**Pinocchio’s Nose: Reading People with the Pros**

*Do you know how to spot a liar? Trial lawyers Harry Schaffner and Lara Bloomquist reveal some of their courtroom techniques to get at the truth.*

**A POLAND:** Can you spot it when someone isn't telling the truth? Today two OLLI instructors who know something about discerning deception discuss how they read people. Both are seasoned courtroom lawyers where the whole truth should be the coin of the realm but sometimes it isn’t. Lara Bloomquist learned to judge people’s credibility as a prosecutor in the LA’s City Attorney's office.

**L BLOOMQUIST:** Certainly, I honed whatever skills I had doing jury trials. Over time you certainly learn and see how people conduct themselves and when they appear to be lying or appear not to be telling the truth and kind of make your decisions on how to proceed after that.

**A POLAND:** Harry Schaffner sharpened his body watching eye in early life, albeit in a less professional setting.

**H SCHAFFNER:** I learned how to read people when I was a young kid playing poker against my friends at the age of thirteen. When you are a kid and trying to win money because it is important to you, and so you learn what are the tells and know when somebody is bluffing.

**A POLAND:** Stay tuned for Pinocchio’s Nose, reading people with the pros.

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**A POLAND:** Welcome to *In Conversation: The Voices of OLLI*. OLLI, O-L-L-I is an acronym for the Osher Lifelong Learning Institute located and networked with the Palm Desert Campus of California State University San Bernardino.

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**A POLAND:** Laura Bloomquist is a popular OLLI instructor. She facilitates courses and current affairs by encouraging classroom discussion. In addition to being a raconteur, Harry Schaffner has taught OLLI and university courses across a spectrum of genres, including lie detection. They began discussing whether the skill to accurately read people is learned through experience or is it innate or wired into the human condition.

**L BLOOMQUIST:** I think a little of both. I think you have to have a sense of it and build on it with experience if that makes sense.

**H SCHAFFNER:** when I was a first-year in Austin and had not yet given up poker because it was a substantial source of my income when I was playing with professionals. There was an L Cove in the law school library that had fun books and one of the fun books on Michelle was titled, *How to Tell Someone is Lying in Seven Steps*. I thought when I picked up the book that it was alchemy. How can anyone hold themselves out to knowing when someone wasn’t telling the truth and to do it in a non-scientific way. Here was something I thought really was non-scientific, how can you tell somebody is lying, picked the book up thinking it was a tapestry. I ended up doing my career in it, not a tapestry at all. It works.

**L BLOOMQUIST:** Yeah, and I think there are lots of different ways to tell if someone is lying. There is nothing magical about it, we do it all the time. We listen to people and think to ourselves well that doesn’t make sense. Once you determine that that doesn't make any sense then you are right there making the decision whether someone is telling the truth. I don't think that it is magic, I think it can be honed. It’s something that we all as humans intuitively do. We listen to what people are saying, we listen to whether or not there are internal inconsistencies in what they’re saying. Let’s say your wife, and you come upon your husband kissing someone in the car. You ask him, ‘what the heck is going on here?’ and you know what the heck is going on but you are going to ask him that and he says, “nothing.” does that say to you that he is telling the truth and nothing is really going on. When you look at the overall circumstances and made a determination based on common sense. I guess what where we start off with.

**H SCHAFFNER:** So, you have gotten to what I think is interesting which is that some lies are the lies of not saying something. In the example just given where the husband doesn’t answer the question by saying “nothing” when he was just seen embracing and kissing. The none answer is the answer you need because it is an admission of the lie. In civil cases, we get to take an interview, a deposition, in which we swear someone under oath. A deposition is then transcribed. Now comes the trial. You have the same witness being asked the same question, and gives a different answer that is some type of inconsistency that has a legal meaning. We have methods for what a jury would be instructed if the witness had said something on a prior occasion that is inconsistent with the sworn testimony in the courtroom.

**L BLOOMQUIST:** Well, I spent 31 years as a prosecutor and in the course of that time I did 165 jury trials. We have a civil disadvantage because we don’t know what he is going to say. There are no civil dispositions and have no right to talk to the defense witnesses unless they want to talk to us which is particularly common. When the witness goes on and we go cold. All we have is to look at are the facts of the case and listen to what we feel are usually internal inconsistencies in what is being said. You have, you certainly have no idea with respect to the details, and the old cliche saying the devil is in the details I think is really true. That is an efficient way to examine somebody by going into the details. What happens is that witnesses and defendants, in particular, have worked out what I call the big lie, say I was with you on January fifth or whatever but they haven’t worked on the details. Once you start examining the details it makes clear that what they’re saying didn't happen or couldn't have happened or didn't appear to have happened. I would say, civil attorneys are in a better position to pose someone but I think that criminal attorneys particularly prosecutors are in a position where they have to do it at the top of their heads or when it is occurring. We are hearing the defense at the same time the jury is hearing the defense. To go back to the woman finding her husband, she saw with her own eyes what he was doing. There aren’t many spins that one can put on that. So, he can get out of the car and say nothing is happening. He can get out of the car and say she’s just a friend. He can get out of the car and say “I don’t know, this woman just jumped in my car.” Whatever his lie is off the top of his head but the circumstances are going to betray him and that is what you are going to focus on.

**H SCHAFFNER:** There are consistent ways that people respond truthfully. There are patterns of behavior and there are patterns of behavior where people respond untruthfully. Those patterns are not only with the words but the visuals you get. How did they breathe, how did they sit, what did their eyes do, what did they do in their chair, did they look at you or did they look away? Did their eyes go to the left, which is a constant tell which we call nystagmus and they stark down sentences and stop and then backtracked? That is common and try to talk over something they earlier said. Did they not finish something they were saying, what did they leave out? Why are they saying it twice? When you put it to an experienced questioner who has been doing it for a long time, that questioner is relying on prior experience with other people. In which that questioner has been able to determine for themselves whether they are saying the truth or nontruth. It is not science but the people who do this well really do it well.

**L BLOOMQUIST:** But again, it is just a little more in-depth than we do as regular humans. You are making determinations, you are determining by the circumstantial evidence. Going back to the woman finding her husband, she saw what her husband was doing. There aren’t many spins that one can put on that. He can get out of the car and tell you “nothing is happening.” He can get out of the car and say “She’s just a friend” or he can get out of the car and say “I don’t know this woman. She just jumped in my car.” Whatever the lie is at the top of his head. Whatever the circumstances are, they are going to betray him.

**H SCHAFFNER:** I will tell you my favorite story about it. In the civil law office, we had a number of people who were coming in to hire the audit. So, they'd have a clipboard where they would give us their identification information. At the bottom of that form, it said “please tell the truth. We are going to rely on and make representations on what you tell us and we need you to tell us the truth.” I pretty much stopped doing divorces, but a man came in to see me and he was a very nice-looking man about 42 years old. He lived in the town I was sitting in at the end of the commuter line in Chicago. We get on that train in the morning and it’s an hour and five minutes and it takes puts you in downtown Chicago. He worked in downtown Chicago so he came in and came out. He came and he wanted to start a divorce. Now right away a flag goes up. Men don’t start divorces unless they have another woman they want to be with. Men don’t start a divorce over lifestyle issues. The man sat down and told me that the wife wasn’t a good homemaker and sometimes when he got home the meal wasn’t ready and found that the house was not clean and she was a day behind on laundry. And I said, “is there anything else?” and he looked at me and said, “No, what could there be?” I said you don’t want to tell me about the lady you met on the train? That you have been sitting next to as you ride in on the train in the morning. You and she take the same train in the evening and get a cocktail in the train station and ride back together. You have been doing this for some time and you don’t want to tell me about her? Now that was a chance that I took and he was either going to call me a charlatan, some kind of a nut or he was going to react differently. His reaction was very nervous and he suddenly got extremely nervous, somewhere in the middle of his nervousness he said “how do you know about this” and then he said “I got to think over.”

 (INCOHERENT NOISES)

**H SCHAFFNER:** and he left. All that happened was that I had decided was that if he wanted, to be honest, he can walk into my office and say I met another woman and I want to divorce my wife, and I would be amendable to that but if you come into my office and say you want to divorce her because she’s a bad homemaker when you are lying because the reason is that you met another woman, you are not my kind of person and I don’t want to represent you. That’s what happened and I never saw him again, happily.

**L BLOOMQUIST:** I think one of the interesting things for me is what makes a good liar? Why are some people good at what they do, in the sense, that they lie and other people that are immediately transparent? They are so clear.

**H SCHAFFNER:** That is a great question. Do you have an answer?

**L BLOOMQUIST:** Yeah, for one I think a liar is pretty much a smart liar and that is someone who is bright enough to keep all their ducks in a row. Understand that if they said that A that would be inconsistent with B.

**H SCHAFFNER:** A good liar is somebody who stays pretty close to the facts because then they don’t have to remember so much and stick pretty close to the facts.

**L BLOOMQUIST:** Right.

**H SCHAFFNER:** And head to a few of them. The general facts are just pretty much the same. Basically, somebody who just conflates the whole thing.

**L BLOOMQUIST:** Well what is interesting is if you take it back again to criminal law, most people when they are telling a story are stuck by the facts. Let’s say the defendant is arrested at the scene. His alibi cannot include that he wasn’t there. He is stuck by those facts.

**H SCHAFFNER:** Ok.

**L BLOOMQUIST:** There are a whole series of those kinds of facts that are eminently provable that he has to conform his lie to and now ok yeah, I was there but I did it in self-defense, or whatever you know he comes up with. The facts do in fact direct what the lie is. The guy that is easy to figure out doesn't stick to the facts. He does not remember or does not incorporate it into something provable into his story

**A POLAND:** The conversation turned into picking jurors. A critical courtroom process called voir dire meaning literally to see and to say in French but is typically understood to mean, to speak the truth.

**L BLOOMQUIST:** I did voir dire and taught voir dire. It is a huge part of a jury trial. I always start out with the idea that most jurors want to sit on a jury. You say most jurors want to get out of jury duty yes that’s true but that usually happens before they get there. So, most people want to tell you what you want to hear and so I would ask various hypotheticals dealing with both. Hope that those hypotheticals and rather than just asking people straight questions where they know where you are going and they answer accordingly. With hypotheticals, people have to think and basically tell you what their reasoning is.

**H SCHAFFNER:** Whenever I could, this is based on a lawyer named Roy Black.

**L BLOOMQUIST:**  I remember who he is.

**H SCHAFFNER:** Who is from Florida, I watched Roy Black trials. The judge had already told the voir dire that the person is presumed innocent and so you get up there and you ask four people at a time vacuous questions and then ask them in an innocuousway “Do any of the four of you have an opinion at all about the guilt or innocence of the defendant?” They all sit there and they don’t have an opinion. You turn to the judge and you say judge I think that these four jurors didn't understand your initial instructions because they should be saying that they have an opinion and the opinion is that the defendant is not guilty as they sit there. Everybody gets the aha moment by doing that. It is a big teaching school, and I don't want to throw them off, I want them to want to be on that jury because I agree with you, they want to be a part of the jury. I want them to want to be a part of that jury but now I say who leaves, so I’m leading them on. So, they owe me

**L BLOOMQUIST:** I think one of the interesting things for me is what makes a good liar. Why are some people good at what they do in the sense that they lie and other people are immediately transparent?

**H SCHAFFNER:** That’s a great question, you have an answer?

**L BLOOMQUIST:** I think in part a good liar is a smart liar and that is someone who is bright enough to keep all their ducks in a row. Facial expressions, if you are a smart liar then that is the first thing you are going to curve. I was sitting in a jury trial and the defendant was testifying and I was listening to it and I was like oh my god you are such a liar and I rolled my eyes and tried to roll my head evidently unbeknownst to me. The judge called me up and pointed out what I had just done but I clearly had done it in front of the jury.

**H SCHAFFNER:** the micro expression is an absolute window into what a person is thinking but women are much better at picking up on this nonverbal stuff than men are. My business was to train men to have the senses that women have. I would stand in front of these groups of men and tell them all the time, “I am trying to make you as smart as your wife. You are going to start looking at the shoes, the purse, the hair, the makeup. You are going to start deciding what your wife has been deciding because those are pieces of information you actually need.”

**A POLAND:** Laura Bloomquist and Harry Schaffner, retired attorneys, talented readers of people, and two of the many vibrant voices of OLLI.

**H SCHAFFNER:** Whoever thought you can get out any miles out of a couple of retired washed-up lawyers.

**L BLOOMQUIST:** Jesus no kidding, watch it.

**H SCHAFFNER:** We’re retired.

**L BLOOMQUIST:** Speak for yourself.

**A POLAND:** This has been *In Conversation: The Voices of OLLI*. Our thanks to Cal State San Bernardino in Palm Desert. Along with the communications study professor, Lacey Kendall, and her media students. This podcast was produced for OLLI by Lou Gorfain and I am Dr. Arlette Poland.

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