



A M E R I C A N
P S Y C H O L O G Y
L A W
S O C I E T Y

NEWS

American Psychology-Law Society, Division 41, American Psychological Association

Fall 2004 Vol. 24, No. 3

AP-LS Conference Update

Hyatt Regency, La Jolla, California, March 3-6, 2005

Conference Attractions

Next year's AP-LS Conference will be held in La Jolla, California, or "the jewel" of San Diego. The conference emphasizes innovation in psychology and law and collaboration between researchers and practitioners. The conference will open at noon on Thursday March 3rd with a presentation on these topics by Edward Humes, a Pulitzer-prize winning journalist and author of seven books, including *Mean Justice* and *No Matter How Loud I Shout: A Year in the Life of Juvenile Court*.

On Friday, former Attorney General Janet Reno will speak after receiving the 2005 Award for Distinguished Contributions to Psychology and Law. Robert Grey, President of the American Bar Association has tentatively agreed to speak on proposed jury reform. The program schedule will include one other major invited address, as well as concurrent break-out sessions, a student session, a poster session and cocktail hour, and a business meeting. The winners of the 2005 AP-LS Dissertation Award, Saleem Shah Early Career Award will also present their research.

La Jolla Attractions

La Jolla is a beautiful area and great place to be in early Spring. The area has incredible attractions, including beautiful beaches (from bicycling to surfing), a large bay (with cruises), and world famous animal parks and aquariums (the San Diego Zoo, Wild Animal Park, Sea World, Birch Aquarium). The Museum of Contemporary Art, Cabrillo Monument, and Mission San Diego de Alcala are nearby. Terrific restaurants and great shopping (from the Gas Lamp Quarter to downtown) abound.

In short, La Jolla is a fantastic place to vacation...as well as conference. The Hyatt Regency has agreed to extend discounted room rates to those who would like to come early to, or stay late after, the conference. Be sure to book your room early while rooms are available.

Conference cont. on p. 19

This May Be the Last Issue of APLS News You Receive ...

unless you log onto the new member database and update your contact information. The most important piece of which is your email address, since further issues of the APLS News will be delivered electronically. Beginning on November 15, 2004, the new APLS website will be launched (www.ap-ls.org) that includes a number of new features available to members who log in (e.g., electronic access to Law and Human Behavior, a member search function). Most importantly, to continue receiving this newsletter you will need to log on and update your email address and contact information. See p. 31 for more detailed instructions.

Also In This Issue ...

Jury Decision Making about Damages: Research Informing Legal Policy - A comparative Book Review of Greene & Bornstein, *Determining Damages: The Psychology of Jury Awards* and Sunstein et al., *Punitive Damages: How Juries Decide*, by Jennifer L. Groscup, J.D., Ph.D., p. 8

Legal Update: Juveniles in the Justice System, by David DeMatteo, J.D., Ph.D., p. 6

Expert Opinion: Does the Mandatory Reporting Law Trump Attorney-Client Privilege ?, p. 10
And LOTS more ...

AP-LS News Editorial Staff

Editor-In-Chief
Barry Rosenfeld, Ph.D.
rosenfeld@fordham.edu

Production/Advertising Editor
Michele Galietta, Ph.D.
galietta13@aol.com

Associate Editor, Expert Opinion
Mary Connell, Ed.D.
mconnell@child-custody.com

Associate Editor, Research Briefs
Marc Boccaccini, Ph.D.
PSY_MTB@shsu.edu

Associate Editor, Legal Update
David DeMatteo, J.D., Ph.D.
ddematteo@tresearch.org

Website Manager
Adam Fried, M.A.
afried@fordham.edu

The American Psychology-Law Society News is a publication devoted to dissemination of information, news, and commentary about psychology, mental health, and the law. The newsletter is published three times per year; February 1, June 1, and October 1. Original contributions are welcome, and will be published subject to editorial approval and space availability. A limited amount of space is also available for advertising and unsolicited manuscripts.

For information regarding editorial policies contact the Editor, Barry Rosenfeld, Ph.D., Dept. of Psychology, Fordham Univ., Dealy Hall, Bronx, NY 10458 or rosenfeld@fordham.edu. Advertising inquiries should be directed to Michele Galietta, Production Editor, via e-mail: galietta13@aol.com.

Address changes for APA members should be directed to APA Membership Dept., 750 First St. NE, Washington, DC 20002-4242; for non-APA members, student members, or members-at-large to Cathleen Oslzly, Dept. of Psychology, 209 Burnett Hall, Univ. of Nebraska-Lincoln, Lincoln NE 68588-0308 or coslzly@unl.edu.

Executive Committee (EC) Meeting Minutes

Honolulu, Hawaii, July 28, 2004

Attending: Sol Fulero, Gail Goodman, Edie Greene, Wendy Heath, Matt Huss, Margaret Bull Kovera, Brad McAuliff, Tara Mitchell, Randy Otto, Jennifer Robbennolt, Ron Roesch, Barry Rosenfeld, Randy Salekin, Mark Small, Christina Studebaker, Beth Wiggins

1. Meeting was called to order at 2:05 p.m. by President Sol Fulero.

2. Executive Committee meeting minutes from March 2004 were approved.

3. Law and Human Behavior

Brian Cutler was selected as the next editor of *Law and Human Behavior*. His term will begin in January 2006.

Editor Rich Weiner reported via e-mail that *Law and Human Behavior* continues to be frequently cited both in practice and in scholarly papers. For example, *Law and Human Behavior* is now the highest ranked ISI journal in the area of law that is not a law review. It is 16th out of 102 ranked journals. Included in the 15 publications that are ranked above *Law and Human Behavior* are the *Harvard Law Review* (1), *Cornell Law Review* (5), and the *University of Chicago Law Review* (10). The journal is ranked above other well-respected outlets such as the *Journal of Legal Studies*, *Law and Society Review*, and *Law and Social Inquiry*.

Submissions to LHB continue to increase. During the first 6 months of 2004, the journal received 70 new manuscripts, which suggests that it will receive approximately 140 papers in 2004 (compared to 130 in 2003). Thomas Grisso, and Gina Vincent will edit the 2005 special edition "Empirical Limits of Forensic Mental Health Assessment." A call for papers was sent out for a special edition on "Emotion in Legal Decision-Making" for the 2006

special edition, to be co-edited by Brian Bornstein and Rich Weiner.

2. Kluwer/Oxford

A contract for a new book series has been negotiated with Oxford University Press. President Sol Fulero was authorized to sign this contract. Three books are completed and ready to be published in the new series.

Malcolm Crystal from Springer Science Business and Media (the company formed by the merger of Kluwer and Springer) reported that he is working with Barry Rosenfeld as he designs the new web site to facilitate on-line access to LHB for members and that he has been working to get LHB included on Westlaw.

3. APA Council Report

The role of Division 41 and its members in APA governance was discussed. COLI was discussed as one avenue through which members can be more influential. Mark Small proposed that funds be allocated to cover transportation costs for AP-LS members to attend ABA/APA task force events. Funding in the amount of \$2,000 was approved for the Committee on Relations with Other Organizations for this purpose. Possible mechanisms for informing the membership of opportunities with APA were discussed. Council Representative Gail Goodman reported on her contacts with the Publications Board and Gary VandenBos about concerns with *Psychology, Public Policy, and Law* and the *Journal of Applied Psychology*.

4. APA Science Directorate

Steve Breckler (Executive Director for Science) and Heather Kelly (Public Policy Office) from the Science Directorate met with the EC. The Science Directorate is focused on growing and making more visible the science of psychology. Their priority areas include

AP-LS NEWS, Fall 2004

supporting programs having to do with the responsible conduct of research and methods and standards for the sharing and archiving of data, articulating psychology's infrastructure needs, and nurturing a culture of service to the discipline. The Public Policy Office is engaged in advocacy efforts, works on research funding issues, and participates in congressional briefings. There was discussion about how Division 41 could have a role in these activities. It was suggested that Division 41 could ask to have a member serve as a liaison to the Board of Scientific Affairs (as well as the Board of Professional Affairs and the Board of Public Affairs).

5. Newsletter

Barry Rosenfeld reported that the web site redesign is proceeding. Several alternative designs prepared by Nicole Cadaret of Field Day Designs were presented. The new web site will have an improved look, will be easier to navigate, and will include a membership database. In addition, Barry is working with Malcolm Crystal at Springer to incorporate on-line access to LHB for members. It is anticipated that the last hard copy of the newsletter will be issued in October.

Mark Boccacini has taken over the Research Briefs column and Dave DeMatteo has taken over the Legal Update column. Barry's term as newsletter editor ends at the end of 2006 and a search for a new editor will begin soon.

6. Conferences

APA 2004: Conference co-chairs Matt Huss and Jennifer Hunt reported that the conference expenses were coming in under 2003 budget levels and that the additional funds budgeted would not be needed.

APA 2005: Jennifer Hunt and Eric Elbogen will co-chair our program for the next APA Annual Meeting to be held in Washington, DC.

AP-LS 2006: Jennifer Skeem and Brad McAuliff are co-chairing the next

AP-LS NEWS, Fall 2004

AP-LS annual conference to be held in La Jolla, CA. Brad reported that the call for papers has gone out, the web site is up and running, and they are working on getting some invited speakers.

2007 AP-LS, EAPL, ANZAPPL joint conference: Following some confusion about the location of the 2007 conference, the possibility of holding the next joint conference in Adelaide, Australia was reconsidered. The EAPL and ANZAPPL have proceeded with plans for the conference and would like our participation. Despite misgivings about the location, it was decided that AP-LS will co-sponsor the conference if satisfactory procedures are established for how the joint conferences will be planned and financed (e.g., how funded, registration fees, etc.). Incoming President Edie Greene will appoint a liaison to work with the EAPL and ANZAPPL to resolve these issues.

7. Specialty Guidelines

The committee is planning a meeting in November in Florida. The costs of this meeting are to be divided between AP-LS and the American Board of Forensic Psychology (ABFP). Funding of \$1250 was approved (1/2 of \$1500 in travel costs and \$1000 in administrative costs).

Committee chair Randy Otto reported that APA requires that divisions only offer guidelines that are advisory (i.e., no mandates or requirements). The current guidelines, which were published before this APA provision was enacted, do explicitly preclude certain practices. The committee will be struggling with how to address this issue.

8. By-Laws Revision

A proposal to revise the By-Laws was discussed. The primary areas of revision include clarifying the categories of membership, making the membership categories consistent with those of APA, re-naming the Executive Committee Members-at-Large, inclusion of a provision for the new AP-LS Fellows

designation, revisions to the term of the editor of Law and Human Behavior, Treasurer, and Representatives to APA Council, inclusion of By-Laws for the student section, and incorporating a provision for electronic voting. These revisions to the By-Laws were approved. They will be submitted to the membership as a whole for their vote.

9. Treasurer's Report (see 2005 budget on p. 4)

Treasurer Margaret Bull Kovera reported that the Division is in good financial shape. The proposed budget for 2005 includes a reduced expense category for the 2005 APA EC meeting as travel to Washington, DC should be less than travel to Hawaii. The proposed budget also includes a second year of increased funding to cover the costs of the web site redesign.

The Executive Committee approved motions to allocate \$2,000 to the Committee on Relations with Other Organizations (see #5 above) and \$1,250 to the Specialty Guidelines Committee (as General Operating Expenses) (see #7 above).

A motion to accept the budget as revised passed.

10. Nominations and Awards

Election results:

President-Elect, Gary Wells
Member-at-Large, Jennifer Skeem
APA Council Representative, Patty Griffin

A committee is working to create descriptions of, processes and schedules for awarding, and histories of recipients for each of the awards given by AP-LS. The committee will also make recommendations about whether to create any additional awards.

11. Student Section

Student representative Tara Mitchell reported that the student section is

EC Minutes continued on p. 4

2005 Revised Budget

INCOME	Budget
Dues & Contributions	\$ 125,000.00
LHB Editorial Expenses	\$ 17,500.00
Interest Income	\$ 1,000.00
Royalties	\$ 40,000.00
AP-LS Conference	\$ 45,000.00
Advertising	\$ 3,000.00
TOTAL INCOME	\$ 231,500.00

EXPENSES

Meetings & Conferences:

APA Convention Program	\$ 17,000.00
APAEC Meeting	\$ 3,000.00
APLS EC meeting at APA	\$ 10,000.00
Biennial EC Meeting	\$ 10,000.00
Biennial AP-LS Conference	\$ 45,000.00
Div. Leadership Conference	\$ 2,000.00
APA Program Chair Conf.	\$ 1,500.00
SUB-TOTAL	\$ 88,500.00

Publications:

Newsletter Expenses	\$ 18,000.00
Subscriptions to LHB	\$ 73,000.00
Editor Expenses for LHB	\$ 17,000.00
Web Site Expenses	\$ 5,000.00
SUB-TOTAL	\$ 113,000.00

Administrative Costs:

General Operating Expenses	\$ 11,250.00
Presidential Expenses	\$ 400.00
Treasurer Expenses	\$ 400.00
SUB-TOTAL	\$ 12,050.00

Awards and Committees:

Awards & Dissertations	\$ 4,000.00
Grants-in-Aid	\$ 10,000.00
Interdisciplinary Grant	\$ 3,000.00
Student Committee	\$ 3,000.00
Education Outreach Comm.	\$ 2,000.00
Congress. Briefing Series	\$ 3,000.00
Careers & Teaching Comm.	\$ 1,000.00
Relations w/ Other Org.	\$ 2,000.00
SUB-TOTAL	\$ 28,000.00

TOTAL EXPENSES \$ 241,550.00

working on new by-laws that will be circulated to the EC at a later date. In addition, the student section has elected new officers:

Chair Elect – Christopher Kunkle
Secretary/Treasurer – Peter Shore
Web Editor – Michael Griffin
Clinical Liaisons – Shanna Guenther and Chriscelyn Tussey
Experimental Liaisons – Alicia Spidel and Maggie Stevenson
Law Student Liaisons – Emily Bennett and Justine Schmoltinger

12. Ad hoc Mentoring Committee

Wendy Heath reported on the activities of the ad hoc Mentoring Committee. Proposed activities include recruiting mentors, a column in the newsletter, a web site link to FAQs, and conference activities. It was decided not to make this a standing committee at this time.

13. Fellows Committee

Kirk Heilbrun has been selected as the new chair of the Fellows Committee.

14. Grants in Aid

No report available.

15. Dissertation Awards Committee

No report available.

16. Careers and Training Committee

Allison Redlich reported via e-mail on the activities of the Careers & Training Committee. Margaret Bull Kovera was awarded the AP-LS Award for Outstanding Teaching and Mentoring in Scottsdale. Nominations for the next award are being solicited. The committee is working on updating the Careers in Psychology and Law for Prospective Students document, the guide to Predoctoral Internships in Psychology and Law, the list of Graduate Training Programs in Psychology and Law, and the Handbook of Teaching Materials. The committee is planning a symposium for the 2005 AP-LS conference.

17. Interdisciplinary grants

No report available.

18. Scientific Review Paper Committee

No report available.

19. Women in Psychology and Law Committee

No report available.

20. Committee on Law and Psychology in Corrections

No report available.

21. Report of the forensic representative to the Council of Specialties

Ira Packer has been appointed as the forensic representative to the Council of Specialties.

22. Educational Outreach Committee

No report available.

23. Committee on Ethnic Minority Affairs

No report available.

24. Committee on Relations with Other Organizations

No report available.

25. Other Business

The next meeting will be held in La Jolla, CA in conjunction with the AP-LS Annual Meeting in March 2005.

The meeting was adjourned.

Respectfully submitted,
Jennifer K. Robbennolt

Presidential Initiative: The APLS DVD Project

Gary L. Wells, AP-LS President-Elect

As President-Elect of APLS, I am interested in receiving some early input on an initiative that I would like to complete during my term as President (which begins in August 2005). I am calling this the APLS DVD Project, for lack of a better term at the moment. The idea itself is simple: I propose that APLS coordinate and fund a series of 10 “great lectures” in psychology and law that would be circulated free (or at a nominal cost) to APLS members in the form of DVDs. I envision these 50-minute video lectures to be suitable for any audience in the sense that legal practitioners or even high school students could readily understand the lectures. And yet, there would be enough “meat” for use in college classrooms. These would be fast-moving, well-delivered lectures with visual images that capture attention and showcase the best research that the interface of psychology and law has to offer. Any slides of images, figures, or tables would be inserted electronically on the DVD rather than being filmed.

I don't think that the general idea I am proposing is controversial. However, the details that I propose might be more controversial. For instance, I do not believe that these lectures should necessarily be delivered by the major research figure on that topic. Instead, the lecturer ought to be any member of APLS who has put together a dynamic, coherent, stimulating, and scholarly lecture on a well-defined sub-topic in psychology and law. Obviously, that could end up to be the leading research figure on that topic, but not necessarily. Over the last few years, I have had the pleasure of hearing several classroom lectures from faculty in small colleges on psychology and law topics that were amazingly well done. Although the lecturers were not themselves major researchers on the topic, they showed a great talent for communicating the research and its significance in a manner that was unique, effective, and quickly comprehended by a general audience. It reminds me of what I call the “David Myers Effect.” David Myers (a very successful author of introductory textbooks who is at a small liberal arts college) manages to communicate research findings better than do most of the researchers themselves. We have hundreds of APLS members who are teaching psychology and law topics at universities and colleges and many of these have developed outstanding lectures.

In addition to the DVD lecture, it might be a good idea to include with each DVD a short interview with a major researcher on that topic. [If a major researcher on that topic delivers the lecture, then a different researcher should be the one interviewed.] The researcher should address such questions as how she or he became interested in psychology and law in general and this problem in particular as well as outline a few questions that should be answered with future research.

What is your best lecture in psychology and law, the one that you have found to be a great hit with students? Put aside the question as to whether or not you have ever published original research on that topic. Do you have a gem of a lecture to share? Do you have a lecture that has scholarly meat and yet is fully understandable to an audience that knows nothing about psychology and law? Does it include visual images that help maintain audience attention? If you were selected as a lecturer, would you willing to spend the time to improve it, adapt it to the needs of the DVD series, and take the time to prepare and deliver it?

One possibility for the actual filming would be to set aside two days prior to the March 2006 APLS conference to record the lectures. The extra night or two of room cost for the lecturers might be offset by APLS, but I envision no honoraria for the lecturers. An audience can be assembled at the APLS conference site (some APLS members or student members might want to come early to hear these). This project would require setting up an APLS DVD Editorial Board who would have the responsibility of reviewing and selecting the lecturers and topics. Submissions to the Editorial Board could take any number of forms. For example, one might submit a transcript of the lecture along with copies of slides. Of course, the Editorial Board should be interested in the delivery and speaking style of the lecturer, so submission of a homemade video (draft) of the lecture might be a better submission format. Also, we would need a project manager. The project manager, who might also be on the Editorial Board, needs to be someone who has some understanding of the technical aspects of such a production, arrange for the proper equipment, personnel, and scheduling for actual filming.

There are several reasons why I think that this is an important initiative. First, one of the missions of APLS is educational. We can use these DVDs to help educate high school students, law school students, practitioners, and other important audiences in addition to using them in our psychology and law courses. Second, if we do these lectures right, they should interface with other areas of psychology. Hence, they would be useful in other courses in psychology, such as general introductory psychology, social psychology, cognitive psychology, developmental psychology, and clinical psychology. To often, these basic psychology courses have little or nothing that interfaces with law. Third, outstanding examples of great lectures in psychology and law can stimulate each of us to improve our own lectures on these and other topics. For example, we might borrow a technique that one of the DVD lecturers used to explain a complex concept using everyday language. Finally, I would like to see APLS target underrepresented groups to get them *interested in psychology*



Legal Update: Juveniles in the Criminal Justice System

David DeMatteo, JD, PhD

In recent years, the debate over the rights of juveniles in the criminal justice system has taken center stage in our national consciousness. The proliferation of state-level legislative efforts that reflect the current “get-tough-on-juvenile-crime” zeitgeist has led to an increase in the number of juveniles being adjudicated in the criminal justice system. This has effectively moved the debate from dinner tables and academic settings to the state and federal court systems. As a result, more and more courts are being forced to address difficult questions regarding the appropriateness and applicability of criminal justice laws that have previously only been applied to adult offenders.

Two legal issues in particular – juvenile *Miranda* rights and the execution of juvenile offenders – have risen to the forefront in the debate over the rights of juveniles in the criminal justice system. In June 2004, the Supreme Court of the United States addressed a key question relating to the *Miranda* rights of juveniles, and the Supreme Court stands poised to address the constitutionality of executing juvenile offenders in its upcoming term. Part I of this column will summarize the Supreme Court’s recent decision regarding what constitutes “custody” for purposes of providing a *Miranda* warning to a juvenile suspect (*Yarborough v. Alvarado*, 124 S. Ct. 2140 (2004)). A short discussion of relevant research will follow. Part II of this column will briefly preview the Supreme Court’s upcoming decision regarding the constitutionality of executing juvenile offenders (*Simmons v. Roper*, 112 S.W.3d 397 (Mo. 2003)).

Part I: Juvenile *Miranda* Rights

On June 1, 2004, in *Yarborough v. Alvarado*, 124 S. Ct. 2140, the Supreme Court of the United States held that courts should not consider a juvenile suspect’s age and experience when making a “custody” determination under *Miranda v. Arizona*, 384 U.S. 436 (1966).¹ In a 5-4 decision, the Supreme Court held that it was not unreasonable for a state trial court to determine that a 17 year-old suspect – who was brought to the police station by his parents at police request, interviewed in a small interrogation room for two hours in the absence of his parents, and confronted with claims that there was strong evidence of his guilt – was not “in custody” for purposes of *Miranda*. Let’s see how the Court arrived at this much-debated conclusion.

On September 22, 1995, Michael Alvarado (age 17) and Paul Soto attempted to steal a truck from a shopping mall parking lot in Santa Fe Springs, California. Armed with a .357 Magnum handgun, Soto approached the driver of the truck, Francisco Castaneda, and demanded Castaneda’s money and truck keys. After Castaneda refused to comply with Soto’s

demands, Soto shot and killed Castaneda. Alvarado subsequently helped Soto to hide the handgun.

One month after the murder, in response to a request from Los Angeles County Sheriff’s Detective Cheryl Comstock, Alvarado’s parents took him to the Pico Rivera Sheriff’s Station. Detective Comstock refused Alvarado’s parents’ request to be present during the interview, which took place in a small interrogation room and lasted approximately two hours. Detective Comstock did not provide Alvarado with a *Miranda* warning, and Alvarado was never asked to sign a statement indicating that his participation in the interview was voluntary. At the time of the interview, Alvarado was 17 years old, he had no criminal record, and he had never been questioned by the police. After initially denying that he had any knowledge of Castaneda’s death, Alvarado confessed to his role in the murder. At the end of the interview, Alvarado was sent home with his parents. Several months later, the State of California charged Alvarado and Soto with first-degree murder and attempted robbery.

Prior to trial, Alvarado moved to suppress his confession on the grounds that it was illegally obtained because he was not given a *Miranda* warning prior to the Comstock interview. The prosecution countered that a *Miranda* warning was not required because Alvarado was not “in custody” at the time of the Comstock interview. The trial court concluded that the interview was noncustodial and denied Alvarado’s motion, and a jury convicted Alvarado and Soto of first-degree murder and attempted robbery. In light of Alvarado’s relatively minor role in the murder, the judge reduced Alvarado’s conviction to second-degree murder and sentenced him to 15 years to life. (Soto was given a life sentence.) A state appellate court affirmed the trial court’s holding that Alvarado was not in custody during the Comstock interview and therefore not entitled to a *Miranda* warning. The California Supreme Court denied discretionary review.

Alvarado subsequently filed a petition for a writ of habeas corpus in the United States District Court for the Central District of California. The District Court agreed with the state courts and held that Alvarado was not in custody for purposes of *Miranda*. The United States Court of Appeals for the Ninth Circuit reversed, concluding that Alvarado was in custody because a reasonable 17 year-old in Alvarado’s position would not have felt free to terminate the interview and leave. The Ninth Circuit also concluded that the state court erred in failing to consider Alvarado’s youth and inexperience when determining whether a reasonable person in his position would have felt free to leave (*Alvarado v. Hickman*, 316 F.3d 841 (9th Cir. 2002)).

The Supreme Court granted certiorari to address the issue of whether a court must consider a juvenile suspect's age and experience when making a "custody" determination under *Miranda*.² In Justice Kennedy's majority opinion (joined by Chief Justice Rehnquist and Justices O'Connor, Scalia, and Thomas), the Court noted that the most recent iteration of the *Miranda* custody test was articulated in *Thompson v. Keohane*, 516 U.S. 99 (1995). The two-part *Miranda* custody test requires courts to (1) consider the circumstances surrounding the interrogation, and (2) determine whether a reasonable person in those circumstances would have felt free to terminate the interrogation and leave.

Looking to the facts of the case, the Court noted that the following six factors weigh against a finding of custody: Alvarado was brought to the police station by his parents (not the police); Alvarado was not threatened with arrest; Alvarado's parents remained in the lobby during the interview (suggesting the interview would be brief); Detective Comstock focused almost exclusively on Soto's role in the murder; instead of pressuring Alvarado, Detective Comstock appealed to Alvarado's interest in helping the police; and Detective Comstock twice asked Alvarado if he needed to take a break. According to the Court, "All of these objective facts are consistent with an interrogation environment in which a reasonable person would have felt free to terminate the interview and leave" (*Alvarado*, 124 S. Ct. at 2150).

The Court conceded that certain factors may point to the opposite conclusion. The following five factors weigh in favor of a finding of custody: the interview occurred at a police station; the interview lasted two hours; Alvarado was not told that he was free to leave; Alvarado was brought to the police station by his legal guardians, rather than arriving on his own accord; and Detective Comstock refused Alvarado's

parents' request to be present during the interview. In view of these differing indications of "custody," the Court concluded that the state court's custody determination was a reasonable application of clearly established federal law.

The Supreme Court then considered whether a court must consider a juvenile suspect's age and experience when making a *Miranda* custody determination. The Court noted that it has never considered a suspect's age when applying the *Miranda* custody test, and it has on several occasions rejected reliance on a suspect's experience with law enforcement (see *Berkemer v. McCarty*, 468 U.S. 420 (1984); *California v. Beheler*, 463 U.S. 1121 (1983)). The Court emphasized that the *Miranda* custody test is an objective inquiry, and requiring the police to consider a suspect's age and experience in deciding whether to provide a *Miranda* warning would likely create a difficult-to-apply subjective inquiry. The Court stated, "We do not ask police officers to consider these contingent psychological factors when deciding when suspects should be advised of their *Miranda* rights" (*Alvarado*, 124 S. Ct. at 2152). According to the Court, the Ninth Circuit's reliance on Alvarado's age and lack of experience with law enforcement was improper. Accordingly, the Court reversed the judgment of the Ninth Circuit.³

In a vigorous dissent, Justice Breyer (joined by Justices Stevens, Souter, and Ginsburg) concluded that Alvarado was "clearly" in custody because a "reasonable person in Alvarado's circumstances would *not* have felt free to terminate the interrogation and leave" (*Alvarado*, 124 S. Ct. at 2154). According to Justice Breyer, Supreme Court case law establishes that "even if the police do not tell a suspect he is under arrest, do not handcuff him, do not lock him in a cell, and do not threaten him, he may nonetheless reasonably believe he is not free to leave the place of questioning – and thus be

in custody for *Miranda* purposes" (*Alvarado*, 124 S. Ct. at 2156).

Justice Breyer also disagreed with the majority's conceptualization of the "reasonable person" standard, which did not account for Alvarado's age. Justice Breyer noted that the "legal definition of 'reasonable person' may . . . appropriately account for certain personal characteristics" (*Alvarado*, 124 S. Ct. at 2155). In the *Miranda* custody inquiry, the purpose of the "reasonable person" standard is to avoid judicial inquiry into subjective states of mind, and instead focus the inquiry on objective circumstances that are known to both the officer and the suspect and which may be relevant to the way that the suspect would understand the situation. In this case, Alvarado's youth was known to the police, and "common sense" is enough to "make clear that Alvarado's age – an objective, widely shared characteristic about which the police plainly knew – is also relevant to the [*Miranda* custody] inquiry" (*Alvarado*, 124 S. Ct. at 2156).

Relevant Research

The *Alvarado* case raises several important issues related to the cognitive and neurobiological development of adolescents. Research regarding adolescent suggestibility, decision-making, and brain development is particularly relevant. Recent research suggests that adolescents' decision-making capacities are not fully developed, which makes them more vulnerable than adults to the influence of coercive circumstances (Steinberg & Scott, 2003), such as police interrogations. Researchers have found that important progress in the development of decision-making abilities occurs sometime during late adolescence (Halpern-Felsher & Cauffman, 2001). Moreover, research suggests that adolescents, even up to age 17, are more susceptible to coercive influences and more suggestible than adults in interrogative settings (Richardson, Gudjonsson, &

Legal Update cont. on p.



Jury Decision Making about Damages: Research Informing Legal Policy

Comparative Book Review: Greene, E. & Bornstein, B.H. (2003). *Determining Damages: The Psychology of Jury Awards*. Washington, D.C.: American Psychological Association. (238 pages) and Sunstein, C.R., Hastie, R., Payne, J.W., Schkade, D.A., & Viscusi, W.K. (2002). *Punitive Damages: How Juries Decide*. Chicago, I.L.: University of Chicago Press.

Reviewed by Jennifer L. Groscup, J.D., Ph.D., Department of Psychology, John Jay College of Criminal Justice, City University of New York, 445 W. 59th St., New York, NY 10019-1199. Phone: (212) 237-8774. E-mail: jgroscup@jjay.cuny.edu.

Many aspects of jury service place a high burden on the citizens called to serve as jurors. The task of awarding damages can be particularly overwhelming, and given the public outcry over “outrageously large” awards, it could also feel largely thankless to those charged with this duty. The task itself is fraught with uncertainty and ambiguity. Additionally, the most uncertain, ambiguous, and difficult cases proceed to trial, while the more definitive cases are settled pre-trial. It is assumed that people engage in a specific set of cognitive processes when converting a negligent act into a dollar amount. However, this is not an everyday task, and jurors are given little guidance by jury instruction on how to translate abstract ideas of liability into monetary awards. When jury awards exceed what is perceived as reasonable, there is public outcry that not only the jury is wrong, but that the system itself is flawed. Many psycho-legal empirical questions are raised by the process of awarding damages.

Greene & Bornstein in *Determining Damages: The Psychology of Jury Awards* and Sunstein, Hastie, Payne, Schkade, and Viscusi in *Punitive Damages: How Juries Decide* have written books that attempt to shed light on this arduous aspect of jury service. Greene and Bornstein provide a useful and comprehensive review of both the law and the psychological research regarding jury damage awards. Sunstein et al. delve deeper into the research regarding the most controversial of legal remedies: the punitive damage award. The topic of damages in general is timely given the public outcry regarding recent, highly publicized large damage awards reaching even the billion dollar mark for an individual plaintiff. Each book in its unique approach, attempts to tackle this difficult and perplexing topic, provide insight into the heretofore mysterious calculation of damage awards, and unlock the “black box” of the jury room when determining damages.

General description of the books:

In their book *Punitive Damages*, Sunstein, Hastie, Payne, Schkade, and Viscusi present the law and research as it, not surprisingly, relates to jury decision making about punitive damages. This book focuses specifically and solely on is-

issues regarding punitive damage awards as a legal remedy. As noted earlier, punitive damage awards are quite controversial, and they are often perceived by laypersons and portrayed by the media as being outrageous and unreasonable. Sunstein et al. approach this important topic by providing a collection of research findings from relevant research programs that inform jurors’ damages decision making. The research presented in the book was conducted by the book’s authors, with some collaboration and independent work. The stated goal of the book is to combine these independent findings into a comprehensive examination of jury damage awards.

In the introduction, Sunstein et al. provide a matter-of-fact description of the jury selection and trial processes for cases involving punitive damages. Early in the piece, the authors highlight the difficulty of the task of awarding punitive damages. They note that this already difficult task is made all the more challenging because the easier cases in which liability is obvious are more likely to settle, leaving jurors to decide the more complex cases involving comparative negligence and contentious calculations of damages. The introduction is followed by a chapter detailing the shortcomings of previous research on punitive damages which describes experimental methodology, including its benefits and limitations. It is meant to introduce the methods used by the chapter authors in addressing the research questions. These chapters are organized into three themes: 1) how jurors turn “outrage” (defined in Chapter 2 as an attitude evoked towards other who commit moral transgressions) into damage awards, 2) how juries make the decision whether or not to punish a defendant, and 3) how jurors and judges can serve as “risk managers” through the trial process.

Each chapter begins with an introduction that briefly attempts to put the study reported therein into context with the research described in the previous chapters. A nice feature in each chapter is a text box summarizing the methods used in that experiment for easy comparison to experiments described in the other chapters. The results presented individually in each chapter are usefully summarized several times through-

out the book, including a table in the introduction and a final summary chapter. In addition to providing a summary, the final section of the book concludes the topic by discussing the observed results and providing some link to psychological theory.

Although both books examine damages, Greene and Bornstein have a different focus and use a different approach in their book, *Determining Damages*. Their focus is on the law and the literature concerning both compensatory and punitive damages in general as a legal remedy. In contrast to Sunstein et al.'s in depth reporting of several individual studies, Greene and Bornstein approach the topic of damages by conducting a broad review of all the available research on the topic. They provide a compilation of all relevant theory, research, a variety of research methods, and unanswered questions on the topic of damage awards. The book begins by defining the legal concept of damages, briefly reviewing the law regarding compensatory and punitive damages, and introducing research findings on the topic. The discussion of damages as a legal remedy is framed by examples of extraordinary and typical cases. The majority of the book is organized under three broad topics: 1) the effect of the characteristics of the legal players in a case involving damages, 2) the effect of the evidence presented in a case with damages on decision making, and 3) the effect of the legal process on decision making, with a focus on improving decision making. Each of these sections begins with a brief introduction which ties it to the other topics. Each chapter also includes a useful conclusory summary of the research presented therein.

Similar to Sunstein et al., Greene and Bornstein appropriately argue that jury performance in this area much better than the media portrayal would indicate. One question raised by *Determining Damages* is how do we define a "good" jury damage award? Critics

often discuss jury damage awards by how "good" or "bad" they are or how "right" or "wrong" based on high dollar amounts. Greene and Bornstein highlight that the evaluation of damage awards is more complex than examining their size, and through the presentation of the research they suggest other considerations that would inform this evaluation. In particular, they recommend careful examination of how researchers define or measure the quality of jury decision making about damages.

Whereas Greene and Bornstein discuss the research in the area of damages as a whole to provide the reader with general information regarding the "unpredictability" of damage awards, Sunstein et al. accomplish this via descriptions of specific studies, complete with all the details of a journal article. Both books take a very positive approach to the jury. Greene and Bornstein state that their purpose in the book is not to provide a defense of the jury because, in their opinion, it needs no defending. Sunstein et al. conclude in part that jurors approach the task of awarding damages in a conscientious and well intentioned manner. However, both books also recognize from the outset that there are certain biases and limitations in information processing abilities that are inherent to all humans. One goal of both books is to explore these issues and their potential extra-legal effect on jury damage awards.

Strengths and Limitations:

The main strength of Greene and Bornstein's *Determining Damages* is that it is a comprehensive review of the literature regarding jury decision making about damages. In providing an expansive review of the research, Greene and Bornstein also succeed in providing information about a range of research methodologies. They carefully identify methodological strengths and weaknesses in the empirical research discussed. The empirical knowledge presented in the book is derived from a variety of sources, in-

cluding experimental studies, field research, and survey work. They discuss the results, strengths, and limitations of each of these methods, with particular attention paid to the convergent validity provided by these varying methods.

Another exceptional strength of *Determining Damages* is its integration of psychological theory and law, which is a connection often ignored in an applied field where the research is frequently atheoretical. In each of the chapters, the authors discuss the research related to the chapter topic how psychological theory informs jury decisions on that topic. For example, in Chapter 6 on injury severity, the authors discuss how the *typicality* of the injury suffered by the plaintiff relates to damage awards. After the typicality effect is discussed, the authors further explain this effect by discussing the general and applied research on counterfactual thinking. It is this combination of basic psychological theory and the application of that theory to the law that is an important step. The grounding of the discussion of research in theory is the true psycho-legal nature of the book.

Although Greene and Bornstein do an excellent job of describing research methods in general and in identifying methodological issues in this area of research, most of the research is summarized. A more detailed description of the majority of the research is not presented. The amount of information provided about each of the individual studies discussed is consistent with the overall goal of the book to provide an overview of the research. However, a reader interested in more specific details about the research may leave the book wanting more. The extensive references provide a reader interested in more specific information about the individual studies with a gateway to that knowledge. The amount of legal information provided is also true to the summary goal of the book. It pro-

Book Review cont. on p. 14



Expert Opinion:

Does the mandatory reporting law trump attorney-client privilege?

When a psychologist is asked by defense counsel to assist in evaluation of a defendant charged with sexual abuse of a child, for purposes of sentence mitigation, the psychologist must consider the relevant state statute for mandatory reporting of suspicion of or knowledge of child sexual abuse. Given that the information gleaned from the defendant may go beyond what is specifically being prosecuted, for example, does the psychologist's status as a mandatory reporter require that any information be provided to the child protection agency, and if so, what are the implications, in terms of the defendant's right to avoid self incrimination and to have access to expert consultation in developing a mitigation case?

John Niland, Director of the Texas Defender Services Trial Consulting Project, provides a response from the perspective of the attorney, Laurie Morgan provides a second opinion similarly addressing the attorney's obligations, and Stephen Golding, Professor of Psychology and Adjunct Professor of Law and of Psychiatry, University of Utah, responds from the psychologist's perspective.

John Niland graduated from the University of Texas Law School in 1971. He practiced in El Paso where he was President of the El Paso Young Lawyers Association and chosen Outstanding Young Lawyer. He practiced law in Kentucky from 1992 until May of 2000 during which time he was contract manager, directing attorney and regional manager for Kentucky's Department of Public Advocacy (DPA). He has maintained an active capital defense caseload and has presented at capital training programs around the country. He was DPA's Gideon Award recipient for the year 2000.

Laura W. Morgan owns and operates Family Law Consulting in Charlottesville, Virginia. She is the Chair of the Child Support Committee of the Family Law Section of the American Bar Association and the author of *Child Support Guidelines: Interpretation and Application*.

Stephen Golding, Professor of Psychology at University of Utah, Salt Lake City, teaches and practices in the areas of criminal responsibility and competency to stand trial, professional ethics and standards of practice, and child sexual abuse. He chaired the committee that produced the Specialty Guidelines for Forensic Psychologists and is Past President of Division 41. He regularly conducts workshops on law, ethics, and professional practice for the American Board of Forensic Psychology

Column Edited by Mary Connell, Ed.D

Mandatory Reporting of Abuse and its Impact On Lawyers' Ethics and on Their Use of Experts

All fifty (50) states, and the District of Columbia, have enacted laws that require the reporting of suspected child abuse.¹ The statutes, with varied requirements, were enacted so that states could qualify for federal grant funding pursuant to the Child Abuse Prevention and Treatment Act.² This legislation can be traced back to efforts by the United States Department of Health Education and Welfare in 1963.³

Since 1963, the statutes have been expanded both as to those who must report and the circumstances that give rise to a reportable incident. Civil and criminal liability has also been included in some of the state statutes.⁴ The legislation can be divided into four (4) different categories: (a) those that require reporting by some people, but exclude lawyers, (b) those that require some people, including attorneys to report, (c) those that require *everyone*, including attorneys to report, and (d) those that require everyone to report, but exclude attorneys by recognizing the attorney/client privilege. The latter approach has been taken by Delaware, Florida, Kentucky, New Hampshire, New Jersey, Ohio, Oregon, Rhode Island, Tennessee and Wyoming.⁵ While Kentucky has seen fit to preserve the attorney client privilege, its General Assembly is considering a law that would subject clergy members to prosecution if they failed to disclose to civil authorities incidents of child abuse, or neglect, heard in the secrecy of the confessional.⁶

Mandatory reporting v. attorney/client privilege

Model codes that guide attorneys in their ethical relationship with clients recognize the importance of the attorney/client privilege by mandating that: (a) a lawyer shall not reveal information relating to representation without client consent⁷ and (b) a lawyer shall not use information relating to representation of a client to that client's disadvantage.⁸ The attorney/client privilege is one of the oldest of the privileges for confidential communication known to the common law and necessarily encourages the client to communicate frankly and fully with the lawyer, even as to embarrassing or legally damaging matter.⁹

The privilege does not extend to communications that involve the client's plan to commit an act that would result in a future crime. "The privilege takes flight if the relationship is abused. A client who consults an attorney for advice that will serve him in the commission of a fraud will have no help from the law. He must let the truth be told"¹⁰ This "crime/fraud" exception to the sanctity of the privilege may have relevance to acts of sexual abuse as some maintain that child abuse is often a pattern of conduct rather than one incident.¹¹ The Wisconsin State Bar Committee on Professional Ethics has opined that an attorney may report child abuse under the child abuse reporting statutes if the attorney reasonably believes the abuse will occur again.¹²

Court order or statute—is there a difference?

What happens when an attorney is ordered by a court to divulge privileged communications? One court has held that an order requiring the attorney to divulge the whereabouts of a client who had not returned his child after a visitation did not violate the duty to maintain confidences.¹³ Both The Code of Professional Responsibility¹⁴ and the Restatement of the Law Governing Lawyers, Tent. Draft No. 3, §115 (1990) allow disclosure of confidential communications if ordered by a court. The Model Rules cited earlier do not have such an exception to the privilege.

The issues:

If mandated by statute, (or court order) must an attorney disclose client communications about incidents of sexual abuse involving the client without the client's authorization? For example, Texas law provides for mandatory reporting by "a person having cause to believe that child's physical or mental health or welfare has been or may be adversely affected by abuse. This requirement to report applies without exception to an individual whose person communications may otherwise be privileged, including an attorney, member of the clergy, medical practitioner, social worker or mental health professional."¹⁵

Statutes that have created exceptions to some privileges have been upheld on the grounds of the public policy that children must be protected. An exception to the doctor/patient privilege has been upheld,¹⁶ as was an exception to the priest-penitent privilege¹⁷, marital communications privilege,¹⁸ the psychologist-patient privilege,¹⁹; the psychotherapist-patient privilege²⁰ and the social worker-client privilege.²¹

The attorney-client privilege

Certainly, we need to distinguish between past acts of abuse and future acts. Ethical guidelines have long held that they are not to be used to justify a lawyer's refusal to inform law enforcement of a client's plan to commit a crime in the future. Texas rules provide that the privilege does not apply when the lawyer has reason to believe that divulging the

information is necessary to prevent the client from committing a criminal or fraudulent act.²² The lawyer is under a duty to reveal confidential information when the client's act is likely to result in death or substantial bodily harm to a person.²³

The critical question is: Must the attorney disclose information about prior acts of abuse. The statutes, particularly the language of the cited Texas statute are quite broad. The stage appears to be set for a major assault on the attorney/client privilege by the mandatory reporting statutes. However, the courts and ethics committees have not been so anxious to abrogate this privilege as has been done in other professions.²⁴

The lawyer actually has two dilemmas: (1) Do I violate the ethical guideline if I report past abuse? (2) Do I violate the mandatory reporting statute if I do not? If the lawyer is practicing in a state that has enacted a broad statute mandating the report of prior abuse, clearly there is a violation of the reporting statute if the information about the abuse is not reported.²⁵ If a lawyer observes the attorney-client privilege then she will not be in ethical trouble, but certainly could be exposed to civil and/or criminal liability by failing to report when so required by the statute.

Mitigation and mental health experts

The use of a mitigation specialist in death penalty cases has now become the national norm and this professional is an indispensable member of the capital trial team.²⁶ A lawyer should act with competence, commitment and dedication to the interests of the client and with zeal in advocacy upon the client's behalf.²⁷ The requirement of competence, commitment and dedication means that counsel should consult a mitigation specialist in every serious case, not just the capital case. This is particularly true for the case that will likely go to trial.

It was argued that the holding in *Ake v. Oklahoma*, mandating funding for the essential tools for litigating significant factors in the defense of an accused, was limited to capital cases.²⁸ The scope of *Ake* has not been so limited and the right to funding is now applicable to all cases as a part of the defendant's Fifth Amendment right to Due Process and Sixth Amendment right to Effective Assistance of Counsel at the very minimum.²⁹

The mitigation specialist is not only a member of the defense team, but is a "representative of the lawyer" defined as one employed by the lawyer to assist the lawyer in the rendition of professional legal services.³⁰ Texas follows a special rule in criminal cases that also applies the privilege to any fact that came to the knowledge of the lawyer or the lawyer's representative by reason of the attorney-client relationship.³¹ This privilege is broad and should be used to its fullest. The wise attorney will not ask the mitigation specialist to testify

Expert Opinion cont. on p. 12



Expert Opinion cont. from p. 11

at trial so that the confidential information remains confidential.

Does the privilege then also apply to the mental health expert who has been hired to prepare mitigation testimony? Certainly, this person has been hired to “assist the lawyer in the rendition of professional legal services” and would be a representative of the lawyer. The privilege would apply to that relationship, up to a point. Once that person takes the stand to offer testimony the privilege no longer exists and the mental health professional can be questioned on any matter, subject to state laws that may limit the scope of the cross examination.

All members of the trial team should be familiar with the language of both the mandatory reporting law as well as the rule that defines the attorney-client privilege. Information concerning past abuse is confidential, subject to the rule applied to a testifying witness. Even information concerning future acts may still be confidential if the state rule reads as follows:

“There is no privilege under this rule if the services of the lawyer were sought or obtained to enable or aid anyone to commit or plan to commit what the client knew or reasonably should have known to be a crime or fraud”³²

Did the services of the attorney or any team member enable or aid the client to commit an act of abuse? If not, then the privilege would remain intact.

Conclusion:

Lawyers are faced with a dilemma and one that should be discussed with clients prior to the time that a detailed consultation begins. Counsel should be familiar with the language and scope of both the ethical guidelines governing privileged communications as well as the applicable mandatory reporting statute. While, it is certainly honorable to

uphold the attorney/client privilege in all respects, counsel will be of no benefit to the client if his lawyer is in jail.

It is critical for all involved in the defense of one charged with a crime to understand the state’s mandatory reporting law. If it’s coverage is broad, as is often the case, then “any person” is mandated to report incidents of abuse and failure to do so will expose that person to civil and/or criminal liability regardless of the language of the privilege statute.

And from Laurie Morgan:

All fifty states and the District of Columbia have enacted statutes that mandate the reporting of suspected child abuse. States are required to enact statutes that provide for the reporting of known and suspected child abuse and neglect, and that provide for certain procedures and programs relating to child abuse in order to qualify for federal grant monies under the Child Abuse Prevention and Treatment Act, 42 U.S.C. § 5101-5106 (West 1997).

A few state statutes require a particular and exclusive class of persons to report suspected cases of child abuse that do include attorneys (Mississippi and Nevada). More commonly, some state statutes require any person to report suspected cases of child abuse, including attorneys, either explicitly or implicitly by not providing for an exception based on attorney-client privilege (Idaho, Indiana, Nebraska, New Mexico, North Carolina, Oklahoma, Pennsylvania, Texas, and Utah). Finally, some state statutes require any person to report suspected cases of child abuse, but which then specifically excludes attorneys from reporting by preserving the attorney-client privilege (Delaware, Florida, Kentucky, New Hampshire, New Jersey, Ohio, Oregon, Rhode Island, Tennessee, and Wyoming).

The statutes have survived attacks on the basis of compelling disclosure of communications that would be privileged under the doctor-patient privilege,

priest-penitent privilege, despite challenges on first amendment grounds, and marital communications privilege.

The states have not been consistent on whether these statutes trump the attorney-client privilege, however. Rule 1.6 of the Model Rules of Professional Conduct provides that a lawyer shall not reveal information relating to representation of a client unless the client consents after consultation, except for disclosures that are impliedly authorized in order to carry out the representation, and except to the extent the lawyer reasonably believes necessary to prevent the client from committing a criminal act that the lawyer believes is likely to result in imminent death or substantial bodily harm. Rule 1.8 of the Model Rules of Professional Conduct further provides that a lawyer shall not use information relating to representation of a client to the disadvantage of the client unless the client consents after consultation. DR 4-101 of the Model Code of Professional Responsibility provides that a lawyer may not reveal the confidences of the client except with the permission of the client. Some courts have held that under the “crime/fraud” exception to confidentiality, an attorney is under a duty to report child abuse, and have similarly held that the mandatory reporting statute trumps attorney-client privilege as to past criminal behavior. Other states have disagreed, and held the lawyer to his duty of confidence.

The conclusion that one must draw from these opinions is that the attorney must take pains to recognize that the duty to report under the criminal law and the ethical duty to report are not contiguous; that an attorney may be under a duty to report under the criminal law, but not necessarily under the same ethical duty. Moreover, where an attorney is under a duty to report under a criminal statute, no ethics opinion has stated that reporting abuse is a violation of ethical rules. Rather, in such a situation, an attorney may or may not

report abuse under the ethical rules. Thus, an attorney's safest course of action would be to favor disclosure, since an attorney does not want to end up in jail.

Stephen Golding's response and comments:

First, the usual and necessary warnings and caveats. The opinions expressed below are mine, and have no authority in respect of the Committee on Specialty Guidelines, nor the Specialty Guidelines Revision Committee, both committees on which I serve. I also, of course, am not an attorney. The problem posed here represents what I have previously termed "negotiating the gauntlet of law, ethics and professional practice." While I personally believe that there are times when either personal or professional ethics must "trump" law, I think these times are few and far between, and need to be reserved for all but the most extreme of situations. I analyze the mandatory reporting issue, in the context of retention by defense counsel for mitigation in either a sexual abuse or death penalty case, in the following manner.

First, a defendant has a Sixth Amendment right to (effective) counsel. In order for that right to have any meaning, there will be many occasions where defense counsel will seek a confidential forensic evaluation in order to evaluate whether or not the "good news" [mitigating circumstances] sufficiently outweighs the "bad news" [aggravating circumstances, including prior unknown crimes]. I cannot see how a meaningful forensic evaluation under these circumstances can be conducted without the psychologist operating under an extension of whatever attorney-client privilege exists in that jurisdiction. There are exceptions to this privilege, of course, including so-called "reason to believe" that a future crime is "planned." I do not think that the "reason to believe a planned crime" exception is likely to occur in the circumstances described above. For example,

assume that in conducting a confidential mitigation-aggravation evaluation and risk assessment of a sexual predator I conclude that the defendant falls into the highest probability of reoffense bin and that he has told me of 30 other unknown child sexual assaults. Assume further the worst of the worst [and hence highly unlikely] contextual factors: the prior offenses always occurred while the person was intoxicated or high, he was in the community under no supervision, he acknowledges daily intoxication, he had plenty of access to his preferred child type, and that he himself acknowledged that he had no control over his sexual impulses. In that worst of the worse circumstance, I would believe that my ethical, professional and legal obligations would not make mandatory reporting the first choice. Rather, in line with modern risk management principles, I would first attempt to manage that risk by consulting with his attorney and seeking an alliance with the client to voluntarily enter a more restrictive environment, for example a hospital, or take other risk management steps that had a reasonable probability of maintaining the client in the community with dramatically lower risk of a "future" crime. If the defendant refused to acknowledge his level of risk, to both himself and to others, I would consult with that attorney and seek any other resolution that might be possible as well as legal consultation on the exact state of affairs in that jurisdiction. For example, if the person were at large in the community following an arrest, there would likely be conditions of bail that might be used to "bring him in," i.e., the unknown substance abuse, or the pragmatic effects that would follow from his attorney resigning from representation. Yes, that potentially would involve some degree of piercing of the attorney-client privilege, but a lot less than mandatory reporting. If all else failed, having never been in that level of extremis, I do not know what I would do, but, since Utah uses "any person" lan-

guage in its statute, I would, in consultation with my own attorney, probably inform the judge that was overseeing the case, in hopes of finding a judicial solution to the matter.

The point of the scenario described above is that I would explore every avenue possible rather than resort to personally deciding to violate a defendant's privilege. If all of that failed, I would still try to bring the problem to the attention of the system, rather than attempting to solve the problem on my own, since it is, in the last analysis, a systems problem at the interface of ethics, law, social policy and the like

Footnotes

¹ Laura W. Morgan, "Between a Rock and a Hard Place: An Attorney's Duty to Report Child Abuse. National Legal Research Group, Charlottesville, Virginia.

² 42 U.S.C. §5101-5106.

³ Children's Bureau, United States Department of Health, Education and Welfare, *The Abused Child: Principles and Suggested Language of Legislation on Reporting of the Physically Abused Child* (1963).

⁴ Douglas J. Besharov, *Child Abuse and Neglect: Liability for Failing to Report*, 22 *Trial* 67 (August 1986).

⁵ Laura W. Morgan, at page 2.

⁶ Lawrence Morahan, *Kentucky Bill Targets Clergy-Penitent Privilege*, CNSNews.Com (January 20, 2003).

⁷ Model Rules of Professional Conduct Rule 1.6 and Model Code of Professional Responsibility, DR 4-101.

⁸ Model Rules of Professional Conduct Rule 1.8

⁹ *Upjohn v. United States*, 449 U.S. 383, 389 (1981).

¹⁰ *Clark v. United States*, 289 U.S. 1, 14 (1933).

¹¹ Lita Furby, *Sex Offender Recidivism: A Review*, 105 *Psychological Bull.* 3 (1989).

¹² Formal Opinion E-89-9 (May 24, 1989).

¹³ *In Re Marriage of Decker*, 153 Ill. 2d 298, 606 N.E. 2d 1094 (1992)

¹⁴ DR 4-101-C

¹⁵ Tex.Fam.Code §261.101

¹⁶ *In re Baby X*, 97 Mich. App. 11, 293 N.W.2d 736 (1980).

¹⁷ *Church of Jesus Christ of Latter Day Saints v. Superior Court*, 159 Ariz. 24 (Ct. App. 1988)



Book Review cont. from p. 9

vides general information about the law regarding damages, enough for any reader to understand the issues discussed throughout the book. Because the purpose of the legal information in the book is to provide a context for the research and issues discussed, there is only modest information provided on the law and legal scholarship. The summary nature of the book is a weakness to those requiring additional legal or statistical resources.

Similar to Greene and Bornstein, the major strength of Sunstein et al.'s book is its focus on the empirical research findings in an area rife with speculation. More specifically, the strength of *Punitive Damages* is the in-depth examination of several studies. The information presented in each chapter substantially resembles the information on methodology and results one would find in an academic journal article. The authors provide the reader with a complete description of the operationalization, manipulation, and measurement of variables, which is essential to an informed evaluation of the trustworthiness of the research. This is a strong point for any reader preferring to make his or her own judgments about a research area, and this type of information is not often provided in such detail in a book.

Sunstein et al. also succeed in tying the research they describe to basic psychological theory, but they also achieve this strength in a different way than Greene and Bornstein. Each of the individual chapters discusses the theories underlying the studies described therein, if they have a theoretical basis. Psychological theory is also discussed in the summary and conclusory sections of the book. The discussion of theory is somewhat limited to the theories selected for examination by the authors of the book, as opposed to a more general review of potentially relevant theory.

The major limitation of *Punitive Damages* is in its narrow focus on a select of studies. Although the authors

are esteemed researchers in the area, their particular methodological choices and interpretations of the results represent a limited portion of the totality of research on punitive damages. Research results outside of the presented studies are not discussed extensively. Embedded within this limitation is that there is little integration of the research findings from the selected studies, and there is a lack of overall discussion or critique of their empirical limitations. Although experimental jury research methods are discussed in an early chapter, there is little attention paid to other potential methodologies used in this area. The narrow focus of the book weakens its potential use as a general resource on punitive damages decision making.

Applications and Audiences:

Determining Damages is an essential read for anyone interested in the psychological or legal aspects of damage awards. The book is useful to a number of audiences. Although the book answers several questions about jury decision making regarding damages, there are no definitive answers presented. The research conducted in the area has only begun to address the topic of damages. Many important questions in this area have yet to be addressed with either empirical or field research. The book clearly identifies areas in which some research has been conducted, identifies areas in which there is no empirical evidence, and proposes new areas of research. This is an invaluable source of interesting and important research ideas for any researcher already in this area or considering a new research program.

Greene and Bornstein's book would also be useful for classroom instruction. As it focuses strongly on the psychological research, its primary instructional application would be assignment in a class on jury decision making or on psychology and law in general. Their straightforward summary of the law, comprehensive review of the research, and clear link to psychological theory would pro-

vide the necessary information to students for them to think critically about the issue of damage awards.

One of the many issues in the interdisciplinary field of psycho-legal research is presenting the results in a palatable manner to non-researchers. Since Greene and Bornstein succeed in this endeavor, the book would also be of interest to a non-research oriented audience seeking research information. The most likely interest would come from lawyers, and it would be lawyers who would most directly benefit from the empirical knowledge presented in the book. The book is written such that it is easy to understand and is not bogged down in statistics which would likely turn off any non-research oriented legal practitioner. Therefore, it would also be an excellent assignment in a law school class if the goal of the assignment was to either familiarize the students with research on jury decision making about damages or with psycho-legal research in general, with the area of damages as an example. However, less focus in the book is placed on case law, legal standards, and legal scholarship regarding damages. Therefore, it would not be as informative to an audience seeking a comprehensive review of case law and legal scholarship on damage awards. The book has enough legal information to get any non-lawyer started. However, it would benefit a legal audience to include more information comparing case law and legal theories.

In contrast, *Punitive Damages* by Sunstein et al. would be a great resource for an audience already familiar with the basics on the topic of punitive damages. Each chapter provides minimal introductory information about punitive damages, supplying a brief context for the study. Instead of providing a lengthy literature review for each piece of research, the chapters focus more heavily on the research design of the individual studies, their results, and their implications. Therefore, this book would be more appro-

appropriate for readers with pre-existing knowledge about the law on punitive damages, on the general research on damages, and on research in general than an audience who is seeking a breadth of knowledge on or an introduction to the topic of damages. It is an excellent resource for an audience interested in specific, detailed research results gathered together in a sensible and coherent manner but largely left in its original research journal article format. Its most likely audience would be researchers already working in this area or in an advanced graduate level class investigating psycho-legal issues. It would provide useful classroom instruction in that context. As with Greene and Bornstein's book, Sunstein et al.'s book is a fertile ground of future research ideas for scholars. It would be particularly useful for a researcher already involved in jury decision making about damages who is looking for a synthesis of some of the pertinent studies. It provides this audience with the detail required to design new and thoughtful research in the area.

Although Sunstein et al. focus on research methodology, as evidenced in part by the brief introductory chapter on methods and the text boxes highlighting specific research methods used in each substantive chapter, there is little over-arching critique of the individual research projects presented in the book. This is not problematic for an audience who is as well versed in thinking critically about research methodology in this context. However, audiences unfamiliar with psychological research methods in general and with jury decision making research in particular would have difficulty assessing for themselves the limitations, if any, of the studies presented. Therefore, the book would have limited use in a law school class or for legal practitioners. The research findings presented in the book are essential for this audience, but it is unlikely that the information is presented in such a way as to be useful for legal practice. On the other hand, the latter section of the book focuses on the jury as risk managers, which would be particularly informative for business lawyers. If non-research oriented practitioners could interpret the research findings, it would be an excellent resource for them.

Closing Comments:

Overall, both *Punitive Damages* and *Determining Damages* discuss the research and law which shed light on the important and controversial issue of damage awards. In their own way, each book delves into the empirical research on the topic and attempts to provide some answers in a murky legal area. The overall conclusions reached in the books are similar. The authors believe that jurors are conscientious in determining damages, they view the jury in a positive light, they believe that bias creeps into the process of damage awards in systematic ways that can be identified by careful research, and that these biases can possibly corrected or limited with legal policy. The books are equally useful for the general purpose of obtaining more information about how jurors and juries reason about and determine damages. However, the books are clearly intended for consumption by different audiences. Because damages are such a contentious and timely legal and research issue, anyone interested in jury decision making about damages would benefit from these well-written and informative guides.

Expert Opinion cont. from p. 13

¹⁸ *Brown v. State*, 588 So. 2d 551 (Ala.App. 1991).

¹⁹ *Bradley v. Ray*, 904 S.W. 2d 302 (Mo.Ct. App. 1995).

²⁰ *Fewell v. Besner*, 444 Pa. Super. 559, 664 A.2d 577 (1995).

²¹ *People v. McKean*, 94 Ill. App. 3d 502, 418 N.E.2d 1130 (1981).

²² Tex. R. Prof. Cond. Rule 1.05 (c)(7)

²³ Tex. R. Prof. Cond. Rule 1.05(e)

²⁴ Robert P. Mosteller, *Child Abuse Reporting Laws and Attorney-Client Confidences: The Reality and the Specter of Lawyer as Informant*, 42 Duke L.J. 203 (1992).

²⁵ North Carolina Ethics Committee, *Opinion 175* (January 13, 1995) and *Morris v. State*, 833 S.W.2d 624 (Tex.Ct. App. 1992).

²⁶ *Wiggins v. Smith*, 123 S.Ct. 2527 (2003) and American Bar Association *Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases* (Feb. 2003).

²⁷ Tex. R. Prof. Cond. Rule 1.01 Comment 6.

²⁸ 470 U.S. 68 (1985).

²⁹ Tex. C. Crim. P. §26.05.

³⁰ Tex. R. Evid. 5.03(a)(4).

³¹ Tex. R. Evid. 5.03(b)(2).

³² Tex. R. Evid. 5.03(b)(2).

Initiative cont. from p. 5

chology and law career. We all know that African Americans in particular are profoundly underrepresented in APLS membership. Despite the high relevance of the psychology and law interface to issues facing African Americans, these are not the individuals pursuing advanced degrees in psychology and law. I believe that each DVD topic could show relevance to minority groups. We could try to make sure that these DVDs are made available to high school classes in minority neighborhoods and colleges that have strong minority populations?

At this point, I am asking for feedback on this idea. I am especially interested in identifying someone who might serve as the project manager. [e-mail glwells@iastate.edu] At some point, I would need to present a concrete proposal to the APLS Executive Committee for their approval and some financing. Perhaps we could get APA to share in the costs. It is also possible that a book publisher would be interested. However, book publishers are likely to want the DVDs to be sold at a cost, tied to a textbook adoption, and copyrighted. I do not want distribution limited in any way and I do not want any "locks" on the DVD that prevent it from being copied. We are giving psychology and law away here. Let's make sure that it is really "given," not sold.



Legal Update cont. from p. 7

Kelly, 1995). At one time, even the Supreme Court of the United States recognized that adolescents have increased vulnerability to the coercive pressures of a police interrogation (see *Gallegos v. Colorado*, 370 U.S. 49 (1962); *Haley v. Ohio*, 332 U.S. 596 (1948)).⁴ Further, as one might expect, there is a positive relationship between suggestibility and the likelihood of false confessions (Gudjonsson, 1990). Some neurobiological research is also informative. For example, a longitudinal neurodevelopmental imaging study at the National Institute of Mental Health found that white matter continues to increase throughout adolescence to at least age 22 (Giedd et al., 1999). Additionally, recent neurodevelopmental MRI studies indicate that the frontal lobes, which play an integral role in executive functions such as strategic decision-making and planning goal-directed behavior, are one of the last parts of the brain to reach maturity (Gogtay et al., 2004). All of this research suggests that applying the same “reasonable person” standard to both adults and adolescents may lead to unjust results. The differing nature of adolescence may require a separate “reasonable adolescent” standard that takes into account the cognitive capacities and developmental status of adolescents.

Part II:

Execution of Juvenile Offenders

In its 2004-05 term, the Supreme Court will hear oral arguments in *Simmons v. Roper*, 112 S.W.3d 397 (Mo. 2003), to address the issue of whether the 8th Amendment’s prohibition of cruel and unusual punishment bars the execution of offenders who were under age 18 at the time of their crimes. A brief factual and procedural summary of the case follows.

In 1993, Christopher Simmons, then 17 years old, was sentenced to death by lethal injection for the brutal murder of Shirley Crook. In May 2002, the Supreme Court of Missouri stayed Simmons’s execution pending the U.S.

Supreme Court’s decision in *Atkins v. Virginia*, 536 U.S. 304 (2002). In *Atkins*, the Supreme Court held that executing mentally retarded defendants constitutes cruel and unusual punishment in violation of the 8th Amendment. In August 2003, in response to the *Atkins* decision, the Supreme Court of Missouri set aside Simmons’s death sentence and re-sentenced him to life in prison. The Supreme Court of Missouri concluded that there is a national consensus against executing juvenile offenders, and executing offenders for crimes they committed when they were under age 18 would violate the “evolving standards of decency that mark the progress of a maturing society” (*Trop v. Dulles*, 356 U.S. 86, 101 (1958)). In reaching this decision, the Supreme Court of Missouri recognized the lesser culpability and developing nature of the adolescent mind. Dissatisfied with the decision of the Supreme Court of Missouri, the Missouri Attorney General filed a petition for certiorari in the Supreme Court of the United States. The Supreme Court granted certiorari and will hear oral arguments in *Roper* on October 13, 2004. A future Legal Updates column will discuss the Court’s opinion and the relevant research implications.

References

- Alvarado v. Hickman*, 316 F.3d 841 (9th Cir. 2002).
- Atkins v. Virginia*, 536 U.S. 304 (2002).
- Berkemer v. McCarty*, 468 U.S. 420 (1984).
- California v. Beheler*, 463 U.S. 1121 (1983).
- Fare v. Michael C.*, 442 U.S. 707 (1979).
- Gallegos v. Colorado*, 370 U.S. 49 (1962).
- Giedd, J. N., Blumenthal, J., Jeffries, N. O., Castellanos, F. X., Liu, H., Zijdenbos, A., et al. (1999). Brain development during childhood and adolescence: A longitudinal MRI study. *Nature Neuroscience*, 2, 861-863.
- Gogtay, N., Giedd, J. N., Lusk, L., Hayashi, K. M., Greenstein, D., Vaituzis, A. C., et al. (2004). Dynamic mapping of human cortical development during childhood through early adulthood. *Proceedings of the National Academy of Sciences*, 101, 8174-8179.
- Gudjonsson, G. H. (1990). One hundred alleged false confession cases: Some

normative data. *British Journal of Clinical Psychology*, 29, 249-250.

Haley v. Ohio, 332 U.S. 596 (1948).

Halpern-Felsher, B. L., & Cauffman, E. (2001). Costs and benefits of a decision: Decision-making competence in adolescents and adults. *Journal of Applied Developmental Psychology*, 22, 257-273.

Miranda v. Arizona, 384 U.S. 436 (1966).

Richardson, G., Gudjonsson, G. H., & Kelly, T. P. (1995). Interrogative suggestibility in an adolescent forensic population. *Journal of Adolescence*, 18, 211-216.

Simmons v. Roper, 112 S.W.3d 397 (Mo. 2003).

Steinberg, L., & Scott, E. S. (2003). Less guilty by reason of adolescence: Developmental immaturity, diminished responsibility, and the juvenile death penalty. *American Psychologist*, 58, 1009-1018.

Thompson v. Keohane, 516 U.S. 99 (1995).

Trop v. Dulles, 356 U.S. 86 (1958).

Yarborough v. Alvarado, 124 S. Ct. 2140 (2004).

Footnotes

¹ In *Miranda v. Arizona*, 384 U.S. 436 (1966), the Supreme Court established procedural safeguards to protect suspects from making coerced confessions in the context of custodial interrogations. The Supreme Court held that before being subjected to custodial interrogations, suspects must be made aware of their right against self-incrimination and their right to counsel.

² Because this case made its way to the Supreme Court in the context of a federal habeas corpus petition, the issue addressed by the Supreme Court was not whether Alvarado was “in custody” per se, but rather whether the state court’s determination of whether Alvarado was “in custody” was reasonable in light of clearly established federal law.

³ In a one-paragraph concurrence, Justice O’Connor conceded that there may be situations in which a suspect’s age will be relevant to the *Miranda* custody inquiry. She stated, however, that age was not relevant in this case because Alvarado was almost 18 years old, and it “is difficult to expect police to recognize that a suspect is a juvenile when he is so close to the age of majority” (*Alvarado*, 124 S. Ct. at 2152).

⁴ In a subsequent case, *Fare v. Michael C.*, 442 U.S. 707 (1979), the Supreme Court held that juvenile confessions should be evaluated using the same standard as adult confessions.

Changing the AP-LS By-Laws

The AP-LS By-Laws describe the structure of the Society and the rules by which we operate. One requirement of these By-Laws is the manner by which organizational changes are made. Our By-Laws state that in order to make changes to these operational rules and procedures, a formal vote of AP-LS members is necessary. At present, these ballots must be written and mailed (although a change to that requirement, to permit electronic voting, is currently proposed). A number of other changes have been proposed, including the addition of new categories of membership to increase the openness of the society to non-psychologists and clarify the relationship between AP-LS and APA. In addition, the Executive Committee has suggested several changes to the length of the terms some Officers serve. A complete version of the By-Laws are available for review on the website (www.unl.edu/ap-ls), along with a more detailed description of the changes in terminology. If you approve of these changes PLEASE take the time to complete the ballot on the reverse side and mail it. The ballot (on the back of this page) has been formatted to allow you to tear out (or cut) the page, fold it, and mail it to the Division Secretary, Jen Robbenault.

The specific revisions that have been proposed, and a brief justification for these changes are detailed below:

- **Membership Categories**

As revised, the By-Laws will now provide for six categories of membership: Members in the Association, Associates in the Association, Members-at-large, Associates-at-large, Fellows of the Division, Fellows of the Society, and Affiliates. These changes were made to clarify the categories of membership, to make the membership categories consistent with those of APA, and to include a new AP-LS Fellow designation.

- **Officers: Terms of Office**

The revised By-Laws increase the term of office of the Treasurer from three (3) years to five (5) years. This change was made because those who have served as Treasurer in the past indicated that by the time they had a handle on how to do the job of Treasurer their term was coming to an end. Thus, this change was contemplated to provide continuity with respect to the finances of the Division/Society.

Similarly, the revised By-Laws increase the term of office of the Representatives to APA Council from three (3) years to five (5) years. This change was made to allow Division 41 representatives to Council to build influence with the Council and is consistent with the terms practice of a number of other divisions that have mechanisms for longer term service of APA Council Members.

Other changes were made to clarify terms of office for other officers. These do not represent a change in practice, merely a codification of that practice in the by-laws.

- **Law and Human Behavior Editor**

The revised By-Laws change the term of office for the editor of *Law and Human Behavior*. Formerly, the editor could serve one three (3) year term with the possibility of two additional terms. The revised By-Laws provide that the editor of Law and Human Behavior will serve a single five (5) year term. The majority of the executive committee argued that this revision made the term of office of the *LHB* editor more consistent with the terms of office of other journal editors and allowed for an increase in

- **Student Section**

Due to changing needs, the student section wishes to revise their organizational structure and to institute their own set of by-laws, which would be subject to the approval of the executive committee. Their new by-laws require a change in the parent organization by-laws as the parent bylaws previously specified the offices that could be held in the student organization. To prevent any future need for revising the parent bylaws when changes to the student bylaws are needed, we recommend eliminating any language from the parent bylaws that does not affect that performance of the officers of the parent organization.

- **Voting**

The revised By-Laws incorporate provision for electronic voting.



Please Copy or Remove this Page

to Vote and Mail Your Ballot

**I *approve* of the proposed Revisions to the
APLS By-laws**

**I *DO NOT* approve of the proposed Revisions
to the APLS By-laws**

**Postage
Needed**

**Mail to: Jennifer Robbenault, Ph.D., J.D.
Associate Dean, School of Law
University of Missouri-Columbia
203 Hulston Hall
Columbia MO 65211**

Conference Information and Registration

The conference website (www.csun.edu/~apls2005/) is being updated on an ongoing basis and eventually will provide information about the conference, the conference hotel, and the La Jolla area. The website will be capable of accepting paper, poster, and symposia submissions as well as volunteer signups. Links will be provided for online conference and hotel registration.

A spacious hospitality suite is available at the hotel. If you would like to reserve this suite for a group meeting (e.g., university/college, research group, specific interest group, alumni), please submit a request to one of the conference co-chairs, Bradley McAuliff and Jennifer Skeem. Their e-mail addresses are available at the conference website.

Lodging and Transportation

The Hyatt Regency at La Jolla is the conference hotel (lajolla.hyatt.com/property/index.html). The Hyatt is a beautiful hotel located in the Aventine Center (www.aventine.com/home.htm). The Center includes five terrific restaurants, a large health club (with pools, racquetball and tennis courts, and basketball courts; exercise classes;

and fitness equipment), and a full service spa. Downtown La Jolla and the beaches are approximately four miles away, and can be accessed via a quick taxi ride or 10-15 minute bus ride.

The hotel is located 10 miles from the San Diego International Airport. Transportation from the airport to the hotel comes in the form of taxis and shuttles. Unless you are traveling in a group (where a taxi is a wise choice), the least expensive option is the Xpress Shuttle, which costs \$11 each way. You may also wish to rent a car (AVIS provides discounts to members of APA). If so, please note that the hotel charges guests \$16/day for parking in their garage.

The conference rates per night for the hotel are: \$150 (single or double occupancy), \$185 (triple), and \$210 (quadruple). To receive these rates you must make your reservation by February 5, 2005 and identify yourself as being part of the American Psychology and Law Conference. Please book your room early to ensure availability. You may book by going to lajolla.hyatt.com/groupbooking/apls or calling 858-552-1234.

We look forward to seeing you in La Jolla!

EXECUTIVE COMMITTEE AND COMMITTEE CHAIRS

• President	Edie Greene	egreene@uccs.edu
• Past-President	Sol Fulero	sfulero@sinclair.edu
• President-Elect	Gary Wells	gwells@iastate.edu
• Secretary	Jennifer Robbenalt	robbenaltj@missouri.edu
• Treasurer	Margaret Bull Kovera	koveram@fiu.edu
• Member-at-Large	Christina Studebaker	cstudebaker@csopp.edu
• Member-at-Large	Randall Salekin	rsalekin@bama.au.edu
• Member-at-Large	Jen Skeem	jskeem@uic.edu
• Council Representative	Mark Small	small@clemsun.edu
• Council Representative	Patty Griffin	
• Newsletter Editor	Barry Rosenfeld	rosenfeld@fordham.edu
• Publications Editor	Ron Roesch	rroesch@sfu.edu
• Law & Human Behavior Editor	Rich Wiener	wiener_richard@unl.edu
• Webpage Editor	Adam Fried	afried@fordham.edu
• AP-LS/APA Liaison	Marsha Liss	lissmb@state.gov
• Careers and Training Committee	Bette Bottoms	bbottoms@uic.edu
• Dissertation Awards	Patricia Zapf	pzapf@jjay.cuny.edu
• Educational Outreach Committee	Lavita Nadkarni	lnadkarn@du.edu
• Fellows Committee	Gary Wells	glwells@iastate.edu
• Grants-in-Aid	Garrett Berman	gberman@rwu.edu
• Committee on Law and Psychology in Corrections	Melissa Warren	mgw.apa@email.apa.org
• Committee on Relations with Other Organizations	Wendy Heath	heath@enigma.rider.edu
• Scientific Review Paper Committee	Rich Wiener	wiener_richard@baruch.cuny.edu
• Women in Law Committee	Beth Schwartz	bschwartz@rmwc.edu
• Division Administrative Secretary	Cathy Oslzly	coslzly@unl.edu
• 2005 APLS Conference Chairs	Jennifer Skeem	skeem@unlv.nevada.edu
	Bradley McAuliff	bradley.mcauliff@csun.edu
• 2005 APA Program Chairs	Jen Hunt	jhunt2@unl.edu



Callahan, L. (2004). **Correctional officer attitudes towards inmates with mental disorders.** *International Journal of Forensic Mental Health, 3*, 37-54.

Correctional officers' responses on a modified version of the 1996 General Social Survey (GSS), in which the vignettes were changed to include inmates, were compared to results from the normative GSS sample. Correctional officers were more likely than the general public to correctly identify various mental disorders. They viewed inmates' problems as more serious when violent behavior was present in addition to mental illness and were more likely to support the use of coerced mental health treatment in this context.

Canter, D. V., Alison, L. J., Alison, E., & Wentink, N. (2004). **The organized/disorganized typology of serial murder: Myth of model?** *Psychology, Public Policy, and Law, 10*, 293-320.

Review of 100 murders from 100 U. S. serial killers revealed that all murders involved predominately organized behavior, but varied on the type of disorganized behavior displayed. The authors suggest that accurate classification of serial murders depends on the type of disorganized behavior displayed rather than an organized/disorganized distinction.

Harris, V., & Dagadakis, C. (2004). **Length of incarceration: Was there parity for mentally ill offenders?** *International Journal of Law and Psychiatry, 27*, 387-393.

Length of incarceration was compared for 127 mentally ill offenders (MIO) and 127 non-mentally ill offenders (NMIO).

MIOs were incarcerated longer for felony offenses against society (e.g., against a person, such as assault) whereas NMIO were incarcerated longer for felony crimes against property (e.g., theft).

Kocsis, R.N. (2004). **Psychological profiling of serial arson offenses: An assessment of skills and accuracy.** *Criminal Justice and Behavior, 31*, 341-361.

Professional profilers ($n=3$) produced the most accurate arson profiles, followed by undergraduate chemistry majors ($n=21$). A control group of community technical college students ($n=47$) outperformed police detective ($n=13$) and fire-investigator groups ($n=12$). The authors discuss logical and objective reasoning as a requisite skill for accurate profiling, as the professional profilers and science students seemed to use these skills in formulating their profiles.

Kraemer, G.W., Lord, W.D., & Heilbrun, K. (2004). **Comparing single and serial homicide offenses.** *Behavioral Sciences & the Law, 22*, 325-343.

Serial homicide and single homicide offenses were found to differ, with serial victims being more likely to be female and a stranger to the victim. Stepwise discriminant function analysis results indicated that perpetrator intent (e.g., sexual based versus emotion based offense) was more predictive than demographic variables in determining type of offense.

Meloy, J. R., Anthony, G., Hempel, D. O., Gray, B. T., Mohandie, K., Shiva, A., & Richards, T. C. (2004). **A comparative analysis of North American adolescent and**

adult mass murderers. *Behavioral Sciences & the Law, 22*, 291-309.

Comparative analyses of adolescent ($n=34$) and adult mass murderers ($n=30$) found that the groups were similar with respect to history of violence, personality traits, use of multiple weapons, and predatory violence. Adolescents were more likely than adults to be acquainted with their victims and to display depressive symptoms.

Sainsbury, L., Krishnan, G., & Evans, C. (2004). **Motivating factors for male forensic patients with personality disorder.** *Criminal Behaviour and Mental Health, 14*, 29-38.

A study of 6 inpatients found that understanding the relevance of treatment, feeling physically and emotionally secure, and receiving repeated feedback increased motivation to participate in treatment. Having to wait for services and being required to reveal vulnerabilities or weaknesses decreased motivation.

Van Voorhis, P., Spruance, L.M., Ritchey, P.N., Johnson Listwan, S. & Seabrook, R. (2004). **The Georgia cognitive skills experiment: A replication of reasoning and rehabilitation.** *Criminal Justice and Behavior, 31*, 282-305.

There were no significant differences between parolees randomly assigned to cognitive skills treatment and comparison groups on recidivism, technical violations, or employment. When risk factors were statistically controlled, parolees completing treatment were found to have significantly fewer rearrests and revocations and were more likely to be employed than dropouts and comparisons.

Bolt, D.M., Hare, R.D., Vitale, J.E., & Newman, J.P. (2004). **A multi-group item response theory analysis of the Psychopathy Checklist-Revised.** *Psychological Assessment, 16*, 155-168. Differential item functioning analyses comparing male criminal offenders ($N=3,847$) to female criminal offenders ($N=1,219$), male forensic psychiatric patients ($N=1,246$), and male criminal offenders scored from file review ($N=2,626$) revealed a 2-factor, 4-facet model (interpersonal, affective, lifestyle, antisocial) for the PCL-R. A multigroup graded response model indicated that scalar equivalence may be present for each of the four populations.

Geyer, M. & Walters, G.D. (2004). **Criminal thinking and identity in male white-collar offenders.** *Criminal Justice and Behavior, 31*, 263-281.

Results for the Psychological Inventory of Criminal Thinking Styles, Social Identity as a Criminal scale, and the Lifestyle Criminality Screening Form-Revised revealed that white-collar offenders without a history of non-white-collar crime ($n=34$) exhibited less criminal thinking, criminal identification, and other signs of criminal lifestyle than offenders with at least one prior arrest for a non-white-collar crime ($n=23$) and non-white-collar offenders ($n=66$).

Haviland, M.G., Sonne, J.L., & Kowert, P.A. (2004). **Alexithymia and psychopathy: Comparison and application of California Q-set prototypes.** *Journal of Personality Assessment, 82*, 306-316.

Application of the California Q-set Alexithymia Prototype and Psychopathy Prototype to a sample of political leaders revealed that these traits were

generally uncommon among respected leaders. A combination of the traits from both prototypes was found in 13 notorious leaders (e.g., Hitler).

Hildebrand, M., & Ruiters, C. (2004). **PCL-R psychopathy and its relation to DSM-IV Axis I and II disorders in a sample of male forensic psychiatric patients in the Netherlands.** *International Journal of Law and Psychiatry*, 27, 233-248.

The relation between PCL-R scores and Axis I and II diagnoses was examined in 98 male forensic psychiatric patients in the Netherlands. Odds ratio analyses revealed that a diagnosis of PCL-R psychopathy (score of 30+) was positively related to substance abuse/dependence diagnoses and to Cluster B personality disorders.

Salekin, R. T., Neumann, C. S., Leistico, A.-M., R., DiCicco, T. M., & Duros, R. L. (2004). **Psychopathy and comorbidity in a young offender sample: Taking a closer look at psychopathy's potential importance over disruptive behavior disorders.** *Journal of Abnormal Psychology*, 113, 416-427.

Psychopathy measures (PCL-YV, SRP-II, APSD) from 130 adolescent offenders were correlated with measure of other forms of psychopathology at a higher rate than expected. Hierarchical regression analyses examining psychopathy's ability to predict previous offenses over and above disruptive behavioral disorders (e.g., ODD, ADHD, CD) were mixed, with only the PCL-YV scores significantly predicting offenses beyond disruptive behavior disorders. The SRP-II and APSD did not improve this prediction.

FORENSICEVALUATION

Burnett, D.M.R., Noblin, C.D., & Prosser, V. (2004). **Adjudica-**

tive competency in a juvenile population. *Criminal Justice and Behavior*, 31, 438-462.

Juveniles awaiting adjudication in a youth detention center ($n=70$) received lower scores on the Reasoning scale of the MacArthur Competence Assessment Tool- Criminal Adjudication (MacCAT-CA) than juveniles from the community ($n=40$). Younger adolescents demonstrated significant deficits on the Reasoning and Appreciation scales when compared with adult jailed defendants from the MacCAT development study.

Christy, A., Douglas, K. S., Otto, R. K., & Petrila, J. (2004). **Juveniles evaluated incompetent to proceed: Characteristics and quality of mental health professionals' evaluations.** *Professional Psychology: Research and Practice*, 35, 380-388.

Coders rated the quality of 1,375 juvenile competency reports to determine if relevant legal issues and necessary evaluation details were addressed and if explanations for conclusions were provided. Many evaluators did not provide detailed descriptions of assessment procedures and clinical issues. Although legal competency standards were addressed in most reports, many evaluators did not provide examples to support their conclusions or state if juveniles met commitment criteria as required by law.

Cima, M., Nijman, H., Merckelbach, H., Kremer, K., & Hollnack, S. (2004). **Claims of crime-related amnesia in forensic patients.** *International Journal of Law and Psychiatry*, 27, 215-221.

Hospital records from forensic patients in Germany ($n = 180$) and the Netherlands ($n = 128$) were examined for claims of amnesia. 23% reported some memory loss. Those who claimed amnesia had signifi-

cantly more prior convictions, were significantly older, and were more likely to have a history of substance abuse. Memory loss was not associated with level of intelligence or a history psychotic or personality disorders.

Elhai, J.D., Naifeh, J.A., Zucker, I.S., Gold, S.N., Deitsch, S.E., & Frueh, B.C. (2004). **Discriminating malingered from genuine civilian posttraumatic stress disorder: A validation of three MMPI-2 infrequency scales (F, Fp, and Fptsd).** *Assessment*, 11, 139-144.

A comparison of 41 adult child-sexual-abuse victims diagnosed with PTSD and 39 undergraduate students feigning PTSD on the MMPI-2 revealed that Fptsd added incremental validity over F, but Fp outperformed Fptsd. The authors conclude that Fp is better at detecting malingered PTSD among civilian trauma victims (e.g., sexual abuse) and Fptsd is more appropriate for combat-related PTSD.

Emery, C. L., & Lilienfeld, S. O. (2004). **The validity of childhood sexual abuse checklists in the popular psychology literature: A Barnum effect?** *Professional Psychology: Research and Practice*, 35, 268-274.

A childhood sexual abuse (CSA) checklist, Barnum checklist, and measures of stressors and conflict were administered to female undergraduates with ($n=39$) and without ($n=157$) a history of sexual abuse. Scores on the CSA and Barnum were significantly correlated ($r=.49$), suggesting that those who endorse CSA items tend to endorse vague symptoms or descriptions which can apply to anyone.

Guriel, J., Yanez, J., Fremouw W., Shreve-Neiger, A., Ware, L., Filcheck, H. et al. (2004). **Impact of coaching on malingered posttraumatic stress symptoms on the M-FAST and**

the TSI. *Journal of Forensic Psychology Practice*, 4, 37-66. Undergraduate simulators of PTSD given symptom information alone or symptom information and validity strategies were no more successful at malingering than naïve simulators given no information. The M-FAST total score and TSI validity scales independently classified 2/3 of simulators and when used together nearly 90% of simulators were detected as malingerers.

Pinals, D.A., Packer, I. K., Fisher, W., & Roy-Bujnowski, K. (2004). **Relationship between race and ethnicity and forensic clinical triage dispositions.** *Psychiatric Services*, 55, 873-878.

African Americans were found to be more likely to be referred for inpatient evaluations than Caucasians. African Americans and Hispanics were more likely to be referred to strict-security facilities than Caucasians for sanity or competency evaluations.

Rogers, R., Jackson, R.L., Sewell, K.W., & Harrison, K.S. (2004). **An examination of the ECST-R as a screen for feigned incompetency to stand trial.** *Psychological Assessment*, 16, 139-145.

The Evaluation of Competency to Stand Trial- Revised (ECST-R) Atypical Presentation scales appear to have good scale homogeneity and discriminant validity. Utility analyses revealed that a cut score greater than 5 for the ATP-BI scale, a composite of psychotic, non-psychotic, and impairment scales, discriminated feigners from inpatients found incompetent to stand trial from jail control subjects.

Zapf, P.A., Hubbard, K.L., Cooper, V.G., Wheelles, M.C., & Ronan, K.A. (2004). **Have the courts abdicated their responsibility for determination of competency to stand trial to cli-**



nicians? *Journal of Forensic Psychology Practice*, 4, 27-45. In all but one of 328 Alabama competency to stand trial reports examined, courts' determinations of competency matched mental health professionals' opinions. When the defendant was found incompetent (16%), many mental health professionals failed to include specific recommendations about the form, place, or duration of treatment needed or the likelihood of restoration.

LEGAL DECISION-MAKING

Cook, A., Arndt, J., & Lieberman, J.D. (2004). **Firing back at the backfire effect: The influence of mortality salience and nullification beliefs on reactions to inadmissible evidence.** *Law and Human Behavior*, 28, 389-410.

In 2 studies examining the impact of inadmissible evidence on juror decisions, undergraduates were asked to complete personality questionnaires, read a court transcript, and render a verdict. A 3-way interaction between mortality salience, evidence admissibility, and justice orientation was observed in both studies. Specifically, when reminded of their own mortality, participants were more likely to follow judicial instructions and rely only on admissible evidence.

Dawson, M. (2004). **Rethinking the boundaries of intimacy at the end of the century: The role of victim-defendant relationship in criminal justice decision making over time.** *Law and Society Review*, 38, 105-138.

1,003 homicide cases in Canada were reviewed to identify the relationship between victim identity and criminal justice decisions. Defendants who committed a crime against an intimate partner ($n = 210$) were significantly more likely to have received leniency

throughout the court process. Leniency was observed as a decreased likelihood for being charged with first-degree murder and an increased likelihood of receiving a lighter sentence.

Hope, L., Memon, A., & McGeorge, P. (2004). **Understanding pretrial publicity: Predicisional distortion of evidence by mock jurors.** *Journal of Experimental Psychology: Applied*, 10, 111-119.

Examination of data collected from 116 mock jurors in the UK indicated that negative pretrial publicity was associated with more guilty verdicts and prosecution bias. Predecisional distortion in the evaluation of testimony was found to mediate the relationship between prejudicial PTP and guilty verdicts.

Hunt, J.S. & Budesheim, T.L. (2004). **How jurors use and misuse character evidence.** *Journal of Applied Psychology*, 89, 347-361.

Character evidence (CE) that mentioned specific acts of the defendant resulted in higher perceived credibility and intelligence of the character witness and increased trustworthiness and warmth of the defendant than general CE. However, specific acts CE did not significantly alter mock jurors' perceptions of defendant guilt or willingness to convict him relative to general CE. Cross-examination of the CE witness led to a backlash effect in which the defendant was viewed more negatively than if no CE evidence had been presented.

Joa, D., & Edelson, M. G. (2004). **Legal outcomes for children who have been sexually abused: The impact of Child Abuse Assessment Center evaluations.** *Child Maltreatment*, 9, 263-276.

Resolutions of sexual abuse cases for 50 children evaluated at a Child Abuse Assessment Center (CAAC) and 51 children

not evaluated at a CAAC were examined. CAAC cases were more likely to result in criminal charges being filed, especially against biological and step-fathers, and in defendants being found guilty.

Orth, U., & Maercker, A. (2004). **Do trials of perpetrators retraumatize crime victims?** *Journal of Interpersonal Violence*, 19, 212-227.

Results from a cross-sectional ($n=137$) and longitudinal ($n=31$) samples indicated that participating in a perpetrator's trial does not retraumatize victims. Hierarchical regression revealed that victims' moral satisfaction with the verdict was associated with decreased PTSD symptoms several years after the trial.

Rucker, D.D., Polifroni, M., Tetlock, P.E., Scott, A.L. (2004). **On the assignment of punishment: The impact of general-societal threat and the moderating role of severity.** *Personality and Social Psychology Bulletin*, 30, 673-684.

Undergraduate students read short vignettes describing crime scenarios and then completed questionnaires asking them to assign punishment for these crimes. Overall, there were consistent findings across the studies indicating that perception of a threat to social order is associated with an increase in punishment severity unless the consequences for the victim were considered severe. Those perceiving a threat to social order appeared to give more severe punishments because they felt a stronger desire for retribution.

Sargent, M.J., & Bradfield, A.L. (2004). **Race and information processing in criminal trials: Does the defendant's race affect how the facts are evaluated?** *Personality and Social Psychology Bulletin*, 30, 995-1008. A 2 (high vs. low motivation) x

2 (strong vs. weak alibi) x 2 (black vs. white defendant) between-subjects design with White mock jurors was used to examine what types of information jurors use when deciding guilt. In two studies, jurors in the low motivation conditions used legally relevant information to decide the Black defendant's guilt, but not the White defendant's guilt.

Shestowsky, D. (2004). **Procedural preferences in alternate dispute resolution: A closer, modern look at an old idea.** *Psychology, Public Policy, and Law*, 10, 211-249.

Results from 3 experiments demonstrated a preference for resolution when a third party aids in establishing a mutual agreement between those involved, when those involved present information themselves, and when previously agreed upon guidelines (e.g., laws) guide resolution. Mediation and facilitative mediation were the preferred form of dispute resolution.

Shestowsky, D., & Horowitz, L.M. (2004). **How the Need for Cognition Scale predicts behavior in mock jury deliberations.** *Law and Human Behavior*, 28, 305-337.

Two mock jury studies examined the relationship between Need for Cognition (NC) and deliberation outcomes. In Study 1, 120 undergraduates deliberated in groups of 4 (2 high and 2 low NC) after reading a short civil vignette. Those with high NC were perceived as being more talkative. High NC scorers did not produce more effective or logical arguments. In Study 2, 92 undergraduates deliberated in dyads with a confederate who argued (with a weak or strong argument) the position opposite the participant. Low NCs distinguished better between strong and weak arguments and were more likely to change

positions when presented with a strong argument.

Viki, G.T., Abrams, D., & Masser, B. (2004). **Evaluating stranger and acquaintance rape: The role of benevolent sexism in perpetrator blame and recommended sentence length.** *Law and Human Behavior, 28*, 295-304.

In two studies, undergraduates at an England university read a short vignette of a rape scenario (stranger vs. acquaintance rape) and provided an opinion of perpetrator blame ($n = 85$) or recommended a sentence ($n = 67$). Participants also completed a questionnaire measuring hostile sexism (HS) and benevolent sexism (BS). For the stranger rape scenario, those scoring high on BS attributed less blame and recommended shorter sentences than low those with low BS scores.

Watson, A. C., Corrigan, P. W., & Ottati, V. (2004). **Police officers' attitudes toward and decisions about persons with mental illness.** *Psychiatric Services, 55*, 49-53.

382 police officers responded to vignettes that varied on whether a person was labeled as schizophrenic in various roles (e.g., witness, victim). Results indicated that officers believed those labeled as schizophrenic were less responsible for their actions and more dangerousness than for those without a label.

Wuensch, K. L., & Moore, C. H. (2004). **Effects of physical attractiveness on evaluations of male employee's allegation of sexual harassment by his female employer.** *Journal of Social Psychology, 144*, 207-217. Undergraduate mock jurors ($N=324$) read a sexual harassment trial summary in which the physical attractiveness of the plaintiff and defendant were manipulated by showing par-

ticipants pictures of the litigants. Jurors were more likely to find the defendant guilty when the plaintiff was attractive. Females were more likely to return guilty verdicts than males when plaintiff and defendant attractiveness differed, but both genders returned an equal number of guilty verdicts when both litigants were described as attractive or unattractive.

MENTAL HEALTH SERVICES

Hartwell, S. W. (2004). **Comparison of offenders with mental illness only and offenders with dual diagnosis.** *Psychiatric Services, 55*, 145-150.

Offenders with a dual diagnosis ($n = 463$) were more likely to become homeless, be assessed for dangerousness, receive probation, and recidivate than offenders with a mental illness diagnosis only ($n = 265$). Results suggest that additional services are needed for offenders with a dual diagnosis.

Manderscheid, R. W., Grave-sande, A., & Goldstrom, I. D. (2004). **Growth of mental health services in state adult correctional facilities, 1988 to 2000.** *Psychiatric Services, 55*, 869-872. Although the number of correctional facilities offering mental health services increased significantly between 1988 to 2000, the overall percentage of facilities that offer such services has decreased. This, in conjunction with the growing need for such services in correctional facilities, suggests that prisoners' mental health needs are not being met.

Morgan, R., D., Rozycki, A. T., & Wilson, S. (2004). **Inmate perceptions of mental health services.** *Professional Psychology: Research and Practice, 35*, 389-396. 418 male inmates completed a survey concerning their experiences with and attitudes towards mental health services.

Maximum security inmates were more likely to have received services and to have volunteered to receive individual therapy than other inmates. Most inmates preferred individual therapy. Recently incarcerated inmates were more concerned about barriers to seeking therapy (e.g., confidentiality) than other inmates.

Price, T.B., David, B., & Otis, D. (2004). **The use of restraint and seclusion in different racial groups in an inpatient forensic setting.** *Journal of the American Academy of Psychiatry and Law, 32*, 163-168. In a retrospective correlational study, records from 806 forensic psychiatric inpatients treated between January 1993 to August 2000 were examined to determine if race was related to the use of restraint and seclusion. No differences were found for the number of times restraints were used. Asian and Black Americans were more likely to be secluded than Hispanic and Whites Americans.

Rawal, P., Romansky, J., Jenuwine, M., & Lyons, J. S. (2004). **Racial differences in the mental health needs and service utilization of youth in the juvenile justice system.** *The Journal of Behavioral Health Services & Research, 31*, 242-254.

Coders used juvenile court and case records to complete the Childhood Severity of Psychiatric Illness (CSPI) scale on a stratified random sample of 370 cases involving White, Black, and Hispanic juveniles in Illinois. Black juveniles had the highest CSPI total scores. White juveniles had higher rates of service utilization than the other two groups.

RISK ASSESSMENT

Banks, S., Robbins, P.C., Silver, E., Vesselinov, R., Steadman, H.J., Monahan, J. et al. (2004).

A multiple models approach to violence risk assessment among people with mental disorder. *Criminal Justice and Behavior, 31*, 324-340.

By combining the results of five prediction models generated by Iterative Classification Trees, the authors were able to achieve the most accurate violence risk assessment procedure to date. This multiple-models approach yielded an area under the ROC curve of .88, discriminated among repetitively violent people, and classified the participants that committed more than two-thirds of the violent acts in the two highest risk classes.

Beck, J. C. (2004). **Delusions, substance abuse, and serious violence.** *Journal of the American Academy of Psychiatry and Law, 32*, 169-172.

Mental status reports from 90 hospitalized patients who had acted violently prior to hospitalization were coded for information relating to delusions and substance abuse. Substance abuse was associated with incidents of violence independent of the presence of delusions. When delusions were present, they appeared to motivate the violent incidents.

Gray, N.S. et al. (2004). **Relative efficacy of criminological clinical, and personality measures of future risk of offending in mentally disordered offenders: A comparative study of HCR-20, PCL:SV, and OGRS.** *Journal of Consulting and Clinical Psychology, 72*, 523-530.

File review of 315 patients who had been discharged from a forensic hospital in the United Kingdom was conducted to obtain PCL:SV, HCR-20, and OGRS scores. Survival analysis indicated that the OGRS was the best predictor of offending. Factor 2 of the PCL:SV was also significant in predicting serious offenses.



Gretton, H.M., Hare, R.D., Catchpole, R.E.H. (2004). **Psychopathy and offending from adolescence to adulthood: A 10-year follow-up.** *Journal of Consulting and Clinical Psychology, 27*, 636-645.

Archival file reviews of 157 youth who had undergone a psychiatric/psychological assessment in British Columbia in 1986 were undertaken to determine (a) PCL:YV score, (b) IQ, and (c) Conduct Disorder diagnosis. PCL:YV scores were significantly correlated with violent offenses over the 10 year follow-up. Those whose PCL:YV scores were in the high and medium ranges reoffended significantly faster than those who scored in the low range.

Harris, G. T., Rice, M. E., & Camilleri, J. A. (2004). **Applying a forensic actuarial assessment (the Violence Risk Appraisal Guide) to nonforensic patients.** *Journal of Interpersonal Violence, 19*, 1063-1074. Modifications to the VRAG were made to test whether this instrument could accurately predict violence in male and female nonforensic patients. Results demonstrated that the modified VRAG accurately predicted subsequent violence over a 20 and 50-week period, and prediction accuracy did not vary across gender.

Heckert, D. A., & Gondolf, E. W. (2004). **Battered women's perceptions of risk versus risk factors and instruments in predicting repeat assault.** *Journal of Interpersonal Violence, 19*, 778-800.

Women's perceptions of risk were a more accurate predictor of reassault than either demographic characteristics or several domestic abuse instruments. Results highlight the need to integrate women's perceptions of risk into predictions of reassault.

Linhorst, D. M., Scott, L. P. (2004). **Assaultive behavior in state psychiatric hospitals: Differences between forensic and nonforensic patients.** *Journal of Interpersonal Violence, 19*, 857-874.

Nonforensic ($n = 308$) psychiatric patients were more likely to engage in assaultive behavior than forensic ($n = 545$) patients. Demographic variables (e.g., age, prior hospitalization) were better predictors of assaultive behavior than forensic/nonforensic status.

McMackin, R. A., Tansi, R., & LaFratta, J. (2004). **Recidivism among juvenile offenders over periods ranging from one to twenty years following residential treatment.** *Journal of Offender Rehabilitation, 38*, 1-15. Recidivism rates, defined as any conviction after discharge, were recorded retrospectively for 162 juvenile offenders who were discharged from a treatment center between 1976 and 1996. Those who remained at the center for 11 months or longer before being discharged were significantly less likely to reoffend.

Peersen, M., Sigurdsson, J. F., Gudjonsson, G., H., & Gretarsson, S. (2004). **Predicting re-offending: A 5-year prospective study of Icelandic prison inmates.** *Psychology, Crime, & Law, 10*, 197-204.

Measures of antisocial personality traits, deception, compliance, and substance abuse were obtained from 481 male and female Icelandic inmates. Those who recidivated over a five year follow-up ($n = 222$) had more antisocial personality traits and more extensive criminal and substance abuse histories. Discriminant function analysis indicated the best predictors of recidivism were number of previous suspended prison sentences, previous days in prison, and low social desirability scores.

Simourd, D.J. (2004). **Use of dynamic risk/need assessment instruments among long-term incarcerated offenders.** *Criminal Justice and Behavior, 31*, 306-323.

Among 129 federally incarcerated Canadian offenders, the Level of Service Inventory (LSI) distinguished between recidivists and nonrecidivists, when recidivism was defined as rearrest. Internal consistency, interscale correlations, and predictive validity of the LSI-R were adequate and consistent with previous research. Results suggest that LSI-R normative data may underestimate risk of recidivism for longer term offenders.

Skeem, J.L., Mulvey, E.P., Appelbaum, P., Banks, S., Grisso, T., Silver, E. et al. (2004). **Identifying subtypes of civil psychiatric patients at high risk for violence.** *Criminal Justice and Behavior, 31*, 392-437. This study identified and externally validated three subtypes of high-risk civil psychiatric patients using data from 165 patients identified as high risk by the Iterative Classification Tree risk assessment approach. The three groups were consistent with hypothesized subtypes and differed on variables such as substance abuse, psychopathy, history of criminal offending and psychological treatment, and type of mental illness.

Stalans, L.J., Yarnold, P.R., Seng, M., Olson, D.E., Repp, M. (2004). **Identifying three types of violent offenders and predicting violent recidivism while on probation: A classification tree analysis.** *Law and Human Behavior, 28*, 253-272. 1,344 violent offenders on probation were identified as either family only, non-family only, or generalized aggressors. Generalized aggressors who had been arrested for violent crimes in the past were more likely to

be arrested for new violent crimes. Treatment noncompliance was a significant predictor of recidivism for generalized and family only aggressors.

Sturidsson, K., Haggard-Grann, U., Lotterberg, M., Dernevik, M., & Grann, M. (2004). **Clinicians' perceptions of which factors increase or decrease the risk of violence among forensic outpatients.** *International Journal of Forensic Mental Health, 3*, 23-36. 35 clinicians administered the Structured Outcome Assessment and Community Risk Monitoring instrument (SORM) to 51 forensic psychiatric patients for a total of 103 total assessments. Of the 27 SORM factors, those perceived by clinicians as most important to the risk of violent recidivism were clinical factors. Additional factors thought to have a mediational or indirect effect on risk were insight, treatment motivation, social support, and substance abuse.

Tengstrom, A., Hodgins, S., Grann, M., Langstrom, N., & Kullgren, G. (2004). **Schizophrenia and criminal offending: The role of psychopathy and substance use disorders.** *Criminal Justice and Behavior, 31*, 367-391.

Among 202 Swedish men diagnosed with schizophrenia, those with PCL-R scores of at least 23.4 (18-item version) committed more offenses, specifically more violent offenses, than those with lower psychopathy scores. History of substance use disorder did not further increase risk of offending among participants with schizophrenia, psychopathy, or both.

Williams, K.R., & Houghton, A.B. (2004). **Assessing the risk of domestic violence re-offending: A validation study.** *Law and Human Behavior, 28*, 437-452. The psychometric properties

of the Domestic Violence Screening Instrument (DVSI) were assessed using a sample of 1,465 male offenders who had been arrested for a domestic violence charge and a subsample ($N = 125$) of their partners. ROC analyses revealed that the DVSI demonstrated significant improvement over chance in predicting serious forms of threatening behavior, but not less serious forms (e.g., threatening phone calls).

SEX ABUSE & SEX OFFENDERS

Caperton, J.D., Edens, J.F., & Johnson, J.K. (2004). **Predicting sex offender institutional adjustment and treatment compliance using the Personality Assessment Inventory.** *Psychological Assessment, 16*, 187-191. Archival data for 144 incarcerated male sex offenders revealed significant correlations between PAI scales ANT, AGG, and VPI and likelihood of having committed at least one disciplinary infraction during the course of sex offender treatment. More specifically, these scales were significantly associated with institutional misconduct in the form of verbal aggression or acts of defiance.

Craissati, J., & Beech, A. (2004). **The characteristics of a geographical sample of convicted rapists: Sexual victimization and compliance in comparison to child molesters.** *Journal of Interpersonal Violence, 19*, 371-388.

Child molesters ($n = 230$) were found to be significantly more likely to victimize acquaintances and less likely to use coercion than rapists ($n = 80$). Child molesters were more likely to be categorized as low risk on the Static-99, despite no significant differences on sexual recidivism between groups.

Farr, C., Brown, J., & Beckett, R. (2004). **Ability to empathise and masculinity levels: Comparing male adolescent sex offenders with a normative sample of non-offending adolescents.** *Psychology, Crime, & Law, 10*, 155-167.

Matched samples of 44 male adolescent sex offenders (ASOs) and 57 non-offending adolescents (NOAs) in the United Kingdom were administered the Hypermasculinity Inventory and Empathy for Girls Test. No significant differences in overall masculinity were found; however, ASOs demonstrated higher levels of adversarial attitudes and callous sexual attitudes towards females. ASOs were less empathetic than NOAs and only NOAs demonstrated a negative correlation between masculinity and empathy.

Huprich, S. K., Gacono, C. B., Schneider, R. B., & Bridges, M. R. (2004). **Rorschach oral dependency in psychopaths, sexual homicide perpetrators, and nonviolent pedophiles.** *Behavioral Sciences & the Law, 22*, 245-256.

Nonviolent pedophiles received higher scores on the Rorschach Oral Dependency scale (ROD) than nonsexually offending psychopaths and sexual homicide perpetrators. ROD scores were associated with aggression in the sexual homicide perpetrators and nonsexually offending psychopaths group, indicating that these scores may implicitly assess dependency in the two groups.

Levenson, J.S. (2004). **Reliability of Sexually Violent Predator civil commitment criteria in Florida.** *Law and Human Behavior, 28*, 357-368. The reliability of Florida's SVP civil commitment criteria was examined using evaluations of 295 male sex offenders. Evaluator agreement was moderate for the diagnosis of Pedophilia

and poor for other diagnoses. Evaluator agreement for risk assessment instrument (Static-99, RRASOR, Mn-SOST-R, and PCL-R) scores was stronger. Nevertheless, agreement for opinions about whether or not offenders should be referred for civil commitment was poor.

Vogel, V., Ruiter, C., Beck, D.V., Mead, G. (2004). **Predictive validity of the SVR-20 and Static-99 in a Dutch sample of treated sex offenders.** *Law and Human Behavior, 28*, 235-251.

The predictive validity of the SVR-20 and Static 99 was examined in 122 hospitalized sex offenders in The Netherlands. Recidivism was examined using information concerning new convictions for sex offenses, nonsexual violent offenses, and general offenses. The Static-99 illustrated moderate predictive validity for sex offenses but was not predictive of violent or general reoffending. The SVR-20 exhibited good predictive validity of sexual reoffending and violent and general reoffending.

Webster, S. D., Akhtar, S., Bowers, L. E., Mann, R. E., Rallings, M., & Marshall, W. L. (2004). **The impact of the prison service sex offender treatment programme on minority ethnic offenders: A preliminary study.** *Psychology, Crime, & Law, 10*, 113-124.

In the U.K., matched samples of 52 Black and 52 White sex offenders were administered measures of denial of sexual interest, pro-offending attitudes, social competence, and relapse prevention pre- and post-treatment. Treatment appeared to be equally effective in both racial groups.

WITNESS ISSUES

Agnew, S.E., & Powell, M.B. (2004). **The effect of intellectual disability on children's re-**

call of an event across different question types. *Law and Human Behavior, 28*, 273-294.

80 children (ages 9-12) with a mild or moderate intellectual disability and 115 mainstream children were asked to recall an event from a magic show. Children were interviewed three days later using questions that included true and false information about the event. Although children with an intellectual disability provided accurate information, their responses were less complete and less clear when compared to the performance of children in the mainstream group.

Bradfield, A. & McQuiston, D.E. (2004). **When does evidence of eyewitness confidence inflation affect judgments in a criminal trial?** *Law and Human Behavior, 28*, 369-387.

For White mock jurors, evidence that an eyewitness's confidence in her identification of the defendant had increased over time was associated with favorable perceptions of the defendant's case. These results were not replicated in a follow-up study using 360 Hispanic mock jurors.

Fahsing, I.A., Ask, K., & Granhag, P.A. (2004). **The man behind the mask: Accuracy and predictors of eyewitness offender descriptions.** *Journal of Applied Psychology, 89*, 722-729. An analysis of 250 witness descriptions of actual bank robbers verified by videotape footage revealed that witnesses provided vague, yet reliable descriptions with few details. Inferior descriptions were associated with crimes involving multiple perpetrators, being a customer as opposed to a teller, and shorter observation times. Although witnesses described fewer attributes of firearms compared to knives, the accuracy of the descriptors for firearms was significantly higher.



Freire, A., Lee, K., Williamson, K.S., Stuart, S.J.E., & Lindsay, R.C.L. (2004). **Lineup identification by children: Effects of clothing bias.** *Law and Human Behavior, 28*, 339-354.

228 children between the ages of 4 and 14 watched 12 short video clips of individuals telling jokes. After each clip, children were asked to identify the person in the video through the use of a photo lineup of six individuals. Three lineup conditions were used: all lineup members wore the same colored shirt as in the clip (same), all wore a different colored shirt (different), the target wore the same color shirt as in the video and foils wore a different colored shirt (biased). Children in the biased condition chose the target significantly more often than children in the other conditions. When the target was not included in the lineup, children were more likely to make an incorrect identification in the biased condition.

Gilstrap, L. L. (2004). **A missing link in suggestibility research: What is known about behavior of field interviewers in unstructured interviews with young children.** *Journal of Experimental Psychology: Applied, 10*, 13-24.

Examination of interviews conducted by British police officers revealed that the majority of the interviewers preferred a qualitative (gathering small amounts of accurate information), rather than a quantitative interview approach (gathering large amount of information that may be inaccurate). Although preference guided statements made by interviewers, many interviewers used leading questions.

Gronlund, S.D. (2004). **Sequential lineups: Shift in criterion or decision strategy?** *Journal of Applied Psychology, 89*, 362-368. Two possible expla-

nations for the superiority of sequential over simultaneous lineups were examined. An interaction between encoding (absolute or relative) and lineup type (sequential or simultaneous) was found, supporting Lindsay and Wells' (1985) decision strategies explanation in that sequential lineups tend to elicit an absolute decision strategy.

Leippe, M.R., Eisenstadt, D., Rauch, S.M., & Seib, H.M. (2004). **Timing of eyewitness expert testimony, juror's need for cognition, and case strength as determinants of trial verdicts.** *Journal of Applied Psychology, 89*, 524-541. Among undergraduate mock jurors, perceptions of defendant guilt and eyewitness believability were lower when a teaching expert testified after the other evidence was presented and the judge summarized the expert's testimony during jury instructions. A curvilinear relationship between jurors' need for cognition and perceptions of guilt was found, revealing that a moderate level of need for cognition was associated with the highest perceived guilt in a strong prosecution case.

Melnyk, L., & Bruck, M. (2004). **Timing moderates the effects of repeated suggestive interviewing on children's eyewitness memory.** *Applied Cognitive Psychology, 18*, 613-631. Canadian kindergarten students were suggestively interviewed about a magic show either closer to the time of the show, closer to a memory test 40 days later, or at both times. Experiment 1 ($n = 113$) results indicated that suggestive interviewing did not increase facilitation or misinformation effects when the timing of the interviews was relatively distant from the event and/or memory test. Experiment 2 ($n=96$) results revealed facili-

tation effects after very early leading suggestions. Very early or late misleading suggestions lead to a misinformation effect, and those who received both suggestive interviews experienced a heightened misinformation effect.

Morgan, III; C.A. et al. (2004). **Accuracy of eyewitness memory for persons encountered during exposure to highly intense stress.** *International Journal of Law and Psychiatry, 27*, 265-279.

Eyewitness identification abilities of 509 military survival school training participants who underwent simulated POW interrogations (low- versus high-stress interrogations) were assessed. Twenty-four hours following this interrogation, participants who were in the low-stress situations were better able to identify their interrogators compared to those in the high-stress situations. Sequential presentation of photos as well as cued photographs elicited more accurate responses. Self-reported confidence ratings in identifications and dissociative experiences during interrogations were not related to identification accuracy.

Semmler, C., Brewer, N., & Wells, G.L. (2004). **Effects of postidentification feedback on eyewitness identification and nonidentification confidence.** *Journal of Applied Psychology, 89*, 334-346.

In Experiment 1, which involved witness identification from an 8-person target-absent photo array, feedback inflated participant confidence for mistaken identifications and correct lineup rejections, despite the use of unbiased witness instructions. Experiment 2 involved a target-present lineup. Feedback led to overconfidence for correct and mistaken identifications and lineup rejections.

Talwar, V., Lee, K., Bala, N., & Lindsay, R.C.L. (2004). **Children's lie-telling to conceal a parent's transgression: Legal implications.** *Law and Human Behavior, 28*, 411-435. In two studies, children (ages 3 to 11) either watched a parent break a puppet or a parent admitted to them that he/she broke a puppet. The parent then asked the child to not tell anyone about who had broken the puppet. Overall, children were more likely to lie about their parents' behavior when they could not be blamed for the incident (the children were either not in the room or told they would not be in trouble). Children with a sense of the moral implication of lying were less likely to lie for their parents.

Wise, R. A., & Safer, M. A. (2004). **What US judges know and believe about eyewitness testimony.** *Applied Cognitive Psychology, 18*, 427-443.

160 US judges responded to a survey examining knowledge of and attitudes about eyewitness testimony evidence. Many judges displayed low levels of knowledge about factors influencing the accuracy of eyewitness testimony. Judges with more knowledge about these issues were more likely to allow expert testimony and to acknowledge that jurors have limited knowledge about these issues. 35% of judges reported they would not permit expert testimony about eyewitness accuracy at trial.

Research Briefs were prepared by the following student assistants:

Christine Anthony, M.A.
Karen Davis, M.A.
Krissie Fernandez, M.A.
Phylissa Kwartner, M.A.

Division News and Information

Membership in EAPL

Join the EUROPEAN ASSOCIATION OF PSYCHOLOGY AND LAW and receive a subscription to *Psychology, Crime and Law* for about \$55 (45 Euros). Information about EAPL can be obtained at the Association website: www.law.kuleuven.ac.be/eapl/. Information about *Psychology, Crime and Law* can be found at www.tandf.co.uk/journals/titles/1068316x.html. Membership is available to psychologists and attorneys, as well as criminologists, sociologists, psychiatrists, and educational scientists. Information on how to join EAPL is also available through the Association website. In addition to a scholarly journal (*Psychology, Crime, and Law*), EAPL holds an annual meeting, including a joint conference with APLS every fourth year (most recently in Edinburgh, Scotland in July, 2003). This year's conference will be held June 29 through July 2, 2004, in Vilnius, Lithuania. Further details are available through the Association website.

Educational Outreach Committee Speaker Program

The AP-LS Educational Outreach Committee is pleased to announce the continuation of its Speaker program. Cooperating AP-LS members are available for the presentation of colloquia/key-note addresses at educational institutions as well as for other groups (e.g., local or state bar associations, local or state psychological associations). AP-LS will pay the speaker's honorarium; the sponsoring institution or group is responsible for the speaker's transportation, lodging, and related expenses. These details, as well as the specifics of the presentation, are arranged by the speaker and the sponsor.

Past speakers have addressed the social/experimental areas of jury selection, eyewitness identification, pretrial publicity, and death penalty issues, as well as the clinical areas of competency to stand trial, the insanity defense, and risk assessment/prediction of violence. Most presentations will be appropriate for the offering of CE credits for psychologists and other mental health professionals as well as for CLE credits for attorneys. In many cases, speakers located close to an interested sponsor can be utilized, in order to minimize travel costs.

Institutions interested in sponsoring such presentations should contact the committee chair (below) and indicate the specific topic of interest. **AP-LS members willing to participate in this program as speakers** should also contact the committee chair and indicate area(s) of expertise and geographic area within which you would be willing to travel for such a presentation. For further information, contact: Lavita Nadkarni, Ph.D., Chair, Educational Outreach Committee, AP-LS, Director of Forensic Studies, University of Denver-GSPP, 2450 South Vine Street, Denver, CO 80208, (303) 871-3877, lnadkarn@edu.edu

APLS Book Series

I am pleased to announce that the APLS book series is moving to Oxford University Press, effective immediately. The new series is called the American Psychology-Law Society Series. As with the previous series published by Kluwer (now Springer), the series publishes scholarly work that advances the field of psychology and law by contributing to its theoretical and empirical knowledge base. Topics of recent books in the Kluwer series include false confessions, the death penalty, girls and aggression, and psychological injuries in civil law. Already scheduled for the Oxford series is a book on the death penalty by Craig Haney, a book on trial consulting by Amy Posey and Larry Wrightsman, and a book on psychological injuries in civil cases by William Koch, Kevin Douglas, Tonia Nicholls, and Melanie O'Neill.

The editor is interested in proposals for new books. Inquiries and proposals from potential authors should be sent to Dr. Ronald Roesch, Series Editor (E-mail: roesch@sfu.ca or phone: 604-291-3370). For information on the Kluwer series, see <http://www.wkap.nl/prod/s/PILP>. APLS members get a 25% discount on book orders from Kluwer (a similar discount will be available from Oxford University Press). However, this discount is not available when ordering online. Call toll free +1-866-269-9527 between 8:30-5:00 EST; or fax +1-781-681-9045. APLS members must specifically mention that they are members to receive the discount.

American Board of Forensic Psychology Workshop Schedule: 2004-2005

The Continuing Education arm of the American Board of Forensic Psychology (ABFP) presents an ongoing series of workshops and training seminars led by leaders in the field of forensic psychology. Workshops focus on contemporary psycho-legal issues relevant to forensic, child, clinical and neuropsychologists and are designed for those interested in pursuing psycho-legal topics in depth. For more detailed information or registration, see our website at www.abfp.com

3-day Intensive Forensic Practice Workshops

Chicago, Ill
November 4-6, 2004

Charleston, SC
January 13-15, 2005

Individual Specialty Area Presentations

Dallas, TX
February 9-13, 2005

La Jolla, CA
March 2-6, 2005

The American Academy of Forensic Psychology is approved by the American Psychological Association to offer continuing education for psychologists. AAFP maintains responsibility for its programs. As an ABPP Academy, our courses count toward California's mandatory CE requirements.



Nominations, Awards, and Announcements

AP-LS Award for Outstanding Teaching and Mentoring in the Field of Psychology and Law

The American Psychology-Law Society (APLS; Division 41 of the American Psychological Association) is proud to announce its Award for Outstanding Teaching and Mentoring in the Field of Psychology and Law. The award will recognize teaching excellence in a variety of contexts. The winner will receive \$500 and a plaque at the spring 2005 AP-LS conference.

ELIGIBILITY: Nominees should be faculty who have made substantial contributions to student training in the field of psychology and law. Self nominations are encouraged.

TO NOMINATE: Send 6 copies of a nomination package consisting of no more than 15 total pages including the following:

- Nominee's statement (1- to 2-pages) of teaching/mentoring philosophy, goals, and accomplishments, especially as related to the field of psychology and law.
- Abbreviated curriculum vitae (3 pages maximum)
- Summarized student evaluation data
- One or more supporting letters from peer reviewers or students
- Other relevant documentation such as descriptions of current and past student achievements; mentoring in one-on-one teaching contexts (e.g., advising, clinical supervision); teaching in the community (e.g., workshops that bring psychology and law to applied audiences); teaching-related committee work or scholarship; development of new curricula, courses, course materials, or instructional methods.

**NOMINATION DEADLINE:
Postmarked by December 1, 2004.**

SEND NOMINATIONS AND DIRECT QUESTIONS TO:

Allison D. Redlich, Ph.D.
Chair of the Teaching Award Committee
Policy Research Associates
345 Delaware Avenue
Delmar, NY 12054
tel: 518-439-7415, ext. 232
fax: 518-439-7612
email: aredlich@prainc.com

AP-LS Dissertation Award Program

The American-Psychology Law Society confers Dissertation Awards for scientific research and scholarship that is relevant to the promotion of the interdisciplinary study of psychology and law. Persons who will have defended dissertations in 2004 that are related to basic or applied research in psychology and law, including its application to public policy, are encouraged to submit their dissertations for consideration for the awards. First, second, and third place awards are conferred. These awards carry a financial reward of \$500, \$300, and \$100 respectively.

To apply for the 2004 Awards, one hard copy of the completed dissertation, an electronic copy of the dissertation (in Word), along with a letter of support from the dissertation chair, should be sent by January 1, 2005 to Jennifer Groscup, Chair, AP-LS Dissertation Awards Committee, Department of Psychology, John Jay College of Criminal Justice, The City University of New York, 445 West 59th Street, New York, NY 10019-1128, jgroscup@jjay.cuny.edu

Note: The electronic copy can be sent via email as an attachment in Word to the email address above.

APLS Book Series

The *Perspectives in Law and Psychology* series, sponsored by APLS, publishes scholarly work that advances the field of psychology and law by contributing to its theoretical and empirical knowledge base. Topics of books include false confessions, the death penalty, girls and aggression, and psychological injuries in civil law. The editor is interested in proposals for new books. Inquiries and proposals from potential authors should be sent to Dr. Ronald Roesch, Series Editor (e-mail: roesch@sfu.ca or phone: 604-291-3370; fax: 604-291-3427). For information on the series, see <http://www.wkap.nl/prod/s/PILP>. APLS members get a 25% discount on book orders. However, this discount is not available when ordering online. Call toll free +1-866-269-9527 between 8:30-5:00 EST; or fax +1-781-681-9045. APLS members must specifically mention that they are members to receive the discount.

The following books have recently been published:

Moretti, M. M., Odgers, C. L., & Jackson, M. A. (Eds.). (2004). *Girls and aggression: Contributing factors and intervention principles*. (Volume 19).


Lassiter, D. (Ed.). (2004). *Interrogations, confessions, and entrapment*. (Volume 20).

You Too Can Edit This Newsletter!

The APLS News, the official newsletter of the American Psychology-Law Society, is seeking a new editor effective September, 2005. The position involves coordinating publication of the newsletter, developing, supplementing, and refining any of the regular features that currently appear in the News, and distributing the newsletter electronically (which is scheduled to begin under the current editorship). In addition to editorial responsibilities, the Newsletter Editor is also responsible for maintaining (or overseeing the maintenance of) the APLS Website and member database (which is currently under development and should also be operational by January of 2005). The Editor is expected to attend the biannual meetings of the APLS Executive Committee as an ex-officio (non-voting) member (with travel expenses to the APLS Conference and APA Convention paid by the Society). The appointment is for a three-year term with the option to renew for an additional three years. Please submit a CV and brief outline of your plans and goals, both short-term and long-term, that you would pursue as editor of the newsletter to Ron Roesch, Ph.D., (Email: roesch@sfu.ca). The deadline for nominations is February 1, 2005.

Fellow Status in the American Psychological Association

Becoming a Fellow recognizes outstanding contributions to psychology and is an honor valued by many members. Fellow nominations are made by a Division to which the Member belongs. The minimum standards for Fellow Status are:

- 
- *Doctoral degree* based in part upon a psychological dissertation, or from a program primarily psychological in nature and conferred by a regionally accredited graduate or professional school.
 - *Prior status* as an APA Member for at least one year.
 - *Active engagement* at the time of nomination in the advancement of psychology in any of its aspects.
 - *Five years* of acceptable professional experience subsequent to the granting of the doctoral degree.
 - Evidence of *unusual and outstanding contribution or performance* in the field of psychology.

To find out more information, contact Lisa Orejudos in the APA office at 202/336-5590, or by E-mail at: ljo.apa@email.apa.org.

Kovera Wins AP-LS Award for Outstanding Teaching and Mentoring in the Field of Psychology and Law

The Careers and Training Committee is delighted to announce that Dr. Margaret Bull Kovera is the 2004 winner of the AP-LS award for *Outstanding Teaching and Mentoring in the Field of Psychology and Law*. This award is given to a scholar in the field of psychology and law who has made substantial contributions in terms of student teaching and mentoring, teaching-related service and scholarship, development of new curricula, administration of training programs, etc. Dr. Kovera's record is outstanding in all these ways and more. As one of several of her admiring and grateful graduate students put it, "Her complete dedication to creating the optimal learning experience for her students is evident in every aspect of her career: in the classroom, in the laboratory, in her administrative duties, her professional demeanor, and her treatment of each and every student. No other professor has had such an impact on my academic growth. She deserves to be recognized for her dedication to her students' education and the betterment of the field of psychology and law." Dr. Kovera is currently Associate Professor and Director of the Legal Psychology Doctoral Program at Florida International University, and will be Professor of Psychology at John Jay College beginning in Fall 2004.

The prior winner of the Outstanding Teaching and Mentoring award was Dr. Gail S. Goodman. The deadline for the 2005 award competition is December 1, 2004. The committee welcomes nominations, applications, and inquiries at any time. The Careers and Training Committee consists of Bette Bottoms (Chair), Allison Redlich (Chair-To-Be), Edie Greene (Past Chair), Patty Zapf, Jen Woolard, and Mark Costanza.

Saleen Shah Award Nominations

Nominations are sought for the Saleem Shah Award, co-sponsored by the American Psychology-Law Society (APA Division 41) and the American Academy of Forensic Psychology. The award will be made in 2003 for early career excellence and contributions to the field of psychology and law. The focus on the nominee's contributions may be in any area of forensic practice, research, or public policy. Eligible individuals must have received the doctoral degree (OR the law degree, whichever comes later, if both have been earned) within the last 6 years. Self-nominations *will not* be considered. Anyone wishing to nominate a candidate, should send a letter detailing the nominee's contributions to psychology and law and a copy of the nominee's vita to:

Mary Connell
Water Gardens Place, Suite 635
100 East Fifteenth Street
Fort Worth, TX 76102.

The deadline for nominations is December 1, 2004



Fellowships and Positions

Assistant Professor of Psychology Fordham University

Position for a Tenure-track Assistant Professor specializing in forensic, clinical psychology, starting September, 2005. The Department offers doctoral programs in Clinical Psychology (APA accredited), Psychometrics, and Applied Developmental Psychology. The Department is seeking a core member of the clinical faculty with specialization in forensic psychology. Responsibilities will include teaching at the undergraduate and graduate level, both in Psychology/ Law courses as well as general psychology courses. In addition, active participation in the forensic psychology concentration of the clinical program, direction of masters and doctoral level research, supervision of students in clinical forensic sites, and involvement with Fordham Law School teaching and clinics are required. Applicants should be licensed or license eligible. Competitive candidates will have excellent teaching qualifications and potential, programmatic research involving application of quantitative methods to forensic psychology areas, a track record or potential for external funding, and an ability to contribute to more than one of the doctoral programs. Fordham is an independent, Catholic University in the Jesuit tradition that welcomes applications from men and women of all backgrounds. Minorities are encouraged to apply. Fordham is an equal opportunity/affirmative action employer. Formal application review will begin November 1, 2004. Please send vita, evidence of teaching credentials, representative publications, and three letters of reference to Frederick J. Wertz, Chair, Psychology Department, Fordham University, Bronx, NY 10458-5198 or wertz@fordham.edu.

APA Public Policy Fellowship Programs

Since 1974, APA has been offering one-year Fellowships to provide psychologists with the unique opportunity to experience first hand the intersection of psychology and public policy. APA Policy Fellows come to Washington, D.C. in the beginning of September to participate in one of three fellowship programs, which involve working in a federal agency or congressional office. Training for the fellowships includes a 3-week orientation to congressional and executive branch operations, and a year-long seminar series on science and public policy. The training activities are administered by the American As-

sociation for the Advancement of Science for APA Fellows and for Fellows sponsored by nearly two dozen other scientific societies.

APA Congressional Fellowship

APA Congressional Fellows spend one year working as special legislative assistants on the staff of a member of Congress or congressional Committee. Activities may include conducting legislative or oversight work, assisting in congressional hearings and debates, preparing briefs, and writing speeches. Past Fellows have worked on issues as diverse as juvenile crime, managed care, child care, and economic policy.

William A. Bailey Health & Behavior Congressional Fellowship

APA and the American Psychological Foundation (APF) established the William A. Bailey Congressional Fellowship in 1995 in tribute to former APA staff Bill Bailey's tireless advocacy on behalf of psychological research, training, and services related to HIV/AIDS. Bailey Fellows receive a one-year appointment to work as a special legislative assistant on the staff of a member of Congress or congressional Committee. They focus primarily on HIV/AIDS or related issues, while engaging in the same types of legislative activities as other APA Congressional Fellows.

Catherine Acuff Congressional Fellowship

The Catherine Acuff Congressional Fellowship was recently established to honor the memory of Catherine Acuff, Ph.D., a former member of APA's Board of Directors who died in April of 2000 following an acute illness. The Acuff Fellowship is for an applicant with five or more years of postdoctoral experience to reflect Dr. Acuff's mid-career transition to the public policy arena. Following a private practice and various faculty positions at the beginning of her career, Dr. Acuff joined the Substance Abuse and Mental Health Services Administration in the U.S. Department of Health and Human Services, where she worked at the time of her death. The responsibilities of the Acuff Fellow are the same as for other fellows.

Educational Assessment Congressional Fellowship

APA and the American Psychological Foundation recently established this program for psychologists with an interest in educational assessment, testing, psychometrics, and related issues. Fellows spend one year working as a special legislative assistant on the staff of a member of Congress or congressional committee. Activities may involve conducting legislative or oversight work, assisting in congressional hearings and debates, preparing briefs, and writing speeches.

APA Science Policy Fellowship

In addition to the Congressional Fellowships, APA also provides a fellowship opportunity for psychologists who wish to gain an understanding of science policy from the perspective of federal agencies. The APA Science Policy Fellowship, begun in 1994, places psychologists in a variety of settings in science-related agencies. Participants in this program have worked in the Office of Science and Technology Policy (OSTP) at the White House, the Office of Behavioral and Social Sciences Research at the National Institutes of Health (NIH), and the National Science Foundation (NSF).

Applications

Applicants for the APA Policy Fellowship Programs must be members of APA (or applicants for membership) and must have completed a doctorate in psychology or a related field at the time of application. Annual stipends range from \$ 50,000 to \$ 65,000, depending on years of post-doctoral experience and the specific fellowship sought. Up to \$3000 is allocated for relocation to the Washington, DC area and for travel expenses during the year. Applicants must submit a current vita, statement of approximately 1000 words addressing the applicant's interest in the fellowship, career goals, contributions the applicant believes he/she can make, and what the applicant wants to learn from the experience, and three letters of recommendation to: APA Fellowship Program, Public Policy Office, American Psychological Association, 750 First Street, N.E., 5th Floor, Washington, D.C. 20002-4242., Attn: Heather Kelly. Be sure to specify which fellowship you are applying for. **The deadline for applications is January 3, 2005.** More detailed information about the application process can be found at www.apa.org/ppo/funding/. Further inquiries can be directed to the APA Public Policy Office at (202) 336-6062 or ppo@apa.org.

Associate Professor of Criminal Justice

The Department of Criminal Justice at Georgia State University seeks to fill a **tenuretrack position** at the **Associate Professor** level. The position represents a ninemonth appointment with annual review and the possibility of summer teaching. A Ph.D. in criminal justice or directly related field is required. The Department is interested in applicants with expertise in statistics and quantitative methods with areas of specialization to include at least one of the following issues: violence and injury, interpersonal violence, family violence, street crime, victimization, and/or substance abuse. This new faculty position will enable interdisciplinary collaboration as part of the University's investment in urban health research. The Department of Criminal Justice is an integral part of this initiative, which includes the hiring of 16 new faculty positions across the University. Requirements include university teaching experience and a demonstrated record of research and publication. Responsibilities for the position include the ability to teach undergraduate and graduate courses in criminal justice, conduct interdisciplinary research, publish scholarly work, advise students, direct graduate research, and participate in university-related service. Review of applications will begin November 1, 2004; position open until filled. Appointment will begin August 2005. Georgia State University has an enrollment of over 28,000 students and is located in downtown Atlanta within easy access to the state capitol, state and federal courthouses, and many other criminal justice agencies. The Department of Criminal Justice offers degrees at the baccalaureate and masters' levels and is involved in a number of public service and research efforts. Interested applicants should send a letter of application, vita, and three letters of reference to: Dr. Mark D. Reed, Chair, Search Committee, Department of Criminal Justice, Georgia State University, P.O. Box 4018, Atlanta, GA 303024018. For further information about the Department, please see our web site at www.cjgsu.net. Georgia State University, a unit of the University System of Georgia, is an equal opportunity educational institution and an equal opportunity/affirmative action employer.

Fellowship and Position listings are included in the APLS News at no charge as a service to members and affiliates. All listings should be forwarded, in MS Word, WordPerfect, or ascii format, to Barry Rosenfeld, Ph.D., rosenfeld@fordham.edu. Deadlines are January 1, May 1, and September 1, with each issue being mailed approximately one month later. Any requests for Fellowship and Position listings should include details regarding which issues of the newsletter the listing should be included (i.e., a one-time listing, for a specified number of issues or period of time, or a listing that should appear on a regular schedule).

Forensic Psychologist Positions

Minnesota State Operated Forensic Services is seeking qualified applicants for two forensic psychology positions. The facility is located approximately 60 miles south of the Twin Cities. Job responsibilities include examinations of competency to stand trial, criminal responsibility, and court-ordered risk assessments of sex offenders and individuals being committed as Mentally ill and Dangerous. Testimony is often required. Our forensic psychologists are not involved in the treatment of patients.

These positions offer competitive salary, excellent benefits, and a flexible work schedule in an influential and fast-paced forensic setting. Applicants must be a United States citizen from an APA-approved doctoral program in clinical psychology. Qualified applicants are licensed or license eligible and have completed a postdoctoral fellowship in forensic psychology with competence and experience in testifying and completing court-ordered evaluations. Knowledge of mental health case law is preferred. Interested applicants should send curriculum vita, three forensic work samples, and a letter of interest to Dr. Sharon Mahowald, Director of Psychological Services, Minnesota Security Hospital, 2100 Sheppard Drive, St. Peter, Minnesota, 56082. Please feel free to call Dr. Mahowald with any questions at (507) 931-7148.

Instructions for Logging Onto the AP-LS.org

As of November 15, 2004, the new website should be ready for members to log on and update their contact information. Your username is (and will remain) your email address and your INITIAL password is your zipcode. For those members who do not have an email address already on file (or have changed your email address from the one listed in our records), the instructions for your initial login will be posted on the website. When you log on you will be prompted to choose a new password. **You should make sure that all of the information currently contained in your listing is correct.** The most important element of this listing is your email address, since that will be the only method for delivering future newsletters and other relevant mailings (or e-mailings, as the case may be). In addition, the member information screen will allow you to control how much information (about you) is available to other members through the new "member search" function. The options include allowing only your name to be confirmed, providing your name and email address, or allowing no information at all to be disclosed. Finally, if you have difficulty logging onto the site, email administrator@ap-ls.org.



Notes From The Student Chair



AP-LS Student Officers E-mail Addresses

Chair, Kim Coffman
coff5143@bellsouth.net

Past Chair, Tara Mitchell
tmitch01@fiu.edu

Chair Elect, Christopher Kunkle
cdkunkle@optonline.net

Secretary/Treasurer, Peter Shore
ryannhaw@aol.com

Student Newsletter/Web Editor,
Michael Griffin
griff067@barna.ua.edu

AP-LS Student Homepage
www.psy.fiu.edu/~apls-students

AP-LS Student E-mail
apls-st@psy.fiu.edu

Dear AP-LS Student Members:

I would like to take a moment to thank everyone for participating in the recent student elections. Several excellent nominations were submitted including those of you interested in our newly formed liaison positions. Before introducing this year's officers, I'd like to say a special thanks to the outgoing officers for 2003-2004 for their enormous contributions in spurring new membership growth in our Student Section and in planning numerous activities for the APA and AP-LS conferences for students. Special thanks go out to the following for their hard work and sustained efforts during the past year: Tara Mitchell (Chair), Ryann Haw (Secretary/Treasurer), and Nadia Narchet (Web Editor). Thank you all for a job well done.

Welcome 2004-2005 New Officers

Christopher Kunkle is our new Chair-Elect (cdkunkle@optonline.net). Peter Shore (phshore@aol.com) is serving as our new Secretary-Treasurer, and Michael Griffin (griff067@barna.ua.edu) will be updating our student website when the new link is established. We also elected several liaisons this year for the first time to coordinate activities between student sections in other sections of the American Psychological Association and our section. Our new Clinical Liaisons are Chriscelyn Tussey (chriscelyns@hotmail.com) and Shanna Guenther (sguenther@writeme.com), our new Experimental Liaisons are Alicia Spidel (aliciaspidel@aol.com) and Maggie Stevenson (mstevel@uic.edu), and our two Law Liaisons are Justine Schmollinger (jschmollinger@pgsp.edu) and Emily Bennett (emilybennett437@hotmail.com). Welcome to all of our new officers and liaisons! We look forward to working on your behalf this year.

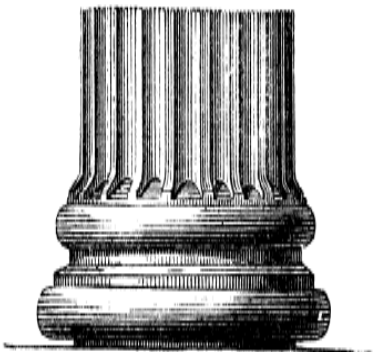
Conference

We are currently planning several student and jointly sponsored activities for the AP-LS student section for the 2005 American Psychology and Law Conference in La Jolla, California from March 3-6. The student section will be sponsoring a workshop on job talks during the week. We are also coordinating with the newly formed Mentoring Committee and the Career and Training Committee to hold a joint seminar on Mentoring and Careers for students and new faculty. Prominent senior members of AP-LS will be speaking to students and new faculty regarding current and future mentoring and training opportunities. Finally, the student section is planning to organize informal groups to join senior AP-LS members for dinners (all pay-your-own-way) during the later evenings of the conference. Look for specifics on these and other activities for the AP-LS conference in the next student newsletter.

I look forward to meeting you and working on your behalf during the year. Please email with any questions or suggestions that you might have regarding conference topics or other information you would like to see available in upcoming newsletters.

Thank you,

Kim Coffman
Chair, Student Section



Funding Opportunities

AP-LS/Division 41 Stipends for Graduate Research

The Division 41 Grants-in-Aid Committee is accepting proposals for small stipends (maximum of \$500) to support empirical graduate research that addresses psycholegal issues (the award is limited to graduate students who are student affiliate members of AP-LS). Interested individuals should submit a short proposal (a maximum of 1500 words will be strictly enforced) in either a hard-copy (five copies) or electronic format that includes: (a) a cover sheet indicating the title of the project, name, address, phone number, and e-mail address of the investigator; (b) an abstract of 100 words or less summarizing the project; (c) purpose, theoretical rationale, and significance of the project; (d) procedures to be employed; and, (e) specific amount requested, including a budget. Applicants should include a discussion of the feasibility of the research (e.g., if budget is for more than \$500, indicate source of remaining funds). Applicants should also indicate that IRB approval has been obtained, or agree that it will be prior to initiating the project. Note that a prior recipient of an AP-LS Grant-in-Aid is only eligible for future funding if the previously funded research has been completed. Hard copies of the proposals should be sent to: Mario Scalora, Ph.D., Grants-In-Aid Committee Chair, Department of Psychology, University of Nebraska, 238 Burnett Hall, Lincoln, NE 68588-0308. Electronic submissions can be submitted via e-mail to mscalora@unl.edu (paste your submission into your e-mail or include an attached file in word perfect, word, or ASCII format). Committee members: Mario Scalora, Univ. of Nebraska, Garrett Berman, Roger Williams University, Elizabeth Bennett, Washington and Jefferson College, Robert Cochrane, U.S. Department of Justice. **There are two deadlines each year: September 30 and January 31.**

Seed Money Available for Interdisciplinary Research

The Executive Committee of the American Psychology-Law Society is offering up to \$3000 in seed money to facilitate **interdisciplinary research projects**. We have in mind projects that would bridge the gap between psycholegal work and other academic disciplines (e.g., sociology, political science, economics, public policy, medicine). We are particularly interested in proposals that advance theoretical development or propose methodological innovations. Money can be used to cover research and travel and meeting costs. Successful grantees will be expected to present the results of their collaborative study at a meeting of the American Psychological Association. Two such proposals will be funded each year. To apply, please request an application form from Beth Wiggins at bwiggins@fjc.gov; 5704 Rusk Ave, Baltimore, MD 21215. **The next application deadline is July 1, 2004.**

Student Research Grants American Society of Trial Consultants

In order to promote and support empirical research applicable to the profession of trial consulting and the involvement of students in the American Society of Trial Consultants (ASTC), the Research Committee is sponsoring Student Research Grants for a maximum of \$300.00 per grant. Applicants must be enrolled and in good standing in an undergraduate, graduate or professional school program at an accredited university or college. Applicants must also be student members of the ASTC. Students who are not current members must include an application of membership when submitting materials for the research grant. To learn more about the ASTC, visit our website: www.astcweb.org. Interested individuals should submit THREE copies of a short proposal (1500 word limit) including:

- * A cover sheet stating the title of the project, and the applicant's name, address, e-mail address, and phone number
- * An abstract of 100 words or less summarizing the project
- * A description of the project's purposes, theoretical rationale, research methodology & analytical procedures
- * A description of the research's relevance to the profession of trial consulting
- * The specific amount requested, including a budget
- * The project's status with respect to the relevant institutional human subjects review process

In addition, please send ONE copy of the following:

- * A resume of the principal investigator
- * A sealed faculty sponsor's recommendation letter (on institutional letterhead)
- * If applicants have previously received funding for the project, the application must also include a brief abstract describing the completed work for which funding was received and the source of funding.

Individuals who are granted funds must submit an update on their research project one year from the time the funds are awarded. Upon completion of the project, they must provide an Executive Summary describing their results in a format suitable to be printed in Court Call, ASTC's newsletter. Materials must be received, at the address listed below, no later than **November 12, 2004**. The research committee will review all submissions for quality (meeting the call, soundness of proposed research relating to the field of trial consulting, etc.) and evaluate all submissions. Awards will be announced in January 2005. If, in the committee's opinion, no submission meets the Society's call and/or quality standard, awards will not be made. Send submissions by mail to :Dr. Donna Shestowsky, Chair, ASTC Grants and Awards, c/o University of California, Davis, School of Law, 400 Mrak Hall Dr., Davis, CA 95616, dshest@ucdavis.edu



Inset APA Insurance Trust full page Ad here



AMERICAN
PSYCHOLOGY
LAW
SOCIETY



American Psychology-Law Society
MEMBERSHIP APPLICATION

Division 41 of the American Psychological Association

The American Psychology-Law Society is a division of the American Psychological Association and is comprised of individuals interested in psychology and law issues. AP-LS encourages APA members, graduate and undergraduate students, and persons in related fields to consider membership in the Division. APA membership is not required for membership in the American Psychology-Law Society. Student memberships are encouraged. To join, complete the form below and send with dues to: Cathleen Oslzly, Dept. of Psychology, 209 Burnett Hall, Univ. of Nebraska-Lincoln, Lincoln, NE 68588-0308, (E-mail: coslzly@unl.edu).

Name _____ Degree _____

Address _____

City _____ State/Province _____ Country _____ Zip Code _____ - _____

Daytime Phone (____) _____ E:Mail address _____

APA Member Yes If yes, Member # _____

No Field of Study (e.g., Psych., Soc., Law) _____

Annual Membership Dues: (make checks payable to American Psychology-Law Society)

Member or Associate Member of APA: \$ 52.00 (includes Law and Human Behavior)

Member-at-large (not an APA member): \$ 52.00 (includes Law and Human Behavior)

Associate-at-large (undergraduate, graduate or law student): \$ 27 with Law and Human Behavior

Address Changes:

- APA members: send changes to APA Membership Dept., 750 First St. NE, Washington, DC 20002-4242
- Non-APA members/students: send changes to Ms. Oslzly at the address above or via E-mail

American Psychology-Law Society/
Division 41 of the American Psychological Association
c/o Barry Rosenfeld, Ph.D.
Department of Psychology
Fordham University
441 East Fordham Road
Bronx, NY 10458

Non-Profit Org.
U.S. Postage PAID
Permit No.1940
Bronx NY 104