



EJT Communication Consultant

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The Attorney Strategy Huddle: Witness Reliability Playbook

Strictly for Legal Work-Product | Forensic SLP Consultation

1. The "Cognitive Load" Threshold

- **The Finding:** At what point does the client's language break down? (e.g., after 20 minutes of questioning, or when using complex sentence structures?)
- **The Strategy:** Recommend specific "Brain Breaks" during depositions to prevent the client from becoming suggestible or incoherent due to cognitive fatigue.

2. Linguistic "Red Flags" for Cross-Examination

- **The Finding:** Identify the client's specific "Scramble Markers." Does the client start saying "Yes" to everything when they are confused? Do they lose their "Social Filter" and become irritable?
- **The Strategy:** Prepare the attorney for these behaviors so they can rehabilitate the witness on redirect. *"My client isn't being difficult; they are experiencing neuro-fatigue."*

3. Questioning Structure Recommendations

- **The Finding:** Can the client handle "Open-Ended" vs. "Leading" questions?
- **The Strategy:** Provide the attorney with a list of "Forbidden Question Types" for their own client—structures that are likely to trigger a confused or inaccurate response due to the TBI.

4. The "Masking" Analysis

- **The Finding:** Is the client "masking" their deficits by using filler words or agreeing with the examiner?
- **The Strategy:** Explain to the attorney how the defense will try to use this "normal-looking" behavior to argue there is no injury, and provide the rebuttal data.

5. Physical & Environmental Accommodations

- **The Finding:** Does the client have sensory processing issues (light/sound) that will increase their error rate during testimony?
- **The Strategy:** Document the need for specific environmental controls in the room to ensure a "fair" assessment of the client's testimony.

6. Reliability Rating (The "Scale of Truth")

- **The Finding:** A clinical rating of the client's ability to provide a consistent, reliable narrative.

- **The Strategy:** A blunt assessment of whether this client should be deposed at all, or if the attorney should pivot to a "Capacity" argument to protect the file.