Neil S. Kaye, MD, and Bob Sadoff, MD will answer questions from members related to practical issues in the real world of Forensic Psychiatry. Please send question to nskaye@aol.com.

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Q. Would you please comment on a skilled expert blurting out an answer that she/he knows will be controversial and likely provoke an objection, but contains information the expert really wants to jury to hear?

A. Dr. Sadoff:

I do not recommend blurting things out in court as they may harm the expert who blurts. It is better to say it with conviction after giving it proper reflection. We need to have control and credibility, and appearing thoughtful increases that appearance. While a skilled and experienced "seasoned" expert may be able to make this unconventional tactic work, a less experienced expert likely cannot, and risks harming her/his credibility on front of the jury.

A. Dr. Kaye:

Over time experts learn to use aspects of their personality in their testimony. This may include the introduction of wit, humor, facial expressions, body language and vocal inflection. It may also evoke the "gamesmanship" of the forensic expert, which must be approached in a most cautious manner as such behaviors risk marring the profession as a whole. What works as a style for one expert will not work for another. While it is possible for an expert to inform the jury by blurting things out, it is far better to have the attorney who has hired you bring out these issues on direct examination. This is one of the reasons preparing with the attorney beforehand is so helpful. It allows time for the expert to help educate the attorney about subtleties in a case, and for the two parties to best understand how to communicate with each other and with the jury.