

A Dual-Process Model of Fact-Finding

- Traditional probabilistic and explanatory models of proof both have difficulty accommodating irrational juror behavior.
- I proposed a two-system model of fact-finding, and used it to explain the perplexing case of *People v. Rivera*, in which a man was convicted despite exonerating DNA evidence.
- The model showed how the prosecutor could use logically weak evidence to create strong unconscious associations between the defendant and the crime scene, and how the jury was able to rationalize a guilty verdict using motivated cognition.

System 1: Juries build unconscious associations between the parties, events, and evidence, based on schema derived from life experience.

System 2: Juries, when they deliberate, can either effortfully restrain their intuitions or justify them.

In future work, I plan to deploy this model to suggest ways that the law could better account for the influences of mood, timing, and spatial relations on trial outcomes.

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