**“Live Law NSF: Translating (Law and Social) Science”**

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I’m going to share a story from an ongoing research project.

I’ve traveled with another member of my study team to a large city in the Midwest. We are there to gather data for the project and we have interviews and focus groups scheduled. We’ll be there for three days. On the first day, I have an interview scheduled with Alex and Robbie who run the help desk in family court. And those are pseudonyms.

As I approach the security checkpoint in the courthouse, I see a line of people waiting, and I get in line to wait my turn. In the meantime, I hear the security personnel speaking loudly and aggressively to people as they approach and walk through security. There are three security personnel, a man and two women. The man is standing behind the scanning machine, presumably he’s observing the screen as items are passed through on the belt.

There is a small table adjacent to the machine and one of the women security personnel, she’s standing immediately behind the table, and she partially leans forward to speak to each person as they approach the security area.

"Belt, wallet, phone, keeeeeys and loose change go inside your jacket pocket with your belt," she shouts at each person as they approach.

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Over and over again and each time drawing out the word keeeeeeeys for emphasis.

As I approach, I see a sign that states that food cannot be brought past security and I wonder if they'll let me through with the snacks I brought for the interview.

I always bring snacks when I’m interviewing someone. It’s just sort of a token thank you.

I'd stopped at the coffee shop on my way in to pick up refreshments. I’m holding a cup holder. It has 3 cups of peppermint tea and I have a small brown bag that has three croissants.

When it's my turn, I'm immediately told, "You can't bring that in here."

I place the refreshments on the table, and then I try to explain that I'm bringing them in for a meeting with the help desk attorneys.

The security staff barely acknowledge anything I've said and just keep repeating: "You can't bring that in here."

By now my bag has gone through security because I had put it on the belt, and one of the security personnel reports that I have a recorder in my bag. Now I am being told that I need a court order to bring a voice recorder into the courthouse. *Really? I just don’t understand it?*

The woman security officer standing in the front was inflexible and VERY authoritative. She was just like, "You're not bringing a recorder in without a court order."

Without arguing with her, I tried to explain why I was there, who I was meeting with, and why I had the recorder. It didn’t matter.

When I said that perhaps I could ask the help desk staff to bring the items in for me (since presumably they didn’t have to go through the same security rigmarole), she immediately rejected that idea basically saying that it was still my recorder.

I then mentioned that I'd be back the next day for a meeting with the family court judges and that I was planning to bring lunch for them and I’d be having that recorder with me.

Again, she was adamant that I was not getting in without a court order.

At that point I tried to reach Alex and Robbie to get their help. My phone call went to their voicemail, so I sent an email and then just start waiting in the hope that someone would soon get one of my messages and come and give me some assistance.

In the meantime, I just stepped to the side, and I waited.

I was fairly calm and certain that I’d eventually get in. Even though I was made to wait, I didn’t take it personally at all. Mostly, at this point I am thinking . . . data.

My project looks at the experiences of low-income unrepresented litigants in family court. Specifically, I am interested in how they navigate their court hearings, whether and how they access litigation assistance resources, how effective they are at self-representation, how they judges and attorneys that they interact in these court spaces handle cases where people are unrepresented.

In my mind, their experience with the court system includes these interactions that they have throughout that entire process, including gaining entry to the courthouse.

So, I was very interested in the court security staff interactions, their interactions between security and the public, and then later on how the security personnel were treating me and the staff who tried to get me into courthouse.

I pulled out my notepad and my pen and I began jotting notes.

What did I see during the 30 minutes while I waited to get access to get entrance into the courthouse?

What I observe is a security officer continually berating members of the public and using her authority to insult people.

Many people go through security, and they don't follow the instructions. Sometimes they forget to take off their jacket. Sometimes they have keys in their pockets. Sometimes they take their keys out of their pocket but they hesitate, they’re not really sure where to put them.

The security officer is rude to them uniformly. "I told you to take off your jacket." "Didn't you hear me? Pay attention!" "No, go back and put your keys on the belt!"

When a middle-aged Latino man asks her if he is in the right spot, she sneers and ridicules him: "How am I supposed to know if you're in the right spot?! I don't know! Right spot for what?!"

Eventually, Alex arrives at security and I could see that she was asking the other female security officer for me. I waved to her to identify myself. She informed the security staff that Judge Santos had said that they should let me in and that I'd be meeting with the judges tomorrow for a research study.

The staff still refused to let me in with the recorder. "Where's Judge Santos?" someone said sarcastically.

"Uh, I guess she's in her chambers," said Alex. She raises her hands and lifts her shoulders, saying, you know, "I'm just the messenger."

She then left and I remained there waiting.

I start to wonder if Judge Santos would have to show up herself to help get me through security!

Eventually, another security personnel arrived to retrieve me. She was a taller woman in her 50s, a black woman, she’s wearing a security uniform with a badge that says "sheriff" written on it.

My sense is that this woman is in a superior rank to the staff who were working the security checkpoint and that maybe Judge Santos had contacted higher ups in security and dispatched them to spring me from the security checkpoint.

I was then escorted all the way to offices of Alex and Robbie, the two people from the help desk that I was planning to interview that day.

When I arrived, they had a blank court order form on the desk ready for us to fill out. And we collaborate on the language and when we were done, a staff person took that draft order to the judge for her signature.

He returned a little while later with several copies of the order, which had been signed and stamped by Judge Santos. The order, titled "General Order" states: "For today, March 20, 2014, and tomorrow, March 21, 2014, both Tonya Brito and Amanda Ward have authorization to bring recording devices into the Child Support Division Courthouse. This is as part of research with the University of Wisconsin. They may also bring food and/or drink in with them."

This study, as I mentioned, is looking at how low-income, unrepresented litigants access court and navigate the cases that they’re handling. For the project, my study team and I are collecting several different types of data.

In addition to doing interviews and focus groups with various legal personnel: judges, family court commissioners, attorneys, etc. who are involved in these cases. We’re also doing observations in court. So we are physically present in court watching the proceedings and the hearings that are part of the study.

This kind of work, we call this ethnographic observation. So we’re looking at social events and drafting detailed field notes that capture those events. And what we see and hear, and what our impressions and our insights about what those observations are. But before we gather that data, we have to gain access—both access to the people we want to talk to and access to those court spaces. And as my story shows, getting access even to the courthouse itself can be sometimes challenging.

Generally though, I feel pretty comfortable in these courtroom settings. They’re familiar to me. I feel like I belong. I speak the language. That’s because I am a lawyer, and I practiced law for several years before I became a law professor. And now I train lawyers.

Because of my professional experience, I don’t anticipate that during data collection for my project, we’ll experience a high degree of difficulty getting access to public courtroom settings and to public court records. Why should we? These are public proceedings, and they’re publicly available court records. Easy peasy!

You know, after all, I’m not trying to study a group or phenomenon that is inaccessible, that is private or is somehow illusive, like ISIS. It would be hard to get access to ISIS in order to conduct an ethnography.

Courts are different, however, and I guess I took for granted that transparency in court proceedings is an essential component of our civil justice system, and that we have transparency in order for judicial outcomes to maintain public trust and legitimacy.

Nonetheless, the members of my research team and I were continually stymied early on in our project in our efforts to actually get inside courtrooms and observe proceedings. We spend a lot of time navigating access and negotiating access. We encounter many gatekeepers at these various field sites and settings. The gatekeepers control access. They ask us to identify ourselves and ask us why we want to be in court.

We, of course, are upfront about who we are, the nature of the study, all of that. We are not trying to conduct a study that has any kind of element of deception with it. But putting all that aside for a moment, I wonder how they treat people whose reasons for coming into court don’t satisfy them. Lower level staff seem to lack the wariness of the fact that these proceedings are open under law and open to the public viewing and scrutiny. There is an unstated sort of culture of restricting access that permeates the settings.

Our very first visit to observe child support hearings in one of our field sites was emblematic of this. We couldn’t get in at all.

There is a desk located at the end of the hallway that leads to the hearing room. And the woman who sits there, and I’m going to use another pseudonym, her name is Alice, and she is a gatekeeper. One has to pass her desk in order to gain access.

The first time we arrive, we are stopped and asked to explain why we are there. We tell her and she says that she has to call the hearing officer to see if it’s okay for us to enter. She tells us to wait in one of the chairs in the hallway.

We sit there and wait patiently. She calls the hearing officer.

It’s a dimly lit and dreary space, with a familiar institutional feel. There are hard plastic chairs. Linoleum flooring. Flouresent lighting. I think you get the picture.

We wait for a while and don’t hear anything, and so I go back up to the desk and politely inquire again. Maybe she just forgot about us. She tells us that she left a phone message with the hearing officer and is waiting to hear back. We continued waiting for a while longer but eventually got to be past an hour so we decided to go.

There is an irony here in that the research study is examining access to justice and we encounter difficulties getting access to our data. We have trouble accessing the research data that will inform us about the experiences of low-income litigants who try to access the legal system.

What’s interesting to me is that even those who know better sometimes stand in our way. Here are some other examples to give you a full picture.

In one instance, the resistance to our entry took on a physical form. A government attorney placed her body in the doorframe so that one of the graduate students working with me could not enter the courtroom. She told the researcher that he couldn’t enter unless he had the permission of the litigant whose case was being heard that day. In that case, the litigant didn’t object, but in truth people aren’t excluded from the courtroom simply because of an objection of someone who is a party to the case.

In another instance, when a government attorney objects to the presence of the graduate student researchers on my project, the hearing commissioner asked them to leave. When the graduate students return later that afternoon to observe a different hearing, the commissioner thanked them for leaving earlier and, after acknowledging to them that they had the right to remain, she said she appreciated that they didn’t make an issue of it.

When I learn of these episodes, I have to restrain that lawyer part of me. That’s the part of me that knows my rights and my lawyer instinct is to advocate for our right to be present.

But of course, I’m not there as a lawyer. I’m there as a researcher. My researcher instinct kicks in and says again . . . DATA . . . everything is data.

And, so, that’s what I do and that’s what the members of my research team do. We collect data.

And so how has this phenomenon emerged? That makes it so difficult to get into courts.

Well, keep in mind these are poor people’s courts – there isn’t a lot of public interest in these cases. The court staff are simply not used to seeing people unconnected to the case coming into court and asking to be seated in the courtroom. Absent public interest and scrutiny, these types of practices can go unchecked.

Also, the low-income, unrepresented litigants in these spaces lack power. They aren’t treated with the respect they deserve. The spaces are monitored. And their behaviors are policed. There’s all kind of signage telling them what they can and can’t wear in court; whether they can use their phones; whether they can have any food with them, etc.

Perhaps the most egregious example of this phenomenon took place early in the project when we were visiting various courthouses to do exploratory research as we were selecting our field sites. One afternoon, I spent a few hours observing a contested evidentiary hearing.

At one point during my observations in court, there’s a slow moving, elderly sheriff who approached me. I had been jotting down notes and didn’t notice her approaching me. I looking down at my pad, But I could feel her presence next to me, kind of looming over me. When I looked up, I couldn’t understand why she was so close and standing there staring at me.

She asked me what case I was there for, and I responded that I was observing. Then she told me that there’s no writing in the courtroom. I was shocked. Speechless. The room was crowded and the space was tight, and there was a hearing taking place, so I didn’t feel like I could engage her in a discussion about my outlawed note taking.

Sometimes I feel like I’m on the other side now. I’m seeing the experiences that regular ordinary people have when they go to court to resolve their disputes. My research documents and tries to make analytical sense of their experiences in an effort to understand how they fare in court and what kinds of resources and interventions would be useful to help them more effectively represent themselves in civil cases.

The type of research that I’m doing, this is the type of in the field research, often referred to as “being there” research is really essential to our understanding of the legal system and the social world in which it operates.