LAW AND THE MIND

JURI 5631 | Spring 2024
Professor John Meixner | john.meixner@uga.edu
Thursdays | 8:30 – 10:30 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, 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. Beginning with our second class, I will assign pairs of students to summarize our

readings for each class and begin the discussion. In addition, you'll be expected to email me several discussion questions before each class, which we'll then use in talking through the materials (see "writing assignments" below). We'll have a variety of forms of discussion in class—for example, sometimes we'll stage 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 email it to me by Tuesday at 5 PM. 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 10,000 and 12,000 words (including footnotes) and formatted in Bluebook style. You must submit a two-paragraph proposal of

your paper by March 15, a first draft by April 8, and a final draft by May 8 (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 four 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](#).

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 Jan 18**	Introduction	Introduction; basic foundations of law & science; statistics; research methods
2	**Thu Jan 25**	Law & Psychology	Cognitive biases I (anchoring; endowment effect; framing effects; fundamental attribution error)
3	**Thu Feb 1**		Cognitive biases II (hindsight; confirmation bias; availability heuristic; exponential growth bias)
4	**Thu Feb 8**		Eyewitness identification, false confessions, forensic science, & other criminal law issues I
5	**Thu Feb 15**		Eyewitness identification, false confessions, forensic science, & other criminal law issues II
6	**Thu Feb 22**		Evidence & trial issues
7	**Thu Feb 29**		Jury & judicial decisionmaking
SPRING BREAK (March 4–8)			
8	**Thu Mar 14**	Law & Neuroscience	Foundations of neuroscience & law
9	**Thu Mar 21**		Brain development, adolescence, & criminal sentencing
MARCH 15: Paper topic due at 5 PM			
10	**Thu Mar 28**	Law & Neuroscience	Memory & neuroinjury
11	**Thu Apr 4**		Lie detection + Future developments
APRIL 1: Paper first draft due at 5 PM			
12	**Mon Apr 8 4:00-5:50**	Final Presentations	Paper Presentations
13	**Thu Apr 11**		Paper Presentations
14	**Thu Apr 18**		Paper Presentations
MAY 8: Paper final draft due at 5 PM			