

**Psychology & Law  
Psy 420/520  
Spring 1998**

**Class:** UH 14:00-15:20  
142 Straub  
CRN: 34896/34909  
<http://darkwing.uoregon.edu/~rmauro/psy420>

**Instructor:** Robert Mauro  
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Office Hours: UH 15:30-17:00 and by appointment

**TA:** Barbara Carini  
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Office Hours: MW 11:00-12:00 and by appointment

**Texts:** Bartol, C. & Bartol, A. (1994). Psychology and Law: Research and Application (2nd Ed.). Pacific Grove, CA: Brooks/Cole.

Reading packet available at U of O Bookstore.

**Course Requirements:**

This is an advanced undergraduate/graduate course. Students in this course are expected to be able to read and write at that level. If you feel uncomfortable with this expectation, do not take this course.

Examinations: There will be two examinations. A midterm examination (20% of final grade) and a final examination (35% of final grade). Both examinations will be composed of a combination of short answer/essay questions and multiple choice questions. The goal of the examinations is to provide opportunities for each student to demonstrate broad knowledge and understanding of the material covered in class and in the assigned readings.

Term Project:

Students will also be required to complete a term project (45% of final grade). The project will take the form of a "Brandeis brief" -- a document submitted to a court that contains a mixture of legal argument and social science research. You and a partner will be asked to prepare a brief for an issue raised in a hypothetical case. Other members of the class will prepare a brief for the opposing party. You will then be allowed to "discover" (and asked to review) your opponent's work before submitting the final document.

On the class web page are a list of "pending cases." By April 9, you must submit to the TA a rank-ordered list of the 3 cases in which you are most interested. You may also select a partner from the class to work with you on the project. On April 9, we will post a list of individuals and

assigned cases on the class web page. If by that time you have not already selected a partner, you should contact the other students who have been assigned to the same topic and select a partner from among that group by April 16. Notify the TA of your partner's name as soon as you have found a partner. At that time, you will be notified whether you will be arguing for the plaintiff or the defendant in the case. If you cannot find an acceptable partner or if you prefer to work alone, please notify the TA.

The goal of this project is to provide an opportunity for the students to delve more deeply into a topic at the intersection of social science and the law than is possible in class. Projects will be graded on: 1) the depth and completeness of the coverage of the topic, 2) the quality of the analysis of the topic, and 3) the quality of the manner in which the information is communicated.

Consulting with the instructor and TA about projects is strongly encouraged.

### Term Project Timeline

#### April 9, 1998. Notification of Topic.

By 1400 on this date, you must submit to the TA in writing (preferably e-mail) a rank-ordered list of the cases in which you are most interested. If you have selected a partner, for the project, include the name of your partner on your note. A list of students and their cases will be published on the class WWW page.

#### April 16, 1998. Partner Selection.

By 1400 on this date you must submit to the TA in writing (preferably e-mail) the name of your partner for the class project. If you have not been able to find an acceptable partner or if you prefer to work alone, please notify the TA.

#### April 23, 1998. Outline and Reference List (5% of grade).

By 1400 on this date, you must produce a 2 page outline and a reference list for your case and submit it to the TA.

#### May 12, 1998. Project Draft. (5% of grade).

By 1400 on this date, your project must be available for "discovery". By this time, give a copy of your paper to the TA. This copy will be given to a team working on the same case from the opposite position. They will review, edit, and return the draft to you.

#### May 19, 1998. Project Review. (5% of grade).

By 1400 on this date, your review must be completed and returned to the TA so that we can return all of the papers to the authors during the next class period. See the class web page for criteria for a good review.

#### May, 28, 1998. Final Project (30% of grade).

By 1400 on this date, your case will be "argued," i.e., your project must be available for evaluation. Before this time, submit a final copy of your paper to the TA.

## Syllabus:

B indicates a chapter in the Bartol & Bartol text. Please plan to read the assigned material before the class session for which it is assigned. In most instances, only excerpts from the cases listed are included in the reading packet.

- 3/31      Introduction: Overview of Psychology and the American legal system  
B 1, 4  
Ellsworth, P. & Mauro, R. (1998). Psychology and law. In D. Gilbert, S. Fiske, & G. Lindzey (Eds.) The Handbook of Social Psychology (4th Ed), McGraw-Hill: San Francisco, 684-732.

### Actions & Actors: What happened and who did it.

- 4/2      Eyewitness Identification  
B 3, 9

4/7

- 4/9      Psychological Profiling      [Notification of Topic Due]  
B 2  
Pinizzotto, A. & Finkel, J. (1990). Criminal personality profiling: An outcome and process study. Law & Human Behavior, 14, 215-234.  
US v Lopez (1971) 328 F.Supp. 1077

4/14

- 4/16      Interrogation and lie detection      [Notification of Partners Due]  
B 10  
Miranda v AZ (1966) 384 US 436, 86 S.Ct. 1602, 16 L.Ed.2d 694  
Kassin, S. (1997). The psychology of confession evidence. American Psychologist, 52, 221-233.  
Ofshe, R. (1989). Coerced confessions: The logic of seemingly irrational action. Cultic Studies Journal, 6, 1-15.

### State of Mind

- 4/21      Legal responsibility & defenses  
B 5  
R. v Dudley & Stephans (1884) 14 QBD 273  
Ewing, C. (1990). Psychological self-defense: A proposed justification for battered women who kill. Law & Human Behavior, 14, 579-594.  
Morse, S. (1990). The misbegotten marriage of soft psychology and bad law: Psychological self-defense as a justification for homicide. Law & Human Behavior, 14, 595-618.

- 4/23      [Outline Due]

- 4/28      Competence & insanity  
R v M'Naghten (1843) 8 Eng. Rep. 718.  
Finkel, J. (1991). The insanity defense: A comparison of verdict schemas. Law & Human Behavior, 15, 533-556.

- 4/30      Midterm Examination

### Legal Procedures

- 5/5      Issues in legal decision-making  
B 7, 8

- 5/7 Juror and jury decision-making  
Ballew v GA, 435 US 223 (1978)  
Lockhart v McCree, 106 S. Ct. 1758 (1986)  
 Elliot, R. (1991). Social science data and the APA: The Lockhart brief as a case in point. Law & Human Behavior, 15, 59-76.  
 Ellsworth, P. (1991). To tell what we know or wait for Godot. Law & Human Behavior, 15, 77-90.

5/12

[Drafts of Projects Due 14:00]

Social Science and Social Policy

- 5/14 Punishment and Rehabilitation: Issues in choosing sanctions  
 B 12, 13  
 Campbell, D. (1969). Reforms as experiments. American Psychologist, 24, 409-429.  
Barefoot v Estelle, (1983) 463 US 880, 103 S.Ct. 3383, 77 L.Ed.2d 1090
- 5/19 Capital Punishment [Reviews of Projects Due 14:00]  
Furman v GA (1972) 408 US 238, 92 S.Ct. 2726, 33 L.Ed.2d 346

- 5/21 Discrimination  
 B 2  
Brown v Board of Education, 347 US 483 (1954)  
McCleskey v Kemp 107 S. Ct. 1756 (1987)

- 5/26 Mental health law  
 B 6  
Tarasoff v. Regents of UC (1976) 17 Cal.3d 425, 131 Cal. Rptr. 14, 551 P.2d 334

5/28 [Completed Projects Due 14:00]

- 6/2 Children & the Law  
 B 11  
In re Gault (1967) 387 US 1, 87 S.Ct. 1428  
 Goodman, G., Levine, M., Melton, G., & Ogden, D. (1991). Child witnesses and the confrontation clause: The American Psychological Association brief in Maryland v. Craig. Law & Human Behavior, 15, 13-30.  
 Greenwood, P. (1996) Responding to juvenile crime: Lessons learned. The Future of Children, 6, 75-85.  
 Hart, S. (1991). From property to person status: Historical perspective on children's rights. American Psychologist, 46, 53-59.  
 Steinhart, D. (1996). Status Offenses. The Future of Children, 6, 86-99.  
 Woolard, J. L., Reppucci, N. D., & Redding, R. E. (1996). Theoretical and methodological issues in studying children's capacities in legal contexts. Law & Human Behavior, 20, 219-228.

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6/9

Final Examination 13:00