

**PSYCHOLOGY 790-3:
PROSEMINAR IN LAW AND PSYCHOLOGY**

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Fall 2003
Office Hours: Monday 1:00-2:00
or by appointment

COURSE DESCRIPTION

This course addresses general issues in the interaction between the law and behavioral sciences. We will review the use/misuse/nonuse of the behavioral sciences in the law, with some emphasis on ways of making behavioral science input more useful. Specific topics will include: Introduction to law, social psychology and law, developmental psychology and law, mental health law, and experimental psychology and law.

COURSE OBJECTIVES

To introduce students to the broad area of legal psychology to give them an appreciation of the application of psychological principles and methods to the legal system. To provide students with an appreciation for the uses of psychology in contributing information about public policy. The course also will serve a foundation for later courses, research, and practical work in legal psychology.

REQUIRED READINGS

I have copies of these books at a reduced price. They will be available the first day of class. Note that it is imperative that you prepare for each class by doing all the readings. I will ask students to summarize some of the readings in class, so be prepared!

Roesch, R., Hart, S. D., & Ogloff, J. R. P. (Eds.). (1999). *Psychology and law: The state of the discipline*. New York: Kluwer Academic/Plenum.

Eaves, D., Ogloff, J. R. P., & Roesch, R. (Eds.). (2000). *Mental disorders and the Criminal Code: Legal background and contemporary perspectives*. Burnaby, BC: Mental Health, Law, and Policy Institute, Simon Fraser University.

Because the law will be new to many of you, there are several good books that may be of use to you for understanding the law and the legal system and for doing legal research and writing.

Boyd, N. (1995). *Canadian law: An introduction*. Toronto: Harcourt Brace.

Brockman, J., & Rose, V. G. (1996). *An introduction to Canadian criminal procedure and evidence for the social sciences*. Toronto: Nelson.

Castel, J. R., & Latchman, O. K. (1993). *The practical guide to Canadian legal research*. Toronto: Carswell.

Gall, G. L. (1995). *The Canadian legal system* (4th ed.). Toronto: Carswell.

McGill Law Journal. (1988). *Canadian guide to uniform legal citation* (2nd ed.). Toronto: Carswell.

EVALUATION

Class presentation – 35%

Paper – 45%

Participation – 20%

Note: The term paper is due by 4:00 PM on Friday, December 5.

The term paper consists of two components: The written paper and the oral presentation of the paper. For the paper you will choose an area within legal psychology (from the reading topics from this syllabus or an area you select that is approved by me), and research the relevant legal and psychological considerations to discuss policy implications and the course future research should take to answer some of the questions raised by the law. The paper also will be used for your presentation, which will entail a brief (20 minute) summary of your paper.

WEEKLY TOPICS AND READING ASSIGNMENTS

Week 1, September 8: Introduction and course overview

Week 2, September 15: Legal Overview; Training in Law and Psychology

Bersoff, D. N. (1999). Preparing for two cultures: Education and training in psychology in law. *State of the Discipline* book.

Brockman, J., & Rose, V. G. (1996). *An introduction to Canadian criminal procedure and evidence for the social sciences*. Toronto: Nelson. Read introductory chapter, pp. 29-54.

Finkel, N.J., Fulero, S.M., Haugaard, J.J., Levine, M., & Small, M.A. (2001). Everyday life and legal values: A concept paper. *Law and Human Behavior*, 25, 109-123. (Note: I will send you a copy by email)

*Gall., G. L. (1990). *The Canadian legal system* (3rd ed.). Toronto: Carswell. Review chapters 1 (The Nature of Law) and Chapter 2 (The Divisions of Law).

Monahan, J., & Walker, L. (1988). Social science research in law: A new paradigm. *American Psychologist*, 43, 465-472.

Ogloff & Finkelman, Chapter 1 (*State of the Discipline* Book).

Ogloff, J. (2000). Two steps forward and one step backward: The law and psychology movement(s) in the 20th century. *Law and Human Behavior*, 24, 457-483.

Schuller & Ogloff, Chapter 2 (by Rose).

Week 3, September 22: Orientation to UBC Law Library

Brockman, J., & Rose, V. G. (1996). *An introduction to Canadian criminal procedure and evidence for the social sciences*. Toronto: Nelson. Appendix B: Reading a Case and Conducting Legal Research (pp. 423-431).

Monahan, J., & Walker, L. (1994). *Social science in law*. New York: Foundation Press. Read Appendix D: For social scientists: How to find the law.

Week 4, September 29: Ethics and Expert Testimony

- Bazelon, D. (1982). Veils, values, and social responsibility. *American Psychologist*, 37, 115-121.
- Faust, D., & Ziskin, J. (1988). The expert witness in psychology and psychiatry. *Science*, 241, 31-35. (See also comment by Fowler)
- Loftus, E. F. (1986). Ten years in the life of an expert witness. *Law and Human Behavior*, 10, 241-263.
- Ogloff, Chapter 11 (*State of the Discipline Book*)
- *Ogloff, J. R. P., & Polvi, N. H. (1998). Legal evidence and expert testimony. In D. Turner & M. Uhlemann (Eds.), *A legal handbook for the helping professional* (2nd ed., pp. 218-232). Victoria, BC: The Sedgewick Society for Consumer and Public Education.
- Peters, M. (2001). Forensic psychological testimony: Is the courtroom door now locked and barred? *Canadian Psychology*, 42, 101-108. (Note: I will send you a copy by email)
- R. v. Mohan. (Note: I will send you a copy by email)
- Saunders, J. W. S. (2001). Experts in court: A view from the bench. *Canadian Psychology*, 42, 109-118. (Note: I will send you a copy by email)
- Specialty Guidelines for Forensic Psychologists. Appendix of *State of the Discipline book*.

Week 5, October 6: Eyewitness Testimony & Lie Detection

Eyewitness Testimony

- *Penrod & Cutler, Chapter 4 (*State of the Discipline Book*)
- Wells, Wright, & Bradfield, Chapter 3 (*State of the Discipline Book*)
- Wells, G.L., Small, M., Penrod, S., Malpass, R.S., Fulero, S.M., & Brimacombe, C.A.E. (1998). Eyewitness identification procedures: Recommendations for lineups and photospreads. *Law and Human Behavior*, 23, 603-647.

Children's Testimony

- Goodman, G. S., Levine, M., Melton, G. B., & Ogden, D. W. (1991). Child witnesses and the confrontation clause: The American Psychological Association's brief in *Maryland v. Craig*. *Law and Human Behavior*, 15, 13-29.
- Goodman, G.S., Bottoms, B.L., Rudy, L., Davis, S.L., & Schwartz-Kenney, B.M. (2001). Effects of past abuse experiences on children's eyewitness memory. *Law and Human Behavior*, 25, 269-298.

Detecting Deception

- Iacono, W., & Patrick, C. J. (1998). Polygraph ("lie detector") testing: The state of the art. In A. K. Hess & I. B. Weiner (Eds.), *Handbook of forensic psychology* (pp. 440-473). NY: Wiley.
- Ekman, P., & O'Sullivan, M. (1991). Who can catch a liar? *American Psychologist*, 46, 913-920.

Week 6: October 13: Thanksgiving, No Class

Week 7: October 20: The Psychology of the Jury; Family Violence

Brockman, J., & Rose, V. G. (1996). *An introduction to Canadian criminal procedure and evidence for the social sciences*. Toronto: Nelson. Chapter 5: Juries and Procedure at Trial (pp. 131-163).

Dutton, D. G., & McGregor, B. M. S. (1992). Psychological and legal dimensions of family violence. In D. K. Kagehiro & W. S. Laufer (Eds.), *Handbook of psychology and law* (pp. 318-340). New York: Springer-Verlag.

*Dutton, D. G., Bodnarchuk, M., Kropp, R., Hart, S. D., & Ogloff, J. R. P. (1997). Wife assault treatment and criminal recidivism: An eleven year follow-up. *Journal of Offender Therapy and Comparative Criminology*, 41, 9-23.

Nietzel, McCarthy, & Kern, Chapter 2 (State of the Discipline Book).

*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 sex abuse case. *Law and Human Behavior*, 18, 507-525.

Schuller & Ogloff, Chapter 6 (Schuller & Yarmey).

Stebly, N. M., Besirevic, J., Fulero, S. M., & Jimenez-Lorente, B. (1999). The effects of pretrial publicity on jury verdicts: A meta-analytic review. *Law and Human Behavior*, 23, 219-235. (Note: I will send you a copy by email).

Studebaker, C. A. et al. (2002). Studying pretrial publicity effects: New methods for improving ecological validity and testing external validity. *Law and Human Behavior*, 26, 19-41.

Week 8, October 27: Civil Commitment and Civil Law

Clements, G. W. (1998). Mental health: Disorder and incapacity. In D. Turner & M. R. Uhlemann (Eds.), *A legal handbook for the helping professional* (pp. 218-232). Victoria, BC: The Sedgewick Society.

Goodman-Delahunty, J. Civil law: Employment and discrimination. *State of the Discipline book*.

*Hiday, V. A. (1988). Civil commitment: A review of empirical research. *Behavioral Sciences and the Law*, 6, 15-43.

Mental Health Act, R.S.B.C. 1996, c. 288.

*Paredes, J., Kanachowski, A., Ledwidge, B., Stoutenburg, K., & Beyerstein, D. (1990). The validity of commitment certificates in British Columbia. *Canadian Journal of Psychiatry*, 35, 305-310.

Douglas, K. A., & Koch, W. J. Civil commitment and civil competence: Psychological issues. In Schuller & Ogloff, Chapter 12.

Week 9, November 3: Children, Families and Law

Liss & McKinley-Pace, Chapter 9 (*State of the Discipline Book*).

Douglas, K. A., & Koch, W. J. Psychology's intersection with family law. In Schuller & Ogloff, Chapter 13.

Melton, G.B., & Wilcox, B.L. (2001). Children's law: Toward a new realism. *Law and Human Behavior*, 25, 3-12. (Note: I will send you a copy by email).

Services for Children; Custody

Committee on Professional Practice and Standards. (1994). Guidelines for child custody evaluations in divorce proceedings. *American Psychologist*, 49, 677-680.

*Jaffe, P., Austin, G., Leschied, A., & Sas, L. (1987). Critical issues in the development of custody and access dispute resolution services. *Canadian Journal of Behavioural Science*, 19, 405-417.

*Samra-Grewal, J. (1999). Custody and access evaluations for mental health professionals conducting assessments with mentally disordered or mentally retarded parents. *Expert Evidence*, 7, 85-111.

Juvenile Justice Systems

*Corrado, R. R., Odgers, C., & Cohen, I. M. (2000). The incarceration of female young offenders: Protection for whom? *Canadian Journal of Criminology*, 17-207.

*Corrado, R. R., & Markwart, A. (1996). The modified justice model experiment in Canada: Success or failure? In D. J. Shoemaker (Ed.), *International handbook of juvenile justice*. NY: Greenwood.

Henggeler, S. W., Melton, G. B., & Smith, L. A. (1992). Family preservation through multisystemic therapy: An effective alternative to incarcerating serious juvenile offenders. *Journal of Consulting and Clinical Psychology*, 60, 953-961.

Lipsey, Mark W., & Derzon, James H. (1998). Predictors of serious delinquency in adolescence and early adulthood: A synthesis of longitudinal research. In R. Loeber & D. P. Farrington (Eds.), *Serious and violent juvenile offenders: Risk factors and successful interventions* (86-105). Thousand Oaks, CA: Sage.

Odgers, C. L., & Moretti, M. (2002). Aggressive and antisocial girls: Research update and challenges. *International Journal of Forensic Mental Health*, 1, 103-119. (Note: I will send you a copy by email).

Woolard, J. L., Fondacaro, M. R., & Slobogin, C. (2001). Informing juvenile justice policy: Directions for behavioral science research. *Law and Human Behavior*, 26, 13-24. (Note: I will send you a copy by email).

Week 10, November 10: Mentally Disordered Offenders and Risk Assessment

Mentally Disordered Offenders

Heilbrun & Griffin, Chapter 7 (*State of the Discipline Book*).

Nicholson, Chapter 5 (*State of the Discipline Book*)

Ogloff, J. R. P., Roesch, R., & Hart, S. D. (1994). Mental health services in jails and prisons: Legal, clinical, and policy issues. *Law and Psychology Review*, 18, 109-136.

Risk Assessment

Borum, R. (1996). Improving the clinical practice of violence risk assessment: Technology, guidelines, and training. *American Psychologist*, 51, 945-956.

Douglas & Webster, Chapter 6 (*State of the Discipline Book*)

*Kropp, R. P., & Hart, S. D. (2000). The Spousal Assault Risk Assessment Guide: Reliability and validity in adult male offenders. *Law and Human Behavior*, 24, 101-118.

Litwack, T. (2001). Actuarial versus clinical assessments of dangerousness. *Psychology, Public Policy, and Law*, 7, 409-433.

*Steadman, H. J., et al. (2000). A classification tree approach to the development of actuarial violence risk assessment tools. *Law and Human Behavior*, 24, 83-100.

Week 11, November 17: Fitness to Stand Trial and Criminal Responsibility

Eaves, Ogloff, & Roesch book. Chapters 1, and 5.

Golding, S. L., Skeem, J. L., Roesch, R., & Zapf, P. A. (1998). The assessment of criminal responsibility: Current controversies. In I. B. Weiner & A. K. Hess (Eds.), *Handbook of forensic psychology* (2nd ed.; pp. 379-408). NY: Wiley.

Lymburner, J. A., & Roesch, R. (1999). The insanity defense: Five years of research (1993-1997). *International Journal of Law and Psychiatry*, 22, 213-240.

Roesch, R., Zapf, P. A., Golding, S. L., & Skeem, J. L. (1998). Defining and assessing competency to stand trial. In I. B. Weiner & A. K. Hess (Eds.), *Handbook of forensic psychology* (2nd ed.; pp. 327-349). NY: Wiley.

*Roesch, R., Ogloff, J. R. P., Hart, S. D., Dempster, R. J., Zapf, P. A., & Whittemore, K. E. (1997). The impact of Canadian Criminal Code changes on assessments of fitness to stand trial and criminal responsibility. *Canadian Journal of Psychiatry*, 42, 509-514.

Starson v. Swayze, S.C.J. No. 33 (2003). (a copy will be emailed to you).

*Verdun-Jones, S. N. (1994). The insanity defence in Canada: Setting a new course. *International Journal of Law and Psychiatry*, 17, 175-189.

Viljoen, J. L., Roesch, R., Ogloff, J. R. P., & Zapf, P. A. (in press). The role of Canadian psychologists in conducting fitness and criminal responsibility evaluations. *Canadian Psychology*. (Note: I will send you a copy by email).

Week 12, November 24: The Impact of Psychology on the Law

Fox, D. R. (1999). Psycholegal scholarship's contribution to false consciousness about injustice. *Law and Human Behavior, 23*, 9-30.

*Hafemeister, T., & Melton, G. B. (1987). The impact of social science research on the judiciary. In G. B. Melton (Ed.), *Reforming the law: Impact of child development research* (pp. 27-59). New York: Guilford.

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

Roesch, R. (1995). Creating change in the legal system: Contributions from community psychology. *Law and Human Behavior, 19*, 325-343.

Roesch, R., Golding, S. L., Hans, V. P., & Reppucci, N. D. (1991). Social science and the courts: The role of amicus curiae briefs. *Law and Human Behavior, 15*, 1-11.

Saks, M. (1986). The law does not live by eyewitness testimony alone. *Law and Human Behavior, 10*, 279-280.

Week 13, December 1: Presentations