

COURSE: LAWS 4904B – Advanced Legal Topics: Psychology of the Jury

TERM: Winter 2024

PREREQUISITES: LAWS 2908 and fourth-year Honours standing

CLASS: Day &
Time: Thursdays 11:35 – 14:25
Room: Please check Carleton Central for room assignment

INSTRUCTOR: Dr. Evelyn Maeder

CONTACT: Office Hrs: *By appointment*
Email: evelyn.maeder@carleton.ca

*You must use your Carleton email address in all correspondence with the instructor. Please include the course code in your subject line.

ACKNOWLEDGEMENT & AFFIRMATION

ANISHNABE

Ni manàdjiyànàniḡ Màmìwìwinìni Anishinàbeg, ogog kà nàgadawàbandadjìḡ iyo akì eko weshkad. Ako nongom ega wikàd kì mìḡiwewàdj.
Ni manàdjiyànàniḡ kakìna Anishinàbeg ondaje kaye ogog kakìna eniyagìzìdjìḡ enìḡokamìḡàḡ Kanadàḡ eḡì ondàpìḡangìḡ endàwàdjìḡ Odàwàḡḡ.
Nìnisìdawìḡnawàḡnàniḡ kenawendamòdjìḡ kìḡe kìkenìḡndamàwìḡ; weshkìḡnìḡìdjìḡ kaye kejeyàdìzìdjìḡ. Nìḡìḡjewenìḡmànàniḡ ogog kà nìḡàḡnì sòḡḡìḡdeyedjìḡ; weshkad, nongom; kaye àyàḡnìkàdjìḡ.

ENGLISH

We pay respect to the Algonquin people, who are the traditional guardians of this land. We acknowledge their longstanding relationship with this territory, which remains unceded.
We pay respect to all Indigenous people in this region, from all nations across Canada, who call Ottawa home.
We acknowledge the traditional knowledge keepers, both young and old.
And we honour their courageous leaders: past, present, and future.

COURSE DESCRIPTION

This course will explore the intersection of psychology and law within the jury system in Canada and other countries. Jury selection, deliberation, and instructions will be discussed, in addition to a number of legal and extra-legal influences on jury decision-making.

LEARNING OUTCOMES

By the end of this course, you will be able to:

- 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;
- Express an evidence-based opinion about an area of jury decision-making and make a policy recommendation; and
- Integrate and apply the information you have learned in class to a real jury trial, from selection to deliberation.

REQUIRED TEXTS

There is no textbook for this class. 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

Standing in a course is determined by the course instructor, subject to the approval of the Department and 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 Department and the Dean.

Your grade in this class will be determined through weekly discussion, critical reading responses, a paper outline, a term paper, and a video response.

ASSIGNMENT	VALUE	DUE DATE
In-Class Discussion	20%	throughout
Reading Responses	15%	various
Paper Outline	5%	February 14
Term Paper	40%	March 27
Video Response	20%	April 4

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

ASSIGNMENTS

Weekly Coursework

In-Class Discussion: Discussion is the essence of a seminar class. Much of the learning that will take place in this class will come from sharing your thoughts and listening to the thoughts of your colleagues. In addition, discussion enables you to ask questions about anything that is confusing you. You, therefore, 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 posing questions, drawing connections, generating ideas, and discussing relevant issues.

Your discussion grade for this class is worth 20% of your final grade. Each week, participation is graded on a scale from 0 through 2, using the criteria in the table below. The criteria focus on what you demonstrate and do not presume to guess at what you know but do not demonstrate.

Grade	Participation Criteria
0	<ul style="list-style-type: none"> ○ Absent
0.5	<ul style="list-style-type: none"> ○ Present and not disruptive
1	<ul style="list-style-type: none"> ○ Largely reiterates previous discussion points ○ Does not reflect understanding of the readings ○ Offers very infrequent involvement, or conversely, monopolizes discussion such that others are not able to contribute
1.5	<ul style="list-style-type: none"> ○ Demonstrates understanding of the reading material, but is not able to relate it to the larger picture (i.e., can summarize but not contextualize the work)

	<ul style="list-style-type: none"> ○ Demonstrates ability to relate reading material to lecture material ○ Demonstrates ongoing attention and engagement
2	<ul style="list-style-type: none"> ○ Demonstrates understanding of the reading material and is able to contextualize it more broadly (e.g., discuss implications not explicitly stated in the work) ○ Demonstrates ability to synthesize reading material and other material (e.g., information from prior class discussions or lectures, other readings, information learned in other courses) ○ Facilitates group discussion by responding to others' comments, posing questions, and engaging with the material

There are 11 classes in which you can earn up to 2%, and the total discussion grade is worth 20%. This provides you with one “freebie” – one of these classes will not count towards your final grade. Therefore, you can miss one class without affecting your discussion grade, or if you attend all classes, your lowest discussion grade will automatically be dropped.

Critical Responses: 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. The response must be submitted on the Wednesday 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. Focus on the important principles, not the small details. Try not to simply summarize the readings, but instead integrate the important ideas across the material (i.e., synthesize the readings). Thus, for each point, there should be reference to 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*).

Discussion notes will be graded on a 3-point scale. You will earn 3 points if you fully integrate across the readings and demonstrate that you have read and thought about the material. You will earn 2 points if you demonstrate that you have read the material, but have only summarized the works (i.e., lack of integration/synthesis). You will earn 1 point if you do not adequately demonstrate that you have read the material, or do not put thought into the discussion notes.

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.

Semester Assignments

Video Response: In class, we will watch a videotaped jury trial, complete from jury selection to deliberations. You will be asked to reflect on the video in light of material you have learned in the classroom and from the course readings. More detail about this assignment will be provided closer to the presentation of the video.

Final Paper: The purpose of this assignment is to 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). 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 and a rubric for this assignment are available on Brightspace.

The final paper should be between 12 and 15 pages long, not including references or the title page. 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 term papers will be docked 10% per day that the assignment is late, including weekends (i.e., each day of the weekend counts as a full day). 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 extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/wp-content/uploads/self->

[declaration.pdf](#). **Extensions for longer than 7 days will normally not be granted.** In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

SCHEDULE

Please keep up with the assigned readings – they will help you to better understand the lecture material, participate in class discussion, and complete your critical responses. 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.

The following is a tentative schedule of this class. Please note that it is likely that we may veer off course at times. Should this occur, I will be sure to inform you of the materials that you will need to read before class.

Date	Topic	Reading Assignment
January 11	Syllabus / Course Overview / Introduction to Psychology of the Jury	None
January 18	Pre-Trial Publicity / Attitudes	Hoetger et al. (2022) Ewanation et al. (2022)
January 25	Jury Selection	<i>R. v. Kokopenace</i> (2015) Schuller et al. (2009)
February 1	Witnesses and Evidence / Writing Workshop	Koehler et al. (2016) Maeder & Ewanation (2018)
February 8	Extralegal Factors: Race & Culture	Shaw et al. (2021) Maeder & Yamamoto (2015)
February 15	Extralegal Factors: Gender & Religion	Salerno et al. (2018) Miller et al. (2020)
February 22	No Class – Reading Week	
February 29	Insanity Defence & Capital Trials	Eberhardt et al. (2006) Yamamoto et al. (2017)
March 7	Punishment and Nullification	Peter-Hagene & Bottoms (2017) Yamamoto & Maeder (2019)
March 14	Jury Instructions	Franks (2022) Bertrand & Jochelson (2018)

March 21	Jury Deliberation	Lynch & Haney (2014) Yamamoto & Maeder (2021)
March 28	ABC In the Jury Room	None
April 4	Methodological Issues in Jury Research	Bornstein et al. (2017) Bornstein (2017)

University and Departmental Policies

DEPARTMENT POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

INTELLECTUAL PROPERTY

Classroom teaching and learning activities, including lectures, discussions, presentations, etc., by both instructors and students, are copy-protected and remain the intellectual property of their respective author(s). All course materials, including PowerPoint presentations, outlines, and other materials, are also protected by copyright and remain the intellectual property of their respective author(s).

Students registered in the course may take notes and make copies of course materials for their own educational use only. Students are not permitted to reproduce or distribute lecture notes and course materials publicly for commercial or non-commercial purposes without express written consent from the copyright holder(s).

ACADEMIC INTEGRITY

1. 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 quotation 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.

2. Co-operation or Collaboration

Students shall not co-operate or collaborate on academic work when the instructor has indicated that the work is to be completed on an individual basis. This includes unauthorized use of generative artificial intelligence (AI) tools. Failure to follow the instructor's directions in this regard is a violation of the standards of academic integrity. Unless otherwise indicated, students shall not co-operate or collaborate in the completion of a test or examination. Students are responsible for being aware of and demonstrating behaviour that is honest and ethical in their academic work (see www.carleton.ca/registrar). Instructors at both the graduate and undergraduate level have the responsibility to provide clear guidelines concerning their specific expectations of academic integrity (e.g. rules of collaboration or citation) on all course outlines, assignment and examination material.

More information on the University's Academic Integrity Policy can be found at:
<https://carleton.ca/registrar/academic-integrity/>.

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. Here is a list that may be helpful:

Emergency Resources (on and off campus): <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

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/>
- Empower Me: 1-844-741-6389, <https://students.carleton.ca/services/empower-me-counselling-services/>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

ACADEMIC ACCOMMODATIONS

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

Pregnancy 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 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/>.