1. **Course Description.**

The focus of this course will be to examine the relationship between psychology and the legal system. Research from a variety of areas including social, cognitive, developmental, and clinical will be used to understand the legal system (especially the trial process) from a psychological perspective. A variety of topics will be discussed including jury selection, pre trial publicity, police interrogations and confessions, repressed memories, hypnosis, lie detection, eyewitness testimony, child witnesses, and expert witnesses.

2. **Text.**


3. **Other Readings.**

Readings will consist of selected court cases and opinions, research articles, and book chapters. These readings will be on reserve in the Library.

4. **Class Time.**

Short answer essay exams will be given every Tuesday. Questions for these exams will be based on study guide questions taken from the Horowitz, Willging, and Bordens (HWB) text. Study Guides will be provided on a weekly basis. These exams will be graded and returned no later than Thursday of the same week. The purpose of the exams is to prepare you for Thursday. On each Thursday, a discussion format will be followed. The discussion will be based on the other readings. Basically, each student will critique each assigned reading. Critique of each reading will contain a summary, strengths, weaknesses, questions, and implications. These summaries should be brief (about 2 pages) and should reflect your understanding of the reading. The summaries will be turned in after the discussion is completed. For each article, a discussion leader will be assigned. The discussion leader will be required to present a synopsis of the reading and manage the discussion. We will cover about
two readings each Thursday. Participation in these discussions is mandatory.

5. **Research Proposals.**

Graduate students will be required to do a research proposal or extra readings (see 10). The research proposal will contain an introduction, method, and reference section. APA format will be required. The focus of the paper will be on developing an original, testable and doable study (one that you may be able to carry out at some future date). This paper should be no longer than five typewritten pages.

6. **Trial Observations.**

You will be required to observe an actual jury trial or trials. The purpose of this exercise is to gain some experience on how jury trials are actually conducted. Contact legal professionals in your area for a schedule of jury trials that are or will be in session. A good start would be to contact the district court and ask for the scheduling clerk. This person should be able to provide you with a schedule of upcoming trials and how long they are scheduled to last. You will be required to spend 10 hours observing actual jury trials. **TAKE NOTES!** Make sure to include the dates and times that you spend at the trial, the basic details or facts of the trial (e.g., its location, the purpose of the trial, the names of the key figures, etc.), and most importantly the principles and procedures that were used in the trial possibly including jury selection, opening statements, presentation of evidence, closing statements, jury instructions and deliberations and the outcome of the trial. You may also want to contact the involved attorneys and have them discuss the case with you if they are willing to do so. Of course, do not contact them in court, but through their office. The hours you spend interviewing the attorneys will count towards your 10 hours of observations. Based on information you collected write a typewritten paper of about 4-5 pages that summarizes and critiques the trial. Use the basic notions in your textbook as a guide for your observations and writing. That is, what principles, procedures, etc. that were discussed in the text were exhibited in the trial. Finally, it would be instructive to note the similarities and differences between the textbook’s version of the practice of law and actual practice of law. It would be best to observe a complete trial. Unfortunately, some trials last more than 10 hours. In these cases, observe what you can for 10 hours. It is also possible that some trials may take less than 10 hours. In these cases, observe more than one trial until you have the 10 hours completed. It is also acceptable to split your observations among two or more trials. Although not required, if you need to observe more than one trial, it would be useful to observe a civil and a criminal trial. The bottom line is that you need to have 10 hours of observations.

7. **Prerequisites.**

Permission of instructor. Some background in psychology is necessary. Some of the reading would be difficult without training in basic statistics and research design.

8. **Grade.**

There are 14 exams. Each exam is worth 10 points. There are 14 critiques. Each critique is worth 10 points. The research proposal is worth 50 points. The trial observations assignment is worth 50 points. Class discussion will be evaluated throughout the entire semester and is worth 50 points. I expect the grades to be high in this class because I expect top performance from the students who
take this course. Given the nature of how this course will be taught, assume that it will take about nine hours of weekly studying to do well.

9. **Examination Schedule.**

All examinations occur on Tuesdays.

Jan | HWB Chapter
---|---
18 | 1 Introduction
25 | 2 The Role of Procedure in the Legal System

Feb

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<td>3 Victims, Defendants and Judges</td>
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<td>4 Police and Lawyers</td>
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<td>15</td>
<td>5 Pretrial Issues</td>
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<td>6 The Trial: Selection of a Jury, Opening Acts, and Rules of Evidence</td>
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<td>7 The Eyewitness (up to page 191)</td>
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<tr>
<td>4</td>
<td>9 The Presentation of Scientific Evidence</td>
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<td>10 The Jury’s Decision</td>
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<td>18</td>
<td>11 Judges, Juries, and Justice</td>
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<td>12 A Case Study: Social Science and the Death Penalty</td>
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10. **Discussion Schedule and Readings.**

Jan 20 Readings (Introduction)


**(2) Daubert, V., Merrell Dow Pharmaceuticals, Inc., 113 S. Ct. 2786 (1993).**


*Required Reading. Depending on a variety of circumstances, the required readings may change. I will provide you with a timely update if and when this happens.*
**Additional graduate student readings**


**Jan 27 Readings (The Role of Procedure)**


(2) Federal rules of evidence (as amended through 1994).


**Feb 3 Readings (Victims, Defendants, and Judges)**


**Feb 10 Readings (Police and Lawyers)**


Feb 17 Readings (Pretrial Issues)


Feb 24 Readings (The Trial: Selection of a Jury, Opening Acts, and Rules of Evidence)


(2) Batson v Kentucky (1986), 54 U.S.L.W. 4425.


**Mar 2 Readings** (The Eyewitness)


**Mar 16 Readings** (The Eyewitness)


**Mar 23 Readings** (The Child Witness)


Mar 30 Readings (The Expert Witness)


Apr 6 Readings (The Presentation of Scientific Evidence)


Apr 13 Readings (The Jury’s Decision)


**Apr 20 Readings (Judges, Juries, and Justice)**


**Apr 27 Readings (A Case Study: Social Science and the Death Penalty)**


11. **Internet Legal Resources.**

American Academy of Forensic Psychology
http://www.abfp.com/aafp/

American Academy of Psychiatry and the Law
http://www.emory.edu/AAPL/
American Psychology-Law Society (AP-LS) - Division 41 of APA  
http://www.unl.edu/ap-ls/

Dr. Hooper’s Forensic Psychiatry Resource Page (U. of Alabama)  
http://ualvm.ua.edu/~jhooper/

David’s Forensic Psychology and Psychiatry Links  

Zeno’s Forensic Page  
http://zeno.simplenet.com/forensic.html#psychiatry

Forensic Psychology & Psychiatry  
http://www.public.usit.net/rscarp/f_psycho.html

Psychology of Violent Crimes  
http://www.evansville.net/~alienist/psych_index.html

Forensic Psychiatry On-Line (Journal)  
http://www.priory.com/forpsy.htm

UVA Institute for Law, Psychiatry, & Public Policy  
http://ness.sys.Virginia.EDU/ilppp/

Dr. Bursztajn’s Forensic Psychiatry Page (Harvard U.)  

12. **Sources of Law.**

U.S. Constitution  
http://www.law.emory.edu/FEDERAL/usconst.html

The Declaration of Independence  
http://www.law.emory.edu/FEDERAL/independ/declar.html

U.S. Government Printing Office: Includes access to Bills currently being considered by Congress  
http://www.access.gpo.gov/su_docs/

U.S. Supreme Court Decisions: Full text; searchable by subject; 1990-present  
http://www.law.cornell.edu/supct/supct.table.html

U.S. Court of Appeals, First Circuit Cases  
http://www.law.emory.edu/1circuit/

U.S. Court of Appeals, Second Circuit Cases

U.S. Court of Appeals, Third Circuit Cases
http://ming.law.vill.edu/Fed-Ct/ca03.html#usappeals

U.S. Court of Appeals, Fourth Circuit Cases
http://www.law.emory.edu/4circuit/

U.S. Court of Appeals, Fifth Circuit Cases
http://www.law.utexas.edu/us5th/us5th.html

U.S. Court of Appeals, Sixth Circuit Cases
http://www.law.emory.edu/6circuit/

U.S. Court of Appeals, Seventh Circuit Cases
http://www.law.emory.edu/7circuit/

U.S. Court of Appeals, Ninth Circuit Cases
http://ming.law.vill.edu/Fed-Ct/ca09.html#usappeals

U.S. Court of Appeals, Tenth Circuit Cases
http://www.law.emory.edu/10circuit/

U.S. Court of Appeals, Eleventh Circuit Cases
http://www.law.emory.edu/11circuit/

U.S. Court of Appeals, D.C. Circuit Cases
http://www.ll.georgetown.edu/Fed-Ct/cafed.html

United States Code
http://www.law.cornell.edu/uscode/

North Carolina Supreme Court
http://www.nando.net/insider/supreme/supco.html

North Carolina Court of Appeals
http://www.nando.net/insider/appeals/appeals.html

13. **Legal Research Resources.**

Search Legal: Courts
http://www.intbc.com/sleuth/lega-c.html

Search Legal: News and Discussion Groups
http://www.intbc.com/sleuth/lega-.html
Meta-Index for U.S. Legal Research
http://gsulaw.gsu.edu/metaindex/

Inter-Law s Lectric Law Library
http://www.lectlaw.com/

Hiermos Gamos: A Comprehensive Site to the Legal Profession
http://www.hg.org

Criminal Law Links
http://dpa.state.ky.us:80/~rwheeler/

USA Law
http://www.usalaw.com/

Virtual Law Library
http://www.law.indiana.edu/law/lawindex.html

Legal Resource Locator
http://www.dorsai.org/p-law/

CyberLawyer: On-line Legal Advice
http://www.cyberlawyer.com

THE SEAMLESS WEBsite: Law and Legal Resources
http://starbase.ingress.com/tsw/

Law Links
http://www.counsel.com/lawlinks

Legal Resources
http://www.lsu.edu/~poli/legal.html

Law Marks: Legal Resource Database
http://www.iwc.com/entropy/marks/bkmrk/html

REFLAW
http://law.wuacc.edu/washlaw/reflaw/reflaw.html

The Federal Web Locator
http://www.law.vill.edu/fed-agency/fedwebloc.html

The Practicing Attorney s Home Page: Main Listing
http://users.aimnet.com/~ils/main.html
The Legal List

Criminal (Law)
http://galaxy.einet.net/galaxy/Law/Criminal.html
The House of Representatives - Internet Law Library - Crime
http://www.pls.com:8001/his/96.htm

ErieNet Legal Resources Gateway
http://moose.erie.net/~lawweb

The World Wide Web Virtual Library: Law
http://www.law.indiana.edu/law/lawindex.html

LawLinks: The Internet Legal Resource Center
http://lawlinks.com/

AALLNET WEB
http://lawlib.wuacc.edu/aalnet/aall.txt.html

LERN - Legal Research network
http://www.witness.net/

First-Year Law Student Resources
http://www.pitt.edu/%7Esclst12/lawrcs.html

The ABA's LawLink (TM) Legal Research Jumpstation
http://www.abanet.org/image/home.conf?123,302

14. **Legal Publications.**

U.S. Law Week: The Supreme Court
http://www.bna.com/supreme.html

The National Law Journal
http://www.ljextra.com/nlj/

Law Journal Extra
http://www.ljx.com/

Journals and Periodicals
http://www.usc.edu/dept/law-lib/legalllst/journals.html

Law-Related Internet Books and Newsletters
15. **Legally-Relevant Associations & Organizations.**

American Civil Liberties Union - ACLU  
http://www.aclu.org

The American Federal Defender s Association Home Page  
http://www.afda.org/

The Federal Judicial Center Home Page  
http://www.fjc.gov/home2.html

National Criminal Justice Reference Service - NCJRS  
http://www.ncjrs.org

Bureau of Justice Statistics  
http://www.ojp.usdoj.gov/bjs/

16. **Additional Resources.**

Cecil Greek s Criminal Justice Page  
http://www.fsu.edu/~crimdo/cj.html

Uniform Crime Reports  
http://www.fbi.gov/usrpress.htm#highlights

Juvenile Justice Home Page  
http://home.earthlink.net/~ehumes/homejuv.htm

Juvenile Justice  
http://www.ncjrs.org/jjhome.htm

Great Source for Articles on Juvenile Delinquency  
gopher://ericps.ed.uiuc.edu:70/

The ARC s Access to Justice Project: The Mentally Retarded and the CJ System  
http://www.metronet.com/~thearc/ada/crim.html
Discussion Lists (E-Mail).

Psychology & Law Discussion List
Send the following e-mail message to: LISTSERV@UTEPA.BITNET
or LISTSERV@UTEPVM.UTEP.EDU

Subscribe PSY LAW-L Your Name

Custody & Dependency Evaluation Discussion List
Send the following e-mail message to: majordomo@forensic.nova.edu

Subscribe ASSESS-L

Automatic E-mail of Supreme Court Summaries
Send the following e-mail message to: LISTSERV@LISTSERV.LAW.CORNELL.EDU

Subscribe LIIBULLETIN Your Name
1. What is the law? What is the linkage between psychology and the law?

2. What is the legal system? What is its basic dilemma?

3. Distinguish between procedure fairness and outcome fairness. What appears to be the most important? Why?

4. Provide a brief history of psychology and the law.

5. Describe the experimental method. What are its advantages and disadvantages?

6. Describe quasi experimental and archival methods of research.

7. “It is a waste of time keeping up with research finding because the results keep changing.” Is this statement a valid criticism? Why or why not?

8. Briefly describe the two main features of legal research.

9. Compare natural law and legal realism. What is stare decisis?

10. Briefly describe the three primary sources of law.

11. Compare adversarial and inquisitorial methodologies. What appears to be the best one? Distinguish between process and decision control.

12. Compare social and legal authority.
1. Distinguish between substantive law and procedural law; and criminal and civil law.

2. Define plaintiff, defendant, compensatory and punitive (exemplary) damages.

3. Briefly summarize the supreme review of U.S. v. Sokolow. Why is procedural justice so important?

4. What types of protection does the Bill of Rights provide. Give some examples. What is due process? What are its two parts?

5. List and briefly describe the three assumptions of the procedural model.

6. What is the Rawls test?

7. Briefly describe the decision processes of naming, blaming, and claiming when one seeks redress.

8. Compare civil and criminal approaches to redress. Include some of the more salient comparisons listed in table 2-1.

9. Define the following terms:
   - Plea
   - Indictment
   - Information
   - Arraignment
   - Pleading
   - Depositions
   - Interrogatories
   - Complaint
   - Answer
   - Discovery
   - Motion
   - Arrest
   - Summons

10. Briefly describe the various steps in the trial procedure.

11. Briefly describe the post trial proceedings.
1. “Serious crime declined in the United States for four consecutive years through 1995” (p. 54). Is this an accurate statement? Why are crimes not reported? Do you have any ideas?

2. What is the cost of crime? Who pays for it?

3. Briefly describe Rape Trauma Syndrome and the Rape Shield laws.

4. Briefly describe the battered woman syndrome and the Stockholm syndrome. How can we account for the latter?

5. Briefly describe victim impact laws. What is the major issue?

6. Describe the variables that influence the defendant’s status in the criminal justice system.

7. What appears to be the major motive for rape? What are the variables that are related to self-reported sexual aggression?

8. Describe judicial immunity. Are judges immune from criminal prosecution when they commit crimes? What counterbalances judicial independence?

9. “Who judges the judges” (p. 72)? Does it work? Is there any gender bias in court?

1. Define probable cause

2. Discuss the Florida v. Royer and City of Houston v. Hill cases within the context of arrest and probable cause.

3. Briefly describe police behavior with the mentally ill and domestic violence.

4. Should we arrest individuals for spousal abuse?

5. What are the major variables that characterize the police culture? What appears to be the principle reason for these characteristics?

6. When can police conduct a search?

7. What are the issues concerning police interrogation and confessions?

8. Describe the Socratic technique and the adversarial system.

9. Briefly describe some of the tactics that lawyers use. What prevents the lawyer from lying and cheating?

10. Describe and discuss the merits of simulated trials and graphic evidence. Describe the lie factor.
1. What is alternative Dispute Resolution (ADR)? What are the four stages that precede litigation?

2. Why do people sue?

3. Briefly describe the three aims of ADR. Is ADR economical?

4. Describe mediation. What do the data suggest regarding its effectiveness?

5. Describe binding arbitration, final offer arbitration, and nonbinding arbitration.

6. Describe early neutral evaluation, summary jury trials, minitrials, rent-a-judge program and Brooklyn Dispute Resolution Center (CBRC).

7. What ADRs are preferred by disputants. Does ADR actually work?

8. Define plea bargaining. Who has the advantage? What is the most important legal standard?

9. If you were accused of a crime that you had committed, would you plea bargain? Why or why not.

10. Compare plea bargaining and civil negotiations.

11. What does it mean to set bail. What variables are most important regarding setting bail?

12. Discuss the issue of Prejudicial Pretrial Publicity (PTP). Include in your discussion the legal issues, the research findings and the possible remedies.
1. Briefly, summarize the major historical aspects of the jury.

2. Define the following terms:
   - venire
   - voir dire
   - prima facie
   - absolute disparity
   - comparative disparity
   - key man method

3. Briefly describe the steps in the juror recruitment process. Does it work?

4. Describe the two purposes of voir dire. Briefly describe the social science evidence and jury selection. Are the data sufficient to hire trial consultants? Is so, what services appear to be the most effective?

5. What constitutes a fair jury? What is the contemporary status of peremptory challenges? Does voir dire reduce jury bias? How can voir dire be improved?

6. What is the purpose and order of opening statements? Do opening statements influence trial outcomes? If you were a defense attorney, when would you present your opening statement?


8. What constitutes admissible evidence? What is inadmissible? What do jurors use?
1. Briefly describe the Beck Case. Should we believe eyewitnesses?

2. Briefly, describe the processes of encoding, storage and retrieval.

3. List and describe the factors affecting eyewitness perception.

4. List and briefly describe the factors affecting eyewitness memory. Include in your description the competing theories of memory for the misinformation effect.

5. What is a repressed memory? Are repressed memories illusory or valid. Present the opposing views and data regarding this issue. What is your conclusion? (Note: if this question is on the exam, it will take about a page to answer and therefore will be worth double the credit).

6. Briefly describe hypnotic refreshed memories. What are the issues?

7. Briefly describe the cognitive interview. Describe the general memory strategies as well as the other specific mnemonic devices that are a part of the cognitive interview. Is the cognitive interview effective?
1. How would you construct a valid lineup? Include in your discussion the selection of foils, lineup size, target present and absent line-up, line-up vs show-up and simultaneous and sequential lineups. (This is another question that will take a page to answer)

2. Discuss the relationship between the eye (also ear) witness and the jury. Include in your discussion the impact of eyewitness testimony on the jury, the relationship between confidence and accuracy, and the importance of eyewitness testimony relative to other types of evidence. (This is another question that will take a page to answer).
1. What are the two major concerns about child eyewitnesses. What is the supreme court’s position concerning child eyewitnesses?

2. Briefly describe the two characteristics of attention that are important to examine developmentally. What do the data suggest regarding these processes and the ability of children as eyewitnesses?

3. Briefly describe episodic memory. Summarize the findings concerning children’s memory for Events.


5. Should props be used when questioning children? Present the evidence regarding this issue. What is your conclusion?

1. Distinguish system variables from estimator variables. According to Wells, why are the system variables more important than estimator variables for eyewitness accuracy?

2. Does expert testimony about the basic abilities and sexual abuse of children influence jury outcomes? Briefly present the findings and draw a conclusion concerning whether expert witnesses are sources of information or influence.

3. Briefly compare the Frye test and Daubert.

4. Briefly describe the possible influences that Daubert will have or does have on the legal system.

5. What role will the social science experts play in the courts?
1. Describe the two methods for analyzing DNA samples.

2. What is the status of DNA testing?

3. Briefly describe the theory and technique of the polygraph.

4. List and describe CQT, GKT, GAT and ERPS.

5. What are the legal implications and status of the polygraph? How would beat the polygraph?

6. Briefly describe the two levels of statistical presentation. Should probabilistic data be presented in court? Summarize the literature and present your view.

7. Briefly describe the two issues of determining competency. What happens to a defendant who is judged to be incompetent? Why do defendants have to be competent to stand trial?

8. Briefly describe Bonnie’s two types of competence in criminal cases

9. Why do we have an insanity defense? Have you ever had non compos mentis, fanaticus or furiosus? or are you always mens rea?

10. Briefly describe the Hadfield case and the M’Naghten case, the irresistible impulse formulation, and the ALI standard.

11. Why does the public believe that psychiatry is not very good at diagnosing mental illness?

12. Describe the guilty but mentally ill (GBMI) plea.

13. What needs to be met in order to involuntarily commit someone? What appears to be the principle focus for the forensic psychologist and can they accomplish this task? Why is the unreliability of predictions more influential in capital cases?

14. What are the latest trends in assessing predictions?
1. What is the purpose of judges instructing juries? When are these instructions provided? When should they be presented?

2. Compare reasonable doubt and preponderance of evidence. How do jurors respond to instructions? Do admonitions or limiting instructions play a role in the jurors decision making?

3. How can we help the juror understand instructions?

4. Compare the story model and the meter model of juror decision making.

5. Briefly discuss the authoritarian personality and the processing of evidence. Also, compare the following two models of reasoning: satisficers and theory evidence coordination mode.

6. What size should the jury be? What is a decision rule? What role does it play in decision making?

7. Describe the major characteristics that occur during jury deliberations. What are some of the variables that may influence jury deliberations?

8. Briefly describe the legal issues involved in capital punishment.

9. What is the death qualification? What is a scrupled juror? What are the Witherspoon excludables (Wes). What does the data suggest regarding death qualifiable jurors. What kind of person is more likely to favor the death penalty. What has the court said about death qualification (Lockhart v. McCree (1986))?

10. What are the data concerning instructions to the jury in capital cases.

11. What type of person is more likely to receive the death penalty?
1. Briefly describe the sentencing reform act of 1984. What is its purpose? How does it work? What do the judges think of these guidelines? What have been some of the effects (unintended or otherwise) of these guidelines? Finally, what role can the psychologist play in sentencing?

2. What are the two purposes (minds) of a jury? Why do juries ignore the law? Include in your discussion, the Robinson and Darley and the Finkel studies.

3. Legally, when can a jury nullify? What are the consequences of informing the jury about nullification? The authors of your text present a particular view of jury nullification. Describe this view. Is it realistic? Was the O.J. trial an example of nullification? In the recent case in which Kevorkian was convicted of murder, what should he have done to reduce the chance of being convicted?

4. According to the Seventh Amendment, what is the role of the civil jury? What is tort law? List and describe the purposes of tort law.

5. Historically, what made commerce more favorable relative to workers? Briefly describe the following: strict liability rule, contributory negligence rule and comparative negligence rule.

6. Define the following terms:
   - summary judgment
   - bench trial
   - remittitur
   - additur
   - ad damnum
   - contingency fee

7. If you were a plaintiff in a civil case and you won, who would want to determine the award; a jury or a judge (or arbitrator)? Why?

8. Is there much merit to the notion that there are “runaway juries” and “litigation explosion” in the courts? Do juries consider the depth of one’s pockets in determining awards?

9. Summarize the ways in which we can improve and empower the jury. Include your own view.

10. Briefly discuss some of the ideas for major changes in the justice system. What would you do?
1. Summarize (in about 2 pages of writing) the McCleskey v. Kemp case including the basic facts of the case, the statistical arguments, the appeal, and the final view of the Supreme Court. Within the context of this case, discuss the role of social science, judicial competence and goodness of fit.

2. Briefly describe the seven hypotheses concerning the use of social science in the legal system. Also include in your answer any hypotheses you may have developed about social science and the legal system.