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# Trial Consulting American Psychology Law Society Series

In its roughly 25 years of  
existence, the trial consulting

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profession has grown dramatically in membership, recognition, and breadth of practice. What began as a small activist group of social scientists volunteering their expertise to assist in the defense of Vietnam

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War protestors has evolved into a diverse set of professionals from a range of educational and professional backgrounds. In spite of such enormous growth, the work of trial consultants has gone largely unexamined. Trial

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Consulting takes an in-depth look at the primary activities of trial consultants, including witness preparation, focus groups and mock trials, jury selection, change of venue surveys, and attorney

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presentation style. It also examines the profession's struggle to define itself, resisting certification and licensure requirements and settling instead for a set of practice standards. The authors draw upon empirical

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and other scholarly work in the social sciences, recommended "best practices" from trial lawyers, and the written and spoken recommendations and reflections of the trial consultants themselves. Addressing a broad

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spectrum of topics ranging from handwriting analysis to medical malpractice cases, they also suggest reforms for improving the profession and the efficacy of the trial consultant in the courtroom. The result is a critical

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analysis of what trial consulting truly adds to, and detracts from, the administration of justice. This book is an indispensable guide for practicing and aspiring trial consultants as well as the judges, attorneys, and



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psychologists who work with them. Trial Consulting provides a thought-provoking statement on the state of the profession, and students and professionals alike will benefit from the challenges it offers.

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Written by authors with extensive experience in the field and in the classroom, *Psychology and Law: Research and Practice, Second Edition*, offers the definitive perspective on the practical application of psychological

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research to the law. Curt R. Bartol and Anne M. Bartol emphasize the various roles psychologists and other mental health professionals play in criminal and civil legal matters. Topics such as family law,

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mental health evaluations, police interrogation, jury selection and decision making, involuntary civil commitment, and various civil capacities are included. The authors also emphasize the major contributions psychological

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research has made to the law and encourage critical analysis through examples of court cases, high-profile current events, and research. This comprehensive book examines complex material in detail and explains it in an

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easy-to-read way. New to the  
Second Edition: The new edition  
has been significantly  
reorganized to more closely align  
with the progression through the  
court system. A new chapter on  
children, adolescents, and

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criminal law (Chapter 8) provides you with information on adjudicative competence, comprehension of constitutional rights, and eyewitness identification and courtroom testimony. New feature boxes

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include case studies, research projects, and contemporary topics with discussion questions for classroom debate. Additional court cases and statutes have been integrated into chapters to emphasize the important role



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psychology plays in the legal process. The content is applied to real cases such as the Masterpiece Cakeshop case and the Dassey confession (comprehending Miranda). Over 300 recent research findings on

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topics related to psychology and law highlight cutting-edge research studies that help you understand what research does and prompt you to discuss the methodology and results. New pedagogical tables clearly

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illustrate complex information around ethical issues, APA amicus briefs, strengths and weaknesses of simulation studies, insanity standards within the states, effects experienced by survivors of traumatic

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incidents, and more. Increased coverage of contemporary issues encourage critical thinking and active learning by promoting discussions around current issues such as telepsychology, neuropsychology, adversarial

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allegiance, and actuarial instruments used in bail and sentence decision-making. ? Trial by jury is one of the most important aspects of the U.S. legal system. A reflective look at how juries actually function

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brings out a number of ethical questions surrounding juror conduct and jury dynamics: Do citizens have a duty to serve as jurors? Might they seek exemptions? Is it acceptable for jurors to engage in after-hours

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research? Might a juror legitimately seek to "nullify" the outcome to express disapproval of the law? Under what conditions might jurors make a valid choice to hold out against or capitulate to their fellow

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jurors? Is it acceptable to form alliances? After trial, are there problems with entering into publishing contracts?

Unfortunately, questions such as these have received scant attention from scholars. This



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book revives attention to these and other issues of jury ethics by collecting new and insightful essays along with responses from leading scholars in the field of jury studies. Is it acceptable for jurors to engage in after-

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hours research? Might a juror legitimately seek to "nullify" the outcome to express disapproval of the law? After trial, are there problems with entering into publishing contracts? Unfortunately, questions such as

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these have received scant attention from scholars. This book revives attention to these and other issues of jury ethics by collecting new and insightful essays along with responses from leading scholars in the field

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of jury studies. Contributors:  
Jeffrey Abramson, B. Michael  
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King, John Kleinig, James P.

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Levine, Candace McCoy, G.  
Thomas Munsterman, Maureen  
O'Connor, Steven Penrod, Alan  
W. Scheflin, Neil Vidmar

This guide goes beyond the topic  
of jury psychology. Instead, it  
speaks to the psychology of all of

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the people involved in a case and how that psychology affects the manner in which we make decisions and communicate at trial. Specifically, Dr. Gomez examines key aspects of the psychology of jurors, attorneys,

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judges, and witnesses and analyzes how each person influences the way a case is presented to and received by jurors. Dr. Gomez takes real-life stories from the road and ties them to theory and research

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from disciplines such as psychology, advertising, marketing, politics, homeland security, and sociology. The goal is to understand human nature as it applies across multiple contexts so you can learn a



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practical lesson as it applies to the courtroom. This guide helps attorneys take a step back to address the big picture of a case, to step outside of their own viewpoint, and to turn their perspective of their case outside-

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in. It is a conduit that connects psychological principles applicable to civil and criminal cases, to plaintiffs and defendants, to medical malpractice, product liability, intellectual property, contract,

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aviation, trucking, and all other cases that involve human beings.

Forensic Psychology in Military Courts

Principles and Practice of Trial Consultation

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With the diverse array of career  
opportunities for

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consulting, and jury selection strategies, and the distinct challenges and opportunities these issues present. Noted contributors to the book include Wrightsman himself, who offers salient observations on the field that he continues to inspire. Featured among the topics: The credibility of

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Supreme Court. False confessions,  
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enough? Race and its place in the American legal system. With its diverse mix of perspectives and methodologies, *The Witness Stand* and Lawrence S. Wrightsman, Jr. will interest forensic researchers in academic and applied settings, as well as individuals working in the legal

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cases, disciplinary actions, disqualification issues, sanctions questions and much more. In this volume, black-letter Rules of Professional Conduct are followed by numbered Comments that explain each Rule's purpose and provide suggestions for its practical

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Analysis

*A one-stop guide to testifying in*

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*court for mental  
health professionals Even the most  
seasoned mental health  
professionals can find themselves  
unnerved by the prospect of  
appearing in court, especially  
when presented with it for the*

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*first time. Those in the mental health field usually have no formal preparation for testifying in court, even though they often play an important part in many types of cases. The Portable Guide to Testifying in Court for Mental*

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*Health Professionals provides a concise yet comprehensive guide for practitioners preparing to appear in court. The authors employ their combined decades of legal work in the mental health field to provide a clear, no-*

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*nonsense handbook of what to expect, how to prepare, and what to look out for when testifying in court. Along with a general introduction to courts and the legal system, the text details topics such as: \* Testifying both as an*

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*expert and involuntary witness \**

*Protecting clients when bringing  
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*Preparing for testimony \* Tips to  
use and lawyers' tricks to look out  
for when testifying in court*

*Throughout the book, Bernstein*



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*and Hartsell use detailed casestudies to provide specific examples. In addition, "legal lightbulbs" offer important tips and facts, and appendices list relevantWeb resources and provide common legal forms. A*

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*one-of-a-kind resource, The  
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*practices.*

*Using research in clinical, cognitive, developmental, and social psychology, Forensic and Legal Psychology shows how psychological science can enhance the gathering and presentation of*

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*real trials to engage students and to illustrate the relevance of research findings. Written in a clear, student-friendly style, Forensic and Legal Psychology is designed for both the psychology and law AND forensic psychology*

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*class. Visit the preview site for more information: [www.worthpublishers.com/costanzokrausspreview](http://www.worthpublishers.com/costanzokrausspreview)  
This volume examines diverse jury systems in nations around the world. These systems are marked by unique features having critical*

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*implications for jury selection, composition, functioning, processes, and ultimately, trial outcomes. These unique features are examined by applying relevant social psychological research, models and concepts to the*

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*central issues and characteristics of jury systems in those nations using a wide variety of jury procedures. Traditionally, research that has been conducted on juries has almost exclusively targeted the North-American jury.*



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*Psychologically-based research on European, Asian and Australian juries has been almost non-existent in the past decade or more. Yet, the incidence of jury trials outside of North America has been steadily increasing as*

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*more nations (e.g., Japan, Spain, Russia, and Poland) adopt, revise, or expand their use of juries in their legal system. Accordingly, research has been appearing in the scientific literature on new developments in world juries*

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*(particularly in Spain, Japan, and Australia). This volume fulfils the dual purpose of understanding the diverse practices in world juries in light of existing social psychological knowledge and applied research on juries in each*

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*nation, and outlining new research in the context of the issues raised by jury practices beyond those of North America. Written by the foremost authority in the field, this practical book introduces students to the*

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*practice of forensic psychology. Wrightsman clearly presents the roles and responsibilities of forensic psychologists and addresses both the opportunities and temptations inherent in the role. Through this lens,*

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*Wrightsman explores the ethical responsibilities of the field such as promising clients too much, the possibility of becoming advocates rather than objective scientists, and the pitfalls associated with substituting one's values for*

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*data. Wrightsman's broad view of forensics shows readers the variety of ways that psychologists aid the legal system such as serving as expert witnesses, criminal profiling, trial consulting, determining child custody*

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*decisions, assisting in jury selection, and testifying about battered women syndrome or rape trauma. Wrightsman provides students with an accurate and candid picture of the field, while at the same time, demonstrating*



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opportunities available.*

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Psychology*

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*The New Science Of Jury  
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*Encyclopedia of Psychology and  
Law*

This is a valuable guide to help understand effective voir dire and jury selection strategies, and then

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to adapt these strategies to the unique circumstances faced in trial jurisdictions.

Psychology is of interest to academics from many fields, as well as to the thousands of academic and clinical

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findings in social, developmental, and forensic psychology.

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psychology and law who apply the discipline's theoretical models, methods, and ethics to assist litigators to try cases in the most effective way possible. As a whole, the collection of chapters will describe the theory, business, and

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mechanics of trial consulting for those interested in learning and practicing the profession.

However, it will do so from the perspective of organized theories of jury-decision making. In other words, the work of juror



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researchers will inform the recommendations and suggestions in the handbook. The volume consists of six sections, each pertaining to a different topic. Multiple chapters with different authors will cover each topic. The

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topics and corresponding seven sections will be 1) An Introduction to the Theory and Psychology of Jury Decision-Making, 2) Applied Research Methodologies for Trial Consultants, 3) Education and Ethical Considerations for Trial

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Consultants, 4) Preparing and Cross Examining Witnesses, 5) Technology and Demonstrative Evidence at Trial, and 6) Special Topics in Trial Consulting. Each section will begin with the editors' short introduction reviewing that

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section and explaining its goals, objectives, and content. Separate individuals, recognized as leaders in their areas will write the remaining chapters in each section. These individuals come from the fields of both psychology

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and law, and represent viewpoints on these topics from a practice-oriented perspective, but a perspective that is emerges from research results. They are affiliated with a number of academic institutions, including

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University of Nebraska, John Jay  
College of Criminal Justice,  
University of Texas, University of  
Chicago Simon Fraser University,  
and private law firms.  
This book educates psychologists  
and military attorneys and judges

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about the many valuable roles that psychologists can play in courts-martial and as members of effective trial teams.

Coping with Psychiatric and  
Psychological Testimony  
Gaining an Edge in Questioning

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and Selecting a Jury

Forensic Assessments in Criminal  
and Civil Law

Wrightsman's Psychology and the  
Legal System

Model Rules of Professional  
Conduct



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"Given the importance of trial consultants to the modern-day practice of law, Scientific Jury Selection is designed to be informative for psychologists, other

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professionals interested  
in trial consulting (e.g.,  
sociologists,  
communication experts,  
marketing researchers,  
psychiatrists, and social  
workers), and attorneys.

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The authors provide a thorough review of the most common techniques used to select jurors and a critical, social-science-based evaluation of the ultimate effectiveness of

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these methods. The nature and mechanics of the voir dire process, the use of community surveys, and the influence of demographic factors on scientific jury selection are among the

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many topics given a close examination by the two authors, who are pioneers in the field.

Psychologists and other social scientists as well as practicing trial

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consultants who read the book will gain a better understanding of the current state of research relevant to scientific jury selection, emerging trends, and areas in which

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new research needs to be conducted to advance the field. Attorneys who read the book will be better positioned to decide whether to hire consultants to assist in

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future litigation, and if so, what types of services these consultants should provide"--Jacket.

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Forensic Psychology is the application of the science and profession of psychology to questions and issues relating to law and the legal system.

Today forensic refers to

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the application of scientific principles and practices to the adversary process where especially knowledgeable scientists play a role. Forensic psychology is the

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intersection between  
psychology and the  
criminal justice system.  
It involves understanding  
criminal law in the  
relevant jurisdictions in  
order to be able to

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interact appropriately with judges, attorneys and other legal professionals. The growth of forensic psychology is not without controversy. Some accuse forensic psychologists of

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being hired guns who can be paid to parrot a certain opinion. Recent court decisions are causing increasing scientific scrutiny of psychological evidence.

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This in turn is leading to the development of increasingly rigorous training programs, instruments, and procedures that will allow us to withstand such

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adversarial scrutiny.

Further, in order to be a credible witness, the forensic psychologist must understand the philosophy, rules and standards of the judicial system. Primary

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is an understanding of the adversarial system. There are also rules about hearsay evidence and most importantly, the exclusionary rule. This book provides deep insight



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into various dimensions of issues relating to the subject.

"A crusading legal scholar exposes the powerful psychological forces that undermine our criminal

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justice system--and affect  
us all Our nation is  
founded on the notion that  
the law is impartial, that  
legal cases are won or  
lost on the basis of  
evidence, careful

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reasoning and nuanced argument. But they may, in fact, turn on the temperature of the courtroom, the camera angle of a defendant's taped confession, or a

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simple word choice or gesture during a cross-examination. In *Unfair*, law professor Adam Benforado shines a light on this troubling new research, showing, for

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example, that people with certain facial features receive longer sentences and that judges are far more likely to grant parole first thing in the morning. In fact, over the

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last two decades,  
psychologists and  
neuroscientists have  
uncovered many cognitive  
forces that operate beyond  
our conscious  
awareness--and Benforado

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argues that until we address these hidden biases head-on, the social inequality we see now will only widen, as powerful players and institutions find ways to exploit the

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weaknesses in our legal system. Weaving together historical examples, scientific studies, and compelling court cases--from the border collie put on trial in



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Kentucky to the five teenagers who falsely confessed in the Central Park Jogger case--Benforado shows how our judicial processes fail to uphold our values

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and protect society's  
weakest members,  
convicting the innocent  
while letting dangerous  
criminals go free. With  
clarity and passion, he  
lays out the scope of the

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problem and proposes a  
wealth of reforms that  
could prevent injustice  
and help us achieve true  
fairness and equality  
before the law"--  
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comprehensive examination  
of the increasingly  
important role of forensic  
psychologists in  
consulting and expert  
witness testimony in child  
custody litigation.

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Offering practical advice on understanding the psychological dynamics often found in these cases, the authors use real-world examples where critical issues such as

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the developmental need of children, relocation, domestic violence, and the alienated child are involved. They detail a logical process for critiquing the evaluation

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analyzing the strengths  
and weaknesses of a case.  
Understanding World Jury  
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methods in forensic  
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advice on topics of  
particular importance to  
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presents state-of-the-  
discipline summaries of  
the issues that relate to  
psychology and law  
research. Edited by  
renowned experts in the  
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features contributions by  
leading scholars in  
forensic psychology and  
law, with discussion of  
relevant topics such as:  
Meta-analysis Jury  
decision making Internet-

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is designed for a wide

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range of scholars and legal professionals, presenting a succinct overview of the field of psychology and law as viewed by some of the world's foremost experts.

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topics such as competence to stand trial, the insanity defense, expert forensic testimony, analysis of eye witness identification, criminal profiling, and many



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others, this best-selling book gives you a comprehensive overview of psychology's contributions to the legal system, and the many roles available to trained psychologists

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*research, its practitioners seek to remake the way we pursue justice in the United States. Trial consultants help lawyers to pick - some would say, stack — juries predisposed to render the "right" verdict. And consultants apply sophisticated*

*research methods to predict how jurors are likely to respond to arguments, witnesses, and evidence. Based on the results of the research, they craft case strategies, help to prepare witnesses, and test and retest arguments — all before a*

*single word is uttered in open court.*

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*this new industry? Do the techniques work? Is this, as some critics have argued, a new form of high-tech jury-rigging, not much more acceptable than cruder forms of jury tampering? Or do the methods of jury consultants amount*

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*criminal trials. After hearing jurors acquit in the O. J. Simpson case, the first person thanked by defense attorney Johnnie Cochran was his jury expert. The burgeoning of the trial consulting industry seems destined to continue. During*

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*the past few years, firms have started to offer low-cost consultations, sometimes conducting research for as little as 2000 per case. For better or worse, the wares of the trial consultant are now within the reach of many who*

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*previously deemed them too expensive. When a new trade roams the halls of our legal system, aspiring to change America's road to justice, we had all best pay attention. This book will reveal the "tricks of the trade" and explore*



*the many ways in which trial consultants have infiltrated the courtroom. The authors — a social psychologist and an attorney — present cases where consultants arguably have been responsible for huge jury awards and controversial*

*criminal verdicts. However, it is not their purpose to launch an all-out attack on this growing industry. Instead, they aim to pull back the curtains, allowing a fair and balanced assessment of a new phenomenon in American justice. To*

*achieve this objective, the authors must address issues that lie at the very heart of the American jury system. Are juries fickle? Are they easily swayed? Are jurors influenced — as many have charged — by their age, gender,*

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*race, ethnicity, occupation, intellect, personality, or politics? Here, the authors sort through the work of many jury researchers, arriving at conclusions that are balanced and credible. They conclude with sensible and far-reaching proposals*

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opportunities and temptations inherent in those roles. Through this lens, the authors explore the ethical issues facing practicing forensic psychologists, such as promising clients too much, the possibility of becoming advocates rather than objective scientists, and the pitfalls



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