Legal Studies Research Methods (Legal Studies 207/Sociology 276)

Spring 2017
T/Th 9:30am-10:50am
Fisk 114

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Course Description –
LEGAL ST 207/SOCIOL 276 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 SOCIOL 276; may not receive credit for both courses.

In Spring 2018, 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 police violence and capital punishment. In addition to shorter assignments, students will develop their own specific research project and write a research paper relating to capital punishment or police violence.
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 80-minute class meetings a week. 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.

**Readings** - We will read selections from two 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 emailed to you and/or added as web links to Canvas during the course.

**Books:**

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):

**Assignments [total: 245 points] –**
- *active and informed* participation in class discussions – 15 points
- Attendance – 2 points per class up to maximum of 30 points
- Assignment One – Case Brief – 10 points
- Assignment Two – Position Paper – 25 points
- Assignment Three – Reflection on Research Question – 10 points
- Assignment Four – Lexis exercise – 10 points
- Assignment Five – Critique of Epp et al. – 25 points
- Extra Credit Assignment - IRB training – 5 points
- Assignment Six – Research Team Project on Glossip and Sarat – 25 points
- Assignment Seven – Research Project and Research Paper on some aspect of either capital punishment or police violence – 75 points
- Research Presentations for Assignments Six and Seven are worth 10 points each

**Spring Quarter Schedule of Readings and Assignments**

April 5 (Th): Introduction, class survey, overview of socio-legal research. How to brief a case. **Hand out Assignment One (case brief on McCleskey v. Kemp). Due in class on April 10.**

**Assignment One (case brief).** A brief is a summary of a case. It should be no longer than 2 pages and should be divided into the following sections: facts, procedural posture, issue, holding, majority reasoning, and dissent reasoning. 10 points.


**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 12th. 25 points.**


**Assignment Three: Please write a 1-2 page reflection comparing the central research questions of Sarat and Epp et al. Please include one**
paragraph on a research question you might want to pursue this quarter on police violence or capital punishment. Due in class on April 17th and basis of class discussion. 10 points.

April 17 (T): Readings: Sarat, ch. 1, pp. 3-30; Epp et al., ch. 1, pp. 1-25. Turn in Assignment Three.

April 19 (Th): Library databases; Westlaw/LexisNexis Training (by John Hernandez, john-hernandez@northwestern.edu); Zotero training (by Jeannette Moss, j-moss@northwestern.edu). Hand Out Assignment Four (Lexis/Zotero Exercise) (Professor Nelson not in class. John Lee will supervise.)

Assignment Four. Lexis and Zotero Exercise. For the research question you wrote about in Assignment Three (or a new research question if you have changed, but for which you would need to give us a new paragraph), please find one law review article; one federal, state, or local statute; and one court opinion relating to the topic. This is an opportunity to explore your own topic of interest. Save these three items under a new collection in Zotero, being sure to proof-read each entry. Turn in a one page summary of your topic, describe the process of using Lexis and Zotero, and any problems you encountered with Lexis and/or Zotero. Attach the following to your summary: first page from Lexis printout for the law review, statute, and case; screenshot of your collection in Zotero; bibliography of your three items, generated by Zotero. 10 points. Due April 24.


Assignment Five: Using what we read about internal and external validity, please write a methodological critique of Epp et al. What are the implications of Epp et al.’s research for the opinions in Utah v. Streiff? Suggested length 3-4 pages. 25 points.

April 26 (Th): Readings: Continue discussion of Shadish et al., Epp et al. ch. 3, 5, and Utah v. Streiff, using Assignment Five for classroom discussion. Second half of class devoted to brainstorming on research methods and data for
individual research projects. **Turn in Assignment Five. Hand out Extra Credit Assignment for IRB Certification.**

**Extra Credit for IRB Certification. 5 points.** Turn in evidence that you completed IRB online training. [https://irb.northwestern.edu/training/human-subject-protection-training](https://irb.northwestern.edu/training/human-subject-protection-training)

**Any time before Final Papers due.**

May 1 (T) Readings: Sarat ch. 3; pp. 60-84. **Hand out Assignment Six. Research Team Project on Glossip and Sarat. 25 points. Due May 10.**

**Assignment Six: Each Research Team will compare the capital punishment laws and practices of at least two states for the period 2000 to present. Using Lexis and other sources, please write a memo that describes the state’s capital punishment statutes, at least three capital punishment state court cases, and statistics on capital punishment convictions and executions in the state. Include links or citations to your sources or include them in an appendix. Include in your memo a brief analysis of how the patterns you find exemplify, support, or rebut the argument of Sarat in *When the State Kills* and the opinions of Justices Alito and Breyer in *Glossip*. Suggested length 5 pages not counting appendices. 25 points. Due May 10.**

May 3 (Th) Readings: Sarat, chs. 8-9, pp. 209-260; optional reading: Sarat chs. 4-7.

**Part of class for research team meetings on Assignment Six.**

May 8 (T) **Glossip v. Gross (S Ct. 2015) opinions of Alito and Breyer (Canvas). Part of class for research team meetings on Assignment Six.**

May 10 (Th) Research Group Presentations of Assignment Six.

**Turn in Assignment Six in class. Basis for Research Team presentations and discussions.**

May 15 (T) Peer consultations on Individual Research Project and Paper. **Handout Assignment Seven, Individual Research Project and Paper.** By end of class each student will turn in topic and schedule for research paper.

**Assignment Seven: Individual Research Projects and Papers. Each student will plan a small scale research project on some aspect of capital punishment or police violence 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. Students will give brief presentations on their projects on May 31 or June 5. 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.**
Written report Due Monday, June 11, in Professor Nelson’s Sociology Office Mailbox, 1810 Chicago Avenue. 75 points. Suggested length, 15-20 pages not including appendices and tables.

May 17 (Th)  Reading: Booth et al., “From Topics to Questions,” from *Craft of Research* (2008)(Canvas). In class peer consultations on research projects. Progress report on literature review and data and methods section.


May 29 (T)  Brief research project presentations. One half of class members.

May 31 (Th)  No class

June 5 (T)  Final Class. Brief research project presentations. One half of class members.