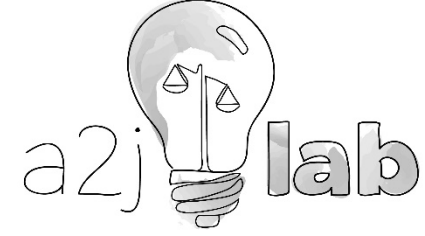


Evidence-Based Thinking from Arrest to Sentence

Access to Justice Lab

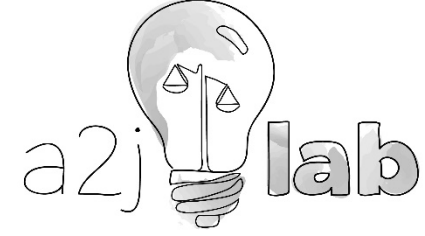
Harvard Law School

May 22, 2019



Many Different Types of Evidence

- Qualitative versus quantitative
- Within quantitative: Causation/intervention versus descriptive
- Within causation/intervention:
 - Observational versus randomized
 - Lab versus online versus field



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Many Different Types of Evidence

- Qualitative versus quantitative
- Quantitative: Causation/intervention versus descriptive
- Within causation/intervention:
 - Observational versus **randomized**
 - Lab versus online versus **field**

Access to Justice Lab: Randomized field experiments, aka randomized control trials, or “RCTs”

What Does “Evidence-Based” Mean?



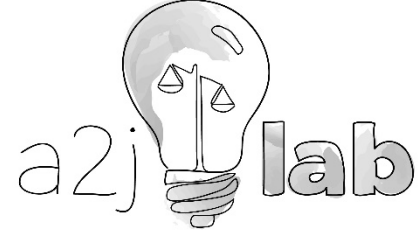
- Two contrasting visions of “instrumental epistemology”
What counts as evidence of factual truth, or of how we get from here to there?
- View 1: Reify professional judgment
 - What I see day to day
 - What elites tell me is true

What Does “Evidence-Based” Mean?



- Two contrasting visions of “instrumental epistemology”
 - What counts as evidence of factual truth, or of how we get from here to there?
- View 1: Reify professional judgment
 - What I see day to day
 - What elites tell me is true
- View 2: Include a role for empirical techniques
 - Social science techniques generally
 - Randomized control trial (“RCT”)

What's the Big Deal About RCTs?



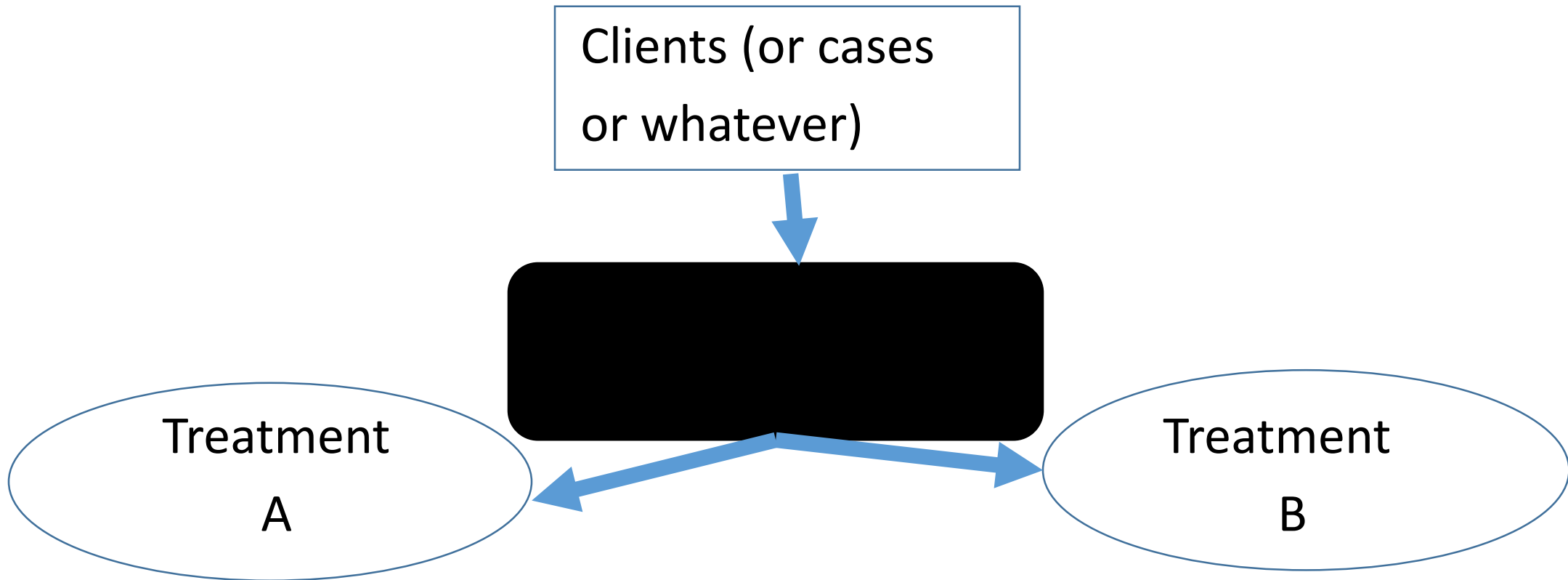
Question 1: What is an RCT?

Question 2: Why is its use important for a field to be evidence-based?



What Is an RCT?

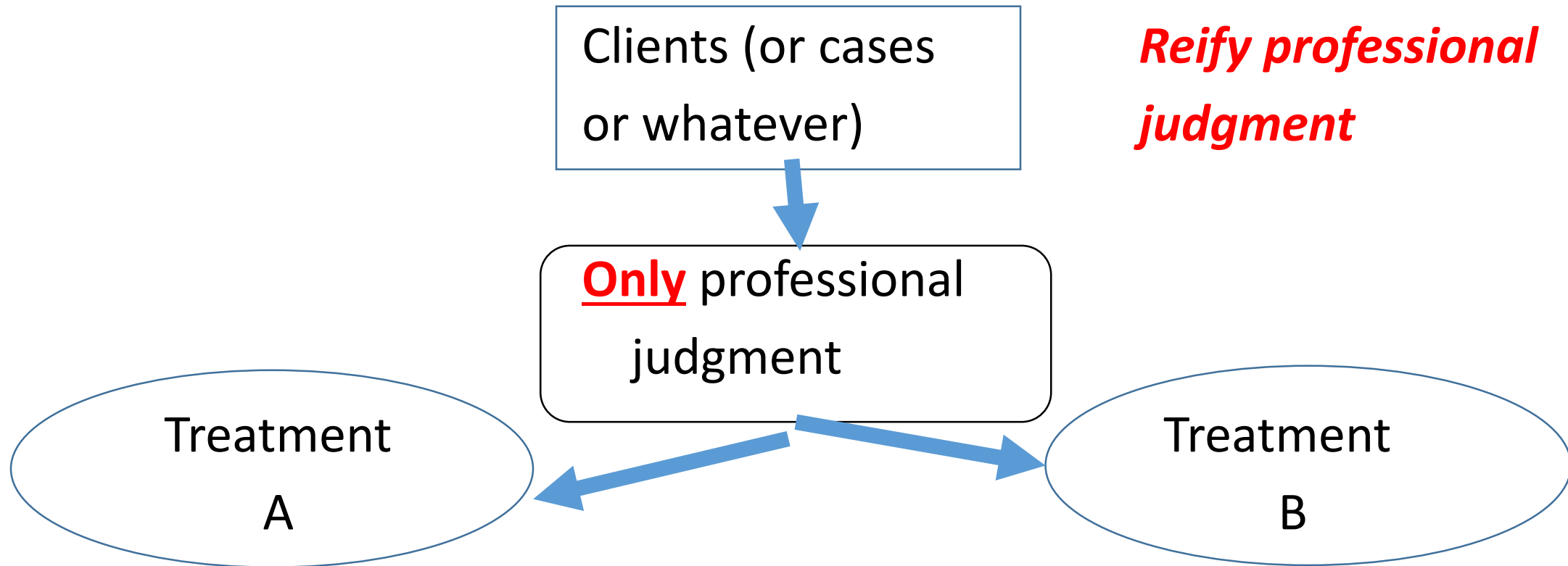
How do we decide who gets what?





What Is an RCT?

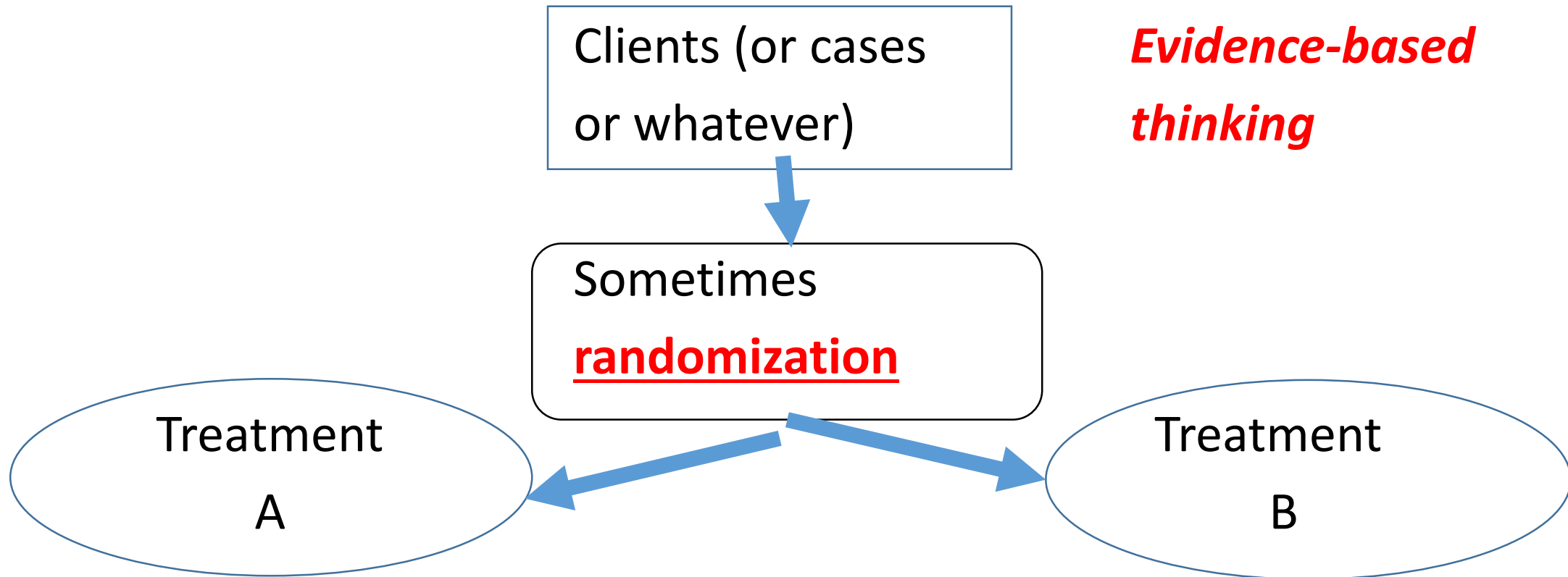
How do we decide who gets what?





What Is an RCT?

How do we decide who gets what?

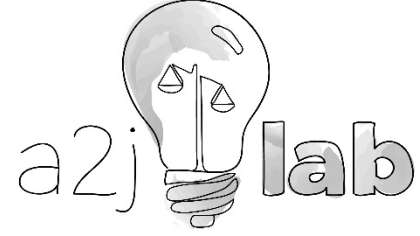




Why RCTs?

- Gold standard in causation, evaluation of policies, practices, procedures, generally “interventions”
- Advantages
 - Eliminates confounding
 - Demands sharp definition of intervention, alternative
- Less good at
 - Systemic change
 - Highly fragile/non-transferrable interventions

Experience from Other Professions



Do we lawyers and judges really need RCTs?

Everyone else did.

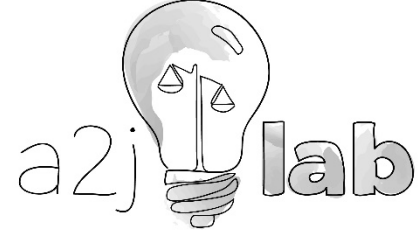
- Medicine: Hormone replacement therapy
- Criminology: Scared straight
- Public health: Robot babies
- Fitness: Fitbits
- Psychology: Counseling, DV perpetrators

I have more examples if you want them . . . Many success stories!

Experience from Other Professions



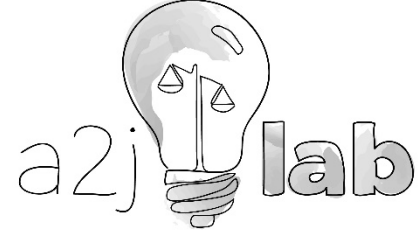
What happens in other professions?



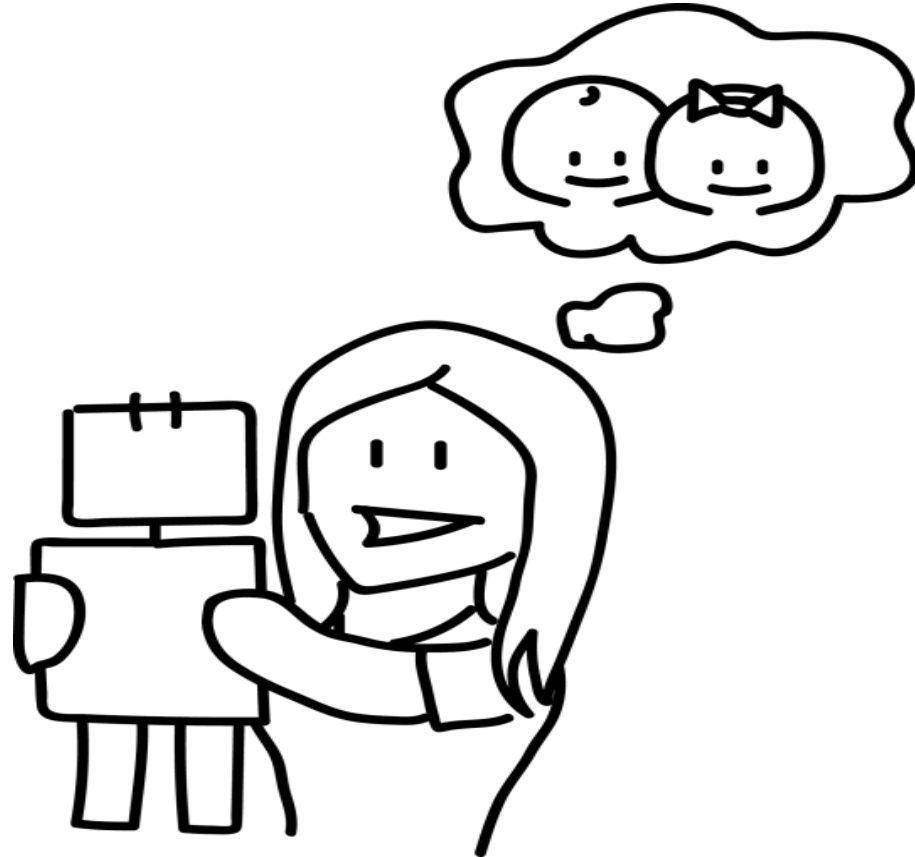
Criminology: Scared straight to reduce teen recidivism



What happens in other professions?



Public health: Robot babies to reduce teen pregnancy



What happens in other professions?



Weight loss: Activity trackers (e.g., fitbits) to help obese individuals lose weight



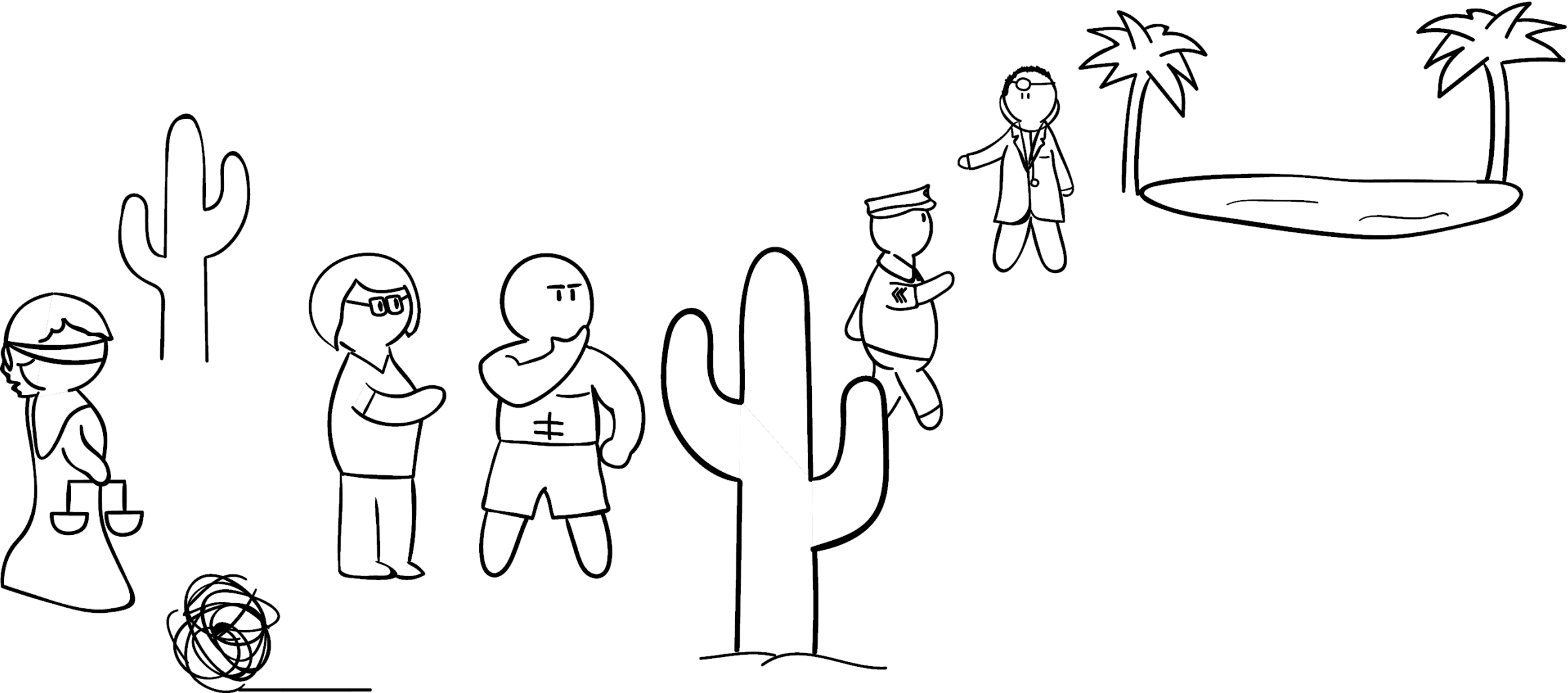
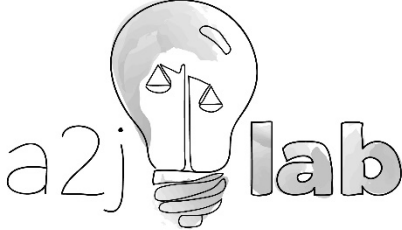
What happens in other professions?



Combatting poverty: Microcredit business loans, business → consumption



What happens in other professions?



RCTs Severely Underutilized in Legal Prof.



Compare law with the “other” classic profession

- 1931: One of first, if not these first, medical RCT published
- 1933: First published study relying on randomization in law
- Since 1930s: How many RCTs in medicine? **Too many to count.**

RCTs Severely Underutilized in Legal Prof.



Compare law with the “other” classic profession

- 1931: One of first, if not these first, medical RCT published
- 1933: First published study relying on randomization in law
- Since 1930s: How many RCTs in legal profession? **50**.

Conclusion

- We need more RCTs
- Today's conference
 - Examples of ongoing/developing RCTs
 - Breakout 1 & report
 - Ethics panel
 - Breakout 2 & report
 - Conclusion