

## **Legal Studies Research Methods (Legal Studies 207/Sociology 227)**

### **3.26.21 Subject to Change**

Spring 2021

11-12:20 T, Th

Online via Zoom

#### **Prof. Robert L. Nelson**

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Office Hours: Tuesdays 2-3 and by appointment; all office hours will be by Zoom

#### Teaching assistants:

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#### **Course Description –**

**LEGAL ST 207/SOCIOLOG 227 Legal Studies Research Methods** introduces students to research methods used in interdisciplinary legal studies, including jurisprudence and legal reasoning, qualitative and quantitative social science methods, and historical and textual analysis. The course is a prerequisite for the Advanced Research Seminar in Legal Studies, 398-1, -2, and is intended to prepare students for the design of their own research project to be conducted in 398-1, -2. Through exposure to and engagement with interdisciplinary research methods on law and legal processes, the course will provide students with a deeper understanding of law in its historical and social context. The course will provide students with a set of research tools with which to conduct research on legal institutions. The course builds on content from Legal Studies 206, a prerequisite for 207. While part of the Legal Studies major sequence, the course will enrich the analytic skills of students from many fields who are interested in law or in interdisciplinary research methods. Prerequisite: LEGAL ST 206. Taught with SOCIOLOG 227; may not receive credit for both courses.

In Spring 2021, the topical focus of the course will be violence by the police and capital punishment in the United States. These topics will be explored with interdisciplinary readings and relevant legal cases. Students will be exposed to several research tools and research processes, as they also engage with material on policing/ police violence and capital punishment. In addition to shorter assignments, students will develop their own specific research project and write a research paper on a topic of their choosing, not limited to policing or capital punishment.

- Once you complete Legal Studies Research Methods, you should be able to:
  - Read and analyze diverse primary legal and political sources carefully and accurately, with attention to the author's perspective, position, and credibility, and to the source's general context.

- Be familiar with research methods and best practices regarding qualitative and quantitative data, written materials, and electronic databases.
- Read, evaluate, summarize, and engage with scholarly works by others, and be able to analyze authors' arguments for evidence, context, strength, and credibility.
- Generate original research questions regarding the relationship of law and society and devise research strategies for answering research questions.
- Make clearly written and organized arguments that are well supported by primary sources.
- Critically assess how courts and other authorities use social science in their decisions and policymaking

**Teaching Method-** The only class meetings are two 60-minute class meetings a week that will be held in Zoom. There are no discussion sections. Class sessions are meant to provide an opportunity for active engagement with assigned readings. Students are expected to come to class prepared to discuss assigned material. Groups of students will be assigned responsibility for leading class discussions on a rotating basis. About one-half of class sessions will be dedicated to supporting students in their individual research project. All regular class sessions will be recorded in Zoom. Power points from classes will be available on Canvas after each class.

**Statement from the Provost on Recording of Classes (3/30/20)**

Unauthorized student recording of classroom or other academic activities (including advising sessions or office hours) is prohibited. Unauthorized recording is unethical and may also be a violation of University policy and state law. Students requesting the use of assistive technology as an accommodation should contact [AccessibleNU](#). Unauthorized use of classroom recordings — including distributing or posting them — is also prohibited. Under the University's Copyright Policy, faculty own the copyright to instructional materials — including those resources created specifically for the purposes of instruction, such as syllabi, lectures and lecture notes, and presentations. Students cannot copy, reproduce, display or distribute these materials. Students who engage in unauthorized recording, unauthorized use of a recording or unauthorized distribution of instructional materials will be referred to the appropriate University office for follow-up.

**Readings-** We will read one book and selections from other books, several articles, and a few Supreme Court opinions. Although all required chapters will be available online, the books are available for purchase through Amazon.com or your favorite online vendor. Other readings will be available through Canvas or e-reserve. You can print them all at once, print them each day, or read them in electronic format. But you must keep up with these readings and we require you to bring the scheduled readings, in some format, to each class. Some additional short texts (e.g., timely news articles) may be added to Canvas during the course.

Books:

Sarat, *When the State Kills: Capital Punishment and the American Condition* (2002, Princeton University Press), isbn 0-691-10261-9. An e-book version is available through the NU Library at [https://search.library.northwestern.edu/permalink/01NWU\\_INST/h04e76/alma9981609666602441](https://search.library.northwestern.edu/permalink/01NWU_INST/h04e76/alma9981609666602441).

Recommended: Epp, Maynard-Moody, and Haider-Markel, *Pulled Over: How Police Stops Define Race and Citizenship* (University of Chicago Press, 2014), isbn-13:978-0-226-11399-9;. We will read two chapters that will be available through course reserves. The underlying study maintains a website: <https://kuscholarworks.ku.edu/handle/1808/8544>. We will read some elements of the website.

Additional recommended reading will be available via Canvas and various NU library databases.

### **Other Requirements/Recommendations –**

- also recommend the following books (on reserve at the library):
  - Kitty Calavita, *Invitation to Law and Society: An Introduction to the Study of Real Law* (Chicago: University of Chicago Press, 2010) – A great introduction to law and society questions
  - Loreen Wolfer, *Real Research: Conducting and Evaluating Research in the Social Sciences* (New York: Allyn & Bacon, 2006) – A useful guide to different kinds of research techniques (crafting surveys, designing interviews, etc.).
  - Earl Babbie, *The Practice of Social Research* (Belmont, CA: Wadsworth 2013) – Similar to above, perhaps leading text on methods in sociology. Most recent edition contains material on web-surveys and web-based experiments.

### **Assignments [total: 150 points not counting extra credit opportunities]**

- *active and informed* participation as possible online– 10 points. [waived if unable to join online]
- Attendance – Extra credit-2 points per (actual) class measured by Zoom or Canvas– up to maximum of 20 points
- Assignment One – Case Brief – 10 points
- Assignment Two – Position Paper – 25 points
- Assignment Three – Research Questions – 10 points
- Assignment Four – One page on plan for individual research project – 10 points
- Assignment Five -Film Analysis Reflection Paper (one page) -10 points
- Assignment Six – Literature Review – 25 points
- Assignment Seven – Final Research Paper on topic of students’ choosing – 50 points

Assignments that are turned in late without valid excuse are subject to reduced points.

**Note: Assignments will be graded on P/NP basis and weighted according to possible points. We will give comments on your work and students will be encouraged to revise assignments**

that do not achieve a P. The final grade will be determined based on percentage of total points from passing assignments and converted to letter grades according to a standard grade scale.

## Spring Quarter Schedule of Readings and Assignments

### Week 1

April 1 (Th): Introduction, class survey, overview of socio-legal research. How to brief a case. **Hand out Assignment One (case brief on *McCleskey v. Kemp*). Refer to Assignment Seven as central project of course.**

**Assignment One: Case brief on *McCleskey v. Kemp* (1987). 10 points. Due by start of class via Canvas Tuesday, April 6.**

**A case brief is a summary of a case. It should be no longer than 2 pages and should be divided into the following sections: case citation, facts, procedural posture, issue/question, holding, majority reasoning, and dissent reasoning. Include page numbers and direct quotations from opinions for holding and reasoning.**

### Week 2

April 6 (T): Readings: *McCleskey v. Kemp* (S. Ct. 1986) (Canvas); Kerr, "How to Read a Legal Opinion," *Green Bag* 2007 (Canvas). **Turn in Assignment One (case brief on *McCleskey v. Kemp*.) via Canvas by start of class. Hand out Assignment Two (position paper).**

**Assignment Two: Write a position paper stating which of the opinions in *McCleskey v. Kemp* you agree with and whether you agree with the argument of Paul Butler in his essay on *McCleskey*. Suggested length 3 pages. Due in class April 8<sup>th</sup>. 25 points.**

April 8 (Th): Readings: Paul Butler essay from Northwestern Law Review Symposium "Equal Protection and White Supremacy." (Canvas). **Turn in Assignment Two position paper. Hand out Assignment Three.**

**Assignment Three: 1) Write 3 research questions you might want to pursue for your individual research project. No more than one paragraph per question. Turn in through Canvas by end of day on April 15. 10 points.**

### Week 3

April 13 (T): Introduction to Library Resources by Michael Perry of NU library. Legal Studies Research Guide. Nexis Uni Data base. Zotero training.

We will find one law review article (Hein Online or NexisUni); one federal, state, or local statute (NexisUni); one federal court case and one state court case (NexisUni); one *Chicago Tribune* news article (Proquest Historical Newspapers or NexisUni); one congressional source (report, hearing, etc.) (Proquest Congressional); and one poll (link via research resources page).

April 15 (Th): Readings: Sarat, ch. 1, pp. 3-30; Booth et al., "From Topics to Questions," from *Craft of Research* (2008) (Canvas). Recommended: Epp et al., ch. 1, pp. 1-25. **Assignment Three due through Canvas by end of day. 10 points.**

### Week 4

April 20 (T): Meet with teams to discuss the research question for your research paper based on your Assignment Three.

April 22 (Th): Readings: Shadish, Cook, and Campbell, "Internal Validity," pp. 53-63; "External Validity," pp. 83-93 (Canvas); Epp et al., ch. 3, pp. 52-73. Optional reading: Epp et al., ch. 5, pp. 93-113 and Appendix pp. 167-179. Correll et al. "Across the Thin Blue Line: Police Officers and Racial Bias in the Decision to Shoot," *J of Personality and Soc. Psychology* (2007)

**Hand out Assignment 4: One page planning memo for individual research project. State research question and describe plan for data collection and analysis. Submit through Canvas by end of day on April 29. Basis for class discussion on May 4. 10 points.**

### Week 5

April 27 (T) Readings: Utah v. Strieff (Canvas)

April 29 (Th) Readings: Mary Dudziak, "*Brown* as a Cold War Case" (2004) (Canvas). Optional readings: Andrew Baer, "The Men Who Lived Underground: The Chicago Police Torture Cases and the Problem of Measuring Police Violence, 1970-2016." *Urban History* 2016 (Canvas); work in progress by Professor Grisinger (Canvas). Historical Methods Joanna Grisinger Guest Presenter.

**Assignment Four due by end of day. Basis for class discussion May 4. 10 points.**

Week 6

May 4 (T)

Team meetings to discuss Assignment Four, plans for data collection for individual research projects.

**Hand out Assignment 5: One page reflection paper on film selection, *The Green Mile* available on Canvas. Basis of in-class discussion of film analysis techniques. Due through Canvas by class time on May 6. Sarat ch 8 illustrates analysis.**

May 6 (Th)

Readings: Sarat ch. 8, pp. 209-245, ch.9, pp. 246-260. Optional readings: Glossip v. Gross (S Ct. 2015) Only opinions of Alito and Breyer (Canvas). Discussion of *The Green Mile*.

**Assignment 5 due through Canvas by class time.**

Week 7

May 11 (T)

In-class exercise on content analysis and qualitative coding.

Recommended reading: Somer, "Missing White Woman Syndrome."

(Canvas) **Hand out Assignment 7.**

**Assignment 7: Individual Research Projects and Papers. Each student will plan a small scale research project on a topic of their choosing that will include the collection of original data. The data may be observational, experimental, survey, in-depth interviews, media reports, official documents, archives, or some combination. But none of these projects may involve in-person interactions due to covid-19. Students will submit a written report that describes their research question, a brief review of the literature, data and methods, preliminary results, and preliminary conclusions. Final papers due by end of day Wednesday, June 3, through Canvas. 50 points. Suggested length, 12-17 pages not including appendices and tables.**

May 13 (Th)

Required individual meetings with your research paper advisor-Professor Nelson or TAs during class time or office hours. Sign-up for individual time slots. **Hand out Assignment Six: Literature Review. Suggested length 2-3 pages. See guidelines for Research Paper concerning the literature part of your research paper. Turn in through Canvas on May 18 by end of day. 25 points.**

Week 8

May 18 (T)

No class. Professor Nelson and TAs available through Zoom during class time. **Turn in Assignment Six through Canvas by end of day.**

May 20 (Th)

No class. Professor Nelson and TAs available through Zoom during class time.

Week 9

May 25 (T)

No class. Professor Nelson and TAs available through Zoom during class time and in office hours.

May 27 (Th)

No class. Professor Nelson and TAs available through Zoom during class time.

Week 10

June 1 (T)

No class. Professor Nelson and TAs available through Zoom during class and in office hours.

June 2-6

Reading Period

Week 11

June 7 (M)

Finals Week begins. **Assignment 7 – Individual Research Papers due for submission through Canvas by end of day.**

June 14 (M)

Grades due by 3 pm