

The Needle

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Table of Contents

Introduction.....	7
An Overview of My Theory	10
Story Format	24
Jurors Need Pieces of the Story to Figure Out	25
Stories are a Delivery Method for the Message.....	26
Tension Fuels the Story.....	28
The Writer’s Journey	29
3. Client’s fear and disbelief that this is happening, (Refusal of the Call)	34
Why Prosecutors are the Bad Guys	52
Never Wrong.....	53
Miscellaneous Storytelling	55
Voir Dire Goals (Paul Luvera) (From the Notes of Desi Martinez.....	56
Relationship of Attitude to Behavior	57
How Watching a Lot of Television Can Affect Jurors	58
Inoculation Effect	59
Juror’s as the True Authority	60
Protecting the System	61
Snitch Voir Dire	62
Individual Consideration	63
Dehumanizing Someone.....	64
Accountability and Imagination	65
Voir Goals (Paul Luvera).....	65

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Good Voir Dire phrases – From Gerry Spence	65
Becoming a Tribe – Gerry Spence.....	66
Good Voir Dire phrases—from Paul Luvera	66
Becoming a Tribe—Gerry Spence.....	67
Attitude Heuristics	67
Miscellaneous Voir Dire	68
An Unreasonable Out	74
The Buggs Bunny Cross	75
The Cockroach Cross	76
Getting a Disliked Witness to Support the State’s Case	76
Spotlighting Trolls	79
Aggression in the High Narcissistic Self-Esteem Person	79
Getting the Witness to Spin	80
Cognitive Dissonance and Never Being Wrong	81
Use of Leading and Suggestive Questions	82
Use of Leading Questions to Influence Memory.....	82
Self-Schemas	83
Cross-Examination Steps by Luvera.....	85
Luvera Prepping a Witness for Cross	85
KDA Witness Cross Prep.....	85
Admissibility of TLC 1st Person/Action Method.....	87
Snitch Closing.....	89
Closing on Conformity	89

Kevin Adams
 Attorney at Law
www.OklahomaCriminalLaw.com
 918 582-1313
Lawyeradams@me.com

Copyright 2013

Now the State is Going to Get up and Try and Convince You	90
Jury is the True Authority	90
How Can the Prosecutor Ask You to Do That?.....	90
A Client’s Journey Through the System	91
Miscellaneous Closing.....	94
Communication.....	95
The Ten Rules of Effective Language.....	95
Relevant Words and Phrases from Words that Work	97
93% of communication is non-verbal.....	98
Two Major Routes to Persuasion—Centrally and Peripherally.....	98
Key Factors That Can Increase Communication.....	99
Credibility.....	100
Increasing Credibility	101
Logical verses Emotional Appeal	103
Self-Esteem and Frightening Messages.....	104
Degree of Discrepancy with the Speakers Opinions and the Audience as it relates to credibility and the changing of the Audience’s Opinions	105
Cognitive Dissonance created when the speaker’s opinions are different than the audiences.	105
Characteristics of the Audience and Persuasion	107
Forewarning the Jury about the State’s Efforts to Persuade Them.....	107
Contrast Effect	108
Social Cognition	108
Framing the Decision.....	109

Kevin Adams
 Attorney at Law
www.OklahomaCriminalLaw.com
 918 582-1313
Lawyeradams@me.com

Primacy Effect	109
Dilution Effect	110
Cognitive Dissonance	110
Importance of Irrevocability	112
Psychology of Inevitability	112
The Justification of Cruelty	112
Limits to Justification of Cruelty	113
Decreasing Dehumanization by Building Empathy	114
Venting Anger Increases Hostility	115
Retaliation Almost Always Exceeds the Original Offense	115
Heat Effects Violent Crime	115
Frustration & Aggression.....	115
The Psychology of Inadequate Justification.....	116
Seeking Superiority or Security in Hierarchal Systems	118
Heuristics	118
Judgmental Heuristics.....	119
Representational Heuristics	119
Availability Heuristics	119
Attitude Heuristics	120
Halo Effect.....	120
False-Consensus Effect.....	120
Illusory Correlation.....	121
When Heuristics are Most Likely Used.....	121

Kevin Adams
 Attorney at Law
www.OklahomaCriminalLaw.com
 918 582-1313
Lawyeradams@me.com

Copyright 2013

“Homogeneity Effect” and “In-group Favoritism”	121
Prejudice	123
Dispositional Prejudice.....	124
Who are Authoritarians?.....	127
Authoritarian Submissions	128
Authoritarian Aggression.....	131
Authoritarians are Harsher on Punishment.....	132
How Do People Become Authoritarians?.....	135
The Instigator of Authoritarian Aggression	136
Releaser of Authoritarian Aggression.....	138
Profile of a Young Authoritarian—.....	140
Middle RWA Profile—	145
How Authoritarian Followers Think.....	148
The Seven Shortfalls of Authoritarian Thinking.....	149
1. Illogical Thinking	149
2. Highly Compartmentalized Minds	151
3. Double Standards.....	152
4. Hypocrisy.....	153
5. Blindness to Themselves	154
7. A Profound Ethnocentrism.....	155
7. Dogmatism an Authoritarian’s Last Ditch Defense.....	158
Authoritarian Followers and Religious Fundamentalism	159
Summary Religious Fundamentalist.....	163

Kevin Adams
 Attorney at Law
www.OklahomaCriminalLaw.com
 918 582-1313
Lawyeradams@me.com

Copyright 2013

Victim Triangle	169
Egocentric Thought.....	170
Personal Development.....	174
End.....	176
Books to Read.....	176
Areas to Study.....	177
Works Cited	177

Introduction

I often have pondered the question “what is the best way to persuade the jury to rule in my client’s favor”? That is what it is all about, persuasion. This is not as easy as it sounds, especially when you are a criminal defense attorney. The facts are often against you, the police, and the prosecutors and oftentimes the judge is also against you. Far too often, the public is against you as well. How do you convince the jury that your client is not the same type of person that they see on the evening news every night? Or that your client is not the same type of character that they watch commit crimes, get arrested and convicted on the nightly television police dramas? That you are not just some hired gun paid big bucks to “get the guy off”.

How do you get the jury to listen when they are predisposed to disbelieve you and they believe that the prosecutor is doing “God’s work” and that the police are honest and don’t lie? How do I get them to let down their defenses and just consider; the possibility that my client may be innocent?

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

I have been perusing this goal of developing the ability to communicate and persuade since before I graduated law school. I have read many books, attended seminars and other training sessions. I have tried case and tested different theories and methods. I attended the Trial Lawyer's College and that has inspired me to go through my notes from both the Trial Lawyer's College and notes that I have made previously and write it down. Gerry Spence spoke about how it would take 10,000 hours to become proficient at any given profession. This caused me to wonder how many hours have I spent at becoming a proficient trial lawyer? How many hours do I spend weekly and am I keeping a record of what I have learned on the subject? I have a lot of ideas floating around in my head, some good and some bad, but how do I know what I have learned if I never write it down? How do I separate the wheat from the chaff if I never write it down? What am I going to do daily to become a better trial lawyer?

I have tried a lot of cases for the short time I have been practicing law and I have learned a lot, some out of the courtroom and a lot in the courtroom. I have taken psychology courses, read and listened to books, taken CLE and worked hard at preparing to represent my clients at trial. But have I ever really studied it? Have I studied the subject the way that a surgeon studies anatomy? Can I discuss the subject in the way that a *cono sur* talks about fine wines?

That is what this writing is about. It is a place that I can write down what I have learned and write down my thoughts about different theories I have regarding being a trial lawyer. It is a place I can keep my knowledge while I go out and get more knowledge. It is intended to always be a work in progress. I will add to the writing regularly, I will refine it and as my knowledge grows the writing will grow with me.

I am writing this paper for myself. As I am writing this paper I am reminded of what Carl Rogers wrote in *On Becoming a Person*; "I would like to make it very plain that these are learnings which have significance for me. I do not know

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

whether they would hold true for you. I have no desire to present them as a guide for anyone else.” Pg 14 (Rogers, 1961). Yet, while writing this paper I know that I intend on sharing my thoughts and experiences with a limited number of other trial lawyers. I hope to collaborate with others so that we may gain from each other’s knowledge and experience and we may all improve our skills as trial lawyers. Just because these experiences are true for me or the way that I choose to think of the trial process is true for me does not mean that will be true for others, after all “the map is not the territory”. (Bandler, 1975)

I first began studying psychology with the thought that psychology could help me become a better trial attorney. At first I was very interested in what made people different. Why did one abused child become a social worker and the other abused child become a sociopath? Why did one kid, who grew up poor, become a cop and the other poor kid become a killer? I think many of these questions came from my own life, wandering why I chose my path and guys I grew up with chose theirs.

After I had been practicing law for a while I began taking psychology courses at the University of Oklahoma looking to improve my skills as a trial lawyer. At OU I met a professor that had a lot of influence on me. His name was Gary Holmes. I enjoyed talking with Dr. Holmes and he enjoyed listening to my crazy stories about jury trials and some of the cases I had handled. After we discussed what I wanted to accomplish Dr. Holmes advised that I should study three areas of psychology. (Social Psychology for an understanding of how people interact in groups, Storytelling and NLP) [Now I have added communication, evolutionary psychology and linguistics as areas that should be studied as well.] I began reading about these subjects and soon I was fascinated by the different topics. At some point I decided to start taking notes on these subjects when I thought a principle could be applied to the practice of law. Soon I started a separate notebook for the things I thought could apply to law.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

It was not long until I began to lose some of my interest in the question of what made us different as individuals. Instead I began to gain interest in a different question. What makes us the same? What characteristics can I know will be present in people simply because they are human? What is hardwired? Not everything I have discovered is hard wired 100% we are all different, but what are the hardwired tendencies? Soon I began to see how the things that are hard wired into us as human beings could be very useful to a trial lawyer. In an article titled, *How Hardwired is Human Behavior?* Nigel Nicholson wrote;

Understanding evolutionary psychology is useful to managers because it provides a new and probative way to think about human nature; it also offers a frame work for understanding why people tend to act as they do in organizational settings. Put another way, evolutionary psychology, in identifying aspects of human behavior that are inborn and universal, can explain some familiar patterns. It sheds light on why people behave in ways that don't appear to be beneficial to themselves or to their business.

Pg 136 (Nicholson)

If I am able to figure out what is hardwired into all of us than I will understand things about the witnesses and the jurors that they will probably never understand about themselves. If I know what is hard wired I can use that knowledge to communicate with the jurors even if their defenses are up.

Below is my perspective; based upon my personal experiences and things I have read.

An Overview of My Theory

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

When I first began trying cases I had a lot of success. Now things seem like they were simple back then, time has a funny way of glazing over the hardships and just remembering the victories. However, if I think about it I remember how scared I was. I recall that for my first seven or eight jury trials that sometime during the trial that I would throw up thinking about what was about to happen. I never threw up in the courtroom thankfully, but usually in my bathroom at home or even in the courthouse bathroom. I had a real simple theory back then. Once I could explain my case as a story that made the average person say that my client is getting screwed I was ready. Then all I had to do is tell the story at trial. That theory was simple, not sophisticated but it worked often and I was winning cases. Somewhere along the line trying cases lost its simplicity for me. I began to study techniques and learn new things and learn there was a lot I did not know and things became complicated. At TLC I mentioned this to Gerry Spence one day and he commented “You lost your innocence”. I asked “How do I get it back”? “You can’t” he replied, so much for the easy answer.

My thoughts about being a trial lawyer are different now than when I first began. Being a trial lawyer is about communication. It is about persuasion. That sounds simple but it is more complicated. There are several different levels to being persuasive. It is easy to preach to the choir. I can convince my client and his family that he should be acquitted. I can convince my friends and my wife. My fellow criminal defense lawyers can see the injustice of my cases. But what about a neutral person, can I persuade them? Can I persuade a juror who deep down believes that most people who are arrested are in fact guilty? I know they believe that because, I believe that. Can I persuade someone who knows that I am attempting to persuade them? People that know you are trying to persuade them are not easily persuaded.

When I began studying storytelling I was fascinated by it. What was fascinating is that when I began studying story telling I realized that throughout

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

history that people who never met, did not speak the same language and were separated by thousands of miles and hundreds of years told basically the same stories. I learned that story telling was hard wired. I learned that story telling was a way to deliver my message. And most importantly I learned that people enjoyed listening to stories. I looked back at my original theory when I began practicing and I thought that is the answer, present my clients case in the story. And storytelling is certainly an effective way to present my clients case. It is a method that should be used to deliver my clients case to the jury. But, now I feel that story telling is just part of the answer. While any sound trial strategy has to begin with storytelling I believe there are additional methods that can help deliver the message to the jury.

In *The Social Animal*, Elliot Aronson wrote “People are most susceptible to influence when they are unaware of the fact that someone is attempting to influence them.” Pg 109 (Aronson, 2008) Aronson went on to write; “As people’s confidence is weakened (In their Position) a person becomes less prone to listen to arguments against his or her beliefs. Thus the very people you want to convince and whose opinions you might be the most susceptible to change are the ones least likely to continue to expose themselves to communication designed for that purpose”. Pg 109 (Aronson, 2008) This illustrates the problem for a trial lawyer, the jury knows that I am attempting to persuade them and if my job is to persuade them of something that they are predisposed not to believe, than how do I deliver the message to them once they put their defenses up?

There are several dimensions to this question. First of all through an effective voir dire hopefully I can identify those who are so predisposed that I want to remove them from the jury because they refuse to lower their defenses, either through for cause or peremptory challenges. I really like Spence’s technique for doing this and have studied it and used it for some time. But the reality is as a

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

criminal defense attorney, most people are predisposed to believe my client is guilty, I know I would be so predisposed if I were them.

But there is another aspect to voir dire; can I use voir dire to open the jury up and to get them thinking about the possibility that my client may be innocent? Can I make them understand the importance of carefully considering the guilt or innocence of every defendant regardless of the fact that most people arrested are guilty? To a limited degree I can. During voir dire; can I build credibility with the jury to let them know that I am a trustworthy person that will tell them the truth? Yes I can, but only to a limited degree. I feel confident that I can always build more credibility than the prosecutor can in voir dire because I listen to the jury and talk with the jury and the prosecutors just preach at them. Perhaps I need to improve my skills in jury selection, but I still feel that when representing a client accused of a crime that coming out of jury selection the jury is still going to have their guard up to some degree. I can build credibility throughout the trial by being honest and trustworthy, but when very bad facts against my client start rolling in, I still feel that the jury starts putting up its guard. “It always sounds bad when they say that you did it and they always have someone to say that you did it.”

The cases that have good facts I win. Some cases with very bad facts I win, I have won cases in which the state had multiple eyewitnesses against my client. But other cases are much more difficult, such as when the state has overwhelming evidence or when my client stands accused of a horrific crime such as killing a child. How do I win those cases? How do I win the cases where I cannot hide that my client is not a nice person? How do I break through the juries defenses when; the evidence is overwhelming, the crime is horrific or my client appears to be or is not a nice person? That is what I want to know. That is the knowledge that I seek. How do I deliver the message when every juror’s defenses are saying “return to sender”?

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

I feel like Aronson and Bandler and Grinder give an indication on how that may be done in their books. In referencing an example of how to influence people regarding health care the Social Animal stated “Embedded in dramas or news segments, they would not be labeled as arguments supporting national health insurance; they seem innocuous, but their message is clear. Not appearing to be explicit attempts at persuasion, they would arouse little resistance, avoiding an inoculation effect and inhibiting the formation of counterarguments by distracting the audience”. Pg 109 (Aronson, 2008)

I think this is part of the true power of storytelling and the peripheral route to communication. Storytelling and the peripheral route to communication is hardwired, it is subconscious, people do not know that it is happening; it is easy for someone to block a form of communication when it is obvious that the communication is designed to change their belief. But when they are unaware of the fact that the communication is designed to influence them than blocking the communication is more difficult if not impossible. (“If done properly, no defense” Mr. Miyagi)

When you read *The Patterns of the Hypnotic Techniques of Milton H. Erickson, M.D.* by Bandler and Grinder they discuss the same thing. In discussing the hypnotic techniques of Dr. Ericson, Bandler and Grinder wrote “Often it is used to secure, to fixate, and to hold a difficult patient’s attention and to distract him from creating difficulties that would impede therapy.thereby the patient is prevented from intruding unhelpfully into a situation which he cannot understand and for which he is seeking help.”

Just like what Erickson did, since storytelling is hardwired into all of us it is a great way to persuade people without encountering the resistance that they would offer if they knew they were being influenced. Truby discusses in the *Anatomy of Story* that there is a dramatic code embedded beneath the surface of the story that carries the moral message to the listener of the story.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

However, I think it is just the beginning. Storytelling, if done properly is nothing more than a delivery method for persuasion. Much like a needle punctures the skin to deliver an injection inside one's body. Because we are all hardwired to tell stories and to learn information through stories the story distracts the jurors and delivers the lawyer's message.

However, I think there are other forms of delivery methods as well. Music is a method for delivering messages, look at all the kids listening to gangster rap and how that affects their thinking. Psychodrama and seeing things acted out in first person is a delivery method, as Tom Metier told me if you act a scene out in the opening and the jury sees it, they will not want to believe someone who says something different later because "they saw it".

I think the hypnotic techniques of Ericson and of NLP can also be applied to deliver a message without resistance. This is what makes arguments that appeal to the reptilian brain so powerful; people do not know that the argument is there so how can they guard against it? It is like carbon monoxide, colorless, odorless but deadly. Just like analogies and metaphors and statements that rhyme they appeal to a part of us that is hardwired and they are deceptively effective. Just like humor, the listener is distracted so the message can get through. Sex sells because you are thinking about the sex while the advertiser is screwing you in a manner and in a location that you did not have in mind.

Bandler and Grinder first wrote two books about Erickson's work called the *Structure of Magic I & II*. Until now, I hated the name. "What a strange name" I always thought, "what a couple of weirdoes" I thought. Now I get it, a magician distracts your attention with one hand while he places the rabbit in the hat with the other. To be truly persuasive and to persuade people to change their opinion, even when the listener is not receptive, you must deliver your message in a way that it is not obvious what you are doing.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

You have to find a delivery method to get past the natural defenses that we all have against being persuaded to believe something we are predisposed to disbelieve and deliver the message straight to the subconscious. A lawyer that can do that could sell ice to Eskimos. That is the key to being a trial lawyer.

I have heard several well respected trial lawyers say that jurors will hear facts that support their position and disregard facts that refute their position. This general tendency is part of cognitive dissonance; people tend to remember plausible arguments agreeing with their own position and implausible arguments agreeing with the opposing position. Pg. 193 (Aronson, 2008) That is a person's natural defense in action, once they have made up their mind. How do you get jurors to put down their defenses and receive the message? Maybe the answer is not to get them to put their defense down it is to not let them know to put their defenses up. Or perhaps the answer is to distract their conscious mind so you can deliver the message to the subconscious. (NLP and the study of Erickson's Techniques)

This also helps makes sense of the principle that a person is less susceptible to being persuaded when they realize someone is going to persuade them. (Aronson, 2008) pg 103. Because if a juror knows you are attempting to persuade them, they know to put their defenses up. It is hard to hit someone when they know you are going to try because they put their "dukes up". That is why I believe in cheap shots. (Not really) If a guy knows how to throw his punches most guys don't see it coming and if they do, they don't remember it. (Because of speed) Speed is another issue to think about. A good voir dire and an effective opening and the jurors are largely persuaded. The prosecutor thinks the trial is about to begin and it is already over. "He never saw it coming."

This is what I am interested in, effective delivery methods for persuasion. Methods which are effective because they;

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

1. Do not cause the jury to put up their defenses, or
2. Cause the jury to lower their defenses, or
3. Open a crack in a jurors defenses, or
4. Appeal to jurors who are receptive , or
5. Can deliver the message directly to the jurors subconscious even if their defense are up

That is why I am calling this paper *The Needle*. If the needle is large enough, it can deliver the necessary medication to anywhere in the body; regardless of the body's natural defenses.

Strategy

A lawyer must find a way to connect emotionally to the jury. The reason that is because the jurors do not make decisions based upon the facts of the case. Most of them could not pass a pop quiz about the basic facts of the case when they are through. Jurors make emotional decisions with logical justifications, just like car buyers. So we have to find the emotional connections to our case. We must examine our case and discover the emotional connectors that we can connect to the jury with. That is what makes betrayal such a good theme. Spence says that the theme in every case is betrayal. We have all been betrayed we have all felt the emotional sting from a betrayal. It hurts and because of the pain we are angry when we are betrayed. If we can tap into betrayal we can use that emotion for us. What Spence is doing is taking a powerful emotion that he knows is present in every person and finding a way to tap into that power and use it to his advantage. This is what is behind Paul Luvera's statement that "experiences trump facts every time." All experiences contain facts, but an experience has an emotional aspect to it. Once we find a way to bring the juror to relate to our case through their experience we

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

have plugged into the emotional aspect of the juror. Luvera talks about in jury selection that we should be looking for jurors whose experiences will cause them to relate to our case. Betrayal will always be there. In the Foster case I left that Owasso car salesman in the jury even though his brother-in-law had been murdered. That was a mistake even though he down played the experience.

Another problem is that as a criminal defense lawyer you cannot always tell the jury the truth, to do so would defeat the purpose of the criminal justice system. “Ladies and gentleman let me be honest with you; Johnny is guilty. I know this because he told me the first time we met. But since what I am saying in opening is not evidence; I ask you to keep an open mind because I anticipate throughout the trial the state will not be able to prove his guilt beyond a reasonable doubt.” You start doing that and you are using a complicated appellate type of defense known as ineffective assistance of counsel. The down side is you can do that very few times before they take your license.

Whether your client is actually guilty or not is not the issue that the criminal justice system is concerned with; if you question this statement think about motions to suppress for a little while. The criminal justice system is concerned with the question of whether or not the government can prove every element of the offense beyond a reasonable doubt. This truth is difficult for many people to accept. Many people need to tell themselves that our legal system is based upon the truth. Many people need to tell themselves that it is moral to incarcerate those who are addicted to drugs. The truth is that there is not a society that has existed in the world that I have ever read about that did not have some intoxicant so that members of that society could alter their consciousness. Most people also lie to themselves by saying things such as the police do not lie and that the prosecutors are almost always honest. If you are innocent than you have nothing to worry about. Little lies that we tell ourselves to make it through the day. As Joseph Campbell wrote:

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

...since lies are what the world lives on, and those who can face the challenge of a truth and build their lives to accord are finally not many, but the very few. (Campbell, 1972)

Since the system is not based upon the truth from a criminal defense lawyer's standpoint this creates a problem. A plaintiff's lawyer and a prosecutor can pick and choose the cases that they believe in. However a criminal defense lawyer has an obligation to represent his client even when he knows that his or her client is guilty. How does a lawyer effectively advocate for his client? How does a lawyer ensure that his client's rights and that the system is protected? If the lawyer knows his client is actually guilty? The answer is the lawyer must tap into the proper emotion for the argument the lawyer is making. Just like an actor, a lawyer must live the argument. The lawyer must be fully present in the role. If a lawyer does not live the argument and is not fully present in the role the lawyer's arguments are not persuasive, they are logical arguments that have only a direct route of communication and no peripheral route to communication. The lawyer's persuasion tactics are obvious and easily defeated by the juror's natural defense mechanisms if they do not want to be persuaded.

An argument that evokes the emotion that you want to portray in the case is a powerful argument since it takes the peripheral route of communication and appeals to the reptilian brain. As a criminal defense lawyer I have to work to ensure that the emotions in my argument are always true. The emotions that should accompany the words and or argument must be there for it to be convincing. Good actors sound totally convincing and credible, but we know they are acting. The key is that they present what they are saying with true emotions, not true facts.

I saw David Smith do this with a lawyer that was attempting to give an opening. The opening was not good. After using psychodrama to assist this lawyer in getting in touch with the proper emotions, the emotions he felt after experiencing a personal betrayal by a childhood friend, his opening was remarkably better.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Perhaps it is not just the proper emotion of the speaker. Perhaps when the speaker is feeling the proper emotion the speaker recognizes or is drawn to the emotionally laden facts/arguments about the case. Psychodrama is a powerful tool for discovering the story and the emotions of the case. I believe NLP combined with psychodrama could be a powerful tool for tapping into the proper emotions to win the case.

Underestimating the emotion is a mistake that I think the criminal defense bar makes quite often and it causes the criminal defense lawyers to underestimate the effectiveness of the prosecution. Prosecutors typically terrible at opening, cross, direct and voir dire, but the one advantage they do have is that they generally believe what they are saying and generally have the proper emotion. This adds credibility to their argument.

It also may provide a way to frustrate these idiots. We can frustrate them by asking ourselves the question how can I keep the DA emotionally unbalanced? Can I pester him to death? Can I cause him to have serious doubts as to my client's guilt or innocence? Can I evoke fear in him? Can I elicit arrogance from the DA?

Gerry Spence says that in a criminal case he rarely calls a witness including his client. Rarely do you have a client that has the ability to survive on cross-examination. According to Spence people cannot defend themselves. Spence wins cases in cross-examination of the government's witnesses. "I am the only one that tells the whole truth." "Government agents, cops and prosecutors almost never tell the whole truth. If you call witnesses you better tell the whole truth or you will lose credibility with the jury." "Tell the relevant part of your client's story on cross examination". "Cross examination is another opportunity to tell your client's story." In Ojo Bailey's trial, a case a handled the appeal of, Allen Litchfield, the prosecutor, did a good job of this during his cross examinations, the other problem is the defense did not tell the jury the whole truth on direct.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Spence talks about how he is the spokesperson for the jury and how he asks the questions that they would want to know. Being honest with the jury, especially when it surprises the jury, is a way to build credibility with the jury and get them to let their defense down.

Paul Luvera talks about how the primary goal at trial is to show the public danger of the opposing side's actions. The opposing side's actions threaten us all and by giving us a proper verdict the jury can help guard against that. Luvera talks about how he always elevates the case to a higher purpose. For example instead of telling the jury that this case is about your client who was injured by a reckless driver you could argue this case is about how reckless driver's threaten us all. Spence says jurors are taking care of themselves by protecting the system. Protect the system because it may be them tomorrow. I feel this has to be driven home to them, made real.

As a lawyer you always have to make the case tie back to the jury. Luvera says you should tell the jury the "rules apply to the case and why they are important—tie back to jurors personally". For a criminal defense attorney one way to tie it back to the jury is to protect the system. The system is in place to protect all of us, to keep us safe. When the prosecution prosecutes a case that they should not, it threatens us all. Not just us personally but our children as well, our friends and our loved ones. By holding the state accountable, and requiring the state to prove every element of the crime beyond a reasonable doubt you are protecting the system in case you or your children need it one day. Another good way I feel that it can be tied to individual jurors is when a juror has a friend or family member that was prosecuted we can start discussing with them the importance of the system being fair. The importance of the system working the way it was designed so not to treat their friend or loved one unfairly.

Spence also talks about the self-interest of the jurors and how jurors want to do the right thing subject to the rules of their lives. Spence says we have to give the

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

jurors something. This goes back to the strategy of relating the story back to the jury. I heard one time that a person will generally care more about the ingrown toenail than they will about thousands of people starving in Africa. “What does this have to do with me?” That is the question we need to imagine that every juror is asking us. “Why should I care?” that is a question we should be able to answer for a juror if they were to ever ask. Some jurors want revenge and will use the trial to get it. I am always weary of jurors who want on the jury too bad.

In psychodrama Vickie Slater stated that in psychodrama land everyday is mother’s day. It was amazing how much people spoke about their mothers. However people also spoke about their children. I noticed something about the psychodramas I watched or participated in. Typically the ones that brought out the emotions in me were the ones dealing with someone’s child. I have thought about that a lot and I think the answer is that I do not worry about myself much. If I did I would not eat, drink and smoke so much. I feel pretty invincible, which I think most men do. It will never happen to me, I can take care of myself. However, I worry a lot about my kids. I worried the first day I dropped them off at school and every time I think about it. When my wife takes them to church I worry about a pervert at church hurting them. If we are in public and I lose sight of one of my kids I am in complete panic. I think other people have this emotion for their children as well. So here is the point, if I can get the jury to “imagine” that it is their child that found himself in this situation. “Imagine” that their son or daughter was running with the wrong crowd and got blamed for something they did not do. “Imagine” that someone that their son knew blamed them for something their son did not do. “Imagine” their child was being treated unfairly by the system. Then I think I can strike an emotional connection and make it real. Just like Spence looks for betrayal because he knows it is there, I think that emotional connection with our children is always there.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Spence also talks about how if the jurors love you they will want to protect your client. I think this is true to a large extent. I also think it is important to be liked by the jury for another reason; that reason is that it causes the jurors to lower or never put up their defenses.

Spence also talks about with every criminal case that you prosecute the prosecutor. I understand how that makes the betrayal work and that allows you to relate the case back to the system that needs to be protected; if the betrayal comes from someone other than the system than the case is about your client and not the juror. Imagine if the juror would tell you what he was really thinking *“What does this have to do with me?” “Well nothing really, juror Smith I just thought you would want to do the right thing for my client.” “Did I tell you about my ingrown toenail?” “Did I tell you that I missed work and I am not getting paid?” “How am I going to pay my bar tab if I have to sit here all week and listen to you try and convince me your poor abused client was betrayed by some idiot that was his friend?” “This has nothing to do with me this does not affect my life one bit.”*

However, with a case that is prosecuting the prosecutor the imagined conversation is much different... *“What does this have to do with me?” “Well a lot actually, you have children and you and your family relies upon the system to protect you. Not just protect you from criminals but to protect you from being accused of crimes that you did not commit. To protect you from the horror of having to watch your child be arrested and thrown into jail and stand trial for murder. The prosecutor has done that to this young man without reliable evidence. The prosecutor is taking the word of an admitted liar in bringing these charges and the prosecutor has lowered the bar of prosecution so low that we are all at risk of being put through the prosecutorial ringer because of the word of an admitted liar and felon. You can protect yourself and your family from this danger by telling the prosecution that what they have done in this case is wrong.”*

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

I used to voir dire on the jurors being neutral with no dog in the fight. I will never do that again. They have a dog and his name is “Self Interest”, I just have to help them find their little doggie.

Story Format

Sound trial strategy has to begin with storytelling. We are hardwired, pre-programmed to receive information in stories. It is part of the human condition; it has been bred into us for centuries. “The nature of psychological life is not fact, but story. Stories are uniquely important to human beings the stories give us a sense of taking a journey.” (Holmes, 2007-2008) “Facts alone are always out of context; it is the story that is important.” (Holmes, 2007-2008)

Imagination is reality to the unconscious mind. A contest of words is difficult to win for either side. A contest of images is easy to win particularly when the other side does not use them. When you set the scene in opening, when you re-enact it in the opening the jury saw it for themselves. It is difficult for them to get that out of their head.

If we structure our client’s case as a story, mold it into a format that is consistent with what we are hardwired to receive than we are more likely to persuade the jury that we are correct. To be a great trial lawyer you need to be a great story teller.

A story is when a good guy is run up a tree and everybody is trying to get him and run him out of the tree & then the good guy comes down. Every movie and story is this way. (TLC Unknown)

Gerry Spence says “Tell the story that helps bring the story to the surface for the jury. Find the bad guy & tell the jury about the bad guy 1st. In a criminal case

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

the prosecutor is always the bad guy. You prosecute the prosecutor in a criminal case. Don't tell the jury a "mommy" ... "mommy" story. There is only one case from now on and it is betrayal. Betrayal is deeply rooted in the human experience. Jesus was betrayed in the bible. We have all been betrayed".

"Good storytelling doesn't just tell audiences what happened in a life. It gives the experience of that life. It is essential life, just the crucial thoughts and events, but it is conveyed with such freshness and newness that it feels part of the audience's life too." (Truby) "Good storytelling lets the audience relive events in the present so that they can understand the forces, choices and emotions that led the character to do what he did." Page 6. (Truby)

It is not enough to tell the story the jury must feel the story. They must live the story and experience the story; when they are experiencing the story their defenses are down and I can deliver the message without resistance.

Jurors Need Pieces of the Story to Figure Out

Jurors want to figure out things about the story it draws them into it. Gary Richardson told me one time that often times in his opening he will tell the jury that there are some things that he does not know about the story and perhaps "we can figure it out during the trial". I did not really understand what Gary was talking about at the time but he was drawing the jury into the story. John Truby discusses this concept in *The Anatomy of Story*; "Withholding or hiding information is crucial to the storyteller's make believe. It forces the audience to figure out who the character is and what he is doing and so draws the audience into the story. When the audience no longer has to figure out the story it ceases being an audience and the story stops." Page 7 (Truby)

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Zach Smith's father, a former judge, told Zach that you have to let the jury figure some things out for themselves. This seems to fit into what Truby is saying. Also if the jury reaches a conclusion on its own they will own the idea and will not let go as easily as they would if the idea was told to them.

Truby also wrote; "Audiences love both the feeling part (reliving the life) and the thinking part (figuring out the puzzle) of a story. Every good story has both." Page 7, (Truby) I hear lawyers say that the jury picked up a throw away idea and run with it and blow it way out of proportion. (Scott Woodward made this comment to me on 4/15/2008) I heard Judge McBride talk about this in the Schoonover I case. Lawyers are fearful of this. Skip Durbin told the jurors in the *Hernandez* case "don't you solve this for the state. Don't do it. Your job is to determine whether they have proved their case." Skip must have said this because he knew that the jurors want to solve cases, the "thinking part" of the story. This now makes sense. Lawyers must give the jurors something to figure out. Just like Gestalt just make the lines close enough that they can make out the picture. Since story telling is hardwired people will do it naturally. I must find a way to tell my story and leave in a thinking part for the jury that leads to the desired outcome. Just like what Gary Richardson was doing. Jurors are like puppies. They are going to chew on something, either something you want them chewing on or something you do not want them chewing on.

Stories are a Delivery Method for the Message

Stories are nothing more than a delivery method for my message; "Key point: All stories are a form of communication that expresses the dramatic code. The dramatic code embedded deep in the human psyche, is an artistic description of how a person can grow or evolve. This code is also a process going on underneath every story. The storyteller hides this process beneath particular characters and actions. But the code of growth is what the audience ultimately takes from a good story. In the dramatic code, change is fueled by desire." Pg 7

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

(Truby) I need to find a way to include growth into my story. Some cases that is easy my client is not guilty of what they are accused of but they made some mistakes. In other cases that is more difficult; like when my client is a victim of mistaken identity. Regardless of the whether my client made some mistakes they can always grow, they grow from the experience. They no longer take their freedom lightly. They learn that hanging around the wrong crowd is a bad thing even if you are not breaking the law yourself, that people that are trouble have a way of involving you in their dramas even if you have not involved yourself.

“In dramatic code, change is fueled by desire. The “story world” does not boil down to “I think therefore I am” but rather “I want therefore I am”. Desire in all of its facets makes the world go around...a story tracks what a person wants, what he’ll do to get it, and what costs he’ll have to pay along the way.” Pg 7 (Truby) Some complaining witnesses want attention. Snitches want to avoid responsibility for their actions and are willing to say or do anything to accomplish that goal.

“Any character who goes after a desire and is impeded is forced to struggle (otherwise the story is over) And that struggle makes him change. So the ultimate goal of the dramatic code, and of the storyteller, is to present a change in a character or to illustrate why that change did not occur.” Pg 8 (Truby) As applied to the Curry case. We have the bad guy Buddy who killed a man over some drugs. Buddy desires freedom and he is willing to do whatever it takes to get that freedom, including blaming an innocent man. Including blaming someone that was his friend. He only cares about himself and when the first false accusation did not get the result that he wanted he decided to betray another friend Sean Hawkins. This is a story also about the prosecutor that desires a conviction and has never considered the possibility that she is wrong. She wants to win a conviction at all costs. The ends justify the means. She is enabling Buddy by relying upon an untrustworthy person, someone who has been dishonest in the past.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Tension Fuels the Story

The fuel for the story is tension. Tension is created by juxtaposing two contradictory ideas side by side. Chronological stories rarely work because there are too many facts separating the tension builders. If it does not add tension to the story remove it. If there is a fact that has to be told to the jury, a bad fact, do it in such a way that builds tension. (Thomas Metier) Examples from movies—Jaws—Fisherman not paying attention and here comes the shark.

Tom Metier says tension drives the story and Truby says desire drives the story. Desire can easily serve as tension, it may be the best tension builder there is. Competing desires build tension. Tensioned desires also gets to the human element of the story just like Truby stated “Good storytelling lets the audience relive events in the present so that they can understand the forces, choices and emotions that led the character to do what he did.” Page 6. (Truby) Desire is the force and the emotion. The action is secondary; the motivation is what is important. Action is generated out of something going on inside. (Most lawyers ignore it) Must discover what a witness is doing inside to learn what is necessary to perform direct.

To keep the audience ahead of the action use foreshadowing. (Thomas Metier) Tension can also foreshadow. Use foreshadowing to lead the jury to the proper conclusion before you tell them, this way the jury will be committed to the conclusion because they arrived at the conclusion by themselves. **Whatever you are trying to convince the jury of is what you should build the tension around; best if desire is the tension so the jury understands the motivations.**

“Drama is the code of maturity. The focal point is the moment of change the impact, when a person breaks free of habits and weakness and ghosts from his past and transforms to a richer and truer self. The dramatic code expresses the idea that human beings can be better versions of themselves psychologically and morally and that is why people love it.” Pg 8 (Truby) In Curry the moment of truth for the prosecutor is when the jury returns a verdict of not guilty. The jury completes the

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

story by denying the unholy desire of the prosecutor who is willing to win at all cost and places us all at risk by doing so because she is removing the protections of the judicial system that protects our children and loved ones from being thrown into jail unjustifiably.

“Some ideas generate certain expectations, things that must happen to play out in a full story. These “promises” can lead you to the best option for developing that idea.” Pg. 20 (Truby) Generate a story in such a way that the promise of the story is the desired verdict. This can be done with the idea of arresting someone and charging them with murder; that idea generates the expectation that the state has reliable evidence to do that with. If not than we are all at risk.

Paul Luvera says “we should capture the hearts of the jurors by storytelling. Make stories interesting, short, simple & compelling. Trials are battles of impressions and not logic.” Jeff Fieger says “it is not a question of telling a story it is a question of believing the story.” I have to arrange my case in such a way that I believe the story I am telling or that I can tap into the true emotions of the story. This is true because with the proper emotion I have credibility and trustworthiness, which allows the jurors to let down their defense and be drawn into the story so I can deliver my message.

“There are only two or three human stories, and they go on repeating themselves as fiercely as if they had never happened before.”—Willa Cather, in *O Pioneers!*

The Writer’s Journey

“Stories built on the model of the Hero’s journey have an appeal that can be felt by, everyone, because they well up from a universal source in the shared unconscious and reflect universal concerns.” Pg. 5 (Vogler, 2007)

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Stages of the Hero's Journey¹

Departure, Separation (Act I)

1. Ordinary World
2. Call to Adventure
3. Refusal of the Call
4. Meeting with the Mentor
5. Crossing the First threshold/Belly of the Whale (Can be Many Thresholds)

Descent, Initiation, Penetration (Act II)

6. Road of Trials (Test, Allies & Enemies)
7. Approach the inner most cave
8. Ordeal
9. Reward (Desired Goal)

Return (Act III)

10. The road back
11. Resurrection
12. Freedom to Live (Return with the elixir)

¹ Vogler modified Campbell's original steps. I have combined the two too my liking.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Pg. 6 (Vogler, 2007)

Listed below is the framework of the Hero's Journey as applied to someone accused of a criminal act; the second step a call to action should always include the bad guy in the story and should always be told first to the jury.

“The Hero's Journey is a skeletal framework that should be fleshed out with the details and surprises of the individual story. The structure should not call attention to itself, nor should it be followed too precisely. The order of the stages given here is only one of many possible variations. The stages can be deleted, added to, and drastically shuffled without losing any of their powers.” Pg. 19-20 (Vogler, 2007)

“Remember: The needs of the story dictate its structure. Form follows function. Your beliefs and priorities, along with the characters, themes, style, tone, and mood you are trying to get across, will determine the shape and design of the plot. Structure will also be influenced by the audience, and the time and place in which the story is being told.” Pg. 232 (Vogler, 2007)

My Client's Journey (Condensed)

A World Turned Upside Down (Departure, Separation (Act I))

1. Client's life before the legal system. (Ordinary World)
2. False Accusation. ((Call to Adventure) Betrayal)
3. Client's fear and disbelief that this is happening, (Refusal of the Call)
4. Hiring lawyer and learning about the “legal system” (Meeting with the Mentor)
5. Arrest and/or Incarceration (Crossing the First threshold/Belly of the Whale)

Descent, Initiation, Penetration (Act II)

6. Being put through the “System” (Road of Trials (Test, Allies & Enemies))

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

7. The road to trial. (Approach the inner most cave)

8. Trial/Verdict (Ordeal)

9. Freedom (Reward (Desired Goal))

Trying to Move on with Life (Return (Act III))

10. Trying to Re-adjust to Everyday Life (The road back)

11. Resurrection

12. Freedom to Live (Return with the elixir)

My Client's Journey (Detailed)

A World Turned Upside Down (Departure, Separation (Act I))

1. Client's life before the legal system. (Ordinary World)

“Most stories take the hero out of the ordinary, mundane world into a Special World, new and alien. This is the familiar “fish out of water” idea which has spawned countless films and TV shows.” (The Fugitive, The Beverly Hillbillies, The Wizard of Oz, Trading Places, Beverly Hills Cop, Crocodile Dundee, etc)...” If you are going to show a fish out of his customary element, you”...“must show him in his ordinary world to create a vivid contrast with the strange new world.” Pg. 10 (Vogler, 2007)

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Most criminal cases will be a “fish out of water” story. Even with clients that have previously been to prison the jury will typically not know this. Also the thought of going to jail and being accused of committing a serious crime seems scary and alien to most jurors.

“It is a good idea for writers to make the Ordinary World as different as possible from the Special World, so audiences and hero will experience a dramatic change when the threshold is finally crossed.” Pg. 87 (Vogler, 2007)
We need to make sure and contrast the client’s life before the charges and their life now.

What is the character doing at the moment of entrance? The character’s first action is a wonderful opportunity to speak volumes about his attitude, emotional state, background, strengths, and problems. Pg. 89 (Vogler, 2007)

The ordinary world is the most appropriate place to deal with exposition and backstory. Backstory is all the relevant information about a character’s history and background—what got him in the situation at the beginning of the story. Exposition—is the art of gracefully revealing the backstory and any other pertinent information about the plot: the hero’s social class, upbringing, habits, experiences, as well as the prevailing social conditions and opposing forces that may affect the hero. Exposition is everything the audience needs to know to understand the hero and the story. Pg. 95 (Vogler, 2007)

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

2. **The False Accusation.** ((Call to Adventure) Betrayal)

“The hero is presented with a problem, challenge, or an adventure to undertake. Once presented with a Call to Adventure, she can no longer remain indefinitely in the comfort of the ordinary World.” Pg. 10 (Vogler, 2007)

In a criminal case the call to adventure involves the false accusation. How did my client get into this mess? The answer to the question of why is he here? It could be that he did something stupid and he is being overcharged. It could be that he did something horrible but he was crazy. He could have killed somebody but had no choice because of self defense. This is the scene of injustice. This is the root of the case; if the jury believes this scene than my client will go home.

“The Call to Adventure establishes the stakes of the game, and makes clear the hero’s goal: to win the treasure or lover, to get revenge or right a wrong, to achieve a dream, confront a challenge, or change a life.” Pg. 11 (Vogler, 2007)

“Serving a writ or warrant and issuing a summons are ways of giving calls in a legal proceeding.” Pg. 100 (Vogler, 2007) *I believe that the true call to duty is the injustice of the false accusation. The arrest and subsequent charges are just continuations of that call.* “The call to adventure can often be unsettling and disorienting to the hero.” Pg. 102 (Vogler, 2007)

3. **Client’s fear and disbelief that this is happening,** (Refusal of the Call)

“This one is about fear. Often at this point the hero balks at the threshold of adventure, **Refusing the Call** or expressing reluctance. After all, she is facing the

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

greatest of all fears, terror of the unknown. The hero has not yet fully committed to the journey and may still be thinking of turning back. Some other influence—a change in circumstances, a further offense against the natural order of things, or the encouragement of a mentor—is required to get her past this turning point of fear.” Pg. 11 (Vogler, 2007)

Refusal of the call is about fear. Fear of the unknown, fear of failure, fear of rejection, fear of death, etc.... It is significant because we all feel fear and we all have to face our fears. The hero doubts himself and finds the strength inside him to achieve the goal anyway.

“Some heroes are “shanghaied” into the adventure or pushed over the brink, with no choice but to commit to the journey.” Pg. 128 (Vogler, 2007) *All of our cases involve a situation in which our clients are forced into taking this journey. Just like Dorothy in the Wizard of OZ our clients are ripped from their everyday life and thrown into the special world of the legal system. In our story we do not have refusal of the call unless our client flees. But refusal is not what is important; fear is. So we need to include the fear our client felt and how they faced that fear*

4. Hiring lawyer and learning about the “legal system” (Meeting with the Mentor)

“The relationship between the hero and Mentor is one of the most common themes in mythology, and one of the richest in its symbolic value. It stands between the bond between parent and child, teacher and student, god and patient, god and man.”... “The function of the mentor is to prepare the hero to face the unknown.”... However, the mentor can only go so far with the hero. Eventually the hero must face the unknown alone. Sometimes the mentor is required to give the hero a swift kick in the pants to get the adventure going.” Pg. 12 (Vogler, 2007)

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

All clients met with the mentor. Not only do we want to be our client's mentor we want to mentor the jury as well. Your lawyer can explain things to you. The lawyer can assist his client in court; but ultimately it is just the client. The client's life is on the line and no one else's. Like a terminally ill person the doctor can move on to the next patient but if the patient loses his life that is all they have.

5. Arrest and the Legal System (Crossing the First threshold)

“He agrees to face the consequences of dealing with the problem and the challenge posed in the call to adventure. This is the moment the story really takes off and the adventure really gets going. The balloon goes up, the ship sails, romance begins, the plane or the spaceship soars off, the wagon train gets rolling.” Pg. 12 (Vogler, 2007)

“Movies are often built in three acts, which can be regarded as representing 1) the hero's decision to act, 2) the action itself, and 3) the consequences of the action. The first threshold marks the turning point between acts one and acts two. The hero, having overcome fear, has decided to confront the problem and take action. She is now committed to the journey and there is no turning back.” Pg. 13 (Vogler, 2007)

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Crossing the threshold in the criminal case is the arrest and charges. Some hero's are reluctant, reluctant because of fear and they overcome their fear and cross the threshold. Our hero has no choice. He is drug through the first threshold. This is thrust upon him; because he is innocent. But I should look for some way to portray my client's efforts as courageous. It could be as simple as "he knew that he had to be strong for his family." It could be as simple as describing how difficult it is to fight the "system". "Often the shock wore off, Johnny knew what he had to do; he was in a fight for his life and despite his fear he had to prepare himself for what was about to come."

In the hero's Journey "refusal of the call" is about fear. Crossing the threshold is about courage. We have a client that is an unwilling participant in this adventure. I don't have "refusal of the call", but I have fear and that is what it is about. By expressing courage; I can express the crossing the threshold emotion.

Descent, Initiation, Penetration (Act II)

6. Being put through the "System" (Road of Trials (Test, Allies & Enemies))

"Once across the first threshold, the hero naturally encounters new challenges and tests, makes allies and enemies, and begins to learn the rules of the special world." Pg. 13 (Vogler, 2007)

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

“.....allow for character development as we watch the hero and his companions react under stress.” Pg. 13 (Vogler, 2007)

This is what happens and all my client goes through leading up to trial. It allows for character development if I could show how the prosecutor time and time again passed upon opportunities to do the right thing. How this challenged my client and brought about personal growth. The prosecutor passing upon the opportunity to do the right thing is our opportunity to expose the prosecutor to the jury as “The Right Man” who is “Never Wrong” and who will stop at nothing to gain the conviction.

7. Preparing for Trial. (Approach the inner most cave)

The hero comes to the edge of a dangerous place, sometimes deep underground, where the object of the quest is hidden. Often it is the headquarters of the hero’s greatest enemy, the most dangerous spot in the special world, the inmost cave. When the hero enters that fearful place he will cross the second major threshold. Heroes often pause at the gate to prepare, plan and outwit the villain’s guards. This is the phase of the approach....Approach covers all the preparation for entering the inmost cave and confronting death or supreme danger. Pg. 14 (Vogler, 2007)

This is also about fear, crossing thresholds is scary. Trials are scary. This is about feeling fear and crossing another threshold. This is refusal of the call and crossing the 1st threshold combined. Except that it occurs immediately

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

prior to confronting the ultimate fear, death. Just like many of these steps I just need a couple of lines in the story to represent these. It may just reference what my client is going through inside. It may be accomplished by saying “imagine walking into this courtroom seeing a group of strangers and knowing that twelve of those strangers will decide the rest of your life.” Imagine feeling that fear and still trying to be strong for your family.” I can even start establishing these story elements in voir dire; the elements don’t have to be in order. (e.g. Pulp Fiction & Blow)

8. Trial (Ordeal)

Seeker, enter the innermost cave and look for that which will restore life to the home tribe. The way grows narrow and dark. You must go alone on hands and knees and you must feel the earth press close around you. You can hardly breathe. Suddenly you come out into the deepest chamber and find yourself face-to-face with a towering figure, a menacing shadow composed of all your doubts and fears and well armed to defend a treasure. Here, in this moment, is the chance to win or die. No matter what you came for, it’s Death now stares back at you. Whatever the outcome of the battle, you are about to taste death and it will change you. Pg. 155 Quoted from Joseph Campbell (Vogler, 2007)

Here the fortunes of the hero hit bottom in a direct confrontation with his greatest fear. He faces the possibility of death and is brought to the brink in a battle with hostile forces. **The Ordeal** is a “black moment” for the audience, as we are held in suspense and tension, not knowing if he will live or die. The hero, like Jonah, is “in the belly of the beast.” Pg. 15 (Vogler, 2007) *This is the*

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

trial. The battle between the prosecutor and the client; the prosecutor is seeking to seal my client's fate through their bullshit.

“The hero’s chances of connecting with the object of affection look their bleakest.”.... “This is a critical moment in any story, an Ordeal in which the hero must die or appear to die so that she can be born again. It’s a major source of the magic of the heroic myth. The experiences of the preceding stages have led us, the audience, to identify with the hero and his fate. What happens to the hero happens to us. We are encouraged to experience the brink-of-death moment with him. Our emotions are temporarily depressed so that they can be revived by the hero’s return from death. The result of this revival is a feeling of elation and exhilaration.” Pg. 15 (Vogler, 2007) *This is the crux of my entire theory on adapting the Hero’s Journey to a criminal case so that the jury completes the story by granting us the verdict we seek.*

Human emotions, it seems, have certain elastic properties, rather like basketballs. When thrown down hard, they bounce back high. In a story you are trying to lift the audience, raise their awareness, heighten their emotions. The structure of a story acts like a pump to increase the involvement of the audience. Good structure works by alternately lowering and raising the hero’s fortunes and, with them, the audience’s emotions. Depressing an audience’s emotions has the same effect as holding an inflated basketball under water: When the downward pressure is released, the ball flies up out of the water. Emotions depressed by the presence of death can rebound in an instant to a state higher than ever before. This can become the base on which you build to still a higher level. The ordeal is one of the deepest “depressions” in a story and therefore leads to one of its highest peaks.” *This is can be accomplished in a*

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

criminal case by talking about how my client's life as he knew it is over and gone. That he will never be able to regain the year or more he spent in jail. That part of his life is forever gone. His entire life will be divided by this ordeal.

The initiate is forced to taste death in some terrible experience, and is allowed to experience resurrection as she is reborn as a new member of the group. The hero of every story is an initiate being introduced to the mysteries of life and death. Every story needs a life-or-death moment in which a hero or his goals are in mortal jeopardy.” Pg. 16 (Vogler, 2007)

The life or death moment in any case is the verdict. Our client's lives have already been destroyed. Their entire life will be divided into before their involvement with the legal system and after their involvement in the legal system. We should talk about the verdict and what it represents. It represents freedom or imprisonment. It represents life or death. This is our life or death moment—the verdict.

9. Freedom (Reward (Desired Goal))

Having survived death, beaten the dragon, or slain the Minotaur, hero and audience have cause to celebrate. The hero now takes possession of the treasure she has been seeking, her reward. Pg. 16 (Vogler, 2007) *This is my client walking out of the courtroom a free man; Spence's vision of a better tomorrow. In my client's story it is freedom, life itself. The life he once lived has been destroyed by the bringing of these charges. The verdict does not give him his life back it gives him the opportunity to once again build a life for himself.*

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Post-Trial (Return (Act III))

10. Trying to Re-adjust to Everyday Life (The road back)

This marks the decision to return to the ordinary world. The hero realizes that the special world must eventually be left behind, and there are still dangers, temptations, and tests ahead. Pg. 17 (Vogler, 2007) *Of course our client does not have to decide to return they desperately want to return. Now they have to start rebuilding their life that was taken by being falsely accused.*

11. Resurrection

The hero who has been to the realm of the dead must be reborn and cleansed in one last ordeal of death and resurrection before returning to the Ordinary World of the living. Pg. 17 (Vogler, 2007) *This may be the verdict, this may be what my client has learned from the experience. To treasure life, not take freedom for guaranteed. Don't hang out with losers.*

The trick for writers is to show the change in their characters, by behavior or appearance rather than just by talking about it. The writer must find ways to demonstrate that their heroes have been through a resurrection. Pg. 197 (Vogler, 2007)

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

12. Freedom to Live (Return with the elixir)

The hero returns to the Ordinary World, but the journey is meaningless unless she brings back some Elixir or lesson from the Special World. Pg. 18 (Vogler, 2007) *The Elixir is whatever my client has learned from the experience.*

There are two branches to end the Hero's Journey. The more conventional way of ending a story, greatly preferred in western culture and American movies in particular, is the circular form in which there is a sense of closure and completion...in this structure you bring the hero literally full circle in a visual or metaphoric way, with a reply of an initial image, or the repetition of a line of dialogue or situation from Act one. This is a way of tying up loose ends and making the journey feel complete. The images or phrases may have acquired a new meaning now that the hero has completed the journey. The original statement of the theme may be re-evaluated at the Return. Pg. 216—217 (Vogler, 2007)

THE END—Of the Client's Journey

The Archetypes

Carl Jung employed the term archetypes, meaning ancient patterns of personality that are shared heritage of the human race. Jung suggested there may be a collective unconscious, similar to the personal unconscious. Fairy tales and myths are like dreams of an entire culture, springing from the collective unconscious. The archetypes are amazingly constant throughout all time and culture, in the dreams and personalities of individuals as well as in the mythic imagination of the entire world. **An understanding of these forces is one of the most powerful elements in the modern storyteller's bag of tricks.** Pg. 23 (Vogler, 2007)

A character can manifest the qualities of more than one archetype. Pg. 24 (Vogler, 2007)

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Two questions are helpful for a writer trying to identify the nature of an archetype. 1. What psychological function or part of the personality does it represent? And 2. What is its dramatic function in the story? Pg. 27 (Vogler, 2007)

Hero

Hero—Greek word, from root that means “to protect and serve”. A hero is someone willing to sacrifice his own needs on behalf of others., like a Shepherd who will sacrifice to protect and serve his flock. At the root the idea of a hero is connected with self-sacrifice. Vogler uses the word hero to describe a central character or protagonist. Pg. 29 (Vogler, 2007)

In psychological terms, the hero represents what Freud called the ego—that part of the personality that separates us from the mother, that considers itself distinct from the rest of the human race. Ultimately, the hero is one who is able to transcend the bounds and illusions of the ego, but at first, heroes are all ego; the I, the one, that personal identity which thinks it is separate from the rest of the group. The journey of many heroes is the story of the separation from family or tribe, equivalent to a child’s sense of separation from the mother. Pg. 29 (Vogler, 2007)

The hero archetype represents the ego’s search for identity and wholeness. In the process of becoming complete, integrated human beings, we are all heroes facing internal guardians, monsters, and helpers. In the quest to explore our own minds we find teachers, guides, demons, gods, mates, servants, scapegoats, masters, seducers, betrayers, and allies, as aspects of our personalities and characters in our dreams. All the villains, tricksters, lovers, friends, and foes of the Hero can be found inside ourselves. The psychological task we all face is to integrate these separate parts into one complete, balanced unity. The ego, the hero thinking he is separate from all the parts of himself, must incorporate them to become the self. Pg. 30 (Vogler, 2007)

Audience Identification with Hero

The dramatic purpose of the hero is to give the audience a window into the story. Each person hearing a tale or watching a play or movie is invited, in the early stages of the story, to identify with the hero, to merge with him and see the world

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

through his eyes. Storytellers do this by giving their heroes a combination of qualities, a mix of universal and unique characteristics. Pg. 30 (Vogler, 2007)

Heroes have qualities that we all can identify with and recognize in ourselves. They are all propelled by universal drives we can all understand: the desire to be loved and understood, to succeed, survive, be free, get revenge, right wrongs, or seek self-expression. Pg. 30 (Vogler, 2007)

Stories invite us to invest part of our personal identity in the hero for the duration of the experience. In sense we become the hero for a while; we project ourselves into the hero's psyche, and see the world through their eyes. Heroes need some admirable qualities, so that we want to be like them. Pg. 30 (Vogler, 2007)

Heroes should have universal qualities, emotions and motivations that we have all experienced but the hero must be a unique human being, complete with flaws and unpredictability. They need to be both universal and original. Not just a single trait but a unique combination of many qualities and drives, some of them conflicting. Characters with contradicting traits or desires seem realistic. (KDA contradicting traits build tension) pg. 31 (Vogler, 2007)

Heroes should experience growth, his desire will drive the story forward, sacrifice is a true mark of a hero—*but our clients are not willingly giving something up, it has been taken from them.* Pg. 31 (Vogler, 2007)

Heroes deal with death, real or symbolic; sometimes the hero archetype is just not manifested in the main character, the protagonist, the archetype can be manifested in other characters, there is nothing wrong with a hero having character flaws. Flaws are the starting point of imperfection or incompleteness from which a character can grow. Pg. 33 (Vogler, 2007)

Every hero needs both an inner and an outer problem. Pg. 88 (Vogler, 2007) Characters without inner challenges seem flat and uninvolved, however heroically they may act. They need an inner problem, a personality flaw or moral dilemma to work out. They need to learn something in the course of the story....audiences love to see characters learning, growing, and dealing with the inner and outer challenges of life. Pg. 89 (Vogler, 2007)

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

To humanize a hero or any character, give them a wound, a visible, physical injury or deep emotional wound. Pg. 93 (Vogler, 2007) *Our clients have the wound of injustice which has been inflicted upon them.*

The Mentor

An archetype found frequently in dreams, myths and stories is the Mentor, usually a positive figure who aids or trains the hero. Pg. 39 (Vogler, 2007) *It seems pretty clear that the lawyer is the mentor in my client's story. We could have more than one mentor.*

In the anatomy of the human psyche, Mentors represent the Self, the god within us, the aspect of personality that is connected to all things...The mentor archetype is closely related to the image of the parent...Many heroes seek mentors because their own parents are inadequate role models. Pg. 40 (Vogler, 2007) *This is an interesting concept. Clearly the lawyer is mentoring the client on what to expect in the legal system. Often times I find myself mentoring the clients on issues relating to life.* Another important function of the mentor is to motivate the hero, and help him overcome fear. Pg. 42 (Vogler, 2007) Like the other archetypes the mentor is not a rigid character type but a function which several different characters can perform...in some stories the hero has internalized the archetype of a mentor and it now lives within him as an inner code of behavior....the placement of the mentor in the story is a practical consideration. Pg. 46-47. (Vogler, 2007)

Threshold Guardian

All heroes encounter obstacles on the road to adventure. At each gateway to a new world there are powerful guardians at the threshold, placed to keep the unworthy from entering. They present a menacing face to the hero, but if properly understood, they can be overcome, bypassed, or even turned into allies....Threshold guardians are usually not the main villains or antagonists in stories. Often they will be lieutenants of the villain, lesser thugs or mercenaries hired to guard access to the chief's headquarters....There is often time a symbiotic relationship between a villain and threshold guardian. Pg. 49 (Vogler, 2007)

The psychological function of the threshold guardian is that they represent ordinary obstacles we all face in the world around us: bad weather, bad luck, prejudice, oppression, or hostile people. On a deeper psychological level they stand

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

for our internal demons, the neuroses, emotional scars, vices, dependencies, and self-limitations that hold back our progress. It seems that every time you try and make a major change in your life, the inner demons rise up to their full force, not necessarily to stop you but to test if you are really determined to accept the challenge of change. Pg. 50 (Vogler, 2007)

Testing of the hero is the primary dramatic function of the threshold guardian. When heroes confront one of these figures, they must solve a puzzle or pass a test. The threshold guardian's challenge and test heroes on the path. Pg. 50 (Vogler, 2007) One of the most effective ways of dealing with the threshold guardians is to get into the skin of the opponent like a hunter entering into the skin of a stalked animal. Pg. 50 (Vogler, 2007) *Psychodrama*.

It is important for a hero to recognize and acknowledge these figures as threshold guardians. In daily life, you probably encounter resistance when you try and make a positive change in your life. People around you, even those who love you, are often reluctant to see you change. They are used to your neuroses and have found ways to benefit from them. The idea of changing may threaten them. If they resist you, it's important to realize they are simply functioning as threshold guardians, testing you to see if you are really resolved to change. Pg. 51 (Vogler, 2007)

Successful heroes learn to recognize threshold guardians not as threatening enemies, but as useful allies and early indicators that new power or success is coming. Threshold guardians who appear to be attacking may in fact be doing the hero a huge favor. Heroes also learn to recognize the resistance as a source of strength. As in bodybuilding, the greater the resistance, the greater the strength. Rather than attacking the power of the threshold guardians head-on, heroes learn to use it so that it does not harm them and in fact makes them stronger. Use their strength against them. Incorporate the guardian to the heroes benefit. Heroes learn the guardian's tricks and move on, ultimately the heroes feel compassion for their apparent enemies and transcend rather than destroy them. Pg. 51 (Vogler, 2007)

Threshold guardians take on a fantastic array of forms. They may be border guards, sentinels, night watchmen, lookouts, bodyguards, banditos, editors, doormen, bouncers, entrance examiners, or anyone whose function it is to

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

temporarily block the way of the hero and test her powers. The energy of the threshold guardian may not be embedded in a character in the form of anything that blocks and test the hero. Learning how to deal with the threshold guardian is one of the major tests of the hero's journey. Pg. 52 (Vogler, 2007)

Herald

“If you build it, they will come.” (Voice in Field of Dreams) Often a new force will appear in Act One to bring a challenge to the hero. Typically, in the opening phase of the story, heroes have “gotten by” somehow. They have handled an imbalanced life through a series of defenses or coping mechanisms. Then all at once some new energy enters the story that makes it impossible for the hero to simply get by any longer. A new person, condition, or information shifts the hero's balance and nothing will ever be the same. A decision must be made, action taken, the conflict faced. A call to adventure has been delivered, often by a character that manifests the archetype of the herald. Pg. 56 (Vogler, 2007)

Heralds have the important psychological function of announcing the need for change. Something deep inside us knows when we are ready to change and sends us a messenger. This may be a dream figure, a real person, or a new idea we encounter. Pg. 56 (Vogler, 2007)

The Herald may be a person or a force. The coming of a storm or the first tremors of the earth, as in an earthquake or a hurricane, may be a Herald of an adventure. Often the herald is simply a means of bringing news to the hero of a new energy that will change the balance.... The Herald may be a positive, negative or neutral figure. In some stories the Herald is the villain of his emissary, perhaps issuing a direct challenge to the hero, or trying to dupe the hero into getting involved....The Herald's mask can be worn temporarily by a character who mainly embodies some archetype....Herald's can be employed at anytime of the story but they are most frequently employed at the beginning. Most stories need Herald's. Pg. 57 (Vogler, 2007)

I always have Harold's in my stories. A Harold could be the police officer who arrests my client, a phone call that tells my client the police are looking to arrest him. A Harold in my cases could be a knock on the door.

Shapeshifter

Kevin Adams
Attorney at Law

www.OklahomaCriminalLaw.com

918 582-1313

Lawyeradams@me.com

Copyright 2013

Shapeshifters change appearance or mood, and are difficult for the hero and the audience to pin down. They may mislead the hero or keep her guessing, and their loyalty or sincerity is often in question. An ally or friend of the same sex as the hero may also act as a Shapeshifter in a buddy comedy or adventure....The Shapeshifter serves the dramatic function of bringing doubt and suspense into a story....Shapeshifting is a function or mask that may be worn by any character in a story; including the hero. The Shapeshifter is one of the most flexible archetypes and serves a protean variety of functions in modern stories. It's found most often in male female relationships, but it may be useful in other situations to portray characters whose appearance or behavior change to meet the needs of the story. Pg 59—63 (Vogler, 2007)

Shadow

The shadow represents the energy of the dark side, the unexpressed, unrealized, or rejected aspects of something. Often it's the home of the suppressed monsters of our inner world. Shadows can be all the things we don't like about ourselves, all the dark secrets we can't admit to ourselves. The qualities we have renounced tried to root out still lurk within, operating in the Shadow world of the unconscious. The shadow can shelter positive qualities that are in hiding or that we have rejected for some reason....the negative face of the shadow in stories is projected onto characters called villains, antagonists, or enemies. Villains and enemies are usually dedicated to the death, destruction, or defeat of the hero. Antagonists may not be quite so hostile—they may be allies who are after some goal but who disagree with the hero's tactics. Antagonists and heroes in a conflict are like horses in a team pulling in different directions, while villains and heroes in conflict are trains on a head on collision course. Pg. 65 (Vogler, 2007)

The shadow can represent the power of repressed feelings. Deep trauma or guilt can fester when exiled to the darkness of the unconscious and emotions hidden or denied can turn into something monstrous that wants to destroy us. If the threshold guardian represents neuroses, then the Shadow archetype stands for psychosis that not only hamper us, but threaten to destroy us. The shadow may simply be a shady part of ourselves that we are always struggling with over bad habits and old fears....the function of the shadow in drama is to

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

challenge the hero and give her a worthy opponent in the struggle. Shadow creates conflict and bring out the best in a hero by putting her in a life-threatening situation. It's often said that a story is only as good as its villain, because a strong enemy forces the hero to rise to the challenge....Shadows can be humanized by making them vulnerable....Most shadow figures do not see themselves as villains or enemies...From his point of view the villain is the hero of his own myth, and the audience's hero is the villain. A dangerous type of villain is the "Right Man", the person so convinced his cause is just that he will stop at nothing to achieve it. Beware of the man who believes the end justifies the means. Hitler's sincere belief that he was right, even heroic, allowed him to order the most villainous atrocities to achieve his aim. Pg. 68 (Vogler, 2007) *The prosecutor is simply a well meaning person that refuses to admit that they are wrong. They feel that since they are right that they can make a deal with the devil and things will turn out ok. As long as a witness says what helps their case they are willing to present the evidence. But the system is not about a single prosecutor that thinks they are right. The system should be about rule of law. Ultimately the jury decides who is right not the prosecutor.*

Ally

Heroes and their journeys may need someone to travel with them, an ally who can serve a variety of necessary functions, such as a companion, sparring partner, conscience, or comic relief. From the dawn of storytelling, heroes figures who fight at their sides, advise and warn them, and sometimes challenge them. The ally in dreams and fiction might represent the unexpressed or unused parts of the personality that must be brought into action to do their jobs. In stories, Allies remind us of these under-utilized parts and bring to mind actual friends or relationships that may be helpful to us in the journey of our lives. Allies may represent a powerful internal forces that can come to our aid in a spiritual crisis. Pg. 71-75 (Vogler, 2007)

Trickster

The trickster archetype embodies the energies of mischief and desire for change. All characters in stories who are primarily clowns or comical sidekicks express this archetype. Tricksters serve several important psychological functions.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

They cut big egos down to size, and bring heroes and audiences down to earth. By provoking healthy laughter they help us realize our common bonds, and they point out folly and hypocrisy. Above all, they bring about healthy change and transformation, often by drawing attention to the imbalance of a stagnant psychological situation. They are the natural enemy of the status quo.When we are talking ourselves too seriously, the trickster part of our personality may pop up to bring back needed perspective. Pg. 77 (Vogler, 2007) In drama, Tricksters serve all these psychological functions, plus the dramatic functions of comic relief. Unrelieved tension, suspense, and conflict can be emotionally exhausting, and even in the heaviest drama and audience's interest is revived by moments of laughter. Old rule of drama; "**Make 'em cry a lot; let 'em laugh a little.**" Pg. 78 (Vogler, 2007)

Tricksters like to stir up trouble for its own sake. ..Trickster's are often **catalyst characters**, who affect the lives of others but are somehow unchanged themselves. (Eddie Murphy in Beverly Hills Cop) Some Tricksters subvert the status quo and make us laugh at ourselves. Pg 79 (Vogler, 2007)

End of the Archetypal Characters

Death and Rebirth

Archetypal patterns and storytelling; stories contain an element of death and rebirth. Adam and Eve eating from the tree of the knowledge of good and evil is an image of death. This pattern repeats it's self over and over again. Charlotte's Web at the end Charlotte dies and her children are born to carry on the circle of life. The Lion King talks about the circle of life and there is a song about it.

*This pattern of death and rebirth is present in the world that we live in not just stories. The stories are reflecting the pattern that is already present. Each day is the same pattern; "It is always darkest before dawn." That folksy saying came from observing the world we live in, not just the sunrise but how life is. "**Heroes must die so that they can be reborn.**" The dramatic movement that audiences enjoy more than any other is death and rebirth. In some way in every story, heroes face death or something like it: their greatest fears, the failure of an enterprise, the end of a relationship, the death of an old personality. Most of the time, the*

Kevin Adams

Attorney at Law

www.OklahomaCriminalLaw.com

918 582-1313

Lawyeradams@me.com

Copyright 2013

magically survive this death and are literally or symbolically reborn to reap the consequences of having cheated death. They have passed the main test of being a hero.” Pg. 156 (Vogler, 2007)

In order for someone to grown as a person they generally must suffer. They must suffer so that they can overcome their ego. Or their ego must die a little so they can grow. This usually happens through conflicts, through trials and tribulations. “There is a silver lining in every cloud”. “If it does not kill you it makes you stronger”. Even the process of weight lifting and building muscles is built on this same principle; when someone lifts weights they are breaking down their muscles, when the muscle’s rebuild themselves they grow back stronger.

We need to keep the ideas of loss in mind when telling our client’s story. Every client accused of a criminal charge has suffered and lost. We can incorporate the loss aspect in the opening. We may be able to incorporate part of it during voir dire. We can also emphasize their loss in closing. “The life they once knew is over. Their life will never be the same. Their entire life will be divided into two parts; before they were put through this ordeal and after it.” We also need to remember to allow our client’s to grow a little. If our client made mistakes but is not guilty of what the government accused them of than this is the area our client grows from. If our client is innocent and falsely accused our client can still grow. They can grow by learning to treasure their freedom. By learning to value what they previously took for granite. But, we have to tell the story; we have to talk about the loss or the experience that brings about growth in our clients life. It does not have to be the major part of the story but it needs to be there.

Why Prosecutors are the Bad Guys

Most shadow figures do not see themselves as villains or enemies...From his point of view the villain is the hero of his own myth, and the audience’s hero is the villain. A dangerous type of villain is the “Right Man”, the person so convinced his cause is just that he will stop at nothing to achieve it. Beware of the man who believes the end justifies the means. Hitler’s sincere belief that he was right, even heroic, allowed him to order the most villainous atrocities to achieve his aim. Pg. 68 (Vogler, 2007) *This is what is wrong with prosecutors. They have not experienced life. They have not suffered they have not grown. They have not sinned*

Kevin Adams

Attorney at Law

www.OklahomaCriminalLaw.com

918 582-1313

Lawyeradams@me.com

Copyright 2013

enough to be a mature person; so most are immature, telling themselves that they are “holier than though and better than you”. This is a weakness of the prosecutor and makes it easy for us to turn them into the bad guy. These prosecutors can be made the villains because they never consider the possibility that they are wrong. In fact they place blinders on and ignore evidence that screams at them that they are wrong. They ignore evidence that a reasonable person would never ignore. “The ends justify the means.” “Win at all costs.” “Make a deal with the devil if you have to.” “If it supports my theory it must be true.” These prosecutors have a duty to seek justice not just pursue convictions. With these types of prosecutors the case turns from a “search for truth to a quest for conviction.”

People have a natural tendency to forgive and accept those people who have fallen, learned from it and are sorry about it. Prosecutors are missing this piece of their soul. They have no empathy. From a psychological standpoint they are likely dehumanizing someone as a form of cognitive dissonance. But it is a weakness because they are not seeing the world clearly.

Look at Jimmy Swaggart and Michael Vick. People are willing to accept someone that has done wrong and grown from it; because we have all done wrong and grown from it. In fact often times we do not grown until we screw things up or have some type of trial in our life.

We like those who have experienced life and who have sinned a little. When Johnny Cash first wandered into Sun Records and met Sam Phillips for the first time he wanted to sing Gospel music. Sam Phillips told Cash “Johnny, go sin a little bit, (then) come back and sing me some songs.” (Sam Phillips also said that he did not have to say that to Jerry Lee Lewis.) Something Gary Richardson said to me one time, “People that are hard on themselves are generally hard on other people as well.” I believe that people are hard on themselves because they have not accepted that at some point we all do wrong.

Never Wrong

Holier than though and better than you

Kevin Adams

Attorney at Law

www.OklahomaCriminalLaw.com

918 582-1313

Lawyeradams@me.com

Copyright 2013

*I am one of the chosen few
If we have made the accusation it must be true
Never allow facts to get in my way
Why should I? Juries seem to believe what I say
I must be brilliant, this job is so easy
The toughest part, criminal defense lawyers; they are so sleazy
I am never wrong can't you see
And none of these people I am prosecuting are as good as me
They are bad people they could not be falsely accused
They are not just those who made a mistake
I will send them to prison and make them pay
Don't want to hear about innocence, childhood or what they have been through
I don't want to hear about their wives, their children or their lives
What is the big deal anyway? It is just a few years
We get together after work and we laugh at them over beers*

Gestalt Storytelling

My Theory on applying the hero's story to my client's story is related to the Gestalt Principle of closure. The jury must still complete the story themselves, but if I get it close enough they will do it without realizing what is going on.

Closure occurs when an object is *incomplete* or a space is not *completely enclosed*. If enough of the shape is indicated, people perceive the whole by filling in the missing information.



Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

This relates to the *Gestalt Theory* of psychology. My theory, provide the jury with the elements of storytelling that are hardwired into them. The missing piece of the picture is the verdict where the hero faces death and does not die. Only the jury can open the door of freedom for my client. My client cannot do it for himself. My theory is the jury will complete the story themselves because that is the way the story is told and our mind naturally wants to fill in these gaps. Have ever seen a movie that killed the hero in the end? How did you feel about that? Why did it bother you it was just a movie? Was it because it did not follow the Hero's Journey?

Miscellaneous Storytelling

Reptile beliefs that rules make us safe and that rules protect us from harm. Without rules we are at risk. The strict father attitude believes "Rules must be obeyed like it or not."

Always remember that a person's life experiences are as powerful of a motivator as the reptilian brain. (Paul Luvera)

Create a typical story frame work for the prosecution case so that I can see where I may be able to derail their case. Can I include a hero story in my closing in which the juror is the hero? Does jury service plug into the hero story? Reluctant hero, reluctant juror? Accepted the call, under threat of contempt. I as the lawyer am the mentor. The jurors find the strength inside themselves to do the right thing, find in our favor. Do I included "what we have learned" from this in the closing? Should I develop an outline for a juror hero story for every case? Perhaps I should develop a hero story outline from the prosecutor's perspective so that I truly understand it; maybe that will help in understanding the trial process better.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Voir Dire

Voir Dire Goals (Paul Luvera) (From the Notes of Desi Martinez)

STEPS

- 1) Identify what troubles you about your case and weak points.
- 2) Use role reversal to understand the jurors reason. Gerry Spence believes you must first find the feeling that the issue gives rise to within you...the feeling, not an explanation of the dilemma. For instance – When defending an Hispanic client, your issue is not that client will not be given a fair shake because he is Hispanic. Why? Because this is an attempt to explain the issue, it is not a feeling. Your feeling is that because you are a bit racist yourself, you are prone to believing Hispanics commit more crimes and that your client may very well be guilty. That is a feeling that you have. That is a feeling we all have. Identify it and don't be afraid to share it. The feeling is racism.
- 3) Share- you must share first or a juror will not share with you. This is the same as what Gerry Spence believes. Spence calls it the “show me yours, and I'll show mine” technique of being honest with a jury.
- 4) You will feel the “obligated return”
- 5) Remind yourself to invite the jury to share with you...you are open to their response.
- 6) Accept what the jury gives you and acknowledge it.
 - a. Everything is a gift – from positions that agree to positions that are polar opposites to what you need for your verdict...they are ALL gifts, helping you bring out the jurors and their positions.
 - b. Make sure they know you heard them. Do not dismiss the juror for his opinion, no matter how polarizing the opinion. It is a gift.
 - c. Ensure the juror, it is alright to talk about how they feel. They will not be chastised or judged for the feelings about a position. Remind the juror there is no punishment for their opinion and that you are open to them.
- 7) Repeat this process for every identified weak point.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Relationship of Attitude to Behavior

Pg. 161-164 (Aronson, 2008)

Surprisingly a person's attitude about a subject is not necessarily related to that person's behavior.

"....studies suggest that it is considerably more likely that attitudes will be unrelated or only slightly related to overt behaviors than that attitudes will be closely related to actions." Pg. 161 (Aronson, 2008)

Attitudes are used to interpret and perceive an object selectivity and to make sense of a complex situation. Attitudes can influence cognitive processing; an attitude serves as a heuristic to influence our interpretations, explanations, reasoning, and judgment of a situation.

Russell Fazio has identified one major factor that increases the likelihood that we will act on our attitude. That factor is Attitude Accessibility. When an attitude is highly accessible, it is more likely to be the major thing we use for defining a situation and we are more likely to act on the basis of the attitude.

One measure of attitude accessibility is the speed with which an individual can provide an evaluative response of an object or issue. Highly accessible attitudes are accessed quickly.

Fazio and his colleagues actually manipulated the accessibility of an attitude by having subjects repeatedly express their opinions or by giving subjects the opportunity to have different experience with the same attitude object. They consistently found that attitudes made accessible in this manner became predictive of subsequent behavior to a far greater extent than attitudes that are not made accessible.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

This is an interesting concept especially during jury selection when we can interact with the jury. There are two uses that come to mind. First in evaluating jurors and their attitudes this gives us a predictor of which jurors we want and which jurors we do not want. A juror who expresses a negative attitude quickly may be a juror that we should consider getting rid of. The other side is when a juror expresses a positive attitude we may want to encourage that attitude and make it more accessible. For example with the False-Consensus Effect “I think most people would agree with you?” We may also want to get other jurors to agree “Who hear agrees with Juror Smith?” If we can reference this attitude in other ways and refer back to it I think that would be helpful as well.

Some areas I think this may be helpful with are: The government being accountable to us as citizens. The importance of following the rules in order to preserve our judicial system. Credibility of witnesses. Beyond a reasonable doubt.

How Watching a Lot of Television Can Affect Jurors

The more a person watches television the more likely they see the world as a Sinister place, where people are looking out for themselves and would take advantage of you if they had a chance. Pg 109 (Aronson, 2008) Moreover several studies have shown that crime dramas dispense remarkably consistent images of both police and criminals. For example, on TV, police officers are amazingly effective, solving almost every crime, and are infallible in one regard: The wrong person is almost never in jail at the end of the show. Television fosters an illusion of certainty in crime fighting. Pg 111 (Aronson, 2008)People who watch a lot of television adopt this belief system which affects their expectations & can cause them to take hard line stances when serving on juries. Heavy viewers are likely to reverse the presumption of innocence believing that defendant’s must be guilty of something otherwise they wouldn’t have been brought to trial. Pg 112 (Aronson, 2008)

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

An opinion that includes an evaluative and an emotional component is called an attitude. Pg 113 (Aronson, 2008) Attitudes are harder to change than opinions. Pg 114 (Aronson, 2008) This is important to determine during jury selection. That could be done by first asking people about their opinions and then seeing if they have thought about that opinion and then inquire about the emotional component. “Why do you think that is?” “How do you feel about that?”

It becomes easier for people to commit acts of hatred and cruelty to the extent that they are certain that they are absolutely right. Pg 123 (Aronson, 2008) Be leery of someone that is too sure of himself, someone that does not leave open the possibility that he or she is wrong.

Inoculation Effect

By exposing people to a brief communication that they are able to refute, they tend to be immunized against a subsequent full-blown presentation of the same argument, in much the same way that a small amount of an attenuated virus immunizes people against a full blow attack by that virus....Researchers have found that, in producing resistance, inoculation is most effective when the belief under attack is a cultural truism. Pg 106 (Aronson, 2008) I have seen Spence do this in his new 7 steps to voir dire video. He talks about how many people believe that if a guy was innocent that he would want to take the stand and tell the world he was innocent and then he flips the script and starts talking about if the guy testified a lot of people would think that he was up there trying to lie his way out of trouble. Spence also does this on reasonable doubt being a loophole and guessing someone into the penitentiary. What Spence is doing is not complete inoculation but it certainly contains that aspect of it. He launches a weak attack on the idea of a defendant not having to testify and the jury can refute that attack on their own, according to research if there is a full blown attack on that idea later the jury should be inoculated from it.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Juror's as the True Authority

Milgram's experiments of administering shocks to others at the direction of legitimate authority is very disturbing and interesting. Pg 42-46 (Aronson, 2008) This could help explain why the conviction rate is so much higher in Federal Court because the authority seems more legitimate. Also the issue might also help explain why Spence's theory on prosecuting the prosecutor is so helpful. The more legitimate the authority seems the more likely someone is to inflict pain on another even if it is contrary to their personal beliefs and feelings. Thoughts on combating this issue are that it can begin in the voir dire by informing the jury and getting them talking about the fact that they are the true authority in the case not the prosecutors, the police or the judge. A government for the people, by the people. That we as citizens are set up to be the final check on the government's authority and that as jurors their job is not only to protect the rights of the accused but to protect the system so that it will be there to protect them and their loved ones.

Why the System Should Be Fair

Luvera talks about in jury selection that we should be looking for jurors whose experiences will cause them to relate to our case. In every trial that I have had someone raised their hand and said that they had a friend or family member who was charged with a crime. This is an opening for me to voir dire on the system being fair; on why we have rules and the importance of those rules. "Ms. Jones you stated that your son was charged with a crime. Do you think it is important that the system has rules and that those rules are enforced; that the enforcing of the rules ensures that the system treats people fairly. Mr. Smith now you had never had anybody that you cared about accused of a crime. If you could imagine for a minute that your son or daughter was sitting where Jonathon is sitting, would you want the people involved in the system to enforce the rules to make sure that your son or daughter was treated fairly?"

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Protecting the System

Jury selection topic. The System. Importance of protecting the system. *Do you feel the system is important? Do you feel that we need to protect the system. How do we protect the system? What does the system protect?* Protects us, protects our children our brothers and sisters that friend that places themselves into bad situations. I suspect that all of the jurors have people that they worry about. They worry about their children hanging around with the wrong crowd and getting into trouble. They may be concerned that their children put themselves in a bad situation and as a result may get in trouble. Wrong place and wrong time. By touching the children there is an emotional core.

Race

Racial prejudice is about stereotypes that we apply to racial groups. Perhaps the way to begin the conversation is by talking about stereotypes. Start the conversation off that way. Tell people about how I am stereotyped all the time. I could begin by talking with someone in a profession that is typically stereotyped; an accountant, engineer, or a sales person. Or I could start off with an athlete in high school or college; a football player. Get them talking about the stereotypes people have of them. Get the jurors to relate to it personally. “Are the stereotypes that people hold about you always accurate?” “Do you think the stereotypes distort the way people see you, until they get to know you?” “Do you think people may use that stereotype in judging your behavior?” “Do you think we all have the tendency to use stereotypes in judging other people’s behavior?” Then I could move into race. That stereotypes applied to a racial group is a racial prejudice.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

“Mr. Smith imagine that your son or daughter was accused of a crime. That they were sitting where Mr. Curry was sitting. And there was a juror who was black; would you want that juror to consider the evidence without any racial prejudice or bias?”

Most People Arrested Are Guilty

After I have talked about racial prejudice I could begin talking about the stereotype associated with people that are accused of crimes. A lot of people believe that most people arrested for crimes are guilty. I believe that. It makes sense. If the police were wrong most of the time that would be a big problem; knowing this what do we do? Do we just go with the odds and assume everyone arrested is guilty? Individual consideration. The law recognizes this problem, that is why we have a presumption of innocence. The law is asking us to do something we normally don't do. In our everyday lives we read the paper, hear the news and we assume that the person is guilty. The news does not report that an innocent man was arrested today for murder. The news presents the case in a way that makes the person sound guilty. Tie the issue back to an individual juror. “If your son or daughter were accused of a crime would you want the jurors to assume he or she were guilty?”

Snitch Voir Dire

An idea that I have on snitch testimony involves the context effect that Aronson discusses in *The Social Animal*. (See Below) The context that an issue is brought up in will influence the conclusions people draw. For example;

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

“Mr. Jones you have children, have you ever had the experience where one of your children did something and they blamed the other child trying to get out of trouble?” Get him talking about it. Get the jurors talking about their experiences? Then ask someone the question: “In this case there is an individual who is accused of a crime that is going to testify for the prosecution, can you think of any reasons that a witness accused of a crime would testify for the prosecution?”

Individual Consideration

An important issue in Voir Dire is whether or not the jurors will give their individual consideration or whether they will go along with the will of the group. As explained in the Social Animal (Aronson, 2008). This can be dealt with during jury selection to some extent. Consider using the labels of “conformists” vs. and “individualists”. This can be revisited in closing. Sample question *“Some people consider themselves to be “conformist” while others consider themselves to be “individualist” what do you consider yourself to be?”* Then have the jurors self identify and openly discuss the idea of being individualist. *“The judge will instruct you that while the verdict must be unanimous that each of you must make your own individual decision, do you feel that you are enough of an individualist that you can make your own individual decision in this case?” “Will you surrender your judgment to your fellow jurors or will you make your own decision?”*

As explained by Aronson “to be called an individualist or a non-conformist is by designation, by connotation, as a good person. The label evokes images of Daniel Boone standing on a mountaintop with his rifle slung over his shoulder, the breeze blowing through his hair, as the sun sets in the background. To be called a conformist, in our culture, is somehow to be designated as an “inadequate” person. It evokes an image of a row of bureaucratic men dressed in gray flannel suits,

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

carrying identical brief cases, looking as though they had been created by a cookie cutter.” Pg 14 (Aronson, 2008)

Going against the group is painful. “Subjects who resisted showed a great deal of activity in the amygdale, a region of the brain associated with pain and emotional discomfort. Going against the group is painful.” Page 21 (Aronson, 2008) Sample voir dire question “*Do you have the mental toughness to stand up against the group?*” “*To express a contrary opinion?*” “*Can you think of a time where you stood up for what you believed was right even though it was unpopular?*”

“Most people believe that they are motivated by a desire to be correct but that others are motivated by a desire to stay in the good graces of other people?” pg 23 (Aronson, 2008) Sample Voir Dire “Can you see how many people are motivated by a desire to stay in the good graces of the group?” “Would you agree that conforming your opinions to your fellow jurors just to stay in the good graces of the group would be wrong in a case such as this.”

“A fellow dissenter exerts a powerful freeing effect from the influence of the majority.” Pg 23 (Aronson, 2008) Sample voir dire question “*Do you think it would be right for a fellow juror to try and force conformity just so the jury could reach a unanimous verdict?*” “*If you were chosen to sit on this jury and during deliberations you saw one of your fellow jurors trying to force conformity what would you do?*” “*You have never met any of these people, does it matter to you what your fellow jurors think of you when you leave?*” “*Is it more important that what you think of yourself or what they think of yourself?*”

“Most people will go along to get along unless they know that they will be held accountable for a dumb, complaint decision.” Pg 25 (Aronson, 2008)

Dehumanizing Someone

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

During war we **dehumanize** our enemies. Once we have succeeded in dehumanizing someone it becomes easier to hurt and kill that person. “Subhumans” are easier to hurt and kill than our fellow human beings. Pg. 230-231 (Aronson, 2008). During criminal trials the state often dehumanizes “the defendant”. The judge does it to. A trial is often a battle of labels. The prosecutor does not want the jury to see that my client is a person. It is easier to do something mean if you don’t see them as a person. So why don’t I voir dire on dehumanizing someone. Voir Dire on the issue of the state dehumanizing my client; bring it to light so the jury will keep in mind during the trial that my client is a living, breathing feeling thing.

Accountability and Imagination

Voir Dire thoughts—Words that work—Accountability & Imagine —*“Ultimately who holds the district attorney accountable for the charges that they bring against a citizen?” “Can you imagine what it would be like to be wrongfully accused of killing someone you had never met?” “Can you imagine what it would be like to have your son or daughter wrongfully accused of murdering someone?” “Can you imagine anything worse than to be wrongfully accused of murdering someone?”* (Luntz, 2007)

Voir Goals (Paul Luvera)

1. Create a Bonded Group and Create trust in you
2. Discover significant life experiences of the jurors
3. Discover problem jurors.

Good Voir Dire phrases – From Gerry Spence²

² From the Notes of Desi Martinez

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

“I suppose you may not be the only one that feels like that...perhaps (‘I’, or ‘someone else here’) feels like that...”

“Is there anyone else who also feels how this gentleman feels...”

“Did we all hear that...?”

“Would you be willing to share that with everyone...could you repeat that?”

Becoming a Tribe – Gerry Spence

Gerry Spence talks of shifting your paradigm during Voir Dire from one of “exclusion” to “inclusion”. Remember, we have been taught to find those individuals we want to exclude from the jury. So, the manner in which we go about Voir Dire is asking accusatory questions which place jurors on the defensive. What juror wants to share the truth when they are defensive or fear the rejection of exclusion?

Good Voir Dire phrases—from Paul Luvera

“Can you make room for the possibility that”

“Some people believe that.....but others believe that.....which side are you closer too.....”

“Tell us more about that.....”

You must look for the personal experiences of the jurors that make them relate their own story to your client’s story. (You can always make money with a

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

truck.) The key is to learn the experiences of the jurors that reveal experiences that will make them relate our case/story.

Robert Shapiro—Words that Work---Why is “my client” here? Answer....because a prosecutor read some police reports, signed an information and he was charged.

Becoming a Tribe—Gerry Spence

Gerry Spence says the goal of jury selection is to become a tribe. We have to become a member of a tribe 1st and then we can become its leader. This is important if we are a member of the tribe the jury trusts us and will listen to us. Paradigm for jury selection is one of inclusion. “We” not I or you. Acceptance not rejection.

Most of the jurors feel uncomfortable. Share with the jurors your discomfort. Your nervousness and ask them about theirs.

Attitude Heuristics

Pg 140 (Aronson, 2008)—an attitude is a special type of belief that includes emotional and evaluative components. An attitude heuristic can be used to assign an object to a favorable class or an unfavorable class. This is an important point in jury selection. We must uncover the relevant attitudes that we can. Since an attitude involves both an opinion and an emotion we should look for both. These are embedded. If we ask typical “Can you be fair” questions we will not get there. Does anyone have an opinion about this? What is your opinion about that? I feel this way how do you feel? Some people feel like this others feel like that? Where do you fall between these two positions. When we get the opinion we need to listen for and ask questions designed to discover the emotion. Emotion + opinion=attitude.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Miscellaneous Voir Dire

Master the silence – we are too afraid of the silence in a courtroom. We are afraid to allow jurors to speak. As attorneys we have been taught to control everything that goes on. By allowing time to pass and silence to come into the room, the juror is allowed to channel their true feelings. The silence will be as uncomfortable for them as it is the attorney. Don't budge and speak after a question is presented to the jury. They will speak first. As a result, the juror will then not feel as if you are pushing them in a certain direction, but instead they will feel themselves going in a direction of their own choice.

Remember to really thank the juror for telling you their opinion. Recall, Josh Kartman's exercise where he would not let the participant unlock eyes with a juror to move to another juror until the participant was physically touching that juror's hand. The participant had to try and reach the other juror's hand by all means available. We have to say "thank you" and mean it, with our eyes, our body, our voice. A juror will be able to tell if it is not a sincere "thank you". We usually just say the words and move to the next person. You have just excluded someone if you do this. They will feel less prone to be in your tribe.

-An example I came up with to warm up the juror group. I modified one we did during small groups. Remember do not be afraid to try anything. I call it the "Life Boat" exercise.

"I start today by saying that I want to hear from you. I am open to hearing what you have to say. There are no wrong, or right, answers to the questions I will be asking you. I am interested in knowing you, your thoughts and give you all of my permission to speak with me."

"Please take a second to look around...at the person sitting next to you, the person in front of you, the person behind you. Really look at them, it is alright...look at

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

the strength of their arms, their hair, their clothes, how they are sitting and what they project to you. Now, imagine, if you would, please you are sitting just as you are, in one of those large wooden lifeboats....the kind they used on the movie “Titanic”, more like large canoes with seated rows, where people can sit as they float out to sea. Imagine, you are in the middle of the ocean, on this life boat. There is no land in sight. For miles around there is nothing but endless ocean. You don’t know where you are going. You don’t know anything except that you are together. Now, imagine that in the middle of this life boat is a large wooden chest. Like a big wooden box, with metal latches and hinges that keep it closed. This is all you have and you do not know what is in the wooden chest in the middle of this boat in the middle of an ocean. Now, imagine a hole appears and we start to take water, and within 5 minutes, if something is not done...our lifeboat will disappear and us with it. What do we do?”

They will save you...someone will jump up and say, “I will open the chest and find if there is anything to paddle with?”...another will say, “ I will do what I have to plug that whole up...take off my shirt and stuff it in there. Heck, I’ll sit in it if I have to?” Another will say, “I’ll will start paddling water out of the boat!”

I use this as a transition...I am here today to talk about my case. Explain a little about the facts, which you are allowed to do without arguing. Then you go into your issues with the case. Meaning you can now transition into “showing yours” after the facts by saying “Well, ladies and gentleman, my case is this life boat, and I need your help in paddling water out of it...see, I have this is one of the feelings I have about this case...”

Add Voir Dire on Never Being Wrong, how paying a witness affects credibility (paying can be with money or freedom) Telling the whole truth.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

“One way conformity to group pressure can be decreased is by inducing an individual to make some sort of commitment to his or her initial judgment.” pg 24 (Aronson, 2008)

“Conformity resulting from the observation of others for the purpose of gaining information about proper behavior tends to have more powerful ramifications than conformity in the interests of being accepted or of avoiding punishment.” Pg 31 Voir dire questions—“*Do you think that if one of your fellow jurors remained committed to their decision even against the majority of the group that is a proper role for a juror to take?*”

“It is easier for an individual who is securely ensconced in a group to deviate from that group.” Pg 26 (Aronson, 2008) When we start talking about individuality talk 1st to someone who is secure in the group.

“People with low self-esteem are more likely to conform than individuals with high self-esteem.” pg 25 (Aronson, 2008) When left with the a choice, a lesser of two evils in jury selection, choose the juror with the lowest self-esteem. “People who believe they have a low aptitude for a particular task are more likely to conform.” Pg 25 (Aronson, 2008) Sample voir dire question—“On a scale of 1 to 10, 10 being the best possible juror, how do you feel that you would do?”

“Depression seemed to lead children to develop a more pessimistic style, which they retained even after their depression had passed.” “Women are about twice as likely to be depressed as men.” Pg 66 (Aronson, 2008) somewhere between 12 and 15 girls begin to show a higher rate of depression than boys. (Holmes, 2007-2008)

“When reality is unclear, other people become a major source of information....people conform to others even when assessing something as personal and idiosyncratic as the quality of their own emotions.” Pg 32 (Aronson, 2008)

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Circumstantial evidence example, the prosecutors always use that stupid rain example for circumstantial evidence. They must teach these guys that shit at prosecutors school. Here is an example I thought of a child comes into the living room on Christmas morning, half of the milk he left the night before is gone, the cookies have been eaten and there are presents from Santa Claus, circumstantial evidence that Santa exists?

Opening

“The opening of any story, be it myth, fairy tale, screenplay, novel, short story; or comic book, has some special burdens to bear. It must hook the reader or viewer, set the tone of the story, suggest where it’s going, and get a mass of information without slowing the pace. A beginning is, indeed, a delicate time.” Pg. 83 (Vogler, 2007)

“The opening moments are a powerful opportunity to set tone and create an impression. You can conjure up a mood, an image, or a metaphor that will give the audience a frame of reference to better experience your work. **The mythological approach to story boils down to using metaphors or comparisons to get across your feelings about life.....**The opening image can be a powerful tool to create mood and suggest where the story will go. It can be a visual metaphor that, in a single shot or scene, conjures up the special World of Act Two and the conflicts and dualities that will be confronted there. It can suggest the theme, alerting the audience to the issues your character will face.” Pg. 84—85 (Vogler, 2007) *With us we our story we are getting across feelings about our case.*

In the opening statement we should tell our clients story, using the principles of storytelling and the hero’s journey. We should tell the story in such a way as to draw the audience into the story and if we can act out the “call to action”, the injustice that has caused our client to be falsely accused in the opening. This is important because it creates an image in the jury’s mind of what happened and that

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

is difficult for the jury to get that image out of there. When a witness contradicts what the jurors saw they don't believe it, because they saw it.

Start with the bad guy, never start with our client. (Defensive attribution)
“Some prologues introduce the villain or threat of the story before the hero appears....Such prologues cue the audience that the balance of society has been disturbed. A chain of events is set in motion, and the forward drive of the story cannot cease until the wrong has been righted and the balance has been restored.”
Pg 86-87 (Vogler, 2007)

For opening statements see the above section on storytelling.

Cross

Joey Low says that witnesses you are cross examining only have the power if you give it to them. Gerry Spence talks about how you should tell the relevant part of your client's story on cross examination and cross is just another opportunity to tell your client's story. Spence says that you can be angry—if you are not angry when you should be angry that something is wrong with you. Anger is the nourishment of the good trial lawyer. We are all angry but we do not like angry people so it needs to be controlled and only let out at the appropriate time.

According to Spence the best place to win or lose a case is in cross examination. It is not so much that I am not trying to kill the prosecutor that I am trying not to kill myself. I want the jury to know that I am the one who is trying to tell the whole truth. The function of the criminal defense lawyer is to be the jurors' spokesperson. “Mr. Jones could you help me and the jury understand _____”. Ask the questions that have not been asked that no one else has thought about.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

As a cross-examiner part of what we are trying to do is distance the witness we are crossing from the jury. We are trying to get the witness to take positions that will alienate them from the jury. (Joey Low) This can be done effectively by understanding Social Psychology and things that are hardwired into us. For example see below:

Greater discrepancy in the audience members opinion with the opinion of the speaker the greater the discomfort of the audience member. There are 4 ways to decrease the discomfort of the audience member:

1. For the audience member to change his opinion
2. For the audience member to induce the speaker to change his opinion
3. The audience member can seek support for the original opinion by finding other people who share their views in spite of what the communicator says
4. The audience member can derogate the communicator, convince themselves the communicator is stupid or immoral and thereby invalidate that person's opinion

In many situations there is only two ways of reducing discomfort because contact with the communicator or the ability to seek reinforcement is not available.

1. Change opinion
- 2 Derogate the communicator

Pg 100 (Aronson, 2008)

This is an important concept to keep in mind. In a jury trial setting if the lawyer says something that causes great discomfort to the juror the juror can seek alliances/support with other jurors that support their position. However the juror can also degrade the lawyer. If the juror derogates the lawyer than the lawyer loses credibility on all issues not just that one issue; so it is important to reduce the

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

discomfort level of the jury to as little as possible. It is also a way of discrediting the other side and witnesses by getting them to take positions that the jurors will not agree with.

Chris Matthews in talking about interviewing people says that he tries to ask questions in such a way that the question has never been asked. This is important because witnesses are prepared by the state or they are used to testifying and they have certain “canned” answers they have thought out. I asked a police officer once in a case in which either the father or girlfriend killed the child; if she would have told you that he did it would you have arrested him? Even the judge took notice and the cop did not know how to answer the question. I asked a witness once; “are you an honest man?” I go further than Spence on cross. I will discredit the witness totally if I can do it without making the jury dislike me. Spence also talks about the sympathetic cross in which you delve into the motivations of the witness to show why they cannot tell the truth. He also talks about the controlled cross where you tell the story and the witness answers yes or no and you don’t care what they say.

An Unreasonable Out

Give the witness an unreasonable out. I have seen lawyers catch a witness in a lie. A clear impeachment and then instead of shutting up and letting the witness twist in the wind in front of the jury they throw the witness a life line. (Were you confused?) It is uncomfortable to watch a witness searching for an answer when the witness is caught in a lie. One technique that I sometimes use is to give the witness an unreasonable out; they are desperate and like a drowning man will grab a hold of anything. Instead of throwing them a life preserver, I toss them an anchor. An example is in the Monty Reed trial I was cross examining a witness and I had caught her in a clear contradiction between her present testimony and her previous testimony, after reading it back to her and asking her to explain she was struggling with the answer. She did not know what to say or to do. It was uncomfortable. So I asked her “Do you think the court reporter got it wrong?” She said yes the court

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

reporter got it wrong and then I said “the court reporter got it wrong is that what you are telling this jury?”

The Buggs Bunny Cross

Elmer Fudd always thought he was sneaking around and that Buggs Bunny would not know what he was up to. Elmer would tip toe around the rabbit hole with his shotgun and hunting gear. And instead of hiding or acting like he did not know what Elmer was up to; Buggs Bunny would walk up to Elmer, usually while eating a carrot, and say “What’s up Doc.” Usually Elmer would start talking to him and tell him to be quiet because he was hunting “wabbits”. The joke was always on Elmer because he thought he was being sneaky and Buggs always knew what he was doing.

We see this all the time with the state’s witnesses. They easily answer the questions of the prosecutor but when we ask simple questions they act as if we are asking them to solve a calculus problem. They think they are being sneaky just like Elmer. When a witness is doing this, I just ask them about it. You have to let it go on for a while. You have to let them play dumb for a while when you are asking very simple questions. When you feel the jury getting irritated you ask them the same thing Buggs Bunny would ask, “What’s up, Doc?” “When the prosecutor asked you questions you had no difficulty answering them; but since I have been asking questions you seem to have trouble understanding what I am asking, why is that?” You will get some answer but you will never get the truth that they are intentionally trying to be difficult. But this should either stop their behavior or bring it to the jury’s attention so that if the person continues the jury is aware of what they are doing. You can even follow up by saying “Is the reason that it was easy to answer the prosecution’s questions because you spent a lot of time with the prosecutor going over your testimony?” Or “Sir, you realize that this is the only opportunity that I will get to let the jury know the whole truth? Don’t you want the jury to know the whole truth?”

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

The Cockroach Cross

I see lawyers who do not know how to cross do this all the time. Whatever the other side says they just “crawl all over it.” Don’t do this. Every question should either advance your story or discredit the witness’s testimony. Do not attack the witness for the sake of attacking the witness. Do not act like a “schizophrenic pit-bull on crack”. The jury will hate you for it. Before you ask a question you should ask yourself “How does this question get my peanut on inch further down the road.” (Jim Rowan) If it does not advance your nut, you are nuts for asking the question.

Getting a Disliked Witness to Support the State’s Case

If a person or a group that you dislike announces a position, there will be a tendency for you to reject that position or adopt the opposite position.” Pg 39 (Aronson, 2008) *Get a disliked witness or potentially a prospective juror to express views that favor the state’s position. If you are right and the jury really does not like this person that will affect those jurors.*

Out-grouping a Witness

Pg. 146 (Aronson, 2008)

This is a concept of creating space between the witness that you are crossing and the jury. The idea is to get the witness to take positions contrary to what the jury believes. In psychological terms it relates to getting the witness to define or describe themselves in a way that will get the jury to classify them as a member of an outgroup. For example with a high paid expert witness that gets paid \$400 a hour. First you get the expert to deny that they are getting paid a lot of money and then you say something like “Are you telling the ladies and gentleman of the Jury that \$400 an hour is not a lot of money?” Or for example with a snitch witness that

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

lied to the police originally; “Are you telling the jury that most people in your situation would lie to the police to get out of trouble?”

There are a few principals at work here. One is that because of the false-consensus effect the witness is likely to overestimate the people that would agree with him. The other issue is that the witness wants to put the most positive spin that they can on their behavior. The other issue is that the jury is likely to overestimate their own honesty. When dealing with the witnesses behavior there is also the psychological principal called **correspondent inference**—which is the tendency to attribute the cause of a behavior to a corresponding characteristic of a person and not to the circumstances that caused the behavior. People have a tendency to see attitude-behavior connections even when they don’t exist. Pg. 161 (Aronson, 2008) (See also footnote pg. 165 (Aronson, 2008)) The correspondent inference is a type of fundamental attribution error—a general human tendency to overestimate the importance of personality or dispositional factors relative to situational or environmental influences when describing and explaining the causes of social behavior. Pg. 167 (Aronson, 2008)

Another common bias in social judgment **actor-observer bias**—the tendency for the actor to attribute their own actions to situational factors, whereas observers tend to attribute the same actions to stable dispositions of the actor. Pg. 170, 232 (Aronson, 2008) So, in the case of a witness lying the witness is attributing the lie to the situational circumstance and the jury attributes the lying to the character of the person. Then when the witness answers the question in a way that suggest that most people would or it is common for people to lie the witness has in fact said that they jury would have done the same thing. The jury will reject the witness for saying that and outgroup that witness. I am using the social biases present in all of us to create distance between the witness and the jury.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Self-Serving Bias

People have a tendency to make dispositional attributions for their successes and situational attributions for their failures. Pg. 176 (Aronson, 2008) This tendency can be used in a jury trial. I have seen prosecutors do it a lot. They get a defendant to explain a situation, something that they were involved in that went badly, and then when the defendant attempts to explain things in terms of situational factors the prosecutor says things such as “oh I see none of this is your fault”. The jury is attributing the actions to the defendant’s character and when he or she attempts to explain his or her actions through situational factors it does not ring true with what the jury believes. The irony is that the jurors would be doing the same thing.

Getting a Witness to Brag

People are hardwired to participate in competitions for status and chest thumping about success. (True of Men) (Holmes, 2007-2008) We may all do this, but we do not like to see it in others. To whatever extent I can use this to get the jury to dislike a witness if the situation presents itself. Get the witness to thump his or her chest a little. Brag about themselves, most arrogant lay witnesses, especially snitches who are trying to make themselves look good will fall right into this trap. *“So you are testifying because you want to do the right thing?” “Because you are concerned about justice?” “None of this was your fault you are just a victim of circumstances?”* Even though not directly on point for this issue of psychology *“You don’t believe you are a guilty of anything do you?”*

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Spotlighting Trolls

When you listen to people's stories you will gain insight into how they view the world. They will tell you what they believe are the causes of events. The cause is in the deeper structure or in TLC terms the chair back. For example, "Sorry I was late there was an accident on the highway." The deeper structure is the accident caused me to be late. This is natural human behavior. But often times you will hear people trying too hard to convince you of something. They are trying too hard because of cognitive dissonance. In *The Social Animal* Aronson defines cognitive dissonance as "a state of tension that occurs whenever an individual simultaneously holds two cognitions (ideas, attitudes, beliefs, opinions) that are psychologically inconsistent." Pg. 184 Cognitive dissonance causes psychological pain and people try and reduce it. This is at the heart of almost all of the defensive behaviors such as projection. Oftentimes people try and relieve the dissonance by telling the story in such a way that will relieve the dissonance. In way they are trying to convince you but they are really trying to convince themselves and relieve the discomfort.

When you Spotlight someone's troll, as I like to call it, all you are doing is speaking out loud the very thing that is causing their dissonance. Often times when you highlight the dissonance people get really upset. It depends on the person and the amount of dissonance but it can be a very effective way to get someone to twist-off in front of a jury without the jury knowing why. If you do it properly you will look like you were just asking questions. Often times even when you start getting close to the issue you can see the witness start to get agitated.

Aggression in the High Narcissistic Self-Esteem Person

When the inflated self opinion of a narcissistic person is threatened they become angry and react more aggressively than the average person. The reason is that the person's self-esteem is not genuine high self-esteem at all, but rather it is paper thin. Self-aggrandizing, and based upon feelings of insecurity. Bullies are

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

narcissistic people. Pg. 238-239 (Aronson, 2008) *This can be useful if the witness we are crossing is a narcissistic person and we can find a way to challenge their opinion of themselves without looking like a jerk. If the person is truly narcissistic they should react aggressively and may twist-off in front of the jury.*

Getting the Witness to Spin

There is a cross technique that I have used for a while. I call it spinning the witness. A couple of examples; I had a jury trial involving a young girl who was accusing my client of molesting her. I had a love note that she had written to a neighbor boy, the note was very distinct. During my cross I turned where I could not be seen by the judge or the jury and I flashed it to her. Her eyes went straight to the note that only she and I could see. Instantly she was “spinning” she stuttered, she stammered and she had difficulty with simple questions. Of course I used that as an entry into the difficult questions of the cross such as her prior statements, etc.

Another example is I was crossing a cop who years before had been indicted and for violation of civil rights, the case went to trial and the officer was acquitted. However, the cop was fired from the small town police department he worked at. During my cross he was lying about something stupid and obvious. I asked him how long you have been a police officer. “I have been at Jenks for 12 years” He responded. He conveniently left out the police department that he had been fired from. I responded “Plus Sapulpa, right?” He lost his ability to think clearly. He was very shaken up and could barely answer a question. When he got off the stand his knees buckled and he almost hit his head on the jury box. Even the prosecutor looked surprised and commented, to me, that I almost got that witness to pass out. My demeanor was calm and not abrasive it was all about me letting him know that I knew he worked at Sapulpa.

I have understood the concept for a while and have used the technique when I could. However, Aronson explains the psychology behind the technique in *The*

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Social Animal. "...there is independent behavioral evidence of discomfort....we know the discomfort is distracting....people experiencing dissonance perform a complex task more poorly than people not experiencing dissonance. The people experiencing dissonance show the same decrement in performance as people in other uncomfortable drive states like extreme hunger and thirst." Pg. 240 "In a study of people who were wired up to fMRIs while they were trying to process dissonant ...information...found that the reasoning area of the brain virtually shut down when a person is confronted with dissonant information (Suggesting that people don't want to contemplate information at odds with their cherished beliefs.)" Pg. 241 (Aronson, 2008) *This also relates to why a person who is beginning to question their preconceived ideas, because of an argument, will shut down and stop listening to the argument. It is a psychological defense mechanism. If done properly the jury will not understand why the witness is acting the way he or she is. It is a way for the lawyer to discredit the witness and get a reaction without anyone understanding why the witness is acting so strange. Also lying is a complex action. It may also distract the witness's defenses and make it more likely the witness will answer truthfully, especially if a question is then asked that the witness did not expect and has not rehearsed the answer for.*

Cognitive Dissonance and Never Being Wrong

Cognitive dissonance is nothing more than an ego protection mechanism. "If individuals concentrate their time and effort on protecting their egos they will never grow. To grow we must learn from our mistakes. If we are intent on reducing dissonance (& not growing) we will not admit our mistakes. Instead we will sweep them under the rug or worse still, we will turn them into virtues." Pg. 250 (Aronson, 2008) When crossing a witness engaging in a lot of dissonance you can pretty much bet that witness has a little problem admitting that they are wrong. Now for the obvious stuff the prosecutor may spoon feed it to them but if they are engaging in dissonance it is not genuine and they are paying nothing but lip service to the idea of admitting the error of their ways. We dislike those who cannot

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

admit they are wrong and people go to ridiculous lengths to avoid it. "If she would not have been nagging me I would not have hit her." If the witness cannot truly admit they were wrong we should expose that side of them to the jury. People dislike other people that cannot admit they were wrong. Everyone in the courtroom will see it but the witness.

Use of Leading and Suggestive Questions

Pg 150 (Aronson, 2008) Elizabeth Loftus conducted an experiment on the use of leading and suggestive questions and how that can influence eyewitness testimony. In the experiment Loftus showed subjects a film of a multi-car accident. Then Loftus asked questions such as "How fast were the cars going when they *smashed* into each other?" Others were asked questions such as "How fast were cars going when they *hit* each other?" Subjects that were asked the question with the word *smashed* describe the cars as going much faster.

Use of Leading Questions to Influence Memory

Use of leading questions can not only influence judgment but it can also influence memory—in one experiment people were shown a video of a green car in an accident. The subjects were asked "Did the blue car in the accident have a ski rack?" The subjects that were asked about the blue car were more likely to incorrectly claim that it was a blue car. Pg 150 (Aronson, 2008) *What are the applications for interviewing witnesses, depositions and for preliminary hearings? Potentially huge use. Also important to use with the TLC chair back or NLP Deep Structure. When I am interviewing a witness or questioning a witness at prelim or deposition, I speak the Deep Structure of what they are saying or in TLC terms from the chair back. I am speaking what the witness means, but is not saying, into their consciousness. I believe the witness will be more likely to speak that openly at trial. Once I get the Deep Structure or Chair Back language out there I may want to loop it a few times to re-enforce it.*

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Self-Schemas

Self-Schemas—pg. 152 (Aronson, 2008) coherent memories and feelings and beliefs about ourselves that hang together and form an integrated whole. Thus, our memories get distorted in such a way that they fit the general picture that we have of ourselves. For example, if we have a general picture of our childhood as having been unhappy, and our parents as having been cold and distant, any events from our childhood that violate that general picture will be more difficult to recall than events that support it. *I think this affects witnesses and the way they recall things. I just have not figured out how to use this yet.*

Confirmation Bias—the tendency to seek confirmation of initial impressions or beliefs. We have a tendency to cling to initial impressions. *This is very important to jury selection and to opening, especially if we can arrange the questions or opening in such a way as to cause the jury to reach these impressions/conclusions on their own.* Pg. 157 (Aronson, 2008)

Hindsight Bias—“ *I knew it all along.*” Once we know the outcome we have a tendency to believe that we could have predicted it all along. Pg. 158 (Aronson, 2008)

Human Cognition Tends to be Conservative—pg. 158 (Aronson, 2008) that is we try to preserve that which is already established—to maintain our pre-existing knowledge, beliefs, attitudes and stereotypes. It allows us to see the social world as a coherent and stable place. (pg. 159) However, the misuse of inappropriate categories may cause a person to distort events or miss important information. The misapplication of heuristics can lead to poor decision making. The failure to update our conception of the world in the face of new and discrepant information can result in a mistaken picture of the reality. The consequences are not just mental but can show their face in social problems we call racism, sexism, prejudice, and just plain stupid thinking. (Pg. 159)

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

(Pg. 158) The first information received is always the most influential. *We may not get to speak first but through effective voir dire and effective opening we can cause the jurors to form their first impressions and map the evidence of the trial in a manner that is favorable to our side.* Easily accessible categories are overused in forming judgments; representative, availability, and attitude heuristics are sometimes misused; stereotypes distort information processing and confirm the apparent usefulness of the stereotype; and memory is reconstructed to fit current perspectives. (pg. 158 (Aronson, 2008))

4 Ways to Avoid (Or Use) Cognitive Conservatism

pg. 159 (Aronson, 2008)

1. Be wary of those who attempt to create your categories and definitions of the situation. Ask “Why is this particular label being suggested?” *For a trial lawyer we must create the categories and definitions for the jury. We must win the battle of the labels.*

2. Try to use more than one way to categorize and describe a person or event. *If we use more than one way they should all be favorable to us. Generally we should categorize the events favorable to us with only a single label. This is why a theme and a theory is so important. If we do not have those things how will we categorize things, how will we label them favorably?*

3. Try to think of persons and important events as unique, although they are members of a particular salient category. *We do not want the jury thinking this way. We want to define our case and the labels and categories and play to the natural instinct that cognition is conservative.*

4. When forming an impression consider the possibility that you might be mistaken. *We want the jury to form an impression favorable to us and then know that they are right.*

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Cross-Examination Steps by Luvera

1. Use psychodrama to determine demeanor and approach.
2. Decide your objectives for cross & use only major points.
3. Points must fit with overall story
4. Tell story in cross
5. Divide cross by separating into chapters
6. Decide how to organize cross

Luvera Prepping a Witness for Cross

1. Be upfront on witness prep
2. Tell witnesses not to fight with prosecution
3. We have to get the witness to speak from the chair back

KDA Witness Cross Prep

1. The way we really screw these guys is to be polite and nice. The madder they get the nicer we are.
2. Yes. No. I don't know.
3. If the hand you a loaded question pull out the loaded part and hand it back to them.

Direct

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

TLC Direct Exam

To do a good direct 1st you must be a good listener.

Dana Cole—Direct exam is story telling

1st Discover the story of the case

2nd Discover the theme of the case

3rd Experience the story from the witness we are directing. Witness only answers the questions we ask.

The action is secondary the motivation is what is important. The action is generated out of something going on inside. (Most lawyers ignore it) Must discover what a witness is doing inside to learn what is necessary to perform direct. Transition into demonstration (Magical Question)—Would it assist you in explaining to the jury if you were able to step down and show them & not just tell them? (Rule 611)

A Psycho-dramatic Direct Accomplishes 4 Things

1. Tells the jury the witness was present and observant at the relevant scene

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

2. Psycho-dramatic warm up
3. It serves as the juries portal into the story
4. Presents direct which is rich and alive

Admissibility of TLC 1st Person/Action Method

Rule 611—The judge has the discretion over the mode and order of interrogating witnesses to make the interrogation and presentation of evidence in order to ascertain the truth.

Rule 401—Relevant Evidence is evidence that has any tendency to make a fact in controversy more or less likely

Rule 402—All relevant evidence is admissible. (It is up to the other side to establish why it should stay out and to argue why it does not come in.)

Rule 701—opinions by lay witnesses. Limited by Rationally based upon perception and helpful to understanding of fact finder.

We can repeat anything the opposing party says under 801.

Plan B---

Have the witness vividly describe what happened and have the lawyer act it out.

Must pick the moment to re-enact for the jury.

Closing

Spence on Closing

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Notes from Spence's closing in Fieger case—you cannot defend a criminal case. You can only prosecute the prosecution. Prosecute the government. We trust our government to keep us safe. We give them power so that they can keep us safe. Imagine the great betrayal. This is why we have juries in this country to stop this sort of betrayal to stop this sort of prosecution. Who is really hiding? The government hides the real conversations. The government hides the truth.

If we threatened witnesses if we paid witnesses the way that the government did we would be guilty of obstruction of justice.

With a conspiracy case the weaker the case the more the charges. Shotgun charge—multiple pellets. They use multiple pellets because they are unsure that they will be able to kill my client with one shot. You use multiple pellets to improve your odds in hopes that you will strike your prey.

Reasonable doubt Argument (Spence) I wish I knew, I can't be quit for sure it must be me, it's not you it's them they did not prove their case. Reasonable doubt protects the jurors. It protects them from ever having to wonder if they did the right thing. Did I destroy an innocent man? Reasonable doubt is the great gift to the jurors. If there is doubt it stops you from having to stay up at night wandering whether or not you made the right decision.

Spence talks about his vision of a better tomorrow—Mr. Fieger and his family and his wife will walk out of this court room together. We have all worked together to save this country from this type of betrayal.

Spence addresses the issue of second closings. This is the only chance to discuss the case with you. In every state in the country the prosecution gets to go twice. It is difficult for me to sit there and listen while the prosecution makes arguments that I never have a chance to respond to. I trust you will write down response for me to their arguments.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Closing power of jurors you don't understand your power that the founding fathers gave you that these great men gave you the power of the constitution but you have to execute it.

Paul Luvera says you should give closing arguments "As if something is happening now...using controlled passion...determine the justice to ask for ...and show the jury how the verdict benefits the jury by using community standards.

Listed below are some ideas that I have for closing on various issues.

Snitch Closing

He is trying to get away with murder. He wants to get a discount from his punishment and the state does not even want to tell you how much of a discount they are going to give him for his testimony. Instead they just say "trust me" we are with the government and we are here to help. Even used car dealers have to disclose to you the "details of the deal". They may do it in fine print and in language difficult to understand but at least they do it. They don't even want to give you the fine print.

Closing on Conformity

When you lie awake in bed at night and think about the decision you made in this case here today, in your heart will you know that you did the right thing? Did you stand up for what you believe in? Did you protect the system by holding the state to its very high burden or did you simply conform to the will of others because that was easier?" "Did you go along with the crowd because it was convenient or did you fulfill your duty as a citizen?" "It is not always easy to do the right thing, the path less traveled is often a tough path to take, but if we are going to have a jury system that protects us from the tyranny of the government, a system that is in place to protect our children and our loved ones if they are unfortunate enough to be accused of something that they did not do than we I submit that the path less traveled is worth taking."

Kevin Adams

Attorney at Law

www.OklahomaCriminalLaw.com

918 582-1313

Lawyeradams@me.com

Copyright 2013

Now the State is Going to Get up and Try and Convince You

This also makes sense of why a person is less susceptible to being persuaded when they realize someone is going to persuade them, (Aronson, 2008) pg 103. When we finish our closing argument it may help us to inform the jury that the state is getting ready to stand up and try and convince you that ____ is guilty. That they should not be held accountable for bringing charges on such flimsy evidence. That the state should not be held accountable for enabling Buddy Bible in his attempt to avoid responsibility.

Jury is the True Authority

Milgram's experiments of administering shocks to others at the direction of legitimate authority is very disturbing and interesting. Pg 42-46 (Aronson, 2008) This could help explain why the conviction rate is so much higher in Federal Court because the authority seems more legitimate. Also the issue might also help explain why Spence's theory on prosecuting the prosecutor is so helpful. The more legitimate the authority seems the more likely someone is to inflict pain on another even if it is contrary to their personal beliefs and feelings. A government for the people, by the people. That we as citizens are set up to be the final check on the government's authority and that as jurors their job is not only to protect the rights of the accused but to protect the system so that it will be there to protect them and their loved ones.

How Can the Prosecutor Ask You to Do That?

I had a closing in a case in which I argued the following;

I think it is helpful to ask ourselves if these are the types of witnesses that I would rely upon for some of the less serious decisions in my own life.

If Joe wanted to borrow \$50 from you would you loan it to him?

Would you take a hot stock tip from Joe?

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

If you were going out of town for a couple of weeks would you let him house sit for you?

Would you buy a used car from the man?

How would you feel if your daughter came home with Joe? Would you trust him with your most cherished possession?

If you owned a business would you hire Joe?

Would you let him walk your doggie?

If you would not trust Joe for some of the less serious decisions in your own life than how can you possibly rely upon Joe for the most serious decision on Monty Reed's life.

(Joshua Karton gave me an extra step which I like a lot.) And how can the prosecutor ask you to rely upon the word of someone like Joe? Why would they do that? Would they ask you to believe him his testimony did not support their theory of the case?

A Client's Journey Through the System

Standing at the entryway to the legal system; life as Jonathon once knew it is gone. Taken from him through the betrayal of a false accusation and a wrongful arrest. Now forced to participate in the "legal system". After the system turns its sites on a person, the life they once knew is gone. The prosecution is working hard to destroy his future. His goal is to salvage what he can from his life; like a survivor rebuilding after a storm. His goal is freedom so that he can pick through the wreckage this prosecution has made of his life and try and rebuild.

Kevin Adams

Attorney at Law

www.OklahomaCriminalLaw.com

918 582-1313

Lawyeradams@me.com

Copyright 2013

Often our lives change without warning. Our life takes a direction that we never expected. The life Jonathan worked so hard to build for himself is over; a life of trusting in the authorities to do the right thing, believing in the system and a believing that if he had done nothing wrong that he had nothing to fear. Jonathan will never see a police car in his rear view mirror without experiencing fear. Jonathan will never be able to watch the news without hearing of an arrest and wondering whether the person that was arrested is an innocent man falsely accused. Jonathan will never fill out a job application without wondering if being falsely accused of this crime will stop him from getting the job. Jonathan will never be able to think of his twenty-first birthday without remembering that it was spent in a cage.

Not a day will pass that Jonathan will not remember the pain on his mothers face when she visited him; not able to hug him because glass separated her from her son, not able to kiss her son's cheek, not able to feel the warmth of his embrace. The life he once knew is gone.

His entire life will be marked by this injustice. He will never fully recover. While still mourning the loss of his past life has had to find the strength inside of himself to fight for his future; struggle to avoid the fate that the prosecutor has in store for him.

The system is nothing more than a machine and like any machine it can be used for good or evil. The prosecutor is the conductor of this machine. And the prosecutor is trying to steer Jonathan to a life of undeserved misery and sorrow. Too sure that she is right; to consider that the possibility that she might be wrong. Believing that if the state says it must be true. Hell bent on conviction and willing to make a deal with the devil to get it. Turning a blind eye to Buddy's latest lie and willing to believe anything that supports her case.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

The power of the legal system is overwhelming; the system is a bureaucracy and Jonathan has fallen through the cracks. Outgunned, outmanned, and outspent Jonathan has had to fight seemingly insurmountable odds for his future.

The doorway to freedom is the jury's verdict. He cannot open that door on his own. He has hired the best locksmith that he could afford to help him unlock that door; but only you can open that door for him. Only you can restore to Jonathan the freedom that he deserves. His goal is clear; regain his freedom. Jonathan can never get justice; justice would have been not to be put through this ordeal.

Imagine hearing for the first time that you were being accused of 1st degree murder. The shock, disbelief; a nightmare you cannot wake up from. Entire life on hold, unsure what is in store, unsure what your future holds, torn away from your life, taken away from your family desperately proclaiming your innocence.

*You seek the help of a lawyer and you learn that legally you **can** be charged with murder based on the word of someone like Buddy. Even if the police and the prosecutors know that Buddy is untrustworthy. Even if the police and the prosecutors know that Buddy has lied about this very murder in the past. And even if they know that Buddy has committed other crimes before and lied about those.*

Summer turns to fall and you don't feel very thankful locked away from your family; eating Turkey in the Tulsa County Jail. It is your first Thanksgiving alone, you pray for your mother you pray that your grandmother lives long enough to see you cleared of this crime. Soon you spend your first Christmas away from home. The New Year brings the renewed hope of freedom. You still hold out hope that the prosecutor will finally admit the obvious; that Buddy has told a long list of lies and that he is lying for leniency. You hope the prosecutor will finally see the obvious that you are an innocent man. One day you find out that Buddy has a new version of an old lie. Surely this will cause the prosecutor to admit the obvious.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Despite the obvious the opposite of what you had hoped for has happened. The prosecutor has taken Buddy's word again. Now the prosecutor has charged Sean Hawkins. "They do not believe him when he says he is not guilty and they do believe him when he says I am." "How can they pick and choose what to believe and disbelieve from a single witness?" "No matter how many times Buddy admits that he was lying they always believe the next one." "Can one person be that gullible?" "Do they care about the truth?"

Soon you realize that they will never see the truth because they are too convinced they are right. Soon you realize trial is inevitable and it is the only way you will win your freedom; the only way that you will be free of these people.

You begin to get yourself ready for trial. Mentally prepare for what is about to come. Your lawyer tries to tell you what to expect but no one can mentally prepare you what it is like to be on trial for your life. You are resolved. "It will be tough I will get through it. I have to be strong for mom." "Buddy has lied for leniency and I lost a year of life because of it." "I just don't understand why the state is hell-bent on believing a know liar?" "Why is the state willing to make a deal with the devil to convict the wrong person?" "I guess some things I will never understand".

After a year of being locked away, a year of not feeling the sun on your face, watching the sunset, hearing the birds chirp, feeling the warmth of your mother's embrace or walking into your mother's house and smell her cooking your favorite. How could I have taken it for granted? I never realized how precious it was until it was stolen from me. How many days did I wake up a freeman and not realize how good it precious my freedom was. Never again, never again will I take my freedom for granted.

Miscellaneous Closing

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Use of Humor and Sincere Thanking for Service—Being in a good mood can also make people more vulnerable to persuasion....people who have recently received self-esteem affirming feedback such as learning they are well liked are also more receptive to being persuaded by a communicator. Pg 103 (Aronson, 2008) People that have recently received positive self-esteem feedback are more likely to resist committing immoral acts. Their self-esteem must be grounded in reality and not narcissism or a false sense of superiority for this to work. Pg. 237-238 (Aronson, 2008) *Humor is good if it is appropriate and comes natural for the person.(The Triple L, the logic, the laughter, the law.) I see this a lot in trials the attorney stands up in the closing and thanks the jury for their attentive service. Something to consider; I heard Sellers give a jury a speech at the conclusion of a case in which he discussed how right to trial by jury is our birthright as American citizens and that would not be possible if it were not for jurors that were willing to give up their time to serve on a jury. The jury trial being our “birthright” as American citizens could bolster someone’s self esteem if done properly and make them take the trial more seriously and make it less likely they will commit immoral or cruel acts. Especially, if structured in such a way that the jury sees they are part of something special. It could plug into the hero juror story nicely.*

When appropriate I should use **1st person during closing** on important points.

Communication

The Ten Rules of Effective Language

Taken from *Words That Work* (Luntz, 2007)

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

1. **Simplicity-Use Small Words**—Using a long word when a short word will do tends to make people suspicious. “What is this guy trying to sell me?” “Does this guy have an ulterior motive?” The most effective language clarifies rather than obscures. The more simply and plainly an idea is presented, the more understandable it is—and therefore the more credible it will be.
2. **Brevity**—Use Short Sentences. “I did not have time to write a short letter, so I wrote a long one instead.”—Mark Twain. Be brief as possible. Never use a sentence when a phrase will do. Never use four words when just three can say just as much. When asked how long a man’s legs ought to be, Abraham Lincoln said, “Long enough to reach the ground.” When it comes to effective communication, small beats large, short beats long, and plain beats complex. And sometimes a visual beats them all.
3. **Credibility**—Is as Important as Philosophy. People have to believe it to buy it. If your words lack sincerity, if they contradict accepted facts, circumstances, or perceptions, they will lack impact. Credibility is established very simply. Tell people who you are or what you do. Then be that person and do what you have said you would do. And finally, remind people that you are what in fact you say you are. In a simple sentence: Say what you mean and mean what you say.
4. **Consistency Matters**—Repetition. Repetition. Repetition. Good language is like the Energizer Bunny. It keeps going...and going...and going. (Fieger does this.)
5. **Novelty**—Offer Something New. Words that work often involve a new definition of an old idea. Sometimes bad English makes Good communication. “Something Wong” Dr. Henry Lee, Defense expert Simpson Trial.
6. **Sound and Texture Matter**—The sounds of the words can be just as memorable as the words themselves. String on words that have the same 1st letter, the same sound, or the same syllabic cadence is more memorable than a collection of random sounds. (This is referenced in *The Social Animal*) “If it doesn’t fit you must acquit.”
7. **Speak Aspirationally**—Messages need to say what people want to hear. Must personalize and humanize the message to trigger an emotional

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

remembrance. If the language can be applied to a general situation or human condition it has been humanized; if listener relates to personal life experiences it has been personalized.

8. **Visualize**—Paint a vivid picture. Using the word “imagine” can assist you in doing that.
9. **Ask a Question**—“Is it live or is it Memorex” “Where do you want to go today.” “Are you better off today than you are four years ago?” When you assert the reaction of the listener depends on some degree on his or her opinion of the speaker. But making the same statement in the form of a rhetorical question makes the reaction personal—and personalized communication is the best.
10. **Provide Context and Explain Relevance**—You have to give people the “why” of the message before you tell them the “therefore” and the “so that”. Some people call this framing Luntz calls this context. Context is only half the effort you must explain the relevance of the communication. The communication must be focused on the individual and personal component of communication effort. Imagination is important in gaining relevance. You must shed your own perspectives and try to see the world through the audience’s eyes.

Relevant Words and Phrases from Words that Work

“Accountability” is one of the qualities that Americans most want from their political leaders and governing institutions. Yet American’s also think “accountability” is a quality their elected officials and bureaucrats most lack.
Pg 246 (Luntz, 2007)

“Imagine” is one of the most powerful words in the English language. No matter what the message, the word imagine has the potential to create and personalize an appeal that is individualized based upon the dreams and desires of the person who hears it. Imagine is an open nonrestrictive command.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Include a section from Joshua Karton.

When Jeff Fieger speaks he repeats himself on the important points. He may say it several times. Spence is very good at using silence to get his point across. I need to work on my voice. Slow down and speak up. Timing and poise are important. Low slow paced voice carries great passion. (Paul Luvera) Use metaphors to communicate. The trials are about personal courage. The reptilian brain always wins over intellect.

Communication is not what we say but rather what is heard. (Paul Luvera)
During trial we must focus on what is going on right now. (Paul Luvera)

93% of communication is non-verbal

7% words we use

38% the way we talk

55% the way we act & look

(Joshua)

Two Major Routes to Persuasion—Centrally and Peripherally

Pg 74-75 (Aronson, 2008)

Central Persuasion—involves weighing arguments and considering relevant facts and figures, thinking about the issues in a systematic fashion and coming to a decision.

Kevin Adams
Attorney at Law

www.OklahomaCriminalLaw.com

918 582-1313

Lawyeradams@me.com

Copyright 2013

Peripheral Persuasion—is less judicious than central persuasion. It involves responding to simple often irrelevant cues that suggest the rightness, wrongness, or attractiveness of an argument without giving it much thought.

Examples of different types of communication. Example of Central Persuasion—considering arguments about how to remedy an economy has to do with the central route of communication. Getting scared and angry by the image of Willie Horton has to do with the peripheral route. When someone decides to buy a new computer because of its features they are being moved by central persuasion. When they decide to buy a new computer because their favorite movie star is pitching it they are being persuaded by peripheral communication.

Few tools are purely central or peripheral. Most contain both. ...People can be highly influenced by the way things are phrased.Rhyme's can make things more persuasive. ...”If the glove doesn't fit, you must acquit”.....also recent research by Matthew McGlone “Woes unit foes” found to be more persuasive than nonrhyming “Woes unit Enemies”. The peripheral route to persuasion can be surprisingly subtle—yet surprisingly effective—indeed.

In recent years the science of choosing the right words (even if they don't rhyme) has become an essential tool of political campaigns. ... Estate tax vs. death tax.

Key Factors That Can Increase Communication

The key factors that can increase communication are: (1) the source of the communication (who says it) (2) the nature of the communication (how he or she says it) (3) characteristics of the audience (to whom he or she says it). Put most simply: Who says what to whom? Pg 75 (Aronson, 2008) *When I used to sell cars I learned that people make emotional decisions with logical justifications. I believe this is similar to the type of things that are discussed in the Reptile book that is coming out in August. There is a part of the human brain that is basic, primitive*

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

that has a powerful influence over us and we do not even know it. It causes us to do things that we would not do otherwise. Law school teaches us to communicate through central persuasion, it has to. We could not have a system of laws based upon the reptilian brain. That would be chaos. Most lawyers only communicate through the central method. I think acting things out in 1st person, repetition, the proper emotional tone, certain powerful words, NLP and many other things are directed towards the peripheral method. What is so powerful about the peripheral communication is that we don't even realize why we are doing it. The peripheral route of communication also touches the issue of labeling. Can I label some key witnesses in a case? If I am successful at tagging someone with a label how will that affect the jury?

Credibility

The credibility of the speaker effects whether or not we believe what the speaker has to say. Pg 76 (Aronson, 2008)

We believe good men more fully and more readily than others....his character may almost be called the most effective means of persuasion he possesses. Quote from Aristotle published in the Social Animal pg 76.

We saw this with the war in Iraq. Who did Bush have give the speech to the UN? Colin Powell. Why? Powell had more credibility than anyone in the administration. This is central to a jury trial. The lawyer must have credibility with the jury. Do not over state your case. Always tell the truth. Ask the questions that the jury wants to know the answers to. At the end that lawyer will cash his credibility in for the verdict. This is something I have believed in for years and it is something that Spence and other lawyers talk about frequently. This also touches on the issue of the defendant testifying and how we chose to frame or label our clients.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Race of the speaker can influence the believability of the message. Pg 78 (Aronson, 2008). *This is important to keep in mind especially with defendants.*

Increasing Credibility

How do we increase the credibility of the speaker?

- Arguing against their own self-interest.... A communicator can be an unattractive, immoral person and still be effective, as long as it is clear that he or she has something to gain (and perhaps something to lose) by persuading us. Pg 80-81 (Aronson, 2008) *This is something we can do beginning in voir dire. Spence talks about sharing with the jurors things that bother him about the case. This opens the jury up to be honest with the lawyer. That is true and it also increases the lawyer's credibility because he is speaking against his own self-interest. A lawyer will never convince a jury completely that he or she has nothing to gain but the lawyer can make some gains by being honest. This is also an issue with witnesses, particularly snitches. We need to make it clear that the witnesses the state puts on the stand to testify against our clients have something to gain if there is something for them to gain. For example with a cooperating witness who is receiving leniency we need to make it clear that they have no other choice but to cooperate and that they are cooperating because they do not want to suffer the consequences of their actions. They are desperate and looking for a way out.*
- When the message conflicted with their expectations, listeners perceived the communicator as being more sincere, and they were more persuaded by his statement. Pg 81 (Aronson, 2008) *Spence does this in his voir dire by telling the jury things they would not expect a trial lawyer to be honest about.*
- The trustworthiness of a person can also be influenced if the audience is absolutely certain the person is not trying to influence them. Pg 81

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

(Aronson, 2008) *A jury can probably never be completely convinced that a lawyer is not trying to influence them. However, a lawyer could increase his or her credibility during the jury selection by listening to the jury and not attempting to persuade and lead them. Not trying to get them to say or believe certain things. I have seen prosecutors do such things all the time. One time Mickey Hawkins got an answer he did not like from a potential juror and he barked back at her by saying “Why would you say that?” I see prosecutors do this all the time when they say things such as “would you agree” and “do you understand” instead of “Can you hold open the possibility that” Also this plugs into what Luvera talks about with opening statements that you should not be an advocate in opening just state the facts with tags. I do not know if I completely agree with Paul, I say in opening just tell my story.*

Summary of *The Social Animal* Source of Communication

- The attractiveness or likeability of a speaker can make them more effective in their communication. Pg 83 (Aronson, 2008)
- Our opinions are influenced by individuals who are both expert and trustworthy. Pg 83 (Aronson, 2008)
- A communicator’s trustworthiness (and effectiveness) can be increased if he or she argues a position apparently opposed to his or her self-interest. Pg 83 (Aronson, 2008)

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

- A communicator’s trustworthiness (and effectiveness) can be increased if he or she does not seem to be trying to influence our opinion. Pg 83 (Aronson, 2008)
- At least where trivial opinions and behaviors are concerned, if we like and can identify with a person, his or her opinions and behaviors will influence our own more than their content would ordinarily warrant. Pg 84 (Aronson, 2008)
- Again, where trivial opinions and behaviors are concerned, if we like a person, we tend to be influenced even if it is clear that he or she is trying to influence us and stands to profit by doing so. Pg 84 (Aronson, 2008) *This is a central issue. I have often said that a defense lawyer has to be likable and that prosecutors do not have to be likeable. Being likable is helpful but it may not be as important as I once thought. Of course being unlikeable makes the jury want to take the opposite position. Being credible is the most important aspect but being likeable is also good. In summary I would say “It is more important to be credible than likable as long as you are not hated.”*

“In internalization, the important component is credibility of the person that supplies the information. For example, if you read a statement by a person who is highly credible—that is someone who is both an expert and trustworthy—you would tend to be influenced by it because of your desire to be correct.” “When internalization and identification are involved, the conforming behavior tends to persist even in private.” Pg 40 (Aronson, 2008)

Logical verses Emotional Appeal

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

There is some evidence to suggest that an appeal that is primarily emotional is more effective than an appeal that is primarily logical, however the evidence is not conclusive. (paraphrased) Pg 85 (Aronson, 2008)

The overwhelming weight of the experimental data suggest that, all of things being equal, the more frightened a person is by communication, the more likely he or she is to take positive preventative action. Pg 86 (Aronson, 2008)

Self-Esteem and Frightening Messages

*A person's self-esteem affects how a person reacts to a message that scares them. ...*People who had a reasonably good opinion of themselves (high self-esteem) were those who were most likely to be moved by high degrees of fear arousal. People with low opinion of themselves were least likely to take immediate action when confronted with a communication arousing a great deal of fear—but after a delay, they behaved very much like the participants with high self-esteem. Pg 86 (Aronson, 2008) Thus, people with low self-esteem are apparently too overwhelmed by fear to take action when an immediate action is required. Pg 87 (Aronson, 2008)

High fear and specific instructions are best at changing attitudes and affecting behavior. Higher fear only changes attitudes and does not affect behavior. Pg 88 (Aronson, 2008) Specific instructions alone is not enough to produce action. Fear is a necessary component for action in such situations. Pg 88 (Aronson, 2008)

Most people are more influenced by one clear, vivid, personal example than by an abundance of statistical data. Pg 93 (Aronson, 2008) *This plays into what TLC teaches. You have to find the emotional connection with the jury. Just like Paul Luvera said. Experience trumps facts every time.*

The more informed the members of the audience are the less likely they are to be persuaded by a one-sided argument and the more likely they are to be

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

persuaded by an argument that brings out the important opposing arguments and then proceeds to refute them. Pg 94 (Aronson, 2008)

Another factor playing a vital role is the initial position of the audience. As one might expect if a member of the audience is already predisposed to believe the communicator's argument, a one-sided, presentation has a greater impact on his or her opinion than a two sided presentation.....If a member of the audience is leaning in the opposite direction, than a two sided refutational argument is more persuasive. Pg 94 (Aronson, 2008)

Degree of Discrepancy with the Speakers Opinions and the Audience as it relates to credibility and the changing of the Audience's Opinions

When a communicator has high credibility, the greater the discrepancy between the view he or she advocates and the view of the audience, the more the audience will be persuaded; on the other hand, when a communicator's credibility is doubtful or slim, he or she will produce maximum opinion change with moderate discrepancy. Pg 102 (Aronson, 2008) *This is an interesting issue but it may not be completely applicable to a jury trial. The reason is that the experiments were dealing with issues that the audience was already pre-disposed about and were trying to change their closely held beliefs. A trial lawyer should not be trying to change a jurors closely held beliefs. A trial lawyer should try and find a way to use the jury's closely held beliefs to his or her favor. It does make sense and is applicable when a lawyer thinks about jury selection and the importance of identifying closely held beliefs.*

Cognitive Dissonance created when the speaker's opinions are different than the audiences.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Greater discrepancy in the audience members opinion with the opinion of the speaker the greater the discomfort of the audience member. There are 4 ways to decrease the discomfort of the audience member:

1. For the audience member to change his opinion
2. For the audience member to induce the speaker to change his opinion
3. The audience member can seek support for the original opinion by finding other people who share their views in spite of what the communicator says
4. The audience member can derogate the communicator, convince themselves the communicator is stupid or immoral and thereby invalidate that person's opinion

In many situations there is only two ways of reducing discomfort because contact with the communicator or the ability to seek reinforcement is not available.

1. Change opinion
- 2 Derogate the communicator

Pg 100 (Aronson, 2008) See also Pg 189

This is an important concept to keep in mind. In a jury trial setting if the lawyer says something that causes great discomfort to the juror the juror can seek alliances/support with other jurors that support their position. However the juror can also degrade the lawyer. If the juror derogates the lawyer than the lawyer loses credibility on all issues not just that one issue; so it is important to reduce the discomfort level of the jury to as little as possible. It is also a way of discrediting the other side and witnesses by getting them to take positions that the jurors will not agree with. Audience members would find it difficult to derogate a liked and respected personal friend or a highly respected expert on the issue being discussed. However an audience member would find it easy to derogate a communicator whose credibility were questionable. Pg. 100 (Aronson, 2008)

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Relating information to the jurors personally will help them recall the information. Pg. 176 (Aronson, 2008)

Characteristics of the Audience and Persuasion

Individuals who feel inadequate are more easily influenced by a persuasive communication than individuals who think highly of themselves. ...if people don't like themselves then it follows that they don't place a very high premium on their own ideas and have less confidence in their convictions. "People want to be right"...A person who has a high self-esteem that listens to a communication at variance with his opinion must make up his mind whether he stands a better chance of being right if he changes his opinion or if he stands pat. A person with high self-esteem may experience some conflict when he finds himself in disagreement with a highly credible communicator. He might resolve this conflict by changing his opinion or might remain firm. But a low self-esteem person would have little or no conflict because he does not think highly of himself. He probably believes he stands a better chance of being right if he goes along with the communicator. Pg 103 (Aronson, 2008)

Forewarning the Jury about the State's Efforts to Persuade Them

One way of decreasing an audience's persuasibility is by forewarning them an attempt is going to be made to persuade them. Pg 103 (Aronson, 2008) *This could be very helpful in a jury trial. At the end of closing or even in opening or voir dire warn the jury that the state is going to attempt to persuade them that Jonathon Curry is guilty. Ask questions during voir dire about whether or not they are the type of person that is easily persuaded.*

Pacing the jury—this is discussed in personal communication in NLP. It can certainly be done during jury selection talking to an individual juror. Matching their tone of voice, matching the speed of their speech and body language. Also I think it could be very helpful if certain things are acknowledged such as admitting your own stress and nervousness during the trial setting.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

People tend to protect their sense of freedom...similarly, persuasive communications, if blatant and coercive, can be perceived as intruding upon one's freedom of choice, activating one's defenses to resist the message...reactive theory....when those pressures are so blatant that they threaten people's feeling of freedom, they not only resist them but tend to react in the opposite direction. Pg 104-105 (Aronson, 2008)

The person who is easiest person to brainwash is the person whose beliefs are based on slogans that have never been tested. Pg 108 (Aronson, 2008)

Contrast Effect

When an object is contrasted with something similar but not as good (or pretty or tall etc..) that particular object is judged to be better, prettier and taller than would normally be the case. Pg 124-125 (Aronson, 2008) See also pg. 165 (Aronson, 2008) *This is an interesting concept. Can I use this to my advantage? Some ideas come to mind such as in closing contrasting the state's case with what would be a really strong case. Contrasting my client with the dirt bag they have testifying against him. Having the jurors state in opening the type of evidence they would expect to see in such a case and in closing contrasting the case the state proved with what they wanted to see.*

Social Cognition

How we interpret social events usually depends on what we are currently thinking about as well as what beliefs and categories we typically use to make sense of things. Pg 127 (Aronson, 2008) Priming is a procedure based upon the notion that ideas that have been recently encountered or frequently activated are more likely to come to mind and will thus be used in interpreting social events. *This is social cognition and is about context. The context in which we hear things. Just as Dr. Holmes stated when people hear bad news they hear that the 1st and the loudest even if the majority of the news is good. How can this be used in my favor?*

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

I need to be careful in the order. Can I juxtapose my voir dire to get the initial impression that I want concerning a topic or some evidence? For example in a snitch case I start talking about reasons that people lie. I get the jury to start talking about why they think people lie. To get out of trouble, to avoid responsibility, because they are guilty, etc....Then I immediately move into why people cooperate with the prosecution. What about jury selection being used as priming? Who here has children? Have you ever encountered a situation where one child blames another in an attempt to get out of trouble? Ever had the blame the dog? (Humor) Ms. Jones you were a kindergarten teacher (Before I kick you off this jury I would like your help in educating your fellow jurors) have you ever had a situation in which one of you students blamed another in an attempt to get out of trouble? Get the jury talking about wrongful convictions? Get the jury talking about the fallibility of eye witness testimony? It is a simple concept really, if something is fresh on your mind you will think about it easier when a similar issue comes up.

Framing the Decision

How we frame the decision makes a big difference. If we state an argument as a loss it will be more powerful than if stated as a gain. (Summary) Framing is a problem or a decision is presented in such a way that it appears to represent the potential for loss or for a gain. Pg 129 (Aronson, 2008) *Think about this issue a little more.*

Primacy Effect

Put your best information first if you want to shape impression positively. Pg 132 (Aronson, 2008) *I want to think about this a little bit more. Paul Luvera talks about beginning with the bad guy. Spence says the same thing. Luvera mentioned the psychological principal of defensive attribution in support of his position. I have thought about what Luvera and Spence have said and I like it and don't disagree with it. However I am still resolving what they said with this principle.*

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Perhaps the answer is when you talk about the bad guy first you shape the opposing sides case negatively.

Dilution Effect

Although having more information may sometimes be helpful, it can also change how an object is perceived and evaluated through what is called the dilution effect—the tendency for neutral and irrelevant information to weaken judgment or impression. Pg 134 (Aronson, 2008) *This supports what Tom Metier said about your opening, if a fact does not add tension to your story get rid of it. Why include something that is neutral. If it does not help it has the potential to hurt. How does that information get your peanut one inch further down the road?*

Hardwired

Cognitive Dissonance

"a state of tension that occurs whenever an individual simultaneously holds two cognitions (ideas, attitudes, beliefs, opinions) that are psychologically inconsistent." Pg. 184 (Aronson, 2008) Cognitive dissonance causes psychological pain and people try and reduce it.

The theory of cognitive dissonance does not picture people as rational beings; rather it pictures people as rationalizing beings. We humans are not so much motivated to be right as to believe we are right. (and wise, and decent, and good.) Pg. 186 (Aronson, 2008)

When we undergo a traumatic situation we try to test the story—causal search. Eventually a person will end up with a story her or she can live with. Like cognitive dissonance—Part of the healing process---the story will fit into the

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

context of one's life story. (Holmes, 2007-2008) *This is true of a lot of witnesses and I believe that is why their stories change over time.*

Cognitive dissonance plays a surprising role in client relations. Many lawyers have experienced the situation in which their clients who pay the least are least appreciative. There are many reasons that this may be the case but an important reason can be that when the client pays a lot for an attorney they convince themselves the attorney is worth it because of cognitive dissonance. Another situation that cognitive dissonance may affect an attorney's relationship with his client or prospective client is when he or she tells the client something they do not want to hear. For example the client is scared. They have an idea that they are in trouble, but they can never see themselves going to prison. So they convince themselves that they are not in trouble, against all evidence to the contrary. When the attorney tells them they are in trouble it creates dissonance and they want to relieve that dissonance somehow. Many people relieve that dissonance by convincing themselves that the lawyer is wrong or that the lawyer is selling them out etc...

Cognitive dissonance is nothing more than an ego protection mechanism. "If individuals concentrate their time and effort on protecting their egos they will never grow. To grow we must learn from our mistakes. If we are intent on reducing dissonance (& not growing) we will not admit our mistakes. Instead we will sweep them under the rug or worse still, we will turn them into virtues." Pg. 250 (Aronson, 2008) This is important to keep in mind not only personally but with client relations. When we have clients who engage in a lot of dissonance they are likely the type of person who will not admit or learn from their mistakes. The same goes for judges and prosecutors. The irony is that in order to have true self-esteem we have to let go of our ego and admit our failures. This also has implications for cross-examination and prep for direct examination as well. We should discuss this with our clients to prepare for cross.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Importance of Irrevocability

Once a decision becomes final and is irrevocable, people start convincing themselves that they should feel good about the decision they made. People frequently become more certain they made a wise decision after there is nothing they can do about it. Pg. 202-203 (Aronson, 2008)

Psychology of Inevitability

Inevitability makes the heart grow fonder. People tend to make the best of something they know is bound to happen. People do this by deemphasizing the negatives. Pg. 232-234 (Aronson, 2008) *Interesting issue as it applies to clients and plea agreements. In talking with a client about a plea that is inevitable do we want to start the process by deemphasizing the negatives or allow them to do it on their own?*

Attitudes and Cognitive Dissonance

The “most zealous opponents of a given position are not those that have always been distant from that position.....data suggest the possibility that the people who have the strongest need to crack down hard onbehavior are those who have been sorely tempted, who came dangerously close to giving in to this temptation, but who finally resisted. People who *almost* decide to live in a glass house are frequently the ones who are most prone to throw stones.” Pg. 206 (Aronson, 2008) *FYI—this is the basis for homophobia. Homophobia is also an example of reaction formation.*

The Justification of Cruelty

“We need to convince ourselves that we are decent and reasonable people.” Pg. 226 (Aronson, 2008) When we inflict or are going to inflict harm on others “the most effective way to reduce dissonance would be to maximize the culpability of the victim of your action—to convince yourself that the victim deserved what he

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

got, either because he did something to bring it on himself or because he was a bad person....the mechanism might operate even if you did not directly cause the harm that befell the victim, but if you only dislike him (prior to his victimization) and were hoping that harm would befall him.” Pg. 227 (Aronson, 2008) *This has application to the law. First jurors will do this to your client before they convict. So a question that should be answered is how as a trial lawyer do I stop someone from dehumanizing my client. Part of the answer is to voir dire upon it. The other part of the answer I believe is to find the personal emotional connections to the juror. Making your client part of the “ingroup” makes it more difficult to do that as well, but it is a question that I need to find an answer for.*

*The other way that this is applicable to law is that the prosecutors do it to our clients all the time. They want to believe that they are nice people. They are prosecuting our client who is human beings with families and a life of their own. How do they do they relieve the dissonance? Dehumanizing our clients and convincing himself our client deserves what he or she gets. Our clients also engage in this process. If our client hurt somebody than our client will want to reduce the dissonance, unless our client is a sociopath, and often times they do so by blaming the victim. “Committing acts of violence increases our negative feelings about the victims.” Pg. 266 (Aronson, 2008) *We need to be aware of this and discuss this with our client if he or she has to testify.**

*A potential strategy to stop the jury from dehumanizing my client may be simply making them aware of the process. “...the process of reducing dissonance is largely unconscious...the process is more convincing if it happens below the level of conscious awareness.” Pg. 235-236 (Aronson, 2008) *Perhaps, the answer is a simple as addressing the issue of dehumanizing during voir dire. Discuss why we as people dehumanize others so we do not feel guilty if we do something to that person. Bring the process to light and it becomes less convincing.**

Limits to Justification of Cruelty

Kevin Adams

Attorney at Law

www.OklahomaCriminalLaw.com

918 582-1313

Lawyeradams@me.com

Copyright 2013

People with low self-esteem have less need to derogate their victims. “If I consider myself to be a scoundrel, then causing others to suffer does not introduce as much dissonance; I have less of a need to convince myself that they deserve their fate. Consider the irony: It is precisely because I think I am such a nice person that, if I do something that causes you pain, I must convince myself you are a rat. In other words, because nice guys like me don’t go around hurting people, you must have deserved every nasty thing I did to you.” Also if the victim of cruelty can retaliate than there is less of a need to dehumanize them. Pg. 229-230 (Aronson, 2008) *This is an interesting concept. If I can stop a person from dehumanizing my client can I make it more difficult to convict him? Should I look for those with high self-esteem for my jury; because it will be more difficult to be cruel?*

Decreasing Dehumanization by Building Empathy

Empathy is the ability to place yourself in the shoes of another person—to experience events and emotions (e.g. , joy, sadness) the way that person experiences them. Pg. 432 (Aronson, 2008) Empathy has the power to overwhelm the desire to be aggressive, and decreases the percentage of people displaying aggression....Most people find it difficult to inflict pain purposely on another human being unless they can find a way of dehumanizing their victims....we use dehumanization as a way of justifying acts of cruelty, especially in war...building empathy decrease acts of aggression. Pg 298 (Aronson, 2008) Disclosing something personal about oneself opens the door for the formation of empathy. Pg. 299 (Aronson, 2008) *This is part of the power of Spence’s theory on voir dire of sharing with the jury your personal beliefs. If the jury feels empathy towards the lawyer it will be more difficult to dehumanize him. Also this demonstrates the power of psycho drama. The ability to see things from others perspectives decreases aggressive behavior. Also if we can see our client from a human perspective than we can better express that to the jury so they won’t dehumanize our client.*

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Venting Anger Increases Hostility

“Venting anger—directly or indirectly, verbally or physically—does not reduce hostility it increases it.” Pg. 265 (Aronson, 2008)

Retaliation Almost Always Exceeds the Original Offense

In the real world retaliation almost always exceeds the original offense. The pain we receive always feels more intense than the pain we inflict. “The other guys broken leg seems trivial; our broken finger seems serious—turns out to be an accurate description of our neurological wiring. Pg. 266 (Aronson, 2008)

Heat Effects Violent Crime

The hotter it is on a given day, the greater the likelihood that people will commit violent crimes. Pg. 271 (Aronson, 2008)

Frustration & Aggression

The major instigator of aggression is frustration. If an individual is thwarted on the way to a goal the resulting frustration will increase the probability of an aggressive response. Pg. 217 (Aronson, 2008) Frustration is increased when a goal is near and your progress toward it is interrupted. When the interruption is unexpected or when it seems illegitimate, the frustration is increased still further. Pg. 273 (Aronson, 2008) Frustration is most pronounced when the goal is becoming palpable and drawing within reach, when expectations are high and when the goal is blocked unjustifiably. Frustration is not a result of simple deprivation it is the result of relative deprivations. Pg. 273 (Aronson, 2008) *Something we may want to keep in mind while dealing with our clients. Goals are always getting interrupted. Trials delayed, plea deals fall through etcetera. Frustration and anger may just be a natural reaction and not personally directed towards us.*

Kevin Adams

Attorney at Law

www.OklahomaCriminalLaw.com

918 582-1313

Lawyeradams@me.com

Copyright 2013

“Evils which are patiently endured when they seem inevitable, become intolerable once the idea of escape from them is suggested.” Alexis de Tocqueville; Pg. 275 (Aronson, 2008) “As long as there is hope that is unsatisfied, there will be frustration that can result in aggression. Aggression can be reduced by satisfying the hope, or it can be minimized by eliminating it....Hopeless people are apathetic.” Pg. 274 (Aronson, 2008)

The Psychology of Inadequate Justification

If an individual states a belief that is difficult to justify externally, that person will attempt to justify it internally by making his or her attitudes more consistent with the statement. Pg. 209 (Aronson, 2008) This has been called the *saying is believing paradigm*. If we want to produce lasting change in attitude, the greater the reward, the less likely any attitude change will occur. In one experiment “people who received abundant external justification for lying told the lie but did not believe it, whereas those who told the lie in absence of a great deal of external justification moved in the direction of believing that what they said was true.” Pg. 210-211 (Aronson, 2008)

Lying produces greater attitude change when the liar is undercompensated for lying, especially when the lie is likely to evoke change in the audience’s belief or behavior. ...That is, the greater the consequences and the greater our responsibility for it, the greater our dissonance; the greater the dissonance, the greater our own attitude change. Pg. 216 (Aronson, 2008) *I am unsure exactly how to apply this concept effectively at this time, but I feel that there is a use for it perhaps in jury selection when a prospective juror says things that he or she may not believe at that moment. However, it is a powerful concept and may assist a lawyer in understanding why witnesses that seem to believe what they are saying may not be speaking the actual truth. This is also important when you consider punishment for children. I did this once with my nephew. My sister-in-law was yelling at my nephew not to throw rocks near people at the lake. My nephew*

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

seemed to take greater joy in throwing rocks after she began yelling. As Hayden was getting ready to throw a rock near me “I said Hayden if you throw that rock I will be disappointed in you.” He set the rock down. Aronson talks about this concept on Pg. 219—222.

“Severe punishment has been shown to be effective temporarily, but used with extreme caution. It can have the opposite effect in the long run.” Pg. 291 (Aronson, 2008) Aronson has a good discussion about prisons and harsh punishment on pages 291-295. *Might be useful in sentencing arguments to the judge.*

“The effect of social influence through identification can also be dissipated by a person’s desire to be right...If you have taken on a belief through identification and you are subsequently presented with a convincing counter argument by an expert “ a trustworthy person you will probably change your belief.” Pg 38 (Aronson, 2008) *This is how the police influence witnesses all of the time. This is also what happened with the identification in the Ronald Mason case.*

“One way conformity to group pressure can be decreased is by inducing an individual to make some sort of commitment to his or her initial judgment.” pg 24 (Aronson, 2008)

“Depression seemed to lead children to develop a more pessimistic style, which they retained even after their depression had passed.” “Women are about twice as likely to be depressed as men.” Pg 66 (Aronson, 2008) Somewhere between 12 and 15 girls begin to show a higher rate of depression than boys. (Holmes, 2007-2008)

“When reality is unclear, other people become a major source of information...people conform to others even when assessing something as personal and idiosyncratic as the quality of their own emotions.” Pg 32 (Aronson, 2008)

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Reptile beliefs that rules make us safe and that rules protect us from harm. Without rules we are at risk. The strict father attitude believes “Rules must be obeyed like it or not.”

Always remember that a person’s life experiences are as powerful of a motivator as the reptilian brain. (Paul Luvera)

Seeking Superiority or Security in Hierarchal Systems

People are hardwired to seek superiority or security in hierarchal systems. (Holmes, 2007-2008) The implication for trial is that jurors may seek security in the “system” of police and/or Das. The way I feel this can be combated is to show the jury that the police and/or Das betrayed their trust and that to protect ourselves we have to find the defendant not guilty. To protect our families. There but for the grace of god go I or go we.

Sympathy becomes a form of social cooperation. (Holmes, 2007-2008)

People are hardwired to use emotions as the 1st screen for all information they receive. (Holmes, 2007-2008) When people hear bad news they hear that the 1st and the loudest even if the majority of the news is good. *This may be part of the reason why we should start with the bad guy.*

With crisis counseling you must first decrease the emotions 1st and then you can reason with the person. Decrease emotions by talking low, whispering. Socialized norms. Defuse emotions. (Holmes, 2007-2008)

Heuristics

People quickly classify people into situations and experiences into categories—good or bad, in or out, rather than engaged in time consuming more advanced analysis. (Holmes, 2007-2008) *The implications are if I can label a witness and/or defendant to situations/categories the jury is already familiar with the will not*

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

want to look for nuances. Determine what juror categories and/or experiences and replicate.

Judgmental Heuristics

Judgment heuristic is a mental shortcut. It is a simple, often only approximate rule or strategy for solving a problem. Examples: If someone is from Arkansas they must be intellectually backwards. If a food is found in a health food store it must be health. There are three types of judgmental heuristics. (Representative, Availability, Attitude) Pg 135 (Aronson, 2008)

Representational Heuristics

Pg 136 (Aronson, 2008) We focus on the similarity of one object to another to infer that the 1st object acts like the 2nd object. Example—High Quality products are expensive. Therefore if something is expensive we might infer it is really good.

Sometimes this can be used to our advantage. We were able to use to our advantage in the Ferrying case. The jurors had an image in their mind of what a drug dealer was. Ferrying was not it. It made it more difficult to believe he was a drug dealer. Paul said it best in arguing to get our evidence in “Mr. Brunton how is this relevant to any issue in the case?” “Your honor they say he is a drug dealer we say he is a cowboy.” A judgmental heuristic is a mental shortcut in everyday life, to a trial lawyer it can be a short-circuit either positive or negative.

Availability Heuristics

Judgment based upon how easy it is for us to bring specific examples to mind. *The problem/advantage—is sometimes what is easiest to bring to mind is not typical of the overall picture and will lead to faulty conclusions. This is why if we think that there is a judgmental heuristic involved in our case that we want to prime the pump so that the jury will think of the idea quickly. We may also want to*

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

inoculate the jury from the judgmental heuristic that hurts us. Question—how much of jury selection deals with judgmental heuristics, both negative and positive? Also important with the judgmental heuristics is the amount of TV someone watches. Pg 139 (Aronson, 2008) As stated in (Aronson, 2008) people who watch a lot of television over estimate the amount of violence and overestimate the honesty of the police.

Attitude Heuristics

pg 140 (Aronson, 2008) An attitude is a special type of belief that includes emotional and evaluative components. An attitude heuristic can be used to assign an object to a favorable class or an unfavorable class. This is an important point in jury selection. We must uncover the relevant attitudes that we can. Since an attitude involves both an opinion and an emotion we should look for both. These are embedded. If we ask typical “Can you be fair” questions we will not get there. Does anyone have an opinion about this? What is your opinion about that? I fell this way how do you feel? Some people feel like this others feel like that? Where do you fall between these two positions? When we get the opinion we need to listen for and ask questions designed to discover the emotion. Emotion + opinion=attitude.

Halo Effect

A general bias in which a favorable or an unfavorable general impression affects our inferences and future expectations about a person. Pg. 140 (Aronson, 2008)

False-Consensus Effect

Almost all of us have a tendency to overestimate the percentage of people who agree with us on any given issue. *One idea about how to use this to our advantage is if a juror says something favorable during voir dire “I think most people would agree with you.” It is like we are pacing the juror, people already*

Kevin Adams

Attorney at Law

www.OklahomaCriminalLaw.com

918 582-1313

Lawyeradams@me.com

Copyright 2013

believe that. Also with a witness that says something most people disagree with we can use to create space between the jury and the witness.

Illusory Correlation

Pg. 145 (Aronson, 2008) We frequently perceive a relationship between two entities that we think should be related but are in fact not. *This occurs most frequently in correlation to our stereotypes.*

When Heuristics are Most Likely Used

pg. 142 (Aronson, 2008)—are most likely to be used when;

1. People do not have time to think clearly about an issue.
2. When people become overloaded with information and it becomes impossible to think about info fully.
3. When issues at stake are not that important, so we do not think about it much.
4. When we have little solid information to use in making our decisions.

“Homogeneity Effect” and “In-group Favoritism”

In-group/Out-group effects—We tend to categorize people into 2 groups “my” group and those in the “out” group. Pg. 146 (Aronson, 2008)

We tend to see people of the outgroups as more similar to one another than people of our own group—the “ingroup”. *We hear people say this all the time “All black people look alike to me” “All Asians look alike to me.” That is because people are describing others of the other group.*

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

It is not uncommon for us to imagine the members of the outgroup all look alike, think alike and act alike. One explanation is when people think of members of their own group they had knowledge of them as individuals each with a unique personality and lifestyle. When they thought of members of an outgroup they lacked such individualized information so they considered them in terms of a group label and saw them all similar to this identity. Pg. 146 (Aronson, 2008)

This can be powerful. There many different groups that we can choose to define someone in or out of. Responsible citizens versus criminals. People working hard to improve their lives everyday versus those who wish to get by taking advantage of others. When we try cases we need to embrace our clients as one of the group, and those against our clients as not one of the group. The outgroup will always be defined as negative and the in group will be defined as positive. There is also an issue here with identification of people of other races.

This is also an issue that we should keep in mind during jury selection. Maybe even a good way to discuss the race issue. For example “Growing up I never had the opportunity to be around Asian people. There was one Asian guy in my class in middle school and he was really good at math. So in my mind I just always assumed that all Asians were good at math.” And then bridge this to a discussion of race and other groups.....

In-group Favoritism—refers to the tendency to see one’s own group as better on any number of dimensions and to allocate rewards to one’s own group. Pg 147 (Aronson, 2008) *Is the battle one of definition? Defining my client and myself as the ingroup and defining the state and their witnesses as the outgroup? This goes back to what Joey Low was talking about at TLC, every chance you get you want to get the witness to say things that will create distance between that witness and the jury.*

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Prejudice

Prejudice—a hostile or negative attitude towards a distinguishable group on the basis of generalizations derived from faulty or incomplete information. It contains a cognitive component (a stereotype and set of beliefs about a group), an emotional component (dislike or active hostility towards the group), and a behavioral component (a predisposition to discriminate against a group whenever possible). For example, when we say an individual is prejudice against blacks, we mean he or she believes that, with few exceptions, all blacks are pretty much the same; dislikes black people; and is predisposed to behave with hostility and bias towards them. Pg. 303 (Aronson, 2008)

“Trying to educate a bigot is like shining light into the pupil of an eye—in constricts.”—Oliver Wendell Holmes

Prejudice can affect anybody; “But many otherwise decent people, despite their best efforts to be open-minded, are nonetheless capable of subtle acts of prejudice.” Pg. 307 (Aronson, 2008) “People struggle with the conflict between their urge to express prejudice and their need to maintain a positive self-concept “as someone who is not a bigot), both in their own eyes, as well as the eyes of others. ...It requires energy to suppress prejudice impulses. Because we are programmed to conserve mental energy, we are attracted to information that justifies our prejudices. Once we find a valid justification for disliking a group we can express prejudice without feeling like a bigot.” Pg. 310 (Aronson, 2008)

“At the core of prejudice is the generalization of characteristics, motives, or behavior to an entire group....to **stereotype** is to allow those pictures to dominate or thinking, leading us to assign identical characteristics to any person in a group, regardless of the actual variation among members of that group.” Pg. 311 (Aronson, 2008)

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

“Stereotyping is not necessarily an intentional act of abuse; nor is it always negative. It is merely a way we humans organize and simplify the complexities of our social world and we all do it....Stereotyping is inevitable because our evolutionary ancestors needed to be able to quickly categorize friends versus foes, members of hostile tribes or friendly tribes. So the legacy of our survival is that our brains are wired to categorize people automatically, unconsciously, and immediately along the dimensions such as race, age and sex....at a very basic level we are programmed to think stereotypically.” Pg. 312 (Aronson, 2008)

“Stereotypes distort the way we interpret people’s behavior; in turn we may act on these distorted perceptions treating an individual in a biased way.” Pg. 312 (Aronson, 2008) “Because we all belong to the same culture, we all marinate in a common stew of stereotypic images—thus we are often prone to the same unconscious biases even those against our own group.” Pg. 313 (Aronson, 2008) “Because of stereotyping...when making judgments about people, we often ignore or give insufficient weight to information that does not fit the stereotype.” Pg. 313 (Aronson, 2008)

Competition breeds prejudice. The socioeconomic class of the discriminating group most close to the socioeconomic class of the group experiencing discrimination are the most likely to hold racial views; because the two groups are in close competition with each other. Pg. 327 (Aronson, 2008)

If our status is on the low socioeconomic hierarchy, we may feel we need the presence of a downtrodden minority group to feel superior to somebody....several studies indicate that a good predictor of prejudice is whether a person’s social status is low or declining....studies suggest that white people who are near the bottom in terms of education, income and occupation are most likely to dislike blacks. Pg. 332 (Aronson, 2008)

Dispositional Prejudice

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Authoritarian personalities—individuals that tend to be rigid in their beliefs; they tend to possess conventional values, they are intolerant of weakness in themselves as well as others, they tend to be highly punitive, they are suspicious and they are respectful of authority to an unusual degree...are authoritarian and major findings show that people who are high on authoritarianism do not simply dislike Jews or blacks; rather show a consistent prejudice against all minority groups.

The instrument developed to measure authoritarianism is called the F Scale and measures to what extent each person agrees or disagrees with such items as:

- Sex crimes such as rape and attacks on children deserve a more than mere imprisonment; such criminals ought to be publically whipped, or worse.
- Most people don't realize how much our lives are controlled by plots hatched in secret places.
- Obedience and respect for authority are the most important virtues children should learn.

Pg. 333 (Aronson, 2008)

Authoritarian personalities developed these cluster of attitudes and values in early childhood and experiences in families; characterized by harsh threatening parental discipline. Authoritarian personalities tend to have parents who use love and its withdrawal as their major way of producing obedience. In general, authoritarian personalities, as children, tend to be both insecure and highly dependent on their parents; they fear their parents and feel unconscious hostility towards them. This combination sets the stage for the emergence of an adult with a

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

high degree of anger, which because of fear and insecurity takes the form of displaced aggression against powerless groups, while the individual maintains an outward respect for authority. Pg. 334 (Aronson, 2008) Authoritarian personalities believe it is natural for some people to dominate others, that equality of race is neither natural nor desirable and that political conservatism is superior to liberalism.

“Racism tends to emerge when it can be easily rationalized.” Pg. 308 (Aronson, 2008)

After reading about authoritarians in The Social Animal I knew that I need to learn more about this personality type. Elliot Aronson described authoritarians as;

Authoritarian personalities—individuals that tend to be rigid in their beliefs; they tend to possess conventional values, they are intolerant of weakness in themselves as well as others, they tend to be highly punitive, they are suspicious and they are respectful of authority to an unusual degree...are authoritarian and major findings show that people who are high on authoritarianism do not simply dislike Jews or blacks; rather show a consistent prejudice against all minority groups. Pg. 333 (Aronson, 2008)

Having an authoritarian juror is a scary prospect for anyone accused of a crime? Having an authoritarian juror means that the person would be prejudice, rigid in their beliefs, intolerant of weakness, conventional in their values, highly punitive, suspicious, and respectful to authority to an unusual degree. Wow. What a nightmare of a juror that would make.

An individual who has performed and researched extensively of authoritarian personalities is Bob Altemeyer a professor of Psychology at the University of Manitoba in Winnipeg, Canada. Altemeyer has a book simply called The Authoritarians in which he describes authoritarian followers. The

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

authoritarian followers are the authoritarians, their leaders are social dominants or Double Highs; individuals how rank high on both the authoritarian scale and the Social Dominance scale. After reading about these personality types it seems imperative in most cases to identify and remove the authoritarians from the jury in almost every criminal case.

Who are Authoritarians?

Definition of Authoritarian:

Authoritarian followers usually support the established authorities in their society, such as government officials and traditional religious leaders. Such people have historically been the “proper” authorities in life, the time-honored, entitled, customary leaders, and that means a lot to most authoritarians. Psychologically these followers have *personalities* featuring:

- 1) a high degree of submission to the established, legitimate authorities in their society;
 - 2) high levels of aggression in the name of their authorities;
- and
- 3) a high level of conventionalism.

Pg. 8 (Altemeyer, 2006)

In North America people who submit to the established authorities to extraordinary degrees often turn out to be political conservatives, so you can call them “right-wingers” both in my new-

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

fangled psychological sense and in the usual political sense as well. But someone who lived in a country long ruled by Communists and who ardently supported the Communist Party would also be one of my *psychological right*-wing authoritarians even though we would also say he was a political left-winger. So a right-wing authoritarian follower doesn't necessarily have conservative political views. Instead he's someone who readily submits to the established authorities in society, attacks others in their name, and is highly conventional. It's an aspect of his personality, not a description of his politics. Rightwing authoritarianism is a personality trait, like being characteristically bashful or happy or grumpy or dopey.

Pg. 8 (Altemeyer, 2006)

Authoritarian Submissions

Authoritarian Submission. Everybody submits to authority to some degree....But some people go way beyond the norm and submit to authority even when it is dishonest, corrupt, unfair and evil. We would expect authoritarian followers especially to submit to corrupt authorities in their lives: to believe them when there is little reason to do so, to trust them when huge grounds for suspicion exist, and to hold them blameless when they do something wrong.

Authoritarians will tell you that people *should* submit to authority in virtually all circumstances. If you give them moral dilemmas (e.g. should one steal an absurdly expensive drug to save a life?) they're more likely to say, "The law is the law and must be obeyed" than most people are. High RWAs also say they would *bow* more to show respect for their fathers, the president of companies where they worked, and so on, than most people indicate.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Pg. 15-16 (Altemeyer, 2006)³

High RWAs trusted President Nixon longer and stronger than most people did during the Watergate crisis. Some of them still believed Nixon was innocent of criminal acts even after he accepted a pardon for them. (Similarly the Allies found many Germans in 1945 refused to believe that Hitler, one of the most evil men in history, had ordered the murder of millions of Jews and others. “He was busy running the war,” Hitler’s apologists said. “The concentration camps were built and run by subordinates without his knowing it.”) To pick a more current example, authoritarian followers believed, more than most people did, President George W. Bush’s false claims that Saddam Hussein had extensive links to al-Qaida, and that Iraq had weapons of mass destruction. And they supported the invasion of Iraq, whereas less authoritarian Americans tended to doubt the wisdom of that war from the start.

Pg. 16 (Altemeyer, 2006)

Caution No. 1. On the other hand, right-wing authoritarians did *not* support President Clinton during his impeachment and trial over the Monica Lewinsky scandal. So as I said, the support is not automatic and reflexive, but can be trumped by other concerns. In Clinton’s case his administration not only had advocated for groups anathema to authoritarians, such as homosexuals and feminists, his sexual

³ There is a difference between the PDF version of the book and the printed version. The page references are to the PDF version since that is easiest to obtain and search.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

misdeeds in the White House deeply offended many high RWAs.

Pg. 16 (Altemeyer, 2006)

Authoritarian followers seem to have a “Daddy and mommy know best” attitude toward the government. They do not see laws as social standards that apply to all. Instead, they appear to think that authorities are above the law, and can decide which laws apply to them and which do not--just as parents can when one is young..... They also believe that only criminals and terrorists would object to having their phones tapped, their mail opened, and their lives put under surveillance.....There might as well not be a Fourth Amendment to the Constitution. And when the Military Commissions Act of 2006 is used to deny people the right of *habeas corpus*--one of the oldest rights in western law--it is unlikely that right-wing authoritarians will object to the loss of this constitutional guarantee either.

Pg. 18 (Altemeyer, 2006)

The last string of studies I want to lay before you regarding authoritarian submission concerns authoritarians’ willingness to hold officials accountable for their misdeeds. Or rather, their lack of willingness--which catches your eye because high RWAs generally favor punishing the bejabbers out of misdoers. But they proved less likely than most people to punish a police officer who beat up a handcuffed demonstrator, or a chief of detectives who assaulted an accused child molester being held in jail, or--paralleling the trial of U.S. Army Lt. William Calley--an Air Force officer convicted of murder after leading unauthorized raids on Vietnamese villages.

Pg. 20 (Altemeyer, 2006)

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

The Authoritarian book was published in 2006. I am reading his book 3 years later and while this is not exactly what has been happening it appears that Altemeyer may have predicted the future given what has been going on lately in the news.

If some day George W. Bush is indicted for authorizing torture, you can bet your bottom dollar the high RWAs will howl to the heavens in protest. It won't matter how extensive the torture was, how cruel and sickening it was, how many years it went on, how many prisoners died, how devious Bush was in trying to evade America's laws and traditional stand against torture, or how many treaties the U.S. broke. Such an indictment would grind right up against the core of authoritarian followers, and they won't have it. Maybe they'll even say, "The president was busy running the war. He didn't really know. It was all done by Rumsfeld and others."

Pg. 20 (Altemeyer, 2006)

Authoritarian Aggression

Authoritarian Aggression. When I say authoritarian followers are aggressive I don't mean they stride into bars and start fights. First of all, high RWAs go to church enormously more often than they go to bars. Secondly, they usually avoid anything approaching a fair fight. Instead they aggress when they believe right and might are on their side. "Right" for them means, more than anything else, that their hostility is (in their minds) endorsed by established authority, or supports such authority. "Might" means they have a huge physical advantage over their target, in weaponry say, or in numbers, as in a lynch mob. It's striking how often authoritarian aggression happens in dark and cowardly ways, in the dark, by cowards who later will do everything they possibly can to avoid responsibility for what they did. Women, children, and others unable to defend themselves are typical victims. Even more striking, the attackers typically feel morally superior to

Kevin Adams

Attorney at Law

www.OklahomaCriminalLaw.com

918 582-1313

Lawyeradams@me.com

Copyright 2013

the people they are assaulting in an unfair fight. We shall see research evidence in the next chapter that this self-righteousness plays a huge role in high RWAs' hostility. Pg. 21 (Altemeyer, 2006) *Authoritarians don't hang out in bars and are afraid to fight. Well you can rule out most of my friends.*

Since followers do virtually all of the assaulting and killing in authoritarian systems--the leaders see to this most carefully--we are dealing with very serious matters here. Anyone who follows orders can become a murderer for an authoritarian regime. But authoritarian followers find it easier to bully, harass, punish, maim, torture, "eliminate," "liquidate," and "exterminate" their victims than most people do. We saw in chapter 1 that high RWAs are more likely to inflict strong electric shocks in a fake learning experiment in which they choose the punishment level, are more likely to sentence common criminals to long jail sentences, are more likely to be prejudiced, are more willing to join "posses" organized by authorities to hunt down and persecute almost any group you can think of, are more mean-spirited, and are more likely to blame victims of misfortune for the calamities that befall them. So while on the surface high RWAs can be pleasant, sociable, and friendly, they seemingly have a lot of hostility boiling away inside them that their authorities can easily unleash. Pg. 51 (Altemeyer, 2006)

Authoritarians are Harsher on Punishment

In fact they'd send just about anyone to jail for a longer time than most people would, from those who spit on the sidewalk to rapists. However, as noted earlier, authoritarian followers usually would go easy on authorities who commit crimes, and they similarly make allowances for someone who attacks a victim the authoritarian is prejudiced against. (If you were a district attorney prosecuting a lynching case, you would NOT rejoice at a jury filled with high RWAs.) But in general they would sentence most criminals to longer terms than the average Joe

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

would. They also tend to strongly endorse capital punishment. Pg. 22 (Altemeyer, 2006)

Why are high RWAs extra-punitive against law-breakers? For one thing, they think the crimes involved are more serious than most people do, and they believe more in the beneficial effects of punishment. But they also find “common criminals” highly repulsive and disgusting, and they admit it feels personally good, it makes them glad, to be able to punish a perpetrator. They get off smiting the sinner; they relish being “the arm of the Lord.” Similarly, high RWA university students say that classmates in high school who misbehaved and got into trouble, experienced “bad trips” on drugs, became pregnant, and so on “got exactly what they deserved” and that they felt a secret pleasure when they found out about the others’ misfortune. Which suggests authoritarian followers have a little volcano of hostility bubbling away inside them looking for a (safe, approved) way to erupt. Pg. 23 (Altemeyer, 2006)

You may be taken aback however to discover that these prejudices usually show up bundled together in a person. But social psychologists found long ago that people who are prejudiced against one group are usually prejudiced against a whole lot more as well. Prejudice has little to do with the groups it targets, and a lot to do with the personality of the holder. Want to guess who has such wide-ranging prejudices? Authoritarian followers dislike so many kinds of people, I have called them “equal opportunity bigots.” Pg. 23 (Altemeyer, 2006)

High RWAs tend to feel more endangered in a *potentially* threatening situation than most people do, and often respond aggressively. Pg. 26 (Altemeyer, 2006)

Caution No. 2. Can we conclude from all these findings that authoritarian followers always aggress when they think the “proper authorities” approve? No, no more than they always submit to established authority. “Always” is a lot, and such

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

generalizations ignore the complexity of human motivation. Fear of counter aggression can freeze the authoritarian's hand, or belief that the hostility is unlawful and will be punished. Nevertheless, one can easily find settings in which high RWAs' aggressive inclinations comes bubbling to the surface. Pg. 26 (Altemeyer, 2006) *Juries are perfect places for authoritarians to express their aggression. There is no fear of counter aggression, they can inflict pain on common criminals that disgust them and they can do so while showing their allegiance to authorities.*

Authoritarian Conventionalism

Conventionalism. By conventionalism, the third defining element of the rightwing authoritarian, I don't just mean do you put your socks on before your shoes, and I don't just mean following the norms and customs that you like. I mean believing that everybody should have to follow the norms and customs that your authorities have decreed. **Authoritarians get a lot of their ideas about how people ought to act from their religion,** and as we'll see in chapter 4 they **tend to belong to fundamentalist religions that make it crystal clear what they consider correct and what they consider wrong.** For example these churches strongly advocate a traditional family structure of father-as-head, mother as subservient to her husband and caretaker of the husband's begotten, and kids as subservient, period. The authoritarian followers who fill a lot of the pews in these churches strongly agree. *And they want everybody's family to be like that.* Pg. 27 (Altemeyer, 2006) *With the amount of evangelic churches that we have in this area I would expect every jury to be packed with these guys.*

But I also discovered that if you ask subjects to rank the importance of various values in life, authoritarian followers place "being normal" substantially higher than most people do. It's almost as though they want to disappear as individuals into the vast vat of Ordinaries. Pg. 29 (Altemeyer, 2006)

Caution No. 3. Once again, however, I should temper our natural tendency to overgeneralize. High RWAs would like to be rich as much as the next person

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

would, they'd like to be smarter than average, and so on. It's "good" to be different in some ways, it seems. And I found they would not change their opinions about abortion an inch by showing them how different they were from most others. They are quite capable of adhering to the beliefs emphasized by their in-groups when these conflict with what is held by society as a whole. Nevertheless, they *do* get tugged by what they think everybody else is saying and doing. For example, their attitudes toward homosexuals have become markedly more positive recently, just as the rest of society's attitudes have changed. And thirty years ago the solid majority of high RWA students in my samples said premarital sexual intercourse was flat-out immoral. Now most say it is moral if the couple plans to get married. Pg. 29 (Altemeyer, 2006)

Low RWAs do not typically see the world as "Us versus Them." They are more interested in cooperation than most people are, and they are often genuinely concerned about the environment. Pg. 32 (Altemeyer, 2006) High RWAs or authoritarians believe ""Care About Your Own; We Are NOT All In This Together." Pg. 34 (Altemeyer, 2006)

How Do People Become Authoritarians?

There are two main theories of how someone becomes an authoritarian. One is the Freudian explanation which is less popular and the other is an explanation by psychologist Albert Bandura of Stanford University which Altemeyer prefers because it is testable. The Freudian explanation is;

Supposedly the future authoritarian follower was severely punished as a child by his cold, distant parents for any signs of independence or rebellion. So such urges were repressed. Instead through a reaction-formation the child became obedient, loyal, even adoring of his parents. But deep down inside he hated them. However the

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Freudian “deep down inside” doesn’t have a shredder or burn-basket, so ultimately the repressed hostility has to come out some way. Thus the authoritarian follower projected his hostility onto safe targets, such as groups whom the parents disliked or people who couldn’t fight back, and decided they were out to get him. That projection provided the rationalization for attacking them and, voila, you have authoritarian aggression--thanks to just about all the ego defense mechanisms in Freud’s book. Pg. 53 (Altemeyer, 2006)

The second main theory is Bandura’s Social Learning Theory of Aggression;

A more testable explanation of aggression in general has been provided by Albert Bandura of Stanford University. Bandura says that aggression occurs after two switches are thrown. First some bad feeling like anger or envy stirs up hostility. But that by itself won’t lead to aggression. An angry individual who wants to attack someone may anticipate getting punched in return, or ending up in jail. Or he may have moral restraints against hurting others. So the second stage involves overcoming these restraints, setting aside these inhibitions, letting the aggression erupt and flow. Pg. 54 (Altemeyer, 2006)

The Instigator of Authoritarian Aggression

In a word fear; an unusual amount of fear. Authoritarian followers score highly on the Dangerous World scale, and it’s not just because some of the items have a religious context. High RWAs are, in general, more afraid than most people are. They got a “2 for 1 Special Deal” on fear somehow. Maybe they’ve inherited genes that incline them to fret and tremble. Maybe not. But we do know that

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

they were raised by their parents to be afraid of others, because both the parents and their children tell us so. Sometimes it's all rather predictable: authoritarians' parents taught fear of homosexuals, radicals, atheists and pornographers. But they also warned their children, more than most parents did, about kidnappers, reckless drivers, bullies and drunks--bad guys who would seem to threaten everyone's children. So authoritarian followers, when growing up, probably lived in a scarier world than most kids do, with a lot more boogeymen hiding in dark places, and they're still scared as adults. For them, gay marriage is not just unthinkable on religious grounds, and unnerving because it means making the "abnormal" acceptable. It's yet one more sign that perversion is corrupting society from the inside-out, leading to total chaos. Many things, from stem cell research to right-to-die legislation, say to them, "This is the last straw; soon we'll be plunged into the abyss." So probably did, in earlier times, women's suffrage, the civil rights movement, sex education and Sunday shopping.

Thus it turns out in experiments that a person's fear of a dangerous world predicts various kinds of authoritarian aggression better than any other unpleasant feeling I have looked at. As my mentor, Brewster Smith of the University of California at Santa Cruz, said when I told him that fear set off authoritarian aggression more than anything else, "We do have to fear fear itself." And of course fear rose in the United States after 9/11. As Dave Barry put it in a column in November 2004, "Attorney General John Ashcroft has issued one of those vague, yet at the same time, unhelpful federal terrorism warnings that boil down to: 'Be afraid! Be very afraid!'" Events like the attacks of 9/11 can drive large parts of a population to being as frightened as authoritarian followers are day after day.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

In calm, peaceful times as well as in genuinely dangerous ones, high RWAs feel threatened. They have agreed on the RWA scale, year after year since the 1970s, that sinfulness has brought us to the point of ruin. There's always a national crisis looming ahead. All times are troubled times that require drastic action. Pg. 55—56 (Altemeyer, 2006)

Releaser of Authoritarian Aggression

How good, how moral are you, compared to other people? (You get to say what is “good” and “moral.”) As I mentioned in chapter 1, if you're an average human being, you'll think you're a better than average human being. Almost everybody thinks she's more moral than most. But high RWAs typically think they're way, way better. **They are the Holy Ones. They are the Chosen. They are the Righteous. They somehow got a *three-for-one* special on self-righteousness. And self-righteousness appears to release authoritarian aggression more than anything else.**

Chronically frightened authoritarian followers, looking for someone to attack because fighting is one of the things people do when they are afraid, are particularly likely to do so when they can find a moral justification for their hostility. Despite all the things in scriptures about loving others, forgiving others, leaving punishment to God, and so on, **authoritarian followers feel empowered to isolate and segregate, to humiliate, to persecute, to beat, and to kill in the middle of the night, because in their heads they can almost hear the loudspeakers announcing, “Now batting for God's team, his designated hitter, (their name).”**

Thus in the experiments done on this subject, if you know how highly people scored on the Dangerous World scale, and if you know how self-righteous they are, you can explain rather well the **homophobia of authoritarian followers, their heavy-handedness in sentencing criminals, their prejudices against racial and ethnic minorities,** why they are so mean-spirited toward those who have erred

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

and suffered, and their readiness to join posses to ride down Communists, radicals, or whomever.

Why is this better than the Freudian explanation? Because you can't predict anything with that. But once we have those fear and self-righteousness scores, we can predict rather well who, in a sample of people, will show authoritarian aggression. So we *do* have to try to control fear, not pump it up, and also appreciate the **cruel contradiction that the people who feel holiest are likely to do very unholy things precisely *because* they feel holiest.** Pg. 57 (Altemeyer, 2006)

I have discovered in my investigations that, by and large, high RWA students had simply missed many of the experiences that might have lowered their authoritarianism. Take that first item on page 59 about fathers being the head of the family. Authoritarian followers often said they didn't know any other kind of families. And they hadn't known any unpatriotic people, nor had they broken many rules. They simply had not met many different kinds of people or done their share of wild and crazy things. Instead **they had grown up in an enclosed, rather homogeneous environment--with their friends, their schools, their readings, their amusements all controlled to keep them out of harm's way and Satan's evil clutches.** They had contentedly traveled around on short leashes in relatively small, tight, safe circles all their lives. Interestingly enough, authoritarian followers show a remarkable capacity for change IF they have some of the important experiences. For example, they are far less likely to have known a homosexual (or realized an acquaintance was homosexual) than most people. But if you look at the high RWAs who do know someone gay or lesbian, they are much less hostile toward homosexuals in general than most authoritarians are. Getting to know a homosexual usually makes one more accepting of homosexuals as a group. Personal experiences can make a lot of

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

difference, which is a truly hopeful discovery. The problem is, most right-wing authoritarians won't willingly exit their small world and try to meet a gay. They're too afraid. And "coming out" to a high RWA acquaintance might have long-term beneficial effects on him, but it would likely carry some risks for the outgoing person. Pg. 61 (Altemeyer, 2006)

Their ideas of right and wrong has been profoundly shaped by their family religion. Pg. 62 (Altemeyer, 2006) Authoritarians believe truth is already know and it is not their job to discover it. Pg. 62 (Altemeyer, 2006)

Profile of a Young Authoritarian—

Let's put some faces to these general findings by talking about two extremely different cases, and then work our way to the "ordinary people" in the middle. Imagine you're standing in a hallway at your local high school just as classes are about to begin for the day. Hugh, a senior, is standing in front of his locker. Your intuition might tell you, from his clothes and quiet demeanor, that he grew up in a very "straight," traditional family that featured parental dominance and made obedience to authority a high virtue. His folks were not brutes, Freudians notwithstanding, but they taught him in hundreds of ways to be "mindful" and "respectful" of authorities, including themselves, and "dutiful" within narrow tolerances. If he stepped over the line he was punished in one way or another, and received occasional spankings when he was young. Some kids specialize in not getting caught for breaking the rules. Hugh learned instead not to step over the line. He is what his parents want him to be--a lot like them.

Hugh's idea of what is right and wrong has been profoundly shaped by the family religion, which is Protestant and fundamentalist. His

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

family all go to church at least once a week, usually more, and he and his friends regularly attend the church's youth group. He has heard from the earliest age, week after week in Sunday school and summer after summer in Bible camp, that the Holy Book is the revealed word of God. The people Hugh knows best say the Bible is completely true, completely without error. He dutifully reads the parts he is assigned to read, along with other sections, and finds it very meaningful. He understands that almighty God is talking to him then, which thrills him. He similarly feels blessed and enriched when participating in church services with his community of fellow-believers, and is deeply moved by his belief when he is praying that God is listening *to him* then. Hugh has thus believed for most of his life that the Truth is already known, and it was not his job to discover it, but to read it, even memorize it. He had a tough time in his biology course two years ago because it was based on the theory of evolution, which his religion says is wrong and sinful. He learned what he had to learn to get a good grade, but he refused to believe a lot of it, although he could not tell you in any detail what was wrong with it except "it simply can't be true." His family and friends praised Hugh for being strong and resisting a lot of "scientific fiddle-faddle."

Hugh was taught that the world is a dangerous place, full of people who will hurt him or lead him astray. Powerful evil forces could lie in ambush anywhere. But the world would be safe if he stuck with his own kind. He identifies strongly with his family, his religion, and America, which his parents often say is the greatest nation in the

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

world. His parents may at the same time find a lot wrong with the way America is changing day by day, but they believe everyone should obey the government and honor its leaders in almost all circumstances.

Hugh has taken a pass on nearly all the activities that might create some distance between himself and his folks. His clothes, his friends, the books and magazines he reads, his hobbies, the TV shows he watches, the movies he attends are all monitored by his parents, even though he is nearly 18 now. But “issues” seldom arise between them because Hugh would not ordinarily want to do something his parents said was wrong. Although he takes a certain amount of teasing from other students at his high school, he does not mind the short leash but rather feels reassured when he leans away a bit and feels its tug. He knows that trustworthy authority, safety and righteousness lie within his tight circle, while danger, devils, and damnation stalk without.

Hugh has seen classmates surrender to Satan, and he has learned from their experiences. That’s not going to happen to him. Still, he had some adolescent sexual adventures with one of the girls in his church group last summer, about which he feels both incredibly guilty and incredibly excited. But Hugh is a virgin and intends to remain so until he gets married, to another virgin. He may well succeed.

Pg. 62–63 (Altemeyer, 2006)

Profile of a Young Low RWA (*Very much a Non-Authoritarian*)—

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Lou. Banging her locker shut down the hall is another senior, Lou, who is one of the people Hugh believes has surrendered to Satan and who, from the way she just slammed her locker door, is going to give her teachers a hard time today. Lou comes from a family that is much more egalitarian than most. Her father has never been the absolute authority in the family castle, and her parents' goal in child rearing was not to supply copies of themselves to the next generation, but competent, independent adults who would make up their own minds about things. Lou had to obey when she was younger. Her parents did not let her toddle into the street to play. So she too was punished, with spankings when necessary, when she crossed the line. But her parents did not view mild "rebelliousness" as a threat to their authority. Instead they understood and even felt gratified when Lou showed some spirit and independence. They basically tried to guide her with advice as she grew older, but often said, "It's up to you"--and then stood by to pick up the pieces.

Lou's parents did not teach her that authority was always right. Precious little "rendering unto Caesar" occurred around her dinner table, as her parents openly criticized the government and its leaders. By now Lou has witnessed authorities being clearly unjust, she quickly spots incompetence in teachers, unfairness in employers, and dishonesty in politicians, and she'll let you know about it. Nor does she think her parents are always right, although she loves them as much as Hugh loves his. In her own way, she has turned out to be what her parents wanted--just as Hugh did.

Rather than accept dominance and competition as givens in life, Lou was taught to value equality and cooperation. Lou's parents belong to a liberal Protestant denomination, but seldom darken a church door. The family Bible is used for recording births and deaths. Lou went to Sunday school when she was young, but she came home one day asking why God got so mad at Cain for sacrificing vegetables to him, since that's what Cain grew? And whom did Cain marry? While some parents would have scolded their child for asking such "impertinent" questions, Lou's father told her it was good to wonder about these things, and maybe the whole story was a fairy tale. When she was 12 she began reading the

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Book of Revelation because a classmate told her it “proved” the world was going to end soon. She found it so absurd she couldn’t make herself finish it. At 18 she resists going on her family’s token excursions to church on Christmas and Easter. She does not believe in God, and says that the more she talks to believers, the more she thinks one should be an atheist.

Lou was not raised with well-defined in-groups, nor was she taught that “different” people were probably dangerous and evil. In fact her mother got Lou involved in various inner-city activities as a young teen so she could see how unfair life is to some. Lou has a diverse set of friends now, some of whom are almost “opposites” from one another; but she likes them all. She knows a much wider range of people than Hugh does, and sometimes, with her heart in her throat, she does new and different things just to see what they are like. She chooses her own clothes and she changes her “look” when she wants. The idea of a curfew has evaporated and her parents lie awake in a very still bed at 2 AM afraid the phone is going to ring. Lou’s virginity disappeared when she was 16, and intercourse is a regular part of her relationship with her boyfriend. She is on the pill, and her parents know it.

Unlike Hugh, Lou did not learn from her parents that Truth was in the bag, but that she’d have to figure it out for herself. If Hugh were to abandon his parents’ faith, he might be cast out from the family forever. So even if he somehow came to believe the family religion was wrong, he would likely keep his doubts strictly to himself as long as they were alive--and probably longer. If Lou were to become very different from her parents in religion--say she became a Protestant fundamentalist--her parents would definitely not like it. But they would recognize that Lou is entitled to make up her own mind, that in fact they raised her that way, so it serves them right.

Pg. 64-65 (Altemeyer, 2006)

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Middle RWA Profile—

People can end up with extreme scores on the RWA scale in other ways. Cataclysmic events, for example, can undo everything you have learned before and throw you up on a far-away beach. But most people who end up on one extreme or the other land there because most of the influences in their life got in line and pushed in the same direction, as happened to Hugh and Lou.

Then where do the masses of moderates come from? From the masses of more moderate moms and dads, for one thing. Most parents, for example, are not as restrictive as Hugh's but also are not as white-knuckled permissive as Lou's. In-groups are identified, but less emphatically than they were in Hugh's family. On the other hand few parents deliberately jack up their children's social consciousness as Lou's did. Unconventional behaviors and strange friends from different backgrounds are accepted but not gushingly welcomed. The family religion has some importance, but it hardly dominates daily life. And so on.

On balance, the Moderates' experiences in adolescence made them less authoritarian than they had been earlier. They got into disputes with their parents, teachers, the police, and often came away feeling wronged. They spotted hypocrisy in the pews, and found that a literal interpretation of Genesis made no sense at all. They jumped with joy over the independence a driver's license brought. They met some different people and were "broadened."

But not everything pushed them toward Lou's end of the RWA scale. For one thing, they might have had one high RWA parent and one low. They may have played on a team run by a strict disciplinarian

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

coach and kicked-ass up and down their schedule. They may have smoked a little of this and tried a little of that and drunk a whole lot of something else--and then smashed, crashed and burned. They may have met “someone different” who robbed them, or left them holding the bag when the cops broke up the party. In short, their experiences generally took them away from Hugh’s domain, but were not nearly as uniform as Lou’s. So they ended up more in the middle, with most other people.

Pg. 66–67 (Altemeyer, 2006)

Educations Affect on Authoritarianism

Those who go to a fundamentalist Bible college featuring a church-related curriculum, taught by a church-selected faculty to a mainly High RWA student body that lives in men’s dorms and women’s dorms separated by a moat with alligators in it, will probably graduate about as authoritarian as they were when they went in. If, however, they go to a different kind of school, their education may well lower their authoritarianism.

I teach at the “big state university” in my province, and over the four years of an undergraduate program at the University of Manitoba students’ RWA scale scores drop about 10%. Liberal arts majors drop more than that, “applied” majors such as management and nursing drop less. But the students who drop the most, no matter what they major in, are those who laid down high RWA scale scores when they first came in the front door. If Hugh goes to a big university like the one that has graciously deposited money into my bank account over the past forty years, he’s likely to come out changed. Not overhauled but still, different.

High RWA parents may anticipate this and try to send their kids to “safe” colleges. They may also blame the faculty at the public university for “messing up the Jones kid so badly.” But as much as some of the profs might like to take credit for it, I think the faculty usually has little to do with the 10% drop. Instead, I think when

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

High RWA students get to a big university whose catchment area is the world, and especially if it's located some distance from mom and dad, they simply begin to meet all kinds of new people and begin to have some of the experiences that most of their classmates had some years earlier. The drop does not come from reading Marx in

Political Science or from the philosophy prof who wears his atheism as a badge. These attempts at influence can be easily dismissed by the well-inoculated high RWA student. It probably comes more from the late night bull-sessions, where you have to defend your ideas, not just silently reject the prof's, and *other* activities that take place in the dorms, I'll bet.

Three longitudinal studies. What happens after graduation *from university*? Over the years I have collected RWA scale scores from three different groups of Manitoba alumni. One group answered 12 years after they had first completed the scale as introductory psychology students; the second set responded 18 years after they were freshmen; and the third had to wait 27 years to repeat the thrill. What do you think I found?

Many alumni did stay more or less the same; but others (usually folks, as I said above, who had been highly authoritarian as freshmen) changed substantially. And overall RWA scale scores showed a *decrease* in all of the studies: 5% over 12 years, 9% over 18 years, and 11% over 27 years.

“But wait a minute,” I hear you thinking. “Something’s peculiar here, isn’t it? We believe a four-year undergraduate education lowers RWA scores about 10%, and many of these alumni had gone on to graduate school. Shouldn’t the final drop be something like 15%?” Yes, it *should*. You’re right! So the effects of higher education seem to have worn off some, the scores appear to have bounced back up somewhat, and the man in the street may be partly right.

What would have caused this rebound? Just getting older and wiser? Career advancement? Having a mortgage to pay off? Nope, the data say. But what about

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

having kids? In all three studies, alumni who were parents showed much smaller drops in authoritarianism (i.e. they showed noticeable rebounds) than did those who were childless. Just getting older doesn't make you more authoritarian. The non-parents in the longest study showed almost a 20% drop in RWA at the age of 45, compared to what they had been at 18. But their classmates who were now raising a family and saying-all-the-things-their-mothers-and-fathers-said-which-they-SWORE-they-wouldnever- say-to-their-own-children were only 10% below their entering freshman level-- essentially where they probably had been when they got their bachelor's degrees. But, miracle of miracles, the parents still were less authoritarian, as a group, than they once had been, even though they now had (shudder) teen-aged children themselves! Who'd have thunk? Higher education matters, and its effect lasts a long, long time.

How Authoritarian Followers Think

[W]hy authoritarian followers think in the bizarre and perplexing way they so often do. The key to the puzzle springs from.....first and foremost; followers have mainly copied the beliefs of the authorities in their lives. They have not developed and thought through their ideas as much as most people have. Thus almost anything can be found in their heads if their authorities put it there, even stuff that contradicts other stuff. A filing cabinet or a computer can store quite inconsistent notions and never lose a minute of sleep over their contradiction. Similarly a high RWA can have all sorts of illogical, self-contradictory, and widely refuted ideas rattling around in various boxes in his brain, and never notice it. Pg. 75 (Altemeyer, 2006)

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

But research reveals that authoritarian followers drive through life under the influence of impaired thinking a lot more than most people do, exhibiting sloppy reasoning, highly compartmentalized beliefs, double standards, hypocrisy, self-blindness, a profound ethnocentrism, and--to top it all off--a ferocious dogmatism that makes it unlikely anyone could ever change their minds with evidence or logic. Pg. 75 (Altemeyer, 2006) Sounds like a nightmare scenario for a juror.

The Seven Shortfalls of Authoritarian Thinking

1. Illogical Thinking

Wegmann found High RWAs indeed had more trouble remembering details of the material they'd encountered, and they made more incorrect inferences on a reasoning test than others usually did. Overall, the authoritarians had lots of trouble simply thinking straight.

In both studies high RWAs went down in flames more than others did. They particularly had trouble figuring out that an inference or deduction was *wrong*. To illustrate, suppose they had gotten the following syllogism:

All fish live in the sea.
Sharks live in the sea..
Therefore, sharks are fish.

The conclusion does not follow, but high RWAs would be more likely to say the reasoning is correct than most people would. If you ask them why it seems right, they would likely tell you, "Because sharks are fish." In other words, they thought the reasoning was sound because they agreed with the last statement. If the conclusion is right, they figure, then the reasoning must have been right. Or to put

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

it another way, they don't "get it" that the reasoning matters--especially on a reasoning test.

[I]f authoritarian followers like the conclusion, the logic involved is pretty irrelevant. The reasoning should justify the conclusion, but for a lot of high RWAs, the conclusion validates the reasoning. Such is the basis of many a prejudice, and many a Big Lie that comes to be accepted. Now one can easily overstate this finding. A lot of people have trouble with syllogistic reasoning, and high RWAs are only *slightly* more likely to make such mistakes than low RWAs are. But in general high RWAs seem to have more trouble than most people do realizing that a conclusion is false. Pg. 77 (Altemeyer, 2006)

Deductive logic aside, authoritarians also have trouble deciding whether empirical evidence *proves*, or does not prove, something. They will often think some thoroughly ambiguous fact verifies something they already believe in. Pg. 77 (Altemeyer, 2006)

Not only do authoritarian followers uncritically accept conclusions that support their religious beliefs, they have a problem with evidence in general. Pg. 77 (Altemeyer, 2006) But they do not in general have a very critical outlook on anything unless the authorities in their lives have condemned it for them. Then they can be extremely critical. Pg. 78 (Altemeyer, 2006)

You can appreciate their short-fall in critical thinking by how easily authoritarian followers get alarmed by things. When I asked a group of students if the *most* serious problem in our country today was the drug problem and the crime it causes, a solid majority of the high RWAs said yes. When I asked another group if the destruction of the family was our most serious problem, the great majority of authoritarians in that group said it was. When I asked a third group if our most serious problem was the loss of religion and commitment to God, a solid majority of those authoritarians said yes. And a solid majority of the high RWAs in a fourth group agreed the destruction of the environment was our biggest problem. We've

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

apparently got a truck load of “biggest” problems. Pg. 78 (Altemeyer, 2006) The lack of independent, critical thinking goes back some ways in the authoritarian’s life. Pg. 79 (Altemeyer, 2006) High RWAs do not take a chance on two-sided searches. Pg. 80 (Altemeyer, 2006) This seems like it is related to cognitive dissonance.

2. Highly Compartmentalized Minds

As I said earlier, authoritarians’ ideas are poorly integrated with one another. It’s as if each idea is stored in a file that can be called up and used when the authoritarian wishes, even though another of his ideas--stored in a different file--basically contradicts it. We all have some inconsistencies in our thinking, but authoritarians can stupefy you with the inconsistency of their ideas. Thus they may say they are proud to live in a country that guarantees freedom of speech, but another file holds, “My country, love it or leave it.” The ideas were copied from trusted sources, often as sayings, but the authoritarian has never “merged files” to see how well they all fit together.

It’s easy to find authoritarians endorsing inconsistent ideas. Just present slogans and appeals to homey values, and then present slogans and bromides that invoke opposite values. The yea-saying authoritarian follower is likely to agree with all of them. Thus I asked both students and their parents to respond to, “When it comes to love, men and women with opposite points of view are attracted to each other.”

Soon afterwards, in the same booklet, I pitched “Birds of a feather flock together when it comes to love.” High RWAs typically agreed with *both* statements, even though they responded to the two items within a minute of each other. But that’s the point: they don’t seem to scan for self-consistency as much as most people do. Similarly they tended to agree with “A government should allow total freedom of expression, even if threatens law and order” and “A government should only allow freedom of expression so long as it does not threaten law and order.” And

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

“Parents should first of all be gentle and tender with their children,” and “Parents should first of all be firm and uncompromising with their children; spare the rod and spoil the child.”

Pg. 80-81 (Altemeyer, 2006)

3. Double Standards

When your ideas live independent lives from one another it is pretty easy to use double standards in your judgments. You simply call up the idea that will justify (afterwards) what you’ve decided to do. High RWAs seem to get up in the morning and gulp down a whole jar of “Rationalization Pills.” Pg. 81 (Altemeyer, 2006)

In one experiment Altemeyer found high RWAs punished a gay offender more harshly than low RWAs. Lows typically punish the crime, not the person. But among high RWAs, Mr. Langley’s beliefs make a large difference. The gay Mr. Langley always gets a stiffer jail term than the anti-gay Mr. Langley. Highs think the attack led by the former was more serious than that led by the latter. But the attacks were identical, so that amounts to pure rationalization. Highs simply have a big fat double standard about homosexuals and punish the person as well as the crime. A jury composed of high RWAs would hardly administer “blind justice.” Pg 82-83 (Altemeyer, 2006)

I have found many other instances in which authoritarian followers show a double standard in their judgments of people’s behavior or the rightness of various causes. For example they will punish a panhandler who starts a fight with an accountant more than an accountant who (in the same situation) starts a fight with a panhandler. They will punish a prisoner in jail who beats up another

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

prisoner more than they will punish a police officer who beats up that second prisoner. (Remember when I said in chapter 1 that high RWAs will go easy on authorities, and on a person who attacks someone the authoritarian wants to attack?) On the other hand I have found it difficult to catch low RWAs using double standards. In all the cases above they seem to operate by principles which they apply in even-handed ways. Pg. 83 (Altemeyer, 2006)

4. Hypocrisy

You can also, unfortunately, find a considerable amount of hypocrisy in high RWAs' behavior. Pg. 83 (Altemeyer, 2006)

In one experiment Altemeyer found;

Would low RWAs want to censor the things they thought dangerous as much as high RWAs would in their areas of concern? It turned out to be “no contest,” because in both studies authoritarian followers wanted to impose more censorship in *all* of these cases--save the one involving the sex education teacher who strongly believed all premarital sex was a sin.

How can this be? It happened because the lows seldom wanted to censor anyone. They apparently believe in freedom of speech, even when they detest the speech. Some low RWAs may insist on political correctness, but the great majority seemingly do not. Authoritarians on the other hand, spring-loaded for hostility, seem all wound up to clamp right down on lots and lots of people. So when authoritarians reproach other people who call for censorship, the reproach may be justified. But a lot of windows probably got broken in the authoritarians' own houses when they flung that stone. Pg. 85 (Altemeyer, 2006)

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

5. Blindness to Themselves

If you ask people how much integrity they personally have, guess who pat themselves most on the back by claiming they have more than anyone else. This one is easy if you remember the findings on self-righteousness from the last chapter: high RWAs think they had lots more integrity than others do. Similarly when I asked students to write down, anonymously, their biggest faults, right-wing authoritarians wrote down fewer than others did, mainly because a lot of them said they had *no* big faults. When I asked students if there was anything they were reluctant to admit about themselves to themselves, high RWAs led everyone else in saying, no, they were completely honest with themselves.

Pg. 85 (Altemeyer, 2006)

In fact, despite their own belief that they are quite honest with themselves, authoritarians tend to be highly defensive, and run away from unpleasant truths about themselves *more* than most people do. Pg. 86 (Altemeyer, 2006)

High RWAs show little self-awareness when making these comparisons. Sometimes they glimpse themselves through a glass, darkly. For example they agree more than most people do with, “I like to associate with people who have the same beliefs and opinions I do.” But they have no idea *how much* they differ from others in that way. And most of the time they get it quite wrong, thinking they are not different from others, and even that they are different in the opposite way from how they actually are. For example they are sure they are *less* self-righteous than most people are--which of course is what self-righteous people would think, isn't it? And when I give feedback lectures to classes about my studies and describe right-wing authoritarians, it turns out the high RWAs in the room almost always think I am talking about someone else. Pg. 86-87 (Altemeyer, 2006)

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

7. A Profound Ethnocentrism

Ethnocentrism means dividing the world up into in-groups and out-groups, and it's something people do quite automatically. You can see this by how easily we identify with the point of view of a storyteller. If we're watching a cavalry & Indians movie, told from the point of view of the cavalry, that's whom we cheer on. If we're watching the same kind of movie, only from the aboriginal point of view, as in *Little Big Man* or *Dances with Wolves*, we root for the Indians, don't we?

As natural as this is, authoritarians see the world more sharply in terms of their in-groups and their out-groups than most people do. They are so ethnocentric that you find them making statements such as, "If you're not with us, then you're against us." There's no neutral in the highly ethnocentric mind. This dizzying "Us versus Everyone Else" outlook usually develops from traveling in those "tight circles" we talked about in the last chapter, and whirling round in those circles reinforces the ethnocentrism as the authoritarian follower uses his friends to validate his opinions.

Most of us associate with people who agree with us on many issues. Birds of a feather do, empirically, tend to flock together. But this is especially important to authoritarians, who have not usually thought things out, explored possibilities, considered alternate points of view, and so on, but acquired their beliefs from the authorities in their lives. They then *maintain* their beliefs against new threats by seeking out those authorities, and by rubbing elbows as much as possible with people who have the same beliefs.

As a path to truth, this amounts to skipping on quicksand. It essentially boils down to, "I know I'm right because the people who agree with me say I am." But that *works* for authoritarians. And it has lots of consequences. For example, this selective exposure is probably one of the reasons high RWAs do not realize how prejudiced they are "compared with most people." If you spend a lot of time around rather prejudiced people, you can easily think your own prejudices are normal.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Because authoritarians depend so much on their in-group to support their beliefs (whereas other people depend more on independent evidence and logic), high RWAs place a high premium on group loyalty and cohesiveness.

Pg. 87-88 (Altemeyer, 2006)

Authoritarian followers want to belong, and being part of their in-group means a lot to them. Loyalty to that group ranks among the highest virtues, and members of the group who question its leaders or beliefs can quickly be seen as traitors. Can you also sense from these items the energy, the commitment, the submission, and the zeal that authoritarian followers are ready to give to their in-groups, and the satisfaction they would get from being a part of a vast, powerful movement in which everyone thought the same way? The common metaphor for authoritarian followers is a herd of sheep, but it may be more accurate to think of them as a column of army ants on the march. The ethnocentrism of high RWAs makes them quite vulnerable to unscrupulous manipulators. Pg. 89 (Altemeyer, 2006)

High RWAs tend to ignore the many devious reasons why someone might lie and say something they find agreeable. They're just glad to have another person agree with them. It goes back to their relying on social support to maintain their ideas, because that's really all they've got besides their authorities (and one "last stand" defense to be discussed soon). Pg. 89 (Altemeyer, 2006)

Well, aren't most people likely to trust someone who seems to agree with them? Probably, but people differ enormously in gullibility. Low RWAs are downright suspicious of someone who agrees with them when they can see ulterior motives might be at

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

work. They pay attention to the circumstances in which the other fellow is operating. But authoritarians do not, when they like the message. Pg. 90 (Altemeyer, 2006)

So (to foreshadow later chapters a little) suppose you are a completely unethical, dishonest, power-hungry, dirt-bag, scum-bucket politician who will say whatever he has to say to get elected. (I apologize for putting you in this role, but it will only last for one more sentence.) Whom are you going to try to lead, high RWAs or low RWAs? Isn't it obvious? The easy-sell high RWAs will open up their arms and wallets to you if you just sing their song, however poor your credibility. Those crabby low RWAs, on the other hand, will eye you warily when your credibility is suspect *because* you sing their song? *So the scum-bucket politicians will usually head for the right-wing authoritarians*, because the RWAs hunger for social endorsement of their beliefs so much they're apt to trust anyone who tells them they're right. Heck, Adolf Hitler was elected Chancellor of Germany running on a law-and-order platform just a few years after he tried to overthrow the government through an armed insurrection. Pg. 90 (Altemeyer, 2006)

You sometimes hear that paranoia runs at a gallop in "right-wingers". But maybe you can see how that's an oversimplification. Authoritarian followers *are* highly suspicious of their many out-groups; but they are credulous to the point of self-delusion when it comes to their in-groups. Pg. 90 (Altemeyer, 2006)

The need for social reinforcement runs so deeply in authoritarians, they will believe someone who says what they want to hear even if you tell them they should *not*..... the authoritarians ignored the circumstances and believed the student really meant what she had been assigned to say--when they liked what she said. Pg. 91 (Altemeyer, 2006)

You've got to feel some sympathy for authoritarian followers at this point, don't you, because they get nailed coming and going. First of all, they rely on the authorities in their lives to provide their opinions. Usually they don't care much what the evidence or the logic for a position is, so they run a considerable chance

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

of being wrong. Then once they have “their” ideas, someone who comes along and says what authoritarian followers want to hear becomes trustworthy. High RWAs largely ignore the reasons why someone might have ulterior motives for saying what they want to hear; it’s enough for them that another person indicates they are right. Welcome to the In-group! As Gilbert and Sullivan put it in *The Mikado*, “And I am right and you are right and everything is quite correct.”

But everything is not correct, for the authoritarian follower makes himself vulnerable to malevolent manipulation by chucking out critical thinking and prudence as the price for maintaining his beliefs. He’s an “easy mark,” custom-built to be snookered. And the very last thing an authoritarian leader wants is for his followers to start using their heads, to start thinking critically and independently about things. Pg. 91 (Altemeyer, 2006)

7. Dogmatism an Authoritarian’s Last Ditch Defense

But the leaders don’t have to worry, because their followers are also quite dogmatic. By dogmatism I mean relatively unchangeable, unjustified certainty. And I’m certain that is right, beyond a doubt. So that establishes how dogmatic I am. Pg. 92 (Altemeyer, 2006)

It’s easy to see why authoritarian followers would be dogmatic, isn’t it? When you haven’t figured out your beliefs, but instead absorbed them from other people, you’re really in no position to defend them from attack. Simply put, *you don’t know* why the things you believe are true. Somebody else decided they were, and you’re taking their word for it. So what do you do when challenged? Pg. 93 (Altemeyer, 2006)

Well first of all you avoid challenges by sticking with your own kind as much as possible, because they’re hardly likely to ask pointed questions about your beliefs. But if you meet someone who does, you’ll probably defend your ideas as

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

best you can, parrying thrusts with whatever answers your authorities have pre-loaded into your head. If these defenses crumble, you may go back to the trusted sources. They probably don't have to give you a convincing refutation of the anxiety-producing argument that breached your defenses, just the assurance that you nonetheless are right. But if the arguments against you become overwhelming and persistent, you either concede the point--which may put the whole lot at risk--or you simply insist you are right and walk away, clutching your beliefs more tightly than ever. Pg. 93 (Altemeyer, 2006)

That's what authoritarian followers tend to do. And let's face it, it's an awfully easy stand to take. You have to know a lot nowadays to stake out an intelligent, defensible position on many issues. But you don't have to know anything to insist you're right, no matter what. Dogmatism is by far the best fall-back defense, the most impregnable castle, that ignorance can find. It's also a dead give-away that the person doesn't know why he believes what he believes. Pg. 93 (Altemeyer, 2006)

You can often find elements of dogmatism in religion. Thus I have asked people who believe in the traditional God, "What would be required, what would have to happen, for you to *not* believe in the traditional Judeo-Christian God? That is, are there conceivable events, or evidence, that would lead you to *not* believe? Virtually all right-wing authoritarians say there simply is nothing that could change their minds. Pg. 94 (Altemeyer, 2006)

Authoritarian Followers and Religious Fundamentalism

The first thing you need to know about religious fundamentalists, in case you haven't inferred it already, is that they usually score very highly on the RWA scale. A solid majority of them are authoritarian followers. The two traits, authoritarianism and fundamentalism, go together so well that nearly everything I

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

have said about high RWAs in the previous chapters also applies to high Religious Fundamentalists. Pg. 111 (Altemeyer, 2006)

Since authoritarianism can *produce* fundamentalism if one grows up submissively in a religiously conservative family, and (conversely), fundamentalism can *promote* authoritarianism with its emphases on submission to religious authority, dislike of out-groups, sticking to the straight and narrow, and so on, one immediately wonders which is the chicken and which is the egg. The evidence indicates authoritarianism is more basic. The RWA scale correlates *better* than the Religious Fundamentalism scale does with acceptance of government injustices, hostility toward homosexuals, willingness to persecute whomever the government targets, and most other things. (The big exception naturally comes when one raises distinctly religious issues.) So the problem's not so much that some people are fundamentalists, but that fundamentalists so definitely tend to be authoritarian followers. But as I just said, religious fundamentalism *does* promote authoritarianism in some ways. And you can certainly see the influence of right-wing authoritarianism in many things that religious fundamentalists do. Pg. 112 (Altemeyer, 2006)

Let me ask you a personal question: Who are you? What makes up your identity? How would you describe yourself?

You would probably list your gender fairly quickly, your age, your nationality, marital status and your job--unless you are a student, in which case you'd say you're poor and going deeply into debt. Would you mention a religious affiliation? You almost certainly would if you are a high fundamentalist. Furthermore, except for converts, this has probably been true of fundamentalists for all of their lives. They report that their parents placed a lot of emphasis on their religious identification as they were growing up. For example, "You are a Baptist," or "We belong to the Assembly of God." It would have become one of the main ways they thought of

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

themselves. By comparison, they say their gender and race were stressed much less.

What's the effect of *emphasizing* the family's religious affiliation to a child? Well, by creating this category of what the family *is*, you instantly create the category of people who are *not* that, who are different. You're laying down an in-group versus out-group distinction. Even if you never say a nasty word about other religions, the enormous human tendency to think in ethnocentric terms will create a preference for "people like me." Throw in some gratuitous nasty words about Jews, Muslims, Methodists, atheists, and so on, and you've likely sown the seeds of religious prejudice in a four-year old. Perhaps more importantly in the long run, you've given your child early training in the wonderful world of "Us versus Them"--training that may make it easier for him to acquire racial, sexual, and ethnic prejudices later on. Pg. 112-113 (Altemeyer, 2006)

Yep, it's Us versus Them. Religious prejudice does not draw as much attention or produce as much hatred in North America as it does in (say) the Middle East and southern Asia, but it's still dynamite looking for a place to explode because it's so often accompanied by the self-righteousness that releases aggression. And it runs deep in Christian fundamentalists because religion is so important to them. Pg. 114 (Altemeyer, 2006)

News that they score relatively highly on *racial* prejudice scales often stuns white fundamentalists. They will usually reply, "You must be mistaken. We're not prejudiced. Why, we accept black people in our church." And indeed, if you ask a white fundamentalist if he'd rather spend an evening with a black member of his church or a white atheist, he will almost certainly choose the former. But

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

fundamentalists still hold more racial prejudices than most people--a fact known to social scientists for over fifty years. Pg. 114 (Altemeyer, 2006)

Fundamentalists get their joy in life much more from standing firm and believing what they stand for than from exploring and discovering. I once asked a large sample of parents how much happiness, joy or comfort they got, in various ways, from science, and how much they got from religion. For most people, religion proved a lot more satisfying than science did. (This ought not knock us off our horses. Pure science is "head stuff," not intended to satisfy any human want except our desire to understand.) Pg 123 (Altemeyer, 2006)

No other group comes close to being as zealous. Feminists usually come in second in my studies, but way behind the religious fundamentalists, and one finds far, far fewer of them. And if you took all the zealous capitalists and socialists in my last study of over 600 parents and put them in a room to slug it out, not a punch would be thrown. You want to know who's on fire, you want to know who's making a commitment, you want to know who are putting their money, their time and their energy where their beliefs are, you want to know who are constantly "on call" for the cause--and in large numbers--it's the fundamentalists. *Zealotry and conversion.* Fundamentalists, you may have heard, proselytize. Whether they go door to door, or just gently approach co-workers and neighbors, or pleasantly invite classmates to their youth group, fundamentalists usually believe they have an *obligation* to try to convert others. Pg. 126 (Altemeyer, 2006) This is important as far as a jury trial is concerned a fundamentalist is going to have a natural tendency to recruit others to his or her way of believing. They are likely against my client and I need to get rid of them. An exception may be let's

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

say I have a fundamentalist being accused of a crime. Then maybe I want a fundamentalist jury. Or if I have someone that they would consider to be a good person accused of committing a crime against a minority.

We have seen that fundamentalists do indeed think they are morally superior. But hypocrisy comes easy to compartmentalized minds. Pg. 132 (Altemeyer, 2006) Is this the reason people are always saying there are hypocrites at church. Because they are authoritarians and they have compartmentalized minds.

Summary Religious Fundamentalist

This chapter has presented my main research findings on religious fundamentalists. The first thing I want to emphasize, in light of the rest of this book, is that they are highly likely to be authoritarian followers. They are highly submissive to established authority, aggressive in the name of that authority, and conventional to the point of insisting everyone should behave as their authorities decide. They are fearful and self-righteous and have a lot of hostility in them that they readily direct toward various out-groups. They are easily incited, easily led, rather un-inclined to think for themselves, largely impervious to facts and reason, and rely instead on social support to maintain their beliefs. They bring strong loyalty to their in-groups, have thick-walled, highly compartmentalized minds, use a lot of double standards in their judgments, are surprisingly unprincipled at times, and are often hypocrites. Pg. 140 (Altemeyer, 2006)

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

But they are also Teflon-coated when it comes to guilt. They are blind to themselves, ethnocentric and prejudiced, and as closed-minded as they are narrow minded. They can be woefully uninformed about things they oppose, but they prefer ignorance and want to make others become as ignorant as they. They are also surprisingly uninformed about the things they say they believe in, and deep, deep, deep down inside many of them have secret doubts about their core belief. But they are very happy, highly giving, and quite zealous. In fact, they are about the only zealous people around nowadays in North America, which explains a lot of their success in their endless (and necessary) pursuit of converts. Pg. 141 (Altemeyer, 2006)

Authoritarian Voir Dire/Profile

- Some people always try and consider things from the other person's point of view while other people believe that other people believe that many people use their past as an excuse for their weaknesses. Which one of these are you closer to?
- This case involves drugs and alcohol, how many people here go to a bar more than twice a year?
- Harsher on punishment, except when authorities break the law
- More likely to be in a church than a bar
- Afraid to fight (Generally)
- Typically Fundamentalist/Evangelic Christians

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

- Very conservative—these guys are going to get their news from talk radio lots of times. Simply asking these guys where they get their news from may cause many to self-identify. Of course talk radio also deals with politics mainly and a preference or interest in politics is not present. So many authoritarians will listen to and follow Rush, Sean Hannity and O'Reilly but because they don't certainly does not mean they are not authoritarians.
- Authoritarians have an “us vs. them” mentality.
- Maybe I just ask in jury selection what do you think are the three biggest problems facing our society? This may provide some clues as to who is an authoritarian.
- Authoritarians are more likely to sentence common criminals to long jail sentences, are more likely to be prejudiced, are more willing to join “posses” organized by authorities to hunt down and persecute almost any group you can think of, are more mean-spirited, and are more likely to blame victims of misfortune for the calamities that befall them.
- More afraid than most people. Afraid of a dangerous world. There's a national crisis looming ahead and all troubled times require drastic action.
- They are the Holy Ones. They are the Chosen. They are the Righteous. They somehow got a *three*-for-one special on self-righteousness. And self-righteousness appears to release authoritarian aggression more than anything else.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

- Chronically frightened authoritarian followers, looking for someone to attack because fighting is one of the things people do when they are afraid, are particularly likely to do so when they can find a moral justification for their hostility.
- The cruel contradiction that the people who feel holiest are likely to do very unholy things precisely *because* they feel holiest.
- These people have lived a controlled and sheltered life. They have simply not had the experiences that most people have that would lower their authoritarian tendencies.
- Their ideas of right and wrong has been profoundly shaped by their family religion.
- Authoritarians believe truth is already known and it is not their job to discover it. Pg. 62 (Altemeyer, 2006)
- RWA scores on average drop 10% with a college education. Liberal arts majors drop more and “applied” majors such as nursing and management drop less.
- RWA scores may remain largely unchanged if the student went to a fundamentalist school. Big State universities cause RWA scores to drop more; mainly due to influence of other students.
- Largest drop in authoritarianism from age 18 to age 45, on average college educated individuals without children. 20% lower.
- **Let me ask you a personal question: Who are you? What makes up your identity? How would you describe yourself?** You would probably list your gender fairly quickly, your age, your nationality, marital status

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

and your job--unless you are a student, in which case you'd say you're poor and going deeply into debt. Would you mention a religious affiliation? You almost certainly would if you are a high fundamentalist. Pg 113 (Altemeyer, 2006) (Voir Dire Question)

Sex Bias—"When a man does well at a task, evaluators tend to attribute his success to ability and when a woman does well at a task people tend to attribute it to luck." Conversely—"A man's failure is attributed to bad luck and a woman's failure is attributed to lack of ability." Pg 68 (Aronson, 2008)

Miscellaneous

Foot in the Door

This is a powerful technique for getting people to agree to do things they otherwise would not agree to do. It is the process of using small favors to encourage people to accede to larger requests. It is effective because having done the smaller favor sets up pressure toward agreeing to do the larger favor; in effect, it provides justification in advance for complying with the larger request. Pg. 201 (Aronson, 2008)

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

The way one distorts things will be based upon the way that one believes you behave when insulted. (Holmes, 2007-2008)

The two most common fears that someone takes from childhood into adulthood are 1. Abandonment 2. Rejection (Holmes, 2007-2008)

Spence says power in the hands of politicians & government will generally be misused.

Goals of a focus group (TLC)

Explore the themes of our case to:

- Look for common themes/ universal truths
- Brian storm
- Framing
- Metaphors
- Enlarge the theme beyond the case—even with simple cases can the theme be bigger?
- Look for ways to send the liability up the ladder. (Civil case goal, with a criminal case always send liability up the ladder to the prosecution.)
- Look for piss off points.
- To explore various themes and scenes
- Develop your opening, Voir Dire, Direct, Closing & Discovery and deciding whether to take the case.
- Refine the story/ work on Effective story telling.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

(GS) We all feel alone because we are all unique individuals.

(GS) Learning to live is a continuous process of learning.

(GS) Our life work is to become who we are.

(GS) Love your client not your case.

(GS) There is a false conception about trials. The false conception is that trials are where we go to get justice. The trial is not a process to get justice a trial is something that we want to win.

(Jeffery Fieger)

In every case he asks “Why are we hear because we can only get money damages.” Money damages have to be a symbol & you have to separate the amount from any reality. You must make the money an abstraction, like the medal of honor. Then Fieger draws analogies from paintings, football salaries and baseball salaries. KDA —In a criminal case I have to stop the prosecution from doing to me what Fieger is doing to the defense in a civil case. I have to stop the jury’s verdict from symbolizing justice for the victim. I have to make it real for my client’s life and his families life. I have to make the verdict symbolize protecting the system from injustice. MLK—injustice anywhere is a threat to justice everywhere.

A cannot coerce B unless B allows A to coerce him. Coercion teaches both to lie, it teaches helplessness, it teaches passive aggressive behavior. (Holmes, 2007-2008)

Victim Triangle

V

P

R

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

The best way to avoid a conflict is not to accept the role of the victim. The triangle goes back and forth between someone who sees themselves as a victim, persecutes the other person and then one of the two becomes a rescuer at some point. This is seen repeatedly in dysfunctional relationships. If you see someone who lashes out at another that is usually perceived by some event where that person has taken offense at something the other did and assumed the victim role. (Holmes, 2007-2008)

Once someone defines something as real the consequences of that thing are real even if it was not real to begin with. (Holmes, 2007-2008)

Norms protect personhood, they may be irrational, they are values and may cause us to “misread” social situation. A person with a chip on his or her shoulder is a person who thinks all social situations are about honor. (Holmes, 2007-2008)

Norms are stereotypes, thus we stereotype ourselves. Norms are substitutes for thinking. By stereotyping ourselves and stereotyping our world we minimalisms learning. We repeat the history that someone else lived. Because it becomes a cycle a stereotype is a reflection of someone else’s history. (Holmes, 2007-2008)

Conformity is the antithesis of growth. By conforming we encounter the world through a “lens” that others have made. We deny ourselves wisdom, thought and growth by conforming. (Holmes, 2007-2008)

Egocentric Thought

Most people have a tendency to perceive themselves as more central to events than is actually the case. Pg. 173 (Aronson, 2008)

Fixed vs. Malleable View of Intelligence

Pg. 166 (Aronson, 2008)

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

People who see intelligence as fixed generally; are apprehensive about failure. They try to steer clear of real challenges that might reveal their limitations. People with malleable intelligence views tend to seek challenges, try to improve their abilities and try harder instead of giving up when they fail.

Doing us Favors Causes People to like Us

If you want someone to like you doing a favor as a technique of ingratiation is indeed risky. Getting someone to do a favor for you is a more certain way of getting that person to like you. Pg. 365 (Aronson, 2008)

This may seem backwards but it is an old concept;

“We do not love people so much for the good they have done us, as for the good we have done them.” Leo Tulstoy—1869

“He who has once done you a kindness will be more ready to do you another than he whom you yourself has obliged.”—Ben Franklin

This seems to be related to the foot in the door concept.

Some Evidence of Fallibility Makes Us More Attractive

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Pratfall Effect—although a high degree of competence does make us appear more attractive; some evidence of fallibility increases our attractiveness. This holds most clearly when there is an implicit threat of competition with the stimulus person.Most men preferred highly competent man who committed a blunder...most women showed tendency to prefer a highly competent non-blunderer regardless of gender. Pg. 369 (Aronson, 2008)

No sizable proportion of people, regardless of their own level of self-esteem preferred the mediocre person. Even the mediocre person prefers a highly competent person.

Attractiveness

The similarity of the attractiveness of the members of the couple was crucial in determining whether the relationship had staying power. Pg. 371 (Aronson, 2008)

Preference for pretty faces may to some degree be hard wired. Even babies appear to prefer faces that are symmetrical to those that are not. Pg. 371 (Aronson, 2008)

People tend to favor a beautiful woman unless they suspect her of misusing her beauty. Pg. 375

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

In one study the researchers concluded that with defendants charged with misdemeanors that the more attractive defendants received lower bail and lower fines than the less attractive defendants. With felonies they found no such correlation. Pg. 375 (Aronson, 2008)

Who we Like and Why

We like someone whose attitudes are similar to ours and if we like someone we attribute to them attitudes that are similar to ours....The most powerful determinant of whether we like another person is whether the other person indicates he or she likes us. Pg. 378 (Aronson, 2008)

In one experiment; the behaviors of people who thought they were either liked or disliked led to reciprocal behaviors from their partners who had never actually expressed a liking or disliking for the other. Pg. 379 (Aronson, 2008)

The greater the insecurity and self-doubt the fonder we will grow of the person who likes us...an insecure person will accept almost anyone who expresses interest, while a secure person will be more selective. Pg. 379 (Aronson, 2008)

A person who is insecure may seek out a less attractive person to diminish the possibility of being rejected. Pg. 380 (Aronson, 2008)

A person whose liking for us increases over time will be liked better than one who has always liked us. The increased affection must be gradual and explicit...Losses in positive behavior have more impact than consistent negative behavior from another....Pg 383 (Aronson, 2008)

People avoid risky situations when they feel relatively secure and they fight frantically when feeling threatened. (Holmes, 2007-2008)

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Rules help us from straying from the role we are playing. We feel guilty when we stray from the role. (Holmes, 2007-2008)

Add a section on psychodrama.

Personal Development

Gerry Spence says “It all begins with you”. The basic theory is that in order to truly know other people that you must first know who you are as a person. In Robert McKee’s book *Story* he talks about the same thing. McKee talks about how it is important for a writer to know him or herself in order to write stories. This is ironic really. Ironic for the reason that most people who are attracted to being a trial lawyer have a bit of an ego and people with large egos are typically out of touch with who they are as a person.

One morning at breakfast when I was sitting at the table with Spence looked at me and said “You have to fight on the inside.” I took it to mean fight on the inside in order to win our fights on the outside. I don’t know if he said that because of me specifically or generally.

At the trial lawyers college they have you paint a picture and tell everyone what it means. Also at the trial lawyers college they want you to write a poem and read it to everyone and sing a song in front of everyone. They also want you to go out into the woods early one morning and think about who you are. A little unusual and it seemed a bit strange. However, since TLC I have watched a video called “The Power of Myth”. In this video Joseph Campbell who wrote *The Hero with a Thousand Faces* is interviewed for several hours by Bill Moyers. After watching the video I am beginning to understand what Spence is talking about. Campbell talks about how all over the world that people unconnected by time and space tell the same or remarkably similar stories. Campbell goes through and describes these stories.

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

Campbell discusses how there is part of the human consciousness that seems to transcend life. That connects all people, something that we can all relate to because we are human. Campbell describes how this is often reflected in art through symbols. The psychologist Carl Jung wrote a lot about what he referred to as archetypal images that consistently reappear throughout different cultures.

Eckhart Tolle has a book called *Stillness Speaks* and he talks about listening to yourself and the power of stillness and silence. Tolle discusses not just physical silence but mental silence and not being driven to constantly think by your mind.

I feel that all of these guys are talking about the same thing. I think through different methods, poetry, painting and silence, that they are describing different ways to get in touch with the part of us that transcends all life. That instinct, feeling or knowledge that we all hold in common with are fellow humans; the inner voice that we lose track of because of the chaos in our daily lives. Tolle says when you lose touch with your inner stillness you lose yourself in the world.

Below is the poem that I wrote and read at TLC:

Frankly I'm offended
What a question
Not a question at all really
A carefully phrased insult
You feign to seek understanding
But actually you are saying you are better than me
Better than my client. Better than my fellow criminal defense lawyers
That you are too good of a person
Too righteous ...too pure
That you would not want to get your hands dirty or offend the powers that be
Holier than though and better than me...better than we
This is what you are actually saying
I could lecture you on the constitution
I could attempt to explain that everyone is entitled to a defense

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

I could speak about how the system would fail if it were not for my fellow criminal
defense lawyers and I
I could tell you that “there but for the grace of god go we”
I could reveal my anger at your stupid question & ask you the same
What the hell kind of people do you represent?
Or do you represent people at all?
Instead I’ll just say
For me I don’t care
It does not matter one bit
I will represent someone whether or not they are Falsely accusedor even if
they did it.

End

Books to Read

1. *An Actor Prepares*
2. *The Tipping Point* By Malcolm Gladwell
3. *The Writers Journey*
4. *Words That Work* By Frank Luntz
5. *Rules Of The Road*
6. *Political Mind* George Wyckoff
7. *David Ball Damages*
8. *Winning With Stories* By Jim Perdue
9. *Reptile* By David Ball
10. *Patterns Of Hypnotic Techniques* Of William H Erickson, MD By Bandler And Grinder
11. *Nuero-Lingustic Programming Volume I* ISBN 978-0-916990-07-7

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013

12. Neuro-Linguistic Programming Volume II By Bandler And Grinder
13. The Social Animal By Elliot Aronson
14. I Remember Atticus by Jim Perdue
15. Charisma By Tony Alessandra
16. Movie—Under Premise—He Needed Killing. See Page 22 (Truby)
17. Social Intelligence By Daniel Coleman
18. Magic In Action By Richard Bandler
19. Structure Of Magic I & II By Bandler And Grinder
20. An Insider's Guide To Sub-Modalities By Bandler & Macdonald
21. The Wounded Storyteller By Arthur Frank
22. Readings About The Social Animal By Aronson
23. The Anatomy Of Story By Truby

www.trialguides.com

Areas to Study

Authoritarianism

NLP and the proper structure of language

Story telling

Social Psychology

Communication

Linguistics

Works Cited

Altemeyer, R. (2006). *The Authoritarians*. Winnipeg, Canada : Lulu .

Kevin Adams

Attorney at Law

www.OklahomaCriminalLaw.com

918 582-1313

Lawyeradams@me.com

Copyright 2013

- Aronson, E. (2008). *The Social Animal*.
- Bandler, R. &. (1975). *Patterns of the Hypnotic Techniques of Milton H Erickson, MD Volume I*. Grinder and Associates.
- Holmes, G. D. (2007-2008). Class notes.
- Luntz, F. P. (2007). *Words That Work*. New York : Hyperion .
- Nicholson, N. (n.d.). How Hardwired is Human Behavior? *Harvard Business Review* .
- Rogers, C. (1961). *On Becoming a Person* . Boston--New York: Houghton Mifflin Company .
- Spence, G. (2009). Trial Lawyer's College (July) .
- Truby, J. *The Anatomy of Story*.
- Vogler, C. (2007). *The Writer's Journey, 3rd Edition*. Studio City, CA: Michael Wiese Productions.

Index

- | | |
|---------------------------------|--|
| Abandonment, 141 | Alexis de Tocqueville, 100 |
| Accountability, 56, 84 | <i>Anatomy of Story</i> , 15, 23 |
| accountable, 20, 50, 56, 78 | Aronson, 12, 14, 55, 68, 70, 101, 148 |
| actor-observer bias , 67 | Attitude Accessibility, 50 |
| aggression, 99, 100, 109 | attitudes, 49, 50, 58, 68, 72, 90, 95, |
| Aggression, 69, 100 | 100, 104, 109, 145 |

Kevin Adams
 Attorney at Law
www.OklahomaCriminalLaw.com
 918 582-1313
Lawyeradams@me.com

Copyright 2013

attractive, 144, 145
 attractiveness, 85, 88, 144
Attractiveness, 144
 attributed, 140
 authoritarian, 108, 109
 Authoritarian, 108, 109, 110, 111,
 112, 113, 115, 117, 118, 119, 120,
 121, 126, 132, 133, 134, 135, 138
 Authoritarian personalities, 108, 109
 authoritarianism, 108, 109
 Bandler, 14, 15, 148
 behaviors, 49, 69, 89, 145
 Ben Franklin, 144
 betrayal, 17, 18, 21, 23, 76
Brag, 68
Brunton, 103
 Buddy, 25, 78
 Buggs, 65
 Buggs Bunny, 65
 Campbell, 146
 Carl Jung, 146
 central persuasion, 85, 86
 Central Persuasion, 85
 Chris Matthews, 64
 closing, 48, 55, 76, 77, 78, 82, 93
Closing, 76, 77, 141
 Coercion, 142
 cognitive, 16, 50, 68, 95, 96, 106
 cognitive dissonance, 16, 68, 95, 96
 Cognitive Dissonance, 70, 91, 95, 97
 communication, 10, 12, 13, 14, 18,
 24, 51, 83, 84, 85, 86, 88, 90, 92,
 93
 Communication, 83, 85, 86, 88, 148
 communicator, 63, 64, 82, 87, 88, 89,
 90, 91, 92
Confirmation Bias, 72
 conform, 61, 77, 102
 conformists, 55
 conformity, 56, 60, 61, 102
 Conformity, 61, 77, 143
 conservatisms, 109
Conservative, 72
 conserve mental energy, 107
 conspiracy, 76
 Contrast Effect, 93
correspondent inference, 67
 credibility, 13, 19, 27, 64, 87, 88, 89,
 91, 92
Credibility, 50, 83, 87
 cross, 19, 63, 64, 65, 66, 69, 74, 96
Cross, 19, 62, 65, 66, 73, 74
 cross-examination, 19, 96
 cruelty, 51, 98, 99
 Curry, 25, 26, 54, 93
 Dana Cole, 74
 David Smith, 18
defensive attribution, 95
 Definition of Authoritarian, 110
dehumanize, 56, 98, 99
 dehumanizes, 56
 dehumanizing, 56, 98, 99
 Dehumanizing, 56, 98
 depression, 61, 102
 Depression, 61, 102
 derogate, 63, 91, 92, 98

Kevin Adams
 Attorney at Law
www.OklahomaCriminalLaw.com
 918 582-1313
Lawyeradams@me.com

Copyright 2013

Derogate, 64, 92
 Desire, 25, 26
 dilution effect, 95
 direct route, 18
 dissonance, 68, 69, 70, 71, 95, 96, 97, 98, 101
 dissonant, 70
 dramatic code, 15, 24, 25, 26
 Eckhart Tolle, 146
 Egocentric Thought, 143
 Elmer, 65
 Elmer Fudd, 65
 emotional, 17, 21, 51, 53, 55, 58, 84, 86, 89, 98, 104, 106
 emotionally, 17, 19
 emotions, 18, 21, 23, 26, 27, 61, 99, 102, 103
 empathy, 99
 Erickson's, 15, 16
 Ericson, 14, 15
 evolutionary, 10, 11, 107
 F Scale, 108
 False-Consensus Effect, 50, 104
 favor, 8, 48, 66, 91, 94, 141, 143, 144
 fear, 19, 90, 109
 Federal Court, 52, 78
 Fieger, 27, 76, 83, 85, 142
 fixed, 143
 focus group, 141
Foot in The Door, 141
 foreshadowing, 26
 forewarning, 93
 frame, 11, 87, 94
 Framing, 94, 141
 frustration, 100
 Frustration, 100
 fundamental attribution error, 67
 Grinder, 14, 15, 148
 Halo Effect, 104
 hardwired, 10, 11, 14, 15, 22, 24, 63, 102
 Heat, 100
 hero, 48, 82
 heuristic, 50, 58, 103, 104
 heuristics, 72, 73, 103, 104
 Heuristics, 58, 103, 104, 105
 hierarchal systems, 102
Hindsight Bias, 72
 Holmes, 10, 94, 107
 Homogeneity Effect, 105
human brain, 86
Human Cognition, 72
 Illusory Correlation, 105
 image, 55, 62, 85, 103
 images, 22, 51, 55, 107, 146
 Imagination, 22, 56, 84
 Imagine, 21, 56, 76, 84
 Importance of Irrevocability, 96
 Inadequate Justification, 100
 individual consideration, 55
 Individual Consideration, 55
 individualists, 55
 inevitable, 97, 100, 107
 ingroup, 98, 105, 106
 In-group Favoritism, 105, 106
 inoculation, 14, 51

Kevin Adams
 Attorney at Law
www.OklahomaCriminalLaw.com
 918 582-1313
Lawyeradams@me.com

Copyright 2013

Inoculation Effect, 51
 insecure, 109, 145
 insecurity, 69, 109, 145
 intelligence, 143
 internalization, 89
 irrevocable, 97
 Jim Rowan, 66
 Joseph Campbell, 146
 Joshua, 84, 85
 Judge McBride, 24
 jury selection, 13, 17, 50, 51, 52, 55,
 58, 61, 72, 88, 91, 93, 94, 101, 104,
 106
 Justification of Cruelty, 97, 98
 Karton, 84
 label, 55, 73, 86, 87, 103, 106
 leading, 71, 107
 Leo Tulstoy, 144
 liability, 141
 life experiences, 48, 57, 84, 102
 likeability, 88
likeable, 89
 Luvera, 17, 20, 27, 48, 52, 57, 58, 73,
 74, 77, 85, 88, 90, 95, 102
 Luvera's, 17
 malleable, 143
 Metaphors, 141
 Metier, 15, 26, 95
Mickey Hawkins, 88
 Milgram's, 52, 78
 narcissistic, 69
 NLP, 10, 15, 16, 19, 72, 86, 93, 148
 Norms, 143

Opening, 61
 outgroup, 66, 67, 105, 106
 outgroups, 105
Pacing, 93
 peripheral communication, 86
 Peripheral Persuasion, 85
 peripheral route, 14, 18, 85, 86
 persuasive, 12, 15, 18, 86, 91, 92, 93
 Pratfall Effect, 144
 prejudice, 53, 54, 73, 106, 107, 108,
 109
 Prejudice, 106, 107, 108
 Protect the system, 20
 protecting the system, 20, 53, 142
 psychodrama, 18, 21, 74, 145
 Psychodrama, 15, 19
 psychodramas, 21
 Psycho-dramatic, 75
psychological, 22, 66, 67, 68, 70, 95
 Psychology of Inevitability, 97
 punishment, 61, 77, 101
Race, 53, 87
 Racial prejudice, 53
reaction formation, 97
 Reasonable doubt, 76
 Rejection, 141
 Relevant, 75, 84
 Reptile, 48, 86, 102, 148
 reptilian, 15, 18, 48, 85, 86, 102
 retaliation, 99
 Richardson, 23, 24
 Robert McKee, 146
 rules, 20, 48, 50, 102

Kevin Adams
 Attorney at Law
www.OklahomaCriminalLaw.com
 918 582-1313
Lawyeradams@me.com

Copyright 2013

Schoonover, 24
 Sean Hawkins, 25
 self-doubt, 145
self-esteem, 61, 69, 82, 90, 92, 96, 98, 144
 Self-Esteem, 69, 90
 Self-Schemas, 72
Self-Serving Bias, 67
 Severe, 101
Sex Bias, 140
 Skip Durbin, 24
 Slater, 21
 Snitches, 25
 Social Animal, 14, 55, 87
social cognition, 94
 Social Cognition, 93
 social influence, 101
 Social Psychology, 10, 63, 148
 socioeconomic, 108
 Spence, 9, 11, 13, 17, 19, 20, 21, 23, 51, 52, 58, 63, 64, 76, 78, 85, 87, 88, 95, 99, 141, 145, 146
 Spence's, 13, 52, 76, 78, 99
 Spin, 69
 spinning, 69
 Spotlight, 69
 Spotlighting Trolls, 68
stereotype, 107
 stereotyped, 53
 stereotypes, 53, 72, 73, 105, 143
 stereotypically, 107
 Stereotyping, 107
 Stories, 22, 24, 148
 story, 11, 12, 15, 19, 20, 22, 23, 24, 25, 26, 27, 48, 58, 63, 64, 66, 69, 74, 75, 82, 88, 95, 141
 storyteller, 23, 24, 25
 storytelling, 12, 14, 22, 23, 26, 27
 Storytelling, 10, 14, 15
 suggestive, 71
 susceptible, 12, 16, 78
 television, 8, 51, 104
 tension, 25, 26, 68, 95
The Social Animal, 12, 68, 70, 83, 88, 148
 theme, 17, 73, 74, 141
 themes, 141
 TLC, 11, 23, 68, 71, 74, 75, 90, 106, 141, 146, 147
 Trial Lawyer's College, 9
 tribe, 58
 troll, 69
 Truby, 14, 23, 24, 26, 148
 trustworthiness, 27, 88, 89
 universal truths, 141
 unreasonable out, 64
 victim, 25, 68, 97, 98, 142
 Victim, 142
 vision of a better tomorrow, 76
 Vogler, 27
 voir dire, 13, 16, 19, 22, 52, 55, 56, 61, 73, 87, 88, 93, 94, 98, 99, 104
Voir Dire, 48, 54, 55, 56, 58, 141
 Willa Cather, 27
 Woodward, 24
Words That Work, 83, 148

Kevin Adams
 Attorney at Law
www.OklahomaCriminalLaw.com
 918 582-1313
Lawyeradams@me.com

Copyright 2013

Zach Smith, 24

Kevin Adams
Attorney at Law
www.OklahomaCriminalLaw.com
918 582-1313
Lawyeradams@me.com

Copyright 2013