



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

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

Resources

1. Guthrie, Chris; Rachlinski, Jeffrey J.; and Wistrich, Andrew J., "Blinking on the Bench: How Judges Decide Cases" (2007). Cornell Law Faculty Publications. Paper 917. <http://scholarship.law.cornell.edu/facpub/917>

This paper discusses how judicial decision making is affected by the tendency of the human brain to make automatic, intuitive judgments. Those judgments can be accurate but also can lead to erroneous decisions. The paper suggests ways to induce deliberation, which can assist in making more considered and reliable credibility (and other) determinations.

2. Patrick, Wendy (2024, July 15). "You Can Trust Me Now: How Confession Impacts Credibility." *Why Bad Looks Good*, Psychology Today. <https://www.psychologytoday.com/intl/blog/why-bad-looks-good/202407/you-can-trust-me-now-how-confession-impacts-credibility>

This piece discusses how an individual's reflection and communication about how they have changed prompts confessions of past misbehavior, increasing the perception of truthfulness. The caveat is that the confessor should do more than talk about their changed life; as a practical matter, we want to see changed behavior. This discussion can help us consider how to assess the credibility of a claim of rehabilitation.

3. Civil Rights Department, State of California (formerly the Department of Fair Employment and Housing, State of California) Workplace Harassment Prevention Guide, found at: <https://calcivilrights.ca.gov/employment/employerresources/>

This guide discusses, in part, how to conduct investigations of claims of workplace harassment. Particularly at pages 10-12, the guide identifies credibility factors to be considered in an investigation. The list of factors can be useful in considering the credibility of parties or witnesses in hearings and trials.