

## **Critical Legal Research: Who Needs It**

By Nicholas Mignanelli. 112 L. Libr. J. 327 (2020).

**Article Categories:** Advanced & Subject-Specific Legal Research Instruction; Institutional Matters: LRW & External Stakeholders; Teaching Legal Technology & Legal Analytics

**Keywords:** Access to Justice; Algorithms; Analytical Skills; Artificial Intelligence; Computer Assisted Legal Research; Critical Thinking; Gender; Implicit Bias; Information Governance; Legal Research Instruction; Race; Technology

### **Reviewer's Summary:**

Mignanelli draws upon legal scholarship on Critical Legal Research (CLR) to demonstrate how Artificial Intelligence further engrains biases into the research process. CLR critically examines the sources from which lawyers (and law students) conduct their research, highlighting how many resources (and tools) that researchers take for granted are implicitly biased. Building upon the scholarly history, Mignanelli then explains how AI (defined both as logic-based and machine learning) take existing sources with their inherent biases, and further embeds those biases into algorithmic outcomes. Mignanelli's thesis is that not only does this process perpetuate biases within the law, but the danger is far more existential: automated processes of legal research lead researchers to a set of "predetermined outcomes" rather than allowing creativity in legal research to reach the best outcome. This is true due to computer assisted legal research algorithms that push researches toward "safe" results, which perpetuate the status quo. Mignanelli ends with a call for the AALL and other organizations to push vendors for more transparency in their algorithmic methodology.

**Summarized by:** Matt Timko, NIU College of Law Library, in 2021.