

HD 233: CHILDREN & THE LAW

Professor S. J. Ceci

Tuesdays 2:00-4:30pm in B45 Warren Hall

Spring 2004

T.A.s

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HD 233 Web Page: <http://instruct1.cit.cornell.edu/courses/hd233/>

Office Hours by Appointment

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This course examines psychological data and theories that shed light on the practical issues that arise when children enter the legal arena. It was originally designed for upper level students and graduate students but we have adapted it for students of all levels. It attempts to integrate theories, research and methodology from several areas of psychology including, developmental, cognitive, social, and clinical, although it is primarily a cognitive development course and fulfils the HD cognitive requirement. So, its primary focus is on cognitive aspects of development (e.g., memory development, language, intelligence) rather than on social or emotional aspects of development. Thus, many interesting and important problems are not within the cognitive purview, such as the emotional consequences of adoption, foster care, pornography, etc.

This course also attempts to examine the degree to which basic research can (and should) be used to solve societal problems. The topic of children and the law provides an opportunity to meet all these objectives. Rapid changes involving child witnesses in our legal system have forced social scientists to bring their work into the courtroom. At the same time, this foray into the legal system has changed the course of research and thinking about certain aspects of child development and cognition; it has encouraged researchers to tackle new issues and to develop innovative experimental paradigms.

Selected topics to be covered in this course include: memory development, suggestibility, theory of mind, childhood amnesia, expectancy formation, and communicative referencing. Several actual cases involving child witnesses will be presented to illustrate the application of scientific data to the courtroom, and several professionals will come to class to describe their role in these cases. Because of the heavy use made of case materials, it is expected that students will devote ample time to this course, to allow for liberal use of video and textual coverage of actual trials.

READING LIST

Required Readings

Ceci, S.J. & Bruck, M. (1995). *Jeopardy in the Courtroom: A Scientific Analysis of Children's Testimony*. American Psychological Association.

HD 233 Course Packet contains 16 required readings.

READING PACKET

Contents of Reading Packet

The Trials and Tribulations of a Novice Expert Witness <i>Maggie Bruck</i>	3
The Tormenting of Hillary <i>C. Clark</i>	23
Videotaped Discovery of a Reportedly Unrecallable Memory of Child Sexual Abuse: Comparison with a Childhood Interview Videotaped Eleven Years Before <i>David Corwin and Erna Olafson</i>	41
Early Understanding and Use of Symbols: The Model Model <i>Judy S. DeLoache</i>	65
Construction of the Psychological Child: The Child and the Law <i>Margaret A. Hagan</i>	71
Satan's Theater <i>Karon Haller</i>	99
On Resolving the Enigma of Infantile Amnesia <i>Mark L. Howe And Mary L. Courage</i>	107
When a Lie Becomes Memory's Truth: Memory Distortion After Exposure to Misinformation. <i>Elizabeth F. Loftus</i>	129
Tell Me Again and Again: Stability and Change in the Repeated Testimonies of Children and Adults <i>Debra Ann Poole And Lawrence T. White</i>	133

Relation of Implicit Theories to the Construction of Personal Histories	151
<i>Michael Ross</i>	
Secret Life	169
<i>Michael Ryan</i>	
Emotional Memories When the Past Persists	187
<i>Daniel L. Schacter</i>	
Lost Daughters	211
<i>Van Til, Reinder</i>	
Kristin	214
Emily	230
Remembering Satan	265
<i>Lawrence Wright</i>	
I Don't Think That's What Really Happened: The Effect of Cross-Examination on the Accuracy of Children's reports	283
<i>Rachel Zajac and Harlene Hayne</i>	
A Decade of International Reform to Accommodate Child Witnesses	293
Steps Toward a Child Witness Code	
<i>John E.B. Myers</i>	

The following 11 required readings are posted on the HD 233 web page as PDFs. You can print your personal copies if you wish, but we did not include them in the packet to keep costs down.

Bruck, M. (1999). A Summary of an Affidavit Prepared for Commonwealth of Massachusetts v. Cheryl Amirault LeFave. *Applied Developmental Science, Vol. 3, No. 2*, 110-127.

Ceci, S. J. & Friedman, R. D. (2000). The suggestibility of children: Scientific research and legal implications. *Cornell Law Review, 86*, 34-108.

Crowe False Confession. *Jane Magazine*

Greenberg, L., Gould, D. J., Gould-Saltman, P.M. Stahl (2003). Is the Child's Therapist Part of the Problem? *Family Law Quarterly, 37*, 39-69.

Loftus, E. F. & Guyer, M. (2002). Who abused Jane Doe? *The Skeptical Inquirer, Pts 1, 2*.

Lyon, Thomas D. (1999). The new wave in children's suggestibility research: a critique, *Cornell Law Review, 84*.

London, K., Bruck, M., Ceci, S. J., & Shuman, D. (2004). Disclosure of child sexual abuse: A review of the contemporary empirical literature. Chapter to appear in A.C. Cederborg, M. E. Lamb, M. Pipe, & Y. Orbach (Eds.) *Delayed, Reluctant, and Nondisclosure of Child Abuse*. Hillsdale, NJ: Erlbaum.

Reid Interviewing Method

Schwartz-Kenney, B.M. and G.S. Goodman. (1999). Children's Memory of a Naturalistic Event Following Misinformation. *Applied Developmental Science, Vol. 3, No. 1, 34-46.*

Steinberg, L. & Scott, E. (2003). Less guilty by reason of adolescence. *American Psychologist, 58, 1-10.*

Tye, M.C., S.L. Amato, C.R. Honts, M.K. Devitt, and D. Peters. (1999). The Willingness of Children to Lie and the Assessment of Credibility in an Ecologically Relevant Laboratory Setting. *Applied Developmental Science, Vol. 3, No. 2, 92-109.*

Videotapes

Bikel, O. (July 21, 1993). Innocence Lost-The Verdict, Pt II. Frontline #1121.

"Prisoner's of Silence" (56 minutes). Frontline #202.

Stossel, J. (Nov. 24, 1993). Out of the Mouthes of Babes. ABC Television, 20/20.

COURSE OUTLINE

Week 1: Tues. 1/27

**Review the course expectations; Historical perspective on child witnesses;
Part I: Memory and suggestibility and the development of source misattributions**

Required Readings

Course Packet: Clark. C.
Jeopardy in the Courtroom chapters 4, 5

Week 2: Tues. 2/3

Part II: Memory and suggestibility and the development of source misattributions

Required Readings

Course Packet: Loftus: The Misinformation Effect; Wright
Jeopardy in the Courtroom chapters 8, 9, 10, 15

Week 3: Tues. 2/10

**Part III: Memory and suggestibility: individual differences; linguistic issues;
social factors (emotional tone, peer pressure); Adult recollections**

Required Readings

Course Packet: Schacter
Jeopardy in the Courtroom chapters 7, 11

Week 4: Tues. 2/17

**Delayed recall of abuse; infantile amnesia
Reaction Paper# 1 due for even week sections; 1st debate for even week sections**

Required Readings

Course Packet: Howe & Courage; Corwin & Olafson; article from web page server by
Loftus & Guyer
Jeopardy in the Courtroom chapter 13

Week 5: Tues. 2/24

**Delayed recall of abuse; Infantile amnesia (cont.); Selected topics on children and
the legal system (competence)
Reaction Paper# 1 due for odd week sections; 1st debate for odd week sections**

Required Readings

Course Packet: Van Til; Poole & White; article from web page server by London et al
Jeopardy in the Courtroom chapter 14

Week 6: Tues. 3/2

**More topics on children & the legal system (adversarial assumptions; Coerced
Confabulation)**

Required Readings

Course Packet: Zajac/Hayne; Myers; articles from web page server by Reid
Interviewing Method; Crowe False Confession; Steinberg & Scott

Jeopardy in the Courtroom chapter 17

Week 7: Tues. 3/9

**More topics on children & the legal system (expert testimony; Bayes theorem)
Reaction Paper#2 Due for odd and even week sections**

Required Readings

*Course Packet: Bruck; Hagen;
Jeopardy in the Courtroom* chapter 18

Week 8: Tues. 3/16

Prelim: Authentic Assessment

Week 9: Tues. 3/23

SPRING BREAK

Week 10: Tues. 3/30

**Challenges and caveats; Ecological validity
No sections this week**

Required Readings

articles from web page server: Lyons; Ceci/Friedman; Schwartz-Kenney/Goodman

Week 11: Tues. 4/6

**Guest lecture by David Battin on Children's competency to testify
No sections this week**

Required Readings

article from web page server by Greenberg et al.

Week 12: Tues. 4/13

**Case analysis, Jerome Frost, esq.
2nd debate for even week sections**

Required Readings

Course Packet: Ryan

Week 13: Tues. 4/20

**Motives to lie; Autobiographical and long-term memory of children;
Scripts, schemas etc.**

2nd debate for odd week sections

Required Readings

Course Packet: Ross; Haller; article from web page server by Tye et al.

Week 14: Tues. 4/27

Children in state care: guest Dr. Michael Nunno; video

Week 15: Tues. 5/4

Jurors' perceptions of child witnesses; Architecture of interviews and interview bias; Symbolic representation: The use of dolls and props; Putting it all together

Required Readings

Course Packet: Deloache; article from web page server by Bruck

The University-scheduled final exam for this course is May 19th at 9:00a.m. It will be comprised of authentic APA Assessment of *Jeopardy in the Courtroom* plus short answer questions.

GRADING

1 Prelim	(30%)
Final Exam	(40%)
1 Debate	(15%)
1 Jury Participation	(5%)
2 Reaction Papers	(10%)