

# 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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