

Psychology 386

The Role of Psychology in the Legal Process

Topical Outline

I. Overview of judgment in trials

- a. What is the role of social science in legal decision making?
- b. How are judgments formed?

II. Evidence: How do people process the evidence in a trial?

- a. Relative contribution of types of evidence
- b. Order of presentation
- c. Procedural structure: Adversarial or inquisitorial?
- d. Jury instructions: Limited use, reasonable doubt, burden of proof, Allen charge. Comprehensible? Effective?
- e. The problem of complex litigation

III. Witnesses

- a. Credibility
- b. Eyewitnesses
- c. Accuracy of testimony and recall
- d. Character testimony

IV. Jurors

- a. Personal biases: General (leniency/stringency) and case specific (defendants and issues)
- b. Temporary biases
- c. Reducing the effects of biases

V. Jury selection

- a. Methods of voir dire
- b. Methods and evaluation of systematic (“scientific”) jury selection

VI. Extra-legal influences

- a. Pre-trial publicity
- b. Inadmissible evidence
- c. Defendant characteristics
- d. Severity of potential punishment

VII. Judges

- a. Demographic influences
- b. Attitudinal and personality influences

VIII. Jury deliberation

- a. Processes during deliberation
- b. Effects of decision rule (unanimous vs. non-unanimous) and jury size (12 or less than 12)

IX. Punishment and Sentencing

- a. Potential for bias
- b. Sentencing guidelines

The Role of Psychology in the Legal Process (Revised)

Psychology 386 Fall 2000**California State University Northridge at Channel Islands**

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This course will deal with the application of social sciences, and in particular, social psychology, to court trials. We will study the factors that affect how judges, juries, and attorneys form judgments in the course of a trial. We will do this by first reviewing the social psychological research on individual and group judgment, and then examining the interface of this research with trial behavior. The goal is to demonstrate how basic knowledge in the social sciences can contribute to understanding real-world phenomena and thereby enhance effective trial practice.

The course will be predominantly based on lecture and readings. Lectures will deal exclusively with trial behavior. Required readings on trial processes will be found in the text and in supplementary outside readings on library reserve. To broaden your knowledge about the *context* of trial processes, additional readings are assigned on pre-trial issues such as legal socialization, criminal behavior, and crime investigation. *However, these non-trial, contextual topics will not be addressed in class lectures.*

There are two examinations and two papers in the course. The first examination will cover topics I through IV *and* the readings on criminal behavior, crime investigation, and lawyer socialization. This will be approximately in the middle of the semester. The second examination is the course final, which covers topics V through IX.

The major paper consists of a case study of a hypothetical trial that I will provide early in the semester. In this paper you will apply the lessons learned from each topic to trial preparation. In other words, you will act as consultants for the attorneys trying the case, advising on the emerging issues, and using the course content to inform your suggestions. It is expected that your analyses and advice will be grounded in the research discussed in lectures and readings, and that you cite the relevant research. The case study is due at the next-to-last class session, but can be worked on "as we go along". Earlier submissions are encouraged. I will discuss the case study at greater length later in the semester.

The second (brief) paper consists of a 3-4 page discussion and commentary based on news media reports of trials and trial issues that touch on a course topic. In this paper, you will refer to events reported about the trial and references to interpretation by the writer or principals in the story. You will then discuss the events and interpretations from the standpoints of psychological material covered in the course lectures and readings, citing the source of your commentary (e.g., what research is the basis of your comments). The paper can be submitted at any time but if your paper is based on topics 2-4, the paper is due the first week after the midterm. If based on topics 5-9, it is due two weeks before the final exam.

Grades will be based on the following formula: 30% for each exam and the major paper, and 10% for the brief paper.

Course Readings

Text:

Wrightsman, L., Nietzel, M., & Fortune, W. (1998) Psychology and the legal system. (4th Ed.). Wadsworth.

Topics:

IA. Pretrial: Criminals and Lawyers

Wrightsman, et al., Chapters 3-6, 10

IB. Overview to Trials

Wrightsman et al., Chapters 1-2, 13.

Kaplan, M. F., & Panas, L. T. (photocopy). *Dynamics of Jury Decision Making*.

Kaplan, M. F. (1986). The impact of social psychology on procedural justice. Springfield, IL:Charles Thomas. Pp. 7-14.

II. Evidence

Abbott, W., & Batt, J. (1999). A handbook of jury research. Philadelphia PA: ALI-ABA. Chapter 18.

Kaplan (1986), Chapter 8.

Kerr, N., and Bray, R. (1982). The psychology of the courtroom. New York: Academic Press. Chapter 2.

III. Witnesses

Wrightsman, et al., Chapters 7-8.

Kerr & Bray (1982), Chapter 6

Wells, G. (1993). What do we know about eyewitness identification? American Psychologist, 48, 553-571.

IV. Jurors

Wrightsman et al., Chapter 15.

Kerr & Bray (1982), Chapter 7.

V. Jury Selection

Wrightsman et al., Chapter 14.

Kaplan (1986), Chapter 7.

VI. Extra-legal Influences

Abbott, W., & Batt, J. (1999). A handbook of jury research. Philadelphia PA: ALI-ABA. Chapter 5.

Reskin, B. F. & Visher, C. A. (1986). The impacts of evidence and extralegal factors in jurors' decisions. Law and Society Review, 20, 423-438.

VII. The Judge

Wrightsman et al., Chapter 13 (portion on judges).

Kerr & Bray (1986), Chapter 9.

VIII. Jury Deliberation

Kaplan, M. F. (1989). Task situational, and personal determinants of influence processes in group decision making. In E. J. Lawler & B. Markovsky (Eds.) Advances in group processes: Volume 6. (pp. 87-105). Greenwich CT: JAI Press.

MacCoun, R. (1989). Experimental research on jury decision making. Science, 244, 1046-1059

IX. Punishment and Sentencing

Wrightsman et al., Chapter 18.

Kaplan (1986), Chapter 11.

Mott, N.L., Hans, V.P., and Simpson, L. (2000). What's half a lung worth? Civil jurors' accounts of their award decision making. Law and Human Behavior, 24, 401-419.