



# THE GRANT SAWYER CENTER FOR JUSTICE STUDIES

Spring 2003

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## CENTER NEWS

### Developments at the Center

Things are happening in justice and judicial studies at the University of Nevada, Reno. These developments in the arena of justice scholarship at UNR are potentially very significant. The second year of strategic planning at the University has led to considerable activity in the realm of justice and judicial studies, and the Grant Sawyer Center is a central component. In the fall of 2002 justice and judicial studies was selected along with two other areas to develop and submit plans to the University Planning Council for the potential further enhancement of the area. Led by Jim Richardson, more than 25 faculty from the University and members from the judicial institutions on campus generated proposals for educational, research, service, and outreach activities that were submitted to the University Planning Council in December. Additional initiatives are being refined at this time, including development of a multi-track Ph.D. in Justice and Judicial Studies, a concept that was proposed in strategic planning a year ago. In fact, the original planning committee members for what became the Grant Sawyer Center for Justice Studies identified the idea of a multi-track doctoral degree in justice studies as a potential program off in the future. The future is closer to now.

On another matter, the Director, Ron Dillehay, is retiring from the University, slipping into an Emeritus status in the Department of Psychology. And May 15 is his last official day as administrator at the Grant Sawyer Center for Justice Studies, after serving as Director since July of 1995 (and in academia for over 41 years). He will have a post-retirement appointment in the Judicial Studies Program and be available for consultation on projects underway at the Grant Sawyer Center.

The new Director is Jim Richardson. His is not a new face in the Grant Sawyer Center environs. He served as Director when the Center was a fledgling institution; he was also Acting Director during a sabbatical for Dillehay in 1997-98. As Director of the Judicial Studies Program since 1988, he has played a central role in shaping the character of justice and judicial studies on campus.

The close cooperation between the Grant Sawyer Center and the judicial bodies on campus—the National Judicial College and the National Council of Juvenile and Family Court Judges—was there from the Center's beginning, and will continue. When the idea for a justice center was hatched 12 years ago, key figures in the original planning committee were President (then titled Dean) Robert Payant of the National Judicial College and Executive Director Louis McHardy of the National Council of Juvenile and Family Court Judges. And the program in Judicial Studies that Richardson already directs grants the Master of Judicial Studies and the Ph.D. in Judicial Studies, both of which include courses taught by the National Judicial College and the National Council of Juvenile and Family Court Judges. Students seeking these degrees must complete research projects, and at times those projects entail consultation with Grant Sawyer Center staff.

The social policy/social action nature of the research typical of the Grant Sawyer Center's projects is, we think, in keeping with UNR's mission as a land grant institution. The projects at the Center described herein and the recently completed dissertations presented on subsequent pages illustrate this connection. The content of these investigations is also designed to be consistent with the goals and values of the late Governor Grant Sawyer.

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### Visit us on the Web!

The Grant Sawyer Center for Justice Studies now has a number of useful, justice-related resources on our website at:  
<http://www.unr.edu/justicestudies/>.

The electronic edition of this newsletter can be accessed under Reports and Publications and has fully active hyperlinks.

**"The solemn pride that must  
be yours to have laid so  
costly a sacrifice upon the  
altar of freedom."**

**Written by President Lincoln  
to the mother of five sons  
killed in combat**

## Recent Dissertations on Justice Issues at the Center

### **A Chain of Consequences: An Information Processing Model of Pretrial Prejudgment**

Craig New, Interdisciplinary Ph.D. Program in Social Psychology, December 2002. (Ronald Dillehay, advisor)

When crimes attract considerable attention in the media, as homicide cases which are likely to be prosecuted as capital cases and some others often do, the 6<sup>th</sup> Amendment right to a fair and impartial jury may be compromised in the venue of the crime. This study used a model of media influence that includes frequency of use of the media (newspapers, TV and radio), the mediating effects of some factors of reception (exposure to the case through TV, radio, and the newspapers; prejudicial case-specific knowledge and belief), and the prejudgment that the defendant is guilty. The effects of some pre-existing criminal justice attitudes were also examined. Data used in the study came from systematically conducted surveys of prospective jurors in seven cases over three different states. Results support the prediction that prejudgment of defendants derives from exposure to media accounts and is mediated by the reception factors. In addition, criminal justice attitudes predict prejudgment, but not reception. That is, those with more punitive attitudes are not more likely to have been exposed to the case in the media but are more likely to judge the defendant to be probably or definitely guilty.

### **Operating Outside the Rules: An Examination of the Social Psychological Factors Affecting Jury Nullification Tendencies in a Decision-Making Context**

Dionne M. Maxwell, Interdisciplinary Ph.D. Program in Social Psychology, May 2003. (Ronald Dillehay, advisor)

Under conditions analogous to some features of a courtroom jury, this project investigated effects of instructions and attitudinal styles and content on decisions about transgressors. In the experiment, instructions in one condition emphasized following the law; in a second condition the emphasis was on adhering to community standards and sentiments; and in the third treatment no guidelines were provided—participants were left to their own devices. Instructions emphasizing the law consistently produced harsher judgments against the perpetrator when compared to the group left to their own preferences. Following a model developed by Maxwell concerning differences in the style of thought and relevant attitudes, the two groups who were relatively more disposed toward crime control dispositions (called Loyalists and Conformists, and who tended to place a higher emphasis on such things as the suppression of crime; commitment to law and order; and trust in the ability and honesty of authorities) were more punitive toward the transgressor than were contrasting groups (identified as Mavericks and Patriots). Overall, new findings about the effects of instructions and the role of attitudes appear in this research.

### **An Empirical Analysis of Defendant, Victim, and Crime Characteristics as Predictors in Prosecutorial Decisions to Charge Death**

Roselyn K. Polk, Interdisciplinary Ph.D. Program in Social Psychology, August 2003. (Ronald Dillehay, advisor)

Guided by the literature that has examined decisions to seek the death penalty in relation to factors about the crime, the defendant, and the victim, this was an exploratory study of data from Washoe County covering a period of approximately 22 years following the reinstatement of capital punishment in Nevada in 1977. The overall focus of the study was prediction of the filing of intent to seek the death penalty in cases of first degree murder. Crime-related variables included were the weapon used, relationship of the defendant to the victim, and aggravators present. Defendant factors were age, ethnicity, gender, education, employment status, use of alcohol or drugs, and residential status. Victim variables were ethnicity, gender, and social status. Analyses revealed that the likelihood of filing an intent to seek the death penalty is greater for those who were unemployed, who were less than 30 years of age, who were using drugs or alcohol, and who had a larger number of statutory aggravators. Other analyses explored the predictive utility of a risk of death scale, devised specifically for this study, and found it to predict the filing of intent to seek the death penalty. This scale consisted of the Nevada statutory aggravators plus some crime and victim factors. In a second focus of the study, based on limited data and an attempt to apply rational bias theory in a new domain, the election cycle for prosecutors was found not to be associated with decisions to file for capital prosecution.

### **Misguided Discretion: A Dual Process Model of Juror and Jury Sentencing in Capital Trials**

Bryan Edelman, Interdisciplinary Ph.D. Program in Social Psychology, May 2003. (Ronald Dillehay, advisor)

In an attempt to develop a model that was consistent with the literature on race and juror sentencing in capital trials, this study tested a proposed model of juror decision-making. Data were provided on capital jurors by the Capital Jury Project. These data included over 300 white jurors and some 139 cases where the defendant was black and the victim was either white or black. Results indicated that white jurors displayed more empathy toward white victims than toward black victims and evaluated them more positively. Empathy toward the victim was also found to have an influence on how black defendants were evaluated. Both defendant and victim evaluations had implications for how mitigating evidence was evaluated and for white jurors' pre-deliberation sentence positions. Victim evaluations were found to have an effect on how mitigating evidence was evaluated. Mitigating evidence was given less weight when the victim was evaluated positively. In addition, defendant evaluations had a direct effect on pre-deliberation sentence positions. These results suggest that empathy toward the victim has a pervasive influence on the evaluation of sentence phase evidence and on pre-deliberation sentence positions.

## **A Note from the (departing) Director**

The University of Nevada is unique—in the true sense of the word—in the assemblage of justice and judicial entities on campus. Nowhere else in the world does one find two autonomous, international organizations for judicial education (the National Judicial College and the National Council for Juvenile and Family Court Judges), the degree programs of Master of Judicial Studies and Ph.D. in Judicial studies, and a center for research, education, service, and outreach. In fact it was the presence here of all of the elements except the center that prompted me to propose the creation of the Center for Justice Studies in 1991. Ken Hunter, as Vice President for Research, and then-President Joe Crowley supported the concept, an organizing committee was put together, and the center was born. Jim Richardson was appointed as first Director. Later, Richard Siegel, who was active on the committee that established the Center and who served as Interim Director while Richardson was on sabbatical, suggested the Grant Sawyer name. Joe Crowley worked with the firm of Lionel, Sawyer & Collins—in particular with Harvey Whittemore—to bring the naming about. The grand opening for the Grant Sawyer Center for Justice Studies in the fall of 1995 was truly a memorable, gala affair.



The rest is history: A number of research projects on diverse topics; many nationally and internationally prominent speakers; and close working relationships with courts, agencies, and organizations in the state. Since 1995 more than 25 students, most of them from the Interdisciplinary Ph.D. Program in Social Psychology, have been trained at the Center. Eleven have completed their dissertations; three more are on the verge.

The GSCJS could not be in better hands with my departure. New Director Jim Richardson will see to it that good things happen. The numerous faculty on the campus who toil on justice topics will continue their solid work. I anticipate even greater synergistic effects as the new directions under discussion come to fruition.

My gratitude to all those who worked so hard to see that the Grant Sawyer Center met its goals.

## **Recent Center Events**

**During the spring semester 2003 the Grant Sawyer Center sponsored or cosponsored the following presentations:**

### **Dr. Lawrence J. Korb, Director of National Security Studies, Council on Foreign Relations “9-11 and the Impact on National Security” February 20, 2003**

Dr. Korb was the former Assistant Secretary of Defense for Manpower-Logistics under President Reagan. Dr. Korb addressed the issues relevant to justice and foreign policy in the post- 9-11 world.

### **Nancy Neal Yeend, John Paul Jones Group “The Integration of Alternative Dispute Resolution and the Judicial System” February 28, 2003**

Ms. Yeend addressed the role of alternative dispute resolution in the courtroom, and the ramifications of budget cutbacks on the future of these programs.

### **Richard W Harris, Esq. “U.S. Environmental Policy: Why Some Issues Get Attention and Others Don't” April 17, 2003**

Mr. Harris discussed the impact of global warming on the environment and the development of public policy in reaction to the threat, using a “policy cycle” model of decision-making.

### **Dr. Robert P. George, Princeton University “Reason, Freedom, and the Rule of Law” May 8, 2003**

Dr. George discussed the significance of the *Marbury v. Madison* and the *Dred Scott v. Sanford* decisions in the development of the United States Supreme Court as the preeminent judicial authority in the United States.

**If you were unable to attend these events and would like information, please call (775) 784-6272 or visit our website at:  
<http://www.unr.edu/justicestudies>.**

## Center Projects

The Center has been working on several projects within the local justice system which include:

- ◆ The Grant Sawyer Center for Justice Studies and the Nevada Department of Education's Office of Assessment, Curriculum and Program Accountability are currently collaborating through the co-sponsorship of a part-time research assistantship housed in the Center. Patrick Bennett, MA, the current research assistant, is actively involved the assessment of test data from the various state administered standardized tests. This partnership is timely given that standardized educational testing and justice issues have become intertwined in response to claims that test formats and testing practices are unfair to a number of sub-groups in the school setting. A primary goal of our work is to explore any disparities that exist between a variety of identified sub-groups. Specifically, we regularly analyze test performance by ethnicity, gender, socio-economic status, disability, and English proficiency. These analyses provide two direct benefits. First, they inform the development and administration of statewide assessments which validly assess the knowledge, skills, and abilities of Nevada learners. Secondly, they allow for the identification of those groups which are in need of assistance and shape educational programs to meet these perceived needs. This aids the state in meeting their goal of proficiency for all student groups as mandated by the 2002 No Child Left Behind Act.
- ◆ The Center is currently working with the Nevada Network Against Domestic Violence on a project titled "Identifying, Examining, and Mitigating Barriers to Service of Protection Orders in Domestic Violence Cases." The project is supported by funds from the Nevada Office of the Attorney General. Protection orders are issued by the court in an effort to protect victims of domestic violence; law enforcement personnel strive to serve the orders on offenders. Problems for the system and for the involved parties emerge when those orders, for whatever reason, are not served. And it can happen a significant proportion of the time. A previous study found that upwards of 60% of domestic violence protection orders are never served on the offending party. Our project will study the three largest counties in Nevada (Clark, Washoe, and Elko) in an effort to identify reasons why orders do not get served. Goals of the research include recommendations for changes in the system to facilitate a higher service rate.

5,532 Domestic Violence incidents were reported for the fourth quarter, which would equal a crime rate of 2.7 crimes committed per 1,000 people.

2001 statistics published by the state's Uniform Crime Reporting Program

## JUSTICE...around Nevada

**The Nevada Supreme Court will have a very different look after the 2004 elections. The recent retirement announcements by Justices Bob Rose and Miriam Shearing followed that of Justice Cliff Young who retired last January. These Justices were well respected within the legal community and played important roles in the development of the current day Nevada Supreme Court.**

Shearing became the first woman elected to the Nevada Supreme Court in 1992 in a race against District Judge J. Charles Thompson. Shearing has been described by her colleagues as a sensible jurist with tremendous knowledge of Nevada law. Approximately 78 percent of responding attorneys in the 2002 performance Evaluation survey said she should be retained in office.

Justice Rose received similar accolades in the 2002 evaluation. According to the Las Vegas Review, one attorney was quoted as stating, "Justice Rose has never lost the common touch in his rise to the heights of his profession." He went on to say, "He has a strong sense of justice and fair play, and he performs his duties in a highly efficient manner without a lot of fanfare." Eighty-three percent of responding attorneys in the 2002 poll said Rose should be retained.

According to a recent editorial by the Reno Gazette Journal, Rose, Shearing, and Young contributed greatly to the effort to improve the efficiency of the court, reduce the case backlog, and expand the size of the court to help overworked justices. These contributions will not be quickly forgotten. Justices Rose, Shearing, and Young will be missed.



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## **McCarthyism Revisited**

After a two-year effort by Republican Senator Susan Collins of Maine, the US Senate has released all of the secret transcripts from Joseph McCarthy's anti-communist hearings. The transcripts include testimony by witnesses such as composer Aaron Copland, New York Times journalist James Reston. Other witnesses include government employees, labor organizers, and army officers. These transcripts can be accessed at: [www.access.gpo.gov/congress/senate/senate12cp107.html](http://www.access.gpo.gov/congress/senate/senate12cp107.html).

## **From the Bench**

The following are brief annotations of some of the important judicial decisions from the past year:

- ◆ *McConnell v. FEC* (May 2, 2003), by a vote of two-to-one, the three-judge federal panel of the Eighth Circuit Court of Appeals watered down the McCain-Feingold Campaign Reform Act, that was passed in February 2002. The ruling will allow political parties to use soft money to finance party-building activities. In addition, most of the spending limits and disclosure requirements of the legislation imposed on election-time advertisements aired by unions, corporations and interest groups were declared unconstitutional. However, the panel upheld a ban on political parties' use of soft money for televised advertisements that promote or attack candidates for federal office.
- ◆ *Singleton v. Norris* (February 10, 2003), the Eighth Circuit Court of Appeals approved the forcible medication of death row inmates who would otherwise be incompetent to be executed. The court ruled that the state's interest to carry out a scheduled execution outweighed the inmate's right not to endure forcible medical treatment.

