

Syllabus for Law & Psychology Seminar (950)

Professor Daicoff

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BRIEF COURSE DESCRIPTION:

This course will focus on a variety of areas in which the disciplines of law and psychology intersect, using a "therapeutic jurisprudence" focus, as described in the required text.

TEXT: David B. Wexler & Bruce J. Winick, *Law in a Therapeutic Key* (1996). From time to time, various other materials may be placed on reserve in the library and assigned or additional photocopied materials may be handed out in class and assigned.

GRADING AND COURSE REQUIREMENTS:

1. Paper: 85%

Twenty-five percent (25%) of your grade in the course will be based on your grade on the rough draft of your student paper; and

Sixty percent (60%) of your grade in the course will be based on your grade on the final paper;

however, if your grade on the rough draft is *less* than your grade on the final

paper, then eighty-five percent (85%) of your grade in the course will be based on your grade on the final paper.

2. Class Presentation and Participation: 15%

Seven and a half percent (7.5%) of your grade will be based on your grade on your oral presentation of your paper topic.

Seven and a half percent (7.5%) of your grade will be based on your grade on your nine (9) weekly reaction papers (see below).

Paper Topic: *By the end of the second class meeting on September 5, 1997*, you must choose a paper topic from the topics contained in this syllabus or in the table of contents of the text, or one which has been expressly approved by me, and submit a written description of the topic to me.

Outline and Bibliography: *By the end of the sixth class meeting on October 3, 1997*, a one- to two-page outline of your paper and a bibliography of the sources to be cited in your paper (not in Blue Book form) are due.

Rough Draft: A rough draft of your paper must be submitted *to me by the end of the class meeting on November 7, 1997*. Rough drafts should be typewritten and complete in text, have footnotes and a bibliography, and follow the citation form and other rules regarding matters of form which are found in *The Bluebook: A Uniform System of Citation* (16th ed., 1996) for law review articles. Late rough drafts may not be graded or returned in a timely fashion.

Final Paper: Final papers must be submitted *to me no later than 6:00 p.m. on Wednesday, December 3, 1997*. Submit: (1) the original and one copy of the final paper (the copy, with no grade or other marks or corrections thereon, will be placed in the library). Indicate on the cover whether your paper will fulfill the upper-class writing requirement. Follow the requirements and instructions provided below regarding form. Failure to meet this deadline may result in your grade on the final paper being lowered by one "Increment" (defined below).

Final papers MUST:

1. generally be written in the form of a law review article, with appropriate citations to sources;
2. follow the citation form and other rules regarding matters of form which are found in *The Bluebook: A Uniform System of Citation* (16th ed., 1996) for law review articles (among other things, this means notes rather than internal citations, and a bibliography);
3. have page numbers and notes at the foot of each page (footnotes) and have an appropriate number of footnotes;
4. be at least twenty (20) and not more than thirty (30) pages long, *excluding* footnotes, and cite at least thirty (30) different sources (excluding newspapers, magazines, and bar journals);
5. be typewritten, double-spaced (except footnotes can be single-spaced and in 10-12 cpi), in a font of 12 characters per inch (Times Roman font is preferred), and on 8 ½ X 11 white cotton bond paper, with top, bottom, and side margins of one inch (1"); and
6. be on the topic you selected initially (unless you discuss a change with me and obtain my permission); and
7. have a cover page, visible from the outside front of the paper, containing only the following: student's name, professor's name, title of paper, name of course, date of submission, and whether or not this paper is intended to fulfill the upperclass writing requirement.

Additional directions regarding the final papers may be given during the course of the semester.

Class Presentations: Each student will make a formal, in-class, oral presentation to the class on his or her paper topic. Presentations will be no less than twenty-five minutes in length.

Class Participation: You are expected to attend all of the class meetings, to read the reading assignments for each class, and to participate in class discussions when those occur. In addition, during student presentations you are expected to ask questions or comment if the presenter gives you the opportunity to do so. Please refer to Policy IV-F of the Law School Policy Manual regarding the rules on class attendance. The American Bar Association requires attendance at no less than 80% of the scheduled class meetings; attendance at 11 of the 14 scheduled class meetings fails to meet this standard.

The portion of your grade which is based on your class participation, however, shall be based solely on your total grade on nine (9) weekly reaction papers, each of which shall be graded on a pass-fail basis. They shall be due no later than the beginning of class (or, if later, when you arrive in class). They may not be handed in after class is dismissed for the week. For weeks in which you are absent from class, you are responsible for handing in your reaction paper to me *before* the beginning of the class from which you are absent. Late reaction papers will receive a failing grade. Further instructions regarding these reaction papers are found below.

ABSENCES; EFFECT ON GRADE: Your overall grade in the course may be adjusted downwards for absences or instances of class unpreparedness, as follows: The student's grade may be lowered by one "Increment" for each absence or instance of unpreparedness in excess of four (4). "Increments" are defined as follows: A, A-, B+, B, B-, C+, C, C-, D+, D, D-, E. Being absent for one-half or more of the class meeting time is one absence. *Example: For example, a student who receives a B+ grade in the course but has two (2) absences and three (3) instances of class unpreparedness may receive a B grade in the course (B+, lowered by one Increment: B+ to B).*

ASSIGNMENTS: Reading assignments will be made for the first ten weeks of class. Reading assignments may be made, at the professor's discretion, during the last four weeks of class.

TENTATIVE SCHEDULE OF COURSE CONTENT:

Weeks 1-10:

1. Introduction to Therapeutic Jurisprudence and Law and Psychology
2. Criminal Law (insanity defense, sentencing, post-release issues, custodial suicide)
3. The Psychological Effects of Judicial Procedures
4. Civil Commitment and the Mentally Ill
5. Sex Offenders
6. Pregnant Substance Abusers
7. Victims' Rights
8. Domestic Violence
9. Sexual Battery
10. Child Abuse Reporting
11. Psychotherapist-Client Law
12. Sexual Orientation Law
13. Employment and Disability Law
14. Tort Law
15. Lawyers: Professionalism, Public Opinion, Personality, Morality, Satisfaction, and Mental Health
16. Jury Issues (selection, bias, decision-making)

17. Optional: Elder Law; Miscellaneous Criminal Law Issues

Weeks 11-14: STUDENT PRESENTATIONS

Instructions For Preparing Weekly Reaction Papers

Weekly reaction papers shall be your personal thoughts and reactions to the assigned reading for each week. Complete sentences are required; however, poetry will be accepted if it fills up the space, and poetry need not be written in complete sentences. No footnotes or citations to any sources are required. No research is necessary. These papers are to be your personal ideas and not the ideas of others. *DO NOT recap, restate, summarize, or outline what you have read; a mere summary of the reading will receive a failing grade.* It is acceptable and encouraged to be creative; you want to become well-versed in writing critical analyses or reactions to articles so that when you write the last part of your paper, you are well-experienced in this sort of writing.

You might want to think about the following: Do you agree or disagree with the arguments made by the authors? Did the articles make you think of some experience in your life or with a friend or family member that you can bring to bear on the topic? Do you have any knowledge from another law school or undergraduate course that you can use in writing your reaction to the assigned reading? As a lawyer, how would you deal with clients in the area of the law being discussed?

Weekly reaction papers shall be no less than ½ of an 8 ½ x 11 page in length; this is defined as follows: They may be handwritten (if your handwriting is reasonable in size, i.e., not unusually large) or typed. They shall have standard 1" margins and shall be double-spaced if typewritten, single spaced if handwritten. If handwritten, there shall be no less than thirteen (13) lines of

writing. If typewritten, then one-half of the page shall be full of text, regardless of type style (Courier and Times Roman are preferred). If typewritten, they may be justified or not, shall be spaced not greater than 2.00000 apart (i.e., no 2.1 spacing), and the margins shall be no greater than 1.00000" (one inch). Font size shall not be larger than 12 cpi. Examples are attached hereto.

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Assignment for Week 2, September 5, 1997:

Criminal Law: Read pages 59-75; 149-156; 165-170 in Key.

Introduction to Civil Commitment:

The Psychological Effects of Judicial Procedures

Read pages 3-15 in Key.

(40 pages total)

Ideas for reaction papers: Discuss how you think insanity should be defined and determined in criminal cases, and then what sentencing you think is appropriate. Draft, if you like, your own insanity defense rule. Or, explain why you agree or disagree with pages 3-15 of Key.

This is an example of the paper topics that were chosen in the Fall, 1997 course:

The therapeutic or nontherapeutic effect of sex discrimination law (employment law) on individuals without pre-existing psychological disorders.

Whether divorce laws should be fault-based or no-fault: there is a current move towards fault-based systems -- are they therapeutic or nontherapeutic to the spouses?

Can alcoholism or drug addiction ever be a defense to criminal actions? Should civil action recoveries be limited for drunk drivers? Should intoxication be a defense or a mitigating factor at sentencing - does it matter if the individual is addicted or not? Current trend is not to allow intoxication as a defense or mitigating factor and to limit recoveries of drunk drivers.

Should juveniles who commit violent crimes be tried in adult criminal court? What are the advantages and disadvantages, psychologically?

Strict liability of manufacturers for products is nontherapeutic to manufacturers and to plaintiffs.

The appropriateness of physician-assisted suicide with terminally ill individuals suffering from depression; their ability to make competent decisions regarding life.

Should the media or film producers be civilly liable for criminal acts modeled on shows or movies depicting violent crimes? Relatedly, should such shows or movies be deterred, based on the potential strong modeling effect on society (free speech concerns)?

Campaign finance law and the psychology of contributing money to a candidate's campaign (the power of money).

The benefits and disadvantages of establishing teen courts to try juvenile crimes.

Civil and criminal liability of HIV infected persons passing the virus on to other persons.

Sexual predator law in Ohio - whether or not its application to individuals who were convicted before the statute was enacted (1/1/97) is constitutional under the Ex Post Facto clause, balanced against the societal interests based on the recidivism rates of such offenders.

The noncompensability of psychiatric and psychological injuries under the workers compensation law.