

Cover Sheet: Request 15198

LAW 6XXX - Social science, crime and law

Info

| | |
|------------------------|---|
| Process | Course New Ugrad/Pro |
| Status | Pending at PV - University Curriculum Committee (UCC) |
| Submitter | Krista Vaught kfields@law.ufl.edu |
| Created | 7/24/2020 2:28:02 PM |
| Updated | 7/26/2020 2:42:49 PM |
| Description of request | Proposal for permanent approval of social science, crime, and law |

Actions

| Step | Status | Group | User | Comment | Updated |
|---|----------|--|--------------|---------|-----------|
| Department | Approved | LAW - Juris Doctor 012406001 | Rachel Inman | | 7/26/2020 |
| Syllabus - social science crime and law.pdf | | | | | 7/24/2020 |
| College | Approved | LAW - College of Law | Rachel Inman | | 7/26/2020 |
| No document changes | | | | | |
| University Curriculum Committee | Pending | PV - University Curriculum Committee (UCC) | | | 7/26/2020 |
| No document changes | | | | | |
| Statewide Course Numbering System | | | | | |
| No document changes | | | | | |
| Office of the Registrar | | | | | |
| No document changes | | | | | |
| Student Academic Support System | | | | | |
| No document changes | | | | | |
| Catalog | | | | | |
| No document changes | | | | | |
| College Notified | | | | | |
| No document changes | | | | | |

Course|New for request 15198

Info

Request: LAW 6XXX - Social science, crime and law

Description of request: Proposal for permanent approval of social science, crime, and law

Submitter: Krista Vaught kfields@law.ufl.edu

Created: 7/24/2020 2:21:40 PM

Form version: 1

Responses

Recommended Prefix LAW

Course Level 6

Course Number XXX

Category of Instruction Intermediate

Lab Code None

Course Title Social Science, Crime, and Law

Transcript Title Social Science, Crime, and Law

Degree Type Professional

Delivery Method(s) On-Campus

Co-Listing No

Effective Term Earliest Available

Effective Year 2020

Rotating Topic? No

Repeatable Credit? No

Amount of Credit 3

S/U Only? No

Contact Type Regularly Scheduled

Weekly Contact Hours 3

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.

Prerequisites None

Co-requisites None

Rationale and Placement in Curriculum The College of Law is reviewing and updating our curriculum and courses. This course has been offered multiple times in previous years under the special topics course number LAW 6930. This request is part of a broader, ongoing effort to move to permanent course numbers.

Course 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 Textbook(s) and/or Other Assigned Reading John Monahan & Laurens Walker (2018) Social Science in Law: Cases and Materials

(9th Ed.)

*Please note that some course material will be assigned (TWEN & handouts).

Weekly Schedule of Topics Week of August 26

TOPIC: Course Overview and Approach

TOPIC: Early Developments in Social Science in Law

M/W Ch. 1, pp. 1-34

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 Sept. 2

TOPIC: Legal & Social Science Methods

M/W: Ch. 2, pp. 35-57, "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]

General Electric Co. v. Joiner (1997)

Kumho Tire Co. v. Carmichael (1999)

FRE 702 (post-Daubert)

Social Science Methods, pp. 57-90

Week of Sept. 9

TOPIC: Social Science Used to Determine Facts (Obscenity)

M/W Ch. 3, pp. 140-163

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)

Jacobellis v. Ohio [2] (1964)

Smith v. California (1959)

Miller v. California (1973)

Paris Adult Theatre I v. Slaton (1973)

Kaplan v. California (1973)

Hamling v. U.S. (1974)

Social Science Evidence of "Community Standards"

People v. Nelson (1980)

Commonwealth v. Trainor (1978)

U.S. v. Pryba (1988)

St. John v. North Carolina Parole Commission (1991)

Week of September 16

NOTE: On Wed. Sept. 18, Professor Gail Mathapo, (Legal Research), 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. 653).

TOPIC: Social Science Used to Make Law

Constitutional Law

Fourteenth Amendment: Segregation by Race

M/W Ch. 4, pp. 189-219

Plessy v. Ferguson (1896)

Brown v. Board of Education (1954) [2]

Stell v. Savannah-Chatham County Bd. of Education (1963, 1964) [2]

Morgan v. Kerrigan (1975, 1976) [2]

Week of September 23

DUE: Research Presentation topics must be approved by Tuesday, September 24.

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

Fourteenth Amendment: School Segregation by Race (cont'd)

M/W Ch. 4, pp. 219-227
Parents Involved v. Seattle School District (2007)
Fourteenth Amendment: Segregation by Gender
M/W Ch.4 (pp. 227-246)
Mississippi University for Women v. Hogan (1982)
U.S. v. Commonwealth of Virginia (1991, 1992, 1996) [3]
Fourteenth Amendment: Same Sex Marriage
Obergefell v. Hodges (2015) [2] 249-255

Week of September 30
TOPIC: Social Science Used to Make Law (cont'd)
The First Amendment: Obscene or Violent Entertainment
M/W Ch. 4, pp. 256-281
Obscenity
United States v. Roth (1956)
Paris Adult Theatre I v. Slaton (1973)
New York v. Ferber (1982)
United States v. Hotaling (2011)
Violent Video Games
American Amusement Machine Assn. v. Kendrick (2001)
Brown v. Entertainment Merchants Assn. (2011)

Week of October 7
TOPIC: Social Science Used to Make Law (cont'd)
Sixth Amendment Issues
M/W Ch. 4, pp. 293-312
Jury Size
Williams v. Florida (1970)
Colgrove v. Battin (1973)
Ballew v. Georgia (1978)
Gonzalez v. Florida [Brief] (2008)
Death-Qualified Juries
M/W Ch. 4, pp. 314-332
Witherspoon v. Illinois (1968)
Grigsby v. Mabry (1983)
Lockhart v. McCree (1986)

Week of October 14
NOTE: NO CLASS Wed. 10/16 & Thu. 10/17.
TOPIC: Social Science used to Make Law (cont'd)
Eighth Amendment Issues (Capital Punishment)
M/W Ch.4, pp. 334-353; 359-369
Furman v. Georgia (1972)
Gregg v. Georgia (1976)
McCleskey v. Kemp (1987)
Graham v. Florida (2010)
Miller v. Alabama (2012)
State v. Zuber (2017)

Week of October 21
TOPIC: Social Science Used to Provide Context
Overview
M/W Ch. 5, pp. 381-383;405- 418
Capital Punishment
Barefoot v. Estelle (1983)
State v. Davis (1984)
Saldano v. Texas (2000) [2]
Buck v. Davis (2017)
"Stop and Frisk" & Racial Profiling
M/W Ch. 5, pp. 440-449; 455-462
Floyd v. City of New York (2013)
U.S. v. Martinez-Fuerte (1976)

New Jersey. v. Soto et al. (1996)
U.S. v. New Jersey (1999) [Consent decree]

Week of October 28

TOPIC: Social Science Used to Provide Context (cont'd)
Defenses Involving Culture, Subculture, Personality & Life Events
M/W Ch. 5, pp. 462-477; 486-497; 503-510
People v. Poddar (1972)
People v. Aphaylath (1986)
Dang Vang v. Vang Xiong X. Toyed (1991)
People v. Wu (1991)
State v. Kargar (1996)
U.S. v. Alexander and Murdock (1972)
State v. Hickman (1983)
Minnesota v. Loebach (1981)
Ibn-Tamas v. United States (1979)
Jahnke v. Wyoming (1984)

Week of November 4

TOPIC: Social Science Used to Provide Context (cont'd)
Social Frameworks
M/W Ch. 5, pp. 589-599
Dukes v. Wal-Mart Stores, Inc. (2010) [3]
TOPIC: Social Science and Litigation Strategy
Venue
M/W: Ch. 6, pp. 601-611
People v. Boss (1999)
State v. Baumruk (2002)
Firestone v. Crown Center Redevelopment Corp. (1985)

Week of November 11

TOPIC: Research Presentations

Week of November 18 LAST WEEK OF CLASS

TOPIC: Research Presentations

TOPIC: Review & Wrap-Up (Thursday, November 21)

Grading Scheme Research Presentation 30 percent

Class Participation 10 percent

Take-Home Final Examination 60 percent

The expectation is that students will attend each class, read all assigned materials prior to class discussion, and participate regularly in class discussions.

Instructor(s) Katheryn Russell-Brown

Attendance & Make-up Yes

Accomodations Yes

UF Grading Policies for assigning Grade Points Yes

Course Evaluation Policy Yes

Prof. K. Russell-Brown
Office: 316 Holland Hall
Phone: (352) 273-0912
OH: M 11:00-1:00, or by appt.
RussellBrownK@law.ufl.edu

Fall 2019
TuWTh 1:00–1:55 PM
284 Holland Hall

SOCIAL SCIENCE, CRIME, AND LAW

LAW 6930, section 15918

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*

- John Monahan & Laurens Walker (2018) Social Science in Law: Cases and Materials (9th Ed.)

*Please note that some course material will be assigned (TWEN & handouts).

COURSE REQUIREMENTS

| | |
|-----------------------------|------------|
| Research Presentation | 30 percent |
| Class Participation | 10 percent |
| Take-Home Final Examination | 60 percent |

The expectation is that students will attend each class, read all assigned materials prior to class discussion, and participate regularly in class discussions.

RESEARCH PRESENTATIONS

Students are required to complete a Research Presentation. Students will select a criminal justice topic, identify a trial or appellate court criminal case (a state or federal case) that addresses the topic, identify a research question, locate social science research on the topic; and discuss findings from two social science studies that would assist a court in addressing the research question. Advance approval for topics is required.

FINAL EXAMINATION

The final examination for this course is a written Take-Home Exam.

The Final will be available on Friday, December 6, 2019 at 9:00 AM. It is due on Thursday, December 12, 2019, at 12 PM Noon.

COURSE WORKLOAD

Students should expect to spend, on average, approximately 2-3 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>.

| Letter Grade | Point Equivalent |
|------------------|------------------|
| A (Excellent) | 4.0 |
| A- | 3.67 |
| B+ | 3.33 |
| B | 3.0 |
| B- | 2.67 |
| C+ | 2.33 |
| C (Satisfactory) | 2.0 |
| C- | 1.67 |
| D+ | 1.33 |
| D (Poor) | 1.0 |
| D- | 0.67 |
| F (Failure) | 0.0 |

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
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COURSE OUTLINE

Week of August 26

TOPIC: Course Overview and Approach

TOPIC: Early Developments in Social Science in Law

M/W Ch. 1, pp. 1-34

- *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 Sept. 2

TOPIC: Legal & Social Science Methods

M/W: Ch. 2, pp. 35-57, "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]
- *General Electric Co. v. Joiner* (1997)
- *Kumho Tire Co. v. Carmichael* (1999)
- FRE 702 (post-*Daubert*)

Social Science Methods, pp. 57-90

Week of Sept. 9

TOPIC: Social Science Used to Determine Facts (Obscenity)
M/W Ch. 3, pp. 140-163

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- *Miller v. California* (1973)
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Fourteenth Amendment: Segregation by Race

M/W Ch. 4, pp. 189-219

- *Plessy v. Ferguson* (1896)
- *Brown v. Board of Education* (1954) [2]
- *Stell v. Savannah-Chatham County Bd. of Education* (1963, 1964) [2]
- *Morgan v. Kerrigan* (1975, 1976) [2]

Week of September 23

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Fourteenth Amendment: School Segregation by Race (cont'd)

M/W Ch. 4, pp. 219-227

- *Parents Involved v. Seattle School District* (2007)

Fourteenth Amendment: Segregation by Gender

M/W Ch.4 (pp. 227-246)

- *Mississippi University for Women v. Hogan* (1982)
- *U.S. v. Commonwealth of Virginia* (1991, 1992, 1996) [3]

Fourteenth Amendment: Same Sex Marriage

- *Obergefell v. Hodges* (2015) [2] 249-255

Week of September 30

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

The First Amendment: Obscene or Violent Entertainment

M/W Ch. 4, pp. 256-281

Obscenity

- *United States v. Roth* (1956)
- *Paris Adult Theatre I v. Slaton* (1973)
- *New York v. Ferber* (1982)
- *United States v. Hotaling* (2011)

Violent Video Games

- *American Amusement Machine Assn. v. Kendrick* (2001)
- *Brown v. Entertainment Merchants Assn.* (2011)

Week of October 7

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

Sixth Amendment Issues
M/W Ch. 4, pp. 293-312

Jury Size

- *Williams v. Florida* (1970)
- *Colgrove v. Battin* (1973)
- *Ballew v. Georgia* (1978)
- *Gonzalez v. Florida* [Brief] (2008)

Death-Qualified Juries
M/W Ch. 4, pp. 314-332

- *Witherspoon v. Illinois* (1968)
- *Grigsby v. Mabry* (1983)
- *Lockhart v. McCree* (1986)

Week of October 14

NOTE: NO CLASS Wed. 10/16 & Thu. 10/17.

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

Eighth Amendment Issues (Capital Punishment)
M/W Ch.4, pp. 334-353; 359-369

- *Furman v. Georgia* (1972)
- *Gregg v. Georgia* (1976)
- *McCleskey v. Kemp* (1987)
- *Graham v. Florida* (2010)
- *Miller v. Alabama* (2012)
- *State v. Zuber* (2017)

Week of October 21

TOPIC: Social Science Used to Provide Context

Overview
M/W Ch. 5, pp. 381-383;405-418
Capital Punishment

- *Barefoot v. Estelle* (1983)
- *State v. Davis* (1984)
- *Saldano v. Texas* (2000) [2]
- *Buck v. Davis* (2017)

“Stop and Frisk” & Racial Profiling
M/W Ch. 5, pp. 440-449; 455-462

- *Floyd v. City of New York* (2013)
- *U.S. v. Martinez-Fuerte* (1976)
- *New Jersey. v. Soto et al.* (1996)
- *U.S. v. New Jersey* (1999) [Consent decree]

Week of October 28

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

Defenses Involving Culture, Subculture, Personality & Life Events
M/W Ch. 5, pp. 462-477; 486-497; 503-510

- *People v. Poddar* (1972)
- *People v. Aphaylath* (1986)
- *Dang Vang v. Vang Xiong X. Toyed* (1991)
- *People v. Wu* (1991)
- *State v. Kargar* (1996)
- *U.S. v. Alexander and Murdock* (1972)
- *State v. Hickman* (1983)
- *Minnesota v. Loebach* (1981)
- *Ibn-Tamas v. United States* (1979)
- *Jahnke v. Wyoming* (1984)

Week of November 4

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

Social Frameworks
M/W Ch. 5, pp. 589-599

- *Dukes v. Wal-Mart Stores, Inc.* (2010) [3]

TOPIC: Social Science and Litigation Strategy

Venue
M/W: Ch. 6, pp. 601-611

- *People v. Boss* (1999)
- *State v. Baumruk* (2002)
- *Firestone v. Crown Center Redevelopment Corp.* (1985)

Week of November 11

TOPIC: Research Presentations

Week of November 18 ***LAST WEEK OF CLASS***

TOPIC: Research Presentations

TOPIC: Review & Wrap-Up (Thursday, November 21)

IMPORTANT DATES:

| | | |
|-------|------------|---|
| Wed. | Sept. 18 | In-class tutorial on conducting social science research |
| Thur. | Sept. 24 | Selection/Approval of Presentation topic |
| Tues. | 11/11- | |
| | Wed. 11/20 | Presentations (dates may be adjusted) |
| Thur. | Nov. 21 | Last day of class (for this course) |
| Fri. | Dec. 6 | Final Exam available online at 9:00AM |
| Thu. | Dec.12 | Final exam DUE at 12:00PM (Noon) |

***University of Florida
Levin College of Law
Fall 2019***