# A. General Resources

OSPD's RJA SharePoint: <u>https://ospdca.sharepoint.com/sites/OSPDAB2542-</u> ListservFiles/SitePages/OSPD-RJA-SharePoint.aspx

https://implicit.harvard.edu/implicit/aboutus.html (implicit association test)

Ella Baker Center for Human Rights – Racial Justice Act Guide: https://ellabakercenter.org/rja-info/

Information on the use of Rap Lyrics in the criminal justice system: <a href="https://endrapontrial.org/">https://endrapontrial.org/</a> (from UC Irvine Professor Charis E. Kubrin)

Rap Lyrics on Trial: A Legal Guide, Second Edition, by UC Irvine Professors Charis E. Kubrin & Jack Lerner

Trailer for a documentary that premiered at the Sundance Film Festival about the use of Rap Lyrics in criminal trials: <u>As We Speak: Rap Lyrics on Trial</u>

On Dec. 5, 2023, the Judicial Council released a 10-minute video that is shown to jurors on implicit bias. https://newsroom.courts.ca.gov/news/jury-service-and-fairness-understanding-challenges-implicit-bias

Understanding Implicit Bias: Insights & Innovations: Editors - Goodwin Liu and Camara Phyllis Jones: <u>https://www.amacad.org/daedalus/understanding-implicit-bias-insights-</u> innovations

Judicial Council's Video: On Dec. 5, 2023, the Judicial Council release a 10-minute video that will be shown to jurors on implicit bias.

https://newsroom.courts.ca.gov/news/jury-service-and-fairness-understanding-challengesimplicit-bias

# B. Information on Use of Research in Briefing

https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4975196/

This discusses the importance of peer review over non-peer reviewed studies/papers. (See also *People v. Hardin* (2024) 15 Cal.5th 834, 891-892, dis. opn. Liu, J. [pointing out that the majority's dismissal of a published empirical study erroneously ignored that it was a "peer reviewed" journal].)

#### SDAP's online resources re: social science:

- <u>Using Social Science in Your Appeal (or How to Bring the Court Back to Reality</u>) (from the 2021 SDAP Seminar)
- <u>Social Science on Appeal: The Sequel</u> (from the 2022 SDAP Seminar)

RJA 745(a)(3)/(4) claims – for an example of what a full analysis of an (a)(3) claim looks like, you can see this report from Dr. Beth Redbird, a Northwestern University professor with an expertise in methodology and 'big data' problems:

http://www.StableCite.com/rja/RedbirdOrangeRobBurgSpec20240202.pdf

C. Categorized Article/Sources [Many thanks in particular for this section to OSPD – see the RJA SharePoint)]

## Symbolic racism

• P.J. Henry & David Sears, *The Symbolic Racism* 2000 Scale (2002) 23 Pol. Psych. 253.

### Aversive racism

- Samuel Gaertner & John Dovidio, Understanding and Addressing Contemporary Racism: From Aversive Racism to the Common Ingroup Identity Model (2005) 61 J. Soc. Issues 615.
- Audrey Murrell, *Why Someone Did Not Stop Them? Aversive Racism and the Responsibility of Bystanders* (2020) 40 Equal. Diversity Inclusion Int'l J. 60.

## **Forensic Bias**

- Cognitive bias in forensic pathology decisions (in press). See Homicide section of OSPD SharePoint in <u>Offense-Specific Disparities</u>
- Digital forensic experts prone to bias, study shows, The Guardian (May 31, 2021). This study is not about racial bias. It showed that when digital forensic experts examined a computer hard drive, being primed with information about whether the suspect was believed to be innocent or guilty mattered. (NB: one can argue that the same kind of bias re knowing the race of the suspect might occur.)
  - https://www.theguardian.com/science/2021/may/31/digital-forensicsexperts-prone-to-bias-study-shows

 The study is at: https://www.sciencedirect.com/science/article/pii/S2666281721000834

USA Today, Forensic scientists are generally whiter, less diverse than US population they serve, study says (Sept. 8, 2022). https://12ft.io/proxy?q=https%3A%2F%2Fwww.usatoday.com%2Fstory%2F news%2F2022%2F09%2F08%2Fforensic-scientists-ethnic-racial-diversity-study%2F8007522001%2F

#### **Implicit Bias & Policing**

- Spencer, Charbonneau & Glaser, *Implicit Bias and Policing* (2016) 10 Soc. & Pers. Psychology Compass 50-63 (2016) https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/study-glaser.pdf
- Glaser, Suspect Race: Causes and Consequences of Racial Profiling (Oxford Univ. Press 2014.)
- 2021 RIPA Annual Report. See excellent discussion of implicit, explicit & structural bias and policing at pp. 23-28 available on the OSPD RJA SharePoint: <u>RIPA</u>
- Braddock, et al., *How Many Bad Apples? Investigating Implicit and Explicit Bias Among Police Officers and the General Public*, Contexts (Oct. 27, 2020) https://contexts.org/articles/how-many-bad-apples-investigating-implicit-and-explicit-bias-among-police-officers-and-the-general-public/
- "Excited Delirium" and Deaths in Police Custody: The Deadly Impact of a Baseless Diagnosis, Physicians for Human Rights (Mar. 2, 2022). "This report concludes that the term 'excited delirium' cannot be disentangled from its racist and unscientific origins." https://phr.org/our-work/resources/excited-delirium/

#### Internalized racism

• Karen Pyke, What Is Internalized Racial Oppression and Why Don't We Study It? Acknowledging Racism's Hidden Injuries (2010) 53 Soc. Persps. 551.

## **Racialized locations**

• Like "inner city" or "Compton" or "the Bronx," are used to evoke negative stereotypes of Black people. (See e.g., Hurwitz & Peefley, *Playing the Race Card in the Post-Willie Horton Era: The Impact of Racialized Code Words on Support for* 

*Punitive Crime Policy* (2005) 69 Public Opinion Quarterly 99, 102-03 [finding the phrase "inner city" increased survey participants' interest in punitive criminal policies]; Birckhead, *The Racialization of Juvenile Justice and the Role of the Defense Attorney* (2017) 58 B.C. L.Rev. 379, 387 [use of "bad" or "high crime" neighborhood in juvenile court suggests "Black"]; Feingold, *Deficit Frame Dangers* (2021) 37 Ga. St. U. L.Rev. 1235, 1244 [noting how white parents use race as a proxy for school quality].

# D. Other Articles/Sources

[Many thanks in particular for this section go to William Safford, Esq. and Joseph Doyle, Esq.]

Below is a collection of articles and other sources on various topics relating to implicit bias. The articles are in alphabetical order by author. While we attempted to categorize the resources into specific areas of concern as discussed during the presentation, we found that many of the articles touch on several of the different topics (ingroup/outgroup, stereotypes, de-humanization, etc.). For this reason, we are providing the following list as a starting point in your research, and encourage you to explore any materials that may appear relevant to your issue based on the document title.

- 1. Abraham, *Segregation Autopilot: How the Government Perpetuates Segregation and How to Stop It* (2022) 107 Iowa L.Rev. 1963, 1971 [speaking to the long history of segregation in the U.S.];
- Adams- Schoen, The White Supremacist Structure of American Zoning Law (2023) 88 Brooklyn L.Rev. 1225, 1243-1250; Addae, Probing the Causes and Interrogating the Law: The Perils of Urban Redevelopment for Black Business Districts (2021) 57 Tulsa L.Rev. 171, 173
- 3. Anderson, *White Rage: The Unspoken Truth of Our Racial Divide* (2016) p. 3 ["[T]he trigger for white rage, inevitably, is Black advancement"]
- Apfelbaum, et al., Seeing Race and Seeming Racist? Evaluating Strategic Colorblindness in Social Interaction (2008) 95[4] J. of Personality & Social Psychology 918 <u>http://www.StableCite.com/ws/Apfelbaum2008.pdf [original]</u>
- Banks, et al., Discrimination and Implicit Bias in a Racially Unequal Society (2006) 94[4] Cal.L.Rev. 1169 <u>http://www.StableCite.com/ws/Banks2006.pdf</u> [original]

- Brewer, The Psychology of Prejudice: Ingroup Love or Outgroup Hate? (1999) 55[3] J. of Social Issues 429 <u>http://www.StableCite.com/ws/Brewer1999.pdf</u> [original]
- 7. Casey, et al., *Addressing Implicit Bias in the Courts* (2013) 49 Ct.Rev. 64 http://www.StableCite.com/ws/Casey2013.pdf [original]
- 8. Castelli, et al., Perceiving ingroup members who use stereotypes: Implicit conformity and similarity (2003) 33[2] European J. of Social Psychology 163 http://www.StableCite.com/ws/Castelli2003.pdf [original]
- 9. Clemons, Blind Injustice: The Supreme Court, Implicit Racial Bias, and the Racial Disparity in the Criminal Justice System (2014) 51 Am.Crim.L.Rev. 689 http://www.StableCite.com/ws/Clemons2014.pdf [original]
- 10. Clement & Krueger, *Social Categorization Moderates Social Projection* (2001) 38 J. of Experimental Social Psychology 219 http://www.StableCite.com/ws/Clement2001.pdf [original]
- 11. Corntassel, Who is Indigenous? 'Peoplehood' and Ethnonationalist Approaches to Rearticulating Indigenous Identity(2003) 9[1] Nationalism & Ethnic Politics 75 http://www.StableCite.com/ws/Corntassel2003.pdf [original]
- 12. Devine, Stereotypes and Prejudice: Their Automatic and Controlled Components (1989) 56[1] J. of Personality & Social Psychology 5 http://www.StableCite.com/ws/Devine1989.pdf [original]
- 13. Donald & Redfield, Arcing toward Justice: Can Understanding Implicit Bias Help Change the Path of Criminal Justice? (2019) 34 Crim.J. Magazine 18 http://www.StableCite.com/ws/Donald2019.pdf [original]
- 14. Dotsch, et al., *Ethnic Out-Group Faces Are Biased in the Prejudiced Mind* (2008) 19[10] Psychological Science 978 http://www.StableCite.com/ws/Dotsch2008.pdf [original]
- 15. Du, Racial Bias Still Exists in Criminal Justice System? A Review of Recent Empirical Research (2021) 37[1] Touro L.Rev. 79 http://www.StableCite.com/ws/Du2021.pdf [original]
- 16. Eberhardt, et al., *Seeing Black: Race, Crime, and Visual Processing* (2004) 87[6] J. of Personality & Social Psychology 876 <u>http://www.StableCite.com/ws/Eberhardt2004.pdf</u> [original]

- 17. Fisher, *Donald Trump: 'I am the least racist person'*, Washington Post (June 10, 2016), available at https://www.washingtonpost.com/politics/donald-trump-i-am-the-least-racist-person/2016/06/10/eac7874c-2f3a-11e6-9de3-6e6e7a14000c\_story.html, as of April 15, 2025.
- 18. Fiske, Intergroup Biases: A Focus on Stereotype Content (June 2015) Current Opinion in Behavioral Sciences 45 http://www.StableCite.com/ws/Fiske2015.pdf [original]
- 19. Frank, *The Proof Is in the Prejudice: Implicit Racial Bias, Uncharged Act Evidence & the Colorblind Courtroom* (2016) 32 Harv. J. Racial & Ethnic Just. 1, 18-22 [The admission of prior, uncharged crimes is uniquely prejudicial for Black men, especially for those charged with sex crimes, as prior uncharged crimes amplify long-standing stereotypes about Black criminality]
- 20. Giewat, Systematic Jury Selection and the Supplemental Juror Questionnaire as a Means for Maximizing Voir Dire Effectiveness (2007) 34 Westchester B.J. 49, 49-52 [Multiple studies show that jurors are not very responsive when questioned orally in front of a large group]
- 21. Greenwald & Krieger, *Implicit Bias: Scientific Foundations* (2006) 94[4] Cal.L.Rev. 945 http://www.StableCite.com/ws/Greenwald2006.pdf [original]
- 22. Grimma, et al., *In-group favoritism and discrimination among multiple out-groups* (2017) 143 J. of Economic Behavior & Organization 254 http://www.StableCite.com/ws/Grimm2017.pdf [original]
- 23. Gross et al., *Race and Wrongful Convictions in the United States* (2022) National Registry of Exonerations, available at https://www.law.umich.edu/special/exoneration/Documents/Race%20Report%20Previ ew.pdf, last visited November 22, 2022. [innocent Black people are almost eight times as likely to be falsely convicted of rape as innocent white people].
- 24. Guo, et al., *How intergroup relation moderates group bias in Third-Party Punishment* (2020) 205 Acta Psychologica 103055 http://www.StableCite.com/ws/Guo2020.pdf [original]
- 25. Howard & Rothbart, Social Categorization and Memory for In-Group and Out-Group Behavior (1980) J. of Personality & Social Psychology 301 http://www.StableCite.com/ws/Howard1980.pdf [original]

- 26. Hugenberg & Bodenhausen, Facing Prejudice: Implicit Prejudice and the Perception of Facial Threat(2003) 14[6] Psychological Science 640 http://www.StableCite.com/ws/Hugenberg2003.pdf[original]
- 27. Hugenberg & Bodenhausen, *Ambiguity in Social Categorization: The Role of Prejudice and Facial Affect in Race Categorization* (2004) 15[5] Psychological Society 342 http://www.StableCite.com/ws/Hugenberg2004.pdf [original]
- 28. Jones, et al., Perceived Variability of Personal Characteristics in In-Groups and Out-Groups: The Role of Knowledge and Evaluation (1981) 7[3] Personality & Social Psychology Bulletin 523 http://www.StableCite.com/ws/Jones1981.pdf [original]
- 29. Judd, et al., Attributions of intergroup bias and outgroup homogeneity to ingroup and outgroup others(2005) 35 European J. of Social Psychology 677 http://www.StableCite.com/ws/Judd2005.pdf [original]
- 30. Judd & Park, Out-Group Homogeneity: Judgments of Variability at the Individual and Group Levels(1988) 54[5] J. of Personality & Social Psychology 778 http://www.StableCite.com/ws/Judd1988.pdf [original]
- 31. Kahn & Davies, Differentially dangerous? Phenotypic racial stereotypicality increases implicit bias among ingroup and outgroup members (2010) 14[4] Group Processes & Intergroup Relations 569 http://www.StableCite.com/ws/Kahn2010.pdf [original]
- 32. Kang, et al., *Implicit Bias in the Courtroom* (2012) 59 UCLA L.Rev. 1124 http://www.StableCite.com/ws/Kang2012.pdf [original]
- 33. Kendi, *The Heartbeat of Racism is Denial*, N.Y. Times (January 13, 2018), available at <u>https://www.nytimes.com/2018/01/13/opinion/sunday/heartbeat-of-racism-denial.html</u>, as of April 15, 2025.
- 34. Koomen & Dijker, *Ingroup and outgroup stereotypes and selective processing* (1997) 27[5] European J. of Social Psychology 589 <u>http://www.StableCite.com/ws/Koomen1997.pdf[original]</u>
- 35. Kovera, Racial Disparities in the Criminal Justice System: Prevalence, Causes, and a Search for Solutions (2019) 75[4] J. of Social Issues 1139 http://www.StableCite.com/ws/Kovera2019.pdf [original]
- 36. Krueger, Personal Beliefs and Cultural Stereotypes About Racial Characteristics (1996) 71[3] J. of Personality & Social Psychology 536 <u>http://www.StableCite.com/ws/Krueger1999.pdf</u>[original]

RJA Direct Appeal Resources; SDAP Seminar 2025 Updated April 2025

- 37. Lawrence, Forbidden Conversations: On Race, Privacy, and Community (A Continuing Conversation with John Ely on Racism and Democracy) (2005) 114 Yale L.J. 1353, 1362-63
- 38. Lee & Ottati, Attitudes Toward U.S. Immigration Policy: The Roles of In-Group–Out-Group Bias, Economic Concern, and Obedience to Law (2002) 142[5] J. of Social Psychology 617 http://www.StableCite.com/ws/Lee2002.pdf [original]
- 39. Levinson, Forgotten Racial Equality: Implicit Bias, Decisionmaking, and Misremembering (2007) 57[2] Duke L.J. 345 http://www.StableCite.com/ws/Levinson2007.pdf [original]
- 40. Levinson, et al., Judging Implicit Bias: A National Empirical Study of Judicial Stereotypes (2017) 69 Fla.L.Rev. 63 http://www.StableCite.com/ws/Levinson2017.pdf [original]
- 41. Linville, et al., Perceived Distributions of the Characteristics of In-Group and Out-Group Members: Empirical Evidence and a Computer Simulation (1989) 57[2] J. of Personality & Social Psychology 165 http://www.StableCite.com/ws/Linville1989.pdf [original]
- 42. Livingston, The role of perceived negativity in the moderation of African Americans' implicit and explicit racial attitudes (2002) 38[4] J. of Experimental Social Psychology 405 http://www.StableCite.com/ws/Livingston2002.pdf [original]
- 43. Goodwin Liu & Camara Phyllis Jones, guest editors, *Understanding Implicit Bias: Insights and Innovations*, published in Daedalus: Journal of the American Academy of Arts & Sciences, Winter 2024, <u>https://www.amacad.org/sites/default/files/daedalus/downloads/Daedalus\_Wi24\_Full\_P</u> DF.pdf, as of April 15, 2025.
- 44. March & Graham, *Exploring implicit ingroup and outgroup bias toward Hispanics* (2015) 18[1] Group Processes & Intergroup Relations 89 http://www.StableCite.com/ws/March2015.pdf [original]
- 45. Marks, Who, Me? Am I Guilty of Implicit Bias? (2015) 54 Judges J. 20 http://www.StableCite.com/ws/Marks2015.pdf [original]
- 46. Marsden, *Homogeneity in Confiding Relations* (1988) 10[1] Social Networks 57 http://www.StableCite.com/ws/Marsden1988.pdf [original]
- 47. Marsh, *The Lens of Implicit Bias* (Summer 2009) Juvenile & Family Justice Today 16 http://www.StableCite.com/ws/Marsh2009.pdf [original]

- 48. Martiny-Huenger, et al., *Selective Attention to In- and Out-Group Members Systematically Influences Intergroup Bias* (2014) 5[8] Social Psychological & Personality Science 936 <u>http://www.StableCite.com/ws/MartinyHuenger2014.pdf</u> [original]
- 49. Maryfield, JRSA Fact Sheet: Implicit Racial Bias (2018) Justice Research & Statistics Association http://www.StableCite.com/ws/Maryfield2018.pdf [original]
- 50. Maters, After Denial, Imagining with Education Justice Movements (2022) 25 U. Pa. J.L. & Soc. Change 219, 222
- 51. Molenberghs, *The neuroscience of in-group bias* (2013) 37 Neuroscience & Biobehavioral Reviews 1530 http://www.StableCite.com/ws/Molenberghs2013.pdf [original]
- 52. Mullen, et al., Ingroup bias as a function of salience, relevance, and status: An integration (1992) 22[2] European J. of Social Psychology 103 http://www.StableCite.com/ws/Mullen1992.pdf [original]
- 53. Park & Judd, *Measures and Models of Perceived Group Variability* (1990) 59[2] J. of Personality & Social Psychology 173 <u>http://www.StableCite.com/ws/Park1990.pdf</u> [original]
- 54. Park & Rothbart, Perception of Out-Group Homogeneity and Levels of Social Categorization: Memory for the Subordinate Attributes of In-Group and Out-Group Members (1982) 42[6] J. of Personality & Social Psychology 1051 http://www.StableCite.com/ws/Park1982.pdf [original]
- 55. Perdue, et al., Us and Them: Social Categorization and the Process of Intergroup Bias (1990)
  J. of Personality & Social Psychology 475
  <a href="http://www.StableCite.com/ws/Perdue1990.pdf">http://www.StableCite.com/ws/Perdue1990.pdf</a> [original]
- 56. Pfeiffer & Hu, Racial Code Words: A Technology of Racialization and Racism (2020), at pp. 14-16, under peer review Available at <a href="https://am.aals.org/wp-content/uploads/sites/4/2023/01/pfeiffer\_and\_hu\_racial\_code\_words\_221223.pdf">https://am.aals.org/wp-content/uploads/sites/4/2023/01/pfeiffer\_and\_hu\_racial\_code\_words\_221223.pdf</a>, as of April 15, 2025.
- 57. Power, et al., Priming Prejudice: How Stereotypes and Counter-Stereotypes Influence Attribution of Responsibility and Credibility among Ingroups and Outgroups (1996) 23[1] Human Communication Research 36 http://www.StableCite.com/ws/Power1996.pdf [original]
- 58. Rambert, The Absent Black Father: Race, The Welfare-Child Support System, and the Cyclical Nature of Fatherlessness (2021) 68 UCLA L.Rev. 324, 334-338

- 59. Ratliff & Nosek, Negativity and Outgroup Biases in Attitude Formation and Transfer (2011) 37[12] Personality & Social Psychology Bulletin 1692 http://www.StableCite.com/ws/Ratliff2011.pdf [original]
- 60. Rivers et al., *Implicit Bias Reflects the Personal and Social* (2017) 28[4] Psychological Inquiry 301 http://www.StableCite.com/ws/Rivers2017.pdf [original]
- 61. Reynolds, Implicit bias and the problem of certainty in the criminal standard of proof (2013) 37 Law & Psychology Rev. 229 http://www.StableCite.com/ws/Reynolds2013.pdf [original]
- 62. Saunders & Midgette, A Test for Implicit Bias in Discretionary Criminal Justice Decisions (2023) 47[1] Law & Human Behavior 217 http://www.StableCite.com/ws/Saunders2023.pdf [original]
- 63. Seabrook, R., & Wyatt-Nichol, H. (2016). *The ugly side of America: Institutional oppression and race*. Journal of Public Management and Social Policy, 23, 1-29. https://digitalscholarship.tsu.edu/jpmsp/vol23/iss1/3/ (Nov. 30, 2023)
- 64. Selby, From Emmett Till to Pervis Payne Black Men in America Are Still Killed for Crimes They Didn't Commit, Innocence Project (July 25, 2020), available at https://innocenceproject.org/emmett-till-birthday-pervis-payne-innocent-black-menslavery-racism/, as of April 15, 2025.
- 65. Spencer, et al., *Implicit Bias and Policing* (2016) 10[1] Social & Personality Psychology Compass 50 http://www.StableCite.com/ws/Spencer2016.pdf [original]
- 66. Staats, *State of the Science: Implicit Bias Review* (2017) Kirwan Institute for the Study of Race & Ethnicity <u>http://www.StableCite.com/ws/Staats2017.pdf</u> [original]
- 67. Sterling, "Children Are Different": Implicit Bias, Rehabilitation, and the "New" Juvenile Jurisprudence(2013) 46 Loyola L.A. L.Rev. 1019 http://www.StableCite.com/ws/Sterling2013.pdf [original]
- 68. Sunstein & Jolls, *The Law of Implicit Bias* (2006) 94[4] Cal.L.Rev. 969 http://www.StableCite.com/ws/Sunstein2006.pdf [original]
- 69. Tharoor, George Floyd's murder launched a global movement. It also sparked a reactionary backlash., Washington Post (May 26, 2021), available at <a href="https://www.washingtonpost.com/world/2021/05/26/floyd-global-backlash/">https://www.washingtonpost.com/world/2021/05/26/floyd-global-backlash/</a>, as of April 15, 2025.

- 70. Thompson, Bias on Trial: Toward an Open Discussion of Racial Stereotypes in the Courtroom (2018) 2018 Mich. St. L.Rev. 1243, 1252
- 71. U.S. Dept. of Justice, Bronson & Berzofsky, Indicators of Mental Health Problems Reported by Prisoners and Jail Inmates 2011-12 (2017) https://bjs.ojp.gov/content/pub/pdf/imhprpji1112.pdf [Mental illness is more readily diagnosed in white prisoners than those of color.
- 72. Villaverde, *Racism in the Insanity Defense*, 50 U. Miami L. Rev. 209 (1995) https://repository.law.miami.edu/umlr/vol50/iss1/13\_[a study on the insanity defense determined "race [is] an integral aspect in the determination of criminal responsibility"].
- 73. Waters and Hans, A Jury of One: Opinion Formation, Conformity, and Dissent on Juries (2009) 6 J. Empirical Legal Stud. 513, 521 [Studies show that more than half of jurors make up their minds—or at least form an opinion—during the presentation of evidence]

### APPENDIX A

# Tips on locating research online, accessing papers, and finding/evaluating experts Information provided by Dr. Ruth Redbird, with thanks.

#### **Finding a Starting Point:**

- If you are completely at sea, you can start a conversation with ChatGPT [https://chat.openai.com/] or Claude [https://claude.ai/]. Both have free account options, so you can sign up for zero cost and just give it a try. Since your questions will not be voluminous or complicated, you might never need a paid account.
- Try asking the model a question, such as, "What is known in social science about how jury findings of guilt differ by race?" You will get an answer, which is likely to have errors, misstatements, and generalizations, but is likely to use the right *terminology*. Then, once you get an overview, take the terminology you learn, and use them as search terms in a different tool.
- Important Caution: Never, never, never take anything from one of these learning models and put it into a brief. They hallucinate (make stuff up), and some lawyers who have relied upon them have paid a heavy price. You should *only* use them to get general knowledge that will let you do your own research, and you *always* verify everything they say with a reliable source.

## General Research:

- Google Scholar really is pretty good. You do not want to use the general Google search for this – instead, go to <u>https://scholar.google.com/</u>, make sure "Articles" is selected, and try out your new search terms.
- When you get back a list of results, you have options. Obviously, you can check out the articles that came up, but you also can see "Related articles" under each item, or you case click on "Cited by" under each item to see what other articles relied upon that one. This is much like Shepardizing in Lexis or the WestLaw equivalent.

- Once you find a paper you like, you can do other things to find similar work. There are a bunch of web sites for this sort of thing, mostly using either a learning model or some other network analysis tool to connect things topically/semantically. The leading contenders are probably Semantic Scholar [https://www.semanticscholar.org/], Connected Papers
  [https://www.connectedpapers.com/], and Research Rabbit
  [https://www.researchrabbit.ai/]. If you are a visual person, the Connected Papers 'node' display is kind of neat.
- If you read something and you are confused by the method or the data, or you just want help understanding it, do not despair! This is another way that learning models can help again, with all the big *caveats*. These days, you can take the *whole paper* and plug it into a model like ChatGPT or Claude, and then ask the model questions about the paper. You can even tell the model what level of explanation you want (e.g., "write a summary of section 3 that can be understood by first-year college students", or "present your answer in terms that a 9th grader could understand", etc.). In addition to ChatGPT and Claude, you might also try Elicit [https://elicit.com/] or even Copilot [https://copilot.microsoft.com/] for this function, but both have limitations.

#### **Accessing Papers:**

- About half the time, when you click on a paper, you will get an abstract, but you will not get access to the article itself. The abstract helps, because it really does tend to be a good summary of what the paper is about, but if you want to quote the paper, and get more in-depth analysis, you are going to have to see the paper itself. The fact that so many of them are behind paywalls is the subject of a lot of academic controversy, but there are ways around this.
- Try https://www.academia.edu/. The site has free and paid options. In theory, the free version gets you access to all the same stuff, whereas the only real benefit of the paid options is supposed to be the search function, so I am not sure I would pay for "Premium". Just find the article in the site, and then look for a download button. Most of them have it, but not all are the full article some are just

abstract, or maybe abstract plus intro. Semantic Scholar also has a lot of papers on the site, so it is worth doing a search there as well.

- Try taking the exact title of the article, *in quotes*, and plugging it into a *regular* Google search (i.e., *not* Scholar). This may bring up copies of the paper which have been uploaded to random people's web sites or blogs.
- Check the authors' web sites. Many academics have both a university web site and their own site, and a lot of them will put complete pdfs of the *own* papers on their own web sites. So, it is worth a look.
- Try emailing the author you would be surprised how often this works. You can also contact the author through Academia.edu or Twitter.
- Try tweeting at the author, or just generally tweeting into the void, using the tag: #ICanHazPDF . People will respond with copies of the paper. I am not on Twitter, so I do not do this one, but apparently a lot of people do.

#### Finding and Evaluating Authors/Experts:

- If you just want to get a sense of whether an article has been subjected to peer review, you can try looking at the impact factor (IF) for the article, or the journal impact factor (JIF) for the journal. I do not tend to look at these, because they are not the best metric of anything, but if you want to know more, you can read about them at https://researchguides.uic.edu/if/impact.
- If you want to find the biggest name in a field, find a paper that is on topic, and then plug it into Connected Papers or Research Rabbit, and look for the largest connected node.
- If you are looking for expert assistance, find an article that speaks to your issue, and then try reaching out to the author.