

# FORENSIC COMMUNICATION RED FLAGS CHECKLIST



**EJT Communication Consultant**  
Communicate with Confidence, Inspire with Impact

## ***Quick Identification of Cognitive-Communication Issues That May Impact Legal Decision-Making***

**Purpose:** This checklist helps attorneys identify communication and cognitive-linguistic factors that may affect a client's understanding, decision-making, testimony reliability, or participation in legal proceedings.

**If 2–3 or more items are present, a forensic communication evaluation or record review is strongly recommended.**

### **1 Comprehension & Understanding**

- Difficulty understanding legal rights or warnings
- Appears confused by basic legal terminology
- Requires repeated explanations to grasp the same information
- Answers questions inaccurately despite apparent agreement
- Misinterprets "yes/no" questions
- Appears to guess rather than demonstrate understanding

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### **2 Expression & Language Formulation**

- Word-finding difficulty or frequent pauses
- Disorganized or fragmented responses
- Inability to clearly explain events in their own words
- Responses are vague, overly brief, or tangential
- Difficulty answering open-ended questions
- Limited vocabulary for age or education level

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## 3 Memory & Information Retention

- Inconsistent recounting of events
- Difficulty recalling timelines or sequences
- Confabulation or filling gaps with inaccurate details
- Difficulty retaining information discussed moments earlier
- Reliance on others to recall details

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## 4 Processing Speed & Cognitive Load

- Delayed responses to questions
- Becomes overwhelmed during rapid questioning
- Performance worsens under stress or pressure
- Difficulty keeping up with conversational pace
- Appears fatigued quickly during interviews

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## 5 Executive Function & Reasoning

- Difficulty organizing thoughts logically
- Trouble shifting topics or perspectives
- Poor insight into consequences of statements
- Difficulty weighing options or making informed decisions
- Impulsivity in responses

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## 6 Pragmatics & Social Communication

- Difficulty interpreting tone, intent, or nuance
- Inappropriate responses to serious questions
- Flat affect or mismatched emotional responses
- Overly compliant or eager to please authority figures
- Difficulty advocating for themselves

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## 7 Risk Factors in Case Context

- History of TBI, stroke, neurological disorder
- Learning disability, developmental disorder, or speech/language history

- Mental health diagnosis impacting cognition or communication
- Substance use affecting cognition at time of questioning
- Limited education or literacy concerns

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## Why This Matters

Cognitive-communication impairments can significantly affect:

- **Miranda comprehension**
- **Validity of consent**
- **Reliability of statements**
- **Ability to assist in defense**
- **Credibility of testimony**



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