

Special Topics in Psych & Law: Social Science in Law

CRN: 18698

Wednesdays 1:30 – 4:20 pm

What will I learn in this class?

This course is a seminar that will examine the relationship between social science and the law. We will take an interdisciplinary approach in both content and style. Specifically, we will study social science and the law from 3 converging points of view:

1. Using social science research and theory in dispute resolution;
2. Using social scientific analysis of legal doctrine to formulate public policy; and
3. Studying the research results of social science as it attempts to understand the legal system.

Although the primary focus will be psychology, there will be readings and research from other social sciences, including sociology, anthropology, and economics.

Course Objectives

This is a survey course with the overall objective of introducing students with a social science background to the law. Students are expected to:

1. Become comfortable in translating legal problems into social scientific questions and social scientific findings into legal arguments,
2. Learn about the resources available for the study of sociolegal and psychological jurisprudence,
3. Gain a fundamental understanding of the general content area, and
4. Master a specific legal topic.

What is the class structure?

Each class session is 2 hours and 50 minutes long. In general, the class will be divided into two halves. The first half will focus on the casebook and the general law (led by Krystia). Then we will take a break before moving on to the empirical portion (led by the discussion leaders).

PROFESSOR

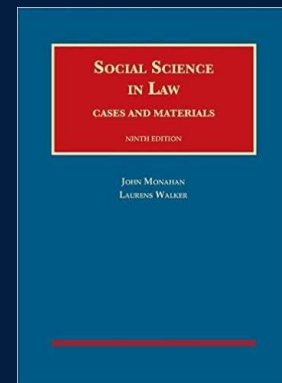
Krystia Reed, JD, PhD

Office Hours: By appointment

Office: Vowell 206

E-mail: kmreed2@utep.edu

REQUIRED TEXT



Monahan, J. & Walker, W. (2017). *Social Science in Law: Cases and Materials* (9th ed.). Foundation Press. ISBN 978-1634605311

BLACKBOARD (BB)

This course will be using UTEP's BB system. All assignments must be submitted electronically through BB. Schedule updates and announcements will be posted on BB. Please check BB regularly. If you have more questions, check:

https://www.utep.edu/technologysupport/ServiceCatalog/BB_Students.html

E-MAIL

Please put the course name in the subject line of all emails. I will respond to all emails within 2 business days.

How will my grade be determined?

Your grade will be out of 1000 points divided across the following categories:

200 points

PARTICIPATION & THOUGHT PAPERS

There will be 15 points assigned for each regular class session and 5 points for being actively engaged during the presentations.

In-class participation will be worth 8 points. You will earn 8 points for actively contributing multiple times, 5-6 points if you are present but do not contribute much, and 0 points if you have an unexcused absence.

Thought papers will be worth 7 points.

100 points

PAPER PRESENTATION

In the last week of class, you will give a presentation of your final paper topic. Presentations will be 10 minutes long with 5 minutes for questions. Presentations will occur during class on December 1

500 points

FINAL PAPER

Each student will select a topic about which they will write a research paper. Papers must either be written in APA or Bluebook format. The final product should approach the quality of a review article in a professional journal or in a high-quality law review.

The research paper will examine a legal problem with a social science perspective. You must submit an outline of your paper in the 5th week of class. Papers are due by 11:59 pm on December 10.

200 points

DISCUSSION LEADING

On the first day of class, you will sign up to lead two class discussions. For those topics, you and a partner will organize the discussion of the material assigned. You will present the material, ask questions, and lead discussions about the empirical topic of the day.

Grading Scale

A = 90.0% – 100%+

B = 80.0% – 89.9%

C = 70.0% - 79.9%

D = 60.0% – 69.9%

F = 59.9% or below

Participation

Discussion is the essence of any seminar. Much of the learning that will take place in this class will come from sharing your thoughts and listening to the thoughts of your colleagues. In addition, discussion enables you to ask questions about anything that is confusing you. You therefore are expected to attend and meaningfully participate in all class sessions. Meaningful participation means that you have read and thought about all of the assigned readings prior to class. It also means that, during class, you actively engage the material by posing critical questions, drawing connections, generating ideas, and discussing relevant issues.

Thought Papers

To further facilitate discussion, critical thinking, and application of the course material to your own work (and to prevent Tuesday all-nighters), all students are required to submit “thought papers” related to the readings **each Tuesday by 5:00pm. Please submit the papers on Blackboard and email a copy to the Discussion Leaders (CCing Krystia).** You will earn 7

points if you do them thoughtfully, 4 points if you don't put effort into them, and 0 points if they are not turned in prior to class.

Each thought paper should be 1 page, single spaced, 12 point times new roman, and have 4 components (you should focus on questions to discuss the most):

- 1) *Major ideas*: Briefly state the three most important things you learned from the readings. Focus on the important principles, not the small details.
- 2) *Things to clarify*: Indicate anything you didn't understand in the readings
- 3) *Questions to discuss*: Write 1-2 thoughtful discussion questions related to the readings or the content area (not things you didn't understand). Good discussion questions approach the readings with a critical eye (for example):
 - a. What concerns do we have with the legal standard? Is it clear?
 - b. Is a study designed well psychologically (e.g., clearly conceptualized, theoretical rationale)?
 - c. Is a study designed well legally (i.e., legally-relevant)?
 - d. What are the problem areas in this area? What research could be done to fill in the gaps?
- 4) *Hypothesis related to you interests*: Write a testable hypothesis related to the legal topic of the day. I encourage you to tie it into your area of research or favorite theories. Note: These hypotheses often turn into term papers, studies, and/or Masters theses!

Absences

Excused absences consist of personal illness, family emergencies, and professional activities (e.g., conferences, job interviews). Please notify me in advance if you will need to miss class. If you have an excused absence, you still will receive points for your thought paper (i.e., they still need to be turned in). But your point total will be adjusted to account for the missing in-class points.

Discussion Leading

To facilitate discussion, 2 students will *lead* discussion each week. They will be responsible for providing a brief summary of the non-textbook readings (preferably in PowerPoint), reading the thought papers of their colleagues, and providing 3-5 broad discussion questions. Each student will lead discussion twice during the semester. There will be 100 discussion leader points assigned for each class session you lead discussion.

A thoughtful summary and discussion questions are worth 50 points. You will earn 45-50 points for excellent work, 35-45 points for good work, and 25-35 points for fair work.

Actively leading the discussion is worth 50 points. You will earn 40-50 points for actively leading, 30-40 points for participating, and 0-10 points if you do not participate.

Final Papers

What should I write about?

Your paper should focus on an interesting legal question that can be informed with social science research. In other words, you should start with the law. But, I recommend picking a topic that is relevant to your research so that you can use this paper as a basis for a future project. There are many possible research topics, including:

- Regulation of Hate Speech or Crimes
- Sentencing Guidelines
- Repressed Memories
- Death Penalty Decisions
- Prosecutor Discretion
- Child Witnesses
- Eyewitness Identification
- Jury Decision-Making
- Jury Nullification
- Jury Instructions
- Plea Bargaining
- Procedural Justice
- Determinations of Negligence
- Sexual Harassment
- Affirmative Action
- Speech Regulation of Internet
- Trademark Infringement
- Lineups
- Rape
- Battered Women Syndrome
- Insanity Defense
- Comprehension of Contracts
- Alternative Dispute Resolution
- Predicting Dangerousness
- Not Guilty by Reason of Mental Disorder
- Psychopathy and the Law
- Sexual Offenders and Civil Commitment
- False Confessions
- Risk Assessment
- Problem Solving Courts

How should I write my paper?

There are a few formats that you can use to write your paper. A formula that is typically successful involves dividing the paper into 3 sections:

1. Review the legal issue, including relevant statutes and case law.
2. Review social science theory and research that speaks to the legal issue.
3. A brief proposal for additional research that would be helpful in analyzing the issue.

For the legal section, law reviews are a good resource to help provide background. WestLawNext and Hein Online are two good sources for legal research. You should also rely on the actual statutes and case law.

For the social science portion, there are many good sources you can use. In addition to the journals in your field, some psycholegal journals that might be especially relevant include:

- *Law & Human Behavior*
- *Psychology, Public Policy, & Law*
- *Behavioral Sciences & Law*
- *Psychology, Crime, & Law*
- *Journal of Empirical Legal Studies*
- *Annual Review of Law & Social Sci*
- *Law and Society Review*
- *Journal of Legal Education*
- *Journal of Research in Crime & Delinquency*
- *Journal of Applied Social Psych*
- *Journal of Applied Cognitive Psych*

This list is not exhaustive. There are many other sources that have social science and law research.

How will papers be graded?

Papers are worth 500 points. If you follow the standard format, points will be divided with 200 points for the legal issue, 200 points for the social science theory/research, and 100 points for the proposal. For the legal and social science sections, you will earn 180-200 points for excellent work, 160-180 points for good work, and 140-160 points for fair work. For the proposal, you will earn 90-100 points for excellent work, 80-90 points for good work, and 70-80 points for fair work.

Research Presentations

Psychologists not only communicate research through writing (e.g., literature reviews, research proposals), but they also verbally communicate research through presentations and teaching. Although you will gain informal experience in verbal communication during our discussions each week, you will gain formal experience through a presentation of your paper at the end of the semester. Each presentation will be 10 minutes followed by 5 minutes for questions. You will be graded on the content of your presentation, but also the means through which you communicate it. With respect to your presentation, you will earn 90-100 points for excellent work, 80-90 points for good work, 70-80 points for fair work. Presentations on your paper will occur during class on **December 1**.

Ground Rules

This is a discussion-based class. In graduate school, we learn from the thoughts of our colleagues. Therefore, I expect **participation and engagement** from all students. In order to create a climate for open and honest dialogue and to encourage the broadest range of viewpoints, it is important for you to **respect each other**. Name calling, accusations, verbal attacks, sarcasm, and other negative exchanges are counter productive to successful teaching and learning about topics. **Do not personalize the dialogue**. Keep the discussion and comments on the topic, not on the individual. Please direct challenging comments or questions to Krystia or the entire class. Remember that it is OK to **agree to disagree**.

TECHNOLOGY RESOURCES/FAQs

What if I don't have access to the internet or a computer?

You have a few options:

- Check out a laptop or mobile hotspot from UTEP at: https://www.utep.edu/technology/support/TSCenter/tsc_eqchecko_ut.html
- Use the computers in the Collaborative Learning Center (library 2nd floor)
- Make an appointment to use the Liberal Arts computers at: <https://www.utep.edu/liberalarts/tehnology/coronavirus>

What if I don't have Word?

You can download Office for free from UTEP here:

https://www.utep.edu/technologysupport/ServiceCatalog/SOFTWARE_PAGES/soft_microsoftoffice365.html

What if I'm having problems with Blackboard?

Go through the following steps:

1. Try a different browser (Firefox and Chrome are recommended).
2. Make sure your browser is up-to-date and clear your cache.
3. Consult the BB help link or UTEP's BB help link – both are on the left side of your BB home page.
4. If BB is down, wait. Usually the problem is resolved within 2 hours.
5. Contact UTEP's help desk.
6. If you're having submission problems, send a back-up document to Krystia before the deadline as a last resort.

There are other remote learning resources here:

<https://www.utep.edu/technologysupport/learningremotely.html>

ACADEMIC INTEGRITY & SCHOLASTIC DISHONESTY

Each student has a responsibility to understand, accept, and comply with the University's standards of academic conduct: <https://www.utep.edu/student-affairs/osccr/student-conduct/index.html>

It is the official policy of the university that all suspected cases or acts of alleged scholastic dishonesty must be referred to the Dean of Students for investigation and appropriate disposition. Any student who commits an act of scholastic dishonesty is subject to discipline. Scholastic dishonesty includes, but is not limited to the following:

- cheating – use or attempted use of unauthorized materials, student aids or information in any academic exercise
- fabrication – falsifying or inventing information or data in an academic assignment
- collusion – aid or attempt to aid another student in committing academic misconduct
- plagiarism – use of ideas, words or statements of another person without giving credit to that person

Your work is to be **completed independently and should reflect your own ideas and effort. YOU MAY NOT PRESENT AS YOUR OWN ANY MATERIALS THAT ARE THE WORK OF ANOTHER.** These include, but are not limited to, work produced by another student, materials printed in books or articles, and materials published on the web. If you share your work with another student and they try to pass that work off as their own YOU are still guilty of collusion. **Pay attention to the plagiarism reports generated by SafeAssign** to ensure that you have not plagiarized in your writing and to figure out where you may need to include citations if you have not already done so. If you are uncertain as to what constitutes academic dishonesty, talk to me.

Evidence of academic dishonesty or any other violation of the Standards of Conduct **WILL BE REPORTED** to the Office of Student Conduct and Conflict Resolution (OSCCR). Students may be suspended or expelled and

IF YOU NEED HELP:

CLASSROOM ACCOMMODATIONS

If you have a documented disability that requires assistance, please contact the **Center for Accommodations and Support Services (CASS)**

Office: Union East, 106

Phone: 747-5148

E-mail: cass@utep.edu

Web: www.sa.utep.edu/cass

STUDENT SUPPORT

Web: www.utep.edu/student-affairs

WRITING CENTER (UWC)

Phone: (915)747-5112

Web: www.utep.edu/uwc

The UWC is highly recommended for this course. There is a 72-hour turn around excluding weekends, so plan ahead!

FINANCIAL RESOURCES

The Dean of Students can help with financial resources, including emergency loans to purchase textbooks.

E-mail: DOS@utep.edu

Web: <https://www.utep.edu/student-affairs/dean-of-students-office/emergencyaid/>

TECHNOLOGY SUPPORT

Office: Library, 300

E-mail: helpdesk@utep.edu

Web:

<https://www.utep.edu/technologysupport/>

COUNSELING SERVICES

Office: Union West, 202

E-mail: caps@utep.edu

Web: <https://www.utep.edu/student-affairs/counsel/>

may have permanent notes included in their records. UTEP's code of student conduct and discipline may be found at the following location: <https://www.utep.edu/student-affairs/osccr/student-conduct/index.html>

COVID-19 PRECAUTION STATEMENT

Please stay home if you have been diagnosed with COVID-19 or are experiencing COVID-19 symptoms. If you are feeling unwell, please let me know as soon as possible, so that we can work on appropriate accommodations. If you have tested positive for COVID-19, you are encouraged to report your results to covidaction@utep.edu, so that the Dean of Students Office can provide you with support and help with communication with your professors. The Student Health Center is equipped to provide COVID-19 testing.

The Center for Disease Control and Prevention recommends that people in areas of substantial or high COVID-19 transmission wear face masks when indoors in groups of people. The best way that Miners can take care of Miners is to get the vaccine. If you still need the vaccine, it is widely available in the El Paso area, and will be available at no charge on campus during the first week of classes. For more information about the current rates, testing, and vaccinations, please visit epstrong.org.

TITLE IX REPORTING

Faculty are considered responsible employees who has a legal obligation to report incidents of sexual harassment, sexual assault, dating violence, or stalking allegedly committed by or against a student or employee of the university to a Title IX Coordinator or Deputy Title IX Coordinator. This means that if you report such an incident, I have a legal obligation to report it and cannot guarantee confidentiality. Additionally, any reports of suicidal thoughts will also be reported.

Given this, it is important to make you aware of the following resources available to you that do allow for confidential reporting (many are available via video or phone):

Counseling & Psychological Services

Union West 202

915.747.5302

caps@utep.edu

<https://www.utep.edu/student-affairs/counsel/>

Campus Advocacy, Resources & Education

1101 N. Campbell St.,
Room 100-103

915.747.7452

care@utep.edu

<https://www.utep.edu/student-affairs/care/>

UTEP Student Health and Wellness Center

Union East 100

915.747.5624

<https://www.utep.edu/chs/shc/>

CONTRACT

By remaining enrolled in the class, you are agreeing to the terms of this syllabus. This is a contract. I reserve the right to modify any information in the syllabus and class schedule provided that 1) students are given reasonable advance warning and 2) students are not unfairly disadvantaged by the change. Please check Blackboard and your UTEP e-mail

regularly to remain informed of any changes.

If you have any questions, please email Krystia (kmreed2@utep.edu). Make sure your questions indicate that you have read the syllabus or other relevant materials, otherwise you will be directed back to the syllabus.

TENTATIVE SCHEDULE

Wk	Date	Topic	Textbook	Other
1	8/25	Introduction, Historical Overview, Legal Rules	Ch 1 Appendix C	#MeToo, IRAC, Brandeis brief (skim), Breyer
2	9/1	Methods, Factfinders, & Experts	Ch 2	Gatowski et al. (2001) Hans & Saks (2018)
3	9/8	Trademarks	105 – 139	Diamond (2011)
4	9/15	Obscenity	140 – 162	Wiener & Richter (2008) Cramer et al. (2010) Lawrence (2007)
5	9/22	Damages	163 – 188	Helm et al. (2020) Bornstein & Greene (2011) <i>Outlines Due</i>
6	9/29	Legislative Facts, Fourteenth Amendment	189 – 255	Baron & Hebel (2013) Zanella et al. (2020)
7	10/6	First Amendment	256 – 280	Garcia-Bernardo et al. (2018) Kaminski & Witnov (2015) (475-493)
8	10/13	Fourth & Sixth Amendments	281 – 333	Brank & Groscup (2018)
9	10/20	Eighth Amendment	334 – 381	Hans et al. (2015)
10	10/27	Context: Social Science & Future Facts	381 – 405 418 – 430	Neal & Brodsky (2016) Neal et al. (2019)
11	11/3	Context: Past Facts	545 – 561	Mossiere et al. (2018) Holloway & Wiener (2018)
12	11/10	Context: Eyewitnesses, Frameworks	562 – 600	Loftus (2018) Wells et al (2020)
13	11/17	Litigation Strategy, Confessions	Ch 6	Costanzo et al. (2017) Kassin (2008)
	11/24	No Class – Happy Thanksgiving!		
14	12/1	Presentations		
	12/10	Final Paper Due by 11:59 pm on Blackboard		