

Kevin M. O'Neil, J.D., Ph.D.

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Academic Positions

Assistant Professor, Florida Gulf Coast University, August 2008 to present
Assistant Professor, Florida International University, August 2003 to July 2008
Post-doctoral research assistant, John Jay College of Criminal Justice, 2002-2003

Education

Ph.D. (Psychology-Social/Personality), University of Nebraska-Lincoln, May, 2002
Dissertation co-chairs: Steven D. Penrod, J.D., Ph.D.; Brian Bornstein, Ph.D.
Dissertation Title: Web-based Experimental Research in Psychology and Law: Methodological Variables that May Affect Dropout Rates, Sample Characteristics, and Verdicts
J.D., with high distinction, University of Nebraska-Lincoln, 2001
M.A. (Psychology), University of Nebraska-Lincoln, December, 2000
B.A. (Psychology and Spanish), magna cum laude, Dartmouth College, 1997

Publications (student authors in bold)

- O'Neil, K. M. (2008). Aggravating and Mitigating Circumstances in Capital Trials, Effects on Jurors. In B. Cutler (Ed.), *Encyclopedia of Psychology and Law*. Sage Publications: Thousand Oaks, CA.
- Reardon, M. C.**, & O'Neil, K. M. (2008). CSI effect. In B. Cutler (Ed.), *Encyclopedia of Psychology and Law*. Sage Publications: Thousand Oaks, CA.
- Reardon, M. C.**, O'Neil, K. M., & **Levett, L.** (2007). Deciding mental retardation and mental illness in capital cases: The effects of procedure, evidence, and attitudes. *Psychology, Crime and Law*, 13, 537-557.
- Faimon, B., O'Neil, K. M., & Bornstein, B. H. (2005). Recovered memory at trial: Effects of abuse type and manner of recovery. In F. Columbus (Ed.), *Progress in Sociology Research*. Nova Science Publishers.
- O'Neil, K. M., Patry, M. W., & Penrod, S. D. (2004). Exploring the effects of attitudes toward the death penalty on capital sentencing verdicts. *Psychology, Public Policy, & Law*, 10, 443-470.
- O'Neil, K. M., Penrod, S. D., & Bornstein, B. H. (2003). Web-based research: Methodological variables' effects on dropout and sample characteristics. *Behavior Research Methods, Instruments, & Computers*, 35, 217-226.
- Groscup, J., Penrod, S., Huss, M., Studebaker, C., & O'Neil, K. (2002). The effects of *Daubert* on the admissibility of expert testimony in state and federal criminal cases. *Psychology, Public Policy, & Law*, 8, 339-372.
- O'Neil, K. M., & Penrod, S. D. (2001). Methodological variables in Web-based research that may affect results: Sample type, monetary incentives, and personal information. *Behavior Research Methods, Instruments, & Computers*, 33, 226-233.

O'Neil, K. M. (no date). A guide to running surveys and studies on the World-Wide Web. WWW document. [Available: <http://psychlaw.fiu.edu//guide/guide.asp>].

Manuscripts in preparation and other active projects (graduate student authors in bold)

O'Neil, K., **Reardon, M., & York, R.** (2010). The CSI Effect: Research on whether television affects jurors. *Manuscript in preparation.*

Manuscripts in preparation and other active projects (undergraduate student authors underlined)

Brannon, T. M., Marcus, H., & O'Neil, K. *African American interdependence and biculturalism.*

Papers and Posters Presented (student authors in bold; undergraduate students underlined)

O'Neil, K. M. (2009, March). Deictic words and jurors' perspective taking in a self-defense case. Paper presented at the American Psychology-Law Society 2009 Conference, San Antonio, TX.

Villalba, D., Evans, J., Schriber Compo, N., & O'Neil, K. M. (2009, March). Jurors' perceptions of mental illness and its treatability in capital sentencing decisions. Poster presented at the American Psychology-Law Society 2009 Conference, San Antonio, TX.

Reardon, M., & O'Neil, K. M. (2008, March). The "CSI Effect:" Individual differences. Paper presented at the American Psychology-Law Society 2008 Conference, Jacksonville, FL.

York, R., O'Neil, K. M., Winter, R., Charman, S., & Waterhouse, C. (2008, March). Clarifying the relationship between counterfactual thinking and hindsight bias in the context of civil legal decision-making. Paper presented at the American Psychology-Law Society 2008 Conference, Jacksonville, FL.

Evans, J., Schreiber, N., & O'Neil, K. M. (2008, March). Mock jurors' evaluations of victim fault across different crimes and intoxication levels. Paper presented at the American Psychology-Law Society 2008 Conference, Jacksonville, FL.

Perez, V., & O'Neil, K. M. (2008, March). Effects of parole instructions on jurors' non-capital sentence recommendations. Poster presented at the American Psychology-Law Society 2008 Conference, Jacksonville, FL.

O'Neil, K. M. (2006, June). New research on pre-trial publicity: Improving change of venue motions and jury selection. Presentation at American Society of Trial Consultants Annual Conference, Austin, TX.

Brannon, T. N., & O'Neil, K. M. (2006, April). Investigating a Black and White racial dichotomy in death penalty decisions using a Hispanic sample. Presented at National Council on Undergraduate Research (NCUR), Asheville, NC.

O'Neil, K. M., **Danielsen, E., Calia, T., Reardon, M., Lawson, K., York, R., Evans, J., Perez, V., & Penrod, S. D.** (2006, March). Jurors and products liability: How deliberations change jurors' focus. Paper presented at the American Psychology-Law Society 2006 Conference, St. Petersburg, FL.

- O'Neil, K. M., & **Marcon, J.** (2006, March). Implications of *Blakely* and *Booker*: How knowledge of mandatory minimums and sentencing. Paper presented at the American Psychology-Law Society 2006 Conference, St. Petersburg, FL.
- Danielsen, E.,** & O'Neil, K. M. (2006, March). Predicting jurors' decisions: The role of repeated attitudinal expression during civil voir dire. Paper presented at the American Psychology-Law Society 2006 Conference, St. Petersburg, FL.
- Evans, J.,** & O'Neil, K. M. (2006, March). Jurors' evaluations of mitigating evidence of mental illness or impairment. Paper presented at the American Psychology-Law Society 2006 Conference, St. Petersburg, FL.
- Hyman, A.,** Winter, R., & O'Neil, K. (2006, March). Mental vs. physical pain: Itemizing the elements of non-economic damages. Paper presented at the American Psychology-Law Society 2006 Conference, St. Petersburg, FL.
- Joy, S., Perez, V.,** & O'Neil, K. M. (2006, March). The impact of task complexity on jury sentencing in noncapital felony cases. Paper presented at the American Psychology-Law Society 2006 Conference, St. Petersburg, FL.
- Lawson, K.,** & O'Neil, K. M. (2006, March). Juror assessments of jailhouse informants: the effects of incentives, prior testimony and criminal record. Paper presented at the American Psychology-Law Society 2006 Conference, St. Petersburg, FL.
- Marcon, J.,** & O'Neil, K. M. (2006, March). The impact of expert testimony, stigmatizing labels, and juror heuristics on death penalty decisions. Paper presented at the American Psychology-Law Society 2006 Conference, St. Petersburg, FL.
- Perez, V., Evans, J.,** & O'Neil, K. M. (2006, March). Future dangerousness: the impact of risk factors & the GBMI option in insanity cases. Paper presented at the American Psychology-Law Society 2006 Conference, St. Petersburg, FL.
- Reardon, M., Morales, G., Cooper, M.,** & O'Neil, K. (2006, March). Examining criminal and evidence expectancies with the use of profile evidence. Paper presented at the American Psychology-Law Society 2006 Conference, St. Petersburg, FL.
- York, R.,** Chrzanowski, L., O'Neil, K., & Penrod, S. D. (2006, March). The effects of attitudes and pretrial publicity on jurors' pretrial and post-trial perceptions of defendant guilt in the Haidl gang rape case. Paper presented at the American Psychology-Law Society 2006 Conference, St. Petersburg, FL.
- York, R., Evans, J.,** & O'Neil, K. M. (2006, March). The CSI Effect: Presentation style, evidence quality, and a possible remedy. Paper presented at the American Psychology-Law Society 2006 Conference, St. Petersburg, FL.
- Evans, J.,** O'Neil, K., & Mazzone, J. (2006, March). Downloading and sharing music via the Internet: An empirical study of factors influencing downloading behavior. Poster presented at the American Psychology-Law Society 2006 Conference, St. Petersburg, FL.
- Gilbert, J.** & O'Neil, K. M. (2006, March). Improving civil jury-decision making: Procedural and evidentiary issues. Poster presented at the American Psychology-Law Society 2006 Conference, St. Petersburg, FL.
- Brannon, T. N.,** & O'Neil, K. M. (2005, November). *African American identity through the frames of 'self' and 'other.'* Presented at FIU Student Research and Artistic Initiative Special Conference, Miami, FL.

Hord, C., & O'Neil, K. (2005, April). *Analysis of causation of deviance among collegiate athletes*. Paper presented at South Florida Psi Chi Conference, Miami, FL.

Hoyos, A., & O'Neil, K. (2005, April). *Factors that influence jurors' perception of inadmissible evidence*. Paper presented at South Florida Psi Chi Conference, Miami, FL.

Evans, J., Danielsen, E., & O'Neil, K. M. (2005, March). *The role of deadlock instructions and parole alternatives in capital trial verdicts*. Paper presented at the American Psychology-Law Society 2005 Conference, La Jolla, CA.

Gilbert, J., & O'Neil, K. M. (2005, March). *Extralegal factors and horizontal inequities in civil jury decision-making: The impact of litigant characteristics on determinations of liability and damage awards*. Paper presented at the American Psychology-Law Society 2005 Conference, La Jolla, CA.

Lawson, K., & O'Neil, K. M. (2005, March). *The effects of gender and sexual orientation on perceptions of stalking*. Paper presented at the American Psychology-Law Society 2005 Conference, La Jolla, CA.

Perez, V., & O'Neil, K. M. (2005, March). *Sentencing decisions post-Blakely: Mock jurors' risk assessments and recommendations*. Paper presented at the American Psychology-Law Society 2005 Conference, La Jolla, CA.

York, R., Evans, J., & O'Neil, K. M. (2005, March). *Gender effects and the mediating mechanism of self-referencing in trials of battered spouses*. Paper presented at the American Psychology-Law Society 2005 Conference, La Jolla, CA.

O'Neil, K. M., & Penrod, S. D. (2004, March). *Matters of money: The "costs" behind companies' and jurors' cost-benefit analyses*. Paper presented at the American Psychology-Law Society 2004 Conference, Scottsdale, AZ.

Lawson, K., Gilbert, J., & O'Neil, K. M. (2004, March). *Death penalty jury decision making: Is a link required between the mitigating evidence and the crime?* Paper presented at the American Psychology-Law Society 2004 Conference, Scottsdale, AZ.

Reardon, M., Levett, L., & O'Neil, K. M. (2004, March). *Deciding mental retardation in capital cases: The effects of procedure and evidence*. Paper presented at the American Psychology-Law Society 2004 Conference, Scottsdale, AZ.

O'Neil, K. M. (2003, July). *Exploring the effects of attitudes toward the death penalty on capital sentencing verdicts*. Part of Symposium (C. Haney, Chair) Recent developments on capital punishment: A roundtable discussion. Paper presented at the Joint American Psychology-Law Society and European Association of Psychology and Law 2003 Conference, Edinburgh, Scotland.

O'Neil, K. M., Ritter, H., Dwyer, T., & Casey, K. (2003, July). *Jurors and cost-benefit analyses: Investigating hindsight differences*. Paper presented at the Joint American Psychology-Law Society and European Association of Psychology and Law 2003 Conference, Edinburgh, Scotland.

O'Neil, K. M., & Penrod, S. D. (2002, October). *Jury research meets the World-Wide Web: Assessing the impact of research methods on substantive findings*. Paper presented at the 2002 Meeting of the Society of Experimental Social Psychology, Columbus, OH.

- O'Neil, K. M., Page, G., Penrod, S. D., & Bornstein, B. (2002, March). *Companies' risky decisions: Jurors' reactions to cost-benefit analyses*. Paper presented at the American Psychology-Law Society 2002 Biennial Conference, Austin, TX.
- O'Neil, K. M., Patry, M. W., & Penrod, S. D. (2002, March). *Beyond death-qualification: Exploring the effects of attitudes toward the death penalty on capital sentencing verdicts*. Paper presented at the American Psychology-Law Society 2002 Biennial Conference, Austin, TX.
- O'Neil, K. M. (2002, March). A brief introduction to how to conduct psychological experiments over the World-Wide Web. In K. M. O'Neil (Chair), *Perspectives on Web-based experimental research in psychology and law*. Symposium conducted at the American Psychology-Law Society 2002 Biennial Conference, Austin, TX.
- O'Neil, K. M. (2002, March). The variety of Web-based research: How methodological variables may influence results. In K. M. O'Neil (Chair), *Perspectives on Web-based experimental research in psychology and law*. Symposium conducted at the American Psychology-Law Society 2002 Biennial Conference, Austin, TX.
- Claussen-Schulz, A., Penrod, S. D., & O'Neil, K. M. (2002, March). *Evaluating juror instruction comprehension in capital cases: A meta-analytic review*. Paper presented at the American Psychology-Law Society 2002 Biennial Conference, Austin, TX.
- Groscup, J., Studebaker, C., Penrod, S., Huss, M., & O'Neil, K. (2001, October). *The science? of psychology: The effects of Daubert v. Merrell Dow Pharmaceuticals on the admissibility of psychological expert testimony*. Poster session presented at the National Conference on Science and the Law, Miami, FL.
- O'Neil, K. M. & Penrod, S. D. (2000, November). *Effects of dropout rate and efforts to reduce it in one Web-based study*. Paper presented at the 30th Annual Conference of the Society for Computers in Psychology, New Orleans, LA.
- Penrod, S. D. & O'Neil, K. M. (2000, November). *Investigating the validity of a new method for jury research: Imposing the death penalty over the World-Wide Web*. Paper presented at the 30th Annual Conference of the Society for Computers in Psychology, New Orleans, LA.
- Groscup, J. L., Huss, M. T., Studebaker, C. A., O'Neil, K. M. & Penrod, S. D. (2000, October). *The effects of Daubert v. Merrell Dow Pharmaceuticals on the admissibility of expert testimony in state and federal criminal cases*. Paper presented at the National Conference on Science and the Law, San Diego, CA.
- Penrod, S., Otto, A., O'Neil, K. M., & Patry, M. W. (2000, October). *Juror mis-comprehension of instructions. The Jury in the 21st Century*, Brooklyn Law School, Brooklyn, NY.
- Penrod, S., Patry, M. W., O'Neil, K., & Brank, E. (2000, September). *Problems with jury decisionmaking in death penalty cases*. International Society for Justice Research, Tel Aviv.
- O'Neil, K. M., Penrod, S. D. & Ray, R. (2000, March). *The validity of conducting experiments over the World-Wide Web: Experiences from psycholegal research*. Poster presented at the American Psychology-Law Society 2000 Biennial Conference, New Orleans, LA.
- Groscup, J., Studebaker, C., Huss, M., O'Neil, K. & Penrod, S. D. (2000, March) *The effects of Daubert v. Merrill Dow Pharmaceuticals on the admissibility of expert psychological and psychiatric*

- testimony*. Paper presented at the American Psychology-Law Society 2000 Biennial Conference, New Orleans, LA.
- Penrod, S., Groscup, J., Studebaker, C., Huss, M. & O'Neil, K. (2000, March). *A "scientific" analysis of the admissibility of expert testimony: Investigating the effects of Daubert v. Merrell Dow Pharmaceuticals*. Paper presented at the American Psychology-Law Society 2000 Biennial Conference, New Orleans, LA.
- Devenport, J., O'Neil, K. M., Pearce, M. & Ray, R. (2000, March). *Repressed memory evidence: The effect of case type and memory recovery technique on mock-juror verdicts*. Poster session presented at the American Psychology-Law Society 2000 Biennial Conference, New Orleans, LA.
- Pearce, M., Garbin, C., O'Neil, K. M. & Groscup, J. (2000, March). *Daubert and the reliability of law enforcement profiles*. Poster session presented at the American Psychology-Law Society 2000 Biennial Conference, New Orleans, LA.
- O'Neil, K. M., Claussen-Schulz, A. & Patry, M. W. (1999, November). *Doing more than just a survey: Procedures for between-groups experimental studies on the World-Wide Web*. Paper presented at the 29th Annual Meeting of the Society for Computers in Psychology, Los Angeles, CA.
- O'Neil, K. M., Patry, M. W., & Penrod, S. (1999, July). *Death penalty attitudes and capital sentencing: Scale construction and jury decision-making*. Paper presented at the Joint American Psychology-Law Society and European Association of Psychology and Law 1999 Conference, Dublin, Ireland.
- Claussen-Schultz, A., Brank, E., O'Neil, K., Patry, M. W., & Penrod, S. D. (1999, July) *Death penalty decisionmaking: Improving juror comprehension and use of death penalty instructions*. Paper presented at the Joint American Psychology-Law Society and European Association of Psychology and Law 1999 Conference, Dublin, Ireland.
- Groscup, J., Studebaker, C., O'Neil, K., Huss, M. & Penrod, S. D. (1999, July). *A "scientific" case examination of the admissibility of scientific expert testimony under Daubert v. Merrell Dow Pharmaceuticals*. Paper presented at the Joint American Psychology-Law Society and European Association of Psychology and Law 1999 Conference, Dublin, Ireland.
- Patry, M. W., O'Neil, K. M., Penrod, S. D. (1999, July). *Death penalty decisionmaking: Assessing the impact of aggravators, mitigators and attitudes*. Paper presented at the Joint American Psychology-Law Society and European Association of Psychology and Law 1999 Conference, Dublin, Ireland.
- O'Neil, K. M., Patry, M. W., & Penrod, S. D. (1999, July). *Death penalty decision making: Harmless error and perceptions of the possibility of parole in capital sentencing*. Poster session presented at the Joint American Psychology-Law Society and European Association of Psychology and Law 1999 Conference, Dublin, Ireland.
- Devenport, J, O'Neil, K. , Pearce, M., & Ray, R. (1999, July). *Lay perceptions of memory, repression and the recovery of repressed memories*. Poster session presented at the Joint American Psychology-Law Society and European Association of Psychology and Law 1999 Conference, Dublin, Ireland.

Patry, M. W., O'Neil, K. M., & Penrod, S. D. (1999, July). *Death penalty decision making: Mental illness as a (non) mitigator*. Poster session presented at the Joint American Psychology-Law Society and European Association of Psychology and Law 1999 Conference, Dublin, Ireland.

O'Neil, K. M., Patry, M. W., Penrod, S. D., & Chaffee, L. (1999, June). *Harmless error analysis: Evaluating the impact of impermissible aggravating factors*. Paper presented at the American Society of Trial Consultants Annual 1999 Conference, San Diego, CA.

Patry, M. W., O'Neil, K. M., Penrod, S. D., Pierce, K., & Goebel, J. (1999, June). *The Impact of sentencing instructions on the ability of jurors to give effect to mitigating factors: Evaluating changes in the law*. Paper presented at the American Society of Trial Consultants Annual 1999 Conference, San Diego, CA.

Service Summary

2009-2010

American Psychology-Law Society (APA Division 41)

- Served as Web Site Editor, including a complete re-design of all pages on the Web site. Also serve as a member of the Conference Planning Committee

Editorial Board, *Law and Human Behavior*

- Continuing appointment to Editorial Board.

FGCU & Department of Social & Behavioral Sciences

- Serve on College Curriculum Committee as department representative.

Ad hoc Journal Reviewer

- I served as an article reviewer for *Psychology, Public Policy, and Law*; and *Applied Cognitive Psychology*

2008-2009

American Psychology-Law Society (APA Division 41)

- Served as Web Site Editor, including day-to-day maintenance and updating of the Web pages. Also serve as a member of the Conference Planning Committee

Editorial Board, *Law and Human Behavior*

- Continuing appointment to Editorial Board.

FGCU & Department of Social & Behavioral Sciences

- Member of Search Committee and reviewer as part of the Department's assessment process

Ad hoc Journal Reviewer

- I served as an article reviewer for *Psychology, Public Policy, and Law*

2006-2007

American Psychology-Law Society (APA Division 41)

- Co-Chair for 2008 national conference in Jacksonville, FL (March 5-8). Shared responsibility for all aspects of conference planning. Particularly responsible for management of Web-based submission system for conference proposals and reviews.

Editorial Board, *Law and Human Behavior*

- Continuing appointment to Editorial Board.

Legal Psychology Program

- Part of committees for decisions on student admissions, curriculum development, faculty recruitment, preparation of material for program review, evaluation of students, and research supervision
- Responsible for management of the program's Web site

Coordinator, Sona Systems (human subject pool)

- Responsible for management of research participant pool of undergraduates, including registration of studies and courses for the pool.

FIU Institutional Review Board, Alternate Member

- Responsible for reviewing research protocols for approval under requirement for the ethical treatment of human participants.

Ad hoc Journal Reviewer

- I served as an article reviewer for *Psychology, Public Policy, and Law*; *Applied Cognitive Psychology*.
- I served as an peer reviewer for grant submitted to *National Science Foundation*

2005-2006

Editorial Board, *Law and Human Behavior*

- Appointed to Editorial Board in June, 2005 (renewed through 2007).

Legal Psychology Program

- Part of committees for decisions on student admissions, curriculum development, faculty recruitment, preparation of material for program review, evaluation of students, and research supervision
- Responsible for management of the program's Web site
- In part coordinated travel, hotel, transportation and interview schedule of six candidates.

Coordinator, Experimentrix (human subject pool)

- Responsible for management of research participant pool of undergraduates, including registration of studies and courses for the pool.

American Psychology-Law Society (APA Division 41)

- Created and managed a Web site for submitting and reviewing paper and poster presentations for the 2006 national conference in St. Petersburg, FL
- Nominated and agreed to be Co-Chair for the 2008 national conference.

Ad hoc Journal Reviewer

- I served as an article reviewer for *Psychology, Public Policy, and Law; Legal and Criminological Psychology; Social Science Computer Review*

2004-2005

Legal Psychology Program

- Part of committees for decisions on student admissions, curriculum development, faculty recruitment, preparation of material for program review, evaluation of students, and research supervision
- Responsible for management of the program's Web site
- In part coordinated travel, hotel, transportation and interview schedule of three candidates. Attended research colloquia by candidates (for all faculty searches).

Coordinator, Experimentrix (human subject pool) (beginning May, 2005).

- Responsible for management of research participant pool of undergraduates, including registration of studies and courses for the pool.

Ad hoc Journal Reviewer

- I served as an article reviewer for *Law and Human Behavior*.

2003-2004

Legal Psychology Program

- Collaborating with the Law School, coordinated and developed a proposal for new M.S. track in legal psychology in association with a new J.D.-M.S. program. Also developed a curriculum for a J.D./Ph.D. program.
- Part of committees for decisions on student admissions, curriculum development, faculty recruitment, preparation of material for program review,
- Responsible for management of the program's Web site
- In part coordinated travel, hotel, transportation and interview schedule of three candidates.

Planning/Executive Committee

- Representative to the committee that discussed long-term plans for the department and departmental issues.

Ad hoc Journal Reviewer

- I served as an article reviewer for *Organizational Research Methods; Behavior Research Methods, Instruments, and Computers; and Journal of Official Statistics*.