

Forensic Psychology Seminar
Psy 4993–028 (call #62921), 8993–028 (call #62966)
Spring 2001–2002
2–3 cr., S-N grade option only

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Class meetings: N423 Elliott Hall, Fridays 9:10–11:00 a.m.

Objectives: To provide coverage of relevant topics in forensic psychology, including research, policy, ethical, and practical issues. The 8993 course is aimed at doctoral students in psychology or law students. The 4993 course is aimed at undergraduates in psychology, related disciplines, or pre-law.

Structure: This course is organized as a relatively informal seminar. We'll read things and discuss them, with a modicum of lecturing as needed. I expect to get through about one topic per week. However, if we really get intrigued with something and discussing it exhausts our allotted time, we'll have the flexibility to carry discussions over to the next meeting.

Topics to be covered will depend in part on participants' interests. However, we will try to cover the topics listed below, as well as others brought up, as time permits. If participants wish to discuss other topics than those listed, some listed topics will be bumped.

We may have guest speakers in specialty forensic areas; this is currently under negotiation.

Note: This will not be a survey or introductory course in forensic psychology. The graduate- or law-school participant is presumed to have some familiarity with rudiments of law and legal concepts as well as with the mechanics of criminal, civil, and family court proceedings. Undergraduates, of course, are not expected to have this background; they will have the opportunity to meet periodically with the instructor, to go over material from class that needs further exploration and explanation.

Text and Readings: There is no required text. However, from the reading list, you will see that the multivolume edited work by David L. Faigman, et al., entitled *Modern Scientific Evidence: The law and science of expert testimony* (1995, West Law Publishing) and its 1997 and subsequent supplements, figures heavily. Still, readings are taken from a variety of texts, reference works, and journal articles.

Evaluation and Grading: Students will be evaluated S-N only, based on classroom participation. It will be important to read the materials, and come to class prepared to discuss them at a relatively sophisticated level. There will be no exams or papers.

Complaints and Concerns: If you have a complaint or a concern about the course, please contact me as soon as it comes to your attention. I will assume everything with you is just swell, if I don't hear otherwise.

Office hours: I do not keep fixed office hours. I am in the office most of the day Monday through Friday (somewhat lower probabilities on Mondays and Fridays). Please call or e-mail me for an appointment, if you don't catch me in the office.

Caveat: If less than four people register for credit for this course, by the time of our first class meeting, it may be cancelled.

Topic Schedule (TENTATIVE)

Date	Topic
Jan 23	Brief review of criminal, civil, & family court terminology, legal principles, courtroom (and ancillary) procedures
Jan 30	Expert witnesses' necessary background and preparation
Feb 6	Working with "your" (or an) attorney
Feb 13	When you don't want to go to court (psychologists as fact witnesses, subpoenas in relation to your client, etc.), ethics-law conflicts
Feb 20	Science vs. clinical experience/practitioner conflicts in expert witnessing
Feb 27	Probabilistic testimony ("syndrome" testimony, "profile testimony," group statistics) vs. individuating testimony & attacks thereon
Mar 6	Tactics: Attacks on clinical judgment ("Ziskin-ing")
Mar 13	Tactics: Typical counter-attacks on the "Ziskin"-oriented expert
Mar 20	NO CLASS — SPRING BREAK Mar 18–22
Mar 27	APA ethical codes; Minnesota Board of Psychology rules; specialty codes; attacks based on alleged ethics violations; bringing ethics charges
Apr 3	Science-intensive litigation: motions <i>in limine</i> , <i>Frye</i> , <i>Daubert-Joiner-Kumho</i>
Apr 10	Assessment-related legal issues (e.g., pre-employment testing; controversial assessment techniques, e.g., projectives)
Apr 17	Assessment-related legal issues: polygraph
Apr 24	Malpractice litigation: <i>Tarasoff</i> , negligence, informed consent, experimental/innovative treatments (recovered memory therapy, critical incident stress debriefing)
May 1	Malpractice litigation: typical defenses (including some that often work!)
May 8	Appeals and <i>amicus curiae</i> briefs

Other possible topics:

(1) DSM (and Related) Diagnostic Assessment; (2) Forensic Use of the MMPI/MMPI-2, MMPI-A; (3) Rorschach; (4) Cognitive/Neuropsychological Assessment; Malingering, "Faking Good," Munchhausen Syndrome by Proxy; (5) Lie Detection/Polygraph; (6) Post-Traumatic Stress Disorder; (7) Dissociative Disorders; (8) Psychology of Harassment/Discrimination Claims; (9) Psychology of Jury Decision-Making/Jury Selection; (9) Eyewitness Testimony; (10) Insanity/Diminished Capacity Defense; (11) Civil Commitment/Prediction of Violence; (12) Recidivism Prediction/"Sexually Violent Predator" Commitments; (13) Family/Criminal Court Forensics—Custody, Visitation, Abuse Allegations; (14) Personal Injury Litigation

Reading List

Legal Background/Reference

- Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S., 113 S. Ct. 2786 (1993).
 Fitzgerald, P.W., & Herr, D.F. (1990). *Minnesota evidence rules summary. Trial objections. Evidence basics*. St. Paul, MN: Minnesota State Bar Association.
 Garner, B.A. (Ed.) (1999). *Henry Campbell Black's law dictionary*, standard ed., 7th ed. St. Paul, MN: West Law.
General Electric Co. v. Joiner, 118 S. Ct. 512 (1997).
 Janus, E.S., Mickelsen, R., & Sanders, S. (1994). *Law and mental health professionals: Minnesota*. Washington, DC: American Psychological Association.
Kumho Tire Co., Ltd. v. Carmichael, 119 S. Ct. 1167 (1999).
 Shreve, G.R., Raven-Hansen, P. (1994). *Understanding civil procedure*, 2nd ed. New York: Matthew Bender.
 Stasky, W.P. (2000). *Torts: Personal injury litigation*, 4th ed. St. Paul, MN: West Law Publishing.

Admissibility of Mental Health Expert Testimony

- Brodsky, S.L. (1989). Advocacy in the guise of scientific objectivity: An examination of Faust and Ziskin. *Computers in Human Behavior*, 5, 261–264.
 Faust, D., & Ziskin, J. (1988). The expert witness in psychology and psychiatry. *Science*, 241, 31–35.
 Grove, W.M., & Barden, R.C. (1999). Protecting the integrity of the legal system: The admissibility of testimony from mental health experts under *Daubert/Kumho* analyses. *Psychology, Public Policy, and Law*, 5, 224–242.

Ethics

- Faust, D. (1993). Use and then prove, or prove and then use? Some thoughts on the ethics of mental health professionals' courtroom involvement. *Ethics & Behavior*, 3, 359–380.
 Committee on Ethical Guidelines for Forensic Psychologists. (1991). Specialty guidelines for forensic psychologists. *Law and Human Behavior*, 15, 655–665.
 American Psychological Association. (1996). Statement on the disclosure of test data. *American Psychologist*, 51, 644–648.
 American Psychological Association. (1985). *Standards for educational and psychological testing*. Washington, DC: Author.
 American Psychological Association. (1992). Ethical principles of psychologists and code of conduct. *American Psychologist*, 47, 1597–1611.

Clinical Judgment/Diagnosis

- Arkes, H.R. (1991). Costs and benefits of judgment errors: Implications for debiasing. *Psychological Bulletin*, 110, 486–498.
 Blashfield, R.K., & Herkov, M.J., (1996). Investigating clinician adherence to diagnosis by criteria: A replication of Morey and Ochoa (1989). *Journal of Personality Disorders*, 10, 219–228.
 Chapman, L.J., & Chapman, J.P. (1967). Genesis of popular but erroneous psychodiagnostic observations. *Journal of Abnormal Psychology*, 72, 193–204.
 Chapman, L.J., & Chapman, J.P. (1969). Illusory correlation as an obstacle to the use of valid psychodiagnostic signs. *Journal of Abnormal Psychology*, 74, 271–280.
 Fernando, T., Mellsop, G., Nelson, K., Peace, K., & Wilson, J. (1986). The reliability of Axis V of *DSM-III*. *American Journal of Psychiatry*, 143, 752–755.
 Garb, H.N. (1984). The incremental validity of information used in personality assessment. *Clinical Psychology Review*, 4, 641–655.
 Garb, H.N. (1989). Clinical judgment, clinical training, and professional experience. *Psychological Bulletin*, 105, 387–396.
 Garb, H.N. (1997). Race bias, social class bias, and gender bias in clinical judgment. *Clinical Psychology: Science and Practice*, 4, 99–120.
 Garb, H.N. (1998). *Studying the clinician: Judgment research and psychological assessment*. Washington, DC: American Psychological Association. (Chapters 1, 2, 6, and 7.)
 Garb, H.N., & Schramke, C.J. (1996). Judgment research and neuropsychological assessment: A narrative review and meta-analyses. *Psychological Bulletin*, 120, 140–153.

- Grove, W.M. (1987). The reliability of psychiatric diagnosis. In C. Last & M. Hersen (Eds.), *Issues in diagnostic research* (pp. 99–119). New York: Plenum Press.
- Guastello, S.J., & Rieke, M.L. (1990). The Barnum effect and validity of computer-based test interpretations: The human resource development report. *Psychological xxx*
- Jampata, V.C., Siertes, F.S., & Taylor, M.A. (1988). The use of *DSM-III* in the United States: A case of not going by the book. *Comprehensive Psychiatry*, 29, 39–47.
- Kendell, R.E. (1973). Psychiatric diagnoses: A study of how they are made. *British Journal of Psychiatry*, 122, 437–445.
- Kutchins, H., & Kirk, S.A. (1986). The reliability of *DSM-III*: A critical review. *Social Work Research and Abstracts*, 22, 3–12.
- Lee, D.Y., Barak, A., Uhlemann, M.R., & Patsula, P. (1995). Effects of preinterview suggestion on counselor memory, clinical impression, and confidence in judgments. *Journal of Clinical Psychology*, 51, 666–675.
- Lee, D. Y., Richer, D., & Uhlemann, M.R. (1992). Effects of client preinterview information on counselors' clinical impressions and interview behavior. *Counseling Psychology Quarterly*, 5, 115–122.
- Meehl, P.E. (1973). Why I do not attend case conferences. In P.E. Meehl, *Psychodiagnosis: Selected papers* (pp. 225–302). Minneapolis: University of Minnesota Press.
- Meehl, P.E., & Rosen, A. (1955). Antecedent probability and the efficiency of psychometric signs, patterns, or cutting scores. *Psychological Bulletin*, 52, 194–216.
- Mellsop, G., Varghese, F., Joshua, S., & Hicks, A. (1982). The reliability of Axis II of *DSM-III*. *American Journal of Psychiatry*, 139, 1360–1361.
- Morey, L.C., & Ochoa, E.S. (1989). An investigation of adherence to diagnostic criteria: Clinical diagnosis of the *DSM-III* personality disorders. *Journal of Personality Disorders*, 3, 180–192.
- Oskamp, S. (1965). Overconfidence in case study judgments. *Journal of Consulting Psychology*, 29, 261–265.
- Plous, S., & Zimbardo, P.G. (1986). Attributional biases among clinicians: A comparison of psychoanalysts and behavior therapists. *Journal of Consulting and Clinical Psychology*, 54, 568–570.
- Rubinson, E.P., Asnis, G.M., & Friedman, J.M.H. (1988). Knowledge of diagnostic criteria for major depression: A survey of mental health professionals. *Journal of Nervous and Mena Disease*, 176, 480–484.
- Skodol, A., Williams, J.B.W., Spitzer, R.L., Gibbon, M., & Kass, F. (1984). Identifying common errors in the use of *DSM-III* through diagnostic supervision. *Hospital and Community Psychiatry*, 35, 251–255.
- Stuart, S., Simons, A.D., Thase, M.E., & Pilkonis, P. (1992). Are personality assessments valid in acute major depression? *Journal of Affective Disorders*, 24, 281–290.
- Turner, D.R. (1966). Predictive efficiency as a function of amount of information and level of professional experience. *Journal of Projective Techniques and Personality Assessment*, 4–11.
- Tutin, J. (1993). The persistence of initial beliefs in clinical judgments. *Journal of Social and Clinical Psychology*, 12, 319–335.
- Wildman, R.W., & Wildman, R.W., II. (1975). An investigation into the comparative validity of several diagnostic tests and test batteries. *Journal of Clinical Psychology*, 31, 455–458.
- Zimmerman, M., Coryell, W., & Black, D.W. (1993). A method to detect intercenter differences in the application of contemporary diagnostic criteria. *Journal of Nervous and Mental Disease*, 181, 130–134.
- Ziskin, J., & Faust, D. (1995). *Coping with psychiatric and psychological testimony*, 5th ed. (3 vols.) Marina del Ray, CA: Law and Psychology Press. (With 1997 and 2000 supplements.)

Clinical vs. Mechanical Prediction

- Dawes, R.M., Faust, D., & Meehl, P.E. (1989). Clinical versus actuarial judgment. *Science*, 243, 1668–1674.
- Grove, W.M., Zald, D.H., Hallberg, A.M., Lebow, B., Snitz, E., & Nelson, C. (2000). Clinical versus mechanical prediction: A meta-analysis. *Psychological Assessment*, 12, 19–30.
- Meehl, P.E. (1954). *Clinical versus statistical prediction: A theoretical analysis and a review of the evidence*. Minneapolis: University of Minnesota Press.
- Meehl, P.E. (1986). Causes and effects of my disturbing little book. *Journal of Personality Assessment*, 50, 370–375.

Assessment Interviewing

- Borke, H., & Fiske, D.W. (1957). Factors influencing the prediction of behavior from a diagnostic interview. *Journal of Consulting Psychology*, 21, 78–80.
- Rosenhan, D.L. (1973). On being sane in insane places. *Science*, 179, 250–258.
- Sandifer, M.C., Hordern, A., & Green, L.M. (1970). The psychiatric interview: The impact of the first three minutes. *American Journal of Psychiatry*, 126, 968–973.

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- Temerlin, M.K. (1968). Suggestion effects in psychiatric diagnosis. *Journal of Nervous and Mental Disease, 147*, 349–353.
- Temerlin, M.K., & Trousdale, W.W. (1969). The social psychology of clinical diagnosis. *Psychotherapy: Theory, Research and Practice, 6*, 24–29.

MMPI/MMPI-2, Objective Testing

- Pope, K.S., Butcher, J.N., & Seelen, J. (2000). *MMPI, MMPI-2, and MMPI-A in court: A practical guide for expert witnesses and attorneys*, 2nd ed. Washington, DC: American Psychological Association.

Projective Testing—Rorschach

- Exner, J.E. (1995). Comment on "Narcissism in the Comprehensive System for the Rorschach." *Clinical Psychology: Science and Practice, 2*, 200–206.
- Exner, J.E. (2001). A comment on "The misperception of psychopathology: Problems with the norms of the Comprehensive System for the Rorschach." *Clinical Psychology: Science and Practice, 8*, 386–388.
- Garb, H.N., Florio, C.M., & Grove, W.M. (1998). The validity of the Rorschach and the Minnesota Multiphasic Personality Inventory: Results from meta-analyses. *Psychological Science, 9*, 402–404.
- Garb, H.N., Wood, J.M., Nezworski, M.T., Grove, W.M., & Stejskal, W.J. (2001). Toward a resolution of the Rorschach controversy. *Psychological Assessment, 13*, 433–448.
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- Little, K.B., & Shneidman, E.S. (1959). Congruencies among interpretations of psychological test and anamnestic data. *Psychological Monographs, 73* (6, Whole No. 476).
- Meyer, G.J. (1997a). Assessing reliability: Critical corrections for a critical examination of the Rorschach Comprehensive System. *Psychological Assessment, 9*, 480–489.
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- Meyer, G.J. (2000). On the science of Rorschach research. *Journal of Personality Assessment, 75*, 46–81.
- Meyer, G.J. (2001). Evidence to correct misperceptions about Rorschach norms. *Clinical Psychology: Science and Practice, 8*, 389–397.
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- Rosen, G.M. (1975). On the persistence of illusory correlations associated with the Rorschach. *Journal of Abnormal Psychology, 84*, 571–573.
- Rosenthal, R., Hiller, J.B., Bornstein, R.F., Berry, D.T.R., & Brunell-Neuleib, S. (2001). Meta-analytic methods, the Rorschach, and the MMPI. *Psychological Assessment, 13*, 449–451.
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- Wood, J.M., & Lilienfeld, S.O. (1999). The Rorschach Inkblot Test: A case of overstatement? *Assessment, 6*, 341–349.
- Wood, J.M., Nezworski, M.T., Garb, H.N., & Lilienfeld, S.O. (2001a). Problems with the norms of the Comprehensive System for the Rorschach: Methodological and conceptual considerations. *Clinical Psychology: Science and Practice, 8*, 397–402.
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- Wood, J.M., Nezworski, M.T., & Stejskal, W.J. (1997). The reliability of the Comprehensive System for the Rorschach: A comment on Meyer (1997). *Psychological Assessment, 9*, 490–494.
- Wood, J.M., Nezworski, M.T., Stejskal, W.J., & Garven, S. (2001). Advancing scientific discourse in the controversy surrounding the Comprehensive System for the Rorschach: A rejoinder to Meyer (2000). *Journal of Personality Assessment, 76*, 369–378.
- Wood, J.M., Nezworski, M.T., Stejskal, W.J., Garven, S., & West, S.G. (1999). Methodological issues in evaluating Rorschach validity: A comment on Burns and Viglione (1996), Weiner, (1996), and Ganellen (1996). *Assessment, 6*, 115–129.

Projectives—Other

- Cressen, R. (1975). Artistic quality of drawings and judges' evaluations of the DAP. *Journal of Personality Assessment, 39*, 132–137.
- Hiler, E.W., & Nesvig, D. (1965). An evaluation of criteria used by clinicians to infer pathology from figure drawings. *Journal of Consulting Psychology, 29*, 520–529.
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- Lilienfeld, S.O., Wood, J.M., & Garb, H.N. (2000). The scientific status of projective techniques. *Psychological Science in the Public Interest, 1*, 27–66.
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- Watson, C.G. (1967). Relationship of distortion to DAP diagnostic accuracy among psychologists at three levels of sophistication. *Journal of Consulting Psychology, 31*, 142–146.

Post-Traumatic States, Dissociative Disorders

- Bowman, M. (1997). *Individual differences in posttraumatic response: Problems with the adversity-distress connection*. Mahwah, NJ: Lawrence Erlbaum.
- Briere, J. (1997). *Psychological assessment of adult posttraumatic states*. Washington, DC: American Psychological Association.
- McMinn, M.R., & Wade, N.G. (1995). Beliefs about the prevalence of dissociative identity disorder, sexual abuse and ritual abuse among religious and nonreligious therapists. *Professional Psychology, 26*, 257–261.

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Child/Adolescent Issues, Divorce/Custody Contests, Maltreatment of Minors

- Beichtman, J.H., Zucker, K.J., Hood, J.E., daCosta, G.A., Akman, D., & Cassavia, E. (1992). A review of the long-term effects of child sexual abuse. *Child Abuse and Neglect*, *16*, 101–118.
- Boat, B. W., & Everson, M. D. (1988). Use of anatomical dolls among professionals in sexual abuse evaluations. *Child Abuse and Neglect*, *12*, 171–179.
- Ceci, S.J., & Bruck, M. (2000). *Jeopardy in the courtroom: A scientific analysis of children's testimony*. Washington, DC: American Psychological Association.
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- Ceci, S.J., & Powell, M.B., & Crossman, A.M. (1999). The scientific status of children's memory and testimony. In Faigman, D.L., Kaye, D.H., Saks, M.J., Sanders, J. (Eds.), *Modern scientific evidence: The law and science of expert testimony*. (Supplemental Volume 3.) St. Paul, MN: West Law Publishing, pp. 40–69. (See whole chapter, pp. 21–69.)
- Galatzer-Levy, R.M., & Kraus, L. (Eds.) (1999). *The scientific basis of child custody decisions*. New York: John Wiley.
- Gould, J.W. (1998). *Conducting scientifically crafted child custody evaluations*. New York: Sage Publications.
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- Stahl, P.M. (1995). *Complex issues in child custody evaluations*. New York: Sage Publications.

Repressed/Dissociated (Recovered) Memories of Abuse

- Brown, D.P., Schefflin, A.W., & Hammond, D.C. (1999). *Memory, trauma treatment, and the law*. New York: W.W. Norton.
- Hyman, I., Husband, T., & Billings, F. (1995). False memories of childhood experiences. *Applied Cognitive Psychology*, *9*, 181–197.
- Lewinsohn, P.M., & Rosenbaum, M. (1987). Recall of parental behavior by acute depressives, remitted depressives, and nondepressives. *Journal of Personality and Social Psychology*, *52*, 611–619.
- Loftus, E.F., & Rosenwald, L.A. (1997). The scientific status of research on repressed memories. In Faigman, D.L., Kaye, D.H., Saks, M.J., Sanders, J. (Eds.), *Modern scientific evidence: The law and science of expert testimony*. St. Paul, MN: West Law Publishing, pp. 535–550. (See whole chapter, pp. 528–550.)
- McMinn, M.R., & Wade, N.G. (1995). Beliefs about the prevalence of dissociative identity disorder, sexual abuse and ritual abuse among religious and nonreligious therapists. *Professional Psychology*, *26*, 257–261.
- Polusny, M.A., & Follette, V.M. (1996). Remembering childhood sexual abuse: A national survey of psychologists' clinical practices, beliefs, and personal experiences. *Professional Psychology: Research and Practice*, *27*, 41–52.
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- Williams, L.M. (1995). Recovered memories of abuse in women with documented child sexual victimization histories. *Journal of Traumatic Stress*, *8*, 649–673.
- Yapko, M.D. (1994). Suggestibility and repressed memories of abuse: A survey of psychotherapists' beliefs. *American Journal of Clinical Hypnosis*, *36*, 163–171.

Competence to Stand Trial, Insanity Defense

- Grisso, T. (1998). *Competency to stand trial evaluation: A manual for practice*. Sarasota, FL: Professional Resource Exchange.
- Fukanaga, K., Passawark, R., Hawkins, M., & Gudeman, H. (1981). Insanity plea: Interexaminer agreement and in accordance of psychiatric opinion and court verdict. *Law and Human Behavior*, *5*, 325–328.
- Rice, M.E., & Harris, G.T. (1990). The predictors of insanity acquittal. *International Journal of Law and Psychology*, *13*, 217–224.

Civil Commitment (Excluding Sexually Violent Persons), Prediction of Violence/Suicide

- Apperson, L.J., Mulvey, E.P., & Lidz, C.W. (1993). Short-term clinical prediction of assaultive behavior: Artifacts of research methods. *American Journal of Psychiatry*, *150*, 1374–1379.
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