

Import Settings:
Base Settings: Brownstone Default
Information Field: Page
Information Field: Section
Highest Answer Letter: D
Multiple Keywords in Same Paragraph: No

Chapter: Chapter 1: Essay

Essay

1. Describe the origins and basic elements of the Canadian legal system.

Ans: Answers may vary but should include material from text, particularly diagram on p. 3 (Figure 1-1) and references to: former colonial status and incorporation of British common law; adoption of *stare decisis*; Supreme Court has binding authority over lower courts, conforms to Constitution and follows *Criminal Code of Canada* and other related federal legislation; Canada's civil law evolved from Roman law and covers private relationships and property.

Difficulty: M
Page: 2-3
Section: Origins of the Canadian Legal System
Question Type: Essay
Bloom's Level: Applying
APA Outcome: 1.3

2. Explain the role the four Daubert criteria play in trial proceedings today.

Ans: Answers will vary but should include reference to at least some of these cases: *Daubert v. Merrell Dow Pharmaceuticals, Inc.*; *General Electric Co. v. Joiner*; *Kumho Tire Ltd. v. Carmichael*; *R. v. Mohan*; *R. v. McIntosh and McCarthy*; *R. v. Abbey*; *R. v. D. D.*; judges as gatekeepers for scientific testimony; the four criteria for admissibility listed on p. 18 of the text and the controversy over their interpretation; judges' responsibility for evaluating methods and statistics used and the expansion of gatekeeping to include judges' authority to evaluate non-

science expertise as well; guidance court receives from Mohan test and its four points outlined on p. 19 including relevance, necessity, absence of exclusionary rule and qualifications of the expert; experts may be excluded if they don't provide information beyond what is commonly known by jurors or what judge can otherwise instruct them on; the importance of judges' screening function led to hot-tub rules.

Difficulty: C

Page: 18-19

Section: Expert Testimony

Question Type: Essay

Bloom's Level: Analyzing

APA Outcome: 1.1

3. Discuss some of the controversial issues related to the use of brain scans as evidence in trials.

Ans: Answers will vary but should include references from the text as to whether brain abnormalities can eliminate culpability; whether jurors are unduly influenced by images of brain scans and abnormalities; the occurrence of false positives; the fact that abnormalities might not result in functioning deficits that cause criminal behavior; the need to compare defendant with others with same abnormalities who do not commit crime; issue of mens rea; questions about who bears burden of proof and level of proof; need for more advanced technology and scientific research.

Difficulty: M

Page: 20

Section: Science Spotlight: Brain Scans Go Legal

Question Type: Essay

Bloom's Level: Applying

APA Outcome: 2.1

4. Describe, in chronological order, some of the major events and influences in the developing relationship between psychology and law.

Ans: Answers will vary but should include some of the following from the text: (1885) the trial of resistance leader Louis Riel for treason and the controversy over his accountability as experts disagreed on his mental status; (early 1900s) the influence of the work of Sigmund Freud, the psychologist Hugo Munsterberg and the legal writings of Louis Brandeis; (1930s) the legal realism movement, particularly Karl Llewellyn; (1950s and 1960s) landmark court decisions like *Brown v. Board of Education* and testimony on segregation; (1970s and 1980s) the increasing use of psychological experts in trials, as well as the development of scholarly journals,

undergraduate studies, and professional organizations related to the combination of law and psychology.

Difficulty: C

Page: 5-9

Section: A Brief History of Psychology and Law

Question Type: Essay

Bloom's Level: Analyzing

APA Outcome: 2.2

5. Explain some of the sources of tension between the disciplines of law and psychology as outlined in Chapter 1.

Ans: Answers will vary but should include references from the text to the following concepts: Law is conservative and resists innovation while psychology emphasizes creativity and innovation. Law is hierarchical with lower courts bound by the rulings of higher courts while psychology relies on empiricism for new ideas based on supporting data. Law is adversarial and focused on finding the "truth" while psychology relies on experimentation and hypothesis testing to uncover "truth." Law is prescriptive while psychology is descriptive. Law is ideographic while psychology is nomothetic. Law operates on certainty while psychology relies on probability. Law is reactive and psychology is proactive. Law is operational or applied while psychology is academic.

Difficulty: M

Page: 10-11

Section: A Brief History of Psychology and Law

Question Type: Essay

Bloom's Level: Understanding

APA Outcome: 1.1