

# Persuasion:

## *Psychology and Presentation*

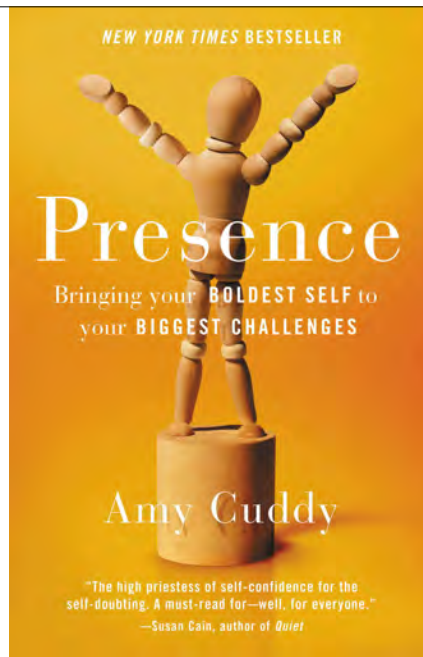
Justin S. Kahn

Kahn Law Firm, LLP  
Charleston, SC

# CONFIDENCE



Amy Cuddy





2 Minutes

Tiny Physical → Big Mental

Testosterone

Cortisol

Effect of Body on Mind





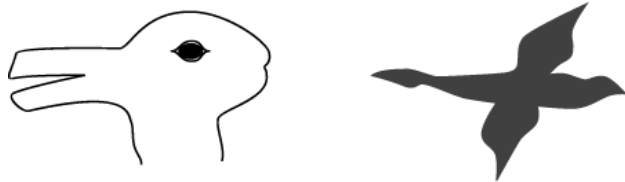
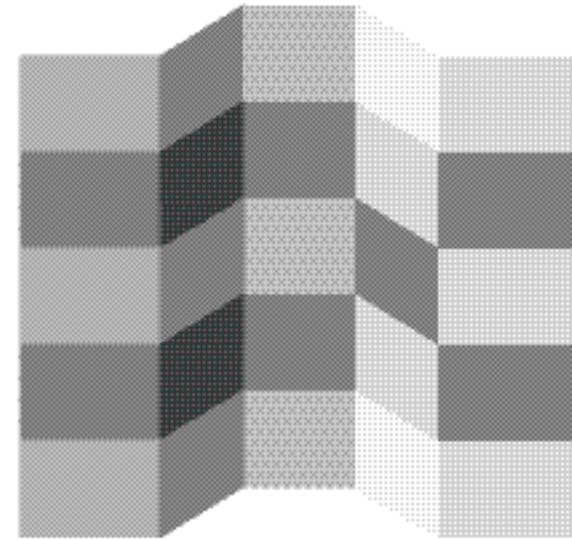
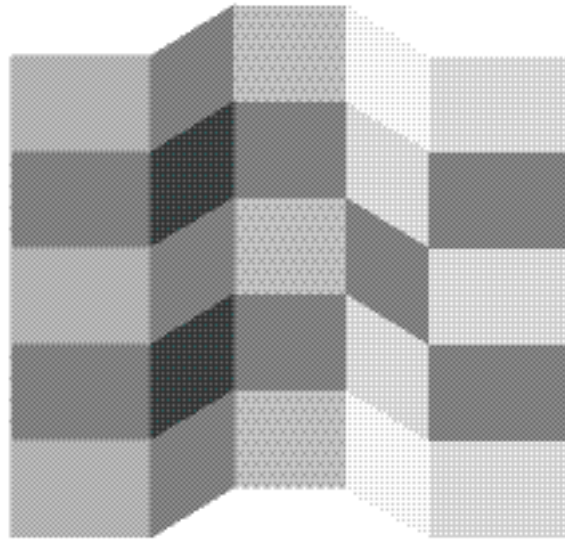
# **Confidence**

Matters !

Intro

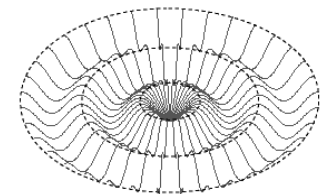
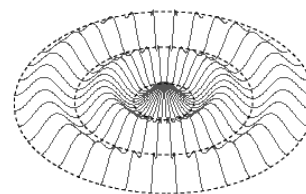
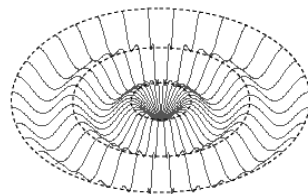
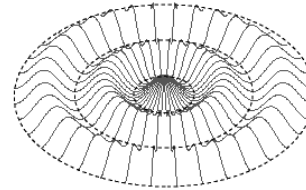
Vision Systems

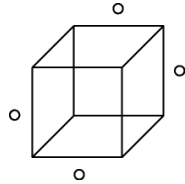




Brain Always  
Recreating

# Hierarchy





Similar Systems for  
Thought?

Constantly Making  
Judgments

Priming and Schemas

## Schemas



## Priming

7

Word Exposure

Prime Mindset

Prime > Schema > Thoughts



Prime Behavior



Assimilation v.  
Adjustment



Assimilate



Adjustment

## Assimilate Experiment

## Adjustment Experiment

## Decoy

Contrast effect

## Subscription

Product A: Online Subscription for \$59

Product B: Online *and* Print for \$125

**68% online**

**32% online and print**

## Subscription

Product A: Online Subscription for \$59

Product B-: Print Subscription \$125

Product B: Online *and* Print for \$125

**16% online**

**84% online and print**

## Subscription Revenues Increased

**68% online**

**32% online and print**

**16% online**

**84% online and print**

Confidence

Priming - Schemas

Anchoring

How Process Problems

Task Blindness

Understanding  
**Attention**

No such thing  
as misdirection

# IT'S ALL THE CONTROL OF ATTENTION



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change blindness

## Cognitive Load

COGNITIVE SCIENCES 13, 307-326 (1988)

### Cognitive Load During Problem Solving: Effects on Learning

JOHN SWELLER  
University of New South Wales

Considerable evidence indicates that domain specific knowledge in the form of schemas is the primary factor distinguishing experts from novices in problem solving skill. Evidence that conventional problem solving activity is not effective in schema acquisition is also accumulating. It is suggested that a major reason for the ineffectiveness of problem solving as a learning device, is that the cognitive processes required by the two activities overlap insufficiently, and that cognitive load problem solving in the form of means ends analysis requires a relatively high level of cognitive resources. Mastery which is consequently assessed with reference to performance on a computational model and experimental evidence provide support for this contention. Theoretical and practical implications are discussed.

Problem-solving skill is highly valued. For most of this century, many theories and educational institutions have placed a heavy emphasis on this ability, especially in mathematics and science (see Dewey, 1916, 1936). Entire movements such as "discovery learning" (e.g., Bruner, 1962) were spawned, at least in part, by the perceived importance of fostering problem-solving skills. This emphasis on problem solving was not associated with a comprehensive knowledge of its characteristics and consequences. In the last few years, this state of affairs has begun to change with the knowledge of relevant mechanisms increasing markedly. These mechanisms have implications for learning, as well as problem solving. The purpose of the present paper is to suggest that contrary to current practice and many cognitive theories, some forms of problem solving interfere with learning.

This research was supported by a grant from the Australian Research Grants Scheme. The conceptual model was constructed with the author's use of ideas in the Learning Research and Development Center, University of Pittsburgh. I wish to thank J. Gagne and H. Simon for discussing aspects of the model with me, and wish to thank B. Ross for assistance with the P-800 program, and J. Clark for the computer software. The program for the New South Wales Department of Education and of the New South Wales Department of Education, and also J. Kohn, Macquarie University, Sydney, helped with the program. Correspondence and requests for reprints should be sent to J. Sweller, School of Education, University of New South Wales, P.O. Box 1, Kensington, NSW 2033, Australia.

307

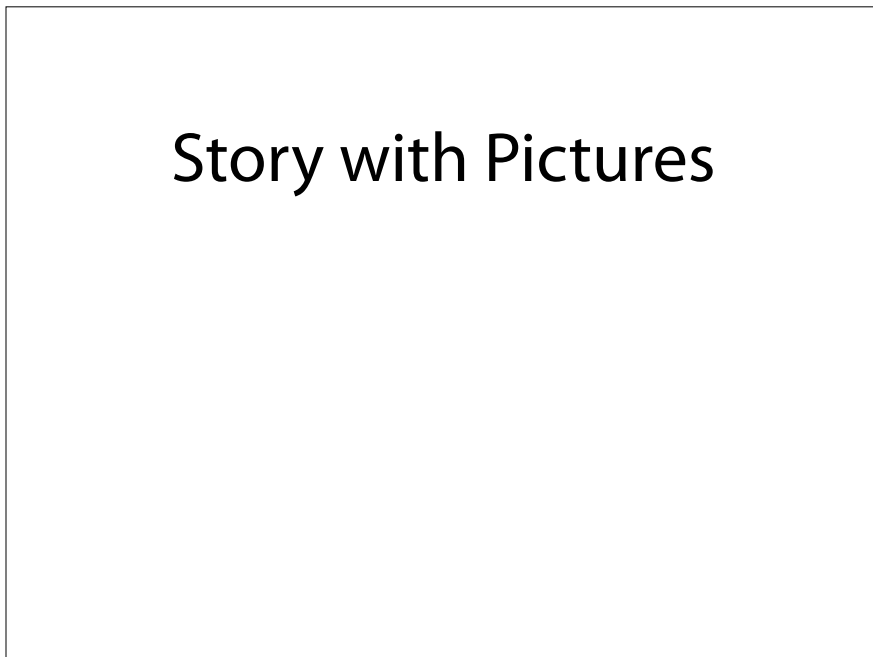
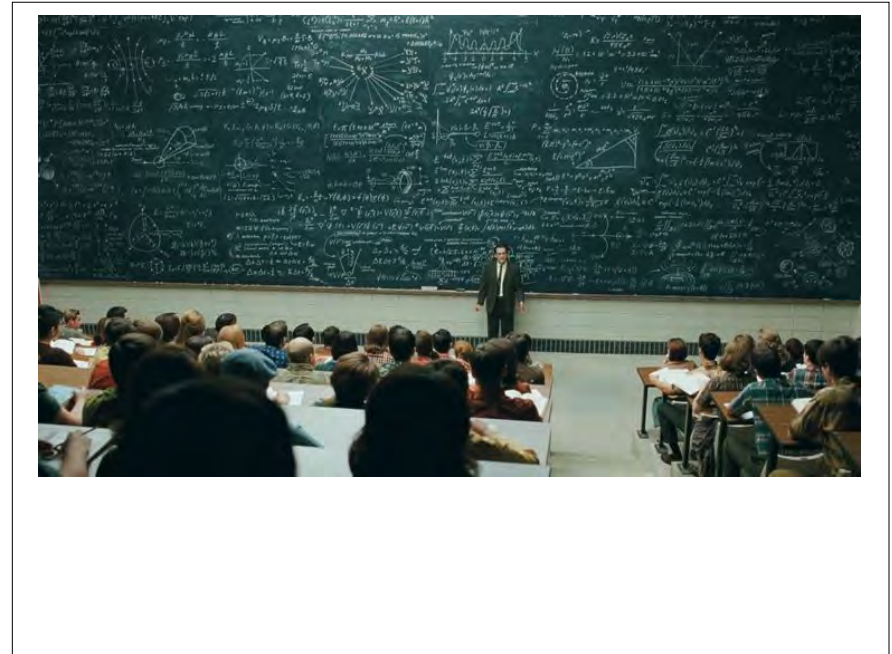
305

over the course of the last 20 years, the concept of cognitive load has become a central concept in the study of human learning. The concept of cognitive load has been defined as the amount of information that is held in the working memory at any one time. The concept of cognitive load has been used to explain a wide range of phenomena, including the effects of task complexity, the effects of task structure, and the effects of task design. The concept of cognitive load has been used to explain the effects of task complexity, the effects of task structure, and the effects of task design. The concept of cognitive load has been used to explain the effects of task complexity, the effects of task structure, and the effects of task design.

Split-Attention Principle

*Visual*  
*v.*  
*Verbal*

**YELLOW BLUE ORANGE  
BLACK RED GREEN  
PURPLE YELLOW RED  
ORANGE GREEN BLACK  
BLUE RED PURPLE  
GREEN BLUE ORANGE**





## Use of Images Power



## Examples

**DON'T BE AFRAID  
OF "WRONG"  
ANSWER**



CVs-  
Membership and License

## Check with Organizations

## Websites

## Organization

From: Kathy Holland <kathy@abpp.org>  
Subject: Re: Mark Wagner - Board Certification Question  
Date: Thursday, 2 April 2016, 10:40 AM  
To: Jason W. Kable <jkable@psychology.com>

Hi Mark,  
You are welcome.  
name of Mark  
Psychology.  
Please let me!  
Have a good day!

Kathy Hill  
Administrative  
Assistant  
American BC  
600 Market  
Chapel Hill, NC  
Email: kathy@abpp.org  
Phone: (919)



You are welcome. As stated on the phone, we do NOT have anyone listed in our system by the name of Mark Wagner as ever being Board Certified with The American Board of Professional Psychology.

Please let me know if you have any other questions.

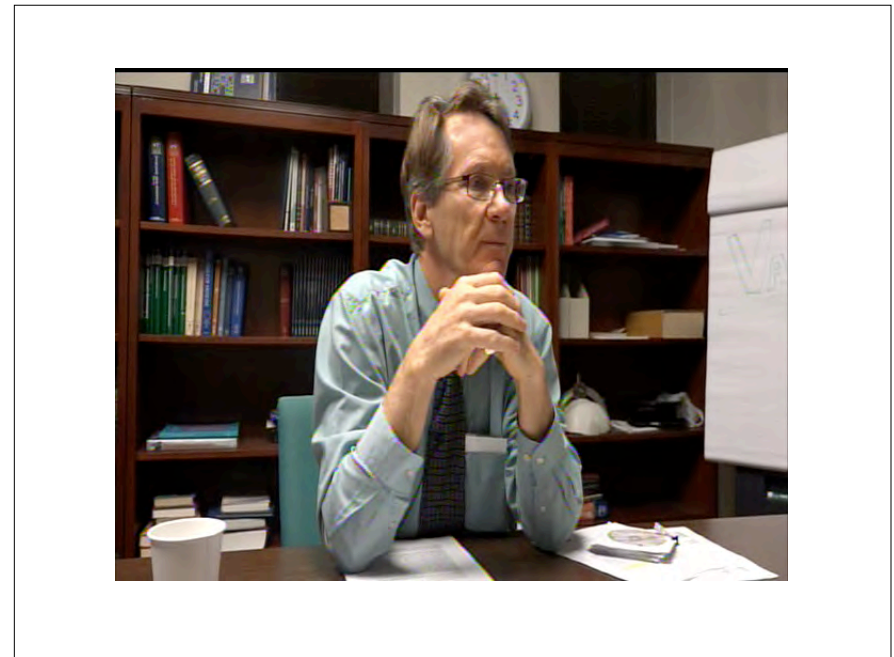
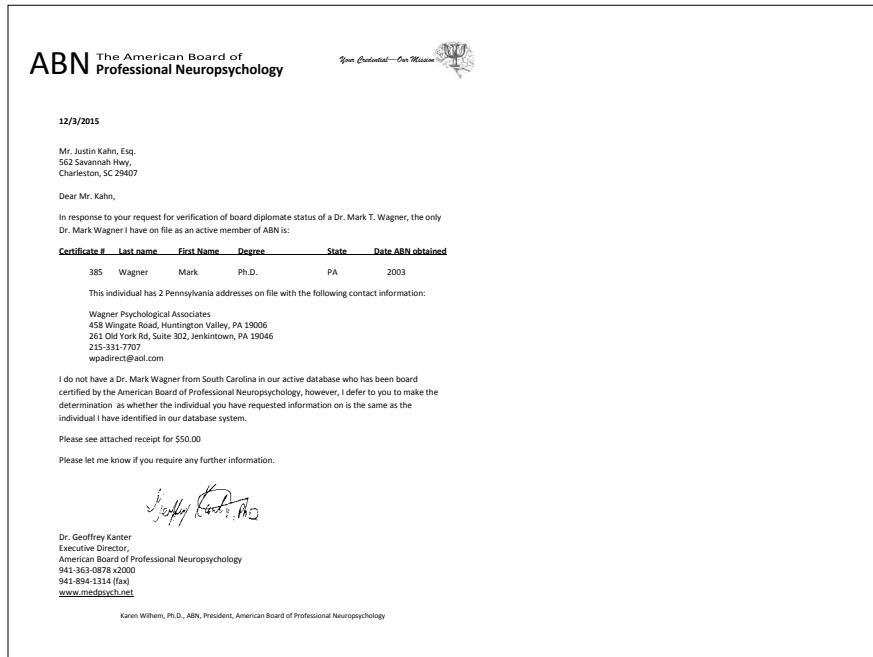
Have a good day!

**Kathy Holland**  
Administrative Assistant  
American Board of Professional Psychology  
600 Market Street, Suite 201  
Chapel Hill, NC 27516  
Email: [kathy@abpp.org](mailto:kathy@abpp.org)  
Phone- (919) 537-8031 ext. 101 Fax - (919) 537-8034



*Watch for details on the ABPP Annual Conference and Workshops  
May 11-14, 2016 in Chicago, IL [www.abpp.org](http://www.abpp.org)*

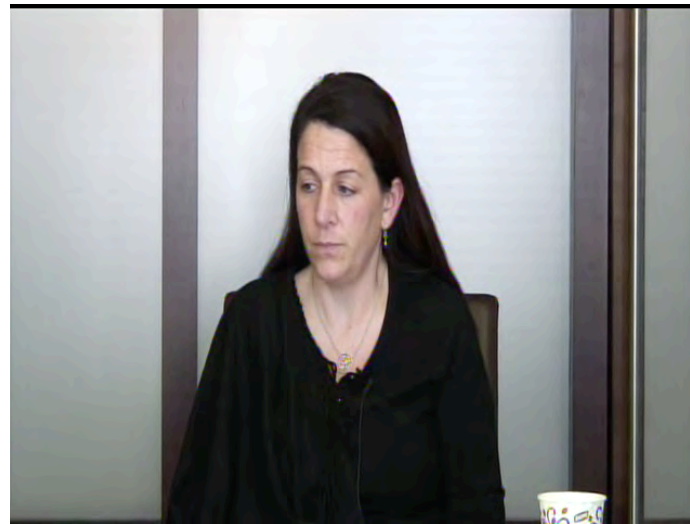
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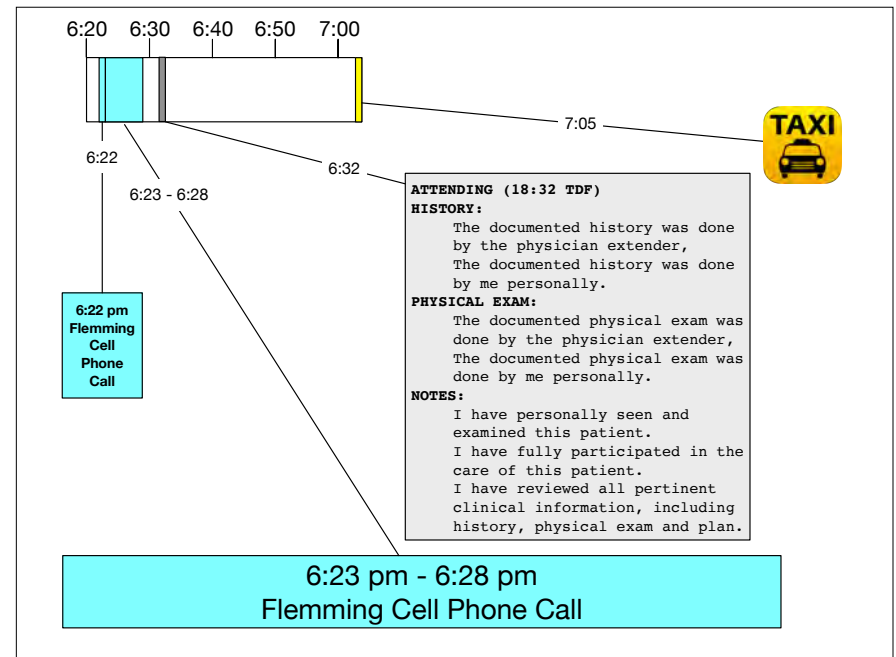
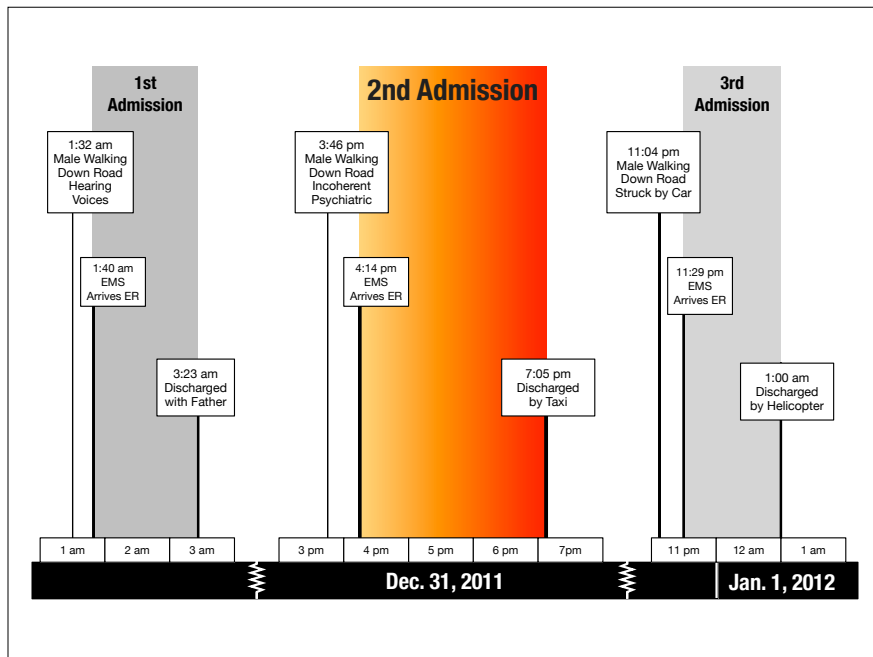


Dealing with Expert  
Repeat EXACT Question



Simple  
Understandable





Persuade Judge via Brief



|   |  |
|---|--|
| IN THE UNITED STATES DISTRICT COURT<br>FOR THE DISTRICT OF SOUTH CAROLINA<br>CHARLESTON DIVISION  |  |
| Ngozi Ukaegbu,  | Case Number 3:14-CV-1696-MBS   |
| Plaintiff,  |  |
| v.  | Plaintiff's<br>Memorandum in Opposition to<br>Defendant's Motion to Substitute<br>Expert Out of Time |
| Tuomey Regional Medical Center,<br>Tracey D. Flemming, M.D., Gregory A.<br>Finch, P.A. and Midlands Emergency<br>Physicians, P.A.                                   |  |
| Defendant.  |  |
| I. Concise Summary of the Nature of the Case.....   | 2  |
| II. Concise Statement of the Pertinent Facts.....   | 2  |
| A. Good Cause Required To Substitute and Moving Party Must Demonstrate Due<br>Diligence Before the Deadline.....  | 3  |
| B. Defense Counsel Shows No Due Diligence and Used Same Expert for the last 5 Years in<br>Other Cases.....  | 4  |
| C. Similar Motion By Same Defense Counsel Involving Same Expert Was Denied Because<br>Judge Determined Information Was Available To Defense Counsel Since 2013..... | 4  |
| D. Court Determined Defense Counsel Withheld Knowledge of Expert Issues.....  | 5  |
| E. Only After Reconsideration In Other Matter Was Denied Did Defense Counsel Call<br>Plaintiff's expert.....  | 6  |
| III. Argument.....  | 6  |
| A. Before Deadline Expires, Due Diligence Must Be Shown to Justify Good Cause.....  | 6  |
| B. No Due Diligence Before Deadline to Name Expert.....   | 7  |
| C. Information About Expert Readily Available Before 2013.....  | 7  |
| 1. Charleston County Records Available Online.....  | 8  |
| 2. Arrests Available Online.....  | 8  |
| D. Delay, Not Due Diligence After Deadline.....   | 10   |
| E. Prejudice of Plaintiff is not the issue - Defendant's Failure to Show Good Cause and<br>Due Diligence Ends Inquiry.....  | 10   |
| F. Plaintiff Would Be Unduly Prejudiced by Substitution of Expert.....  | 11   |
| 1. Motion Was Prompt Deadline.....  | 11   |
| 2. Significant Review and Analysis Conducted of Expert and Report Completed.....  | 11   |
| 3. Newly Identified Expert Has Expanded Capabilities.....   | 12   |
| 4. Option Available as Defense - Keep Named Expert and Use Defendant Doctor.....  | 13   |
| IV. Conclusion.....   | 13   |

## I. CONCISE SUMMARY OF THE NATURE OF THE CASE

In this medical malpractice case, Mr. Ukaegbu is suing the hospital, emergency room physician, the physician's assistant and the physician's practice because they failed to perform a mental health examination or otherwise properly evaluate or treat him for mental problems when he presented to the Tuomey Hospital emergency room on December 31, 2013. Defendants improperly discharged him and, as a result, he was struck by a car. He suffered permanent brain damage, fractured bones and other serious problems.

## II. CONCISE STATEMENT OF THE PERTINENT FACTS

The scheduling order required Defendants Flemming, Finch, and Midlands Emergency Physicians, P.A. (hereinafter "Defendants" or "Defense" or "Doctors") to identify all experts by August 27, 2015. On that date they identified one expert, Eric Larson, M.D.

Now, more than 32 days after the deadline, and with less than 4 weeks before the close of discovery, Defendants seek to substitute another expert for Dr. Larson. The claimed basis is that they recently learned Dr. Larson had testified untruthfully about a wrongful death lawsuit involving his mistress that was filed against him in Charleston County in 2003, as well as about his arrest for using counterfeit tickets to gain entry to a college football game in 2012.

# Graphical Elements



Even the arrest report related to this matter is available online via the following link to [arrest.records](#)<sup>1</sup> (Ex. H - Arrest Report of Oct. 20, 2012.)

<sup>1</sup> Clicking on the link below takes one to the court records concerning the expert. After going to the site, one must simply click on the docket tab and then click on the magnifying glass symbol related to the record one wants to view.

[https://www.alachuaclerk.org/court\\_records/index.cfm?section=caschuckp-00b4g-KaG0YMyhW5RvJ7T1XSMhJ1J2NelyBDLUMnYgmQ0y%3D&casegms-p-ALLAStr01dDate-8Endf1dDate-](https://www.alachuaclerk.org/court_records/index.cfm?section=caschuckp-00b4g-KaG0YMyhW5RvJ7T1XSMhJ1J2NelyBDLUMnYgmQ0y%3D&casegms-p-ALLAStr01dDate-8Endf1dDate-)

The requirement that the examiner be *suitably* licensed or certified is a new requirement. The court is thus *expressly authorized to assess the credentials of the examiner to assure* that no person is subjected to a court-ordered examination by an examiner whose *testimony would be of such limited value that it would be unjust to require the person to undergo the invasion of privacy* associated with the examination...If the proposed examination and testimony calls for an expertise that the proposed examiner does not have, it should not be ordered...

Rule 35 Advisory Committee Notes 1991 Amendment (*emphasis* in original and *emphasis* added).

It is not proper for the Court to kick the can down the road by deciding that credentialing misrepresentations are merely an issue of credibility for a jury. The Court must assess the false credentials submitted as the basis of the proposed examination. Further, if the proposed examination calls for expertise the examiner does not possess, the examination should not be ordered.

As part of the Court's required assessment of Wagner's credentials, it is undisputed that for years his CV unethically contained false information.

8 Q Do you agree that under the Code of Ethics for  
9 the State Board of Examiners in Psychology that a  
10 psychologist shall not misrepresent directly or by  
11 implication his or her affiliations or the purposes or  
12 characteristics of institutions and organizations with  
13 which the psychologist is associated?  
14 A Yes.  
15 Q Do you agree that the State Board of Examiners  
16 in Psychology in South Carolina also says that a  
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18 implication his or her professional qualifications, such

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**FONT**

0:14-cv-00873-MGL Date Filed 12/03/15 Entry Number 85 Page 1 of 20

0:14-cv-00873-MGL Date Filed 12/03/15 Entry Number 85 Page 2 of 20

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

JENNIFER L. STOUT AND  
JAMES A. STOUT,  
  
PLAINTIFFS,  
  
v.  
  
AUTOZONE, INC. AND  
AUTOZONE STORES, INC.,  
  
DEFENDANTS.

C.A. No. 0:14-CV-00873-MGL

PLAINTIFFS'  
MEMORANDUM IN  
OPPOSITION TO  
DEFENDANTS' MOTION  
FOR EXAMINATION  
PURSUANT TO RULE 35, FRCP

Table of Contents


|   |    |
|---|----|
| I. Concise Summary of the Nature of the Case and brief argument as to why motion should be denied.....                  | 1  |
| II. Concise statement of the pertinent facts.....   | 5  |
| A. History of Identification and Expert Disclosures.....  | 5  |
| 1. Plaintiff's Expert Reports and CV Provided Months before Deadline.....   | 5  |
| 2. Consultant Does Not Equal Expert Examination Request.....  | 6  |
| III. Argument.....  | 8  |
| A. Rule 35 Exam Request Has Requirements – It's Not A Right.....  | 8  |
| B. Court Must Assess Credentials of Examiner Who Falsifies His CV and Board Certification.....                          | 8  |
| C. Failure to Provide Required Case List Further Warrants Not Ordering Examination.....                                 | 12 |
| D. Willingness to Engage in Unethical Conduct Warrants Finding that Examination Should Not Take Place.....              | 12 |
| E. Defendants Concede Records and Materials Are Sufficient for Opinions without Examination.....                        | 13 |
| F. Vocational Expert Robert Taylor is Not Suitable to Perform Physical or Mental Exam.....                              | 15 |
| G. Defendants Fail to State Manner, Conditions and The Scope of the Examination.....                                    | 15 |
| H. Defendants Concede Material From Other Sources Sufficient to Render Opinions – Thus, Good Cause Cannot be Shown..... | 15 |
| I. Vocational Expert Is Not Suitable to Conduct a Physical or Mental Examination.....                                   | 16 |
| IV. Conclusion.....   | 18 |

0:14-cv-00873-MGL Date Filed 12/03/15 Entry Number 85 Page 3 of 20

0:14-cv-00873-MGL Date Filed 12/03/15 Entry Number 85 Page 4 of 20


**I. CONCISE SUMMARY OF THE NATURE OF THE CASE AND BRIEF ARGUMENT AS TO WHY MOTION SHOULD BE DENIED**

This is a premises liability case. Mrs. Stout tripped and fell in Defendants' parking lot, shown below. Defendants conducted regular inspections of the parking lot that identified "severely degraded" areas. Managers knew of and warned Defendants of the dangerous condition. No action was taken.



As a result of striking her head against the concrete, Mrs. Stout suffered a traumatic brain injury, fractured skull and immediately began seizing. Defendants do not dispute that Mrs. Stout suffered a traumatic brain injury. Defendants deposed Dr. Arthur Smith, Mrs. Stout's treating neurologist. He testified about the cause and extent of her brain injuries. The illustration below is from his deposition.

**Intracranial Brain Injuries**



Rule 35 motions can be granted with a proper showing. However, Defendants' motion seeking an order requiring Mrs. Stout to "submit to physical and mental examinations by Defendants' expert witnesses"<sup>1</sup> Robert Taylor (Taylor) a vocational consultant, and Mark T. Wagner, Ph.D. (Wagner), a neuropsychologist, should be denied because Defendants fail to meet their burden of establishing "good cause," fail to have suitably qualified experts and for other reasons cited.

Defendants claim "key issues" in controversy "include whether a preexisting medical condition or drug complication caused the fall at issue and whether Plaintiff Jennifer Stout's alleged current cognitive deficits resulted from her fall or are

<sup>1</sup> Defendants' Motion p. 1, Docket 83 (emphasis added).

2

Easy for Judge

Don't make them hunt.

Hyperlink ?

Relevant Part Only !

Thank You