

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,)	
)	
v.)	
)	
BRIAN JEFFREY RAYMOND,)	
)	CRIMINAL NO. 1:21-cr-00380-CKK
Defendant.)	
)	

DEFENDANT’S NOTICE OF INTENT TO OFFER EXPERT TRIAL TESTIMONY

Defendant Brian Jeffrey Raymond, through undersigned counsel, hereby provides notice, pursuant to Federal Rule of Criminal Procedure 16(b)(1)(C), Federal Rule of Evidence 702, and the Court’s Scheduling Order entered August 15, 2023, that he intends to present expert testimony at trial regarding witness perception and memory.

Dated: August 25, 2023

Respectfully submitted,

s/John Marston
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August 25, 2023

Via Email

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Re: United States v. Brian Raymond, 21-CR-380 (CKK)

Dear Ms. Buckner and Ms. Mayer-Dempsey:

Brian Raymond hereby provides to the government those disclosures required by Rule 16(b)(1)(C) of the Federal Rules of Criminal Procedure pertaining to the expert witness testimony of Dr. Elizabeth Loftus, Distinguished Professor of Psychological Science and Law at the University of California, Irvine. Dr. Loftus will testify as an expert in the field of memory science, including the nature of memory reconstruction, and the impact of events on memory.

Dr. Loftus is one of the nation's leading experts on the science of memory. In addition to her experience as an academic and clinical researcher, she has been an expert witness or consultant in hundreds of cases. Her extensive experience and credentials are recited in her curriculum vitae. Exhibit A. Her trial testimony during the preceding four years is set forth on Exhibit B.

Angela Buckner and Meredith Mayer-Dempsey

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It is expected that Dr. Loftus, a psychologist who specializes in the study of memory, will focus on the memory aspects of this case. Based on her education, training, experience, and research, her testimony will concern the workings of human memory, the effects of suggestion on memory, the mechanism of creation of false memories, the characteristics of false memories, how memory fades and weakens over time, and how memory becomes more vulnerable to contamination. She will describe scientific research showing that false memories can be described with confidence, detail, and emotion, just like true memories. This can occur when people come to believe in these experiences and are not deliberately lying. Dr. Loftus would identify some of the suggestive activities that occurred in the current case.

Dr. Loftus will inform the jury that suggestive activities can explain how it is that a person might go from having no memory of sexual abuse to later having “memories” of abusive acts, even where the memories are false. She will explain the mechanism by which false and/or distorted memories can be created as a result of post-event information and occurrences, suggestion, influence or the like. She will also testify about the characteristics of false and/or distorted memories. In particular, “memories” can be described with confidence, detail and emotion, even when they are false. She may be called upon to point out some of the suggestive activities that occurred in this case. She will explain how media coverage and other publications (including but not limited to newspaper and magazine articles, news reports, television shows, documentaries, books, podcasts, websites, etc.) and discussions/conversations with others, can be sources of suggestion. She will explain how, in a case like this one, suggestion can lead individuals to the construction of distorted memories. Dr. Loftus’ will essentially provide “teaching testimony,” an example of which is attached as Exhibit C, which demonstrates the opinions Dr. Loftus will be called upon to provide in this case, and the bases for such opinions. Dr. Loftus is not expected to prepare a written report in this case.

Sincerely,

/s/ John Marston

John Marston

Counsel for Brian Raymond

Reviewed and Approved by:

/s/ Elizabeth Loftus

Dr. Elizabeth Loftus

cc: A. Joseph Jay III
Denise Giraudo

Exhibit A

ELIZABETH F. LOFTUS

Distinguished Professor
University of California, Irvine

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email: eloftus@uci.edu
web: <http://socialecology.uci.edu/faculty/eloftus/>

EDUCATION

B.A., with highest honors in Mathematics and Psychology, UCLA, 1966
M.A., Psychology, Stanford University, 1967
Ph.D., Psychology, Stanford University, 1970

TEACHING EXPERIENCE

Permanent

Distinguished Professor, University of California, Irvine, 2002 – present

Psychological Science, 2002-

Criminology, Law & Society, 2002 –

Cognitive Sciences, 2002-

Fellow, Center for the Neurobiology of Learning and Memory, 2002-

Founding Director, Center for Psychology & Law, 2005 - 2012

School of Law, 2007-

Affiliate Professor, Univ. of Washington, Psychology Dept and School of Law, 2002 – 2016.

Assistant, Associate, Full Professor, University of Washington, 1973-2002

Adjunct Professor of Law, University of Washington, 1984-2002

Assistant Professor, The New School, Graduate Faculty, New York 1970-73

Visiting

Harvard University, Seminar on Law and Psychology, 1975-76

National Judicial College, University of Nevada, 1975-87 (summers)

Visiting Professor, Georgetown University Law Center, 1986

HONORS AND AWARDS

Honorary Degrees

Doctor of Science, Miami University (Ohio), 1982

Doctorate Honoris Causa, Leiden University, The Netherlands, 1990

Doctor of Laws, John Jay College of Criminal Justice, City University of New York, 1994

Doctor of Science, University of Portsmouth, England, 1998

Doctor of Philosophy, Honoris Causa, University of Haifa, Israel, 2005

Doctor Honoris Causa, University of Oslo, Norway 2008

Doctor of Social Sciences Honoris Causa, Goldsmiths College, University of London 2015

Doctor of Science Honoris Causa, Australian National University, Dec. 2022

Honorary Societies

Phi Beta Kappa, elected 1965 (President of University of Calif. – Irvine chapter, 2005-06).

Pi Mu Epsilon, National Mathematics Honorary, elected 1965
Mortar Board, National Senior Women's Honorary, elected 1965
Elected, Golden Key International Honour Society, honorary member, 2005

Fellowships

Office of Education Traineeship, Stanford University, 1966-69
National Institute of Mental Health Fellowship, Stanford University, 1969-70
American Council on Education Fellowship in Academic Administration, Harvard University, 1975-76
Fellow, Center for Advanced Study in the Behavioral Sciences, Stanford, 1978-79

Grants, Contracts, Research Funding

National Institute of Mental Health, 1971-72; 1972-73; 1976-79 (Human Memory)
U.S. Department of Transportation, 1974-76 (Human Memory)
General Services Administration, 1974-75 (Communications--w/Keating)
National Bureau of Standards, 1976-77; 1980-82 (Communications--w/Keating)
National Science Foundation, 1978-85 (Human Memory)
National Science Foundation, 1980-83 (Jury Behavior--w/Severance)
National Science Foundation, 1983-85; (Hypnosis--w/Greene)
National Institute of Mental Health, 1984-86; 1986-89; 1989-92 (Memory)
National Center for Health Services Research, 1986-88 (Survey Memory)
National Science Foundation, 1986-88; 1988-91 (Jury Comprehension--w/Greene-Goodman)
Fund for Research on Dispute Resolution, 1989-91 (Predictions of Success--w/Goodman)
National Institute of Health, 1991-95 (Cognition & Health--w/Croyle)
National Institute of Health, 1993-94 (Health/sex memory: subcontract from UCSF/Catania)
Leverhulme Trust, Postevent info and erasing memories, 1997-1999 (w/ Dan Wright, Univ. of Bristol)
Royal Society of Edinburgh, Travel Grant, 2006
Grawemeyer Award Funding given to UCI, 2005-present.
Newkirk Center for Science & Society, 2017-2019.

Awards & Honors

National Lecturer of Sigma Xi, 1978-80
American Psychological Association nomination for the NSF Waterman Award for Outstanding Contributions to Science, 1977 and 1978
National Media Award for *Eyewitness Testimony* (American Psychological Foundation, Distinguished Contribution, 1980)
Greyhound Research Award, 1987-88
Honorary Fellow, British Psychological Society, 1991 (includes lifetime membership)
George E. Allen Professor, University of Richmond School of Law, 1995
American Academy of Forensic Psychology, Distinguished Contributions to Forensic Psych Award, 1995
American Association of Applied and Preventive Psychology (AAAPP), Distinguished Contribution to Basic and Applied Scientific Psychology Award, 1996
Association for Psychological Science, James McKeen Cattell Fellow ("For outstanding lifetime contributions to the area of applied psychological research"), 1997
Oklahoma Scholar Leadership Enrichment Program Scholar 2001
Association for Psychological Science, William James Fellow Award, 2001 ("For significant lifetime intellectual contributions to the basic science of psychology.")
Quad L Award (for "outstanding life-long contributions to our understanding of learning or memory processes" University of New Mexico) 2002
National Academy of Sciences: Henry & Bryna David Lectureship, 2002 (inaugural award, for "application of the best social and behavioral sciences research to public policy issues") Speech delivered at NAS (2002). Article selected for inclusion in: *The Best American Science and Nature Writing*, (2003)
Society for the Scientific Study of Sexuality (SSSS), Contributions to Sexual Science Award, 2002
American Academy of Political and Social Sciences, elected Thorsten Sellin Fellow, 2003
Distinguished Scientific Award for the Applications of Psychology, American Psychological Assn, 2003.

American Academy of Arts & Sciences, elected Fellow, 2003
National Academy of Sciences, elected 2004.
Grawemeyer Prize in Psychology (for “Outstanding Ideas in the Science of Psychology”), 2005
Royal Society of Edinburgh, Corresponding Fellow (Scotland’s National Academy of Science & Letters, Est 1783). 2005
Distinguished Member of Psi Chi (The National Honor Society in Psychology), 2005
Lauds & Laurels, Faculty Achievement Award, University of California- Irvine, (for “great professional prominence in their field” in research, teaching and public service; 9th recipient in UCI history), 2005
Ireland Distinguished Visiting Scholar Prize, 2006
American Philosophical Society (U.S. oldest learned society, Est. 1745 by Benjamin Franklin), 2006
International Academy of Humanism, elected Humanist Laureate, 2007 (for “outstanding contributions to science, law, and academic freedom, and to the public understanding of the human mind”)
McGovern Award Lecture, “honors outstanding behavioral scientists from around the world.” American Assoc. for the Advancement of Science, 2009
Distinguished Contributions to Psychology and Law, American Psychology-Law Society, 2009.
Joseph Priestley Award (for “achievement in the sciences”), Dickinson College, October, 2009.
Howard Crosby Warren Medal, Society of Experimental Psychologists – Est. 1904, (for “significant contributions to the understanding of the phenomenology of human memory, especially its fragility and vulnerability to distortion”) 2010
American Association for the Advancement of Science Award for Scientific Freedom and Responsibility (for “the profound impact that your pioneering research on human memory has had on the administration of justice in the United States and abroad.”), for year 2010, ceremony Feb, 2011
Forensic Mental Health Assn of California, William T. Rossiter Award (for “exceptional global contribution to the field of forensic mental health”), 2012.
University of California, Irvine Medal (for “exceptional contributions to the vision, mission, and spirit of UC Irvine”) 2012
Foundation for Critical Thinking, Bertrand Russell Scholar, 2013.
Gold Medal Award for Life Achievement in the Science of Psychology. American Psychological Foundation. (for “extraordinary contributions to our understanding of memory during the past 40 years that are remarkable for their creativity and impact”) 2013.
Cornell University: Law, Psychology & Human Development Lifetime Achievement Award (“In Recognition of a Distinguished Career of Pioneering Contributions in Legal Applications of Psychological Research”), 2015
Isaac Asimov Science Award, American Humanist Association, 2016
John Maddox Prize (for “promoting sound science and evidence on a matter of public interest, with perseverance and courage”), 2016
Western Psychological Association, Lifetime Achievement Award (“in recognition of Outstanding Career Contributions to Research and Teaching”, 2018
Albert Wolters Distinguished Visiting Professor (“in recognition of her world-class contributions to cognitive psychology”), University of Reading, 2018
Ulysses Medal, University College Dublin, Ireland (“the highest honor bestowed by UCD”) 2018
Lifetime Achievement Award for Psychology, Australian National University, (for “pioneering research on the science of human memory”) 2019
American Philosophical Society’s Patrick Suppes Prize in Psychology, “in recognition of her demonstrations that memories are generally altered, false memories can be implanted, and the changes in law and therapy this knowledge has caused”, 2020
International Union of Psychological Science, Lifetime Career Award, (for “distinguished and enduring lifetime contributions to advancing knowledge in psychology.”) 2021

Other Public Honors & Recognition

Committee for the Scientific Investigation of Claims of the Paranormal (CSICOP): “In Praise of Reason” Award, 1994 (Renamed: Committee for Skeptical Inquiry – C.S.I.)
Sexual Sanity Award, Sexual Intelligence, 2001
OC Metro magazine selection as one of the “Hottest 25 People in Orange County for 2002”

Listed in One Hundred Most Eminent Psychologists of the 20th century. #58. *Review of General Psychology*, 2002. (top ranked female psychologist).
University of Portsmouth (England) endowed a prize for the best research dissertation in their MSc Program in Forensic Psychology, naming it The Elizabeth Loftus Award, 2004.
“The false memory diet”, “Most noteworthy ideas of 2005”, *New York Times Magazine*, 2005.
University of Klagenfurt, Student Scientific Board selection- “Nobel Prize in Psychology”, Austria, 2005.
Listed in Who’s Who in America, Who’s Who in Science and Engineering, Who’s Who in American Education, Who’s Who in Social Sciences Higher Education (WSSHE), World Who’s Who of Women, and various others.
Bethschrift Redux: Research Inspired by the Work of Elizabeth F. Loftus Special Issue of *Applied Cognitive Psychology*, edited by M. Garry & H. Hayne, Vol. 20, 2006.
Fellow, German Skeptics Organization, GWUP, elected 2018

PROFESSIONAL MEMBERSHIPS

Current:

American Association for the Advancement of Science (Fellow; Board of Directors, 2013 - 2017)
Association for Psychological Science (Formerly American Psychological Society; President 1998-99)
Western Psychological Association (President, 1984; President 2004-2005)
Psychonomic Society (Governing Board, 1990-1995) Lifetime Member
Society of Experimental Psychologists, (1990 -)
British Psychological Society (1991, Lifetime Member)
National Academy of Sciences, (2004 -)
American Academy of Arts and Sciences (2003 -).
Royal Society of Edinburgh (2005 – Lifetime Corresponding Fellow)
American Philosophical Society (2006 -)

Past:

American Psychological Association (Fellow-Div. 3, 35, 41; President, American Psychology-Law Society, Div. 41, 1985; President, Experimental Psychology Division, Div. 3, 1988) (1973-1996)
Institute for the Study of the Trial (Board of Directors, 1979-81)
Law and Society Association (1982-89)
Eastern Psychological Assn, Elected Fellow 2011

OTHER PROFESSIONAL EXPERIENCE

Member, Psychology Education Review Committee, National Institute of Mental Health, 1977-79
Associate Editor, *American Psychologist*, 1990-94
Editorial Board Member:
Journal of Experimental Psychology, 1974-87
Human Learning, 1980-86
Social Cognition, 1981-92
Law and Society Review, 1982-86
Information and Behavior, 1983-90
American Journal of Psychology, 1989-2008
Justice Quarterly, 1984-95
Behavioral Sciences and the Law, 1985-99
Applied Cognitive Psychology 1987-93
(Special Editorial Advisor, 1993-)
Law and Human Behavior, 1980-2005
Ethics and Behavior, 1989-91
Forensic Reports, 1987-92
The Forensic Echo, 1998-2000
Psychology, Crime and Law, 1992-
Psych Science in the Public Interest, 1999-
Canadian Psychology 2001-
Perspectives on Psychological Science, 2005 - 2017
Internat. J of Psychology, Cons Ed, 2005 -12
Experimental Psychology, 2008 -
Psychology of Consciousness 2012 –
Memory, Mind & Media, 2021 -
Journal of Criminal Psychology, 2023-

Advisory Board Member:

British Journal of Psychology, 1983-99(approx) *Psychology Today*, 1999-2003

Skeptic Magazine (UK), 2009 – present.

Member, Council for Scientific Medicine, *Scientific Review of Alternative Medicine*, 1998-

American Psychological Association committee work:

Member, Communications Committee, 1975-76; Member, Magazine Task Force, 1975-76;

Member, Finance Committee, 1976-78; Member, Comm. on Organization of APA, 1977-78;

Commission on Organization, 1978-82; Council of Representatives, Div. 3, 1982-85;

Executive Committee, Div. 41, 1981-85; Member, Ethics Committee, 1984; National

Policy Studies Oversight Committee, 1986; *Psychology Today*, Board of Directors, 1987-88;

Comm. on Division/APA Relations (CODAPAR), 1988-89, Public Information Comm. 1989-1992

Task Force on Recovered Memories of Child Sexual Abuse, 1993-96

Association for Psychological Science (Formerly American Psychological Society) Committee work:

Fund for Advancement of Psychological Science, Board Member, 2003- . (Chair: Bequest Subcommittee).

Cattell Award Committee, 2001-05 .

Association for Advancement of Psychology (AAP), Board of Trustees, 1981-85

Federation of Behavioral, Psychological, and Cognitive Sciences:

Executive Committee, 1992-95

National Academies: (inc. National Academy of Sciences)

Committee on ELF Radiation, 1976-77

Committee on Basic Research in the Behavioral and Social Sciences, 1980-82

Committee on Use of Statistical Evidence in Court, 1982-85

Committee on Cognitive Aspects of Survey Methodology, 1982-83

Division of Behavioral & Social Sciences & Education (DBASSE) Executive Board, 2005 -2011

National Academy of Sciences, Class Membership Committee, 2005, 2006,. 2007

Committee on Military and Intelligence Methodology for Emergent Physiological and Cognitive/Neural Science Research, 2007 - 08.

Board on Human-Systems Integration, NRC, 2014- 2017

Standing Committee on Advancing Science Communication Research and Practice 2018- present

American Philosophical Society

TNG for Psychology, 2006-08

Social Sciences Research Council:

Committee on Cognition and Surveys, 1985-90

Bureau of National Affairs, Advisory Committee on Complex Litigation, 1987-1990

Representative from University Faculty to State Legislature, 1976-78

Advisory Comm., Institute of Government and Public Affairs, Univ. of Illinois, 1987-1992

FMS Foundation Advisory Board, 1992-2019.

NIMH Behavioral Sciences Task Force, 1993

Sage Series on Counseling Women, Advisor, 1995-96

Exploratorium, San Francisco's Science Museum, Advisor, 1990-91, 1996-98

Brain.com Corporation, Scientific Advisory Board, 1999-2001

Center on Wrongful Convictions, National Advisory Board, 2000-

NewKirk Center for Science & Society, Advisory Board, 2002-

International Institute of Psychotherapy and Applied Mental Health

Babes-Bolyai University, Cluj-Napoca, (Affiliated faculty), Romania, 2003 - .

Member, Board of Commissioners, American Judicature Society Commission on Forensic Science & Public Policy, 2005-2010.

Sage Cognitive Psychology Program, Consulting Board Member, 2006-2008

Institute for Memory Impairments and Neurological Disorders (MIND), Advisory Board, 2009-2015

Committee for Skeptical Inquiry (CSI), Executive Council, 2011- present.

National Science Communication Institute, Board of Directors, 2011-2014.

Consortium of Social Science Associations (COSSA), Board of Directors, 2012 – 2013

GOVERNMENT AND OTHER CONSULTING

General Services Administration, 1974-77
Federal Trade Commission, 1976-77
Bay Area Rapid Transit, San Francisco, 1979
U.S. Department of Justice (National Crime Survey), 1980
Consultant for attorneys and other members of the legal profession in 34 US states,
Canada, South Korea, Israel, Sweden, Japan, The Netherlands, Ireland, Scotland, Portugal
Law Reform Commission of Canada, 1981
Westin Hotels, AT&T, Schering-Plough, L.A. Gear, and other corporations
Internal Revenue Service, 1984
National Center for Health Statistics, 1985
US Secret Service, 1986
Unified Court System, NY., 1989-90
Consultant to Canadian Government Officials re eyewitness testimony (Sophonow Inquiry), 2001
Central Intelligence Agency, 2005 –2006. .
Veterans Education Association, Academic Advisory Board Member, 2006 .
Grawemeyer Award External Review Panel, 2008.

PUBLICATIONS

Books

Mednick, S.A., Pollio, R. H. & Loftus, E.F. (1973). *Learning*. Englewood Cliffs, NJ: Prentice-Hall.
· Japanese edition: Iwanami Shoten Publishers, Tokyo.
Loftus, G.R. & Loftus, E.F. (1976) *Human Memory: The Processing of Information*. Hillsdale, NJ: Erlbaum Associates.
· Japanese edition: University of Tokyo Press.
Bourne, L.E., Dominowski, R. L., & Loftus, E.F. (1979). *Cognitive Processes*. Englewood Cliffs, NJ: Prentice-Hall.
Loftus, E.F. (1979). *Eyewitness Testimony*. Cambridge, MA: Harvard University Press.(National Media Award, Distinguished Contribution, 1980). (Reissued with new Preface in 1996).
· Japanese edition: Seishin Shobo, Tokyo. Chinese edition: China Renmin Univ Press 2022.
Loftus, E.F. (1980). *Memory*. Reading, MA: Addison-Wesley. (Reprinted by NY: Ardsley Press 1988).
· Swedish edition: Liber Forlag, Stockholm.; Hebrew edition: Or Am, Tel-Aviv.; French edition: Le Jour, Editeur.; Spanish edition: Compania Editorial Continental.; Danish edition: Hernon Publishers.
Wortman, C.B. & Loftus, E.F. (1981). *Psychology*. New York: Random House (Knopf).
Loftus, G.R. & Loftus, E.F. (1982). *Essence of Statistics*. Monterey, CA: Brooks/Cole.
Bootzin, R., Loftus, E., & Zajonc, R. (1983). *Psychology Today* (5th ed.). NY: Random House.
Loftus, G.R. & Loftus, E.F. (1983). *Mind at Play*. New York: Basic Books.
· Japanese edition: Companion Shuppan Ltd.
Wells, G. & Loftus, E.F. (Eds.) (1984). *Eyewitness Testimony--Psychological perspectives*. NY: Cambridge University Press.
Wortman, C.B. & Loftus, E.F. (1985). *Psychology* (2nd ed.) NY: Random House (Knopf).
Bourne, L.E., Dominowski, R.L., Loftus, E.F., & Healy, A. (1986). *Cognitive Processes*. Englewood Cliffs: Prentice-Hall.
Loftus, E.F. & Doyle, J. (1987). *Eyewitness Testimony: Civil and Criminal*. NY: Kluwer.
Loftus, G.R. & Loftus, E.F. (1988). *Statistics*. New York: Random House.
Wortman, C.B. & Loftus, E.F. (1988). *Psychology* (3rd ed.). NY: Random House (Knopf).
Loftus, E.F. & Ketcham, K. (1991) *Witness for the Defense; The Accused, the Eyewitness, and the Expert Who Puts Memory on Trial* NY: St. Martin's Press.
-Chinese Translation: Taiwan: Business Weekly Publications 1999; Spanish Translation: Barcelona, Spain: Alba 2010
Wortman, C.B. & Loftus, E.F. (1992) *Psychology* (4th ed.) NY: McGraw Hill.
Loftus, E.F. & Doyle, J.M. (1992) *Eyewitness Testimony - Civil and Criminal*. Charlottesville, VA: The Michie Co.

- Loftus, E.F. & Ketcham, K. (1994) *The Myth of Repressed Memory*. NY: St. Martin's Press.
- Dutch edition: Graven in het geheugen, Amsterdam/Antwerpen: Uitgeverij L.J. Veen (1995)
 - German edition: Die Therapierte Erinnerung. (translated by Ingrid Klein): Hamburg: Verlag GmbH. (1995).
 - French edition: Le syndrome des faux souvenirs. Collection Regard Critique: Editions Exergue, (1997). Bastei Lubbe Publishing.
 - Taiwanese Translation: Yuan Liou Publishing.
 - Japanese edition: Seishin Shobo Publishers (2000).
 - Korean edition: Dosol Publishing (2008)
 - French, second ed. (2012) Le syndrome des faux souvenirs. Paris: Editions Exergue.
- Loftus, E.F. & Doyle, J.M. (1997) *Eyewitness testimony: Civil & Criminal*, 3rd edition. Charlottesville, Va: Lexis Law Publishing.
- Wortman, C.B., Loftus, E.F., & Weaver, C. (1999) *Psychology* (5th edition). NY: McGraw Hill.
- Loftus, E.F., Doyle, J.M. & Dysart, J. (2007) *Eyewitness testimony: Civil & Criminal*, 4th edition. Charlottesville, Va: Lexis Law Publishing. (482 pages)
- Loftus, E.F., Doyle, J.M. & Dysart, J.L. (2013) *Eyewitness testimony: Civil & Criminal*, 5th edition. Charlottesville, Va: Lexis Law Publishing. (447 pages)
- Loftus, E.F., Doyle, J.M., Dysart, J. L., & Newirth, K.A. (2019) *Eyewitness testimony: Civil & Criminal*, 6th edition. Charlottesville, Va: Lexis Law Publishing. (532 pages)

Articles and Chapters

1968

- Fishman, E.F. (Loftus), Keller, L., & Atkinson, R.C. (1968). Massed vs. distributed practice in computerized spelling drills. *Journal of Educational Psychology*, 59, 290-296.
- Reprinted in: R.C. Atkinson & H.A. Wilson (Eds.) (1969). *Computer-Assisted Instruction: A Book of Readings*. NY: Academic Press.

1969

- Suppes, P., Loftus, E.F., & Jerman, M. (1969). Problem-solving on a computer-based Teletype. *Educational Studies in Mathematics*, 2, 1-15.
- Reprinted in: E. Fishbein & E. Rasu (Eds.) (1971). *Invatamintul Matematic in Lumea Contemporana*. Bucharest: Editura Didactice si Pedagogica.

1970

- Loftus, E.F. & Freedman, J.L. (1970). On predicting constrained associates from long-term memory. *Bulletin of Psychonomic Society*, 19, 357-358.
- Loftus, E.F., Freedman, J.L., & Loftus, G.R. (1970). Retrieval of words from subordinate and superordinate categories in semantic hierarchies. *Bulletin of Psychonomic Science*, 21, 235-236.
- Loftus, E.F. (1970). *An analysis of the structural variables that determine problem solving difficulty on a computer-based Teletype*. Doctoral Dissertation, Stanford University. Also, Institute for Mathematical Studies in the Social Sciences, Technical Report No. 126, December 18, 1970.

1971

- Freedman, J.L. & Loftus, E.F. (1971). Retrieval of words from long-term memory. *Journal of Verbal Learning and Verbal Behavior*, 10, 107-115.
- Loftus, E.F. & Scheff, R.W. (1971). Categorization norms for fifty representative instances. *Journal of Experimental Psychology Monograph*, 91, 355-364.
- Loftus, E.F. (1971). Memory for intentions: The effect of presence of a cue and interpolated activity. *Bulletin of Psychonomic Science*, 23, 315-316.

1972

- Loftus, E.F. & Suppes, P. (1972). Structural variables that determine problem-solving difficulty in computer-assisted instruction. *Journal of Educational Psychology*, 63, 531-542.
- Loftus, E.F. & Freedman, J.L. (1972) Effect of category-name frequency on the speed of naming an instance of the category. *Journal of Verbal Learning and Verbal Behavior*, 11, 343-347.

- Loftus, E.F. & Suppes, P. (1972). Structural variables that determine the speed of retrieving words from long-term memory. *Journal of Verbal Learning and Verbal Behavior*, 11, 770-777.
- Loftus, E.F. (1972). Nouns, adjectives and semantic memory. *Journal of Experimental Psychology*, 96, 213-215.

1973

- Loftus, E.F. (1973). Category dominance, instance dominance, and categorization time. *Journal of Experimental Psychology*, 97, 70-74.
- Loftus, E.F. & Grober, E.H. (1973). Retrieval from semantic memory by young children. *Developmental Psychology*, 8, 310.
- Loftus, E.F. (1973). Activation of semantic memory. *American Journal of Psychology*, 86, 331-337.
- Loftus, E.F. (1973). Teaching young children how to use a computer-based Teletype as a desk calculator. *Behavioral Research Methods and Instrumentation*, 5, 204-208.

1974

- Loftus, E.F. & Bolton, M. (1974). Retrieval of superordinates and subordinates. *Journal of Experimental Psychology*, 102, 121-124.
- Loftus, E.F. & Loftus, G.R. (1974). Changes in memory structure and retrieval over the course of instruction. *Journal of Educational Psychology*, 66, 315-318.
- Grober, E.H. & Loftus, E.F. (1974). Semantic memory: Searching for attributes versus searching for names. *Memory and Cognition*, 2, 413-416.
- Loftus, E.F. & Keating, J.P. (1974, November). The psychology of emergency communications. *Proceedings of the International Conference on Fire Safety in High Rise Buildings*.
- Loftus, G.R. & Loftus, E.F. (1974). The influence of one memory retrieval on a subsequent retrieval. *Memory and Cognition*, 2, 467-471.
- Loftus, E.F. (1974). On reading the fine print. *Quarterly Journal of Experimental Psychology*, 26, 324.
- Freedman, J.L. & Loftus, E.F. (1974). Retrieval of words from well-learned sets. *Journal of Experimental Psychology*, 102, 1085-1091.
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- 2017**
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2018

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2019

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 Davis, D. & Loftus, E.F. (2019) Title IX and "trauma-focused" investigations: The Good, the Bad, and the Ugly. *Journal of Research on Memory and Cognition*, 8, 403-410.

2020

McClure, K.A., McGuire, K.L. & Loftus, E.F. (2020) Officers' memory and stress in virtual lethal force simulations. *Psychology, Crime, & Law.*, 26, 248-266.

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2021

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- Otgaar, H., Howe, M.L., Dodier, O., Lilienfeld, S.O., Loftus, E.F., Lynn, S.J., Merckelbach, H., & Patihis, L., (2021) Belief in unconscious repressed memory persists. *Perspectives on Psychological Science*, 16, 454-460.
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2022

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- Greenspan, R. L. & Loftus, E.F., (2022) What happens after debriefing? *Memory & Cognition*, 50, 696-709.
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- Otgaar, H., Dodier, O., Garry, M., Howe, M.L., Loftus, E.F., Lynn, S.J., Mangiulli, I., McNally, R.J. & Patihis, L. (2022) Oversimplifications and misrepresentations in the repressed memory debate: A reply to Ross. *Journal of Child Sexual Abuse*. DOI: 10.1080/10538712.2022.2133043.

2023 and in press

- Levine, L.J., Murphy, G., Lench, H.C., Greene, C.M., Loftus E.F., Tinti, C., Schmidt, S., Muzzulini, B., Grady, R.H., Stark, S.M. & Stark, C.E.L. (in press) Remembering facts versus feelings in the wake of political events. *Cognition & Emotion*.
- Miller, Q. C., London, K., & Loftus, E. F. (In press). The politics of sexual misconduct allegations: A memory science framework. In C. L. Frisby, W. T. O'Donohue, S. O. Lilienfeld, & R.E. Redding (Eds.), *Political bias in psychology: Nature, scope, and solutions*. Springer.
- Loftus, E.F. (in press) Memory, but not memory. *Proceedings of the American Philosophical Society*.
- PeConga, E., Pickrell, J.E., Bernstein, D.M., & Loftus, E.F. (in press) Misinformation Effect. In R.F. Pohl (Ed) *Cognitive Illusions, 3rd Ed.*
- Greenspan, R.L. & Loftus, E.F. (2023) Patterns in use of best practices for eyewitness identification in the field. *Psychology, Crime, & Law*, 29, 161-181.
- Shao, X., Chen, C., Loftus, E.F., Xue, G., & Zhu, B. (in press) Dynamic changes in neural representations underlie the repetition effect on false memory. *NeuroImage*
- Grady, R. H., Ditto, P. H., Loftus, E. F., Levine, L. J., Greenspan, R. L., & Relihan, D. P. (2023). From primary to presidency: Fake news, false memory, and changing attitudes in the 2016 election. *Journal of Social and Political Psychology*, (Advance online pub) <https://doi.org/10.23668/psycharchives.10019>
- Shao, X., Li, A., Chen, C., Loftus, E.F., & Zhu, B. (in press) Cross-stage neural pattern similarity in the hippocampus predicts false memory derived from post-event inaccurate information. *Nature Communications*
- Greene, C.M., Levine, L.J., Loftus, E.F., & Murphy, G. (in press) Just as I expected? Hindsight bias for the outcome of a national referendum is moderated by outcome valence and surprise. *Applied Cognitive Psychology*
- Lynn, S. J., McNally, R.J., & Loftus, E.F. (2023) The memory wars then and now. *Clinical Psychological Science*, 11 (4), 725-743. <https://journals.sagepub.com/doi/10.1177/21677026221133034>
- Loftus, E.F. & Klemfuss, J.Z. (in press) Misinformation – past, present, future. *Psychology, Crime & law*.
- Loftus, E.F. (in press) Misinformation: Are people susceptible to blatant error? A commentary. *Legal & Criminological Psychology*
- Murphy, G., Loftus, E.F., Levine, L.J., Grady, R.H., & Greene, C.M. (in press) Weak correlations among 13 episodic memory tasks related to the same public event. *Applied Cognitive Psychology*

INVITED ADDRESSES

1969

Civil Service Commission for the Education
Program in Systematic Analysis, Wash DC

1972.

Conference on Formal Aspects of the
Cognitive Process, University of Michigan
Eastern Verbal Investigator's League (EVIL),
New York

1973

Johns Hopkins University
Harvard University
Columbia University
University of Colorado
Conference on Cognition, Perception, and
Adaptation, University of Minnesota
Bell Laboratories
Perception Consortium of New York

1974

University of Oregon
University of Kansas
Washington Defense Counsel, Seattle

1975

University of Lethbridge
Kansas State University

Evergreen State College
University of Wisconsin, Madison
Lawrence University
Harvard University
New School for Social Research
Washington State Trial Lawyers Association,
Vancouver
Massachusetts Defenders Committee, Boston
Harvard Law School

1976

Ohio State University
University of Pittsburgh
University of Massachusetts, Boston
University of Toronto
McMaster University
Wheaton College
University of Utah
Brandeis University
Oklahoma State University
State University of New York, Buffalo
Assn of Trial Lawyers of America (ATLA)
National College of Advocacy, Reno/Boston
United States Attorneys, Seattle
Oklahoma County Bar Assn, Oklahoma City
Connecticut Trial Lawyers Assn, Hartford

Judge Advocate General's School,
Charlottesville, Virginia
Law Society of Upper Canada, Toronto
Florida Bar Assn, Tampa and Miami
Bolt, Beranek & Newman, Cambridge
Colloquium on New Ways of Analyzing
Variation in English, Georgetown University
Defense Advanced Research Projects Agency,
New York

1977

University of Western Ontario
Bowling Green State University
Simon Fraser University
ATLA, Fifth Circuit Seminar, New Orleans
New York State Bar Association, New York
Washington State Patrol, Shelton, WA
Criminal Justice Training Commission
Seminar, Issaquah, Washington; Seattle
Advocacy Education Seminar, Burlington VT
ATLA, National College of Advocacy, Reno,
NV
ATLA, National Convention, Washington, DC
Oregon Criminal Defense Association, Seaside
ATLA, First Circuit Seminar, Boston

1978

Kearney State College, Nebraska
University of Michigan
University of Minnesota
Stanford University
University of California, San Diego
North Carolina Academy of Trial Lawyers,
Charlotte
Washington State Bar Assn, Continuing Legal
Education, Olympia
ATLA, Mid-Winter Meeting, Monte Carlo,
Monaco
29th Annual Advocacy Institute, University of
Michigan
National Institute of Trial Advocacy (NITA),
NW Regional, University of Oregon
Federation of Law Societies of Canada,
Criminal Evidence Program, Toronto
Louisiana Trial Lawyers Assn, New Orleans
ATLA Seminar on Trial Tactics, Camp
Pendleton, CA
American Judges Association Annual Meeting
SAFECO Insurance Company Continuing
Education Program
Law and Society Assn, Univ of Minnesota

1979

California State University, Chico
Carnegie-Mellon University
Yale University (one week)
Duke University
University of California, Santa Barbara
California State University, Fullerton
University of California, Berkeley

State University of New York, Stony Brook
Hope College
University of Nebraska, Omaha
Canadian Bar Association, Vancouver
Pennsylvania Trial Lawyers Assn,
Philadelphia & Pittsburgh
Montana Trial Lawyers Assn, Butte
West Virginia Trial Lawyers Assn, Charleston
National College of Advocacy, Hastings Law
School
Public Defender Office, Santa Clara Cty, CA
Nebraska Assn of Trial Attorneys
Standard Oil (AMOCO Research Center),
Chicago, IL
Monsanto, St. Louis, MO
New York Academy of Sciences
Conference on Memory and Amnesia,
Lebanon, NH
Conf: Developmental and Experimental
Approaches to Human Memory, U. of
Michigan

1980

University of Victoria
Hamilton College
McGill University
Sam Houston State University
Trent University (Canada)
University of Toronto
Washington State University
Idaho State University
University of California, Riverside
Oklahoma State University
University of Missouri, Columbia (3 days)
University of Wisconsin, La Crosse
Nova Scotia Barrister's Society, Dalhousie
Law School, Halifax
University of British Columbia Law School,
Vancouver
California Public Defenders Assn., Asilomar
Tennessee Trial Lawyers Assn, Nashville
Kansas District Judges Assn
Kansas Bar Assn
Hastings Law School
Washington DC Public Defender's Office
Memphis State Trial Lawyers
American Bar Assn/ATLA, Las Vegas
Maryland Trial Lawyers Annual Meeting,
Ocean City
New York Bar Assn Advocacy Course, New
York City
Hoffmann-LaRoche, Nutley, NJ
American Institutes of Research, Wash., DC
Canadian Psychological Association Annual
Meeting, Calgary
Attention and Performance, IX, Cambridge,
England
Council for Advancement of Science Writing,

Durham

1981

University of South Florida
 Northwestern University, Business School
 Stanford University
 University of Texas, El Paso
 Claremont Graduate School
 University of Illinois
 Copenhagen University
 University of Stockholm
 Federal Defenders Annual Meeting, San Diego
 Oregon Trial Lawyers, Portland
 California Attorneys for Criminal Justice
 Hastings Law School, San Francisco
 ABA/ATLA Seminar, Las Vegas
 Northwestern Law School, Chicago
 Inner Circle of Advocates, Sun Valley
 Annual Institute, Georgetown University Law
 Center, Washington, DC
 Professional Institutes Seminar, Puerto Rico
 National College of Juvenile Justice, San
 Francisco
 S.S.R.C. Conference on Law and Psychology,
 Oxford, England
 Chaucer Club, MRC Applied Psychology
 Unit, Cambridge, England
 British Psych Society, Guildford, England
 AT&T Corporate Security
 Chautauqua Institution, Science Week
 G. Stanley Hall Lecture, APA

1982

Rice University
 Texas A&M
 University of Texas, Austin
 Union College
 SUNY, Plattsburgh
 University of Texas, Arlington
 James Madison University
 University of Virginia
 University of Colorado (3 days)
 Miami University (Ohio)
 Canadian Bar Assn., Alberta Branch, Calgary
 Washington State Judges, Yakima
 McGeorge School of Law (High Table)
 Oklahoma County Bar
 Northwestern Law School
 Harvard Law School
 Georgetown Law School
 Indiana Trial Lawyers Assn
 West Palm Beach County Bar
 Eastern Psychological Association, Baltimore
 Clover Park Administrators

1983

University of Cincinnati
 UCLA
 Reed College
 San Diego State University

Ohio State University
 University of Houston
 Eastern Washington University
 Nebraska Wesleyan University (Psychology
 Fair Speaker)
 University of Denver
 American Assn of Law Schools, Cincinnati
 Oregon Trial Lawyers Assn
 Northwestern Law School
 Atlanta Bar Assn Seminar
 Washington Assn of Technical Accident
 Investigators (WATAI)
 Arizona Prosecuting Attorneys Advisory
 Council, Phoenix
 Academy of Florida Trial Lawyers, Miami
 Medical Disciplinary Board, State of
 Washington
 The Royal Society, London
 American Psychological Assn, Anaheim
 Max Planck Institute, West Berlin
 American Society of Criminology, Denver
 Merrill Lynch, Palm Springs

1984

University of British Columbia
 University of Toronto
 Williams College (IBM Lectureship)
 Roanoke College (Fowler Lectureship)
 Hebrew University, Jerusalem
 Maryland Bar Association, Baltimore
 California Attorneys for Criminal Justice, Los
 Angeles
 Canadian Bar Assn, Ontario Branch
 ATLA, Annual Meeting
 Northwestern Law School
 Philadelphia Public Defender's Office
 Seattle Public Defender's Office
 Nova Scotia Barristers, Halifax
 Science and Public Policy Seminar,
 Federation, Washington, DC
 California State University Administrators
 Conference on Computers & Education
 Continuing Medical Educ, U. of Washington

1985

California State University, Long Beach
 Vanderbilt/Peabody, Nashville
 North Carolina Psychological Conference,
 North Carolina State
 Ohio Wesleyan University
 Minnesota Psychology Conference
 Creighton University, Nebraska
 Florida State University
 Leiden University, The Netherlands
 San Diego Defenders
 New Mexico Trial Lawyers
 Tennessee Assn. of Criminal Defense Lawyers
 Northwestern Law School
 Washington Association of Defense Counsel

ATLA Criminal Seminar, Houston
Court Appointed Special Advocate Assn
Northwest Women's Law Center
Colorado Defense Lawyers Association
American Association of Law Libraries, NY
University of Bridgeport Law School
Texas Research Institute, Houston
German Psychological Society (Law &
Psychology Division), Braunschweig, FRG
Institute for Perception, TNO, Soesterberg,
The Netherlands

1986

SUNY, Stony Brook
Oregon State University
University of Michigan (Survey Research)
University of Maryland
Duke University
Johns Hopkins University
Judicial Studies Program (California Judges)
Michigan Judicial Institute (Michigan Judges)
Texas Assn. of Defense Counsel, San Fran, CA
All-Star Seminar, Atlanta Bar, Atlanta
US Census Bureau, Washington, DC
Annenberg School of Communication
Women and Memory, University of Michigan
American Assn. of Public Opinion Res., Wash., DC
Federal Judicial Center
Capitol Area Social Psychological Assn
Bureau of Labor Statistics
Washington DC Public Defenders
Smithsonian Institute

1987

University of Nevada, Reno
University of North Dakota
California Judicial Studies
Harvard Law School
Duke Law School
University of South Carolina Law School
Annual Joseph Cohen Lectureship, University
of Missouri, Kansas City
British Psych Society, Brighton, England
US Court of Military Appeals Conf, Wash, DC
National Academy of Arbitrators, New
Orleans
Judicial Conference of Washington, DC
University of UMEA, Sweden
Cleveland-Marshall Law School, Cleveland
Indiana University Law School, Bloomington
Indiana University Psychology Department
Hebrew University, Jerusalem
Cornell University
Washington Assn of Criminal Defense
Lawyers
Tennessee Assn. of Criminal Defense Lawyers
Recorder's Court, Detroit

1988

California Judicial Studies (Judges)

Washington Criminal Justice Training
Committee (Police)
ATLA, New York
New York University
Northwestern Law School
Ohio Assn of Criminal Defense Lawyers,
Cincinnati
Baylor University, Waco, Texas (Oral History
& Memory)
Southeastern Louisiana Univ. (Scholar in
Residence)
Haverford College
Arizona State University (Psychology
Department and Law School)
Rocky Mountain Psychological Assn
(Keynote)
University of Oregon
North Carolina Academy of Trial Lawyers,
Greensboro
Lane County Law Forum, Oregon
NATO Advanced Study Institute, Maratea,
Italy
ATLA, Annual Meeting, Kansas City
Northwestern Law School for prosecutors and
defense attorneys
Cook County Public Defenders
International Congress of Psychology, Sydney,
Australia (Keynote)
Medico Legal Society of Queensland,
Australia
Brigham Young University Law School
BYU Psychology Department
Baylor University Law School
University of California, San Diego
University of Washington Law School

1989

Yale University Law School
Yale Psychology Department
University of Michigan
University of California, San Diego
Northern Kentucky University
Southern Indiana University, Evansville (Mid-
America Conference, Keynote)
Northwestern Law School
Western Psychological Association, Reno
Northwestern Law School for prosecutors and
defense attorneys, Chicago
American Bar Assn, Litigation Sect, Honolulu
British Psychological Society, Cognitive
Section, Cambridge, England

1990

Leiden University, the Netherlands
Emory University, Flashbulb Memory conf
American Bar Association, Satellite Seminar
on Jury Comprehension, Washington, DC
University of West Virginia, Practical
Cognition Conference

ABA Litigation Sec, Trial Practice Committee,
Phoenix
Annenberg Conference on Selecting Impartial
Juries, Washington DC
University of Pittsburgh
Northwestern Law School
European Conference on Law & Psychology,
Nuremberg, Germany
University of Minnesota Law School

1991

National Institute on Teaching of Psych, Fl
ABA (American Bar Foundation)
Ontario Psychological Association, Toronto
Ryerson College, Canada, 11th Annual
Psychology Lecture
Arkansas Annual Psych Conference (Keynote)
Seattle Rotary
Northwestern University Law School
University of Lethbridge, Canada
Banff Conference on Cognitive Science,
Canada
Society of British Columbia, Continuing Legal
Education
Fordham University, NY
Legal Aid Society, NY
AIDS Survey Research Methodology
Conference, Rockville, MD
Course for prosecuting and defense attorneys,
Northwestern Law
American Psych Assn, San Francisco, CA
University of Toronto
Ontario Science Centre
Chief Executive Organization Forum,
Vancouver
University of Georgia (Wm. Owens Annual
Lectureship)
8th International Conference on Multiple
Personality/Dissociative States (Plenary
Speaker), Chicago
Federal Bureau of Investigation (FBI),
Washington State

1992

International Listening Association (Keynote)
University of Tennessee, Knoxville
Mississippi State University
Federal Defenders Assn, San Diego
Reed College
Portland Community College
University of California, Santa Cruz
Augustana College, Illinois (Stone Memorial
Lecture)
Canadian Bar Association, Toronto
University of Toledo
NATO Conference, Lucca, Italy
Criminal Justice Act Seminar (Keynote), San
Diego
Psi Chi/Fredrick Howell Lewis Distinguished

lecture, APA, Washington DC
Grand Rounds, Department of Psychiatry,
University of Washington Medical School
Air Force Academy, Colorado Springs
Faculty Auxiliary, University of Washington
University of Stockholm, Sweden
Swedish Psych Association (Keynote)
Gruter Institute, Squaw Valley
Lawrence University (Wisconsin, Convocation
Speaker)
FJC Criminal Procedure Seminar for Federal
Judges, Palm Beach

1993

McGill University (D.O. Hebb Lecturer)
American Psychiatric Assn, San Francisco
Law-Psychology Symposium (Keynote
Speaker), California State Univ., Fullerton
New Mexico Psychological Assn/New Mexico
Trial Lawyers, Santa Fe
FMS Foundation Conf, Valley Forge, PA
Young President's Organization Alumnus
(YPOA), Seattle
Pacific Northwest Writers, Seattle
Midwestern Psychological Assn, Chicago
NACDL/ATLA College of Trial Advocacy
Seminar, Las Vegas
American Academy of Forensic Psychology,
Continuing Education, Invited Workshop
Mystery Writers of America
Colorado Psychological Assn, Aspen
Swiss Memory Psychology Program, Vals,
Switzerland
Medical-Legal Society of Toronto
American Psychological Association, Invited
Presidential Debate, Toronto
Midwest Conference on Child Sexual Abuse &
Incest, Madison, Wisconsin
Clark Univ., Conf on Trauma and Memory

1994

Orrick, Herrington, Sutcliffe Retreat,
Silverado
Mercer Island Rotary
Seattle Forensic Institute
Bay State Medical Center, Trauma and
Memory Conference, Springfield, MA
U of New Mexico Med School (Grand
Rounds)
Red River Undergraduate Conference, Fargo,
North Dakota (Keynote)
Leiden University, The Netherlands
National Association of Criminal Defense
Lawyers, Washington, DC
Washington Assn of Criminal Defense
Attorneys
University of San Diego, School of Law, CLE
Missoula Psychiatric Services, Conference on
Law and Psychiatry, Missoula, Montana

Mind/Brain/Behavior Program, Memory Distortion Conference, Harvard University
 Georgia Psychological Assn Continuing Education, Atlanta
 Simon Fraser University, (Keynote speaker, conference on Memories of Sexual Abuse), Vancouver, Canada
 7th Annual Dual Disorder Conference, Bellevue, Washington
 Stanford University, Psychology Colloquium
 Stanford University Medical School, Department of Psychiatry, Grand Rounds
 American Psychological Society (Teaching Institute), Wash. DC
 Committee for the Scientific Investigation of Claims of the Paranormal (CSICOP)
 Psych Methods in the Investigation and Court Treatment of Sexual Abuse, Tromso, Norway
 American Assn of Public Welfare Attorneys, Seattle
 Japanese Psych Assn (keynote), Tokyo
 Japan Federation of Bar Associations, Tokyo
 University of Colorado, Denver
 Current Topics in Mental Health & Law, Seattle
 Criminal Lawyers' Assn, Toronto
 Criminal Trial Lawyers Assn, Alberta, Canada
 Johns Hopkins Medical School/FMS
 Foundation Conf on Memory and Reality, Baltimore, Md (keynote)

1995

University of Washington Medical School, Pain Grand Rounds
 University of California at Los Angeles
 American Academy of Forensic Sciences, Annual Meeting
 King County Detectives, Special Assault Unit
 University of Pittsburgh
 Pennsylvania Conference of State Trial Judges
 University of California, San Francisco, Department of Psychiatry Grand Rounds
 University of Kansas Medical Center (Childhood sex abuse and memories conference)
 Indiana University, South Bend (keynote to commemorate 175th year anniversary of IU)
 Rice University, Houston
 Battig Memorial Lecturer, Rocky Mountain Psychological Assn, Boulder
 National Judicial Institute, Seminar for Judges, Winnipeg, Manitoba, Canada
 University of Illinois, Chicago, Distinguished Lecture - Midwestern Psychological Assn.
 Carnegie Mellon University, 27th annual conference, Pittsburgh
 National Association of Legal Investigators,

Annual Convention, Portland
 American Psychological Society (Invited speaker), New York
 Charter Behavioral Health System of Dallas
 Workshops on Memory, Sexual Trauma & the Law, (Invited speaker), Seattle, San Francisco, San Diego
 Council of Appellate Staff Attorneys (ABA Seminar), Blaine, Washington
 American Academy of Forensic Psychology, Distinguished Contributions Award address, APA annual meeting, New York City
 University of Pennsylvania Medical School, Department of Psychiatry (Grand Rounds)
 Assn for Advancement of Behavior Therapy
 Annual meeting, Washington DC (keynote)
 California Public Defenders Assn, Napa, CA
 Beth Israel Hospital, Harvard Medical School, Psychiatry Grand Rounds (honoring F. Frankel)
 Fourth Annual Conference on Mental Health and the Law, Orlando, Florida
 International Society for the Study of Dissociation, Lake Buena Vista, FL
 California State University, Humboldt Co., CA
 Western Humanities Conference, Santa Barbara (keynote: Illusions of Memory)
 Washington State Psychological Association, Annual meeting (Featured Speaker), Tacoma
 American Academy of Psychiatry and the Law (Luncheon keynote: Memory Distortion), Annual Meeting, Seattle, Washington
 Criminal Lawyers Association, Toronto
 University of Kansas (Ferne-Fischer-Formann Lecturer), Lawrence, Kansas
 Judgment & Decision Making Conference, Annual meeting, Los Angeles (keynote)
 Adelphi University, Consciousness Symp., Centennial Speaker, Garden City, NY
 Washington University Medical School, Psychiatry (Gildea Lecture), St. Louis

1996

Calvin College, The January Series, Grand Rapids, Michigan
 University of Calif, Davis, Neuroscience Colloquium
 Interval Research Corporation, Palo Alto
 Pacific Sociological Assn , Annual Meeting, Seattle
 John Hopkins Medical Institute/FMSF, San Diego
 Southwestern Psychological Association, Annual Meeting, Houston (keynote)
 Memory Retrieval Controversy Conference, Trent University, Peterborough, Ontario
 Tenth National Conference on Undergraduate Research, University of North Carolina,

Asheville, (keynote)
 American Philosophical Society, Annual Meeting, Philadelphia
 NATO International Conf, Recollections of trauma, France (main speaker)
 Second International Conference on Memory, University of Padova, Italy (keynote)
 International Conference on Centenary of Piaget's Birth, Universite de Neuchatel, Switzerland
 Grinnell College, Scholars' Convocation speaker, Grinnell, Iowa
 University of Texas, Houston, Department of Psychiatry and Behavioral Sciences
 University of California, Riverside, Memory Recovery & Creation Conference (keynote)
 Ohio University, Athens, OH
 University of South Florida, Sarasota, Conference on Child Abuse in Our Time
 Seattle Forensic Institute, Conference on Sexual Abuse and its Recollection
 National Guild of Hypnotists, Pacific NW Chapter and the Washington Hypnosis Assn
 American Psychological Society, Annual meeting, San Francisco (Presidential Symposium speaker)
 Emory University, Atlanta
 University of Texas, Austin
 National Child Abuse Defense & Resource Center, 5th Internat Conf, Las Vegas, NV
 Iowa State University, Ames, Iowa
 Nebraska Psychological Association, Omaha
 Washington University, St. Louis
 Exploratorium (Science Museum), San Francisco
 National Institute of Health, Conference on Self-Report, Bethesda, MD
 California Attorneys for Criminal Justice, San Francisco

1997

Justice Committee, Conference on "Day of Contrition," Salem, MA
 National Institute of Health, Conference on Undue Influence, Bethesda, MD
 American Association for Advancement of Science, Annual Meeting
 Washington University, St. Louis (Assembly Speaker)
 University of Arizona
 Penn State Univ, Inaugural Herschel W. and Eileen W. Leibowitz Lecture, Univ Park, PA
 Johns Hopkins University Medical School, Baltimore, MD
 False Memory Syndrome Foundation Conference, Baltimore, MD
 Bradley Univ, Centennial Speaker, Peoria, IL
 American College of Forensic Psychology,

Main Speaker, Vancouver, Canada
 Western Psychological Assn, Invited speaker, Seattle, WA
 National Inst on Drug Abuse, Rockville, MD
 International Women's Forum, Wash. DC.
 Center for Inquiry--Rockies, Conference on Gender Politics of Science, Boulder, CO
 Memory Conference (keynote), Bar Ilan University, Israel
 National Child Abuse Def & Resource Center, 6th International Conference, Las Vegas, NV
 University of Groningen, Groningen, The Netherlands (Studium Generale)
 Lecture, Heymans Institute for Fundamental Psychologic Research, Univ. of Groningen
 Twente University, Enschede, Netherlands
 University of Maastricht, The Netherlands
 The Whidden Lectures, McMaster University, Hamilton, Canada

1998

Conference on False Memory Creation, Florida Atlantic University, Boca Raton
 Conference on Recovering Repressed Memories or Creating False Ones, Florida Atlantic Univ.
 The Marian Jane Girard Memorial Lecture, Scripps College, CA
 American Psychology-Law Society (Major invited address), Redondo, CA
 Florida Cognition Conference (Keynote speaker), Florida International University
 8th Annual National Symposium on Mental Health & Law, Miami, FL
 The SPES Society, Naples, FL
 University of Michigan -Cognitive Psych Group
 State Bar of Michigan, Litigation Section (featured guest speaker), Ann Arbor, MI
 Washington Association of Criminal Defense Lawyers Annual Meeting
 Baldwin-Wallace College, Harrington Visiting Professor (HVP), Ohio
 National Association of Criminal Defense Lawyers annual meeting, Santa Monica, CA
 Connecticut Bar Assn, Eyewitness Testimony & False Memories (Special Guest Speaker), Hartford, CT
 Conference On Memory, Consciousness, Brain (Tulving Conference), Tallinn, Estonia
 Florida Association of Criminal Defense Lawyers, Marco Island
 Conference on Reconstructing the Past, Stockholm, Sweden
 Conference on Psychology of Testimony, Portsmouth, England (Keynote)
 University of Portsmouth, England 1998 Commencement

University of Bristol, Bristol, England
2nd World Skeptics Congress, University of
Heidelberg, Germany (Keynote address)
Paul McReynold's Lecturer, U of Nevada,
Reno
Conference "Embracing Science in an
Irrational World", Center for Inquiry
Institute, Bellevue, WA
National Child Abuse Def & Resource Center,
7th International Conference, Las Vegas, NV
Conference "Memory & Suggestibility in
psychotherapeutic relationships",
Psychoanalytic Institute, St. Louis, MO
National Conference on Wrongful
Convictions, Northwestern U Law School.
The Exploratorium (Science Museum), San
Francisco

1999

Seattle University School of Law, Tacoma
University of California, Irvine and Irvine
Health Foundation
Ohio Assn of Criminal Defense Lawyers,
Dayton
George Fox University, Oregon: Social
Sciences Conf (Keynote) Newberg, OR
Idaho Neurological Institute, Saint Alphonsus
Medical Center, Boise, Id
Idaho Psychological Association, CE, Coeur
D'Alene
National Legal Aid & Defender Assn, Death
Penalty Conference, Atlanta, GA
West Virginia Psychology Conference,
Marshall University, Huntington,, WV.,
(Keynote)
Eastern Psychological Assn, Providence, RI
(Presidential Speaker)
6th Annual California State Univ. Psychology
Research Fair, San Marcos, CA(Keynote)
West Virginia State Bar Assn, Morgantown,
WV
New York Skeptics Society, NY (Isaac
Asimov Lecture Award)
Northwest Cognition Conference, Victoria,
B.C. (Keynote)
Iowa Public Defender's Annual Meeting,
Dubuque, IO
West Virginia Public Defender's Annual
Meeting, Canaan Valley, WV
Clark County Bar Assn CLE, Las Vegas, NV
Tennessee Assn of Criminal Defense Lawyers,
Nashville, TN
Indiana University, Bloomington (Patten
Lecturer)
New Hampshire Public Defender's
Association, Manchester
Dartmouth University, Hanover (Symposium
on the Future of Psychological and Brain

Sciences, at dedication of Moore Hall)
8th International Conference on Allegations of
Child abuse, Las Vegas, NV
Ernest Becker Foundation
University of North Carolina, Greensboro,
Harriet Elliot Lecture Series
Federal Bureau of Investigation, Agents
Training Conference
Indiana Public Defender Council, Indianapolis

2000

Stanford University (Zimbardo Millenium)
University of Northern Colorado, Greeley
Wrongful Conviction Conference, Newport
Beach, CA
University of North Florida, Jacksonville
California State University, Sacramento
New York Medical College, Westchester, NY
Memory and Reality Conference, FMS
Foundation, White Plains, NY
Innocence Project Conference, Cavanaugh's,
Seattle, WA
Johnson Memorial Lecture, Minnesota
Psychology Undergraduate Conference,
Macalester College, MN
National Association of Criminal Defense
Lawyers (NACDL), Tuscon, AZ
Vrije Universiteit (Free University),
Amsterdam, Netherlands
American Psychological Society, Teaching
Institute, Miami, FL
Oregon Association of Criminal Defense
Lawyers, Bend, OR
Columbia University, Department of
Psychiatry, Grand Rounds, NY
Georgia Indigent Defense Council, Atlanta
New Zealand Psychological Society (keynote),
Hamilton, NZ
Victoria University, Wellington, New Zealand
University of Otago, Dunedin, NZ
University of Wisconsin, Parkside
University of Tennessee Law School,
Knoxville
National Child Abuse Def. & Resource Center,
Kansas City
University of Tennessee Psychology Colloq
Barristers, Solicitors, Psychiatrists:
Fitzwilliam hotel, Dublin, Ireland
William & Mary LawSchool, Williamsburg, VA
Psychology Dept, William & Mary College, VA

2001

Calif Public Defenders Assn, Palm Springs,
CA
University of Oklahoma, Norman
National Association of Criminal Defense
Lawyers, Las Vegas
National Legal Aid and Defender Assn,
Albuquerque, NM

University of California, Irvine colloq
Science & Technology, Flaschner Judicial
Institute, Brandeis University
Rochester Inst. of Technology, Rochester, NY
New York Academy of Medicine (& Anna
Freud Centre), New York
George Mason Law School, Institute for
Judges, Tucson, AZ
Brown University, Harold Schlosberg
Colloquium Lecturer, Providence, RI
Oregon Health Sciences Univ., School of
Medicine, Portland (Saslow Lecturer)
Ontario Ministry of Health & Mental Health
Center, Penetanguishene, Canada
Future of Psychopathology, Bar-Ilan
University, Israel
Superior Court Judges, State of Georgia, St.
Simons Island, GA
Tennessee Assn of Criminal Defense Lawyers,
Nashville
British Association for Advancement of
Science, Glasgow, Scotland
British Psych Society, Cognitive Section &
European Society of Cog Psych, Edinburgh,
Scotland
University of Michigan, Institute for Social
Research
Federal Defender Program & Ill. Assn of
Criminal Defense Lawyers, Chicago
Louisiana State University, (Memory &
Narrative), Baton Rouge, Louisiana
University of Portland, Oregon

2002

Cleveland-Marshall Law School, Cleveland,
OH
SSSS Western Region Conference (key
invited), Manhattan Beach, CA
Harvard Law School, Wrongful Convictions
conf.
University of Wyoming
Womens' University Club, Seattle
Midwestern Psychological Assn (Psi Chi,
Invited Speaker), Chicago
National Academy of Sciences, Washington
DC (Henry & Bryna David Award Lecture)
Northwestern University
Annual Whistleblower Investigators
Conference, Baltimore, MD,
Trauma and Memory, Continuing Legal
Education, Seattle, WA
World Association of Detectives, Seattle, WA
False Memory Syndrome Foundation,
Conference, Chicago, IL

2003

National Institute on Teaching of Psychology,
St. Petersburg, FL (keynote)
Center for Inquiry, Los Angeles, CA

American Assn for Advancement of
Science, Denver.
National Legal Aid & Defender Assn, Austin,
TX.
Prevent Child Abuse-Orange Cty Orange, CA
McGeorge School of Law (Lou Asch
Memorial Lecture), Sacramento, CA
New Century, Salon Speaker, Newport Beach,
CA
Newport Harbor Bar Assn, Newport Beach,
CA
University of Washington Law School, Seattle
Biola University, La Mirada, CA
CEO Roundtable, Half Moon Bay, CA
Tenth Annual Undergrad Research
Symposium (keynote), Irvine, CA
University of California, San Diego, CA
(Norman Anderson Endowed Lectureship)
University of Colorado, Festschrift for Bourne,
Kintsch, Landauer, Boulder, CO
American Psychological Society (Keynote),
Atlanta
Center for Inquiry-West, Inaugural Event
keynote speaker, Los Angeles, CA
Society for Applied Research in Memory and
Cognition, Aberdeen, Scotland (keynote)
European Psychology & Law Conference,
Edinburgh, Scotland
American Psychological Association
(Distinguished Award Address), Toronto
Texas Tech University, Lubbock, TX
Harbor Ridge Women's Group, Newport
Beach, CA
Lifelong Learning Academy, Irvine, CA
Science and Evidence Conf, City Hall, Irvine
Calif. Attorneys for Criminal Justice, SF, CA

2004

University of Lusiada, Lisbon, Portugal
University of California, Los Angeles, CA
Claremont Graduate University - Conference
on Applied Psychology
University of Southern California, CA
Town & Gown, Newport Beach, CA
Advanced Trial Skills Inst, Calif. Public
Defenders Assn, Palm Springs, CA
Catholic Univ. of Leuven, Belgium
L'Ecoles des Hautes Etudes en Sciences
Sociales (EHESS), Paris
Colorado College (Roberts Lecture), Colorado
Springs, CO
University of Colorado, Colorado Springs.
Rocky Mountain Psychological Assn,
Distinguished Speaker, Reno, NV
Western Psychological Association, Psi Chi
Distinguished Speaker, Phoenix, AZ
State Legislative Leaders Foundation &

University of Chicago, Chicago, IL
 University of Illinois, Champaign-Urbana, IL
 Center for Neurobiology of Learning &
 Memory, Evening to Remember Talk.
 National Child Abuse Defense & Resource
 Center Annual Conference, Las Vegas, Nv.
 University Synagogue (Holocaust Memories)
 CA.
 Arizona State University Law School, Tempe
 Arizona State University Psychology Dept, AZ

2005

Orange County Stanford Assn, Newport, CA
 SARMAC Bethschrift Meeting, Wellington,
 New Zealand
 RoddyFest, Purdue Univ., W. Lafayette, IN
 University of Louisville, Grawemeyer Award
 Speech, Louisville, KY
 Persistence of Memory Conf. (Keynote),
 Niagara City CC, NY.
 Western Psychological Assn (Presidential
 Address), Portland, OR
 Stanford University (Festschrift for Gordon
 Bower), Palo Alto, CA
 University of Haifa, Israel
 Sacred Heart Medical Center, Psychiatry,
 (Bakker Retirement) Spokane, WA
 Harbor-UCLA Medical Center, Psychiatry,
 Grand Rounds, CA.
 Calif. Judicial Branch Conf, San Diego, CA
 San Diego Stanford Association, CA
 Pavlovian Society, 50th Anniversary Meeting,
 (keynote), CA
 Athenaeum Lecture, Claremont McKenna, CA
 National Academy of Sciences Sackler Colloq
 on Forensic Sciences, Wash, DC.

2006

Bureau of Jewish Education, Laguna, CA
 University of San Diego, Michael Haney
 Distinguished Lecturer, Ca.
 Calif. State University, Long Beach, Ca.
 Inaugural Quinn Lecturer in Memory &
 Consciousness, University of British
 Columbia
 Ireland Scholar Award Lecturer, University of
 Alabama – Birmingham
 Harvard University
 National Academy of Sciences, Forensic
 Science, Washington D.C.
 Western Psych Assn, Palm Springs, Ca.
 Association for Behavior Analysis,
 Presidential Scholar Address, Atlanta, Ga
 UC-Irvine-Commencement Address, Social
 Ecology
 University of Aberdeen, Scotland
 John Damien Lecturer, University of Stirling,
 Scotland
 Mexican Congress of Psychology, Puerto

Vallarta, Mexico (plenary)
 Rutgers University, New Brunswick, NJ
 Beyond Belief, Salk Institute, Ca. (Invited
 speaker), La Jolla, CA
 Grand Rounds, Dept of Neurology, UCI-
 Medical, Orange, CA
 University of Calif, Office of the President,
 Oakland, CA

2007

Western State Univ College of Law, Fullerton,
 CA
 Newkirk Center, Forensic Science, Costa
 Mesa, CA
 University of Arizona, Tucson, AZ
 Munsterberg Conf, John Jay College of Crim
 Justice, NY
 Academic & Professional Women, UCI
 National Academy of Sciences, Distinctive
 Voices, Beckman Center, CA.
 Serena Yang Distinguished Lecture,
 University of Hong Kong
 Women In Leadership, Annual Meeting,
 Newport Beach, CA
 Calif. State University - Long Beach,
 Psychology Day Keynote Speaker, CA
 Stanford University, Symbolic Systems
 Distinguished Speaker, CA
 Schneiderman Memorial Bioethics Lecture,
 Biological Sciences, Beckman Center, CA
 Federation of Defense & Corp Counsel,
 Annual Meeting, Sun Valley, ID
 George Sperling Festschrift, UCI, CA.,
 Watson Memorial Lecturer, Univ. of New
 Hampshire, NH.
 Forensic Science Conference, Public
 Defenders, Los Angeles
 International Women's Forum, Chicago
 Behavioral Foundations of Policy Conf,
 Princeton University, NJ
 American Association of Universities, CA
 NY State Judicial Institute, White Plains, NY
 Centre Social I Cultural, Lleida, Spain.
 CosmoCaixa Museum of Science, Madrid,
 Spain.

2008

Calif. State University, Northridge (Richard
 W. Smith Lecturer).
 Univ. of South Florida, Doug Nelson
 Festschrift, Tampa, FL.
 Arizona State Univ. Law School, Tempe
 Western Psych Assn, Irvine, CA
 Nebraska Symposium on Motivation –
 Emotion & Law, Lincoln, NE
 International Conf on Investigative
 Interviewing, Quebec Nationale Police
 Academy, Nicolet, Canada.
 Butler Pappas Sexual Tort Sem., Tampa, Fl.

European Association of Psychology & Law
(keynote), Maastricht, Netherlands
Annual Celebration Speech “Illusions of
Memory”, University of Oslo, Norway
Psychology Department, University of Oslo
University of Louisville
Northern Lights Psychology Conference
(keynote), Grand Forks, ND
Tel-Aviv University, School of Law
Hebrew University, Jerusalem, Israel
George Mason Law School – Science in the
Courts Program for Judges, Fl

2009

Midwest Institute for Students & Teachers of
Psychology (Opening Key), Glen Ellyn, Il.
American Assn for Advancement of Science
(McGovern Award lecture), Chicago, IL.
American Psychology Law Society
(Presidential Speaker), San Antonio, TX
Teachers of Psychology, London
South West Psychology Conference (keynote)
London
Center for Inquiry, 12th World Congress,
Bethesda, Md.
Princeton University, NJ
Littler Class Action Conference, Phoenix, AZ
Council of Science Editors Annual Meeting,
(Keynote) Pittsburgh, PA
Canadian Psychological Assn (keynote),
Montreal
Chautauqua Institution, NY
UCI Foundation retreat, San Diego, CA.
University of Geneva (450th anniversary),
Aspen Institute , CO
Federal Bureau of Investigation, Virginia
Messe Memorial Lecture, Michigan State
Univ.
Trendsetters, Jewish Federation, Newport
Beach, CA.
Dickinson College (2009 Joseph Priestley
Award) PA
Canadian Lawyers, Toronto, Canada

2010

National Seminar on Forensic Evidence, San
Diego, Ca.
Memory & Law Workshop, Tucson, Az
ARCS Foundation, Irvine, Ca.
California Institute of Technology (William &
Myrtle Harris Distinguished Lectureship in
Science and Civilization), CA.
University of Texas, Austin
Society of Experimental Psychologists
(Warren Medal talk) Philadelphia, PA
University of Nevada, Reno
University Bonn, Germany

Institute of Community & Family Psychiatry,
McGill, Montreal, Canada.
Denison University (Anderson Lecture),
Granville, OH
CIA/BoozAllen: Face Recog, Herndon, VA.
Bronowski Art & Science Forum, The
Neurosciences Institute, La Jolla, CA
University of Southern California

2011

University of California, Santa Barbara
Orange County Stanford Assn, Newport, CA
Eastern Psychological Assn (Psi Chi
Distinguished Lecturer), Boston, Ma
Law and the Brain conference, New York
Law & Memory Conf, Stanford Law School
UCLA School of Law, CA
Rocky Mountain Psych Assn., (Psi Chi
Distinguished Lecturer) Salt Lake City, UT
British Psychological Society annual meeting,
Glasgow, Scotland (keynote)
Salon, The Pacific Club, CA
South West Psychology Conf. (keynote)
London
British False Memory Society, London
Clacton County High School, England
Univ of Sheffield, England
Assn of Teachers of Psych, Hatfield, England
The Amazing Meeting (TAM), Las Vegas
North Orange County Bar Assn, Ca.
Roosevelt University, Chicago
Japanese Psychological Assn, Tokyo (keynote)
Law School, University of Calif, Berkeley

2012

Pennsylvania Bar Institute
Nova Southeastern Univ, Ft. Lauderdale, Fl.
Distinguished Writing Lecture Series, UCI
Penn Conf of State Trial Judges, PA
Drexel University, Philadelphia, PA
Correctional Services Canada, Toronto
Suppes Symposium, Stanford, CA
Forensic Mental Health Assn of California,
Monterey, CA
Toronto International Film Festival (TIFF)
University of Ottawa
U.S. District Court of Nevada Annual Conf,
Reno
Ohio State University (Greenwald lecture)
Simon Fraser University, Canada
Kwantlen Polytech University, Canada
Center for Advanced Study Summit, Stanford
International Congress of Psychology,
(keynote- Cape Town, South Africa)
Monash South Africa University. Johannesburg
Orange County Traffic Investigators Assn
Grand Rounds, Dept of Psychiatry, UCI

FMSF Tribute, Philadelphia, PA
CSICon 2012, Nashville
Claude Bernard Univ., Lyon, France
Mode d'Emploi Festival, Villa Gillet, Lyon,
France

2013

National Institute on the Teaching of
Psychology, FL
Harbor Ridge Women's Group, CA
Univ. of California, Davis
University of Washington (Edwards Lecture)
SouthWest Psychology Conf, , London
Goldsmiths, Univ of London
South Bank University, London
National Assn of Criminal Defense Lawyers,
Las Vegas
Midwestern Psych Assn, Chicago
Association for Psych Science, Wash DC
TedGlobal2013, Edinburgh, Scotland
European Congress of Psychology (keynote-
Stockholm 2013).
Int. Conf. on Critical Thinking and Education
Reform, Berkeley, Ca.
American Psych Assn, Award acceptance, HI
La Trobe University, Melbourne, Australia
TedX-Orange Coast, Newport Beach, CA
University of Missouri, Columbia, MO
Town & Gown, Irvine, Ca.
Psychonomic Society, Toronto (keynote)

2014

American Assn of Law Schools, NY
National Research Council Eyewitness
Committee (via videolink)
University of Michigan (Weinberg Neurolaw)
Southwestern Psychological Assn, San
Antonio, TX (keynote)
The California Club, Los Angeles
Northwestern Law School, Chicago
The Amazing Meeting (TAM), Las Vegas, NV
Foundation for Critical Thinking (Nader
event), Berkeley, Ca
Federal Court Clerk Assn, Seattle, WA
Trauma & Memory, Stockholm,
Sweden
What Matters To Me, and Why (UC-Irvine)
University of Arizona

2015

Duke University (via Skype)
Justice & Injustice Conf., UCI law
American Assoc.of Advancement of Science,
San Jose, CA
Society for Consumer Research, Phoenix
SouthWest Psychology Conf, , London
Goldsmiths University, London
Cornell University, Ithaca, NY (Award
lecture)

TedX-CIA (Central Intelligence Agency), Va
Radcliff Institute, Harvard Univ, (Dean's
Lecture), Ma
University of Akron (Benjamin Lecture), OH
John Jay College of Criminal Justice, NY
NAS-YouTube, Science Speed Date, Los
Angeles, CA
Foundation for Critical Thinking, Berkeley CA
SymposiumTraumatic Memories, Forensic
Psychiatry Center & Hogrefe Publishers,
Helsinki, Finland
American Academy of Matrimonial Lawyers,
Newport Beach, CA
Forensic Psych Institute Launch, Goldsmiths,
University of London
Berlin Graduate School of Mind & Brain,
Humboldt University, Germany
United States District Court, Eastern District
Conference, Olympic Valley, CA
West Point Military Academy, NY (Class of
1951 Distinguished Lecturer)
UC Conf on Social Science & Law
Grawemeyer Celebration, Univ of Louisville
CEM, International Congress, Tunisia
(Honorary Chair) – via videoconference

2016

California State Univ, Dominguez Hills
Western Psychological Assn (Distinguished
speaker)
Imagine No Religion, Vancouver, BC
Contacts of Orange County, Irvine, CA
American Humanist Assn, award speech,
Chicago, IL
Phi Beta Kappa Initiation, UCI
Ilex2016, Atlanta, Ga
International Congress of Psychology,
Yokohama, Japan 2016
FBI, Violent Crime Beh Analysis, LA, CA
Colorado State Univ, CO
CsiCon Conference, Las Vegas, NV.
Assn of Workplace Investigators, San
Francisco, CA
Univ of London, Goldsmiths
Council of Scientific Society Presidents, DC

2017

SARMAC, Sydney, Australia
LogiCal, Los Angeles, CA
American Assoc for Advancement of Science
SouthWest Psych Conf, London,
Midwestern Psych Assn, Distinguished Psi Chi
lecturer, Chicago
UCEmeriti Assn
International Congress on Social
Responsibility, Universidad Santo Tomas,
Bogota, Columbia
Douglas College, Vancouver, Canada.
Vancouver International Conf on Teaching of

Psych, Vancouver, Canada
Inn of Court, CA
DRI Asbestos Medicine Conf, Las Vegas
Internat Society for Neuroethics, Wash DC
Erickson Foundation, Evolution of
Psychotherapy Conf, , CA

2018

Rice University, Bochner Lecture, Austin, Tx
Exploratorium, San Francisco
Univ of Miami, SEEDS speaker, Fl.
Western Univ of Health Sciences, Ca
Cal State University, Fullerton (Psych Day!)
Houston Bar Assn BarBench Conf, TX
CNLM Conf, Huntington Beach (plenary)
Western Psychological Assn, Portland, OR
Albert Wolters Distinguished Lecture, Univ of
Reading, England
APS Teaching Conf., San Francisco, CA
Max-Planck, Berlin, Germany
National Academy of Sciences BBCSS,
counterfeiting, CA
Amer Psych Assn annual meeting, San Fran
Sierra College, Sacramento, Ca
Millsaps College, Moreton Lecture, MS.
Univeridad Nacional de Cordoba, Argentina
Universidad Nacional Villa Maria, Argentina
(police & prosecutors)
Univ. of Iowa, Neuroscience Day (keynote)
NACDL, Las Vegas, NV
Wagenaar-Crombag Memorial, Netherlands
University of Dublin, Ireland

2019

Jeeves Lecture, St. Andrews Univ, Scotland
SouthWest Psychology Conf, London
Origins Project Podcast, Phoenix, AZ
University of Nevada, Reno
Western Psych Assn, Pasadena, CA
Science of Magic Assn, Chicago, Il
Australian National University, Canberra
Canberra Writers Festival, Australia
Waikato Univ., New Zealand
CSIcon, Las Vegas, Nv.
Stanford Alumni Assn, Orange Cty, CA

2020 (most via zoom)

Georgia Tech Univ, Atlanta
Heterodox Academy, New York
APA TOPSS (Teachers of Psychology in
Secondary School)
Newport Beach Public Library Fdn, Ca.
Western Psych Assn annual meeting (keynote)
University of California, San Francisco,
(Fresno) Psychiatry Grand Rounds.
University of New Mexico Health Sciences
Erickson Foundation, Evolution of
Psychotherapy, CA

2021 (most via zoom)

SouthWest Psychology Conf, London

Prosecutors/Public Defenders, Haifa, Annual
meeting, Israel
NAS, Science & Entertain Exchange
American Philosophical Society, Philadelphia
Assoc for Behavior Analysis International-
ABAI, (B.F. Skinner Lecture)
Arizona State Bar Annual Convention
International Congress of Psych, Prague,
Mt Sinai Psychiatry Dept, NY
Bay Area Skeptics Conference, San Fran,CA
National Assn of Crim Defense, Las Vegas
Erickson Foundation, Evolution of Psych

2022 -2023 (some by zoom)

Miami University (Ohio)
SouthWest Psychology Conf, London
Lincoln University, Lincoln, England
Australian National University
Commencement
International University of Sarajevo
Dent, Santa Fe, NM
Mass. Institute of Tech (MIT)-MediaLab
Rocky Mountain Psych Assn, Alb, NM (keyn)
Nobel Prize Summit, National Academy of
Sciences, Wash DC.
Haass Foundation, Univ of Kaiserslautern,
Germany

Forthcoming

Aspire Psychology Conference, Doha, Qatar
American College of Legal Medicine Annual,
San Diego, Ca
Middle Tennessee State Univ
Woxsen University, India

Revised: July, 2023

Exhibit B

Expert Trial Testimony of Dr. Elizabeth F. Loftus: 8/2019– 8/2023

Date	Location	Caption
8/16/19	San Fernando, CA	People v Heely
2/7/20	New York, NY	State v Weinstein
4/26/21	Washington DC (video)	In Re Barry Nace
8/3/21	Los Angeles, Ca	People v Durst
12/16/21	US District Ct, NY	US v Maxwell
2/1/22	Jams Arbitration	US Center for Safesport V McDonald
3/9/22	Santa Ana, Cal	People v Scott
5/13/22	Los Angeles, Ca	People v Cooper
6/9/22	Los Angeles, Ca	Huth v Cosby

Exhibit C

LCGVMAX1

1 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

2 -----x
3 UNITED STATES OF AMERICA,

4 v.

20 CR 330 (AJN)

5 GHISLAINE MAXWELL,

6 Defendant.

Jury Trial

7 -----x

New York, N.Y.
December 16, 2021
8:55 a.m.

8 Before:

9 HON. ALISON J. NATHAN,

10 District Judge

11 APPEARANCES

12 DAMIAN WILLIAMS

United States Attorney for the
Southern District of New York

13 BY: MAURENE COMEY

14 ALISON MOE

LARA POMERANTZ

15 ANDREW ROHRBACH

Assistant United States Attorneys

16 HADDON MORGAN AND FOREMAN

Attorneys for Defendant

17 BY: JEFFREY S. PAGLIUCA

18 LAURA A. MENNINGER

-and-

19 BOBBI C. STERNHEIM

-and-

20 COHEN & GRESSER

21 BY: CHRISTIAN R. EVERDELL

22 Also Present: Amanda Young, FBI

Paul Byrne, NYPD

Sunny Drescher,

23 Paralegal, U.S. Attorney's Office

Ann Lundberg,

24 Paralegal, Haddon Morgan and Foreman

LCGVMAX3

Loftus - direct

1 MR. EVERDELL: Turn it over to my colleague, your
2 Honor.

3 THE COURT: Ms. Sternheim.

4 MS. STERNHEIM: Thank you, Judge.

5 The defense calls Elizabeth Loftus.

6 THE COURT: Okay. Elizabeth Loftus may come forward.

7 MS. STERNHEIM: Judge, I have an exhibit. May I hand
8 it to the government and the Court and put it on the witness
9 stand?

10 THE COURT: Yes. Good morning.

11 ELIZABETH LOFTUS,

12 called as a witness by the Defendant,

13 having been duly sworn, testified as follows:

14 THE COURT: Thank you.

15 MS. STERNHEIM: Judge, if I may.

16 THE COURT: Yes. Please just set that aside until
17 directed. Thank you.

18 Ms. Sternheim, you may inquire.

19 MS. STERNHEIM: Thank you very much.

20 DIRECT EXAMINATION

21 BY MS. STERNHEIM:

22 Q. Good afternoon, Professor Loftus.

23 A. Good afternoon.

24 Q. Please tell the jury why you are here today.

25 A. I am here as a professor and a scientist who studies human

LCGVMAX3

Loftus - direct

1 memory to talk about the nature of memory, the workings of
2 memory, how people can develop memories for things that didn't
3 happen or remember things differently from the way they
4 actually were, to talk about the work that I and other
5 scientists have done on false memories.

6 Q. Thank you, Professor Loftus.

7 Please tell the jury what your present occupation is.

8 A. I'm currently a professor at the University of
9 California-Irvine, the Irvine campus. My title is
10 distinguished professor. And I have appointments in a
11 department called psychological science, that's a psychology
12 department; I have an appointment in criminology, law, and
13 society, that's kind of a criminology department; and I'm also
14 a faculty member in the law school.

15 Q. How long have you been at UC-Irvine?

16 A. I joined the faculty in 2002, so it's coming on 20 years.

17 Q. And prior to joining the faculty at Irvine, had you been on
18 the faculty of any other university?

19 A. Yes. Prior to UC-Irvine, I was a professor at the
20 University of Washington in Seattle for something like 29
21 years. Prior to that, I spent a few years on the faculty at
22 the graduate faculty at the New School for Social Research here
23 in the city. And prior to that I was in graduate school.

24 Q. Focusing on graduate school, please tell the members of the
25 jury what degrees you have academically.

LCGVMAX3

Loftus - direct

1 A. Well, starting with college, I went to UCLA as an
2 undergraduate. I majored in mathematics and psychology and
3 received my bachelor's degree in 1966.

4 After UCLA, I went to Stanford for graduate school and
5 received a master's degree in psychology, followed by a Ph.D.
6 in psychology in 1970.

7 Q. Dr. Loftus, are you familiar with the term "curriculum
8 vitae"?

9 A. Yes.

10 Q. And is the abbreviation for that a CV?

11 A. Yes.

12 Q. And please tell the members of the jury what a curriculum
13 vitae is.

14 A. Well, typically, it's a document that expresses your
15 educational background, career, publications, awards, honors,
16 your professional life.

17 Q. And Dr. Loftus, do you, in fact, have a CV?

18 A. I do, yes.

19 Q. And for what period of time does your CV cover?

20 A. Well, I think I have mentioned in there where I went to
21 college, so it goes back to the 1960s. And then just about
22 everything that's happened professionally since that time.

23 Q. Professor Loftus, I'm going to ask you questions about your
24 background, research, education, etc. Would you benefit from
25 being able to look at your CV?

LCGVMAX3

Loftus - direct

1 A. That would be helpful, yes.

2 MS. STERNHEIM: With the Court's permission, I would
3 ask that Dr. Loftus be permitted to look at her CV, which is
4 Defendant's Exhibit EL-1, a copy of which has been provided to
5 the government and the Court.

6 THE COURT: Marked for identification?

7 MS. STERNHEIM: Yes.

8 MS. POMERANTZ: No objection, your Honor.

9 THE COURT: She may.

10 MS. STERNHEIM: Thank you.

11 BY MS. STERNHEIM:

12 Q. In addition to the degrees that you've just discussed, have
13 you ever received any honorary degrees?

14 A. I have received a number of honorary doctorates from
15 universities other than the ones I officially attended.

16 Q. Of those universities, are they all in the United States or
17 elsewhere as well?

18 A. Some of them are in the United States, like John Jay
19 College of Criminal Justice, which is one of the honorary
20 doctorates. But I also have an honorary doctorate from a
21 British university, from -- actually, I think a couple of
22 British universities, from the University of Oslo, from Haifa
23 University in Israel. And I was supposed to be awarded an
24 honorary doctorate by an Australian university, Australian
25 National University, where I was supposed to go to the

LCGVMAX3

Loftus - direct

1 commencement and receive it, but because of COVID, that hasn't
2 yet happened.

3 Q. Let's talk for a moment about any honors that you may have
4 received in connection with your professional capacities.

5 Could you please summarize them for the jury or
6 highlight those that you think are most significant.

7 A. Well, I don't know. That's kind of hard. It's like
8 which --

9 Q. Well --

10 A. -- which baby is more important.

11 Q. Let me stop you for a second.

12 A. Okay.

13 Q. You are referring to your CV?

14 A. Yes.

15 Q. Approximately how many pages is your CV?

16 A. Well, the CV is 47 pages single-spaced.

17 Q. Single-spaced. So it's rather dense; correct?

18 A. Yes.

19 Q. Well, I'm just going to ask you to highlight some of the
20 awards that you are most proud of for the jury.

21 A. Okay. Well, that would be page 2 or 3. Probably the most
22 prestigious of those awards is election to the National Academy
23 of Sciences. I was elected to the United States National
24 Academy of Sciences approximately 2004. And that is one of the
25 most prestigious things that can happen to an American

LCGVMAX3

Loftus - direct

1 scientist in a field that doesn't have a Nobel Prize.

2 Q. What are some of the other honors that you are especially
3 proud of?

4 A. I've received the two highest honors from the Association
5 for Psychological Science, an organization of primarily
6 academic scientific psychologists. I've received some lifetime
7 awards even from the American Psychological Association, which
8 is an organization that has many clinical psychologists as
9 members. Those are some of them.

10 Q. Is it fair to say you've received numerous awards, in
11 excess of dozens of awards?

12 A. Yes.

13 Q. And honors as well, correct?

14 A. I sort of lump them together, yes, sometimes.

15 Q. Okay. With regard to your academic experience, do you
16 perform research?

17 A. Yes.

18 Q. And what kind of research do you perform?

19 A. Over the course of my career, I've done many hundreds of
20 experiments. And when I say "experiments," these are
21 experiments that are conducted in my laboratory with my
22 graduate students or post-docs or sometimes undergraduate
23 research assistants, or they might be experiments that are done
24 outside in the field. And primarily these are studies of the
25 human memory; what happens after people have had some

LCGVMAX3

Loftus - direct

1 experience, maybe recorded a little bit of information about
2 the experience into their memory, and are then exposed to some
3 new information that can potentially contaminate or distort
4 that memory.

5 Q. In addition to the support that you received from the
6 universities of which you have been on the faculty and
7 supporting your research, have you received any fellowships or
8 grants that support your research?

9 A. Over the years, yes. My laboratory scientific experiments
10 have been supported by the National Science Foundation or the
11 National Institute of Mental Health or sometimes other
12 organizations or foundations that have provided the funds to,
13 excuse me, support that research.

14 Q. In addition to research that you've conducted, have you had
15 occasion to consult with any government agencies?

16 A. I've consulted with many government agencies, yes.

17 Q. Could you please share with the jury some of those agencies
18 that you've consulted with?

19 A. Well, I've consulted with the Department of Justice, the
20 Secret Service, the Central Intelligence Agency, the Federal
21 Bureau of Investigation, the Internal Revenue Service at
22 different points in my career.

23 Q. With regard to the research that you conduct, are the
24 findings or your analysis of the experiments put into a report
25 generally?

LCGVMAX3

Loftus - direct

1 A. Generally, when we do an experiment or a set of
2 experiments, we will write up a scientific publication, submit
3 it hopefully to a peer-reviewed journal where it will undergo
4 peer review and then be published and be part of the scientific
5 literature so that it's available for other people to have
6 access to.

7 Q. Please, in a very simple fashion, describe to the jury what
8 the peer review process is.

9 A. Journals that are peer-reviewed journals generally have an
10 editorial board. Members of the scientific community that will
11 review a manuscript that has been submitted for publication,
12 will review that manuscript and will make recommendations to
13 the editor about whether this manuscript is worthy of being
14 published. Is it scientifically sound, is it sufficiently
15 interesting, is it appropriate for the journal, helping the
16 editor to make that -- or should it be rejected, because it's
17 none of those things.

18 Q. In addition to your submission of your own reports to
19 peer-reviewed journals, have you had the occasion to serve on
20 the editorial boards of any peer-reviewed journals?

21 A. Well, over these years I've served on the editorial board
22 of many journals. And even today I am still on the editorial
23 board of a few journals. But over the years, many of the major
24 journals in the field of psychology.

25 Q. In the course of your career, have you been a member of any

LCGVMAX3

Loftus - direct

1 professional organizations?

2 A. Yes.

3 Q. And give the jury just a sampling of what kind of
4 organizations those are.

5 A. Well, one of my primary organizations with which I
6 affiliate is the Association for Psychological Science. This
7 is an organization primarily of academic university research
8 psychologists, although there are many clinical researchers who
9 also belong to the organization. I was president of that
10 organization in 1998-ish.

11 I'm a member of the Western Psychological Association.
12 This is the organization in psychology that covers the western
13 region of the United States; so it's California, Oregon,
14 Washington, maybe Hawaii, and possibly some other states on the
15 west coast. And I was twice president of the Western
16 Psychological Association.

17 So those are just a couple of the organizations that I
18 affiliate with.

19 I've been president of a couple of the divisions of
20 the American Psychological Association in the past, like the
21 American Psychology Law Society, and have served in other roles
22 for other organizations, not president.

23 Q. Moving on to publications. During the course of your
24 career, have you published articles and journals?

25 A. Yes.

LCGVMAX3

Loftus - direct

1 Q. Can you approximate over the span of your career -- and let
2 me stop you for a minute. How many years would you say you
3 have been a psychologist in the field of memory science?

4 A. Well, at least since I got my Ph.D. in 1970. But I
5 actually published a few articles while I was still a graduate
6 student with my professors as coauthors.

7 Q. Well, let's begin at 1970. From 1970 to this year, 2021,
8 approximately how many articles, if you could estimate, have
9 you published?

10 A. Well, I've published over 20 books and probably over 600
11 scientific articles and chapters.

12 Q. And are all of them in your CV?

13 A. I believe just about everything I've published is listed in
14 the CV, and that's why it takes so many pages.

15 Q. In addition to the publications that you have discussed in
16 the books that you have written, have you also coauthored in
17 other people's books, such as chapters and textbooks and
18 otherwise?

19 A. Yes, I've coauthored a number of chapters, but that would
20 have been included in the 600 estimate that I've given you
21 already.

22 Q. Okay. Now, I'd like to speak to you briefly about the
23 research that you've conducted.

24 Is it possible for you to approximate how many
25 research experiments you've conducted at least from 1970 to the

LCGVMAX3

Loftus - direct

1 present?

2 A. I would just estimate hundreds of experiments involving
3 maybe 50,000 participants or more, but it's just a -- it's just
4 kind of an estimate.

5 Q. Well, let's just focus on a few of those, if we might.

6 What stands out in your mind with regard to
7 experiments that you have done that have impacted the science
8 of memory?

9 A. I would say that one of the major contributions is the work
10 that I and my collaborators have done on the misinformation
11 effect on showing that after people see, say, a simulated crime
12 or a simulated accident, and they are exposed to some
13 misinformation about the accident or the crime that they saw,
14 that many people will incorporate that misinformation into
15 their memory and it causes an impairment in memory. False
16 swayed of the misinformation. It becomes their memory and
17 their memory becomes inaccurate.

18 One -- I guess you could call it a classic study,
19 because it's in many of the textbooks in psychology today is
20 one in which we show people a simulated accident, maybe a car
21 goes through a stop sign that's controlling the intersection.
22 And later on we expose our witnesses to misinformation that it
23 was a yield sign. Many people will now claim that they saw a
24 yield sign instead of a stop sign. So they have succumbed to
25 the misinformation in that new information that was presented

LCGVMAX3

Loftus - direct

1 to them and adopted it as their own memory. And that study was
2 published in 1978.

3 Q. Have you conducted any studies that have to do with
4 language and how language might affect memory?

5 A. Yes. An example of that would be -- again, this is also a
6 fairly widely cited study.

7 We showed people a simulated accident. Afterwards, we
8 asked people about the speed of the vehicles involved in the
9 accident. But different witnesses are questioned in different
10 ways. So some witnesses are asked a question like, How fast
11 were the cars going when they smashed into each other? And
12 others are asked, How fast were the cars going when they hit
13 each other?

14 And we found that people estimated the speed as
15 greater if you used the word "smashed" than if you used the
16 word "hit." Also we had found that if we use the smash word,
17 this leading kind of biased word, it affected what other things
18 that people remembered. Our witnesses were more likely to
19 remember, for example, broken glass that didn't exist if we had
20 used that word smashed in questioning them.

21 So that's an example of what you're asking about, the
22 connection between language and memory.

23 Q. In the course of your research and experience, are you
24 aware of any experiments that have actually measured emotion
25 and its impact on memory?

LCGVMAX3

Loftus - direct

1 A. Yes, there is -- well, one study that's coming to mind
2 is -- this is a study that we published somewhat later in the
3 2000s, maybe around 2008 or so, along with my former Ph.D.
4 student who is now professor of psychology, Dr. Laney. This
5 was a study where we -- we didn't just change memory for
6 turning a stop sign into a yield sign, but we planted entire
7 events into the minds of research witnesses, events that did
8 not happen. And then we measured people's emotional reactions
9 to these false memories.

10 So we planted false memories, for example, that you
11 witnessed your parents having a physically violent fight when
12 you were a kid or that you accidentally caught your parents,
13 you know, having sex when you were a kid. And once we
14 succeeded in planting these false memories and measured
15 people's emotional reactions, they were just as emotional about
16 these created memories as other individuals were who truly had
17 had those experiences. So the bottom line there was that
18 emotion is no guarantee that you're dealing with an authentic
19 memory.

20 Q. Professor Loftus, in devising a research project, do you
21 need to gain approval from any organization or from your
22 university to permit you to engage in that experiment?

23 A. Yes, we do. Colleges and universities have human subjects,
24 review committees. And when we want to propose to do a study
25 with humans, there are separate groups that review studies with

LCGVMAX3

Loftus - direct

1 animals, but I am proposing studies with humans. It goes
2 through a process of review on the campus. And sometimes they
3 ask you to make modifications in your procedure; other times
4 they just outright give you the blessing to go ahead and do the
5 study.

6 Q. Is there a standard requirement that the experiment that
7 you're engaging in cause no harm to the participant?

8 A. Well, we certainly -- we certainly hope for -- yes, that
9 the -- when we're experimenting with human beings, that we are
10 not going to create any -- any harm in those participants.

11 Q. And does that requirement in and of itself limit the types
12 of experiments that you might otherwise choose to engage in?

13 A. Yes, it does. It does. So it might dictate what kind --
14 in the case of my work on false memories, what kind of false
15 memory I would propose to plant in the minds of a research
16 participant. So I might want to plant a false memory that
17 something horrible happened that would have been traumatic if
18 it actually had happened, like you were, you know, attacked by
19 a vicious animal. And the human subjects review committee,
20 well, has been known to approve that kind of proposal.

21 But other kinds of studies that might be a little bit
22 more sensitive, the human subjects committee might feel a
23 little uncomfortable about approving, like a deliberate attempt
24 to -- to plant a memory, for example, that your father, you
25 know, forced you to sacrifice animals or breed babies and kill

LCGVMAX3

Loftus - direct

1 those babies, something that you see in these claims of satanic
2 rituals, for example.

3 Q. Dr. Loftus, this is not your first time testifying, is it?

4 A. No, it's not.

5 Q. Approximately how many times have you testified in a court
6 of law over the time that you have been a research scientist?

7 A. I've testified in approximately 300 trials since June 3rd,
8 1975.

9 Q. And in addition to giving testimony at trial, have you also
10 provided testimony at depositions?

11 A. Yes.

12 Q. Have you testified in civil cases?

13 A. Yes.

14 Q. Have you testified for both the plaintiff and the defense?

15 A. Many times, yes.

16 Q. In connection with criminal cases, is it fair to say that
17 the majority, if not most, of your testimony is for the
18 defense; correct?

19 A. Well, I've only been asked to consult with the prosecution
20 maybe five or six times. But of those five or six times I've
21 consulted, only one time did the prosecution actually request
22 my testimony at trial; and I did testify for the prosecution in
23 that one case in Wisconsin.

24 Q. I apologize.

25 Do you have any knowledge of why you have not

LCGVMAX3

Loftus - direct

1 testified more often for the prosecution?

2 A. The prosecution is frequently the one that has -- is
3 putting on memory testimony and maybe wants to bolster that
4 testimony. And the testimony about memory distortion or the
5 potential for false memories is not something that typically
6 fits in their agenda.

7 Q. With regard to the many hundreds of times that you've
8 testified, have you been declared as an expert in the science
9 of memory?

10 A. The vast majority of those 300 cases are testimony about
11 memory. Every now and then I have testified as an expert
12 witness on a slightly different issue, usually having to do
13 with human comprehension, but not necessarily memory, like how
14 people would understand warning labels, for example.

15 Q. And is part of your expertise related to the impact of
16 memory on the brain?

17 A. I talk about memory and the processes of memory. It's the
18 neuroscientist who might be the ones who want to tell you about
19 the hippocampus and the amygdala and how it connects to the
20 parts of the brain. I know a little bit about that and I've
21 included material in some of my introductory psychology
22 textbooks about that; but I would defer to a different expert,
23 if you're talking about matters of neuroscience.

24 Q. Well, with regard to memory though, have you testified
25 about these stages of memory as known in your field?

LCGVMAX3

Loftus - direct

1 A. Oh, yes. Yes.

2 Q. Have you testified with regard to the impact of post-event
3 information on memory?

4 A. Many times, yes.

5 (Continued on next page)

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LCGCmax4

Loftus - direct

1 BY MS. STERNHEIM:

2 Q. And have you testified with regard to the construction or
3 reconstruction of memory?

4 A. Yes.

5 MS. STERNHEIM: Judge, at this time, I would proffer
6 Professor Elizabeth Loftus as an expert in the field of memory
7 science, the nature of memory reconstruction, and the impact of
8 events upon memory.

9 MS. POMERANTZ: Subject to our earlier objections,
10 your Honor.

11 THE COURT: Consistent with my prior ruling, I
12 indicate Professor Loftus as an expert in the fields you've
13 indicated. Go ahead.

14 MS. STERNHEIM: Thank you very much.

15 BY MS. STERNHEIM:

16 Q. Professor Loftus, I just mentioned stages of memory. Can
17 you please explain to the jury what those stages are in the
18 study of memory science.

19 A. Yes. One of the things we know about memory is it doesn't
20 work like a recording device. You don't just record the event
21 and play it back later. The process is much more complex. And
22 we study the processes of memory, tend to divide that process
23 into three major stages.

24 THE WITNESS: And, your Honor, I don't know if it's
25 possible in this enclosure for me to illustrate this for the

LCGCmax4

Loftus - direct

1 jury, but it might help if I could use the equipment to
2 identify the three stages and --

3 MS. STERNHEIM: Judge, the monitors have the capacity
4 to be used as a whiteboard and I would request that, for
5 demonstrative purposes, Professor Loftus be permitted to
6 demonstrate what she is discussing concerning the stages of
7 memory.

8 THE COURT: Ms. Pomerantz.

9 MS. POMERANTZ: No objection, your Honor.

10 THE COURT: All right. If you can do it
11 technologically, go ahead.

12 MS. STERNHEIM: May I just go over and show professor
13 Loftus what we need to do to turn it on. I think we have our
14 able tech person to help us. Thank you.

15 Your Honor, I would ask the screen be visible for the
16 jury, the parties, and the public.

17 THE COURT: You may.

18 BY MS. STERNHEIM:

19 Q. Professor Loftus, you may use the screen if it aids in your
20 testimony concerning the stages of memory.

21 A. So, typically, we start with the first stage, which is
22 called the acquisition stage. This is kind of -- and this is a
23 period where some event or events occur. That's the first
24 stage of the process.

25 But after that event or those events are over, now

LCGCmax4

Loftus - direct

1 time is passing and we enter the second stage, and this is
2 called the retention stage. After some time has passed, a
3 person might be asked to remember the event or the events, to
4 answer questions, to subject himself to an interview, to
5 testify. These are acts of retrieval where somebody is trying
6 to retrieve information about the event.

7 And so now we enter that third stage, which is the
8 retrieval stage. So our job as researchers in this field is to
9 identify the psychological factors that come into play at each
10 of these three stages that can affect the accuracy of what
11 somebody is telling you.

12 Q. Let me stop you for a second. When you were referring to
13 the acquisition stage, you mentioned an event. In the category
14 of event, is it just something that one sees or can it be that
15 something that one actually personally experiences or hears?

16 A. Well, first of all, it could be just -- it could be what
17 somebody sees and hears. It can be a robbery, for example,
18 which somebody is seeing something and maybe hearing some
19 conversation, but it might just be memory from a conversation
20 or memory for some other experience that ends up being critical
21 where you would like to know what happened.

22 Q. So one could actually be an observer or an actual
23 participant or a hearer, someone who hears something in that
24 acquisition stage?

25 A. Yes. Sometimes people, for example, are crime victims and

LCGCmax4

Loftus - direct

1 sometimes they're witnesses, and they're not the victim
2 themselves, but --

3 Q. Now, after the acquisition stage, is anything that happens
4 after the event, whichever constitutes the event occurs,
5 considered retention stage?

6 A. Typically, yes. It's after the event is over, so we say,
7 well, that's the retention stage. I don't mean to complicate
8 things too much, but I think you can appreciate that actually
9 there can be many acts of retrieval. So there can be a long
10 retention interval peppered with different acts of retrieval.
11 But I used a simple diagram here to illustrate the three major
12 stages.

13 Q. Can you simply identify what separate acts of retrieval
14 would be.

15 A. So after some event, say, you know, a robbery, sometimes
16 people might have a conversation with each other about what
17 they saw and then sometimes the police might come to the scene
18 and start asking questions about what did you see or what did
19 you hear, and then the person might go to a police station and
20 maybe try to make an identification of somebody who might have
21 been seen at the event, and then somebody may be interviewed
22 many more times, may then testify at trial. That would be a
23 standard situation in a legally relevant event.

24 Q. Now, in each of those retrieval examples you just gave,
25 that is coming from an external source; correct?

LCGCmax4

Loftus - direct

1 A. Yes.

2 Q. Is there the possibility of retrieval from an internal
3 source, meaning within the individual who is trying to recreate
4 the memory?

5 A. Well, in the example that I gave earlier with the stop sign
6 and the yield sign, we do suggest the misinformation
7 externally, we supply them with the misinformation. But
8 sometimes what happens with individuals is they draw inferences
9 about what might have happened or what could have happened or
10 what possibly happened and they can suggest things to
11 themselves. That's called autosuggestion where there is not
12 somebody deliberately suggesting something to you, not
13 deliberately trying to tell you, you know, I saw the thief and
14 he was wearing a brown jacket instead of a green jacket, but
15 you, the witness, are drawing inferences that then start to
16 feel as if they're memories.

17 Q. Going back to the acquisition stage, what would affect the
18 quality of one's acquisition of an event?

19 A. At the time of acquisition, the event itself, well, some
20 obvious thing, how good is the lighting, how far away are you,
21 how distracted are you, are you preoccupied thinking about
22 something else. Sometimes, if you're under the influence of
23 certain drugs. Marijuana is one that has been studied a lot,
24 for example, and we've studied it in a recent paper. That
25 could affect the formation of the memory in the first place.

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Loftus - direct

1 Q. So in connection with the acquisition stage, there could be
2 external factors that can affect acquisition?

3 A. Yes.

4 Q. And there could also be personal or internal factors that
5 could affect one's acquisition of information?

6 A. Yes.

7 Q. Now, going to the retrieval stage --

8 A. Retention.

9 Q. Well, retention would be --

10 A. What would be next.

11 Q. What you hold from the experience; correct?

12 A. Well -- so, time is passing. I mean, the event is getting
13 older and older, and some other things are important in this
14 retention stage, and one of those things is whether or not a
15 person is exposed to post-event suggestion. If there is
16 post-event suggestion, maybe a little misinformation, it can
17 enter a witness's memory and cause a contamination, an
18 alteration, a distortion, or even a supplementation of memory,
19 and the longer that retention interval, the older -- the older
20 the event is, the more susceptible people are to having
21 post-event suggestion potentially contaminate their memory.

22 Q. It's fair to say that one does not need any degree
23 whatsoever to know that memory can fade over time; correct?

24 A. Correct -- I think, yeah, that's kind of a matter of common
25 sense. But what's less a matter of common sense is that, as

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Loftus - direct

1 it's faded and weakened, it becomes more vulnerable to
2 contamination.

3 Q. Now, you spoke about post-event suggestion. Stepping back
4 for a moment and just using the term post-event information,
5 please tell the jury what that would be and what could
6 constitute such information.

7 A. Post-event information can happen when two people are
8 having a conversation with each other about the past and they
9 can influence each other. Post-event information can be
10 supplied when somebody is being interrogated, particularly, if
11 they're being interrogated with somebody who's got an agenda or
12 a hypothesis about what might have happened and communicates
13 that to the person they're interviewing, even inadvertently.

14 The media is a source of post-event suggestion that
15 we've actually studied where people are sometimes interviewed
16 on the media or media personalities will supply some suggestive
17 information that can contaminate memory.

18 Those are just examples of out there in the real
19 world, what are the opportunities for post-event suggestion to
20 become available to a person and potentially contaminate a
21 memory.

22 Q. Have you conducted any studies or given any workshops with
23 regards to interviewing techniques and the effect on memory?

24 A. Well, that is typically what -- when I would be consulting,
25 for example, with the FBI or the Secret Service or even the

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Loftus - direct

1 CIA, I would be talking about interviewing techniques and other
2 sources of potential post-event information that can
3 contaminate memory. That's part of what those lectures and
4 consulting is about.

5 Q. And in connection with an interviewing process, would there
6 be a difference between asking what would be an open-ended
7 question where the person being questioned provides the
8 information as opposed to, as we all know, what a leading
9 question is where the information may be provided and the
10 recipient of the question just answers yes or no?

11 A. Well, it's certainly open-ended questions give you, in some
12 sense, more accurate information. It might not be fully
13 complete, so you might need to follow it up with some specific,
14 more specific information or the closed-ended questions, and
15 you would like to have them be as neutral as possible so that
16 you don't contaminate the witness. But to get a little bit
17 more complete a version of what you're looking for -- but when
18 you ask leading questions like how fast were the cars going
19 when they smashed into each other, that's probably not a good
20 way to follow up an open-ended question.

21 Q. Now, with regard to the process of questioning someone,
22 have you conducted any studies that show the impact of stress
23 in the interviewing environment?

24 A. I have -- no. Usually, when you talk about stress, it's
25 usually at the time of the event itself. It can be a very --

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Loftus - direct

1 you've seen a horrible traffic accident or something
2 particularly stressful happens to you. In terms of the stress
3 at the time of retrieval when you're answering questions, I'm
4 not sure, you know, to what extent that has been manipulated.
5 I'd have to think about that a little to see if I can think of
6 a study that might help you out there, but --

7 Q. Well, in addition to questioning someone, are there other
8 situations in which there can be the exchange of information
9 that can be suggestive to an individual?

10 A. Yes.

11 Q. Can you please give us some examples of that.

12 A. Sometimes when people are trying to retrieve information,
13 there is pressure to provide more, more details, more details
14 about some particular subject. I've seen that not only in law
15 enforcement interviews, but more often even in certain kinds of
16 psychotherapy.

17 Q. Now, talking about psychotherapy for a moment, you told the
18 jury that you have a doctorate in psychology, but are you a
19 practicing therapist?

20 A. No. No.

21 Q. Do you consult with patients in a therapeutic environment?

22 A. I don't do therapy, but I sometimes study patients. I
23 don't do therapy, though.

24 Q. So you're not a psychologist who has a therapeutic
25 practice?

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Loftus - direct

1 A. Correct.

2 Q. You just mentioned the suggestiveness at times of
3 psychotherapy. Could you please explain to the jury what you
4 mean with regard to that.

5 A. Well, there are certain -- of course therapy can be
6 wonderful for many people, but there are some practices in some
7 psychotherapy where the therapist tells the patient that the
8 current problems are due to some buried memories of childhood
9 trauma and that they need to be recovered or retrieved in order
10 to heal the patient. Some of these patients -- some of these
11 psychotherapists have engaged in practices that have led their
12 patients to have false memories.

13 Q. But that certainly is not in every therapeutic environment?

14 A. No, absolutely not.

15 Q. Now, with regard to suggestiveness, are you familiar with a
16 concept called labeling?

17 A. Yes.

18 Q. Could you please explain to the jury what that means with
19 regard to memory.

20 A. There is a lot of classic work on labeling, which is if
21 you -- if a person sees something ambiguous and, later on, it
22 gets labeled with a particular label, that the individuals will
23 start to remember this ambiguous stimulus as something a little
24 closer to that label.

25 In one of the old classic studies, people saw a --

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1 something that could vaguely look like it might be eyeglasses
2 or whatever, very ambiguous. If it got labeled as eyeglasses,
3 people remembered it as more like eyeglasses. If it got
4 labeled as dumbbells, people later remembered it as looking
5 more like dumbbells. That's just an example of how you can
6 label something ambiguous and it will affect people's memory
7 for what they saw.

8 Q. So if two people, let's say, are having a conversation
9 concerning an event, and one of the individuals characterizes
10 it in some colorful fashion that the other one may not have
11 considered, would that be a situation where the memory might
12 become labeled?

13 A. Yes, absolutely. In one of our older studies, we found
14 that labeling something as an incident, which is really fairly
15 neutral, has a different affect than when you label the thing
16 that happened as a fight. People are more likely to construct
17 an image of a fight, probably because of that label.

18 Q. Are you familiar with the term memory traces?

19 A. Memory traces?

20 Q. Yes. Or memory fragments?

21 A. Well, I suppose that every now and then somebody might talk
22 about memory fragments. Just, you would have a bit or a piece
23 of information in your memory.

24 Q. And are you familiar with situations where someone might
25 take that bit of a memory and enhance it in some way?

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1 MS. POMERANTZ: Objection, your Honor.

2 THE COURT: Grounds.

3 MS. POMERANTZ: Leading.

4 THE COURT: Sustained.

5 MS. STERNHEIM: Okay. I'll move on.

6 BY MS. STERNHEIM:

7 Q. Are you familiar with the term forgetting curve?

8 A. Yes.

9 Q. Could you please explain to the jury what that means.

10 A. Yes. I hope in talking about the forgetting curve I'm not
11 violating any judge's order, but I will --

12 THE COURT: Jury will disregard the witness's last
13 comment. The witness will just direct her answers to the
14 questions posed. Thank you.

15 THE WITNESS: Okay. Sorry, your Honor.

16 Q. So the forgetting --

17 A. So the forgetting curve. If I were to plot how good is
18 memory as a function of how much time has passed --

19 MS. POMERANTZ: Objection, your Honor.

20 THE COURT: Sustained.

21 MS. STERNHEIM: We'll move on.

22 Q. Going back again to the concept of post-event information,
23 you spoke before about post-event suggestion. What would that
24 be?

25 A. Well, post-event information is sort of an umbrella term.

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1 Post-event -- somebody could supply post-event information that
2 is accurate and that might cause somebody to supplement their
3 memory with accurate information. Post-event suggestion
4 typically refers to a situation where you're supplying people
5 with new information that is not particularly accurate.

6 Q. Memory has been termed a constructive process; correct?

7 A. Yes.

8 Q. Could you explain what that means to the jury.

9 A. What we mean by that is, as I testified earlier, we don't
10 just record events and play it back later like a recording
11 device would work, like a video machine, but rather, we are
12 actually constructing our memories when we retrieve memories.
13 We often take bits and pieces of experience sometimes that
14 occurred at different times and places, bring it together, and
15 construct what feels like a recollection.

16 Q. With regard to the experiments that you have conducted, by
17 virtue of the experiment itself, you have proof of what would
18 form the basis of a memory; correct?

19 MS. POMERANTZ: Objection.

20 THE COURT: Just a moment. Grounds.

21 MS. POMERANTZ: Leading.

22 THE COURT: Sustained.

23 BY MS. STERNHEIM:

24 Q. When you do memory research, is there a process in your
25 experiment that sets up a basis for a memory?

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1 A. In some of the experiments, yes. So, for example, in the
2 study that I've testified about already, we show people a
3 simulated accident, so we know exactly what the event was, we
4 know what they saw and that way we can see how the post-event
5 information changes what they remember.

6 Q. And in contrasting that, which you just said you could see,
7 that would be different than somebody who just reports a memory
8 with no visual proof or documentation of it; correct?

9 A. Yes, then you don't have a record of what actually
10 happened.

11 Q. And somebody who might report a memory may give very vivid
12 detail; correct?

13 A. Yes.

14 Q. And does the fact that someone reports a memory with vivid
15 detail mean that the memory is accurate?

16 A. No, because of false memories. Once they're constructed in
17 somebody's mind, either by external suggestion or by
18 autosuggestion, could be very vivid, detailed. People can be
19 confident about them, people can be emotional about them, even
20 though they're false.

21 Q. So if somebody believes that they had an experience and
22 describes that experience, there is no way of proving that that
23 actually occurred?

24 MS. POMERANTZ: Objection.

25 THE COURT: Sustained.

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1 Q. Outside of the laboratory, is there any way of proving that
2 someone has an actual memory?

3 MS. POMERANTZ: Objection.

4 THE COURT: Sustained.

5 Q. Does an experience that may contain some trauma make a
6 memory more reliable than one that does not?

7 A. Traumatic experiences compared to maybe more neutral ones
8 might be associated with certainly remembering, you know, the
9 core of what happened. You know that what you saw was a plane
10 crash and not a warehouse fire and maybe some core details, but
11 even traumatic experiences can be subjected to post-event
12 suggestion that can exaggerate or distort or change the memory.

13 Q. In the course of your research and experience, have you
14 done any experiments that have studied the confidence of
15 memory?

16 A. Yes.

17 Q. Can you please explain that to the jury.

18 A. Oftentimes, at retrieval, when somebody is answering a
19 question or reporting on what they remember from an event, they
20 might be asked to express the level of confidence, you know,
21 I'm pretty sure it happened, I'm very sure or what have you.
22 And one of the things we know is if the conditions are very
23 pristine, not a lot of -- not a lot of suggestion, not a long
24 period of time, they're a fair test, people are more accurate
25 when they're confident than when they're not confident. But

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1 the problem is when you have post-event suggestion or
2 intervention, people get very confident about their wrong
3 answers, and you can see that even wrong answers or false
4 information, false memories can be expressed with a high degree
5 of confidence.

6 Q. In connection with your experience and research, have you
7 ever come across the term, rich false memories?

8 A. Yes.

9 Q. Could you please explain to the jury what that means.

10 A. So going back, actually, to the typical eyewitness study,
11 witnesses see an accident, they really saw the car go through a
12 stop sign. Later on, you suggest it was a yield sign and many
13 people will succumb to the suggestion. You have changed a
14 detail in memory for an event that actually happened.

15 But somewhere around the 1990s, researchers from
16 around the world started to look at, could you plant an entire
17 event into the minds of people for something that didn't
18 happen, could you use enough suggestion that you would get
19 people to construct whole events, and we and others have
20 accomplished that, meaning other scientific laboratories,
21 planting false memories that -- well, as I mentioned, you
22 witnessed your parents have a physically violent fight or you
23 were attacked by a vicious animal, or you had a serious indoor
24 or outdoor accident, or you nearly drowned and had to be
25 rescued by a lifeguard, or you committed a crime as a teenager

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1 and it was serious enough that the police came to investigate -
2 all of these rich false memories have been planted in the minds
3 of otherwise healthy individuals.

4 THE COURT: Ms. Sternheim, we're going to break for
5 the lunch hour.

6 MS. STERNHEIM: That's great. Thank you.

7 THE COURT: Members of the jury, you'll have about an
8 hour for lunch. Thank you so much. Enjoy your lunch.

9 (Continued on next page)

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1 (Jury not present)

2 THE COURT: The witness may step down and out for the
3 break. Thank you.

4 Everyone may be seated. Are there matters to take up
5 before the break or just after the break?

6 MS. POMERANTZ: Not from the government.

7 MS. STERNHEIM: Not at this time, Judge.

8 THE COURT: Okay. You could step out, thank you.

9 THE WITNESS: Okay.

10 (Witness excused)

11 THE COURT: I just want to make sure we have clarity
12 on what needs to be resolved following the break.

13 On the prior inconsistent statements, I'm going to
14 spend my lunch looking through them, but I'm hoping there will
15 be consultation and stipulation in narrowing so that we can
16 really get down to where there is genuine disagreement after
17 you've had some discussion.

18 Is that everybody's understanding?

19 MR. ROHRBACH: That's fine with the government, your
20 Honor.

21 MR. EVERDELL: We will try to confer, see if we can
22 narrow the issues.

23 THE COURT: Okay. I don't know when you need
24 resolution of the un-narrowed issue, but my understanding is we
25 might hit that point today.

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1 MR. EVERDELL: Your Honor, yes. This does create a
2 bit of a timing problem because it's possible we would get to
3 the witnesses where these issues would come up, so --

4 THE COURT: All the more reason to work it out.

5 MR. EVERDELL: Very true. And if -- well, I guess
6 we'll address if we can't work it out with the Court when we
7 come back.

8 THE COURT: Okay. Were you going to offer something
9 there, Ms. Pomerantz?

10 MS. POMERANTZ: No, your Honor. I saw something pop
11 up on the screen.

12 THE COURT: All right. We'll come back. We're going
13 to need to come back early I think to get to some resolution if
14 we need to.

15 And Mr. Hamilton, you're going to confer on that so
16 that we can have that testimony ready when it's time?

17 MR. ROHRBACH: We'll confer on the details about how
18 to make that testimony happen. My understanding is the Court
19 hasn't resolved the pending motion to preclude the testimony in
20 full.

21 THE COURT: Right. I wanted to know what timing we
22 were talking about for that so that I can look at the papers.

23 MR. ROHRBACH: We'll confer with defense counsel about
24 that.

25 THE COURT: My quick skim of the papers this morning

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1 was that there had been some narrowing there, as well; right?

2 MR. ROHRBACH: That's the government's understanding
3 of the defense response, yes, is that it's narrowed to a few
4 paragraphs of the affidavit.

5 THE COURT: A few paragraphs of the affidavit. Okay.
6 So I will focus my attention on those few paragraphs of the
7 affidavit and try to come back with resolution after lunch if I
8 can. If not, end of the day -- is it fair to assume we're not
9 going to get to that today?

10 MS. STERNHEIM: That is correct, Judge. If we were to
11 get there, we would have to do all the logistics about the
12 Webex and I also would need to see if Mr. Hamilton is up to it,
13 physically.

14 THE COURT: Well, you should make that call --

15 MS. STERNHEIM: I am doing that --

16 THE COURT: Because it will either be today or
17 tomorrow; right?

18 MS. STERNHEIM: Yes.

19 THE COURT: Okay. And then what else do I need to
20 consider? Anything else?

21 MS. POMERANTZ: Not from the government.

22 THE COURT: About how much longer on Professor Loftus?

23 MS. STERNHEIM: With the lunch break, much shorter. I
24 don't expect to be very long and I would like to trim it so
25 that we can move on.

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Loftus - direct

1 THE COURT: And then who's next?

2 MS. STERNHEIM: I think we need to have a conferral
3 about that.

4 MR. EVERDELL: It will either be Richard Barnett or
5 Michael Aznaran from Customs and Border Protection.

6 THE COURT: Okay. It's 1:03, we'll meet in 45
7 minutes, so that's 1:50. See you then.

8 (Recess)

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AFTERNOON SESSION

2:05 p.m.

THE COURT: Okay, where are we?

MS. MENNINGER: Your Honor, the government and I spoke over the break. We appreciate how lengthy two of the witness's prior inconsistent statement contentions are. We were unable, in this amount of time, to try to reach agreement on all of them. The witnesses that pertain to those two would be testifying tomorrow. The one that pertains to Carolyn is here from out of state and would be testifying this afternoon. So our joint proposal, I think, would be to address right now the Carolyn prior inconsistent statement so that witness could testify or be released this afternoon and then, at the close of court this afternoon, for us to sit down with the testimony and try to reach agreement on the two related to Jane and Annie.

MS. COMEY: That's correct, your Honor. I believe there are only three statements at this point in dispute regarding Carolyn, so I think we can resolve that pretty quickly. Mr. Pagliuca, I believe, has the list of the three that I believe are in dispute.

MR. PAGLIUCA: Yes, your Honor. The two that are agreed to are at transcript 3610, 9 through 15 -- I'm sorry. Not 36. I have 35 numbers in my head. 1610, lines 9 through 15; 1611, lines 1 through 5. Those correspond to the following statements in the 302.

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1 THE COURT: I have them. And have you agreed on how
2 they come in?

3 MS. COMEY: Your Honor, we've offered to stipulate to
4 what the 302 says. My understanding is that the defense
5 prefers a live witness, but we have offered to stipulate to
6 exactly what the witness would testify to if they wish.

7 MR. PAGLIUCA: The witness is here, your Honor. It
8 will be quicker just to put on the testimony than to draft up a
9 stipulation and read it into the record. So I think that's
10 what makes sense to me.

11 THE COURT: I mean, I can't force a stip. I can
12 strongly encourage when it makes sense. All right.

13 And then what's next?

14 MR. PAGLIUCA: The ones that are in contention, your
15 Honor, are transcript trial testimony 1564, lines 4 through 7,
16 and page 1565, 18 through 23.

17 THE COURT: Let me just get my eyes on it. Okay. Go
18 ahead.

19 MR. PAGLIUCA: That corresponds to 3505, 005, page 1,
20 second paragraph, the inconsistent statement is, "Virginia
21 approached Carolyn at a party and asked her if she would like
22 to make \$300."

23 THE COURT: So what's in dispute is whether it was at
24 a party or at the Virginia house?

25 MR. PAGLIUCA: Correct.

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Loftus - direct

1 MS. COMEY: Your Honor, we believe that's collateral,
2 and extrinsic evidence isn't appropriate on a collateral
3 matter.

4 THE COURT: And also, the quote was read in court,
5 wasn't it?

6 MS. COMEY: Yes, your Honor.

7 THE COURT: I'll sustain the objection to that one.

8 MR. PAGLIUCA: The next is 1567, lines 7 through 19.

9 THE COURT: Okay. Just give me one moment.

10 MR. PAGLIUCA: Sure.

11 THE COURT: Okay.

12 MR. PAGLIUCA: And the prior inconsistent statement is
13 at 3505, 005, page 1, second paragraph. Virginia explained
14 Carolyn could make \$300 by providing a man in Palm Beach with a
15 massage.

16 MS. COMEY: Your Honor, our view is that the relevant
17 portion was read into the record and then, at lines 23 of 1567
18 through 2 of 1568, she was asked specifically whether she made
19 that statement to the FBI and she responded, yes, she told me
20 that. So I don't see how extrinsic evidence would be
21 appropriate.

22 MR. PAGLIUCA: I think it's inconsistent, your Honor.
23 There is a denial and then there is a yes, she told me that,
24 and I think with that inconsistency, we should be allowed to
25 impeach it.

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Loftus - direct

1 THE COURT: Yes, she told me that, and that's what you
2 told the FBI, yes, I told you that. Sustained.

3 MR. PAGLIUCA: The next one that's on the chart, your
4 Honor, is not at issue.

5 THE COURT: Okay.

6 MR. PAGLIUCA: So I think that resolves it with the
7 Court's rulings. We're down to the two that have been agreed
8 to.

9 THE COURT: Okay. So that gets us what we need for
10 now and you'll keep working with respect to the other two
11 witnesses; correct?

12 MS. COMEY: Yes, your Honor.

13 THE COURT: Great. What else?

14 MR. PAGLIUCA: I don't know if the Court -- well, the
15 Court does not need to address this, but I conferred briefly
16 with the government about the government's proposed rebuttal
17 expert. I'm prepared to file something related to that, but
18 they may not be calling the rebuttal expert, so we'll deal with
19 that later.

20 THE COURT: Let's do what we need to do in the
21 immediate and then it sounds like we could do that by written
22 submission if we need to.

23 So the Hamilton issue, I'm trying to get my head
24 around. So let me just ask, make sure I understand. I'm
25 looking at the affidavit of Mr. Hamilton. This is you,

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Loftus - direct

1 Mr. Everdell?

2 MR. EVERDELL: I have an update on his availability.
3 I think the substance is Ms. Sternheim.

4 THE COURT: Okay.

5 MR. EVERDELL: But as to his availability, we were
6 able to make contact with him and he can do a Webex today or
7 tomorrow, we just have to let him know when. I don't think
8 we'll be able to get the technology set up today, but he is
9 available tomorrow.

10 MS. STERNHEIM: Judge, I would just say that because
11 of his condition, I have not been able to speak with him and I
12 would like an opportunity to at least talk to him before we put
13 him on. So my preference would be to make him the first
14 witness tomorrow morning because of the time difference.

15 THE COURT: Okay. I think that's fine. Now let's
16 figure out if we're going to hear from him.

17 So I'm looking at the declaration. And you've
18 narrowed to paragraphs -- tell me, Ms. Sternheim. I think it's
19 17.

20 MS. STERNHEIM: Let me just confirm with my
21 colleagues.

22 Judge, I need to access the letter that was filed
23 earlier this morning.

24 THE COURT: I guess since perhaps we take this at the
25 end of the day. I don't want to have the jury --

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Loftus - direct

1 MS. STERNHEIM: I'd appreciate that so that I can have
2 all of the documents in front of me.

3 THE COURT: Okay.

4 MS. STERNHEIM: Thank you very much.

5 THE COURT: Just so I can marinate on it. So the
6 basic idea is that you want this witness to testify about one
7 or two conversations that he had with this witness, who we're
8 calling Kate, the one or two conversations that he had with
9 Kate in which -- and his proffered testimony is that, at one
10 point, Kate said, regarding the subject of Jeffrey Epstein,
11 that it, quote, fell right into my lap.

12 MS. STERNHEIM: That's correct.

13 THE COURT: Let's start with that one. What is the
14 purpose for which it is being offered?

15 MS. STERNHEIM: It certainly shows motive and bias on
16 the part of Kate. There is a monetary issue here. That is not
17 the statement of someone who feels that they are a victim as
18 much as they feel -- it suggests that it's an opportunity that
19 is anything but placing her in the category of victim. It
20 sounds more like someone who is interested in a windfall.

21 THE COURT: So broadly stated, the purpose for which
22 it's being offered?

23 MS. STERNHEIM: Is her bias and motive.

24 THE COURT: And the government's objection?

25 MR. ROHRBACH: The government's objection is that this

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1 is a collateral matter. It doesn't go to bias or impeachment.
2 That --

3 THE COURT: Is that a 401 objection?

4 MR. ROHRBACH: Well, it's not a form of impeachment of
5 Kate's testimony. So I guess it's 401 or it's not within the
6 common law motion to show bias or motive. It is not probative
7 on the question of any monetary incentive by Kate whatsoever.
8 There is no mention of money, no suggestion of her motive for
9 doing anything in that sentence. It's very difficult to parse,
10 without the witness's speculation, about what he thought Kate
11 might be referring to, which is it's certainly objectionable
12 and irrelevant testimony.

13 THE COURT: I wouldn't permit that. I guess the
14 question is just the recounting of what he said, she said, it
15 fell into my lap.

16 MR. ROHRBACH: Right.

17 THE COURT: So I think you mean that's -- I think it's
18 a 401 objection.

19 MR. ROHRBACH: It's a 401 objection, your Honor, and
20 we think it's extrinsic evidence on a collateral matter because
21 it's not impeachment about any of the core subjects. She was
22 asked about that on cross, she denied the statement. Her
23 denial can't be impeached with extrinsic evidence.

24 MS. STERNHEIM: Judge, it's my understanding that
25 motive and bias can be attacked in this manner. The witness

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1 said no and we have a witness who says otherwise. To let it
2 just stand is only her statement, which we have the ability to
3 contest.

4 MR. ROHRBACH: That would only be true if it went to
5 bias and motive, which it doesn't for the reasons I've
6 explained. As the Court is aware, I think we had this
7 conversation at a sidebar during Kate's testimony when
8 Ms. Sternheim had this declaration and we all agreed this is a
9 collateral matter at that time.

10 MS. STERNHEIM: Judge, collateral during the testimony
11 of that witness. Having another witness to counter what that
12 witness says elevates it to another category.

13 MR. ROHRBACH: It's impeachment with extrinsic
14 evidence, whether that extrinsic evidence is a declaration or
15 live testimony by a witness.

16 THE COURT: It's not just the impeachment, it's not
17 just the question of did she say it or not. Although, there is
18 that impeachment embedded in it. But there is just the
19 testimony itself and the question is whether that's relevant
20 evidence of bias or motive; right? Isn't that the analysis?

21 MR. ROHRBACH: I didn't understand the defense to be
22 offering this as affirmative evidence of bias or motive, just
23 as impeachment for those reasons. The defense has never turned
24 this over in Rule 16 discovery, for example, which they would
25 do if it was part of their case in chief because they were

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1 making an argument about witness bias, which is just, you know,
2 we're not raising a Rule 16 objection, it's just to show the
3 purpose for which this testimony is being used is extrinsic
4 evidence to impeach Kate's testimony.

5 MS. STERNHEIM: The papers that we filed last night
6 specifically state the basis upon which we are seeking to
7 introduce this. I made this available at the time of the
8 testimony. It is dated at a time that occurred during the
9 course of the trial related to the testimony of their witness.
10 I don't see why it is a Rule 16 violation --

11 THE COURT: Well, I think they're not actually arguing
12 that.

13 So, Mr. Rohrbach, for the proposition that the denial
14 can't be impeached by extrinsic evidence, cited Second Circuit
15 case, *United States v. Harvey*, 547 F.2d 720, "...that a cross
16 examiner is not required to, quote, take the answer, end quote,
17 of a witness concerning possible bias, but may proffer
18 extrinsic evidence, including the testimony of other witnesses
19 to prove the facts showing a bias in favor of or against a
20 party.

21 You agree that's the law, you're just saying that
22 there is not an available inference to the jury of bias from
23 the "it fell into my lap."

24 MR. ROHRBACH: That's right, your Honor. That
25 inference only becomes available when that statement is

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1 surrounded by the speculative mental impressions of the
2 witness, which are not admissible evidence. And the statement
3 on its own says almost nothing is an out of context statement
4 from which, on its face, doesn't say anything about Kate's
5 motives or financial interests in anything.

6 MS. STERNHEIM: Judge, can the government really, with
7 a straight face, say that a victim would say, "It fell into my
8 lap." I think it goes to the weight that the jury wants to
9 give to it and I think that it is appropriate affirmative
10 testimony to be put on in a defense case. They can make
11 whatever arguments they want, they can cross examine
12 Mr. Hamilton, but to exclude it on that basis I think is just
13 wrong.

14 THE COURT: I mean, I think we've settled on the
15 analytical framework, which is we agree, following Harvey, if
16 it is extrinsic evidence, to show bias in favor of or against a
17 party, it's permissible; right?

18 MR. ROHRBACH: Yes, we agree.

19 THE COURT: So it's really a 401 question. Is there
20 an available inference to the jury, if they believe
21 Mr. Hamilton, that the witness said that Kate said, "It fell
22 into my lap," if that goes to bias. I think there is an
23 available inference to the jury. I won't let Mr. Hamilton go
24 beyond and speculate as to meaning.

25 MS. STERNHEIM: Understood.

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1 THE COURT: So what else beyond that?

2 MS. STERNHEIM: There is the statement that Kate told
3 him that the case against Ms. Maxwell was getting stronger
4 because the women were strengthening their stories.

5 THE COURT: Okay. Mr. Rohrbach.

6 MR. ROHRBACH: So a few concerns about this one, your
7 Honor. This one sort of doesn't attempt to be a quotation from
8 Kate, so we don't know the sense in which it's going to be
9 viewed with mental impressions from. Mr. Hamilton is not a
10 statement that Kate was asked about on cross examination.

11 THE COURT: Pause on that point. Tell me the legal
12 basis for the pertinence of that.

13 MR. ROHRBACH: Well, to the extent that they are -- I
14 guess if they're offering it solely to show bias or motive,
15 then that wouldn't be necessary. If they're offering it as an
16 inconsistent statement with her other statements that she did
17 give on direct, that would not be available since they didn't
18 challenge her with a statement.

19 THE COURT: This is why I keep asking what's the
20 framework, because --

21 MR. ROHRBACH: If this is the bias framework again, it
22 wouldn't matter --

23 THE COURT: Is that the same contention?

24 MS. STERNHEIM: Yes, Judge.

25 THE COURT: So then we have the 401 question.

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1 MR. ROHRBACH: It's the same 401 question, although
2 this one is even more attenuated from any notion of bias or
3 motive since it says nothing about her incentives or why she is
4 testifying. She could be testifying for literally or
5 cooperating with the government for literally any reason and
6 make the same statement. It sheds no light on her motives or
7 biases.

8 MS. STERNHEIM: It sheds light on her knowledge that
9 she knows what the other accusers are doing.

10 MR. ROHRBACH: That is not a motive or bias objection.

11 THE COURT: I think that's right. I'm inclined to
12 sustain on that one on the 401 ground. Okay.

13 So I think we're limited to the first question. So
14 you'll work out --

15 MR. ROHRBACH: We've been conferring and will work out
16 a way for Mr. Hamilton to testify on that point.

17 THE COURT: All right. We can bring in the jury?

18 MR. ROHRBACH: Nothing else from the government.

19 THE COURT: Ms. Sternheim.

20 MS. STERNHEIM: Ready to proceed.

21 THE COURT: We'll get the witness and Ms. Williams
22 will get the jury.

23 (Witness present)

24 You may take off your mask. Thank you.

25 (Jury present)

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Loftus - direct

1 THE COURT: Thank you, everyone. I hope you had a
2 pleasant lunch. We're going to continue with the direct
3 examination of professor Loftus.

4 Professor Loftus, I remind you, you are under oath.

5 Ms. Sternheim you may inquire.

6 MS. STERNHEIM: Thank you.

7 BY MS. STERNHEIM:

8 Q. Professor Loftus, before we broke for lunch, I was asking
9 you, had you been involved in any research that dealt with the
10 correlation between the certainty of confidence that one has
11 and whether the memory itself is accurate. Do you recall that?

12 A. Yes, I believe I answered the question. Yes.

13 Q. And are you familiar with the concept that confidence is
14 malleable?

15 A. Yes.

16 Q. Can you please explain what that means to the jury.

17 A. People can express a level of confidence and if they then
18 get some new information, for example, confirming information,
19 something that confirms their recollection, it can increase --
20 sort of artificially increase their confidence in what they're
21 saying.

22 So, for example, in some research, primarily research
23 done by one of the most prominent people in this field,
24 Professor Wells from Iowa State, individuals would make an
25 identification at a lineup and then be told -- and express some

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1 confidence like, I am pretty sure that's the guy. They get
2 some new information, that's our suspect, or some other
3 confirming information and it increases their confidence in
4 their recollection. And that's confidence malleability.

5 Q. Are you familiar with the concept of prestige enhancing
6 memory distortion?

7 A. Yes, I am.

8 Q. Could you please explain to the jury what that means.

9 A. So one of the things that memory scientists have discovered
10 about memory distortion is that we humans frequently remember
11 ourselves in a better light than perhaps is accurate. So there
12 are studies showing that people remember their grades were
13 better than they really were, that they voted in elections they
14 didn't vote in, that they gave more to cater than they really
15 gave, that their kids walked and talked at an earlier age than
16 they really did. These are prestige enhancing memory
17 distortions that people routinely make when they're not
18 deliberately lying, but maybe it makes them feel a little
19 better about themselves.

20 (Continued on next page)

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Loftus - direct

1 BY MS. STERNHEIM:

2 Q. Earlier today I asked you various questions concerning the
3 context of your curriculum vitae, you remember that?

4 A. Yes.

5 Q. Fair to say that we didn't go into great detail about it;
6 correct?

7 A. Well, no, not great detail.

8 Q. And there was much more that you could have told the jury
9 about it, but it would be time-consuming, wouldn't it?

10 A. It would, yes.

11 MS. STERNHEIM: Judge, at this time I would move into
12 evidence Judge Loftus's CV, which is EF-1.

13 MS. POMERANTZ: Objection, your Honor.

14 THE COURT: I'm sorry?

15 MS. POMERANTZ: The government objects.

16 THE COURT: Overruled. EF-1 is admitted.

17 MS. STERNHEIM: Thank you.

18 (Defendant's Exhibit EF-1 received in evidence)

19 BY MS. STERNHEIM:

20 Q. Professor Loftus, just to be clear, you are being
21 compensated for your time; correct?

22 A. I am, or I hope so, yes.

23 Q. I hope so, too.

24 You don't have any stake in the outcome of this trial,
25 do you?

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Loftus - direct

1 A. No, I don't.

2 Q. The testimony that you give on memory science would be the
3 same regardless of what party called you; correct?

4 A. That's correct. It would depend on the facts of the case
5 and where it was appropriate; but whatever party wouldn't
6 matter.

7 Q. And what is the hourly rate that you're charging for your
8 time?

9 A. Well, I'm currently charging in this case \$600 an hour for
10 my time, which was the rate that I quoted when I was retained
11 back in January.

12 Q. Thank you. Just a few more questions.

13 You testified earlier this afternoon about media being
14 a post-event information source; correct?

15 A. Yes.

16 Q. Now, media isn't just limited to the printed page; correct?

17 A. No. It's television, social media, newspapers, podcasts.

18 Q. And dramatic portrayals would be a source of post-event
19 information, would it not?

20 A. Books and movies, yes.

21 Q. Okay. Thank you.

22 Now, we've talked earlier about suggestion. And
23 you've talked about studies in which memories have been
24 implanted in your subjects. The implanting of information
25 either in your laboratory or outside of your laboratory in the

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Loftus - direct

1 form of post-event information can be intentional or
2 inadvertent; correct?

3 A. Correct. Of course, in my studies or the studies of other
4 scientists, we do it deliberately in order to study what
5 happens, what changes it leads to. But out there in the real
6 world, it doesn't necessarily happen deliberately that people
7 are deliberately trying to mislead other people. It can happen
8 inadvertently.

9 Q. Have you conducted any research or are you aware of any
10 research that has indicated that secondary gain or motive may
11 impact the retelling of an event?

12 A. Well, there is some work on motivated false memories.
13 People do seem to be more willing to accept suggestions when
14 it's going to fit with their -- with their prior beliefs or fit
15 with some motives. I'm not sure I know any specific study that
16 sort of shows if people are offered money for a particular
17 memory, that they are more likely to give it to you, but it
18 certainly seems plausible.

19 Q. In any of the studies that you've conducted, has there been
20 an analysis of who provides the post-event information, meaning
21 someone who you trust as opposed to someone you don't trust?

22 A. Yes. There are several studies that are in the literature
23 on the source of the post-event information. And just in
24 brief, what people find is -- what researchers find is that
25 people are more likely to accept suggestive post-event

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Loftus - direct

1 information if it comes from somebody they trust or if it comes
2 from somebody who seems knowledgeable rather than somebody who
3 seems like they're trying to bias you for nefarious reasons.
4 So the source of the post-event information does matter.

5 There's even one study with children that shows that
6 young children are more likely to accept suggestions from
7 adults than from other children.

8 Q. And in looking at memory, is there any way for you to tell,
9 based upon your training, experience, and research, whether a
10 memory is real or the product of post-event information?

11 MS. POMERANTZ: Objection.

12 THE COURT: Sustained.

13 Q. Just going back for a moment, you spoke about post-event
14 information and post-event suggestion. What is post-event
15 contamination?

16 A. Post-event contamination would be a situation where there
17 was suggestive information that maybe led to a contamination.
18 You could have post-event suggestion and have people resist the
19 suggestion. But I think if I were going to use the term
20 "post-event contamination," it would mean that somebody was
21 exposed to the suggestive information and it actually
22 contaminated them.

23 MS. STERNHEIM: May I have a moment, Judge?

24 THE COURT: You may.

25 (Counsel conferred)