

## THE FELLOWS RESEARCH SEMINAR

Presented by  
The Fellows of the American Bar Foundation

### Co-sponsors

ABA General Practice, Solo and Small Firm Division  
ABA Government and Public Sector Lawyers Division  
ABA Section of Labor and Employment Law  
ABA Tort Trial & Insurance Practice Section

## Employment Discrimination Law in Action

**Saturday, February 9, 2008**

**2:00 – 4:30 PM**

**Brentwood Room, Hyatt Regency Century Plaza**

### Research Presentations

**Laura Beth Nielsen**, American Bar Foundation and Northwestern University, and  
**Robert L. Nelson**, American Bar Foundation and Northwestern University,  
“Uncertain Justice: Explaining Outcomes in Federal Employment Discrimination  
Lawsuits, 1988-2003.”

**Theodore Eisenberg**, Henry Allen Mark Professor of Law, Cornell Law School,  
Ithaca, NY

### Commentary

Luis A. "Tony" Cabassa, Partner, Thompson, Sizemore & Gonzalez, P.A, Tampa, Florida

Richard T. Cassidy, Principal, Hoff Curtis, Burlington, Vermont

Hon. Bernice Donald, Judge, U.S. District Court, Western District of Tennessee

Janie F. Schulman, Partner, Morrison & Foerster, Los Angeles, California

This seminar will present findings from the Employment Discrimination Litigation Research Project of the American Bar Foundation, which collected data from a large random sample of federal court filings for the period 1988-2003; conducted interviews with 100 plaintiffs, defendants, and their counsel; and matched data from the EEOC charge database for the same period. This uniquely comprehensive study reveals how employment discrimination litigation actually operates, including the prospects for success, the size of typical settlements and awards, the role that the race and gender of plaintiffs plays, and the profound importance of legal counsel to case outcomes. Interviews with parties raise serious concerns about the system.

Professor Eisenberg, a leading expert in empirical legal studies, will present new research on employment arbitration, an area of growing importance in employment law. Experts in discrimination law will comment on the research and offer their own perspectives on how the system of discrimination litigation works.

CLE credit applied for.