DOCKET DATA AND "LOCAL KNOWLEDGE": STUDYING THE COURT AND SOCIETY LINK OVER TIME

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This article uses a study of a public housing eviction board over a thirty-year period to illustrate the ambiguities and difficulties that attend longitudinal court docket research. It argues that these problems can never be eliminated but that they may be minimized by strategies that complement quantitative court docket data with qualitative contextual information. Several such strategies are mentioned.

I. INTRODUCTION

Why study court records over time? Why, for example, might we want to know that in 1890 about one out of every four court cases in Alameda County, California, involved a property matter, while in 1970 the ratio was closer to one out of fifty (Friedman and Percival, 1976a)? Of what interest is it that in 1910, 70.6 percent of the cases that St. Louis plaintiffs brought against individual defendants were actions on debts but only 16.3 percent of the actions brought by individuals against organizations could be so characterized (McIntosh, 1985)? Why should social scientists put forth the tremendous effort that the collection, coding, and analysis of court record data require?

II. THE AMBIGUITY OF COURT RECORDS

The answer is, I assume, that we are interested not so much in the numbers themselves as in the numbers as indicators of social processes.[1] We think that docket data tell us something about how

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[1] The numbers themselves will be of interest to students of courts as institutions, for they show how the business and users of courts vary over time. But those who have this interest are ordinarily also interested in these patterns as indicators of the place of courts in society.

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people relate to the law, about how the legal process operates, about the role that law plays in society, and about how these phenomena change over time. But if these are our concerns, the information available from court records yields ambiguous indicators that may mislead as much as they inform, particularly if the level of analysis moves from highly general and relatively uninformative questions such as whether litigation patterns roughly reflect general trends in economic development to more particularistic inquiries into the dynamics of the processes studied and the ways in which individuals and organizations related over time to the judicial system and to each other through law.

In longitudinal research we face the particular danger of applying modern interpretations to patterns of behavior that can be accurately understood only by knowing something about the actions and beliefs of those who generated the data. Indeed, applying consistent interpretations to data, which is the natural way of theorizing, is itself problematic in longitudinal research because different forces may generate similar patterns at different points in time or similar forces may generate different patterns. For example, a severe depression may lower divorce rates at a time when families are large, divorce is contestable, and women do not ordinarily work outside the home, but it may have the opposite effect when these contextual factors are reversed.

Thus judicial records alone or arrayed against one or two "master variables" will often be a poor or misleading guide to matters we expect them to illuminate. One way to compensate for their shortcomings is to acquire "local knowledge" of the legal culture—set in both time and space—that has yielded its records as artifacts. Only if we appreciate the context in which legal action occurs can we understand what it is about and make sense of the traces it leaves.[2] Newspapers, diaries, statutes, official papers, let-

[2] My debt to Geertz (1983) for the phrase "local knowledge" is obvious, as is the fact that I am not using the phrase precisely as he did. For Geertz, "the law is local knowledge" (*ibid.*, p. 218). Law is necessarily in some measure idiosyncratic to time, place, class, and attitude because it is constitutive of the social world as it exists at particular locations. I use the term "local knowledge" not in an effort to make sense of the law-involved actor but to advise the would-be objective observer. Knowledge of the local—that is, the local court and legal cultures—is necessary to understand those cultural artifacts like court records that are the most concrete residue of court activity. If Geertz is correct in characterizing the law as local knowledge, we cannot understand our legal past or changes in legal activity over time without local knowledge in my sense of the term. Rather than assuming that the meaning underlying court records is constant across localities or over time, we must be aware that the records are products of different cultures, and that surface similarities and differences do not necessarily reflect parallel similarities and differences in underlying dynamic or meaning. To give a simple example, similar per capita rates of tort litigation in two locales or at two points in time will not reflect a similar propensity to litigate ("litigiousness") if the rate of potentially actionable behavior differs in the locales or if alternative means of achieving the ends of tort litigation, like the presence of a socialized health care system, differ across the locales.

ters, and the like can help put what is happening in courts over time in context, as can local and regional histories written for other purposes. Yet even with these sources of information, we must resign ourselves to the inevitability of misunderstanding and the likelihood that we will be missing a lot. This does not mean, however, that we cannot learn a lot as well.

III. A HAWAIIAN EXAMPLE

These observations have been stimulated by a research project in which I am currently engaged: a study of a public housing eviction board that serves the Hawaii Housing Authority (HHA), on the island of Oahu in the State of Hawaii. While public housing tenants now generally have a right to pre-eviction hearings, the system in Hawaii is unique. First, it began in 1957, more than a decade before this tenant right was generally acknowledged. Second, the hearings are before a board of citizen-volunteers who have no other official connection with the Authority. Third, with respect to evictions the board has many of the powers of an ordinary circuit court, including the power to issue decrees that are binding on the Authority and binding (which is to say enforceable by the sheriff), unless appealed,[3] on the tenant. What makes the board of particular sociolegal interest is that its membership has changed dramatically over the years, as has the Authority's organization of its eviction process.[4]

In 1969 I first studied the board in an effort to understand the implications of the transformation from a board composed of Authority officials to one staffed by citizen-volunteers. In the summer of 1987 I returned to Hawaii in an effort to understand the changes that had occurred since my first investigation. The result is that I am in the midst of a thirty-year longitudinal study of a specialized trial court.

Conditions for this research were ideal. In both my first study and this follow-up research, I have had the complete cooperation of the HHA, and I have had access to all extant data that I could identify as relevant. This includes docket data of a sort that is far richer than the records of case filings and outcomes that are usually available to court docket researchers.[5] Complementing the

[3] At one time appeals of the board's decisions were almost nonexistent. In recent years appeals from the eviction board to the Authority's Board of Commissioners have regularly occurred, but appeals to the circuit court are still exceedingly rare.

[4] For two years it was composed of three HHA officials, then it was composed of five lay people, then two tenant members were added, and finally a second, seven-member panel was created. Along with the last change came a change in the types of people appointed to the board. At about the same time the Authority's system for prosecuting evictions became centralized and professionalized (Lempert, 1989).

[5] Eviction files usually include information not only about the cause of action (predominantly nonpayment of rent) but also about family size, compo-

docket data are all the Authority records I could find that bear on the eviction process. Thus I perused the minutes of the Authority's Board of Commissioners from the HHA's inception; I looked at copies of memoranda from the central office management staff to the managers; I read the results of HUD inspections and the ensuing correspondence between HUD and the housing management; I saw the materials that were prepared at one time to explain the eviction process to new board members, and I was able to examine the Authority's records on the debts owed by tenants who during the past decade had vacated their units. I also attended board hearings in both 1969 and 1987, and I read the transcripts of board hearings from the late 1950s and early 1960s. Finally, I was able to talk to most of the people who had some official connection with the eviction process during the board's thirty-year existence. This included virtually every person who has served on the eviction board, all but a few of the Authority's project managers and central office staff, including those with special responsibility for evictions, HUD officials responsible for overseeing the Authority, and numerous attorneys and paralegals who had represented tenants before the board. In short, because I was looking at a court's behavior during the recent past and because I did field work at two points in time almost two decades apart, I had access to a tremendous range of data of a type that cannot be uncovered when most people active during a period of interest have died and many writings that might illuminate lost or discarded official records.

What difference has this information made? How would the study and my interpretation of the record data have been different had I been examining, for example, the period from 1910 through 1940 rather than 1957 through 1987?

First, there has been tremendous synergy in my research to date, for in talking to people I learned about records that I should examine and in examining records, I developed questions to ask informants. Occasionally, informants helped me locate records that I might not have otherwise found. For example, I was interested in the socialization of new eviction board members, and I asked a number of board members about their experience in this regard. Many did not remember any effort by the Authority to socialize them, but at one possibly crucial point in the history of the board the Authority did try to orient the board. This was, however, almost ten years before my interviews, and my informants could not remember very much about what they had been told. Luckily, one board member had saved the information that the members had been given, and she was happy to provide me with a copy. This

sition, age, income, occupation, and welfare status. If the tenant is represented by counsel, this will be indicated as well as the presence at the hearing of witnesses for or against the tenant; there is often information about a tenant's "project citizenship" as well. In addition, for the board's early years and for occasional cases thereafter, full transcripts of the hearings are available.

kind of synergy would not have been possible had the research occurred so long after the period under study that there was no one left to be interviewed. A potentially important record thus would have been missed.

Second, many of the records that helped inform my study might not have been available had my research been focused on the more distant past, for records get lost over time or, given the costs of data storage, destroyed after fixed periods. For example, one of my most intriguing discoveries was that on several occasions the supervising public housing manager responded to the project managers' complaints about an excessively lenient eviction system by quoting from a letter that I had written upon the completion of my earlier research, in which I pointed to strengths of the eviction system that the managers did not appreciate. This poses some interesting questions about social scientists affecting the processes they are studying, which I would probably not have been alerted to had my follow-up research occurred ten years hence. Even by 1987, internal memoranda from the early 1970s and before had often been discarded.

Third, and most important, I would have interpreted many matters differently had I been focusing on the more distant past. For example, I am interested in why the eviction board began in about 1979 to take steps that in the mid-1980s culminated in a rather strict pattern of eviction decisions. I discovered in the Authority's records several letters from the Honolulu HUD office encouraging the HHA to adopt a more stringent eviction procedure and even suggesting that the Authority abandon the eviction board system entirely. Had this exchange between the HHA and HUD occurred earlier, the records of it might have been lost completely, but even if they were not, without the benefit of the personal contact I enjoyed, I might have misinterpreted them in various ways. For example, the project managers have long been opposed to eviction board leniency. To the extent that the board's increased stringency is due to pressure from HUD (and this is at best only a part of the story), I might have assumed that in a welfare bureaucracy like the HHA, lower-level staff are ineffectual in bringing about change, but those with authority over the bureaucracy have tremendous power. One can easily imagine the various organizational theories into which this assumption would fit. But my interviews with the project managers suggest a more interesting story. It appears that it was they who told the HUD inspectors about the deficiencies of the eviction process and identified it as a major contributor to the Authority's rent collection problems. Thus the HUD inspectors were in effect carrying a message from the project managers to their superiors that the project managers had been unable to communicate effectively in a more direct fashion. Not only did several project managers report this kind of effort to me, but they also made it clear that they spoke through HUD in other areas as

well. Thus a very different theoretical picture emerges, one that illustrates an interesting variety of social control from below. Had I not been able to interview the project managers, this insight would have been lost entirely, and I might have argued that despite their dissatisfaction, the project managers were entirely ineffectual in changing the eviction system.

Data that probably would have been available had the study focused on the more distant past might also have been misinterpreted. For example, counting the cases docketed reveals that the number of eviction actions brought to the board diminished substantially in the late 1960s and early 1970s, and at one point in the middle of the 1970s the board seems to have had no work at all. Were these docket data the only information I had, I would probably have looked for economic reasons for what had happened. For example, I might have correlated the pattern of evictions with rates of housing construction or rental vacancies. Had the correlation been positive, I could conceivably have suggested that when the housing market is loose, tenants threatened with eviction leave rather than face the eviction board, which would in turn have led to theoretical speculation about why tenants wanted to avoid board hearings. Had the correlation been negative, I might have suggested that when the housing market was tight, tenants valued their public housing more and so were less likely to engage in behavior that led to eviction. But what I learned from my 1969 interviews and from project records that were available in 1969 but have since disappeared is that certain project managers who had once brought numerous tenants to the board were so frustrated by the board's leniency that they almost ceased bringing cases and relied instead on "bluff systems" that turned on the managers' ability to systematically misinform tenants about their hearing rights and/or about the eviction board's likely behavior.[6]

A. Discouraging Implications

Thus the various sources of information that I was able to tap because I had the complete cooperation of the agency I was studying and because I only had to go back in history about twelve years in the first phase of my research and eighteen years in the second allowed a far richer study than the ordinary plunge into court records over time affords. In particular, I came to understand behavior in very different ways from the interpretations that would

[6] I also might have thought that the absence of eviction hearings at one point in the 1970s was a culmination of the trend that began in 1969. However, I was alerted by several informants to an important court case in which the Authority was involved, and a search for information regarding this case brought to light several memoranda cancelling for a period of months all eviction hearings until certain matters relating to the case were resolved. Since this case was settled before trial, there is no case report. Had I been focusing on a period in the more distant past, I would no doubt have missed the case entirely.

have suggested themselves had I been more closely confined to the kinds of official data that survive across generations. I was also able to discern specific causes for changes in eviction patterns that encompassed only a few years. In a longer-term study based only on official records, such changes might have been dismissed as interesting random variations.

Yet for all the advantages I had in my work, I too will not be getting everything right. For example, I could identify some records bearing on theses I wanted to test that had been lost or destroyed. Also, interviews have their limits. What, for example, does one make of a situation in which four or five people should have remembered an incident but only one does, or how does one interpret different accounts of the same event? And memories fade. On one crucial point, which involved the retention of the eviction board at a time when HUD wanted it replaced entirely by HUD-mandated grievance procedures, no one was able to clarify the somewhat ambiguous written evidence I uncovered.

Reflecting on my research confirms an uneasiness about court docket studies that I have long felt. Theorizing from court docket statistics to the social conditions that allegedly cause them or that they allegedly affect is a problematic enterprise at best. Plausible theories may fit the data, but as in the examples I give from my study, they may have little or nothing to do with what in fact occurred, or they may actually invert causal relationships. How can these problems of interpretation be avoided? To some extent they cannot, for they are inherent in the inductive theorizing that characterizes the social sciences. The special difficulties of longitudinal court docket research simply exacerbate the problems.[7]

Making the law and society connection with docket data is problematic because both the filing of court cases and the modes of dealing with them are affected by many factors that change over time. These include (not exhaustively and in no particular order) local cultural norms, specialized bar norms, the presence and cost of lawyers, the personal proclivities and reputations of key court personnel, the availability and cost of alternatives to litigation, jurisdictional and procedural rules, substantive law, rules of thumb that are known within the jurisdiction to modify the procedural and substantive law, and social structural conditions that can gen-

[7] Note that the degree to which difficulties like those I describe are problematic varies with the questions one seeks to illuminate. For some purposes, particularly when the focus is on courts in a narrow institutional perspective, docket data may not pose special difficulties of interpretation. For example, in a study seeking to understand why intermediate appellate courts develop, the number of appeals filed is an obvious and not especially problematic exogenous variable. And just as qualitative investigations may condition the interpretation of docket data, so may docket data call into question interpretations based on more qualitative evidence. Thus Galanter (1983) relies in part on studies that report docket data in his important article questioning the "hyperlexis" hypothesis.

erate or forestall legal problems. This last factor, social structural conditions, could in turn be expanded into a list longer than the preceding one including such items as the state of the economy, technological development, population density, and media attention to legal matters.

Most research that seeks to link changes in court docket data with changes in society or that seeks to specify a court's role in society ignores most of the variables on these lists or treats them in an unsystematic fashion. Changes in jurisdictional amounts may be taken into account, but important changes in judicial rules of procedure or the substantive law are rarely mentioned. Time is often considered a proxy for economic and technological developments, although the latter do not move in an even, linear fashion. Localized measures of business activity that should bear on the quantity and type of local litigation, such as Munger's (1987a) use of coal production data in his study of tort litigation in three West Virginia counties, are rarely presented. Attention to the local legal and community cultures is typically vague and unsystematic, if it exists at all. Yet without information about these and similar factors, the ties between court docket data and society at any one point in time will be inherently ambiguous, and the longitudinal dimension will compound the problem. Plausible explanations for the data may be (and are) advanced, but the critical reader examining the same data can generate other plausible theories that explain the association. Indeed, as I learned in Hawaii, the apparently more plausible explanation can be wrong.[8] To minimize the problems of interpreting docket data, I advocate what I call a "local knowledge" approach. The data cannot be left to speak for themselves.

III. LOCAL KNOWLEDGE STRATEGIES

The first step in understanding docket data is understanding the system that generated them. But when docket data cover a century or more, the costs of securing such an understanding for each year under study may be prohibitive and the returns from attempting a fine-grained analysis may not be great because the factors that shape litigation in the locale are unlikely to change greatly from year to year. In these circumstances a wise strategy might be to secure "snapshots" (cf. Friedman, 1975) of the process at different times. Thus a study that seeks to explain changes in a

[8] For example, stricter decisions in nonpayment cases in the mid-1980s are associated with a decline in the proportion of such cases that have legal representation. The obvious interpretation is that when lawyers are less involved in the eviction process, tenants fare less well. Conversations with legal aid attorneys indicated that the causal direction was the reverse. Legal aid responded to the Authority's stricter policies in nonpayment cases by refusing to represent nonpayment tenants, since to do so would be to waste scarce resources (Lempert and Monsma, 1988).

trial court's caseload from 1870 to 1970 might at twenty-year intervals seek a different understanding of what is going on than that accorded by the docket data as amplified by whatever other data on economic development is available over time. The understanding should not exclude quantitative measures—indeed available quantitative data should be eagerly assimilated—but it must be qualitative at its core. One aim should be to understand the court system as it was understood by those using it and not to impose "objective" explanations on visible patterns.[9] The second aim is to understand the context in which cases arose and were litigated. This requires an appreciation of factors affecting the understandings of those who brought or failed to bring business to the courts.

Such periodic snapshots can both structure and complement quantitative data analyses. They suggest hypotheses to be tested, they aid in model specification, and they caution against superficial generalizations. If a hypothesis does not hold across periods with which we are richly familiar, it should not be imposed on periods that have been less exhaustively examined.

The snapshot approach that I suggest is a compromise in that it seeks detailed contextual information at only certain points in the period under study. If annual data are examined but deeper qualitative soundings are taken only once every twenty years, factors that explain some of the data's fluctuations and trends will be missed.[10] The justification for this is a practical one having to do with the shortness of life and the difficulty and expense of illuminating each of one hundred or more years of annual data with fine-grained analysis of the context that generated it. One goal is to take enough soundings to guide and qualify the quantitative analysis in its most important theoretical particulars.[11] Another is

[9] Note I say "aim." It is impossible to avoid some degree of objectification because the social scientist is always imposing meaning on traces left by others, whether the data are quantitative or qualitative.

[10] Missing the initial causes of enduring patterns of activity can lead to mistaken interpretations because, as Joe Sanders pointed out in a seminar we co-taught many years ago, in any ongoing social or cultural system the initial and continuing causes of a pattern may differ. Without information about initial causes, a pattern may be attributed to continuing causes that are in fact effective only after a pattern has begun. For example, plea bargaining may begin in a jurisdiction because of caseload pressure. Practitioners may then be socialized into disposing of cases by guilty pleas, and thus plea bargaining may continue even after caseload pressure has diminished. An analysis that lacks specific knowledge about the forces that first led to plea bargaining but that finds no direct correlation between caseload pressure and plea bargaining rates will mistakenly conclude that caseload pressure has no causal relationship to the existence of plea bargaining.

[11] For example, if contextual conditions are markedly different at two adjacent sounding points, the researcher might be able to identify a transition point between the sounding points and look for effects associated with the transition. If the transition involves an abrupt change and the soundings have permitted sufficiently precise identification of the point at which its effects occurred, interrupted time series designs can provide a good way of testing for effects of the change in conditions. If the change is not abrupt, one may be able to incorporate a variable that captures the incremental contributions of

to understand aspects of litigation that docket data cannot illuminate.

An alternative approach to accumulating local knowledge is to examine docket data for a period that is sufficiently limited—twenty or thirty years perhaps—to allow an in-depth examination of contextual forces throughout the entire period. The result, as in my eviction study, should be more detailed information about the interaction between judicial business and the contexts in which courts operate. Such research will lack the sweep of more extended studies as well as the possibility of identifying and explaining large-scale, long-term trends. However, it should complement more extended research by suggesting hypotheses that can explain anomalies in or better specify long-term models, and a series of short-term studies might be combined to give a rich picture of the long term.

Two decades ago Cicourel (1968) called our attention to the ambiguous quality of juvenile justice statistics and the problematics of their social construction. I found the same thing when I looked at public housing eviction records, and there is no reason to expect that court docket data are immune from these difficulties. Yet researchers who look at data from the distant past often treat them as unambiguous and similarly constructed at different times. Qualitative information, as I have argued, helps correct for this, but it too grows less complete and more open to misinterpretation the further back in time it is situated. This suggests a third strategy for acquiring local knowledge: If, instead of attempting to look at the distant past, we were to commence our investigation in the recent past (say twenty or thirty years ago) and continue it into the future, we would be likely to gain far better insights into the relationship between court actions and social conditions than we can by beginning a century ago and working up to the present.

Prospective research has a number of advantages for students of courts and society: It is not necessarily limited in its quantitative aspects by the data that organizations routinely collect, for the researcher can cooperate with organizations to collect data that are particularly pertinent to important hypotheses. Prospective research is also less likely than retrospective research to be befuddled by changes in the way data are collected since the researcher can pinpoint the time and nature of changes when they are encountered and perhaps correct for them.[12] Qualitatively, working prospectively means that crucial actors can be questioned and that

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the continuing change in a longitudinal model. Without having taken deeper soundings at discrete points, the researcher might never have been alerted to the existence or potential importance of the particular change and thus may never have thought to test for possible effects.

[12] Some of these advantages apply to research in the recent but not more distant past. Informants, for example, can explicate changes in data collection routines, and the recent increases both in our capacity to generate and store "hard data" as well as an increase in our obsession with social statistics mean

the entire array of papers that courts and other legal actors generate may be available for study. Prospective research also has the potential to allow the precise testing of hypotheses through experimentation.

IV. CONCLUSION

I have no illusions about the difficulties of the enterprise I am suggesting. Those who work with court docket data over time know how difficult, time-consuming, and expensive it is to generate a clean data set extending a century or more. Indeed, for many docket studies the generation of the data set is a major achievement. In some, it is *the* major achievement. But if we wish to understand the relation of courts to society, this is not enough. If we seek local knowledge in the past, new kinds of data must be secured and the techniques of the historian—perhaps unfamiliar techniques—must be learned. If we proceed prospectively, research is likely to be yet more expensive. Organizational officials have to be courted and catered to in ways that make the wooing needed to gain access to past court records look offhand. More importantly, a prospective approach means that the social structure in which the research is embedded will have to change. Research on court dockets has been a lonely business. With a few notable exceptions, most students of court dockets have worked by themselves or with a few graduate students. Prospective research will require working in teams and a capacity to continue the research beyond the productive lives of those who institute it.[13] Moreover, the most interesting research results may lie many years in the future, not an auspicious situation for a profession in which reputational, salary, and other rewards are often based on what one has done (published) lately.

Added to these difficulties is the fact that local knowledge, however acquired, is more likely to increase rather than simplify the complexity of the analytic task. The more we know, the more we are aware of relevant contingencies that should be examined in any model we derive. For example, a global test over time of whether "haves" come out ahead may make no sense if we know that the business plaintiffs we have operationalized as "haves" were largely individual shopkeepers and artisans in 1870 but were banks and utilities in 1950. And even if the "haves" as operationalized disproportionately tend to win over time, the factors that lead to their victories—that is, the dynamics of winning in court—may differ considerably at different times. For example, individual business plaintiffs might win because their fear of alienating cus-

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that for many variables (e.g., crime or accident rates) data are available for recent decades that are not available or are unreliable when we go further back.

[13] Such team enterprises have existed to study other problems like intergenerational mobility and changes in health over time.

tom means that they only bring ironclad cases against known deadbeats—a selection artifact distinct from their "have" status. Banks and utilities might win because they are repeat players who generate substantial paper records of all debts owed them.

Thus as we learn more, we may feel we know less, and we are likely to have less sweeping (and less impressive) theoretical conclusions to report. Yet we can only gain from an increased appreciation of context. When local knowledge suggests the importance of variables that are easily operationalized, it allows us to better specify quantitative models. When no such variables exist, locally relevant information can provide a basis for choosing among competing hypotheses that explain data and for understanding the causal dynamics that underlie constant or shifting relationships over time.[14] Local knowledge can be expensive, frustrating, and time-consuming to acquire. But if we seek to understand the link between courts and society, routes to local knowledge must be considered. If we do not seek local knowledge, we are less likely to understand how courts relate to society, but we may be more likely to think we do.[15]

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[14] For a nice example of the richness that is possible when local knowledge and quantitative models are used in tandem, see the complementary articles by Berk *et al.* (1983) and Messinger *et al.* (1985).

[15] In arguing for the importance of local knowledge in court docket research, I do not mean to suggest that researchers in this area never go beyond docket data. Indeed some have been acutely aware of the importance of the kinds of cultural understandings that local knowledge allows. Friedman and Percival (1981) and Kagan (1981) have written books to do justice to the complexities of the cultures they were studying. Press accounts, letters, and interviews have figured in the work of scholars such as Munger (1986a, 1987a) and Daniels (1985), and they and others have recognized the need for knowing more about the context in which litigation is embedded. Thus I do not mean to appear as if I were the first to recognize the importance of the considerations I describe. Nevertheless, I would not have written these comments if I did not feel that many court docket studies suffer from insufficient attention to the kinds of factors that can be uncovered only through a quest for local knowledge.

I also do not mean to suggest that the pursuit of local knowledge is the only methodological strategy that can enhance our ability to gain knowledge about the court-society relationship from court docket research. For example, a very different strategy that has promise in this respect is to test quantitative models that have been precisely specified *a priori* on well-defined theoretical grounds. If the data accord with previously specified, well-grounded models, there may be few plausible explanations for the fit other than the ones specified in the theory. It is, however, my hunch that the generation of plausible well-defined models will require considerable local knowledge.

Finally, the relationship between quantitative and qualitative data is a two-way street. Quantitative data may question or condition conclusions that qualitative sources suggest. Qualitative analyses in their own way should be rigorous, but it is no accident that the term is usually associated with quantitative investigations. I could give examples from my Hawaiian research to support these contentions, but that would be another paper; one that would be less responsive to the shortcomings of the studies of court records that have been done to date.