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## ASKED & ANSWERED: Demosthenes Lorandos

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By Jo Mathis

Legal News

Attorney/psychologist Demosthenes Lorandos was an expert witness for Child Protective Services who became so upset about the way children and families were represented in court that he went to law school in order to defend them correctly.

Lorandos became a nationally noted evidence scholar, defense attorney, and expert in such areas as false allegations of child abuse, sexual abuse, sexual assault, child molestation, shaken baby syndrome, and Munchhausen Syndrome by proxy.

He has appeared on numerous national television shows alongside his clients at the close of a trial, or as an expert. He spoke with the Legal News at his Ann Arbor office about his work.

Mathis: How does your background in behavioral science help your clients?

Lorandos: If you're in trouble - real trouble - who do you want talking to a jury? A lawyer who has to pay for his Yellow Page ad? Or a forensic psychologist? The ability to understand the science concerning factual questions that the jury has to determine, and who has analyzed it correctly and who has analyzed it incorrectly, gives the jury a lot more tools to help them decide things accurately. Being able to understand the personalities, the needs, the wants, the wishes, the desires, the preconceived notions of jurors, and to be able to get a blend of jurors that will be fair and will listen carefully to what's going on is something you hire a jury consultant for. Well, I do that.

Mathis: Will you defend someone you know is guilty?

Lorandos: No. I became an attorney because I was testifying as an expert witness on

behalf of children and families. And I thought the lawyers and judges were idiots. It wasn't until I got to law school that I realized that they weren't idiots at all. But I wanted to advocate as an attorney for people in a way I couldn't as a forensics psychologist. So I have the luxury in this practice of defending criminally only people I believe in. If I don't believe in you, or think you've gotten an unfair deal, you'll just have to find yourself another lawyer.

Mathis: What do you think about the lawyers who do defend those they know are guilty?

Lorandos: I think they serve a vital part in the criminal justice system. We have checks and balances. But we must keep some semblance of fairness in our judicial system, no matter how expensive it is, and no matter how able or unable people are to afford good legal representation.

Mathis: Is it legal for police to lie and trick a suspect in order to get information, and for the courts to withhold vital evidence from juries?

Lorandos: It's legal for cops to lie and to trick suspects in order to get vital information, says the Supreme Court. It's not legal to withhold vital information. Some of the better prosecutorial misconduct cases have turned on withholding information they should have given up. That's called a Brady Violation. There's a trade-off, of course, in our society. There are some really bad things that happen. And sometimes bad things need to occur in order to find out what went on. It's supposed to be balanced out in the trial process in the admission or denial of evidence. It's a balancing test, and I engage in it every day in courts all over the country.

Mathis: Were those prosecutors prosecuted for lying and cheating?

Lorandos: Prosecutors are never tried for the lying, cheating and undercutting they do. That's not to say there aren't good prosecutors. Certainly there are many tremendous, ethical and hardworking prosecutors we've had the pleasure and honor to work with. But there are some who cheat, lie, undercut, create phony evidence. People don't often remember that for every case where someone's has been let out of prison because they were falsely convicted ... there were prosecutors behind them who fought tooth and claw to keep the guy in prison.

Mathis: What's your favorite part of your job?

Lorandos: Talking to juries.

Mathis: So how do you sway them?

Lorandos: I talk to them from my heart. I tell them the truth. I speak to them knowing who they are. I work very hard to know who the members of the jury are.

Mathis: How do you do that? Do you watch them as the trial progresses?

Lorandos: Absolutely. And I talk to them in voir dire, which is where juries are selected. I listen to what they say, what they're concerned about, what their lives are like, what's important to them.



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Mathis: Who don't you want on your jury?

Lorandos: I try to avoid fundamentalists of any kind, particularly people of a fundamental religious orientation because they are dramatically lacking in the ability to do critical thinking. Critical thinking doesn't require that you're smart or have a lot of education. It just requires that you say, "Well, gee, how do you know that?" Or: "Is that really true? What do we know about that?" I've had rural jurors who don't have any teeth and haven't finished the eighth grade who'll sit down and try to wrestle with something. They have few educational tools, but they're honest and they want to know. They have curiosity. That's the juror I want.

Mathis: How do you handle a loss in the courtroom?

Lorandos: I'm a first generation American. I'm Greek and Australian by nationality, so I get intensely emotional about these kinds of things. Usually when we lose -- and it's only happened a few times -- it's because of the rulings made on evidence by the judges. And for the most part, we get them reversed. But it's galling, particularly when you're an evidence scholar and you write a textbook and you update it every year about expert evidence -- to have a ruling you know is going to put a torpedo below the waterline in your case. And then to have to hold your client's hand while the jurors are prevented from knowing what really went on. And hold their hand until you can get it to smarter judges in a court of appeals to reverse it and get you a new trial.

I'm sure everyone's had the experience of working for a boss who is nowhere near as smart as you are or knows as much as you do. Well, that's what it's like.

Mathis: Anything interesting you're working on now?

Lorandos: We're getting ready to defend a wealthy gentleman who made the mistake of marrying a very pretty gold digger who got him involved in crazy schemes and drugs and terrible things. When he began to see what she'd done to him and began to push her away, she convinced her 8-year-old daughter that the best thing to do was say that he'd been having sex with her on a regular basis. We're going to defend him. The prosecutors in the case want to make a name for themselves and bring this guy down.

Mathis: How do you coach your clients before they take the stand?

Lorandos: It's not coaching. It's trying to help people speak accurately about the question asked. And how to speak plainly and truthfully in response to the questioning. People tend to be tongue-tied, to be afraid, to blurt things out, to do all kinds of goofy things. And as a forensics psychologist as well as a trial lawyer, we work with our clients to help them get the most succinct truthful answer to any question that's asked.

Mathis: So sometimes an innocent person's behavior makes them appear guilty?

Lorandos: Of course. Sure. They're embarrassed. They're disconcerted about what's happened. They're afraid of what could occur. They may act furtively or nervously,

and we're taught to see those kinds of behaviors as indications of guilt. They're not, often, but we watch a lot of television, and that's what's portrayed. So we help our clients understand how people are going to see them. We often rehearse with clients on close circuit video so they see how they come across. We'll say, "Did you answer that truthfully? Are you being honest? Are you communicating factually or are you mincing words? Let's cut to the chase. Let's try to be as truthful and realistic and as simple as possible."

Mathis: What do you think about murder as entertainment, as evidenced by all the true crime shows?

Lorandos: There's a phenomenon in psychology called schadenfreude, and it means that we get some sort of secret pleasure out of watching someone else's misfortune. It's an unfortunate attribute of our character.

Mathis: Do you ever wish you were representing a particular big case in the news?

Lorandos: We get calls all the time from people who are working with the "big firms" and they're getting nowhere. So they bring us in. We're doing a big case like that in New York right now, and another one in Texas. We just finished one in California where the clients always tell us they got more out of us in six months than they got out of the "big firms" unquote in the previous two years. We get called in to fix disasters. We value our ability to get a very lean, aggressive litigation firm up to speed very quickly. That's why our firm is national.

We're not in Ann Arbor because we're doing much in Ann Arbor. We're in Ann Arbor because it's a wonderful community to live in and because we're an hour away from four international airports. But our practice is national.

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