

Seminar in Psychology & Law

Professor: Mark Costanzo

Spring 2005 (Tentative Schedule)

Office: Seaman Hall 232 Tel: 72339

JAN 20 Course Description & Topic Assignments v
27 +Psychology v. Law, Scientific Evidence, and Expert Testimony v

FEB 03 +Police, Profiles, & Polygraphing v op= op=

10 +Criminals & Victims v op= op=

17 +Interrogations & Confessions v op=

24 **** *Ken Cloke* Noon Talk at Athenaeum
In Class -- Mediation and Alternative Dispute Resolution

MAR 03 +Syndromes, Competence, Insanity, & Risk Assessment
mock trial (6 students)

***** Tuesday, March 8, *Kirk Bloodsworth at Athenaeum*

10 +Juries & Judges v op=

17 --- SPRING BREAK ---

24 +Eyewitness Identification & Recovered Memories v op=

31 No Class – attend morning or afternoon of Saturday symposium

***** Saturday, April 2, Claremont Symposium on Applied Psychology *****
Expert Psychological Testimony for the Courts

APR 07 +Harassment, Discrimination, & Fairness op= op=

14 +The Death Penalty v op=

21 +Prevention, Punishment, & Reform v op=

28 Overview and Evaluation op=

MAY 05 Desperation Final Exam

Grading

35% position papers (six)
35% class participation
10% quizzes
10% oral presentation
10% discussion leader

Guidelines for Oral Presentations:

Oral presentations will summarize research and scholarship on a particular psycholegal topic. You may select any topic of interest to you but I *must* approve the topic by January 27. Select a topic that is not already well covered in the assigned readings. You are limited to 20 minutes. There will be 5 additional minutes for questions. Be sure to rehearse and time your presentation before class. Use either overheads or PowerPoint. Turn in a typed list of the three best references on your topic. Generally, your oral presentation should have three parts:

- 1) Give an overview of your topic. For example, if your presentation is on the insanity defense, you would begin by giving a brief legal history of the insanity defense and some data on how frequently it is used.
- 2) Discuss psychological aspects of your topic. For example, do legal definitions of insanity make sense given our current understanding of the causes and consequences of mental illness? What information is given by psychological experts who testify in cases involving the insanity defense?
- 3) Provide an evaluation of effectiveness. For example, does research on the jurors who must decide whether a defendant was insane understand the concept of insanity? Is there research demonstrating the effectiveness of a particular approach to offering evidence about mental disturbance at trial? Be sure to rely on research findings instead of mere commentary when gathering material for your presentation.

Guidelines for Discussion Leaders:

Your job as designated discussion leader is to facilitate a lively, probing discussion of the assigned readings for a particular week. Do NOT make a presentation. Here are some specifics:

- 1) Offer your insights about the ideas presented in the readings.
- 2) Ask questions and solicit the perspectives of others.
- 3) Try to get everyone to participate in the discussion.
- 4) Try to keep one or two people from dominating.
- 5) Try to touch on ideas from each of the assigned readings.
- 6) Steer the discussion back to central issues when it veers off course

To help promote class discussion, each week you must turn in three discussion questions or issues that occurred to you as you read the assigned readings for the week. These questions can be handwritten and are due at the beginning of each class.

Attendance and Participation

You can miss one class without penalty. If, however, you come to every class session, I will eliminate your lowest attendance & participation grade. Athenaeum speakers are an integral part of this course. Attendance is required. If you show up for every class but never speak, you will receive a "C-" for your A&P grade.

Guidelines for Weekly Position Essays:

Make an argument. Do NOT summarize the readings. State your position in one sentence at the top of the first page (e.g., "Position: The insanity defense should be abolished," or "The insanity defense is an essential component of our legal system and should be expanded"). Put your name on the back of your paper.

Describe your perspective on the issue you've chosen to address. Incorporate concepts from at least three of the assigned articles for the week. If you point out problems with the current system, propose reforms that might solve those problems. Answer all or part of the essay question OR make up a question of your own.

The length of your paper must not exceed two pages. Use a readable font size (11 or 12) and double space. Revise your paper several times to make sure your writing is clear and succinct. It takes effort to be concise.

Papers are due at the *beginning* of each class meeting. Late papers will be penalized at the rate of one full grade per day late.

You must turn in two papers by February 17, a total of four papers by March 24, and a total of six papers by April 21.

Course Readings

- 1) Costanzo, M. (2004). Psychology Applied to Law. Belmont, CA: Wadsworth-Thomson Learning.
- 2) Reader Available from King's Copies (see below).

Readings Week-by-Week

Psychology and Law: An Ambivalent Alliance -- M. Costanzo (PAL 1-30).

Putting Therapeutic Jurisprudence to Work -- D. Wexler & B. Winick

The Science and Pseudoscience of Expert Testimony -- J. McCann, K. Shindler,
& T. Hammond

The Experts on Experts -- ABA Journal

Supreme Court Rules on Cases that are of Interest to APA -- K. Kersting & M. Dittman

Science and the Scientific Method (pp. 13-29) -- J. Thornton & J. Peterson

Jan 27 Psychology v. Law, Scientific Evidence, and Expert Testimony ^^^^^

Lie Detection Using the Polygraph -- M. Costanzo (PAL 47-64).
Profiles -- M. Costanzo (PAL 64-79).
The Culture of the Police -- J. Skolnick & J. Fyfe
Profiling, Apprehension, and Disposition of Serial Killers -- E. Hickey
The Predator's Tale -- D. Hamilton
Alternative Techniques and Technologies -- National Research Council

Feb 03 Police, Profiles, & Polygraphing ^^^^^

A Budget of Paradoxical Morals -- M. Ridley
The Psychology of Criminal Behavior -- C. Bartol & A. Bartol
The Rituals of Redemption -- S. Maruna
Justice for Juveniles? -- C. Skipp & A. Campo-Flores
Punishment Goals of Crime Victims -- U. Orth

Feb 10 Criminals & Victims

Interrogations and Confessions -- M. Costanzo (PAL 32-46)
The Physical Environment of the Interrogation (pp. 30-37)./ Interview Tactics (pp. 80-84)./
False, Retracted, and Disputed Confessions (pp. 178-185)./
The Causes of False Confessions (pp. 193-197). -- G. Gudjonsson
Unfriendly Persuasion -- P. Annin
Confession Had His Signature; DNA Did Not -- J. Wilgoren

Feb 17 Interrogations & Confessions

Child Custody and Parental Competence -- M. Costanzo (PAL 225-238)
Dangerous Ideas -- R. Eidelson & J. Eidelson
The Dangers of Mediation -- K. Cloke
Honesty and Empathy: Speaking the Unspeakable -- K. Cloke
Arbitration Pendulum -- T. Carter
Disconnecting Quid from Quo -- Mnookin & Heckley
Judging Wall Street -- C. Casparino

Feb 24 Mediation & Alternative Dispute Resolution

Syndromes -- M. Costanzo (PAL 79-94)
Competence & Insanity -- M. Costanzo (PAL 95-120)

Risk Assessment -- M. Costanzo (PAL 209-224)
Clinical Psychology in Court: House of Junk Science? -- S. Kassir
Opposing Views: The Appropriateness of Expert Testimony Regarding Hedonic Damages
-- C. Stanley & P. Less-Haley
New Hope for Sex Offender Treatment -- K. Kersting
Some Trials of Juveniles Questioned -- G. Krikorian
It's all Relative. --

Mar 03 Syndromes, Competence, Insanity, & Risk Assessment

Juries & Judges -- M. Costanzo (PAL 121-168)
In the Shoes of the Wrongly Accused -- G. Campbell
How Jurors Reason About Damages -- E. Greene & B. Bornstein
Trial Consultation: Why Licensure is not Necessary -- G. Moran
Relief Coming for California Civil Jurors ill at ease with Legalese -- J. Guccione
Sometimes Juries have to say "no" -- L. Bazelon
Juries to Face Less Legal Jargon -- A. Gorman
Juries: Democracy in Action -- J. Edwards
Politicized Courts -- E. Lazarus
Study Finds Dark Side to Forgetting False Information -- E. Benson
Would Omitted Evidence Sway a Jury -- S. Gredhouse & M. Bull-Kovera
Juror Stress can Influence Final Verdicts -- T. DeAngelis

Mar 10 Juries & Judges

Memory as Evidence: Eyewitness Testimony and Child Sexual Abuse -- M. Costanzo
(PAL 169-208).
The Remembrance of Things Past -- S. Lynn, T. Lock, E. Loftus, E. Krackow, S. Lilienfeld
The Sins of Memory are Really Virtues -- D. Schacter
Kids Don't Lie -- J. Johnson
Make Believe Memories -- E. Loftus
Forensic Developmental Psychology -- M. Bruck & S. Ceci

Mar 24 Eyewitness Identification & Recovered Memories

Workplace Law: Harassment, Discrimination, and Fairness -- M. Costanzo (PAL 239-267)
Procedural Justice Theory (pp. 330-337). -- Wayte, et. al.
It's Not Fair ! -- N. Finkel
Sexual Harassment and Social Justice -- L. Fitzgerald
Friends Makes an Enemy -- M. Dolan
So, Two Persons go into a Bar -- J. Turley

Apr 07 Harassment, Discrimination, & Fairness

The Death Penalty -- M. Costanzo (PAL 297- 310).
A long bloody past -- M. Costanzo
From trial to execution chamber -- M. Costanzo
Jurors ignore, misunderstand instructions -- S. Burgins
Staying Clean: Life after death row -- G. Carroll
What cost the death penalty? -- L. White & M. Costanzo
Death penalty overturned in most cases—H. Weinstein
The Ultimate Punishment: A Defense -- E. van den Haag
Less Guilty by Reason of Adolescence – L. Steinberg & E. Scott
Man's Death Sentence Overturned -- H. Weinstein
Determining the Death Penalty for Juveniles – R. Wiener & M. Miller

Apr 14 The Death Penalty

Sentencing and Imprisonment -- M. Costanzo (PAL 268-297)
Alternatives I: Prevention -- E. Currie
Alternatives III: The justice system -- E. Currie
What Works in Prevention -- M. Nation, et. al.
Alternatives to Incarceration -- D. Bailey

Apr 21 Prevention, Punishment, & Reform

Some *Possible* Oral Presentation Topics:

2003 Supreme Court Decisions on Affirmative Action in University Admissions
Trends in Law School Education
Case Study of a Trial (e.g., O.J. Simpson; Washington, D.C. Snipers)
Juvenile Courts
Mental Health Courts
Drug Courts
Psychological Jurisprudence
Genetic or Environmental Influences on Crime
Litigation "crisis" and "tort reform"
Employment Testing
Emerging Syndrome Evidence (e.g., Black Rage Defense)

Victim's Rights Movement and Victim Impact Testimony

Privacy Rights and New Technologies (e.g., Spy Chips, Facial Recognition)

Analysis of Physical and Crime Scene Evidence

Hostage Negotiations