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## YALE LAW & POLICY REVIEW

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### Law and Inequality: An American Constitution Society Conference at Yale Law School October 16 and 17, 2015

*Editor's Note*

The following pages contain selected essays from the panelists of the American Constitution Society's Law and Inequality Conference held at the Yale Law School on October 16 and 17, 2015.

The Law and Inequality Conference considered how law shapes, and is shaped by, extreme economic inequality. Today, the richest .1% of Americans holds 22% of the nation's wealth—the same share held by the bottom 90% of the population.<sup>1</sup> The Conference posited that the law has played a central, yet oft-overlooked role in this phenomenon, presenting an opportunity to understand how law, policy, and jurisprudence have been instruments in generating our current crisis, and to identify ways in which they can be harnessed as tools to redress it.

The Conference attempted to answer some fundamental questions about the role of law in rising inequality: in what way does economic inequality corrupt the democratic process? How does law structure markets that produce inequality? How have changes in legal procedure impeded access to the courts and exacerbated existing inequalities? What role has race played in shaping and reinforcing economic inequalities? To what extent do the principles of federalism and localism either further inequality or offer pathways for redressing it? How should constitutional jurisprudence grapple with consolidated economic power? These questions frame and inform the essays that follow.

The editors wish to acknowledge with special thanks the efforts of the members of the conference leadership: Brian Highsmith, Lina M. Khan, Urja Mittal, and Jake Elijah Struebing.

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1. Emmanuel Saez & Gabriel Zucman, *Wealth Inequality in the United States Since 1913: Evidence from Capitalized Income Tax Data* (Nat'l Bureau of Econ. Research Working Paper No. 20625, 2014), <http://gabriel-zucman.eu/files/SaezZucman2014.pdf> [<http://perma.cc/UR3S-AVZX>].