Don't Believe Everything You See:
Reading People and Judging Credibility

Friday, October 18, 2024
3:30 – 4:45 PM

Bridging the Past, Present and Future of Justice
2024 Conference, October 17-19, San Diego

This session will explore the types of factors often relied upon by judges and other fact finders to assess credibility, how credibility differs from veracity, and how unconscious processes and cognitive shortcuts can be incorporated into unreliable assessments of candor. The panel will discuss, from a variety of perspectives, how to evaluate testimonial evidence more impartially and reliably.

At the end of the session, participants should be able to:

- Identify the common ways judges and other fact finders assess credibility and explain why those methods may not lead to the truth

- Assess whether unconscious processes might be influencing the evaluation of testimonial evidence in particular cases

- Engage in more reliable and impartial assessments of whether a person should be believed

SPEAKERS:

Hon. Francine L. Applewhite, Judge, U.S. Department of Labor, Office of Administrative Law Judges

Judge Francine L. Applewhite sits in the Washington, DC District Office. She presides over cases involving workers' compensation (coal miners, longshore workers, land defense-based workers); employment-based immigration; whistleblowers; fair labor standards; and fair wage determinations and serves as a Settlement Judge.

Prior to her appointment with the Department of Labor, she served as the Chief Judge of the Social Security Administration, Washington, DC Hearing Office from November 2015 to July 2018. In addition, to presiding over her own case load, she managed a staff of 55 including 8 line judges. Judge Applewhite has also served as a line judge in the Baltimore, MD and the Shreveport, LA Hearing Offices.

Before her judicial appointment, in June 2012, Judge Applewhite concentrated her legal career on immigration, family and juvenile law. She maintained a successful legal practice, representing clients

nationally and internationally. She also served as a District Court Commissioner with the Sixth Judicial Circuit of Maryland, and as a Hearings Examiner with the Boston Water and Sewer Authority.

Judge Applewhite is a member of several organizations that nurture and develop young attorneys, law students, and college students with an interest in the law. She is the Co-Chair of the National Association of Women Judges Diversity and Inclusion Committee and Chair of the Maryland Chapter.

A dual degree graduate of the University of Maryland, College Park, she holds Bachelor of Arts Degrees in Psychology and English. She received her Juris Doctor from the University of Maryland, Francis King Carey School of Law, and was admitted to the practice of law in 1988.

Nadia Bermudez, Esq., Attorney, Meyers Nave

Nadia P. Bermudez is an esteemed trainer in harassment prevention, diversity, and disability law, reflecting her proactive approach to mitigating legal challenges before they escalate. Her role in workplace investigation services and association with the Association of Workplace Investigators underscore her comprehensive involvement in the field. She not only tackles legal challenges head-on but also contributes to creating safer, more respectful workplaces.

When it comes to a deep understanding of California's complex business landscape, Nadia is a standout. As a Principal in Meyers Nave's Labor and Employment Practice Group, Nadia is dedicated to safeguarding the rights and maximizing the interests of her clients. This commitment is evident in her extensive work as a litigator and employment law counselor. With each case, Nadia applies her legal acumen to navigate the nuances of the law, ensuring that her clients' concerns are met with not only skill but a genuine dedication to justice.

What sets Nadia apart is her multifaceted approach: she not only excels in court but also assists clients proactively, ensuring compliance with wage, hour, and employment regulations. Whether confronting high-profile matters or negotiating behind the scenes, she consistently drives positive outcomes.

Nadia is a member of the Advisory Board for the Ninth Circuit Court of Appeals. She was also appointed by Gov. Gavin Newsom to the Judicial Selection Advisory Committee for the San Diego and Imperial Counties, serving as Vice Chair since 2019.

Hon. Susan Formaker, Division Chief Administrative Law Judge, Office of Administrative Hearings for the State of California

Susan L. Formaker is the General Jurisdiction Division Chief Administrative Law Judge for the Office of Administrative Hearings for the State of California. She joined the Office of Administrative Hearings in 2008. ALJ Formaker began her career in private practice before becoming an in-house litigator in the Bank of America Office of General Counsel, where she held the position of Senior Counsel, and in the Washington Mutual Legal

Department, where she was First Vice President and Assistant General Counsel. ALJ Formaker served for many years on the Board of Governors of California Women Lawyers and on the Board of Governors of the Woman Lawyers Association of Los Angeles. She currently serves as Co-Chair of the Administrative Judiciary Committee of the National Association of Women Judges. ALJ Formaker joined the faculty of the National Judicial College in 2010. The Los Angeles County Bar Association recognized ALJ Formaker in 2023 as a Bar leader in honor of Women's History Month. She was named a 2010 – 2011 Woman of Achievement by California Women Lawyers. ALJ Formaker is a Life Fellow of the American Bar Foundation. As a law student, ALJ Formaker served as a Commonwealth Fellow on the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. She received her bachelor's degree in Psychology, *magna cum laude* and with departmental honors, from the University of California, Los Angeles, where she was also elected to Phi Beta Kappa and named a Distinguished Scholar. ALJ Formaker is a graduate of the UCLA School of Law.

Wendy Patrick, J.D., M.Div., Ph.D., Attorney

Wendy L. Patrick is a career trial attorney, recognized by her peers as one of the Top Ten criminal attorneys in San Diego by the *San Diego Daily Transcript,* and was presented by the Chief Justice of the California Supreme Court with the California Public Lawyer of the Year award from the State Bar's Public Law Section. Ms. Patrick has completed more than 160 trials, including over 110 jury trials ranging from stalking, to domestic violence, to first-degree murder.

Ms. Patrick has spent over 27 years prosecuting sex offenders, domestic abusers, sexually violent predators, human traffickers, and child molesters. She was honored with the Instructor of the Year Award in 2023 by the California District Attorneys Association. She regularly speaks both domestically and internationally on the topics of sexual assault, domestic violence, threat assessment, and human trafficking—which she has taught in Hong Kong, South Africa, and as a law school course at Handong International Law School in South Korea.

Ms. Patrick is author of *Red Flags* (St. Martin´s Press), and co-author of the *New York Times* bestseller *Reading People* (Random House, revision), and *Why Bad Looks Good* (BroadStreet)—also the title of her column in *Psychology Today*, which she has had for almost 10 years.

On a personal note, Ms. Patrick holds a purple belt in Shorin-Ryu karate, is a concert violinist with the La Jolla Symphony, and plays the electric violin professionally with a rock band, performing both locally and in Hollywood.

Manny Tau, Psy.D., CTM, Clinical & Forensic Psychologist, Certified Threat Manager

Dr. Manny Tau is a clinical & forensic psychologist specialized in threat assessments and active threat management, and a Certified Threat Manager by the Association of Threat Assessment Professionals. He has been extensively used as a workplace/school-place/personal violence and threat management consultant throughout the United States. He also works with many recognized federal, state, county, city and private organizations in the development of their violence prevention programs and the implementation of Threat Management Teams, along with providing expert consultation and testimony for attorneys in the labor & employment, civil, criminal and family law arenas. Dr. Tau has over 25 years of experience performing threat assessment and threat management services in the private and public sectors, which included support of law enforcement agencies and professional security firms.

Dr. Tau has provided trainings related to threat assessments and threat management, which included seminars/trainings for the California Bar Association, the Association of Family and Conciliation Courts, the Supreme Court of Nevada, the Orange County Intelligence Assessment Center, the San Diego Sheriff's Department Threat Assessment Group, the Association of Threat Assessment Professionals Annual Threat Management Conferences, and the Federal Bureau of Investigation. He has appeared in newsprint, radio, television and Internet media, was an invited TED Talk speaker for TEDx Mission Viejo in October 2016, and in April 2024 received the Excellence in the Pursuit of Justice Award from the United States Attorney's Office – Southern District of California. More information can be found at NoThreat.com.