

SYLLABUS

Psychology 463, Clinical Psychology and the Law
Fall, 2008
Tuesdays, Nursing 333, 6:00-8:30 p.m.
3 Credits

Students with disabilities who wish to have accommodations provided by the University must self-identify with the Center for Services for Students with Disabilities (282-3912) in order to have accommodations provided. Information and applications are available in the Center and may be picked up in person or requested by telephone or TDD.

Instructor:

Linda Hatzenbuehler, Ph.D., ABPP
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Office Hours: Before and After Class; Other times by appointment

TEXT:

Van Dorsten, Brent (ed.). (1997). *Forensic Psychology: From Classroom to Courtroom*. New York: Kluwer.

WEBSITE:

A website has been developed for this class. Follow these guidelines to access:
Moodle LOGIN: Same as ISU email

COURSE GOALS:

The course will provide an introduction to the field of clinical forensic psychology by covering the primary areas in which the clinical psychologist interfaces with the legal system. Criminal and civil proceedings will be discussed with an emphasis on the expert testimony provided by clinical psychologists in courts of law and social/professional issues relevant to each area. Goals for each topic area are contained on the course web site as are assignments which must be completed before class. All topics will include discussion of: 1) General background issues; 2) Idaho Code related to topic; 3) Legal case precedent; 4) Ethical issues; 5) Clinical case examples. Clinical cases will be posted on the website and must be read prior to class. By the end of this class, students should be able to do the following:

1. Explain the differences between forensic and general clinical practice, and give examples of Apsychological@ issues.
2. Articulate the impact of constitutional amendments on forensic practice.
3. Explain how the American legal system is organized and how state/federal statutes and Circuit and Supreme Court decisions affect forensic practice.
4. Find precedent setting case law and explain its impact on forensic practice.

5. Articulate values and ethical issues specific to forensic practice.
6. Explain how forensic psychologists assess malingering.
7. Explain ethical, constitutional case precedents and statutory issues associated with the following topics:
 - a) Competency to Stand Trial
 - b) Insanity Defense
 - c) Civil Commitment
 - d) Civil Competencies
 - e) Criminal Sentencing
 - f) Child Custody
 - g) Personal Injury

8. Articulate the clinical tools/procedures used to assess:
 - a) Competency to Stand Trial
 - b) Insanity Defense
 - c) Civil Commitment
 - d) Civil Competencies
 - e) Criminal Sentencing
 - f) Child Custody
 - g) Personal Injury

Each class will begin with a discussion of an issue either announced in the previous class or posted on the course web site. Students are expected to come to class prepared for the discussion.

METHOD OF EVALUATION:

The course grades will be based on students' performances on two exams, a final, and a paper. Exams will include short answer identifications and essays. Students taking the class for graduate credit will receive different exams from undergraduate students. Papers should address one of the topics listed below OR a topic agreed upon between each student and Dr. Hatzenbuehler. Papers will be presented in class and turned in on the day of the presentation.

PAPER TOPICS (Ideas):

- (1) Tarasoff and Jaffe v. Redmond's Impact in Idaho
- (2) Mandatory Reporting Requirements in Idaho
- (3) Admissibility of Testimony of Child Witnesses
- (4) Mentally Ill Criminals in Idaho: Past and Present
- (5) Laws Impacting Child Custody Decisions in Idaho
- (6) Adjudication of Juvenile Felons in Idaho: Automatic Waivers of Adult Court
- (7) Predicting of Dangerousness v. Risk Assessment
- (8) Evolution of Title 66 (Civil Commitment) in Idaho
- (9) The Right to Refuse Treatment in Idaho and Elsewhere
- (10) Sexual Predator Laws
- (11) Therapeutic Jurisprudence
- (12) Death Penalty in Idaho – It's History and Current Status
- (13) Can You Really Detect Malingering?
- (14) What is Psychopathy? Can it be Treated? Can you detect signs of psychopathy in children?
- (15) Reliability/Validity of Polygraphs and Their Admissibility

OR

Consider researching a notorious clinical case and address the following issues:

- (1) Background of the case
- (2) Psycholegal Issue/s involved in the case.
- (3) Ethical Issues in the Case
- (4) Case law associated with the case.
- (5) Idaho State law that would have applied to the case had the case events taken place in Idaho.
- (6) Discussion of the actual case outcomes.

Examples of notorious cases:

David Berkowitz
Andrea Yates
Jeffrey Dahmer
Elizabeth Smart Case
Susan Smith

ALL TOPICS MUST BE APPROVED BY THE INSTRUCTOR!

TENTATIVE CLASS SCHEDULE/RELEVANT CASES

Class	Date	Topic	Chapter(s)
1	8/26	Overview of Clinical Forensics Clinical v. Forensic Practices What is a "PSYCHOLEGAL Issue?" Value Discussion - Domestic Violence - Insanity - Death Penalty - Child Custody	1, 4
2	9/02	Ethical Considerations in Forensic Psychology Expert Testimony: Issues & Constraints <u>Frye v. U.S.</u> , 293 F. 1013 (D. C. Cir. 1923) <u>Daubert v. Merrell Dow</u> , 509 U.S. 579, 113 S. Ct. 2786 (1993) <u>General Electric v. Joiner</u> , 118 S. Ct. 512 (1997) <u>Kumho Tire v. Carmichael</u> , 119 S. Ct. 1167 (1999)	3
3	9/09	The Judicial System: Law v. Psychology Due Process; Constitutional Amendments Finding Case Law GUEST SPEAKER: Mr. John Schroeder, JD	1, 2
4	9/16	<u>Clinical Assessment of Malingering and Deception</u>	5
5	9/23	Competency to Stand Trial: Legal Issues and Psychological Assessment <u>Dusky v. U.S.</u> , 362 U.S. 402, 80 S. Ct. 788 (1960) <u>Jackson v. Indiana</u> , 406 U.S. 715, 92 S. Ct. 1845 (1972) <u>Wilson v. U.S.</u> , 129 U.S. App. D. C. 107, 391 F. 2d 460 (1968) <u>Riggins v. Nevada</u> , 112 S. Ct. 1810 (1992) <u>Godinez v. Moran</u> , 509 U.S. 389, 113 S. Ct. 2680 (1993)	6,4
6	9/30	EXAM 1/PAPER TOPICS DUE	
7	10/7	Other Competencies: Criminal <u>Colorado v. Connelly</u> , 479 U.S. 157, 107 S. Ct. 515 (1986) <u>Frendak v. U.S.</u> , 408 A, 2d 364 (1979) <u>Ford v. Wainwright</u> , 477 U.S. 399, 106 S. Ct. 2595 (1986) Civil <u>Curzan v. Director</u> , Missouri DMH, 497 U.S. 261, 110 S. Ct. 2841 (1990) <u>Super. of Belchertown v. Saikewicz</u> , 373 Mass. 728, 370 N.E. 2d 417 (1977) <u>Guardianship of Richard Roe III, In Re</u> , 383 Mass. 415, 421 N.E. 2d 40 (1981) <u>Rogers v. Commissioner</u> , 390 Mass. 489, 458 N.E. 2d 308 (1983) <u>Rennie v. Klein</u> , 720 F. 2d 266 (3d Cir. 1983)	6

		<u>Washington v. Harper</u> , 494 U.S. 210, 110 S. Ct. 1028 (1990)	
8	10/14	Criminal Responsibility <u>M'Naghten</u> , 8 Eng. Rep. 718, 8 Eng. Rep. 722 (1883) <u>Durham v. U.S.</u> , 94 U.S. App. D. C. 228, 214 F.2d 862 (1954) Insanity Defense Reform Act (1984) <u>Jones v. U.S.</u> , 463 U.S. 354, 103 S. Ct. 3043 (1983) <u>Ake v. Oklahoma</u> , 470 U.S. 68, 105 S. Ct. 1087 (1985)	
9	10/21	Criminal Responsibility, cont. <u>Foucha v. Louisiana</u> , 112 S. Ct. 1780 (1992)	
10	10/28	Juvenile Issues <u>Gault, In Re</u> , 387 U.S. 176, 102 S. Ct. 3034 (1982) <u>Board of Education v. Rowley</u> , 458 U.S. 176, 102 S. Ct. 3034 (1982) <u>Irving Independent School District v. Tatro</u> , 468 U.S. 883, 104 S. Ct. 3371 (1984)	
11	11/4	EXAM 2 Psychopathy	
12	11/11	Sentencing Predicting Dangerousness/Death Penalty <u>Estelle v. Smith</u> , 451 U.S. 454, 101 S. Ct. 1866 (1981) <u>Barefoot v. Estelle</u> , 463 U.S. 880, 103 S. Ct. 3383 (1983) <u>Payne v. Tennessee</u> , 111 S. Ct. 2597 (1991) <u>Hendricks v. Kansas</u> , 117 S. Ct. 2972 (1997) PAPER PRESENTATIONS	9, 10
13	11/18	Civil Commitment <u>Lessard v. Schmidt</u> , 349 F. Supp. 1078 (E.D. Wis.) (1972) <u>Wyatt v. Stickney</u> , 344 F. Supp. 373 (1972) <u>O'Connor v. Donaldson</u> , 442 U.S. 563, 95 S. Ct. 2486 (1975) <u>Parham v. JR and JL</u> , 442 U.S. 584, 99 S. Ct. 2493 (1979) <u>Addington v. Texas</u> , 441 U.S. 418, 99 S. Ct. 1804 (1979) <u>Olmstead v. L.C.</u> PAPER PRESENTATIONS	7
14	11/25	NO CLASS!!!! THANKSGIVING BREAK	
15	12/02	Child Custody <u>Painter v. Bannister</u> , 258 Iowa 1390, 140 N.W. 2d 152 (1966) <u>Santosky v. Kramer</u> , 455 U.S. 210, 110 S. Ct. 1028 (1990) GUEST SPEAKER: Dr. Virginia Allen PAPER PRESENTATIONS	8
16	12/09	Personal Injury/Disability Evaluations <u>Dillon v. Legg</u> , 68 Cal. 2d 728, 441 P.2d 912 (1968) <u>Carter v. General Motors</u> , 361 Mich. 577, 106 N.W. 2d 105 (1960)	11, 12

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17	12/16	FINAL EXAM – 6:00 PM	
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