



University of Waterloo
Department of Psychology
Waterloo, Ontario, Canada N2L 3G1

Psychology 458

Fall, 2012

The Mind and the Law

Time: Wednesday 12:30 – 2:20
Place: ML 246
Instructor: Jennifer Stolz
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Course Objective

The goal is to introduce the student to some of the ways in which cognition has very important consequences for the application of law. The main emphasis is on preparing the student to read and evaluate primary source research papers, review articles, and chapters illustrating the importance of cognition on legal issues. As such, a major component of the course involves writing short critiques or thought papers related to the weekly readings. A second aspect of the course will involve communicating these ideas to others. Towards this end, each student will give presentations on the weekly readings. Most importantly, I hope that this course will engender a great deal of lively discussion and argument, meaning that we should all come to class each week ready to express ourselves, even if we are not responsible for the presentations, per se.

Course Components and Grading

Each student will make a presentation the course of the term. The presentation will be based on assigned readings, and will comprise 30% of the course mark. On the weeks in which a student is not presenting, s/he will prepare a brief (~2 pages) thought paper on the readings assigned for that week. Thus, each student will prepare 10 of these papers. These papers will be due on the Monday before class (at or before 4 p.m.), so that I and the student(s) presenting have time to read through the papers and incorporate students' thoughts into the class on Wednesday. Of these 10, the best 7 will be selected to contribute to the student's grade. Therefore, each paper will be worth 10% of the final course grade. Although I have not included a specific category for class participation, I do expect that everyone here will take an active role in their education, and I will "keep track" of the types of contributions that each student makes. In cases of borderline course grades, class contributions will factor in on the decision of whether or not to "bump" the student to the next highest letter grade.

Summary of Grading Scheme

Presentation 30%
Thought Papers (7/10 @ 10%) 70%

Message from the Faculty of Arts Council (This must now be included on all syllabi)

All students registered in the courses of the Faculty of Arts are expected to know what constitutes an academic offense, to avoid committing academic offenses, and to take responsibility for their academic actions. When the commission of an offense is established, disciplinary penalties will be imposed in accord with Policy #71 (Student Academic Discipline). For information on categories of offenses and types of penalties, students are directed to consult the summary of Policy #71 which is supplied in the Undergraduate Calendar (p. 1:11). If you need help in learning how to avoid offenses such as plagiarism, cheating, and double submission, or if you need clarification of aspects of the discipline policy, ask your course instructor for guidance. Other resources regarding the discipline policy are your academic advisor and the Undergraduate Associate Dean.

Topic Schedule

Date	Topic
Sept. 12	Introduction- How could cognition be important for the law? Divvying up the work load. Miller, D. W. (2000, February 25). Looking Askance at eyewitness testimony. <i>Chronicle of Higher Education</i> .
Sept. 19	Eyewitness Identification; Line-ups; Other-race effect 1. Doty, N. D. (1998). The influence of nationality on the accuracy of face and voice recognition. <i>American Journal of Psychology</i> , 111, 191-214. 1. Wells, G. L., & Olson, E. A. (2001). The other-race effect in eyewitness identification. What do we do about it? <i>Psychology, Public Policy, and Law</i> , 7, 230-246. 2. Brewer, N., & Palmer, M. A. (2010). Eyewitness identification tests. <i>Legal and Criminological Psychology</i> , 15, 77-96. 2. Palmer, M. A., & Brewer, N. (2012). Sequential lineup presentation promotes less-biased criterion setting but does not improve discriminability. <i>Law and Human Behavior</i> , 36, 247-255.

Sept. 26 Eyewitness Memory; Eyewitness Testimony

3. Brewer, N., & Wells, G. L. (2006). The confidence-accuracy relationship in eyewitness identification: Effects of lineup instructions, foil similarity and target-absent base rates. *Journal of Experimental Psychology: Applied*, 12, 11-30.
 3. Sporer, S. L., Penrod, S., Read, D., & Cutler, B. (1995). Choosing, confidence and accuracy: A meta-analysis of the confidence-accuracy relation in eyewitness identification studies. *Psychological Bulletin*, 118, 315-327.
 4. Brewer, N. (2006). Uses and abuses of eyewitness identification confidence. *Legal and Criminological Psychology*, 11, 3-23.
 4. Wells, G. L., & Bradfield, A. L. (1999). Distortions in eyewitnesses' recollections: Can the postidentification-feedback effect be moderated? *Psychological Science*, 10, 138-144.
- Well, G. L., Malpass, Lindsay, R. C. L., Fisher, R. P., Turtle, J. W., & Fulero, S. M. (2000). From the lab to the police station: A successful application of eyewitness research. *American Psychologist*, 55, 581-598. (everyone reads, but no formal presentation)

Oct. 3 Eyewitness Memory: The "Misinformation effect"

5. Loftus, E. F. (2005). Planting misinformation in the human mind: A 30 year investigation into the malleability of memory. *Learning & Memory*, 12, 361-366.
5. Payne, D. G., Toglia, M. P., & Anastasi, J. S. (1994). Recognition performance level and the magnitude of the misinformation effect in eyewitness memory. *Psychonomic Bulletin & Review*, 1, 376-382.
6. Weingardt, K. R., Loftus, E. F., & Lindsay, D. S. (1995). Misinformation revisited: New evidence on the suggestibility of memory. *Memory & Cognition*, 23, 72-82.
6. Wright, D. B., & Loftus, E. F. (1998). How misinformation alters memories. *Journal of Experimental Child Psychology*, 71, 155-164.

Oct. 10 Repressed/Recovered Memories- Pro

7. Gerarerts, E., Lindsay, D. S., Merckelbach, H., Jelicic, M., Raymaekers, L., Arnold, M. M., & Schooler, J. W. (2009). Cognitive mechanisms underlying recovered-memory experiences of childhood sexual abuse. *Psychological Science, 20*, 92-98.

7. Smith, S.M., & Moynan, S. C. (2008). Forgetting and recovering the unforgettable. *Psychological Science, 19*, 462-468.

8. Pope, K. S. (1998). Pseudoscience, cross-examination, and scientific evidence in the recovered memory controversy. *Psychology, Public Policy, and Law, 4*, 1160-1181.

Oct. 17 Repressed/Recovered Memories- Con

9. Bowers, K. S., & Farvolden, P. (1996). Revisiting a century-old Freudian slip- from suggestion disavowed to the truth repressed. *Psychological Bulletin, 119*, 355-380.

9. Bremner, J. D., Shobe, K. K., & Kihlstrom, J. F. (2000). False memories in women with self-reported childhood sexual abuse: An empirical study. *Psychological Science, 11*, 333-337.

10. Loftus, E. F. (1993). The reality of repressed memories. *American Psychologist, 48*, 518-537.

10. Mazzoni, G. A. L., & Loftus, E. F. (1996). When dreams become reality. *Consciousness and Cognition, 5*, 442-462.

Oct. 24 Jury Behaviour

11. Devine, D. J., Clayton, L. D., Dunford, B. B., Seying, R., & Price, J. (2001). Jury decision making: 45 years of empirical research on deliberating groups. *Psychology, Public Policy, and Law, 7*, 622-727.

12. Greene, E., Wilson, L., & Loftus, E. F. (1989). Impact of hypnotic testimony on the jury. *Law and Human Behavior, 13*, 61-78.

12. Kerstholt, J. H., & Jackson, J. L. (1998). Judicial decision making: Order of evidence presentation and availability of background information. *Applied Cognitive Psychology, 12*, 445-454.

12. Spanos, N. P., Gwynn, M. I., & Terrade, K. (1989). Effects on mock jurors of experts favorable and unfavorable toward hypnotically elicited eyewitness testimony. *Journal of Applied Psychology, 74*, 922-926.

Oct. 31 Childhood Memory/Childhood "Misinformation"

13. Loftus, E. F. (1997). Creating childhood memories. *Applied Cognitive Psychology, 11*, S75-S86.

13. Roberts, K. P., Lamb, M. E., & Sternberg, K. J. (1999). Effects of timing of postevent information on preschoolers' memories of an event. *Applied Cognitive Psychology, 13*, 541-559.

14. White, T. L, Leichtman, M. D., & Ceci, S. J. (1997). The good, the bad, and the ugly: Accuracy, inaccuracy and elaboration in preschoolers' reports about a past event. *Applied Cognitive Psychology, 11*, S37-S54.

Nov. 7 Children's Testimony: Anatomical Dolls, Memory for Medical Procedures

15. Koocher, G. P., Goodman, G. S., White, C. S., Friedrich, W. N., Sivan, A. B., & Reynolds, C. R. (1995). Psychological science and the use of anatomically detailed dolls in child sexual-abuse assessments. *Psychological Bulletin, 118*, 199-222.

16. Ornstein, P. A., Baker-Ward, L., Gordon, B. N., & Merritt, K. A. (1997). Children's memory for medical experiences: Implications for testimony. *Applied Cognitive Psychology, 11*, S87-S104.

Nov. 14 Forensic Linguistics

17. Leonard, R. A. (2005). Forensic linguistics: Applying the scientific principles of language analysis to issues of the law. *International Journal of the Humanities, 3*.

17. Leonard, R.A. (2006). Follow-up to Forensic Linguistics

17. Leonard, R.A. (2003). Linguistics and the law: The science of analyzing words and symbols can add weight to your case. *Washington D.C. Legal Times*, pp. 51.

17. Leonard, R. A. (2004). Forensic linguistics in NYPD Blue. In G. Yeffeth (ed) *What would Sipowicz do? Race, Rights and Redemption in NYPD Blue*. pp. 91-119. Benbella Books. Dallas, TX.

18. Harpster, T., Adams, S.H., & Jarvis, J. P. (2009). Analyzing 911 homicide calls for indicators of guilt or innocence: An exploratory analysis. *Homicide Studies, 13*, 69-93.

18. Jensen, M. L., Bessarabova, E., Adame, B., Burgoon, J.K., & Slowik, S.M. (2011). Deceptive language by innocent and guilty criminal suspects: The influence of dominance, question, and guilt on interview responses. *Journal of Language and Social Psychology, 30*, 357-375.

Nov. 21 Paul Ingram Case; Confession Evidence

19. Kassin, S. M. (1997). The psychology of confession evidence. *American Psychologist*, 52, 221-233.

19. Perillo, J. T. & Kassin, S. M. (2011). Inside interrogation: The lie, the bluff and false confessions. *Law and Human Behavior*, 35, 327-337.

19. Olio, K. A. (1998). The façade of scientific documentation: A case study of Richard Ofshe's analysis of the Paul Ingram case. *Psychology, Public Policy and Law*, 4, 1182-1197.

Wright, L. (1993). Remembering Satan, Part I. *The New Yorker*, 69 (13), 60-81. (everyone reads, no formal presentation)

Wright, L. (1993). Remembering Satan, Part II. *The New Yorker*, 69 (14), 54-76. (everyone reads, no formal presentation)

Nov. 28 Case Studies- convicted murderer; O.J. Simpson Trial; summary

20. Brigham, J. C., & Wasserman, A. W. (1999). The impact of race, racial attitude, and gender on reactions to the criminal trial of O. J. Simpson. *Journal of Applied Social Psychology*, 29, 1333-1370.

20. Vrij, A., & Mann, S. (2001). Telling and detecting lies in a high-stake situation: The case of a convicted murder. *Applied Cognitive Psychology*, 15, 187-203.