

## 12 Angry Men - Standards for Knowledge (about 20 minutes):

Start @19:00 (Juror proposes idea to go around the table).

Pause after “this isn’t and exact science”

### **Discussion #1:**

What standard are they using in the clip? (beyond a reasonable doubt)

Right, the conviction standard means they have to be confident BEYOND a REASONABLE doubt.

What other LEGAL standards have you heard of?

- Reasonable suspicion (needed for cops to stop and search)
- Probable cause (needed to make an arrest—“a fair probability that contraband or evidence of a crime will be found”) 40%
- Preponderance of the evidence (needed for most CIVIL cases—“more likely than not to be true”) 51%
- Clear and convincing evidence (higher than preponderance, used in some civil and some criminal cases, “highly and substantially more probable to be true than not and the trier of fact must have a firm belief or conviction in its factuality. In this standard, a greater degree of believability must be met than the common standard of proof in civil actions, which only requires that the facts as a threshold be more likely than not to prove the issue for which they are asserted”) 66%
- Beyond a reasonable doubt (highest legal standard we employ, only used for high consequence criminal cases, “proof has been met if there is no plausible reason to believe otherwise”) How do we determine if a doubt is reasonable?

This is all different than CERTAINTY, which would be “beyond a shadow of a doubt”.

Given that the penalty for conviction in the 12 Angry Men case is the death penalty, do you think beyond a reasonable doubt is a sufficiently high standard?

At think point in the film, do you think we know beyond a reasonable doubt that the boy committed the murder?

Re-Star clip > end after the knife is revealed not to be unique after all! (about 25 minutes)

### **Discussion #2:**

What about now? Do we know beyond a reasonable doubt that the boy committed the murder?

What should be the burden of proof for a belief to be KNOWLEDGE?

Should this burden be different depending on the belief?

How do you determine what standard to use when?