SESSION 1: Friday, September 26th [2:30pm - 4:00pm]

PANEL 1A: LAW AND ORGANIZATIONS
PRESIDER: Mark Suchman

Blind Spots and Blowback: Liberal Feminist Advocates and the Contemporary Refusal of Women's Rights under Title IX
Elizabeth Armstrong, Sandra Levitsky, and Celene Reynolds

In 2011, President Obama's Department of Education released a "Dear Colleague Letter" (DCL) reminding schools of their obligations to address sexual misconduct under Title IX. The document generated massive pushback, which ultimately succeeded in 2017 when the Trump Administration revoked the policy. How did the framers of and advocates for the Obama-era guidance enable its withdrawal? We use multiple sources and types of evidence to trace the development the DCL and compare its trajectory to those of two related policies: (1) nearly identical guidance released in 1997 that elicited no pushback, and (2) the civil rights provision of the Violence Against Women Act of 1994 (VAWA) that, when first deployed, was struck down. Our emerging argument is that the copresence of criminal and civil framings of sexual misconduct in both VAWA and the DCL enabled a conflation of the two framings that activated concerns about rights infringements. In the case of the DCL, policymakers should have anticipated pushback, given what happened with VAWA. A key reason why they did not, we argue, was their commitment to a particular temporality that, as Martin Luther King Jr. famously declared and President Obama later widely preached, the "arc of history bends toward justice."

Pixelating Plant Beings and Gendered Bodies: Precision Agriculture and the Governing of Artificial Intelligence in South Africa
Laura Foster

This article examines how AI-based digital agriculture technologies in South African apple orchards reshape ecological and social life through what it terms extractive pixelation, meaning a process that renders plant beings and farm labor into discrete, quantifiable data. Drawing on ethnographic fieldwork and analysis of South Africa's artificial intelligence policy, it analyzes how precision agriculture tools and AI governance flatten complex multispecies and gendered relations into indicators of optimization and productivity. Ultimately, it argues for reimagining of AI technology and governance beyond techno-economic framings, toward relational, situated, and care-based approaches to agriculture and gendered labor.

Going Against the Algorithm: How Judges Resist Pretrial Risk Assessments to Treat "Victims" and Punish "Offenders"

Sino Esthappan

I ask how criminal court judges deploy "evaluative frames" (beliefs about the purposes of judging) to make sense of and use risk assessment algorithms in pretrial hearings. My analysis uses interviews with judges, attorneys, and pretrial officers in four courts throughout the US, as well as observations, transcripts, and administrative data from Cook County, Illinois. I find that judges scrutinize algorithmic recommendations using two frames that classify accused people as "victims of inequality" and "offenders of future crime." Yet, they are significantly more likely to resist risk assessment recommendations using offender frames compared to victim frames. This pattern illustrates that, in criminal courts, the use of predictive algorithms amplifies the perceived urgency of threat – what Sierra-Arevalo calls "the danger imperative" – while relegating concerns about injustice to the domain of technical work. More broadly, the findings trouble explanations of algorithmic resistance as a source of institutional rupture. Unlike low-status workers who typically evade institutional oversight, high-status managers who "go against the algorithm" paradoxically extend organizational and social control and uphold inequalities that new carceral technologies are purported to reform.

Educational Equity in Law and Life: Disability, Policy, and Family

Jane Jeong

This talk introduces my research on disability, law, policy, and equity in special education and disability service systems. One strand examines how federal legal provisions such as the Individuals with Disabilities Education Act (IDEA) and related policies structure both access and inequity through compliance frameworks. The other strand investigates family epistemologies, shaped by broader systemic forces including race/ethnicity, culture, language, dis/ability, and socioeconomic status, with a focus on siblings who serve as cultural and linguistic brokers navigating rights in practice at the margins of legal and political loopholes. Together, these strands illuminate how law simultaneously structures and undermines equity, while families reimagine justice in everyday contexts.

PANEL 1B: LEGAL AND CONSTITUTIONAL HISTORY
PRESIDER: Christopher Schmidt

From Ames to Vis: The Global Rise of Moot Courts

Grigory Gorbun

The modern moot court, now a ubiquitous feature of legal education worldwide, began as a student run game at Harvard Law School in the early twentieth century. What started with the Ames Moot Court in 1911 as a competitive exercise in appellate advocacy soon expanded into national and international contests. In the decades after World War II, competitions such as the National Moot Court Competition and the Philip C. Jessup International Law Moot Court transformed moot courts into arenas of prestige that extended far beyond classroom training. By the late twentieth century, the format had taken root across diverse legal systems, producing a dense circuit of international, regional, and specialized competitions. This presentation traces the historical trajectory of moot courts from their US origins to their current global presence. It situates their growth within broader transformations in legal education, profession, and the globalization of law. Moot courts not only provided a space for students to practice advocacy but also helped reshape the authority of law by grounding it in an idealized globalized professionalism, detached from political contingency. In conclusion, I will reflect on how these competitions have become sites where legal institutions promote their jurisdiction and how they contribute to the articulation of the cultural idea of law.

The Right Way to get the Past Right: Originalist Transition and the Problem of Precedent

Rob Gelles

With a Conservative Supermajority on the Supreme Court and bountiful intellectual resources, advocates of Originalism now find themselves empowered to pursue their project. But, as the Supreme Court begins to overturn precedents Conservatives have long opposed, for Originalist scholars, obstacles to Constitutional fidelity remain. Non-Originalist precedent continues to bind lower court judges and few practicing lawyers are well-trained in Originalist methods of interpretation. In this light, how do Originalists imagine implementing their preferred method of Constitutional interpretation? I analyze workshop discussions, presentations, and seminars wherein Originalist scholars discuss this "transition problem." By analyzing these situated imaginings, I consider how their strategies relate to their broader project to "fix" Constitutional meaning. I argue that these moments of imagining how to reach an Originalist future bring out tensions in their claims about linguistic meaning and the law. These tensions, and their efforts in navigating them, help elucidate their motivations to re- establish for the future a vision of the past.

Sociality as Activist Intervention: Exploring Constitutional Antislavery
Mariah Zeisberg

Discussing my current research on a variety of antislavery activists (antebellum years) who used their social worlds as a political resource for their cause.

Judicial Capacity as a Component of Judicial Independence
Logan Strother

Although an independent judiciary is a central component of a liberal democratic order, threats to judicial independence abound today in the U.S. and around the world. The widely accepted logic is that institutional protections for courts and judges allow judges to operate independently by insulating them from undue outside influence, such as from politicians or special interests. Scholars of political institutions, regardless of their focus, share an interest in how the institutions they study wield power independently of influence from and constraints imposed by other political actors. Students of executives refer to this as "unilateralism," while those who study bureaucracy have long been interested in "autonomy.'" Scholars of courts refer to this relative institutional freedom as "independence." Whatever it is called in a given institutional context, independence is always understood as a matter of degree; entirely unchecked actors-–even in authoritarian contexts–-are exceedingly rare. Regardless of their studied institution, scholars all recognize that institutional capacity is a crucial determinant of an institution's ability to do its work free from (perhaps undue) influence of extra-institutional actors. Students of courts, to this point, have largely omitted consideration of capacity from studies of judicial independence. Understanding how institutional capacity enables courts to act independently is crucial to understanding the roles played by courts in politics and policymaking. This paper develops a theory of judicial capacity, integrates it with existing theories of independence, and empirically demonstrates its effects drawing on original data on the US Court of Claims.

SESSION 2: Friday, September 26th [5:00pm - 6:30pm]

PANEL 2A: LAW AND COMMUNITIES - 1
PRESIDER: Anna Kirkland

Admitted but not Advanced: Diversity, Minor Feelings, Asian and Asian American Law Students in the US
Portia Xiong

This presentation investigates the structural barriers for Asians and Asian Americans to get equal opportunity and full inclusion in legal education and the legal profession. The backdrop for this dissertation is the paradoxical double stereotypes depicting Asians as both the successfully assimilated "model minority" and the unassimilable "perpetual foreigner" amid the rise in anti-Asian violence in the United States during the COVID-19 pandemic.

The Hero and the Monsignor
Robert Nelson

This project examines the sexual abuse of minors through a case study of lawsuits brought against a Catholic archdiocese for failure to prevent sexual abuse by priests. With permission from the plaintiff's family (who is now deceased) and the efforts of one of plaintiffs' attorneys who redacted the names of other parties and witnesses, the project authors have obtained the entire case file from beginning to end.

Robes of Liberalism: Colonial Judges in the Nineteenth Century Indonesia
Sanne Ravensberg

My book project Fabricating Law utilizes previously unmapped archives to uncover lived experiences and the workings of legal pluralism within a "native" law court, the landraad, in nineteenth century colonial Indonesia. Each chapter starts with one object present in the courtroom. This presentation focusses on the black gown (toga) of the landraad president and traces who had the right to wear this esteemed, and for the tropics undeniably uncomfortable, costume. In 1869, trained jurists were gradually replacing colonial administrators as presidents of the landraad. Dutch liberal lawyers had campaigned fiercely for this reform arguing that judicial tasks in the hands of administrators opposed modern ideas about the rule of law (rechtstaat). This presentation focuses on the experiences of the (Indo)-European jurists within their professional environment after the reform had been introduced. A close reading of their interactions the Javanese priyayi (elites) inside and outside the courtroom of the landraad, shows how these colonial jurists eventually furthered the project of colonial state formation. They continued and exacerbated the unequal practices of the colonial legal system, where a liberal rhetoric clashed with a colonial reality.

PANEL 2B: LAW, POLICY, AND INEQUALITY - 1
PRESIDER: Robin Stryker

Repressive Policymaking and Official Frames
Baylee Hudgens

In the past decade, hundreds of bills which aim to shape or limit protest have been introduced by state legislators in the United States. However, the process of passing repressive policies is conflict-laden. Within the legislature, other policymakers may oppose the bill, while outside the legislature, these bills may be subject to judicial challenges regarding their constitutionality. How, then, do lawmakers navigate these obstacles and justify repressive policies? In this paper, I conduct a small – N comparative study of two bills, Tennessee's HB 8005 and Kentucky's SB 211, which were both introduced following the Black Lives Matter protests in 2020 and include provisions against "camping" on state property and blocking state roadways. Preliminary findings demonstrate that legislators employed legal frames in an attempt to legitimize their bills. In doing so, legislators from both states tried to reframe what the right to protest means, so that it would fit their political goals. However, one important way that Kentucky and Tennessee varied was that some Republican representatives in Kentucky critiqued the constitutionality of SB 211, while Tennessee Republicans provided strong intraparty support for their bill.

Broken, Not Bent: Refusal in the Face of Predation
Kasey Henricks

"Broken, Not Bent" explores bankruptcies as acts of resistance to ticket-related debt. Whereas sociolegal research emphasizes how predatory fines and fees reproduce relations of domination, I focus on ruptures to these arrangements that emerge when the indebted turn to bankruptcy for reprieve. Using the "Bankruptcy Capital of the United States" as a case study, I leverage the field site of Chicago to offer a measurable basis of who resorts to insolvency to challenge debt. The study assembles a novel dataset that combines administrative records from the City of Chicago with nine other data sources to predict the tract-level correlates of 155,206 parking tickets resulting in bankruptcy between 2013 and 2017. Unlike other forms of protest, bankruptcy operates within the law to stall deadlines for repayment, pause debt collection efforts, safeguard driving privileges, and shelter cars from dispossession. Although bankruptcy rarely produces lasting relief, given high failure rates and enduring financial hardships, it provides protections that many prefer to inaction. For drivers facing threats to their mobility, Chapter 13 offers among the only off-ramps to debt burdens that can feel like unescapable gridlock. By reframing bankruptcy as a mode of refusal, I contribute to broader debates on the indeterminacy of predation.

Medical Poverty Governance, Service Cynicism, and Help-Seeking: Towards a Cross-System Theory of Mistrust
Christopher Robertson

Despite extensive research literature on mistrust in the legal and medical systems, we know little about how non-legal mistrust shapes engagement with the justice system. Drawing on the service cynicism and medical poverty governance literatures, I examine how mistrust and negative interactions with the medical system influence law enforcement engagement. Using data from the Survey of the Health of Urban Residents (SHUR), which is a U.S. national health survey of 4,000 adults residing in urban areas, I find that higher mean scores of race-based medical mistrust are associated with a lower willingness to call the police. I also find that negative medical interactions, which I define as perceived experiences of disrespect from front-line medical workers, are associated with lower rates of police help-seeking. As such, I argue that efforts to improve engagement with legal institutions must account for the harms (and subsequent mistrust) caused by actors across legal and medical systems.

Are Sexual Orientation Disparities Decoupled from Criminal Behavior?
Kris Rosentel

LGBTQ people in the United States face stark disparities in the criminal legal system, including higher rates of arrest, incarceration, and police contact. This paper examines whether these disparities are explained by differences in criminal behavior or are decoupled from behavior. Research on racial disparities suggests that inequalities in criminal legal system involvement are often not explained by behavior but are instead driven by structural factors such as police discrimination, neighborhood inequality, and social network effects. These factors decouple arrests from offending, producing greater system involvement among Black and Latino people than White people with similar behavioral characteristics. Leveraging Blinder-Oaxaca decomposition techniques, this study examines whether arrest disparities by sexual orientation are similarly decoupled from offending. My analyses rely on data from the 2021-2023 waves of the National Survey on Drug Use and Health (NSDUH) and examine sexual orientation disparities in past year arrest—both overall and by type of offense (i.e. violent offenses, drug offenses, and property offenses). Results suggest that sexual orientation disparities in arrest are much larger among women than men. Additionally, while the small disparities between sexual minority and heterosexual men are fully explained by age, race, and self-reported behavior, disparities among women appear to be substantially decoupled from behavior. Overall, age, race, and self-reported behavior only explain 40.8% of the disparity between sexual minority and heterosexual women.

SESSION 3: Saturday, September 27th [9:00am - 10:30am]

PANEL 3A: LAW AND COMMUNITIES - 2
PRESIDER: Anna Kirkland

A Tale of Two Cities: Victimization Narratives in Human Trafficking Courts
Rashmee Singh

This paper draws on qualitative research to examine the 21st century resurgence of 'women's courts'—specifically specialized prostitution and human trafficking intervention courts (HTIC)—throughout the United States. These penal reform initiatives purport to 'help, not punish trafficking victims' through mandated programming for trauma, chemical dependencies, life skills, and employment training. While specialized prostitution courts typically prosecute cis-gendered women criminalized for low-level prostitution and drug related offences, human trafficking courts are far more diverse and ambiguous in relation to the individuals they target for reform. Drawing on court observation, as well as interviews with court officials, participants, and anti-trafficking activists in different cities, I show how local panics and politics are materializing in an array of gendered and raced interventions designed to 'rescue and reform' criminalized women. In so doing, I argue that the 'trafficking victim' is not a fixed legal category mobilized by the usual suspects, namely evangelical Christians, 'neo-abolitionists,' and prohibitionist feminist reformers to 'rescue' sex workers and abolish the sex trade. Rather, the concept is also being used to represent any criminalized women as a mechanism for encouraging their reform.

Exploitation or Alienation? Debating the Transferability of Use-Rights to Grazing Commons in the Moroccan Middle Atlas Mountains
Amelia Burke

In summer 2019, a law was passed by Morocco's parliament that enabled the long-term leasing of some 37 million acres of common lands. While the legislation reaffirmed the indivisibility of these lands and their inalienable ownership by each designated tribal lineage group, it transformed lineage members' legal rights from use-rights [inifaa'] – codified during the French Protectorate as part of an ethnic divide-and-rule policy (Bouderbala 1996) – to a 'right to benefit' [istifada]. The lands could now be leased by non-rightsholders (including agrobuisinesses) – as long as rightsholders were able to 'benefit' monetarily, through a portion of rent payments for their share of the lands. This was, the law emphasized, to enable all lineage members (including historically excluded groups, like daughters) benefit with 'parity' [masaoua]. This paper considers debates following this legislation in one herding community, and competing local theorizations of the lands themselves: as political (tribal) territory, as monetizable property, and as the means to a livelihood [rizq], each with distinct possibilities for demarcating 'shares' and for their transferability.

Attorney Advertising and Access to Justice
Katie Harvey

The legal profession has long been concerned with its public image. In the 1970s, the bar faced backlash from federal regulators and the public that it was failing to bring legal services to those in need. As part of its response, the Supreme Court lifted the longstanding ban on attorney advertising, in part to help facilitate civil access to justice. Many members in the bar were vehemently opposed to the idea. However, more supported the idea of an independent federal legal aid program that could provide representation on civil issues to low-income Americans. As Legal In doing so, the bar has sabotaged the access to justice plan it originally conceived, at least when it comes to personal injury law, with a disproportionate effect felt by rural Americans.

Nursing the Law: Breastfeeding (or Pumping) in Public
Elizabeth Hoffmann

This project draws on data from a larger project on breastfeeding. It discusses women's legal consciousness and broader attitudes around nursing in public – an act that is generally protected by law, but whose legality often is perceived as unclear.

PANEL 3B: LAW, POLICY, AND INEQUALITY - 2
PRESIDER: Sandra Levitsky

The Armed Criminal (1975-1990)
Joshua Aiken

This presentation examines the relationship between the figure of the "armed criminal", race, punishment, and danger from 1975-1990 in the United States. Specifically, I historicize the legal category of an armed criminal in the context of racial governance, as a "problem" in American social life, and examine why certain expressions of state power by the mid-1980s became understood as "solutions." I specifically look at the expanding power of prosecutors, fixed criminal sentences, and police reliance on the legal doctrine of "constructive possession."

The Founder's Dilemma: Discrimination and the Private Ordering of Venture Capital
Kyneshawau Hurd

The canonical "Founder's Dilemma" frames an entrepreneur's choice as being "Rich" (attracting outside investment but ceding control) or "King" (retaining control but potentially limiting external resources). For those who opt to "be Rich," the central question becomes: just how much control is ceded? In theory, investors impose control (in the form of control terms) to balance risk mitigation with founder incentives. In practice, such terms are structured through decision-making and contracting processes riddled with subjective and motivated perceptions of risk. Thus, the structure of Venture Capital ("VC") financing—which trades capital for contractual subordination—creates the conditions for a unique form of race discrimination in contracting: racialized governance. This paper introduces The Founder's Dilemma Divide, the racialized disparity in how control terms operate in VC contracting and governance, to suggest that for Black founders, inclusion can be marked by heightened subordination, raising the stakes of the dilemma. This "subordinating inclusion" is not foreign to American contract or anti-discrimination law, but the VC context uniquely manifests it. Thus, while law is familiar with inclusion on subordinating terms, it possesses limited tools for addressing its operation in VC. Primarily, Section 1981—originally enacted to secure freed-people's contracting rights—fails to capture such discrimination because the construction of its scope has entrenched a normative vision of discrimination tethered to hierarchy-enhancing principles like intent and formal equality. That same construction has also allowed the statute to be deployed to restrict Black contracting and preserve dominant group interests, as in the recent Fearless Fund case. Thus, law participates in sustaining hierarchy, blessing inequality masked as racially inclusive, neutral governance. To explain this dynamic, I propose a Sociocultural Dominance Model. Drawing from social psychological theories of social dominance, the model identifies dominance—the imperative and affinity for hierarchy—as a deeper psychosocial mechanism undergirding discrimination. The model identifies the operation of dominance across sociocultural dimensions:

in minds, through individual psychology that motivates decision-making; in markets, through the structures that order private transactions; and in doctrine, through legal principles like those that have narrowed §1981's scope. This domains operate across private ordering, showing how dominance is embedded throughout producing a system that stabilizes racial hierarchy not in spite of racial inclusion but through the exploitation of it.

Futuring the Civil Rights Field: Capacity, Modes, and Stratification
Ewurama Okai

In recent years, long-standing civil rights protections, institutional support structures and cultural values have been in freefall. In a moment of civil rights retrenchment, the question of whether lawyers can—and do—make space to imagine and build both responsive and alternative possibilities takes on particular urgency. In this paper, I argue that the field is marked by what I call "stratified futuring": distinct modes of futuring that are unequally supported by the structural and cultural contours of the legal profession. Drawing on more than 40 interviews with civil rights practitioners in Illinois, I show that lawyers engage in two modes of futuring: strategic and transformative. Strategic futuring, which structures present action around desirable or undesirable outcomes, is institutionally embedded, routinely enacted, and organizationally sanctioned. By contrast transformative futuring, which imagines futures with new institutional or social arrangements, resides in peripheral spaces of the profession. These findings challenge assumptions that law is oriented solely toward the past and illuminate how professional structures and cultures shape imagination in legal practice. More broadly, the concept of "stratified futuring" offers a new mechanism for understanding why the civil rights field struggles to resist retrenchment and realize transformative change.

Taking Sides: Party Competition, Interest Group Strategy, and the Polarization of American Pluralism
Jesse Crosson

For much of American political history, the overriding concern about the role of organized interests was that they pulled policymaking toward parochial "special" interests at the expense of the public good. However, we argue that the role of organized interests in American politics has changed. In the past few decades, so-called special interests have come to behave more like political partisans. That is, rather than pragmatically pursuing policy goals or "rents," interest groups today are well-characterized by a single preference dimension and have sorted into left-leaning and right-leaning poles—much like every other actor in American politics. Taken together, the observation of interest group polarization raises a series of fundamental questions about both American political history and contemporary American politics. To what extent are interest groups primary movers in the polarization of American politics? How do partisan

interests behave differently from classic “special” interests? Why do some groups align with a single “side” of the partisan and ideological spectrum---particularly in an era lacking in stable partisan control? Finally, how do partisan interests seek policy influence, and when do they succeed? In this book, we identify intensifying party competition beginning in the 1990s as a key factor in interest group polarization and partisanship. We introduce the key conceptual distinction between “special” interests and “partisan” interests, foregrounding how partisan interests polarize and broaden their agendas to appeal to copartisans while ultimately losing policy influence. To test our account, we draw on an expansive, original dataset of interest group position-taking on bills before the U.S. Congress from 1973 to 2020, leveraging recent advances in preference measurement, text analysis, and causal inference.