

WORKING WITH COGNITIVE EXPERTS

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Introduction

In court, lawyers may collaborate with specially-trained cognitive experts, in order to understand subtle issues of the human mind, and resolve perplexing issues of life and death.¹ This is a branch of the syncretic world of law and medicine called forensics.²

From 2006 to 2023, I taught psychiatrists at the University of Colorado School of Medicine, psychologists from the University of Denver, and those from the State Hospital.³ They aspired to become experts with unmatched standing to advise courts retrospectively, on culpability for past actions; in the present on many issues, such as competence to stand trial; and prospectively, through risk assessment.⁴ Although forensic experts work on both civil and criminal cases, their own role remains civil.⁵

These specialists have a rare and valuable ability, to elevate the proceedings above mere adversarial rhetoric, by interjecting humane and balanced considerations. To do this effectively they must first learn the blended world of law and medicine, and *unlearn* ingrained legal misinformation.

That is why well-designed forensic training has lawyers teach law classes, clinicians teach clinical classes, and the two collaborate where they overlap. This pedagogy is but the precursor to a trial lawyer's role as ongoing educator during any proceeding which includes an expert.

Experts must apply clinical insights to the correct legal principle, such as Dusky v. U.S.⁶ to find the standards to determine competence to stand trial, under the U.S. Constitution, or People v. Medina⁷ to permit involuntary treatment by psychiatric medication in Colorado. Experts must consult with lawyers to get the right source.

Absent consultation, clinicians may refer to obsolete sources. For example, Tarasoff v. UC Regents⁸ was still promoted in Colorado as of 2025,⁹ for a clinician's duty to warn of imminent danger by a patient. But it was never a precedent in Colorado,¹⁰ nor in most states, not even in California any more, where it originated.¹¹

At the same time, only cognitive experts are able to apply mental insights to legal principles, to best discern sincerity from malingering, or simply tell facts from delusions. Without them, judges, juries, and lawyers easily miss underlying cognitive issues that need attention. Expert input should precede litigation. *One could say lawyers set the table but clinicians serve the meal.*

For this relationship to be successful, trial lawyers must know how to identify and select an appropriately trained clinician. This article explores some critical points to help lawyers decide better.

Shreck Governs

People v. Shreck¹² governs the admissibility of evidence from all scientific experts, and should be used as the foundation of qualifying a forensic expert's opinion, instead of other precedents that you may see cited.

Shreck stresses (1) the reliability of the scientific principles, (2) the qualifications of the witness, and (3) the usefulness of the testimony to the jury.¹³ Don't overvalue Daubert and Kumho Tire. They are the most cited cases nationally on scientific admissibility, and are the stock A.I. answer.¹⁴ But they are not Colorado precedent, though they and their progeny may discuss pertinent factors considered at a court's discretion.¹⁵

As cognitive experts are primarily giving opinions, another crucial filter is CRE 704, *Opinion on an Ultimate Issue* (2025).¹⁶ That complex topic exceeds the scope of this article, but a good place to start is People v. Rector.¹⁷

We examine a number of factors when determining whether expert testimony usurped the function of the jury, including but not limited to, whether the testimony was clarified on cross-examination . . . and whether the expert's testimony expressed an opinion of the applicable law or legal standards thereby usurping the function of the court (emphases added).

Colorado forensic experts are still being erroneously taught, as of 2023, to finish their reports as true "to a reasonable degree of medical certainty." This was long ago repudiated in Colorado,¹⁸ and should be avoided. Using the obsolete standard does not inherently invalidate a report, but has been the basis for reversals. The correct standard educates uninformed courts, and tells informed ones that an expert is up-to-date, and thus more credible.

Also, if a court avoids reversal, the expert won't risk having to testify at retrial years later. Instead, in producing a forensic report, an expert should state: "As the result of experience, training, and education, I have reached these conclusions. They are reliable and based upon accepted scientific methodology, in accordance with People v. Shreck, 22 P.3d 68, 77-78 (Colo. 2001), CRE 702 and 403."

Cognitive Forensics Differ

Followers of popular C.S.I. shows may believe that "forensics" answers most intractable questions. Those who see headlines about crimes solved by DNA may assume that is typical. In the face of these expectations, be prepared to inform decision makers how cognitive forensics differs from its depiction in popular culture.

When used to discern states of mind, forensics is intangible. There's no DNA test for intention, nor an empirical scale for blame. That is why cognitive forensics depends upon the expert opinions of psychiatrists and psychologists, except for standardized assessment tests, discussed below.

Why do we have experts at all? The scientific consensus is that the most reliable data comes from double-blind studies with control groups, or their systemic review.¹⁹ But misconduct rarely waits for that process to mature. Expert testimony may be the best evidence available when it is needed.²⁰

This is in part because the right to a speedy trial limits the time available to discover evidence in criminal proceedings, or develop better tools to evaluate it.²¹ In civil proceedings, limitations require people to sue in time, or lose their claim, indifferent to later discoveries that may resolve a dispute.²²

In our era, where metrics are ascendent, cognitive forensic experts uphold a countervailing value. They work within the settled legal paradigm, but add unquantifiable justice to the justice system.

Experts as Celebrities

There is a potential bias if one party hires an expert and defines the question asked. This is mitigated by a joint expert, or a court-appointed one. If you prefer a scientist to an advocate, guide your expert to a circumscribed role, to discourage them from developing a zeal for their perceived strategic mission.

Otherwise, they may consciously or unconsciously tailor their clinical message to conform to the goal of their side. This is called an "allegiance effect," where the expert comes to see themselves as a team player, or even the team leader.²³

Celebrity is often described as a state "where people know you, but you don't know them." Stress that experts are celebrities to the judge and jury, who know their name, work experience, and education. But to the expert, the judge and jury are strangers, the trial is like theatre, witnesses have cameos, the title is nondescript, and the screenplay stays in progress. The reviews (verdicts) still come out at the end.

Experts are not decision makers, and don't know the master strategy of a trial. That is constantly adjusted by the lawyers. Experts present clinical conclusions, but trial strategy calls for ceaseless revision. As President Dwight D. Eisenhower famously said: "Plans are worthless, but planning is everything."²⁴

In the courtroom, the drama that unfolds is intentionally hidden from pending witnesses (except the parties). Experts can better fulfill their role if reminded of these intentional limitations:

- They will be sequestered, won't know the previous testimony, nor that to come.
- Even if they review other experts' reports, they won't know what was admitted.
- They must bring conclusions, not easily adjustable ideas.
- They will only answer questions, not exchange views with the judge or jury.
- In short, as the trial strategy is always fluid, they are involved in the blind.

Scientist or Advocate

Another way to analyze candidate experts is by their history. Are they habitually on one side of a contentious topic? Are they like the 5 year old with a hammer, to whom everything is a nail? A scientist seeks the truth; an advocate seeks confirmation. When hiring an expert, a lawyer has to decide which one they want.

In contrast, the best forensic experts appreciate the luxury of having but one job to do - undertaking and reporting their cognitive analysis - without preconceptions or wanting to know any strategic mission. The respected forensic pioneer Dr. Paul Applebaum defined this role as "truth telling and respect for persons."²⁵

Paradoxically, more famous cognitive experts are often more unreliable, because they invest in their infallibility.²⁶ Solid research on heuristics²⁷ has revealed that "the more famous an expert was, the less accurate he was."²⁸ They are more susceptible to confirmation bias because they have more to lose if they are exposed as wrong.²⁹ This applies to all pundits, whether on the witness stand or a podcast.

This egotism is a growth factor for other types of evaluation bias, because it dampens self-criticism, and prevents the mental checks and balances needed for objective evaluation. Once you become an "Alpha Authority" you are no longer a scientist. *If you think you're always right, you're usually wrong.*

When hiring and preparing an expert, or reviewing and cross-examining one, these factors can be applied in either direction, to build up or tear down testimony.

Psychologists' Special Skill

Psychiatrists and psychologists have equal standing to qualify as cognitive experts and give ultimate opinions in Colorado courts.³⁰ However, they have different skills. Only psychologists as a rule are trained to administer standardized assessment tests (SATs). Forensic Psychiatry guidelines concede that “unless the psychiatrist has specialized training [at their personal initiative], he should not claim expertise in the area.”³¹ So, even when a psychiatrist is the expert of record, they should bring in a psychologist if a SAT is used.

A SAT can take cognitive assessment beyond the intangible, at least in part: “With physician expert testimony, someone is giving their opinion. When the neuropsychologist is giving their opinion, it is supported by objective test data. Testimony is more believable if there is objective test data to back it up.”³²

There are hundreds of such tests, so the complex issue of which SAT is best for which trial strategy exceeds the scope of this article. However, there are some practice pointers that apply to all SATs.

- How an SAT was administered is hidden as it could destroy future use of the test. Raw data, questionnaires, and scoring are not in a report, and are not discoverable.
- Explain the SAT result, and the testing and diagnosis link (they're not equivalent).
- Discuss use of a SAT with an expert trained in its use, usually a psychologist.
- Match your trial strategy to the purpose of a SAT.
- For an SAT whose outcome you oppose, you can cross against it like this:
 - What is the relative superiority of the SAT [versus another one you choose]?
 - What are the strengths and weaknesses [versus another SAT]?
 - Have you analyzed the underlying research in the SAT design?
 - What data shows the SAT was valid for [the demographic of the person tested]?
 - What is the confidence interval, false positives, false negatives, reliability?

The expert is unlikely to know the answer to these questions. The point of the cross is to show that the expert does not know their job, and relies on the approach set by

strangers, instead of using their own clinical judgment. For a SAT whose outcome you support, redirect this way:

- Isn't an advantage of SATs to avoid personal bias?
- Isn't an advantage to distill the collective wisdom of other experts?
- Don't studies show clinical judgment alone is inadequate for [the SAT outcome]?
- Reverse any of the arguments against SAT use above, if prepared beforehand.

Providers are not Witnesses

Forensic experts should not be conflated with mental health providers, who should not be subpoenaed, even if they have the same education and experience. Yet, this occurs regularly, due to our inclination as lawyers to first bring everyone to court, and then sort things out.³³ Unfortunately, if a mental health provider unexpectedly enters a courtroom, the fragile trust and therapeutic alliance between patient and provider can be destroyed.

Apparent patient consent is another tripwire. Especially in community mental health,³⁴ where patients are disadvantaged, a patient is rarely able to waive privilege, because they don't grasp the consequences. A therapeutic relationship cannot be directly transformed into a forensic one unilaterally by a patient.³⁵ Simply put, once a therapist, always a therapist.³⁶

A typical example: I represented a provider whose patient, an addict, wanted more parenting time. He had his defense attorney subpoena the provider to describe his genuine progress towards being a good dad. Instead, cross examination focused on his addiction. Afterwards, he had no parenting time, and no provider.

Besides, proffered testimony from treatment is unreliable. Though accepting personal responsibility for misdeeds in therapy can be beneficial for the health of a patient, legal responsibility has different goals, classically retribution, deterrence, rehabilitation, and incapacitation.³⁷ Those diverge from treatment, in which the best interests of the patient govern. It is also why forensic clinicians first make clear to those being evaluated that theirs is not a patient-centered, therapeutic relationship.³⁸

Consequently, trial lawyers using a mental health expert should rely upon forensic experts, not treating providers. Rarely, there may be an exception - if there is notice to, and informed consent by, all concerned, and everyone agrees that the benefit of testimony outweighs the risk to, or even the end of, treatment.

Teachability

Since the expert evaluation you commission is a blend of medicine and law, their part overlaps your part, and you need to ensure clinical acumen focusses on your chosen legal issue. Similarly, your expert may be reviewing another expert's report which might contain both relevant and irrelevant issues. Because of this, a forensic expert's teachability is important. A lawyer's educational role is an extension of the expert's original training.

Because clinicians are blocked from understanding trial strategy, their observations don't provide a guide to others. They are like someone who had the flu and thinks they became a virologist. This is why the need arises to unlearn ingrained legal misinformation, often taught by clinicians to other clinicians from personal anecdotes.³⁹

Experts are better educated through official but secondary, annotated sources, because they are more succinct. For example, the Civil Jury Instructions define "Insane Delusion" in 136 words, CJI 34:11 (2017), but the leading case, In re Estate of Breedon,⁴⁰ is over 6,000 words.

Similarly, experts benefit from familiarity with authorities that are not laws at all, but are still a big part of mental health practice, like government-issued forms. A leading example is the Colorado Behavioral Health Administration "M" Forms for Involuntary Commitment.⁴¹

The *Accreditation Council for Graduate Medical Education* (ACGME) mandates that psychiatrist-experts have a grasp of the "fundamentals of law, statutes, and administrative regulations."⁴² Psychologists have an analogous process.⁴³ Certification by graduates from these programs allow court made-and-paid appointments.⁴⁴

So, when interviewing an expert, an accredited program signals a basic grasp of the legal system. This will empower your educational role and ensure their receptivity.

Cross Examination

There are a few qualities relevant to cross that recur in most cognitive experts. In a way, they are more peeved about criticism than criminal defendants, who know the life they have chosen. Experts react to cross as a personal offense, in part because they habitually treat it like a morbidity and mortality conference where there is a scientific, common cause implicit in the discussion.⁴⁵

It will help experts relax into their own expertise if you stress that considered, best answers are not sought, or there would be advance notice of the questions; that cross is not an attempt at coherent dialogue, since leading questions produce only truncated answers; and they often won't even know the point of a cross:

- It can be to contradict other unknown testimony.
- It can be to open the door for another unknown witness.
- It can be to fill in a gap in other testimony, even just factual.
- It is often to set up closing statements they cannot know.
- It can be so-called constructive cross - with no criticism at all.

US District Court Judge John Kane noted a danger to which highly intelligent and very verbal experts are prone: “Argument is giving reasons, not quarrelling, and judging is the process of selecting the best reason from those that are available. Bickering is a distraction that tends to make me ignore both counsel [and witness] and search for the best reason on my own. In a sense, the clients are then appearing pro se.”⁴⁶

In summary, lawyers need to diminish the challenge of cross examination by stressing the affirmative, and telling experts to just do their job, and let the chips fall where they may. As Tom Hanks wisely says: “Learn the lines. Hit the marks. Tell the truth. That’s all you can do.”⁴⁷

Court Performers

There is a latent conflict when an expert presents in a courtroom. On the one hand, their training will have emphasized scholarly norms. On the other hand, they must connect with the general public. Psychiatry specialty guidelines stress: “Even the most carefully prepared report is useless if it does not effectively convey information.”⁴⁸ Psychology specialty guidelines agree: “When in their role as expert to the court or

other tribunals, the role of forensic practitioners is to facilitate understanding of the evidence or dispute.”⁴⁹

Oral and written testimony must bridge these two domains by using common language with a minimum of jargon. It is most essential that the written report be credible and complete on its face, because by itself it may resolve pending issues of culpability and decide whether the case will be tried at all.

Psychiatrists and psychologists write many reports, often after court appointments, that are so neutral and convincing to all sides, that they become mutually adopted, thus avoiding the need for depositions or appearances. An ideal comes from UC Psychiatry Professor Rick Martinez:

Forensic evaluations and reports should be thorough, transparent, and conscious of potential areas of bias. The best reports help the justice system grapple with the complexity and nuance of these tragedies, aid the court in finding resolution that is just and true to the facts, and reduce the partisanship that occurs in the adversarial justice system.⁵⁰

Verbosity needs correction because it is poison, and brevity is the antidote. A recent, broad survey of judges and experts revealed a consensus: “The last thing you want to do is overload the triers of fact To the extent you are giving irrelevant or extra information, you will lose the jury.”⁵¹ Consequently, trial lawyers should counsel experts not to write in order to show how much research was done; to impress other experts; to build a reputation; or to reinforce their conclusions. All of these are distracting and counterproductive.

There is a growing shortage of cognitive experts,⁵² so we must use them wisely. Lawyers will enhance the likelihood of success of the strategy they chose when they apply expert insights that are succinctly focused for relevance. It is commendable when this makes legal proceedings more humane and just.

Casey Frank of Denver has practiced as a civil trial attorney since 1991, and also represented mental health providers before every licensing board. He talks and writes on the convergence of law, medicine, and ethics. He assists military veterans with civil law issues (pro bono), for which he was awarded the 2025 DBA Volunteer of the Year.

What You Expect



What You May Get



"Let me interrupt your expertise with my confidence."

Illustrations Courtesy of *The New Yorker Magazine*

ENDNOTES

¹ This article only covers psychiatrists and psychologists, but properly trained nurses and physician assistants can also qualify to give expert opinions on cognition, *for example*, C.R.S. § 23-5-143(2) (2025), *Sexual Assault Victim Care*.

² Forensic, adj. (2), “relating to or dealing with the application of scientific knowledge (as of medicine or linguistics) to legal problems” *Merriam-Webster’s Dictionary of Law* (Springfield Massachusetts, 2011).

³ I was the sole legal faculty for the UC Forensic Psychiatry Fellowship, required by the *Accreditation Council for Graduate Medical Education* (ACGME) (2.6.a.). Psychologists from the *CMHI-Pueblo Forensic Psychology Fellowship*, and the *Denver FIRST Forensic Psychology Fellowship* at the University of Denver, were included after the 2015 change in the law, C.R.S. § 16-8-106(1)(a) (2013).

⁴ They also advise on many other crucial issues, such as fitness to parent, or to return to work after a mental illness.

⁵ Investigation of an aspiring expert, to determine if they possess the requisite education, knowledge, and experience, is organized under Rule 26(a)(2), C.R.C.P.

⁶ Dusky v. U.S., 362 U.S. 402, 402 (1960).

⁷ People v. Medina, 705 P.2d 961, 963 (Colo. 1985), *expanded*, People v. Marquardt, 2016 CO 4, ¶ 10.

⁸ Tarasoff v. UC Regents, 551 P.2d 334, 343 (Cal. 1976).

⁹ “Tarasoff and Progeny Involving Duties to Third Parties,” Dr. Tom Gray (UC Forensic Fellowship, presented on April 25, 2025), obtained via CORA. Dr. Gray is Clinical Coordinator of Court Services at CMHHIP.

¹⁰ C.R.S. § 13-21-117, *Civil liability - mental health providers - duty to warn* (2025) (this also applies to professional misconduct through the licensing boards under DORA).

¹¹ Superseded by Cal. Civ. Code § 43.92 (2025), *Psychotherapist’s duty to protect*

¹² People v. Shreck, 22 P.3d 68, 82-83 (Colo. 2001), *affirmed*, People v. Martinez, 2024 CO 69, ¶3.

¹³ Shreck, 22 P.3d at 69.

¹⁴ Daubert v. Merrell Dow, 509 U.S. 579 (1993); Kumho Tire Co. v. Carmichael, 526 U.S. 137 (1999).

¹⁵ Shreck, 22 P.3d at 69.

¹⁶ Colorado and Federal rules diverge. Experts are prohibited from giving testimony in Federal Court on culpable mind-states as to criminality, under FRE 704, *Opinion on an Ultimate Issue*.

¹⁷ People v. Rector, 248 P.3d 1196, 1203 (Colo. 2011).

¹⁸ A “reasonable degree of medical certainty” (or “probability”) were repudiated by Estate of Ford v. Eicher, 250 P.3d 262, 272 (Colo. 2011) and People v. Ramirez, 155 P.3d 371, 375 (Colo. 2007).

¹⁹ John P. A. Ioannidis, “Why Most Published Research Findings Are False” PLoS Medicine, Vol. 2, Issue 8, e124 (August 2005) 0696.

²⁰ “A Rough Guide to Scientific Evidence” at <https://www.compound-chem.com/2015/04/09/scientific-evidence/>, accessed Nov. 30, 2025.

²¹ For example, The Innocence Project lists 204 “DNA exonerations” of convictions that happened an average of 18 years earlier, <https://innocenceproject.org/exonerations-data/>, accessed Nov. 30, 2025.

²² For example, the first award for breast implants was 1991, the FDA ban was 1992. Lawsuits followed for billions of dollars. Only in 1995 did an epidemiological consensus emerge that there was “no association between implants and connective tissue disease.” Marcia Angell MD, *Science on Trial: The Clash of Medical Evidence and the Law in the Breast Implant Case* (London: W.W. Norton, 1996) 55, 57, 69, 102.

²³ Neil Gowensmith, et al, “Monitoring one’s personal bias in forensic evaluation: A how-to guide,” University of Denver, Denver FIRST (UC Forensic Fellowship Presentation, 2019).

²⁴ Public Papers of the Presidents of the United States, Dwight D. Eisenhower, National Archives and Records Service, GPO (ISBN: 0160588510) (1957) 818.

²⁵ Candilis, et al, *Forensic Ethics and the Expert Witness* (New York: Springer, 2007) viii.

²⁶ Philip E. Tetlock and Dan Gardner, *Superforecasting: The Art and Science of Prediction* (New York: Crown Publishers, 2015) 162.

²⁷ Heuristic, noun: “Serving to find out or discover.” Oxford English Dictionary (Oxford: Clarendon Press, 1989).

²⁸ Tetlock and Gardner, above, 76.

²⁹ Tetlock and Gardner, above, 44.

³⁰ C.R.S. § 16-8.5-101(3)(2025), *Competency to Proceed*; 2 CCR 505-1-21.910 (2023), *Competency Evaluations in Criminal Cases*.

³¹ *AAPL Practice Guideline for the Forensic Assessment*, 8. Adjunctive Tests; 8.1. Intro. Vol. 43, No. 2 (Supp. 2015).

³² Attorney Mark DeBofsky, quoted in Karen Postal, PhD ABPP, *Testimony that Sticks* (Oxford University Press, 2019) 268.

³³ I faced about 100 subpoenas to providers over the last decade. Courts have stressed that you must uniquely trust your therapist, but as to surgeons, you need not even meet them beforehand. *See, e.g., Jaffee v. Redmond*, 518 US 1, 10 (1996).

³⁴ The Behavioral Health Administration contracts with 17 community mental health centers to treat low-income or uninsured patients, <https://bha.colorado.gov/about/programs-we-fund/adults>, accessed Nov. 30, 2025.

³⁵ C.R.S. § 13-90-107(1)(d) (2025), *Who may not testify without consent – definitions*.

³⁶ From the author’s interview with Colorado Psychiatrist Casey Wolfe, MD (2017).

³⁷ Morris B. Hoffman, *The Punisher’s Brain* (New York: Cambridge Press, 2014) 334.

³⁸ Forensic experts still have some fiduciary duties to evaluatees, like honesty. See Can-dilis, above, at 26.

³⁹ For example, Brodsky and Gutheil, *The Expert Expert Witness: More Maxims and Guide-lines for testifying in Court* (Washington DC: APA, 2016).

⁴⁰ *In re Estate of Breeden*, 992 P.2d 1167, 1170 (Colo. 2000).

⁴¹ <https://bha.colorado.gov/m-forms>, accessed Nov. 21, 2025.

⁴² ACGME “Requirements for Graduate Medical Education in Forensic Psychiatry” (IV.B.1.c: *Competencies*) (effective July 1 2019) 19.

⁴³ American Board of Forensic Psychology, *Candidate Manual* (December 2024), <https://abpp.org/wp-content/uploads/2025/07/ABFP-Candidate-Manual.pdf>, accessed Nov. 30, 2025.

⁴⁴ CJD 12-03 (2023), *Directive Concerning Court Compensation of Expert Witnesses and Professionals Conducting Mental Health Evaluations, Sanity Evaluations, and Competency Evaluations*.

⁴⁵ Joanna Holland, “Morbidity and mortality conferences . . . involve the analysis of adverse outcomes in care by specialists in a field.” *Australasian Psychiatry*, Vol. 15, No. 4 (August 2007) 338.

⁴⁶ Judge John L. Kane, “Judging Credibility, Whom do I believe – and why?” *Litiga-tion*, Vol. 33, No. 3 (2007).

⁴⁷ David Marchese, “Tom Hanks Explains It All,” *The New York Times Magazine* (June 10, 2022).

⁴⁸ “Consider the Audience for your Report” in Alan Buchanan and Michael Norko, editors, *The Psychiatric Report*, Section 6.2.2, (Cambridge University Press, 2011) 82.

⁴⁹ American Psychological Association, SGFP: 11.01: *Accuracy, Fairness, and Avoidance of Deception* (2013).

⁵⁰ Email to the author from Dr. Richard Martinez, Forensic Fellowship Director, Dec. 15, 2022.

⁵¹ Yossef Ben-Porath, PhD ABPP, quoted in Karen Postal, above, at 26. For more detail, see David Foster Wallace and Bryan A. Garner, *Quack This Way: Talk Language and Writing* (Dallas: RosePen, 2013) 96:

In the type of writing that we’re talking about there are probably two big dangers. One is that verbosity makes the reader work harder, and that’s never good. The other is that if the reader becomes conscious that she’s having to work harder because you’re being verbose, now she’s apt not only to dislike the piece of writing; she’s apt to draw certain conclusions about you as a person that are unfavorable. So you run the risk of losing both your logical and ethical appeals.

⁵² “[C]ourt orders for competence to stand trial evaluations and competence restoration services have been increasing much more rapidly than states can provide these services . . .,” D. C. Murrie, et al, “Evaluations of competence to stand trial,” *Behavioral Sciences and the Law*, Vol. 41(5) (2023) 310-325.

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