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Matching Faces to Photographs: Poor Performance in Eyewitness Memory (Without the Memory)

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Eyewitness memory is known to be fallible. We describe 3 experiments that aim to establish baseline performance for recognition of unfamiliar faces. In Experiment 1, viewers were shown live actors or photos (targets), and then immediately presented with arrays of 10 faces (test items). Asked whether the target was present among the test items, and if so to identify the person, participants showed poor performance levels (roughly 70% accurate). Furthermore, there was no difference between immediate memory for a live person and photograph. In Experiment 2, the same targets and test items were presented simultaneously, and participants were asked to perform a matching task. Again, performance was poor (roughly 68% accurate), with no difference between matching photos and live people. In the final experiment, viewers were asked to match a live person to a single photograph. Even under these conditions, performance was poor ($c. 85\%$), with no advantage over matching 2 photographs. We suggest that problems of eyewitness identification may involve difficulties in initial encoding of unfamiliar faces, in addition to problems of memory for an event.

Keywords: face recognition, matching unfamiliar faces, eyewitness memory

Courts in many countries place strong reliance on eyewitness identification. However, there is a very large literature demonstrating that eyewitness identification is highly error prone (for reviews, see Cutler & Penrod, 1995; Steblay, Dysart, Filerio, & Lindsay, 2001, 2003; Wells, 1993). Laboratory studies in which perpetrators are seen on video (e.g., Bradfield, Wells, & Olson, 2002; Memon & Bartlett, 2002; Semmler, Brewer, & Wells, 2004) and field experiments in which targets are experienced "live" (e.g., Pryke, Lindsay, Dysart, & Dupuis, 2004; Wells, Rydell, & Seelau, 1993; Yarmey, 2004; Yarmey, Yarmey, & Yarmey, 1996) as well as archival studies with actual criminal cases (e.g., Behrman & Davey, 2001; Fahsing, Ask, & Granhag, 2004; Wells & Seelau, 1995; Wright & McDaid, 1996) have consistently demonstrated eyewitness fallibility. Furthermore, it has been reported that a very large proportion of cases of wrongful imprisonment, in which the accused were subsequently exonerated by DNA evidence, involved eyewitness misidentifications (Huff, Ratner, & Sagarin, 1986; Scheck, Neufeld, & Dwyer, 2000; Wells et al., 1998).

To address these problems, a large body of work has investigated the sources of mistaken identification, examining many variables such as the age of eye-witnesses, the race of perpetrators, the presence of weapons in crime situations, and the systems involved in line-up construction (for reviews, see Lindsay & Pozzulo, 1999; Memon, Vrij, & Bull, 2003; Narby, Cutler, & Penrod, 1996; Wells, Wright, & Bradfield, 1999; Westcott & Bruce, 2002). Despite this large amount of research, one important question is rarely addressed. Specifically, what is the baseline level

of performance one might expect for unfamiliar face recognition, in optimal situations with minimal memory requirement? An emphasis on memory in eyewitness research is natural because real incidents involve witnesses' memory, often over considerable time periods. However, it is also possible that part of the difficulty in identifying an unfamiliar person is tied to perception of unfamiliar faces, and not simply to general memory limitations. In this paper we examine viewers' ability to identify previously unfamiliar faces under minimal memory loads. In Experiment 1, we examine performance under immediate memory conditions, and in Experiments 2 and 3, we examine performance in a matching task, involving no requirement for participants to remember events.

Early face recognition research proposed that people are experts in recognizing unfamiliar faces. For example, recognition memory rates of more than 90% have been reported (e.g., Hochberg & Galper, 1967; Nickerson, 1965; Yin, 1969). More important however, it is now known that this high accuracy represents memory for the images of faces, rather than the faces themselves. In a recognition memory study, Bruce (1982) found that recognition rates dropped from 90% correct when the same images were used in study and test, to only 60% when different images were used. Indeed, changing images has a large detrimental effect on the recognition of identity, even when the task is based on matching, rather than memory. Bruce et al. (1999) showed participants arrays containing a target face and 10 further faces; all images were taken on the same day, but targets and test faces were photographed with different cameras. In half the trials the target was present, and in half absent, and participants were asked to pick the target if he was present. In this seemingly straightforward task, Bruce et al. found a surprisingly low level of performance: Error rates of roughly 30% occurred both for target-present and target-absent arrays.

Poor performance in matching unfamiliar faces has been replicated under different task constraints, for example when the task is reduced to a 10 alternative forced choice (10AFC) with no target-

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absent arrays (Bruce et al., 1999; Burton, Miller, Bruce, Hancock, & Henderson, 2001), or when the heavy demands of the 1 in 10 arrays were reduced to a 1 in 2 task (Henderson, Bruce, & Burton, 2001) or to simple match/mismatch pairs (Bruce, Henderson, Newman, & Burton, 2001; Henderson et al., 2001; Megreya & Burton, 2006b; 2007). This strongly suggests that encoding identity from unfamiliar face images is rather a difficult task.

The difficulty of unfamiliar face matching has been explained by suggesting that this task relies on pictorial, or image-based, processes; whereas recognition of familiar faces engages a more specialized, and robust, type of processing (for a review, see Hancock, Bruce, & Burton, 2000). For example, Megreya and Burton (2006b) found no correlation between viewers' ability to match familiar faces and their ability to match unfamiliar faces. Furthermore, matching inverted faces was the best predictor of individual differences in unfamiliar face matching, regardless of whether the inverted faces were familiar or unfamiliar. These results suggest that the processes involved in upright unfamiliar face processing appear to be qualitatively similar to those underlying the recognition of inverted familiar and unfamiliar faces, but very different to those responsible for upright familiar face processing. This dissociation between familiar and unfamiliar face processing and this surprising association between matching upright unfamiliar faces and inverted familiars was further replicated by a more recent study (Megreya & Burton, 2007), in which we found that a short familiarization procedure was successful in producing the mirror effect (a negative correlation between hits and false positives) in matching upright unfamiliar faces. However, this effect disappeared when targets were presented upside down. Accordingly, we suggest that faces in the unfamiliar face matching task are treated as "images" or "simple visual patterns," and matched on this basis without domain-specific expertise (Megreya & Burton, 2006b).

The work described so far uses photo-matches only. How would these accuracy rates translate to matching live faces to photos, in situations such as passport control? Although most previous work using "live" targets has been in eyewitness memory settings, the few matching studies as do exist suggest similarly poor levels of performance. For example, Kemp, Towell, and Pike (1997) conducted a field experiment to explore matching accuracy of credit-card photographs to their "live" bearers. The experiment was run in a real supermarket, and participants were six highly experienced cashiers, who had to verify the identities of shoppers (a mix of White and non-White, men and women) by matching them to photo-ID mounted on credit cards. The photographs were small in size (2×2 cm), showing a full-face view, and were taken by a color Polaroid passport camera a few days prior to the experiment. Kemp et al. reported very high false positive error rates: between 34% and 64% of fraudulent cards were accepted, depending on the similarity of the photo to the bearer (i.e., 34% errors for matched age, sex, and race).

In this paper, we aim to test an important hypothesis in the area of face recognition. How accurate are viewers' when asked to match high quality photographs to live individuals, under minimal constraints? We report three experiments examining recognition of previously unfamiliar faces in a "live" situation. In the first experiment, using an immediate memory task, participants were shown individual targets either "live" or in a static video image for roughly 30 s. After a 5-s gap, they were shown photo line-ups of

10 faces, 1 of which might be the target. In a second experiment, live versus static image targets were presented simultaneously with the 10-face photo line-ups, and participants had to reject or to find the correct match. In a final experiment, we used a task similar to that used by Kemp et al. (1997), but with a much larger number of participants, and a more homogeneous group of faces. In this task, we asked participants to match a target seen "live" or in static image to a high-quality digital photograph showing the target or a different foil.

Experiment 1

In this experiment, we examined how accurately people could remember unfamiliar faces seen "live," using an immediate memory paradigm. There are many studies demonstrating poor performance following live eyewitness exposure, but these tend to use relatively long intervals between the event and test (e.g., Pryke et al., 2004; Wells et al., 1993; Yarmey, 2004; Yarmey et al., 1996). Here we reduce this to a minimum to establish baseline performance. In previous studies with immediate memory for unfamiliar faces, we have demonstrated poor performance, though these have been based on memory for photographic stimuli (Megreya & Burton, 2006a; 2006b). Here we compare immediate memory for photographs with memory for people seen live.

Targets and Stimuli

For this and all subsequent experiments, photographic stimuli were taken from a large database of Egyptian faces. The database comprises images of 230 volunteers, all young men with no facial hair or distinguishing marks. These young men were volunteers from a graduating class, and were no more or less homogeneous than any student cohort. Images show full-face, neutral expression poses, and were taken with a high quality digital camera (Cyber-shot Sony, 7.2 Megapixel resolutions). For 130 of these volunteers, the database also contains a 30-s high quality video clip, recorded with a different capture device (Digital 8 Sony Handicam). Volunteers stood in front of a large window providing a high level of natural light and below two nondirectional fluorescent strip lights. Still and video images were taken on the same day, under the same lighting conditions. For the purpose of the present experiments, a full-face, neutral-expression still-image was captured from the video-sequences, providing a set of faces for which two images are available, in similar pose and lighting, but having been derived from two cameras.

This database has been used to construct matching arrays, similar to those used by Bruce et al. (1999). Each of the 130 still images derived from video serves as a target, and for each of these, two 10-item arrays were derived from the still images. The size of all faces was approximately 5×7 cm, captured in 8-bit gray scale at a resolution of 216×298 , and jpeg-compressed at 27 pixels per cm. For consistency with previous matching studies (Bruce et al., 1999, 2001), all digital line-up images were cropped carefully using a graphic software to remove any background and clothes, hence eliminating cues other than faces. Target-present and target-absent arrays were constructed such that foils were subjectively similar in appearance, given the range of natural variability in the student population from which the faces were taken. Examples are shown in Figures 1 and 2. Across target-present arrays, the target

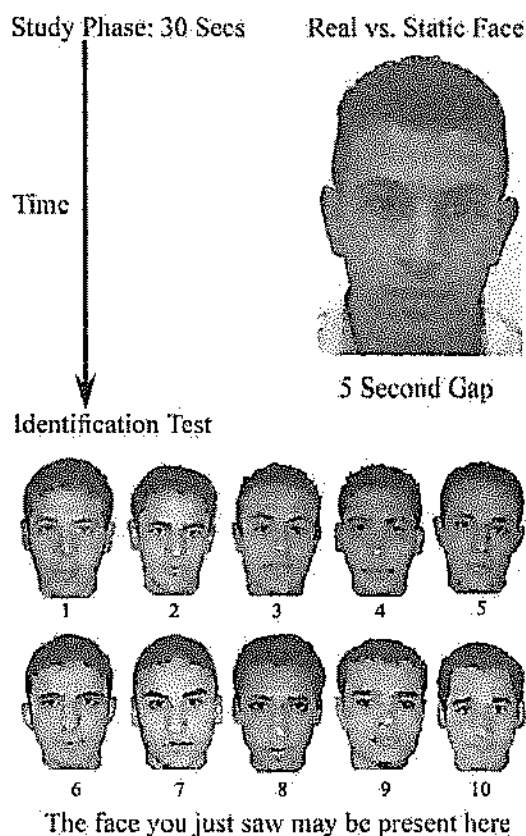


Figure 1. A schematic representation of the procedure used in Experiment 1. In the figure the target is not present. For illustration, all stimulus examples presented were chosen on the basis of the 6y-item data across participants, such that performance on these stimuli represent overall mean performance.

appears in random locations; and target absent arrays are identical with the exception that the target face has been replaced with another.

Actors participating in the present experiments were 36 volunteers from the face matching database, chosen simply by being available to take part. Their photos were no more than 8 months old at the time of testing. The corresponding 72 arrays (target present and target-absent) were used as stimuli in the experiments described here.

Method

Participants: A total of 92 volunteers from the student population of Menoufia University, Egypt participated in the experiment (56 women, 36 men). All participants were Egyptian, and had normal or corrected to normal vision.

Design and procedure: The experiment was conducted in a teaching room in Menoufia University, equipped with data projection facilities. Using a between-participants design, testing was conducted with four separate groups of 23 participants: two groups being shown targets live, and two groups being shown static

targets. Seating position of participants was designed so that each had a good full-face view of the live faces.

In the live condition, a target person entered the teaching room, and stood in front of the data projection screen for 30 s. Targets were instructed not to stare at or speak to any of the participants, to keep a neutral expression, and to keep their heads pointing toward a specific location at the back of the room. The target person then left the room, and a 5-s blank slide was presented. Following this, a 10-face image-array was projected onto the screen. Participants had been informed that the target person may or may not be one these 10 (he would be present on 50% of trials). Their task was to decide whether he was present, and if present to identify him by recording the appropriate image number in their response sheets. There was no time constraint for making the identification. Once all participants in the group indicated that they had completed the trial, the next target person was brought into the room. This process was repeated for all 36 target people.

Testing for groups in the image-condition was very similar. The sole exception was that targets were presented as static images, rather than live. Participants were presented with a video still of an unfamiliar face for 30 s. After a 5-s gap, they were shown a target-present or target-absent line-up, as above. Figure 1 shows a schematic representation of the procedure.

Two sets of test array slides were prepared to counterbalance the presence/absence of targets. So, across the experiment, each face was followed equally often by a target-present and a target-absent array. Furthermore, note that the same faces were used as live and as image targets, so across the experiment each face was seen equally often live and static. The location of targets among the 10 faces was varied systematically across trials.

Results

Table 1 shows overall recognition performance. Four submeasures are calculated from the array methodology. For target-present items we report: (a) hits (identifying the target); (b) misses (claiming falsely that the target is absent); and (c) misidentifications (Misid; identifying a foil, despite the presence of a target). For target-absent items, we report false positives (FPs; claiming falsely that the target is present). In addition, the overall accuracy is calculated by combining the scores of hits and correct rejections (the complement of FPs). Independent-means *t* tests showed no differences between identifying faces seen live or through static images on any of these measures. Power for this comparison was high, at 0.66 for effect size $d_z = 0.5$ (calculated using G*Power; Faul, Erdfelder, Lang, & Buchner, 2007). Subsequent analyses showed no effects of participant gender for this or any of the following experiments.

Discussion

In this experiment, participants were asked to view faces of unfamiliar people seen in either static video images or live. After a very short gap, they were given a photo line-up identification test, consisting of 10 high-quality, full-face images, and were informed that targets might or might not be present in the line-ups. The results showed very poor overall performance. Accuracy rates for target-present items were roughly 60%, and for target-absent items roughly 80%. These poor levels of performance replicate our

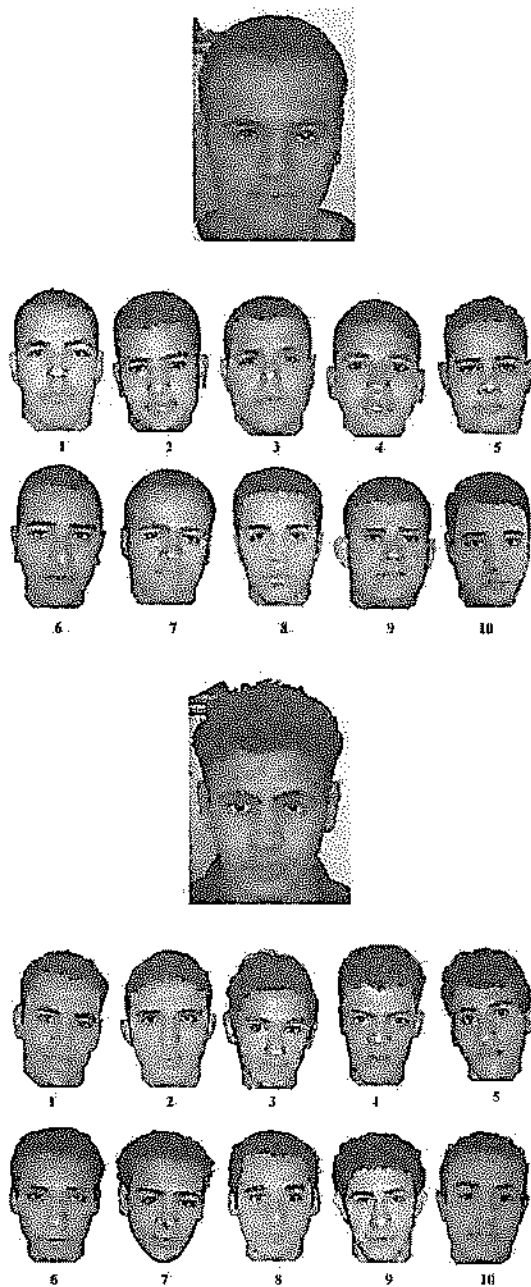


Figure 2. Examples of arrays used in Experiment 2. The person shown at the top may or may not be one of the 10 below. Participants' task is to decide if he is present, and if so, which he is. In this Experiment, half the participants saw the target live and half as an image. In Figure 2a, the target is No. 7, and the target is absent in 2b. For illustration, all stimulus examples presented were chosen on the basis of the by-item data across participants, such that performance on these stimuli represent overall mean performance.

previous research with a different database of photographic targets (Megreya & Burton, 2006a, 2006b), but what is striking about the present results is that there is no improvement at all when presented with live targets.

We should emphasize the simplicity of the experimental context here. In many ways, the present setting represents an ideal case for estimating baseline performance in an identification task. The memory requirement was minimal, with only 5 s between the disappearance of the target and the presentation of the test array. The experiment did not involve many of the factors thought to be significant sources of eyewitness misidentifications, such as long retention intervals (e.g., Behrman & Davey, 2001), biased instructions (e.g., Mälpass & Devine, 1981), verbal description of targets (e.g., Schooler & Engstler-Schooler, 1990), emotional stress (e.g., Deffenbacher, Bornstein, Penrod, & McGorty, 2004), an unexpected identification test (e.g., Kerstholt, Raaijmakers & Valenton, 1992), alcohol intoxication (e.g., Dysart, Lindsay, MacDonald & Wicke, 2002), seeing targets with others (e.g., Megreya & Burton, 2006a), aging (e.g., Memon & Bartlett, 2002), disguise (e.g., Patterson & Baddeley, 1977), or degraded environment (e.g., for a review, see Narby et al., 1996). Even in the present optimal conditions, which could never be met in a forensic setting, participants performed very poorly. This suggests that processing of unfamiliar faces, rather than effects on memory or interventions between encoding and test might form a significant component in understanding the difficulty of eyewitness memory. To test this hypothesis, the following experiment eliminates the 5-s memory load altogether, and uses a face matching task.

Experiment 2

Previous laboratory research shows that matching images of unfamiliar faces is a difficult task (Bruce et al., 1999, 2001; Henderson et al., 2001; Megreya & Burton, 2006a, 2006b, 2007). Here, we examined the extent to which this standard finding might extend to real world situations. Experiment 1 showed very similar rates of immediate face memory between image and live conditions. However, perhaps an advantage for live presentation can be shown when participants can continuously examine the real person in the presence of the test images. In this experiment, we repeat Experiment 1 very closely, with the sole difference being that targets and test arrays are presented simultaneously.

Method

Participants. Participants were 100 Egyptian undergraduate students at Menoufia University (63 women, and 37 men). All had

Table 1
Recognition Performance for Static and Live Faces
in Experiment 1

	Static		Live		<i>t</i> (<i>df</i> = 90)
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	
Overall					
Accuracy (/36)	25.4	4.5	25.5	4.5	.02 (<i>p</i> = .98)
Target present					
Hits (/18)	11.1	2.5	11.0	2.4	.21 (<i>p</i> = .83)
Miss (/18)	5.1	2.2	5.0	2.6	.22 (<i>p</i> = .83)
Misid (/18)	1.8	1.9	2.0	1.8	.56 (<i>p</i> = .58)
Target absent					
FPs (/18)	3.7	3.3	3.5	3.5	.18 (<i>p</i> = .85)

Note. Misid = misidentification; FPs = false positives.

normal or corrected to normal vision. None of these participants participated in Experiment 1.

Design and procedure. Testing was performed with four groups of participants: 25 participants per group. Targets, stimuli, and procedure were the same as in Experiment 1, except that targets were presented simultaneously with the line-ups.

In the static image condition, a video still face was presented above a line-up of 10 faces until all participants had reached a decision. There was a 2-s interstimulus interval (ISI) before presentation of the next array. Figure 2 shows examples of face matching arrays. In the live condition, each target stood beside the screen, on to which the 10-face test array was projected. As in Experiment 1, each condition consisted of 36 trials: 18 target-present and 18 target-absent and the presence/absence of targets was counterbalanced across the experiment. Participants were informed that targets would be present only on half trials, and were encouraged to perform as accurately as possible.

Results

Table 2 shows mean performance across conditions, with accuracy being divided into separate components, as above. Overall performance was a little above 66% accurate, but there were no differences between photo-to-photo and live-to-photo conditions, on any of the components of performance. This pattern holds in analyses both by-participants and by-items. Once again, the power of these comparisons was high (0.70 by-participant *s*; 0.83 by-items; for effect size $d_z = 0.5$).

To examine whether poor overall performance was due to a small number of very difficult faces, Figure 3 shows the distribution of response accuracies across the face set. It is clear from these data that some faces are consistently well-recognized, and some are not, but there is no suggestion that the effect arises because of a small number of outlying faces. To establish whether the same faces are consistently recognized in live and photo trials, the by-item data was subject to a Pearson correlation. This showed that the number of participants correctly identifying a face was highly associated across the two types of match (overall accuracy: $r = .63$, $p < .01$; hits: $r = .51$, $p < .01$; false positives: $r = .46$, $p < .01$; all $n = 36$).

Discussion

This experiment examined how well participants could match faces seen live or in static video images using a 1 in 10 matching

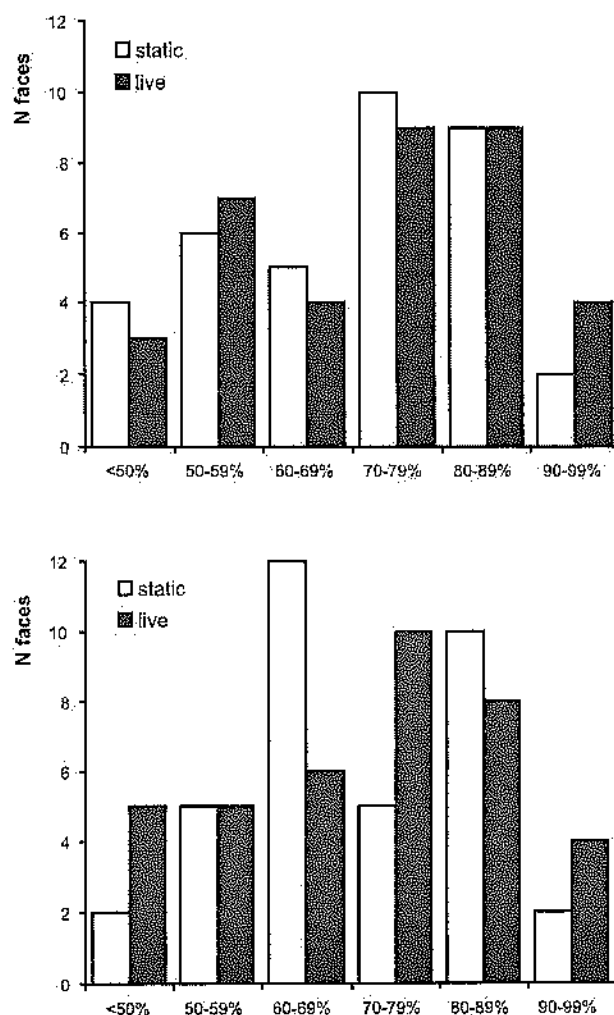


Figure 3. Number of faces recognized with varying levels of accuracy across Experiment 2 (target-present arrays top; target-absent arrays bottom).

Table 2
Matching Performance for Static and Live Faces in Experiment 2

	Static		Live		<i>t</i> (By-participants)	<i>t</i> (By-items)
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	(<i>df</i> = 98)	(<i>df</i> = 35)
Accuracy (/36)	24.1	5.5	24.2	4.5	0.18 ($p = .86$)	0.30 ($p = .76$)
Hits (/18)	12.8	2.5	13.1	2.8	0.41 ($p = .68$)	0.50 ($p = .62$)
Miss (/18)	2.4	1.9	2.0	1.9	1.21 ($p = .23$)	1.46 ($p = .15$)
Misid (/18)	2.7	2.4	3.0	2.1	0.53 ($p = .60$)	0.78 ($p = .44$)
FPS (/18)	6.8	4.1	6.8	3.5	0.05 ($p = .96$)	0.08 ($p = .93$)

Note. Misid = misidentification; FPS = false positives.

procedure. Participants' performance in both conditions was very low. When a target was present, participants picked the correct face on only roughly 70% of occasions. When it was absent, they identified a wrong match on about 35% of occasions. These rates are very similar to those previously found using image matches with a different face database (Bruce et al., 1999; Megreya & Burton, 2006a, 2006b, 2007), confirming the fact that matching unfamiliar face images is a very difficult task. What is perhaps more surprising is that there is no advantage for matching live faces as compared to matching photos. Furthermore, it appears that there is quite high correspondence between the faces when presented as photos or live. The high correlation between the formats suggests a degree of consistency across faces across format presentation.

Although matching was generally poor, there were large individual differences in both conditions, as shown by the variances in Table 2. To give examples of the range of performance of partic-

ipants; for live targets, hit rates in target-present trials ranged from 44% to 94%. In target-absent trials, the rates of FPs ranged from 5% to 72% across participants. Our previous research with photo matching suggests that these individual differences are likely to be stable over time, reflecting genuine differences in ability with the task (Megreya & Burton, 2006b, 2007). It is interesting to note that these large differences also exist in live matching.

These results are important for the real-life situations in which the procedure of checking photo IDs (as in airports or security sittings) is necessary, and also important for the eyewitness identification field. They seem to suggest that some of the problems associated with eyewitness memory involve initial unfamiliar face encoding, in addition to those well-documented problems associated with memory itself. To emphasize this point, consider the mean misidentification rate in target-present items for the live condition. On average, participants misidentified a target on 3 out of 18 occasions. In other words, in the presence of the live target person, with no time constraints, and good quality images taken within the previous 8 months, participants nevertheless failed to choose the correct photo of the person in front of them, and chose the photo of someone else. This is perhaps a surprising result, though it is consistent with recent work on photographic matching. It does emphasize that viewers are markedly poor at processing unfamiliar faces. This is in stark contrast to their very high ability to recognize familiar faces, even in very poor quality images (e.g., Burton, Wilson, Cowan & Bruce, 1999).

To explore this performance further, the following experiment reduces the heavy demands of the 1 in 10 matching paradigm, instead using a simple match/mismatch task. Once again, we compare live and photographic targets.

Experiment 3

One possible explanation for the generally poor performance in Experiments 1 and 2 is the presence of multiple distractors. Although a choice of 10 possible matches is common in some forensic settings (notably line-ups), it is possible that this in itself puts particular strain on the unfamiliar face processing system. The faces chosen as foils here were not contrived to be similar to the targets; all volunteers for this database came from a graduating university class, and so there will naturally be some similar and some distinctive faces among the set, but no greater homogeneity than in any other set of young men of similar ages. Nevertheless, the large number of distractors may in some way overload the face processing system.

In this experiment we compare faces using a simple two-item match/mismatch task. In the live condition, participants are simply shown a person at the same time as an image, and asked whether the image matches the person. In the control condition participants are shown two different images, and asked whether they are the same person. The live condition therefore represents a very common task, routinely carried out by passport officers and security officers.

Method

Participants. Participants were 100 Egyptian undergraduate students at Menoufia University (68 women, and 32 men). None had taken part in the previous experiments, and all had normal or

corrected to normal vision. None of these participants participated in the previous experiments.

Design and procedure. Testing was performed in groups of 25 participants. Targets, stimulus presentation, and procedure were the same as in Experiment 2, with the sole exception that participants had to match a face (real or static) to only 1 photographic image instead of the array of 10 used in Experiment 2. As in previous experiments, there were 36 trials: 18 match and 18 mismatch. Figure 4 shows examples. The real/live comparison was manipulated between participants, and items were rotated around conditions such that each face was seen equally often in match and mismatch trials across the experiment. Participants were self-paced, and were encouraged to perform as accurately as possible.

Results

Table 3 shows mean matching performance in Experiment 3. Overall accuracy showed no significant difference between live and static conditions, either by-participants or by-items. However, once the data are divided into match and mismatch trials, there are reliable differences in each. Participants in the live condition make more hits when the target is present, and more FPs when he is absent than participants in the static condition. Once again, this pattern holds for by-participants and by-items analyses (power = 0.70 by-participants, 0.83 by-items; for effect size $d_z = 0.5$).

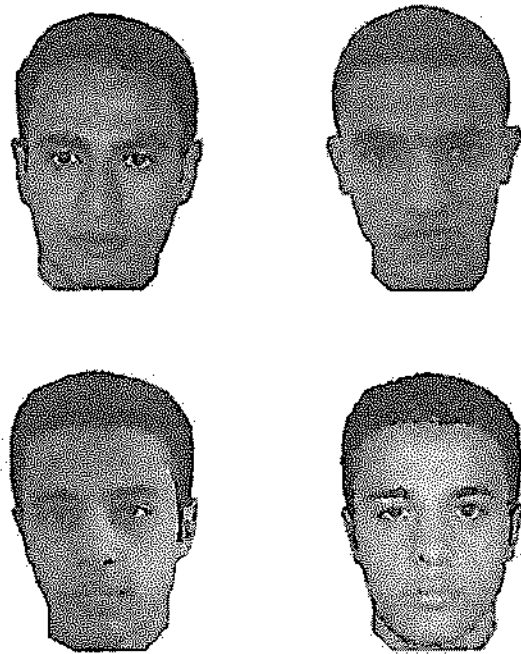


Figure 4. Two examples of pairs used in Experiment 3. Participants' task was to decide whether the two faces belong to the same person. Targets were presented either as static images or live. The top pair do not match, whereas the bottom pair match. For illustration, all stimulus examples presented were chosen on the basis of the by-item data across participants, such that performance on these stimuli represent overall mean performance.

Table 3
Matching Performance for Static and Live Faces in Experiment 3

	Static		Live		<i>t</i> (By-participants)	<i>t</i> (By-items)
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	(<i>df</i> = 98)	(<i>df</i> = 35)
Accuracy (/36)	30.4	2.5	29.9	2.4	1.06 (<i>p</i> = .29)	0.68 (<i>p</i> = .50)
Hits (/18)	15.3	2.1	16.1	2.1	2.11 (<i>p</i> < .05)	2.43 (<i>p</i> < .05)
FPS (/18)	2.8	1.8	4.2	2.3	3.39 (<i>p</i> < .01)	2.07 (<i>p</i> < .05)

Note. FPS = false positives.

Discussion

The present experiment provides good evidence that encoding unfamiliar faces is rather a difficult task. Given no time constraints, nothing to remember, and only a match/mismatch judgment to make, participants nevertheless make over 15% errors. Furthermore, this figure seems to be roughly similar for match and mismatch trials. This is a very high rate. For example, those checking photo-ID in security settings would probably not find this an acceptable error rate.

The results for matching two images replicate previous work (Megreya & Burton, 2006b, 2007). However, the fact that overall accuracy is the same for matching a real person to a photo, as it is for matching two images, is perhaps surprising given the common use of photo-ID. The analysis of hits and FPS shows a response bias in the live condition: the first time we have observed any differences at all between static and live conditions in this set of experiments. The response bias is for participants to claim that two items match. This bias was also reported by Kemp et al. (1997) in their supermarket photo-ID study. If this observation, elicited in experimental settings, reflects a general bias in real-world settings, it may go some way to explaining the well-documented problems of false convictions based on identification errors (Huff et al., 1986; Scheek et al., 2000; Wells et al., 1998).

General Discussion

Recent studies have reported very low accuracy rates for tasks involving identification of previously unfamiliar faces, even when these relied on simultaneous matching, rather than memory (Bruce et al., 1999, 2001; Henderson et al., 2001; Megreya & Burton, 2006a, 2006b, 2007). The main aim of the present paper was to examine the extent to which this standard laboratory finding might extend to a realistic setting. Experiment 1 examined how well people could identify a face shown in a static photo or live using a simple 1 in 10 immediate memory task. Identification rates in these two conditions were very similar, and were very low. More interesting, this same finding was observed when targets were presented simultaneously with the 10-face photo line-ups (Experiment 2). Even when the task was reduced to a simple paired matching task, the overall accuracy of matching a live target was very similar to that for matching two images (Experiment 3). Despite this, participants adopted a lax criterion in the live condition compared to the static one. Seeing targets live significantly increased hits in match pairs and FPS in mismatch trials.

The results have both theoretical and practical implications. Theoretically, it is important to establish the relatively poor levels

of unfamiliar face performance, in the context of general approaches to face recognition. In recent years there has been much debate about the specialization of neural mechanisms for face processing, and the degree to which these capture general visual expertise or face-specific processes (e.g., Gauthier & Bukach, 2007; McKone, Kanwisher, & Duchaine, 2007). However, such theoretical approaches often ignore the very large differences between familiar and unfamiliar face processing. Appeals to the notion that human perceivers are face experts rely on our abilities with familiar faces. In fact, we are demonstrably poor at matching tasks with unfamiliar faces, and the experiments presented here demonstrate this using real faces. A demonstration that is difficult to perform because of the practical constraints of conducting such experiments but is nevertheless very important.

In fact, this failure properly to discriminate between familiar and unfamiliar face processing also pervades the computer-based face recognition literature. Engineering approaches to the problem often try to tackle exactly the problem that human perceivers find hardest: How to match two images of an individual in the absence of any further information. We have recently attempted to build familiarity in to automatic face recognition procedures, with quite profound corresponding increases in performance (Burton, Jenkins, Hancock, & White, 2005; Jenkins & Burton, 2008).

These data also have implications for forensic face recognition. It is well established that eyewitness identification is error-prone (e.g., for reviews, see Cutler & Penrod, 1995; Steblay et al., 2001, 2003; Wells, 1993). However, a great deal of research in this field concentrates on factors involving imperfect memory for a witnessed event (e.g., for reviews, see Lindsay & Pozzulo, 1999; Memon et al., 2003; Narby et al., 1996; Wells et al., 1999; Westcott & Brace, 2002). The results described here, in seeking to establish a baseline level of performance, suggest that a significant part of the problem of eyewitness memory may involve problems of unfamiliar face encoding in the first place. The very large literature on how to improve witnesses' memory for an event may therefore benefit from a complementary experimental program on how to improve initial unfamiliar face processing. In previous work (Megreya & Burton 2006a), we demonstrated very large individual differences in facial image matching ability, and the present study suggests that there may be similar variability in live face matching. One way forward to improving accuracy on these tasks would be to establish what psychological factors underlie good versus poor performance.

The implications of the results go beyond eyewitness memory. High levels of security world-wide mean that there is an increasing use of photo-ID cards, and these are viewed by a great range of people, from passport officers to those selling age-restricted goods. The results presented here suggest that even in ideal conditions (no time constraints, good viewing conditions, within-race identifications, and recently taken photographs) matching people to their photos is a difficult task. There remain, of course, many differences between a laboratory setting and a practical identification setting. For example, when checking identity, the checker normally has the opportunity to interact with the person offering the photo ID, an opportunity not available to participants here. In other ways, the laboratory setting might be thought to be easier than a real setting because there is no pressure to make a decision in either direction. If the response bias reported in Experiment 3 turns out to be general in real-world situations (as was the case in the

Kemp et al., 1997 study), then the suggestion is that there will be many future failures to detect fraudulent ID.

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New Editors Appointed, 2010–2015

The Publications and Communications Board of the American Psychological Association announces the appointment of 4 new editors for 6-year terms beginning in 2010. As of January 1, 2009, manuscripts should be directed as follows:

- *Psychological Assessment* (<http://www.apa.org/journals/pas>), **Cecil R. Reynolds, PhD**, Department of Educational Psychology, Texas A&M University, 704 Harrington Education Center, College Station, TX 77843.
- *Journal of Family Psychology* (<http://www.apa.org/journals/fam>), **Nadine Kaslow, PhD**, Department of Psychiatry and Behavioral Sciences, Grady Health System, 80 Jesse Hill Jr. Drive, SE, Atlanta, GA 30303.
- *Journal of Experimental Psychology: Animal Behavior Processes* (<http://www.apa.org/journals/xan>), **Anthony Dickinson, PhD**, Department of Experimental Psychology, University of Cambridge, Downing Street, Cambridge CB2 3EB, United Kingdom
- *Journal of Personality and Social Psychology: Personality Processes and Individual Differences* (<http://www.apa.org/journals/psp>), **Laura A. King, PhD**, Department of Psychological Sciences, University of Missouri, McAlester Hall, Columbia, MO 65211.

Electronic manuscript submission: As of January 1, 2009, manuscripts should be submitted electronically via the journal's Manuscript Submission Portal (see the website listed above with each journal title).

Manuscript submission patterns make the precise date of completion of the 2009 volumes uncertain. Current editors, Milton E. Strauss, PhD, Anne E. Kazak, PhD, Nicholas Mackintosh, PhD, and Charles S. Carver, PhD, will receive and consider manuscripts through December 31, 2008. Should 2009 volumes be completed before that date, manuscripts will be redirected to the new editors for consideration in 2010 volumes.

PJL EOJ

EXHIBIT F

The Eyewitness Post Identification Feedback Effect 15 Years Later: Theoretical and Policy Implications

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Eyewitnesses' retrospective reports of certainty, view, attention, and other judgments constitute central variables used by courts to assess the credibility of eyewitness identification evidence. Recently, important state Supreme Court decisions (e.g., *New Jersey v. Henderson*, 2011; *Oregon v. Lawson*, 2012) have relied on psychological research regarding the post-identification feedback effect to revamp their assumptions about when witness retrospective self-reports can be trusted. The post-identification feedback effect, originally demonstrated by Wells and Bradfield (1998), refers to the way in which witness self-reports are distorted by feedback to the witnesses that suggests that their identifications were accurate or mistaken. We present a meta-analysis of the post-identification effect involving 7,000 participants from the United States, Canada, Europe, and Australia. The results show that confirming feedback robustly inflates eyewitnesses' retrospective judgments across experimental manipulations and laboratory settings with large effect sizes. We describe the policy implications of the feedback effect with regard to the need for double-blind lineup procedures. Moreover, we propose that testimony-relevant witness judgments should be collected and documented, preferably with videotape, before feedback can occur. We use moderator analyses to examine the current explanation of the feedback effect and delineate new research questions that could help develop a more complete theoretical understanding of the processes giving rise to the effect.

Keywords: post-identification feedback, eyewitness memory, double-blind lineups, lineup procedure

The Oregon Supreme Court recently addressed the fundamental problem of mistaken eyewitness identification with a science-based analysis that repositioned eyewitness evidence to align with state evidence law (*Oregon v. Lawson*, 2012). The burden for eyewitness evidence reliability in Oregon is now placed squarely on the party that desires to admit such evidence at trial, namely the prosecution. This ruling requires Oregon judges to scrutinize—regardless of whether or not law enforcement used a suggestive identification procedure—whether the witness's testimony is based on personal perception and knowledge. The source of probative value in an eyewitness report is recognized to be the *original memory* of the witness, uncontaminated by outside (prejudicial) information.

Relying heavily on eyewitness identification research in psychology, the Oregon court listed post-identification feedback as one of eight system variables that can affect the reliability of eyewitness evidence: "Confirming feedback, by definition, takes

place after an identification and thus does not affect the result of the identification itself. It can, however, falsely inflate witness confidence in the reports they tender regarding many of the factors commonly used by courts and jurors to gauge eyewitness reliability. As a result, the danger of confirming feedback lies in its potential to increase the *appearance* of reliability without increasing reliability itself" (*Oregon v. Lawson*, 2012, p. 21).

Prior to *Lawson*, the standard for most courts derived from a U.S. Supreme Court ruling in which eyewitness answers to questions such as "How good was your view of the culprit?" "How much attention were you paying?" and "How certain were you in your identification?" were recommended as core factors to consider in evaluating the reliability of witness identification of a suspect (*Manson v. Braithwaite*, 1977). As articulated in the *Manson* ruling, the certainty of the witness (as with view and attention to the event) is considered to be a trustworthy aspect of eyewitness evidence, a marker for reliability. The *Lawson* decision, however, highlighted the elasticity of witness certainty and the problems for eyewitness evidence when witness confidence in memory is overstated. The implication is that subsequent trial testimony of the witness will portray a misleading level of certainty and distorted reports of the witness's actual experience. Emphasizing this possibility is a recent analysis of 161 DNA exoneration cases indicating that up to 57% of mistaken witnesses who testified confidently at trial had been substantially uncertain at the initial identification; 40% did not identify the defendant at first try, 21%

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admitted uncertainty, 9% said they didn't see the face (Garrett, 2011). Even so, witness confidence grew across time, culminating in convincing trial testimony being leveled against innocent individuals.

The post-identification feedback effect (hereinafter, the "feedback effect") has been conceptualized in the research literature as a system variable that has powerful impact on the retrospective judgments of an eyewitness in the immediate aftermath of a lineup decision. Fifteen years of research tell us that when a lineup administrator confirms an eyewitness's lineup identification, ("Good, you identified the suspect"), the witness is subsequently likely to render a significantly inflated retrospective report of the quality of the identification process (certainty and ease of the identification) as well as his or her viewing experience for the crime event (how good the view was, how much attention was paid to the event) and other testimony-relevant judgments (Wells & Bradfield, 1998). As recognized in *Lawson*, the post-identification feedback effect means that the *appearance* of memory reliability has been influenced by the lineup administrator. In part because courts are relying heavily on the post-identification feedback effect in remaking ground rules for eyewitness identification evidence, it is important to carefully assess the scientific reliability of the feedback effect, its consistency, strength, and robustness.

We conducted a meta-analysis of the extant feedback effect literature to provide guidance to law enforcement and courts as they further consider the implications of post-identification feedback as a system variable. Meta-analysis has been recognized by courts as a valuable aid to their decisions regarding psychological research. For example, in a recent appellate decision the New Jersey Supreme Court relied on a court-appointed Special Master who reviewed the scientific eyewitness identification literature. The Special Master, retired Superior Court judge Geoffrey Gaulkin, reported that "[a]n important and much cited subset of the literature is comprised of meta-analyses, which evaluate the methodologies and findings of multiple published reports of experiments in a given area of inquiry. [internal citations omitted] The strength of meta-analyses is dependent, of course, on the strength of the underlying studies, but because of their breadth, meta-analyses are generally regarded as offering the most reliable statements of the scientific findings" (*New Jersey v. Henderson*, 2011, Report of the Special Master, p. 12). Indeed, an earlier meta-analysis of the post-identification feedback effect was used in the *Henderson* court's appellate decision (Douglass & Steblay, 2006).

The current meta-analysis of published peer-reviewed research incorporates twice the published articles of the feedback effect tested in Douglass and Steblay (2006), some 7,000 witness-participants (2,400 were reviewed by Douglass and Steblay), and, perhaps more importantly, includes moderator variables that were not available in the literature in 2006.

This updated meta-analysis serves two functions, a policy function and a theoretical function. At the policy level we focus primarily on the idea that post-identification feedback contaminates key indicia of eyewitness identification reliability and yet there are procedures under control of the justice system (involving double-blind lineup administration and timely questioning of witnesses) that can preserve these indicia in their uncontaminated state. At the theoretical level, moderator analyses are used to examine the dominant interpretations of the feedback effect and to

raise new questions about the psychological processes that give rise to the effect. We turn to the policy implications of the post-identification feedback effect first.

Policy: The Double-Blind Lineup

In the policy domain, the feedback effect holds strong implications for legal system recommendations regarding the double-blind lineup procedure. A double-blind lineup procedure is one in which the lineup administrator does not know which lineup member is the suspect and which are merely fillers. The double-blind lineup was first introduced 25 years ago as a way to prevent lineup administrators from influencing eyewitness identification decisions (Wells, 1988). The idea was based largely on the well-known experimenter-expectancy effect (e.g., Rosenthal, 1964; Rosenthal & Rubin, 1978). The double-blind lineup follows from the analogy between police conducting a lineup to test a hypothesis (that the suspect is the culprit) and researchers conducting an experiment to test a hypothesis (Wells & Luus, 1990). In both cases, the gold standard would seem to be a double-blind procedure in which all critical dependent measures are collected before the person conducting the test is aware of the hypothesis (as to which lineup member is the suspect). The American Psychology-Law Society (Division 41 of the American Psychological Association) endorsed the idea of double-blind lineups in a 1998 "white paper" (Wells et al., 1998). Many jurisdictions have now switched to double-blind lineups (e.g., the states of New Jersey, Connecticut, North Carolina, and Ohio as well as major cities and counties such as Boston, Dallas, and Santa Clara County, CA).

A concern with the possibility that nonblind administrators can influence witness identification decisions (i.e., whether and who witnesses pick from the lineup), however, is only one reason why double-blind lineups should be strongly considered among good practices. Largely forgotten as a reason for double-blind procedures is the prevention of the post-identification feedback effect, an argument that was made in the original Wells and Bradfield (1998) article.

The importance of preventing the post-identification feedback effects goes beyond the core dependent measure of eyewitness certainty. The *Lawson* decision's emphasis on the witness's original personal memory as evidence pointedly reminds us that post-identification feedback affects other aspects of witness reliability as well, such as the witness's report of attention paid to the event, quality of view, and ability to make out the features of the perpetrator's face (thereby suggesting favorable levels of "estimator" factors). A nonblind lineup administrator who influences witnesses' answers to testimony-relevant questions is influencing the evidence that triers of fact (judges and juries) use to evaluate the identification. In recent debates about double-blind lineups (see Clark, 2012; Wells et al., 2012), the post-identification feedback effect has not been a central part of the dialogue regarding the need to double-blind lineups. However, it could be argued that the feedback effect deserves a place at the table in any discussion of the blind versus nonblind policy. We explore these policy implications in the Discussion section, after reporting the meta-analytic findings.

Theory: Explaining the Post-Identification Feedback Effect

In addition to its practical value for legal policy development, the feedback effect is imbued with an element of theoretical intrigue regarding the psychological processes that give rise to the effect. This intrigue is largely the result of three central components of the effect. First, the feedback manipulation occurs *after* the identification is made, which means that feedback could not have influenced identification accuracy. Second, key dependent measures ask witnesses to make *retrospective* judgments about matters that occurred *before* the feedback. In the case of witness certainty, for instance, witnesses are asked to indicate how certain they were at the time of the identification. In the case of view and attention, witnesses are asked to indicate how good their view was and how much attention they paid at the time of witnessing. Hence, differences between feedback conditions represent memory distortions rather than reality. It should be noted that the feedback effect is more than a simple failure to remember or a superficial compensation for nonremembered details of experience; feedback distorts witness memory well beyond the boundaries of misreporting what one knew at an earlier time (i.e., the hindsight bias; see Bradfield & Wells, 2005; Fischhoff, 1975). Third, the effect is unusually broad across a wide variety of variables, covering a dozen or more dependent measures that are highly relevant to testimony.

The original interpretation of the post-identification feedback effect was that witnesses do not form online memory traces for testimony-relevant judgments such as how good or poor their view is, how much attention they are paying, how certain they are when they make their identification, and so on (Wells & Bradfield, 1998). As a result, when witnesses receive feedback suggesting they made a correct identification (even when they were mistaken), they use the feedback as a cue to infer the answers (e.g., "I made a correct identification, so I must have had a good view, paid attention, and been certain"). Variations of this interpretation have emerged in later work. For instance, instead of assuming that no memory traces for these judgments were formed, later descriptions of the process tended to be more agnostic regarding the question of whether memory traces were or were not formed and instead stressed the idea that they were simply not cognitively accessible (e.g., Neuschatz et al., 2007; Wells & Bradfield, 1999). This *cue-accessibility* interpretation left open the possibility that memory traces had been formed but were no longer accessible at the time of retrieval. Common to both interpretations is the idea that the effect involves a process in which witnesses rely on the feedback as a cue to infer their view, attention, certainty, and other aspects of past experience. According to the cues account, witnesses are relegated to relying on the feedback and inferences processes largely because there is little or no accessible memory trace for making these judgments. The cue-accessibility interpretation of the feedback effect has been likened to Bem's (1972) self-perception theory of attitudes and beliefs; to the extent that internal cues are weak, people infer their attitudes and beliefs by observing their own behavior and the context.

Using this cue-accessibility framework, Wells and Bradfield (1999) implemented a "private thought" manipulation to test the idea that forcing witnesses to form an accessible "prefeedback trace" for these judgments would provide them with internal cues

that would moderate the feedback effect. In what has become known as the feedback-prophylactic effect, Wells and Bradfield found that asking witnesses to privately reflect on their certainty, view, and so forth *prior* to receiving feedback serves to significantly reduce the post-identification feedback effect.

The feedback prophylactic effect not only provides support for the cue-accessibility conceptualization, but also rules out more mundane interpretations, such as witness self-presentation. A self-presentation interpretation states that witnesses who get confirming feedback are merely posturing to make themselves look good ("Yes, I was certain all along"), which they feel permitted to do once they get feedback suggesting that they made an accurate identification. But if a self-presentation motive underlies the post-identification feedback effect, the private-thought manipulation prior to feedback should not moderate the effect; witnesses could still boastfully posture and self-present because no one knew what their private thoughts were. Hence, self-presentation has not fared well as an explanation of the feedback effect.

Building on cue-accessibility, Charman, Carlucci, Vallano, and Gregory (2010) developed a more elaborate *selective cue integration framework* (SCIF) positing a three-stage process. According to Charman et al.'s SCIF account, when witnesses are asked about their viewing and identification experiences, they first assess the strength of internal cues for making these judgments (assessment stage). If internal cues are weak, witnesses then look for external cues (search stage). If external cues are found (such as in administrator feedback), then witnesses submit the external cues to a credibility check (evaluation stage). If the external cues are judged to be credible, then the external cues are used to make the judgments. This framework is modeled after the attitude-accessibility literature and is useful in explaining how manipulations that discredit the feedback (such as suggesting questionable motives of the source of the feedback or learning that the feedback was randomly generated) serve to reduce the feedback effect.

Also of theoretical interest is the question of whether witness accuracy moderates the feedback effect. The cue-accessibility conceptualization has been used to postulate that witnesses who make accurate identifications will have stronger internal cues (due to the sense of true recognition that occurred) and thereby be less influenced by external cues than are inaccurate witnesses (Bradfield, Wells, & Olson, 2002). There are now eight studies testing the feedback effect with accurate witnesses. The question of whether accuracy moderates the feedback effect is important because if accuracy does not moderate the effect, then it raises questions about the cue-accessibility conceptualization of the feedback effect.

Our goal for this theoretical analysis of the feedback effect goes beyond merely informing researchers interested in the phenomenon. Instead, we anticipate that a comprehensive picture of the theory underlying this important effect will inform future collaborations between the legal system and researchers.

Additional Considerations for the Meta-Analysis

As noted above, an early meta-analysis on the post-identification feedback effect has been part of the scientific offerings to the court. In that original analysis, Douglass and Steblay (2006) summarized the nascent *post-identification feedback effect* literature, finding a robust effect with medium to large effect sizes

for a broad set of dependent measures. Since that review, the published feedback effect literature has now more than doubled and includes studies conducted in the United States, Canada, Europe, and Australia and with both laboratory and actual witnesses to serious crimes. We anticipate that this larger literature will give more stable estimates of effect sizes for testimony-relevant judgments and permit analyses bearing on the question of how these judgments are related. Moreover, since the previous meta-analysis, more moderators have been explored in order to define the possible boundaries of the effect, and more extensive theoretical models have been developed, thereby permitting a more detailed look at how the findings agree with theories of post-identification feedback. We also expect that this meta-analysis will reveal shortcomings of the post-identification feedback literature, especially with respect to mediators and causal paths relating to the various dependent measures. Therefore, we expect our analysis to open new questions for future research, such as why the inflating power of confirming feedback is stronger than the deflating power of disconfirming feedback.

Specific to the cumulative nature of research findings, concern has been expressed in recent years about the tendency of some research effects—that appear real based on initial studies—to lessen or even disappear over time as researchers attempt to replicate and refine the original findings or to ascertain the boundaries of the effect (e.g., Ionnadis, 2008; Schooler, 2011). Moreover, narrative impressions of an empirical literature are subject to a number of cognitive biases, such as the availability bias, that can only be effectively corrected with a meta-analysis (Bushman & Wells, 2001). Given the centrality of the feedback effect in legal policy discussions and legal rulings, the reliability, robustness, and size of the feedback effect at this point, 15 years after the original publication, is of considerable interest.

Method

Sample

Our central hypothesis is that post-identification confirming feedback will produce significant witness response inflation for the broad set of dependent measures common to this research literature (Douglass & Steblay, 2006). Selection criteria for the current meta-analysis included: published experimental tests of event memory (excluding facial recognition paradigms or those testing memory for details of an event, e.g., Dixon & Memon, 2005); random assignment of participants to Feedback versus No Feedback groups; dependent measures of witness retrospective confidence and testimony-relevant variables broken out by dependent variable (not composite scores, e.g., Rodriguez & Berry, 2010); and sufficient data for calculation of effect size between Feedback and No Feedback conditions either in the published report or through contact with the author. Our primary analyses focus on 20 published articles, representing 6,200 participant-witnesses from 10 separate laboratories that met these criteria. Some articles include more than one experiment. (See Table 1 for listing of studies.) Additional published studies that failed to meet these specific criteria but that offer useful ancillary material also are discussed: for example, regarding feedback effects on real witnesses to crime (Wright & Skagerberg, 2007) and on observers of witnesses who received feedback (Douglass et al., 2010; Maclean et al., 2011). In total, 23 published articles, 11 laboratories, and 7,000 witness-participants are represented from the United States, Canada, Europe, and Australia.

Across the published articles 10 different witnessed events were used, but there was also considerable sharing of materials. Two videos were heavily used in this literature, namely the "bomber on

Table 1
Studies in the Meta-Analysis by Date of Publication: Confirming Versus No Feedback Effect Sizes (d)

Study	Date	Culprit-absent lineup			Culprit-present lineup		
		Certain	View	Attention	Certain	View	Attention
Wells & Bradfield	1998	1.04	.67	.64			
Wells & Bradfield	1999	1.05	.64	.49			
Bradfield, Wells, & Olson	2002	.65	.45	.44	.25	.09	.10
Wells, Olson, & Charman	2003	1.04	.48	.41			
Semmler, Brewer, & Wells	2004				.44		
Neuschütz, Preston et al.	2005	1.20	.62	.45			
Neuschütz, Preston et al.	2005	1.31	.47	.16			
Douglass & McQuiston-Surrett	2006	.95	.44	.36			
Douglass & McQuiston-Surrett	2006	1.14	1.02	.96	.67	1.32	.78
Lampinen et al.	2007	1.41	.48	.48	.33	.38	.40
Lampinen et al.	2007	.90	.60	.46	.68	.44	.43
Neuschütz, Lawson et al.	2007	1.14	.80	.61			
Charman & Wells	2008	.37	.39	.36			
Douglass, Brewer, & Semmler	2010	.47	.21				
Skagerberg & Wright	2009	.60	.70	.64			
Charman, Carlucci et al.	2010	1.13	.46	.60			
Charman, Carlucci et al.	2010	.87	.97	.44			
Quinlivan, Wells et al.	2010	1.39	.80	.32			
Quinlivan et al.	2012				.35	.38	-.19
Charman & Wells	2012	.90	.31	.12	.63	.61	.33
Smalarz & Wells	in press	.79	.48	.72	.37	.19	.16

the roof" video (first used by Wells et al., 2003, used in seven articles) and the "Target store security video" (first used by Wells & Bradfield, 1998, used in five articles). Eight other articles used unique events, including various theft videos, a mugging video, a bank robbery video, an airport bag-switching video, and a live event. One feedback article (Wright & Skagerberg, 2007) used actual eyewitnesses to crimes in ongoing cases in the United Kingdom. The articles did not provide enough information to determine how good or poor the witnesses' views were of the culprit. A few of the articles mentioned culprit-exposure durations (ranging from 5 s to 43 s), but information about distance, clarity, lighting, distractions (e.g., other people in the video), viewing angles (e.g., profiles, straight on), and other factors that would be needed to score videos for view were generally not reported, thereby preventing any analyses of potential moderating roles for encoding conditions across studies.

Dependent Measures

Dependent measures related to the post-identification feedback effect cover an array of testimony-relevant variables that represent three broad aspects of witness responses, as originally presented by Wells and Bradfield (1998): (a) *memory acquisition judgments*, (b) *memory retrieval judgments*, and (c) *summative judgments*. We use this tripartite categorization to organize our report on the many dependent measures that have been used to study the post-identification feedback effect.

Memory acquisition judgments refer to witnesses' retrospective assessments of the witnessing experience. Five measures fall into this category. These include witnesses' recollections of how good their view was of the culprit (*view*), how much attention they paid to the culprit during the witnessed event (*attention*), how well they could make out facial details of the culprit during the event (*facial details*), the estimated distance that the culprit was from the camera-eye view (*viewing distance*), and the amount of viewing time they had to observe the culprit (*viewing time*).

Memory retrieval judgments refer to the witnesses' retrospective assessments of the recollection and identification experience. Four measures fall into this category. These include witnesses' recollections of how certain they were at the time of identification (*certainty*), how easy they found it to make an identification (*ease*), the amount of time that it took to make an identification (*time to ID*), and how clear of an image of the culprit they had in memory (*memory clarity*).

Summative judgments refer to more global assessments that are not directly asking about acquisition or retrieval judgments. Four measures fall into this category. These include overall assessments of their willingness to testify about their identification (*willingness*), how much they would trust an identification by another person who had a similar witnessing experience (*trust in eyewitnesses*), how good of a basis they had for making their identification (*basis*), and how good their memory is for the faces of strangers (*memory for faces*).

Statistics

For analyses that combine studies, each study contributes only one effect size, thereby weighting each test equally. Cohen's *d*, the standardized mean difference between two groups, was calculated

as the effect size indicator for each comparison (Cohen, 1988) and a mean *d* is used to indicate effect size across studies, following a fixed-effects model. According to Cohen, a small effect is .20, a medium effect is .50, and a large effect is .80. A meta-analytic *Z* was calculated using Rosenthal's (1991) method of combining *t*-values.

Results

Table 1 lists all the published feedback studies used in this meta-analysis according to their publication dates. For each study, effect sizes are reported for three of the 13 measures. These three measures (certainty, view, and attention) are considered particularly important because they constitute what has been dubbed "Manson factors." Manson factors are variables that were singled out by the U.S. Supreme Court in *Manson v. Braithwaite* (1977), as well as the Court's earlier ruling (*Neil v. Biggers*, 1972), as indicia of reliability for eyewitness identification cases. Sample sizes for these primary comparisons ranged from 40 to 152 ($M = 86.9$). Table 2 reports effect sizes collapsed across the studies for the larger set of 13 dependent measures.

Effect Sizes for Confirming Feedback to Mistaken Witnesses

Examination of post-identification feedback initially arose from concern regarding confidence inflation in *inaccurate* witnesses—those who had selected an innocent suspect from a lineup. Therefore, the forensically-relevant laboratory test involved eyewitnesses who made an erroneous identification from a culprit-absent lineup. When such witnesses are provided with confirming feedback (about the success of what is a *wrong* pick), their confidence in this decision is expected to rise significantly along with their retrospective assessment of the experience of viewing the crime event (see Table 2 and Figure 1).

Our first analysis is the specific test of a feedback effect as framed by Wells and Bradfield in 1998. Adult witness-participants view a crime event and are asked to identify the perpetrator from

Table 2
Confirming Feedback Versus No Feedback Comparison for
Culprit-Absent Lineups

Dependent measure	<i>k</i>	<i>d</i>	Range		CI 95%	<i>SE</i>	
			min	max			
Certainty	19	.98*	.37	1.41	.84	1.12	.071
Willingness	17	.98*	.66	1.57	.85	1.11	.065
Basis	17	.90*	.49	1.59	.76	1.04	.070
Ease	17	.86*	.19	1.45	.71	1.01	.075
Memory clarity	15	.69*	.32	1.13	.59	.79	.053
Trust in eyewitness	5	.69*	.24	1.08	.36	1.02	.170
Facial details	17	.65*	.21	1.14	.52	.80	.070
View	19	.58*	.21	1.02	.48	.68	.050
Time to ID	17	.54*	.08	1.15	.40	.68	.070
Memory for faces	16	.52*	-.02	.90	.38	.64	.060
Attention	18	.48*	.12	.96	.39	.57	.047
Viewing time	7	.04	-1.00	.69	-.35	.43	.197
Viewing distance	10	.00	-.38	.27	-.06	.06	.062

* $p < .001$. (A significant difference between confirming feedback and no feedback conditions.)

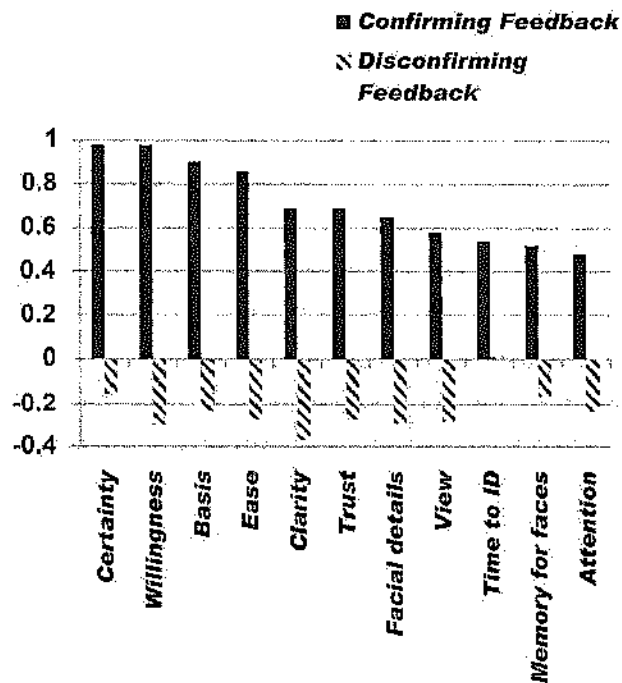


Figure 1. Effect sizes (d); Confirming and Disconfirming Conditions.

a culprit-absent simultaneous lineup. The witness is not provided a cautionary instruction that the culprit may not be in the lineup. Identification of any lineup member is immediately followed by the experimental manipulation via random assignment of participants to two groups: One group of witnesses is informed "Good, you identified the suspect," the other group is given no feedback. This critical feedback regarding the "correctness" of the witness' lineup pick is delivered by the lineup administrator; the witness is allowed to presume a nonblind administrator who knows which lineup member is the suspect. Each witness then completes a series of dependent measures assessing the witness's experience of the crime event and the identification procedure.

Memory acquisition judgments: Recalling the crime event. As originally conceptualized by Wells and Bradfield, (1998), memory acquisition measures include *view*, *attention*, *facial details*, *viewing distance*, and *viewing time*. As predicted, across studies witnesses who received confirming feedback reported a significantly stronger quality of witnessing experience for the crime than did witnesses who received no feedback. As shown with the effect sizes reported in Table 2, witnesses reported a better view of the event ($d = .58$, $k = 19$), greater attention paid to the culprit ($d = .48$, $k = 18$), and greater ability to make out facial details of the culprit ($d = .65$, $k = 17$), all Z s > 8.80 , p s $< .001$. However, there was no significant difference between Confirming Feedback and No Feedback conditions on measures of viewing distance ($d = .00$, $k = 10$) and viewing time ($d = .04$, $k = 7$). This is evidence that the feedback effect is not simply a witness response bias that pervades all judgments. See Table 2 for effect sizes, effect size ranges, 95% confidence intervals around the effect sizes, and standard errors for the effect sizes for 13 dependent measures.

Memory retrieval judgments: Recalling the identification. Retrospective *certainty* is the central dependent measure in the feedback paradigm. (In this article, as in the research, the terms *certainty* and *confidence* are interchangeable.) Along with certainty, Wells and Bradfield (1998) included *ease*, *time to ID*, and *memory clarity*. In 19 published tests eyewitnesses who received confirming feedback expressed significantly more retrospective certainty about their positive identification decision compared to those who received no feedback, $d = .98$, $k = 19$, $Z = 18.81$, $p < .001$. Related measures aligned with this inflation of certainty. Witnesses reported a significantly greater ease ($d = .86$, $k = 17$), faster time to ID ($d = .54$, $k = 17$), and greater memory clarity ($d = .69$, $k = 17$), all Z s > 9.80 , p s $< .001$.

Summative judgments. The impact of confirming feedback generalized to all four summative measures tested by Wells and Bradfield (1998). Compared with witnesses who received no feedback, those who received confirming feedback reported a stronger basis for their identification ($d = .90$, $k = 17$), greater trust in eyewitnesses who have a similar experience ($d = .69$, $k = 5$), a better memory for faces ($d = .52$, $k = 16$), and increased willingness to testify about their identification ($d = .98$, $k = 17$), all Z s > 7.00 , p s $< .001$.

Effect Sizes for Disconfirming Feedback to Mistaken Witnesses

The original Wells and Bradfield study (1998) included a condition of disconfirming feedback for comparison against a No Feedback control group after all witnesses had made selections from a culprit-absent lineup. The expectation for a reversed effect—that is, for witnesses who received disconfirming evidence to be less certain—was supported ($d = -.35$), in line with the cue-accessibility notion that disconfirming feedback was used by witnesses to inform their judgments. Wells and Bradfield noted an interesting asymmetry, however, in that disconfirming feedback was less influential in lowering the confidence of witnesses than confirming feedback was in raising confidence (see Table 3 and Figure 1).

In seven studies, witnesses who received immediate disconfirming feedback after an identification from a culprit-absent lineup were compared with witnesses who received no feedback. Disconfirming feedback produced significantly lower witness ratings on 10 of 13 dependent measures, including *certainty* (see Table 3). Across measures, effect sizes are significantly smaller and more uniform ($M = .26$, $SD = .07$, range from .15 to .37) than those obtained with confirming feedback ($M = .65$, $SD = .21$, range from .41 to 1.00), $t(9) = 5.54$, $p < .001$, echoing the asymmetry noted by Wells and Bradfield (1998) in their original study.

Robustness of the Feedback Effect

Has the feedback effect size changed over time? In order to test the possibility of a "fading" effect across time, effect sizes in studies conducted as of 2006 (date of the Douglass and Steblay meta-analysis) were compared with those published after 2006. Confirming Feedback and No Feedback conditions on 10 dependent measures were included in this analysis, as each of these was tested in at least six studies for each of the two time segments. The mean effect size across the 10 measures for Confirming Feedback

Table 3
Disconfirming Feedback Versus No Feedback Comparison for Culprit-Absent Lineups

Dependent measure	<i>k</i>	<i>d</i>	Range		CI 95%		SE
			min	max			
Certainty	7	-.15*	-.86	.44	-.48	-.18	.166
Willingness	7	-.30*	-.78	-.09	-.47	-.13	.088
Basis	7	-.23*	-.63	.17	-.48	.02	.130
Ease	7	-.27*	-.68	.00	-.45	-.09	.093
Image clarity	6	-.37*	-.67	.00	-.55	.19	.094
Trust in eyewitnesses	1	-.27*					
Facial details	7	-.29*	-.67	.00	-.47	-.11	.094
View	7	-.28*	-.63	-.09	-.44	-.12	.083
Memory for faces	6	-.16*	-.37	.03	-.30	-.02	.070
Attention	7	-.23*	-.55	.07	-.39	-.07	.082
Time to ID	7	.01	-.26	.26	-.15	.17	.080
Viewing time	3	-.16	-.35	.03	-.38	.06	.110
Viewing distance	3	.17	.00	.50	-.15	.49	.165

Note. Negative sign (-) indicates lower score in disconfirming feedback than in no feedback condition.

* $p < .05$. (A significant difference between disconfirming feedback and no feedback conditions.)

versus No Feedback groups in studies prior to 2007 was $d = .70$ ($k = 8$), the mean effect size for studies conducted after 2007 ($k = 11$) was $d = .73$. The feedback effect has been maintained across time.

Preliminary instructions. Following the lead of Wells and Bradfield (1998), most post-identification feedback studies use biased instructions implying that the culprit is in the lineup regardless of whether the culprit is present or not. That is an efficient paradigm because it leads all witnesses to make an identification. But it also raises the question of whether the post-identification feedback occurs when unbiased instructions are used (i.e., a warning that the culprit might not be present and an option to make no identification). The answer appears to be "yes." The feedback effect has been obtained when an unbiased instruction is administered (Dysart, Lawson, & Rainey, 2012; Semmler, Brewer, & Wells, 2004). Moreover, a positive lineup identification is not a necessary prerequisite to confidence inflation; that is, confirming feedback also increases the confidence of witnesses who correctly or incorrectly reject the lineup (Semmler et al., 2004).

Variations in manipulations of feedback. The standard method of manipulating feedback has been to tell the witness, "Good, you identified the suspect." But some studies have used alternative ways of providing positive feedback to the witness, such as "84 of 87 witnesses agreed with you" (Semmler et al., 2004; Skagerberg & Wright, 2009) or "you've been a really great witness" (Dysart et al., 2012). The post-identification feedback effect also occurs with these alternative forms of feedback.

Generalization across participant samples. Although most researchers have tested college-age witnesses, both children (Hafstad, Memon, & Logie, 2004) and older adults (Neuschatz et al., 2005) also exhibit the feedback effect, thereby attesting to generality across age. Ear-witnesses are vulnerable to feedback effects as well, an extension of the effect across sensory modality (Quinlivan et al., 2009). Venturing even further from the standard post-identification feedback paradigm, Wright and Skagerberg (2007) tested actual witnesses to crimes in ongoing investigations in the United Kingdom. These researchers did not ask the *certainty* question because of concerns about keeping the data confidential

from defense lawyers and gaining approval for the study from police. Instead, they used a proxy for certainty: "How *easy* was it for you to figure out who committed the crime?" The researchers were unable to randomly assign these real witnesses to feedback conditions, so instead asked the *ease* question either before or after the witnesses were told whether they identified the suspect or identified a filler. Witnesses told that they identified a filler reduced their ratings of *ease* of identification; witnesses told that they identified the suspect increased their ratings of *ease* of identification. The net effect of feedback was equivalent to $d = 1.25$ on witness ratings of *ease*. Whether *ease* is a good proxy for *certainty* is debatable. However, this study is an important demonstration of generalizability because it used a sample of actual witnesses to serious crimes (including victims and bystanders) in ongoing investigations rather than the typical participants in a laboratory study.

Other dependent measures. Although most post-identification feedback studies have restricted their measures to the standard post-identification feedback questions, there have been attempts to take other measures. Wells et al. (2003) and Wells and Bradfield (1998) explored a set of measures that tap witnesses' retrospective reports of how they made their identification decisions. Confirming feedback significantly increased witness endorsement of items related to automatic recognition: The suspect's face "just popped out at me," "I just recognized him," and "I matched the image in my head to the person in the photo." There was no significant effect for feedback on items that suggested a more deliberative process: "I compared ... to narrow down the choices," "I first eliminated the ones definitely not him," "I based the judgment on specific facial features." Lampinen et al. (2007) also reported a significant impact of confirming feedback on witness endorsement of a "pop-out" item.

Differences in Effect Sizes Across Measures

It is clear from Table 1 that some measures show large effect sizes and other measures show much smaller effect sizes. There appears to be no pattern relating effect sizes on the measures and

whether the measure is in the acquisition, retrieval, or summative category. Hence, we explored two possible explanations for this. One possibility is that some measures are operating against ceiling effects because of their "starting points" in the control condition (no room to move up on the scale following confirming feedback). Another possibility is that the order in which the questions are asked influences the size of the effect obtained on a given measure.

Differential ceiling or floor effects across measures? Some measures might have weaker effects from confirming feedback because their control condition (No Feedback) means are already high on the scale, which would leave little room for additional boosts from confirming feedback. To explore this possibility, mean scores in the control condition were transformed to a common 1–10 scale (midpoint 5.5) for each dependent measure in each study and then averaged across studies, weighted by study sample size. Consistent with this, we note that the control condition mean for the *willingness* measure, which shows the largest effect size, is also the lowest mean in the control condition (3.4). But even the highest control condition means were only 5.8 (*memory*, *ease*, and *view*) on the 10-point scale, which is barely beyond the midpoint of the scale (5.5). Hence, there seems to be plenty of room for upward movement on all the measures.

A better test of whether the starting point (control condition means on the measures) can account for different effect sizes across measures is to examine whether the measures that show larger versus smaller effect sizes in the upward direction are the same measures that show larger and smaller effect sizes in the downward direction. To test this, we correlated the absolute value of effect sizes for confirming feedback with absolute value of effect sizes for disconfirming feedback across the measures. This is a critical test because the *direction* of change for disconfirming feedback is opposite to the direction of change for confirming feedback and yet the control means are the same. In other words, if the effect of confirming feedback on a low control condition mean (e.g., *willingness* at a mere 3.4 on the scale) is due to there being more room to "move up" on the scale than the other measures, then there should be less room to move down on the scale than the other measures. Hence, if ceiling or floor effects explain the variation in effect sizes, the correlation between the absolute values of the effect sizes in the confirming and disconfirming conditions should be negative. In fact, however, the correlation is positive, $r(13) = .58$, $p = .04$. In other words, the measures that are most malleable for confirming feedback (which increase relative to the control) are the same as those that are more malleable for disconfirming feedback (which decrease on the scale). The *willingness* measure is a salient example. *Willingness* is the lowest control group mean (3.4 on the 10-point scale) and rises more than any other measure in response to confirming feedback. But it is also the one that drops the most in response to disconfirming feedback. Hence, ceiling and floor effects fail to explain why some measures are more influenced by feedback than are other measures.

Order effects for the measures? Another possible source of variation in effect sizes across measures concerns the order in which the questions are asked. The strong tendency of researchers has been to mimic the measures that were originally used by Wells and Bradfield (1998), including the order in which the questions are asked. Accordingly, the order of the measures is confounded with the type of measure. One can imagine different hypotheses

about the order of the items as they relate to effect size. One possibility is that the first measures will show the strongest effects because of their closer temporal proximity to the feedback manipulation and the effect might then wear off on later measures. Or, one might predict the opposite, namely, that there is a "warm-up" effect of some sort so that the early measures show weaker effects and the later measures show stronger effects. In fact, however, neither of these hypotheses seems to fit the data. In almost all studies (94%), *certainty* is the first item asked of witnesses, *basis* is placed in the middle of the questionnaire (Position 5, 6, or 7), and *willingness* is at or near the end. But these three measures are the strongest effects. In order to assess this more precisely, we coded the position of each of the 13 dependent measures on the witness questionnaire for each study and calculated a correlation between question order and effect size across measures. This correlation was not significant, $r(11) = .09$, $p = .78$. Thus, order of the measures does not seem to provide a satisfactory explanation for variability in effect sizes.

Credibility-Threshold Estimates: Communicating the Forensic Importance

It can be argued that eyewitnesses who will "survive" to ultimately testify against a defendant at trial have to pass a threshold of credibility. For example, a witness who expresses little certainty or reports a poor view after making an identification is not likely to impress a prosecutor enough to produce an indictment, be perceived as credible enough to survive a pretrial hearing on admissibility, or convince a jury that his or her identification should be trusted. In light of this, Wells and Bradfield (1998, Experiment 2) developed a unique measure that expresses the impact of confirming post-identification feedback on the probability that a mistaken identification witness will meet the threshold as a credible witness. Wells and Bradfield calculated the percentage of mistaken witnesses who responded at the high end of their 7-point scale (with a 6 or 7) among witnesses who did not get confirming feedback versus those who received confirming feedback. The results were startling: 50% of mistaken witnesses who received confirming feedback rated their certainty at the high end of this scale, compared with only 15% of witnesses who received disconfirming feedback. There was no control condition in Experiment 2 so the only comparison possible was between disconfirming and confirming feedback conditions.

In this meta-analysis we did not have the raw data to exactly duplicate the method used by Wells and Bradfield (1998) for all of these studies. However, we can estimate these credibility-threshold percentages for the data set as a whole using the means, effect sizes, and standard deviations of the individual studies and relying on the assumption that the data are normally distributed. The normal distribution assumption permits us to estimate the percentage of witnesses in both the control and confirming feedback conditions who fall in the upper tail of the distribution corresponding to scores of 8 or more on the 10-point scale for each measure.

Figure 2 shows the results of our analysis of the percentage of witnesses who pass the credibility threshold of 8 or greater for each of the significant measures. On *certainty*, for example, only 6% of the mistaken witnesses in the control condition met or exceeded the credibility threshold whereas 29% of witnesses in the confirming condition passed the threshold. Notice as well that very

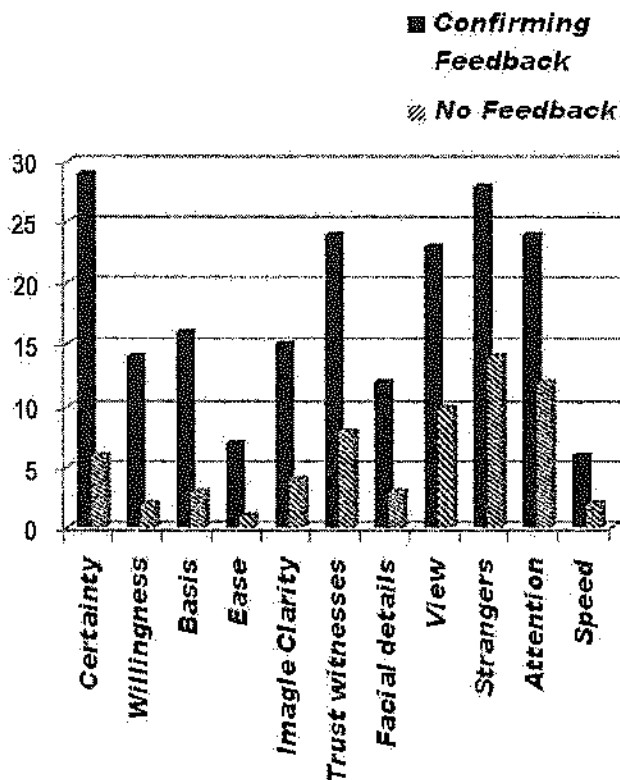


Figure 2. Estimated percentage of mistaken witnesses responding at 8 or above (on a 10-point scale).

few (2%) of mistaken witnesses passed the willingness-to-testify threshold in the absence of confirming feedback, but 14% of mistaken witnesses passed that threshold if they received confirming feedback. This pattern repeats across the measures.

This measure of the probability of passing a credibility threshold is a forensically relevant way to think about the effect size resulting from a single comment from a lineup administrator. In fact, we believe that the credibility-threshold metric is a better way to communicate the impact of post-identification feedback to policymakers (e.g., "The percentage of mistaken witnesses who will display high certainty rises from a mere 6% to 29% with feedback") than traditional effect-size metrics (e.g., "Feedback increases the certainty of mistaken eyewitnesses by .98 standard deviations").

Mitigating the Post-Identification Feedback Effect

There have now been 10 attempts to mitigate the post-identification feedback effect using manipulations that are either prophylactic (prior to feedback) or remedial (after feedback).

Successful mitigation is indicated if the application of the intervention manages to significantly reduce the impact of the feedback (a comparison of the intervention vs. not between witnesses who all received confirming feedback). Full mitigation is indicated if the manipulation manages to fully eliminate the difference between the Feedback and No Feedback (control) conditions. For ease of reporting, we focus below on the key dependent measure of witness identification certainty. The patterns discussed are most

evident with the certainty measure but also appear throughout additional dependent measures.

Prophylactic moderation attempts. The confidence prophylactic is employed by asking eyewitnesses, after their identification but *prior* to their receiving feedback, to consider their confidence in the identification (as in Wells & Bradfield, 1998) or, more fully, to think privately about how clearly they could see the gunman's face in the video, how much they focused on the gunman's face, how easy it was for them to select someone from the photos, how good they are at remembering faces, and how sure they were that they identified the right person in the photo-spread (as in Wells & Bradfield, 1999). The objective is to produce a retrievable memory trace that will "inoculate" the witness against the influence of the subsequent feedback. The theory behind this manipulation is closely tied to the cue-accessibility conceptualization of the feedback effect.

Four studies speak to the prophylactic hypothesis. Wells and Bradfield (1998, 1999) examined eyewitnesses using confidence prophylactics described above. Quinlivan et al. (2009) required ear-witnesses to rate their certainty on a Likert-type scale prior to feedback. Although the ear-witnesses produced consistently larger effect sizes across measures compared with the eyewitnesses (perhaps because audio cues are weaker than visual cues), the pattern of outcomes is quite similar among these three studies that compared the impact of a confidence prophylactic across witnesses who all received confirming feedback. For both eyewitnesses and ear-witnesses, a confidence prophylactic as intervention reduced the impact of the feedback. Specifically, witnesses who were asked to consider their experience before they heard confirming feedback showed significantly smaller feedback effects on retrospective certainty compared with witnesses who did not receive the prophylactic instruction before they heard confirming feedback, $d = .52$. However, even with the confidence prophylactic applied there was still significant confidence inflation from confirming feedback when compared with witnesses who never heard the feedback ($d = .59$). Thus, in these three studies the confidence prophylactic moderated but did not fully eliminate the feedback effect.

The fourth study (Neuschatz et al., 2007) was able to reduce confidence inflation to the level of a No Feedback group, $d = .12$. But Neuschatz et al. also report one of two tests that expose additional limitations for the confidence prophylactic. When measures were delayed for 1 week, the feedback effect emerged at that time despite the prophylactic administered earlier. Quinlivan et al. (2009) also found that the impact of an otherwise successful confidence prophylactic disappeared for ear-witnesses on all dependent measures when the measures were delayed for 1 week. Presumably, this rebound effect occurs because witnesses' memories for their prefeedback thoughts (the prophylactic) become less accessible over time whereas their memory for the feedback remains salient and largely accessible.

Remedial moderation attempts. An alternative strategy to correct for the feedback effect is through a manipulation following the feedback that attempts to undermine the usefulness or credibility of that feedback. Three studies (Charman et al., 2010; Lampinen et al., 2007; Quinlivan et al., 2010) have followed confirming feedback with a correction to the witness that the feedback was in some manner a mistake. This "mistake" interven-

tion significantly reduced witness confidence inflation compared to a group without the intervention, $d = .85$. Yet, significant differences were sustained between Confirming Feedback/Intervention and No Feedback groups; that is, the intervention did not erase the impact of the confirming feedback ($d = .38$).

Credibility of the feedback can be undermined by interjecting suspicion about the source and intent of the feedback after the feedback is delivered. In two studies (Neuschatz et al., 2007; Quinlivan et al., 2010), the credibility of the feedback was placed in doubt by later informing the witness that the feedback source did not actually know which lineup member was the correct person and had a manipulative intent ("... she has no way of knowing if you picked the correct person ... She is trying to influence the results." Neuschatz et al., 2007, p. 235). This manipulation significantly reduced response inflation (Confirming Feedback/Intervention vs. Confirming Feedback, $d = .77$) within an immediate timeframe and even when received with a 1-week delay after the feedback. But, the effect remained ($d = .46$) when the Confirming Feedback/Intervention group was compared with the No Feedback group, indicating that the suspicion manipulation did not completely eliminate the impact of confirming feedback.

Blind lineup administration. The prophylactic manipulations and remedial manipulations described above produced similar results: a reduction but not elimination of the feedback effect. Two additional attempts to mitigate the feedback effect can be noted, one successful and one not, but both important to these considerations. Lampinen et al. (2007) explored a forensically realistic instruction delivered after the feedback: that the witness should ignore the feedback and base answers on his or her own best recollection. This intervention did not reduce the impact of confirming feedback.

On the other hand, a more subtle means of undermining feedback information is to lead witnesses to believe up-front that the lineup administrator does not know who the suspect is in the lineup. Dysart, Lawson, and Rainey (2012) found that when witnesses believed that the lineup administrator knew who the suspect was, the typical significant response inflation followed positive feedback (*certainty*, $d = .70$). Comparatively, witnesses who received positive feedback from a presumed-blind lineup administrator did not inflate any measures (*certainty*, $d = .05$). Thus, the perceived-blind administrator's feedback was seemingly disregarded by witnesses. It should be noted that this study also employed a more subtle feedback of "you've been a good witness" for all witnesses, the latter as a means to provide realistic feedback consistent between blind and nonblind lineup administrators and relevant to both accurate and inaccurate witnesses.

Psychological Processes: Confirming Feedback

As discussed above, predominant theoretical explanations for the feedback effect rest on the notion that witnesses rarely possess a memory trace or at least have no immediate access to memory for testimony-relevant aspects of their viewing and identification experiences. *Witness reports of feedback influence* are consistent with this cue-accessibility hypothesis, in that witnesses who report that they were not influenced by the feedback show response inflation that is just as strong as witnesses who report they were probably affected by the feedback (Wells & Bradfield, 1999). Furthermore, *witness reports of current confidence* are indistin-

guishable from their reports of retrospective confidence, providing additional support for the notion that witnesses must rely heavily on current information to infer past experiences (Semmler et al., 2004).

The cue accessibility conceptualization has led researchers to posit that witnesses who have stronger memory of the experience (internal cues) may be less vulnerable to the feedback effect. The witness's memory experience has been operationalized in a number of ways as a means to tap or to strengthen internal memory. For example, the prior-thought manipulation is a means to facilitate a prefeedback memory trace that will reduce reliance on external cues. Other means of manipulating the strength of the internal memory are described below, including testing accurate witnesses, facilitating intentional learning, and manipulating delay.

Accurate eyewitnesses. Witnesses who correctly identify the culprit from the lineup are likely to experience the identification process differently from those who make an identification from a culprit-absent lineup. More precisely, an experience of *ecphory* (match between memory and a lineup photo) at the time of identification should make the accurate witness less inclined to be influenced by confirming post identification feedback. Eight tests have examined witnesses who accurately identified the culprit from a *culprit-present* lineup and who received *immediate* Confirming Feedback versus No Feedback (see Table 4).

Two questions are germane regarding these *identifiers*. First, a practical question regarding generalizability of the feedback effect: Does the feedback effect occur with accurate witnesses? Among accurate eyewitnesses, those who received confirming feedback produced significant differences compared with those who received no feedback, on 10 of 13 dependent measures. For example, medium effect sizes were obtained for *certainty*, *basis for the ID*, *willingness to testify* and *view*, ranging from $d = .47$ to $.54$; *attention* produced a significant but smaller $d = .29$. Therefore, yes, a significant feedback effect is present among accurate as well as inaccurate witnesses. As noted by a reviewer, this should not be surprising in that memory strength and internal cues vary even among accurate witnesses. Second, a theoretical question: Is the

Table 4
Confirming Feedback Versus No Feedback Comparison for
Culprit-Present Lineups

Dependent measure	<i>k</i>	<i>d</i>	Range		CI 95%	<i>SE</i>
			min	max		
Certainty	8	.47*	.25	.68	.35 .59	.060
Willingness	7	.54*	.26	1.04	.32 .76	.111
Basis	7	.54*	.30	.85	.36 .72	.092
Ease	7	.45*	.15	.79	.30 .69	.074
Memory clarity	6	.40*	.00	.78	.14 .66	.135
Trust in eyewitness	1	.47*	.47	.47		
Facial details	7	.44*	-.01	.88	.20 .68	.123
View	7	.49*	.09	1.32	.19 .79	.153
Memory for faces	7	.18*	-.29	.49	-.02 .38	.103
Attention	7	.29*	-.19	.78	.06 .52	.115
Time to ID	7	.10	-.04	.38	-.05 .25	.077
Viewing time	2	.16	-.08	.40	-.31 .63	.240
Viewing distance	3	.20	-.30	.50	-.30 .70	.253

* $p < .05$. (A significant difference between confirming feedback and no feedback conditions.)

feedback effect consistently smaller for accurate versus inaccurate witnesses on these 10 measures, as would be predicted from the cue accessibility hypothesis? Studies that offer a comparison of inaccurate to accurate eyewitnesses revealed a mean effect size for accurate witnesses (across nine reported dependent measures) that is significantly smaller ($M = .43$, $SD = .11$) than for inaccurate witnesses ($M = .70$, $SD = .19$), $t(16) = 3.75$, $p = .002$.

In an additional examination of accurate witnesses, Quinlivan et al. (2012) found a significant impact of feedback effect after a 1-week delay between feedback and measures. Accurate witnesses presumably relied more on the feedback after a retention interval, affecting their ratings, for example, on *certainty* ($d = .59$) and *basis for the ID* ($d = .50$) compared with accurate witnesses who were measured immediately after the feedback ($ds = .35$ and $.38$, respectively).

Intentional-learning: One-at-a-time lineup presentation. Douglass and McQuiston-Surrett (2006) tested two variations based on a cue-accessibility framework. The manipulations attempted to prompt witnesses to better focus on the experimental tasks, as a means to enhance memory traces and reduce reliance on the subsequent administrator feedback. However, neither an intentional learning instruction prior to the crime event ("you will be asked to make an ID") nor the viewing of lineup members one-at-a-time to "spontaneously generate memorial traces for testimony-relevant judgments" (p. 997) were able to inoculate witnesses against the feedback effect.

Delay/retention interval. Most studies have involved a sequence of events in an immediate timeframe: crime event, lineup identification, dependent measures. Alternatively, some manipulations explore the impact of memory traces over time with the expectation that witnesses with poor memory (longer interval) will rely more heavily on the feedback. The results of this work show that the feedback effect is maintained but not significantly increased over these delay intervals. For example, measures of certainty, view, and attention are reported as follows across delays: 24 hr between crime and ID, $ds = 1.05$, $.32$, $.77$, respectively (Hafstad, Memon, & Logie, 2004); 48 hr between ID and feedback/measures, $ds = 1.15$, $.63$, $.56$ (Wells et al., 2003); 48 hr between ID/feedback and measures, $ds = 1.28$, $.71$, $.51$ (Wells et al., 2003); 1 week between feedback and measures, $ds = .97$, 1.22 , $.95$ (Neuschatz et al., 2007). Accordingly, although these studies speak to the generalizability of the post-identification feedback effect over various delay intervals, they do not provide any additional support for the cue-accessibility conceptualization. There may be two reasons for this. One possibility is that the delays are simply too short and little forgetting has occurred. But, another possibility is that there is no opportunity for the internal cues to have decayed with time because there was no significant memory trace for these internal cues in the first place. In fact, this latter interpretation is consistent with the one exception about the impact of delay on the feedback effect, namely that accurate witnesses show an increased vulnerability to feedback effects with delay (Quinlivan et al., 2012). Recall that the presumption is that accurate witnesses have access to an internal cue (the ephoric experience) that inaccurate witnesses lack, at least accurate witnesses are presumed to have this access in the immediate aftermath of the witnessed event.

Discussion

Fifteen years of empirical research on the post-identification feedback effect has revealed a robust and large impact of a lineup administrator's comments upon a witness's retrospective memory report regarding the crime event and the lineup identification procedure. Confirming feedback significantly inflates eyewitness reports on an array of testimony-relevant measures, including attention to and view of the crime event, ease and speed of identification, and certainty of the identification decision. This meta-analysis has firmly established that the feedback effect has not diminished in study findings since the original 2006 meta-analysis (Douglass & Steblay, 2006), even as researchers have attempted to determine the limits of the effect. Indeed, the effect holds across laboratories and variations in experimental method, lineup procedure, and witness samples (including real witnesses to crime). The effect is found for both accurate and inaccurate witnesses, and even for witnesses who do not choose from the lineup. The passage of time between identification and feedback, or between feedback and measures, does not weaken the effect, at least within the time intervals tested. And, the post-identification feedback carries over to witness testimony as evidenced by observers being more likely to believe oral testimony from witnesses who have received confirming feedback (Douglass, Neuschatz, Imrich, & Wilkinson, 2010; Maclean, Brimacombe, Allison, Dahl, & Kadlec, 2011; Smalarz & Wells, in press).

Importantly, confirming feedback is especially powerful when witnesses identify an innocent person from a culprit-absent lineup. Moreover, this meta-analysis has established that although attempts to prevent the post-identification feedback effect (e.g., prophylactic treatments) and attempts to undo the effect (e.g., remedial treatments) moderate the magnitude of the effect, they do not eliminate the effect. These stable patterns prompt new policy and theoretical considerations.

Policy: Current and Future

We began this article with the observation that U.S. courts are taking careful notice of the post-identification feedback effect because of its implications for confounding the assessment of eyewitness identification evidence. The standard approach to evaluating the reliability of eyewitness identification evidence was set forth by the U.S. Supreme Court in 1977 (*Manion v. Braithwaite*, 1977) and that case set the model for individual states. Central to the *Manion* ruling was the assertion that the certainty of the witness at the time of identification, the witness's attention paid at the time of witnessing, and the witness's opportunity to view the culprit during the crime are key factors for assessing reliability. Under the right conditions, witness self-reports of these factors are likely to be useful cues to the reliability of an identification. The post-identification feedback effect, however, threatens this central premise of *Manion*, because confirming feedback strongly inflates witness self-reports, leading mistaken eyewitnesses to report misleadingly high levels of certainty, view, and attention (see Table 1). A highly detailed treatment of the U.S. Supreme Court's *Manion* ruling and how the post-identification feedback effect undermines *Manion*-like tests can be found elsewhere (Wells & Quinlivan, 2009b). A major purpose of the current article was to assess the reliability, robustness, and magnitude of the post-identification feedback effect to make sure that courts are relying

on the current state of knowledge concerning the effect. The results of this meta-analysis support the idea that courts should treat this post-identification feedback problem very seriously.

The problem confronting courts regarding the post-identification feedback effect is complex, and solutions at the court level are not clear. In general, once a witness has been contaminated by post-identification feedback, an attempt to assess the reliability of eyewitness identification by asking questions of that witness about the feedback appears to be an ineffective strategy. That is, witnesses who say they were not influenced by feedback (which is the majority) are influenced as much as witnesses who report that they were influenced (Wells & Bradfield, 1998). Furthermore, it is not always possible to discover whether post-identification feedback has occurred; the discovery of contaminating post-identification feedback requires that the witness or the lineup administrator can recall the feedback and faithfully report it or that the identification procedure is recorded. Note as well that the problem is not simply that the courts have formally endorsed the use of certainty, view, and attention as indicators of reliability. Even without court endorsement, people (and therefore juries) naturally use such reports as indicators of whether or not to believe the eyewitness, and they may allow one *Manson* criterion to affect their ratings of eyewitnesses on other criteria for which they have no information (Bradfield & Wells, 2000). Simply put, observers of witness testimony are much more likely to believe mistaken eyewitness identification testimony contaminated by confirming feedback than mistaken testimony that was not contaminated (Maclean et al., 2011; Smalarz & Wells, in press). This effect occurs even when observers are warned against basing their judgments of the witness on feedback delivered by the lineup administrator (Douglass et al., 2010). Thus, a better solution for the justice system is to measure the relevant variables (witness statements of certainty, view, etc.) *before* they can be contaminated and make these statements available to all who are charged with evaluating the reliability of the identification.

The post-identification feedback effect is highly relevant to policy not only at the level of the courts, but also at the level of police practice. Police jurisdictions across the U.S. have been considering their policies and procedures regarding how to collect and preserve eyewitness identification evidence so as to maximize its reliability. A central consideration has been whether to adopt double-blind lineup procedure, a recommendation based largely on the idea that a nonblind lineup administrator can inadvertently influence the choice that the witness makes from the lineup (Wells, 1988; Wells et al., 1998). Although the post-identification feedback effect has been cited as yet another reason for using double-blind lineup procedures (e.g., Wells & Bradfield, 1998), the feedback effect tends to be absent in most policy discussions regarding double-blind lineup procedures.

We believe that the post-identification feedback effect should take a more central place in policy discussions regarding double-blind lineup procedures. In particular, we endorse the idea that a blind lineup administrator should be the one who secures a statement of certainty from the witness at the time of any identification so as to preserve a record of the witness's certainty before any later feedback can occur. Double-blind lineup administrators would naturally avoid reinforcing the witness (e.g., "Good job, Mrs. Jones, that is the guy!") because they might be reinforcing the choice of a filler.¹ A second procedural consideration is to explic-

itly tell witnesses that the lineup administrator does not know which person might be the suspect (i.e., letting the witness know that the procedure is double-blind). Dysart et al. (2012) found that somewhat ambiguous feedback ("you've been a great witness") inflated witness's retrospective certainty but this effect was nullified by telling witnesses that the lineup administrator did not know which person was the suspect.

We contend that a *non-blind* lineup administrator who is merely instructed to not influence the witness or provide any feedback is an inadequate safeguard against influence. An important study by Garrioch and Brimacombe (2001) illustrates our point. In their experiment, lineup administrators were randomly assigned to believe (erroneously) that the culprit in a lineup was either Number 3 or Number 5. Each lineup member was then given a specific, nonbiased protocol to follow in administering a lineup to witnesses that included obtaining a certainty statement from the witnesses. When the witnesses identified a person who the lineup administrator was led to believe was the suspect, witnesses expressed higher certainty than when they identified that same person but the lineup administrator was led to believe that it was not the suspect. This contamination of witness certainty occurred despite the lineup administrators being given an unbiased protocol to follow and despite the fact that 100% of the lineup administrators and 95% of witnesses denied that the lineup administrator gave any feedback. The adoption of double-blind lineup procedures in which the blind administrator secures the relevant statements at the time of identification is a better way to deal with the post-identification feedback problem.

The recommendation to secure a certainty statement by a blind lineup administrator at the time of any identification has been advocated for 20 years (Wells, 1993) and is endorsed in the American Psychology-Law Society "white paper" on lineups (Wells et al., 1998). However, we believe that the current evidence supports an even stronger recommendation, namely that the blind lineup administrator secure not only a *certainty* statement but also statements from the witness regarding *view*, *attention*, *willingness to testify*, and the *basis for the identification*. All of these statements are highly relevant for assessing the reliability of the identification but are severely compromised by external suggestion that derives from the inevitable feedback that occurs later. That is, lineup administrators are not the only source of feedback; feedback can occur any time between the identification and subsequent testimony. In fact, merely learning that the identified person was charged with the crime is a form of post-identification feedback to a witness. There is a need for prosecutors, judges, and juries to establish whether disparity exists between a witness's report at the time of identification and a later report after witness exposure to reinforcement and external influences. Statements at the time of identification would provide this information, and of course, be discoverable and made available to the defense before trial.

¹ The identification of fillers constitute about one third of all identifications made by witnesses in actual cases according to estimates from archival studies (Behrman & Davey, 2001; Behrman & Richards, 2005; Horry, Halford, Brewer, Milne, & Bull, in press; Horry, Memon, Wright, & Milne, 2012; Klobuchar, Steblay, & Caligiuri, 2006; Memon, Havard, Clifford, Gabbert, & Watt, 2011; Valentine, Pickering, & Darling, 2003; Wells, Steblay, & Dysart, 2013; Wright & McDaid, 1996; Wright & Skagerberg, 2007).

We further propose that policymakers conceptualize post-identification feedback as a form of evidence contamination. Psychologists have long recommended that witness memory be treated as trace evidence, in the same way that blood or crime scene footprints provide evidence of a crime (Wells, 1995). In the case of eyewitness identification, evidence is not simply *who* the witness identified from a lineup; it is also what the witness reports about identification certainty. But the problem runs deeper. A lineup administrator who confirms a witness's lineup identification ("good, you picked the suspect") has influenced eyewitness evidence regarding the crime scene, moving the witness from a report of personal memory to a version tainted by external information. In effect, the witness's report of "estimator variables" (e.g., ability to see the features of the culprit at the time of the crime) that are usually considered out of the control of law enforcement are in fact being pushed around by external feedback. We also note that our results underscore that a rejection of the memory-as-trace-evidence argument, as recently occurred in an appellate decision in New Jersey (*New Jersey v. Henderson*, 2011, p. 122), in effect compromises the legal system's ability to fully benefit from psychological research on eyewitnesses (see the Special Master's Report, 2011, p. 81 for an alternative statement on the memory-as-trace-evidence argument).

Feedback affects witness prospective judgments as well. This meta-analysis reveals willingness-to-testify as a perhaps underappreciated measure. The feedback effect on *willingness* is among the strongest of all the effects, with a mean effect size of a full standard deviation. The willingness of the average witness who makes a mistaken identification to testify against that person is dramatically inflated by a simple confirming comment from a lineup administrator. This is an important and perhaps shocking outcome. A witness's increased willingness to testify may move an investigation forward in the direction of the identified suspect. Witnesses who indicate high levels of willingness to testify are those likely to be called to the stand, to readily make themselves available to the prosecutors, and to show little or no reluctance to criminally implicate the defendant at trial. In short, any presumption of the legal system that the willingness of an eyewitness to testify against a criminal defendant is a product of the trustworthiness of the witness's memory is undermined by feedback. Moreover, in other domains of research, such as research on risky behavior, willingness to engage in a behavior is a better predictor of actual behavior than are other measures, such as intent to engage in the behavior (e.g., Gerrard, Gibbons, Houlahan, Stock, & Pomery, 2008). This leads us to strongly recommend that witnesses be explicitly asked at the time of any identification (by a blind lineup administrator before they could receive any feedback) how willing they would be to testify that the identified person is in fact the culprit. This should be a matter of record, discoverable by the defense, and usable at any later trial or hearing.

Theory: Unanswered Questions and Future Directions

The results of this meta-analysis are largely consistent with the cue-accessibility conceptualization of feedback effects. For example, having witnesses give thought to the relevant judgments prior to feedback serves to moderate the feedback effect, presumably because it creates a prefeedback memory trace that can serve as an accessible cue for answering the retrospective questions. In recent

years, there have been two refinements to the cue-accessibility framework and both have some support in the results of this meta-analysis. First was the postulation that a clear ecphoric experience (strong recognition experience at the time of identification) can be an internal cue that is used to infer various judgments, which should make the witness less influenced by the external cue of feedback. Little was known about this at the time of the previous meta-analysis, but the current analysis of accurate and inaccurate witnesses is consistent with that argument. Specifically, the effect of confirming feedback is consistently stronger across measures for inaccurate identifications (a weak ecphoric experience) than for accurate identifications (a stronger ecphoric experience). This pattern is apparent from comparing effect sizes in Table 2 with those in Table 4. A second refinement to the cue-accessibility conceptualization was the *selective cue integration framework* posited by Charman et al. (2010). This framework, discussed earlier, is supported in the consistent evidence that undermining of feedback credibility (via mistake or suspicion manipulations) moderates the feedback effect.

The dependent measures. Although the meta-analytic results are broadly consistent with theorizing about the post-identification feedback effect, there remain many unanswered questions. First, the cues conceptualization is generally silent with regard to what kinds of judgments will and will not be affected by post-identification feedback. And, of the 13 commonly measured judgments, two are not affected by post-identification feedback, namely estimates of how long the culprit was in view and how far away the culprit was during the witnessed event. In fact, the lack of an effect on these measures was noted even in the first post-identification feedback study (Wells & Bradfield, 1998) and the overall effect size for these two measures in the meta-analysis is functionally zero.

The cue-accessibility framework would supposedly explain the absence of an effect on these measures by postulating that witnesses have an accessible memory trace (internal cue) that witnesses can rely on for these two judgments and therefore are unaffected by the external cue of feedback. But, in the absence of some type of independent measure of accessibility, this is circular reasoning (these measures were unaffected, so there must have been accessible internal cues; other measures were affected so there must not have been an accessible internal cues). Even if the explanation is correct, the cue-accessibility conceptualization (as currently construed) fails to be able to predict a priori what kinds of judgments will and will not be affected.

One avenue for investigation of this issue is to further examine measures that are not affected by feedback. At one level it seems a bit surprising that the viewing-time and distance measures are not affected given that the general question about *view* ("How good was the view you had of the culprit?") is consistently affected ($d = .58$) as is the question about *time to ID* ("How long did it take you to make an ID;" $d = .54$). One possible explanation is that the distance-estimate measure and the viewing-time measure are the only two of the 13 measures that have primarily involved an "objective" scale for responses. The distance measure asks for an estimate in feet and the viewing-time measure asks for time in seconds. Contrast such scales with the Likert-type characteristics of the other measures. For example, time to ID is anchored by endpoints of *a little time to a long time*, view is anchored by *very poor to very good*, attention is anchored by *none to total attention*.

But a study by Douglass et al. (2010) directly tested this possibility by using subjective scales for distance and viewing time (a 6-point scale from *a short distance* or *a short time* to *a long distance* or *a long time*). This format change appeared not to matter; these measures still were unaffected by feedback.

One reviewer noted that people are not good at estimating either distance or time; and we agree. But it is probably the case that people are not good at estimating any of these other variables either. Moreover, the viewing-time question is not the only question about time. Witnesses are routinely asked to estimate how long it took them to make an identification (the time to ID question), which shows moderately strong effects of feedback ($d = .54$). Hence, at this point our theoretical understanding of what measures will and will not be affected by feedback remains incomplete.

A related question that neither the cue-accessibility conceptualization nor the empirical work has addressed is the precise nature of the causal connections between feedback and the various judgments. Cue-accessibility presumes that each judgment is an independent inference from the available cues. However, there are many possible causal chains and mediated relations among the measures. For example, feedback may directly affect all three categories of questions (memory acquisition, memory retrieval, and summative judgments), a premise suggested by the significant effects that occur within each of these categories. Alternatively, retrospective judgments may mediate summative judgment reports (very likely in the case of *testify*, although there may be a direct effect of feedback as well). Or, in a more linear cumulative chain, witnesses may infer their certainty from the feedback and then infer other judgments (e.g., view, attention, willingness, clarity) from their certainty, or alternatively, the reverse may occur. The causal chain by which these measures affect one another has not yet been explored, and these meta-analytic data do not offer definitive answers. The cue-accessibility conceptualization presumes that the witness repeats the same inference process over and over again for each judgment but the feedback might affect a subset of judgments and these judgments in turn affect the other judgments. No one has been doing this type of work with the post-identification feedback effect, so we cannot speculate on this part of the process. Although we noted that the order of questions was not systematically related to the magnitude of the effect, it is important to note that the studies routinely use the identical or nearly identical order of measures that were used originally by Wells and Bradfield (1998). A systematic manipulation to the order of the judgment measures might be a good starting point for testing the idea that each judgment is an independent repeating of the same process rather than a process by which some judgments mediate other judgments.

Witness self-persuasion: Another aspect of the feedback effect. More broadly construed, the cues accessibility framework fails to explain the relative ease by which a simple and seemingly helpful comment by the administrator can quickly infiltrate many aspects of witness recollection. A related weakness is an inability to explain why prophylactic or remedial steps cannot fully eliminate the effect once it takes hold. An explanation for the spread of feedback effects across multiple measures as well as the difficulties in ameliorating the impact of feedback may come through a return to the attitude formation literature. For example, in his comprehensive work on attitude formation and change, Cialdini

(2001) reminds us that belief systems are based on multiple supporting cognitions. Initial commitment to a decision will often prompt the sprouting of new self-generated arguments consistent with that position. Thus, the eyewitness's identification decision itself may spur or reinforce a network of consistent self-statements and beliefs: "I have good memory for strangers," "The image in my mind is clear," "I would trust an eyewitness with the same experience." A confidence prophylactic likewise affects measures beyond the single judgment of confidence, and even inflates control group confidence (a "thought alone" effect) despite saying nothing about the accuracy of the identification (Wells & Bradfield, 1999). Confirming feedback thereby may prompt witnesses to construct a belief system in which the feedback is correct. Questions posed to the witness allow the expansion of cognitions to aspects perhaps not previously contemplated (e.g., view, attention, certainty, features of the face) and through causal chains not yet identified, as noted above.

Furthermore, the cue-accessibility framework relies on the notion that the witness is *actively* searching and evaluating information to arrive at reasonable judgments in response to the experimenter's questions. Yet, the network of beliefs that supports eyewitness memory is formed through a combination of deliberative thought and more automatic cognitive processes (such as priming) that foster an associative chain of compatible thoughts. Hence, a mitigation strategy that relies on active cognitive deliberation may be only partially successful in eliminating a belief structure that was formed through both deliberative and automatic cognitive processes. Indeed, the meta-analysis indicates a significant residual impact on witness responses (medium effect sizes) even when witnesses actively process information that should disarm the feedback. When such an intervention is at least partially successful, witnesses appear to have accepted the rationale for disregarding the feedback (e.g., "It was a mistake"). Indeed, a simple instruction that offers no information ("Ignore the feedback, rely on memory") completely fails to mitigate the feedback effect.

As per Cialdini's analysis of the low-ball technique (Cialdini, 2001, p. 89), attempts to undermine the central support of a belief system—such as an attack on credibility of the feedback—can be only somewhat effective, as the belief system is more firmly fixed with a scaffolding of beliefs that extends well beyond the feedback. This extensive belief system helps to maintain residual effects of the feedback even though a relatively successful mitigation strategy has been applied. Future research exploring how a witness's belief system grows in alignment with feedback—including broader witness-investigator communications ("You might just think on it a bit")—may be particularly relevant to the experience of real witnesses, who, compared with our laboratory participants, spend much more time in rumination about significant crime events and are more likely motivated toward self-persuasion.

The confirming versus disconfirming asymmetry. The meta-analysis shows a clear difference between confirming and disconfirming feedback in terms of the magnitude of their effects. The inflating effects of confirming feedback are much larger than the deflating effects of disconfirming feedback, especially for mistaken identifications from culprit-absent lineups. As currently construed, the cue accessibility conceptualization is silent on this consistent asymmetry between confirming and disconfirming feedback. However, a small

adjustment to the selective cue integration framework (Charman et al., 2010) might be able to explain the asymmetry post hoc. Recall that the selective cue integration framework has a "credibility check" in the hypothesized process. Specifically, when internal cues are weak the witness submits external sources to a credibility check before deciding whether to trust them. But why would confirming feedback be perceived by witnesses as more credible than disconfirming feedback? When witnesses make an identification from a lineup, they choose the person who they believe is most likely to be the culprit. Disconfirming feedback challenges that belief and perhaps this is just another example of people being more resistant to information that conflicts with their prior beliefs than to information that agrees with their prior beliefs (e.g., Anderson, Lepper, & Ross, 1980).

Another possibility, however, is that the particular way in which disconfirming feedback is manipulated in post-identification feedback experiments is responsible for the asymmetry. In the case of disconfirming feedback, the witness is told something that implies that a specific other member of the lineup was the culprit. Because witnesses tend to prefer the same lineup member in culprit-absent lineups (i.e., the one who looks most like the culprit), disconfirming feedback involves a potentially dubious claim, namely that the culprit was lineup member who looks less like the culprit than does the lineup member who was picked by the witness. If that explanation is correct, then the asymmetric effect sizes for confirming versus disconfirming feedback might be more of product of the specific manipulations of disconfirming feedback than it is a general phenomenon.

Future studies might explore the generality of the confirming/disconfirming asymmetry by using different operationalizations of the disconfirming feedback manipulation. For instance, would disconfirming feedback be weaker than confirming feedback if the disconfirming feedback told witnesses that none of the lineup members was the culprit? Another possibility is to create culprit-absent lineups in which two lineup members (e.g., Numbers 3 and 5) are *equally* similar to the culprit and if the witness picks number three they are told it was Number 5 (or vice versa). Our point is that the current literature cannot tell us whether the confirming/disconfirming asymmetry is a general phenomenon or whether it is specific to the particular way in which disconfirming feedback is operationalized in these experiments. If the confirming/disconfirming asymmetry holds up across different ways of manipulating disconfirming feedback, then theoretical conceptualizations of the post-identification feedback effect should try to incorporate the asymmetry into their accounts of the effect.

Retrospective certainty: The most important variable? The *Lawson* decision highlights a critical interest of eyewitness researchers: the appearance of reliability (confident testimony) without reliability itself (accuracy), or more directly put, the relation of confidence and accuracy (e.g., Sporer, Penrod, Read, & Cutler, 1995). The magnitude of the relation is highly variable and depends on a host of other variables such as the optimality of the viewing and testing conditions and the physical similarity between the culprit and the mistakenly identified individual. Much of the interest in the post-identification feedback effect is driven by the fact that certainty is readily and

strongly influenced without a concomitant change in identification accuracy. Feedback distorts the relationship between eyewitness accuracy and confidence, with disconfirming feedback deflating the confidence of accurate witnesses as well as inflating confidence of inaccurate witnesses.

Whereas the wealth of eyewitness identification literature devoted to eyewitness identification certainty is understandable, it might also be a bit myopic. Witness self-reports of view and attention also influence perceived witness credibility (Bradfield & Wells, 2000). Accordingly, the fact that post-identification feedback maleates witnesses' reports of their view and attention is of considerable concern. And yet, outside of the post-identification feedback literature, almost every eyewitness identification study routinely measures witness certainty and almost no eyewitness identification study measures witnesses' reports of their views or attention. Two exceptions to this are studies by Bradfield et al. (2002) and by Smalarz and Wells (in press) that showed that, in the absence of feedback, witnesses' reports of their view and attention were significant indicators of whether they had made accurate or mistaken identifications.

Potential Limitations of the Literature

The post-identification feedback effect literature is very consistent and the effect sizes are large. Nevertheless, we note that there has been a lot of sharing of materials. Two videos, the "bomber on the roof" video and the "Target store security" video, constitute about half of all the witnessed events in published post-identification feedback experiments. There are an additional eight videos that have also been used and each shows a strong effect as well as one experiment using live exposure to a person. But, with only a couple of exceptions, the sampling of witnessed events across experiments is not particularly broad. Moreover, there has been no systematic manipulation of the characteristics of the witnessed event (e.g., exposure durations). This leaves open the question of whether there might be events (e.g., strongly encoded ones) that mitigate the effect.

Another potential limitation of the literature is that the feedback given to witnesses has almost exclusively been one of two types: lineup administrators telling witnesses that they identified the suspect or telling witnesses that a high percentage of other people had identified the same person that they had identified. Researchers should consider a broader set of manipulations. For example, what happens if the witness learns that the person he or she identified was arrested? Or, what happens if the witness is told of other evidence against the identified person (e.g., "You identified a guy who was found with the same amount of cash on him as was stolen")? Or, what if the witness is told about the absence of exculpatory evidence (e.g., "The guy you identified has no alibi")? Presumably, these are forms of feedback as well. And, according to current conceptualizations of the processes underlying the feedback effect, anything that tends to confirm witnesses' identification decisions should produce the post-identification feedback effect. But the research has not attempted to push these possible boundary conditions.

The post-identification feedback literature is grounded in a method that manipulates feedback as a single, one-time event. But in actual criminal cases, confirming feedback is often a series of

feedback events. This series might start with lineup administrator feedback but later include eyewitness feedback (learning that another witness identified the same person), pretrial publicity feedback (e.g., media coverage indicating the person had been previously arrested for a similar offense), reinforcing feedback from pretrial interactions with a prosecutor ("Thank you for helping us solve this crime . . . now we have to get a conviction"), and so on. Does post-identification feedback cumulate? How far can this effect be pushed? For example, could the percent of mistaken witnesses with certainty of 80% or greater [see Figure 2] rise even higher to 60% or 90% if multiple instances of feedback were used? We also do not yet know how witnesses will respond to contradictory feedback. For example, how will a witness react if, after hearing confirming feedback, he or she then learns that the person identified had an iron-clad alibi?

Final Observations: A Disconnect Between the Memory System and the Legal System

Why do eyewitnesses not form better memories for these specific aspects of crime events and identification procedures? Wells and Quinlivan (2009a) posited that the "failure" of the cognitive system to lay a memory trace for the retrospective judgments required of eyewitnesses might simply be a functional and adaptive characteristic of a limited cognitive processing capacity organism. After all, the primary tasks at hand for the witness is to make sense of an unfolding crime event and to make a subsequent identification decision. If the cognitive system were to devote its limited resources to laying memory traces for these metacognitive judgments, performance on the primary task would be harmed. "From an evolutionary perspective, the individual who sees a bear and spends cognitive resources developing a memory for how good his view is of the bear or how much attention he is paying to the bear is more likely to be bear meat than he is to be one of our ancestors" (Wells & Quinlivan, 2009a, p. 1160). We probably should not be surprised that our cognitive system devotes little or no resources to laying memory records for these kinds of judgments that the legal system asks eyewitnesses to make. In fact, we are hard pressed to think of a situation outside of the specific needs of the legal system where people are required to give reliable retrospective reports on how much attention they paid, how good their view was, or how certain they were at the time of some decision.

The legal system further asks eyewitnesses to report memory based only on personal observation of the event at the time. Yet, recall is an ongoing constructive process that is guided by a person's state of knowledge at the time of retrieval (Loftus, 2005; Ross, 1990). Indeed, it is extremely difficult for a person to parse knowledge retrospectively based on *when* the information was acquired. Moreover, people tend to more quickly forget the source of information than the information itself (Brown, Deffenbacher, & Sturgill, 1977). And, people are largely wired to look for the best possible answer given all evidence available *at the time that a question is asked*. The report required of a witness seems to be a unique feature of the modern courtroom that arises for a specific purpose and it seems very unlikely that a cognitive module would have developed for making such judgments. Indeed, an important characteristic of these retrospective judgments asked by witnesses in the legal system is that they require the person to ignore what

would normally be very relevant information (outcome feedback). In most everyday judgment tasks, people try to consider all relevant information in making retrospective judgments.

These inherent patterns of human cognitive processing greatly limit the likelihood that eyewitness performance will match legal expectations. Furthermore, we now know that witness retrospective memories for crime events and identification procedures are enormously influenced by even well-intentioned feedback from lineup administrators. The primary lesson of the post-identification feedback effect is that only way to know how certain the witness was at the time of the identification—to avoid the appearance of reliability without reliability itself—is to ask the witness about certainty at the time of the identification and prior to the contamination of post-identification influences. Our recommendation to address this problem is for double-blind lineup procedures that secure immediate witness reports of certainty and other testimony-relevant memory factors. We also recommend that identification procedures be videotaped (e.g., Kassin, 1998). Recent research emphasizes the critical importance of having the original confidence statement recorded so that triers of fact can adequately compare it with the (potentially inflated) confidence at trial (Douglass & Jones, 2013). Implementing these recommendations will increase the likelihood that eyewitness reports are probative (cf. *Oregon v. Lawson*, 2012) rather than reflections of a distorted memory construction process.

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- Wells, G. L., Steblay, N. K., & Dysart, J. E. (2012). Eyewitness identification reforms: Are suggestiveness-induced hits and guesses true hits? *Perspectives on Psychological Science*, 7, 264-271. doi:10.1177/1745691612443368
- Wells, G. L., Steblay, N. K., & Dysart, J. E. (2013). *Double-blind photo-lineups using actual eyewitnesses: An experimental test of a sequential versus simultaneous lineup procedure*. Manuscript under review.
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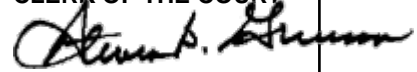
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Florida International University

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NOTC
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
TEGAN C. MACHNICH, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 11642
PUBLIC DEFENDERS OFFICE
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Facsimile: (702) 455-5112
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C-16-316081-1
)	
v.	)	DEPT. NO. III
)	
KEANDRE VALENTINE,)	
)	
Defendant,)	
_____)	

DEFENDANT'S NOTICE OF WITNESSES, PURSUANT TO NRS 174.234

TO: CLARK COUNTY DISTRICT ATTORNEY:

You, and each of you, will please take notice that the Defendant, KEANDRE VALENTINE, intends to call the following witness in his case in chief in addition to any and all witnesses disclosed by the State of Nevada:

Gayland E. Seaberry, Investigator – c/o Public Defender's Office

DATED 13th day of July, 2017.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Tegan Machnich
TEGAN C. MACHNICH, #11642
Deputy Public Defender

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the above and forgoing NOTICE was served via electronic e-filing to the Clark County District Attorney's Office at motions@clarkcountyda.com on this 13th day of July, 2017.

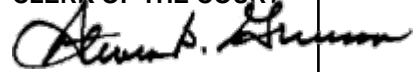
By: /s/ Erin Prisbrey

An employee of the
Clark County Public Defender's Office

Case Name: Keandre Valentine

Case No.: C-16-316081-1

Dept. No.: District Court, Department III



PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
TEGAN C. MACHNICH, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 11642
PUBLIC DEFENDERS OFFICE
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Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Facsimile: (702) 455-5112
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C-16-316081-1
)	
v.	)	DEPT. NO. III
)	
KEANDRE VALENTINE,)	
)	
Defendant,)	
)	

DEFENDANT'S NOTICE OF ALIBI WITNESS

TO: CLARK COUNTY DISTRICT ATTORNEY:

Pursuant to NRS 174.233, Defendant KEANDRE VALENTINE hereby gives notice that he intends to call the following witness as an alibi to establish that he was not present for one or more of the subject robberies:

Davion Smith – 2175 167th, San Leandro, CA 94578 – Anticipated that he will testify that Mr. Valentine was in Oakland, CA.

DATED 14th day of July, 2017.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Tegan Machnich
TEGAN C. MACHNICH, #11642
Deputy Public Defender

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the above and forgoing NOTICE was served via electronic e-filing to the Clark County District Attorney's Office at motions@clarkcountyda.com on this 14th day of July, 2017.

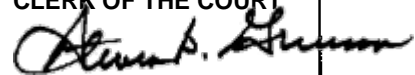
By: /s/ Erin Prisbrey

An employee of the
Clark County Public Defender's Office

Case Name: Keandre Valentine

Case No.: C-16-316081-1

Dept. No.: District Court, Department III



NOTC
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
TEGAN C. MACHNICH, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 11642
PUBLIC DEFENDERS OFFICE
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Facsimile: (702) 455-5112
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C-16-316081-1
)	
v.	)	DEPT. NO. III
)	
KEANDRE VALENTINE,)	
)	
Defendant,)	

**DEFENDANT'S SUPPLEMENTAL NOTICE OF EXPERT WITNESSES, PURSUANT
TO NRS 174.234(2)**

TO: CLARK COUNTY DISTRICT ATTORNEY:

You, and each of you, will please take notice that the Defendant, KEANDRE VALENTINE, intends to call, in addition to any previously noticed expert witnesses, the following expert witnesses in his case in chief:

Steven Smith- Department of Psychology
Texas A&M University

College Station, Texas 77843-4235

He is expected to testify regarding identification procedures, eyewitness identification, and factors that can affect reliability and unreliability of those procedures and identifications. He will testify about mental processes that occur when making identifications and biases inherent therein.

Elizabeth Loftus- 2393 Social Ecology II
University of California, Irvine
Irvine, California 92697-7080

She is expected to testify regarding identification procedures, eyewitness identification, and factors that can affect reliability and unreliability of those procedures and identifications. She

1 will testify about mental processes that occur when making identifications and biases inherent
2 therein.

3 **Deborah Davis**

4 Professor, Department of Psychology/296
University of Nevada, Reno, Nevada 89557

5 She is expected to testify regarding identification procedures, eyewitness identification, and
6 factors that can affect reliability and unreliability of those procedures and identifications. She
7 will testify about mental processes that occur when making identifications and biases inherent
therein.

8 **David Copeland-**

9 University of Nevada, Las Vegas,
Department of Psychology
10 4505 Maryland Pkwy Box 5030
Las Vegas, NV 89154

11 He is expected to testify regarding identification procedures, eyewitness identification, and
12 factors that can affect reliability and unreliability of those procedures and identifications. He will
13 testify about mental processes that occur when making identifications and biases inherent
14 therein.

15 DATED this 14th of July, 2017.

16 PHILIP J. KOHN
17 CLARK COUNTY PUBLIC DEFENDER

18 By: /s/ Tegan C. Machnich
19 TEGAN C. MACHNICH, #11642
20 Deputy Public Defender

21
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26 Case Name: Keandre Valentine

27 Case No.: CourtNum

28 Dept. No.: III

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Exhibit A

VITA

David E. Copeland

Contact Information

Office:

University of Nevada, Las Vegas
Department of Psychology
4505 Maryland Pkwy Box 5030
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174 Shaded Peak St.
Henderson, NV 89012
(702) 302-1985

Educational History

University of Notre Dame, Notre Dame, IN (2000-2003)

Major: Cognitive Psychology
Degree: Ph.D. (2003)

University of Notre Dame, Notre Dame, IN (1997-2000)

Major: Cognitive Psychology
Degree: M.A. (2000)

Cleveland State University, Cleveland, OH (1993-1997)

Major: Psychology
Minor: Chemistry
Degree: B.A., Cum Laude (1997)

Professional Positions

Summer 2006 – Present	Assistant Professor, University of Nevada, Las Vegas
Fall 2004 – Spring 2006	Assistant Professor, University of Southern Mississippi
Fall 2003 – Summer 2004	Postdoctoral Research Associate, University of Notre Dame

Awards and Funding

UNLV William Morris Award for Excellence in Teaching (2007)
University of Notre Dame Kaheb Center Outstanding Graduate Instructor (2002-2003)

UNLV College of Liberal Arts Summer Research Stipend (2008) \$6,600
UNLV Curiosity Mini-Grant (2007-2008) \$1,175

Publications

Radvansky, G.A., & Copeland, D.E. (in press). Reading times and the detection of event shift processing. *Journal of Experimental Psychology: Learning, Memory, and Cognition*.

Copeland, D.E., Radvansky, G.A., & Goodwin, K.A. (2009). A novel study: Forgetting curves for information learned from reading a novel. *Memory*, *17*, 323-336.

Copeland, D.E., & Radvansky, G.A. (2007). Aging and integrating spatial mental models. *Psychology & Aging*, *22*(3), 569-579.

Magliano, J., Radvansky, G.A., & Copeland, D.E. (2007). Beyond language comprehension: Situation models as a form of autobiographical memory. In F. Schmalhofer & C. Perfetti (Eds.), *Higher Level Language Processes in the Brain*. Mahwah, NJ: Erlbaum.

Copeland, D.E. (2006). Theories of categorical reasoning and extended syllogisms. *Thinking & Reasoning*, *12*(4), 379-412.

Radvansky, G.A., & Copeland, D.E. (2006). Walking through doorways causes forgetting: Situation models and experienced space. *Memory & Cognition*, *34*(5), 1150-1156.

Radvansky, G.A., & Copeland, D.E. (2006). Situation models and retrieval interference: Pictures and words. *Memory*, *14*(5), 614-623.

Copeland, D.E., Magliano, J., & Radvansky, G.A. (2006). Situation models in comprehension, memory, and augmented cognition. In M. Bernard, J.C. Forsythe, & T. Goldsmith (Eds.), *Human Cognitive Models in System Design*. Mahwah, NJ: Erlbaum.

Radvansky, G.A., & Copeland, D.E. (2006). Memory retrieval and interference: Working memory issues. *Journal of Memory and Language*, *55*(1), 33-46.

Radvansky, G.A., Copeland, D.E., & Zwaan, R.A. (2005). A novel study: Investigating the structure of narrative and autobiographical memories. *Memory*, *13*(8), 796-814.

Radvansky, G.A., & Copeland, D.E. (2005). Episodic cuing and augmented cognition. *Proceedings of the Second Annual Human Computer Interaction Conference*. Mahwah, NJ: Erlbaum.

Copeland, D.E., & Radvansky, G.A. (2004). Working memory and syllogistic reasoning. *Quarterly Journal of Experimental Psychology*, *57*, 1437-1457.

Radvansky, G.A., & Copeland, D.E. (2004). Reasoning, integration, inference alteration, and text comprehension. *Canadian Journal of Experimental Psychology*, *58*, 133-141.

Radvansky, G.A., & Copeland, D.E. (2004). Working memory span and situation model processing. *American Journal of Psychology*, *117*, 191-213.

- Radvansky, G.A., Copeland, D.E., Berish, D.E., & Dijkstra, K. (2003). Aging and situation model updating. *Aging, Neuropsychology, and Cognition*, 10, 158-166.
- Radvansky, G.A., Copeland, D.E., & Zwaan, R.A. (2003). Aging and functional spatial relations in comprehension and memory. *Psychology and Aging*, 18, 161-165.
- Radvansky, G. A. & Copeland, D. E. (2002). Mental models. In J. W. Guthrie (Ed.) *Encyclopedia of Education; Second Edition*. New York: Macmillan.
- Radvansky, G.A., & Copeland, D.E. (2001). Working memory and situation model updating. *Memory & Cognition*, 29, 1073-1080.
- Copeland, D.E., & Radvansky, G.A. (2001). Phonological similarity in working memory. *Memory & Cognition*, 29, 774-776.
- Radvansky, G.A., Zwaan, R.A., Curiel, J.M., & Copeland, D.E. (2001). Situation models and aging. *Psychology and Aging*, 16, 145-160.
- Radvansky, G.A., & Copeland, D.E. (2000). Functionality and spatial relations in memory and language. *Memory & Cognition*, 28, 987-992.

Conference Presentations

- Gunawan, K., & Copeland, D.E., & Houska, J.A. (2009, November). *Adaptive memory in a directed forgetting task*. Poster to be presented at the meeting of the Psychonomic Society in Boston, MA.
- Gunawan, K., Copeland, D.E., & Houska, J.A. (2009, May). *The effects of directed forgetting on adaptive memory*. Poster presented at the meeting of the Association for Psychological Science in San Francisco, CA.
- Bies-Hernandez, N.J., & Copeland, D.E. (2009, May). *Loss aversion and learning preferences*. Poster presented at the meeting of the Association for Psychological Science in San Francisco, CA.
- Houska, J.A., Copeland, D.E., Bies-Hernandez, N.J., & Kazakov, D. (2009, May). *Be bold? The effects of colored type on recall of syllabus information*. Poster presented at the meeting of the Association for Psychological Science in San Francisco, CA.
- Copeland, D.E., & Ashcraft, M.H. (2008, November). *Adding and subtracting imaginary dollars*. Poster presented at the meeting of the Psychonomic Society in Chicago, IL.
- Copeland, D.E., & Erwin, K.M. (2008, April). *Gender stereotypes and working memory*. Poster presented at the meeting of the Western Psychological Association in Irvine, CA.
- Schroeder, P.J., & Copeland, D.E. (2007, November). *Simple addition and subtraction calculations while reading a narrative*. Poster presented at the meeting of the Psychonomic Society in Long Beach, CA.

Tamplin, A.K., Radvansky, G.A., & Copeland, D.E. (2007, November). *Episodic cuing: More information makes worse memory*. Poster presented at the meeting of the Psychonomic Society in Long Beach, CA.

Copeland, D.E., & Copeland, A.M. (2006, November). *The influence of temporal shifts on long- and short-term goals*. Poster presented at the meeting of the Psychonomic Society in Houston, TX.

Radvansky, G.A., & Copeland, D.E. (2006, May). *The influence of working memory capacity on the fan effect*. Paper presented at the meeting of the Midwestern Psychological Association in Chicago, IL.

Copeland, D.E., & Osterman, L.L. (2005, November). *Situation model updating for different narrative perspectives*. Poster presented at the meeting of the Psychonomic Society in Toronto, Ontario.

Radvansky, G.A., & Copeland, D.E. (2005, July). *Episodic cuing of past events*. Poster presented at the Human Computer Interaction Conference in Las Vegas, NV.

Copeland, D.E., Radvansky, G.A., Zwaan, R.A., & Goodwin, K.A. (2005, May). *A Novel Study: Forgetting Curves for Information Learned from Reading a Novel*. Paper presented at the meeting of the Midwestern Psychological Association in Chicago, IL.

Radvansky, G.A., & Copeland, D.E. (2005, May). *Moving through space: Effects of prior knowledge and distance*. Paper presented at the meeting of the Midwestern Psychological Association in Chicago, IL.

Radvansky, G.A., & Copeland, D.E. (2004, November). *Walking through doors causes forgetting*. Paper presented at the meeting of the Psychonomic Society in Minneapolis, MN.

Copeland, D.E., & Radvansky, G.A. (2004, November). *The integration of spatial information: Aging and working memory*. Paper presented at the meeting of the Psychonomic Society in Minneapolis, MN.

Radvansky, G.A., & Copeland, D.E. (2004, June). *Episodic reminding: The effectiveness of augmenting memory by using reminders of previous events*. Paper presented at the workshop for Cognitive Systems in Santa Fe, NM.

Radvansky, G.A., Copeland, D.E., von Hippel, W., & Narvaez, D. (2003, November). *Aging and social inferences*. Paper presented at the meeting of the Psychonomic Society in Vancouver, BC.

Radvansky, G.A., Copeland, D.E., & Magliano, J. (2003, July). *Situation models in comprehension, memory, and augmented cognition*. Paper presented at the workshop for Cognitive Systems in Santa Fe, NM.

Copeland, D.E., Magliano, J., & Radvansky, G.A. (2003, June). *Beyond language comprehension*. Paper presented at the International Hanse-Conference on Higher Level Language Processes in the Brain in Delmenhorst, Germany.

Copeland, D.E., & Radvansky, G.A. (2002, November). *A comparison of theories in categorical reasoning*. Paper presented at the meeting of the Psychonomic Society in Kansas City, MO.

Radvansky, G. A. & Copeland, D. E. (2001, November). *Situation models and memory for story information*. Paper presented at the meeting of the Psychonomic Society in Orlando, FL.

Copeland, D.E., Berish, D.E., & Radvansky, G.A. (2001, May). *Situation model updating and aging*. Paper presented at the meeting of the Midwestern Psychological Association in Chicago, IL.

Copeland, D.E., & Radvansky, G.A. (2001, March). *Working memory and phonological similarity*. Paper presented at the the Hoosier Mental Life Conference at Indiana University, Bloomington.

Copeland, D.E., & Radvansky, G.A. (2000, November). *Working memory and syllogistic reasoning*. Poster presented at the meeting of the Psychonomic Society in New Orleans, LA.

Copeland, D.E. (2000, March). *Working memory and logical reasoning*. Paper presented at the Hoosier Mental Life Conference at the University of Notre Dame.

Copeland, D.E., & Radvansky, G.A. (1999, May). *Functional spatial relations in situation model comprehension and memory*. Paper presented at the meeting of the Midwestern Psychological Association in Chicago, IL.

Ashcraft, M.H., & Copeland, D.E. (1997, September). *Working memory and mental addition*. Paper presented at the VIIIth European Conference on Developmental Psychology in Rennes, France.

Ad-hoc Reviewer

Acta Psychologica
Aging, Neuropsychology, and Cognition
Austrian Science Fund
Discourse Processes
European Journal of Cognitive Psychology
Experimental Psychology
Journal of the International Neuropsychological Society
Memory & Cognition
Perceptual and Motor Skills
Quarterly Journal of Experimental Psychology
Scientific Studies of Reading

Membership in Professional Associations

Psychonomic Society (Associate)
Midwestern Psychological Association
Western Psychological Association
Association for Psychological Science

Classes Taught

Cognitive Methods (Graduate)
Cognitive Psychology
Cognitive Psychology (Graduate)
Honors General Psychology
Introduction to Psychology
Psychology and Film
Research Methods
Research Evaluation (Graduate)
Statistics

References

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mjw19@psu.edu

Dr. Joseph Magliano
Department of Psychology
Northern Illinois University
DeKalb, IL 60115
jmagliano@niu.edu

Exhibit B

VITA

Deborah Davis, Ph.D.
Professor, Department of Psychology/296
University of Nevada; Reno, Nevada 89557
(775) 722-7779 debdavis@unr.edu

EDUCATION

- H.S. Spring Branch High School: Houston, Texas
June, 1968
- B.A. University of Texas: Austin, Texas
June, 1970
- Ph.D. Ohio State University; Columbus, Ohio
August, 1973

EMPLOYMENT HISTORY

- 1971-73 National Institute of Mental Health
Pre-doctoral trainee in social psychology
Ohio State University; Columbus, Ohio
- 1973-75 Post-doctoral research associate
Ohio State University; Columbus, Ohio
- 1975-77 Assistant Professor, Psychology Department
Southern Illinois University; Carbondale, Illinois
- 1977-78 Assistant Professor, Psychology Department
Georgia State University; Atlanta, Georgia
- 1978- Psychology Department
University of Nevada; Reno, Nevada
- 1982-88 Chair, Interdisciplinary Doctoral Program in Social Psychology, UNR
- 1986- President, Sierra Trial & Opinion Consultants
- 1981- Principal Clarinetist, Reno Chamber Orchestra
1981- 2005 Clarinetist, Reno Philharmonic Orchestra

MEMBERSHIPS IN PROFESSIONAL ORGANIZATIONS

Association for Psychological Science
American Psychology and Law Society
Society of Personality and Social Psychology
Society of Applied Social Psychology
Society of Experimental Social Psychology

TEACHING EXPERIENCE

UNDERGRADUATE

Introduction to Psychology	Psychology and Law
Introduction to Social Psychology	Prejudice and Discrimination
Theories of Social Psychology	Personality
Research Methods in Social Psychology	Experimental Psychology
Adolescent Psychology	Attitudes and Persuasion
Mate Selection and Marital Satisfaction	Memory on Trial
Statistics	Social Influence

GRADUATE

Social Psychology	Attachment and Close Relationships
Psychology and Law	Social Skills
Research Methods	Prejudice and Discrimination
Theories of Social Psychology	Attitudes and Persuasion
Intraindividual Processes	Memory and Social Cognition
Analysis of Social Interaction	Practical Experience with Research Design
Language and Conversation	Special Topics in Social Psychology
Memory on Trial	Forensic Psychology
Social Influence	

RESEARCH, THESIS & DISSERTATION SUPERVISION

1975 to Present-- Supervised individual research projects, theses and
dissertations for

Graduate students in psychology.

1988 to Present-- Supervise theses and dissertations for Master's and Ph.D. in
Judicial

Studies candidates at the National Judicial College in
Reno.

GUEST LECTURER

1988 to Present Periodic guest lecturer at the National Judicial College on issues and research in the area of Psychology and Law; Member, Thesis or Dissertation Committees for Judges in Master's or Ph.D. Programs in Judicial Studies

CONTINUING LEGAL EDUCATION

Northern Nevada Women's Attorneys (1988)
Carson City Bar Association (1988)
Nevada Association of Defense Counsel (1989)
Washington D. C. Women's Bar Association (1989)
Washington D. C. Association of Defense Counsel (1989)
American Trial Lawyer's Seminar, Lake Tahoe (1989)
Inns of Court, Reno (1989, 1990, 1994, 1995, 1996, 1997, 1998, 2000)
New York Bar Association (1996)
National College of Trial Advocacy (Association of Trial Lawyers of America) (1996)
Journal of Air Law and Commerce Symposium (2001)
Washoe County Public Defenders (2001, 2002, 2003)
National Defender Investigator Association (2002; 2008; 2010)
Northern California Defender Investigator Association (2003)
California Attorneys for Criminal Justice (2004, 2005)
Indiana Public Defender Association (2004)
Missouri State Public Defender Winter Workshop (2005)
Texas Criminal Defense Lawyers Association (2004)
Edison Electric Institute Claims Committee (2004)
National Seminar for Federal Defenders (2005)
Association of American Law Schools (2006)
Nevada Bar Association, Las Vegas & Reno (2006)
Baton Rouge, LA; Shreveport, LA (2007) (Arranged by Judges and Private Attys)
National Judicial College, Reno (2007)
Tennessee Association of Criminal Defense Lawyers, Nashville (2007)
Osgood Hall Law School, Toronto, Canada (2007)
Law and All That Jazz CLE Seminar, New Orleans (2008)
(Louisiana Association of Criminal Defense Lawyers)

EDITORIAL ACTIVITIES

EDITOR

1991- Editor and publisher of "**FROM THE MIND'S EYE**". From The Mind's Eye was a newsletter designed to report social science research on law and courtroom psychology.

EDITORIAL BOARDS

1970-1973 Representative Research in Social Psychology.
 1980-1988 Journal of Experimental Social Psychology.
 1985-1988 Journal of Personality and Social Psychology.
 2008 - Personal Relationships
 2007 - Journal of Behavior Analysis of Offender
 and Victim Treatment and Prevention

AD-HOC REVIEWING

JOURNALS

Psychological Science
 Journal of Personality and Social Psychology
 Journal of Consulting and Clinical Psychology
 Journal of Experimental Social Psychology
 Personality and Social Psychology Bulletin
 Journal of Applied Social Psychology
 Journal of Research in Personality
 Journal of Personality
 Social Psychology Quarterly
 Psychological Review
 Psychological Bulletin
 International Journal of Aging and Human Development
 Body Image: An International Journal of Research
 Human Communication Research
 Evolutionary Psychology
 Personal Relationships
 European Journal of Social Psychology
 Representative Research in Social Psychology
 Journal of Behavior Analysis of Offender and Victim Treatment and Prevention
 Journal of Experimental Psychology: Applied
 Applied Cognitive Psychology
 Journal of Forensic Psychology Practice
 Psychology, Public Policy and Law
 Psychology, Crime and Law
 Behavioral Sciences and the Law
 Law and Human Behavior
 International Journal of Police Science and Management.

GRANTING AGENCIES

National Science Foundation	Canadian Research Council
National Institute of Mental Health	Israel Science Foundation

PUBLICATIONS

FORTHCOMING

Davis, D., & Leo, R. A. *Social scientists in the witness box: The challenge of explaining the phenomenon of false confession*. In S. Morewitz & M. L. Goldstein (Eds.), *Handbook of Forensic Sociology and Psychology*. New York: Springer.

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Davis, D., & Brock, T. C. (1972). Paradoxical instigation of self criticism by inordinate praise. American Psychological Association, Honolulu.

Davis, D., & Ostrom, T. M. (1973) Trait implication in impression formation. American Psychological Association, Montreal.

Davis, D., Ostrom, T. M., & Caldwell, J. (1973). Meaning shift and the set size effect. Western Psychological Association, Anaheim.

Davis, D., & Brock, T. C. (1973) Heightened self-awareness, self-esteem, and egocentric thought. Eastern Psychological Association, Washington, D. C.

Davis, D., & Brock, T. C. (1974). Social determinants of physical pleasuring: Effects of the relative status of the pleasurer and the recipient. Western Psychological Association, San Francisco.

Davis, D., Brock, T. C., & Rainey, H. G. (1974). Social determinants of physical pleasuring: Effects of the attractiveness and responsiveness of the recipient. Eastern Psychological Association, Philadelphia.

Ostrom, T. M., & Davis, D. (1975). Stimulus interaction in impression formation. Eastern Psychological Association, New York.

Davis, D. (1975). Use of first person pronouns as a function of increased objective self-awareness and prior feedback. Eastern Psychological Association, New York.

Davis, D., & Perkowitz, W. T. (1977) Effects of responsiveness in a verbal exchange on interpersonal attraction. American Psychological Association, San Francisco.

Martin, H. J., & Davis, D. (1977) Effects of sex, responsiveness, and relationship meaningfulness on physical pleasuring. American Psychological Association, San Francisco.

Davis, D. (1978). Similarity, interaction, and interpersonal attraction. American Psychological Association, Toronto, Canada.

Davis, D. (1978). Instrumental conditioning of conversational behavior: Responsiveness is rewarding. American Psychological Association, Toronto, Canada.

Davis, D., Holtgraves, T., Kasmer, J., & Ginsburg, G. (1982). Self-consciousness, attitudes, subjective norms, and behavioral intentions. American Psychological

Association, Washington, D. C.

Davis, D. (1982). Information-processing consequences of responsiveness in dyadic interaction. Nags Head Conference on Social Cognition, Nags Head, North Carolina. (Invited address).

Davis, D. (1982). Antecedents and consequences of responsiveness in dyadic interaction. Nags Head Conference on Naturalistic Studies of Social Interaction, Nags Head, North Carolina. (Invited address).

Holtgraves, T., & Davis, D. (1983). Perceptions of unresponsive others: Attributions, attraction, understandability, and memory for their utterances. Western Psychological Association, San Francisco, California.

Holtgraves, T., & Davis, D. (1983). Processing efficiency of responsive and unresponsive content. American Psychological Association, Anaheim, California.

Davis, D. (1983). Moderators of the consequences of responsiveness in dyadic interaction. Nags Head Conference on Social Cognition, Nags Head, North Carolina. (Invited address).

Davis, D. (1983). When unresponsive behavior is not so bad. Nags Head Conference on Interpersonal Relations, Nags Head, North Carolina.

Davis, D. (1984) Antecedents and consequences of responsiveness in dyadic interaction. Southwestern Psychological Association, New Orleans. (Invited Address)

Davis, D. (1984) Antecedents and consequences of responsiveness in dyadic interaction. International Communications Association, San Francisco. (Invited Address).

Dewitt, J. S., Davis, D., Naseth, G. J., & Carney, A. (1984). Moderators of the consequences of responsiveness in communication. International Communications Association, San Francisco. (Invited address).

Davis, D. (1984) Speech acts and planning in conversation. Symposium; International Communications Association, San Francisco. (Invited to organize and chair this symposium)

Davis, D., & Droll, D. (1984). Toward a psychology of forgiving. American Psychological Association, Toronto. (Invited address).

Holtgraves, T. M., & Davis, D. (1984) Attributional consequences of responsiveness in conversation. American Psychological Association, Toronto. (Invited address).

Davis, D. (1984). The role of responsiveness in interpersonal relations. Society of Experimental Social Psychology. Snowbird Resort, Utah. (Invited address).

Davis, D., & Droll, D. (1985). Relative power, accounts and apologies as

determinants of forgiving. American Psychological Association, Los Angeles.

Carney, A., Davis, D., & Lipparelli, M. A. (1986). A reformulation and extension of Brown and Levinson's theory of politeness. Western Psychological Association, Los Angeles.

Carney, A., Dewitt, J. S., & Davis, D. (1986). Effects of stereotypes, order of presentation, and familiarity on person memory. Western Psychological Association, Los Angeles, 1986.

Davis, D., Carney, A., & Dewitt, J. S. (1986). Comprehension and face as determinants of listener responsiveness in conversation. American Psychological Association, Washington, D. C.

Davis, D. (1986). Chair, session entitled "The social relations model." American Psychological Association, Washington, D. C.

Davis, D. (1986). Effects of listener status and familiarity, and the magnitude of request on use of polite form in conversation. Hags Head Conference on Groups, networks and organizations, Nags Head, North Carolina. (Invited address).

Davis, D. (1987). Psychology and the legal system. Society of Experimental Social Psychology, Charlottesville, Virginia.

Lewis, E. W., & Davis, D. (1988). The attribution of responsibility: An application to the legal system. Western Psychological Association, San Francisco.

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Davis, D., Rippens, P., & Foushee, R. (1989). Public knowledge and beliefs concerning child sex abuse. Western Psychological Association, Reno.

Davis, D. (1989). Chair, session on "Opportunities for research support for AIDS related projects." Western Psychological Association, Reno.

Lewis, E. W. & Davis, D. (1992). Mitigating circumstances in sentencing: The effect of attributional complexity. American Psychology and Law Society, San Diego.

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Lewis, E. W., & Davis, D. (1992). Effects of attributional complexity, authoritarianism, and empathy on sentencing. Rocky Mountain Psychological Association, Boise.

Savoy, S. O., Coker, R., Misselli, V., Mifflin, J., & Davis, D. (1992). Juror reactions

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Ostler, T., & Davis, D. (1992). Erotophobia, sex guilt and reactions to sex related crimes. Rocky Mountain Psychological Association, Boise.

Davis, D., & Lesbo, M. (1997). May to December: A theory of mate selection across the life span. Society of Experimental Social Psychology, Toronto, Canada, October, 1997.

Lesbo, M., Davis, D., & Sundahl, I. (1997). Age and sex differences in advertising for mates. Rocky Mountain Psychological Association, Reno, April, 1997.

Sundahl, I., Davis, D., & Lesbo, M. (1997). Perceptions of control and bet size: A naturalistic study of casino craps. Rocky Mountain Psychological Association, Reno, April, 1997.

Davis, D., & Lesbo, M. (1999). The role of sexuality stereotypes in judgments of rape among women of four races. Northwest Conference on Memory and Cognition, May 1999.

Davis, D., Follette, W. C., & Merlino, M. L. (1999). Seeds of rape: Female behavior is probative for females, definitive for males. Psychological Expertise and Criminal Justice: A conference for Psychologists and Lawyers (Jointly sponsored by APA and ABA). Washington, DC, October.

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Davis, D. (2002). Memory on trial. Federal Public Defender Investigator Association, Portland, Oregon, April.

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Davis, D. (2004). Sex in service of attachment and caregiving. *Dynamics of*

Romantic Love: Attachment, Caregiving, and Sex. Davis, California.

Davis, D. (2004, January). Attachment and end-of-life caregiving. Invited address: Duke University Medical School.

Davis, D., Knaack, D., Lopez, P., Koyama, M., White, B., Bailey, D. & Kusal, T. (2005). Memory for Threats in Conversation Enhanced by Later Knowledge of Violence Between Participants. *American Psychological Society*, Los Angeles, CA.

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Nelson, K. J., Laney, C., Le, A. J., Fowler, N. B., Knowles, E. D., Davis, D., & Loftus, E. F. (2007). Change blindness can cause mistaken eyewitness identifications. *Association for Psychological Science*. Washington, D.C., May.

Davis, D., Weaver, T., Leo, R. A. (2007). Effects of failed polygraph results on true and false confessions. *American Psychological Association*, San Francisco, CA., August.

Davis, D., Leo, R. A., Follette, W. C. (2007). Effects of interrogation tactics on recommendation of false confession for the innocent. *Interrogations and Confessions*. El Paso, TX: September.

Davis, D. (2007). The problem of false confessions: Policy considerations and the issue of type I and type II outcome errors in interrogations.

Davis, D. & Follette, W. C. (2007). Blowing smoke and selling snake oil: Sources of invalidity and exaggeration in expert testimony; Osgoode Hall Law School, Toronto, CA, November. (Invited address).

Davis, D., Leo, R. A., & Follette, W. C. (2008). Recommending false confession for the innocent. *American Psychology-Law Society*. Ft. Lauderdale, FL: March.

Davis, D., (2009) Society of Experimental Social Psychology, Academic, "Interrogation through pragmatic implication", Accepted, Society of Experimental Social Psychology, Portland, Maine, October.

Davis, D. (2009), Lowman, J., Sigilloa, A., Association for Psychological Science, Academic, "Age and perceived net benefits of romantic relationships", Accepted, Association for Psychological Science, San Francisco, May.

Davis, D. (2009), Sigilloa, A., Lowman, J., Association for Psychological Science, Academic, "Attachment and perceived advantages and disadvantages of romantic relationships", Accepted, Association for Psychological Science, San Francisco; May..

Davis, D., Hernandez, J., Follette, W. C., Leo, R. A. (2010). Society for Personality and Social Psychology, Academic, "Interrogation through pragmatic implication: Communicating beneficence and promises of leniency", Society for Personality and Social Psychology, Las Vegas, Nevada, January.

Hernandez, O., Draper, C., Davis, D., & Leo, R. (2010). Stage setting in police interrogation: Interactive effects of a "pretext" for interrogation and "minimization." *American Psychology-Law Society*, Vancouver, Canada; March.

Davis, D. (2010). Jury decisions and experience (Panel Moderator). *Western Social Science Association*. Reno, NV: April

INTERNATIONAL MEETINGS

Davis, D., & Brock, T. C. (1976). Determinants of interpersonal physical pleasuring. International Congress of Psychology, Paris, France.

Davis, D. (1980). A "rewards of interaction" interpretation of the similarity-attraction relationship: Theory and data. International Congress of Psychology, Leipzig, East Germany.

Davis, D. (1980). Antecedents and consequences of responsiveness in dyadic interaction. International Congress of Psychology, Leipzig, East Germany.

Davis, D., & Holtgraves, T. M. (1983). Responsiveness, understanding and memory in dyadic interaction. Interamerican Congress of Psychology, Quito, Ecuador.

Kelley, L., Davis, D., & Wood, J. (1984) Status, physical attractiveness and popularity as elicitors of responsiveness from others. International Congress of Psychology, Acapulco, Mexico.

Davis, D., Kelley, L., Wood, J., & Steronko, R. (1984). Consecuencias evolucionarias de responsividad materna y paterna: amor propio y punto interno de control. International Congress of Psychology, Acapulco, Mexico.

Davis, D., Dewitt, J. S., & Carney, A. (1985). Las limitaciones en algunas reglas de conversacion: Cuando se espera y se condona el comportamiento no responsivo. Interamerican Congress of Psychology, Caracas, Venezuela.

Davis, D., & Lewis, E. W. (1988). The attribution of responsibility within the American legal system. XXIV International Congress of Psychology, Sydney Australia.

Davis, D., Wentzel, S., Robbins, R., Price, N., Pearlman, A., Kaplan, M., Greenstein, F., & Gastanaga, L. Verbal assertiveness in conversation. XXIV International Congress of Psychology, Sydney, Australia, 1988.

Davis, D., Rippens, P., & Foushee, R. (1989). Public beliefs about child sexual abuse. Interamerican Congress of Psychology, Buenos Aires, Argentina.

Davis, D., Ostler, T., & McBride, G. (1989). Verbal and nonverbal flirting techniques. Interamerican Congress of Psychology, Buenos Aires, Argentina.

Davis, D. & Leontauras, A. (1995). Dating preferences and practices across the lifespan. Interamerican Congress of Psychology, Puerto Rico. (Invited Address).

Davis, D., Lesbo, M., Adams, R., Shelton, N., Lindquist, M. (1998). The role of stereotypes regarding sexuality in judgements of rapes among women of four races. 24th Annual Congress of Applied Psychology, San Francisco, CA, August, 1998.

Sundahl, L., Davis, D., & Lesbo, M. (1998). Personality and preferences for casino

games. 24th International Congress of Applied Psychology, San Francisco, CA, August, 1998.

Davis, D., & Lesbo, M. (1998). Female wardrobe choices and sexual intent: Female intent and male interpretation. 24th International Congress of Applied Psychology, San Francisco, CA., August, 1998.

Davis, D., & Lesbo, M. (1998). Use of the Internet for cross-cultural survey research: A study of life-span mate selection. 24th International Congress of Applied Psychology, San Francisco, CA, August, 1998.

Davis, D., Lesbo, M. & Thoroughgood, A. J. (1999). The role of stereotypes of female sexuality in rape. Northwest Conference on Memory and Cognition, Victoria, Canada, May 1999.

Exhibit C

ELIZABETH F. LOFTUS

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EDUCATION

B.A., with highest honors in Mathematics and Psychology, UCLA, 1966
M.A., Psychology, Stanford University, 1967
Ph.D., Psychology, Stanford University, 1970

TEACHING EXPERIENCE

Permanent

Distinguished Professor, University of California, Irvine, 2002 – present

Psychology & Social Behavior, 2002-

Criminology, Law & Society, 2002 –

Cognitive Sciences, 2002-

Fellow, Center for the Neurobiology of Learning and Memory, 2002-

Founding Director, Center for Psychology & Law, 2005 - 2012

School of Law, 2007-

Affiliate Professor, Univ. of Washington, Psychology Dept and School of Law, 2002 – 2016.

Assistant, Associate, Full Professor, University of Washington, 1973-2002

Adjunct Professor of Law, University of Washington, 1984-2002

Assistant Professor, The New School, Graduate Faculty, New York 1970-73

Visiting

Harvard University, Seminar on Law and Psychology, 1975-76

National Judicial College, University of Nevada, 1975-87 (summers)

Visiting Professor, Georgetown University Law Center, 1986

HONORS AND AWARDS

Honorary Degrees

Doctor of Science, Miami University (Ohio), 1982

Doctorate Honoris Causa, Leiden University, The Netherlands, 1990

Doctor of Laws, John Jay College of Criminal Justice, City University of New York, 1994

Doctor of Science, University of Portsmouth, England, 1998

Doctor of Philosophy, Honoris Causa, University of Haifa, Israel, 2005

Doctor Honoris Causa, University of Oslo, Norway 2008

Doctor of Social Sciences Honoris Causa, Goldsmiths College, University of London 2015

Honorary Societies

Phi Beta Kappa, elected 1965 (President of University of Calif. – Irvine chapter, 2005-06).

Pi Mu Epsilon, National Mathematics Honorary, elected 1965

Mortar Board, National Senior Women's Honorary, elected 1965

Elected, Golden Key International Honour Society, honorary member, 2005

Fellowships

Office of Education Traineeship, Stanford University, 1966-69

National Institute of Mental Health Fellowship, Stanford University, 1969-70

American Council on Education Fellowship in Academic Administration, Harvard University, 1975-76

Fellow, Center for Advanced Study in the Behavioral Sciences, Stanford, 1978-79

Grants, Contracts, Research Funding

National Institute of Mental Health, 1971-72; 1972-73; 1976-79 (Human Memory)

U.S. Department of Transportation, 1974-76 (Human Memory)

General Services Administration, 1974-75 (Communications--w/Keating)

National Bureau of Standards, 1976-77; 1980-82 (Communications--w/Keating)

National Science Foundation, 1978-85 (Human Memory)

National Science Foundation, 1980-83 (Jury Behavior--w/Severance)

National Science Foundation, 1983-85; (Hypnosis--w/Greene)

National Institute of Mental Health, 1984-86; 1986-89; 1989-92 (Memory)

National Center for Health Services Research, 1986-88 (Survey Memory)

National Science Foundation, 1986-88; 1988-91 (Jury Comprehension--w/Greene-Goodman)

Fund for Research on Dispute Resolution, 1989-91 (Predictions of Success--w/Goodman)

National Institute of Health, 1991-95 (Cognition & Health--w/Croyle)

National Institute of Health, 1993-94 (Health/sex memory: subcontract from UCSF/Catania)

Leverhulme Trust, Postevent info and erasing memories, 1997-1999 (w/ Dan Wright, Univ. of Bristol)

Royal Society of Edinburgh, Travel Grant, 2006

Grawemeyer Award Funding given to UCI, 2005-present.

Awards & Honors

National Lecturer of Sigma Xi, 1978-80

American Psychological Association nomination for the NSF Waterman Award for Outstanding Contributions to Science, 1977 and 1978

National Media Award for *Eyewitness Testimony* (American Psychological Foundation, Distinguished Contribution, 1980)

Greyhound Research Award, 1987-88

Honorary Fellow, British Psychological Society, 1991 (includes lifetime membership)

George E. Allen Professor, University of Richmond School of Law, 1995

American Academy of Forensic Psychology, Distinguished Contributions to Forensic Psych Award, 1995

American Association of Applied and Preventive Psychology (AAAPP), Distinguished Contribution to Basic and Applied Scientific Psychology Award, 1996

Association for Psychological Science, James McKeen Cattell Fellow ("For outstanding lifetime contributions to the area of applied psychological research"), 1997

Oklahoma Scholar Leadership Enrichment Program Scholar 2001

Association for Psychological Science, William James Fellow Award, 2001 ("For significant lifetime intellectual contributions to the basic science of psychology.")

Quad L Award (for "outstanding life-long contributions to our understanding of learning or memory processes" University of New Mexico) 2002

National Academy of Sciences: Henry & Bryna David Lectureship, 2002 (inaugural award, for "application of the best social and behavioral sciences research to public policy issues") Speech delivered at NAS (2002). Article selected for inclusion in: *The Best American Science and Nature Writing*, (2003)

Society for the Scientific Study of Sexuality (SSSS), Contributions to Sexual Science Award, 2002

American Academy of Political and Social Sciences, elected Thorsten Sellin Fellow, 2003

Distinguished Scientific Award for the Applications of Psychology, American Psychological Assn, 2003.

American Academy of Arts & Sciences, elected Fellow, 2003

National Academy of Sciences, elected 2004.

Grawemeyer Prize in Psychology (for "Outstanding Ideas in the Science of Psychology"), 2005

Royal Society of Edinburgh, Corresponding Fellow (Scotland's National Academy of Science & Letters, Est 1783). 2005

Distinguished Member of Psi Chi (The National Honor Society in Psychology), 2005

Lauds & Laurels, Faculty Achievement Award, University of California- Irvine, (for "great professional prominence in their field" in research, teaching and public service; 9th recipient in UCI history), 2005

Ireland Distinguished Visiting Scholar Prize, 2006

American Philosophical Society (U.S. oldest learned society, Est. 1745 by Benjamin Franklin), 2006

International Academy of Humanism, elected Humanist Laureate, 2007 (for "outstanding contributions to science, law, and academic freedom, and to the public understanding of the human mind")

McGovern Award Lecture, American Assoc. for the Advancement of Science, 2009

Distinguished Contributions to Psychology and Law, American Psychology-Law Society, 2009

Joseph Priestley Award (for "achievement in the sciences"), Dickinson College, October, 2009

Howard Crosby Warren Medal, Society of Experimental Psychologists – Est. 1904, (for "significant contributions to the understanding of the phenomenology of human memory, especially its fragility and vulnerability to distortion") 2010

American Association for the Advancement of Science Award for Scientific Freedom and Responsibility (for "the profound impact that your pioneering research on human memory has had on the administration of justice in the United States and abroad."), for year 2010, ceremony Feb, 2011

Forensic Mental Health Assn of California, William T. Rossiter Award (for "exceptional global contribution to the field of forensic mental health"), 2012.

University of California, Irvine Medal (for "exceptional contributions to the vision, mission, and spirit of UC Irvine") 2012

Foundation for Critical Thinking, Bertrand Russell Scholar, 2013.

Gold Medal Award for Life Achievement in the Science of Psychology. American Psychological Foundation. (for "extraordinary contributions to our understanding of memory during the past 40 years that are remarkable for their creativity and impact") 2013.

Cornell University: Law, Psychology & Human Development Lifetime Achievement Award ("In Recognition of a Distinguished Career of Pioneering Contributions in Legal Applications of Psychological Research"), 2015

Isaac Asimov Science Award, American Humanist Association, 2016

John Maddox Prize (for courage in promoting science and facing hostility in doing so), 2016

Other Public Honors & Recognition

Committee for the Scientific Investigation of Claims of the Paranormal (CSICOP): "In Praise of Reason" Award, 1994 (Renamed: Committee for Skeptical Inquiry – C.S.I.)

Sexual Sanity Award, Sexual Intelligence, 2001

OC Metro magazine selection as one of the "Hottest 25 People in Orange County for 2002"

Listed in One Hundred Most Eminent Psychologists of the 20th century. #58. *Review of General Psychology*, 2002.

University of Portsmouth (England) endowed a prize for the best research dissertation in their MSc Program in Forensic Psychology, naming it The Elizabeth Loftus Award, 2004.

"The false memory diet", "Most noteworthy ideas of 2005", New York Times Magazine, 2005.

University of Klagenfurt, Student Scientific Board selection- "Nobel Prize in Psychology", Austria, 2005.

Listed in Who's Who in America, Who's Who in Science and Engineering, Who's Who in American Education, Who's Who in Social Sciences Higher Education (WSSHE), World Who's Who of Women, and various others.

Bethschrift Redux: Research Inspired by the Work of Elizabeth F. Loftus Special Issue of *Applied Cognitive Psychology*, edited by M. Garry & H. Hayne, Vol. 20, 2006.

PROFESSIONAL MEMBERSHIPS

Current:

American Association for the Advancement of Science (Fellow; Board of Directors, 2013 - 2017)

Association for Psychological Science (Formerly American Psychological Society; President 1998-99)

Western Psychological Association (President, 1984; President 2004-2005)
 Psychonomic Society (Governing Board, 1990-1995) Lifetime Member
 Society of Experimental Psychologists, (1990 -)
 British Psychological Society (1991, Lifetime Member)
 National Academy of Sciences, (2004 -)
 American Academy of Arts and Sciences (2003 -).
 Royal Society of Edinburgh (2005 – Lifetime Corresponding Fellow)
 American Philosophical Society (2006 -)

Past:

American Psychological Association (Fellow-Div. 3, 35, 41; President, American Psychology-Law Society, Div. 41, 1985; President, Experimental Psychology Division, Div. 3, 1988) (1973-1996)
 Institute for the Study of the Trial (Board of Directors, 1979-81)
 Law and Society Association (1982-89)
 Eastern Psychological Assn, Elected Fellow 2011

OTHER PROFESSIONAL EXPERIENCE

Member, Psychology Education Review Committee, National Institute of Mental Health, 1977-79
 Associate Editor, *American Psychologist*, 1990-94
 Editorial Board Member:

Journal of Experimental Psychology, 1974-87
Human Learning, 1980-86
Social Cognition, 1981-92
Law and Society Review, 1982-86
Information and Behavior, 1983-90
American Journal of Psychology, 1989-2008
Justice Quarterly, 1984-95
Behavioral Sciences and the Law, 1985-99
Applied Cognitive Psychology 1987-93
 (Special Editorial Advisor, 1993-)
Law and Human Behavior, 1980-2005

Ethics and Behavior, 1989-91
Forensic Reports, 1987-92
The Forensic Echo, 1998-2000
Psychology, Crime and Law, 1992-
Psych Science in the Public Interest, 1999-
Canadian Psychology 2001-
Perspectives on Psychological Science, 2005 - 2017
Internat. J of Psychology, Cons Ed, 2005 -12
Experimental Psychology, 2008 -
Psychology of Consciousness 2012 -

Advisory Board Member:

British Journal of Psychology, 1983-99(approx) *Psychology Today*, 1999-2003
Skeptic Magazine (UK), 2009 – present.

Member, Council for Scientific Medicine, *Scientific Review of Alternative Medicine*, 1998-
 American Psychological Association committee work:

Member, Communications Committee, 1975-76; Member, Magazine Task Force, 1975-76;
 Member, Finance Committee, 1976-78; Member, Comm. on Organization of APA, 1977-78;
 Commission on Organization, 1978-82; Council of Representatives, Div. 3, 1982-85;
 Executive Committee, Div. 41, 1981-85; Member, Ethics Committee, 1984; National
 Policy Studies Oversight Committee, 1986; *Psychology Today*, Board of Directors, 1987-88;
 Comm. on Division/APA Relations (CODAPAR), 1988-89, Public Information Comm. 1989-1992
 Task Force on Recovered Memories of Child Sexual Abuse, 1993-96

Association for Psychological Science (Formerly American Psychological Society) Committee work:
 Fund for Advancement of Psychological Science, Board Member, 2003- . (Chair: Bequest Subcommittee).

Cattell Award Committee, 2001-05 .

Association for Advancement of Psychology (AAP), Board of Trustees, 1981-85

Federation of Behavioral, Psychological, and Cognitive Sciences:

Executive Committee, 1992-95

National Academies: (inc. National Academy of Sciences)

Committee on ELF Radiation, 1976-77

Committee on Basic Research in the Behavioral and Social Sciences, 1980-82

Committee on Use of Statistical Evidence in Court, 1982-85
 Committee on Cognitive Aspects of Survey Methodology, 1982-83
 Division of Behavioral & Social Sciences & Education (DBASSE) Executive Board, 2005 -2011
 National Academy of Sciences, Class Membership Committee, 2005, 2006., 2007
 Committee on Military and Intelligence Methodology for Emergent Physiological and
 Cognitive/Neural Science Research, 2007 - 08.
 Board on Human-Systems Integration, NRC, 2014- present
 American Philosophical Society
 TNG for Psychology, 2006-08
 Social Sciences Research Council:
 Committee on Cognition and Surveys, 1985-90
 Bureau of National Affairs, Advisory Committee on Complex Litigation, 1987-1990
 Representative from University Faculty to State Legislature, 1976-78
 Advisory Comm., Institute of Government and Public Affairs, Univ. of Illinois, 1987-1992
 FMS Foundation Advisory Board, 1992-
 NIMH Behavioral Sciences Task Force, 1993
 Sage Series on Counseling Women, Advisor, 1995-96
 Exploratorium, San Francisco's Science Museum, Advisor, 1990-91, 1996-98
 Brain.com Corporation, Scientific Advisory Board, 1999-2001
 Center on Wrongful Convictions, National Advisory Board, 2000-
 NewKirk Center for Science & Society, Advisory Board, 2002-
 International Institute of Psychotherapy and Applied Mental Health
 Babes-Bolyai University, Cluj-Napoca, (Affiliated faculty), Romania, 2003 - .
 PerceptionShift--The International Center for Scientific, Political, and Artistic Challenge
 Honorary Advisory Board Member. 2004 - .
 Member, Board of Commissioners, American Judicature Society Commission on Forensic Science &
 Public Policy, 2005-2010.
 Sage Cognitive Psychology Program, Consulting Board Member, 2006-2008
 Institute for Memory Impairments and Neurological Disorders (MIND), Advisory Board, 2009-2015 .
 Committee for Skeptical Inquiry (CSI), Executive Council, 2011- present.
 National Science Communication Institute, Board of Directors, 2011-2014.
 Consortium of Social Science Associations (COSSA), Board of Directors, 2012 - 2013

GOVERNMENT AND OTHER CONSULTING

General Services Administration, 1974-77
 Federal Trade Commission, 1976-77
 Bay Area Rapid Transit, San Francisco, 1979
 U.S. Department of Justice (National Crime Survey), 1980
 Consultant for attorneys and other members of the legal profession in 34 US states,
 Canada, South Korea, Israel, Sweden, Japan, The Netherlands, Ireland, Scotland, Portugal
 Law Reform Commission of Canada, 1981
 Westin Hotels, AT&T, Schering-Plough, L.A. Gear, and other corporations
 Internal Revenue Service, 1984
 National Center for Health Statistics, 1985
 US Secret Service, 1986
 Unified Court System, NY., 1989-90
 Consultant to Canadian Government Officials re eyewitness testimony (Sophonow Inquiry), 2001
 Central Intelligence Agency, 2005 -2006. .
 Veterans Education Association, Academic Advisory Board Member, 2006 - .
 Grawemeyer Award External Review Panel, 2008.

PUBLICATIONS

Books

- Mednick, S.A., Pollio, R. H. & Loftus, E.F. (1973). *Learning*. Englewood Cliffs, NJ: Prentice-Hall.
· Japanese edition: Iwanami Shoten Publishers, Tokyo.
- Loftus, G.R. & Loftus, E.F. (1976) *Human Memory: The Processing of Information*. Hillsdale, NJ: Erlbaum Associates.
· Japanese edition: University of Tokyo Press.
- Bourne, L.E., Dominowski, R. L., & Loftus, E.F. (1979). *Cognitive Processes*. Englewood Cliffs, NJ: Prentice-Hall.
- Loftus, E.F. (1979). *Eyewitness Testimony*. Cambridge, MA: Harvard University Press. (National Media Award, Distinguished Contribution, 1980). (Reissued with new Preface in 1996).
· Japanese edition: Seishin Shobo, Tokyo.
- Loftus, E.F. (1980). *Memory*. Reading, MA: Addison-Wesley. (Reprinted by NY: Ardsley Press 1988).
· Swedish edition: Liber Forlag, Stockholm.; Hebrew edition: Or Am, Tel-Aviv.; French edition: Le Jour, Editeur.; Spanish edition: Compania Editorial Continental.; Danish edition: Hernon Publishers.
- Wortman, C.B. & Loftus, E.F. (1981). *Psychology*. New York: Random House (Knopf).
- Loftus, G.R. & Loftus, E.F. (1982). *Essence of Statistics*. Monterey, CA: Brooks/Cole.
- Bootzin, R., Loftus, E., & Zajonc, R. (1983). *Psychology Today* (5th ed.). NY: Random House.
- Loftus, G.R. & Loftus, E.F. (1983). *Mind at Play*. New York: Basic Books.
· Japanese edition: Companion Shuppan Ltd.
- Wells, G. & Loftus, E.F. (Eds.) (1984). *Eyewitness Testimony--Psychological perspectives*. NY: Cambridge University Press.
- Wortman, C.B. & Loftus, E.F. (1985). *Psychology* (2nd ed.) NY: Random House (Knopf).
- Bourne, L.E., Dominowski, R.L., Loftus, E.F., & Healy, A. (1986). *Cognitive Processes*. Englewood Cliffs: Prentice-Hall.
- Loftus, E.F. & Doyle, J. (1987). *Eyewitness Testimony: Civil and Criminal*. NY: Kluwer.
- Loftus, G.R. & Loftus, E.F. (1988). *Statistics*. New York: Random House.
- Wortman, C.B. & Loftus, E.F. (1988). *Psychology* (3rd ed.). NY: Random House (Knopf).
- Loftus, E.F. & Ketcham, K. (1991) *Witness for the Defense; The Accused, the Eyewitness, and the Expert Who Puts Memory on Trial* NY: St. Martin's Press.
-Chinese Translation: Taiwan: Business Weekly Publications 1999; Spanish Translation: Barcelona, Spain: Alba 2010
- Wortman, C.B. & Loftus, E.F. (1992) *Psychology* (4th ed.) NY: McGraw Hill.
- Loftus, E.F. & Doyle, J.M. (1992) *Eyewitness Testimony - Civil and Criminal*. Charlottesville, VA: The Michie Co.
- Loftus, E.F. & Ketcham, K. (1994) *The Myth of Repressed Memory*. NY: St. Martin's Press.
-Dutch edition: Graven in het geheugen, Amsterdam/Antwerpen: Uitgeverij L.J. Veen (1995)
· German edition: Die Therapierte Erinnerung. (translated by Ingrid Klein): Hamburg: Verlag GmbH, (1995).
· French edition: Le syndrome des faux souvenirs. Collection Regard Critique: Editions Exergue, (1997). Bastei Lubbe Publishing.
· Taiwanese Translation: Yuan Liou Publishing.
· Japanese edition: Seishin Shobo Publishers (2000).
-Korean edition: Dosol Publishing (2008)
-French, second ed. (2012) Le syndrome des faux souvenirs. Paris: Editions Exergue.
- Loftus, E.F. & Doyle, J.M. (1997) *Eyewitness testimony: Civil & Criminal*, 3rd edition. Charlottesville, Va: Lexis Law Publishing.
- Wortman, C.B., Loftus, E.F., & Weaver, C. (1999) *Psychology* (5th edition). NY: McGraw Hill.
- Loftus, E.F., Doyle, J.M. & Dysart, J. (2007) *Eyewitness testimony: Civil & Criminal*, 4th edition. Charlottesville, Va: Lexis Law Publishing. (482 pages)
- Loftus, E.F., Doyle, J.M. & Dysart, J. (2013) *Eyewitness testimony: Civil & Criminal*, 5th edition. Charlottesville, Va: Lexis Law Publishing. (447 pages)

Articles and Chapters

1968

- Fishman, E.F. (Loftus), Keller, L., & Atkinson, R.C. (1968). Massed vs. distributed practice in computerized spelling drills. *Journal of Educational Psychology*, 59, 290-296.
 Reprinted in: R.C. Atkinson & H.A. Wilson (Eds.) (1969). *Computer-Assisted Instruction: A Book of Readings*. NY: Academic Press.

1969

- Suppes, P., Loftus, E.F., & Jerman, M. (1969). Problem-solving on a computer-based Teletype. *Educational Studies in Mathematics*, 2, 1-15.
 Reprinted in: E. Fishbein & E. Rasu (Eds.) (1971). *Invatamintul Matematic in Lumea Contemporana*. Bucharest: Editura Didactice si Pedagogica.

1970

- Loftus, E.F. & Freedman, J.L. (1970). On predicting constrained associates from long-term memory. *Bulletin of Psychonomic Society*, 19, 357-358.
 Loftus, E.F., Freedman, J.L., & Loftus, G.R. (1970). Retrieval of words from subordinate and superordinate categories in semantic hierarchies. *Bulletin of Psychonomic Science*, 21, 235-236.
 Loftus, E.F. (1970). *An analysis of the structural variables that determine problem solving difficulty on a computer-based Teletype*. Doctoral Dissertation, Stanford University. Also, Institute for Mathematical Studies in the Social Sciences, Technical Report No. 126, December 18, 1970.

1971

- Freedman, J.L. & Loftus, E.F. (1971). Retrieval of words from long-term memory. *Journal of Verbal Learning and Verbal Behavior*, 10, 107-115.
 Loftus, E.F. & Scheff, R.W. (1971). Categorization norms for fifty representative instances. *Journal of Experimental Psychology Monograph*, 91, 355-364.
 Loftus, E.F. (1971). Memory for intentions: The effect of presence of a cue and interpolated activity. *Bulletin of Psychonomic Science*, 23, 315-316.

1972

- Loftus, E.F. & Suppes, P. (1972). Structural variables that determine problem-solving difficulty in computer-assisted instruction. *Journal of Educational Psychology*, 63, 531-542.
 Loftus, E.F. & Freedman, J.L. (1972) Effect of category-name frequency on the speed of naming an instance of the category. *Journal of Verbal Learning and Verbal Behavior*, 11, 343-347.
 Loftus, E.F. & Suppes, P. (1972). Structural variables that determine the speed of retrieving words from long-term memory. *Journal of Verbal Learning and Verbal Behavior*, 11, 770-777.
 Loftus, E.F. (1972). Nouns, adjectives and semantic memory. *Journal of Experimental Psychology*, 96, 213-215.

1973

- Loftus, E.F. (1973). Category dominance, instance dominance, and categorization time. *Journal of Experimental Psychology*, 97, 70-74.
 Loftus, E.F. & Grober, E.H. (1973). Retrieval from semantic memory by young children. *Developmental Psychology*, 8, 310.
 Loftus, E.F. (1973). Activation of semantic memory. *American Journal of Psychology*, 86, 331-337.
 Loftus, E.F. (1973). Teaching young children how to use a computer-based Teletype as a desk calculator. *Behavioral Research Methods and Instrumentation*, 5, 204-208.

1974

- Loftus, E.F. & Bolton, M. (1974). Retrieval of superordinates and subordinates. *Journal of Experimental Psychology*, 102, 121-124.
 Loftus, E.F. & Loftus, G.R. (1974). Changes in memory structure and retrieval over the course of instruction. *Journal of Educational Psychology*, 66, 315-318.
 Grober, E.H. & Loftus, E.F. (1974). Semantic memory: Searching for attributes versus searching for names. *Memory and Cognition*, 2, 413-416.
 Loftus, E.F. & Keating, J.P. (1974, November). The psychology of emergency communications. *Proceedings of the International Conference on Fire Safety in High Rise Buildings*.

- Loftus, G.R. & Loftus, E.F. (1974). The influence of one memory retrieval on a subsequent retrieval. *Memory and Cognition*, 2, 467-471.
- Loftus, E.F. (1974). On reading the fine print. *Quarterly Journal of Experimental Psychology*, 26, 324.
- Freedman, J.L. & Loftus, E.F. (1974). Retrieval of words from well-learned sets. *Journal of Experimental Psychology*, 102, 1085-1091.
- Loftus, E.F. & Cole, W. (1974). Retrieving attribute and name information from semantic memory. *Journal of Experimental Psychology*, 102, 1116-1122.
- Loftus, E.F., Wiksten, S., & Abelson, R.P. (1974). Using semantic memory to find versus create a word. *Memory and Cognition*, 3, 479-483.
- Loftus, E.F. & Palmer, J.C. (1974). Reconstruction of automobile destruction: An example of the interaction between language and memory. *Journal of Verbal Learning and Verbal Behavior*, 13, 585-589.
 Reprinted in: Neisser, U. (Ed.) (1982) *Memory Observed*. San Francisco: Freeman.
 Peter E. Morris & M. Conway (Eds.) (1993) *The International Library of Critical Writings in Psychology: Memory*. NY: Academic Press.
- Loftus, E.F., Senders, J.W., & Turkeltaub, S. (1974). The retrieval of phonetically similar and dissimilar category members. *American Journal of Psychology*, 87, 57-63.
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- Newman, E. J., Frenda, S.J. & Loftus, E.F. (2016) Memory as Reconstructive. In H.L. Miller, Jr. (Ed) *Sage Encyclopedia of Theory in Psychology*. (Vol 2, p 545-549) Thousand Oaks, Calif: Sage
- Loftus, E.F. (2016) To enhance justice: The risk and reward of studying memory. *The Humanist* (Isaac Asimov Science Award acceptance speech) vol 76, #6, p 29-32.
- Loftus, E.F., Doyle, J.M., & Dysart, J.E. (2016) *Eyewitness testimony: Civil & Criminal*. 5th Ed. 2016 Cumulative Supplement, p 1-26. Charlottesville, VA: Lexis Law Publishing,
- 2017 and in press**
- Loftus, E.F. (2017) Eavesdropping on Memory. *Annual Review of Psychology*, 68, 1-18.
- Van Damme, I., Kaplan, R., Levine, L.J., & Loftus, E.F. (2017) Emotion and false memory: How goal-irrelevance can be relevant for what people remember. *Memory*, 25, 201-213. DOI: 10.1080/09658211.2016.1150489.
- Berkowitz, S.F. & Loftus, E.F. (in press). Misinformation in the Courtroom. In H. Otgaar & M.L. Howe (Eds) *Can we know what the truth is in the courtroom*. Oxford Univ Press.
- Davis, D. & Loftus, E.F. (in press) Eyewitness Science in the 21st Century. *Stevens' Handbook of Experimental Psychology and Cognitive Neuroscience*, 4th Ed.
- Laney, C. & Loftus, E.F. (2017) False memories matter. In R. A. Nash & J. Ost (Eds) *False and Distorted Memories*. NY & London: Routledge., p 143-155.
- Nash, R.A., Wade, K.A., Garry, M., Loftus, E.F., & Ost, J. (2017) Misrepresentations and flawed logic about the prevalence of false memories. *Applied Cognitive Psychology*, 31, 31-33.
- Pickrell, J., McDonald, D., Bernstein, D.M., & Loftus, E.F. (2017) Misinformation effect. In R.F. Pohl (Ed) *Cognitive Illusions: Intriguing phenomena in thinking, judgment, and memory* (2nd ed). Hove, UK: Psychology Press, pp 406-423.
- Crozier, W., Strange, D., & Loftus, E.F. (2017) Memory errors in alibi generation. *Behavioral Sciences & the Law*.
- Loftus, E.F. & Greenspan, R.L. (in press) If I'm certain, is it true? Accuracy and Confidence in eyewitness memory. *Psychological Science in the Public Interest*.

INVITED ADDRESSES

- | | |
|--|---|
| <p>1969
Civil Service Commission for the Education
Program in Systematic Analysis, Wash DC</p> <p>1972.
Conference on Formal Aspects of the
Cognitive Process, University of Michigan
Eastern Verbal Investigator's League (EVIL),
New York</p> <p>1973
Johns Hopkins University
Harvard University
Columbia University
University of Colorado
Conference on Cognition, Perception, and
Adaptation, University of Minnesota
Bell Laboratories
Perception Consortium of New York</p> | <p>1974
University of Oregon
University of Kansas
Washington Defense Counsel, Seattle</p> <p>1975
University of Lethbridge
Kansas State University
Evergreen State College
University of Wisconsin, Madison
Lawrence University
Harvard University
New School for Social Research
Washington State Trial Lawyers Association,
Vancouver
Massachusetts Defenders Committee, Boston
Harvard Law School</p> <p>1976
Ohio State University</p> |
|--|---|

University of Pittsburgh
 University of Massachusetts, Boston
 University of Toronto
 McMaster University
 Wheaton College
 University of Utah
 Brandeis University
 Oklahoma State University
 State University of New York, Buffalo
 Assn of Trial Lawyers of America (ATLA)
 National College of Advocacy, Reno/Boston
 United States Attorneys, Seattle
 Oklahoma County Bar Assn, Oklahoma City
 Connecticut Trial Lawyers Assn, Hartford
 Judge Advocate General's School,
 Charlottesville, Virginia
 Law Society of Upper Canada, Toronto
 Florida Bar Assn, Tampa and Miami
 Bolt, Beranek & Newman, Cambridge
 Colloquium on New Ways of Analyzing
 Variation in English, Georgetown University
 Defense Advanced Research Projects Agency,
 New York

1977

University of Western Ontario
 Bowling Green State University
 Simon Fraser University
 ATLA, Fifth Circuit Seminar, New Orleans
 New York State Bar Association, New York
 Washington State Patrol, Shelton, WA
 Criminal Justice Training Commission
 Seminar, Issaquah, Washington; Seattle
 Advocacy Education Seminar, Burlington VT
 ATLA, National College of Advocacy, Reno,
 NV
 ATLA, National Convention, Washington, DC
 Oregon Criminal Defense Association, Seaside
 ATLA, First Circuit Seminar, Boston

1978

Kearney State College, Nebraska
 University of Michigan
 University of Minnesota
 Stanford University
 University of California, San Diego
 North Carolina Academy of Trial Lawyers,
 Charlotte
 Washington State Bar Assn, Continuing Legal
 Education, Olympia
 ATLA, Mid-Winter Meeting, Monte Carlo,
 Monaco
 29th Annual Advocacy Institute, University of
 Michigan
 National Institute of Trial Advocacy (NITA),
 NW Regional, University of Oregon
 Federation of Law Societies of Canada,
 Criminal Evidence Program, Toronto
 Louisiana Trial Lawyers Assn, New Orleans

ATLA Seminar on Trial Tactics, Camp
 Pendleton, CA
 American Judges Association Annual Meeting
 SAFECO Insurance Company Continuing
 Education Program
 Law and Society Assn, Univ of Minnesota

1979

California State University, Chico
 Carnegie-Mellon University
 Yale University (one week)
 Duke University
 University of California, Santa Barbara
 California State University, Fullerton
 University of California, Berkeley
 State University of New York, Stony Brook
 Hope College
 University of Nebraska, Omaha
 Canadian Bar Association, Vancouver
 Pennsylvania Trial Lawyers Assn,
 Philadelphia & Pittsburgh
 Montana Trial Lawyers Assn, Butte
 West Virginia Trial Lawyers Assn, Charleston
 National College of Advocacy, Hastings Law
 School
 Public Defender Office, Santa Clara Cty, CA
 Nebraska Assn of Trial Attorneys
 Standard Oil (AMOCO Research Center),
 Chicago, IL
 Montsanto, St. Louis, MO
 New York Academy of Sciences
 Conference on Memory and Amnesia,
 Lebanon, NH
 Conf: Developmental and Experimental
 Approaches to Human Memory, U. of
 Michigan

1980

University of Victoria
 Hamilton College
 McGill University
 Sam Houston State University
 Trent University (Canada)
 University of Toronto
 Washington State University
 Idaho State University
 University of California, Riverside
 Oklahoma State University
 University of Missouri, Columbia (3 days)
 University of Wisconsin, La Crosse
 Nova Scotia Barrister's Society, Dalhousie
 Law School, Halifax
 University of British Columbia Law School,
 Vancouver
 California Public Defenders Assn., Asilomar
 Tennessee Trial Lawyers Assn, Nashville
 Kansas District Judges Assn
 Kansas Bar Assn
 Hastings Law School

Washington DC Public Defender's Office
 Memphis State Trial Lawyers
 American Bar Assn/ATLA, Las Vegas
 Maryland Trial Lawyers Annual Meeting,
 Ocean City
 New York Bar Assn Advocacy Course, New
 York City
 Hoffmann-LaRoche, Nutley, NJ
 American Institutes of Research, Wash., DC
 Canadian Psychological Association Annual
 Meeting, Calgary
 Attention and Performance, IX, Cambridge,
 England
 Council for Advancement of Science Writing,
 Durham

1981

University of South Florida
 Northwestern University, Business School
 Stanford University
 University of Texas, El Paso
 Claremont Graduate School
 University of Illinois
 Copenhagen University
 University of Stockholm
 Federal Defenders Annual Meeting, San Diego
 Oregon Trial Lawyers, Portland
 California Attorneys for Criminal Justice
 Hastings Law School, San Francisco
 ABA/ATLA Seminar, Las Vegas
 Northwestern Law School, Chicago
 Inner Circle of Advocates, Sun Valley
 Annual Institute, Georgetown University Law
 Center, Washington, DC
 Professional Institutes Seminar, Puerto Rico
 National College of Juvenile Justice, San
 Francisco
 S.S.R.C. Conference on Law and Psychology,
 Oxford, England
 Chaucer Club, MRC Applied Psychology
 Unit, Cambridge, England
 British Psychological Society, Guildford,
 England
 AT&T Corporate Security
 Chautauqua Institution, Science Week
 G. Stanley Hall Lecture, APA

1982

Rice University
 Texas A&M
 University of Texas, Austin
 Union College
 SUNY, Plattsburgh
 University of Texas, Arlington
 James Madison University
 University of Virginia
 University of Colorado (3 days)
 Miami University (Ohio)
 Canadian Bar Assn., Alberta Branch, Calgary

Washington State Judges, Yakima
 McGeorge School of Law (High Table)
 Oklahoma County Bar
 Northwestern Law School
 Harvard Law School
 Georgetown Law School
 Indiana Trial Lawyers Assn
 West Palm Beach County Bar
 Eastern Psychological Association, Baltimore
 Clover Park Administrators

1983

University of Cincinnati
 UCLA
 Reed College
 San Diego State University
 Ohio State University
 University of Houston
 Eastern Washington University
 Nebraska Wesleyan University (Psychology
 Fair Speaker)
 University of Denver
 American Assn of Law Schools, Cincinnati
 Oregon Trial Lawyers Assn
 Northwestern Law School
 Atlanta Bar Assn Seminar
 Washington Assn of Technical Accident
 Investigators (WATAI)
 Arizona Prosecuting Attorneys Advisory
 Council, Phoenix
 Academy of Florida Trial Lawyers, Miami
 Medical Disciplinary Board, State of
 Washington
 The Royal Society, London
 American Psychological Assn, Anaheim
 Max Planck Institute, West Berlin
 American Society of Criminology, Denver
 Merrill Lynch, Palm Springs

1984

University of British Columbia
 University of Toronto
 Williams College (IBM Lectureship)
 Roanoke College (Fowler Lectureship)
 Hebrew University, Jerusalem
 Maryland Bar Association, Baltimore
 California Attorneys for Criminal Justice, Los
 Angeles
 Canadian Bar Assn, Ontario Branch
 ATLA, Annual Meeting
 Northwestern Law School
 Philadelphia Public Defender's Office
 Seattle Public Defender's Office
 Nova Scotia Barristers, Halifax
 Science and Public Policy Seminar,
 Federation, Washington, DC
 California State University Administrators
 Conference on Computers & Education
 Continuing Medical Educ, U. of Washington

1985

California State University, Long Beach
 Vanderbilt/Peabody, Nashville
 North Carolina Psychological Conference,
 North Carolina State
 Ohio Wesleyan University
 Minnesota Psychology Conference
 Creighton University, Nebraska
 Florida State University
 Leiden University, The Netherlands
 San Diego Defenders
 New Mexico Trial Lawyers
 Tennessee Assn. of Criminal Defense Lawyers
 Northwestern Law School
 Washington Association of Defense Counsel
 ATLA Criminal Seminar, Houston
 Court Appointed Special Advocate Assn
 Northwest Women's Law Center
 Colorado Defense Lawyers Association
 American Association of Law Libraries, NY
 University of Bridgeport Law School
 Texas Research Institute, Houston
 German Psychological Society (Law &
 Psychology Division), Braunschweig, FRG
 Institute for Perception, TNO, Soesterberg,
 The Netherlands

1986

SUNY, Stony Brook
 Oregon State University
 University of Michigan (Survey Research)
 University of Maryland
 Duke University
 Johns Hopkins University
 Judicial Studies Program (California Judges)
 Michigan Judicial Institute (Michigan Judges)
 Texas Assn. of Defense Counsel, San
 Francisco
 All-Star Seminar, Atlanta Bar, Atlanta
 US Census Bureau, Washington, DC
 Annenberg School of Communication
 Women and Memory, University of Michigan
 American Assn. of Public Opinion Res., Wash., DC
 Federal Judicial Center
 Capitol Area Social Psychological Assn
 Bureau of Labor Statistics
 Washington DC Public Defenders
 Smithsonian Institute

1987

University of Nevada, Reno
 University of North Dakota
 California Judicial Studies
 Harvard Law School
 Duke Law School
 University of South Carolina Law School
 Annual Joseph Cohen Lectureship, University
 of Missouri, Kansas City
 British Psychological Society, Brighton,

England

US Court of Military Appeals Conf, Wash, DC
 National Academy of Arbitrators, New
 Orleans
 Judicial Conference of Washington, DC
 University of UMEA, Sweden
 Cleveland-Marshall Law School, Cleveland
 Indiana University Law School, Bloomington
 Indiana University Psychology Department
 Hebrew University, Jerusalem
 Cornell University
 Washington Assn of Criminal Defense
 Lawyers
 Tennessee Assn. of Criminal Defense Lawyers
 Recorder's Court, Detroit

1988

California Judicial Studies (Judges)
 Washington Criminal Justice Training
 Committee (Police)
 ATLA, New York
 New York University
 Northwestern Law School
 Ohio Assn of Criminal Defense Lawyers,
 Cincinnati
 Baylor University, Waco, Texas (Oral History
 & Memory)
 Southeastern Louisiana Univ. (Scholar in
 Residence)
 Haverford College
 Arizona State University (Psychology
 Department and Law School)
 Rocky Mountain Psychological Assn
 (Keynote)
 University of Oregon
 North Carolina Academy of Trial Lawyers,
 Greensboro
 Lane County Law Forum, Oregon
 NATO Advanced Study Institute, Maratea,
 Italy
 ATLA, Annual Meeting, Kansas City
 Northwestern Law School for prosecutors and
 defense attorneys
 Cook County Public Defenders
 International Congress of Psychology, Sydney,
 Australia (Keynote)
 Medico Legal Society of Queensland,
 Australia
 Brigham Young University Law School
 BYU Psychology Department
 Baylor University Law School
 University of California, San Diego
 University of Washington Law School

1989

Yale University Law School
 Yale Psychology Department
 University of Michigan
 University of California, San Diego

Northern Kentucky University
 Southern Indiana University, Evansville (Mid-America Conference, Keynote)
 Northwestern Law School
 Western Psychological Association, Reno
 Northwestern Law School for prosecutors and defense attorneys, Chicago
 American Bar Assn, Litigation Sect, Honolulu
 British Psychological Society, Cognitive Section, Cambridge, England

1990

Leiden University, the Netherlands
 Emory University, Flashbulb Memory Conference
 American Bar Association, Satellite Seminar on Jury Comprehension, Washington, DC
 University of West Virginia, Practical Cognition Conference
 ABA Litigation Sec, Trial Practice Committee, Phoenix
 Annenberg Conference on Selecting Impartial Juries, Washington DC
 University of Pittsburgh
 Northwestern Law School
 European Conference on Law & Psychology, Nuremberg, Germany
 University of Minnesota Law School

1991

National Institute on Teaching of Psychology, Florida
 ABA (American Bar Foundation)
 Ontario Psychological Association, Toronto
 Ryerson College, Canada, 11th Annual Psychology Lecture
 Arkansas Annual Psychology Conference (Keynote Speaker)
 Seattle Rotary
 Northwestern University Law School
 University of Lethbridge, Canada
 Banff Conference on Cognitive Science, Canada
 Society of British Columbia, Continuing Legal Education
 Fordham University, NY
 Legal Aid Society, NY
 AIDS Survey Research Methodology Conference, Rockville, MD
 Course for prosecuting and defense attorneys, Northwestern Law
 American Psychological Assn, San Francisco, CA
 University of Toronto
 Ontario Science Centre
 Chief Executive Organization Forum, Vancouver
 University of Georgia (Wm. Owens Annual Lectureship)

8th International Conference on Multiple Personality/Dissociative States (Plenary Speaker), Chicago
 Federal Bureau of Investigation (FBI), Washington State

1992

International Listening Association (Keynote Speaker)
 University of Tennessee, Knoxville
 Mississippi State University
 Federal Defenders Assn, San Diego
 Reed College
 Portland Community College
 University of California, Santa Cruz
 Augustana College, Illinois (Stone Memorial Lecture)
 Canadian Bar Association, Toronto
 University of Toledo
 NATO Conference, Lucca, Italy
 Criminal Justice Act Seminar (Keynote), San Diego
 Psi Chi/Fredrick Howell Lewis Distinguished lecture, APA, Washington DC
 Grand Rounds, Department of Psychiatry, University of Washington Medical School
 Air Force Academy, Colorado Springs
 Faculty Auxiliary, University of Washington
 University of Stockholm, Sweden
 Swedish Psychological Association (Keynote Speaker)
 Gruter Institute, Squaw Valley
 Lawrence University (Wisconsin, Convocation Speaker)
 FJC Criminal Procedure Seminar for Federal Judges, Palm Beach

1993

McGill University (D.O. Hebb Lecturer)
 American Psychiatric Assn, San Francisco
 Law-Psychology Symposium (Keynote Speaker), California State Univ., Fullerton
 New Mexico Psychological Assn/New Mexico Trial Lawyers, Santa Fe
 FMS Foundation Conf, Valley Forge, PA
 Young President's Organization Alumnus (YPOA), Seattle
 Pacific Northwest Writers, Seattle
 Midwestern Psychological Assn, Chicago
 NACDL/ATLA College of Trial Advocacy Seminar, Las Vegas
 American Academy of Forensic Psychology, Continuing Education, Invited Workshop
 Mystery Writers of America
 Colorado Psychological Assn, Aspen
 Swiss Memory Psychology Program, Vals, Switzerland
 Medical-Legal Society of Toronto
 American Psychological Association, Invited

Presidential Debate, Toronto
Midwest Conference on Child Sexual Abuse &
Incest, Madison, Wisconsin
Clark Univ., Conf on Trauma and Memory

1994

Orrick, Herrington, Sutcliffe Retreat,
Silverado
Mercer Island Rotary
Seattle Forensic Institute
Bay State Medical Center, Trauma and
Memory Conference, Springfield, MA
University of New Mexico Medical School
(Grand Rounds)
Red River Undergraduate Conference, Fargo,
North Dakota (Keynote)
Leiden University, The Netherlands
National Association of Criminal Defense
Lawyers, Washington, DC
Washington Assn of Criminal Defense
Attorneys
University of San Diego, School of Law, CLE
Missoula Psychiatric Services, Conference on
Law and Psychiatry, Missoula, Montana
Mind/Brain/Behavior Program, Memory
Distortion Conference, Harvard University
Georgia Psychological Assn Continuing
Education, Atlanta
Simon Fraser University, (Keynote speaker,
conference on Memories of Sexual Abuse),
Vancouver, Canada
7th Annual Dual Disorder Conference,
Bellevue, Washington
Stanford University, Psychology Colloquium
Stanford University Medical School,
Department of Psychiatry, Grand Rounds
American Psychological Society (Teaching
Institute), Wash. DC
Committee for the Scientific Investigation of
Claims of the Paranormal (CSICOP)
Psych Methods in the Investigation and Court
Treatment of Sexual Abuse, Tromsø,
Norway
American Assn of Public Welfare Attorneys,
Seattle
Japanese Psychological Assn (keynote), Tokyo
Japan Federation of Bar Associations, Tokyo
University of Colorado, Denver
Current Topics in Mental Health & Law,
Seattle
Criminal Lawyers' Assn, Toronto
Criminal Trial Lawyers Assn, Alberta, Canada
Johns Hopkins Medical School/FMS
Foundation Conf on Memory and Reality,
Baltimore, Maryland (keynote)

1995

University of Washington Medical School,
Pain Grand Rounds

University of California at Los Angeles
American Academy of Forensic Sciences,
Annual Meeting
King County Detectives, Special Assault Unit
University of Pittsburgh
Pennsylvania Conference of State Trial Judges
University of California, San Francisco,
Department of Psychiatry Grand Rounds
University of Kansas Medical Center
(Childhood sex abuse and memories
conference)
Indiana University, South Bend (keynote to
commemorate 175th year anniversary of IU)
Rice University, Houston
Battig Memorial Lecturer, Rocky Mountain
Psychological Assn, Boulder
National Judicial Institute, Seminar for Judges,
Winnipeg, Manitoba, Canada
University of Illinois, Chicago, Distinguished
Lecture - Midwestern Psychological Assn.
Carnegie Mellon University, 27th annual
conference, Pittsburgh
National Association of Legal Investigators,
Annual Convention, Portland
American Psychological Society (Invited
speaker), New York
Charter Behavioral Health System of Dallas
Workshops on Memory, Sexual Trauma &
the Law, (Invited speaker), Seattle, San
Francisco, San Diego
Council of Appellate Staff Attorneys (ABA
Seminar), Blaine, Washington
American Academy of Forensic Psychology,
Distinguished Contributions Award address,
APA annual meeting, New York City
University of Pennsylvania Medical School,
Department of Psychiatry (Grand Rounds)
Assn for Advancement of Behavior Therapy
Annual meeting, Washington DC (keynote)
California Public Defenders Assn, Napa, CA
Beth Israel Hospital, Harvard Medical School,
Psychiatry Grand Rounds (honoring F.
Frankel)
Fourth Annual Conference on Mental Health
and the Law, Orlando, Florida
International Society for the Study of
Dissociation, Lake Buena Vista, FL
California State University, Humboldt Co., CA
Western Humanities Conference, Santa
Barbara (keynote: Illusions of Memory)
Washington State Psychological Association,
Annual meeting (Featured Speaker), Tacoma
American Academy of Psychiatry and the Law
(Luncheon keynote: Memory Distortion),
Annual Meeting, Seattle, Washington
Criminal Lawyers Association, Toronto
University of Kansas (Ferne-Fischer-Formann
Lecturer), Lawrence, Kansas

Judgment & Decision Making Conference,
Annual meeting, Los Angeles (keynote)
Adelphi University, Consciousness Symp.,
Centennial Speaker, Garden City, NY
Washington University Medical School,
Psychiatry (Gildea Lecture), St. Louis

1996

Calvin College, The January Series, Grand
Rapids, Michigan
University of Calif, Davis, Neuroscience
Colloquium
Interval Research Corporation, Palo Alto
Pacific Sociological Assn, Annual Meeting,
Seattle
John Hopkins Medical Institute/FMSF, San
Diego
Southwestern Psychological Association,
Annual Meeting, Houston (keynote)
Memory Retrieval Controversy Conference,
Trent University, Peterborough, Ontario
Tenth National Conference on Undergraduate
Research, University of North Carolina,
Asheville, (keynote)
American Philosophical Society, Annual
Meeting, Philadelphia
NATO International Conf, Recollections of
trauma, France (main speaker)
Second International Conference on Memory,
University of Padova, Italy (keynote)
International Conference on Centenary of
Piaget's Birth, Universite de Neuchatel,
Switzerland
Grinnell College, Scholars' Convocation
speaker, Grinnell, Iowa
University of Texas, Houston, Department of
Psychiatry and Behavioral Sciences
University of California, Riverside, Memory
Recovery & Creation Conference (keynote)
Ohio University, Athens, OH
University of South Florida, Sarasota,
Conference on Child Abuse in Our Time
Seattle Forensic Institute, Conference on
Sexual Abuse and its Recollection
National Guild of Hypnotists, Pacific NW
Chapter and the Washington Hypnosis Assn
American Psychological Society, Annual
meeting, San Francisco (Presidential
Symposium speaker)
Emory University, Atlanta
University of Texas, Austin
National Child Abuse Defense & Resource
Center, 5th International Conference, Las
Vegas, NV
Iowa State University, Ames, Iowa
Nebraska Psychological Association, Omaha
Washington University, St. Louis
Exploratorium (Science Museum), San

Francisco

National Institute of Health, Conference on
Self-Report, Bethesda, MD

California Attorneys for Criminal Justice, San
Francisco

1997

Justice Committee, Conference on "Day of
Contrition," Salem, MA
National Institute of Health, Conference on
Undue Influence, Bethesda, MD
American Association for Advancement of
Science, Annual Meeting
Washington University, St. Louis (Assembly
Speaker)
University of Arizona
Penn State Univ, Inaugural Herschel W. and
Eileen W. Leibowitz Lecture, Univ Park, PA
Johns Hopkins University Medical School,
Baltimore, MD
False Memory Syndrome Foundation
Conference, Baltimore, MD
Bradley Univ, Centennial Speaker, Peoria, IL
American College of Forensic Psychology,
Main Speaker, Vancouver, Canada
Western Psychological Assn, Invited speaker,
Seattle, WA
National Inst on Drug Abuse, Rockville, MD
International Women's Forum, Wash. DC.
Center for Inquiry--Rockies, Conference on
Gender Politics of Science, Boulder, CO
Memory Conference (keynote), Bar Ilan
University, Israel
National Child Abuse Def & Resource Center,
6th International Conference, Las Vegas, NV
University of Groningen, Groningen, The
Netherlands (Studium Generale)
Lecture, Heymans Institute for Fundamental
Psychologic Research, Univ. of Groningen
Twente University, Enschede, Netherlands
University of Maastricht, The Netherlands
The Whidden Lectures, McMaster University,
Hamilton, Canada

1998

Conference on False Memory Creation,
Florida Atlantic University, Boca Raton
Conference on Recovering Repressed
Memories or Creating False Ones, Florida
Atlantic Univ.
The Marian Jane Girard Memorial Lecture,
Scripps College, CA
American Psychology-Law Society (Major
invited address), Redondo, CA
Florida Cognition Conference (Keynote
speaker), Florida International University
8th Annual National Symposium on Mental
Health & Law, Miami, FL
The SPES Society, Naples, FL

University of Michigan -Cognitive Psych Group
 State Bar of Michigan, Litigation Section (featured guest speaker), Ann Arbor, MI
 Washington Association of Criminal Defense Lawyers Annual Meeting
 Baldwin-Wallace College, Harrington Visiting Professor (HVP), Ohio
 National Association of Criminal Defense Lawyers annual meeting, Santa Monica, CA
 Connecticut Bar Assn, Eyewitness Testimony & False Memories (Special Guest Speaker), Hartford, CT
 Conference On Memory, Consciousness, Brain (Tulving Conference), Tallinn, Estonia
 Florida Association of Criminal Defense Lawyers, Marco Island
 Conference on Reconstructing the Past, Stockholm, Sweden
 Conference on Psychology of Testimony, Portsmouth, England (Keynote)
 University of Portsmouth, England 1998 Commencement
 University of Bristol, Bristol, England
 2nd World Skeptics Congress, University of Heidelberg, Germany (Keynote address)
 Paul McReynold's Lecturer, Univ. of Nevada, Reno
 Conference "Embracing Science in an Irrational World", Center for Inquiry Institute, Bellevue, WA
 National Child Abuse Def & Resource Center, 7th International Conference, Las Vegas, NV
 Conference "Memory & Suggestibility in psychotherapeutic relationships", Psychoanalytic Institute, St. Louis, MO
 National Conference On Wrongful Convictions, Northwestern University Law School, Chicago
 The Exploratorium (Science Museum), San Francisco

1999

Seattle University School of Law, Tacoma
 University of California, Irvine and Irvine Health Foundation
 Ohio Assn of Criminal Defense Lawyers, Dayton
 George Fox University, Oregon: Social Sciences Conference (Keynote speaker)
 Newberg, OR
 Idaho Neurological Institute, Saint Alphonsus Medical Center, Boise, Id
 Idaho Psychological Association, CE, Coeur D'Alene
 National Legal Aid & Defender Assn, Death Penalty Conference, Atlanta, GA
 West Virginia Psychology Conference,

Marshall University, Huntington,, WV., (Keynote)
 Eastern Psychological Assn, Providence, RI (Presidential Speaker)
 6th Annual California State Univ. Psychology Research Fair, San Marcos, CA(Keynote)
 West Virginia State Bar Assn, Morgantown, WV
 New York Skeptics Society, NY (Isaac Asimov Lecture Award)
 Northwest Cognition Conference, Victoria, B.C. (Keynote)
 Iowa Public Defender's Annual Meeting, Dubuque, IO
 West Virginia Public Defender's Annual Meeting, Canaan Valley, WV
 Clark County Bar Assn CLE, Las Vegas, NV
 Tennessee Assn of Criminal Defense Lawyers, Nashville, TN
 Indiana University, Bloomington (Patten Lecturer)
 New Hampshire Public Defender's Association, Manchester
 Dartmouth University, Hanover (Symposium on the Future of Psychological and Brain Sciences, at dedication of Moore Hall)
 8th International Conference on Allegations of Child abuse, Las Vegas, NV
 Ernest Becker Foundation
 University of North Carolina, Greensboro, Harriet Elliot Lecture Series
 Federal Bureau of Investigation, Agents Training Conference
 Indiana Public Defender Council, Indianapolis

2000

Stanford University (Zimbardo Millenium)
 University of Northern Colorado, Greeley
 Wrongful Conviction Conference, Newport Beach, CA
 University of North Florida, Jacksonville
 California State University, Sacramento
 New York Medical College, Westchester, NY
 Memory and Reality Conference, FMS Foundation, White Plains, NY
 Innocence Project Conference, Cavanaugh's, Seattle, WA
 Johnson Memorial Lecture, Minnesota
 Psychology Undergraduate Conference, Macalester College, MN
 National Association of Criminal Defense Lawyers (NACDL), Tuscon, AZ
 Vrije Universiteit (Free University), Amsterdam, Netherlands
 American Psychological Society, Teaching Institute, Miami, FL
 Oregon Association of Criminal Defense Lawyers, Bend, OR

Columbia University, Department of
Psychiatry, Grand Rounds, NY
Georgia Indigent Defense Council, Atlanta
New Zealand Psychological Society (keynote),
Hamilton, NZ
Victoria University, Wellington, New Zealand
University of Otago, Dunedin, NZ
University of Wisconsin, Parkside
University of Tennessee Law School,
Knoxville
National Child Abuse Def. & Resource Center,
Kansas City
University of Tennessee Psychology Colloq
Barristers, Solicitors, Psychiatrists:
Fitzwilliam hotel, Dublin, Ireland
William & Mary Law School, Williamsburg, VA
Psychology Dept, William & Mary College, VA

2001

California Public Defenders Association, Palm
Springs, CA
University of Oklahoma, Norman
National Association of Criminal Defense
Lawyers, Las Vegas
National Legal Aid and Defender Assn,
Albuquerque, NM
University of California, Irvine
Science & Technology, Flaschner Judicial
Institute, Brandeis University
Rochester Inst. of Technology, Rochester, NY
New York Academy of Medicine (& Anna
Freud Centre), New York
George Mason Law School, Institute for
Judges, Tucson, AZ
Brown University, Harold Schlosberg
Colloquium Lecturer, Providence, RI
Oregon Health Sciences Univ., School of
Medicine, Portland (Saslow Lecturer)
Ontario Ministry of Health & Mental Health
Center, Penetanguishene, Canada
Future of Psychopathology, Bar-Ilan
University, Israel
Superior Court Judges, State of Georgia, St.
Simons Island, GA
Tennessee Assn of Criminal Defense Lawyers,
Nashville
British Association for Advancement of
Science, Glasgow, Scotland
British Psych Society, Cognitive Section &
European Society of Cog Psych, Edinburgh,
Scotland
University of Michigan, Institute for Social
Research
Federal Defender Program & Ill. Assn of
Criminal Defense Lawyers, Chicago
Louisiana State University, (Memory &
Narrative), Baton Rouge, Louisiana
University of Portland, Oregon

2002

Cleveland-Marshall Law School, Cleveland,
OH
SSSS Western Region Conference (key
invited), Manhattan Beach, CA
Harvard Law School, Wrongful Convictions
conf.
University of Wyoming
Womens' University Club, Seattle
Midwestern Psychological Assn (Psi Chi,
Invited Speaker), Chicago
National Academy of Sciences, Washington
DC (Henry & Bryna David Award Lecture)
Northwestern University
Annual Whistleblower Investigators
Conference, Baltimore, MD,
Trauma and Memory, Continuing Legal
Education, Seattle, WA
World Association of Detectives, Seattle, WA
False Memory Syndrome Foundation
Conference, Chicago, IL

2003

National Institute on Teaching of Psychology,
St. Petersburg, FL (keynote)
Center for Inquiry, Los Angeles, CA
American Assn for Advancement of
Science, Denver.
National Legal Aid & Defender Assn, Austin,
TX.
Prevent Child Abuse-Orange Cty Orange, CA
McGeorge School of Law (Lou Asch
Memorial Lecture), Sacramento, CA
New Century, Salon Speaker, Newport Beach,
CA
Newport Harbor Bar Assn, Newport Beach,
CA
University of Washington Law School, Seattle
Biola University, La Mirada, CA
CEO Roundtable, Half Moon Bay, CA
Tenth Annual Undergrad Research
Symposium (keynote), Irvine, CA
University of California, San Diego, CA
(Norman Anderson Endowed Lectureship)
University of Colorado, Festschrift for Bourne,
Kintsch, Landauer, Boulder, CO
American Psychological Society (Keynote),
Atlanta
Center for Inquiry-West, Inaugural Event
keynote speaker, Los Angeles, CA
Society for Applied Research in Memory and
Cognition, Aberdeen, Scotland (keynote)
European Psychology & Law Conference,
Edinburgh, Scotland
American Psychological Association
(Distinguished Award Address), Toronto
Texas Tech University, Lubbock, TX
Harbor Ridge Women's Group, Newport

Beach, CA

Lifelong Learning Academy, Irvine, CA
Science and Evidence Conf, City Hall, Irvine
Calif. Attorneys for Criminal Justice, SF, CA

2004

University of Lusiada, Lisbon, Portugal
University of California, Los Angeles, CA
Claremont Graduate University - Conference
on Applied Psychology
University of Southern California, CA
Town & Gown, Newport Beach, CA
Advanced Trial Skills Inst, Calif. Public
Defenders Assn, Palm Springs, CA
Catholic Univ. of Leuven, Belgium
L'Ecoles des Hautes Etudes en Sciences
Sociales (EHESS), Paris
Colorado College (Roberts Lecture), Colorado
Springs, CO
University of Colorado, Colorado Springs.
Rocky Mountain Psychological Assn,
Distinguished Speaker, Reno, NV
Western Psychological Association, Psi Chi
Distinguished Speaker, Phoenix, AZ
State Legislative Leaders Foundation &
University of Chicago, Chicago, IL
University of Illinois, Champaign-Urbana, IL
Center for Neurobiology of Learning &
Memory, Evening to Remember Talk.
National Child Abuse Defense & Resource
Center Annual Conference, Las Vegas, Nv.
University Synagogue (Holocaust Memories)
CA.
Arizona State University Law School, Tempe
Arizona State University Psychology Dept, AZ.

2005

Orange County Stanford Assn, Newport, CA
SARMAC Bethschrift Meeting, Wellington,
New Zealand
RoddyFest, Purdue Univ., W. Lafayette, IN
University of Louisville, Grawemeyer Award
Speech, Louisville, KY
Persistence of Memory Conf. (Keynote),
Niagara City CC, NY.
Western Psychological Assn (Presidential
Address), Portland, OR
Stanford University (Festschrift for Gordon
Bower), Palo Alto, CA
University of Haifa, Israel
Sacred Heart Medical Center, Psychiatry,
(Bakker Retirement) Spokane, WA
Harbor-UCLA Medical Center, Psychiatry,
Grand Rounds, CA.
California Judicial Branch Conf, San Diego,
CA
San Diego Stanford Association, CA
Pavlovian Society, 50th Anniversary Meeting,

(keynote), CA

Athenaeum Lecture, Claremont McKenna, CA
National Academy of Sciences Sackler Colloq
on Forensic Sciences, Wash, DC.

2006

Bureau of Jewish Education, Laguna, CA
University of San Diego, Michael Haney
Distinguished Lecturer, Ca.
Calif. State University, Long Beach, Ca.
Inaugural Quinn Lecturer in Memory &
Consciousness, University of British
Columbia
Ireland Scholar Award Lecturer, University of
Alabama - Birmingham
Harvard University
National Academy of Sciences, Forensic
Science, Washington D.C.
Western Psychological Assn, Palm Springs,
Ca.
Association for Behavior Analysis,
Presidential Scholar Address, Atlanta, Ga
UC-Irvine-Commencement Address, Social
Ecology
University of Aberdeen, Scotland
John Damien Lecturer, University of Stirling,
Scotland
Mexican Congress of Psychology, Puerto
Vallarta, Mexico (plenary)
Rutgers University, New Brunswick, NJ
Beyond Belief, Salk Institute, Ca. (Invited
speaker), La Jolla, CA
Grand Rounds, Dept of Neurology, UCI-
Medical, Orange, CA
University of Calif, Office of the President,
Oakland, CA

2007

Western State Univ College of Law, Fullerton,
CA
Newkirk Center, Forensic Science, Costa
Mesa, CA
University of Arizona, Tucson, AZ
Munsterberg Conf, John Jay College of Crim
Justice, NY
Academic & Professional Women, UCI
National Academy of Sciences, Distinctive
Voices, Beckman Center, CA.
Serena Yang Distinguished Lecture,
University of Hong Kong
Women In Leadership, Annual Meeting,
Newport Beach, CA
Calif. State University - Long Beach,
Psychology Day Keynote Speaker, CA
Stanford University, Symbolic Systems
Distinguished Speaker, CA
Schneiderman Memorial Bioethics Lecture,
Biological Sciences, Beckman Center, CA
Federation of Defense & Corp Counsel,

Annual Meeting, Sun Valley, ID
 George Sperling Festschrift, UCI, CA.,
 Watson Memorial Lecturer, Univ. of New
 Hampshire, NH.
 Forensic Science Conference, Public
 Defenders, Los Angeles
 International Women's Forum, Chicago
 Behavioral Foundations of Policy Conf,
 Princeton University, NJ
 American Association of Universities, CA
 NY State Judicial Institute, White Plains, NY
 Centre Social i Cultural, Lleida, Spain.
 CosmoCaixa Museum of Science, Madrid,
 Spain.

2008

Calif. State University, Northridge (Richard
 W. Smith Lecturer).
 Univ. of South Florida, Doug Nelson
 Festschrift, Tampa, FL.
 Arizona State Univ. Law School, Tempe
 Western Psych Assn, Irvine, CA
 Nebraska Symposium on Motivation –
 Emotion & Law, Lincoln, NE
 International Conf on Investigative
 Interviewing, Quebec Nationale Police
 Academy, Nicolet, Canada.
 Butler Pappas Sexual Tort Sem., Tampa, FL
 European Association of Psychology & Law
 (keynote), Maastricht, Netherlands
 Annual Celebration Speech "Illusions of
 Memory", University of Oslo, Norway
 Psychology Department, University of Oslo
 University of Louisville
 Northern Lights Psychology Conference
 (keynote), Grand Forks, ND
 Tel-Aviv University, School of Law
 Hebrew University, Jerusalem, Israel
 George Mason Law School – Science in the
 Courts Program for Judges, FL

2009

Midwest Institute for Students & Teachers of
 Psychology (Opening Key), Glen Ellyn, IL.
 American Assn for Advancement of Science
 (McGovern Award lecture), Chicago, IL.
 American Psychology Law Society
 (Presidential Speaker), San Antonio, TX
 Teachers of Psychology, London
 South West Psychology Conference (keynote)
 London
 Center for Inquiry, 12th World Congress,
 Bethesda, Md.
 Princeton University, NJ
 Littler Class Action Conference, Phoenix, AZ
 Council of Science Editors Annual Meeting,
 (Keynote) Pittsburgh, PA
 Canadian Psychological Assn (keynote),
 Montreal

Chautauqua Institution, NY
 UCI Foundation retreat, San Diego, CA.
 University of Geneva (450th anniversary),
 Aspen Institute, CO
 Federal Bureau of Investigation, Virginia
 Messe Memorial Lecture, Michigan State
 Univ.
 Trendsetters, Jewish Federation, Newport
 Beach, CA.
 Dickinson College (2009 Joseph Priestley
 Award) PA
 Canadian Lawyers, Toronto, Canada

2010

National Seminar on Forensic Evidence, San
 Diego, Ca.
 Memory & Law Workshop, Tucson, Az
 ARCS Foundation, Irvine, Ca.
 California Institute of Technology (William &
 Myrtle Harris Distinguished Lectureship in
 Science and Civilization), CA.
 University of Texas, Austin
 Society of Experimental Psychologists
 (Warren Medal talk) Philadelphia, PA
 University of Nevada, Reno
 University Bonn, Germany
 Institute of Community & Family Psychiatry,
 McGill, Montreal, Canada.
 Denison University (Anderson Lecture),
 Granville, OH
 Booz, Allen/CIA: Face Recognition, Herndon,
 VA.
 Bronowski Art & Science Forum, The
 Neurosciences Institute, La Jolla, CA
 University of Southern California

2011

University of California, Santa Barbara
 Orange County Stanford Assn, Newport, CA
 Eastern Psychological Assn (Psi Chi
 Distinguished Lecturer), Boston, Ma
 Law and the Brain conference, New York
 Law & Memory Conf, Stanford Law School
 UCLA School of Law, CA
 Rocky Mountain Psych Assn., (Psi Chi
 Distinguished Lecturer) Salt Lake City, UT
 British Psychological Society annual meeting,
 Glasgow, Scotland (keynote)
 Salon, The Pacific Club, CA
 South West Psychology Conf. (keynote)
 London
 British False Memory Society, London
 Clacton County High School, England
 Univ of Sheffield, England
 Assn of Teachers of Psychology, Hatfield,
 England

The Amazing Meeting (TAM), Las Vegas
 North Orange County Bar Assn, Ca.
 Roosevelt University, Chicago
 Japanese Psychological Assn, Tokyo (keynote)
 Law School, University of Calif, Berkeley

2012

Pennsylvania Bar Institute
 Nova Southeastern Univ, Ft. Lauderdale, FL
 Distinguished Writing Lecture Series, UCI
 Penn Conf of State Trial Judges, PA
 Drexel University, Philadelphia, PA
 Correctional Services Canada, Toronto
 Suppes Symposium, Stanford, CA
 Forensic Mental Health Assn of California,
 Monterey, CA
 Toronto International Film Festival (TIFF)
 University of Ottawa
 U.S. District Court of Nevada Annual Conf,
 Reno
 Ohio State University (Greenwald lecture)
 Simon Fraser University, Canada
 Kwantlen Polytech University, Canada
 Center for Advanced Study Summit, Stanford
 International Congress of Psychology,
 (keynote- Cape Town, South Africa)
 Monash South Africa University, Johannesburg
 Orange County Traffic Investigators Assn
 Grand Rounds, Dept of Psychiatry, UCI
 FMSF Tribute, Philadelphia, PA
 CSIcon 2012, Nashville
 Claude Bernard Univ., Lyon, France
 Mode d'Emploi Festival, Villa Gillet, Lyon,
 France

2013

National Institute on the Teaching of
 Psychology, FL
 Harbor Ridge Women's Group, CA
 Univ. of California, Davis
 University of Washington (Edwards Lecture)
 SouthWest Psychology Conf., London
 Goldsmiths, Univ of London
 South Bank University, London
 National Assn of Criminal Defense Lawyers,
 Las Vegas
 Midwestern Psych Assn, Chicago
 Association for Psych Science, Wash DC
 TedGlobal2013, Edinburgh, Scotland
 European Congress of Psychology (keynote-
 Stockholm 2013).
 Int. Conf. on Critical Thinking and Education
 Reform, Berkeley, Ca.
 American Psych Assn, Award acceptance, HI
 La Trobe University, Melbourne, Australia
 TedX-Orange Coast, Newport Beach, CA
 University of Missouri, Columbia, MO
 Town & Gown, Irvine, Ca.
 Psychonomic Society, Toronto (keynote)

2014

American Assn of Law Schools, NY
 National Research Council Eyewitness
 Committee (via videolink)
 University of Michigan (Weinberg Neurolaw)
 Southwestern Psychological Assn, San
 Antonio, TX (keynote)
 The California Club, Los Angeles
 Northwestern Law School, Chicago
 The Amazing Meeting (TAM), Las Vegas, NV
 Foundation for Critical Thinking (Nader
 event), Berkeley, Ca.
 Federal Court Clerk Assn, Seattle, WA
 Trauma & Memory, Stockholm,
 Sweden
 What Matters To Me, and Why (UC-Irvine)
 University of Arizona

2015

Duke University (via Skype)
 Justice & Injustice Conf., UCI law
 American Assoc. of Advancement of Science,
 San Jose, CA
 Society for Consumer Research, Phoenix
 SouthWest Psychology Conf., London
 Goldsmiths University, London
 Cornell University, Ithaca, NY (Award
 lecture)
 TedX-CIA (Central Intelligence Agency), Va
 Radcliff Institute, Harvard Univ, (Dean's
 Lecture), Ma
 University of Akron (Benjamin Lecture), OH
 John Jay College of Criminal Justice, NY
 NAS-YouTube, Science Speed Date, Los
 Angeles, CA
 Foundation for Critical Thinking, Berkeley CA
 Symposium Traumatic Memories, Forensic
 Psychiatry Center & Hogrefe Publishers,
 Helsinki, Finland
 American Academy of Matrimonial Lawyers,
 Newport Beach, CA
 Forensic Psych Institute Launch, Goldsmiths,
 University of London
 Berlin Graduate School of Mind & Brain,
 Humboldt University, Germany
 United States District Court, Eastern District
 Conference, Olympic Valley, CA
 West Point Military Academy, NY (Class of
 1951 Distinguished Lecturer)
 UC Conf on Social Science & Law
 Grawemeyer Celebration, Univ of Louisville
 CEM, International Congress, Tunisia
 (Honorary Chair) – via videoconference

2016

California State Univ, Dominguez Hills
 Western Psychological Assn (Distinguished

speaker)
Imagine No Religion, Vancouver, BC
Contacts of Orange County, Irvine, CA
American Humanist Assn, award speech,
Chicago, IL
Phi Beta Kappa Initiation, UCI
Illex2016, Atlanta, Ga
International Congress of Psychology,
Yokohama, Japan 2016
FBI, Violent Crime Beh Analysis, LA, CA
Colorado State Univ, CO
CsiCon Conference, Las Vegas, NV,
Assn of Workplace Investigators, San
Francisco, CA
Univ of London, Goldsmiths
Council of Scientific Society Presidents, DC

2017

SARMAC, Sydney, Australia
LogiCal, Los Angeles, CA

Forthcoming

American Assoc for Advancement of Science
SouthWest Psych Conf, London,
International Congress on Social
Responsibility, Bogota, Columbia
Vancouver International Conf on Teaching of
Psych., Vancouver
Erickson Foundation, Evolution of
Psychotherapy Conf. (keynote)

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Exhibit D

VITA

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Google Scholar: <http://scholar.google.com/citations?user=zMuT-w8AAAAJ&hl=en>

Phone: Office (979) 845-2509

Date of Birth: March 1, 1952

Birthplace: St. Louis, Missouri

Education:

1970-1974 University of Michigan; B.A. in Psychology in 1974
1974-1979 University of Wisconsin; M.S. 1976, Ph.D. 1979
Dissertation: "Context Dependence in Episodic Memory"

Employment:

1979-1980 University of Oklahoma, Visiting Asst. Professor
Summer 1980 University of Wisconsin, Visiting Asst. Professor
1980-1986 Texas A&M University, Assistant Professor
1986-1999 Texas A&M University, Associate Professor
1999-Present Texas A&M University, Full Professor
1995-2000, 2006-2010 Cognitive Psychology Area Coordinator
2005-6 UCLA Dept. of Psychology, Visiting Scholar
2014 Washington University Dept. of Psychology, Visiting Scholar

Research Interests:

Memory -- Retrieval Blocking & Recovery, Context-Dependent Memory, Reminiscence & Hypermnnesia, Eyewitness Memory, False & Recovered Memories

Metacognition -- Tip-Of-the-Tongue States, Metamemory

Creative Cognition -- Fixation & Mental Blocks, Incubation, Insight, Creative Idea Generation

Books:

1. Finke, R. A., Ward, T. B., & Smith, S. M. (1992). *Creative Cognition: Theory, Research, and Applications*. Cambridge, MA: MIT Press.
2. Smith, S. M., Ward, T. B., & Finke, R. A. (1995). *The Creative Cognition Approach*. Cambridge: MIT Press.
3. Ward, T. B., Finke, R. A., and Smith, S. M. (1995). *Creativity and the Mind: Discovering the Genius Within*. New York: Plenum Press.
4. Ward, T. B., Smith, S. M. & Vaid, J. (1997). *Creative Thought: An Investigation of Conceptual Structures and Processes*. Washington, DC: American Psychological Association Books.

Published Papers & Book Chapters:

1. Glenberg, A. M., Smith, S. M., & Green, C. (1977). Type I rehearsal: Maintenance and more. *Journal of Verbal Learning & Verbal Behavior*, 16, 339-352.
2. Smith, S. M., Glenberg, A. M., & Bjork, R. A. (1978). Environmental context and human memory. *Memory & Cognition*, 6, 342-353.
3. Smith, S. M. (1979). Remembering in and out of context. *Journal of Experimental Psychology: Human Learning & Memory*, 5, 460-471.
4. Glenberg, A. M., & Smith, S. M. (1981). Spacing repetitions and solving problems are not the same. *Journal of Verbal Learning & Verbal Behavior*, 20, 110-119.
5. Smith, S. M. (1982). Enhancement of recall using multiple environmental contexts during learning. *Memory & Cognition*, 10, 405-412.
6. Smith, S. M., & Rothkopf, E.Z. (1984). Contextual enrichment and distribution of practice in the classroom. *Cognition & Instruction*, 1, 341-358.
7. Smith, S. M. (1984). A comparison of two techniques for reducing context-dependent forgetting. *Memory & Cognition*, 12, 477-482.
8. Smith, S. M. (1985). Environmental context and recognition memory reconsidered. *Bulletin of the Psychonomic Society*, 23, 173-176.
9. Smith, S. M. (1985). Background music and context-dependent memory. *American Journal of Psychology*, 98, 591-603.
10. Smith, S. M. (1985). A method for teaching name mnemonics. *Teaching of Psychology*,

- 12, 156-158.
11. Smith, S. M. (1985). Effects of number of study environments and learning instructions on free recall clustering and accuracy. *Bulletin of the Psychonomic Society*, 23, 440-442.
 12. Francks, J. B., Smith, S. M., & Ward, T. B. (1985). The use of goggles for testing hemispheric asymmetry. *Bulletin of the Psychonomic Society*, 28, 487-488.
 13. Smith, S. M. (1986). Environmental context-dependent recognition memory using a short-term memory task for input. *Memory & Cognition*, 14, 347-354.
 14. Smith, S. M. (1987). Memory and the eyewitness. *Expert Testimony*, 2, 1-7.
 15. Smith, S. M., Vela, E., & Williamson, J. (1988). Shallow input processing does not induce environmental context-dependent recognition. *Bulletin of the Psychonomic Society*, 26, 537-540.
 16. Smith, S. M. (1988). Environmental context-dependent memory. In G. Davies and D. Thomson (Eds.) *Memory in context: Context in memory*, New York: Wiley, pp 13-33.
 17. Smith, S. M., & Blankenship, S. E. (1989). Incubation effects. *Bulletin of the Psychonomic Society*, 27, 311-314.
 18. Smith, S. M., Heath, F. R., & Vela, E. (1990). Environmental context-dependent homophone spelling. *American Journal of Psychology*, 103, 229-242.
 19. Jansson, D. G., & Smith, S. M. (1991). Design fixation. *Design Studies*, 12 (1), 3-11.
 20. Rosen, D. H., Smith, S. M., Huston, H. L., & Gonzalez, G. (1991). Empirical study of associations between universal symbols and their meanings: evidence of collective unconscious (archetypal) memory. *Journal of Analytical Psychology*, 36, 211-228.
 21. Smith, S. M., & Vela, E. (1991). Incubated reminiscence effects. *Memory & Cognition*, 19 (2), 168-176.
 22. Smith, S. M., Brown, J. M., & Balfour, S. P. (1991). TOTimals: A controlled experimental method for observing tip-of-the-tongue states. *Bulletin of the Psychonomic Society*, 29 (5), 445-447.
 23. Smith, S. M., & Blankenship, S. E. (1991). Incubation and the persistence of fixation in problem solving. *American Journal of Psychology*, 104, 61-87.
 24. Smith, S. M., & Vela, E. (1992). Environmental context-dependent eyewitness recognition. *Applied Cognitive Psychology*, 6, 125-139.

25. Smith, S. M., Ward, T. B., & Schumacher, J. S. (1993). Constraining effects of examples in a creative generation task. Memory & Cognition, 21, 837-845.
26. Smith, S. M. (1994). Frustrated feelings of imminence: On the tip-of-the-tongue. In J. Metcalfe & A. Shimamura (Eds.) Metacognition: Knowing about knowing. Cambridge, MA: MIT Press, p. 27-45.
27. Smith, S. M., Balfour, S. P., & Brown, J. M. (1994). Effects of practice on TOT states. Memory, 2, 47-53.
28. Smith, S. M. (1994). Getting into and out of mental ruts: A theory of fixation, incubation, and insight. In R. Sternberg & J. Davidson (Eds.) The nature of insight, Cambridge, MA: MIT Press, p. 121-149.
29. Smith, S. M. (1994). Theoretical principles of context-dependent memory. In P. Morris and M. Gruneberg (Eds.) Aspects of memory (2nd edition): Theoretical aspects. Routledge Press, p. 168-195.
30. Smith, S. M. (1995). Creative cognition: Demystifying creativity. In C.N. Hedley, P. Antonacci, and M. Rabinowitz (Eds.) The Mind at Work in the Classroom: Literacy & Thinking. Hillsdale, NJ: Erlbaum, p. 31-46.
31. Smith, S. M. (1995). Mood is a component of mental context: Comment on Eich (1995). Journal of Experimental Psychology: General, 124, 309-310.
32. Smith, S. M., Ward, T. B., & Finke, R. A. (1995). Cognitive processes in creative contexts. In S. M. Smith, T. B. Ward, & R. A. Finke (Eds.) The creative cognition approach, Cambridge: MIT Press, p. 1-7.
33. Smith, S. M. (1995). Fixation, incubation, and insight in memory, problem solving, and creativity. In S. M. Smith, T. B. Ward, & R. A. Finke (Eds.) The creative cognition approach, Cambridge: MIT Press, p. 135-155.
34. Smith, S. M., Ward, T. B., & Finke, R. A. (1995). Principles, paradoxes, and prospects for the future of creative cognition. In S. M. Smith, T. B. Ward, & R. A. Finke (Eds.) The creative cognition approach, Cambridge: MIT Press, p. 327-335.
35. Widner, R. L. Jr., & Smith, S. M. (1996). Feeling-of-knowing judgments from the subject's perspective. American Journal of Psychology, 109, pp 373-387.
36. Widner, R. L. Jr., Smith, S. M., & Graziano, W. (1996). Effects of demand characteristics on feeling-of-knowing and tip-of-the-tongue reports. American Journal of Psychology, 525-538.

37. Smith, S. M. (1997). The machinery of creative thinking. *Innovative Leader*, Madison, WI.
38. Ward, T. B., Smith, S. M. & Vaid, J. (1997). Conceptual structures and processes in creative thought. In T.B. Ward, S. M. Smith, & J. Vaid (Eds.) *Creative thought: An investigation of conceptual structures and processes* (pp. 1-27). Washington, DC: American Psychological Association Books.
39. Smith, S. M., & Tindell, D. R. (1997). Memory blocks in word fragment completion caused by involuntary retrieval of orthographically similar primes. *Journal of Experimental Psychology: Learning, Memory and Cognition*, 23(2), 355-370.
40. Schwartz, B. L. & Smith, S. M. (1997). The retrieval of related information influences tip-of-the-tongue states. *Journal of Memory & Language*, 36, 68-86.
41. Levy, W. B., Smith, S. M., & Sifonis, C. M. (1998). Internally generated reminders and hippocampal recapitulations. *Proceedings of the Twentieth Annual Meeting of the Cognitive Science Society*, Madison, WI.
42. Smith, S. M., Sifonis, C. M., & Tindell, D. R. (1998). Hints do not evoke solutions via passive spreading activation. *Proceedings of the Twentieth Annual Meeting of the Cognitive Science Society*, Madison, WI.
43. Allen, C. F., Sifonis, C. M., & Smith, S. M. (1998). Tests of Remote Association. *Proceedings of the Twentieth Annual Meeting of the Cognitive Science Society*, Madison, WI.
44. Ward, T. B., Smith, S. M., & Finke, R. A. (1999). Creative cognition. In R. Sternberg (Ed.) *Handbook of Creativity*, New York: NY, Cambridge University Press, pp. 189-212.
45. Smith, S. M. & Ward, T. B. (1999). The evolution of creativity. In D.H. Rosen, R. Gardner, & M. Luebbert (Eds.) *Evolution of the Psyche*. Westport, CA: Greenwood Publishing Group (Praeger).
46. Huston, H. L., Rosen, D. H., & Smith, S. M. (1999). Human evolution, behavior, and intelligence. In D.H. Rosen, R. Gardner, & M. Luebbert (Eds.) *Evolution of the Psyche*. Westport, CA: Greenwood Publishing Group (Praeger), pp. 139-149.
47. Dodds, R. A. & Smith, S. M. (1999). Fixation. In M. A. Runco and S. R. Pritzker (eds.) *Encyclopedia of Creativity*, Volume 1 (A-H). Associated Press: San Diego, CA, 725-728.
48. Smith, S. M. & Dodds, R. A. (1999). Incubation. In M. A. Runco and S. R. Pritzker (eds.) *Encyclopedia of Creativity*, Volume 2 (I-Z, Indexes). Associated Press: San Diego, CA, pp. 39-44.

49. Smith, D. K., Paradice, D. B., & Smith, S. M. (2000). Prepare your mind for creativity. *Communications of the Association for Computing Machinery*, 43, 110-116.
50. Schwartz, B., Travis, D., Castro, A., & Smith, S. (2000). The phenomenology of real and illusory tip-of-the-tongue states. *Memory and Cognition*, 28, 18-27.
51. Smith, S. M., Ward, T.B., Tindell, D.R., Sifonis, C.M., & Wilkenfeld, M.J. (2000). Effects of category structure on created memories. *Memory and Cognition*, 28, 386-395.
52. Smith, S. M., Tindell, D. R., Pierce, B.H., Gilliland, T. R., & Gerkens, D. R. (2001). Source memory failure in episodic confusion errors. *Journal of Experimental Psychology: Learning, Memory & Cognition*, 27, 362-374.
53. Pierce, B. H., & Smith, S. M. (2001). The postdiction superiority effect in metacomprehension of text. *Memory & Cognition*, 29, 62-67.
54. Smith, S. M., & Vela, E. (2001). Environmental context-dependent memory: A review and meta-analysis. *Psychonomic Bulletin and Review*, 8, 203-220.
55. Dodds, R. A., Smith, S. M., & Ward, T. B. (2002). The use of environmental clues during incubation. *Creativity Research Journal*, 14, 287-304.
56. Smith, S. M., Gerkens, D. R., Pierce, B. H., and Choi, H. (2002). The roles of associative responses at study and semantically guided recollection at test in false memory: The Kirkpatrick and Deese hypotheses. *Journal of Memory and Language*, 47 (3), 436-447.
57. Kerne, A., & Smith, S. M., (2002). The Information discovery framework. Proc DIS 2002, *Association for Computing Machinery Press*, 1-8.
58. Smith, S. M., Gleaves, D. H., Pierce, B. H., Williams, T., Gilliland, T. R., & Gerkens, D.R. (2003). Comparing recovered memories with created ones: An experimental approach. *Applied Cognitive Psychology*, 16, 1-29.
59. Shah, J. J., Vargas-Hernandez, N., & Smith, S. M. (2003). Metrics for measuring ideation effectiveness. *Design Studies*, 24, 111-134.
60. Smith, S. M. (2003). The constraining effects of initial ideas. In P. Paulus & B. Nijstad (Ed.s) *Group Creativity: Innovation Through Collaboration*. Oxford University Press, pp 15-31.
61. Shah, J. J., Smith, S. M., Vargas-Hernandez, N., Gerkens, R., & Wulan, M. (2003). Empirical studies of design ideation: Alignment of design experiments with lab experiments. *Proceedings of the American Society for Mechanical Engineering* (ASME) DTM.

62. Gerken, D. R., & Smith, S. M. (2004). Shifting modality between study and test: A fuzzy-trace theory analysis. *Psychonomic Bulletin and Review*, 11, pp. 143-149.
63. Gleaves, D. H., Smith, S. M., Butler, L. D., & Spiegel, D. (2004). False and recovered memories in the laboratory and clinic: A review of experimental and clinical evidence. *Clinical Psychology: Science and Practice*, 11, 3-28.
64. Kerne, A., & Smith, S. M. (2004). The information discovery framework. *Proceedings of the Association for Computing Machinery, Designing Interactive Systems* (DIS), 357-360, Cambridge, MA.
65. Choi, H., & Smith, S. M. (2005). Incubation and the resolution of tip-of-the-tongue states. *Journal of General Psychology: Experimental, Physiological, and Comparative Psychology*, 132(4), 365-376.
66. Smith, S. M., Gerken, D. R., Shah, J., & Vargas-Hernandez, N. (2005). Empirical studies of creative cognition in idea generation. In L. Thompson & H. Choi (Eds.) *Creativity and Innovation in Organizational Teams*, Lawrence Erlbaum Associates, Inc.: Mahwah, NJ.
67. Bortfeld, H., Smith, S. M., and Tassinari, L. G. (2006). Memory and the brain: A retrospective. In *Work and Legacy of Magda Arnold*, Stephanie A. Shields & Arvid Kappas (Guest Editors), *Cognition and Emotion*, 20(7), 1027-1045.
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106. Smith, S. M., Gerkens, D. R., and Angello, G. (2015). Alternating incubation effects in the generation of category exemplars. *Journal of Creative Behavior*, doi: 10.1002/jocb.88
107. Smith, S. M., and Handy, J. D. (2015). The crutch of context-dependency: Effects of contextual support and constancy on acquisition and retention. *Memory*, 24 (8), 1134-1141, doi:10.1080/09658211.2015.1071852.
108. Shahabuddin, S. S., and Smith, S. M. (2016). Asymmetric reinstatement effects in recognition. *The Journal of General Psychology*, 143 (4), 267-280, doi:10.1080/00221309.2016.1214100.
109. Barnhardt, T. M., Manzano, I., Brito, M., Myrick, M., & Smith, S. M. (2016). The effects of product placement in fictitious literature on consumer purchase intention. *Psychology & Marketing*, 33 (11), 883-898, doi: 10.1002/mar.20926.
110. Smith, S. M. (2017). Those insidious proxies and other comments on De Houwer et al.'s "Psychological Engineering: A Functional-Cognitive Perspective on Applied Psychology." *Journal of Applied Research in Memory and Cognition*, 6(1), 40-42, DOI 10.1016/j.jarmac.2016.11.003.

Convention Papers and Invited Addresses:

1. Smith, S. M. (November, 1976). Effects of environmental context on recall and recognition. Paper presented at the meeting of the Psychonomic Society, St. Louis, MO.
2. Smith, S. M. (May, 1979). Remembering context. Paper presented at the meeting of the Midwestern Psychological Association, Chicago, IL.
3. Smith, S. M., & Glenberg, A.M. (May, 1980). Recognition memory and environmental context. Midwestern Psychological Association, St. Louis, MO.
4. Smith, S. M. (May, 1982). Reduction of contextual memory dependence using multiple learning contexts. Paper presented at the meeting of the Midwestern Psychological Association, Minneapolis, MN.
5. Smith, S. M., & Rothkopf, E.Z. (March, 1982). Varying environmental context of lessons to compensate for massed teaching. Paper presented at the meeting of American Educational Research Association, New York, NY.
6. Smith, S. M. (May, 1982). Context-dependent memory: Effects of test type and cognitive style. Paper presented at the meeting of the Psychonomic Society, Minneapolis, MN.
7. Smith, S. M. (May, 1983). Cognitive style and context-dependent memory. Paper

- presented at the meeting of the Midwestern Psychological Association, Chicago, IL.
8. Smith, S. M. (April, 1984). Contextual enrichment of memory as a function of learning instructions. Paper presented at the meeting of the Southwestern Psychological Association, New Orleans, LA.
 9. Smith, S. M. (March, 1984). Context-dependent memory. Invited address, Trinity University, San Antonio, TX.
 10. Smith, S. M. (May, 1984). Use of background music to induce context-dependent memory. Paper presented at the meeting of the Midwestern Psychological Association, Chicago, IL.
 11. Smith, S. M. (November, 1984). More evidence of context-dependent recognition memory. Paper presented at the meeting of the Psychonomic Society, San Antonio, TX.
 12. Smith, S. M. (April, 1985). Memory and cognition in a flotation tank. Paper presented at the meeting of the Southwestern Psychological Association, Austin, TX.
 13. Smith, S. M., & Blankenship, S.E. (November, 1985). Forgetting as a means of release from fixation in problem solving. Paper presented at the meeting of the Psychonomics Society, Boston, MA.
 14. Smith, S. M., & Vela, E. (April, 1986). Effects of inter-test duration and activity on hypermnnesia. Paper presented at the meeting of the Southwestern Psychological Association, Fort Worth, TX.
 15. Smith, S. M., & Heath, F.R. (April, 1986). Conscious and unconscious effects of environmental context-dependent memory. Paper presented at the meeting of the Southwestern Psychological Association, Fort Worth, TX.
 16. Smith, S. M., & Vela, E. (May, 1986). Context-dependent eyewitness recognition. Paper presented at the meeting of the Midwestern Psychological Association, Chicago, IL.
 17. Smith, S. M., & Vela, E. (November, 1986). Outshining: The relative effectiveness of cues. Paper presented at the meeting of the Psychonomic Society, New Orleans, LA.
 18. Smith, S. M., Vela, E., & Williamson, J. (April, 1987). Effects of level of processing on accuracy and latency measures of context-dependent memory. Paper presented at the meeting of the Southwestern Psychological Association, New Orleans, LA.
 19. Smith, S. M., & Vela, E. (May, 1987). Effects of imagined, videotaped, and physical environmental reinstatement on eyewitness recognition. Paper presented at the meeting of the Midwestern Psychological Association, Chicago, IL.

20. Smith, S. M., & Vela, E. (November, 1987). Hypermnnesia: Output interference and forgetting. Paper presented at the meeting of the Psychonomic Society, Seattle, WA.
21. Smith, S. M. (April 1988). Fixation, incubation, and insight. Invited address, University of Arkansas, Fayetteville, AK.
22. Smith, S. M., Blankenship, S.E., & Vela, E. (April, 1988). Diversion, forgetting, and insight. Paper presented at the meeting of the Midwestern Psychological Association, Chicago, IL.
23. Smith, S. M., & Blankenship, S.E. (November, 1988). An accessibility interpretation of fixation and incubation. Paper presented at the meeting of the Psychonomic Society, Chicago, IL.
24. Jansson, D.G., & Smith, S. M. (June, 1989). Design fixation. Paper presented at the proceedings of the NSF Engineering Design Research Conference, Amherst, MA.
25. Smith, S. M., & Vela, E. (November, 1989). Cue outshining: An explanation of subadditive composite cuing. Paper presented at the meeting of the Psychonomic Society, Atlanta, GA.
26. Smith, S. M., Brown, J.M., & Balfour, S.P. (June, 1990). TOTimals. Presented at annual Texas Cognition Conference (ARMADILLO), Trinity University, San Antonio, TX.
27. Smith, S. M., Brown, J.M., & Balfour, S.P. (November, 1990). TOTimals: A controlled method for observing TOT states. Paper presented at the meeting of the Psychonomic Society, New Orleans, LA.
28. Smith, S. M. (March, 1991). New approaches to the tip-of-the-tongue phenomenon. University of Texas-Austin Department of Psychology invited colloquium.
29. Smith, S. M. (March, 1991). Meta-cognitive research on the tip-of-the-tongue phenomenon. Baylor University Department of Psychology invited colloquium.
30. Smith, S. M. (April, 1991). A new method for observing TOT states. Rice University Dept. of Psychology invited talk.
31. Smith, S. M., Brown, J.M., & Balfour, S.P. (May, 1991). Effects of name practice on tip-of-the-tongue states. Paper presented at the meeting of the Midwestern Psychological Association, Chicago, IL.
32. Smith, S. M., Ward, T.B., & Schumacher, J.S. (May, 1991). Constraining effects of examples in a creative generation task. Paper presented at the 2nd annual Texas Cognition Conference (ARMADILLO), College Station, TX.

33. Brown, J.M., & Smith, S. M. (May, 1991). Reduction of output interference following part-list cuing inhibition. Paper presented at the second annual Texas Cognition Conference (ARMADILLO), College Station, TX.
34. Smith, S. M. (July, 1991). The TOTimals method: Effects of acquisition & retention factors on tip-of-the-tongue experiences. Presented at the proceedings of the first International Conference on Memory, Lancaster, England.
35. Smith, S. M. (November, 1991). Tip-of-the-tongue states and blockers with imaginary animals as targets. Presented at the meeting of the Psychonomic Society, San Francisco, CA.
36. Dennehy, E.B., Bulow, P., Wong, F., Smith, S. M., & Aronoff, J.B. (April, 1992). A test of cognitive fixation in brainstorming groups. Paper presented at the meeting of the Eastern Psychological Association, Boston, MA.
37. Smith, S. M., & Schumacher, J.S. (April, 1992). A test of transfer-appropriate fixation in problem solving. Paper presented at the meeting of the Midwestern Psychological Association, Chicago, IL.
38. Brown, J.M., & Smith, S. M. (April, 1992). Recovery from part-list cuing inhibition. Paper presented at the meeting of the Midwestern Psychological Association, Chicago, IL.
39. Smith, S. M. (May, 1992). Tip-of-the-tongue states and incubation. Paper presented at the third annual Texas Area Cognition Conference (ARMADILLO), Houston, TX.
40. Finke, R.A., Ward, T.B., & Smith, S. M. (May, 1992). Creative cognition. Paper presented at the third annual Texas Area Cognition Conference (ARMADILLO), Houston, TX.
41. Smith, S. M., Ward, T.B. & Finke, R.A. (November, 1992). A cognitive approach to creativity. Paper presented at the meeting of the Psychonomic Society, St. Louis, MO.
42. Smith, S. M. (April, 1993). Fixation in memory and problem solving. Invited address presented at the Weiskrantz Symposium on memory, Baylor University, Waco, TX.
43. Smith, S. M., Carr, J.A., & Tindell, D.R. (April, 1993). Fixation and incubation in word fragment completion. Paper presented at the meeting of the Midwestern Psychological Association, Chicago, IL.
44. Balfour, S.P., & Smith, S. M. (April, 1993). A demonstration of meaning-related blocking in the tip-of-the-tongue phenomenon. Paper presented at the meeting of the Midwestern Psychological Association, Chicago, IL.

45. Widner, R.L., Jr., & Smith, S. M. (May, 1993). Effects of demand characteristics on metamemory judgments. Paper presented at the third annual Texas Area Cognition Conference (ARMADILLO), Arlington, TX.
46. Balfour, S.P., & Smith, S. M. (June, 1993). Semantic blocking in TOT states. Paper presented at the meeting of the American Psychological Society, Chicago, IL.
47. Smith, S. M. (June, 1993). Creative cognition. Invited address for "Thinking and Reading: The Mind at Work in the Classroom," Fordham University, New York, NY.
48. Smith, S. M. (November, 1993). Natural stupidity: Everyday patterns of maladaptive cognition. Nebraska Wesleyan University Forum Series, Lincoln, NE.
49. Widner, R.L., & Smith, S. M. (November, 1993). Imminence and familiarity in tip-of-the-tongue and feeling-of-knowing judgments. Paper presented at the meeting of the Psychonomic Society, Washington, D.C.
50. Widner, R.L., & Smith, S. M. (May, 1994). Does lexical spread mediate the generation effect? Paper presented at the Midwestern Psychological Association, Chicago, IL.
51. Widner, R.L., & Smith, S. M. (May, 1994). A perceptual enhancement explanation of generation effects. Paper presented at the Midwestern Psychological Association, Chicago, IL.
52. Widner, R.L., & Smith, S. M. (May, 1994). How do subjects interpret an experimenter-provided definition of a feeling-of-knowing state? Paper presented at the Midwestern Psychological Association, Chicago, IL.
53. Smith, S. M. (May, 1994). Everyday patterns of maladaptive cognition. Paper presented at the fourth annual Texas Area Cognition Conference (ARMADILLO), Trinity University, San Antonio, TX.
54. Norris, M., Widner, R. L., Jr., & Smith, S. M. (November, 1994). The Effects of Age on Tip-of-the-Tongue Judgments. Presented at the Annual Meeting of the Gerontological Society of America, Atlanta, GA.
55. Vaid, J., Widner, R. L., Jr., & Smith, S. M. (July, 1994). The Effect of Switching Languages on Tip-of-the-Tongue Resolution Rates. Presented at the Seventh Annual Meeting of the American Psychological Society, Washington D.C.
56. Smith, S. M., & Tindell, D.R. (November, 1994). Transfer appropriate patterns of blocking. Paper presented at the meeting of the Psychonomic Society, St. Louis, MO.
57. Smith, S. M. (April, 1995). Empirical Evidence of Memory Blocking and Recovery.

Invited address, Department of Psychology, University of Texas, Austin, TX.

58. Smith, S. M., Tindell, D.R. & Balfour, S.P. (May, 1995). Blocking, Tip-of-the-Tongue Reports, & Incubation in Word Retrieval. Paper presented at the meeting of the Midwestern Psychological Association, Chicago, IL.
59. Widner, R. L., Jr., Smith, S. M., & Vaid, J. (May, 1995). The Effects of Context Changes on Retrieval Blocks. Presented at the Sixty-Seventh Annual Meeting of the Midwestern Psychological Association, Chicago, IL.
60. Widner, R. L., Jr., Smith, S. M., & Vaid, J. (May, 1995). Paraphrasing as a Means of Resolving TOT States. Paper presented at the Sixty-Seventh Annual Meeting of the Midwestern Psychological Association, Chicago, IL.
61. Widner, R. L., Jr., & Smith, S. M. (May, 1995). Generation Effects with Numbers: An Associative Spread Interpretation. Presented at the Sixty-Seventh Annual Meeting of the Midwestern Psychological Association, Chicago, IL.
62. Vaid, J., Widner, R. L., Jr., & Smith, S. M. (June, 1995). Paraphrasing Material Results in Increased Tip-of-the-Tongue Resolution Rates. Presented at the Eighth Annual Meeting of the American Psychological Science Meeting.
63. Tindell, D.R., Wilkenfeld, M.J., Sifonis, C.M. & Smith, S. M. (May, 1995). Effects of Knowledge on Creativity in a Conceptual Combination task. Poster presented at the Creative Concepts Conference, College Station, TX.
64. Smith, S. M., Tindell, D.R. & Balfour, S.P. (May, 1995). Memory Blocking, TOTs, & Incubation. Poster Presented at the Annual Meeting of the Psychonomic Society, Los Angeles, CA.
65. Smith, S. M. (April, 1996). Issues in eyewitness memory. Presented at the Sigma Xi Interdisciplinary Research Forum on Contemporary Science and Technology Issues in Forensics, Texas A&M University, College Station, TX.
66. Smith, S. M., Ward, T.B., Gleaves, D.H., Pierce, B.H., Sifonis, C.M., Tindell, D.R. & Wilkenfeld, M.J. (May, 1996). Category structure in created memories. Paper presented at the meeting of the Midwestern Psychological Association, Chicago, IL.
67. Tindell, D.R. & Smith, S. M. (May, 1996). Blocking in word fragment completion: Automatic or intentional. Paper presented at the meeting of the Midwestern Psychological Association, Chicago, IL.
68. Balfour, S.P., Cohen, A.L. & Smith, S. M. (May, 1996). A demonstration and computational model of overcoming interference effects with environmental contextual

- changes. Paper presented at the meeting of the Midwestern Psychological Association, Chicago, IL.
69. Smith, S. M. (May, 1996). Undermining the unconscious activation theory of incubation and intuition. Paper presented at the Texas Area Conference on Cognition (ARMADILLO), Austin, TX.
 70. Sifonis, C.M., Smith, S. M., Ward, T.B., Tindell, D.R., & Wilkenfeld, M.J. (May, 1996). Category structure and priming in created memories. Poster presented at the Texas Area Conference on Cognition (ARMADILLO), Austin, TX.
 71. Smith, S. M. & Ward, T.B. (September, 1996). The evolution of creativity. Paper presented at the Evolution of the Psyche Conference, Texas A&M University, College Station, TX.
 72. Gleaves, D.H., Smith, S. M., Pierce, B.F. & Williams, T.L. (November, 1996). Discriminating false and recovered memories in the laboratory. Poster presented at the 1996 meeting of the International Society for Traumatic Stress Studies.
 73. Smith, S. M., Ward, T.B., Sifonis, C.M., Tindell, D.R., Wilkenfeld, M.J. & Pierce, B. (November, 1996). Priming and category structure in created memories. Paper presented at the meeting of the Psychonomic Society, Chicago, IL.
 74. Smith, S. M., Gilliland, T.R., Tindell, D.R., & Pierce, B.H. (May, 1997). Directed forgetting and recognition failure in primed false cued recall. Paper presented at the meeting of the Midwestern Psychological Association, Chicago, IL.
 75. Smith, S. M., Gilliland, T.R., Tindell, D.R., & Pierce, B.H. (May, 1997). Recognizing your own false recall. Paper presented at the meeting of the Texas Area Conference on Cognition (ARMADILLO), Dallas, TX.
 76. Smith, S. M. (June, 1997). Incubation and recovery from mental blocks. Invited address at the International Conference on Neural Networks (ICNN'97), Houston, Texas, USA.
 77. Smith, S. M. (September, 1997). On created and recovered memories. Invited address, Department of Psychology, University of Wisconsin, Madison, WI.
 78. Smith, S. M. (September, 1997). Research in creative cognition. Invited address, Department of Educational Psychology, University of Wisconsin, Madison, WI.
 79. Smith, S. M. (October, 1997). On memory blocking. Invited address, Department of Psychology, Stanford University, Stanford, CA.
 80. Smith, S. M. (October, 1997). Source Monitoring Failures in False Memory. Invited

- address, Dept. of Psychology, NSC Program Series, Baylor University, Waco, TX.
81. Smith, Steven M., Tindell, Deborah R., Pierce, Benton H., Gilliland, Todd R., Sifonis, Cynthia M., & Wilkenfeld, Merryl J. (November, 1997). Source memory failure in primed false recall. Presented at the meeting of the Psychonomic Society, Philadelphia, PA.
 82. Pierce, B. H., Tindell, D. R., Gilliland, T. R., Gerkens, D. P., & Smith, S. M. (May, 1998). Effects of source-monitoring instructions on episodic confusion errors. Poster presented at the meeting of the Texas Area Conference on Cognition (ARMADILLO), Houston, TX.
 83. Levy, W.B., Smith, S. M., & Sifonis, C.M. (1998). Internally generated reminders and hippocampal recapitulations. Presented at the Twentieth Annual Meeting of the Cognitive Science Society, Madison, WI.
 84. Smith, S. M., Sifonis, C.M., & Tindell, D.R. (1998). Hints do not evoke solutions via passive spreading activation. Presented at the Twentieth Annual Meeting of the Cognitive Science Society, Madison, WI.
 85. Allen, C.F., Sifonis, C.M., & Smith, S. M. (1998). Tests of Remote Association. Presented at the 20th Annual Meeting of the Cognitive Science Society, Madison, WI.
 86. Smith, S. M., Gilliland, T.R., Gerkens, D.P., Pierce, B.H., and Tindell, D.R. (November, 1998). Dissociations of False Memory Measures: Cued Recall vs. Stem Completion. Presented at the annual convention of the Psychonomic Society, Dallas, TX.
 87. Smith, S. M., Pierce, B.H., Gilliland, T.R., & Gerkens, D.R. (April, 1999). Source Confusion and Misleading Implications in False Recall. Presented at the annual convention of the Midwestern Psychological Association, Chicago, IL.
 88. Smith, S. M. (July, 1999) Research in Creative Cognition. Invited address, Department of Psychology, Dartmouth College.
 89. Smith, S. M. (October, 1999) Plausibility in False Recall. Presented at the annual convention of ARMADILLO, Trinity University, San Antonio, TX.
 90. Smith, S. M., Gerkens, D.R., Sifonis, C.M., Wilkenfeld, M.J., Tindell, D.R., and Pierce, B.H. (November, 1999). Category and list structure in primed false recall. Presented at the annual convention of the Psychonomic Society, Los Angeles, CA.
 91. Smith, S. M. (June, 2000). Creativity in design. Presented at the Gordon Research Conference on Theoretical Foundations for Product Design and Manufacturing, Plymouth State College, Plymouth, NH.

92. Pierce, B. H., Smith, S. M., & Bartlett, J. C. (April, 2000). Reversing age-related increases in tip-of-the-tongue states: The effect of novel stimuli. Poster presented at the Cognitive Aging Conference, Atlanta, GA.
93. Smith, S. M. (2000, November). Did that really happen, or was it just a dream? Paper presented at the Annual Meeting of the Psychonomic Society, New Orleans, LA.
94. Smith, S. M. & Choi, H. (2001, August). Incubation in Memory, Problem Solving, and Idea Generation: Autonomous Unconscious Processing vs. Contextually Influenced Restructuring. Presented at the Third International Conference on Memory, Valencia, Spain.
95. Smith, S. M., Choi, H., Gerkens, D.R., Pierce, B.H., and Flesch, M.H. (November, 2001). Clue Insensitivity in Memory Recovery. Presented at the annual meeting of the Psychonomic Society, Orlando, FL.
96. Smith, S. M., Choi, H., Gerkens, D.R., and Pierce, B.H. (June, 2002). Incubation and Recovery from Tip-Of-the-Tongue States. Presented at the annual convention of the American Psychological Society, New Orleans, LA.
97. Smith, S. M., & Gerkens, D.R. (October, 2002). Recovering memories from what? Presented at the annual meeting of ARMADILLO, Trinity University, San Antonio, Texas.
98. Smith, S. M., Choi, H., Gerkens, D. R., & Hull, R. G. (November, 2002). Resolving memory blocks. Presented at the annual meeting of the Psychonomic Society, Kansas City, Missouri.
99. Smith, S. M. (2003). Empirical Studies of Creative Cognition in Idea Generation. Invited speaker at the KTAG conference on creativity and innovation. Northwestern University, Evanston, IL.
100. Bortfeld, H., Smith, S. M., Hull, R.M., & Ledlie, J. (June, 2003). Putting Conceptual Combination in Context. Presented at the Annual Meeting of the American Psychological Society, Atlanta, Georgia.
101. Moynan, S. & Smith, S. M. (October, 2003). Forgetting emotional events. Poster presented at the annual meeting of ARMADILLO, College Station, Texas.
102. Smith, S. M., Gerkens, D. R., Choi, H., & Hull, R. G. (November, 2003). Forgetting and recovery without inhibition. Poster presented at the annual meeting of the Psychonomic Society, Vancouver, B.C.
103. Bortfeld, H., Smith, S. M., Hull, R. G., & Ledlie, J. (November, 2003). Conceptual combination in context. Poster presented at the annual meeting of the Psychonomic

Society, Vancouver, B.C.

104. Wilson, C. L., Simpson, J. A., & Smith, S. M. (January, 2004). Avoidance and False Memories of Attachment Word Lists: A Category Structure Approach. Presented at the annual conference for the Society of Personality and Social Psychology, Austin, Texas.
105. Smith, S. M. (April, 2004). The science of creative cognition. Invited address, British Psychological Society, Imperial College, London, UK.
106. Smith, S. M. (April, 2004). Clue insensitivity in memory and problem solving. Symposium speaker, British Psychological Society, Imperial College, London, England.
107. Smith, S. M. (April, 2004). Context-dependent memory, Invited colloquium, Keele University, Keele, England.
108. Smith, S. M. (April, 2004). Blocked and recovered memories. Invited colloquium, University of Hartfordshire, Hatfield, England.
109. Bortfeld, H., Sappington, R., Smith, S. M., & Hull, R. M. (August, 2004). Sense retention in conceptual combination. Poster presented at the Annual Convention of the Cognitive Science Society, Chicago, IL.
110. Smith, S. M., & Moynan, S. C. (November, 2004). Forgetting lists of *\$%#! words. Presented at the annual meeting of the Psychonomic Society, Minneapolis, MN.
111. Barnhardt, T. M., Choi, H., Gerkens, D. R., Corbisier, B., & Smith, S. M. (November, 2004). Output position for veridical and false memories for words. Presented at the annual meeting of the Psychonomic Society, Minneapolis, MN.
112. Smith, S. M. (September, 2005). Context-dependent memory. Presented at the Science of Memory conference, Palisades, New York, NY.
113. Smith, S. M. (September, 2005). Research in creative cognition. Presented at the Cognitive Forum, University of California, Los Angeles, CA.
114. Kerne, A., Smith, S. M., Choi, H., Graeber, R., Caruso, D. (2005). Evaluating Navigational Surrogate Formats with Divergent Browsing Tasks, Presented at Proc ACM CHI, Portland, OR.
115. Smith, S. M. (April, 2006). The neuroscience of creative cognition. Presented to the Center for the Biology of Creativity and the Tennenbaum Family Creativity Initiative at UCLA, Los Angeles, CA.
116. Storm, B. C., Smith, S. M., Bjork, E. L., & Bjork, R. A. (May, 2006). The Effects of delay and context on retrieval-induced forgetting. Presented at the Annual Meeting of the

Western Psychological Association, Palm Springs, CA.

117. Kerne, A., Koh, E., Choi, H., Dworaczyk, B., Smith, S. M., Hill, R., Albea, J. (2006).
118. Supporting Creative Learning Experience with Compositions of Image and Text Surrogates. Presented at the Annual Meeting of the Association for the Advancement for Computers in Education, Orlando, FL.
119. Kerne, A., Koh, E., Dworaczyk, B., Mistrot, J.M., Choi, H., Smith, S. M., Graeber, R., Caruso, D., Webb, A., Hill, R., Albea, J., (2006). A Mixed-Initiative System for Representing Collections as Compositions of Image and Text Surrogates. Presented at the Joint ACM/IEEE Conference on Digital Libraries, Chapel Hill, NC.
120. Hill, R., Koh, E., & Smith, S. M. (2006). "CombinFormation" and the Future of Knowledge Creation. Presented to the Annual Meeting of the World Future Society, Toronto, ON, Canada.
121. Smith, S. M. (May, 2006). Alignment of Research on Creative Cognition Across Levels of Complexity and Ecological Validity. NSF Workshop on the Science of Discovery and Innovation, Washington, D.C.
122. Smith, S. M. (September, 2006). How Creative Cognition Can Be Studied. Presented at the Department of Psychology, University of Texas, Austin, TX.
123. Smith, S. M., Manzano, I., Williams, J., & Kohn, N. (November, 2006). Recovering Experimentally Blocked Memories: Effects of Context Cues & Recall Instructions. Presented at the annual meeting of the Psychonomic Society, Houston, TX.
124. Smith, S. M. (November, 2006). Creativity & Innovation in Expertise: The Role of Context. NSF Workshop on the Multidisciplinary Perspectives on Transfer, Expertise, and Innovation, Washington, D.C.
125. Smith, S. M., Kerne, A., & Koh, E. (December, 2006). Promoting Emergent Combinations in Information Discovery. NSF & IC² Workshop on Tools for Innovation, Austin, TX.
126. Smith S. M., & Barnhardt, T. (June, 2007). Output position in true & false memories: cognitive triage in the recall of presented and nonpresented critical words. Presented at the annual meeting of the Association for Psychological Science (APS), Washington, D.C.
127. Smith S. M., & Manzano, I. (October, 2007). Movie mediated memory. Presented at the annual meeting of ARMADILLO, Trinity University, San Antonio, Texas.
128. Smith, S. M. (October, 2007). Invisible assumptions and the unintentional use of

knowledge & experiences in creative cognition. Presented at the Thirteenth Annual Lewis & Clark Business Law Forum: Nonobviousness – The Shape of Things to Come, Lewis & Clark Law School, Portland, Oregon.

129. Smith, S. M. (October, 2007). Principles and paradoxes of the creative mind. Keynote address at the Annual Symposium on the built and virtual environment, College of Architecture, Texas A&M University, College Station, Texas.
130. Smith, S. M. (November, 2007). Context fluctuation and time-dependent memory phenomena. Presented at the annual convention of the Psychonomic Society, Long Beach, CA.
131. Smith, S. M. (March, 2008). What you see is what you get: Effects of provocative stimuli in creative invention. Presented at the National Science Foundation Workshop on Creative Engineering Design, University of Provence, Aix-en-Provence, France.
132. Smith, S. M. (July, 2008). The science of creative cognition. Presented at the International Centre for Innovation in Education, Paris, France.
133. Smith, S. M. (August, 2008). Human Cognition: Illusions, Decisions, & Procedures, Presented to the United States Patent & Trademark Office and the Patent Public Advisory Committee, Washington, D. C.
134. Smith, S. M. (October, 2008). Nonobviousness in U.S. Patent Law, Presented at the annual meeting of ARMADILLO, University of Texas-El Paso, El Paso, Texas.
135. Smith, S. M. (January, 2009). Blocking Out Blocks: Adaptive Forgetting of Fixation in Memory, Problem Solving, and Creative Ideation. Presented at Successful Remembering and Successful Forgetting: A Festschrift in Honor of Robert A. Bjork, UCLA, Los Angeles, CA.
136. Shah, J. J., Smith, S. M., and Woodward, J. (August, 2009). Development of standardized tests for design skills. International Conference on Engineering Design (ICED), Stanford University, Stanford, CA.
137. Smith, S. M., & Manzano, I. (October, 2009). Effects of Context Similarity on Contextual Cuing. Presented at ARMADILLO, Rice University, Houston, TX.
138. Shahabuddin, S., & Smith, S. M. (October, 2009). Context-Dependent Recognition Memory. Presented at ARMADILLO, Rice University, Houston, TX.
139. Smith, S. M., & Manzano, I. (November, 2009). Effects of Context Similarity on Contextual Cuing. Presented at the 50th Meeting of the Psychonomic Society, Boston, MA.

140. Smith, S. M. (February, 2010). The benefits and costs of implicit knowledge. Presented at the NSF Workshop for Engineered Systems Design, Washington, D.C.
141. Mulvenna, C. M., & Smith, S. M. (April, 2010). Conceptual combination and novel ideas: How properties of the task and taught behavioral strategies influence levels of emergence in new ideas. Presented at the annual meeting of the Society for Personality and Social Psychology, Las Vegas, Nevada.
142. Smith, S. M., & Linsey, J. (April, 2010). A three-pronged approach for overcoming design fixation. Presented at International Symposium on Creative Design Processes: Fixation or Inspiration? The Role of Internal and External Sources on Idea Generation. Delft University of Technology, Delft, The Netherlands.
143. Smith, S. M., Handy, J., & Angello, G. (November, 2010). Video context-dependent memory for Swahili-English word pairs. Presented at the meeting of the Psychonomic Society, St. Louis, MO.
144. Hays, M. J., Smith, S. M., Wilson, P. D., & Lansky, C. A. (November, 2010). Imaginal preinstatement of test context during study improves recall. Presented at the meeting of the Psychonomic Society, St. Louis, MO.
145. Miller, T. M., Geraci, L., Smith, S. M., & Antony, A. (November, 2010). Study time is influenced by students' understanding of probability information. Presented at the meeting of the Psychonomic Society, St. Louis, MO.
146. Smith, S. M., Linsey, J., & Kerne, A. (December, 2010). Using evolved analogies to overcome creative design fixation. Presented at the 1st International Conference on Design Creativity (ICDC 2010), Kobe, Japan.
147. Handy, J., & Smith, S. M. (October, 2011). Forgotten but not gone: Recovering memories of stories. Presented at the meeting of ARMADILLO, Commerce, TX.
148. Nichols, J. H., & Smith, S. M. (October, 2011). Inflating judgments of learning with video context reinstatement. Presented at the meeting of ARMADILLO, Commerce, TX.
149. Angello, G., & Smith, S. M. (October, 2011). Are mental blocks forgotten during creative problem solving due to inhibitory control? Presented at the meeting of ARMADILLO, Commerce, TX.
150. Handy, J., Angello, G., Nichols, J. H., & Smith, S. M. (November, 2011). Forgotten but not gone: Recovering memories of stories. Presented at the meeting of the Psychonomic Society, Seattle, WA.
151. Nichols, J. H., & Smith, S. M. (November, 2011). Inflating judgments of learning with

- video context reinstatement. Presented at the meeting of the Psychonomic Society, Seattle, WA.
152. Angello, G., Storm, B. C., Bjork, E. L., Smith, S. M., & Yamauchi, T. (November, 2011). Are mental blocks forgotten during creative problem solving due to inhibitory control? Presented at the meeting of the Psychonomic Society, Seattle, WA.
153. Smith, S. M. (May, 2012). Mechanisms of creative cognition: Theory and research *Keynote Address* at the *International Conference for Computational Creativity (ICCC)*, Dublin, Ireland.
154. Smith, S. M. (June, 2012). Design fixation: Effects of examples on creative ideation. *Keynote Address* at the International Conference for *Design, Computation and Cognition (DCC'12)*, College Station, Texas.
155. Smith, S. M. (September, 2012). Design fixation: Experimental cognitive studies of creative ideation. *Keynote Address* for the International "Bienal" (Biennial) Conference on Design, Internacional Tadeista de Diseño Industrial, Bogotá, Colombia.
156. Smith, S. M. (September, 2012). Conceptual knowledge in creative design. *Student Conference* for the International "Bienal" (Biennial) Conference on Design, Internacional Tadeista de Diseño Industrial, Bogotá, Colombia.
157. Smith, S. M. (September, 2012). Aids to creative design. *Student Address* for the International "Bienal" (Biennial) Conference on Design, Internacional Tadeista de Diseño Industrial, Bogotá, Colombia.
158. Smith, S. M. (September, 2012). Design exercises, *Student Workshop* for the International "Bienal" (Biennial) Conference on Design, Internacional Tadeista de Diseño Industrial, Bogotá, Colombia.
159. Smith, S. M. (September, 2012). Design metrics. *Faculty Workshop* for the International "Bienal" (Biennial) Conference on Design, Internacional Tadeista de Diseño Industrial, Bogotá, Colombia.
160. Smith, S. M., Handy, J. D., Nichols, J. H., & Angello, G. (October, 2012). Contextually-enhanced learning. Presented at the annual meeting of ARMADILLO, Texas A&M International University, Laredo, TX.
161. Smith, S. M., Handy, J. D., Nichols, J. H., & Angello, G. (November, 2012). Training wheels and desirable difficulties: Effects of contextual constancy & variation on acquisition & retention. Presented at the annual meeting of the Psychonomic Society, Minneapolis, MN.

162. Smith, S. M., & Nichols, J. H. (November, 2012). Contextually-inflated judgments of learning. Presented at the meeting of the International Association for Metacognition, Minneapolis, MN.
163. Smith, S. M. (December, 2012). Eyewitness identification. Invited talk presented at the meeting of the Texas Criminal Defense Lawyer's Association (TCDLA), Houston, TX.
164. Smith, S. M. (May, 2013). Using digital contexts to increase the duration & efficacy of study time. Invited address, presented at the annual meeting of the Midwestern Psychological Association, Chicago, IL.
165. Cagan, Dinar, Shah J, Leifer, Linsey, Smith, & Hernandez (August, 2013). Empirical studies of design thinking: Past, present, future, ASME Design Theory & Methods Conference, Portland, Aug 2013. Paper#13302.
166. Smith, S. M., Handy, J. D., & Angello, G. (November, 2013). Decontextualization of new knowledge. Presented at the annual meeting of the Psychonomic Society, Toronto, CA.
167. Angello, G., Storm, B. C., & Smith, S. M. (November, 2013). Alleviating fixation with suppression-induced forgetting of blockers. Presented at the annual meeting of the Psychonomic Society, Toronto, CA.
168. Smith, S.M. (January, 2014). Mechanisms of Creative Cognition. Invited lecture at the University of Illinois-Chicago, Chicago, IL.
169. Smith, S. M. (July, 2014). Eyewitness Identification: How Bad Is Our Memory. Invited address at the Mental Health Seminar: A Program For The Defense, The Center for American and International Law, Plano, TX.
170. Smith, S. M. (September, 2014). The crutch of contextual-dependency. Invited colloquium, presented at the Cognitive Seminar, Washington University Department of Psychology.
171. Smith, S. M. (October, 2014). The crutch of contextual-dependency. Invited colloquium, presented at the Cognitive Seminar, University of Missouri Department of Psychology.
172. Handy, J. D., & Smith, S. M. (November, 2014). Dropout-Induced Forgetting and Recovery of Autobiographical Memories. Presented at the annual meeting of the Psychonomic Society, Long Beach, CA.
173. Angello, G., Smith, S. M., & Storm, B. (November, 2014). Does impossible retrieval practice support divergent thinking? Presented at the annual meeting of the Psychonomic Society, Long Beach, CA.

174. Smith, S.M. (September, 2015). Cognitive Mechanisms in Creative Design, Keynote Address at the International Meeting of Creación: Developing Pedagogical Models for Interdisciplinary Creation and Research Processes, Bogota, Colombia.
175. Smith, S.M. (September, 2015). Interdisciplinary Research on the Creative Mind, Workshop at the International Meeting of Creación: Developing Pedagogical Models for Interdisciplinary Creation and Research Processes, Bogota, Colombia.
176. Smith, S.M., & Hernandez, A. (October, 2015). Contextually cued automatic retrieval. Presented at the annual meeting of ARMADILLO, Baylor University, Waco, TX.
177. Smith, S.M., Handy, J.D., & Jacoby, L. (November, 2015). Contextually cued involuntary retrieval. Presented at the annual meeting of the Psychonomic Society, Chicago, IL.
178. Smith, S.M., & Hernandez, A. (October, 2016). Contextually cued automatic retrieval. Presented at the annual meeting of ARMADILLO, University of Texas-El Paso, El Paso, TX.
179. Smith, S.M., Handy, J.D., Hernandez, A., & Jacoby, L. (November, 2016). Is Automatic Retrieval Context-Dependent? Presented at the annual meeting of the Psychonomic Society, Boston, MA.
180. Hernandez, A., & Smith, S.M. (November, 2016). A Conceptually-Driven Oppositional Indirect Memory Test. Presented at the annual meeting of the Psychonomic Society, Boston, MA.

Grants:

Effects of contextual and temporal variability in the instruction of a minicourse. Consultant for Bell Laboratories, Learning and Instruction Research Department with Ernst Rothkopf, 1980-1982.

National Institute of Mental Health, *Contextual Activation of Event Memory* (Grant No. 1 R01 MH39977-01), September, 1985-May, 1987.

National Institute of Mental Health, *Inducing and Reducing Cognitive Fixation* (Grant No. 1 R01 MH447030), September, 1989- May, 1993).

American Psychological Association Scientific Conferences Program, *Conceptual Structures and Processes: Emergence, Discovery, and Change* (with Thomas Ward and Jyotsna Vaid, 1996).

National Science Foundation (PI), Engineering Education & Centers (EEC) Division of Design, Manufacture, & Industrial Innovation (DMII), (with Jami Shah, Arizona State University), *Development and validation of design ideation models for conceptual engineering design.* (2002-

2006).

National Science Foundation SGER: *Extending Working Memory Functions by Presenting Bookmark and Result Sets as Temporal Visual Compositions* (Co-PI, with A. Kerne – PI, TAMU Computer Science). (2005-2006).

Texas A&M University Faculty Development Leave Program: Scholar in Residence, Department of Psychology, UCLA (2005-2006).

National Science Foundation Major Research Instrumentation (MRI) Program: *Development of Spatially Immersive Visualization Facilities*, under the direction of Frederic I. Parke - PI, with Co-PI's Donald H. House, Peter F. Stiller, Samuel D. Brody, & Steven M. Smith (2005-2008).

National Science Foundation; *Promoting Information Discovery in Learning: Mixed-Initiative Composition of Hybrid Image-Text Surrogates*, PI Andruid Kerne - Computer Science, Steven M. Smith - Technology and Society, Project 3660C CS (2006-2008).

National Science Foundation (DMII); *Identification, Characterization & Measurement of Design Skills and Designer Profiles*, Co-PI, with Jami Shah - PI, Arizona State University (2007-2012).

National Science Foundation (IIS); *EAGER: Creativity in the Wild: Insight and Discovery with Wearable Sensors*, Co-PI, with PI Frank Shipman and Co-PI Ricardo Gutierrez-Osuna (Grant No. IIS-1049217, 2010-2013).

Texas A&M University Program to Enhance Scholarly and Creative Activities: *Nurturing Creativity in Children's Storytelling through Digital Enactment*, Co-PI with Francis Quek, Lynn Burlbaw, \$25,000.

Miscellaneous:

Distinguished Teaching Award (1997), Presented by the Texas A&M University Association of Former Students and the College of Liberal Arts.

Texas A&M University IRB Member since 2012

Associate Editor: Design Science

Editorial Boards: Journal of Creative Behavior, International Journal of Design Creativity and Innovation

Program Committee Co-chair for International Interdisciplinary Conferences:

Design Computation and Cognition (DCC)

International Conference on Design Creativity (ICDC)

International Conference on Computational Creativity (ICCC)

ACM Creativity & Cognition

ASME International Design Engineering Technical Conferences (IDETC)

Ad Hoc Reviewer:

Acta Psychologica

Advances in Cognitive Psychology

American Journal of Psychology

Cognition

Cognition and Emotion

Design Science

Frontiers in Psychology, section Cognition

International Journal of Design Creativity and Innovation

Journal of Abnormal Psychology

Journal of Engineering Design

Journal of Experimental Psychology: Learning, Memory & Cognition

Journal of Experimental Psychology: General

Journal of Memory and Language

Memory

Memory and Cognition

National Science Foundation

Organizational Behavior and Human Decision Processes

Quarterly Journal of Experimental Psychology

PLOS ONE

Psicologica

Psychological Bulletin

Psychonomic Bulletin and Review

Psychological Review

Psychological Science

Psychology and Aging

Teaching of Psychology

Coordinator of 2nd, 6th, 11th, and 20th annual Texas Cognition Conferences (ARMADILLO),
College Station, TX

Co-coordinator of the Creative Concepts Conference (APA Scientific Conference), May, 1995,
College Station, TX

Adjunct Professor & Visiting Lecturer at Southwest China Normal University, Chongqing, China

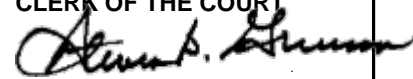
Expert Witness on Eyewitness Memory Cases (Brief Listing of Recent Cases)

United States vs. Jose Luis Aviles-Luna, Cr. No. H-04-066

Asst. Federal Public Defender Michael L. Herman, Southern District of TX

United States vs. Robert N. Angleton, Cr. No. H-2-0040

Defense Atty. Michael Ramsey, 176th District Court, Harris County, Texas
United States vs. Juan Oliva-Reyes, Cr. No. M-07-1127
Asst. Federal Public Defender Kyle Welch, Southern District of Texas
State of Texas vs. McKinley Thomas, Cause No. 1063389
Defense Atty. Randy Ayers, 185th District Court, Harris County, Texas
State of Texas vs. Bryan Lee Zimmerman
Defense Atty. Craig Jett, 816th District Court, Collin County, Texas
State of Texas vs. Edward Lee II, Cause No. 09-07-07112-CR
Defense Atty. Lawrence McCotter, 9th Judicial District, Montgomery County, TX
State of Texas vs. Herman D. Greer, Cause No. 1332324/5
Defense Atty. Brett Podolsky, 185th District Court, Harris County, Texas
State of Texas vs. Anthony Coleman, Cause No. 1253616
Defense Atty. Stanley Schneider, 180th District Court, Harris County, Texas
State of Texas vs. Gareic Hankston, Cause No. 1326559
Defense Atty. Brent Mayr, 178th District Court, Harris County, Texas
State of Texas vs. George T. Curry, Cause No. 1223596
Defense Atty. Douglas Durham, 209th District Court, Harris County, Texas
State of Texas vs. Deshaun Jackson, Cause No. 1434297,
Defense Atty. Paul Morgan, 183rd District Court, Harris County, Texas



MOT
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
AGNES M. LEXIS
Chief Deputy District Attorney
Nevada Bar #011064
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

KEANDRE VALENTINE,
#5090875

Defendant.

CASE NO: C-16-316081-1

DEPT NO: III

**NOTICE OF MOTION AND MOTION TO STRIKE DEFENDANT'S
SUPPLEMENTAL NOTICE OF EXPERT WITNESSES**

DATE OF HEARING: 8/3/2017
TIME OF HEARING: 9:00 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through AGNES M. LEXIS, Chief Deputy District Attorney, and files this Notice Of Motion And Motion To Strike Defendant's Supplemental Notice Of Expert Witnesses.

This Motion is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

NOTICE OF HEARING

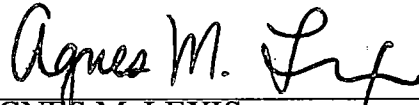
YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will bring the foregoing motion on for setting before the above entitled Court, in Department

1 III thereof, on Thursday, the 3rd day of August, 2017, at the hour of 9:00 o'clock AM, or as
2 soon thereafter as counsel may be heard.

3 DATED this 17th day of July, 2017.

4 STEVEN B. WOLFSON
5 Clark County District Attorney
6 Nevada Bar #001565

7 BY


8 AGNES M. LEXIS
9 Chief Deputy District Attorney
10 Nevada Bar #011064

11 PROCEDURAL HISTORY

12 On July 29, 2016, Defendant was charged by way of Indictment with fourteen (14)
13 felony counts to include six (6) counts of Robbery with Use of a Deadly Weapon. On July 7,
14 2016, Defendant entered a not guilty plea and invoked his speedy trial right. Defense counsel
15 made an oral request for discovery at that time. Trial was set for September 6, 2016.

16 In the weeks following, the State continuously provided discovery to defense counsel
17 in anticipation of the September 2016 trial date.

18 On August 9, 2016, the State conveyed an offer to resolve the case. Defendant
19 presented a counter-offer, which the State rejected.

20 On August 19, 2016, Defendant filed a Motion for Discovery. The State filed a written
21 response. The Motion for Discovery was set for argument on September 1, 2016, the same
22 day as calendar call.

23 On September 1, 2016, Defendant made an oral motion to continue the trial. The State
24 objected and announced ready. Defendant waived his right to a speedy trial. The court vacated
25 the trial date, noting that it was the first trial setting. Trial was reset for February 21, 2017.
26 The court also granted Defendant's Motion for Discovery pursuant to statute and Brady.

27 On January 24, 2017, the State invited defense counsel to conduct a file review. Defense
28 counsel indicated she would be in trial and could not meet on January 27, 2017 to complete

1 the file review. To date, defense counsel has not made an appointment to conduct the file
2 review.

3 On Thursday, January 26, 2017, the State re-disclosed the paper discovery in this case,
4 bate stamped 1-286 and advised defense counsel that a CD with jail calls would be available
5 for pick-up at DA reception. The State attached an ROC to the January 26th email and
6 requested that defense counsel look over the discovery the State has provided and return the
7 signed ROC to the State in one (1) week. In that same email, the State again requested that
8 defense counsel complete a file review. The State also advised defense counsel that it would
9 object to a Motion to Continue Trial and requested that any request for a continuance be
10 submitted in writing, in a timely fashion.

11 On February 7, 2017, the State requested that defense counsel return the signed ROC
12 so it may file it with the court, in advance of the February 16th calendar call date. Defense
13 counsel indicated she had not yet verified the items on the list and refused to sign the ROC.
14 Defense counsel also indicated that she would not go to trial on this case on February 21, 2017.

15 On February 16, 2017, at calendar call for the second trial setting, defense moved to
16 continue the trial again, this time due to Public Defender Tegan Machnich's unavailability. At
17 that time, this court requested that another attorney continue to work on the case to ensure that
18 trial will be ready when Ms. Machnich returned to work. The court granted Defendant's
19 second motion to continue.

20 On February 21, 2017, the court granted the State's Motion Outlining Discovery
21 Compliance. The court also reset the trial date for July 24, 2017.

22 On June 6, 2017, this matter was placed on calendar to address a potential conflict with
23 the trial date. The trial remained set for July 24, 2017.

24 On June 30, 2017, Defendant filed a Notice of Expert Witness, endorsing Jeff
25 Fischbach and Daniel Reisberg.

26 On July 6, 2017, the State emailed defense counsels requesting discovery concerning
27 the proffered expert testimony of Jeff Fischbach. To date, defense counsels have not provided
28

1 the requested discovery. As such, the State is unsure as to the nature and content of his
2 testimony.

3 On July 7, 2017, the State filed a Motion to Exclude the Identification Expert, Daniel
4 Reisberg. To date, the State's Motion remains unopposed.

5 On July 14, 2017, Defendant filed a Supplemental Notice of Expert Witnesses,
6 endorsing three (3) additional identification experts: Steven Smith, Elizabeth Loftus and
7 Deborah Davis. The State's Motion to Strike the Supplemental Notice of Expert Witnesses
8 follows.

9 **POINTS AND AUTHORITIES**

10 NRS 174.234(2) states, in pertinent part:

11
12 If the defendant will be tried for one or more offenses that are punishable as a
13 gross misdemeanor or felony and a witness that a party intends to call during the
14 case in chief of the State or during the case in chief of the defendant is expected
15 to offer testimony as an expert witness, the party who intends to call that witness
shall file and serve upon the opposing party, **not less than 21 days before trial**
or at such other time as the court directs, a written notice containing:

- 16 (a) A brief statement regarding the subject matter on which the expert
17 witness is expected to testify and the substance of the testimony;
18 (b) A copy of the curriculum vitae of the expert witness; and
(c) A copy of all reports made by or at the direction of the expert witness.

19 In this case, Defendant filed his Supplemental Notice of Expert Witnesses on July 14,
20 a mere ten (10) days before trial. His Supplemental Notice is clearly extremely untimely.
21 Also, this case is over a year old and this is the third trial setting so a continuance is not an

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1 appropriate remedy and there is absolutely no good cause to warrant the late filing.
2 Consequently, Defendant's Supplemental Notice of Expert Witnesses should be stricken and
3 Steven Smith, Elizabeth Loftus and Deborah Davis must not be allowed to testify at trial.

4 DATED this 18th day of July, 2017.

5 STEVEN B. WOLFSON
6 Clark County District Attorney
7 Nevada Bar #001565

8 BY Agnes M. Lexis
9 AGNES M. LEXIS
10 Chief Deputy District Attorney
11 Nevada Bar #011064

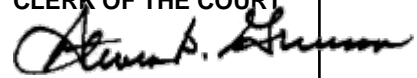
12 CERTIFICATE OF ELECTRONIC TRANSMISSION

13 I hereby certify that service of the above and foregoing was made this 17th day of July,
14 2017, by electronic transmission to:

15 TEGAN MACHNICH
16 tegan.machnich@clarkcountynv.gov

17 BY Estee Del Padre
18 ESTEE DEL PADRE
19 Secretary for the District Attorney's Office
20
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22
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24
25
26
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28 AML/ed/GCU



PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
TEGAN C. MACHNICH, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 11642
PUBLIC DEFENDERS OFFICE
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Facsimile: (702) 455-5112
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C-16-316081-1
)	
v.	)	DEPT. NO. III
)	
KEANDRE VALENTINE,)	
	)	DATE: July 20, 2017
Defendant,	)	TIME: 9:00 a.m.
_____)	

**OPPOSITION TO STATE'S MOTION TO STRIKE DEFENDANT'S SUPPLEMENTAL
NOTICE OF EXPERT WITNESSES**

COMES NOW, the Defendant, KEANDRE VALENTINE, by and through TEGAN C. MACHNICH, Deputy Public Defender and hereby requests that the Court deny the State's Motion to Strike Defendant's Supplemental Notice of Expert Witnesses.

This Motion is made and based upon all the papers and pleadings on file herein, the attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

DATED this 17th day of July, 2017.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Tegan C. Machnich
TEGAN C. MACHNICH, #11642
Deputy Public Defender

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TEGAN C. MACHNICH makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am a Deputy Public Defender for the Clark County Public Defender's Office appointed to represent Defendant Keandre Valentine in the present matter;

2. I am more than 18 years of age and am competent to testify as to the matters stated herein. I am familiar with the procedural history of the case and the substantive allegations made by The State of Nevada. I also have personal knowledge of the facts stated herein or I have been informed of these facts and believe them to be true. I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 17th day of July, 2017.

/s/ Tegan C. Machnich
TEGAN C. MACHNICH

POINTS AND AUTHORITIES

Defendant Keandre Valentine filed his Notice of Expert Witnesses on June 30, 2017 naming Daniel Reisberg as an expert in the field of “eye-witness identification”. Specifically, “[h]e is expected to testify regarding identification procedures, eyewitness identification, and factors that can affect reliability and unreliability of those procedures and identifications. He will testify about mental processes that occur when making identifications and biases inherent therein.”

On or about July 14, 2017, defense counsel learned that Mr. Reisberg may not be available during the dates scheduled for trial in this case. On that same day, Defendant caused to be filed his Supplemental Notice of Expert Witnesses naming potential alternative “eye-witness identification” expert witnesses with similar qualifications. Their testimony would be functionally identical to the original “eye-witness identification” expert noticed in this case. This is further evidenced by the identical descriptions of anticipated testimony included in the Notices.

The Supplemental Notice was Defendant’s good faith effort to keep from having to request a continuance in this case because of the unavailability issue. If the Court is inclined to strike the Supplemental Notice, Mr. Valentine will be requesting a continuance.

DATED this 17th day of July, 2017.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

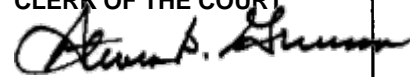
By: /s/ Tegan C. Machnich
TEGAN C. MACHNICH, #11642
Chief Deputy Public Defender

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MOT
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
AGNES M. LEXIS
Chief Deputy District Attorney
Nevada Bar #011064
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

KEANDRE VALENTINE,
#5090875

Defendant.

CASE NO: C-16-316081-1

DEPT NO: III

**NOTICE OF MOTION AND MOTION TO COMPEL RECIPROCAL
DISCOVERY PROCEDURAL HISTORY**

DATE OF HEARING: 8/3/2017
TIME OF HEARING: 9:00 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through AGNES M. LEXIS, Chief Deputy District Attorney, and files this Notice Of Motion And Motion To Compel Reciprocal Discovery Procedural History.

This Motion is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

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DATED this 18th day of July, 2017.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY 

AGNES M. LEXIS
Chief Deputy District Attorney
Nevada Bar #011064

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In the weeks following, the State continuously provided discovery to defense counsel in anticipation of the September 2016 trial date.

On August 9, 2016, the State conveyed an offer to resolve the case. Defendant presented a counter-offer, which the State rejected.

On August 19, 2016, Defendant filed a Motion for Discovery. The State filed a written response. The Motion for Discovery was set for argument on September 1, 2016, the same day as calendar call.

On September 1, 2016, Defendant made an oral motion to continue the trial. The State objected and announced ready. Defendant waived his right to a speedy trial. The court vacated the trial date, noting that it was the first trial setting. Trial was reset for February 21, 2017. The court also granted Defendant's Motion for Discovery pursuant to statute and Brady.

1 On January 24, 2017, the State invited defense counsel to conduct a file review. Defense
2 counsel indicated she would be in trial and could not meet on January 27, 2017 to complete
3 the file review. To date, defense counsel has not made an appointment to conduct the file
4 review.

5 On Thursday, January 26, 2017, the State re-disclosed the paper discovery in this case,
6 bate stamped 1-286 and advised defense counsel that a CD with jail calls would be available
7 for pick-up at DA reception. The State attached an ROC to the January 26th email and
8 requested that defense counsel look over the discovery the State has provided and return the
9 signed ROC to the State in one (1) week. In that same email, the State again requested that
10 defense counsel complete a file review. The State also advised defense counsel that it would
11 object to a Motion to Continue Trial and requested that any request for a continuance be
12 submitted in writing, in a timely fashion.

13 On February 7, 2017, the State requested that defense counsel return the signed ROC
14 so it may file it with the court, in advance of the February 16th calendar call date. Defense
15 counsel indicated she had not yet verified the items on the list and refused to sign the ROC.
16 Defense counsel also indicated that she would not go to trial on this case on February 21, 2017.

17 On February 16, 2017, at calendar call for the second trial setting, defense moved to
18 continue the trial again, this time due to Public Defender Tegan Machnich's unavailability. At
19 that time, this court requested that another attorney continue to work on the case to ensure that
20 trial will be ready when Ms. Machnich returned to work. The court granted Defendant's
21 second motion to continue.

22 On February 21, 2017, the court granted the State's Motion Outlining Discovery
23 Compliance. The court also reset the trial date for July 24, 2017.

24 On June 6, 2017, this matter was placed on calendar to address a potential conflict with
25 the trial date. The trial remained set for July 24, 2017.

26 On June 30, 2017, Defendant filed a Notice of Expert Witness, endorsing Jeff
27 Fischbach and Daniel Reisberg.
28

1 On July 6, 2017, the State emailed defense counsels requesting discovery concerning
2 the proffered expert testimony of Jeff Fischbach. To date, defense counsels have not provided
3 the requested discovery. As such, the State is unsure as to the nature and content of his
4 testimony.

5 On July 7, 2017, the State filed a Motion to Exclude the Identification Expert, Daniel
6 Reisberg. To date, the State's Motion remains unopposed.

7 On July 14, 2017, Defendant filed a Supplemental Notice of Expert Witnesses,
8 endorsing three (3) additional identification experts: Steven Smith, Elizabeth Loftus and
9 Deborah Davis. On July 17, 2017, the State filed a Motion to Strike the Supplemental Notice
10 of Expert Witnesses.

11 On July 14, 2017, Defendant filed a Notice of Alibi Witness. On July 17, 2017, the
12 State filed a Motion to Strike the Alibi Notice.

13 14 ARGUMENT

15 NRS 174.245 provides:

16
17 1. Except as otherwise provided in NRS 174.233 to 174.295,
18 inclusive, at the request of the prosecuting attorney, the defendant
19 shall permit the prosecuting attorney to inspect and to copy or
20 photograph any:

21 (a) Written or recorded statements made by a witness the
22 defendant intends to call during the case in chief of the defendant,
23 or copies thereof, within the possession, custody or control of the
24 defendant, the existence of which is known, or by the exercise of
25 due diligence may become known, to the defendant;

26 (b) Results or reports of physical or mental examinations,
27 scientific tests or scientific experiments that the defendant intends
28 to introduce in evidence during the case in chief of the defendant,
or copies thereof, within the possession, custody or control of the
defendant, the existence of which is known, or by the exercise of
due diligence may become known, to the defendant; and

(c) Books, papers, documents or tangible objects that the
defendant intends to introduce in evidence during the case in chief
of the defendant, or copies thereof, within the possession, custody
or control of the defendant, the existence of which is known, or by

1 the exercise of due diligence may become known, to the
2 defendant.

3 2. The prosecuting attorney is not entitled, pursuant to the
4 provisions of this section, to the discovery or inspection of:

5 (a) An internal report, document or memorandum that is
6 prepared by or on behalf of the defendant or the defendant's
7 attorney in connection with the investigation or defense of the
8 case.

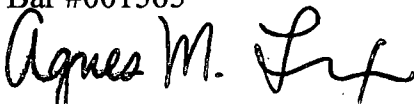
9 (b) A statement, report, book, paper, document, tangible
10 object or any other type of item or information that is privileged
11 or protected from disclosure or inspection pursuant to the
12 Constitution or laws of this state or the Constitution of the United
13 States.

14 In the instant case, the State requests reciprocal discovery from Defendant as set forth
15 in NRS 174.245. The State requested reciprocal discovery via email on July 6, 2017, as
16 triggered by Defendant's filing of his Notice of Expert Witnesses, endorsing Jeff Fischbach.
17 To date, Defendant has not provided the State with any discovery, let alone any discovery
18 pertaining to any testimony provided by Jeff Fischbach. Consequently, the State asks this court
19 to compel Defendant to provide reciprocal discovery.

20 DATED this 18th day of July, 2017.

21 STEVEN B. WOLFSON
22 Clark County District Attorney
23 Nevada Bar #001565

24 BY



25 AGNES M. LEXIS
26 Chief Deputy District Attorney
27 Nevada Bar #011064
28

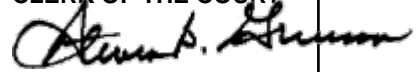
1 CERTIFICATE OF ELECTRONIC TRANSMISSION

2 I hereby certify that service of the above and foregoing was made this 17th day of July,
3 2017, by electronic transmission to:

4 TEGAN MACHNICH
5 tegan.machnich@clarkcountynv.gov

6 BY Ed Del Padre
7 ESTEE DEL PADRE
8 Secretary for the District Attorney's Office

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NEVADA BAR NO. 11642
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309 South Third Street, Suite 226
Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Facsimile: (702) 455-5112
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C-16-316081-1
)	
v.	)	DEPT. NO. III
)	
KEANDRE VALENTINE,)	
)	
Defendant,)	
)	

**DEFENDANT'S NOTICE OF NON-OPPOSITION TO STATE'S MOTION TO
COMPEL RECIPROCAL DISCOVERY**

TO: CLARK COUNTY DISTRICT ATTORNEY:

You, and each of you, will please take notice that the Defendant, KEANDRE VALENTINE, has no opposition to the State's Motion to Compel Reciprocal Discovery. Mr. Valentine acknowledges his reciprocal discovery requirements pursuant to NRS 174.245 and is in compliance therewith.

DATED this 17th day of July, 2017.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Tegan C. Machnich
TEGAN C. MACHNICH, #11642
Chief Deputy Public Defender

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the above and forgoing NOTICE was served via electronic e-filing to the Clark County District Attorney's Office at motions@clarkcountyda.com on this ____ day of July, 2017.

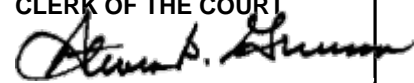
By: /s/Annie McMahan

An employee of the
Clark County Public Defender's Office

Case Name: Keandre Valentine

Case No.: C-16-316081-1

Dept. No.: District Court, Department III



MOT
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
AGNES M. LEXIS
Chief Deputy District Attorney
Nevada Bar #011064
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

KEANDRE VALENTINE,
#5090875

Defendant.

CASE NO: C-16-316081-1

DEPT NO: III

NOTICE OF MOTION AND MOTION TO STRIKE ALIBI NOTICE

DATE OF HEARING: 8/3/2017
TIME OF HEARING: 9:00 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through AGNES M. LEXIS, Chief Deputy District Attorney, and files this Notice Of Motion And Motion To Strike Alibi Notice.

This Motion is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

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DATED this 18th day of July, 2017.

BY

PROCEDURAL HISTORY

In the weeks following, the State continuously provided discovery to defense counsel in anticipation of the September 2016 trial date.

On August 9, 2016, the State conveyed an offer to resolve the case. Defendant presented a counter-offer, which the State rejected.

On August 19, 2016, Defendant filed a Motion for Discovery. The State filed a written response. The Motion for Discovery was set for argument on September 1, 2016, the same day as calendar call.

On September 1, 2016, Defendant made an oral motion to continue the trial. The State objected and announced ready. Defendant waived his right to a speedy trial. The court vacated the trial date, noting that it was the first trial setting. Trial was reset for February 21, 2017. The court also granted Defendant's Motion for Discovery pursuant to statute and Brady.

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10 defense counsel complete a file review. The State also advised defense counsel that it would
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2 the proffered expert testimony of Jeff Fischbach. To date, defense counsels have not provided
3 the requested discovery. As such, the State is unsure as to the nature and content of his
4 testimony.

5 On July 7, 2017, the State filed a Motion to Exclude the Identification Expert, Daniel
6 Reisberg. To date, the State's Motion remains unopposed.

7 On July 14, 2017, Defendant filed a Supplemental Notice of Expert Witnesses,
8 endorsing three (3) additional identification experts: Steven Smith, Elizabeth Loftus and
9 Deborah Davis. On July 17, 2017, the State filed a Motion to Strike the Supplemental Notice
10 of Expert Witnesses.

11 On July 14, 2017, Defendant filed a Notice of Alibi Witness. The State's Motion to
12 Strike the Alibi Witness follows.

13 POINTS AND AUTHORITIES

14 NRS 174.233(1) states the following:

15
16 In addition to the written notice required by NRS 174.234, a defendant in a
17 criminal case who intends to offer evidence of an alibi in his or her defense shall,
18 **not less than 10 days before trial** or at such other time as the court may direct,
19 file and serve upon the prosecuting attorney a written notice of the defendant's
20 intention to claim the alibi. The notice must contain specific information as to
21 the place at which the defendant claims to have been at the time of the alleged
22 offense and, as particularly as are known to defendant or the defendant's
23 attorney, the names and last known addresses of the witnesses by whom the
24 defendant proposes to establish the alibi.

25 EDCR 1.14 states that "when the period of time prescribed or allowed is less than 11
26 days, immediate Saturdays, Sundays, and non-judicial days must be excluded in the
27 computation."

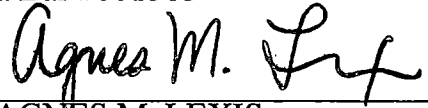
28 In this case, Defendant filed Notice of Alibi Witness on July 14, a mere five (5) judicial
days before trial. Thus, his Notice of Alibi Witness is extremely untimely. Also, this case is
over a year old and this is the third trial setting so a continuance is not an appropriate remedy
and there is absolutely no good cause to warrant the late filing. Furthermore, Defendant's

1 Notice is inadequate, as it does not contain the specific information required by the statute.
2 Here, Defendant's notice simply states, "[A]nticipated that he will testify that Valentine was
3 in Oakland, California." Consequently, Defendant's Notice of Alibi Witness should be
4 stricken and Davion Smith must not be allowed to testify at trial.

5 DATED this 18th day of July, 2017.

6 STEVEN B. WOLFSON
7 Clark County District Attorney
8 Nevada Bar #001565

9 BY



10 AGNES M. LEXIS
11 Chief Deputy District Attorney
12 Nevada Bar #011064

13 CERTIFICATE OF ELECTRONIC TRANSMISSION

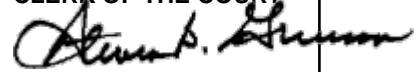
14 I hereby certify that service of the above and foregoing was made this 17th day of July,
15 2017, by electronic transmission to:

16 TEGAN MACHNICH
17 tegan.machnich@clarkcountynv.gov

18 BY


19 ESTEE DEL PADRE
20 Secretary for the District Attorney's Office
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PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
TEGAN C. MACHNICH, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 11642
PUBLIC DEFENDERS OFFICE
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Facsimile: (702) 455-5112
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C-16-316081-1
)	
v.	)	DEPT. NO. III
)	
KEANDRE VALENTINE,)	
)	
Defendant,)	
_____)	

OPPOSITION TO STATE'S MOTION TO STRIKE ALIBI NOTICE

COMES NOW, the Defendant, KEANDRE VALENTINE, by and through
TEGAN C. MACHNICH, Deputy Public Defender and hereby requests the Court deny the
State's Motion to Strike Alibi Notice filed on July 17, 2017.

This Motion is made and based upon all the papers and pleadings on file herein,
the attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

DATED this 18th day of July, 2017.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Tegan Machnich
TEGAN C. MACHNICH, #11642
Deputy Public Defender

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1. I am an attorney duly licensed to practice law in the State of Nevada; I am a Deputy Public Defender for the Clark County Public Defender's Office appointed to represent Defendant Keandre Valentine in the present matter;

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

/s/ Tegan Machnich
TEGAN C. MACHNICH

POINTS AND AUTHORITIES

On July 14, 2017, Defendant Valentine filed his Notice of Alibi Witness naming Davion Smith, including his address (as required by statute). As stated therein, it is anticipated that Mr. Smith will testify that “Mr. Valentine was in Oakland, California” during one or more of the charged offenses. Given the timing in this case, it is clear which offense this alibi covers, but if the State requires more specificity, it covers the offense dated May 26, 2016 (Counts 1 & 2).

First, the State contends that Defendant did not give adequate notice of Mr. Valentine’s location – given that this offense occurred in Las Vegas, specifying a different state entirely clearly satisfies the requirement. This is not a case of “he was across town.” Calculating drive-time to the minute is unnecessary. The State has offered no authority in support of its assertion that a different city and state is not specific enough for purposes of the statute. Thus the alibi witness should not be struck under these grounds.

Second, the State contends that Defendant did not file notice in a timely manner. NRS 174.234 specifically requires “not less than 10 days before trial.” The statutory requirement has thus been met by the July 14, 2017 filing. Further, NRS 178.472 specifically addresses the issue of timing:

Computation. In computing any period of time the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a nonjudicial day, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a nonjudicial day. When a period of time prescribed or allowed is **less than 7 days**, intermediate Saturdays, Sundays and nonjudicial days shall be excluded in the computation.

(emphasis added). The time period at issue presently is ten (10) days before trial – which is longer in duration than seven (7) days. Thus, pursuant to the timing proscribed by the Nevada Revised Statutes, the Alibi Notice was timely filed. To the extent that the Nevada Revised Statutes and local rules contradict each other, it is Defendant’s position that the Nevada Revised Statutes should control.

Additionally, even if this Court finds that the Alibi Notice was filed four (4) judicial days after the ten (10) day deadline (utilizing the local rules instead of the statutory requirements), the

1 Nevada Supreme Court has considered the issue in *Founts v. State*, 87 Nev. 165 (1971) and
2 found for the defense. In *Founts*, the Court specifically held that the district court's application
3 of strict compliance to the statutory requirement was improper. See *Id.* at 169-70. The Nevada
4 Supreme Court points out that notice is required to prevent the "'popping up' of alibi witnesses
5 at the eleventh hour when the prosecution will be unable to investigate the veracity of the alibi
6 testimony." *Id.* at 169. The district court should exercise its discretion to allow alibi testimony
7 where the defense shows good cause. *Id.* Factors in deciding "good cause" include "[w]hether
8 the testimony is sought to be introduced at such a late time in the course of the trial that even an
9 adjournment for investigation would not cure the prejudice to the state" and "whether the alibi
10 had such substance as to have probative value to the defense". See *Id.* In *Foust*, the Court
11 ultimately reversed the conviction.

12 In this case, the State has plenty of time to investigate. Notice was filed ten (10) days
13 prior to trial. Mr. Smith's address was included therein. Immediately upon request, despite it
14 not being required by law, defense counsel provided the telephone number of Mr. Smith to the
15 State by email. The defense does not anticipate, at this time, any physical evidence being
16 introduced in favor of the proffered alibi. Finally, this is largely an identification case. As such,
17 the testimony of a witness placing Mr. Valentine in another state at the time of the first robbery
18 is extremely probative. It should be left up to the province of the jury as to whether they believe
19 Mr. Smith.

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1 In the alternative, if the Court deems it appropriate to strike Defendant's notice in favor
2 of the State needing additional time to investigate, Mr. Valentine requests a continuance to
3 satisfy the State's request.

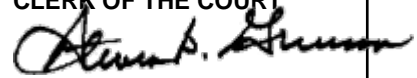
4
5 DATED this 18th day of July, 2017.

6 PHILIP J. KOHN
7 CLARK COUNTY PUBLIC DEFENDER

8
9 By: /s/ Tegan Machnich
10 TEGAN C. MACHNICH, #11642
11 Deputy Public Defender
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By: /s/ Erin Prisbrey
An employee of the
Clark County Public Defender's Office



NWEW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
AGNES M. LEXIS
Chief Deputy District Attorney
Nevada Bar #011064
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

KEANDRE VALENTINE,
#5090875
Defendant.

CASE NO: C-16-316081-1

DEPT NO: ~~III~~ Department 2

NOTICE OF REBUTTAL ALIBI WITNESSES
[NRS 174.234]

TO: KEANDRE VALENTINE, Defendant; and

TO: PUBLIC DEFENDER'S OFFICE, Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF NEVADA intends to call the following witnesses and/or expert witnesses in its case in chief.

These witnesses are in addition to those witnesses endorsed on the Information or Indictment and any other witness for which a separate Notice of Witnesses and/or Expert Witnesses has been filed.

The substance of each expert witness' testimony and copy of all reports made by or at the direction of the expert witness has been provided in discovery.

A copy of each expert witness' curriculum vitae, if available, is attached hereto.

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1 CUSTODIAN OF RECORDS – CCDC COMMUNICATIONS

2 CUSTODIAN OF RECORDS – DOWNTOWN GRAND, 206 N. THIRD STREET, LV NV

3 CUSTODIAN OF RECORDS – GANG INTEL

4 CUSTODIAN OF RECORDS – MAZDA

5 MAJORS, WILLIAM, LVMPD #7089

6 STEVEN B. WOLFSON
7 Clark County District Attorney
8 Nevada Bar #001565

9 BY /s//AGNES M. LEXIS
10 AGNES M. LEXIS
11 Chief Deputy District Attorney
12 Nevada Bar #011064

13 **CERTIFICATE OF ELECTRONIC FILING**

14 I hereby certify that service of State's Notice was made this 24th day of July, 2017, by
15 Electronic Filing to:

16 PUBLIC DEFENDER'S OFFICE
17 E-mail Address: pdclerk@ClarkCountyNV.gov

18 E. DEL PADRE
19 Secretary for the District Attorney's Office

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JUL 25 2017

JURL

DISTRICT COURT

BY Natalie Ortega
NATALIE ORTEGA, DEPUTY

CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff(s),

CASE NO. C316081

DEPT. NO. II

-vs-

KEANDRE VALENTINE

Defendant(s).

JURY

- | | |
|-----------------------|--------------------------|
| 1. STEVE WINTERBOURNE | 8. NEKEISHA WARD |
| 2. MIRNA HERMOSILLO | 9. CHRISTOPHER ARMANIOUS |
| 3. COREY LEE | 10. BENJAMIN MULSTEIN |
| 4. KAREN SMALLWOOD | 11. ELLEN MCGARITY |
| 5. THOMAS VANDENBOOM | 12. CYNTHIA JONES |
| 6. LOUIS GRUSINSKI | 13. SHAWN MAUER |
| 7. KELLY DAY | 14. TIMOTHY DUERSON |

ALTERNATES

Secret from above

C-16-316081-1
JURL
Jury List
4671887



JUL 28 2017

BY, Natalie Ortega
NATALIE ORTEGA, DEPUTY

JURL

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff(s),

CASE NO. C316081

DEPT. NO. II

-vs-

KEANDRE VALENTINE

Defendant(s).

Amended JURY

1. STEVE WINTERBOURNE

8. NEKEISHA WARD

2.

9. CHRISTOPHER ARMANIOUS

3. COREY LEE

10. BENJAMIN MULSTEIN

4. KAREN SMALLWOOD

11. ELLEN MCGARITY

5. THOMAS VANDENBOOM

12. CYNTHIA JONES

6. LOUIS GRUSINSKI

13. SHAWN MAUER

7. KELLY DAY

14. TIMOTHY DUERSON

ALTERNATES

Secret from above

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KEANDRE VALENTINE,) No. 74468
)
 Appellant,)
)
 vi.)
)
 THE STATE OF NEVADA,)
)
 Respondent.)
 _____)

PHILIP J. KOHN Clark County Public Defender 309 South Third Street Las Vegas, Nevada 89155-2610 Attorney for Appellant	STEVE WOLFSON Clark County District Attorney 200 Lewis Avenue, 3 rd Floor Las Vegas, Nevada 89155 ADAM LAXALT Attorney General 100 North Carson Street Carson City, Nevada 89701-4717 (702) 687-3538 Counsel for Respondent
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I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 2 day of August, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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