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Dean's Desk: IU Maurer research focusing on most topical issues of 2020

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Dean's Desk

Austen Parrish
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The three major stories of 2020 — the COVID-19 pandemic, the heightened awareness of racial injustice and the election — have made this year one that we will remember. While we couldn't have envisioned all that would happen at the beginning of the year, our faculty are producing useful and thought-provoking scholarship on all these topics.

I often use my Dean's Desk columns to celebrate student and alumni achievement, to describe new and innovative programs in our curriculum, or to share how the law school supports and collaborates with community organizations and the courts to provide pro bono legal services throughout Indiana. The law school, however, is also part of one of the nation's leading research universities at Indiana University Bloomington. Our faculty's scholarship informs public debate, provides powerful insights into important legal issues and offers solutions to some of today's toughest problems. In this column, I thought I would highlight just a few recent examples.

Law and the pandemic

Many of our faculty are engaged in cutting-edge research related to the COVID-19 pandemic. One area is the effects of the pandemic on consumer debt and debt collection practices. Professor Pamela Foohey has been a leading voice in this area. She, along with co-authors Dalie Jimenez (University of California – Irvine School of Law) and Christopher Odinet (University of Iowa College of Law), has written a number of articles on the pandemic-related economic shutdown and resulting job losses. Professor Foohey's work proposes reforms to consumer banking and lending laws, assesses debt-collection practices during the pandemic, and analyzes the use of credit mechanisms, the CARES Act and other pandemic relief policies. Her scholarship provides thoughtful and pragmatic solutions that federal and state governments can adopt to help those most facing financial hardship because of the pandemic. Professor Foohey's work underscores not only her deep knowledge of the intersection between consumer credit laws and the current public health crisis, but also her ability to produce "just-in-time scholarship" for immediate application by legislators, judges and consumer protection advocates.

Another area is how the pandemic has affected family life. Professor Deborah Widiss —

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shown how the pandemic has brought conflicts between job duties and family responsibilities to a head. In a contribution to a new online open-source book, “Work Law Under COVID-19,” Professor Widiss explains how existing laws providing leave to employees have failed to meet the challenges posed by COVID-19 as schools went online, childcare providers closed and workers turned their attention to sick family members. Emerging research shows women are much likelier to disrupt work to meet family needs and leave the workforce entirely. The prediction is the pandemic will worsen gender-based inequalities in ways that will likely persist long after the virus subsides. Professor Widiss’ work has been instrumental to those thinking through legal and policy reforms to address these disruptions.

Elections, voting and issues of racial equality

If the global pandemic has been on the forefront of our minds, so too has the Nov. 3 election and issues of racial equality and justice. We are fortunate to have one of the nation’s foremost experts on voting rights as a member of our faculty. Professor Luis Fuentes-Rohwer, a Herman B Wells endowed professor, has brought his expertise to bear during this election cycle in several ways. Most recently, he and his co-author, Professor Guy-Uriel E. Charles (Duke University) have written about Justice Elena Kagan’s electoral college decision in the recent *Chiafalo v. Washington* decision. His other work includes serving as a panelist at a Monroe County Democratic Party event, “The Power of the Black and Brown Vote: Can You Hear Us Now?,” and speaking at the recent Federal Depository Library Conference (with the law school’s government documents librarian, Jennifer Bryan Morgan) on “Thinking About Race, Voting Rights, and the Past: People, Moments, and Documents.” Professor Fuentes-Rohwer has also participated in IU’s Social Justice in America series, which this year focused on “Defending Democracy: Confronting Voter Suppression and White Supremacy in the New Millennium.”

Also participating in this year’s series was Professor Jeannine Bell, a nationally recognized expert in hate crime and police violence. Professor Bell has participated in panel discussions on police funding at Drexel University and Berkeley Law School. She has commented in the national media recently on the defunding of anti-hate crime initiatives in New York City, the underreporting of hate crimes because of distrust of law enforcement, and the heightened scrutiny of police departments in the wake of the killings of George Floyd and Breonna Taylor. Also, she has been interviewed by USA Today, the CBC, The Wall Street Journal, WNYC and The Center for Public Integrity.

Professor Leandra Lederman — the William W. Oliver Professor of Tax Law and director of the law school’s highly regarded tax program — has taken her expertise (virtually) to Capitol Hill, where she testified last month before the House Ways and Means Committee Oversight Committee on Taxpayer Fairness. Professor Lederman is one of the nation’s most cited tax scholars, and her work is particularly timely this year amid the general discussion of fairness and income inequality surrounding the election. She explained to the committee the essential function of audits, how audits deter noncompliance and that some taxpayers have more opportunities than others for avoiding compliance.

Our faculty have also examined the impact of race on the legal profession itself. A new major study co-led by Professor Victor Quintanilla and funded by the AccessLex Institute found that the minimum passing score (the “cut score”) on the California bar exam, which is the second highest in the nation, excludes minorities from admission to the bar at a disproportionately high rate and does not result in greater public protection in the state. Described as “groundbreaking,” the study — which examined over 85,000 bar examinees over an 11-year period — analyzed whether the selection of a minimum cut score results in disparate bar exam pass rates when race and ethnicity is taken into consideration. The study also included analysis of American Bar Association discipline data from 48 U.S. jurisdictions over a five-year period. Professor Quintanilla followed this study with additional research assessing California’s Proposed Supervised Provisional License Program.

In addition to these examples of our faculty’s research and expertise, the Maurer School of Law community has come together in other ways. The law school helped organize and host, in collaboration with other law schools in the Big 10 Academic Alliance, a 12-week Zoom lecture series, “Perspectives on Race, Law, and Equality.” In October, our own Professor Jessica Eaglin, an expert on mass incarceration, delivered a talk focused on the use of statistical assessments of a defendant’s likelihood of recidivism in state sentencing, and problems with technological reforms in sentencing. The law school also sponsored a “One School, One Book” reading club, led by Professor Susan deMaine, the director of the Jerome Hall Law Library, and Professor Aviva Orenstein, the law school’s dean of students, where students, staff and faculty read and discussed “The New Jim Crow: Mass Incarceration in the Age of Colorblindness” by Michelle Alexander. The law school also became a founding participant in the ABA Legal Education Policy Practices consortium, providing our students research and experiential opportunities to work with national leaders on improving police practices throughout the United States on local and federal levels.

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These are just a few highlights of some of the important interdisciplinary work being done by our faculty. It only scrapes the surface of the research and scholarship being done at the law school. Our acclaimed Centers of Research Excellence also are making important contributions in the areas of cybersecurity and information privacy, constitutional design, the global legal profession, intellectual property, and law, society and culture.

There is much to be done in terms of both returning to a “normal” environment, getting beyond the pandemic and addressing the serious racial justice concerns that we face in today’s world. But the Maurer School of Law, in its own small way, is contributing to a brighter tomorrow. For more information about our faculty’s research and how faculty contribute to our understanding of law and legal institutions, visit law.indiana.edu/research.

• **Austen L. Parrish** is dean and James H. Rudy Professor at the Indiana University Maurer School of Law. Opinions expressed are those of the author.