SOCIAL SCIENCE, CRIME, AND LAW
LAW 6930, section 097F
3 credits

COURSE DESCRIPTION
This course examines and explores the relationship between law and social science. Course material includes the following focal points: how social science evidence has been used and viewed historically by the courts; identification of social science methods, compared with legal methods; analysis of how social science data is used by the courts (e.g., to establish facts or to make law); and an assessment of the policy implications of using and not using social science data. Several areas of law are covered, including capital punishment (death qualification and racial discrimination), segregation in school (race and gender), cultural defenses, racial profiling, obscenity, and jury size. The assigned readings primarily focus on the use of social science data in criminal cases.

REQUIRED MATERIAL*


*Please note that on occasion additional material may be assigned (TWEN & handouts)

COURSE REQUIREMENTS

Group Project Presentation 40 percent
Class Participation 10 percent
Take-Home Final Examination 50 percent

The expectation is that students will attend each class, read all assigned materials prior to class discussion, and participate regularly in class discussions.
GROUP PROJECT PRESENTATIONS
Each student is required to participate in a Group Project Presentation. Students will work in two-person teams (based on enrollment numbers, there may be one or more groups with three members). Each team will select a topic, identify a trial or appellate court criminal case (a state or federal case that is not assigned reading for this course) that addresses the topic, identify a research question, locate legal and social science research on the topic; and discuss findings from at least three social science studies that would assist a court in addressing the research question. Groups must receive advance approval for their group topic.

FINAL EXAMINATION
The final examination for this course is a written Take-Home Exam. The Final Exam will be distributed on the first day of the exam period, Wednesday, November 29 and is due no later than Friday, December 8, at 1:00PM.

COURSE WORKLOAD
Students should expect to spend, on average, approximately two hours preparing for every hour of class.

GRADING SCALE
Grading for this course will adhere to the Levin College of Law’s mean and mandatory distributions, detailed in the below chart. For further information, visit http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9.

<table>
<thead>
<tr>
<th>Letter Grade</th>
<th>Point Equivalent</th>
</tr>
</thead>
<tbody>
<tr>
<td>A (Excellent)</td>
<td>4.0</td>
</tr>
<tr>
<td>A-</td>
<td>3.67</td>
</tr>
<tr>
<td>B+</td>
<td>3.33</td>
</tr>
<tr>
<td>B</td>
<td>3.0</td>
</tr>
<tr>
<td>B-</td>
<td>2.67</td>
</tr>
<tr>
<td>C+</td>
<td>2.33</td>
</tr>
<tr>
<td>C (Satisfactory)</td>
<td>2.0</td>
</tr>
<tr>
<td>C-</td>
<td>1.67</td>
</tr>
<tr>
<td>D+</td>
<td>1.33</td>
</tr>
<tr>
<td>D (Poor)</td>
<td>1.0</td>
</tr>
<tr>
<td>D-</td>
<td>0.67</td>
</tr>
<tr>
<td>E (Failure)</td>
<td>0.0</td>
</tr>
</tbody>
</table>

ACCOMODATIONS, ACADEMIC CONDUCT, & OTHER POLICIES
Requests for classroom accommodations must be made with the Office of Disability Resources. The UF Office of Disability will provide documentation to the student who must then provide documentation to the Law School’s Office of Student Affairs.

For information on UF Law grading policies, visit: http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9
Academic honesty and integrity are fundamental values of the University community. Please review the UF Student Honor Code: http://www.dso.ufl.edu/students.php

Please plan to remain in class for the entire time period. If you need to leave class before the end time, or arrive after the start time, please notify the professor in advance.

**LEARNING OBJECTIVES**

After completing this course, students should be able to:

1. List historical approaches to the use of social science evidence
2. Identify and discuss seminal Supreme Court cases on use of social science evidence
3. Discuss how social science evidence is used to determine facts
4. Provide examples of how social science is used to make law
5. State how social science evidence is used to provide context
6. Discuss how social science evidence is used in litigation strategy
7. Discuss how expert witnesses are used in court to offer (and refute) social science evidence

---

**COURSE OUTLINE**

---

**Week of August 14**

**TOPIC:** Course Overview and Approach

**TOPIC:** Early Developments in Social Science in Law

M/W Ch. 1, pp. 1-32

- *Muller v. Oregon* (1907) [2]
- Theoretical Origins of Social Science & Law Approach
  - Formal/Classical Approach
  - Sociological Jurisprudence Approach
  - Realist Movement
- Supreme Court Justices & Philosophy of Law
  - Confirmation Hearings
**Week of August 21**

**REMINDER:** Arrange a time to meet with the professor during office hours, or by appointment, **no later than Thursday, September 7, 2017.**

**TOPIC:** Legal & Social Science Methods

M/W: Ch. 2, pp. 33-83, “A Primer of Legal and Social Science Methods”

- Frye v. U.S. (1923)
- FRE 702 (pre-Daubert)
- Daubert v. Merrell Dow Pharmaceuticals (1993, 1995)[2]
- Kumho Tire Co. v. Carmichael (1999)
- FRE 702 (post-Daubert)

Social Science Methods, pp. 52-83

**Week of August 28**

**TOPIC:** Social Science Used to Determine Facts

M/W Ch. 3, pp. 129-150

The below cases (brief excerpts) explore language courts have used to determine whether the prosecution is required to offer expert testimony and whether the defense should be allowed to offer expert evidence.

Admissibility of Evidence of Obscenity

- People v. Muller (1884)
- Smith v. California (1959)
- Miller v. California (1973)
- Paris Adult Theatre I v. Slaton (1973)
- Kaplan v. California (1973)

Social Science Evidence of “Community Standards”

- People v. Nelson (1980)
- Commonwealth v. Trainor (1978)
Week of September 4

**REMINDER 1**: Meet with professor by **Thursday Sept. 7** for approval of topic for Group Project Presentation.

**REMINDER 2**: Group Project Presentation topics are due on **Tuesday, Sept. 12**. Submit a typewritten sheet with the following information: name of each group member, group topic, and date of meeting with professor to discuss and approve your presentation topic.

**TOPIC**: Social Science Used to Make Law

Constitutional Law
Fourteenth Amendment: Segregation by Race
M/W Ch. 4, pp. 175-198

- *Plessy v. Ferguson* (1896)

Week of September 11

**DUE**: Topic selection for Group Project Presentation is due **Tuesday, September 12**. Submit a typewritten sheet with the following information: name of each group member, topic, and date of meeting with professor to discuss and approve your presentation topic.

**TOPIC**: Social Science Used to Make Law (cont’d)

Fourteenth Amendment: School Segregation by Race (cont’d)
M/W Ch. 4, pp. 175-198


Fourteenth Amendment: Segregation by Gender
M/W Ch. 4 (pp. 205-223)

Week of September 18

**NOTE:** On **Tuesday, Sept. 19**, Shamika Dalton (UF Law Library, Head of Reference and Instructional Services), will provide an in-class tutorial on how to conduct social science research. For this class session, read, “For Lawyers: How to Find Social Science” (p. 581).

**TOPIC:** Social Science Used to Make Law (cont’d)

The First Amendment: Obscene or Violent Entertainment  
M/W Ch. 4, pp. 225-272

Obscenity
- *United States v. Roth* (1956)
- *Paris Adult Theatre I v. Slaton* (1973)

Violent Video Games

Week of September 25

**TOPIC:** Social Science Used to Make Law (cont’d)

Sixth Amendment Issues  
M/W Ch. 4, pp. 260-277

Jury Size
- *Colgrove v. Battin* (1973)
- *Ballew v. Georgia* (1978)

Death-Qualification  
M/W Ch. 4, pp. 277-295

- *Witherspoon v. Illinois* (1968)
Week of October 2

**TOPIC**: Social Science used to Make Law (cont’d)

Eighth Amendment Issues (Capital Punishment)
M/W Ch.4, pp. 295-324

- *Furman v. Georgia* (1972)
- *Gregg v. Georgia* (1976)

Week of October 9

**TOPIC**: Social Science Used to Make Law (cont’d)

Eighth Amendment Issues (cont’d)


**TOPIC**: Social Science Used to Provide Context

Overview
M/W Ch. 5, pp. 337-339
Capital Punishment

“Stop and Frisk” & Racial Profiling
M/W Ch. 5, pp. 389-467

- Floyd v. City of New York (2013)
Week of October 16

**TOPIC:** Social Science Used to Provide Context (cont’d)

Defenses Involving Culture, Subculture, Personality & Life Events
M/W Ch. 5, pp. 410-453

- *People v. Poddar* (1972)
- *People v. Aphaylath* (1986)
- *People v. Wu* (1991)

Week of October 23

**TOPIC:** Social Science Used to Provide Context (cont’d)

Social Frameworks
M/W Ch. 5, pp. 523-532


**TOPIC:** Social Science and Litigation Strategy

Venue
M/W: Ch. 6, pp. 533-542

- *Firestone v. Crown Center Redevelopment Corp.* (1985)

Jury Selection and Instructions
M/W Ch. 6, pp. 543-571

Week of October 30

**TOPIC:** TBA

**TOPIC:** Class Project Presentations (Wednesday & Thursday)
Week of November 6

**TOPIC:** Class Project Presentations

Week of November 13

**NOTE:** Last Week of Class (last day is Thurs. Nov. 16)

**NOTE:** The Take-Home Final Examination will be distributed on Wednesday, Nov. 29, the first day of the reading period.

**TOPIC:** Review & Wrap-Up

Week of November 20  **[NO CLASS]**

**NOTE:** Last day of classes for Fall 2017 semester is Tuesday, November 21 (constructive Friday)

**IMPORTANT DATES:**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thur. Sept. 7</td>
<td>Receive approval for Group Presentation topic by this date</td>
</tr>
<tr>
<td>Tues. Sept. 12</td>
<td>Submit Group Project Presentation Topic</td>
</tr>
<tr>
<td>Tues. Sept. 19</td>
<td>In-class tutorial on navigating sites for social science research</td>
</tr>
<tr>
<td>Wed. Nov. 1-9</td>
<td>Class Presentations (dates may be adjusted)</td>
</tr>
<tr>
<td>Wed. Nov. 29</td>
<td>Final Exam available for PICK UP at 9:00AM</td>
</tr>
<tr>
<td>Fri. Dec. 8</td>
<td>Final exam DUE at 1:00PM</td>
</tr>
</tbody>
</table>

*University of Florida*

*Levin College of Law*

*Fall 2017*