

ADVANCED legal psychology

R 12:40-3:30 (ACII 208)

PSY 5939 (section 52)

Spring 1997

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One of the recommendations from the participants at the Villanova conference on Education and Training in Law and Psychology was that students complete a foundation course in legal psychology as a part of their graduate experience. This graduate proseminar in Legal Psychology is designed to expose you, over the course of two semesters, to contemporary and classic research in the major subareas of Legal Psychology and to relevant case law and statutes. Last semester we dealt with issues such as psychological evidence, competency issues, law enforcement, abuse and violence, discrimination, procedural justice, and pretrial issues. This semester we will cover topics such as eyewitness testimony, jury decision making, expert testimony, and criminal justice processes.

Course Requirements

Each week, we will discuss a set of readings selected to address a particular psycholegal topic. I expect that everyone will come to the seminar prepared to discuss the readings. To facilitate this goal, each week you should prepare a short paper in which you pose questions about and discuss your reactions to the week's readings. This paper may take several forms. You may choose to synthesize the material presented in the week's readings. You may offer suggestions for future research or point out inadequacies in the arguments proffered by the authors. Do NOT summarize the week's readings—I too have read the articles so you may assume that I have read them when you are writing your papers. It is also unnecessary to present every reaction that you had to the week's readings in your paper. Choose the best of your reactions and elaborate on them in your paper. Your papers will be evaluated based on the quality and the originality of the thoughts presented in your reactions. This reaction paper will be turned in at the end of each class period.

Because there is no major paper assignment in this class, your participation in our class discussions is one vehicle through which I can judge your mastery of the material presented in the articles. Thus, your grade in this course will be based on the quality of your reaction papers and on the quality of your participation in the class discussion. If at any time you have questions about your performance in this class, please feel free to discuss your performance with me.

January 9 Introduction

January 16 Eyewitnesses

Cutler, B. L., Penrod, S. D., & Martens, T. K. (1987). The reliability of eyewitness identification: The role of system and estimator variables. Law and Human Behavior, 11, 233-258.

Sporer, S. L., & Penrod, S., Read, D., & Cutler, B. (1995). Choosing, confidence, and accuracy: A meta-analysis of the confidence-accuracy relation in eyewitness identification studies. Psychological Bulletin, 118, 315-327.

McCloskey, M., & Zaragoza, M. (1985). Misleading postevent information and memory. Journal of Experimental Psychology: General, 114, 1-16.

Lindsay, D. S., & Johnson, M. K. (1989). The eyewitness suggestibility effect and memory for source. Memory and Cognition, 17, 349-358.

January 23 Investigative Procedures and the Eyewitness

Geiselman, R. E., Fisher, R. P., MacKinnon, D. P., & Holland, H. L. (1985). Eyewitness memory enhancement in

the police interview: Cognitive retrieval mnemonics versus hypnosis. Journal of Applied Psychology, 70, 401-412.

Salmon, K., Bidrose, S., & Pipe, M. E. (1995). Providing props to facilitate children's event reports: A comparison of toys and real items. Journal of Experimental Child Psychology, 60, 174-194.

Green, D. L., & Geiselman, R. E. (1989). Building composite facial images: Effects of feature saliency and delay of construction. Journal of Applied Psychology, 74, 714-721.

Dunning, D. & Stern, L. B. (1994). Distinguishing accurate from inaccurate eyewitness identifications via inquiries about decision processes. Journal of Personality and Social Psychology, 67, 818-835.

January 30 Lineups

Wells, G. L., Rydell, S. M., & Seelau, E. P. (1993). The selection of distractors for eyewitness lineups. Journal of Applied Psychology, 78, 835-844.

Lindsay, R. C. L., Lea, J. A., Nosworthy, G. J., & Fulford, J. A. (1991). Biased lineups: Sequential presentation reduces the problem. Journal of Applied Psychology, 76,

796-802.

Gonzalez, R., Ellsworth, P. C., & Pembroke, M. (1993). Response biases in lineups and showups. Journal of Personality and Social Psychology, 64, 525-537.

Stinson, V., Devenport, J. L., Cutler, B. L. & Kravitz, D. A. (1996). How effective is the presence of counsel safeguard? Attorney perceptions of suggestiveness, fairness, and correctability of biased lineup procedures. Journal of Applied Psychology, 81, 64-75.

TRIAL PROCEDURE AND EVIDENTIARY ISSUES

February 6 Trial Procedure

Guest Speaker: The Honorable Judge Salmon

February 13 Repressed Memory

Loftus, E. F. (1993). The reality of repressed memories. American Psychologist, 48, 518-537.

Briere, J., & Conte, J. (1993). Self-reported amnesia for abuse in adults molested as children. Journal of Traumatic Stress, 6, 21-31.

Poole, D. A., Lindsay, D. S., Memon, A., & Bull, R. (1995). Psychotherapy and the recovery of memories of childhood sexual abuse: U.S. and British practitioners' opinions, practices, and experiences. Journal of Consulting and Clinical Psychology, 63, 426-437.

Loftus, E. F., Weingardt, K. R., & Hoffman, H. G. (1993). Sleeping memories on trial: Reactions to memories that were previously repressed. Expert Evidence, 2, 51-59.

February 20 Child Witnesses

Ceci, S. J., & Bruck, M. (1993). The suggestibility of the child witness: A historical review and synthesis. Psychological Bulletin, 113, 403-439.

Saywitz, K., Goodman, G., Nicholas, E., & Moan, S. (1991). Children's memories of a physical examination involving genital touch: Implications for reports of child sexual abuse. Journal of Consulting and Clinical

Psychology, 59, 682-691.

Saywitz, K., Jaenicke, C., & Camparo, L. (1990). Children's knowledge of legal terminology. Law and Human Behavior, 14, 523-535.

Leippe, M. R., & Romanczyk, A. (1989). Reactions to child (versus adult) eyewitnesses: The influence of jurors' preconceptions and witness behavior. Law and Human Behavior, 13, 103-132.

February 27 Expert Testimony

Daubert v. Merrell Dow Pharmaceuticals, Inc., 113 S.Ct. 2786 (1993).

Schuller, R. A., & Hastings, P. (1996). Trials of battered women who kill: The impact of alternative forms of expert evidence. Law and Human Behavior, 20, 167-187.

Kovera, M. B., Gresham, A. W., Borgida, E., Gray, E., & Regan, P. C. (1997). Does expert testimony inform or influence jury decision making? A social cognitive analysis. Journal of Applied Psychology.

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Cooper, J., Bennett, E. A., & Sukel, H. L. (1996). Complex scientific testimony: How do jurors make decisions? Law and Human Behavior, 20, 379-394.

March 6 DNA Evidence

Thompson, W. C. (1993). Evaluating the admissibility of new genetic identification tests: lessons from the "DNA war." The Journal of Criminal Law and Criminology, 84, 22-104.

Kaye, D. H. (1995). The relevance of "matching" DNA: is the window half open or half shut? The Journal of Criminal Law and Criminology, 85, 676-695.

Koehler, J. J. (1993). Error and exaggeration in the presentation of DNA evidence at trial. Jurimetrics Journal, 34, 21-39.

March 13 SPRING BREAK

POST-TRIAL ISSUES

March 20 Judicial Instructions

Diamond, S. S. (1993). Instructing on death: Psychologists, juries, and judges. American Psychologist, 48, 423-434.

Reifman, A., Gusick, S. M., & Ellsworth, P. C. (1992). Real jurors' understanding of the law in real cases. Law and Human Behavior, 16, 539-554.

Kagehiro, D. K. (1990). Defining the standard of proof in jury instructions. Psychological Science, 1, 194-200.

Smith, V. L. (1990). Impact of pretrial instruction on jurors' information processing and decision making. Journal of Applied Psychology, 76, 220-228.

March 27 Death Qualification

Cowan, C. L., Thompson, W. C., & Ellsworth, P. C. (1984). The effects of death qualification on jurors' predisposition to convict and quality of deliberation. Law and Human Behavior, 8, 53-79.

Haney, C. (1984). On the selection of capital juries: The biasing effects of the death-qualification process. Law and Human Behavior, 8, 121-132.

Moran, G., & Comfort, J. C. (1986). Neither "tentative" nor

"fragmentary": Verdict preference of impaneled felony jurors as a function of attitude toward capital punishment. Journal of Applied Psychology, 71, 146-155.

Haney, C., Hurtado, A., & Vega, L. (1994). "Modern" death qualification: New data on its biasing effects. Law and Human Behavior, 18, 619-633.

April 3 Death Penalty

Baldus, D. C., Woodworth, G., & Pulaski, Jr., A. C. (1992). Law and statistics in conflict: Reflections on McCleskey v. Kemp. In D. K. Kagehiro and W. S. Laufer (Eds.), Handbook of Psychology and Law (pp. 251-272). New York: Springer-Verlag.

Rappaport, E. (1992). The death penalty and gender discrimination. Special Issue: Gender and sociolegal studies. Law and Society Review, 25, 367-383.

Archer, D., Gartner, R., & Beittel, M. (1983). Homicide and the death penalty: A cross-national test of a deterrence hypothesis. Journal of Criminal Law and Criminology, 74, 991-1013.

Forst, B. (1983). Capital punishment and deterrence: Conflicting evidence? The Journal of Criminal Law &

Criminology, 74, 927-942.

April 10 Jury Dynamics

Guest Instructor: Brian Cutler

Pennington, N., & Hastie, R. (1992). Explaining the evidence: Tests of the Story Model for juror decision making. Journal of Personality and Social Psychology, 62, 189-206.

Kameda, T. (1991). Procedural influence in small-group decision-making: Deliberation style and assigned decision rule. Journal of Personality and Social Psychology, 61, 245-256.

Heuer, L., & Penrod, S. (1994). Trial complexity: A field investigation of its meaning and its effects. Law and Human Behavior, 18, 29-52.

Smith, B. C., Penrod, S., Otto, A. L., & Park, R. C. (1996). Jurors' use of probabilistic evidence. Law and Human Behavior, 20, 49-82

April 17 Psychology's Influence on the Legal System

Acker, J. R. (1990). Social science in Supreme Court criminal cases and briefs: The actual and potential contribution of social scientists as amici curiae. Law and Human Behavior, 14, 25-42.

Haney, C. (1993). Psychology and legal change: The impact of a decade. Law and Human Behavior, 17, 371-398.

Melton, G. B. (1987). Bringing psychology to the legal system: Opportunities, obstacles, and efficacy. American Psychologist, 42, 488-495.