

# LAW AND THE MIND

JURI 5631 | Fall 2024

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Thursdays | 10:00 – 11:50 AM | Room E

## COURSE DESCRIPTION AND OBJECTIVES

Welcome to Law and the Mind! In this course, we will confront cutting edge questions about how our cognitive functioning shapes and biases how the law works, and how the law ought to be structured based on what we learn from brain sciences. Can a brain scan tell whether someone is lying, and should that type of evidence be admitted at trial? Does a criminal defendant's history of mental illness impact how a judge decides to sentence? Does a plaintiff's high damage request cause a jury to give a greater award? Do adolescents' developing brains mean they have reduced criminal culpability? We'll work through these questions and many more in our adventure together.

At the end of this class, you should (1) have a working understanding of the basic interactions between, psychology, neuroscience, and the law; (2) be able to read and understand academic literature relating to psychology and neuroscience, including statistical descriptions, and apply them to legal situations; and (3) understand the competing policy concerns, biases, and practical pressures that drive the development of the law and science.

## COURSE MATERIALS

There is no casebook for this class. Our readings will come from a variety of sources: some academic articles, some cases, and some more general sources, like news stories or other popular media. All of the readings will be provided in PDF format via eLC. Each week after class, I will post the following week's reading assignment based on our progress.

## CONTACT INFORMATION AND OFFICE HOURS

My email address is [john.meixner@uga.edu](mailto:john.meixner@uga.edu), and I encourage you to use it regularly, for questions both large and small. I will generally linger after class, and if you have a short question, you can ask right then. If you'd like to meet at any other time, feel free to schedule a meeting with me using the calendar [here](#).

## CLASS PARTICIPATION AND INTERACTION

**General format.** Our class will be light on lecture and heavy on discussion. Some of our discussions will be relatively traditional: we'll discuss a topic or experiment,

working through the challenges and confusion together. Other time it'll be different—for example, sometimes we might have mock debates about various policy positions or case outcomes; other times you'll serve as mock participants recreating famous psychological effects related to law. In all of these formats, my goal is to foster an environment where we treat each other with respect and always feel comfortable expressing differing views in good faith.

**Polling.** We will sometimes use the PollEverywhere system during class so that we can collectively work through problems together. You will be able to access this system via either a laptop or phone/tablet. I will provide instructions on how to do that in class. Your polling responses will not be part of your grade, but I strongly encourage you to give it your best effort.

**Respecting each other.** This class will only be helpful to you if we're able to build a robust, welcoming, and open dialogue with each other. There are a few principles that are critical to doing that. First, all of your voices are important, and a diverse array of perspectives will help us all learn. Second, our class will be a place of respectful engagement. You may sometimes find that you disagree with another student on a particular topic. I ask that you presume good faith in each others' arguments and treat each other with unwavering respect.

**Writing Assignments.** In addition to our regular reading assignments, you will also have short, weekly writing assignments. Each week, you must prepare a one or two paragraph reaction to the reading assignment for the week, and submit it by eLC by 5 PM the evening before class. I will provide additional details about these assignments in class, but in each writing, you will (1) describe what you learned and found useful (or not useful) about the week's readings, and (2) provide at least three questions you had from the readings or topics that you'd like to learn about that you developed from the readings. None of these writings will be graded, but you must complete them and turn them in on time for participation credit, and I will consider your effort in completing them as part of your participation grade.

**Final Paper.** In addition to your weekly writing assignments, you will also prepare a final paper that satisfies UGA Law's capstone writing requirement. You will receive additional details about the paper during the course, but it must take and defend a position related to some topic in law & psychology, law & neuroscience, or a related field. The topic need not be one we have covered in this course. Potential topics might, for example, argue for a change in procedural rules to account for a psychological bias, or identify a legal problem based on a scientific literature you've reviewed. The paper must be between 7,000 and 12,000 words (including footnotes) and formatted in Bluebook style. You must submit a two-paragraph proposal of your paper by October 6, a first draft by November 3, and a final draft by December 13 (see schedule below).

**Pronouns and addressing each other.** I use he/him pronouns and happily respond to “Professor Meixner” or “Dr. Meixner.” (For the reason why I prefer you don’t use my first name, see [this thoughtful piece](#)). At the start of the semester, I will ask you to email me some basic information, including your pronoun preferences and the correct pronunciation of your name. In class, I will expect us all to make a good faith effort to respect each other’s publicly stated preferences, while acknowledging that it is not always easy to shift to unfamiliar grammatical norms.

**Technology.** You may use laptops or other devices in class for class-related purposes only. Class recording by students is not permitted without express authorization.

**Artificial Intelligence & ChatGPT.** Learning how to use of artificial intelligence tools, like ChatGPT, to assist in your thinking will be an important part of your legal career. Thus, I encourage you to actively use ChatGPT or other online AI tools as aids in your learning. If you have a question as you are doing the reading, for example, ChatGPT can sometimes be a useful aid in getting to the answer. Likewise, ChatGPT can point you in the right direction of helpful resources or even topic ideas as you are drafting your paper. You may not, however, use ChatGPT to assist you in drafting any written work product in this class, including your weekly writing assignments and your final paper.

### **ATTENDANCE**

Attendance is mandatory, and critical to your learning. This is a discussion-based class, and you will not get much out of it if you’re not around for the discussions. I also rely on a variety of diverse perspectives in generating interesting and helpful dialogue, so when you miss class, you’re harming your fellow students’ learning as well. Please do your best to be in class and prepared.

The class will follow [the Law School’s attendance policy](#). You are permitted two absences during the course of the semester. If at any time you think you will need to miss more than two classes, please notify me in advance by email, explain the situation, and request that the absence be excused. I will handle such requests on a case-by-case basis, doing my best to balance your wellbeing with reasonable academic expectations.

### **CLASS WEBPAGE**

I will use [our course’s eLearning Commons \(eLC\) page](#) to communicate information about upcoming classes, as well as distribute course materials. If we used PowerPoint slides or other materials in a given day’s class, I will generally post them to the eLC page later that afternoon. Please make sure you check the page

regularly, and check your eLC notifications to ensure that you are receiving updates for the course.

### **GRADING & FINAL EXAM**

Your grade will be based on a combination of your in-class participation (40% of total grade), a final paper (50%) and an in-class presentation of your final paper (10%). All grading will be consistent with the [policies outlined in the student handbook](#). For a detailed description of how these grades will be determined, see the grading rubrics below.

### **LAW SCHOOL HONOR CODE AND UGA'S ACADEMIC HONESTY POLICY**

All work done in this course is subject to the [University of Georgia Law School Honor Code and Plagiarism Policy](#), and the University of Georgia Academic Honesty Policy, and the University of Georgia Non-Discrimination and Anti-Harassment Policy.

### **MENTAL HEALTH AND WELLNESS RESOURCES**

**It is totally normal to seek out and use mental health services and related resources.** If you or someone you know needs assistance, you are encouraged to contact [Chantelle Tickles](#), the law school Director of Student Affairs. You may also contact Student Care and Outreach in the Division of Student Affairs at 706-542-7774 or visit <https://sco.uga.edu>. They will help you navigate any difficult circumstances you may be facing by connecting you with the appropriate resources or services.

The law school has [a web page highlighting numerous health and wellness resources](#), including several resources specific to law students or the legal profession. UGA also has several resources for a student seeking mental health services. If you need help managing stress, anxiety, relationships, etc., please visit [BeWellUGA](#) for a list of free workshops, classes, mentoring, and health coaching led by licensed clinicians and health educators in the University Health Center. Additional resources can be accessed through the UGA App.

### **ADA ACCOMMODATIONS**

Students requiring accommodations under the Americans with Disabilities Act should contact [Chantelle Tickles](#), the Law School Director of Student Affairs, who will ensure that the request is properly documented and that I receive instructions about your accommodation consistent with University policy.

## SCHEDULE

The schedule below is ***tentative***, and we may skip topics or add additional ones as time allows. Each week after class, I will post the following week's reading assignment based on our progress. You should complete all assigned readings before class and be prepared to discuss them.

	Date	Unit	Topic
1	Thu Aug 22	Introduction	Introduction; basic foundations of law & science; statistics; research methods
2	Thu Aug 29	Law & Psychology	Cognitive biases I (anchoring; endowment effect; framing effects; fundamental attribution error)
3	Thu Sep 5		Cognitive biases II (hindsight; availability heuristic; exponential growth bias)
4	Thu Sep 12		Criminal law issues I (forensic science; statistics; sentencing disparities)
5	Thu Sep 19		Criminal law issues II (police investigations, interrogations, & confessions; eyewitnesses; crime control)
6	Thu Sep 26		Evidence & trial issues; paper topic workshopping
7	Thu Oct 3		Jury & judicial decisionmaking
OCTOBER 6: Paper topic due at 11:59 PM			
8	Thu Oct 10	Law & Neuroscience	Foundations of neuroscience & law
9	Thu Oct 17		Brain development, adolescence, & criminal sentencing
10	Thu Oct 24		Lie detection + Future developments
11	Thu Oct 31		Memory & neuroinjury; paper presentation workshopping
NOVEMBER 3: Paper first draft due at 11:59 PM			
12	Thu Nov 7	Final Presentations	Paper Presentations
13	Thu Nov 14		Paper Presentations
14	Thu Nov 21		Paper Presentations
DECEMBER 13: Paper final draft due at 11:59 PM			

## **Law and the Mind - Final Paper & Presentation Assignment**

Your final project in this class (and the source of 60% of your grade) is to prepare a capstone-length paper on a topic related law & psychology, law & neuroscience, or a related field. As described below, your paper need not be on a specific area we have covered within those fields. Indeed, we only have time to scratch the very surface of law and the psychological sciences, so there are plenty of fascinating topics that we will never have time to get to in class.

### **Topic Summary - Due October 6**

The first step in writing your paper is to identify an appropriate topic. You should begin by thinking about things we've discussed in class that are interesting to you. As is the nature of a survey course like this one, we've often read a single experiment or study in a field (e.g., how jurors respond to judges' instructions to disregard inadmissible evidence). But each of these areas has a vast literature covering far more depth than we can get to in class. As you find topics that interest you, you should read through the literature and formulate a thesis: an argument or concept based on the research. Potential topics might, for example, argue for a change in procedural rules to account for a psychological bias, identify a legal problem based on a scientific literature you've reviewed, describe the absence of empirical research in an area, or argue that a line of caselaw is incorrect or shortsighted in light of research in psychology, neuroscience, or a related area.

Once you have identified a topic, you must prepare a two-paragraph summary of your proposed topic. The summary should present your thesis, describe the literature you have identified so far, and sketch out a roadmap of how the paper will proceed. You may submit your summary by attaching a word document on eLC.

### **Paper Draft (at least 3,500 words, including footnotes) - Due November 3**

By November 3, you need to have made substantial progress on your paper so that I can review it and provide you with feedback. By this point, your arguments should have a structure, though I don't expect you to have finished conducting research and reviewing the literature. Your draft can have some elements of an outline, but it should articulate a paragraph-by-paragraph structure of what you expect your final paper will look like (e.g., you may have placeholders, like "the next two paragraphs will outline and review the experimental literature on false confessions."). Submit your draft via eLC, and I will provide you feedback by November 10.

**In-class Presentation (10% of final class grade) – November 7–21**

During our final three class sessions, you will take turns presenting your research in class. Each student will have 15 minutes to present. You should plan to speak about your project for 10 minutes, and we'll reserve 5 minutes for feedback and questions from your classmates. Your presentation should (1) explain the legal question or issue your paper will address and outline at least a tentative thesis, (2) describe the literature or caselaw you've researched related to that issue, (3) defend your thesis with an argument, and (4) raise issues you've struggled with or weak points in your project that you would like feedback on. Because you won't have completed your paper by this point, it's perfectly okay that you'll still have gaps in your knowledge and arguments that need to be filled. The presentation is a good opportunity to describe where your project is so far, and seek feedback on weak points. You may use PowerPoint to aid your presentation, though it is not required. See below for the grading rubric that I will use to evaluate your presentation.

I will randomly assign students to present either on November 7, 14, or 21, and will provide you those assignments by October 31.

**Final Draft (50% of final class grade) - Due December 13**

Your final draft must be between 7,000 and 12,000 words (including footnotes) and formatted in Bluebook style. You must submit your final draft via eLC by 11:59 PM on December 13. Your paper will be graded according to the rubric below.

## **Presentation Grading Rubric**

1. **Thesis.** Did the presentation outline the question and articulate a clear thesis? (0-2 points)
2. **Background.** Did the presentation provide relevant background to explain the importance of the topic? Was the background supported by relevant research? (0-2 points)
3. **Argument.** Did the presentation identify and present an argument supporting the thesis? Was the argument clear and compelling? (0-5 points)
4. **Clarity.** Was the presentation clear and well-organized? (0-5 points)
5. **Engagement.** Did the presenter present the topic in a fluent and engaging way? Did it make the topic relevant and interesting to the listener? Did the presenter identify areas in which they would like feedback from classmates? (0-5 points)
6. **Time.** Did the presenter appropriately keep time (0-2 points)?



## Paper Grading Rubric

1. **Thesis.** Does the paper include a clear and defined thesis that not only discusses a particular topic, but also an argument to be defended? Is the thesis broad enough in scope to allow for an interesting discussion, yet narrow enough that it can be fully developed in a capstone-length paper? Is the idea original? (0-3 points)
2. **Research.** Does the paper investigate the topic and address the most relevant research about that topic? Does the paper engage with the research in a meaningful way? Does it provide appropriate background information to allow the reader to evaluate the argument and thesis? (0-10 points)
3. **Argument.** Does the argument support the thesis in a compelling way? Are the arguments well-supported by background literature, precedent, and/or empirical research? Does it address and respond to counterarguments appropriately? (0-10 points)
4. **Clarity.** Does the paper address the topic in a clear manner, with readable sentences, transitions between arguments, and a flow that allows the reader to follow the argument? Does the organization of the paper allow for a convincing presentation of the argument? Does it provide a roadmap and give the reader signposts to identify why each section was there? Is it easy to follow the structure of the background and argument? (0-10 points)
5. **Form.** Does the paper use proper spelling and grammar? Does it follow the appropriate Bluebook conventions in citations? Does the paper properly point the reader to specific portions of the works cited and explain the citations through parentheticals when called for? Does it meet the word requirements as outlined? (0-3 points).

## Participation Grading Rubric

1. **In-class effort.** Did the student attend class regularly, outside of any conflicts, illnesses, or other unavoidable issues? When in class, did the student make an effort to engage with questions and volunteer their thoughts? When engaging in small groups, did the student participate regularly and move the conversation forward?
2. **In-class fluency.** Was the student prepared for class, having done the reading assignments and internalized the material? Did the student's participation indicate serious engagement with the reading assignments? Did the student's in-class comments reflect critical thinking and insight? Were the student's contributions relevant to the in-class discussion?
3. **Collaboration.** Does the student listen to others, engage in constructive dialogue, and encourage contributions from classmates? Does the student demonstrate respect for different viewpoints?
4. **Reaction assignments.** Did the student complete reaction assignments on time? Were the reaction assignments thoughtful and reflect serious engagement with the material? Did the student's questions present interesting idea for discussion in class?