



Two AP-LS Members named Supreme Court Fellows for 2002-2003

Dr. Natacha Blain and Dr. Daniel Krauss both spent the past year working as Supreme Court Fellows in Washington D.C. The program, which has never previously had two AP-LS members selected, will be celebrating its 30th anniversary in the coming year. Although both possessing law degrees and clinical psychology doctorates (Dr. Blain from the MCP-Hanneman University/Villanova School of Law joint degree program and Dr. Krauss from the University of Arizona joint degree program), each arrived at the fellowship from distinctly different career paths. Dr. Krauss came to the program from his academic position in the psychology department of Claremont McKenna College while Dr. Blain was previously working as Chief Legal Counsel to Senator Durbin from Illinois.

Begun by Chief Justice Warren Burger, the Supreme Court Fellows program seeks exceptional individuals with an interdisciplinary focus who are interested in the federal judicial process and who are motivated to improve the public's understanding of it. Four fellows are selected each year, with each fellow being assigned to one of four agencies within the third branch—the Supreme Court, the Administrative Office of the United States Courts, the Federal Judicial Center, and the United States Sentencing Commission. Assignments over the course of fellowship year vary depending upon the needs of the specific agency and the unique abilities and skills of the fellow.

Dr. Krauss spent his fellowship year at the United States Sentencing Commission, the independent agency charged with the creation of and amendment of the Federal Sentencing Guidelines. The Federal Sentencing Guidelines determine punishments for offenders convicted of federal crimes, and the United States Sentencing Commission was created by a bipartisan congressional effort in the Comprehensive Crime Control Act of 1984. The Commission was directed to increase honesty and certainty in sentencing and to eliminating unwarranted disparity in judicial sentencing decision. The Commission also maintains an extensive database on federal sentencing and collects and disseminates a large body information and research related to federal sentencing practices.

During the course of his fellowship year, Dr. Krauss played a role in a 15-year evaluation of the Federal Sentencing Guidelines (The guidelines were officially adopted by the federal courts in 1987 and survived a constitutional challenge in 1989) using the extensive resources available at the Commission to examine the manner in which the guidelines have and have not achieved their intentions. His research also led him to explore the operation and effectiveness of the “safety valve”, a mechanism created by Congress and modified by the Commission to moderate the effects of harsh mandatory minimum drug penalties on a group of non-violent low-level drug traffickers. He presented his findings to the Commission at their July Commissioners meeting.

Additionally, the fellowship also allowed him the opportunity to explore one of his other research interests, the prediction of recidivism. Before

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Minutes of the Executive Committee Meeting August 7, 2003, Toronto, Ontario, Canada

Attending: Sol Fulero, Gail Goodman, Steve Hart, Matt Huss, Margaret Bull Kovera, Rod Lindsay, Annette Christy, Lavita Nadkarni, Tara Mitchell, Randy Otto, Jennifer Robbennolt, Ron Roesch, Mark Small, Christina Studebaker, Melissa Warren, Gary Wells, Beth Wiggins, Rich Wiener

1. *Meeting was called to order at 4:05 p.m. by President Randy Otto.*

2. *Executive Committee meeting minutes from March 2003 were approved.*

3. *Journal Issues*

Concerns regarding recent developments at the Journal of Applied Psychology and at Psychology, Public Policy, and Law were discussed. First, recent page cuts to PPPL imposed by APA and the resulting impact on the journal's mission and publication schedule are of concern. The EC discussed the apparently changing nature of the journal and its relationship to LHB. Second, it was reported that the editor of JAP has discouraged submissions of articles on eyewitness and jury topics. JAP has been an important outlet for papers on these topics for many members of APLS. Sol Fulero will draft one or more letters on behalf of the EC expressing our concerns about these developments. He will circulate these drafts for comment by other members of the EC before submitting them.

4. *APA Presidential Candidates*

It was decided that Division 41/APLS will not endorse particular APA presidential candidates, but that in the future all candidates will be invited to address our members in the newsletter each year.

5. *Division Services*

It was noted that there are a number of services that APA can provide for us through Division Services. In particular, they can list our programs out

to 2005. Beth Wiggins will work with the program co-chairs to make sure that our information gets listed.

6. *Newsletter*

We continue to mail out approximately 3750 copies of the newsletter, three times per year. Expenses and income are stable.

Barry Rosenfeld is directing our efforts to further develop the APLS web site (to facilitate electronic distribution of the newsletter, membership information maintenance functions, search capabilities, etc.) The EC approved the expenditure of up to \$5,000 to further develop the APLS website and requested that several estimates and examples of similar sites be obtained. Randy Otto reported that APA is able to provide a list of e-mail addresses to use for distribution of the newsletter.

7. *ABA/APA*

The APA and the American Bar Association (ABA) will co-sponsor a national conference on Children and the Law in California in 2004. Division 41 is one of 4 divisions who have been asked to name a member of the conference steering committee. Sol Fulero will provide APA with the names of several potential committee members. It was noted that there are several sections of the ABA that are interested in partnering with APA or with specific APA divisions, including Division 41.

8. *Treasurer's Report*

(see 2004 budget on p. 3)

Treasurer Margaret Bull Kovera reported that the Division is in good financial shape. As of June 30, our expenses are in line with previous years. Dues income is currently ahead of our dues income at the end of 2002 and \$9,000 (8%) ahead of this time last year. Royalty income is also up approximately \$7,000 (20%) for the year. In-

terest income continues to decline (down 58% from this time last year). The proposed 2004 budget accounts for these trends.

The Executive Committee approved a one-time increase in the budget for the APLS EC meeting at next year's APA meeting by \$5,000 to cover the expected increased travel expenses to that meeting. In addition, \$5,000 was approved to develop the web site.

A motion to accept the budget as revised passed.

9. *Law and Human Behavior*

Journal Editor Rich Wiener reported that between January and July of this year, 75 manuscripts were submitted. The rejection rate for 2002 was 79%, up from 75% in 2001; the rejection rate is likely to exceed 80% for 2003. Upcoming special issues include the February 2004 issue that will be edited by Margaret Bull-Kovera on "Psychology, Law, and the Workplace" and the 2005 special issue edited by Thomas Grisso and Gina Vincent on "Empirical Limits of Forensic Mental Health Assessment."

As of July 1, 2003, webJEO, the electronic system for manuscript submission and review, is up and running (www.lahu.edmgr.com). The journal will no longer take hard copy submissions and reviews will be done electronically.

Rich continues to work with Sarah Williams at Kluwer on the possibility of LHB being available on Westlaw.

The call for the next newsletter editor (who will begin taking manuscripts in 2006) is drafted and is being revised. The call will be placed in the next newsletter, issues of LHB, the APA Monitor, on the APLS and APA websites, and other appropriate outlets.

10. *Book series*

Ron Roesch reported that representatives from Kluwer attended the joint conference in Edinburgh and that book

sales were brisk. They have agreed to come to the conference in Scottsdale and plan to come to our conferences on a regular basis. Kluwer has been bought out again – this time by Springer.

Lois Oberlander-Condie's book "Parenting Evaluations for the Courts" is out and seems to be selling well so far. The book by Moretti, Odgers, & Jackson, "Girls and Aggression" will be going to Kluwer in September and should be out by the time of the 2005 meeting in Scottsdale.

Ron Roesch was selected to serve another term as book series editor.

11. *Council report*

Council representatives Mark Small and Gail Goodman reported that:

- APA has taken a number of steps to balance their books including cuts to publications and personnel. Dues will be increasing by \$9.
- The U.S. House of Representatives identified a number of individual NIH proposals to be cut; the proposals survived these cuts by a vote of only 212-210 in the House.
- APA is looking for a new director of the Science Directorate.
- It was clarified that if APA submits an Amicus Brief to the U.S Supreme Court, no division may submit a separate brief.

12. *APA Conferences*

Program chairs Annette Christy and Matt Huss reported that 85 proposals were received for the Toronto meeting. These were reviewed by 94 reviewers, including 35 students. The acceptance rate was 66%; 73% of the accepted proposals were clinical; 26% were non-clinical. Fifty-eight conference registrants identified Division 41 as their primary affiliation; 70 registrants identified Division 41 as their secondary affiliation.

Matt Huss and Jen Hunt will plan the Division's program for the APA 2004 Conference in Hawaii. Suggestions for

2004 Revised Budget

INCOME	Budget
Dues & Contributions	\$ 125,000.00
LHB Editorial Expenses	\$ 17,000.00
Interest Income	\$ 1,000.00
Royalties	\$ 38,000.00
Advertising	\$ 3,000.00
TOTAL INCOME	\$ 229,000.00
EXPENSES	
Meetings & Conferences:	
APA Convention Program	\$ 14,000.00
APA EC Meeting	\$ 3,000.00
APLS EC meeting at APA	\$ 15,000.00
Biennial EC Meeting	\$ 10,000.00
Biennial APLS Conference	\$ 45,000.00
Div. Leadership Conference	\$ 2,000.00
APA Program Chair Conf.	\$ 1,500.00
SUB-TOTAL	\$ 85,500.00
Publications:	
Newsletter Expenses	\$ 18,000.00
Subscriptions to LHB	\$ 70,000.00
Editor Expenses for LHB	\$ 17,000.00
Web Site Expenses	\$ 6,000.00
SUB-TOTAL	\$ 111,000.00
Administrative Costs:	
General Operating Exp.	\$ 10,000.00
Presidential Expenses	\$ 400.00
Treasurer Expenses	\$ 400.00
SUB-TOTAL	\$ 10,800.00
Professional Organizations:	
Fed/Beh,Psych,CogSc dues	\$ 250.00
Exec. Roundtable Practice Div.	\$ 90.00
SUB-TOTAL	\$ 340.00
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
Cong. Briefing Series	\$ 3,000.00
Careers & Teaching Comm.	\$ 1,000.00
SUB-TOTAL	\$ 26,000.00
TOTAL EXPENSES	\$ 238,640.00



EC Minutes cont. from p. 3

this and other future meetings included that the co-chairs continue to consider hour-long talks about the state of the science and that the Division 41 program listing include sessions that we “co-list” in addition to our own program hours. The budget for the EC meeting at this conference was increased by \$5,000 to cover the expected additional costs of transportation to the meeting.

13. *APLS/EAPL Conferences*

Approximately 800 people attended the joint meeting in Edinburgh, including more than 600 full conference registrants.

Beth Wiggins will be in contact with the EAPL to discuss the next conference. It was determined that if APLS is to co-sponsor these conferences, we ought to be more involved in the conference planning. The possibility of holding the next joint meeting (2007) in Adelaide, Australia was discussed. Concern was expressed about whether we could expect a significant number of APLS members to register for the conference given issues of timing and distance.

14. *APLS Conferences*

The APLS 2004 conference will be held March 4-7, 2004 at the Doubletree Paradise Valley Resort in Scottsdale, Arizona. Conference co-chairs are Patty Zapf and Christian Meissner. The call for papers has gone out; deadline is October 1, 2003. A web site for the conference is up and running at www.fiu.edu/~apls2004. This web site will be used for conference submissions, registration, volunteer sign-ups, hotel reservations, conference program, and general information. The American Academy of Forensic Psychology will not be joining us at this conference; they will return in 2005 in La Jolla. The possibility of holding CE sessions prior to the conference was raised and will be considered for APLS 2004.

The APLS 2005 conference will be held at the Hyatt in La Jolla, CA. Jennifer Skeem will serve as co-chair. Sol

Fulero will identify the other co-chair. We are continuing to attempt to move to a system of co-chairs with staggered 2-year appointments.

15. *Nominations and Awards*

Election results:

President-Elect, Edie Greene
Treasurer, Margaret Bull Kovera
Member-at-Large, Randy Salekin

Steve Hart reported that the Committee has a list of nominees for the Saleem Shah Early Career Award. The award will be presented at the Annual Meeting in March.

Kirk Heilbrun's book, *Principles of Forensic Mental Health Assessment* (published in 2001), was chosen as the first recipient of the APLS Book Award. Several new books (i.e., published in 2002 or 2003) have been nominated for future awards. It was determined that a process needs to be defined for determining future recipients of this award.

16. *Student Division*

Student representative Tara Mitchell reported that the student section is holding an event at the APA Convention in Toronto addressing careers in psychology and law. They are planning programming for the APLS Annual Meeting in Scottsdale in March; current plans include a session on grant funding and a social hour. Tara reported support for the idea of a student listserv; plans for the listserv are proceeding.

17. *Dissertation Awards Committee*

A Call for Submissions was placed in the Spring/Summer 2003 edition of the APLS newsletter and will be run again in the Fall 2003 edition of the Newsletter. The deadline for submissions is January 1, 2004. The committee is interested in adding new members.

18. *Grants in Aid*

No report available.

19. *Fellows Committee*

Gary Wells reported that the Fellows

Committee has become more proactive in seeking out prospective Fellows and facilitating the nomination process. The Committee is working to identify top individuals in the field who are not yet Fellows. Gary suggested that APLS (as distinct from Division 41) create a membership category that is analogous to APA/Division 41 Fellow status so that those members of APLS who are not members of APA can still be “Fellows” (or some similar designation) of APLS. This change will be considered as part of the on-going review of the By-Laws.

20. *Careers and Training Committee*

No report available.

21. *Interdisciplinary grants*

Beth Wiggins reported that she has started to receive proposals and will continue to advertise the Interdisciplinary Grants in a variety of places.

22. *Scientific Review Paper Committee*

The committee is considering beginning a paper on jury instructions and the death penalty. A symposium on this topic will likely be proposed for the APLS 2004 conference in Scottsdale.

23. *Specialty Guidelines for Forensic Psychologists Revision*

Randy Otto reported that the process is slowly moving forward.

24. *Risk Assessment Guidelines Committee*

Steve Hart reported that a symposium will be proposed for the APLS 2004 conference in Scottsdale.

25. *Women in Psychology and Law Committee*

Gail Goodman and Beth Wiggins will pursue making this committee more active. It was suggested that some time and programming be devoted to this committee at the APLS 2004 conference in Scottsdale.

26. *Committee on Law and Psychology in Corrections*

Linda Teplin was chosen as recipient

of the APLS-AACP Award for Contributions to Correctional Psychology. Sol Fulero will coordinate with AACP.

27. *Educational Outreach Committee*
Lavita Nadkarni reported that she has received many CVs from APLS members interested in being speakers. Fewer people are making requests for speakers. Lavita will continue to contact institutions that might be able to use speakers, particularly institutions that serve predominantly minority populations.

28. *Committee on Ethnic Minority Affairs*
No report available.

29. *Committee on Relations with Other Organizations*
Gregory Van Rybroek presented "Treatment of High-Risk Violent Juveniles-An Alternative to Correctional

Discipline" at a conference on "The Liberal State and Its Mental Health Power," April 25-26, 2003, sponsored by the Project for Law and Humanities, the Institute of Legal Studies, the Frank J. Remington Center, the University of Wisconsin School of Law, the Mendota Mental Health Institute, and the State Bar of Wisconsin. This presentation provided an opportunity to identify APLS as a psychology-law specialty area within APA.

30. *APLS Governance/Operations Manual*
The EC Operations Manual is being compiled. Thanks go to Christina Studebaker and Brian Bornstein who have completed the APA/APLS Conference Preparation Manual. This manual has been posted on the web site. Job descriptions for EC members were distributed and will be posted on

the web site.

31. *Other Business*
Future discussion will be held to review potential changes to the APLS By-Laws. Some draft changes were distributed. Other changes will be circulated via e-mail. The By-Law review will be placed on the agenda for the next meeting in Scottsdale. The EC also plans to review some of its decision-making processes.

The next meeting will be held in Scottsdale, AZ at the APLS Annual Meeting on the morning of Thursday, March 4, 2004. It was noted that student section events should not be scheduled during the EC meeting.

The meeting was adjourned at 8:00 pm.
Respectfully submitted,
Jennifer K. Robbenolt

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President's Column:

We have met the enemy, and they are us:

APA Governance and Division 41

Solomon M. Fulero, Ph.D., J.D.

Before I get into the substantive theme of my column and on my “presidential theme,” I want to express my gratitude for the opportunity to act as Division 41 President this coming year. Those of you who have looked at the list of past presidents of our division (see the history of Division 41 I wrote for the APA series of divisional histories edited by Donald Dewsbury), will appreciate how honored I feel to join that illustrious list.

Prior to my tenure as President-Elect and now President, I was the Division representative to APA's governing Council of Representatives. I also had the pleasure of serving on (and chairing) APA's Committee on Legal Issues (COLI). Like most of you, I'm sure, APA had always seemed to me to be this monolithic organization that made no sense, did relatively little that meant anything, and had nothing to do with my professional life (with the exception of the journal discount and the dues I grudgingly paid).

All that changed as I began my term on Council—and anyone who serves as Council representative will tell you the same. Gradually, the alphabet soup of names, titles, boards, committees, caucuses, and assorted staff began to make sense. As I started to read committee and directorate reports, budgets, presidential initiatives, motions, resolutions, and other APA documents in the two-volume (yes, that's right) agenda book for each Council meeting, I gradually realized that our Division has been sadly lax in our participation in APA governance. What is worse, this abdication of our presence has cost us, and will continue to cost us if we do not change. It is my goal this year to convince you that: (1) APA has a lot to

offer the division, if we take advantage of the opportunities that are there; (2) The interests of our division could be seriously damaged if we leave “psychology and law” to others in APA; and (3) YOU can make a difference, and I can show you how.

Everything you need to know about APA governance is at the website, www.apa.org. I encourage you to spend some time there, and guarantee that in less than an hour you will understand the structure. Here is a chart of the basics:

Organizational structure: Boards and Committees. As you can see, APA is actually governed by the members, who elect the Council of Representatives, who in turn elect the Board of Directors (the Board consists of the officers of APA, but also a set of “members-at-large” elected by Council). Reporting to the Board of Directors is a set of Boards composed of APA members. The Boards of most importance to Division 41 members are the Board of Scientific Affairs, the Board of Professional Affairs, the Board of Educational Affairs, and the Publications and Communications Board (each of these Boards has a separate webpage, which can be accessed through the main website).

In addition, under each Board, there are a set of Committees. I have attached a list of these committees, but at the webpage of each Board you can access the Committees and see what they do. It is abundantly clear that these Committees perform functions that can be critical to our divisional interests.

The potential gains of participation. Several examples of good things that have come from participation in APA

governance come to mind. Many of you will remember Don Bersoff's Villanova conference on the future of our field. That was partially funded by APA, and Don was able to get that money from the council's discretionary fund by submitting a motion on the floor and getting it passed. By sporadic participation in Council and on committees, we have been occasionally able to get division members' names under consideration for things like Master Lectures and awards. Division members who have been on the Committee on Legal Issues have had the unique opportunity to work on amicus briefs and to advise the Board of Directors on legal matters affecting APA. While this is not generally known, there is actually an APA staff member whose job it is to be the “psychology and law” liaison - her name is Donna Beavers (dbeavers@apa.org), and she is a wonderful and underused resource. I hope to work with her to find us ways to get us involved in APA.

The dangers of nonparticipation. How is it that our interests are being harmed by our lack of participation in APA governance? Let me give you a few examples. There are awards, grant funds, and other similar tangible “goodies” available through APA that simply are given away to others who are more strategically placed. The graduate student group, APAGS, actually has a voting seat on APA Council, and even a seat on the Board of Directors (non-voting). That group has a newsletter, funding, travel monies, etc. Are any of our excellent student members involved in APAGS? If not, why not? As another example, Boards and Committees in Science, Practice, Education, and Public Interest put together various “guidelines,” “standards of prac-

APA Committee Structure

tice,” standards in education and training, resolutions, reports, recommendations, etc., that have or could have tremendous implications for us. Which one of us is on the Ethics Committee that was responsible for the recent Ethics Code revision? Would it not have been better to be part of the Committee rather than complaining about provisions of the Code later? Certain practitioner groups within APA are already planning things with regard to “forensic practice,” the goal of which is to make it easier for non-forensic practitioners to do the sort of cases that fall within forensic practice (those who saw Randy Otto’s presidential talk at APA in Toronto will know what I mean). Recently, some issues have arisen with regard to APA publications in psychology and law—the journal *Psychology, Public Policy, and Law* has seen its page allotment cut in half, and the editor of the *Journal of Applied Psychology* has announced that he will no longer accept jury or eyewitness papers. As you can see on the organizational chart above, there is a Publications and Communications Board. Where are the Division 41 members on that Board?

I could go on, but I think my point is made. During my year as President, I want to urge each and every one of you to find some Board or Committee of APA that is relevant to your interests, and to find a way to join or to run for election. We are APA, and APA is us. With some concerted effort, our members could become a powerful voice within APA, and not leave our interests to the mercy of others who may have their own agenda for psychology and law. Please don’t let this opportunity slip away. Join and participate. Influence and initiate. Our field will be that much better for your contributions.

Sol Fulero
President, AP-LS

Reporting to the Board of Directors

- Agenda Planning Group
- American Psychological Association of Graduate Students Committee
- College of Professional Psychology
- Commission for the Recognition of Specialties and Proficiencies in Professional Psychology
- Committee for the Advancement of Professional Practice
- Committee on Division/APA Relations
- Committee on Employment and Human Resources
- Committee on International Relations in Psychology
- Election Committee
- Ethics Committee
- Finance Committee
- Investment Committee
- Membership Committee
- Public Information Committee

Reporting to the Board of Scientific Affairs

- Committee on Animal Research and Ethics
- Committee on Psychological Tests and Assessments
- Committee on Scientific Affairs

Reporting to the Board of Professional Affairs

- Committee on Professional Practice and Standards

Reporting to the Board for the Advancement of Psychology in the Public Interest

- Committee on Aging
- Committee on Disability Issues in Psychology
- Committee on Children, Youth and Families
- Committee on Ethnic Minority Affairs
- Committee on Lesbian, Gay and Bisexual Concerns
- Committee on Urban Initiatives
- Committee on Women in Psychology

Reporting to the Publications & Communications Board

- Council of Editors

Reporting to the Board of Educational Affairs

- Committee on Accreditation
- Committee for the Approval of Continuing Education Sponsors
- Committee of Teachers of Psychology in Secondary Schools
- Continuing Education Committee
- Education and Training Awards Committee



Legal Update: Involuntary Treatment to Restore Competency to Stand Trial is Constitutionally Permissible in Limited Circumstances

Edward "Rhett" Landis III, PH.D

Federal Medical Center, Butner North Carolina

Daniel Krauss

Claremont-McKenna College

Maureen O'Connor

John Jay College of Criminal Justice - CUNY

Does the Constitution allow the government to administer psychotropic medications to non-dangerous mentally ill criminal defendants solely to render them competent to stand trial, even over their objections? As discussed in this column last year (see, Newsletter (2002) Winter, 22, 4-7), the federal circuit courts have given conflicting answers to that question. The majority of federal jurisdictions have held that Title 18, United States Code, Section 4241(d) permits such treatment (see, e.g., See *United States v. Brandon*, 158 F.3d 94 (6th Cir. 1998) – discussed in the Winter 2002 issue). Others, such as the D.C. Circuit in *U.S. v. Weston*, 255 F.3rd 873 (D.C. Cir. 2001) have argued that unconvicted non-dangerous defendants possess a liberty interest in avoiding unwanted treatment that is sufficient to outweigh the government's interest in obtaining an adjudication of guilt or innocence, and that the foregoing interpretation is constitutionally suspect. In light of this conflict, the United States Supreme Court granted certiorari in *Charles Thomas Sell v. United States*, a case arising out of the 8th Circuit. Oral arguments were heard on March 3, 2003; and on June 16, 2003 the court issued its decision (*Sell v. U.S.*, 123 S.Ct. 2174 (2003)). This column will briefly outline the procedural and substantive history of the case as well as concisely detail and analyze the implications of the Court's eventual decision.

Dr. Sell practiced dentistry in Oklahoma, but experienced periods of paranoid psychosis, which required hospitalization and treatment with antipsychotic medications. He expressed concerns that "communists" had contaminated gold used for dental fillings, that public officials sought to kill him, and that God communicated to him that he should kill agents of the FBI.¹ In 1997 he and his wife were charged with numerous counts of Mail Fraud and Medicaid Fraud. In view of his lengthy history of psychiatric illness, the trial court ordered an evaluation. At a subsequent hearing, Sell was found competent to stand trial, though the examining psychiatrist noted the possibility of future psychotic episodes.

Subsequently, Sell was accused of intimidating a witness, and planning to murder an FBI Special Agent. When he appeared for additional proceedings, he was, in the court's words, "totally out of control." After considering an additional psychiatric evaluation suggesting that Sell's condition had worsened, the court revoked his bail. In February 1999,

Sell's counsel requested that the court reconsider its earlier determination that Sell was competent. Evaluations by psychologists retained by both the prosecution and defense supported a finding that he was not then competent. A Magistrate then ordered Sell "hospitalized for treatment" pursuant to section 18 U.S.C. 4241(d) at the United States Medical Center for Federal Prisoners in Missouri. Staff at the medical center recommended that Sell resume taking antipsychotic medication, which he refused.

Thus began a series of administrative and judicial determinations, each concluding that Sell should be treated despite his objections. The first of these took place within the medical center, adhering to basic due process standards set forth in *Washington v. Harper* (108 L.Ed. 2d 178 (1990)). A psychiatrist not otherwise associated with Sell's case determined that he should be medicated because he was "mentally ill and dangerous, and medication [was] necessary to treat the mental illness" and so that Sell would "become competent for trial," *Sell* at 2179. The basic conclusion that he should be medicated was then upheld, for varying reasons, by a Bureau of Prisons administrator, a Magistrate, a District Court Judge, and finally a divided panel of the U.S. Court of Appeals for the Eight Circuit. The courts, however, expressed divergent opinions over whether Sell represented a danger to other individuals. Ultimately, the District Court and the 8th Circuit determined that he did not pose a significant risk of danger to others.² Sell's appeal to the U.S. Supreme Court proceeded on the question whether the government's interest in restoring Sell to competency to face his criminal charges, absent a finding of dangerousness, was sufficient justification to treat him involuntarily with anti-psychotic medication.

On appeal to the U.S. Supreme Court, the parties agreed that Sell was not competent without treatment. The government argued, in essence, that the interest in obtaining an adjudication of guilt or innocence was sufficient to override the defendant's refusal of treatment. This assertion rested in part on several assumptions, including that the proposed treatment was likely in the defendant's medical interests despite his refusal, that other less intrusive interventions would not be reasonable alternatives, and that the proposed treatment would enable him to receive a fair trial.

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The defense asserted that given these particular circumstances, the right to bodily integrity and privacy could not be infringed, regardless of the government's interests. Implicit in this argument is the assumption that Sell's refusal of treatment should be given deference as if he were capable of making a competent, informed decision, despite being seen as incompetent to participate in his legal defense. The defense also asserted that the availability of dispositions other than trial, including diversion into indefinite civil commitment (see Title 18 United States Code, Section 4246), undermined the need for a trial.

Justice Breyer's majority opinion held that it was not unconstitutional to involuntarily medicate Sell if, and only if: 1) the proposed treatment was medically appropriate; 2) the treatment was substantially unlikely to have side effects that might undermine the trial fairness; and, 3) such treatment, when compared to less intrusive alternatives, was necessary to further a significant government interest (i.e., prosecution of a serious criminal charge). Yet, the opinion noted that only in rare instances would this substantial burden be met by the government, and the case was remanded to the trial court to determine if involuntary medication was justified in the case of Sell.

Justice Breyer's opinion on behalf of the majority poses a potentially confusing array of considerations for clinicians dealing with mentally ill pretrial defendants. It entails both a balancing of significant, though imprecisely defined interests, a mix of legal and clinical rationales for treatment, and a clear preference that practitioners and lower courts strive to avoid the fundamental question altogether by justifying treatment on grounds other than trial competence alone.³ (The court arguably also expanded the collateral order rule to include situations such as Sell's,

though this issue is of little interest to most psychologists.⁴)

Justice Breyer reiterated the Court's prior holding in *Washington v. Harper* to the effect that involuntary treatment of a convicted inmate dangerous to himself or others was justified when the treatment was "in the prisoner's medical interests, given the legitimate needs of his institutional confinement." He also reiterated the Court's holding in *Riggins v. Nevada*, (112 S.Ct. 1810 (1992)) indicating that a pretrial defendant may be treated involuntarily if the treatment is: 1) medically appropriate; 2) necessary to obtain adjudication; and, 3) the least intrusive means to accomplish that result. In *Riggins* the state interest in trial could be seen as essential or overriding of the defendant's interests, because the defendant was charged with murder. With this backdrop, the *Sell* majority determined that the Constitution permits involuntary treatment to restore competency only if that treatment is "medically appropriate, substantially unlikely to have side effects that may undermine the fairness of the trial, and, taking account of less intrusive alternatives, is necessary significantly to further (sic) important governmental trial-related interests," at 2184.

Focusing on the last of these considerations, the opinion emphasized that trial courts must give detailed consideration to the *importance* of the government's interests in the case at hand. Acknowledging that the "[c]onstitutional power to bring an accused to trial is fundamental to a scheme of 'ordered liberty' and prerequisite to social justice and peace" (*Allen v. Illinois*, 397 U.S. 337, 347, (1970) Brennan, J. concurring), the weighing of the government's interest must be individualized. The government's abstract interest in trying defendants generally is not sufficient to meet this burden. Factors suggesting important, overriding government interests in a given case may include: 1) the objective seriousness of

the charged offense, 2) the potential difficulty of trying the defendant after prolonged delay occasioned by persisting incompetence, 3) the amount of time the defendant has already been confined relative to the potential sanctions, and 4) the availability of commitment or other dispositions to protect the public. The opinion asserts that only in rare circumstances will the government's interest be so important as to override the defendant's interest in refusing unwanted treatment. Clinicians are unlikely to have a significant role in determination of the sufficiency of the government's interests, and it appears that for practical reasons courts should make this threshold determination before referring defendants to treatment facilities.

With respect to treatment considerations, the trial court must find first that the treatment is "medically appropriate." Treatments are typically proposed based upon their anticipated efficacy in improving the form and flow of thought, the stability of mood and affect, and the organization and goal-directedness of behavior. Proposed treatments should be consistent with community standards of care given the defendant's diagnosis, and may be supported by institutional experience in treating other mentally ill defendants on a voluntary or involuntary basis. It appears unlikely that treatment of psychoses with anti-psychotic medications will be easily challenged as medically inappropriate in most cases, and experts may rely on an extensive body of data to support such recommendations. Proposed treatments that could fairly be described as "non-standard" are less likely to survive challenges, and frankly experimental or speculative treatments would be even more difficult to justify successfully.

The trial court must make an associated finding that the clinical improvement sought through the treatment is "substantially likely to render the defendant competent to stand trial" and "substantially unlikely to have side effects that will interfere significantly



with the defendant's ability...rendering the trial unfair," at 2185. The former consideration appears closely tied to the question of appropriateness; the latter has been a recurring basis for arguments against involuntary treatment. With the ongoing evolution of the psychiatric pharmacopeia, medications with fewer and more manageable side effects have become available, particularly in the last ten years. The American Psychiatric Association, in an *amicus* brief, noted that thousands of psychiatrists manage the potential side effects of medications on a daily basis in clinical practice. Side effects of particular interest may include sedation, slowed mentation, and other factors that might adversely affect real-time participation in legal proceedings or the ability to actively assist in the defense effort. It is unclear to what extent the potential active treatment of side effects with additional medications may cloud the treatment consideration.

Finally, the court must find that resort to involuntary medication treatment is *necessary*, as indicated by the unavailability of less restrictive alternatives. The American Psychological Association submitted an *amicus* brief arguing (at pages 10-14) that nondrug therapies may be effective in restoring some psychotic defendants to competence; however, it remains to be determined on a case by case basis whether behavioral therapies alone are reasonable. The majority opinion also mandated consideration of less intrusive means to administer medications when they are indicated.

The majority suggested that trial courts should try to avoid these complex considerations altogether, noting that if involuntary treatment were justified on other grounds or through other mechanisms, the defendant might be restored to competence, essentially as a side effect of those alternatives. For example, if the defendant is found to pose a risk of harm to others in the institutional setting, the court may order treatment on those grounds alone, consis-

tent with *Washington v. Harper*. Justice Breyer also noted that "[e]very state provides avenues through which, for example, a doctor or institution can seek appointment of a guardian with the power to make a decision authorizing medication - when in the interests of a patient who lacks the mental competence to make such a decision," at 2187. It is unclear how state civil commitment or guardianship law may be brought to bear on federal detainees, such as Sell, however. The Court asserted that trial courts should consider these alternative rationales for treatment first, and that the need to proceed specifically with the goal of restoring competence may then "disappear."

Neither party clearly prevailed in this case. Dr. Sell, after over five years in custody, will now return to the trial court in Oklahoma for reconsideration of his treatment refusal in light of the factors above. The government will be faced with a more complex challenge to justify involuntary treatment, and in any event will no longer be able to employ non-judicial, administrative hearings to make these determinations in the majority of cases.

One potential unintended consequence of the Court's holding may be an increased incidence of defendants "rotting with their rights on." Though the opinion notes that the potential for future confinement (read indefinite, quasi-civil commitment) affects, but does not totally undermine, the strength of the need for prosecution," at 2185, it is likely that some courts will find that this alternative disposition renders adjudication superfluous. Defendants who are both legally and medically incompetent, may then be shunted into indefinite commitment. Ironically, they may then be subject to involuntary treatment on less restrictive justifications, such as "grave disability." If concomitantly restored to competence, they may then be returned to the trial court to face their original charges, and presumably insist that their treatment refusal be honored again. Other, less treatment

responsive defendants may spend more time committed than would have been possible if convicted. In any event, courts and clinicians serving pretrial defendants will have considerable work to do in exploring the implications of this decision.

Footnotes

- 1) Justice Breyer highlighted these abnormal behaviors in his majority opinion, noting that, "On various occasions he [Sell] complained that public officials...were trying to kill him. In April 1997, he told law enforcement personnel that he 'spoke to God last night' and that 'God told me every [Federal Bureau of Investigations] person I kill, a soul will be saved.'" at 2179.
- 2) The District Court, in fact, found that the Magistrate's conclusion that Sell was dangerous was "clearly erroneous," but determined that there were sufficient grounds to justify the administration of involuntary medication based on the government's interest in "obtaining an adjudication of guilt." at 2179.
- 3) Justice Breyer's opinion suggests a framework in which dangerousness rationales and civil guardianship proceedings should serve as initial steps for the government when it seeks to involuntarily medicate a defendant using psychotropic medication, and that the government's interest in criminal adjudications should only serve as later, rare justifications for such procedures.
- 4) Generally, a defendant must wait until the end of trial to obtain appellate review of pretrial issue like competence to stand trial. In this case, Sell's case had not yet proceeded to trial, and the actual effects treatment with psychotropic medication might have on his trial were unknown. In a limited number of cases, however, under 28 U.S.C 1291, the courts have allowed appellate review of such pre-trial determinations or "collateral orders." The statute authorizes such reviews when: 1) it conclusively determines the disputed question, 2) resolves an important issue clearly separate from the merits of the action, and 3) is effectively unreviewable on appeal from final judgment *Coopers & Lybrand v. Livesay* 437 U.S. 463, 468 cited at 2185. While the majority opinion determined all these conditions had been met in the Sell case, Scalia's dissent (joined by Justices O'Connor and Thomas) suggested that appellate review of this case was illegitimate, and that Sell possessed the ability to appeal the medication determination after his trial was completed.

Supreme Court Fellows cont. from p. 1
arriving at the Commission, researchers at the Commission had already collected a large sample of data concerning the recidivism of a representative group of federal offender sentenced under the Guidelines. Using this database, Dr. Krauss was able to complete research examining specific types of judicial departures from the guidelines, and whether these departure decisions predicted or mis-predicted the recidivism of offenders.

Dr. Blain served as the 2002-03 Supreme Court Fellow at the Federal Judicial Center. Congress created the Center as the courts' educational and research agency in 1967. The Center's duties include: providing orientation and continuing education for judges and staff of the federal judiciary; conducting research on court operations and procedures; and conducting programs to promote judicial federalism, assist foreign judicial system, and study the federal courts' history.

Dr. Blain's major assignment has been on the team for the study of sealed settlement agreements filed with district courts (for the Civil Rules Advisory Committee). It involved a time-intensive examination of both rules and practices in all districts. She has also contributed to the Center's evaluation of the Eastern District of Missouri Probation Office's employment program for released offenders. Dr. Blain also

pitched in on short notice to help with short, discrete needs, such as preparing over a weekend a six-page analysis of current Title IX topics for the Center director's use on a panel, including an analysis of the then-just-released report of the Commission on the Opportunity in Athletics Report.

The Center and the Fellows program have also benefited from Dr. Blain's experience on the Hill. She helped the Center craft a strategy to familiarize Hill staff with the Center, helped secure Senator Hatch's place on the agenda of the chief district judge's conference, and arranged meetings with Senator Durbin not only for this year's fellows but also for several Illinois chief judges who attended a Center conference.

Beyond their work at their respective organizations, Dr. Krauss and Dr. Blain also participated in an extensive group of educational programs sponsored by the fellowship. These opportunities included lunches with several of the Supreme Court Justices, the Attorney General, the Solicitor General, the Director of the FBI, the heads of various judicial agencies, and various officers of the Supreme Court as well as participation in gatherings with the White House Fellows and the Supreme Court Law Clerks.

As a result of the fellowship, Dr.'s Blain and Krauss also had front row seats (or were at least in the courtroom) for

oral arguments in number of the most important Supreme Court cases of the term, including cases involving: forcible medication to restore competency case (*Sell v. U.S.*), Texas' sodomy law (*Lawrence v. Texas*), and affirmative action in higher education (*Grutter v. Bollinger* and *Gratz v. Bollinger*).

As they look back on the experience, both express regret that it is coming to end, but also believe they gained invaluable insight into the workings of the third branch that they could not have received in any other forum. Dr. Krauss hopes to incorporate much of what he learned into his courses as well as continue to perform research on the Federal Sentencing Guidelines. Dr. Blain has a promising future, whether she returns to activities involving elective politics or some other line of work. She sought the Supreme Court Fellowship because she wanted to learn more about the federal judiciary. There is no doubt that she has helped infuse the Center's work with a greater understanding the first branch of government, and that in her activities yet to come she will promote a greater understanding of the third branch. Although competition for the fellowship is fierce, they encourage other interested law and psychology scholars to apply for these positions. For more information about the fellowship program see www.fellows.supremecourtus.gov.

Prepared by Dan Krauss, J.D., Ph.D.

Don't Forget the APA Convention !

In the hectic race to submit abstracts for APLS, members often forget that the submission deadline for the APA conference is just around the corner as well. This year, the submission deadline (like the conference itself) is particularly early (November 14, 2003). The conference will be held from July 28 through August 1, 2004, in Honolulu, Hawaii. The conference co-chairs for APLS/Division 41 are Matt Huss (mhuss@creighton.edu) and Jen Hunt,

(jhunt2@unl.edu), both of whom will coordinate the reviews, selection, and scheduling of conference submissions. Information on the format for submissions is available through the APA conference website (apaoutside.apa.org/conventioncall/). As always, volunteers are needed to review submissions. Please contact either of the conference co-chairs with questions or offers of assistance.

We Always Need New Material

Have a book you want reviewed ? A new test that has recently been published ? The Newsletter always needs interesting new material. Submit any requests for peer-reviews or offers to review something yourself - preferably with suggestions as to what you might review (but not your own work, obviously) to Barry Rosenfeld, at rosenfeld@fordham.edu.



Research Briefs

CORRECTIONAL PSYCHOLOGY

Bradley, R., & Follingstad, D. R. (2003). **Group therapy for incarcerated women who experienced interpersonal violence: A pilot study.** *Journal of Traumatic Stress, 16*, 337-340. Participants, all of whom had histories of childhood sexual or physical abuse, were assigned either to treatment ($n=24$; 13 completed) or no-contact comparison ($n=25$; 18 completed) conditions. The intervention was based on a two-stage model of trauma treatment that incorporated Dialectical Behavior Therapy skills and writing assignments. Significant reductions in PTSD, mood, and interpersonal symptoms were observed in the treatment group.

Hollin, C. R., & Palmer, E. J. (2003). **Level of Service Inventory - Revised profiles of violent and nonviolent prisoners.** *Journal of Interpersonal Violence, 18*, 1075-1086.

The LSI-R was administered to 251 male prisoners in England. Compared to prisoners with only nonviolent convictions, those with current or previous violent convictions scored significantly higher on the total LSI-R score and four of the test's subscales (Criminal History, Companions, Education and Employment, and Alcohol and Drugs).

Hollin, C. R., Palmer, E. J., & Clark, D. (2003). **The Level of Service Inventory-Revised profile of English prisoners: A needs analysis.** *Criminal Justice & Behavior, 30*, 422-440.

Factor analysis of LSI-R subscales among 294 English male incarcerates concurred with the literature attesting to a varying LSI-R factor struc-

ture with different populations. Analysis of test-retest change scores (between the point of reception and discharge into the community) showed that the LSI-R is sensitive to change, with scores primarily reducing across the prison sentence. Supplemental analyses showed that adaptation of the LSI-R for use with an English population did not affect the functioning of the scale.

McLearn, A., & Ryba, N. (2003). **Identifying severely mentally ill inmates: Can small jails comply with detection standards?** *Journal of Offender Rehabilitation, 37*, 25-40. 95 inmates in a Midwestern jail were screened for severe mental illness using a the *Prisoner Intake Screening Procedure (PISP)* and the *Referral Decision Scale (RDS)*. Using *The Schedule of Affective Disorders and Schizophrenia-Change Version* as a criterion measure, the PISP and RDS had sensitivity rates of .45 and .73, respectively, and had a combined sensitivity rate of .91. The authors recommend that these two instruments be used concurrently when identifying mental illness in a jail setting.

Walters, G. D. (2003). **Changes in criminal thinking and identity in novice and experienced inmates: Prisonization revisited.** *Criminal Justice & Behavior, 30*, 399-421.

55 novice and 93 experienced federal prison inmates completed the Psychological Inventory of Criminal Thinking Styles (PICTS) and Social Identity as a Criminal (SIC) subscales at intake and at a 6-month follow-up. Novice inmates increased more than experienced inmates on the PICTS Self-Assertion/Deception scale and the SIC Central-

ity subscale (degree to which criminality is central to one's self-identity), whereas experienced inmates increased on the SIC In-Group Affect subscale (positive feelings about one's criminality).

DELINQUENCY/ ANTISOCIAL BEHAVIOR

Cashel, M. (2003). **Validity of self-reports of delinquency and socio-emotional functioning among youth on probation.** *Journal of Offender Rehabilitation, 37*, 11-23.

The Youth Self-Report Form and the Child Behavior Checklist were completed by 48 court-probated juveniles and their parents. Corresponding scales on these instruments correlated moderately, although scores on 7 out of 10 scales were significantly higher on the CBCL than YSR scales. Compared to probation officer reports, juveniles reported participating in significantly more conduct disordered behavior. Using hierarchical regression, CBCL and YSR scores significantly predicted court adjudications.

Crowley, T., Mikulich, S., Ehlers, K., Hall, S., & Whitmore, E. (2003). **Discriminative validity and clinical utility of an abuse-neglect interview for adolescents with conduct and substance use problems.** *American Journal of Psychiatry, 160*, 1461-1469.

98 adolescent patients with conduct and substance use problems and 102 comparison subjects were administered the Colorado Adolescent Rearing Inventory (CARI) and other diagnostic interviews. Overall, this instrument was able to discriminate between patients and controls in terms of expected abuse/neglect. Patients were

significantly more likely to link their current problems to their previous abuse/neglect. Also, the scores on the CARI correlated significantly with clinical measures, including depression, conduct and substance problems.

Gover, A. R., & MacKenzie, D. L. (2003). **Child maltreatment and adjustment to juvenile correctional institutions.** *Criminal Justice & Behavior, 30*, 374-396. Child maltreatment was associated with higher levels of anxiety and depression, and with increased depression over time, among 509 adolescents confined to juvenile correctional facilities. This effect did not vary whether they were incarcerated in a training school or a boot camp. Overall, anxiety and depression levels decreased slightly over time, but juveniles who had been institutionalized for longer periods of time were more depressed.

Janson, H., & Stattin, H. (2003). **Prediction of adolescent and adult delinquency from childhood Rorschach ratings.** *Journal of Personality Assessment, 81*, 51-63.

In a sample of 122 Swedish men followed from infancy to age 36, Rorschach indicators of ego strength assessed in childhood demonstrated incremental validity over mothers' reports of externalizing behavior problems and of mother-child relations in predicting delinquency in both adolescence (R^2 change = .16) and adulthood (R^2 change = .11).

Krulwich, C., Roberts, D., Thompson, L. (2003). **Adolescent pregnancy and homicide: Findings from the Maryland Office of the Chief Medical Examiner, 1994-1998.** *Child*

Maltreatment, 8, 122-128. This study compared 329 adult and 66 adolescent women who were homicide victims in Maryland. Of particular interest was the rate of pregnancy among the victims. Overall, teens were at greater risk of being homicide victims than their adult counterparts, and specifically, adolescent murder victims were 3.7 times more likely to be pregnant than adult victims. The homicide rate was double for women who were pregnant compared to those not pregnant.

Piquero, A. R., & White, N. A. (2003). **On the relationship between cognitive abilities and life-course-persistent offending among a sample of African Americans: A longitudinal test of Moffitt's hypothesis.** *Journal of Criminal Justice*, 31, 399-409.

Data from the Philadelphia National Collaborative Perinatal Project ($N = 987$) indicated that individuals with a higher number of disciplinary infractions during school and lower scores on two measures of cognitive ability (WISC Digit Span and California Achievement Test) were more likely to exhibit life-course-persistent patterns of offending. The authors conclude that cognitive ability may be a protective factor against lifelong offending behavior.

Porter, S., Woodworth, M., Earle, J., Drugge, J., & Boer, D. (2003). **Characteristics of sexual homicides committed by psychopathic and non-psychopathic offenders.** *Law and Human Behavior*, 27, 459-470. Files of 38 (18 psychopathic, 20 nonpsychopathic) Canadian offenders who committed sexual homicides were coded for gratuitous and sadistic violence. 84.7% of sexual murderers scored in the moderate to high range on the PCL-R. Psychopaths showed significantly higher levels of gratuitous and

sadistic violence. 82.4% of psychopaths exhibited some degree of sadistic violence during the commission of the murder compared to 52.6% of nonpsychopaths.

Raine, A., Mellingen, K., Liu, J., Venables, P., & Mednick, S. (2003). **Effects of environmental enrichment at ages 3-5 years on schizotypal personality and antisocial behavior at ages 17 and 23 years.** *American Journal of Psychiatry*, 160, 1627-1635.

83 children who were enrolled in an environmental enrichment program from ages 3 to 5 were compared to 355 matched controls. Each group completed self-report and objective measures of schizotypal personality and antisocial behavior at ages 17 and 23. Nutritional, educational, and physical exercise enrichment between ages 3 and 5 was associated with lower scores on those instruments compared to the usual community experience at both follow-ups.

FAMILY VIOLENCE

Chapple, C. L. (2003). **Examining intergenerational violence: Violent role modeling or weak parental controls?** *Violence and Victims*, 18, 143-162.

Among students in grades 9-11 who completed a self-report survey, dating violence was significantly associated with witnessed interparental violence, high dating frequency, and low parental monitoring. Attitudes toward violence were associated with witnessed interparental violence, lower parental attachment, and the interaction between the two variables.

Hartman, J. L., & Belknap, J. (2003). **Beyond the gatekeepers: Court professionals' self-reported attitudes about and experiences with misdemeanor**

domestic violence cases. *Criminal Justice & Behavior*, 30, 349-373.

14 judges, 18 prosecutors, and 31 public defenders reported that legal variables were both what should be and what actually were most commonly used in domestic violence court decisions, whereas treatment provider and victim advocate opinions were considered least important. Victim reports and cooperation were the most commonly used practices and most influential factors in determining case outcome. Regardless, professionals consistently rated all dispositions as minimally effective (3.6 out of 10), with counseling and batterer treatment being rated slightly more effective than incarceration.

Haskett, M.E., Scott, S.S., Grant, R., Ward, C.S., & Robinson, C. (2003). **Child-related cognitions and affective functioning of physically abusive and comparison parents.** *Child Abuse and Neglect*, 27, 663-686.

Cognitive risk variables (expectations of children's ability and maturity, attributions of intentionality of child misbehavior, perceptions of children's adjustment) were more predictive of abuse status among 56 abusive and 62 comparison parents than affective risk variables (psychopathology, parenting stress). Although the five risk variables were predictive of abuse status together, not all variables were predictive individually and interactions among variables did not contribute to prediction.

Melton, H. C., & Belknap, J. (2003). **He hits, she hits: Assessing gender differences and similarities in officially reported intimate partner violence.** *Criminal Justice & Behavior*, 30, 328-348.

86% of 2670 misdemeanor domestic violence court cases

were committed by men, and 33% of female defendants (compared to 6% of males) were involved in cross-complaints (i.e., both partners arrested). Men were more likely to make threats and to commit violent acts with their hands, whereas women were more likely to use a weapon/object and bite. Qualitative data indicate that the acts of men are more serious and instill more fear in their victims.

Shackelford, T. K., Buss, D. M., & Weekes-Shackelford, V. A. (2003). **Wife killings committed in the context of a lovers triangle.** *Basic and Applied Social Psychology*, 25, 137-143. Three hundred forty-five cases of wife homicide in the context of suspected or discovered infidelity contained in the FBI Supplementary Homicide Reports revealed that the risk of a woman being murdered by her husband decreased sharply as a function of her age. The authors propose that this finding is related to a younger woman's greater reproductive value. Women married to younger men were also more likely to be killed but this factor was not uniquely predictive after controlling for wife's age.

FORENSIC EVALUATION

Cooper, V.G., & Zapf, P.A. (2003). **Predictor variables in competency to stand trial decisions.** *Law and Human Behavior*, 27, 423-436.

In an examination of the utility of clinical, criminological, and sociodemographic variables in predicting competency in a sample of 468 defendants, clinical variables in general, and clinical diagnostic variables in particular, performed the best. Criminological variables were not effective in predicting competency. One sociodemographic variable,

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employment status, was useful in determining competency status.

Grisso, T., Steinberg, L., Woolard, J., Cauffman, E., Scott, E., Graham, S., Lexcen, F., Reppucci, N.D., Schwartz, R. (2003). **Juveniles' competence to stand trial: A comparison of adolescents' and adults' capabilities as trial defendants.** *Law and Human Behavior*, 27, 333-363.

Competence-related abilities of 927 adolescents were compared to 466 young adults. Adolescents 15 and younger performed more poorly than young adults and manifested levels of impairment consistent with those found incompetent to stand trial. Adolescents made more decisions that reflected compliance with authority figures and influences of psychosocial immaturity (e.g., lack of perspective-taking). Competence related abilities of 16 and 17 year olds did not differ significantly from young adults.

Schoenberg, M. R., Dorr, D., & Morgan, C. D. (2003). **The ability of the Millon Clinical Multiaxial Inventory-Third Edition to detect malingering.** *Psychological Assessment*, 15, 198-204. A comparison of the MCMI-III modifier indices (Disclosure, Scale X; Desirability, Scale Y; and Debasement, Scale Z) revealed that Scale X performed best at discriminating between 106 student malingerers and 202 psychiatric inpatients. Because the recommended cutoff score for Scale X failed to identify any of the malingerers, optimal cutoff scores were developed (Scale X Base Rate (BR) > 84; Scale Y BR < 26), yielding hit rates of 65.2% and 64.8%, respectively.

Strasburger, L., Miller, P., Commons, M., Gutheil, T., &

LaLlave, J. (2003). **Stress and the forensic psychiatrist: A pilot study.** *Journal of the American Academy of Psychiatry and the Law*, 31, 18-26. AAPL members were asked about sources of stress as forensic psychologists. Approximately half reported experiencing at least moderate levels of stress, especially in the following situations: not being able to defend an opinion during cross-examination, fear of disclosing personal history, and working with short deadlines.

LEGAL DECISION-MAKING

Abshire, J., & Bornstein, B.H. (2003). **Juror sensitivity to the cross-race effect.** *Law and Human Behavior*, 27, 471-480. In a design in which race of the eyewitness (Black/White) and race of the mock juror (Black/White) were varied, 80 White undergraduates rendered more guilty verdicts than 65 Black undergraduates. White participants found prosecution witnesses more credible than did Black participants who rated the defense witness as more credible than White participants. There was no effect for eyewitness race on verdicts, suggesting relative insensitivity to cross-race effects.

Cameron, C. A., & Stritzke, W. G. K. (2003). **Alcohol and acquaintance rape in Australia: Testing the presupposition model of attributions about responsibility and blame.** *Journal of Applied Social Psychology*, 33, 983-1008.

Psychology undergraduates ($N = 260$) read one of four versions of an acquaintance-rape scenario in which the sobriety (sober or intoxicated) of both the victim (female) and the perpetrator (male) was varied. Results indicated a double standard in jurors' attributions of responsibility for victims and perpetrators: the victim was

viewed as more accountable and possessing greater choice in the situation when she was intoxicated as opposed to sober, whereas the opposite was true for the perpetrator.

Collett, M.E., & Bull Kovera, M. (2003). **The effects of British and American trial procedures on quality of juror decision-making.** *Law and Human Behavior*, 27, 403-422.

In a 2 (trial procedure: British v. American) by 2 (judge's nonverbal behavior: proprolaintiff v. prodefense) by 2 (evidence strength: weak v. strong) design, 245 undergraduates who viewed British procedures found them to be more fair, civil, and less distracting. Although participants in the British condition remembered more evidence, they were not more sensitive to variations in evidence strength. The judge's proprolaintiff nonverbal behavior resulted in participants finding the defendant more liable and more responsible.

Granhag, P. A., Stromwall, L. A., & Jonsson, A. (2003). **Partners in crime: How liars in collusion betray themselves.** *Journal of Applied Social Psychology*, 33, 848-868.

Twenty pairs of psychology undergraduates either responded truthfully about or fabricated an alibi involving a recent lunch date that they had shared. The liars were told that they were suspected of committing a crime and were given 30 minutes to construct their stories. Results revealed consistency over time within single suspects as well as within pairs of suspects, with lying pairs being more consistent than truth-tellers and with greater differences between the groups of pairs than between individual suspects. The repeat v. reconstruct hypothesis, that liars attempt to repeat statements from prior interrogations while truth-tell-

ers attempt to reconstruct their experiences, was supported.

Meissner, C. A., Brigham, J. C., & Pfeifer, J. E. (2003). **Jury nullification: The influence of judicial instruction on the relationship between attitudes and juridic decision-making.** *Basic and Applied Social Psychology*, 25, 243-254.

Participants ($N = 240$) assigned to four-person mock juries rated the guilt of a defendant before and after hearing one of three types of jury instructions (standard, minor nullification, radical nullification). Jurors' pre- and post-deliberation ratings were similar in the standard instructions group while those with extreme attitudes (either for or against) became more moderate following group deliberation after hearing nullification instructions. Jurors were also more likely to view the defendant as innocent when provided with instructions regarding nullification.

Myers, B., Rosol, A., & Boelter, E. (2003). **Polygraph evidence and juror judgments: The effects of corroborating evidence.** *Journal of Applied Social Psychology*, 33, 948-962.

Mock jurors ($N = 169$ undergraduates) read a simulated transcript of a sexual assault trial in a 2 (polygraph evidence: yes or no) x 2 (corroborating evidence: yes or no) factorial design. Corroborating evidence but not polygraph evidence was influential on jurors' perceptions of the defendant's guilt. The authors suggest that the lack of persuasive impact from polygraph evidence is not simply the result of other more influential factors; rather, it indicates that jurors tend to possess the same skeptical attitudes toward the polygraph as experts and are reluctant to base their decisions on it when it is the sole piece of evidence.

Rayburn, N. R., Mendoza, M., & Davison, G. C. (2003). **Bystanders' perceptions of perpetrators and victims of hate crime: An investigation using the person perception paradigm.** *Journal of Interpersonal Violence, 18*, 1074-1055.

Participants read a vignette depicting either a non-hate crime or a comparable hate crime motivated by the perpetrator's hatred either for the victim's race, sexual orientation, or religion. Participants assigned more blame to the victim in the non-hate crime condition compared to the victims in all hate crime conditions, and perceived the perpetrators as more guilty in all hate crime conditions. In both the hate crime and non-hate crime conditions, participants with prejudiced attitudes perceived crime victims as more culpable and perpetrators as less culpable.

Runtz, M. G., & O'Donnell, C. W. (2003). **Students' perceptions of sexual harassment: Is it harassment only if the offender is a man and the victim is a woman?** *Journal of Applied Social Psychology, 33*, 963-982. 261 undergraduates read one of four scenarios involving sexual harassment of a student (male or female) by a professor (male or female). Although women were more likely to report personal experiences of sexual harassment, prior experience had no impact on perceptions of sexual harassment. All participants were more likely to view as sexual harassment the stereotypical scenario of a male professor-female student. Women were more open to viewing all other gender combinations as sexual harassment whereas men were most resistant to perceiving the female professor-male student scenario as harassment.

Spiecker, S.C., & Worthington,

D.L. (2003). **The influence of opening statement/closing argument organizational strategy on juror verdict and damage awards.** *Law and Human Behavior, 27*, 437-456.

A mixed organizational strategy (narrative opening/legal expository closing) was more effective than a strict narrative strategy for plaintiff's apportionment of responsibility verdicts. The difference of monetary awards to plaintiffs by jurors exposed to a strict narrative and a mixed strategy was not significantly different. A defense mixed strategy was significantly more effective (apportionment of responsibility and monetary awards) than a strict narrative but was not more effective than a strict legal expository strategy.

MENTAL HEALTH SERVICES

Carney, M., & Buttell, F. (2003). **Predicting attrition to prevent service gaps in serving juvenile offenders.** *Journal of Offender Rehabilitation, 37*, 67-79. 182 court-involved juveniles who received services were compared to 85 controls on various characteristics, including demographics, family, behavioral, and court system variables, and subsequent behavioral problems. Using logistical regression, a model that correctly predicted service receipt for 78% of the sample was constructed. The service receiver's age, participation in children and mental health services, and prior adjudications, were among those variables that significantly predicted service receipt among court-involved juveniles.

Henning, K., Jones, A., & Holdford, R. (2003). **Treatment needs of women arrested for domestic violence: A comparison with male offenders.** *Journal of Interpersonal Violence, 18*, 839-856.

Although women ($n=281$) and men ($n=2,254$) were demographically similar, women were more likely than men to have attempted suicide and to report more symptoms of personality dysfunction and mood disorder. Men reported more conduct problems in childhood and substance abuse in adulthood than women.

Nolan, K. A., Czobar, P., Roy, B. B., Platt, M. M., Shope, C. B., Citrome, L. L., & Volavka, J. (2003). **Characteristics of assaultive behavior among psychiatric inpatients.** *Psychiatric Services, 54*, 1012-1016.

Factor analysis of 55 assailant and 65 victim interviews revealed that positive symptoms of psychosis (Factor 1) and confusion and disorganization (Factor 2) together accounted for more than half (51.9%) of the variance in assaultive behavior. A third factor, impulsivity-psychopathy, accounted for an additional 17.3% of the variance. The authors conclude that information regarding the specific causes of assaultive behavior can be useful in selecting appropriate treatment strategies.

Sells, D. J., Rowe, R., Fisk, D., & Davidson, L. (2003). **Violent victimization of persons with co-occurring psychiatric and substance use disorders.** *Psychiatric Services, 54*, 1253-1257. Over a one-year period, community residents ($N=306$) with comorbid psychiatric and substance use disorders were the victims of violence more frequently than those with either diagnosis alone. Qualitative analysis of the data revealed that cognitive and social deficits that leave such individuals more vulnerable to others (e.g., drug dealers) may contribute to the increased victimization seen in this population.

Swartz, M. S., Swanson, J. W., & Monahan, J. (2003). **En-**

dorsement of personal benefit of outpatient commitment among persons with severe mental illness. *Psychology, Public Policy, and Law, 9*, 70-93. Involuntarily hospitalized patients court-ordered to undergo involuntary outpatient commitment (OPC) at discharge were randomly assigned either to a control group who did not receive OPC ($n=113$) or to the OPC group ($n=123$). Most OPC participants did not personally endorse its benefits at a 12-month follow-up. Men, independent of treatment outcome, were roughly four times less likely than women to ascribe personal benefits to OPC.

Wagner, H. R., Swartz, M. S., Swanson, J. W., & Burns, B. J. (2003). **Does involuntary outpatient commitment lead to more intensive treatment?** *Psychology, Public Policy, and Law, 9*, 145-158.

Involuntarily hospitalized patients court-ordered to undergo involuntary outpatient commitment (OPC) at discharge were randomly assigned to a control group ($n=129$; did not receive OPC) or to the OPC group ($n=135$; on OPC for not longer than 90 days, but OPC status could be renewed for up to 180 days). Outpatient visits were more frequent among all participants with apparent clinical need. OPC renewal was associated with a higher absolute number of clinical visits and with a greater diversity of services received.

RISK ASSESSMENT

Grogan-Kaylor, A., & Otis, M. (2003). **The effect of childhood maltreatment on adult criminality: A tobit regression analysis.** *Child Maltreatment, 8*, 129-137.

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Research Briefs cont. from p.17
Archival files of 667 nonmaltreated and 908 maltreated children were analyzed to determine the effect that maltreatment may have on future adult arrest records. Demographic factors were controlled and the data set was analyzed using tobit regression analysis. It was found that upon being referred to Child Protective Services, older, non-white male children were more likely to be arrested as adults than their counterparts. Although experiencing child neglect was linked to later adult arrests, neither physical nor sexual abuse was found to be a significant predictor.

Johnson-Reid, M., Drake, B., Chung, S., & Way, I. (2003). **Cross-type recidivism among child maltreatment victims and perpetrators.** *Child Abuse and Neglect*, 27, 899-917.

Examination child abuse reporting statistics in Missouri revealed substantial cross-type recidivism of childhood maltreatment among victims and perpetrators—both were re-reported for different types of maltreatment over 4.5 years. Non-neglect cases were likely to be re-reported for neglect, the most common type of recidivism, with lack of supervision the most frequent subtype of neglect.

Loza, W., & Green, K. (2003). **The Self-Appraisal Questionnaire - A self-report measure for predicting recidivism versus clinician-administered measures: A 5-year follow-up study.** *Journal of Interpersonal Violence*, 18, 781-797.

The SAQ, VRAG, LSI-R, PCL-R, and GSIR (a 15-item actuarial tool used in Canada) were administered to 91 Canadian male prisoners prior to release to the community. Several types of analyses that examined the effectiveness of the predictive

measures for both violent and general recidivism indicated that the SAQ and GSIR tended to outperform the other measures.

Mills, J. F., Kroner, D. G., & Hemmati, T. (2003). **Predicting violent behavior through a static-stable variable lens.** *Journal of Interpersonal Violence*, 18, 891-904.

The 54 variables of the LSI-R, which was administered to 209 male prisoners prior to their release in Canada, were classified as being either static (22 items) or stable (32 items). LSI-R criminogenic domains contributed differentially to the prediction of violent and non-violent offending. Stable variables added to the prediction equation for both violent and nonviolent outcomes even after accounting for the most salient static variables.

Rainforth, M., Alexander, C., & Cavanaugh, K. (2003). **Effects of the Transcendental Meditation Program on recidivism among former inmates of Folsom Prison: Survival analysis of 15-year follow-up data.** *Journal of Offender Rehabilitation*, 36, 181-203.

120 inmates who voluntarily received TM training and 128 matched controls were followed for an average of 12 years; this included time spent in prison and public communities. With recidivism defined as rearrest leading to a felony conviction, the risk of recidivism was 43.5% lower for the TM group than for controls. Among reoffenders, the TM group tended to reoffend significantly later in time, at a lower rate, and to commit significantly less serious crimes.

Walters, G.D. (2003). **Predicting institutional adjustment and recidivism with the psychopathy checklist factor scores: A meta-analysis.** *Law and Human Behavior*, 27, 541-558.

Factor 2 of the PCL/PCL-R was more strongly correlated with institutional adjustment and recidivism than Factor 1 in a meta-analysis of 42 studies (50 effect sizes). Among the 12 most methodologically sound studies, Factor 2 was significantly more predictive of total outcomes, general recidivism, violent recidivism and outcomes than Factor 1. There was less differentiation between factors on measures of institutional adjustment.

SEX ABUSE & SEX OFFENDERS

Hensley, C., Castle, T., & Tewksbury, R. (2003). **Inmate-to-inmate sexual coercion in a prison for women.** *Journal of Offender Rehabilitation*, 37, 77-87. Based on data gathered from 245 female inmates at a southern prison, over four percent experienced sexually coercion by other female inmates and two percent admitted to sexually coercing other inmates. Although not significant, this small number of victims was more likely to be white, have some college education, be heterosexual before incarceration, and be hetero- or bisexual during incarceration. Also, perpetrators were more likely to be African American, have some high school education, be heterosexual before incarceration, and be bi- or homosexual during incarceration.

Osman, S. L. (2003). **Predicting men's rape perceptions based on the belief that "no" really means "yes."** *Journal of Applied Social Psychology*, 33, 683-692. One hundred thirty-one male undergraduates completed the Token Resistance to Sex scale and then read one of three scenarios about a sexual encounter between a male and female on a date: consensual (female says "yes"), rape (female says "no"), or ambiguous (female makes no verbal response). Re-

sults indicated evidence for a miscommunication effect as a contributing factor in date rape, as males who possessed a stronger belief that women use token resistance against sexual advances were less likely to perceive as rape the scenario involving the woman's verbal refusal. These males also perceived no difference between the woman's explicit verbal consent and her lack of any verbal response.

Dong, M., Anda, R.F., Dube, S.R., Giles, W.H., & Felitti, V.J. (2003). **The relationship of exposure to childhood sexual abuse to other forms of abuse, neglect, and household dysfunction during childhood.** *Child Abuse and Neglect*, 27, 625-639.

Among 17,337 adult survey responders, 25% of women and 16% of men reported childhood sexual abuse. For those exposed to childhood sexual abuse, the likelihood of experiencing other adverse childhood experiences, including physical/emotional abuse, neglect, and other types of household dysfunction, increased 2- to 3.4-fold for women and 1.6- to 2.5-fold for men. Mean adverse childhood experience scores were positively related to severity, duration, and frequency of childhood sexual abuse.

WITNESS ISSUES

Brimacombe, C.A.E., Jung, S., Garrioch, L., & Allison, M. (2003). **Perceptions of older adult eyewitnesses: Will you believe me when I'm 64?** *Law and Human Behavior*, 27, 507-522.

In a 3 (age of witness: young adult v. young senior v. old senior) by 2 (crime context: familiar v. unfamiliar) design, older seniors (n = 24) were significantly less accurate in accounts of a witnessed theft than young adults (n = 33) and

young seniors (n = 26). Although context did not affect accuracy, older seniors were more verbose in the familiar context condition. Despite older seniors' less accurate testimony, all witnesses were rated as equally credible during their testimony and less credible during cross-examination.

Greenwald, A. G., Oakes, M. A., & Hoffman, H. G. (2003). **Targets of discrimination: Effects of race on responses to weapons holders.** *Journal of Experimental Social Psychology*, 39, 399-405.

Participants (N = 106) responded to one of two virtual reality scenarios involving a White police officer and a Black criminal or a Black police officer and a White criminal, both of whom held guns; in both scenarios, an innocent citizen (Black or White) was present holding a harmless object. Signal detection theory analyses revealed two pathways for stereotype-related weapons false alarms (WFAs): participants more readily gave the weapon-appropriate response to Black targets (response bias) and had greater difficulty distinguishing harmless objects from weapons when the target was Black (perceptual sensitivity effect).

Henry, L.A., & Gudjonsson, G.H. (2003). **Eyewitness memory, suggestibility, and repeated recall sessions in children in children with mild and moderate intellectual disabilities.** *Law and Human Behavior*, 27, 481-505.

Compared to 25 children of the same chronological age (CA), 30 children with mild intellectual disabilities (ID) performed equally well on free recall and suggestibility to leading questions about a live staged event. Children with mild ID gave fewer correct answers to open-ended questions and changed their responses during re-

peated interview 2 weeks later. Compared to children of the same CA, 17 children with moderate ID showed lower performance on almost every type of eyewitness memory question.

Powell, M.B., & Thomson, D.M. (2003). **Improving children's recall of an occurrence of a repeated event: Is it a matter of helping them to generate options?** *Law and Human Behavior*, 27, 365-384.

Across three experiments, the accuracy of discrimination performance (capacity to identify which details were included within the target occurrence) of 209 five to eight-year-olds was enhanced by encouraging them to consider that details come from different sources across a series of events. Accuracy was enhanced regardless of age, retention interval, or type of item.

Stebly, N., Dysart, J., Fulero, S., & Lindsay, R.C.L. (2003). **Eyewitness accuracy rates in police showup and lineup presentations: A meta-analytic comparison.** *Law and Human Behavior*, 27, 523-540.

In a meta-analysis of 8 papers (3013 participants), showup presentations generated lower choosing rates than lineups. In target present conditions, accuracy rates were similar in showups and lineups. In target absent conditions, a higher level of correct rejection occurred in showups. Although false identification rates were equal in showups and lineups when foil choices were excluded from analysis, more false identifications occurred in showups when an innocent suspect resembled the perpetrator.

American Board of Forensic Psychology Workshop Schedule: 2003-2004

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.

The upcoming schedule for 2003-4 is as follows:

DENVER, CO
HYATT REGENCY
OCTOBER 23-25, 2003

NEW ORLEANS, LA
HYATT REGENCY
APRIL 22-24, 2004

LAS VEGAS, NE
ALEXIS PARK HOTEL & SPA
JANUARY 22-25, 2004

NASHVILLE, TN
SHERATON NASHVILLE
MAY 19-23, 2004

CHARLOTTE, NC
HILTON TOWERS
FEBRUARY 11-15, 2004

The specific topics covered in these workshops can be found on the AAFP website: www.abfp.com/workshops.html

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 ABFP Academy, our courses count toward

New Forensic Emphasis for the Journal *Assessment*

With the beginning of Yossi Ben-Porath's editorship of the journal *Assessment*, the journal has made a commitment to emphasize issues related to forensic assessment along with its traditionally wide range of topics covered. The journal welcomes submissions related to any number of civil (e.g., child custody, emotional injury) or criminal (e.g., violence risk, competence to stand trial) topics that focus on the development or validation of specific assessment procedures designed for or commonly used in forensic contexts; ethical, legal, and/or policy implications regarding the use of various assessment methods or procedures in clinical or forensic settings; or other topics that broadly relate to the interface between psychological assessment and the legal system. If you are unsure as to whether a particular topic is appropriate for submission, feel free to contact Yossi at ybenpora@kent.edu for further input. Instructions for submitting manuscripts are available on-line at: www.sagepub.com/journalManuscript.aspx?pid=339&sc=1



Expert Opinion:

Some Observations on Observers of Psychological Testing

Faced with a request from counsel to observe the forensic evaluation, the psychologist must make a decision and be prepared to justify it. Practice guidelines and codes of ethics are silent on the issue. What is the current thinking in the field of forensic psychology about allowing observers in the evaluation room?

Phillip H. Witt, Ph.D., A.B.P.P. is a forensic psychologist in private practice in Somerville, New Jersey. His areas of primary interest are risk assessment, particularly with juveniles who commit serious crimes or with sex offenders, and emotional damages assessment in tort cases. He has served on APA's Committee on Professional Practice and Standards (COPPS); however, the present article reflects only his opinions and not an official position of COPPS or APA.

For some time, there has been a lively debate regarding whether forensic evaluators should permit attorneys or their representatives to observe or record psychological evaluation procedures. Both among forensic psychologists, and more broadly within APA among those with an interest in psychological testing, there has been discussion of whether APA should take a position on prohibiting observers of testing. Those against having observers, particularly forensic neuropsychologists, raise the following points. First, having observers violates the test standardization conditions, making it impossible to obtain a valid administration. Second, lawyers may use what they observe (or record) to coach future clients (or even surreptitiously signal the client to affect the results in the administrations they are observing). This second concern is essentially one of violation of test security. Those against having observers point to the policy statement of the National Academy of Neuropsychology (2001), which discourages observers of forensic neuropsychology evaluations, in fact, suggesting that having such observers is inconsistent with APA's Standards for Educational and Psychological Testing (APA, 1985), APA's prior code of ethics (APA, 1992), and various test manual instructions, such as the WAIS-III and WMS-III.

Those favoring allowing observers raise the following points. First, there is no consensus on this issue, but rather a divergence of opinions; consequently, the field is not yet ready to establish a standard procedure. Second, the few empirical studies on this issue show weak observer effects, if any, and these studies have been done almost entirely in neuropsychological evaluations. Third, forensic psychologists deviate from the standard administration conditions all the time—for example, administering IQ tests in noisy jails—and the question is whether such a deviation is significant, not whether a deviation occurs at all. Finally, those favoring allowing observers acknowledge the risk of future coaching, but indicate that this risk needs to be balanced against the right of

the cross examining attorney to view, or better yet to have a retrievable record of, the examination for cross examination and review by an opposing expert. That, after all, is how the adversarial legal system works.

To inform discussion of this issue within APA, I was asked to query senior forensic psychologists to determine whether consensus exists. I posted a message on the ABPP forensic psychology diplomate listserv, outlining both sides of the issue (as above) and asking listserv members to let me know their thoughts and practices regarding allowing third-party observers in forensic evaluations. I also electronically queried a number of other senior forensic psychologists who were not forensic diplomate listserv members. Of the responses I received, four were unclassifiable as favoring either position, 14 favored allowing third-party observers of testing (with two others appearing to favor allowing observers of testing, but really focusing more on observers of interviews, not of testing), and seven favored not allowing observers.

The range of response can best be illustrated, perhaps, with a few examples. First, the following responses best capture the spirit of those against allowing observers:

I am pretty strongly against the introduction of observers into a testing situation, for the reasons stated and others... While it is true that there are less than ideal testing circumstances, especially in forensic/correctional settings, that does not justify adding one more, especially if it is otherwise avoidable. There is also likely a cumulative effect of deviations from standard administration, although I don't know of any studies of such. It's common sense that the further from standardized administration you get, the less valid your results, even if the individual effect of any one deviation is small. As to the coaching issue, I have personal knowledge of a case in which attorneys specifically instructed the defendant to not cooperate with the mental health examiner, to the extent of yelling at him loud enough that people outside the room could hear the "conversation." I would not

relish the opportunity of being the person trying to test that defendant with those attorneys present. In a different case, the attorneys specifically requested the tests materials to be used so they could review them with their client PRIOR to the testing session. These are just two examples of “coaching.” I would resist opening the door to more. (M. Hazelrigg, personal communication, 3/2003)

I am generally against the presence of any observer in a forensic evaluation because of subtle influences on the interpersonal dynamics between the test subject and the examiner. Subjects may be reminded by the presence of an attorney that the examination is being conducted in the context of an adversarial process and therefore display more defensiveness than they would otherwise. In certain cases when attorneys insisted that they be present or where the presence of an observer was compelled by court order, I have proceeded with the examination with the observer present. Thus, I don’t regard that factor as something that would fatally flaw the process. I feel the same about recording; I prefer not to have the session recorded, but will not refuse to perform an exam where recording is required. I don’t recall seeing any empirical literature on this topic. (F. Dyer, personal communication, 3/2003)

The following illustrate the typical points raised by those favoring allowing third-party observers, usually with some agreed-upon behavior restrictions for the observer:

I think to deny an attorney the right to “sit in” during interviews or testing is unfair. I have never denied an attorney the right to watch the evaluation — I think if the psychologist does a careful, thorough job, it only helps support the opinion and reduce problems in cross-examination. I have the attorney agree to sit out of sight of the client and not to speak or otherwise interrupt during the evaluation. Before I begin, I leave the room and let the lawyer speak to the client about what he or she should not answer. After that, the evaluation starts. I don’t think that after the first 30 minutes (history taking) the defendant even re-

members that the attorney is there (witness Fred Weissman’s documentaries — i.e. Titicut Follies). Therefore, I see no justification to exclude the attorney from sitting in. (A. Goldstein, personal communication, 3/2003)

...[T]he inclination among forensic specialists is toward allowing some kind of observation (or at least trying to accommodate an attorney who is, after all, trying to obtain evidence at a level of detailed envisioned by the Specialty Guidelines; as I read them, we have an affirmative obligation to attempt to facilitate that). Of course there are guidelines that must be followed if an attorney is present. A one-way mirror with one-way audio is the most desirable. I indicate clearly to an attorney who wants to observe that he/she cannot participate in any way. Were an attorney under these circumstances ever to interrupt or advise the client not to answer something, I would terminate the evaluation immediately and note the reasons why in the report. I also agree that the data on non-standardized testing conditions are limited and show weak effects (if any). They are also largely limited to the kind of situations that do not encompass usual forensic practice—that is, less than desirable conditions, from the standpoint of privacy and quiet, that often exist in secure facilities where we do some of our assessments. (K. Heilbrun, personal communication, 3/2003)

One can see that at this time, no consensus exists on the presence of third-party observers. The divergence of opinion on the topic among senior forensic psychologists is described nicely by one respondent:

While there is no consensus regarding voluntarily taping forensic evaluations, there does seem to have been a polarized reaction to mandated observation or taping, those reactions being, on the one hand, that it introduces a non-standardized variable to the process, and risks non-psychologists attempting to interpret data for which they have no specialized knowledge, training, or skill to interpret; and on the other hand, that forensic psychology is psychology practiced in the forum, the adversarial arena

of our judicial process, and thus, that judicial rules apply. The litigant has the right to challenge the expert to demonstrate the basis for opinions derived from the data. (M. Connell, personal communication, 3/2003)

Perhaps if the field considers the issue sufficiently important, researchers will more extensively begin to investigate the parameters of third-party observer presence that do or do not affect test performance. Outside of performance-based testing, such as cognitive assessment, it is unclear that the issue of third-party observers is significant. As one respondent pithily put it regarding videotaping (observations that seem to apply equally well to third-party observers), “video taping someone while they take an MMPI would seem to violate some type of boredom statute. (J. Dvoskin, personal communication, 3/2003).” The issues of test security and coaching are more difficult to settle, empirically or otherwise. Here, one has the competing interests of test security, on the one hand, and allowing the trier-of-fact and counsel to have full access to the foundation upon which the evaluator’s conclusions are based, on the other hand. However, the majority of the respondents appear to favor allowing third-party observers with reasonable ground-rules - such as no interference with the evaluation process.

References

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American Psychological Association (1992). *Ethical Principles of Psychologists and Code of Conduct*. *The American Psychologist*, 47, 1597-1611.

National Academy of Neuropsychology, (2001). *Policy Statement: Presence of Third Party Observers During Neuropsychological Testing*.

Fellowships and Positions

Clinical/Forensic Psychologist Fordham University

The Department of Psychology at Fordham University is seeking an Assistant Professor in Clinical Psychology with a specialization in Forensic Psychology and strong quantitative skills. The department offers doctoral programs in Clinical Psychology (APA accredited), Psychometrics, and Developmental Psychology. Responsibilities will include teaching Introductory Psychology and more advanced undergraduate courses, teaching graduate courses, and the direction of masters and doctoral level research. Applicants must be licensed or license eligible. Competitive candidates will have excellent teaching qualifications or potential, an ability to contribute to more than one of the doctoral programs, and a track record or potential in securing external funds for research. Fordham University is an independent, Catholic institution in the Jesuit tradition and welcomes applications from men and women of any background. Minorities are encouraged to apply. Fordham is an equal opportunity/affirmative action employer. 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.

Department of Criminal Justice Georgia State University

The Department of Criminal Justice at Georgia State University seeks to fill a **tenure-track position** at the **Assistant Professor** level. A Ph.D. in criminal justice or related field is required (ABDs may apply, but degree must be in hand by the start of employment). Area of specialization is open but the Department is particularly interested in applicants with quantitative skills. University teaching experience and a demonstrated record of research and publication is required. Responsibilities include the ability to teach undergraduate and graduate courses in two specialty areas of criminal justice, conduct research, publish scholarly work, advise students, direct graduate research, and participate in university-related service. Review of applications will begin December 1, 2003; position will remain open until filled. 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. Applicants should send a letter of application, vita, and three letters of reference to: Dr. Dean A. Dabney, Chair, Search Committee, Department of Criminal Justice, Georgia State University, P.O. Box 4018, Atlanta, GA 30302-4018. For further information see our web site: www.cjgsu.net or call 404-651-0747. Georgia State University, is an equal opportunity institution and an equal opportunity/affirmative action employer.

Clinical-Forensic Psychology Simon Fraser University

The Department of Psychology at Simon Fraser University invites applications for two tenure-track faculty positions at the Assistant Professor level in Clinical Psychology. Applicants are expected to hold a doctorate in clinical psychology from a CPA/APA accredited program at the time of appointment, and must possess strong clinical skills and the ability to supervise clinical practice and research. One position is designated for applicants with research interests in Clinical-Forensic Psychology. Area of research is open, however, we are particularly interested in receiving applications from individuals with research interests in juvenile justice. The second position is open to applicants with interests in any of the following areas: personality theory, psychopathology, psychotherapy, theory and methods, health psychology, and related fields. Successful applicants will be expected to conduct research, supervise clinical practice of graduate students in training, and teach undergraduate and graduate courses on clinically relevant topics such as psychopathology, personality theory, psychological assessment and psychological intervention.

Please submit a cover letter, which includes a summary of research objectives, clinical training and experience, and teaching experience, a curriculum vitae, three letters of reference, and copies of representative publications to Dr. Dan Weeks, Chair, Department of Psychology, Simon Fraser University, 8888 University Drive, Burnaby, B.C. V5A 1S6. Review of applications will begin on October 15, 2003 and continue until suitable candidates have been identified. The Department's webpage can be accessed at <http://www.sfu.ca/psychology>. This position is subject to budgetary approval. Although this advertisement is directed to Canadian citizens and Permanent Residents, in accordance with Canadian Immigration requirements, non-Canadians are also encouraged to apply. Simon Fraser University is committed to the principle of equity in employment and offers equal employment opportunities to all qualified applicants.

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).

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 Association 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 vari-

Law/Psychology Position University of Nebraska

The Law/Psychology Program, Department of Psychology, University of Nebraska-Lincoln has a tenure-track position available at the Assistant Professor level. *Responsibilities include:* maintaining an active program of research, including pursuit of external funding; research supervision of students; and teaching graduate courses in psychology and law, and undergraduate courses in psychology. *Qualifications include:* Ph.D. or equivalent in any field of psychology (e.g., social, cognitive, clinical), and a record of achievement in law/psychology relevant scholarship and teaching. Review of applications will begin December 5, 2003 and continue until the application is filled. Send letter of application, vita, reprints, and three letters of recommendation to: Richard L. Wiener, Chair, Law/Psychology Search Committee, Department of Psychology, University of Nebraska-Lincoln, Lincoln, NE 68588-0308. The University of Nebraska is committed to a pluralistic campus community through affirmative action and equal opportunity and is responsive to the needs of dual career couples. We assure reasonable accommodation under the Americans with Disabilities Act: Contact Claudia Price-Decker at 402-472-3721 for assistance.

ety 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 postdoctoral 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 Congressional Fellowship Program, Public Policy Office, American Psychological Association, 750 First Street, N.E., Washington, D.C. 20002-4242. The deadline for applications is January 2, 2004 for the Science Policy Fellowship program and December 21, 2001 for the Congressional Fellowships. More detailed information about the application process can be found at www.apa.org/ppo/funding/homepage.html#fellows. Further inquiries can be directed to the APA Public Policy Office at (202) 336-6062.



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 \$45 (45 Euros). Information about EAPL can be obtained at www.psychologie.uni-kiel.de/eapl/ Information about *Psychology, Crime and Law* can be found at www.tandf.co.uk/journals/titles/1068316x.html The joint AP-LS/EAPL conference in Edinburgh in July 2003 is described in this issue. To join EAPL, send the following information to the membership secretary, Thomas Bliesener at Kiel University (bliesener@psychologie.uni-kiel.de). Full name, Institution, Address, Telephone and FAX numbers, E-Mail and Website URL. Indicate highest degree, primary discipline, year of highest degree, name of institution awarding degree. Ask Thomas to charge your credit card for a subscription for 2003 [VISA, MasterCard/Eurocard or American Express], provide card number and expiration date and indicate you agree to your name and address being published in the membership list of the EAPL.

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/keynote 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@du.edu

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 in progress include forensic assessment, sexual harassment, custody evaluations, death penalty, and juvenile and adult criminal competency. 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 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 8:30AM-5:00PM EST or fax +1-781-681-9045. APLS members must specifically mention that they are members to receive the discount.

Law and Human Behavior Submissions go Electronic

Kluwer Publishing Company has activated a new system for submitting manuscripts to *Law and Human Behavior*. An internet-based technology (webJEO) allows authors to upload papers directly from their computers. I am sure that this procedure will make it easier for manuscripts to be submitted and reviewed. Reviews will be invited, submitted, and processed online at the Kluwer website. I am excited about the new capabilities that we will now have to process and track manuscripts. In the short run, there will likely be an adjustment period for authors, reviewers, and the editorial staff. However, I am sure that this will quickly pass and hopefully without a great deal of inconvenience to anyone. From this time forward all authors should visit the website listed below, register as an author, and follow the menu instructions. Reviewers will be notified of reviewing assignments with an email message. Reviewers can download papers from the site and submit reviews electronically. The address of the *Law and Human Behavior* webJEO is: <http://lahu.edmgr.com>. Please visit the website and examine its capabilities for yourself.

Richard L. Wiener, Editor

AP-LS Conference

Scottsdale, AZ March 4-7, 2004

The 2004 AP-LS Conference will be held at the Doubletree Paradise Valley Resort in Scottsdale, Arizona. While we are still working on the program, we expect that the conference will open at mid-day on Thursday March 4th and will continue through until mid-day on Sunday March 7th. A special session for student members is also being planned.

The conference website (www.fiu.edu/~apls2004/) contains numerous pieces of information including: registration forms for the conference, information on the conference hotel and the Scottsdale area, submission forms for proposals, volunteer sign-up forms, travel (and travel discounts) information, and links to the hotel to make room reservations online. Check it out!

As in the past, the program schedule will include concurrent break-out sessions, a poster session and cocktail hour (with food), a business meeting, and invited addresses. We will also be having a Margarita reception. The winners of the 2003 and 2004 AP-LS Dissertation Awards will be presenting their posters in the “winner’s circle” at the poster session and the winners of other awards will be scheduled to give presentations of their research.

As in the past, there will be a hospitality suite available at the hotel. If you would like to reserve the hospitality suite for a group meeting (i.e., university/college, research group, specific interest group, alumni, etc.), please submit requests online at the conference website as soon as possible so that we might also include this information in the conference program. Registration forms for the conference are also available online so please see the website for forms and registration procedures.

The conference chairs, Chris Meissner and Patty Zapf, had the opportunity to travel to Scottsdale to check out the conference site and it is amazing ! The photos that we took on the trip have been posted to the website. We will describe the Scottsdale area and the numerous things to do in the next newsletter (as well as on the website). One important thing to note is that the conference hotel has given us great room rates for the conference BUT ALSO has agreed to allow us those same room rates for anyone wishing to come early or stay after the conference. This is an excellent opportunity for anyone wishing to add some vacation time on to the conference! Be sure to book your room early as hotel availability may fill up quickly with there being another event held at the hotel that runs simultaneously with our conference.

Lodging and Transportation

The Doubletree Paradise Valley Resort is truly incredible. Chris took some great photos of the resort and has posted them to the conference website for anyone who is interested. There are numerous restaurants, galleries, boutiques, and shops within easy walking distance of the hotel, not to mention Camelback Mountain which provides a series of scenic trails and, of course, there are plenty of golf courses nearby. The hotel features outdoor heated pools and hot tubs as well as a workout facility, tennis courts, putting green, racquetball court, basketball net, sundeck, salon, spa, and a playground for children (located at the rear of the property). If you bring your laptop, wireless Internet service is available on the pool deck as well as in the hotel lounge or you can access the Internet from your hotel room. The hotel is located less than a mile from historic downtown Scottsdale, and only 12 miles from Sky Harbor International Airport (Phoenix). Scenic Sedona (see website for photos) is a two-hour drive away and well worth it! The Grand Canyon is a four-hour drive away-need we say more !

There are several options for getting from the Sky Harbor International Airport to the hotel. As previously mentioned, the hotel is 12 miles from the airport and drive-time is about 20 minutes. Taxi’s are available at the airport and run about \$25. The Super Shuttle can also be caught at the airport and runs about \$14. Alternatively, there are various car rental companies located at the airport. AVIS has an on-site office at the hotel so car rentals can be booked from the hotel for those wishing to travel to destinations outside of Scottsdale. We were informed that March is a busy time in Scottsdale and so anyone wishing to reserve a car from the AVIS location at the hotel should do so ahead of time. The number for the on-site AVIS office is 480-947-7227. Remember, AVIS offers a discount to APA members.

The conference rates for the hotel are: \$150/night (single), \$165/night (double), \$180/night (triple), and \$195/night (quadruple). To receive these rates you must make your reservation by February 12, 2004 and identify yourself as being part of the American Psychology and Law Conference (a link from the conference website is available for those wishing to make their room reservations online). Remember, the hotel has agreed to honor these room rates for those wishing to come early or stay after the conference. Again, remember to book your room early !



American Academy of Forensic Psychology Dissertation Grants in Applied Law/Psychology

The American Academy of Forensic Psychology (AAFP) has made available up to \$5000 (maximum award is \$1,500 per applicant) for grants to graduate students conducting dissertations in applied areas of law and psychology, with preference shown for dissertations addressing clinical-forensic issues. Awards can be used to cover dissertation costs such as photocopying and mailing expenses, participant compensation, travel reimbursement, etc. Awards can not be used to cover tuition or related academic fees. Requests submitted in prior years are ineligible.

Applications will be reviewed by a committee of AAFP fellows and grants will be awarded based on the following criteria: potential contribution of the dissertation to applied law-psychology, methodological soundness/experimental design, budgetary needs, review of applicant's personal statement

Students in the process of developing a dissertation proposal and those collecting dissertation data as of January 15, 2004 are eligible. To apply, students must submit 4 copies of the following **no later than January 15, 2004** (incomplete applications will not be considered):

A letter from the applicant detailing:

- His/her interest and career goals in law and psychology
- The proposed dissertation and its time line
- The dissertation budget, award amount requested, and how the award will be used
- A current CV
- A letter (no longer than one page) from the applicant's dissertation chair/supervisor offering his/her support of the applicant, noting that the dissertation proposal has been or is expected to be approved, and will be conducted as detailed in the applicant's letter.

Submissions should be postmarked no later than January 15, 2004 to Mary Connell, 100 E. 15th Street, Suite 635, Fort Worth, Texas 76102. Questions or inquiries regarding the award competition can be directed to Mary Connell at the above address or mconnell@child-custody.com

American Academy of Forensic Sciences

Is looking for a few (or many) good psychologists! The Psychiatry and Behavioral Sciences section of AAFS accepts student and member applications from psychologists whose principal area of practice is forensic. AAFS is an interdisciplinary organization comprised of pathologists, dentists, engineers, attorneys, and many other disciplines. Membership includes a subscription to the Journal of Forensic Sciences. See the AAFS website for further information (www.aafs.org)

APLS Book Award

At its March 2002 meeting the APLS Executive Committee voted to establish an annual award for a book devoted to psychology and law issues. To be eligible for the 2002 award, the book must have been published between November 2001 and November 2002. Award recipients receive a plaque memorializing their contributions and will have the opportunity to present an invited address at an APLS meeting. Nominations should include the title and publisher of the book, month and year of publication, and the names and addresses of all authors or editors. Self nominations are encouraged. Please send nominations for the 2003 award to Randy Otto, Department of Mental Health Law & Policy, Florida Mental Health Institute, University of South Florida, 13301 Bruce B. Downs Blvd., Tampa, FL 33612.

Nominations must be received by December 1, 2003.

Jennifer Skeem named Saleem Shaw Award Winner

The American Academy of Forensic Psychology and the American Psychology-Law Society are pleased to announce that Jennifer Skeem, Ph.D. has been named as the 2003 recipient of the Saleem Shah Award for Early Career Contributions to Law and Psychology. This year's slate of nominees was remarkably impressive, and certainly bodes well for the future of our field. But in this pool of elite rising stars, Jennifer rose to the top. Her contributions to Applied Forensic Psychology generally, and particularly to the study of psychopathy and its relationship to violence risk in adults and in juveniles, reflect a distinctive blend of clinical insight, theoretical sophistication, and scientific rigor. The Academy and the Division (AP-LS) are proud to participate in acknowledging her with this award, which will be given at the AP-LS conference in Scottsdale, AZ.

Saleem 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: Randy Borum, Department of Mental Health Law & Policy, Florida Mental Health Institute, University of South Florida, 13301 Bruce B. Downs Blvd., Tampa, FL 33612.

The deadline for nominations is December 1, 2003

Call for Papers

The Empirical Limits of Forensic Mental Health Assessment

Law and Human Behavior invites manuscript submissions for a special issue focused on the *empirical limits of forensic mental health assessment*. The strength of a field is in its awareness of its limits. Understanding and acknowledging what it does not know or cannot do increases its credibility regarding what it does know and can do. A realistic view of its limits creates the conditions necessary to develop a clear vision of the direction its research and development efforts need to take.

We encourage authors to submit reviews of a specific area of forensic mental health assessment that cover at minimum, (a) what clinicians should be reasonably confident that they *can* do based on the empirical evidence, (b) what aspects of the assessment have little or no empirical foundation, (c) what steps practitioners should take in light of those values and limits, and (d) what research directions the field should take to seek empirical support for aspects of the evaluation that are not well supported. Limitations may take many forms, such as the longevity of clinical decisions and predictions or the legitimacy and usefulness of assessment tools.

Manuscripts reporting individual studies will be less appropriate than critical reviews or theoretical pieces. Authors may write about any type of forensic mental health assessment; however, a few particularly relevant issues are:

- Mental state at the time of offense (insanity defense)
- Sexual offender's likelihood of recidivism
- A child's or adolescent's likelihood for violence/recidivism
- Transfer (or waiver) to adult court
- A child's or adolescent's amenability to treatment
- Malingering
- Child custody evaluations
- Disability or mental injury

The guest editors for this issue are Thomas Grisso, Ph.D. and Gina Vincent, Ph.D. Four copies of manuscripts, prepared for anonymous review, should be sent by November 2003 to Thomas Grisso, Ph.D., Forensic Training & Research Department of Psychiatry, University of Massachusetts Medical School, 55 Lake Avenue North, WSH 8B-21, Worcester, MA 01655. Questions should be directed to Dr. Vincent at Gina.Vincent@umassmed.edu.

Current Directions in Behavioral Sciences and the Law

In addition to 4-5 annual thematic issues dealing with specified topics, BEHAVIORAL SCIENCES AND THE LAW is now publishing 1-2 non-thematic "Current Directions" issues each year. Manuscripts submitted for these issues may deal with any aspect of behavioral sciences and the law.

Manuscripts for "Current Directions" issues may be submitted at any time and are subject to the same peer review process as other submissions. Accepted manuscripts will be published as soon as possible. Manuscripts submitted for "Current Directions" issues should be 20-30 pages, double spaced, and conform to American Psychological Association format or the Harvard Law Review Association's Uniform System of Citation. Manuscripts should be sent in triplicate (with two copies prepared for blind review) to: Charles Patrick Ewing, J.D., Ph.D., Editor, Behavioral Sciences and the Law, School of Law, State University of New York, 723 O'Brian Hall, Buffalo NY 14260

Call for Proposals 4th Annual IAFMHS Conference

The International Association of Forensic Mental Health Services (IAFMHS) and Beroendecentrum Stockholm (Stockholm Dependency Center) invite you to participate in the 2004 conference in Stockholm, Sweden, June 6-9, 2004. The conference theme is "Mental Health Services at the Interface of Mental Disorder, Addiction and Crime" and will include keynote addresses by Sheilagh Hodgins (UK/Sweden), Mary McMurrin (United Kingdom), Kim Mueser (USA), Marvin Swartz (USA), and Chris Webster (Canada) as well as a number of workshops. The Scientific committee invites proposals for poster sessions, papers (20 minutes) or symposia (up to 90 minutes), particularly addressing forensic mental health services from the perspective of:

- a. Role of substance abuse in criminal/antisocial behavior
- b. Structured assessment of substance use disorders
- c. Treatment programs designed to manage dual-diagnoses
- d. Mental health/addiction programs in correctional settings
- e. Treatment programs aimed at reducing violent behavior
- f. Community-based service provision for forensic clients
- g. Risk assessment and monitoring of violence risk
- h. Juvenile justice and forensic issues
- i. Diversion programs for the criminal justice system

The conference will be conducted in English. For more information or to submit an abstract, see our website: www.iafmhs.org.



Notes From The Student Chair



AP-LS Student Officers E-mail Addresses

Chair, Tara Mitchell
tmitch01@fiu.edu

Past Chair, Marchelle Thomson
mthomson@law.villanova.edu

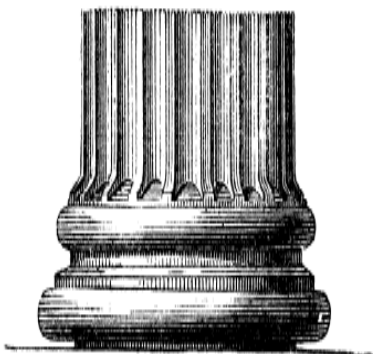
Chair Elect, Kim Coffman
coff5143@bellsouth.net

Secretary/Treasurer,
Ryann Haw
ryannhaw@aol.com

Student Newsletter/Web Editor,
Nadia Narchet

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 thank everyone who was involved in the recent officer elections. We had several excellent nominations, and I would like to especially thank those who took the time to vote for the nominated officers. Before introducing the AP-LS student officers for the upcoming term, I would like to thank last year's officers for all of their hard work for the Student Section: Marchelle Thomson (Chair, now Past Chair), Ryann Haw (Secretary/Treasurer), and Cindy Cottle (Newsletter/Web Editor) for a job well done.

Welcome 2002-2003 Officers

Kim Coffman is our Chair Elect. Ryann Haw has been reelected to serve as our Secretary/Treasurer. Fadia Narchet will be serving as the Newsletter/Web Editor for the coming year. The officers will be working together over the coming year to further strengthen and improve the Student Section as an important resource for student members.

Student Website

Fadia has taken on the task of managing our student website, which is located at <http://www.unl.edu/ap-ls/student>. Our goal for the website is to provide an easily accessible, user friendly place for students to obtain information about the Student Section, conferences, funding/grant opportunities, psych and law relevant news, and career options. Please let Fadia know if you have any suggestions or comments regarding the format or content of the website.

We would also like the website to serve as a means for networking among fellow student members. The website currently has a student member directory to which you can submit your own information (name, email, research interests). We would like to encourage all of our student members to be part of the member directory.

Conferences

We are currently in the process of arranging AP-LS Student Section events at the 2004 American Psychology and Law Conference in Scottsdale, AZ (which takes place March 4-7). We will be holding a workshop on career development (focusing on obtaining grant funding and applying for jobs) on Friday morning, with a light breakfast - bagels, coffee, and the like - provided. On Saturday evening, we will have a social hour to provide everyone with the opportunity to network and meet one another in a relaxed setting.

For those of you who are interested in becoming involved in the Student Section, the AP-LS Conference is an excellent opportunity. You can apply to serve as a student volunteer for the conference, helping to ensure that the conference runs smoothly by directing speakers and attendees to the appropriate session locations; handling registration; and being available for questions. In order to submit an application as a student volunteer, visit www.fiu.edu/~apls2004 and click on the Student Volunteers button on the left side of the page. In addition to being an excellent way to become more involved, student volunteers normally have the conference fee waived.

We will also be planning upcoming events for the American Psychological Association convention, among others. If you have any ideas regarding workshop topics, please feel free to contact me at tmitch01@fiu.edu.

Elections

Although elections for the 2004-2005 term will be held next summer, it is never too late to get involved. *Student Column continued on p. 29*

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: Garrett L. Berman Ph.D., Grants-In-Aid Committee Chair, Department of Psychology, Roger Williams University, One Old Ferry Road, Bristol, RI 02809-2921. Electronic submissions can be submitted via e-mail to gberman@rwu.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, Matt Zaitchik, Forensic Health Services/Bedford Policy Institute, and Elizabeth Bennett, Washington and Jefferson College. **There are two deadlines each year: September 30 and January 31.**

Seed Money Available for Interdisciplinary Collaborations

The Executive Committee of the American Psychology-Law Society will offer 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 travel and meeting costs and other expenses related to the research. 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 send a two-page explanation of the project, including the names and addresses of all researchers as well as a description of the anticipated product of the research to: Beth Wiggins at bwiggins@fjc.gov. Applications may also be mailed Dr. Wiggins at 5704 Rusk Ave., Baltimore, MD 21215.

Insert PAR 1/2 page ad here



Nominations, Awards and Announcements

Nominations for Editor of *Law and Human Behavior*

The American Psychology-Law Society is seeking nominations for editor of its journal, *Law and Human Behavior*. Candidates must be member of APLS and should be available to begin receiving manuscripts in January, 2006. The term of appointment is six years. If you are interested, please send a letter indicating your willingness to be considered for this position and a copy your c.v. to Dr. Ronald Roesch by email attachment (E-mail: roesch@sfu.ca). Please also include a statement addressing the following issues: 1) your perspective on the role of the journal in the field of psychology and law, 2) how you would define your role as editor, 3) how you would organize the journal, in terms of associate editors and editorial board, 4) how you would encourage diversity of participation in the journal, 5) what special issues, if any, you would encourage. The deadline for submission of all materials is July 1, 2004.

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 2003 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 2003 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, 2004 to Patricia Zapf, 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, pzapf@jjay.cuny.edu

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

Best Paper Award American Academy of Forensic Sciences

The Psychiatry and Behavioral Sciences Section of the American Academy of Forensic Sciences announces "The Richard Rosner Award for the Best Paper by a Fellow in Forensic Psychiatry or Forensic Psychology." The paper should have been completed (1) as part of the work of the Forensic Fellowship year, (2) in the course of that year, or within one year of the completion of the fellowship and based upon work or research that took place during that year.

To apply for the award:

1. Five copies of the paper submitted for the award should be sent to Kimberly Wrasse, American Academy of Forensic Sciences, PO Box 669, Colorado Springs, CO 80901-0669
2. A letter from the Director of the Forensic Fellowship Program affirming that the author was a Post-Doctoral Fellow and the year of the fellowship.
3. A copy of the author's CV.
4. **Deadline for submission is December 31, 2003**

The award consists of:

1. Free membership for one year in the Psychiatry and Behavioral Science Section of AAFS (if the author meets the basic membership criteria for the Section).
2. Free registration for the annual scientific program of the Psychiatry and Behavioral Science Section of AAFS.
3. Acceptance of the paper for presentation at the annual meeting of AAFS.
4. Free subscription for one year to the *Journal of Forensic Sciences*, the official publication of AAFS.
5. Recommendation to the Editorial Board of the *Journal of Forensic Sciences* that the paper be published.
6. A cash award of \$350.00.

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.

AP-LS NEWS, Fall 2003

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

The American Psychology-Law Society 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 2004 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 4 copies of a nomination package consisting of no more than 15 total pages including:

- Nominee's statement (1-2 pp.) 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 peers/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.

Nominations must be postmarked by December 1, 2003.

SEND NOMINATIONS AND DIRECT QUESTIONS TO: Bette L. Bottoms, Chair of the Teaching Award Committee, Department of Psychology (MC 285), University of Illinois at Chicago, , 1007 W Harrison St., Chicago, IL 60607-7137. Phone: 312-413-2635; e-mail: bbottoms@uic.edu.

Student Column cont. from p. 26

early to start thinking about nominations for a position. If you are interested in a position yourself, there are ways to get involved in the AP-LS student section now, before elections roll around in June. For more information about elections, feel free to email me or visit our website.

I would like to point out that student officers, particularly the Chair, are in a unique position to have a say in the AP-LS parent organization. The Chair represents the Student Section on the Executive Committee of AP-LS as a voting member. We strongly encourage those of you who are interested in getting involved to consider taking part in the annual elections.

Getting Involved

I would also like to encourage all of our members to get more involved in the AP-LS Student Section. There are several ways to become involved in the Student Section, from running for an office, placing a vote during elections, or emailing any of the officers with comments or suggestions. The Student Section should be a vital resource to all of you and is a mechanism for presenting your concerns to the AP-LS Parent Organization.

Please feel free to begin by submitting your name and information to the Directory of Student Members located on our website. Stay informed by visiting our website frequently and reading the AP-LS newsletters. And, of course, you may always email me directly at tmitch01@fiu.edu with any questions, suggestions, or concerns you may have. I look forward to working with all of you to improve the Student Section during the coming year by making it more responsive to student needs and a forum for your concerns.

Tara Mitchell, Chair, Student Section

AP-LS NEWS, Fall 2003

Invitation to Receive "e-Developments in Mental Health Law"

The Institute of Law, Psychiatry and Public Policy (ILPPP) at the University of Virginia now makes available via e-mail and at no cost to recipients a periodic summary of developments in mental health law, namely, "e-Developments in Mental Health Law" (e-DMHL). The ILPPP is an interdisciplinary program that focuses on mental health law and forensic psychiatry and psychology. Institute activities include academic programs, forensic clinical evaluations, professional training, empirical and theoretical research, and public policy consultation and review. e-DMHL is distributed on a monthly basis and is intended to supply a succinct and timely update on legal developments of relevance to mental health providers, practitioners, and advocates. Although designed to provide an emphasis on Virginia legal developments, the materials included are national in scope. If you wish to review past issues of e-DMHL, you can visit the ILPPP's web site at <http://www.ilppp.virginia.edu>. To subscribe to e-DMHL, please send your e-mail address to e-dmhl-owner@list.mail.Virginia.EDU. For more information about the Institute, please visit the ILPPP's web site.



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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 _____

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

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

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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.
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