Empiricism in the Law

Empirical methods to design studies, observe subjects and report findings are increasingly being applied by legal scholars. Published works vary from complete original survey research to gathering and analyzing statistics from repositories of data.

Although such quantitative methods are presumably being applied to bolster an argument, suggest a plan of action or make other recommendations for further study, some scholars are now questioning the quality and real significance of the research being produced empirically. This means that scholars’ quest for empirical data to validate scholarship is not always viewed convincingly. To gain an understanding of the issues, see a lively discussion representing both sides at: “On So-Called "Empirical Legal Studies" and Its Problems” by Brian Leiter with a reply by Josh Wright at: “ELS, Technical Fetishization vs. Legal Relevance, and a Partial Defense of the Perfectly Proportional Mediocrity of Legal Empiricists.”

Still, empirical research continues to be produced and many find value in the endeavor. To learn more about empirical research, including workshops on designing experiments, collecting and analyzing data and using statistical software such as STATA, SAS or SPSS, see links below. Also, we are providing a short list of frequently used data sources. For assistance locating data not covered here, contact a reference librarian at lawlibref@ucdavis.edu and consult the list of sources prepared by the Shields Library subject specialists on Statistics & Data at: http://www.lib.ucdavis.edu/u/research/subjects/index.php?id=141.

Frequently Used Data Sources

ABA Statistical Resources: http://new.abanet.org/marketresearch/Pages/StatisticalResources.aspx
Bureau of Economic Analysis: http://www.bea.gov/
Bureau of Justice Statistics: http://bjs.ojp.usdoj.gov/
Data.gov: http://www.data.gov/
ICPSR - Inter-University Consortium for Political & Social Research: http://www.icpsr.umich.edu/icpsrweb/ICPSR/
IQSS - Institute for Quantitative Social Science: http://www.iq.harvard.edu/
LexisNexis Statistical Insight (CDL): http://www.lexisnexis.com/statuniv
National Center for State Courts: http://www.ncsc.org/
TRACFed: http://fedprobe.syr.edu/
U.S. Census Bureau: http://www.census.gov/

Further Reading

Title: Empirical methods in law
Author(s): R. M. Lawless, J.K. Robbennolt, T. S. Ulen
Publisher: Aspen Publishers, Wolters Kluwer, c2010
Location: Mabie Law Library - Basement
Call Number: K212 .L394 2010

Journals

Law and Social Inquiry (ABA web site or HeinOnline)
Journal of Legal Studies (Chicago Law School or HeinOnline)
Journal of Empirical Legal Studies (Cornell or HeinOnline)