

Unintentionally False Eyewitness Testimony

PRESENTED BY DRI'S TRIAL TACTICS COMMITTEE

In May 2015, a suspect who attacked an NYPD officer with a hammer was shot by police in the middle of the day, on a crowded New York City street. There were many eyewitnesses to the incident. Almost all of the witness reports were incorrect. Several people inaccurately reported that the police officers shot an unarmed man while he was on the ground and handcuffed. The incident was recorded on surveillance video, which documents that the suspect attacked one of the officers with a hammer and that officer's partner shot the man. Why is eyewitness memory flawed? How can attorneys use psychology to explore and explain issues common to eyewitness testimony throughout trial? This presentation explores the psychology of memory and techniques specific to addressing these issues starting with jury selection. Particular attention is paid to difficult witnesses including children, the elderly, and victims of sexual assault.

Who Should Attend

- Defense trial lawyers who frequently try lawsuits in both federal and state courts
- Second chair trial lawyers who are responsible for handling evidentiary issues
- Experienced attorneys who want to hone their trial skills and apply psychology concepts
- Attorneys responsible for drafting proposed jury instructions
- Litigation counsel responsible for trial preparation

What You Will Learn

- How to understand the psychology concepts and principles surrounding eyewitness accounts and memory
- Principles of psychology and how to apply them for effective jury selection
- Ways to refine cross examination questioning to address police technique flaws in lineups, interrogations, and investigations
- Unique approaches to jury instructions addressing principles of psychology
- How to compare proposed jury instructions as available in other states

Speaker



Florina Altshiler is a former prosecutor and currently the managing attorney for the Buffalo, New York, office of Russo & Toner LLP, specializing in litigation. She is the exclusive Legal Analyst for WKBW ABC News and an instructor at Columbia University and Buffalo State College. She has been quoted and published throughout the country, including the *Chicago Tribune*, the *Daily Beast*, the *New York Law Journal*, and BBC. She frequently presents for Lawline, ClearLaw Institute, NITA, and various bar associations.

WEDNESDAY, DECEMBER 13, 2017

2:00 p.m. – 3:00 p.m. Eastern

1:00 p.m. – 2:00 p.m. Central

12:00 p.m. – 1:00 p.m. Mountain

11:00 a.m. – 12:00 p.m. Pacific

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