



# Mapping the Course for Testing Strategies to Improve Research Use in Legal Contexts

Anupreet Sidhu  
*William T. Grant Foundation*



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In the Foundation's *use of research evidence* focus area, we support studies examining new and established strategies to improve the use of research evidence among decision-makers, leaders, and managers that shape policy and youth-serving institutions to ultimately improve youth outcomes. Raquel Muñiz's (2025) essay on improving research use in the courts provides a rich context of the court system, shares a review of the existing research, and lays out potential research directions to pursue. Here, we augment these broader research needs with additional discussion of strategies to improve research use in the legal context, followed by key considerations when designing and conducting studies to improve research use, particularly types, measures, and impact of research use.

## Strategies to Improve Research Use in Courts

The Foundation's research interests focus primarily on examining strategies to improve decision-makers' use of research evidence. As described in our application guidelines, strategies comprise "replicable methods, activities, relational approaches, or policies that are intended to improve the use of research evidence or to maximize its positive impact on decision-making and youth outcomes" (William T. Grant Foundation, n.d.). Based on what we know from the literature on research use, passive approaches to communicating research evidence often have limited effectiveness (Langer et al., 2016; Oliver et al., 2022). Rather, active strategies that allow for deliberation, debate, or co-creation may lead to better understanding of and engagement with research among decision-makers (McDonnell & Weatherford, 2013).

Muñiz's recommendations align well with these findings from the literature. In her essay, Muñiz (2025) argues that conceptualizing strategies to improve research use in courts requires a deep understanding of the court

system, its relationships, and its unique organizational context. With this knowledge, researchers may adapt strategies that are relevant to the legal context and can permeate and persist within a complicated system like the courts. This might include intentional approaches that encourage active engagement with research through training and dialogue, by expanding networks, and partnerships.

Prior research illuminates openings for such strategies. For instance, Lehman and colleagues (1988) found that, compared to legal education alone, additional training in scientific methods can improve reasoning abilities to evaluate the quality of research and therefore make better-informed decisions. Another study, by Kovera et al. (2000), assessed whether judges rely on a study's peer review status and internal validity to make admissibility assessments. The findings underline the need to assess different operationalizations of scientific training for judges in addition to undergraduate or graduate courses and continuing legal education.

In a formal attempt to train federal judges in scientific methods, the Federal Judicial Center distributed copies of the *Reference Manual on Scientific Evidence* (Federal Judicial Center, 2000; Kovera & McAuliff, 2000; Walker & Monahan, 1996). This guide includes information on statistical inference, survey research, and regression analysis, and may improve research use in judicial decision-making. While not yet empirically tested, this strategy relies on passive dissemination and is unlikely to be effective.

In contrast, strategies that facilitate peer-learning and engagement around newly learned research are one avenue that may improve research use among judges (Daffron et al., 2007; Marsh, 2019). Judicial conferences, for example, are a viable venue to educate judges about scientific evidence and advancements. A study on how state juvenile court judges transfer professional learning to practice found that after attending a judicial conference, judges discussed newly acquired

information and skills with their peers at the conference for sense-making. The study highlighted the importance of one's organizational context when designing strategies to improve research use: Judges shared that they felt isolated in their roles, as they interacted mostly with court staff and litigants. This isolation illuminates an opening to build learning communities and knowledge-sharing networks to deliberate and make sense of research as learning is transferred to the bench.

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In related work, Marin and team (2020) assessed the viewpoint of knowledge producers (i.e., scholars cited in amicus briefs) on what sources should be included in amicus briefs. Their findings suggest that perceived relevance of research matters, and that a fair share of knowledge producers were willing to modify practices to make their work relevant to the courts. Therefore, as noted by Farley-Ripple et al. (2018), connecting researchers to legal practitioners based on common goals could reduce the gap between producer and practitioner communities. In that vein, our Foundation recently funded an Officers' research grant (i.e., a smaller scale grant to fund preliminary studies that may inform subsequent rigorous tests of strategies to improve research use) to facilitate research co-design collaboration between social science researchers and legal advocates. This work will produce research that may inform decisions about provisions and rulings related to immigrants' right to education in the United States, such as *Plyler v. Doe* (Hopkins, 2025). Subsequent studies could extend a similar line

of inquiry and examine how co-production improves research use in decision-making when paired with other strategies. Perhaps a model like the Research to Policy Collaboration (Crowley et al., 2021), which connects a network of researchers with federal staffers through a staffed knowledge-exchange hub, could effectively broker the relationship between researchers and legal actors.

In addition, literature on research use from across youth-serving systems and policy areas may offer other avenues to develop theoretically- and empirically-informed strategies. Overall, researchers pursuing such work should: 1) incorporate what we already know from the extensive body of knowledge on the use of research evidence; 2) adapt the strategies to the operating context; and 3) be mindful about how the strategy mobilizes different aspects of the research itself, most important of which is a consideration of who stands to benefit or be harmed from the research used (DuMont, 2024).

## Key Considerations When Studying Strategies to Improve Research Use

Muñiz's essay highlights some of the limitations of research use in courts, such as lack of standardization, inconsistent use of research, and difficulty in identifying research use (2025). While above we discuss ways to conceptualize strategies to improve research use, the Foundation does not support strategies per se. Instead, we support *studies that examine those strategies* and their implications for decision-making and youth outcomes.

Funded studies consistently convey a deep understanding of the court's operational context, consideration of how and by whom research is used, a theory of change, and potential implications for the outcomes of interest. These elements in turn have implications for the research design, what is measured and how, and analyses to understand how findings support or challenge the theory of change.

## Decision-makers

When designing and studying a strategy, it is important to situate different actors within the legal system and select decision-makers who are aligned with the strategy's aims. For example, the juvenile court system is the de facto service provider for the most vulnerable youth population in the U.S. (Cusworth Walker et al., 2021). The decision-makers in the juvenile courts may be judges or court administrators who have an opportunity to use research and exert considerable sway in decisions regarding diversion, probation, or incarceration of youth. The decision-making entities may be context specific, but judges retain that role in most cases within the legal context. Therefore, we will refer to judges as decision-makers in the subsequent sections.

## Conceptualizing and Measuring Types of Research Use

The type of research use indicates how a decision-maker uses and engages with the research evidence. Successful proposals clearly conceptualize and articulate the different types of research use that the team will study (Bogenschneider et al., 2019; Pelz, 1978; Weiss, 1977, 2021; Yanovitzky & Weber, 2020). Likewise, studies on research use can produce compelling results if research evidence is clearly operationalized and measures are articulated or adapted accordingly. For example, instrumental use refers to the specific use of research to solve a problem, make a decision, or complete a task. Content analysis is one way to assess instrumental and explicit use of research.

One Foundation-supported study examined how amici used research in the *Fisher v. University of Texas* case that focused on affirmative action in higher education. To assess whether and how intermediary organizations used research evidence, Horn et al. (2020) developed a coding scheme to review legal briefs for instances of research use. These references were often quantitative

and not specific to the local context. Separately, Neal and colleagues (2019) developed a non-reactive archival measure, Archival Search of Use of Research Evidence (ASURE), to gather use of research evidence in schools. ASURE measures research by counting the number of pages on an organization's website that reference research or evidence. Given the rise in large language models, large texts used in court deliberations may be assessed for use of research evidence, although these methods are unable to accurately contextualize the type of use. Complementary data collection integrating quantitative and qualitative methods can be used to create a fuller picture of *whether and how* research is used to inform decisions.

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Conceptual use of research evidence shapes the beliefs and understanding of issues and potential solutions. It does not inform a specific decision but can shape one's disposition, understanding, and positionality on an issue. For instance, in response to the body of research on Adverse Childhood Experiences, which established the association between early and/or severe adversity during childhood and mental and physical outcomes as an adult, legal actors are using this research conceptually to evolve an approach that integrates a trauma lens when dealing with children in family courts (Ward, 2023). But, as shown in the following example, it can be difficult to “see” the conceptual use in action because it doesn't conform to typical expectations of linear decision-making.

Mckinsey & Desmarais (2023) assessed judges' experiences and opinions of trauma-informed courtrooms following a pilot trauma education course for a small group of North Carolina district court judges. Delivered through a 2.5 hour Zoom session, the curriculum covered the science of trauma and pragmatic ways to integrate trauma-informed practices in the courtroom. While the team did not assess conceptual use of research evidence, they did report that several judges described the process as a "mindset" or "culture shift." To improve measurement of conceptual use, a Foundation-funded study by Sarah Walker (2021) is developing a new measure within a network of juvenile court leaders to examine whether and how research use leads to cognitive change, and, subsequently, instrumental use of research. The measure will build on a pre-existing scale that might be the most psychometrically supported measure of conceptual research use (Squires et al., 2011). The detailed protocol is available online through a repository of methods and measures from studies on the use of research evidence (Use of Research Evidence Methods Repository, n.d.).

### Impact of Research Use

Research evidence can play a critical role in shaping court decisions that impact youth outcomes. For example, research has played a key role in tobacco litigation, particularly for young people. The 1994 Surgeon General report *Preventing Tobacco Use Among Young People*, provided crucial research evidence in legal arguments against the tobacco industry (US Department of Health and Human Services, 2006). The Master Settlement Agreement, therefore, addressed issues raised in this report by prohibiting advertising to youth and banning use of cartoons in advertising. This contributed to a significant decline in cigarette smoking rates among high schoolers from 36% in 1997 to 6% in 2019 to 1.7% in 2025. This is but one example of the lasting effect research can have on legal mandates and, subsequently, youth outcomes.

Testing a specific strategy to improve research use for better youth outcomes calls for a well-delineated theory of change—one that precisely depicts the relationship between research use, proximal legal/case/decision outcomes, and downstream youth outcomes. Burris et al. (2010) provide a framework for thinking about effects of law on population health. In the context of public health, laws can influence population health via "interventional public health law," which affects health outcomes and mediators directly, or "infrastructural public health law," which shapes institutions of public health. Similarly, in the legal context, improved use of research in courts can influence youth outcomes more directly, like in the case of juvenile courts, or indirectly, through court rulings. Their impact may vary based on implementation and how they are experienced by youth in practice.

### Conclusion

Despite the presence and frequent use of research in legal context and decision-making, there is a dearth of evidence on how research use can be routinized and used to better benefit children. We need studies to cultivate routine use of high-quality research in legal decision-making, rigorous tests to examine the effectiveness of these strategies, and causal assessments of whether increased research use translate to better youth outcomes eventually. As DuMont (2025) writes, "Unless we figure out how to encourage routine and meaningful use of the knowledge research has to offer, it is unlikely that decision-makers will allocate resources, design programs and policies, and implement practices that realize these outcomes."

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60 East 42nd Street, 43rd Floor  
New York, NY 10165  
[info@wtgrantfdn.org](mailto:info@wtgrantfdn.org)

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