

PROBABILITY AND THE LAW

MARCELLO DI BELLO – STANFORD UNIVERSITY

READING GUIDE – WEEK #7

Wells. The Wells article is short, so read it carefully. Make sure you understand the following:

- a. What are the different hypothetical scenarios used in the experiment? How do they differ from one other? How did the subjects in the experiments respond to the scenarios? The different scenarios are: volume-of-traffic, p. 741; weight-attendant, p. 741; rate-of-accidents, p. 742; tire-track, p. 743; tire-track-belief, p. 747.
- b. What are the different explanations/models for why the jurors resist a conviction based on statistics alone? Some of the explanations mentioned in the article are: causal relevance, p. 742; fairness/equity, p. 743; spoliation inference, p. 745; sample size, p. 745; either-or, p. 745; fact-to-evidence-reasoning, p. 746.
- c. A key hypothesis in the article is that jurors are sensitive to both evidence-to-fact reasoning and fact-to-evidence reasoning (p. 746). What does that mean? How did Wells test this hypothesis (p. 747)?

Response paper. You will do a little “field activity.” You will do something similar to what Wells did, but on a smaller scale. You are not expected to write up your findings because you will present them in class on Friday in a short, 2-5 minute presentation. (NOTE: If you’d rather write up your findings and not present them in class, you are free to do so. However, you are encouraged to present your findings in class.) You have two options.

First option. Select a few subjects (at least two, better if four). Pick two of Wells’ scenarios and give them to your subjects. Record their answers. Make sure you ask them why they responded the way they did. Record their explanations. Please do not use more than one scenario for the same subject because the subject’s answer in one scenario might affect the answer in the other scenario.

Second option. Same as above, but with a slight variation: try to make the statistics/probabilities look more impressive. For example, instead of a ratio of 80 to 20, try something like 10,000 to 2. Do you get a different result from Wells’?