

# LINDA J. DEMAINE, J.D., PH.D.

*Arizona State University Sandra Day O'Connor College of Law  
P.O Box 877906 ▪ Tempe, AZ 85287 ▪ (480) 727-8571 ▪ linda.demaine@asu.edu*

## PRIMARY RESEARCH AND TEACHING INTERESTS

- ◆ Empirical analysis of law, legal procedure, and legal decision making
- ◆ Application of psychological and legal perspectives to social issues
- ◆ Ethical, legal and social issues deriving from advances in technology
- ◆ Information campaigns and persuasion

## EDUCATION

ARIZONA STATE UNIVERSITY, *Ph.D., Social Psychology, 1999*

Emphasis: Persuasion and Social Influence

Mentor: Dr. Robert B. Cialdini

National Science Foundation Graduate Fellow

Arizona Regents Graduate Academic Scholar

UNIVERSITY OF ARIZONA COLLEGE OF LAW, *J.D., 1993*

Articles Editor, *Arizona Law Review*

Dean's List five of six semesters

ARIZONA STATE UNIVERSITY, *B.A. summa cum laude, Psychology, 1990*

Phi Beta Kappa Honor Society

Phi Kappa Phi Honor Society

Psi Chi Psychology Honor Society

Arizona Regents Undergraduate Academic Scholar

## PROFESSIONAL EXPERIENCE

ARIZONA STATE UNIVERSITY COLLEGE OF LAW

*Professor of Law, 2008 - present*

*Associate Professor of Law, 2004 - 2008*

*Affiliate Professor of Psychology, 2004 - present*

*Founder and Director, Law and Psychology Graduate Program, 2005 - present*

Courses Taught: Torts, Cults and Alternative Religions, Law and Psychology: Theory and Methodology, Mental Health Law, Law and Psychology of Advertising

ARIZONA STATE UNIVERSITY

*Leadership Fellows Program, Spring and Fall 2011*

UNIVERSITAT DE BARCELONA FACULTY OF LAW/UNIVERSITAT AUTÒNOMA DE BARCELONA  
FACULTY OF LAW

*Visiting Scholar, Sept. 2010*

UNIVERSITY OF HAWAI'I SCHOOL OF LAW

*Visiting Scholar, June - Aug. 2006 and July 2008*

AMERICAN PSYCHOLOGICAL ASSOCIATION SCIENCE POLICY FELLOWSHIP, WASHINGTON, DC

*Fellow, Sept. 2003 - Aug. 2004, Central Intelligence Agency, Behavioral Sciences Unit*  
Researched and advised the Agency on cross-cultural social influence, the formation and change of fundamental beliefs and attitudes, and the psychology of self-sacrifice; reviewed research proposals and commented on current projects.

AMERICAN PSYCHOLOGICAL ASSOCIATION CONGRESSIONAL FELLOWSHIP, WASHINGTON, DC

*Fellow, Sept. 2002 - Aug. 2003, Senate Judiciary Committee*  
Advised on legislation relating to unsolicited bulk email, toxic torts, and other issues; conducted FBI and DOJ oversight; performed background investigations on judicial nominees.

RAND, SANTA MONICA, CA

*Associate Policy Analyst, Jan. 2000 - Sept. 2002, Consultant, Sept. 2002 - Aug. 2004*

Led and participated in research projects on a variety of issues, including the following:

- ◆ The issuance of patents on genes and other slightly modified products of nature
- ◆ Science-based substance abuse prevention in elementary and secondary schools
- ◆ Binding arbitration clauses in consumer contracts
- ◆ The law and psychology of deception in defense of national computer systems
- ◆ The use of the military for domestic civil law enforcement (Posse Comitatus Act)
- ◆ International reproductive rights and national population policies and laws

*Summer Associate, May - Aug. 1997*

*Health Program*

Designed experiments to test the impact of improved data on consumers' choice of health care plan; examined legal, political, ethical, and technical concerns associated with providing decision support to individuals selecting a health plan.

*Summer Associate, May - Aug. 1996*

*Institute for Civil Justice*

Investigated the legal and psychological aspects of internal grievance procedures available to members of California's largest HMOs.

ARIZONA STATE UNIVERSITY, DEPARTMENT OF PSYCHOLOGY

*Teaching Assistant, Social Psychology, Jan. - July 1995*

*Laboratory Instructor, Research Methods, Aug. - Dec. 1994*

**PUBLICATIONS**

*Realizing the Potential of Instructions to Disregard* (forthcoming chapter in MacArthur Foundation Neuroscience and Law book on memory and the law to be published by Oxford University Press)

*Navigating Policy by the Stars: The Influence of Celebrity Entertainers on Federal Lawmaking*, 25 J. L. & POL. 83 (2009)

*In Search of an Anti-Elephant: Confronting the Human Inability to Forget Inadmissible Evidence*, 16 GEORGE MASON L. REV. 99 (2008)

*“Playing Doctor” with the Patient’s Spouse: Alternative Conceptions of Health Professional Liability*, 14 VA. J. SOC. POL’Y & L. 308 (2007)

THE CIVIL-MILITARY GAP IN THE UNITED STATES (RAND 2007) (with Thomas S. Szayna, Kevin F. McCarthy, Jerry M. Sollinger, Jefferson P. Marquis & Brett Steele)

*Process Dangers of Military Involvement in Civil Law Enforcement: Rectifying the Posse Comitatus Act*, 9 NYU J. LEGIS. & PUB. POL’Y 167 (2006) (with Brian Rosen)

*Managing Social Norms for Persuasive Impact*, 1 SOC. INFLUENCE 3 (2006) (with Robert Cialdini, Brad Sagarin, Daniel Barrett, Kelton Rhoads & Patricia Winter)

*“Volunteering” to Arbitrate Through Pre-Dispute Arbitration Clauses: The Average Consumer’s Experience*, 67 DUKE J.L. & CONTEMP. PROBS. 55 (2004) (with Deborah Hensler)

*Natural Substances and Patentable Inventions*, 300 SCIENCE 1375 (2003) (with Aaron X. Fellmeth)

*Reinventing the Double Helix: A Novel and Nonobvious Reconceptualization of the Biotechnology Patent*, 55 STANFORD L. REV. 303 (2002) (with Aaron X. Fellmeth)

*When Saying Yes Leads to Saying No: Preference for Consistency and the Reverse Foot-in-the-Door Effect*, 27 PERSONALITY & SOC. PSYCHOL. BULL. 859 (2001) (with Rosanna E. Guadagno, Terrilee Asher & Robert Cialdini)

## **WORKS IN PROGRESS**

*The Poison Parasite Defense: Instilling Persistent Resistance to Persuasion* (invited resubmission to J. PERSONALITY & SOC. PSYCHOL.) (with Robert Cialdini, Daniel Barrett, Brad Sagarin & Petia Petrova)

*Seeing is Deceiving: The Tacit Deregulation of Deceptive Advertising Law*

*A Modern Theory of Deceptive Advertising*

*The Legal Regulation of Persuasion* (with Robert Cialdini)

## **EDITORIAL ACTIVITIES**

Founding Editor, NYU PRESS PSYCHOLOGY OF LAW BOOK SERIES

## **PRESENTATIONS**

*Government Regulation of Persuasion in the United States: Implications for Legal Claims Resulting from Cultic Persuasion*, International Cultic Studies Association Annual Convention, Montreal, Canada (July 2012)

*Seeing is Deceiving: The Tacit Deregulation of Deceptive Advertising Law*, Law and Society Association Annual Meeting, Oahu, HI (May 2012)

*Celebrity Entertainers and American Federal Lawmaking*, ATINER 8<sup>th</sup> Annual International Conference on Law, Athens, Greece (July 2011)

*Realizing the Potential of Instructions to Disregard*, panel on juries, Law and Society Association Annual Meeting, San Francisco, CA (June 2011)

*Deceptive Imagery in Advertising*, Chair of panel on the First Amendment, Law and Society Association Annual Meeting, Chicago, IL (May 2010)

Law and Memory Workshop. MacArthur Program in Neuroscience and the Law-University of Arizona Mind, Brain and Society Program, Tucson, AZ (Jan. 2010)

*Celebrity Entertainers as Societal Power Equalizers*, Law and Society Association Annual Meeting, Denver, CO (May 2009)

*Crafting Effective Instructions to Disregard*, Pima County Public Defender Office, Tucson, AZ (May 2009)

*Science-Based Persuasion for Leaders in Education*, American Psychological Association Education Leadership Conference, Washington, DC (Sept. 2008)

Discussant of Feldman, Y. & Tyler, T., *Mandated Justice: The Potential Promise and Possible Pitfalls of Mandating Procedural Justice*. Third Annual Conference on Empirical Legal Studies, Cornell Law School, Ithaca, NY (Sept. 2008)

Law and Psychology Workshop. Washington University School of Law, St. Louis, MO (Apr. 2008)

*The Role of Physician Characteristics in the Medical Care Informed Consent Doctrine*. American Psychology-Law Society Conference, Jacksonville, FL (Mar. 2008)

*Inadmissible Evidence and Instructions to Disregard*. Council of 100, Arizona State University College of Law (Feb. 2008)

*Adventures in Advocacy: Training the Civic Scientist*. American Psychological Association Science Directorate and Board of Scientific Affairs Science Leadership Conference, Washington, DC (Oct. 2007)

- Psychology's Role in Educating Other Professions.* American Psychological Association Education Leadership Conference, Washington, DC (Sept. 2007)
- Law and Policy of Cults and Alternative Religions.* Panel Chair, International Cultic Studies Association Annual Convention, Brussels, Belgium (June 2007)
- Storytelling as an Instructional Method: In Search of Theoretical and Empirical Foundations.* Workshop Participant, Air Force Research Laboratory, Mesa, AZ (Nov. 2006)
- Pride or Prejudice: Indian Mascots and Imagery in the United States.* Panel Moderator, Arizona State University Sandra Day O'Connor College of Law (Oct. 2006)
- Abnormal Brains and Criminal Responsibility: Implications of Neuroscience for Criminal Culpability and Sentencing.* Panel Moderator, Arizona State University College of Law (Apr. 2005)
- Commentator on Dann, B. M., Hans, V. P., & Kaye, D. H.'s: *Testing the Effects of Selected Jury Trial Innovations on Juror Comprehension of Contested mtDNA Evidence.* Sixth International Conference on Forensic Statistics, Arizona State University College of Law (Mar. 2005)
- Psychology at the CIA.* American Psychological Association Annual Convention, Honolulu, Hawai'i (Aug. 2004)
- Increasing Psychologists' Influence on Congressional Decision Making.* American Psychological Association Annual Convention, Toronto, Ontario, Canada (Aug. 2003)
- Reinventing the Double Helix: A Novel and Nonobvious Reconceptualization of the Biotechnology Patent.* Next Generation of Leaders in Science and Technology Policy Symposium, Washington, DC (Nov. 2002) (with Aaron X. Fellmeth)
- Only Another Forum?: Substituting Arbitration for the Courthouse in Consumer Disputes.* Coming Crisis in Mandatory Arbitration: New Perspectives and Possibilities Symposium, Duke Law School (Oct. 2002)
- The Psychology of Jury Decision-Making: Research on Punitive Damages.* Institute for Civil Justice Insurance Advisory Council, RAND, Santa Monica, CA (Aug. 2000)
- The U.S. Substance Abuse Prevention Environment: An Analysis of the Mechanisms and Drivers for Drug Prevention Funding and Decision Making.* BEST Foundation; Conrad N. Hilton Foundation. Los Angeles, CA (May 2000) (with Robin Meili & Phyllis Ellickson)
- Counteradvertising as a Form of Prevention Intervention.* Arizona State University Prevention and Intervention Research Center (Sept. 1999) (with Robert Cialdini & Daniel Barrett)

*“The Virus Thus Implanted in the Minds of the Jury is not so Easily Extracted”*: *Inadmissible Evidence and the Traditional Instruction to Disregard*. RAND, Santa Monica, CA (May 1999)

*Consumer Decision Making and Computerized Decision Support in the Context of Health Plan Selection*. RAND, Santa Monica, CA (Aug. 1997)

*Member Grievance Procedures in California's Largest Health Maintenance Organizations*. RAND, Santa Monica, CA (Aug. 1996)

## **NATIONAL AND LOCAL COMMITTEES**

- ◆ American Psychological Association Working Group on Restrictions Affecting Diversity Training in Graduate Education, 2011 - present
- ◆ Department of Justice, Federal Bureau of Investigation, High-Value Detainee Interrogation Group Research Committee, 2010 - present
- ◆ Judicial College of Arizona, Member, 2010 - 2012

## **UNIVERSITY SERVICE**

- ◆ ASU Tenure and Promotion Committee, Member, 2012 - 2014
- ◆ ASU Leadership Development Initiative, Participant, 2009 - 2010
- ◆ ASU President's Academic Council, Member, 2009 - 2012
- ◆ ASU Law and Psychology Graduate Program, Founder and Director, 2005 - present
- ◆ ASU College of Law, Curriculum Committee, Chair, 2008 - 2009
- ◆ ASU College of Law Student Externship Program, Student Supervisor, 2005 - 2009
- ◆ ASU College of Law Ad Hoc Committee on Academic Excellence, Member, 2006 - 2007
- ◆ ASU College of Law, Appointments Committee, Member, 2005 - 2007
- ◆ ASU Graduate Council, College of Law Delegate, 2004 - 2006
- ◆ ASU College of Law, Admissions Committee, Member, 2004 - 2005

## **PROFESSIONAL AFFILIATIONS**

- ◆ American Psychological Association
- ◆ American Psychological Society
- ◆ American Bar Association
- ◆ Society for Empirical Legal Studies
- ◆ Arizona Bar, Admitted Oct. 1993, No. 015027

## **MISCELLANEOUS**

U.S. Government, Top Secret Clearance, Aug. 2004 - 2009