



AMERICAN BAR
FOUNDATION

Research Advancing Justice

ANNUAL REPORT
2023



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INTRODUCTION TO THE American Bar Foundation

The American Bar Foundation (ABF) is a research institute committed to the principle that a deep understanding of the law is vital to a more just, equitable world. We conduct rigorous, empirical research that explores the intersection of law and society—creating insights that address today’s most pressing issues and affect millions of people every day. Our staunchly independent and proudly interdisciplinary approach yields nonpartisan and actionable research that people and institutions use to shape laws, inform policy, and influence society at large. 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 ABF 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.

DIVERSITY, EQUITY, AND INCLUSION

The ABF is committed to fostering a robust intellectual community that expands knowledge and advances justice through rigorous empirical and interdisciplinary research on law, legal processes, and legal institutions. Diverse voices and perspectives are a key part of our commitment to research with the capacity to inform the public and policy makers.

RESEARCH FACULTY

The research program of the ABF is implemented through 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 an 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 ABF extends special thanks to the American Bar Endowment (ABE). The American Bar Endowment’s grant of \$3,684,288 in fiscal year 2022–23 makes the ABE 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 ABE’s group insurance programs can contribute to these efforts. Those members who participate in the ABE’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 ABF 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 and private foundations and government agencies that award grants to support specific research projects and 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 ABF through their annual contributions and sponsor seminars and events of direct relevance to leaders of the legal profession.

Executive Director's Letter

I am honored and humbled by this opportunity to write my first Annual Report letter as Executive Director of the American Bar Foundation (ABF). My transition into this role has brought many opportunities for discovery and introspection, smoothed by the warm welcome and unwavering support of my predecessor Bryant Garth, our stellar faculty, our talented staff, and our dedicated Board of Directors. I am deeply grateful to them all for their patience and guidance as I moved to Chicago and acclimated to my new responsibilities.

The past year has brought other transitions for the ABF as well. We celebrated new retirements and new arrivals under our multi-year succession plan. We feted longstanding projects as they reached their culmination, and we watched eagerly as new projects took shape. We also debuted a new logo that reflects the ABF's position at the intersection of law and social science, bridging research and practice, and pairing ideas with action. And we thoroughly revamped our website, giving it more informative content and a more intuitive interface. We hope you like it!

Despite these outward changes, the core mission of the ABF remains firm: We are committed to conducting innovative, interdisciplinary empirical research on law, legal processes, and legal institutions—scholarship that not only guides the legal profession but also contributes to a more just and informed society.

In the pages that follow, we offer updates on three key areas that structure our research. In our Learning and Practicing Law portfolio, the landmark "After the JD" project published its capstone book, tracing the paths of a generation of young attorneys across the first two decades of their legal careers. In the Making and Practicing Law domain, Carol Heimer's "The Legal Transformation of Medicine" explored how laws meant to standardize medical care have at times left global public health programs ill-equipped to address crises. Meanwhile, under the Protecting Rights and Accessing Justice rubric, Anna Reosti brought empirical research to bear on commonly cited claims that COVID-era tenant protection laws have constricted the supply of affordable housing. These are but a few of the many ABF projects bringing new empirical insights to our communities and our world.

The importance of our mission has never been clearer, and crafting a new five-year strategic plan to advance that mission tops our priorities for the coming year. The conversation is already well underway, and the creativity and enthusiasm that I have witnessed invigorate me for the work ahead. The ABF is building on over 70 years at the forefront of sociolegal inquiry, and our new strategic plan will ensure that we remain a beacon of research excellence for many years to come, always pushing the boundaries of knowledge on the pressing issues of our time.

Before closing, I want to acknowledge our vital partnerships with the American Bar Endowment and the Fellows of the ABF. Their steadfast support sustains the innovative long-term research that makes the ABF unique, and we thank them deeply for their belief in our mission.

As we look to the future, my pledge is to uphold and build upon the legacy of the ABF as the world's foremost research institute for the social scientific study of law. Together, we will strive not only to maintain but to elevate the rigor, the ambition, and the impact of our work in this next chapter of the ABF's illustrious history.



With gratitude and anticipation,

A handwritten signature in white ink, appearing to read "Mark C. Suchman", with a long, sweeping underline that extends to the right.

MARK C. SUCHMAN

Executive Director and Research Professor

Highlights

SEPTEMBER 2022

The ABF Receives \$3.68 Million from the American Bar Endowment for 2022–23 Fiscal Year

The ABE awarded the ABF with its annual grant for the 2022–23 fiscal year. The grant supports the ABF’s interdisciplinary and empirical research and flagship programs like the ABF’s Doctoral and Postdoctoral Fellowships.



Former ABF Executive Director Ajay K. Mehrotra receives a check from the ABE at the ABA Annual Meeting in August 2022. Credit: American Bar Endowment, 2023

JANUARY 2023



The ABF’s Access to Justice Research Initiative Receives Grant from the International Development Research Center to Support New Global Justice Data Observatory

The Observatory will aim to establish access to justice research as a global field by fostering collaboration among research and practitioners, facilitating the dissemination of data, and advocating for evidence-based access to justice policies.



2022

NOVEMBER 2022

The ABF Receives Renewal Grant from the JPB Foundation for Access to Justice Scholars Program

With the renewal grant, the JPB Foundation pledges its support for the ABF/JPB Foundation Access to Justice Scholars Program over the next three years. The program fosters the next generation of scholars in the field of access to justice.



From left to right, top row: Rebecca Sandefur, Nylca J. Muñoz, Maureen Waller, Neel U. Sukhatme, Elizabeth Mucha, and Claire Johnson Raba; bottom row: Chiara Galli, Matthew Burnett, and Kirsten Matoy Carlson.

FEBRUARY 2023



From left to right, Ronit Dinovitzer, Bryant Garth, and Robert L. Nelson converse before their presentation. Credit: Zack Smith Photography, 2023

Bryant Garth, Robert L. Nelson, and Ronit Dinovitzer Present Findings from Their Book, The Making of Lawyers’ Careers, to ABF Fellows at American Bar Association Midyear Meeting

The Making of Lawyers’ Careers: Inequality and Opportunity in the American Legal Profession is based on twenty years of research and offers an in-depth view of how lawyers progress through their careers and make meaning of their professional and personal lives. The ABF Fellows were given an exclusive early look into the book’s findings from coauthors Bryant Garth, Robert L. Nelson, and Ronit Dinovitzer.

APRIL 2023**The ABF Launches Rebrand with New Logo and Website**

The logo features bold intersecting lines that symbolize our guiding belief that the greatest impact is achieved at the crossroads: The ABF connects law with the social sciences, research with practice, and ideas with action. Along with the new logo, the ABF launched a new website.

**Bonnie Honig Receives a Guggenheim Fellowship**

Bonnie Honig, ABF Affiliated Research Professor and the Nancy Duke Lewis Professor of Modern Culture and Media at Brown University, was awarded a 2023 Guggenheim Fellowship for her work exploring the power of language in democratic and queer theory.



Credit: Brown University, 2023

SEPTEMBER 2023

Mark C. Suchman stands with past ABF Executive Directors. From left to right, Bryant Garth, Ajay K. Mehrotra, John P. Heinz, Mark C. Suchman, and Robert L. Nelson. Credit: Melinda Kennedy, 2023

Mark C. Suchman Starts Role as Executive Director of the ABF

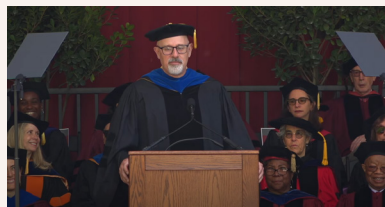
Mark C. Suchman succeeded Interim Executive Director Bryant Garth. Suchman was previously a Professor of Sociology at Brown University. He brings a wealth of leadership experience in both public and private universities, and within the wider sociolegal research community.

2023**JUNE 2023****Jothie Rajah Presents her New Book *Discounting Life* to ABF Fellows at American Bar Association Annual Meeting**

Jothie Rajah presented her new book *Discounting Life: Necropolitical Law, Culture, and the Long War on Terror*, followed by a panel discussion. Discussants explored topics such as the media's role in shaping public opinion, the decoupling of law and justice in military actions, and the responsibility of lawyers and government actors in challenging necropolitical law.



Credit: Jace Longenecker, 2023

Tom Ginsburg Gives Convocation Speech at University of Chicago Graduation

Credit: University of Chicago, 2023

Tom Ginsburg's address titled "Conversation and Democracy" focused on his research on comparative and international law. His selection for the 2023 Convocation Address comes in light of his appointment as the inaugural Faculty Director of the new University of Chicago Forum for Free Inquiry and Expression.

Laura Beth Nielsen Gives Her Final Address as the Law and Society Association's President at the Annual Meeting in San Juan, Puerto Rico

In Laura Beth Nielsen's final presidential address, titled "Relational Rights: A Vision for Law and Society Scholarship,"

she offers a vision of the future of law and society research that recognizes relationships as crucial to justice and social well-being and tasks the law with constructing the underlying structures that support healthy relationships.



Credit: Law and Society Association, 2023

Research Impact

The ABF's research efforts are divided into three categories, with the goals of producing timely research of the highest quality to inform and guide the legal profession, the academy, and society in the United States and internationally.

Learning and Practicing Law projects analyze legal education and the lives of legal professionals; **Protecting Rights and Accessing Justice** projects study the role of law in protecting vital rights and the ways that people access the justice system; and **Making and Implementing Law** projects analyze the way that laws are created, implemented, and enforced.

[READ MORE ABOUT OUR PROJECTS](#)

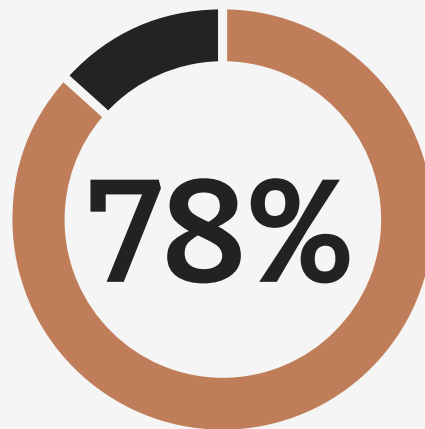


LEARNING AND PRACTICING LAW

FINALIZING A 20-YEAR RESEARCH STUDY ON THE CAREERS OF LAWYERS

The **After the JD** project—led by **Robert L. Nelson** and **Bryant Garth**, and with a research team including **Meghan Dawe**, **Ronit Dinovitzer**, **Joyce Sterling**, **David B. Wilkins**, and **Ethan Michelson**—completed a twenty-year, multi-follow-up research study into the careers of lawyers admitted to the bar in 2000, offering an unprecedented account of their professional development and personal challenges through surveys and in-depth interviews. In *The Making of Lawyers' Careers*, researchers found that (1) racial discrimination persists in career advancement, (2) the gender wage gap exists in all stages of lawyers' careers, even in the first few years after law school, and (3) student debt and repayment disproportionately burdens Black law students. Despite these challenges, 78% of the cohort reported being moderately or extremely satisfied with their decision to become a lawyer.

In a multi-year research study into the careers of lawyers,



of respondents reported being moderately or extremely satisfied with their decision to become a lawyer.

— AFTER THE JD



Terence Halliday presented his research at Australian National University. Credit: Australian National University, 2023.

DISCOVERING ALTERNATIVE LEGAL ASSISTANCE PROGRAMS TO SOLVE THE ACCESS TO JUSTICE CRISIS

The gap in access to justice is wide and shows no signs of narrowing. In response, academics, activists, and policy makers have mobilized around a greater role for nonlawyers in the civil justice system, which ensures all individuals have a means of seeking justice regardless of social status. In **Alternative Legal Professionals**, **Stephen Daniels** outlines four issues contributing to the access to justice crisis: (1) affordability of legal services, (2) declining law school enrollment, (3) lack of access to services in rural areas, and (4) quality of legal education in preparing young lawyers to serve clients. Daniels identifies a potential solution in the growing number of alternative legal professional programs, referred to as Licensed Paralegal Practitioners or Legal Paraprofessionals, which give nonlawyers license to perform certain law-related work without attorney supervision.

STUDYING HUMAN-RIGHTS LAWYERS AND THEIR FIGHT FOR FREEDOMS IN CHINA

In 2015, the Chinese government initiated a widespread campaign against human rights lawyers, leading to the detainment of more than 300 lawyers, disappearances, imprisonment and loss of lawyer licenses. Lawyers who continue to directly challenge the Chinese state still encounter persecution and pressure from Chinese authorities. **Terence Halliday** studies how these lawyers have adapted to persecution and repression to carry on their struggle for basic legal freedoms. Building on **Criminal Defense in China**, this study investigates how these lawyers rely on networks, religious faith, and international support from media, rights organizations, and the organized bar in their continued fight against an illiberal political society and legal system.

UNDERSTANDING THE BARRIERS FOR ASIAN AMERICANS IN THE LEGAL PROFESSION

At the height of the COVID-19 pandemic, anti-Asian sentiments and violent attacks dominated news feeds. It was against this backdrop that **Ajay K. Mehrotra** and **Hon. Goodwin Liu** led the second wave of a study of Asian Americans in the legal profession: **Portrait Project 2.0: Asian Americans in the Legal Profession**. Since the first wave in 2017, researchers found promising increases in the number of Asian American federal judges, general counsels, and U.S. Attorneys. However, Asian American lawyers continue to have the highest attrition rates and the lowest ratio of partners to associates at major law firms. They similarly lack leadership roles in many other parts of the American legal profession. Survey respondents cited lack of formal leadership training, inadequate access to mentors, and lack of recognition for one's work as the three most significant obstacles to advancement.

ANALYZING THE EXPERIENCES OF LAW PROFESSORS IN THE U.S.

In a time where law schools and law professors are under constant public scrutiny, **Elizabeth Mertz**, **Katherine Barnes**, **Frances Tung**, and **Meghan Dawe** sought to explore the experiences of law school professors and how their post-tenure professional lives are affected by the intersections of race, gender, and status. The first project, **Senior Status, Gender, and Race in the Legal and Liberal Arts Academies**, concluded that race and gender still affect job satisfaction, inclusion, and perceptions of fairness in the tenure process for U.S. law professors. Women of color feel the most excluded while white men feel the most included. In the follow-up project, **The Language of Law Professors**, Mertz is developing new ways to study the voices of law professors from traditionally excluded backgrounds through a fine-grained analysis of the language they use to talk about their experiences.

DECIPHERING LEGAL ACCOUNTABILITY IN SEXUAL VIOLENCE CASES

University students who experience sexual violence while at school are profoundly affected, including, on average, a GPA decline of a full letter grade. While Title IX should protect against the adverse effects of sexual violence, with **Consent to Sex on Campus**, **Laura Beth Nielsen** found that the average undergraduate has a limited understanding of their school's Title IX policies regarding sexual assault. Her research also explores how recent attempts to dismantle accountability and protect perpetrators of sexual violence have undermined Title IX enforcement. Nielsen appeared in several major media publications to discuss her work on law and sexual violence this year, including *PBS Newshour*, *Vice*, and *Inside Higher Ed*.

TRACING RACE, GENDER, AND CRIMINALIZATION IN THE ORIGIN OF WOMEN'S COURTS

Tera Agyepong's research traces the emergence of women's courts and carceral institutions in the early 20th century United States. Her project, **Constructing Feminized Courts and Carceral Institutions**, centers on four states: Illinois, New York, Pennsylvania, and California. Through archival research, she is uncovering the evolution of these courts' institutional practices, which developed into the modern criminal justice system. Notably, Black women and girls were the majority—and

at times the exclusive—demographic processed in these courts. Agyepong's works in progress will outline how these institutions played a critical role in shaping racialized criminality.

STUDYING SYSTEMS THAT AFFECT POLITICAL ENGAGEMENT LEVELS

Concerns about the state of political engagement have dominated media coverage and political agendas in the lead-up to the upcoming presidential election cycle. **Traci Burch** explores two pivotal aspects of this discourse. **Policing and Political Participation** aims to address the lack of knowledge scholars have on how policing affects voter turnout and political protest. She finds through national survey data that when young Black men and women are exposed to incidents where the police kill Black victims who posed a low threat, it tends to increase their interest in politics and voter turnout. However, it may discourage them from participating in riskier forms of engagement, such as protests. In **Verification of Voter Eligibility**, she studies how voting verification laws can function as a form of voter suppression. By documenting the eligibility verification processes, Burch reveals how these processes create barriers to voting for specific demographic groups.

MEASURING THE IMPACT OF CORPORATE ENDORSEMENT FOR SOCIAL AND POLITICAL CHANGE

In an era where large corporations are increasingly engaged in politics, taking stances on various social and political issues and encouraging their audiences to take related action, **Janice Nadler** seeks to understand how these corporations effectively sway public support. Under her research project **Public Opinion, Private Governance, and the Influence of Source Credibility**, Nadler has studied this phenomenon by examining whether corporations' appeals to animal welfare concerns may lead their audiences to increase their awareness of the issue. Nadler argues that these kinds of corporate endorsements can decrease political polarization and create support for state and national legislation that would mandate such practices.

TRACKING THE LONG-TERM EFFECTS OF PARENTAL INCARCERATION ON FAMILY OUTCOMES

It's been shown that Black children are six times as likely as white children to have had a parent in prison, a statistic correlated with higher drop-out rates and worse educational outcomes. In **Racial and Ethnic Inequalities in Parental Imprisonment, Investment in Families and Schools, and Child Inequality**, **John Hagan** and **Holly Foster** examine the long-term effects of mass incarceration on Black families, focusing on racial disparities in youth profiling and punishment. Among the early findings, heavier policing of schools in segregated neighborhoods amplifies perceptions of police bias, particularly among Black men. This shadow of policing extends into adulthoods, increasing Black men's risk for lifelong social and financial challenges. This research offers critical policy implications for criminal justice reform and racial equity.

UNDERSTANDING LANDLORD RESPONSES TO TENANT PROTECTION LAWS

The COVID-19 pandemic brought attention to longstanding housing affordability challenges impacting American renters, prompting the proliferation of new tenant protection laws throughout the country. **Anna Reosti** studies how landlords are responding to this evolving legal environment in her project, **Regulating the Crisis**. Most recently, she and her coauthors analyzed the impact of Seattle's tenant protection laws on small-scale, "mom-and-pop" landlords and low-income tenants. Contrary to pervasive claims that these policies will harm small-scale landlords and undermine housing affordability, their research found no evidence that the policies drove these landlords out of the market. Moreover, they found that small-scale landlords were less likely to rent to low-income tenants than landlords with larger portfolios. These findings emphasize the need to empirically scrutinize the narratives shaping housing policy in many jurisdictions.

STUDYING THE EXPERIENCES OF EXPERTS IN THE LEGAL SYSTEM

Scientific and engineering experts play a central role in modern litigation. Yet identifying, recruiting, and making the most productive use of competent experts with relevant expertise is a challenge for attorneys and the legal system. In their research project, **Science and the Legal System**, **Shari Seidman Diamond** and her collaborator **Richard Lempert** have surveyed both academic researchers and professional consulting experts, as well as trial attorneys, to understand what experts and attorneys look for from each other and what they experience in their interactions. The research finds that a majority of scientists, contrary to common belief, are willing to assist. It also reveals the obstacles that can undermine the success of that collaboration, as well as reforms that can potentially optimize the use of scientific experts.



Laura Beth Nielsen speaks with *PBS Newshour* anchor Anna Nawaz about the high-profile sexual assault case by E. Jean Carroll against former President Trump. Credit: PBS, 2023.

UNDERSTANDING THE INFLUENCE OF LEGAL NARRATIVES AND PUBLIC ACCESSIBILITY OF LEGISLATION

Jothie Rajah's research explores the evolving relationship between legal accessibility and public perception in a changing legal landscape. In **Rule of Law Discourses**, she explores the changing meaning of the “rule of law,” which refers to the principle that all individuals and institutions are accountable to and governed by laws that are fairly enforced. In her recently published book, *Discounting Life*, Rajah reveals how legal frameworks evolved after 9/11 to justify extrajudicial killings and the death of innocent civilians in the War on Terror while the U.S. government simultaneously created narratives to cultivate fear and support for this asymmetrical warfare. In her latest project, **Branding Law**, Rajah assesses legislators’ attempts to simplify the language in federal laws and whether these efforts genuinely improve the public’s understanding, better aligning legislation with democracy.

INTERPRETING BUDDHISM'S INFLUENCE ON ASIAN CONSTITUTIONAL LAW

Buddhism and Comparative Constitutional Law is the first comprehensive investigation of the ways Buddhism and constitutional ideals have interacted in the legal systems of Asian countries, such as Japan, Korea, China, Thailand, Sri Lanka, and Myanmar. **Tom Ginsburg** collaborated with an international, interdisciplinary team of experts,

including scholars from Asian countries where Buddhism is practiced, in the resulting book project *Buddhism and Comparative Constitutional Law*. The book explores historical and contemporary examples of the “Buddhist-constitutional complex,” in which constitutionalism and Buddhism mutually shape—and are shaped by—one another.

INVESTIGATING THE INNER WORKINGS OF INTERNATIONAL ORGANIZATIONS

In our increasingly globalized world, international organizations—like WHO, NATO, and WTO—are charged with addressing our most pressing global challenges, such as climate change, pandemics, and refugee crises. These organizations are often under scrutiny for their capacity to foster cooperation among nations to promote global stability. To gain greater understanding of how these organizations function—and how they might function more effectively—**Tom Ginsburg** is conducting research to create a public database detailing organizations’ powers, voting rules, and decision-making processes. **Legal Characteristics of International Organizations** will offer insights into these organizations’ impact on democracy and their relationship with international law, contributing to a clearer understanding of their role in fostering global stability.

TRACING THE HISTORY OF THE U.S. SUPREME COURT'S PUBLIC RELATIONS

The U.S. Supreme Court is facing increased public scrutiny regarding its role as a foundation of American democracy. Recent actions in areas like civil rights, reproductive rights, and gun control, as well as the terms and elections of its Justices, have raised concerns that the Court has overreached and taken actions that reflect partisan concerns over national interests. **Christopher W. Schmidt** is conducting a historical analysis of the U.S. Supreme Court’s relationship with various extrajudicial actors over the past century—from presidents to public interest groups to everyday citizens. In **Our Court**, Schmidt asks why, in the period from 1930 to today, the Supreme Court evolved from an institution that was generally understood as standing apart from American society to an institution that politicians and the public treat as an integral component of American political and cultural life.

STUDYING THE RULES AND REGULATIONS THAT ADDRESS GLOBAL HEALTH CRISES

In light of the COVID-19 pandemic, it has become evident that our existing global public health programs are ill-equipped to address and prevent international health crises. **Carol Heimer's** research delves into global health issues and the impact of standardizing medical care via laws and regulations through the study of the HIV/AIDS epidemic. **The Legal Transformation of Medicine** examines the challenges that arise when well-intentioned rules from developed nations are applied in resource-constrained settings in South Africa, Uganda, and Thailand. This application of regulations that are blind to situational or cultural differences often leads to complications in healthcare delivery. Drawing from extensive field studies, her upcoming book sheds light on the intricate dilemmas faced by clinicians as they navigate these regulations while striving to provide immediate and effective care.

RESEARCHING THE EFFECTS OF GRUESOME EVIDENCE IN COURTROOMS

The widespread use of cellphone cameras has sparked an explosion of visual evidence that is available as evidence in legal trials, much of which is gruesome or emotionally charged. However, empirical knowledge of the impact of seeing such evidence on the jury remains underexplored. **Janice Nadler** is testing individual and group responses to gruesome or emotionally charged photos and videos shown as evidence in mock trials. In **The Probative Versus Prejudicial Effect of Gruesome Photographs in Court**, Nadler hopes to show how gruesome evidence can affect jury decision making as well as the efficacy of possible safeguards, such as substituting black and white photographs.

REVIEWING U.S. TAX HISTORY TO UNDERSTAND ECONOMIC INEQUALITY

Many politicians, lawmakers, and everyday Americans subscribe to the myth of the “overtaxed American.” In reality, the United States lags behind other advanced, industrialized nations in the total amount of taxes raised relative to national income. One reason is because the U.S. lacks a VAT tax, a national consumption tax applied at

each step in the supply chain where value is added to increase a product’s price. Many countries use this tax to fund robust social-welfare spending, like healthcare and education. **Ajay K. Mehrotra** established **The VAT Laggard** to understand this absence throughout U.S. history and its impact on social spending and economic inequality.

REGULATING TRUST IN THE DIGITAL WORLD

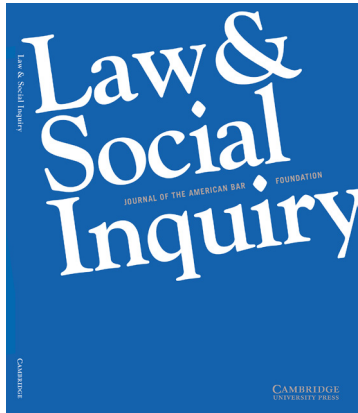
With the rise of digital news, social media, and financial technologies like cryptocurrencies and blockchain, abuses of trust like disinformation on social media or imploding cryptocurrency exchanges pose unique regulatory challenges.

Trust 2.0: Law, Social Control, and New Technologies of Trust examines the evolving legal and self-regulatory landscape that has arisen alongside increasingly virtual fiduciary or trust relationships. In surveying this landscape, **Susan Shapiro** also highlights opportunities—and potential pitfalls—of exploiting new technologies like content moderation, algorithms, and blockchain protocols to maintain trust in these settings.

A national survey found that when young Black men and women are exposed to incidents where the police kill Black victims who posed a low threat, it increased their interest in politics and voter turnout.

— POLICING AND POLITICAL PARTICIPATION

Law & Social Inquiry



The ABF sponsors Law & Social Inquiry (LSI), 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. The journal's combination of empirical and theoretical scholarship and critical appraisal of the latest sociolegal scholarship makes LSI an indispensable source for legal scholars and practitioners. ABF scholars play a critical role in maintaining LSI's excellent standards for sociolegal scholarship through their service as editors, peer reviewers, and authors.



2023 GRADUATE STUDENT PAPER COMPETITION WINNER

Caity Curry
Ph.D. candidate, Sociology
University of Minnesota

"Public Defender Contestation and Compliance in Southern Courtrooms."

LSI holds an Annual Student Paper Competition for graduate students, which includes a monetary prize and publication of the winning paper.

The winning article examines the role of public defenders in criminal justice reform and transformation through a case study of Gideon's Promise, an Atlanta-based public defense organization that trains defenders to resist mass incarceration.

MOST CITED LSI ARTICLE OF 2022-23

"From Datafication to Data State: Making Sense of China's Social Credit System and Its Implications"

Anne S.Y. Cheung and Yongxi Chen

We live in an age where nearly all aspects of our lives can be transformed into data and evaluated. In this article, the authors introduce the concept of a "data state" in the context of China's Social Credit System (SCS), where data is used for extensive social control. They discuss the SCS's functions and inherent flaws, highlighting the potential for the data self to become more important to the state than the humans themselves.

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ABF/JPB FOUNDATION

Access to Justice Scholars Program

The 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, directed by ABF Faculty Fellow Rebecca Sandefur, brings together scholar cohorts engaged in civil justice research projects to mentor their progress. By facilitating the translation of research into policy and practice, the program supports and amplifies effective approaches to reducing poverty and inequality in the United States and beyond.

2023–24 SCHOLARS



Chiara Galli (*Assistant Professor of Comparative Human Development, University of Chicago*) examines access to legal representation and case outcomes for unaccompanied children facing deportation proceedings in U.S. immigration court.



Nylca J. Muñoz (*Assistant Professor in the Health Law LLM Program, Pontifical Catholic University of Puerto Rico School of Law*) analyzes the effectiveness of accountability mechanisms for underserved populations that are beneficiaries of the Medicaid Program in Puerto Rico.



Claire Johnson Raba (*Assistant Professor of Law, University of Illinois Chicago School of Law*) investigates how low-income borrowers engage with the civil legal system and the impact of debt collection lawsuits on financial stability.



Neel U. Sukhatme (*Professor of Law and Ann Fleming Research Professor, Georgetown University Law Center; Affiliated Faculty, Georgetown McCourt School of Public Policy*) analyzes the legal aid provided to individuals facing eviction.



Kirsten Matoy Carlson (*Professor of Law, Wayne State University Law School*) investigates gaps in how we measure the effectiveness of efforts to deliver legal services to Native American communities in the United States.



Maureen Waller (*Professor of Public Policy and Sociology, Cornell University*) investigates economic and racial disparities in driver's license suspension in New York, policy reform options for reducing these disparities, and people's lived experience of having a suspended license.

RESEARCH UPDATES FROM ALUMNI

"Accessing Justice with Zoom: Experiences and Outcomes in Online Civil Courts"

Equity Accelerator,
Indiana University Maurer School of Law

Victor D. Quintanilla
2021–22 Scholar

Quintanilla reveals the post-COVID-19 promise of people-centered justice design, such as online civil court proceedings, but emphasizes the need to address technological and structural barriers that affect under-resourced populations.

"DACA Legal Services: One Federal Policy, Different Local Implementation Approaches"

Law & Policy

Shannon Gleeson
2021–22 Scholar

Gleeson's research focuses on the absence of coordinated federal funding for immigration legal services in the United States, which leads to a dependence on local resources. This study examines how local legal service providers in Houston, New York City, and San Francisco have developed unique models of immigration support.

Doctoral and Postdoctoral Fellowship Programs

The ABF is committed to developing the next generation of scholars in the fields of law, social science, and higher education by offering several doctoral and postdoctoral fellowship opportunities. The ABF offers fellows the opportunity to engage with our intellectual community, gain feedback on scholarly and professional projects in workshop settings, and utilize the ABF’s resources toward academic goals. Fellows receive valuable mentorship from ABF researchers, a stipend to support living expenses while they complete their dissertation projects, and support for research expenses. Past fellows have built on their experiences at the ABF by moving on to promising careers, including as tenure-track professors, legal professionals, and applied researchers.

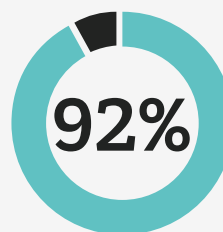
The ABF/National Science Foundation Doctoral and Postdoctoral Fellowships in Law & Inequality aim to encourage original and significant empirical and interdisciplinary research on the study of law and inequality.

The ABF/Northwestern University Doctoral Fellowship in Law & Social Science aims to encourage original and significant research on law, the legal profession, and legal institutions.

The ABF/University of Chicago Doctoral Fellowship Program in Law & Social Science aims to encourage original and significant research on law, the legal profession, and legal institutions.

The ABF/AccessLex Institute Doctoral and Postdoctoral Fellowships in Legal & Higher Education aim to assist emerging scholars who research issues of access, affordability, or value in legal and higher education.

PROGRAM ALUMNI: WHERE ARE THEY NOW?



of fellows from 2008 to 2020 have been placed at a university in a tenure-track position.

Recent placements of fellows include:

Brandon Alston

The Ohio State University,
Assistant Professor of Sociology

Isabel Anadon

University at Buffalo,
Assistant Professor of Sociology

Hardeep Dhillon

University of Pennsylvania,
Assistant Professor of History

Alex Reiss-Sorokin

University of Minnesota,
Adelle and Erwin Tomash Fellow in the
History of Information Technology

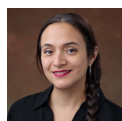
DOCTORAL FELLOWS



Heba Alex (Ph.D. candidate, Sociology, University of Chicago) researches questions about the relationship between citizenship and rights, differentiation struggles within groups, and categorization and evaluation processes.



Brandon Alston (Ph.D. candidate, Sociology, Northwestern University) examines how surveillance systems operate across poor neighborhoods, prisons, and probation programs.



Isabel Anadon (Ph.D. candidate, Sociology, University of Wisconsin–Madison) researches the intersection of punishment and migration.

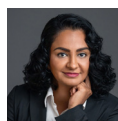


Oscar Cornejo Casares (Ph.D. candidate, Sociology, Northwestern University) studies the long-term effects of undocumented status on immigrants in the Chicagoland area.



Alex Reiss-Sorokin (Ph.D. candidate, History, Anthropology, Science, Technology, and Society, Massachusetts Institute of Technology) explores how technological and policy choices around legal information structure access to justice.

POSTDOCTORAL FELLOWS



Hardeep Dhillon (Ph.D., History, Harvard University) examines the global development of U.S. immigration and border controls through Asian exclusion at the turn of the twentieth century.



Sonya Rao (Ph.D., Anthropology, University of California, Los Angeles) researches the state of training for law students and early career attorneys to work across languages in immigration courts.

Summer Undergraduate Research Fellowship Program

The Summer Undergraduate Research Fellowship (SURF) Program offers students the opportunity to spend a summer at the ABF exploring the field of sociolegal research and observing law practice in the private and public sectors. Since 1988, 150 undergraduates have been selected from across the country in a highly competitive application process to participate. Each fellow works closely with an ABF researcher on their project, affording them the opportunity to be mentored by and take part in sociolegal research with experienced scholars. Fellows also gain unparalleled insight into a career in law through site visits to Chicago law firms, social justice nonprofits, legal clinics, and law schools.

"One of the most rewarding parts of the fellowship was getting to work with and closely know fellow students of color from across the country. It was really gratifying to get to know peers who shared similar passions, had similar aspirations, and who all could share related stories about being a person of color in higher education and the law."

Tom Romero (1993 Fellow)
Associate Professor of Law, University of Denver

"I have so many fond memories of SURF and attribute my legal career to that program. The exposure that the program afforded me to the legal profession reinforced my desire to go to law school and practice law."

Alana Kirkland (2009 Fellow)
Attorney, Greenberg Traurig

2023 FELLOWS



Ahmad Abdulwadood (*Bowdoin College*) worked with Research Professor Laura Beth Nielsen on her research about legal consciousness, true crime podcasts, and gender violence on college campuses.



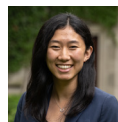
Dianna Garzón (*Yale University*) worked with Research Professor William H.J. Hubbard on his research conducting economic analysis of court systems.



Tasfiya Kashem (*John Jay College of Criminal Justice*) worked with Research Professor Christopher W. Schmidt on his research studying the evolution of the United States Supreme Court alongside shifting relationships with extrajudicial actors, from presidents to everyday citizens.



Victoria Ylizaliturri (*University of Wisconsin-Madison*) worked with ABF/NSF Postdoctoral Fellow in Law and Inequality Hardeep Dhillon to research on the exclusion of South Asian immigrants in the United States.



Judy Zhang (*University of Chicago*) worked with Research Professor Tom Ginsburg to examine the legal characteristics of international organizations.

SURF ALUMNI: WHERE ARE THEY NOW?

45% are working in the legal profession, either as lawyers, paralegals, or legal interns.

14% are professors teaching across various disciplines, including law and sociology.

11% are CEOs, founders, presidents, or executive directors of their respective organizations.

10% are currently pursuing a bachelor's, master's, J.D., Ph.D., or are in an academic fellowship.

The Fellows of the American Bar Foundation

The Fellows of the American Bar Foundation is 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, the Fellows support the research of the ABF through annual contributions and donations to funds. They also sponsor seminar programs on topics of direct relevance to the legal profession. Membership in the Fellows is by invitation only and limited to 1% of licensed attorneys.

NATIONAL EVENTS

The Fellows held several events during the 2023 ABA Midyear Meeting in New Orleans, Louisiana. This year's Continuing Legal Education (CLE) session featured ABF Affiliated Research Professor **Bryant Garth**, ABF Research Professor **Robert L. Nelson**, and ABF Faculty Fellow **Ronit Dinovitzer**. The panel, moderated by National Fellows Chair **Darrell G. Mottley**, discussed their book, *The Making of Lawyers' Careers: Inequality and Opportunity in the American Legal Profession*. Later that day, the Fellows gathered for the Opening Reception, with special thanks to Gold Sponsor **Wachtell, Lipton, Rosen & Katz** and Silver Sponsors **Sandra J. Chan and Gary Yoshimura**.



From left to right: Darrell G. Mottley, Dean Cynthia E. Nance, Andrew M. Schpak, Professor Mario Barnes, Carolyn Witherspoon, Laura V. Farber, Professor Norma Cantu, Robert Jones, and Frank X. Neuner, Jr. celebrate the honorees at the 67th Annual Fellows Awards Banquet and Reception. Credit: Zack Smith Photography, 2023.

The 67th Annual Fellows Awards Reception and Banquet, with keynote remarks from **Robert Jones**, an exoneree from Innocence Project New Orleans, celebrated the contributions of the following honorees:

Outstanding Service Award: **Norma Cantú**

Outstanding Scholar Awards: **Professor Kaaryn Gustafson** and **Professor Mario Barnes**

Outstanding State Chair Award: **Andrew M. Schpak**, Oregon

Distinguished Life Fellow Award: **Carolyn Witherspoon**

In April, the Fellows organized a National Webinar titled "Crisis in U.S. Immigration Adjudication." The panel, moderated by **James R. Silkenant**, former ABA President and Director and Treasurer of World Justice Project, featured ABF Postdoctoral Fellow **Sonya Rao** in conversation with **Jojo Annobil**, Executive Director of Immigration Justice Corps, and **Wendy S. Wayne**, Director of the Immigration Impact Unit for the Committee for Public Counsel Services.

The Fellows convened in Denver, Colorado for the 2023 ABA Annual Meeting. This meeting's CLE, titled "Discounting Life: Necropolitical Law, Culture, and the Long War on Terror," presented the research of ABF Research Professor **Jothie Rajah**. Moderated by ABF President **Jimmy K. Goodman**, the panel featured **Judy Perry Martinez**, former ABA President, Vice President of World Justice Program, and Of Counsel with Simon, Peragine, Smith & Redfearn; **Will A. Gunn**, General Counsel and Vice President for Legal Affairs for the Legal Services Corporation; and **George Freeman**, Executive Director of the Media Law Center. The weekend continued with the Opening Reception, with appreciation extended to Gold Sponsor **Wachtell, Lipton, Rosen & Katz**. The Annual Business Breakfast featured remarks from Colorado Supreme Court **Justice William W. Hood, III**, and honored outgoing State Chairs and outgoing members of the Fellows Research Advisory Committee. The Fellows thank Silver Sponsors **Hahn & Hahn** and **NeunerPate**, and Bronze Sponsors **Banner Witcoff** and **Sandra J. Chan and Gary Yoshimura**.

FELLOWS RECAP: 2022-23



589

new Fellows



16,100

Fellows as of August 2023



193

Fellows featured
in the news

STATE EVENTS

The Oklahoma Fellows hosted a webinar, titled “Killers of the Flower Moon: An Osage Perspective.” The event featured opening remarks from **D. Michael McBride III** of Crowe and Dunlevy, P.C. **Chief Geoffrey Standing Bear**, Principal Chief of the Osage Nation, shared his insights on David Grann’s book, *Killers of the Flower Moon: The Osage Murders and the Birth of the FBI*, and detailed his experience with Martin Scorsese, who directed the movie inspired by the book.

The Florida Fellows hosted their first post-pandemic event, a cocktail reception and presentation with Jacksonville University School of Law, Florida’s newest law school. The presentation, titled “The Future of Legal Education,” featured ABF Affiliated Research Professor **Bryant Garth**, ABF Research Professor Emeritus **Stephen Daniels**, and founding dean of the Jacksonville University College of Law **Nick Allard**.

In May, the New York Fellows hosted **James Thuo Gathii**, the ABF’s 2022–23 William H. Neukom Fellows Research Chair in Diversity in Law. Gathii presented “The Paradox of Africa’s International Courts,” which delved into the complexities surrounding the conventional divide between courts dedicated to human rights issues and those addressing trade matters.

The Illinois Fellows collaborated with the ABA Business Law Section in Chicago, offering attendees networking opportunities over dinner and a presentation from ABF Research Professor Emeritus **John Hagan**, titled “Chicago’s Reckoning: Racism, Politics, and the Deep History of Policing in an American City.”

Additional regional Fellows events were hosted by the State Chairs of Maine, Alabama, Louisiana, Utah, Mississippi, the District of Columbia, Washington, California, Oregon, South Dakota, and New Mexico.

“Being a Fellow of the American Bar Foundation to me means that I’m taking an active role in supporting essential research into what is working and what isn’t working in our social structures that relate back to the law in any way.”

Andrew M. Schpak,
Oregon Life Fellow

2022-23 FELLOWS OFFICERS



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Banner Witcoff
Washington, D.C.



Laura V. Farber
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Cynthia E. Nance
Immediate Past Chair of the Fellows
University of Arkansas School of Law
Fayetteville, Arkansas

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 enduring commitment to advancing justice and the understanding of law is reflected through their contributions to the ABF 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

<u>Giving Level</u>	<u>Annual Giving Amount</u>
Philanthropist Fellow	\$1,000
Visionary Fellow	\$1,000
Leadership Fellow	\$1,000
Benefactor Fellow	\$500
Patron Fellow	\$500
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 who invested in the ABF between **September 1, 2022 and November 30, 2023**. 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 are recognized in the ABF Annual Report, at Fellows events, and on the Fellows website.



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The RBG Fund supports the ABF's vast research in civil rights and gender equality and pays tribute to the late Justice Ginsburg's fierce advocacy for equal protection under the law and to her generous and steadfast support of the American Bar Foundation, both as a Board member and a Patron Fellow. We proudly celebrated the RBG Fund at three lively events: Chicago (October 2021), Washington, D.C. (July 2022), and Los Angeles (January 2023). Supporters of the Fund and event attendees share in the success of this vital undertaking.

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The American Bar Foundation has a long legacy of championing research on law and education from a variety of perspectives. The most recent initiative to recognize scholarship in this increasingly timely field of study is the establishment of the William C. Hubbard Law & Education Conference Endowment.

Stimulated by a generous lead investment from ABF Philanthropist Fellow, William H. Neukom, this endowment funds, in perpetuity, regular conferences that will recognize and disseminate innovative and significant scholarship on law and education.

The inaugural Hubbard Conference was held in February 2022 at the University of South Carolina School of Law in Columbia, SC. The second conference was held at Stanford Law School in March 2024.

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

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



Traci Burch

Joint Appointment: Associate Professor of Political Science, Northwestern University

ABF Research Projects: Policing and Political Participation; Verification of Voter Eligibility: The Process of Disenfranchisement



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ABF Research Project: Science and the Legal System



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ABF Research Projects: Buddhism and Constitutional Law; Legal Characteristics of International Organizations; Anti-Corruption and Illiberalism in the Global South



Jacob Goldin

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Carol Heimer

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ABF Research Project: The Legal Transformation of Medicine: How Rules Work in the International World of HIV/AIDS



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

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Elizabeth Mertz

Joint Appointment: John and Rylla Bosshard Professor of Law Emerita, University of Wisconsin-Madison Law School

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Janice Nadler

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ABF Research Projects: After the JD: A National Study of Lawyer Careers; The Hero and the Monsignor: Law, Sexual Violence, and the Catholic Church



Laura Beth Nielsen

Joint Appointment: Professor of Sociology, Northwestern University

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ABF Research Projects: Branding Law: Genre, Rule of Law, and U.S. Federal Public Legislation; Rule of Law Discourses



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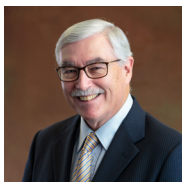


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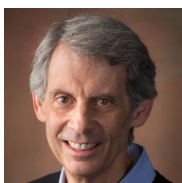
ABF Research Projects: The Financing of Legal Education; Alternative Legal Professionals



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Joint Appointment: Adjunct Professor of Sociology, Northwestern University; Honorary Professor, Australian National University

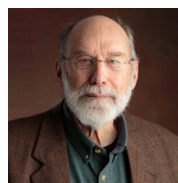
ABF Research Project: Criminal Defense in China



John Hagan

Joint Appointment: Professor Emeritus, Northwestern University

ABF Research Projects: Racial and Ethnic Inequalities in Paternal Imprisonment, Investment in Families and Schools, and Child Educational Inequality; Anti-Corruption and Illiberalism in the Global South



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*Loyola University Chicago
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Financial Report and Allocation of Funding

STATEMENT OF FINANCIAL POSITION

Fiscal Years Ended August 31, 2022 and 2023

	August 31, 2023	August 31, 2022
Assets		
Cash and cash equivalents	\$ 1,494,774	\$ 1,779,000
Long-term investments	30,139,209	28,578,442
Right-of-use lease asset	3,798,515	—
Receivables and other	3,951,510	4,047,785
Prepaid expenses	91,269	62,109
Property and equipment	76,501	97,109
Total Assets	\$ 39,551,778	\$ 34,564,445
Liabilities		
Accounts payable and other accrued expenses	413,596	546,944
Deferred revenues and refundable grant advances	453,336	261,626
Deferred rent liability	—	212,138
Lease liability	4,043,339	29,658
Total Liabilities	\$ 4,910,271	\$ 1,050,366
Net Assets		
Unrestricted	21,634,563	20,703,196
Donor Restricted	13,006,944	12,810,883
Total Net Assets	\$ 34,641,507	\$ 33,514,079
Total Liabilities and Net Assets	\$ 39,551,778	\$ 34,564,445

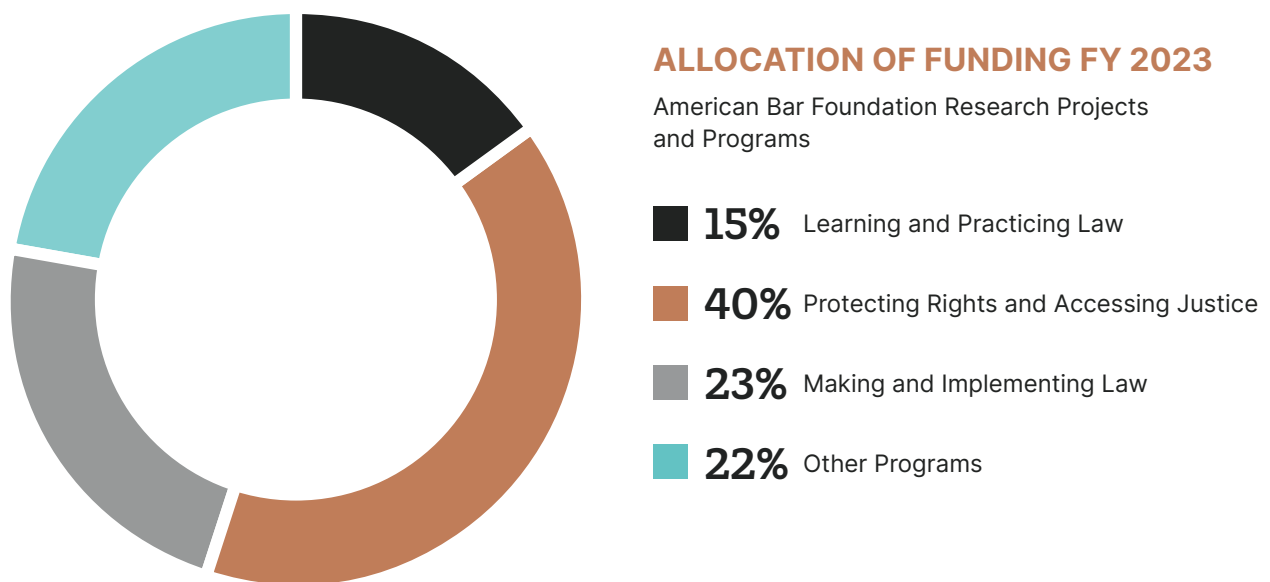
Note: This information is abstracted from the ABF's 2022 and 2023 financial statements.

STATEMENT OF ACTIVITIES

Fiscal Years Ended August 31, 2022 and 2023

	August 31, 2023	August 31, 2022
Revenues		
American Bar Endowment grant	\$ 3,684,288	\$ 3,496,588
The Fellows of the American Bar Foundation	2,238,249	2,335,763
ABF Endowment annual spending allowance	980,000	285,761
Grants, contributions, and other support	1,180,716	1,815,429
Total Revenues	\$ 8,083,253	\$ 7,933,541
Expenses		
Research activities	3,764,938	4,011,496
Fellows' services	525,135	474,399
Law & Social Inquiry Journal	124,374	148,592
Academic affairs and fellowships	801,583	852,113
Development and fundraising	717,518	554,192
Administration and facilities	2,124,337	1,860,121
Total Expenses	\$ 8,057,885	\$ 7,900,913
Results from Operations	\$ 25,368	\$ 32,628

Note: This information is abstracted from the ABF's 2022 and 2023 financial statements.







AMERICAN BAR FOUNDATION

750 North Lake Shore Drive, 4th Floor
Chicago, IL 60611-4557

www.americanbarfoundation.org

