

Casting Off Fetters

by Kelly Addy, Civil Deputy City Attorney, Billings, Montana

I heard an article on NPR a few months ago (Morning Edition, March 21, 2014, with Scott Greene) that intrigued me for some reason. I couldn't put a finger on it. The program reminded me of someone, but I couldn't remember who.

It was about scientific journal articles and how the authors' names are increasingly Asian and African and Latin American. The question asked was what effect this increased diversity of scientific studies was having on the quality of the science.

It turns out that the more highly scientists themselves gauged the quality of an article the more often it was cited in other articles. This made sense to me, as a practicing attorney.

We know this, too, as front line legal practitioners. Consider these case names: *Marbury v. Madison*. *Brown v. Board of Education*. *Gideon v. Wainwright*.

These are big examples, but think of the number of times these cases have been cited over the years. It gives us a sense of the importance of the case and the validity, over time, of the result.

The people looking at these scientific papers were using 'big data' techniques to complete their study. They looked at 1.5 million papers written between 1985 and 2008 to see what they might find.

The result shouldn't have been as surprising as it was, I suppose. Like wheels on luggage, once you see it you wonder why you ever did it any other way.

Scientists who wrote papers with members of their own ethnic and cultural group were cited less often than if they wrote with a more diverse group of people and, so to speak, paint with a broader brush.

It wasn't just the fact that the contributors were from China or Africa, either. The touchstone was diversity. Chinese papers and African papers are simply not cited as often as papers that had both Chinese and African authors. It's the mix that adds the spice.

As Richard Freeman, an economist at Harvard University put it, 'You tend to do better if you stretch.' The diversity of the contributors increases quality of the results.

I can't say it better than Freeman did: 'Ethnic diversity is an indication of ideas' diversity. People who are more alike are likely to think more alike and one of the things that gives a kick to science is that you get people with somewhat different views.'

This didn't bother me, but it intrigued me. There was something more in that story than scientific papers and how often they are cited.

It took a few days of pondering for the light to come on. As usual, the pieces of the puzzle came together for me one morning in the shower, when I wasn't thinking of it at all. This same diversity of ideas is a great strength of the IMLA ListServ.

It's not all the attorneys in the Billings City Attorney's office looking at the problem (but they have pulled my bacon out of the fire a few times), or even all the Texas municipal attorneys, although with a larger group, I would expect a better result (and I don't think I would be disappointed either).

What we have here is a success to communicate. It's because you have never been to Billings that you can see the things I am blind to. It's because you haven't been reading our local paper that you hear things that I am tone deaf to.

I am not limited in my thinking by the same things that limit you. You are not limited by the things that limit me. And the worst thing about our self-limitations is that we don't see them.

It is together that we throw off those chains. Because of the freedom with which you have shared your ideas with me you have given me the freedom to share.

It might be right. It might be wrong. But until I can see the problem from many points of view, I can only deal with part of the problem.

It's not about me, or you, or anybody else. It's about the law, and that, my friends, is about all of us. **M.**

IMLA's 79th Annual Conference
Baltimore, Maryland
September 10 -14, 2014

