CERL

Washington University Establishes a Laboratory for Legal Scholarship
It’s the buzz on academic legal blogs, the theme of law conferences, the subject of Congressional testimony, and the latest addition to law school curricula. So, what value does empirical scholarship, long the purview of the natural and social sciences, offer the legal academy?
Empirical scholarship tells us how the law works,” says Andrew D. Martin, professor of law and professor of political science in Arts & Sciences. “Traditional legal scholarship, primarily doctrinal and theoretical, tries to make sense of what courts are doing, what the law is, and the reasoning underlying various decisions,” continues Martin. “This is rich and important scholarship. But at the end of the day,” he says, “we want to know more. Using the tools of social science—design, observation, data collection, and analysis—empirical research tells us how the world works.”

A new center committed to advancing the study and practice of empirical research is already producing important scholarship and valuable data sources for researchers. Launched in January 2007, the Center for Empirical Research in the Law (CERL) pushes the frontier of the social sciences and the legal academy, says Martin, its founding director. Based at the law school, CERL supports research activities of faculty and students across the University, strengthening its position nationwide as a leading institution of interdisciplinary research.
Roll-up-the-sleeves computation

The center operates much like a laboratory. There are project directors, faculty, student researchers, and information technology experts, such as Troy DeArmitt, hired in spring 2006 to help build an infrastructure that can process, synthesize, and disseminate vast amounts of data at breathtaking speed.

“Some projects are raw, roll-up-the-sleeves computational,” DeArmitt says. “Others are arduous data-collection projects.”

Whichever the case, the center’s arsenal of state-of-the-art technology—software programs, high-performance databases, and other quantitative tools—is brought to bear on compelling research problems in real-world contexts. These groundbreaking social science applications to the law are receiving national attention, including support from the National Science Foundation, further underlying the innovative direction of the legal and empirical research projects.

In its first year, CERL produced four major projects:

• The Civil Rights Litigation Clearinghouse, a repository that houses thousands of documents related to more than 2,000 civil rights injunctive cases. Under the direction of Margo Schlanger, professor of law and leading authority on civil rights litigation, law students and undergraduates from Arts & Sciences’ American Culture Studies and Legal Studies programs helped create the site. The site includes thousands of otherwise inaccessible court documents, as well as citations and links to opinions rendered in its cases, and case summaries, complete with procedural histories. A work in progress, the site has been called a treasure trove for those both inside and outside the legal profession.

• The Martin-Quinn Scores, a system of measurement developed by Martin and frequent collaborator Kevin Quinn of Harvard University’s Department of Government to analyze judicial ideology. Martin and Quinn measured the relative location of United States Supreme Court justices on an ideological continuum to better understand the politics of the high court. Such measures are an important building block of statistical models of the Supreme Court, the separation of powers system, and the judicial hierarchy, the researchers say. The Martin-Quinn Scores are estimated for every justice serving from the October 1937 term to the present. This project was supported by a National Science Foundation grant.

• Supreme Court Forecasting, a study of how legal experts and political scientists assess and predict Supreme Court decision-making. Martin; Pauline Kim, the John S. Lehmann Research Professor; and two co-investigators (Professors Quinn and Theodore Ruger, University of Pennsylvania) used two methods to predict the outcome of each argued case in the 2002 term and compared their accuracy. The researchers contrasted a statistical forecasting model based on information derived from past Supreme Court decisions with forecasts provided by legal experts. The model proved successful 75 percent of the time. Expert forecasts, Martin says, were considerably less successful, accurate only 59.1 percent of the time.

• Equal Employment Opportunity Commission (EEOC) Litigation Analysis, a study of federal court litigation brought by the EEOC. Kim, Martin, and Schlanger are studying 10 years’ worth of litigation and enforcement activities of the EEOC and their outcomes in the courts. Supported by a grant from the National Science Foundation, the project will contribute to understanding institutional reform litigation and remedial design in employment discrimination cases, as well as the role of litigant and court decision-making in shaping the outcomes in those suits. In addition, documents gathered through this study will be included in the Civil Rights Litigation Clearinghouse.
Now in its second year, CERL has launched another new project:

• U.S. Supreme Court Judicial Database, a repository of the official statistical record of every case and justice vote from 1789 to the present. Launched in January 2008, the five-year project is a collaboration of Washington University, Michigan State University, Northwestern University, University of Pennsylvania, Princeton University, and Stony Brook University. It will preserve and extend the Supreme Court Judicial database, which was originally created by Michigan State Professor Harold Spaeth to index Supreme Court cases from 1953 to the present. This existing data collection will be expanded by project collaborators to include several new variables. New CERL-developed tools will help govern data processing and will be used to create an online site allowing intricate and diverse access to the materials. The six collaborating universities also will participate in an effort to back-fill absent data from 1789 through 1953, making this the most comprehensive and useful statistical record ever available for the Supreme Court.

Found in translation
“The creation of CERL is an exciting development for those of us interested in empirical research,” says Kim, who was awarded the law school’s inaugural Lehmann Research Professorship in recognition of her outstanding scholarship.

Empirical analysis is not altogether new at the law school. For the past seven years, law faculty and colleagues from Arts & Sciences who share an interest in empirical methods have met weekly to discuss recent empirical scholarship on the law and legal institutions. Known as the Workshop on Empirical Research in the Law (WERL), the small, but formidable group has spawned a number of collaborative projects.

For example, in 2004 the group published an article in the Southern California Law Review critiquing a proposed alternative method for selecting Supreme Court justices.

“When we first started meeting, we had to do some translating, as the different disciplines had different norms and different language,” recalls Kim. “Since then, the workshop has become an established forum for continued learning and intellectual exchange. It is one of the places at the University where I can recharge my intellectual batteries, and the creation of CERL just multiplies the possibilities for collaborative, interdisciplinary research.”

Thinking entrepreneurially
Law schools have interfaced with the social sciences for decades. But it’s been in the past five to 10 years that the interdisciplinary connections have grown muscle—at the hands of computer technologies. The law school is committed to deepening and leveraging these powerful connections through CERL activities.

“The center provides both law students and the legal academy with state-of-the-art training in empirical legal research and social science research methods,” says Kent Syverud, dean and the Ethan A.H. Shepley University Professor.

“The center also fosters interdisciplinary collaborations that will advance knowledge in significant ways,” he adds. “CERL could potentially set the standard for how empirical research in the law is conducted.”

Schlanger notes that CERL has been invaluable to her scholarship. “Having CERL’s infrastructure and support makes it easier...”

MARGO SCHLANGER

SUPREME COURT ANALYSIS
(Left) These graphics result from empirical analysis of Supreme Court decision-making.

FACULTY COLLABORATION
(Below) Researchers in the Center for Empirical Research in the Law discuss recent projects. From left, Professors Jim Spriggs (political science), Margo Schlanger (law), Andrew Martin (law and political science), and Pauline Kim (law).
WASHINGTON UNIVERSITY LAW HAS HIRED six new faculty members whose expertise ranges from race law and feminist jurisprudence, to tax law, comparative law and economics, Chinese law, and free speech.

“We are delighted to have hired six outstanding faculty members whom we are confident will make great contributions to our law school community,” says Kent Syverud, dean and the Ethan A.H. Shepley University Professor. “Their teaching and scholarship represent areas of interest to us in our planning process, as we continue our work on other strategic hires for 2008–09.”

CHERYL D. BLOCK, who was a visiting professor in 2006–07, joined the law school as a tenured member of the faculty in 2007–08. An expert in tax law and federal budget policy, she teaches courses in Corporate Taxation, Federal Income Tax, Legislation, and Tax Policy.

From 1985–2007, Block was on the faculty of the George Washington University Law School, where she received a Distinguished Faculty Service Award. She began her academic career at the University of Missouri–Columbia School of Law.

Block is the author of Corporate Taxation: Examples & Explanations (Aspen Law & Business, 3rd ed., 2004). She has written numerous articles on taxation, public policy relating to federal bailouts, social choice theory, and federal budget policy.

Her pro bono activities have included serving as vice president of Literacy Volunteers of America–National Capital Area and volunteering with the St. Louis Ready Readers program.

After receiving her JD from the State University of New York at Buffalo, she clerked for Judge