Editorial to the Special Edition of the Journal of Legal Research Methodology on 'Empirical Legal Research'

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Following the successful inaugural edition of the *Journal of Legal Research Methodology*, our second volume is a special edition focused on 'empirical legal research methodology'. We use this term broadly to encompass qualitative, quantitative, and mixed methods involving the collection or creation of new data as part of the study of law, legal processes and legal phenomena. It has been widely noted that empirical legal research allows for exploration of the law world beyond its legal rules. The use of social sciences research methods has been known to allow empirical questions to be answered in legal studies, especially in relation to how the law is understood and used to make decisions in practice. This, we think, gives empirical studies a unique and important place in legal research to investigate and create a meaningful impact on the function of law in society.

Despite being such a crucial aspect of legal study, it has been observed that many students and early career academics carrying out empirical legal research come from academic backgrounds which are traditionally focused primarily on doctrinal legal research, resulting in limited exposure to social research methods. As a result, legal researchers start out having engaged predominantly with the findings of empirical legal research, rather than being encouraged to consider methodological issues. With this edition of the journal, we aimed to give authors the opportunity to reflect on the research processes employed in their study to enable readers to judge how the research data may be used. We invited critical discussions on the practicalities of the methodologies employed regarding issues such as, access to participants, the strength and weakness of the methodology used, and the reliability, validity, and representativeness of the data obtained to stress research rigour. Our call for papers resulted in four thought-provoking contributions.

This edition begins with an article entitled '*Access to Justice Software Development, Participatory Action Research Methods and Researching the Lived Experiences of British Military Veterans*'. Olusanya et al, reflect on their experiences of developing the UK's first access to justice platform for veterans and their families through an ongoing Participatory Action Research (PAR) project. In this article, they present findings from their 3-Stage research process brought about through their work with armed forces veterans, representatives from veterans' service providers, and the Veterans Legal Link team members comprising of legal academics, lawyers, sociologists, computer software designers and graphic designers, in order to address issues related to the delivery of access to justice. Their aim with this piece is to contribute to the limited but growing literature on PAR in the field or law, and to also demonstrate the ways in which PAR methodology can be useful to access to justice research projects. This article provides pragmatic insight into the benefits and challenges of engaging in a sustained PAR project, whilst also advocating for the use of this methodology in research focused on investigating and solving social problems where a gap between theory and practice exists.

The next article in this edition by Pina-Sanchez and Gosling, *'Enhancing the Measurement of Sentence Severity through Expert Knowledge Elicitation'*, contributes to both measurement and sentencing literature in three main ways as outlined by the authors. They did so firstly, by testing a key assumption made in studies estimating the relative severity of different sentence types, secondly, by noting the wide differences in the range of severity covered by some of the main disposal types used in England and Wales elicited from six sentencing experts, and thirdly by presenting a new scale of sentence severity through a modified version of the Thurstone method which allows for unequal variances. This article highlights the challenges with the assumption of equal variances in the standard Thurstone scaling method and demonstrates how it can be relaxed using data collected from expert knowledge elicitation techniques. The research is said to have resulted in a proposed new scale of severity which can be used as an analytical tool to help facilitate more robust and quantitative sentencing research.

Redhead's article *'From Legislative Intent to Hospice Practice: Exploring the Genealogy of The Mental Capacity Act 2005'*, provides insight into the 'life story' of the Act and how it is understood and interpreted in practice. Redhead takes the reader through the four distinct yet linked phases of the research process, starting with a description of the qualitative methods developed and used to trace the key ideas of the policy-makers and legislators during the formation of the Mental Capacity Act 2005 (legislative intent), all the way through to, current practice based on the perceptions on the law held by professionals in hospices. The findings presented in this article focus on the patient's role in the decision-making process in cases where they lack capacity. The discussion and reflections in this article provide a strong case for the use of a Foucauldian genealogical approach along with a phased combination of documentary and empirical enquiry when investigating the 'life story' of any statute.

To round up this edition, Bleazby's article, *'Take (what they say) with a pinch of salt: Engaging in Empirical Research to Understand the Parameters of the 'Quality' in 'Poor-Quality Defence Lawyering'* draws from the author's PhD thesis which discusses the quality of defence legal assistance and attempts to proffer a common definition or standard of the term 'quality' in this context. This article focuses on the empirical data acquired from semi-structured interviews held with defence lawyers on their perceptions, opinions and experiences of 'quality' in defence representation. It highlights that the law is a social construction that cannot be advanced in isolation from its interpretation and application, and thus puts forth an argument for developing, articulating and testing legal theory through empirical research methodologies.

Each of the articles presented in this special edition, provide valuable insights into the practicalities of empirical legal research in a range of different legal contexts. Through their experiences, the authors provide reflective and pragmatic advice for researchers considering or undertaking empirical legal research. These well-argued articles make important contributions to legal research and the academic communities that engage with it. We congratulate the authors on their research success.