

Complex questions asked by defense lawyers linked to convictions in child abuse trials

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Defendants in child abuse cases are more likely to be convicted if their defense lawyer uses complicated language when interrogating young victims according to new research out of the University of Toronto and the University of Southern California.

The National Institute of Health funded research project conducted by Angela Evans, a PhD candidate, Kang Lee, a professor at the University of Toronto and Thomas Lyon, a professor at the University of Southern California, involved an examination of 223 transcripts from felony child sexual abuse cases in the U.S.

"We looked at whether defense lawyers would ask children unnecessarily complicated questions and whether their complex questions would lead to the designed effect – to make the witness look incompetent thus influencing the jury to decide in their client's favour," said Evans. "To our surprise, defense lawyers who use more complex questioning were 2.16 times more likely to produce a guilty verdict for their client than those who use less complex questions."

An automated linguistic analysis program called Connexor Functional Dependency Grammar (FDG) parser was used to analyze the child witness's testimonies and the attorneys' statements. Such linguistic software programs have been used in the past to determine the author of text such as Shakespeare plays written under a secrete pen name. This is the first time such a linguistic program has been used in a legal context.

"It's also interesting to note that the complexity of questions asked by the prosecution was not significantly related to the trial outcome," added Evans.

Source: University of Toronto

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