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For Professor Brooks' Civil Rights Theories Seminar Spring 2022

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What we will cover

- Conducting a thorough literature review
 - Evaluating sources
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 - USD and other libraries
- Fact finding
 - News and primary sources
 - Sources of statistics
 - Public policy research & analysis
- Note-taking tools and techniques
- Citation style for your seminar paper



LITERATURE REVIEW

Literature Review



- A survey of books, scholarly articles, and any other sources relevant to a particular issue, area of research, or theory
- Helps you formulate your thesis and locate your arguments within the larger field of study

Reliable Secondary Sources

- Evaluate sources for:
 - **Authority** – author is identified, reputable, credentialed
 - **Objectivity** – fairness, lack of bias
 - **Accuracy** – provides references to sources, verifiable
 - **Scope** – relevance to your topic
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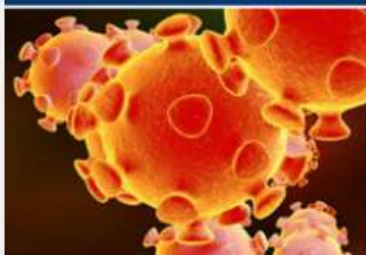
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Race & Social Inequity



SSRN's Race & Social Inequity hub highlights early-stage research related to systemic racism, racial violence, law enforcement reform, and social justice movements. This hub presents curated insights from many disciplines that might inform the ongoing conversation about race and culture that was triggered by the murder of George Floyd and subsequent global protests. It is our hope that these insights from fields of study such as criminal justice, anthropology, political science and philosophy will help eradicate racism and bring about lasting change. It is important to note that these papers have not been edited or benefited from the pivotal role of peer-review, which validates and improves the quality of final published journal articles.

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Harvard BlackLetter Law Journal
Spring, 1994Roy L. Brooks^{a1}

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CRITICAL RACE THEORY: A PROPOSED STRUCTURE AND APPLICATION TO FEDERAL PLEADING

I. INTRODUCTION

Critical Race Theory (CRT) is a collection of critical stances against the existing legal order from a race-based point of view.¹ Specifically, it focuses on the various ways in which the received tradition in law adversely affects people of color not as individuals but as a group. Thus, CRT attempts to analyze law and legal traditions through the history, contemporary experiences, and racial sensibilities of racial minorities in this country. The question always lurking in the background of CRT is this: ⁸⁶ What would the legal landscape look like today if people of color were the decision-makers?²

Developed and applied in the context of civil rights,³ CRT has never been systematically applied to any area of civil procedure. This is surprising given that procedural rules affect one's access to the courts and that courts, as a general matter, have been more instrumental in effectuating positive social change for people of color⁴ than either the legislative or executive branch of government. Many of the most important civil rights were nurtured in the litigation context.⁵

While access to the courts and, hence, civil procedure are important in the struggle for racial equality, it is not readily clear whether any procedural doctrine is suitable for race-conscious analysis. This is particularly true with respect to the well-established doctrine of federal pleading. From all appearances, this doctrine

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Readex databases covering African American history

- Black Life in America (news sources)
- Civil Rights in America (publications and reports submitted and published by Congress)
- American Race Relations: Global Perspectives 1941-1996 (reports, publications, and news broadcasts covering the fight for racial justice in the U.S. and abroad)
- Access via [LRC's databases page](#)

Civil Rights in America

From Reconstruction to the Great Society

*Premier archive of official publications and primary source material related to civil rights in the United States
from the 19th century through the 20th century*

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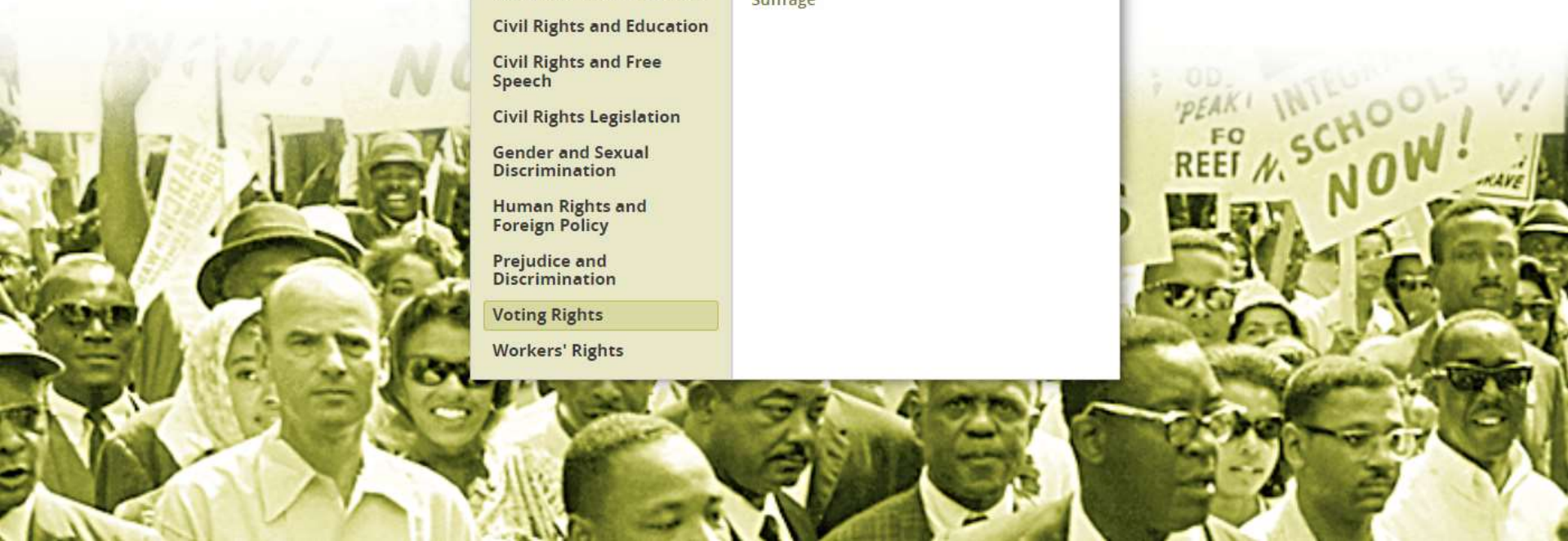
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www.clearinghouse.net
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- Child Welfare
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- Environmental Justice
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- Policing
- Presidential/Gubernatorial Authority
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- School Desegregation
- Speech and Religious Freedom

For details on these case categories, [click here](#). As of today, February 28, 2022, the Clearinghouse is posting at least partial information on 9,693 cases, including a litigation summary for each, as well as 68,677 dockets, complaints, filings, opinions, settlements, court orders, and other documents. Some of these cases are historical, but many more are current; the site is strongest for cases from the 1990s to present.

The site is dedicated to injunctive rather than damages litigation—that is, to cases seeking policy or operational change, not cases seeking money. For each of the categories, our eventual goal is to include a close-to-comprehensive catalog of the cases in which plaintiffs have actually been awarded or negotiated such change.

NEWS & COMMENTARY



Transgender and Non-Binary Leaders Tell Federal Court Trans People Deserve Joy at Any Age

Prominent transgender and non-binary people as well as businesses, professional associations, and medical professionals are speaking out against Arkansas' ban on gender-affirming health care.

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Imani Perry Thinks You're Wrong About the South

Our guest today is Imani Perry. Her latest book is "South to America: A Journey Below the Mason Dixon to Understand th...



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from jails and prisons, or never brought into the criminal legal system in the first place

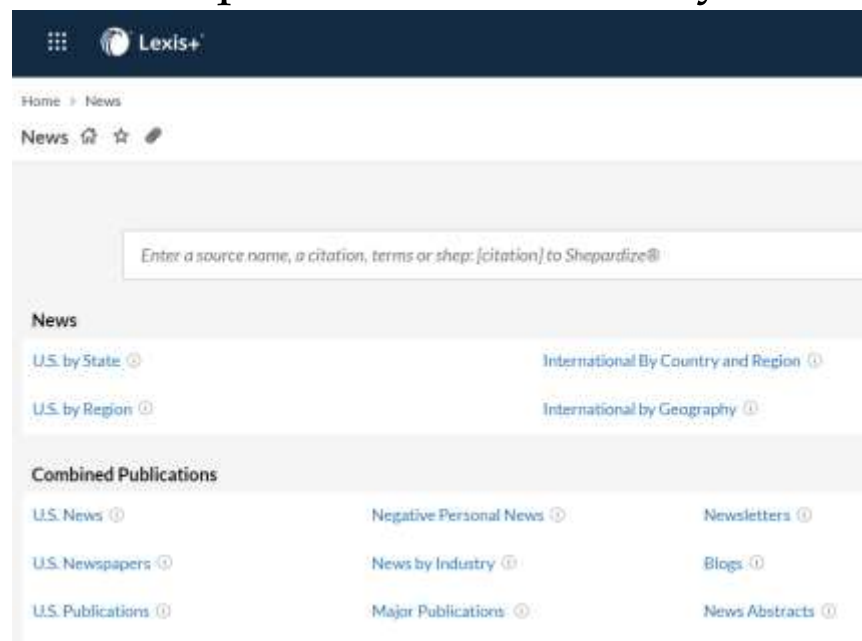
Clients released

from ICE detention

Since the start of COVID-19, we've filed more than 100 legal actions. Visit our tracker to learn more.

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FEBRUARY 23, 2022



Most Black Americans say they can meet basic needs financially, but many still experience economic insecurity

BY [KHADIJAH EDWARDS](#)

Most Black adults say their household finances meet basic needs with either a little or a lot left over for extras, even amid [economic disruptions](#) due to COVID-19. Yet financial challenges exist. Fewer than half of Black adults say they have an emergency fund, and some have taken multiple jobs to make ends meet, according to a recent Pew Research Center survey of Black Americans.

The survey also finds that Black Americans typically experience higher levels of economic insecurity than Americans overall. This

Most Black adults say they can meet their basic needs with at least a little left over for extras

% of Black adults who, describing their household financial situation, say they ...

Meet basic needs with ...

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The Growing Diversity of Black

For Black adults with more than one job, multiple incomes often essential to meeting basic needs

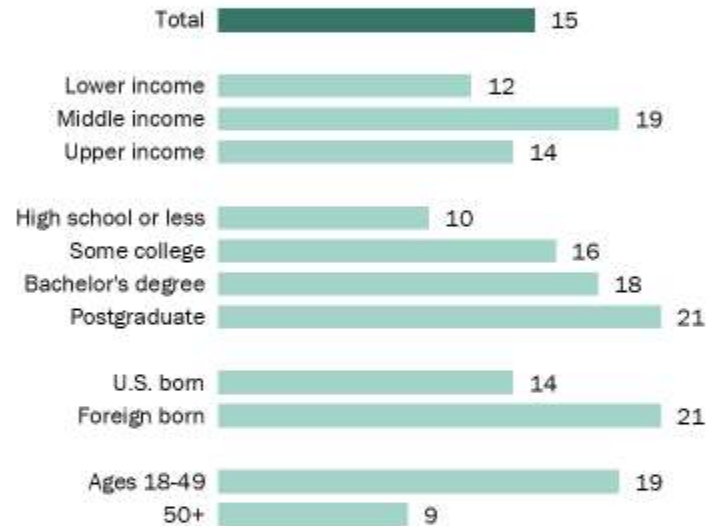
About 15% of Black adults say they have worked more than one job at the same time in the 12 months prior to the survey. Among those who have, 45% say they did so because the combined income was essential, and another 28% say the combined income helped meet basic needs.

The share of Black Americans who worked multiple jobs differs across demographic subgroups.

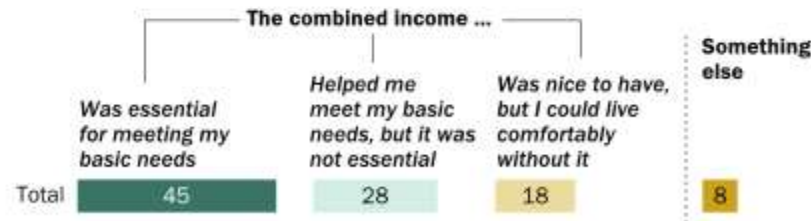
Black adults with a postgraduate degree are among the most likely educational subgroups to say they worked more than one job at the same time – 21% say this. Meanwhile, 18% of Black adults with a bachelor's degree and 16%

About one-in-seven Black adults work more than one job, with most doing so to meet basic needs

% of Black adults saying they had more than one job at the same time during the 12 months prior to the survey



Among Black adults who had more than one job at the same time during the 12 months prior to the survey, % who say they did so because ...



Note: Black adults include those who say their race is Black alone, Black and at least one other race and non-Hispanic, or Black and Hispanic. No answer responses not shown. "Some college" includes those with an associate degree and those who attended college but did not obtain a degree. Family income tiers are based on adjusted 2020 earnings.

Source: Survey of U.S. adults conducted Oct. 4-17, 2021.

<https://pewrsr.ch/3M6hnhA>

Survey instruments and methodology



Note: Here are the questions used for this survey, along with its responses, and its methodology.

Topics Black Americans, Economic Conditions, Personal Finances, Income & Wages, Poverty

<https://pewrsr.ch/3M6hhnA>

DEPARTMENTS AND CENTERS

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Since the 1940s, when NORC conducted some of the first-ever national studies of racial attitudes and opinions, we have worked to elevate diverse perspectives and center equity in our approach.

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NORC Commitment to Diversity, Equity, and Inclusion

NORC is deeply committed to diversity, equity, and inclusion and believes these values are essential to conducting research our clients can trust. They inform the questions we ask, the methods we use, and how we gather and analyze data. Since the 1940s, when NORC conducted some of the first-ever national studies of racial attitudes and opinions, we have worked to elevate diverse perspectives, foster an inclusive environment, and center equity in our approach.

Research Capabilities

NORC strives to accurately and respectfully understand the lived experiences of individuals from different backgrounds and sees being a diverse and inclusive organization as critical to achieving those ends. By applying culturally responsive methodologies and authentic engagement processes with diverse communities, we inform practical, evidence-based strategies to reduce inequality at the intersections of race, ethnicity, social class, gender identity, sexual orientation, age, disability, religion, and geographic location. Our approaches include:

- Data Collection and Participatory Analysis
- Systematic Reviews, Environmental Scans, and Meta-Analyses
- Program Evaluation
- Training and Technical Assistance
- Strategic Planning
- Program Planning and Support
- Technical Expert, Partner, and Community Member Meeting Facilitation
- Resource Center Management

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Statistical data & analysis



United States Census Bureau

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Publications & analysis vs. raw data

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DOJ Crime and Justice Statistics

DOE Education Statistics

Bureau of Labor Statistics

U.S. Supreme Court Statistics

Background Information

There are several main access points for numerical data and descriptive statistics provided by the United States government. Here you will find overview material and links to aggregated data provided by the government to measure and keep track of information of national interest.

- The [USA Data and Statistics](#) page from USA.gov is where you should begin your search for federal government statistics. Scroll down to "Find Data and Statistics from the Government" to find a overview of the agencies responsible for collecting statistical information and the types of data they provide. Scroll to "U.S. Census Data and Statistics" for an overview of the types of surveys and data products the Census Bureau provides.
- [The Office of Management and Budget \(OMB\)](#) coordinates the U.S. federal statistical system. This [overview page](#) provides links to standards and directives, and describes the 13 federal agencies and many other federal programs that issue U.S. statistics, in a highly decentralized system. The OMB page can be another good place to orient yourself to the federal statistical system.
- [Data.gov](#) is the main gateway to the U.S. government's open data, easily searchable by topic, with downloadable data sets for each agency.

In the tabs to the left you will find links and guides to federal agency sources of statistics, sorted by topic.

[Data release schedules](#) for the federal agencies collecting statistics are organized [here](#) by the Federal Committee on Statistical Methodology (FSCM). If you are tracking a specific agency's data, you may wish to become familiar with its release schedule.

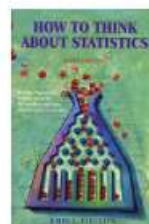
If you would like to read a background text on the use of statistics before incorporating data into your own work, two useful primers on statistics are:



[Statistics Without Tears: An Introduction for Non-Mathematicians](#) by Derek Rowntree

ISBN: 9780141987491

Publication Date: 2018



[How to Think about Statistics](#) by John L. Phillips

ISBN: 0805072551

Publication Date: 2000

<https://lawlibguides.sandiego.edu/stats>

NOTE-TAKING TOOLS & TECHNIQUES

Why good note-taking is important



- Bolster your argument
- Avoid inadvertent plagiarism
- Save yourself time and trouble when creating citations

What to look for



- Reference manager
- Citation support
- Organization and annotation of PDFs and other digital content
- A tool that fits your research style
- You do not have to use an app—can create your own system using folders

Cloud-based tools for managing your research



Tools for both document and citation management



zotero

PowerNotes

Organize your internet

The best way to gather, organize, and keep track of your research.

Add Browser Extension

Typical features include:

- Free or premium upgrade
- Web, client, mobile apps
- PDF storage & annotation
- Cloud & local storage
- Web content capture
- Citation style (“bibliographic utility”)

Finding the right tool



Comparing reference managers:

- <https://www.library.wisc.edu/services/citation-managers/comparison-chart>
- http://guides.ll.georgetown.edu/citation_tools

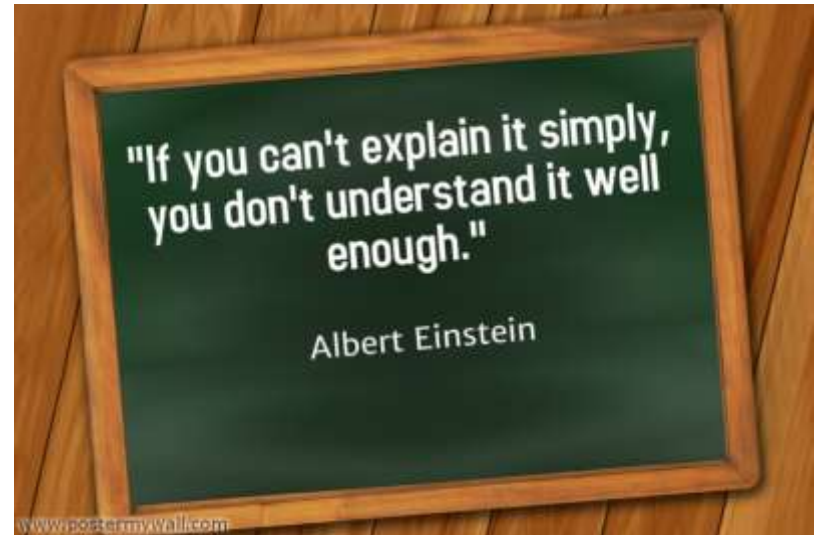
Note-taking tips

If you cut & paste text from another source to look at later, **immediately** mark it as copied text & include citation info



Summarizing & paraphrasing

- Try to do it without looking at the source material
- Not enough to change a few words around, or substitute synonyms
- You literally have to rewrite the material using your own words



Citing the best source

- Don't rely on Source A to tell you what Source B says – go back to the original
 - Don't cite Scholar A to tell your reader what Scholar B argued
 - Don't cite a book or an article to tell your reader what a case held
 - Don't cite a case to tell you what the statute says

Citation style for this class



Follow the citation format used in your course materials.

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