

FIELD NOTES



Empirical Study of Legal Education and the Legal Profession Spring 2021 Newsletter

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MESSAGE FROM THE CHAIR

This has been a year like no other, and as we are all concluding our spring semesters, I know many of us are hoping for brighter months ahead. During the summer months, many of us may be creeping out of our homes to gather in person, heading outdoors into warmer weather, and taking time to reflect on all that we have experienced and can learn about ourselves, our students, the profession, and our legal system. As a result, I suspect that many of our section members may be thinking about new opportunities to engage in empirical study or have already begun such projects.



Section Chair Jennifer Gundlach

Our Section is particularly focused on what we can do to support law faculty who are intrigued about the role that empirical research can play in responding to many of the issues that we are seeing in legal education and in the profession today. With that in mind, our Committee on Special Initiatives has organized a virtual workshop on **Thursday, June 10th from 3-5pm EST: Q&A for Beginner Empiricists**. We have brought together a group of law professors who have successfully conducted empirical work, some of whom are experts and some of whom had no prior training and knew little about how to do so before embarking on a research project, to share about their experiences with getting started and to give some general advice for those who are interested in starting down this path. The program will also include time for small group discussions in break-out rooms to hear about attendees' research interests and offer advice and support where possible. Here is the registration link:

<https://us02web.zoom.us/meeting/register/tZ0lfumgqTguE9az8ohhgm9CnN0pNFIRUMJZ>.

Thanks to the leadership of our Chair-Elect, Trent Kennedy, we have an exciting program lined up for the Annual Meeting in January 2022 entitled "What Research can Tell Us About How Law Schools, Lawyers, and Leaders Can Nourish Democracy". To advance our understanding of the relationship between legal education and representative democracy, we are inviting proposals articulating emerging empirical research on:

- a. Lawyers in representative government roles;
- b. Law school engagement with the electoral process;
- c. Navigating classroom conversations on sensitive topics with diverse populations;
- d. Social trustee professionalism in law;
- e. Internal democratic and shared-governance processes as preparation for wider civil participation;
- f. Curricular and extracurricular initiatives aimed at fostering skills enabling law graduates to participate in and play leadership roles in the democratic process;
- g. Efforts to ensure that a multitude of voices, including those of groups historically excluded or marginalized and those underrepresented in today's academy, are represented and heard on campus; and
- h. Other related projects.

Empirical Study of Legal Education and the Legal Profession Officers

Chair:

Jennifer A. Gundlach
Maurice A. Deane School of Law at
Hofstra University

Chair-Elect:

Trent Kennedy
Georgetown University Law Center

Past Chair:

Victor Quintanilla
Indiana University Maurer School of Law

Secretary:

Joel Chanvisanuruk
University of Cincinnati College of Law

Executive Committee:

Swethaa S. Ballakrishnen
UC Irvine School of Law

Benjamin H. Barton
The University of Tennessee College of
Law

Meera Deo
Southwestern School of Law

Rachel F. Moran
University of California, Los Angeles
School of Law

Jeremy R. Paul
Northeastern University School of Law

Section Website

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

Section Discussion Listserv

sectes@lists.aals.org

As part of this program, we also intend to solicit input from lawyers (particularly those who are current or former legal educators) with significant electoral or political roles to better understand how empirical scholarship might inform and affect their work maintaining democratic institutions.

In closing, I wanted to express my gratitude for the leadership of Victor Quintanilla, our immediate past Chair of the Section, as well as Catherine Christopher and Neil Hamilton, who are no longer serving on the Executive Committee. I'd also like to welcome our newest members of the Executive Committee: Swethaa Ballakrishnen, who is on the faculty at the University of California-Irvine School of Law, and Benjamin Barton, who is on the faculty at the University of Tennessee College of Law. And I want to thank the panelists who participated in our virtual program at AALS this past January, as well as all who attended!

Jennifer A. Gundlach

Emily and Stephen Mendel Distinguished Professor of Law and Clinical Professor of Law
Maurice A. Deane School of Law
Hofstra University

NEW EXECUTIVE COMMITTEE MEMBER PROFILES



Swethaa S. Ballakrishnen

Assistant Professor of Law and Co-Director of the Center for Empirical Research on the Legal Profession
University of California, Irvine School of Law

Prof. Ballakrishnen is the author of *Accidental Feminism: Gender Parity and Selective Mobility Among India's Professional Elite* and *Invisible Institutionalisms: Collective Reflections on the Shadows of Legal Globalizations*. Ballakrishnen served

as an AccessLex Visiting Scholar on Legal Education at the American Bar Foundation (2017-18) and serves as an Affiliated Fellow of the Harvard Law School Center on the Legal Profession (2009-Present). In recognition for their excellence in teaching and contribution to their law school, Ballakrishnen received the 2020 AALS Teacher of the Year Award.



Benjamin H. Barton

Helen and Charles Lockett Distinguished Professor of Law
University of Tennessee College of Law

Prof. Barton is the author of four books to date, including *Fixing Law Schools* and *Glass Half Full: The Decline and Rebirth of the Legal Profession*. He is the 2010 recipient of the LSAC Philip D. Shelton Award for outstanding research in legal education and received a

Fulbright Award in 2014-15 to teach Comparative Law at the University of Ljubljana in Slovenia.

WORKSHOP: Q&A FOR BEGINNER EMPIRICISTS

Presented by the Committee on Special Initiatives of the AALS Section on Empirical Study of Legal Education and the Legal Profession

Thursday, June 10th 3-5pm EDT

Have you ever had an empirical question you were interested in researching but didn't know where to start or how to get help?

Have you ever felt intimidated by the idea of taking on an empirical research issue?

Do you wonder what steps might be necessary and who might help you along the way?

Curious about the difference between quantitative and qualitative empirical research?

Want to hear from a diverse group of speakers who work in all areas of legal academia from clinics to stand up to administration and at all experience levels from newbie to gerontocrat about how they got interested in empirical work and then how they completed it?

Have the kernel of an idea (or more) and want to see if it's worth going forward and how?

Like short zoom presentations followed by small group happy hours in June?

The Committee on Special Initiatives of the AALS Section on the Empirical Study of Legal Education and the Legal Profession is bringing together a group of folks who have successfully conducted empirical work, some experts and some of whom had no prior training and knew little about how to do so before embarking on a research project, to share about their experiences with getting started and to give some general advice for those who are interested in starting down this path. We will then shift to small group discussions in break-out rooms to hear about attendees' research interests and offer advice and support where possible. Pep talks and technical advice are sure to be included! Some of us may even have a cocktail, depending on proclivity and time zone.

Presenters will include [Swethaa Ballakrishnen](#), [Anahid Gharakhanian](#), [Jennifer Gundlach](#), [Rachel Moran](#), [Melissa Weresh](#), and [Amy Widman](#).

So, please join us on Thursday, June 10, 3-5 pm. The registration link to the event is here: <https://us02web.zoom.us/meeting/register/tZ0lfumgqTguE9az8ohhgm9CnN0pNFIRUMJZ>.

UPCOMING CONFERENCES AND EVENTS

March 18 – 19, 2022: [Conference on Empirical Legal Studies](#), Toronto, Canada.

May 4 – 6, 2022: [Second Annual Empirical Research Workshop and Conference on Standardization](#), Pritzker School of Law, Northwestern University.

MEMBER AND OTHER PUBLICATIONS

Adediran, Atinuke O., Racial Allies, Fordham Law Review (Forthcoming, 2022) (April 8, 2021). Boston College Law School Legal Studies Research Paper No. 550, Fordham Law Review, 2022, Available at SSRN: <https://ssrn.com/abstract=3755013>

Bahadur, Rory D. and Ruth, Kevin and Tolliver Jones, Katie, Reexamining Relative Bar Performance as a Function of Non-Linearity, Heteroscedasticity, and a New Independent Variable (February 12, 2021). New Mexico Law Review, Vol. 52, 2021, Available at SSRN: <https://ssrn.com/abstract=3784863> or <http://dx.doi.org/10.2139/ssrn.3784863>

Biedermann, Alex and Kotsoglou, Kyriakos N., Forensic Science and the Principle of Excluded Middle: 'Inconclusive' Decisions and the Structure of Error Rate Studies (April 17, 2021). Forensic Science International: Synergy, 3, 100147, 2021 doi.org/10.1016/j.fsisyn.2021.100147., Available at SSRN: <https://ssrn.com/abstract=3828701>

Bronin, Sara C., Exclusion, Control, and Consequence in 2,622 Zoning Districts (February 24, 2021). Available at SSRN: <https://ssrn.com/abstract=3792544> or <http://dx.doi.org/10.2139/ssrn.3792544>

Chilton, Adam and Joy, Peter A. and Rozema, Kyle and Thomas, James, Improving the Signal Quality of Grades (March 22, 2021). Available at SSRN: <https://ssrn.com/abstract=3810265> or <http://dx.doi.org/10.2139/ssrn.3810265>

Chilton, Adam and Versteeg, Mila, The Effect of Constitutional Gender Equality Clauses (January 25, 2021). Available at SSRN: <https://ssrn.com/abstract=3789365> or <http://dx.doi.org/10.2139/ssrn.3789365>

Dothan, Shai, A Guide to Quantitative Legal Research (October 27, 2020). iCourts Working Paper Series, No. 221, Available at SSRN: <https://ssrn.com/abstract=3719836> or <http://dx.doi.org/10.2139/ssrn.3719836>

Foster, Steven, Does the Multistate Bar Exam Validly Measure Attorney Competence? (January 4, 2021). 82 Ohio State Law Journal Online 31 <https://moritzlaw.osu.edu/oslj/osljonline/does-the-multistate-bar-exam-validly-measure-attorney-competence/> <https://moritzlaw.osu.edu/oslj/oslj-online/>, Available at SSRN: <https://ssrn.com/abstract=3759924>

Ghodoosi, Farshad, Fall of Last Safeguard in Global Dejudicialization: Protecting Public Interest in Business Disputes (January 10, 2020). Oregon Law Review, Vol. 98, 2020, Available at SSRN: <https://ssrn.com/abstract=3510248> or <http://dx.doi.org/10.2139/ssrn.3510248>

Korn, Allison and Hlass, Laila, Assessing the Experiential (R)evolution (2020). 65 Villanova Law Review 713 (2020), Tulane Public Law Research Paper No. 20-15, Available at SSRN: <https://ssrn.com/abstract=3736913>

Statz, Michele and Friday, Robert and Bredeson, Jon, "They had access, but they didn't get justice": Why Prevailing Access to Justice Initiatives Fail Rural Americans (March 1, 2021). Georgetown Journal on Poverty Law Policy, Forthcoming, Available at SSRN: <https://ssrn.com/abstract=3800215>

Want to see your work featured here? Respond to the next Call for Content with citation information and we will gladly highlight your recent presentations and publications for other Section members to consider.

CALL FOR PROPOSALS

What Research Can Tell Us About How Law Schools, Lawyers, and Leaders Can Nourish Democracy.

Cosponsored by: The AALS Sections on Election Law, Leadership, Legislation & Law of the Political Process, and Professional Responsibility

January 2022 AALS Annual Meeting

The Section on the Empirical Study of Legal Education and the Legal Profession is organizing a panel featuring emerging empirical scholarship on the role of lawyers and legal education in sustaining representative democracy. Events during the past year (including some during the 2021 AALS Annual Meeting) have highlighted the critical relationship between the legal academy and our systems of political representation. Law school graduates are elected to office in all three branches of government and law faculty are commonly asked to serve in roles in each new Presidential administration. To advance our understanding of the relationship between legal education and representative democracy, we invite proposals articulating emerging empirical research on:

- a. Lawyers in representative government roles;
- b. Law school engagement with the electoral process;
- c. Navigating classroom conversations on sensitive topics with diverse populations;
- d. Social trustee professionalism in law;
- e. Internal democratic and shared-governance processes as preparation for wider civil participation;
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- g. Efforts to ensure that a multitude of voices, including those of groups historically excluded or marginalized and those underrepresented in today's academy, are represented and heard on campus; and
- h. Other related projects.

As part of this program, we also intend to solicit input from lawyers (particularly those who are current or former legal educators) with significant electoral or political roles to better understand how empirical scholarship might inform and affect their work maintaining democratic institutions.

The January 2022 Annual Meeting will be held virtually from January 5 – 9, 2022. The specific date and time of this panel is still being determined.

Proposals. Proposals should contain an explanation of both the substance of the presentation and the methods used in the underlying research. The planning committee would prefer to highlight talent across a range of law schools, disciplines, and methodologies and is especially interested in new and innovative research. Please share this call with colleagues—both within and outside of the legal academy.

Proposals must include the following information:

1. A title for your presentation.
2. A brief (500-word) description of your proposed presentation, including its substantive content and the empirical methods utilized in the underlying research.
3. Your current CV.

The Program Committee especially welcomes submissions from women, caregivers, people of color, junior scholars, those in the LGBTQIA+ community, first generation scholars, ESL faculty, immigrants, untenured scholars, and those whose work has been disproportionately affected by public health and working conditions in the last year.

Proposals will be reviewed on a rolling basis, so please send yours as soon as possible, but no later than Thursday, August 1, 2021 to Trent Kennedy. If you have any questions, please email trent.kennedy@georgetown.edu.