

FIELD NOTES



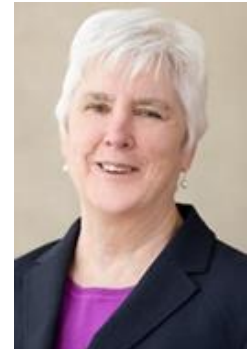
Empirical Study of Legal Education and the Legal Profession Fall 2018 Newsletter

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MESSAGE FROM THE CHAIR

All of us owe great thanks to Trent Kennedy, who has served as the founding newsletter editor for the AALS Section on Empirical Study of Legal Education and the Legal Profession. It is not an easy task to launch a section, or a newsletter, and Trent has been instrumental in both. [Editor's Note: I promise I did not make that up.]



Section Chair
Judith Welch Wegner

I am writing as the founding chair of the section to thank you for your support and interest in this undertaking. As some of you may know, I served as the principal investigator for the study of legal education undertaken by the Carnegie Foundation for the Advancement of Teaching from 1999-2001. This work led to the publication of the "Carnegie Report" ("Educating Lawyers") in 2007. The development of this section realizes all my hopes for the development of a disciplined "scholarship of teaching and learning" in legal education, as has come to pass in medical education and in other fields.

"I challenge other colleagues to seize the torch and do all you can to engage in innovative efforts that will improve legal education and the legal profession by virtue of careful empirical inquiry."

Our executive committee has worked hard to develop a strong 2019 AALS Annual Meeting three-hour workshop co-sponsored by the AALS Section on Academic Support Programs. One of the founding principles of our section has been the importance of building bridges across academic silos. At our 2018 AALS annual meeting program it was evident that there is significant interest within the legal academy to learn from each other (across roles, disciplinary fields, and schools.) Our section executive committee accordingly was delighted to find common cause with the academic support section in identifying ways of exploring critical issues relating to bar performance and student learning through the lens of empirical study. Please join us for this exceptional program to be held on January 3, 2019 from 1:30-4:30 p.m. Our section's business meeting will take place at the very end of the program. This newsletter also includes a separate summary of the 2019 AALS Annual Meeting program. For information on the 2019 Annual Meeting Program, see <https://am.aals.org/>.

I must also salute my colleague, Neil Hamilton, of the University of St. Thomas School of Law, in Minneapolis, who will succeed me as chair of our section. Neil is the nation's preeminent scholar on the subject of professional identity and its implications for law students' and lawyers' development as ethical, effective professionals. Working with colleagues and students, this year Neil undertook an important research project on behalf of our section, in order to identify those scholars who are actively engaged in empirical study of legal education and the legal profession. This effort will provide a

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<https://connect.aals.org/empirical>

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significant foundation for our shared work going forward, whether it is translated into a growing bibliography or simply an index of possible collaborators.

It has been a privilege to help launch the work of this AALS section. I have moved toward retirement following nearly four decades of service to legal education, but am continuing to press for innovation and reform grounded in empirical study, particularly with regard to reform of the bar examination.¹ I challenge other colleagues to seize the torch and do all you can to engage in innovative efforts that will improve legal education and the legal profession by virtue of careful empirical inquiry.

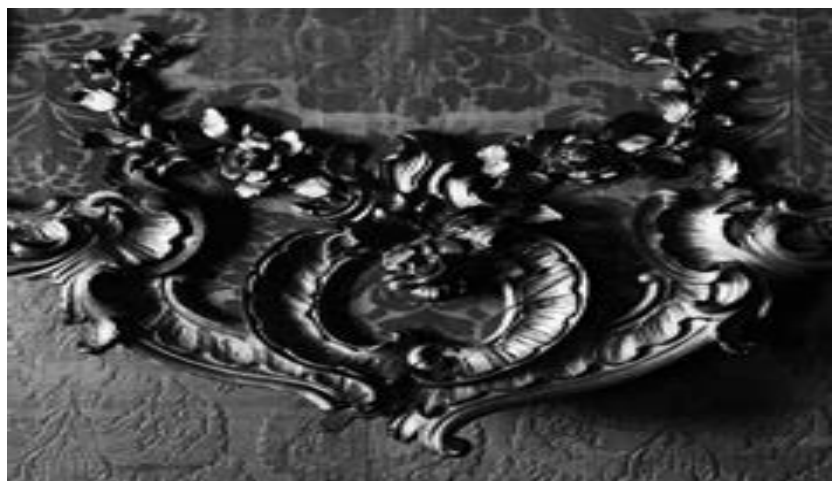
All best wishes.

Judith Welch Wegner

Burton Craige Professor of Law Emerita
University of North Carolina at Chapel Hill School of Law

RESOURCE SPOTLIGHT: HANNEMAN AND RIDDLE'S INTRODUCTION TO SOCIAL NETWORK METHODS IS WORTH MUCH MORE THAN YOU PAY FOR IT.

Researchers who are exploring first-time questions about group relationships, the transmission of information, or legal citation networks may find themselves in need of a quick introduction to the realm of social network analysis and the underlying mathematics of graph theory. Five-minute YouTube videos are great for definitions and partial illustrations, but they can't avoid the classic Edward Tufte problem of presenting information



¹ Judith W Wegner, *Rethinking Law Licensing*, 90 N.Y. St. B.A. J. 24 (2018); Judith W Wegner, *Envisioning The Future of the Bar Examination and Entry to the Profession*, Summit on the Future of Legal Education and Entry to the Profession (2018).

in linear time when the audience wants to do more agile navigation at their own speed. Put simply, researchers know what they want and the introduction to a new methodology requires much more back and forth, skipping to and skipping over to know whether it's worth exploring further (and how to frame that subsequent exploration in the field's unique language).

Robert A. Hanneman and Mark Riddle's free online textbook *Introduction to Social Network Methods* (available on Hanneman's University of California Riverside faculty page at <http://faculty.ucr.edu/~hanneman/nettext/>) provides exactly that easily comprehensible and quickly navigable introduction to the field. In short chapters complete with internal tables of contents and clear headings, Hanneman and Riddle lay out the practical foundations of social network analysis and give readers the tools to set up their own network data, visualizing it through Netdraw or simply following along with well-chosen illustrations. Users can easily move to the elements that appear most relevant to them, learning central concepts and rapidly comparing various techniques to find specific options that match their potential research question (e.g. path distances vs. reach as a measure of closeness centrality). Researchers will still want to consult (or better yet, collaborate with) someone who is thoroughly trained in any analysis methods they utilize in the course of their research, but Hanneman and Riddle's text will be an excellent introduction to check how relevant the methodology is and facilitate that eventual consultation/collaboration.

SUPPORT YOUR LOCAL PRACTICE EXAM

Trent Kennedy, MA, JD

Georgetown University Law Center

Mandatory grading curves, particularly in large law school courses, present a unique challenge for researchers in the legal academy. Any number of scholars (including our colleagues in the Section on Academic Support Programs) would love to thoroughly test interventions designed to improve law student performance on graded assignments. In an un-curved academic setting, that is a fairly straightforward question of selecting a protocol and finding a willing participant pool completing comparable (and comparably scored) assignments. In a curved setting, however, there is a potentially-insurmountable ethical issue with participant group assignment. If the intervention is expected to improve academic performance, the benefit to the treatment group is effectively a harm to the control group who is graded against them. Universal access to the treatment side-steps the distribution of harms but presents self-selection issues while random group assignment includes the (expected) random assignment of persistent academic harms. We cannot justify that harm to participants in the name of thorough research protocols.

Instead, we may look to thoroughly-administered practice exams as a better site for equally thorough testing of potential interventions. The gold standard of practice examinations would be completed and scored under exam-like conditions, but not count toward the students' actual course grades. This would allow them the opportunity to both check their knowledge in a formative assessment and practice the unique process of taking a law school examination. Assuming that participating students behave as they would in a graded examination, that scored-but-not-graded status for the exercise would create an ideal space to test interventions without substantially harming non-participants or members of the control group. Interventions should not detract from the practice examination itself, but a little nuance in processing an ungraded formative assessment is a small price to pay for subsequent universal access to a tested intervention on the graded summative assessment. Researchers interested in academic performance should consider supporting practice examinations in their courses and at their institutions. They may be our best chance to learn how to get better.

UPCOMING CONFERENCES AND EVENTS

November 9-10th: [13th Annual Conference on Empirical Legal Studies](#) in Ann Arbor, MI

November 11-12th: [AccessLex Legal Education Research Symposium](#) in Scottsdale, AZ

January 2-6th: [2019 American Association of Law Schools Annual Meeting](#) in New Orleans, LA

April 5-9th: [2019 American Educational Research Association Annual Meeting](#) in Toronto, ON

MEMBER PUBLICATIONS AND PRESENTATIONS

Curcio, Andrea Anne and Chomsky, Carol L. and Kaufman, Eileen R., How to Build a Better Bar Exam (2018). New York State Bar Association Journal, Sept. 2018, pp. 37-41. Available at SSRN: <https://ssrn.com/abstract=3239247>

Cunningham, Larry, Building a Culture of Assessment in Law Schools (July 19, 2018). Case Western Reserve Law Review, Forthcoming; St. John's Legal Studies Research Paper No. 18-0023. Available at SSRN: <https://ssrn.com/abstract=3216804> or <http://dx.doi.org/10.2139/ssrn.3216804>

Shanahan, Colleen F. and Selbin, Jeffrey and Mark, Alyx and Carpenter, Anna E., Measuring Law School Clinics (February 1, 2018). 92 Tulane L. Rev. 547 (2018); UC Berkeley Public Law Research Paper; Temple University Legal Studies Research Paper No. 2017-27. Available at SSRN: <https://ssrn.com/abstract=3013810>

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