

Course Outline

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| COURSE: | LAWS 4904 A – [Advanced Topics in Legal Studies - Psychology of the Jury] |
| TERM: | Winter 2025 |
| PREREQUISITES: | LAWS 2908 and fourth-year Honours standing |
| CLASS: | Day & Time: Fridays, 2:35pm - 5:35pm Room: Please check Carleton Central for current Class Schedule Modality: In-person |
| INSTRUCTOR: | Erica Chen |
| CONTACT: | Office Hrs: By appointment Email: ericachen@cunet.carleton.ca *You must use your Carleton email address in all correspondence with the instructor. Please include the course code in your subject line. |
| BRIGHTSPACE: | https://brightspace.carleton.ca/d2l/home/285206 |

COURSE DESCRIPTION

This course will explore the intersection of psychology and law within the jury system in Canada and other countries. Topics such as jury selection, emotion, race, and technology will be discussed, in addition to a number of legal and extra-legal influences on jury decision-making. We will discuss various juror biases that can hinder a defendant's right to a fair trial as well as potential remedial measures (e.g., lawyer opening statements, expert testimony, jury education programs).

LEARNING OUTCOMES

- Describe and critically analyze the strengths and limitations of jury systems in Canada and the U.S.;
- Apply psychological principles to the study of juries;
- Assess the strengths and limitations of psycholegal jury research;

- Verbally engage in thoughtful discussions with your colleagues about the above; and
- Express an evidence-based opinion about an area of jury decision-making in the form of a formal, written essay.

REQUIRED TEXTS

Students are not required to purchase textbooks or other learning materials for this course. A reading list will be made available on Brightspace. These readings will include book chapters, journal articles, and cases, and are all available online.

This is an upper-level course, which will be reflected in the reading assignments. On average, students will be expected to read 30-50 pages of material for each class period. Some of the reading assignments will be dense, and many will be research articles. Students are expected to read all of the assignments for every class, and to come prepared to participate in class discussion.

EVALUATION

| ASSIGNMENT | VALUE | DUE DATE |
|---------------------------------|--------------|---|
| Discussion: | | |
| Participant (8 @ 2% each) | 16% | Ongoing |
| Discussion leader | 14% | Sign up on first day of class |
| Reflection papers: | | |
| Reading responses (5 @ 2% each) | 10% | Thursday morning before each corresponding class, 9am |
| Discussant leader paper | 10% | Thursday morning before each corresponding class, 9am |
| Term paper: | | |
| Paper outline | 10% | February 14 th , 11:59pm |
| Rough draft of term paper | 15% | March 4 th , 11:59pm |
| Term paper | 25% | March 25, 11:59pm |

All components must be successfully completed in order to obtain a passing grade.

ASSIGNMENTS

Weekly Coursework

In-Class Discussion – Participant: Much of the learning that will take place in this seminar class will come from sharing your thoughts and listening to the perspectives of your colleagues. You are expected to attend and meaningfully participate in class sessions. Meaningful participation means that you have read and thought about all of the assigned readings prior to class. It also means that, during class, you actively engage the material by drawing connections, generating ideas, and discussing relevant issues. Each week, participation is graded on a scale from 0 to 2, based on what you demonstrate. A full list of criteria can be found on Brightspace.

There are 9 classes in which you can earn up to 2%, and the total discussion grade is worth 16%. This provides you with one “freebie” – one of these classes will not count towards your final grade. Therefore, you can miss one classes without affecting your discussion grade, or if you attend all classes, your lowest discussion grades will automatically be dropped.

Reflection papers - You will write 5 critical responses to the weekly assigned readings throughout the semester. You may choose whichever weeks (for which there are assigned readings) that you would like for these responses **except for the week that you are discussion leader**.

The response must be submitted on the Thursday morning **BEFORE** the class in which we will cover that topic, by 9:00 a.m. Each set of critical responses should have 3 components:

1. Major ideas: Briefly state the three most important things you learned from the readings. Try not to simply summarize the readings, but instead integrate the important ideas across the material (i.e., synthesize by referencing each reading and how that reading reflects the main idea in question).
2. Things to clarify: Indicate anything you didn't understand in the readings.
3. Questions to discuss: Write 2-3 thoughtful discussion questions related to the readings or the content area (not things you didn't understand).

If you would like, you can submit up to 6 critical responses – the top 5 grades for these responses will count towards your grade for this component (i.e., if you submit 6 critical responses, your lowest grade will be dropped). Because there is flexibility in terms of which critical responses you can complete, late critical responses will **not** be accepted.

In-Class Discussion – Discussion Leader: In groups of 2, you will sign up to serve as discussion leaders for one journal article (worth 14% of your final grade). Discussion leaders are expected to work together to take on a leadership role and present the journal article, pose thoughtful questions to the class, and facilitate discussion amongst your colleagues. You should show respect to others' contributions, listen attentively, offer constructive feedback, connect ideas from your colleagues, and avoid monopolizing the discussion. Registration for discussion leaders will take place on the first day of class.

Discussion Leader Paper -- In preparation for leading discussion, each group must submit one collective reflection paper prior to their assigned seminar meeting. The response must be

submitted on the Thursday morning **BEFORE** the class in which we will cover that topic, by 9:00 a.m. This paper should be a roughly one-page, single-spaced reflection. Each paper should have 3 components:

1. Concise description of the assigned text: This will include a brief overview of the literature review, research questions, method, results, discussion, and limitations.
2. Indicate the major theme of the topic,
3. Pose 6-7 thoughtful discussion questions.

Semester Coursework

Final term paper - The purpose of the final term paper is to independently engage in critical thinking about a specific area of jury psychology. You will write a position paper on a question regarding jury decision-making (a list is provided in the detailed instructions on Brightspace, but you are welcome to choose another question – please consult with me if you wish to do this). The final paper should be between 12 and 15 pages long (not including references or the title page), citing at least 12 articles from peer-reviewed academic journals.

In this paper you will:

- Briefly describe the legal landscape for this question, including relevant legislation and caselaw;
- Review the relevant empirical literature on the topic, including the research supporting your position and the research refuting your position, indicating the best arguments on both sides and the limitations of each; and
- Express an evidence-based opinion to make a policy recommendation.

To facilitate the development of this term paper, you will submit:

1. A paper outline – The purpose of this outline is to use generative artificial intelligence to develop an outline of your final term paper using the list of required headings posted on Brightspace. This outline should be between 5 to 7 pages long, not including references or the title page.

In this paper you will:

- List the specific prompts you used to generate each section of your paper (with the exception of the evidence-based opinion to form a policy recommendation);
- Copy and paste the output from the program into your paper;
- Conduct a preliminary literature review of your topic to correct or expand upon the output from generative artificial intelligence by identifying at least 6 peer-reviewed, academic journals for the empirical literature review section; and
- Express how you plan on integrating specific peer-reviewed, scholarly articles to further build upon each section.

2. A draft of the term paper – The purpose of this draft term paper is to submit an early version

of your term paper using your paper outline and the feedback that I will provide, and, subsequently, receive detailed feedback for your final term paper. This draft should be between 10 and 12 pages long (not including references or the title page), and you need to include at least 10 articles from peer-reviewed academic journals in your paper.

Much like the final term paper, in this paper you will:

- Briefly describe the legal landscape for this question, including relevant legislation and caselaw;
- Review the relevant empirical literature on the topic, including the research supporting your position and the research refuting your position, indicating the best arguments on both sides and the limitations of each; and
- Express an evidence-based opinion to make a policy recommendation.

Detailed instructions, templates, and a rubric for each of these assignments are available on Brightspace. Please use APA style and citation (these will be discussed in our writing workshop, and sample materials/checklists will be available on Brightspace).

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

As stated above, late critical responses will not be accepted as you have flexibility to determine which ones you will submit.

Late outlines, rough drafts of the term papers, and the final term papers will be penalized 10% per day that the assignment is late, including weekends (i.e., each day of the weekend counts as a full day). Please note that if an assignment is submitted at 9:01 AM, it will be considered late. If the assignment is more than three days late, it will automatically receive a grade of 0%. If you require an extension, please consult with me **before** the assignment is due.

The granting of extensions is determined by the instructor, who will confirm whether an extension is granted and the length of the extension. For requests for short-term extensions, please complete the form at the following link and submit it to the instructor **prior to the assignment due date**: <https://carleton.ca/registrar/academic-consideration-coursework-form/>.

Final exam deferrals must be applied for at the Registrar's Office. Please view the following link for more information and how to apply for a deferral: <https://carleton.ca/registrar/deferral/>

For more information regarding academic consideration for short-term incapacitation (illness, injury, or extraordinary circumstances beyond a student's control), please visit the following link: <https://students.carleton.ca/course-outline/#academic-consideration-for-short-term-incapacitation>

Final Grade Approval

Standing in a course is determined by the course instructor subject to the approval of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision.

No grades are final until they have been approved by the Dean.

SCHEDULE

Please keep up with the assigned readings – they will help you to better understand the lecture material, participate in class discussion, complete your critical responses, and develop your term paper. If you miss a class, you will be ineligible for discussion participation points for that day (although see above for discussion of one “freebie”), so it is in your best interests to attend class and keep up with your reading.

| Date | Topic | Readings |
|--------------------------|---|--|
| January 10 th | Syllabus/ Course Overview/ Introduction to Psychology of the Jury | None |
| January 17 th | Workshops: Discussion Facilitation & How to read psychological articles | None |
| January 24 th | Pre-Trial Publicity & Attitudes | <p>Hoetger, L. A., Devine, D. J., Brank, E. M., Drew, R. M., Rees, R., & McAuliff, B. D. (2022). The Impact of Pretrial Publicity on Mock Juror and Jury Verdicts: A Meta-Analysis. <i>Law and Human Behavior</i>, 46(2), 121–139. https://doi.org/10.1037/lhb0000473</p> <p>Ewanation, L., Maeder, E. M., & Yamamoto, S. (2022). Mock Juror Decision-Making in a Self-Defence Trial Involving Police Use of Force. <i>Canadian Journal of Behavioural Science</i>, 54(1), 19–27. https://doi.org/10.1037/cbs0000270</p> |
| January 31 st | Jury Selection + Writing Workshop | <p><i>R. v. Kokopenance</i> (2015) (Note: you cannot sign up as a discussion leader for this reading)</p> <p>Schuller, R. A., Kazoleas, V., Kawakami, K., & Cutler, B. (2009). The Impact of Prejudice Screening Procedures on Racial Bias in the Courtroom. <i>Law and Human Behavior</i>, 33(4), 320–328. https://doi.org/10.1007/s10979-008-9153-9</p> |
| February 7 th | Witnesses and Evidence | <p>Koehler, J. J., Schweitzer, N. J., Saks, M. J., McQuiston, D. E., & Lamb, M. E. (2016). Science, Technology, or the Expert Witness: What Influences Jurors’ Judgments About Forensic Science Testimony? <i>Psychology, Public Policy, and Law</i>, 22(4), 401–413. https://doi.org/10.1037/law0000103</p> <p>Maeder, E. M., & Ewanation, L. (2018). What makes race salient: juror decision-making in same-race versus cross-race identification scenarios and the influence of expert testimony. <i>Criminal Justice and Behavior</i>, 45(8), 1234-1251.</p> |

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| February 14 th | Extra-legal Factors: Race & Culture | <p>Shaw, E. V., Lynch, M., Laguna, S., Frenda, S. J., & McAuliff, B. D. (2021). Race, Witness Credibility, and Jury Deliberation in a Simulated Drug Trafficking Trial. <i>Law and Human Behavior</i>, 45(3), 215–228. https://doi.org/10.1037/lhb0000449</p> <p>Maeder, E. M., & Yamamoto, S. (2015). Culture in the Courtroom: Ethnocentrism and Juror Decision-Making. <i>PLoS one</i>, 10(9), 1-15. https://doi.org/10.1371/journal.pone.0137799</p> |
| February 21 st | Reading Week – No classes! | |
| February 28 th | Extra-legal Factors: Gender & Religion | <p>Salerno, J. M., Phalen, H. J., Reyes, R. N., Schweitzer, N. J., McAuliff, B. D., & Kovera, M. B. (2018). Closing With Emotion: The Differential Impact of Male Versus Female Attorneys Expressing Anger in Court. <i>Law and Human Behavior</i>, 42(4), 385–401. https://doi.org/10.1037/lhb0000292</p> <p>Miller, M. K., Clark, J. D., & Alvarez, M. J. (2020). Exploring the boundaries of societally acceptable bias expression toward Muslim and atheist defendants in four mock-juror experiments. <i>The Social Science Journal</i>, 59(3), 439–474. https://doi.org/10.1016/j.soscij.2019.09.004</p> |
| March 7 th | Insanity Defence & Capital Trials | <p>Eberhardt, J. L., Davies, P. G., Purdie-Vaughns, V. J., & Johnson, S. L. (2006). Looking Deathworthy: Perceived Stereotypicality of Black Defendants Predicts Capital-Sentencing Outcomes. <i>Psychological Science</i>, 17(5), 383–386. https://doi.org/10.1111/j.1467-9280.2006.01716.x</p> <p>Yamamoto, S., Maeder, E. M., & Fenwick, K. L. (2017). Criminal Responsibility in Canada: Mental Disorder Stigma Education and the Insanity Defense. <i>International Journal of Forensic Mental Health</i>, 16(4), 313–335. https://doi.org/10.1080/14999013.2017.1391357</p> |
| March 14 th | Punishment and Nullification | <p>Peter-Hagene, L. C., & Bottoms, B. L. (2017). Attitudes, anger, and nullification instructions influence jurors' verdicts in euthanasia cases. <i>Psychology, Crime & Law</i>, 23(10), 983–1009. https://doi.org/10.1080/1068316X.2017.1351967</p> <p>Yamamoto, S., & Maeder, E. M. (2019). Creating the punishment orientation questionnaire: An item response theory approach. <i>Personality and Social Psychology Bulletin</i>, 45(8), 1283-1294. https://doi.org/10.1177/0146167218818485</p> |
| March 21 st | Jury Instructions | <p>Bertrand, M. I., & Jochelson, R. (2018). Mock-Jurors' Self-Reported Understanding of Canadian Judicial Instructions (is not very good). <i>Criminal Law Quarterly</i>, 66(1/2), 136-160.</p> <p>Franks, S. (2022). REVISITING JURY INSTRUCTIONS ON RACIAL PREJUDICE</p> |

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| | | TOWARDS INDIGENOUS PEOPLES IN CANADIAN CRIMINAL TRIALS. <i>Canadian Bar Review</i> , 100(3), 406-. |
| March 28 th | Jury Deliberation | Lynch, M., & Haney, C. (2015). Emotion, Authority, and Death: (Raced) Negotiations in Mock Capital Jury Deliberations. <i>Law & Social Inquiry</i> , 40(2), 377–405. https://doi.org/10.1111/lsi.12099 Yamamoto, S., & Maeder, E. M. (2021). What's in the box? Punishment and insanity in the Canadian jury deliberation room. <i>Frontiers in Psychology</i> , 12, 1-15. https://doi.org/10.3389/fpsyg.2021.689128 |
| April 4 th | Methodological Issues in Jury Research | Bornstein, B. H., Golding, J. M., Neuschatz, J., Kimbrough, C., Reed, K., Magyarics, C., & Luecht, K. (2017). Mock juror sampling issues in jury simulation research: A meta-analysis. <i>Law and human behavior</i> , 41(1), 13–28. https://doi.org/10.1037/lhb0000223 Maeder, E. M., Yamamoto, S., & Ewanation, L. (2023). Quality-checking the new normal: trial modality in online jury decision-making research. <i>Journal of Experimental Criminology</i> , 20(4), 1079–1098. https://doi.org/10.1007/s11292-023-09570-0 |

POLICY ON PERMISSIBILITY OF SUBMITTING SAME WORK MORE THAN ONCE, PERMISSIBILITY OF GROUP OR COLLABORATIVE WORK, AND PERMISSIBILITY OF USING GENERATIVE AI

Students are allowed to re-use a portion of their own work from previous assignments or courses, provided they acquire necessary approvals from the instructor and acknowledge and properly cite the portions that were previously submitted. For instance, if a student has already written a paper on a similar topic, they may incorporate findings or arguments from that earlier work but must indicate where these come from. Students should seek approval from the instructor if they are unsure whether their submission meets the criteria. Submitting work without clear acknowledgment of reused material will be considered a violation of academic integrity.

Collaboration is permitted in specific instances where the instructor allows it. For example, group projects or collaborative assignments may be part of the course, in which case students are encouraged to work together and divide the tasks evenly. In all other cases (such as individual assignments), students must complete their work independently.

Students may use AI tools like ChatGPT, but only in specific, limited ways. AI tools can be used to assist with tasks such as gathering ideas, researching initial sources, or proofreading a final draft for grammar and style. However, students are not allowed to use AI to organize or communicate their core ideas. The focus of the course is on developing original thought and critical thinking skills, so AI should not be relied upon for creating the main content of an

assignment. Any use of AI must be clearly documented and cited, including the prompts used and how the tool assisted in the process.

| Winter 2025 Sessional Dates and University Closures | |
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| <i>Please find a full list of important academic dates on the calendar website:</i> https://calendar.carleton.ca/academicyear/ | |
| January 6, 2025 | Winter term begins. |
| January 17, 2025 | Last day for registration and course changes (including auditing) in winter courses. |
| January 31, 2025 | Last day to withdraw from full winter courses and the winter portion of fall/winter courses with a full fee adjustment. |
| February 17-21, 2025 | Winter break, no classes. |
| March 15, 2025 | Last day for academic withdrawal from winter courses. |
| March 25, 2025 | Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in winter term or fall/winter undergraduate courses, before the official April final examination period. |
| April 8, 2025 | Winter term ends. |
| | Last day of winter and fall/winter classes. |
| | Last day for final take-home examinations to be assigned. |
| April 9-10, 2025 | No classes or examinations take place. |
| April 11-26, 2025 | Final examinations in winter and fall/winter courses will be held. |
| April 18, 2025 | Statutory holiday. University closed. |
| April 26, 2025 | All final take-home examinations are due on this day, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar. |
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UNIVERSITY AND DEPARTMENTAL POLICIES

PLAGIARISM

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.*” This includes reproducing or paraphrasing portions of someone else’s published or unpublished material, regardless of the source, and presenting these as one’s own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another’s data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one’s own; and
- failing to acknowledge sources through the use of proper citations when using another’s work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course’s instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of “F” for the course.

STATEMENT ON STUDENT MENTAL HEALTH

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you. For more information, please consult <https://wellness.carleton.ca/>

Emergency Resources (on and off campus):

- <https://wellness.carleton.ca/get-help-now/>

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

ACADEMIC ACCOMMODATIONS

Carleton is committed to providing academic accessibility for all individuals. You may need special arrangements to meet your academic obligations during the term. The accommodation request processes, including information about the Academic Consideration Policy for Students in Medical and Other Extenuating Circumstances, are outlined on the Academic Accommodations website (students.carleton.ca/course-outline).

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows.

Pregnancy Obligation and Family-Status Related Accommodations

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details about the accommodation policy, visit the [Equity and Inclusive Communities \(EIC\)](#) website.

Religious Obligation

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>.

Academic Accommodations for Students with Disabilities

The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation.

You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/equity/sexual-assault-support-services>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.

Academic Consideration for Medical and Other Extenuating Circumstances

Due to medical and other extenuating circumstances, students may occasionally be unable to fulfill the academic requirements of their course(s) in a timely manner. The University supports the academic development of students and aims to provide a fair environment for students to succeed academically. Medical and/or other extenuating circumstances are circumstances that are beyond a student's control, have a significant impact on the student's capacity to meet their academic obligations, and could not have reasonably been prevented.

Students must contact the instructor(s) as soon as possible, and normally no later than 24 hours after the submission deadline for course deliverables. If not satisfied with the instructor's decision, students can conduct an "informal appeal" to the Chair of the department within three (3) working days of an instructor's decision. We have created a webform specifically for appeals to the Chair, which can be found here: <https://carleton.ca/law/application-for-review-of-refusal-to-provide-academic-consideration/>. *Note: This form only applies to LAWS courses and is not the same as a formal appeal of grade.* More information about the academic consideration can be found [here](#).

