

# PHIL 90L | PROBABILITY AND THE LAW

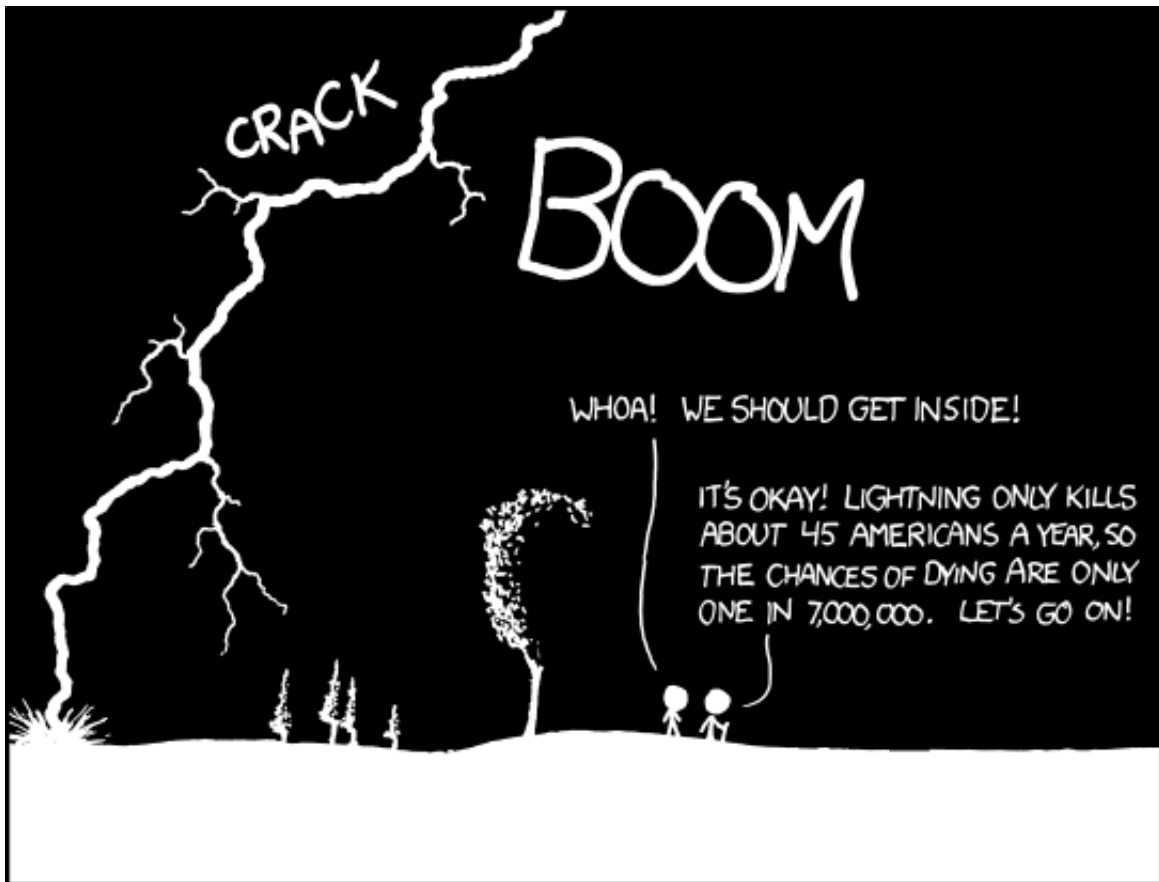
STANFORD UNIVERSITY

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*time:* Winter 2013  
Fri 10:00 AM - 11:50 AM.

*venue:* 120-59

What does it mean to prove guilt beyond a reasonable doubt? Can we interpret legal standards of proof probabilistically? What is the role of probability and statistics in the courtroom? How are quantitative methods changing legal proceedings? Movie excerpts, courtroom cases, and academic scholarship will help us address these questions. No statistical or legal background is expected.



THE ANNUAL DEATH RATE AMONG PEOPLE  
WHO KNOW THAT STATISTIC IS ONE IN SIX.

SCHEDULE   READINGS		
PART 1: Criminal cases		
<b>Jan 11th:</b>	The O.J. Simpson trial	Dershowitz (1997), chap. 2
<b>Jan 18th:</b>	Probability	Finkelstein and Levin (2001), sec. 3.1-3.2 <i>People v. Collins</i> (1968), 438 P. 2d 33.
<b>Jan 25th:</b>	DNA evidence	Wasserman (2008) and Devlin (2007)
PART 2: Quantifying standards of proof		
<b>Feb 1st:</b>	Prisoners in a yard	Nesson (1979)
<b>Feb 8th:</b>	Buses and gunshots	Thomson (1986) <i>Smith v. Rapid Transit, Inc.</i> (1945) 317 Mas. 469.
<b>Feb 15th:</b>	Civil liability	Schmalbeck (1986) <i>Sindell v. Abbott Lab.</i> , 26 Cal. 3d 588 (1980)
<b>Feb 22dn:</b>	Psychological findings	Wells (1992)
PART 3: Sentencing, torts, and tax law		
<b>Mar 1st:</b>	Tax law	Lecture by tax lawyer James Garahan
<b>Mar 8th:</b>	Sentencing	Colyvan et al. (2001) <i>United States v. Shounibi</i> (1997), 103 F.3d 1085.
<b>Mar 15th:</b>	Conclusion	

#### COURSE REQUIREMENTS

- (1) Regular attendance [25 % of the grade];
- (2) Weekly response papers, no more than one page long double-spaced. Response papers are **due every Friday at the beginning of class or before**. Only the **5 best response papers** will count toward your final grade [35% of the grade];
- (3) Final paper, 7-12 pages long double-spaced. **Paper is due March 20th**. You have the option to hand in a preliminary draft by March 13th, but the grade on your preliminary draft will not count. [40 % of the grade]

## STUDENTS WITH DISABILITIES

Students who have a disability which may necessitate an academic accommodation or the use of auxiliary aids and services in a class must initiate the request with the Disability Resource Center (DRC). The DRC will evaluate the request with required documentation, recommend appropriate accommodations, and prepare a verification letter dated in the current academic term in which the request is being made. Please contact the DRC as soon as possible; timely notice is needed to arrange for appropriate accommodations (phone 723-1066; TDD 725-1067).

## HONOR CODE

Violating the Honor Code is a serious offense, even when the violation is unintentional. You are responsible for understanding the University rules regarding academic integrity; you should familiarize yourself with the code if you have not already done so. In brief, conduct prohibited by the Honor Code includes all forms of academic dishonesty, among them copying another student's exam, unpermitted collaboration, and representing as one's own work the work of another. If you have any questions about these matters, see your teaching fellow during office hours.

## REFERENCES

- Mark Colyvan, Helen M. Regan, and Scott Ferson. Is it a crime to belong to a reference class? *Journal of Political Philosophy*, 9(2):168–181, 2001.
- Alan M. Dershowitz. *Reasonable Doubts: The Criminal Justice System and the O.J. Simpson Case*. Simon and Schuster, 1997.
- Keith Devlin. Scientific heat about cold hit (manuscript). 2007.
- Michael O. Finkelstein and Bruce Levin. *Statistics for Lawyers (second edition)*. Springer, 2001.
- Charles R. Nesson. Reasonable doubt and permissive inferences: The value of complexity. *Harvard Law Review*, 92(6):1187–1225, 1979.
- Richard Schmalbeck. The trouble with statisticial evidence. *Law and Contemporary Problems*, 49(3):221–236, 1986.
- Judith J. Thomson. Liability and individualized evidence. *Law and Contemporary Problems*, 49(3): 199–219, 1986.
- David Wasserman. Forensic DNA typing. In Justine Burley and John Harris, editors, *Companion to Genetics*. Blackwell, 2008.
- Gary L. Wells. Naked statistical evidence of liability: Is subjective probability enough? *Journal of Personality and Social Psychology*, 62:793–752, 1992.