

New Legal Realism 10th Anniversary Conference: Future Directions for Legal Empiricism

August 29-30, 2014
University of California, Irvine School of Law

PROGRAM



**Co-sponsored by
The University of California, Irvine School of Law &
The American Bar Foundation**



SCHOOL OF LAW
UNIVERSITY of CALIFORNIA • IRVINE

ABF American Bar Foundation
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Overview of Conference

The original Legal Realists ushered in an era of interest in legal educational reform and legal research focused on the actual life of law in action, hopefully informed by the best methods and insights that social science had to offer and with the goal of developing lawyers and legal policies that could respond effectively to real world problems. At the turn of the millennium, renewed interest in social science and legal educational reform began to emerge in the legal academy in the U.S. and then in Europe as well. In 2004, a group of scholars met in Madison, Wisconsin to hold the first U.S. New Legal Realism conference, which was co-sponsored by the American Bar Foundation. The decade since that conference has seen increasing interest in forms of “new legal realism,” from using social science to help reform legal education, to drawing on empirical research in legal scholarship with an eye to developing better translations for use in legal practice. A Collaborative Research Network (#28), under the aegis of the U.S. Law & Society Association, as well as the “New Legal Realism Project” webpage and blog, have helped to foster collaborative events and create networks among interested researchers. In 2012, the first European conference on New Legal Realism was held in Copenhagen, bringing scholars from multiple traditions together.

The 10th Anniversary New Legal Realism Conference, co-sponsored by the University of California-Irvine Law School and the American Bar Foundation, will build on the many foundations laid by these various efforts. The conversation begun in Copenhagen challenged New Legal Realists and legal empiricists of quite different stripes to communicate across disciplinary and political boundaries. In Irvine, that challenge will continue. How shall we define today’s “New Legal Realism”? What can it contribute to improving legal education for an embattled new generation of lawyers and legal educators? Could a new form of legal realism help to bridge the divide between law-in-books and law-on-the-ground, bringing legal education closer to the practice of law-in-action? Our Program invites some leading legal and social science thinkers, and some path-breaking legal educators to tackle these important questions.

12:30 **Registration** (Law School Courtyard)
1:00 **Opening Session: Welcome** (UCI School of Law, Room EDU 1131)
 Erwin Chemerinsky, Dean, *University of California, Irvine*
 Robert Nelson, Director, *American Bar Foundation*

1:15-3:15 Panel 1: Realism About Judges, Doctrine, and Power

Some of today's "new legal realist" scholars focused only on judicial decision-making, ignoring the many other arenas in which law can be studied. On the one hand, some of these scholars approach the study of judges through quantitative research on courts' written opinions. On the other hand, some leading scholars of jurisprudence remain focused on the internal logic of doctrine as the key to understanding judges' decisions – only recently beginning to consider the possibility that extra-legal factors such as class and power might affect judicial outcomes. In both cases, vast arenas of socio-legal research are ignored, leaving the question of whether this silence is the result of a failure to translate among different scholarly traditions, or whether there are other kinds of barriers preventing productive conversation among forms of scholarship with clear common questions.

This two-part opening panel takes up these questions. Ever since the first Realist era, scholars have debated how to locate the core influences on judicial decision-making. Do judges "follow the rules" in most cases, with the exception of "hard cases" where the law is ambiguous or otherwise difficult to follow? Do their own politics influence their decisions, or is it even "what the judge ate for breakfast"? What is the role of social power in judicial decision-making? Is it the case that over time, the "haves come out ahead," as many socio-legal scholars would say has been well-documented? A larger question is why we should even care very much about what judges do, given the gaps between formal law and law as it works out on the ground.

Moderator/Commentator: Valerie Hans (Cornell)

Panelists:

Joseph Margulies (Cornell)

"When the Law Speaks, What Do Elites Hear?: Reflections on the Elite Construction of Legal Meaning"

Shahin Talesh (Irvine)

"Legal Intermediaries: How Insurance Companies Construct the Meaning of Compliance with Anti-Discrimination Law"

Catherine Fisk (Irvine)

"Legal Realism and Legal Doctrine in the Analysis of Judicial Decisions: Recent Examples from Labor and Anti-Discrimination Law"

Brian Bix (Minnesota)

"Doctrine, Data, and High Theory"

Meredith Martin Rountree (Northwestern)

"Constitutional Catechisms"

Michael McCann (U. Washington)

TBA

3:15 Break

3:30-5:30 Panel 2: Realist Studies of Law Beyond Borders

For some of today's scholars, the power of New Legal Realism is its ability to reach across disciplinary and national boundaries to study law in novel ways. These panelists draw on social science research to reconceptualize core dilemmas facing lawyers and law, demonstrating how important it is for legal systems and the scholars who study them to reach beyond accepted borders. This two-part panel also considers how the link between empirical research and legal scholarship might be reconfigured in a new legal realist era.

Moderator/Commentator: Heinz Klug (Wisconsin)

Panelists:

Gregory Shaffer (Irvine)

"A New Legal Realist Approach to International Law"

Alexandra Huneeus (Wisconsin)

"Legal Realism and Law in Society in Latin America"

Mikael Rask Madsen (U. Copenhagen)

"European Legal Realism and International Law: How to Make International Legal Fields Intelligible"

Susan Bibler Coutin (Irvine) and **Julie Mitchell** (Loyola)

"Living Documents in Transnational Spaces of Migration between El Salvador and the United States"

Michele Bratcher Goodwin (Irvine)

"Colonized Wombs: Reproducing New World Orders"

Riaz Tejani (Illinois)

"*Les Amalgams*": The Extra- Legality of Race as Religion in French Civil Rights Participation"

5:00 Break

6:15-7:45 Dinner (MPSS Executive Commons)

6:30 Keynote (Panel 3): Envisioning a New Legal Realism

Introduction: Victoria Nourse (Georgetown)

Brian Tamanaha (Washington U.)

David Wilkins (Harvard)

Moderator/Commentator: Elizabeth Mertz (ABF/Wisconsin)

Adjourn

8:00 **Optional get together and continental breakfast**

9:00- 10:30 Panel 4: Realist Research on Law & Discrimination

Moderator/Commentator: Thomas Mitchell (Wisconsin)

Panelists:

Laura Beth Nielsen & Robert Nelson (ABF/Northwestern)

“Rights on Trial: Employment Civil Rights Litigation in the United States”

Mario Barnes (Irvine)

“Taking a Stand: A New Legal Realism Assessment of the Racial Impact of Recent Innovations in Self- Defense Law?”

Robin Stryker (Arizona)

“‘Effects- Based’ Civil Rights Law: Comparing U.S. Voting Rights, Equal Employment Opportunity and Fair Housing Legislation”

Katherine Barnes (Arizona)

“Pathways to Satisfaction”

10:30 Break

10:45- 12:15 Panel 5: Defining a New Legal Realism

Moderator/Commentator: Joyce Sterling (Denver)

Panelists:

Brad Snyder (Wisconsin)

“The House of Truth: Defining Pre-New Deal American Liberalism”

Hanoch Dagan (Tel-Aviv and Columbia)

“Legal Theory for Legal Empiricists”

Susan Sturm (Columbia)

TBA

Stewart Macaulay (Wisconsin)

“New Legal Realism: Definitions= Shortcuts, Boundaries, and Legitimacy Claims”

12:15 Break

12:30-2:00 Lunch (MPAA Executive Commons)

1:00 Dean’s Panel (6): Legal Education Reform & the Empirical Turn

Erwin Chemerinsky (Irvine)

Lauren Kay Robel (Indiana)

Penelope E. Bryan (Whittier)

2:00 Break

2:15- 3:45 Panel 7: Realist Research on the Legal Profession

Moderator/ Commentator: Carrie Menkel-Meadow (Irvine)

Panelists:

Bryant Garth (Irvine)

“After the JD and Hierarchy in the Legal Profession”

Liora Israël (École des Hautes Études en Sciences Sociales, Centre Maurice Halbwachs)

“Being Realistic: Lawyers in Practice, From Legal Education to the Courtroom”

Scott Cummings (UCLA)

“The Role of Lawyers in Social Change: A Critical History”

Ann Southworth (Irvine)

“The Support Structure for *Citizens United* and *McCutcheon*”

3:45 Break

4:00- 5:30 Panel 8: Realist Research on Legal Education

Moderator/Commentator: Carroll Seron (Irvine)

Panelists:

Stephen Daniels (American Bar Foundation)

“Patterns and Changes in Legal Education: What Can the Available Data Tell Us?”

Carole Silver (Northwestern)

“Learning From – and About – the Numbers”

Meera Deo (Thomas Jefferson)

“The Ugly Truth About Legal Academia”

Marsha Mansfield (Wisconsin)

“Between Practice and Social Science: Teaching an Interdisciplinary Law Class”

Sunday - August 31, 2014 (Optional)

9:00-10:00 **Debriefing, planning, etc.**

10:15-11:30 **Steering Committee meeting**

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Biographical Statements for Presenters

Katherine Barnes is Professor of Law and Professor of Economics as well as Director of the Rogers Program on Law and Society at the University of Arizona. She is a graduate of the University of Michigan Law School (J.D.), where she was a Clarence Darrow Scholar, and the University of Minnesota, School of Statistics (Ph.D.). Her research interests include discrimination law, criminal justice, statistical evidence, sample selection models, Bayesian statistics, and causal inference. Recent and forthcoming articles include “Is it Fair? Professors’ Perceptions of Tenure” with Elizabeth Mertz and “Industry Dominance in Publicly Important Rulemakings: An Empirical Study of EPA’s Hazardous Air Pollutant Rules” with Wendy Wagner and Lisa Peters. Before joining the University of Arizona, Professor Barnes taught at the Washington University Law School as well as clerked for Judges Sonia Sotomayor and Vaughn R. Walker.

Mario Barnes is the Associate Dean for Research and Faculty Development and Professor of Law at UC Irvine, with a joint appointment (by courtesy) in Criminology, Law & Society. He is also a Faculty Affiliate in the UCI Center in Law, Society & Culture, the Co-Director of the UCI Center on Law, Equality and Race (CLEaR), and previously served as Senior Associate Dean for Academic Affairs for the law school from 2011 to 2014. Professor Barnes’ scholarly interests are in the areas of criminal law, constitutional law, national security law, and race and the law. His recent works include: “Judging Opportunity Lost: Race-Based Affirmative Action and Equality Jurisprudence After *Fisher v. University of Texas*” forthcoming in the *UCLA Law Review*, (with Erwin Chemerinsky and Angela Onwuachi-Willig); “The Obama Effect: Specialized Meaning in Anti-Discrimination Law” in the *Indiana Law Journal* (with Angela Onwuachi-Willig, 2012); and “Analyzing Stops, Citations, and Searches in Washington and Beyond” in the *Seattle University Law Review* (with Robert S. Chang, 2012). From 2004 to 2009, he was a faculty member at the University of Miami School of Law, and from 2002 to 2004, he served as a William H. Hastie Fellow at the University of Wisconsin Law School.

Brian H. Bix is Frederick W. Thomas Professor of Law and Philosophy at the University of Minnesota. Professor Bix’s areas of scholarly interest include legal philosophy, family law and contract law. His publications include *Oxford Introductions to U.S. Law: Family Law* (Oxford, 2013), *Contract Law: Rules, Theory, and Context* (Cambridge, 2012), *Jurisprudence: Theory and Context* (6th ed., Sweet & Maxwell, 2012), *A Dictionary of Legal Theory* (Oxford, 2004), and *Law, Language, and Legal Determinacy* (Oxford, 1993). He received his J.D. from Harvard Law School and his D.Phil. (doctorate) from Balliol College, Oxford University. He is a Member of the American Law Institute, and is a Member of the Bars of the States of Minnesota, Massachusetts, and Connecticut. He served as the Reporter for the Uniform Premarital and Marital Agreement Act.

Penelope E. Bryan joined Whittier Law School in 2009 as Dean and Professor of Law. She is a national expert in family law, women’s issues, and the complex field of child custody. She has broad administrative experience in legal education and has developed multiple academic programs as well as initiatives in experiential education, academic success and bar passage. Dean Bryan also has guided the development of exciting international opportunities for law students in Argentina, Peru, Spain, China, France, Mexico and Israel. Dean Bryan holds a master’s degree in sociology as well as her J.D. from the

University of Florida. Before joining Whittier Law School as Dean, she served as Professor and then Associate Dean of Academic Affairs at the University of Denver College of Law.

Erwin Chemerinsky is the founding Dean and Distinguished Professor of Law, and Raymond Pryke Professor of First Amendment Law, at the University of California, Irvine School of Law, with a joint appointment in Political Science. Previously, he taught at Duke Law School for four years, during which he won the Duke University Scholar-Teacher of the Year Award in 2006. Before that, he taught for 21 years at the University of Southern California School of Law. Dean Chemerinsky has also taught at UCLA School of Law and DePaul University College of Law. His areas of expertise are constitutional law, federal practice, civil rights and civil liberties, and appellate litigation. He is the author of eight books, most recently *The Case Against the Supreme Court*, to be published by Viking in September 2014, and more than 200 articles in top law reviews. He frequently argues cases before the nation's highest courts, including the United States Supreme Court, and also serves as a commentator on legal issues for national and local media. He writes a weekly column for the Orange County Register, monthly columns for the ABA Journal and the Daily Journal, and frequent op-eds in newspapers across the country. In January 2014, National Jurist magazine named Dean Chemerinsky as the most influential person in legal education in the United States. Chemerinsky holds a law degree from Harvard Law School and a bachelor's degree from Northwestern University.

Susan Bibler Coutin is Professor in the Department of Criminology, Law, and Society and the Department of Anthropology at the University of California, Irvine, where she also serves as Associate Dean of the Graduate Division. She holds a Ph.D. in sociocultural anthropology. Her research has examined social, political, and legal activism surrounding immigration issues, particularly immigration from El Salvador to the United States. She has authored several books including *The Culture of Protest: Religious Activism and the U.S. Sanctuary Movement* (1993), *Legalizing Moves: Salvadoran Immigrants' Struggle For U.S. Residency* (2000), and *Nations of Emigrants: Shifting Boundaries of Citizenship in El Salvador and the United States* (2007). Professor Coutin is currently completing a book manuscript that examines the experiences of 1.5 generation migrants, that is, individuals who were born in El Salvador but raised in the United States. With Justin Richland (UCI and University of Chicago) she is also conducting NSF-funded research regarding archival practices in immigrant and indigenous advocacy. Lastly, in collaboration with law school colleagues Sameer Ashar, Jennifer Chacon, and Stephen Lee and with funding from the Russell Sage Foundation, she is embarking on a new project entitled, "Navigating Liminal Legalities along Pathways to Citizenship: Immigrant Vulnerability and the Role of Mediating Institutions."

Scott Cummings is Professor of Law at the University of California, Los Angeles School of Law. He is also faculty director of the UCLA David J. Epstein Program in Public Interest Law and Policy. His research and teaching focuses on the areas of legal profession, public interest law, and community economic development. Professor Cummings has co-authored *Public Interest Lawyering: A Contemporary Perspective* (with Alan Chen, 2012) and co-edited *Legal Ethics* (with Deborah Rhode and David Luban, 2012). Currently he is co-Principal Investigator of a National Science Foundation funded study (with Richard Abel and Catherine Albiston) examining the factors causing law students to enter and persevere in public interest careers. Prior to joining UCLA, Professor Cummings clerked for Judge A. Wallace Tashima on the Ninth Circuit and was awarded a Skadden Fellowship to work in the Community Development Project at Public Counsel in Los Angeles.

Hanoch Dagan is the Stewart and Judy Colton Professor of Legal Theory and Innovation at Tel Aviv University. He was formerly Dean of Tel Aviv University Faculty of Law, founding director of the Zvi Meitar Center for Advanced Legal Studies, director of The Cegla Center for Interdisciplinary Research of the Law, and Editor in Chief of Theoretical Inquiries in Law. Professor Dagan has written extensively on private law theory and legal theory. He has authored six books, including *The Law and Ethics of Restitution* (Cambridge University Press, 2004), *Property: Values and Institutions* (Oxford University Press, 2011), *Properties of Property* (with Gregory S. Alexander, Wolters Kluwer, 2012), and *Reconstructing American Legal Realism & Rethinking Private Law Theory* (Oxford University Press, 2013). Professor Dagan has been a visiting professor at Yale, Columbia, University of Michigan, Cornell and University of Toronto. He is also a Senior Fellow at the Israel Democracy Institute and a member of the American Law Institute and of the International Academy of Comparative Law. He earned his LL.M. and J.S.D. from Yale Law School and his LL.B. from Tel Aviv University.

Stephen Daniels is a Senior Research Professor at the American Bar Foundation. He earned his Ph.D. in political science from the University of Wisconsin-Madison. Professor Daniels' research focuses on law and public policy, various aspects of the American civil justice system, and legal education. He has written on trial courts, juries, plaintiffs' lawyers, the politics of civil justice reform, and law schools. He is completing, with Joanne Martin, a book on plaintiffs' lawyers. Most recently, he co-authored (with Martin Katz and William Sullivan) "Analyzing Carnegie's Reach: The Contingent Nature of Innovation," which appeared in the *Journal of Legal Education*.

Meera Deo is Associate Professor of Law at Thomas Jefferson School of Law. She is a nationally-recognized interdisciplinary scholar who utilizes empirical methods to interrogate institutional diversity and affirmative action. Professor Deo practiced civil rights law with the ACLU National Legal Department in New York City, where she worked on impact litigation involving privacy and cyberspace law. She was later Staff Attorney for Women's Health, and Director of the Breast Cancer Legal Project at the California Women's Law Center. The National Science Foundation (NSF), the Paul & Daisy Soros Fellowship, and numerous University of California grants and awards supported her doctoral dissertation on social capital formation among members of law student organizations. Professor Deo currently serves on the Executive Committee for the AALS Section on Law and the Social Sciences and is an appointee to the California Commission on Access to Justice. Professor Deo's interdisciplinary and empirical research on institutional diversity has been cited in numerous amicus briefs filed in the U.S. Supreme Court. Her scholarship draws from original empirical research to investigate the law student and law faculty experience. She is currently collecting, analyzing, and disseminating data for a landmark study of diversity in legal academia that examines how the intersectionality of race and gender affect tenure and promotion, work/life balance, institutional support, and other aspects of the personal and professional lives of American law faculty.

Catherine Fisk is Chancellor's Professor of Law at the University of California- Irvine. Professor Fisk teaches and has written extensively on the law of workplace, legal history, civil rights, and the legal profession. Her works include *Working Knowledge: Employee Innovation and the Rise of the Corporate Intellectual Property, 1800-1920* and *Labor Law in the Contemporary Workplace*. She is also the coauthor (with Ann Southworth) of an interdisciplinary casebook, *The Legal Profession*. Professor Fisk serves on the SEIU Ethics Review Board, the Board of Directors of the Wage Justice Center, and committees of the Law & Society Association. She previously practiced law at a Washington, D.C. firm and at the U.S. Department of Justice. She was also a faculty member at the University of Southern

California Gould School of Law, Loyola Law School in Los Angeles, and Duke Law School prior to joining UCI.

Bryant Garth is Chancellor's Professor at the University California, Irvine School of Law, where he has been since 2012. He served as Dean of Southwestern Law School from 2005 until 2012. Before coming to Southwestern, Professor Garth was Dean of the Indiana University-Bloomington School of Law (1986-90) and Director of the American Bar Foundation (1990-2004). His scholarship focuses on the legal profession, the sociology of law, and globalization. Two of his books co-authored with Yves Dezalay, *Dealing in Virtue* (1996) and *Asian Legal Revivals* (2010), were given the Herbert Jacobs Award from the Law and Society Association as the best books in the field of Law and Society published that year. A third, *The Internationalization of Palace Wars* (2002), was translated and published also in French, Korean, and Spanish. He served as co-editor of the *Journal of Legal Education* from 2011-14. Professor Garth is on the Executive Coordinating Committee of the "After the J.D." project, the first longitudinal study of the legal profession, and chairs the advisory committee of the Law School Survey of Student Engagement (LSSSE).

Michele Bratcher Goodwin is Chancellor's Professor of Law at the University of California, Irvine School of Law. Professor Goodwin's research concerns the role of law in the promotion and regulation of medicine, science, and biotechnology. She researches and teaches in the areas of constitutional law, property, biotechnology, bioethics, and cultural politics. Her scholarship defines new ways of thinking about supply, demand, and access to sophisticated medical technologies, spanning genetics (human and modified organisms) to organ transplantation, assisted reproductive technology, and creating families. She is a prolific author and public voice on civil liberties and human rights, particularly human trafficking for sex, labor, body parts, and marriage. Reviews of her work appear in the *New England Journal of Medicine*, *Nature*, *Publisher's Weekly*, *Law and Politics Book Review*, *Book News*, and the *Library Journal*, amongst other periodicals. Her editorials and commentaries appear in the *Los Angeles Times*, *New York Times*, *Gene Watch*, *Christian Science Monitor*, *Cleveland Plain Dealer*, *Houston Chronicle*, *Chicago Sun Times*, *Washington Post*, *AlterNet* and *Forbes Magazine*. She is a columnist for the Conversation Section of the *Chronicle of Higher Education Magazine* and blogs for the Harvard Bill of Health. Professor Goodwin is the founder and director of The Center for Biotechnology and Global Health Policy at UC Irvine School of Law. She is also the president of the Defence for Children International U.S. affiliate and founder of the Institute for Global Child Advocacy. Professor Goodwin is the former Everett Fraser Professor in Law at the University of Minnesota. She served as a Visiting Professor at the University of Chicago and as a Visiting Scholar at the University of California-Berkeley and Columbia University Law School. Prior to law teaching, Professor Goodwin was a Gilder-Lehrman Post-Doctoral Fellow at Yale University.

Valerie Hans is Professor of Law at Cornell University Law School. She conducts empirical studies of law and the courts, and is one of the nation's leading authorities on the jury system. Trained as a social scientist, she has carried out extensive research and lectured around the globe on juries and jury reforms as well as the uses of social science in law. She is the author or editor of 6 books and over 100 research articles. Current projects on the American jury include developing a new theory of damage awards, analyzing how jury service promotes civic engagement, examining the impact of race in tort decisions, and researching the jury's role in the death penalty. Professor Hans is also studying the introduction of juries and other forms of citizen participation in other countries, including Japan, Korea, Russia, Spain, and Taiwan. Her books include *Business on Trial: The Civil Jury and Corporate*

Responsibility (2000); *The Jury System: Contemporary Scholarship* (2006); and two books coauthored with Neil Vidmar: *Judging the Jury* (1986) and *American Juries: The Verdict* (2007).

Alexandra Huneus is Assistant Professor at the University of Wisconsin Law School. She was previously a fellow at the Center on Democracy, Development, and the Rule of Law at Stanford University. Professor Huneus' research focuses on international law, courts and politics, with an emphasis on human rights. She is currently working on a project examining the evolution of regional human rights systems, in particular the Inter-American System for Human Rights. Her article, "International Criminal Law by Other Means: The Quasi-Criminal Jurisdiction of the Human Rights Courts" (2013), won the AALS 2013 Scholarly Papers Competition. She also edited *Culture of Legality: Judicialization and Political Activism in Latin America* (Cambridge, 2010). She received her Ph.D. and J.D. from the University of California, Berkeley. Prior to studying law, Professor Huneus was an editor and journalist in Santiago, Chile and in San Francisco.

Liora Israël is Associate Professor in Sociology at L'École des Hautes Études en Sciences Sociales (Paris). She is currently a visiting scholar at the Center for the Study of Law and Society, UC Berkeley. Her scholarship focuses on several topics, including political mobilization of law during the XXth Century, legal education, and anti-discrimination law. Professor Israël is the author of two books, and has edited several volumes including *Dealing with Wars and Dictatorships: Legal Concepts and Categories in Action* (with Mouralis Guillaume, 2014). She was awarded the Adam Podgorecki Prize by the Research Committee on Sociology of Law of the International Sociological Association in 2008. She has served as a member on the Editorial Board of the Canadian Journal of Law and Society and *Droit et Société*. She has been elected trustee of the Law and Society Association (2014-2016)

Heinz Klug is Evjue-Bascom Professor of Law at the University of Wisconsin Law School and Honorary Senior Research Associate in the School of Law at the University of the Witwatersrand, Johannesburg, South Africa. Growing up in Durban, South Africa, he participated in the anti-apartheid struggle, spent 11 years in exile and returned to South Africa as a member of the ANC Land Commission, and has been involved in post-apartheid South Africa in a number of capacities. His research focuses on constitutional transitions, constitution-building, human rights, international legal regimes and natural resources. His publications include *The Constitution of South Africa: A Contextual Analysis* (Hart 2010) and *Constituting Democracy: Law, Globalism and South Africa's Political Reconstruction* (Cambridge 2000), among others.

Stewart Macaulay is Professor of Law Emeritus at the University of Wisconsin Law School. He pioneered the study of business practices and the work of lawyers related to the questions of contract law. Also, he is one of the founders of the modern law and society movement. Professor Macaulay has written extensively on subjects ranging from lawyers and consumer law to private government and legal pluralism. He is the author of "The New Versus the Old Legal Realism: 'Things Ain't What They Used to Be,'" in the *Wisconsin Law Review* (2005) and "New Legal Realism and the Empirical Turn in Law," in *Law and Social Theory* (with Elizabeth Mertz in Banakar and Travers, eds. 2013). He also authored *Law and the Balance of Power: The Automobile Manufacturers and Their Dealers*, co-authored *Law in Action: A Socio-Legal Reader* (with Lawrence Friedman and Elizabeth Mertz), and *Contracts: Law in Action* (with Jean Braucher, John Kidwell, and Bill Whitford).

Mikael Rask Madsen is Professor of Law at the University of Copenhagen and Director of iCourts, the Danish National Research Foundation's Centre of Excellence for International Courts. His primary areas

of research include globalization and the role of legal institutions and professionals, specifically in the evolution and challenges of international courts; the role of legal elites in globalization; the development of the legal profession; and legal knowledge and power. His current research concerns the special interaction between law and global integration with an empirical focus on international supranational courts. Recent publications include “The Force of Law and Lawyers: Pierre Bourdieu and the Reflexive Sociology of Law” in the *Annual Review of Law and Social Science* (with Y. Dezalay), editor of *The European Court between Law and Politics* (with J. Christoffersen, 2013), editor of *Transnational Power Elites: The New Professionals of Governance, Law and Security* (with N. Kauppi, 2013), and editor of *Making Human Rights Intelligible: Towards a Sociology of Human Rights* (with G. Verschraegen, 2013).

Marsha Mansfield is a Clinical Professor and Director of the University of Wisconsin Law School’s Economic Justice Institute, as well as of counsel with Lawton & Cates, S.C., a plaintiff’s litigation firm in Madison, Wisconsin. She is a member of Wisconsin’s Access to Justice Commission, and has long been involved in both state and local bar activities as past president of the Dane County Bar Association and as a member of both state bar and ABA sections. Professor Mansfield served for 10 years on a Wisconsin Office of Lawyer Regulation District Committee and has lectured on professional responsibility at the U.W. Law School and at numerous seminars. She helped create the U.W. Law School’s Pro Bono Project and is a member of its steering committee. She is a 1984 graduate of the U. W. Law School. She is co-author of “New Roles to Solve Old Problems: Lawyering for People in Today’s Context” in the *New York Law School Law Review*, “Wisconsin’s Individual-at-Risk Restraining Order: An Analysis of the First Thirty Months” in *Elder Law Journal*, and “Keeping the Promise of Equal Justice” in the *Wisconsin Lawyer*.

Joseph Margulies is Visiting Professor of Law and Government at Cornell University. He divides his time between lawyering, writing, and teaching. He has defended scores of people on death row across the country, and was lead counsel in *Rasul v. Bush* (2004), which involved detentions at the Guantanamo Bay Naval Station, and in *Munaf v. Geren* (2008), which involved detentions at Camp Cropper in Iraq. He is currently counsel for abu Zubaydah, whose interrogation in 2002 prompted the Bush Administration to draft the infamous “torture memo.” Professor Margulies writes about race and the criminal justice system, as well as civil liberties in the wake of September 11. He is the author of *Guantanamo and the Abuse of Presidential Power* (Simon & Schuster 2006), which received the Silver Gavel Award of 2007 from the American Bar Association and the Scribes Book Award of 2007 from the American Society of Legal Writers. He is also the author of *What Changed When Everything Changed: 9/11 and the Making of National Identity* (Yale 2013), and is working on a new book about reform momentum in criminal justice.

Michael McCann is Gordon Hirabayashi Professor for the Advancement of Citizenship at the University of Washington. Professor McCann was the Founding Director of the Law, Societies, and Justice program as well as the Comparative Law and Society Studies (CLASS) Center at UW for over a dozen years. He is the author of over sixty article-length publications and numerous books, including *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization* (Chicago, 1994) and (with William Haltom) *Distorting the Law: Politics, Media, and the Litigation Crisis* (Chicago, 2004); both books have won multiple professional awards. His current research, with George Lovell, documents and analyzes the history of struggles for socioeconomic rights and social justice by Filipino immigrant workers in the western United States over the twentieth century. Professor McCann has won a Guggenheim Fellowship (2008), a Law and Public Affairs Program Fellowship at Princeton (2011-12), and numerous

NSF and other research grants; he was elected as president of the Law and Society Association for 2011-13. He is about to assume a new leadership role as Director of the Harry Bridges Center for Labor Studies at UW.

Carrie Menkel-Meadow is Chancellor's Professor of Law at the University of California, Irvine. She also has a joint appointment in Law and Political Science. Professor Menkel-Meadow is a founder of the dispute resolution field. Her research focuses on international dispute resolution, the legal profession, legal ethics, clinical legal education, feminist legal theory, and women in the legal profession. She is author of *Complex Dispute Resolution, 3 volumes* (2012); *Dispute Resolution: Beyond the Adversarial Model* (2nd ed. 2011); *Negotiation: Processes for Problem Solving, 2nd ed.* (2014); *Mediation: Theory, Policy & Practice, 2nd ed.* (2013); and *Dispute Processing & Conflict Resolution* (2003) and over 200 articles in dispute resolution, legal profession, legal education, civil procedure, law and society, feminist and legal theory topics. Professor Menkel-Meadow co-edited *the Journal of Legal Education* and the *International Journal of Law in Context*. She was previously A.B. Chettle, Jr. Professor of Dispute Resolution, Law and Civil Procedure, and Director of the Georgetown-Hewlett Program in Conflict Resolution and Legal Problem Solving. Professor Menkel-Meadow was also Professor of Law at UCLA for 20 years and served as Professor in the Women's Studies program, Acting Director of the Center for the Study of Women, and Co-Director of UCLA's Center on Conflict Resolution. She won the first Award for Outstanding Scholarly Work from the American Bar Association's Dispute Resolution Section as well as First Prize for Scholarship in Alternative Dispute Resolution from the Center for Public Resources three times.

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Thomas Mitchell is a national expert on property issues facing poor and minority communities. In addition to publishing leading scholarly works, he has done extensive policy and community engagement work to address some of the serious legal problems poor property owners face. He was one of two law professors in the United States (and just one of ten professors overall) to receive the Elizabeth Hurlock Beckman Award in 2013 for his extensive work in mentoring law students who have gone on to serve disadvantaged communities in a substantial, lasting way. Legislatively, Professor Mitchell served as the Reporter, the person tasked with primary drafting responsibility, for the Uniform Partition of Heirs Property Act (UPHPA), which was promulgated by the Uniform Law Commission in 2010. As background, many poor and minority families have lost both their property as well as the wealth associated with such property as a result of court-ordered “partition sales” of so-called heirs’ property. UPHPA represents a major legal reform effort to stabilize ownership of such property and it has been enacted into law in Alabama, Georgia, Montana, and Nevada thus far. Professor Mitchell is just the second African-American to have served as Reporter for the Uniform Law Commission on one of its more than 330 uniform act projects (including the Uniform Commercial Code) in the commission’s 123-year history.

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