Assistant Professor in the Department of Psychology at Michigan State University. She earned a Ph.D. in Social Psychology from the University of Vermont, and, prior to joining the Michigan State faculty, was a Postdoctoral Fellow at University of California, Santa Barbara. Kaiser's research interests include stigma, prejudice, ideology, the self, and stress and coping. She has conducted research funded by the National Institute of Mental Health on such topics as "Interpersonal Consequences of Attributions to Discrimination" and "Resilience to Perceived Prejudice." Kaiser is the author of "Expectations About the Future and Emotional Consequences of Perceiving Prejudice" (with B. Major and S.K. McCoy) in *PERSONALITY AND SOCIAL PSYCHOLOGY BULLETIN*, 30 (2004) and "Prejudice and Self-Esteem: A Transactional Model" (with B. Major, S. McCoy, and W.J. Quinton) in *EUROPEAN REVIEW OF SOCIAL PSYCHOLOGY*, 14 (2003). Other publications include "A Prospective Investigation of the Relationship Between Just World Beliefs and the Desire for Revenge Post-September 11, 2001" (with S.B. Vick and B. Major) in *PSYCHOLOGICAL SCIENCE*, 15 (2004) and "Dominant Ideology Threat and the Interpersonal Consequences of Attributions to Discrimination" in *Stigma and Group Inequality: Social Psychological Approaches* (Erlbaum Press, forthcoming).

**Alexandra Kalev** is a PhD candidate in sociology at Princeton University. Her dissertation uses annual EEO-1 records together with original survey data to examine how sex and racial inequality in the workplace is affected by changes in the organization of work: both the 'high road' of teamwork and training and the 'low road' of downsizing and outsourcing. In a collaborative project with Prof. Frank Dobbin at Harvard and Prof. Erin Kelly from the University of Minnesota, Kalev examines how affirmative action regulations and employers' diversity measures affected sex and racial inequality in management in the last three decades. In collaboration with Prof. Kelly, Kalev examines the ways in which the interaction between legalization and new economy logics of employment relations plays out in the management of flexible work arrangement. Kalev holds Masters degrees from Tel Aviv University and Princeton University. During 2003-2004, she was a Visiting Fellow at the Harvard University sociology department.

**Jane Larson** is Professor of Law at the University of Wisconsin Law School. Larson studies the diverse fields of legal history, property and land-use regulation, and the legal and institutional control of sexual relationships. Two over-arching themes run through her scholarship: the problem of regulating matters closely linked to human liberty, including land and the body, and the problem of crafting interdisciplinary methods that ask and answer specifically legal questions in more relevant terms than those of conventional legal doctrinal analysis. Larson combines her groundbreaking research with teaching and service to the university community. She is the author of *Hard Bargains: The Politics of Sex* (Oxford Press, 1998) (with Linda R. Hirshman). She earned a J.D. from the University of Minnesota Law School, where she was Articles Editor for the *JOURNAL OF LAW & INEQUALITY*. Following Law School, she clerked for Hon. Theodore A. McMillian, Circuit Judge, U.S. Court of Appeals for the Eighth Circuit, and Hon. Rosalie E. Wahl, Associate Justice, Minnesota Supreme Court. Professor Larson was an associate at Powell, Goldstein, Frazer & Murphy, Washington, D.C., and from 1990-96 taught at Northwestern University Law School.

**Orly Lobel** is Visiting Scholar at Yale Law School and Clarke Byse Fellow and S.J.D. candidate at Harvard Law School. Next year, her final dissertation year, she will be a visiting lecturer at Yale Law School and a Weatherhead Fellow for International Affairs at Harvard University. At YLS she will teach a course called "Law and the New World of Work". She holds an LLB from Tel Aviv University and an LL.M from Harvard Law School, clerked on the Israeli Supreme Court, taught criminal law at Tel-Aviv, and served as a commander in the Israel Defense Forces. Her research focuses on the new models of law and governance in the contexts of the new economy, privatization processes, and new public management techniques. Her publications include a book on Israeli labor and employment law, and articles on orchestrated experimentalism in regulation, the structures of power and collective organization in the workplace, and globalization effects on the structures of the family.

**Guadalupe T. Luna** is Professor of Law at Northern Illinois University. She earned a B.A. and J.D. from the University of Minnesota. Professor Luna's primary areas of teaching are Property Law, Agricultural Law, Jurisprudence, and Remedies. Before joining the faculty at Northern Illinois University, she practiced in the litigation area for four years in San Antonio, Texas, and served as a law clerk for The Honorable Theodore McMillian, United States Court of Appeals for the Eighth Circuit. While in law school, she was editor-in-chief of the *LAW AND INEQUALITY JOURNAL*. Professor Luna's forthcoming publications in 2004 include "The New Deal and Food Insecurity in the 'Midst of Plenty'" *DRAKE J. OF AGRICULTURAL LAW*; "Chasing 'Food Glorious Food': Agricultural Labor And Global Food Systems" *LOYOLA UNIV. OF CHICAGO INTERNATIONAL LAW REVIEW*; and "Cops, Slumlords and Immigrants in the Midwest" *SOUTHERN ILLINOIS UNIVERSITY LAW JOURNAL*.

**Stewart Macaulay** is Malcolm Pitman Sharp Professor & Theodore W. Brazeau Professor at the University of Wisconsin Law School. He is a graduate of Stanford Law School. Stewart Macaulay is internationally recognized as a leader of the law-in-action approach to contracts. He pioneered the study of business practices and the work of lawyers related to the questions of contract law. Professor Macaulay has written extensively on subjects ranging from lawyers and consumer law to private government and legal pluralism. He has been published in such places as the *WISCONSIN LAW REVIEW*, *LAW & SOCIETY REVIEW*, and *LAW & POLICY*. He authored *Law and the Balance of Power: The Automobile Manufacturers and Their Dealers*, and co-authored *Law & Society: Materials on the Social Study of Law* with Lawrence Friedman and John Stookey, and *Contracts: Law in Action*, with John Kidwell, Bill Whitford and Marc Galanter. In 1996, he published *Organic Transactions: Contract, Frank Lloyd Wright and the Johnson Building*. Macaulay was President of the Law and Society Association from 1985 to 1987, and in 1995, he won LSA's Harry Kalven Prize. He was the Director of the Chile Law Program of the International Legal Center in Santiago during 1970 and 1971. He was a member of the Board of Advisors to the Reporter for the Restatement (Second) Contracts of the American Law Institute. He is a fellow of the American Academy of Arts and Sciences. In February 2004, he won the Fellows of the American Bar Foundation Annual Outstanding Scholar Award.

**Brenda Major** is a Professor in the Psychology Department at University of California Santa Barbara, which she joined in 1995. She received her M.A. from Miami University in 1975 and her Ph.D. in social psychology from Purdue University in 1978. From 1978-95 Dr. Major was a Professor in the Psychology Department at the State University of New York at Buffalo, where she served as the Head of the Social Psychology Program from 1992-95. She is the author of more than 100 articles and book chapters on coping, stigma, self-esteem, and intergroup relations. She also co-edited (with John Jost, Stanford University) the book, *The Psychology of Legitimacy*. A fellow of APA and APS, Dr. Major has been elected to the executive committees of the Society of Experimental Social Psychology and the Society for Personality and Social Psychology, has served as Associate Editor of *PERSONALITY AND SOCIAL PSYCHOLOGY BULLETIN*, and serves on the editorial boards of numerous professional journals. Professor Major includes among her professional honors being awarded the Gordon Allport Intergroup Relations Prize in 1986 and 1988 (and Honorable Mention in 2002) from the Society for the Psychological Study of Social Issues, receiving the Distinguished Publication Award from the Association of Women in Psychology in 1985, and being named a California Distinguished Wellness Lecturer in 1997 for her research on coping with abortion.

**Arthur McEvoy** is J. Willard Hurst Professor at the University of Wisconsin Law School. He earned a Ph.D. from the University of California at San Diego and a J.D. from Stanford Law School. Arthur McEvoy joined the Law School faculty in 1994. Prior to that he was Associate Professor of History at Northwestern University and Research Fellow at the American Bar Foundation in Chicago. His main teaching areas are in History of American Law, Environmental Law, and Torts. He also teaches in Administrative Law, Water Law, and Animal Law. He holds joint appointments in the Department of History and the Institute for Environmental Studies. Professor McEvoy has won awards both for his teaching and for research on legal history, the environment, and employment. His book, *The Fisherman's Problem: Ecology and Law in the California Fisheries, 1895-1980* (Cambridge University Press, 1986), won awards from the Law and Society Association, the American Historical Association, the American Society for Environmental History, and the North American Society for Oceanic History. He was named Charles Deering McCormick Professor of Teaching Excellence at Northwestern and was honored for his teaching several times by Northwestern's student government. His writing on law-and-environment issues has been translated into Spanish and Russian. He is currently at work on a history of industrial accidents and industrial safety law in the United States. He has served as amicus counsel in several recent U.S. Supreme Court cases, all of them dealing with tort damages. He has advised a number of Indian tribes on water and fisheries issues.

**Sally Engle Merry** is Marion Butler McLean Professor in the History of Ideas and Professor of Anthropology at Wellesley College. She is also co-director of the Peace and Justice Studies Program. Her recent book, *Colonizing Hawai'i: The Cultural Power of Law* (Princeton Univ. Press, 2000), received the 2001 J. Willard Hurst Prize from the Law and Society Association. Her other books include *Law and Empire in the Pacific: Hawai'i and Fiji* (co-edited with Donald Brenneis, School of American Research Press, 2004), *The Possibility of Popular Justice: A Case Study of American Community Mediation* (co-edited with Neal Milner, Univ. of Michigan Press, 1993), *Getting Justice and Getting Even: Legal Consciousness among Working Class Americans* (University of Chicago Press, 1990), and *Urban Danger: Life in a Neighborhood of Strangers* (Temple University Press, 1981). She is past-president of the Law and Society Association and the Association for Political and Legal Anthropology. She is currently completing a book on international human rights and localization processes called *Global Law: Women's Human Rights and the Meanings of Culture*.

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