

Keep Reptile Theory Out of the Courtroom

For the Defense

09.03.2020

As defense attorneys, we need to expose the reptile theory. We need to educate the judiciary as to why these tactics are improper before trial so that jurors decide cases based on facts, not fear.

To attorneys who defend personal injury or product liability claims, reptile theory is all too familiar. Plaintiffs' counsel across the country have used this tactic during trial to elicit an emotional "fight or flight" response from jurors to invite them to decide cases based on their desire to protect themselves, their loved ones, or the larger community from danger, instead of the evidence presented and the law governing the claims at issue. Put another way, reptilian tactics cause jurors to make decisions using the part of the brain used to survive, rather than the part used for intelligent thought.

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