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I27 Dress to Impress: A Comprehensive Examination of How Physical and Behavioral Characteristics of Expert Witnesses Can Influence the Trier-of-Fact

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After attending this presentation, attendees will gain new insights into how the trier-of-fact (judge or jury) is influenced by physical and behavioral characteristics displayed by the expert witness. The ability to garner favor and influence others is not based simply on one's expert knowledge. This presentation compiles previous research into a single reference guide for expert witness preparation.

This presentation will impact the forensic science community by providing the expert witness with suggestions on how specific characteristics can be applied to convey one's opinion in a more credible and convincing way.

Expert witnesses in all areas are selected carefully for their level of knowledge, experience, and reputations. It may be perceived that the expert's knowledge of the subject matter is enough to impart credibility; however, expert opinions often require combining objective material with subjective interpretations to arrive at conclusions. As such, forensic psychiatrists serving as expert witnesses must not only possess a high degree of complex medical knowledge, but also the ability to convey their subjective conclusions convincingly. Therefore, knowledge alone is rarely enough to succeed in having the trier-of-fact accept the expert's option.

Research has been conducted on the varying factors that impact perceptions of expert witnesses. This research highlights four key categories of influence: knowledge, confidence, trustworthiness, and likability. As physicians' educational and training experiences are not focused specifically on all of these categories, many expert witnesses in the medical field may find themselves unprepared or unaware of their ability to maximize their courtroom influence. Fortunately, through simple adjustments to the physical and behavioral characteristics of the physician, these categories can be modified.

Most expert witnesses have a basic understanding that some factors, like professional attire and demeanor, can be used to gain favorability, however, some research has gone a step beyond general notions to look at specific characteristics, such as eye contact, posture, speed of speech, specific clothing colors, language, confidence level, and likability, among many others. Many research findings, in fact, may go against what might be commonly believed. For example, the physician may believe that complex language and medical jargon impart intelligence; whereas, in reality, it may be more confusing to the judge and jury. Similarly, the expert witness may use pronouns such as "I" to convey his or her specific expertise; whereas, inclusive terms such as "we" and "us" make the witness more relatable. The ability to ensure that the judge and jury are willing to listen and able to understand the expert witness's opinion is as important as the opinion itself.

This presentation compiles, categorizes, and analyzes previous research into a single reference guide, or checklist, for expert witness preparation. Attendees will learn to gain advantages by incorporating characteristics that can influence the trier-of-fact. In this way, the forensic psychiatrist will be better prepared to meet the specific challenge of conveying complex subjective conclusions in a relatable, confident, and convincing way.

Expert Witness, Perception, Credibility