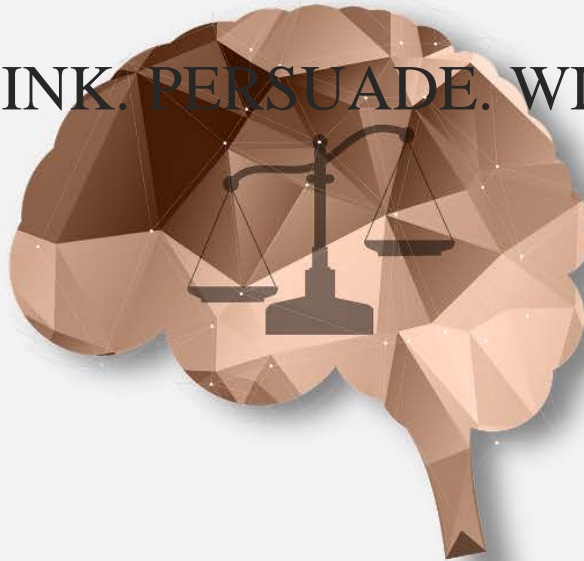


TRIAL BY SCIENCE

THINK. PERSUADE. WIN.



**How to Win Over Jurors:
Secrets from the Science of
Attraction**

FEATURING: JAKE TEENY

THE OVERVIEW

THIS WEEK'S GUEST: JAKE TEENY

It's a well-established fact that if jurors don't like you or your client, they will be less likely to rule in your favor. For example, a 2010 study on criminal court proceedings found that unattractive defendants get an average of **22 months more prison time** than good-looking ones. So, how can you make yourself and your clients more attractive to jurors? This week we spoke with doctoral student Jake Teeny and author of the immensely popular Highbrow course **Attraction Science**. We asked Jake what the science of attraction can teach lawyers about winning over a jury, and he turned straight to the research on likability. Becoming more likable makes you more attractive, and utilizing this knowledge can help make you, your witnesses, and even your client more attractive to the jury. Importantly, Jake notes, "you don't have to be physically attractive to benefit from the science of attraction."

HOW TO WIN OVER JURORS

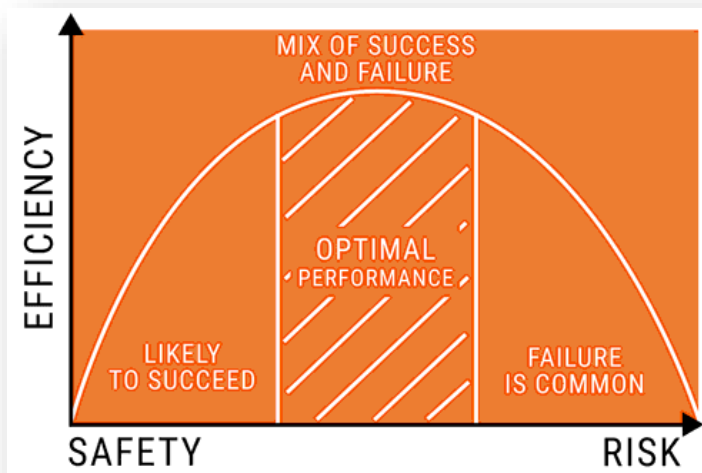
The idea Jake emphasized for lawyers is one of the most robust findings on attraction: "We are really attracted to people who are similar to us. And I know that sounds ridiculously simple, but even subtle cues of similarity can have profound effects on how much others like you." For instance, multiple studies have found that we like people significantly better if they simply **share our first initial!** So, if jurors don't like you or your clients, it's probably because they see you as very different people than them. Let's fix that.

"One way this plays out in court is through language," says Jake. "Those who talk like we do also seem more similar to us on a variety of dimensions." In courtrooms, lawyers often use a lot of "legal jargon;" however, studies show people like you better and believe you more if you **use conversational language**. Jake even recommends calling attention to the legal jargon. "Acknowledging to the jury—even using an eye roll—that you're about to use "lawyer-talk" signals to them that this language is for your job, not representative of who you are." Even apologizing before you start a bit of legal "mumbo-jumbo" will cue jurors to perceive you more similarly to them. "If you can, even using region-specific slang or conversational phrases will work toward boosting your similarity and thus likability and attractiveness." In fact, if the judge admonishes you for your informality, it can actually be a **good** thing. It sends the message to jurors that you are more like them and less "lawyer-y."



Along similar logic, Jake also recommends reflecting on your dress in court. “If you wear an Armani suit, you’re only informing the jurors how different you are than them.”. Already, jurors feel out of place at the courthouse, so showcasing any kind of similarity to them (e.g., in the way you dress) is going to make you more likable and trustworthy.

To apply this insight, it’s good to keep Nobel Prize-winning economist George Stigler’s words in mind: “If you never miss the plane, you’re spending too much time in airports.” What he meant is that there’s an ideal balance between risk and safety. If the judge has never admonished you for dressing or speaking too casually, then **you are playing things too safe.** To correct for this, try dressing down a bit more each day until you get scolded. Then scale it back a tiny bit and you’ve found the optimum level.

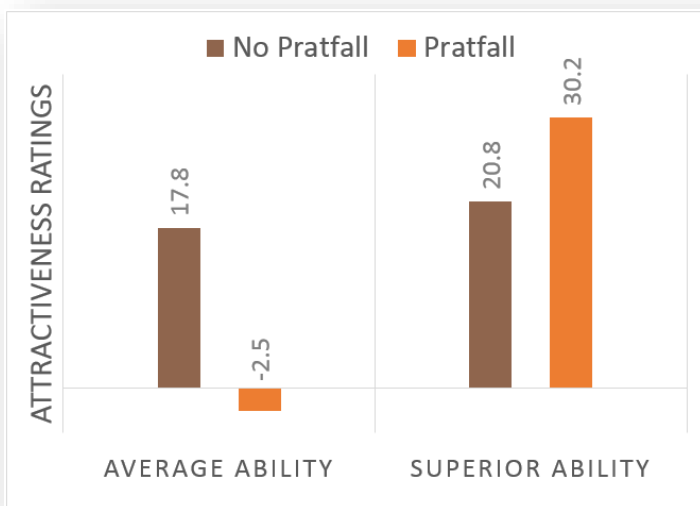


THE MISTAKE EXPERT WITNESSES MAKE

Although the same advice from above can also be applied to your witnesses, lawyers can often run into likability concerns particularly with *expert* witnesses. “Because of their specialization, expert witnesses are naturally going to seem unlike jurors.” So although you want your expert to appear credible, the more educated and knowledgeable s/he seems, the less the jury will feel similar to them. Thus, one of the top mistakes expert witnesses make is trying to appear too “expert.”



Jake suggested one way to make a jury like your expert witness by using the *pratfall effect*. Discovered in a classic experiment by social psychologist Elliot Aronson, he had participants



listen to a recording of an interview before rating the attractiveness of the interviewee. Amazingly, Aronson found that when the person on the tape was extremely qualified, listeners actually liked him more if he "accidentally" spilled coffee on himself. However, if the person was less qualified, spilling his coffee actually made him disliked.

The pratfall effect essentially makes experts appear more similar to the average person by demonstrating they "goof-up," too. So, when applying this knowledge to expert witnesses, Jake recommends two easy steps. First, build up his or her superior knowledge or ability. List credentials and awards and really make the witness seem like an expert. Then, not long into questioning, have the witness do something clumsy or ask him/her a question that elicits a self-deprecating joke. However, make sure that the witness's blunder doesn't reflect on their expertise as you don't want to undermine their credibility.

As an example, after your witness confirms and even demonstrates a bit of their expertise on the subject matter, your witness could drop his or her notes and laugh about it. Afterward, maybe you ask: "And is it true you recently received the lifetime achievement award for outstanding research in your field?" Then your expert could answer (in conversational language of course), "Yeah, but I still can't figure out how to hold a piece of paper, so I guess you win some, you lose some, huh?" Or something like that.

WHAT IF JURORS DON'T LIKE YOUR CLIENT?

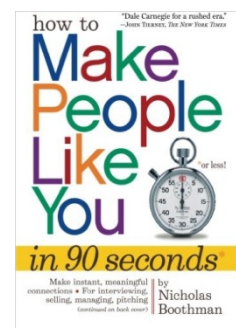
So far, we've seen how to make the jury like you and how to overcome a common mistake expert witnesses make. The final piece has to do with making your *client* more attractive to jurors. "Again, similarity is huge," Jake told us, "Everything I covered about how to make the jury like you also applies to your client. But what's really important, here, is establishing a similar 'psychological profile' to the jurors."



During *voire dire*, take the opportunity to remind jurors how similar they are to your client. Discuss similarities in your client's upbringing, similarities in the kinds of experiences or life events they've faced, even similarities when it comes to stances on topics relevant to the jury. The more concrete or unique you can make these similarities, the more of an effect they will have on boosting your client's attractiveness. Do be careful, though: in too heavily emphasizing their similarity, the jurors may become suspicious of your tactic. Still, research shows that even when people know "similarity" is being used to make a person more likable, it still has an effect. *That* is how power similarity is.

MORE ON HOW TO MAKE THE JURY LIKE YOU

In addition to liking people who are similar to us, we also tend to like people who *like* us. This is a principle known as *reciprocal liking*. In our interview, Jake showed us how you can take advantage of this in the courtroom to make yourself even more attractive to jurors. Find that on page **XX** of this PDF guide. Also, for more on attraction, check out [How to Make People Like You in 90 Seconds or Less](#) by Nicholas Boothman.



THE INTERVIEW



ABOUT JAKE TEENY

A Ph.D. student at the Ohio State University, Jake Teeny's research covers attraction and persuasion. He is the author of two widely popular Highbrow courses: [Attraction Science](#) and [The Psychology of Persuasion](#). Additionally, Jake writes a humorous and fascinating weekly column for www.everydaypsychophilosophy.com about how psychological findings can be applied to everyday life.



QUESTION

Is attraction science something that only helps pretty people?

ANSWER

This is a question I often get and one I can't emphasize enough: you don't have to be physically attractive to benefit from the science of attraction. For example, you may see a pretty person and immediately think you like them, but as soon as they say something like, "You know, human rights aren't that big of a deal," they suddenly become less attractive. As you can see then, attraction isn't just about one's physical looks; it encompasses all the components that make us want to spend time and do things for another person.

The power of prettiness comes in the form of initial snap judgments that can influence interpretations of a person's behavior. For example, if a pretty person says they don't support human rights, you'd probably be quicker to assume they were joking than if a less attractive person made the same remark. However, understanding the science behind what makes you attracted to some people and not others goes far deeper than a person's unblemished skin. In fact, by understanding the science of attraction, you could make an average-looking person much more attractive than a very good-looking person.

QUESTION

If you had to choose one idea from the research on attraction that would be most beneficial to lawyers what would it be?

ANSWER

Hands down, showing how similar you are to someone will remarkably increase their liking and attraction to you. And I know that sounds ridiculously simple, but subtle cues to make you appear more similar can have profound effects on how much others like you. For example, one study showed that participants were more attracted to a confederate (a researcher posing as a real participant) if that confederate's "random" experimenter number was similar to the participant's birthday. In fact, similarity is so powerful that you're actually more likely to marry someone who shares the same first or last initial as you!

One of the reasons that similarity is so influential is due to what's known as *self-other overlap theory*. According to this theory, the more similar we perceive ourselves to someone else, the more we extend the concept of "ourselves" into this other person. And because you always want to do what's best for yourself, you subsequently want to do what's best for this other person you now perceive as a bit of a "mini-clone." –My adviser would hate me for using such loose language like that. .



QUESTION

What are some ways a lawyer could use this to win over jurors?

ANSWER

One way this plays out in the court is language. Those who talk like we do also seem more similar to us on a variety of dimensions. That is, not only what you say but also how you say it can have a big effect on similarity and thus liking and attraction. For example, one study showed that the more participants liked one another, the more they actually adopted the style and syntax of the other person. Commonly, you'll see this manifest in close relationships, where you start to take on or adopt some of the language of your friends and family—which boosts similarity, then liking, then attraction (that's kind of how the “sequence” goes).

In the courtroom, too often lawyers sound like they're in the middle ages, creating English language on the fly. Instead, acknowledging to the jury—even using an eye roll—that you're about to use “lawyer-talk” signals to them that this language is for your job, not representative of who you are. Whenever you can, try to revert to a more casual style of speech, not only in diction but also tone. By matching the jurors' everyday speaking style, it also elicits a similar “thinking-style,” so the conclusions the lawyer draws are the ones the jurors should, too. Not to mention, jurors will simply be more engaged and pay better attention to you if you're talking like they do. No one wants to listen to five-pound words in every sentence.

But you can take it a step further than just how you talk to also how you dress. If you wear an Armani suit, you're only informing the jurors how different you are than them. And if you're protecting a large corporation's interests while wearing it? Don't even try to play up the similarity angle. In general, think about wearing more casual dress. You still want to appear professional of course, but you don't want to look like you're from another world. However, if you really can't help wearing those new duds you got, you can always use a little body language to your advantage.

Lots of research shows that engaging in social mimicry—that's subtly copying the body posture of the person across from you—makes the other person like you more. Research has shown it with waitresses who mimicked customers' body posture and got more tips, even with speed dating where copying another person's body posture got more matches—it's crazy! As a lawyer, while engaged with a witness, the judge, the jurors, go ahead and slyly copy their body position. Sharing a similar body posture can work off the power of similarity just like the others.



QUESTION

Is it possible to overdo this? Like, with the clothing thing. If you could get away with showing up to court in sweatpants would that be a good idea?

ANSWER

All you man.

I mean, are these Armani sweatpants? No, you're totally right. You definitely don't want to overdo it. You still want the lawyer to be seen as a credible, authority figure, so you want him or her to maintain some level of respectable dress. You just want to balance the two. Slippers are too far in one direction, a full tuxedo too far in the other.

QUESTION

How would these concepts apply to expert witnesses? What can they do to appear more attractive?

ANSWER

Ha! This is the perfect segue from the last question. So, because of their specialization, expert witnesses are naturally going to seem unlike jurors. You know, too smart, too...unusual. I don't know. The point is, expert witnesses likely seem very different than jurors with their elevated status and respect, so, one way to make them more likable is to use the pratfall effect.

It's this really cool effect where researchers essentially show that making a "goof-up" actually makes you more attractive to others. For example in one study, when this star-studded job candidate spilled their coffee, the participant actually liked him more. Essentially, this little blunder makes someone like an expert seem more similar to the everyday person. Of course, you don't want it to be something that undercuts their credibility. Something kind of casual or lighthearted.

QUESTION

Can you walk us through the pratfall effect? What would be an example of using that with an expert witness? Is this something you would plan ahead of time?

ANSWER

Ooh, good question! It could definitely be something you plan ahead—you'd just want it to seem natural and not forced. So, for example in the courtroom, maybe the expert witness could



drop a pen from the stand—or their notes. Again, staging it may undermine the authenticity of it. Maybe you could have the expert make a flub in speech or accidentally say something silly? Anything like this to break down that “expert barrier” without diminishing their credibility would definitely work to your advantage. And if nothing else, be sure to capitalize on actual goof-ups. If an expert witness makes one, try an offhand remark that maybe he or she’s “more similar to us than we thought.”

QUESTION

So what about your client? How would this apply to them? They wouldn’t have the problem of appearing too expert so the pratfall effect doesn’t really apply. How could you use the science of attraction to make jurors like your client more?

ANSWER

Again, similarity is huge. Everything I covered about how to make the jury like you also applies to your client. But what’s really important, here, is establishing a similar ‘psychological profile’ to the jurors. You know, show your client has similar beliefs to them. They’re from the same area growing up. They’ve had many of the same lifetime experiences. Anything you can do here to build the similarity between your client and the jurors is going to have big benefits for you.

Returning to that self-other overlap theory I talked about earlier, making your client seem more similar to the jurors is going to make them have more sympathy for your client and try to adopt their perspective on things. I mean, if you knew someone was similar to you, wouldn’t you be more likely to extend them the benefit of the doubt just as you would do for yourself? So again, whenever you have an opportunity to draw similarities between your client and the jurors—the city locales both have visited, common personality traits, (if you really want to get sneaky, you can use what are known as **Barnum Statements** to falsely build similarity between anyone), music interests, family upbringings, whatever—anything that might be unique to your jurors will work to boost your client’s similarity and thus likability and attractiveness.

But, if you’re struggling to come up with ways your client might be similar to the jurors, consider using what’s known as analogous perspective taking. For example, if your client had a difficult childhood that your jurors likely didn’t, try asking them to recall a time where they faced a challenge no one else could help them with. Although this won’t elicit the same negative emotions as those of a tough upbringing, it’s similar enough to allow the jurors to better empathize. Again, trying to connect any kind of similarities—even through analogies—will be beneficial to your aims.



QUESTION

Are there any other concepts from the science of attraction that lawyers could benefit from?

ANSWER

Oh, there are a host of them that lawyers can take advantage of—many of which can be found on my website, wink wink. But for kind of a flash course here, one tip for lawyers is to practice *self-disclosure*. This works off the principle of familiarity, whereby telling something deep about yourself, something personal even, makes others like you more. For example, in one study, when a confederate told a participant that he was in the hospital for accidentally getting a girl pregnant, participants actually liked him more than the confederate who told people a mundane fact. Building familiarity like this, will make the jurors like you more and be more sympathetic to your perspective on the argument.

Another good tip from the study of attraction relies on perception of sincerity. For example, when researchers asked hundreds of participants to list and rank the top characteristics of a likable person, “sincerity” is consistently rated among the most important. As a lawyer, recent research shows that the goal underlying your persuasive appeal can influence others’ perceptions of your sincerity. For example, when making an argument, are you doing it because you want to win the case or bring justice to your client? Keeping in mind the latter goal (where your focus is on the benefits of others) will lead to greater perceptions of sincerity—even if you yourself are not aware of the changes!

And one final one (of the many) relies on what’s known as *reciprocal liking*. Essentially, this goes back to middle school crushes where if you like me I naturally like you. Except this same principle still holds well into full frontal lobe development. When you tell someone that you like them, it automatically makes them like you more, too. In one study, even if you had wildly different opinions on a topic, still being told that the other person liked you made you like them in return.

QUESTION

What are some ways that you could tell jurors you like them? Would this backfire if you do it too overtly?

ANSWER

I mean, don’t profess your love for the jury in Portuguese sonnets, but it’s definitely not a bad idea to admit to them that you like them, respect them even. However, like you said, you don’t want to go overboard with this. People can see through false liking pretty quickly, and unlike



similarity, when people are aware that you're using reciprocal liking to game the system, it backfires pretty quickly.



ABOUT TRIAL BY SCIENCE

R. Rex Parris started *Trial by Science* in 2016 to share his unique blend of cognitive science with the legal community. A partnership with *Inspirational Science* has allowed us to bring you exclusive supplementary content and interviews with some of the world's top researchers completely free! Each week we feature a different guest and examine how their work can be used by lawyers and legal professionals to persuade jurors and win cases. If you enjoy this blog and are looking for other interesting articles about scientific findings that can make a positive impact on your life, check out inspirational-science.com.

ABOUT R. REX PARRIS

R. Rex Parris is recognized as one of the most successful and innovative trial lawyers alive today. Rex handles a wide variety of cases, ranging from severe personal injury to class actions, products liability and business torts. When he is not in trial, Rex tours the country speaking to trial lawyer organizations about the intersection of cognitive science and the persuasion of jurors. Rex has been profiled in numerous national media outlets, including "20/20," "Nightline," the Wall Street Journal, the Los Angeles Times, the New York Times, and a myriad of legal journals.



Rex has achieved outstanding results in the courtroom over the span of his career – he obtained the first million-dollar verdict in California's Kern County as a young lawyer and, years later, obtained an historic, record-breaking defamation jury verdict in Los Angeles for \$370,000,000. In between, Rex has obtained dozens of seven-, eight- and nine-figure verdicts and settlements. His success is hardly happenstance – Rex prepares every case for trial using the latest science in persuasion skills. Everything from metaphoric choices, word selection and visuals are tested and re-tested before each trial.

In addition to managing his trial calendar and the Firm's diversified practice, Rex also manages one of California's fastest-growing cities. As the mayor of Lancaster since 2008, Rex has gained nationwide media attention for his efforts to improve the wellbeing of the city's residents. For example, gang violence dropped 82%, the city's downtown area was completely redeveloped during the worst economic downturn in over 75 years, and all of the city's municipal buildings were converted to solar power.

