

Call for Panelists

Empirical Research Methods and the *Experiential* Curriculum: “New” Tools for Securing Justice in a Post-Fact Era?

Open-Source Program
2018 AALS Annual Meeting
Saturday, January 6, 2018
8:30 – 10:15 am

Moderators

Judith Fox
Clinical Professor of Law
Economic Justice Project
Notre Dame Law School
jfox@nd.edu
(574) 631-7795
[Curriculum vitae](#)

Michael Gregory
Clinical Professor of Law
Education Law Clinic
Harvard Law School
mgregory@law.harvard.edu
(617) 998-0108
[Curriculum vitae](#)

Mary Spector
Associate Dean for Clinics
Professor of Law
Civil and Consumer Clinics
SMU Dedman School of Law
mspector@mail.smu.edu
(214) 768-2578
[Curriculum vitae](#)

We seek both law and non-law faculty to participate as panel discussants in an Open Source Program we will moderate at the upcoming AALS Annual Meeting in San Diego. No paper is required to participate, just deep interest in the questions we seek to explore, a well-formed perspective you are prepared to share publicly, and enthusiasm for engaging in a dialogue with similarly interested peers. Please email us a brief statement of interest, including any preliminary thoughts on the questions posed below, no longer than one page, **by 5:00 PM on Monday, June 19**.

Background

As part of the academy’s increasing emphasis on interdisciplinary scholarship and teaching, it is becoming commonplace for law schools across the country to hire faculty with advanced degrees in the social sciences, to recruit students with such previous experience, and to teach empirical methodology as part of their upper-level academic curricula. The *scholarly* benefits of cross-fertilization between legal and empirical analytical methods have been theorized, written about, made manifest through the work of numerous academics, and are now widely presumed. Less well-developed, however, are theory and practice regarding the connections between empirical methodology and legal *advocacy*.

The presenters are full-time clinical faculty at AALS-member law schools who are incorporating literacy with empirical methods into the curricula and advocacy of our clinical programs. We will propose, in a forthcoming paper, that familiarity with social science research methods is critical to the advocacy work of lawyers and, therefore, should occupy a prominent place in law schools’ experiential curricula. Particularly in an era of “fake news” and growing skepticism toward “expertise,” lawyers must be able to effectively consume, rebut, translate,

mobilize, and in some cases (co-)produce empirical research. Furthermore, the availability of legal advocates who possess this skill set is also an increasingly urgent need for the variously disempowered client constituencies routinely represented by law school clinics and public interest lawyers more generally.

Notwithstanding the value we believe incorporating empirical methodology into experiential curricula holds for law schools, law students, and the intended beneficiaries of access-to-justice projects, we also recognize several role tensions that can arise when lawyers attempt to assimilate the skills, dispositions, values and ways of knowing associated with empiricism. As the prototypical example, social science's commitment to objectivity can stand in stark contrast to the legal profession's ethical obligation of zealous advocacy.

Our paper will attempt to establish a framework for assessing the contribution that empirical research methods can make to experiential curricula. This framework will seek to catalogue 1) the spectrum of ways that lawyers can use social science on behalf of their clients and the associated spectrum of skills that law students can (and should?) acquire; 2) the inherent tensions that exist between the lawyer's role and the role of the social scientist (and methods for minimizing these tensions); and 3) the contributions to our institutions' larger academic missions that can be made by law schools and their clinics when we build bridges between legal advocacy and social science, and any obstacles that may exist to building those bridges.

Description of Open-Source Program

We will convene and facilitate a dialogue in which participants are invited to help us elaborate each of the three framework components described above. The session will be organized as a roundtable style program in which panelists will answer a series of questions posed by the organizers. We will recruit, through a combination of targeted invitations and a call for participation, up to 5 panelists who have expertise in this topic from a range of perspectives: experiential and non-experiential law faculty (including administrators), social science faculty, practicing attorneys, policymakers, etc. We will ensure diversity among panelists in terms of seniority, type of law school, and other identity characteristics. Audience members of all types will be welcome and will have the opportunity first to hear panelists discuss questions posed by the presenters and then to join the conversation themselves. Below is a general outline of the program:

I. Introduction and Context (20 minutes)

Organizers will establish the general context for this discussion and will briefly describe their own clinics as examples of empirical research being used in the experiential curriculum.

II. Brief Introduction of Panelists (5 minutes)

III. Discussion – Part 1 (30 minutes)*

What are the ways that lawyers (can) use social science on behalf of their clients? What associated skills can (should?) law schools be teaching their students?

IV. Discussion – Part 2 (30 minutes)*

What tensions are inherent between the lawyer's role and the role of the social scientist? What challenges do these tensions present when we think about including empirical

methods in the experiential curriculum? What are techniques for minimizing these tensions?

V. Discussion – Part 3 (15 minutes)*

What contributions to our institutions' larger academic missions can be made by law schools and their clinics when we build bridges between legal advocacy and social science? Are there institutional or other obstacles that hinder collaborative efforts in teaching across the disciplines? If so, how might we minimize them?

VI. General Reflection and Wrap-Up (5 minutes)

How might the skills associated with lawyers' use of empirical research figure into securing justice for disempowered constituencies in this "post-fact" era?

* For each of these segments, discussion will begin with input from panelists but moderators will ensure ample time for audience questions and participation before moving on to the next segment.