

Laurie Edelman: Scholarship and mentorship in action

My last email to Laurie Edelman, sent in September 2022, forwarded a Tenth Circuit Judicial Council Order discussing allegations against a District of New Mexico magistrate judge related to a special committee's finding that it "had reason to believe that she had engaged in sanctionable misconduct."¹ In letting Laurie know that this was "piece of evidence 1,000,001" that she had long "been so very correct" in her scholarship, I noted that the Order had found that many of the magistrate judge's employees chose not to report the conduct "because they feared retaliation" and still others "did not know if her behavior would constitute abusive conduct or a hostile work environment."² This was exactly what her scholarship has always described as two significant weak points in the enforcement of employment discrimination law and the realization of a fair and equitable workplace (Edelman 2016).³ In my mind, this September 2022 email epitomized what I had come to know—first as Laurie's former graduate student and research assistant, and now as a practicing lawyer—that Laurie was right. Her theories about endogeneity, symbolic structures, and the challenges of enforcing regulatory laws had broad applicability and this was just another instance of how, in practice, her theories and predictions proved to correctly identify real-world problems.

In the spring of 2007, I took Laurie's Sociology of Law and Organizations and was fortunate to become one of her research assistants beginning the summer after that class. I benefited from her generous research and employment support for many years thereafter. I was fortunate to be her research assistant at a time when she was working on projects arising out of her already groundbreaking work on judicial deference to employment structures (Edelman et al. 2011).⁴ These included a project examining students' perceptions of their rights in high schools across the country (Morrill et al. 2010),⁵ and, ultimately, on her *Working Law* book (2016).⁶ I felt especially lucky to help her on the *Working Law* book and to begin to see and understand her view of the impact of her work on so many topical areas of scholarship, from consumer regulation to insider trading to prison governance.⁷

While I gained so much from helping Laurie work on academic scholarship and from her guidance as my advisor and later dissertation chair, as I later transitioned to become a practicing lawyer, I came to understand that her work also had strong practical implications for the way law should be practiced.

In the final chapter of *Working Law*, Laurie issued a challenge to plaintiffs' lawyers, noting that they were "in the strongest position to ensure that judges do not draw erroneous inferences of organizational rationality and compliance from the presence of ineffective symbolic structures" and

¹In re: *Complaint Under the Judicial Conduct and Disability Act*, Judicial Counsel of the Tenth Circuit, No. 10-21-90022 (10th Cir. Sept. 14, 2022) at 2–3.

²*Id.* at 6.

³Lauren B. Edelman, *Working Law: Courts, Corporations, and Symbolic Civil Rights* (2016) at 21, 158–59.

⁴Lauren B. Edelman, Linda Hamilton Krieger, Scott R. Eliason, Catherine R. Albiston, Virginia Mellema, *When Organizations Rule: Judicial Deference to Institutionalized Employment Structures*, 117 *AMERICAN JOURNAL OF SOCIOLOGY* (2011).

⁵Calvin Morrill, Lauren B. Edelman, Karolyn Tyson, and Richard Arum, *Legal Mobilization in Schools: The Paradox of Rights and Race among Youth* 44 *LAW & SOCIETY REVIEW* (2010): 651–694.

⁶Lauren B. Edelman, *Working Law: Courts, Corporations, and Symbolic Civil Rights* (2016).

⁷Lauren B. Edelman, *Working Law: Courts, Corporations, and Symbolic Civil Rights* (2016) at 226.

exhorting them to “take great care to point out the inadequacies of these structures in the context of any particular case.”⁸ Having worked as a federal law clerk, defense- and plaintiff-side attorney in private practice, and now as a federal government attorney, I have seen how important (and effective) it is in legal practice to carefully scrutinize and interrogate what Laurie had long ago identified as a “symbolic structure,” that is, “a policy or procedure that is infused with value irrespective of its effectiveness.”⁹ The modern reality of the U.S. courts and regulatory system is that judges and regulators face tremendous and increasingly complex caseloads. This means that their attention, bandwidth, and resources are necessarily scarce and that explicitly pointing out where defendants or investigatory subjects have proffered potentially pretextual or misleading excuses or justifications for their actions is especially important. There is little time for a searching review of a complex, voluminous factual record or investigation in fast-moving industries (and especially when confronted with sophisticated, well-resourced counsel). Given this reality, Laurie’s recommendation to plaintiffs’ lawyers to point out deficiencies in symbolic structures has proven to be a critically important one for effective and justice-enhancing litigation and investigations.

In addition to her powerful scholarship and its increasingly practical impacts, over the 15 years I came to know Laurie—first as a student, then mentee, and finally friend—what has long stood out to me is her dedication to her students and her unyielding support for their careers and aspirations. As just one example of the love her graduate students had for her, early in my time working for her as a research assistant, Laurie received a strong and well-deserved lateral offer to move to another law school. While she was seriously considering the offer, I was able to join an incredible wave of her current students at UC Berkeley who worked together to write, call, and visit Laurie to convince her to stay. She would later note that the campaign and sheer volume of love and praise by Laurie’s students of her mentorship, teaching, and leadership were major factors in deciding to stay at Berkeley.

But, more than that, Laurie was an incredible mentor and used the power of her scholarly network to help me and so many others. Laurie spent countless hours introducing me to leading scholars in her network and the field of law and society. From introductions at Law & Society Association annual meetings to introductions to visiting scholars from the top of the field, whenever Laurie knew—and she always knew—that my work and career could benefit at all from an introduction, she made that introduction and made certain to put in a few kind words to help me along. I always knew that Laurie introducing me to a scholar meant that I would get a substantive conversation. And she would always leverage more than her professional network: knowing that I had an interest in health care law, she even introduced me to her sister, a leading health care lawyer at an elite law firm in Madison, Wisconsin.

Finally, Laurie provided unyielding support as I was transitioning out of the graduate program and into work as a practicing attorney. Even knowing I was leaving academia, Laurie worked hard to co-author and co-present a paper on diversity structures at the American Bar Foundation in Chicago. 2 years after I left the program, Laurie pulled me into a symposium at UC Davis and what ultimately became a co-authored law review article on how diversity mattered vis-à-vis the *Regents of the University of California v. Bakke* decision and how the meaning of diversity from that case filtered down into the workplace and the courts (Nakamura & Edelman 2019).¹⁰ From that time through all of 2022, Laurie continued to provide support and counsel anytime I needed it. In all of her support inside and outside of academia, Laurie showed me not only what it means to be a strong, principled scholar but what it means to truly be a mentor.

As a graduate student, I came to know that Laurie’s scholarship and theories were important and groundbreaking. As Laurie’s mentee and research assistant, I came to see how high-quality scholarship was created from the ground up. As a practicing attorney, I have come to see how Laurie’s

⁸Lauren B. Edelman, *Working Law: Courts, Corporations, and Symbolic Civil Rights* (2016) at 220–21.

⁹Lauren B. Edelman, *Working Law: Courts, Corporations, and Symbolic Civil Rights* (2016) at 5.

¹⁰Brent K. Nakamura and Lauren B. Edelman, *Bakke at 40: How Diversity Matters in the Employment Context*, 52 U.C. DAVIS LAW REVIEW (2018): 2627–679.

intellectual influence and practical guidance can work to make the world a fairer and more just place through the encouragement of rigorous scrutiny of symbolic structures and specific, actionable calls to plaintiffs' lawyers to prioritize challenges to symbolic structures. I was lucky to have landed in Laurie's class in the spring of 2007 and I—and so many others—have been enriched by her kindness, intellect, mentorship, and friendship.

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