

## Psychology 566 -- Psychology and the Law

Spring 1998 -- University of Kansas

Class meets: 12:30-3:20 Wednesdays Classroom: 212 Fraser

Instructor: Lawrence Wrightsman Office hours: 9:30-11:00

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Textbook: *Psychology and the Legal System*, 4th edition, by Wrightsman, Nietzel, and Fortune, published in 1998 by Brooks/Cole Publishing Co.

### Class Procedures:

The attached class schedule lists the topics we will cover. The material covered in class will be on the same general topic as the required reading assignment for that week, but it will go more into depth. Be sure to read the assignment prior to class because then you will understand the class material better.

Class discussion is strongly encouraged. A major goal of the course is to facilitate the development of defensible positions on issues central to criminal justice and legal practice. To a large degree, one's position reflects one's own values, and so we will often refer to values, beliefs, and philosophical positions. But psychology has concepts and empirical findings that also contribute to understanding. Discussion facilitates the meshing together of those findings and values. Sometimes we don't know what our values are until we express them. So don't be reluctant to talk!

## Grading:

Three tests will be given. Each has 100 multiple-choice items, worth one point each. Each test covers 4 or 5 chapters, plus lecture/class material.

A total of 300 points is possible. Course grades will be based on the following:

270 and above = A

240-269 = B

210-239 = C

180-209 = D

Below 180 = F

Class attendance and participation are used in determining grades for people who are on the borderline between two course grades.

Final exam schedule: Stop Day Tuesday, May 5

Final Exams: May 6 thru May 13

Final Exam for this class: Wednesday, May 6, at 11:30 AM

(Revised) Psychology 566 Assignment Sheet

Date Topic Readings

Jan. 14 Introduction; 4 dilemmas of the legal system; tape Chp. 1  
of Jean Harris trial

Jan. 21 Roles for psychologists; "Dr. Death" tape and Bob Jones Chp. 2  
University tape

Jan. 28 Moral development and moral dilemmas; tape on Chp. 3  
Elizabeth Morgan case; attitudes toward physician-  
assisted suicide

Feb. 4 Ethics of lawyers; tape on panel discussion of lawyers' Chp. 4  
ethics

Feb. 11 TEST 1 -- covers Chps. 1-4 plus lectures and tapes

Feb. 18 Eyewitness identification; tapes on the recovered Chp. 7  
memory controversy and eyewitness accuracy

Feb. 25 Lie detection; police interrogations and confessions; Chp. 8  
Tape of "Bernhard Goetz's confession"

Mar. 4 Video: "The 'Rodney King' Trial" Chp. 6

Mar. 11 Rights of the accused; videotape: "Do the Guilty Go Free?" Chps. 9 & 10

Mar. 18 TEST 2 -- covers Chps. 6-10 plus lectures and tapes

March 25 --SPRING BREAK

April 1 TV in the courtroom; judge vs. jury; jury selection exercise Chp. 13

April 8 Jury selection; jury deliberations; jury deliberation exercise Chp. 14

April 15 Menendez brothers case; videotape: "Inside the jury room" Chp. 15

April 22 Children's rights; videotape of child endangerment case Chp. 17

April 29 Sentencing and appellate processes; videotape on Supreme Chp. 18

Court

Final exam: Covers Chps. 13, 14, 15, 17, & 18 plus class activities; scheduled for 11:30 A.M., Wednesday, May 6

Review Sheet for Test 1---Psych. 566

Be sure to review the following topics from the textbook for Chapter 1. Also

remember that there will be additional multiple-choice items drawn from the lectures and videotapes. Test 1 is scheduled for FEB. 10. It will have 100 items.

## CHAPTER 1

1. Facts and outcome of "Baby M' Case
2. Roe v. Wade decision and the Planned Parenthood v. Casey decision
3. Constitutionality of the Communications Decency Act; what case tested it?
4. Fifth and Sixth Amendments to the Constitution--what is covered ?
5. Psychological approach to the law vs. Other approaches (sociological, anthropological, historical, etc.) Be able to identify which approach is exemplified by a specific research project. (Several questions)
6. California vs. Byers decision (1971)
7. Breathalyzer test--is it legal?
8. Kurt Lewin's equation:  $B=f(p,e)$  -- what does it stand for?
9. Examples of forensic psychology
10. The four basic dilemmas faced by the legal system (very important)
11. Dialectic analysis
12. Warren Court vs. Burger Court/Rehnquist Court -- what did they advocate?
13. "California Walkman" case
14. Crime-control model vs, due-process model
15. Purpose of RICO laws
16. Principle of proportionality; relate it to Harmelin vs. Michigan case (1991)

Chapter 1 cont.

17. Three strikes law; Megan's law; Kansas sexual predator law
18. Meaning of "recidivist"
19. Importance of Jerry Helm case
20. Danny Palm case illustrates which of the 4 dilemmas?
21. Jean Harris trial-- facts, charges, outcome. Which dilemma does it illustrate? Present status? (Several questions based on lecture and tape plus book)
22. Determinate sentencing and sentence disparity
23. Percentage of defendants who go to trial
24. Plea bargaining is related to which conflict in the legal system's goals?
25. Stare decisis
26. The decision in the Agent Orange trial --which dilemma does it reflect?
27. Brown vs. Board of Education case -- importance? Know year of decision, also basics of antecedent cases: Plessy, Sweatt, McLaurin)
28. Conflict between psychiatry and legal system
29. Insanity as a concept--is it legal or medical?
30. Amicus curiae--meaning of term, what are amicus briefs?

## CHAPTER 2

1. Plessy v. Ferguson case and psychologists' values then and now.
2. Can psychology be value-free? If not, why not?
3. Four roles for psychologists in the legal system. Important--be able to identify examples of each role
4. Are psychologists allowed to testify as expert witnesses on the accuracy of eyewitnesses?

## Chapter 2 cont.

5. Reason for the emergence of psychologists as policy evaluators
6. The most significant Supreme Court decision for which psychologists submitted an amicus brief
7. Nader's "Raiders"--which role?
8. Basic credo or values of the advocacy role
9. Experts witnesses--benefits, dangers, types of cases
10. Topeka judge's ruling about psychologist testifying as expert witness on eyewitness accuracy
11. Scientific jury selection vs. Traditional methods by lawyers--how do they differ?
12. Definition of empowerment-- it is a goal of which role?
13. When a psychologist testifies as an expert witness, what role does the JURY PERCEIVE him or her to be fulfilling?
14. Outcome of Ann Hopkins' suit against Price Waterhouse
15. Basic difference between consultant and advocate
16. Meaning of pro bono.
17. Harrisburg Seven trial--reason for charges, jury selection, Was the jury selection successful? What surprises did it find among demographic relationships?
18. Dr. James Grigson and why one Supreme Court justice objected to his testimony
19. Which amendment to the Constitution guarantees defendants a jury trial?
20. Gainesville Eight trial
21. Outcome if an APA member violates Code of Ethics of American

## Psychological Association

22. Who was Tarasoff? What did the court rule in the Tarasoff case? Which court?

23. What are the limits of the duty to warn?

## Chapter 2 cont.

24. What are examples of what a trial consultant might do (Box 2-2 and 2-4)

## CHAPTER 3

1. Lester Zygmank trial--facts, charges, verdict, relevance; same questions about the Roswell Gilbert trial

2. Do countries make provisions for mercy killing?

3. What is the status of physician-assisted suicide in the U.S? (Box 3-1)

4. The legal system's position on our failure to act when someone is in danger. What are the legal system's reasons for this position?

5. Avoision --definition, example.

6. Damms case --why is it relevant?

7. Mel Dlugash case--what was the final outcome?

8. James Marshall's 8 categories of intention

9. Kohlberg's theory of moral development (very important--know each of the three levels and six stages, examples of each stage, "Heinz dilemma" and its measurement, criticisms of the theory from the lecture)

10. What Kohlberg stage is reflected in Odette Port's actions? Why? Dorothy Eber's? Theodore Kaczynski's brother's and mother's?

11. Carol Gilligan's criticisms of Kohlberg's theory

12. Gilligan's theory (know the three levels and how the theory was developed)
13. Relate selfishness v. Self-sacrifice to Gilligan's theory
14. Equality vs. Equity--difference in definitions
15. Men's and women's reactions to allocation of rewards

#### Chapter 3 cont.

16. Major, McFarlin and Gagnon (1984) study's results
17. Reis and Jackson's study's results
18. Why do beliefs in a "just world" exist?
19. Derogation of victims--why?
20. Principle of "equal pay for work of comparable worth"
21. Bakan's distinction between agency and communion (2 questions on this)

#### CHAPTER 4

1. Which country has the most lawyers?
2. How many graduate from law school each year in U.S.?
3. Women lawyers-- age, seniority, discrimination against, enrollments in law school, percentage of partners who are women
4. Reasons for attending law school
5. Cause for dropping out of law school
6. Leading goal of law-school courses
7. What is the case method? Is it the same as the Socratic method?
8. Changes in values during law school
9. Law students' level on Kohlberg scale

10. Which organizations/agencies may disbar attorneys?
11. Some ethical dilemmas of lawyers
12. Criticisms of the legal profession and evaluations of each
13. Distinguish between associates and partners.
14. The role of billable hours in a law firm. Number of billable hours required.

Chap. 4 cont.

15. Developments in the last 30 years that have increased the need for lawyers.
  16. What strategies or patterns of adjustment do women use in accommodating to the demands of being a lawyer?
  17. Explain the contingency-fee procedure. Criminal trials or civil trials? Plaintiffs or defendants?
  18. How does divorce mediation differ from traditional procedures used by a divorcing couple?
  19. Divorce mediators--are they attorneys?
  20. Basic facts and outcome of Hopwood vs. Texas case
- Also, review your lecture/video notes!--