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suggested that the study of law, politics and society could be mapped in terms of three broad research agendas. In the first, law and legal institutions are the phenomena to be explained, the 'dependent variables.' The idea is to discover and analyze the social, political, and economic forces and structural arrangements that shape the formulation of law and the design of legal institutions. In the second agenda, the focus is on legal processes and decisionmaking in courts and other legal institutions. The third research agenda treats law and legal decisions not as dependent but as 'independent variables,' describing and explaining what effect laws and legal processes, in all their variations, actually have on social life. Scholars working on this agenda explore, for example, the limits of the 19<sup>th</sup> Century sociologist William Graham Sumner's dictum "Law ways cannot change folkways," Gerald Rosenberg's *The Hollow Hope*, Michael McCann's *Rights at Work*, and Matthew Hall's *The Nature of Supreme Court Power*, analyses of the consequences of policy-oriented litigation and court decisions, also fall within this agenda.

In that 1994 article, I asserted that socio-legal scholars and political scientists had been more pre-occupied with explaining the provenance of legal institutions and legal decisions than with the third agenda – examining their social consequences. I think that is still true. When I was working on *Adversarial Legalism*, as I searched for empirical evidence concerning the consequences of American adjudicatory practices and judicial decisions, I found many more relevant articles in law reviews than in political science journals. That reflects the tendency of public law scholars still to be

more interested in the initial exercise of power by high courts and legislatures than in how those decisions actually work out in the social, economic, and political worlds.

Of course, it is easier to study legal decision-makers and recorded decisions than to study the responses of the far-flung, diverse individuals and organizations who are the "targets" of laws and judicial precedents. Yet in my view, the study of law and politics is a bit impoverished if we fail to explore the factors that explain when political power, exercised through laws and legal procedures, is most effective in advancing the interests and values of lawmakers, judges and executive branch officials – as well as the costs and unanticipated adverse consequences of such legal successes.

One final observation: most of my projects, including *Adversarial Legalism*, have basically been exploratory ventures into new empirical and theoretical territory. Hence they rarely have tested theories or hypotheses drawn from prior studies. Consequently, the findings, concepts, and explanatory propositions are far from definitive. Nowadays, however, political science seems less tolerant of that kind of exploratory, descriptively rich, qualitative, small-N research. I think it's worth remembering, however, that close observation, description, and theoretical conjecture are crucial first steps in the development of scientific theories. Before he could formulate his theory of natural selection, Darwin first took a long voyage on *The Beagle*, sketching variation in the beaks of finches and ecosystems. I hope, therefore, there will continue to be a place in political science and its public law subfield for that kind of exploratory research, which I think remains essential, especially in its less-explored "downward" and "outward" domains.

## APSA 2013 Recap and Thoughts For the Future

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A sitting judge bemoaning the waning attention to writing and originality by judges on a panel of political scientists testing the degree to which judges plagiarize attorney briefs in their opinions. Profes-

sor David Danelski declaring a panel to be the best he's been part of in 50 years in the discipline.

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Standing room only for a couple of panels. (Okay, the rooms were really small, but still!) And, did you know that Bolivia recently held its first nation judicial election and over 60 judicial candidates (along with their photos) were on the ballot? All of this and more was on display in Chicago this September, at panels sponsored by the Law & Courts section of the APSA. Amidst a flurry of discussion over the extent to which APSA is a “dinosaur” (see *The Monkey Cage* posts on the subject) and a Law & Courts Listserv discussion over how to get greater levels of participation in poster sessions, I’d like to offer some reflections on what went well, what could have gone better, and how we, as a section, might think about innovations directed toward making the APSA a more engaging, exciting, and encouraging conference.

As you might know, I put the panels together this year for Law & Courts, and so of course I think the quality was higher than usual! However, even with quality, the constraints imposed by the conference format can detract from the conference experience. *The Monkey Cage* discussion points to some of the problems: under-attended panels, lack of real feedback received, variation in paper/presentation quality, and the unsatisfactory nature of the traditional panel format, among others.

In partial reaction to that discussion (and as part of it) I suggested that the poster sessions could be a real opportunity to address some major concerns with the format. First, a poster session fosters a more casual and individualized interaction, wherein the paper author and a scholar can focus on points of mutual interest in a way that’s impossible in a panel setting. The potential for give-and-take during the presentation is something not offered in the traditional format.

Second, if we assign discussants to the posters (as I did this year and I know other section heads have in other years), poster presenters get potentially better, and at least as *much* feedback as they would at a traditional panel. Indeed, I would hope that discussants could give poster presenters written comments (and, to facilitate that, I asked poster

presenters to send a full paper to the discussant around the same time discussants on panels were seeking papers) and then spend a little time at each of their assigned posters to chat. This seems to have happened with the posters presented this year, and I received universally positive feedback from all of the participants. (It would have gone even better had it not been scheduled against two strong Law & Courts panels and in the opposite hotel!) Prominent people – both those assigned as discussants and others who chose to attend the posters – engaged many of these graduate students and early scholars and they benefitted enormously, especially given the potential for back-and-forth between the paper giver and the discussant/scholar. Many of them noted that, even were this collection of well-known scholars in attendance at one of their panels, it is unlikely they would have had the opportunity to chat with them specifically about their research in the way afforded by the poster format.

This, then, is a paper presentation, in all senses of the word, and should be listed on the CV as such. (APSA should be able to facilitate the upload of these papers as well, so that they could be read in advance by interested scholars. Or, as one poster presenter suggested, Law & Courts could put them on our website. Of course, not everyone (many?) follow through with uploading their papers for traditional panel presentations either. Indeed, requiring uploads of the papers in a timely fashion could potentially cure some of APSA’s earlier-noted ills.)

Third, the job of distilling one’s research into a poster board format is an exercise that may well strengthen and streamline the paper itself and, while we ought to provide more information on expectations about and logistics for creating these posters, they have the potential to be a great way to communicate lots of information in a short time, enabling passersby to quickly see what the question is and what the findings are and then engage the author in issues either raise in a way that would be impossible for someone wandering into a panel session.

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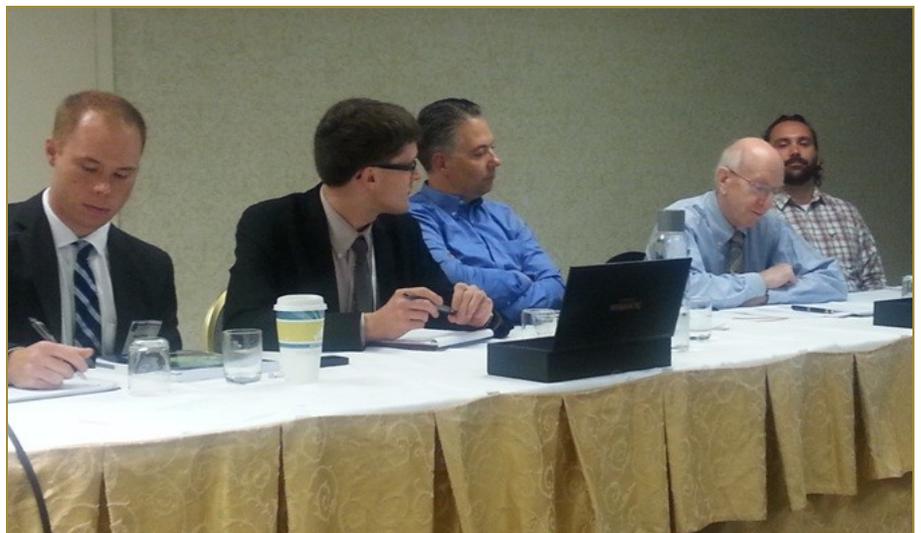
Of course, as noted on the Listserv, many departments/colleges/universities are not currently equipped to fund travel to present a poster, reserving their funding for papers presented in the traditional panel format. I would hope that we could try to change that general perception of the poster presentations as second-class presentations, perhaps transitioning into a world where an APSA poster is a mark of distinction, especially for advanced graduate students. We spent some time discussing this issue at the Executive Committee luncheon in Chicago, brainstorming ways in which the poster sessions might be afforded more prominence. My suggestion was to follow the lead of other organizations (Polmeth, CELS) and hold a poster session for advanced graduate students at the Law & Courts reception. What could be better than a room full of Law & Courts section members, wine in hand, perusing the research efforts of our best and brightest graduate students? And, as noted above, the casual but intimate interaction and ability to discuss one's specific research with top scholars affords a mentoring opportunity we do not get via the traditional panel format. (One of the poster givers talked about the general fear that graduate students have about even attending the Law & Courts reception, much less approaching their "heroes;" having the poster session at the reception makes that interaction much more organic, giving students a chance to meet, interact with, get feedback from, and sell their research to people who will be important to their careers.) David Klein, editor of the *Journal of Law and Courts*, suggested an award for best poster, accompanied by a money

prize, which could potentially offset the institutional difficulties of getting funding for poster presentations and would surely raise the caché of the poster presentations.

But, anyone who attended the panel featuring Judge Richard Posner can argue that one needn't rely completely on the poster session as a savior for APSA. Rather, creativity in panel format can also make for a really engaging, exciting and fun panel session as well. Lee Epstein chaired this panel, which included four great papers on legal argumentation, and she set it up such that each paper's (short) presentation would be followed directly by comments by the discussants (Judge Posner and Tim Johnson). This small change in the standard operating procedures made the discussants' comments much more memorable and relevant and provided the opportunity for give-and-take between the discussant and the author as well as immediate engagement by the audience that made the panel session much more enjoyable. Rather than waiting for all the papers to be presented AND the discussant to give comments before you can raise the issue you're DYING to raise, you can do it right away, while everyone is still thinking about that paper, that research question, that design. Even better would be a world in which we don't necessarily even wait for the author's presentation and discussant's comments to end, but rather interrupt with questions organically, and really make the panel session a vibrant, interactive discussion of research. I am

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Judge Richard Posner (second from right), shares his thoughts during a panel with (pictured from left to right) Ryan Krog, Shane Gleason, Tim Johnson, (Posner), and Paul Collins



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certain paper givers would both have more fun and get more quality feedback this way, so long as the Chair is very attentive to time, given that extended discussion of one paper could totally preclude another paper-giver's opportunity to present. But this change doesn't take APSA or even the section as a whole to make a policy change. It just happened because of the creativity of one panel chair. I'm sure there are other simple changes that would also make for more energetic sessions. (I recall Harold Spaeth using what he called the "Charlie Johnson" method in the past, where the discussant does all the presenting and discussing and the paper-givers engage in discussion with him or her, and that can also work well, provided one has a dynamic discussant.) The bottom line is, when nearly everyone complains about the current format, it is time to be brave enough to step outside our comfort zones and try something new! My two-cents: move posters to the reception and shake up those panel presentations.

Our panels this year were really well-attended, and I thank each and every one of you for engaging with the research I thought sounded exciting from those paragraph-long proposals! Our average attendance was 26.2 in the 12 panels we were allotted this year, compared to the overall conference attendance average of 19.7. In 2011, our average panel attendance was 22.5 and we were allotted 11 panels for the 2012 conference, although APSA was cancelled due to the hurricane in New Orleans. Due to our higher attendance, it would appear we are due another increase in panel allocation for 2014. Our strong attendance from 2013 may help get the number of panel sessions back to earlier years, as in 2010 we had 14, 13 panels in 2009, and 15 panels in 2008. I know that I attended more panels than I usually do, and I left APSA feeling recharged and excited, just like I used to when I was a graduate student. And that's even with the current, less-than-great format. Imagine how exciting an even better conference could be!



Jeff Segal (above) and Larry Baum (below) served as discussants for this year's poster sessions at APSA, providing a new and perhaps more useful format to these sessions. We were lucky to capture them in these (clearly spontaneous) photos.

