

## **Proseminar in legal psychology: Part I**

M 3:30-6:20 (ACI 363)

SOP 6098 and PSY 5939 (section 02)

Fall 1996

*Instructor* Margaret Bull Kovera, Ph.D.

Assistant Professor of Psychology

Office: ACI 303A

Phone: 919-5959

E-Mail: [koveram@servax.fiu.edu](mailto:koveram@servax.fiu.edu)

Office Hours: M 2:00 to 3:30 ; R 2:30 to 5:00; or by appointment

-

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. This semester we will deal with issues such as psychological evidence, competency issues, law enforcement, abuse and violence, discrimination, procedural justice, and pretrial issues. Next semester we will cover topics such as eyewitness testimony, jury decision making, expert testimony, 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.

August 26 Introduction

September 2 Labor Day — No Class

## September 9 Methods

Kramer, G. P., & Kerr, N. L. (1989). Laboratory simulation and bias in the study of juror behavior. Law and Human Behavior, 13, 89-99.

Blanck, P. D. (1987). The "process" of field research in the courtroom: A descriptive analysis. Law and Human Behavior, 11, 337-358.

Feild, H. S., & Barnett, N. J. (1978). Simulated jury trials: Students vs. real people as jurors. Journal of Social Psychology, 104, 287-293.

Wilson, D. W., & Donnerstein, E. (1977). Guilty or not guilty? A look at the "simulated" jury paradigm. Journal of Applied Social Psychology, 7, 175-190.

Vidmar, N. (1994). Making inferences about jury behavior from jury verdict statistics: Cautions about the Lorelei's Lied. Law and Human Behavior, 18, 599-617.

## OUTRAGEOUS BEHAVIOR

## September 16 Domestic Violence

Sherman, L. W., & Berk, R. A. (1984). The specific deterrent effects of arrest for domestic assault. American Sociological Review, 49, 261-272.

Walker, L. E. A. (1995). Current perspectives on men who batter women—implications for intervention and treatment to stop violence against women. Journal of Family Psychology, 9, 264-271.

Simon, L. M. J. (1995). A therapeutic jurisprudence approach to the legal processing of domestic violence cases. Psychology, Public Policy, and Law, 1, 43-79.

Faigman, D. L. (1986). The Battered Woman Syndrome and self-defense: A legal and empirical dissent. Virginia Law Review, 72, 619-647.

Kasian, M., Spanos, N. P., Terrance, C. A., & Peebles, S. (1993). Battered women who kill: Jury simulation and legal defenses. Law and Human Behavior, 17, 289-312.

## September 23 Rape

State v. Saldana, 324 N.W.2d 227 (S.Ct. Minn 1984).

Frazier, P. A., & Borgida, E. (1992). Rape trauma syndrome: A review of case law and psychological research. Law and Human Behavior, 16, 293-311.

Frazier, P., & Borgida, E. (1988). Juror common understanding and the admissibility of rape trauma syndrome evidence in court. Law and Human Behavior, 12, 101-122.

Horney, J., & Spohn, C. (1991). Rape law reform and instrumental change in six urban jurisdictions. Law and Society Review, 25, 117-153.

### September 30 Pornography

Mullin, C. R., & Linz, D. (1995). Desensitization and resensitization to violence against women: Effects of exposure to sexually violent films on judgments of domestic violence victims. Journal of Personality and Social Psychology, 69, 449-459.

Linz, D., Donnerstein, E., & Penrod, S. (1987). The findings and recommendations of the Attorney General's commission on pornography: Do the psychological "facts" fit the psychological fury? American Psychologist, 42, 946-953.

Linz, D., Donnerstein, E., Schafer, B. J., & Land, K. C. (1995). Discrepancies between the legal code and community standards for sex and violence: An empirical challenge to traditional assumptions in obscenity law. Law and Society Review, 29, 127-168.

MacKinnon, C. A. (1991). Pornography as defamation and discrimination. Boston University Law Review, 71, 793-815.

#### October 7 Child Sexual Abuse

Koocher, G. P., Goodman, G. S., White, C. S., & Friedrich, W. N. (1995). Psychological science and the use of anatomically detailed dolls in child sexual abuse assessments. Psychological Bulletin, 118, 199-222.

Kendall-Tackett, K. A., Williams, L. M., & Finkelhor, D. (1993). Impact of sexual abuse on children: A review and synthesis of recent empirical studies. Psychological Bulletin, 113, 164-180.

Maryland v. Craig, 497 U.S. 836 (1990).

Tobey, A. E., Goodman, G. S., Batterman-Faunce, J. M.,

Orcutt, H. K., & Sachsenmaier, T. (1995). Balancing the rights of children and defendants: Effects of closed-circuit television on children's accuracy and jurors' perceptions. In M. S. Zaragoza, J. R. Graham, G. C. N. Hall, R. Hirschman, & Y. S. Ben-Porath (Eds.), Memory and testimony in the child witness (pp. 214-239). Thousand Oaks, CA: Sage.

### October 14 Discrimination

In the Supreme Court of the United States Price Waterhouse v. Ann B. Hopkins: Amicus curiae brief for the American Psychological Association. American Psychologist, 46, 1061-1070.

Barrett, G. V., & Morris, S. B. (1993). The American Psychological Association's amicus curiae brief in Price Waterhouse v. Hopkins: The values of science versus the values of the law. Law and Human Behavior, 17, 201-215.

Goodman-Delahunty, J., & Foote, W. E. (1995). Compensation for pain suffering, and other psychological injuries: The impact of Daubert on employment discrimination claims. Behavioral Sciences and the Law, 13, 183-206.

## PRETRIAL ISSUES

October 21 Forensic Psychology

Barry Crown, Ph.D. (Guest Speaker)

Readings to be announced

October 28 Lie Detection

Boaz, T. L., Perry, N. W., Raney, G., & Fischler, I. S. (1991). Detection of guilty knowledge with event-related potentials. Journal of Applied Psychology, 76, 788-795.

Honts, C. R., & Kircher, J. C. (1994). Mental and physical countermeasures reduce the accuracy of polygraph tests. Journal of Applied Psychology, 79, 252-259.

Podlesny, J. A., & Truslow, C. M. (1993). Validity of an expanded-issue (Modified General Question) polygraph technique in a simulated distributed-crime-roles context. Journal of Applied Psychology, 78, 788-797.

Bradley, M. T., & Rettinger, J. (1992). Awareness of crime-relevant information and the Guilty Knowledge Test. Journal of Applied Psychology, 77, 55-59.

#### November 4 Procedural Justice

Shapiro, D. L., & Brett, J. M. (1993). Comparing three processes underlying judgments of procedural justice: A field study of mediation and arbitration. Journal of Personality and Social Psychology, 65, 1167-1177.

Kitzman, K. M., & Emery, R. E. (1993). Procedural justice and parents' satisfaction in a field study of child custody dispute resolution. Law and Human Behavior, 17, 553-567.

Pruitt, D. G., Peirce, R. S., McGillicuddy, N. B., & Welton, G. L. (1993). Long-term success of mediation. Law and Human Behavior, 17, 313-330.

Poythress, N. G. (1994). Procedural preferences, perceptions of fairness, and compliance with outcomes. Law and Human Behavior, 18, 361-376.

## November 11 Aids to Witness Memory

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.

Dunning, D., & Stern, L. B. (1992). Examining the generality of eyewitness hypermnesia: A close look at time delay and question type. Applied Cognitive Psychology, 6, 643-657.

Colwick, E. (1995). Hypnotically recalled testimony: Issues facing courts in their determination of its admissibility in civil sexual abuse cases. Law and Psychology Review, 19, 183-201.

Stebly, N. M., & Bothwell, R. K. (1994). Evidence for hypnotically refreshed testimony: The view from the laboratory. Law and Human Behavior, 18, 635-651.

## November 18 Police Psychology

Scott Allen, Ph.D. (Guest Speaker)

## Readings to be announced

### November 25 Pretrial Publicity

Otto, A. L., Penrod, S. D., & Dexter, H. R. (1994). The biasing impact of pretrial publicity on juror judgments. Law and Human Behavior, 18, 453-469.

Ogloff, J. R. P., & Vidmar, N. (1994). The impact of pretrial publicity on jurors: A study to compare the relative effects of television and print media in a child sexual abuse case. Law and Human Behavior, 18, 507-525.

Dexter, H. R., Cutler, B. L., & Moran, G. (1992). A test of voir dire as a remedy for the prejudicial effects of pretrial publicity. Journal of Applied Social Psychology, 22, 819-832.

Kramer, G. P., Kerr, N. L., & Carroll, J. S. (1990). Pretrial publicity, judicial remedies, and jury bias. Law and Human Behavior, 14, 409-438.

## December 2 Jury Selection

Kerr, N. L., Hymes, R. W., Anderson, A. B., & Weathers, J. E. (1995). Defendant-juror similarity and mock juror judgments. Law and Human Behavior, 19, 545-567.

Johnson, C., & Haney, C. (1994). Felony voir dire: An exploratory study of its content and effect. Law and Human Behavior, 18, 487-506.

Olczak, P. V., Kaplan, M. F., & Penrod, S. (1991). Attorneys' law psychology and its effectiveness in selecting jurors: Three empirical studies. Journal of Social Behavior and Personality, 6, 431-452.

Penrod, S. D. (1990). Predictors of jury decision making in criminal and civil cases: A field experiment. Forensic Reports, 3, 261-277.

Topics to be covered in second semester (subject to some revision):  
Eyewitnesses, Lineups, Legal Procedure, Repressed Memory, Child Witnesses, Expert Testimony, Cameras in the Courtroom, DNA, Judicial Instruction, Death Qualification, Death Penalty, Jury Dynamics, Psychology's Influence on the Legal System