

PROSEMINAR IN PSYCHOLOGY AND LAW
Psy 6150

Professor Edie Greene
4021 Columbine Hall
Phone: 719-255-4147
Email: egreene@uccs.edu (best way to reach me)
Outbox: egreene
Office hours by appointment

Because it governs our conduct, the legal system is necessarily about human behavior. Indeed, judges, legislators, policy-makers, and law enforcement officials make a number of assumptions about how people behave in various contexts. Over the course the semester, we will examine these assumptions and learn how the legal system has used (and *could* use) cognitive, social, developmental, and clinical psychology concepts and research in deciding cases, drafting legislation, and crafting public policy.

The class has two components:

- A seminar-based format in which we will come together most weeks to discuss a number of classic and contemporary readings on various topics in psychology and law and a real-life case that concerns that topic. For example, during the week we discuss the insanity defense you will read about the Andrea Yates case (in addition to various empirical articles on this topic); during the week that we discuss child witness testimony you will read about the McMartin Preschool sexual abuse case.
- A simulated appellate courtroom component in which, after careful analysis of the facts and legal rulings in the case *Thompson v. McNeil*, each of you will become an expert psychologist and will write about and present an oral argument to the “court” concerning the psychological evidence that supports your client’s position on a particular aspect of Thompson’s appeal from a death sentence.

Readings

There is no required textbook. All readings are available in my outbox (egreene) or online. Also in my outbox are Amendments to the U.S. Constitution which I will refer to from time to time. Most weeks, to glean the relevant background on a topic, you will be asked to read an excerpt from my co-authored textbook in psychology and law: Greene, E., & Heilbrun, K. (2011). *Psychology and the Legal System* (abbreviated PALS). The entire book is in my outbox. You will need to search the book to find the relevant sections to read. Several of the case studies come from Ewing, C. & McCann, J. (2006). *Minds on trial: Great cases in law and psychology*.

Course requirements

Class participation. Because this is a graduate seminar, there will be very little lecture and very much discussion that will require active participation by all. You are required to attend all classes and expected to complete all the readings prior to class and contribute to discussion. You will be graded on the quality of your contributions. If you must miss a class, please let me know ahead of time. **Worth 30 points.**

Reflection papers. Beginning Feb. 2 and continuing through Apr. 27 (10 class sessions) you will write a 1-page single spaced paper that provides some reflection on the week's readings. These papers should not be summaries of the readings. Rather, the paper can

- synthesize several ideas presented in the readings,
- critique the research methods or findings of the researchers,
- describe a specific policy or law that could be changed or created based on the research presented in the readings, or
- describe an idea for future research (state the research question, explain how it flows from the article you read, pose a testable hypothesis or prediction, and give a very simple explanation of how one might test the hypothesis).

Finally, your paper should end with 2-3 questions for class discussion. Good questions will engender sustained discussion and address an interesting or controversial topic gleaned from the readings. I will provide feedback on a random number of papers each week, and you will each get feedback on at least 2 papers. **Worth 20 points. Please email your reflection paper to me by 5PM the day before class.**

Profile a wrongly convicted and exonerated individual. Using online resources (the Innocence Project, the Center for Wrongful Convictions, Witness to Innocence), news articles, case law, my books, anything else you can find (maybe even contact the individual or his attorneys), choose a person who was wrongly convicted and subsequently exonerated. Learn as much as you can about this person and his (rarely, her) case: facts about the crime, why he was arrested and convicted, the appeals process, why he was released, if and how he was compensated. Most importantly, give your analysis of the psychological issues that contributed to the wrongful conviction in the first place. Then prepare a 15 minute presentation, using slides, to bring the story to life. Engage us and teach us. Presentations will take place beginning Feb. 16, one per week. **Worth 20 points.**

Written appellate papers. You will write a paper summarizing the psychological research in support of one side of *Thompson v. McNeil*. William Lee Thompson was convicted in 1976 for a brutal kidnapping and murder and was sentenced to death in Florida. Walter McNeil is the director of the Florida Department of Corrections. In the years since Thompson's conviction and sentencing, he has appealed his death sentence on several grounds—most recently to the U.S. Supreme Court in 2009. You will read a few of the appellate court rulings in this case. The case raises a large number of fascinating issues of relevance to psychologists. Among them:

- Thompson is borderline mentally retarded. Psychologists have examined the relationship between mental retardation and the ability to plan actions.
- Thompson is brain-damaged. Psychologists have examined the relationship between neurological damage and behavioral control.
- The judge in Thompson's trial refused to allow him an opportunity to present mitigating evidence to the jury. Psychologists have examined the impact of mitigating evidence on jurors in death penalty cases.
- Florida is the only state in the U.S. that allows non-unanimous jury verdicts in death penalty cases. (The split in Thompson's jury on the question of death vs. life was 7-5.) Psychologists have examined how juries deliberate differently depending on whether unanimity or a majority vote is required.
- Thompson has been on death row for 33 years. Psychologists have examined the long-term consequences of incarceration.
- Thompson is now 58 years old. Psychologists have examined the risk of violence in aging offenders.

Your assignment is to select from among the many psycholegal issues in this case (I will provide a more complete list later), review the relevant psychological literature, take a position (on the basis of your review) that supports either the defense or the prosecution and prepare a written analysis that could be used in an appellate court hearing. Your paper must clearly state your position (this is not a compare and contrast assignment; you are involved in an adversarial process and must strongly support either the prosecution or defense!) and should include subsections that review the relevant literatures in support of that position. It must be written in APA format and should be between 15 and 20 pages, double spaced, including references. Please email your paper to me by 5PM on May 13. **Worth 50 points.**

Oral arguments in appellate court. On May 4 and 11 we will become an appellate court and each of you will make a formal 20 minute presentation of your written appeal. Audiovisual aids are advised and you will have access to a computer and the internet. As in actual appellate court, you may be interrupted by the “justices” (myself and 2 other students) and questioned about your analysis so you should be practiced and well prepared should you be taken off-course. **Worth 30 points.**

Grading

There are no exams. Your grade will be determined by accumulating points:

Class participation	30 points
Profile of wrongly convicted	20 points
Reflection papers	20 points
Written appeal	50 points
Oral argument	30 points

At the end of the semester, I will determine the highest points earned over the course of the semester. Those scoring within 90% of this number will receive an A, those within 80% will receive a B, etc. I do give plus and minus grades.

Finally, a few more rules.

No cell phones in class, ever. Papers must be submitted electronically so that they can be checked easily for plagiarism. Any instance of inappropriate use of other people’s writing will result in a grade of F for the assignment.

Tentative Schedule

Jan. 19 Introduction to course

Jan. 26 Background: Psychologists in the legal system

Readings:

1. *Careers and training in psychology and law*.
<http://www.ap-ls.org/academics/careersoverview.html>
2. Monahan, J. and Walker, L. (1998). For social scientists: How to find the law. In *Social science in law: Cases and materials*. Westbury, NY: The Foundation Press (in Course Packet in outbox)
3. PALS (*Psychology and the Legal System*): Chapter 1: Introduction; The importance of laws; The psychological study of laws; Psychologists' roles in the law
Chapter 2: Introduction; The adversarial system; Courts; Players in the legal system: Judges; Players in the legal system: Lawyers
Chapter 7: Introduction; Steps between arrest and trial
Chapter 10: Introduction; What is the purpose of a trial; Steps in the trial process
4. Material relevant to *Thompson v. McNeil*:
 - a. PALS: Chapter 14: The death penalty. The ultimate punishment
 - b. News articles relevant to case
 - c. Selected legal opinions in this case. You don't need to read these prior to class but please bring copies with you to class. We will work through them together.
 - i) *Thompson (Appellant) v. Florida (Appellee)*, 389 So. 2d 197 (FL Supreme Court, 1980)
 - ii) *Thompson (Appellant) v. Florida (Appellee)*, 515 So. 2d 173 (FL Supreme Court, 1987)
 - iii) *Thompson (Petitioner) v. McNeil (Respondent)*, 2009 U.S. Lexis 1970 (U.S. Supreme Court, 2009)

Directions for finding legal opinions online:

Go to the UCCS library homepage.

Go to Select a Database, View Databases by A-Z list

Click on L

Click on Lexis-Nexis Academic

Go to Look up a Legal Case.

At this point you enter the citation numbers underlined above and click Go. (Your abbreviations and spacing must be exactly as shown.)

Legal cases are cited with the volume number preceding the volume name. At the end of the citation is the page number from that volume on which the case opinion starts.

Example: The citation to *Thompson v. FL (1980)* is 389 So. 2d 197.

This means that it is located in the Southern Reporter Second, Volume 389, beginning on pg. 197. The Southern Reporter Second contains published appellate court decisions from several southern states.

COGNITIVE PSYCHOLOGY IN LAW

Feb.2 Eyewitness memory: Estimator variables

Readings:

1. Case study: John Demjanjuk (in Course Packet in outbox)
2. PALS: Chapter 5: Introduction; Examples of mistaken eyewitness identification; How mistaken eyewitness identifications occur; Basic information processing: Perception and memory; Common research methods in eyewitness identification; The variables that affect eyewitness accuracy (Estimator variables)
3. Valentine & Mesout (2009). Eyewitness identification under stress in the London dungeon.
4. Meissner & Brigham (2001). Thirty years of investigating the own-race bias in memory for faces: A meta-analytic review.

Feb. 9 Eyewitness memory: System variables

Readings:

1. Case study: Ronald Cotton (<http://www.innocenceproject.org/Content/72.php>; <http://www.pbs.org/wgbh/pages/frontline/shows/dna/>)
If you are especially curious, read *Picking Cotton, Our memoir of injustice and redemption* by Jennifer Thompson-Cannino, Ronald Cotton, and Erin Torneo (2009).
2. PALS: Chapter 5: The variables that affect eyewitness accuracy (System variables); Reforming identification procedures
3. Wells & Bradfield (1998). “Good you identified the suspect.” Feedback to eyewitnesses distorts their reports of the witnessing experience
4. Wells, Cutler, & Hasel (2009). The Duke LaCrosse rape investigation: How not to do eyewitness identification procedures.

Feb. 16 Repressed memory

Readings:

1. Case study: Gary and Holly Ramona (in Course Packet in outbox)
2. PALS: Chapter 5: Repressed and recovered memories
3. Kluft, R. (1997) The argument for the reality of delayed recall of trauma
4. Loftus, E. (1997). Creating false memories
5. Bernstein & Loftus (2009). How to tell if a particular memory is true or false.

SOCIAL PSYCHOLOGY IN LAW

Feb. 23 Social influence in confessions

Readings:

1. Case study: Guildford 4 (in Course Packet in outbox))
2. PALS: Chapter 6: Evaluating confessions
3. Kassin et al. (2010). Police induced confessions: Risk factors and recommendations

Mar. 2 No class

Mar. 9 Criminal jury issues

Readings:

1. Case study: Schneider case. Love and death in New Jersey. In Adler, S. (1994). *The jury: Trial and error in the American courtroom* (in Course Packet in outbox)
2. PALS: Chapter 12: Introduction; Are juries competent?
3. Smith, V. (1993). When prior knowledge and the law collide: Helping jurors use the law
4. Sommers, S. (2006). On racial diversity and group decision making: Identifying multiple effects of racial composition on jury deliberations

Mar. 16 Civil jury issues

Readings:

1. Case study: *Melis v. Kutin*. Cohen, S. (1995). Malpractice: Behind a \$26-million award to a boy injured in surgery. In N. Vidmar, *Medical malpractice and the American jury* (in Course Packet in outbox)
2. PALS: Chapter 12: Are juries biased?
3. Greene (2009). Psychological issues in the civil trial.
4. Mott et al. (2000). What's half a lung worth? Civil jurors' accounts of their award decision making

Mar. 23 Spring break

DEVELOPMENTAL PSYCHOLOGY IN LAW

Mar. 30 Child witnesses

Readings:

1. Case study: The McMartin Preschool Abuse Trials:
<http://www.law.umkc.edu/faculty/projects/ftrials/mcmartin/mcmartin.html>
2. Transcript of child interview in McMartin case

3. PALS: Chapter 5: Children as witnesses
4. Goodman & Quas. Repeated interviews and children's memory
5. Malloy et al. (2007). Filial dependency and recantation of child sexual abuse allegations

Apr. 6 Juvenile offenders (Should they be sentenced to life in prison?)

Readings:

1. First District Court opinion, *Graham v. Florida*
2. Heritage Foundation report (read through pg. 39)
3. APA amicus brief, *Graham v. Florida*
4. Supreme Court opinion, *Graham v. Florida*

Apr. 13 No class; I am out of town

CLINICAL PSYCHOLOGY IN LAW

Apr. 20 Insanity defense

Readings:

1. Case study: Andrea Yates (Ewing book)
2. PALS: Chapter 8: Introduction; The scope of forensic psychology; Insanity defense
3. Rowe. Why liberals should hate the insanity defense.
4. Bonnie. Statement before the Committee on the Judiciary, U.S. Senate
5. Warren et al. (2004). Opinion formation in evaluating sanity at the time of the offense

BIOPSYCHOLOGY IN LAW

Apr. 27 Neuroscience evidence

Readings:

1. Kiehl. Inside the mind of a psychopath
2. Gazzaniga. The law and neuroscience
3. Batts. Brain lesions and their implications in criminal responsibility

May 4 *Thompson v. McNeil*, appellate court hearing

May 11 *Thompson v. McNeil*, appellate court hearing continues

May 13 Written appeals due at 5PM