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The importance of the body language and the non-verbal signals in the courtroom in the criminal proceedings. The outline of the problem

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ABSTRACT

This publication defines and characterizes the body language and tries to show its place and its role in the courtroom in the criminal proceedings. According to Albert Mehrabian - one of the first researchers of the body language - only 7% are affected by the words, 38% by the voice signals (the voice tone, the modulation) and 55% by the non-verbal signals. In view of the above fact it follows that the skills of the effective occurrence pay off so are the considerations in this context justified?

Keywords: the body language, the courtroom, the criminal proceedings

1. INTRODUCTION

The body language "can not be completely stopped", i.e. the non-verbal signals are "continuous and common" [1]. The criminal proceedings are also the process of the providing information by means of the non-language meanings. This is a compilation of, for example, an appearance, an outfit, a posture, a way of moving, the gestures, the facial expressions.

The public is convinced that the case wins the court which will present the best evidence. However, a lawyer or a solicitor who once served as a defender or an attorney for a long time knows that the non-verbal communication interaction which takes place in the

courtroom often turns out to be the most important force [2, 3]. The body language shows us what is happening in the minds of people not just the passive participating in the criminal proceedings. Because in the courtroom during each dissertation involving the parties a specific communication situation is created. The situation in which we deal with both a symmetrical interactional relationship between the parties to the criminal proceedings as well as with the asymmetric communication conditioned by the roles of the individual entities taking part in the hearing (the relationship of the court composition – the parties to the proceedings). Already in the 1980s James Rasicot in his book *Jury Selection, Body Language, the Visual Trial* emphasises the great importance of the body language and the non-verbal signals in the courtroom [4].

The aim of the article is to show the analysis of the typical and the intentional behaviours of the participants in the court proceedings in the light of the research in the subject literature. Is sometimes this rich, extensive and empirically explored the area of the non-verbal speech rules not the way to the beginning of the success buying into the favours of their "victims" in the first moments of the meeting in the various forms of the ending criminal proceedings? The issue of the communication in the criminal proceedings concerns the two problem areas: firstly - the degree of the formalisation of the rules of this procedure, and secondly - the area of the subjective limitations of the participants of this specific communication situation. This study concerns the second of the highlighted areas, i.e. not only the court hearing in the criminal trial understood in the sense *stricto* and characterised by the specific configuration of the participants - the presence of the two entities (the prosecutor and the defendant) representing the opposing interests which usually causes a high conflict and their high commitment emotional.

The following participants always appear in the basic structure of this procedure:

- the prosecutor appearing with the indictment;
- the defendant against whom this act is directed;
- the court.

Additionally, the proxies of the parties' process (the lawyers or the legal advisors) are often the participants in the court discourse. Sometimes also in the criminal procedural proceedings there are the other people (the social representative, the subsidiary / the subsidiary prosecutor or the private prosecutor). Thus the discourse basically takes place between the three entities: the court and the litigants (acting independently or through the professional representatives). A different role in the discourse is played by the so-called personal sources of the evidence: the witnesses and possibly the experts, the translators or the specialists.

In this thesis the courtroom is of course a room in which the criminal trial is held but these are also the rooms in which other the legal and the *quazi* legal proceedings take place.

2. THE FUNCTIONAL IMPORTANCE OF THE NON-VERBAL COMMUNICATION IN THE COURTROOM

The non-verbal communication is the body language - a set of the non-verbal messages transmitted and received by the people on all non-verbal channels at the same time. They inform about the basic emotional states, the intentions, the expectations of the interlocutor,

a social status, the origin, an education, the self-assessment, the temperamental traits, etc. These messages are broadcasted and received most often on an unconscious level but they can also be transmitted and received consciously (like most gestures – the emblems or many mimic words. [5-6].

We all know intuitively what the body language is but defining it is not a simple matter. Even the above definition in a laconic way describes what the non-verbal communication is in itself because it omits very important scientific thesis that the body language is the basic source of the information for the recipient of the given message.

In the body language we can distinguish the four types of the non-verbal expression [7]:

- 1) The facial expressions.
- 2) The kinesics – a body position, a posture, the gestures and the other body movements.
- 3) The proxemics – a spatial distance between the people who interact with each other.
- 4) The paralanguage - i.e. the features of voice, the pitch and the intensity and the speech rate, the fluctuations, the errors and the other disturbances of the speech fluency.

Thus the body language usually includes such the non-verbal messages as the gestures and the body movements, the facial expressions, the posture and the body orientation, the eye movements and the pupillary reflexes, how to use an interpersonal space, etc. [8].

One can not lose the sight of the fact that in the courtroom the interpersonal perception is also affected by the non-verbal communication. Referring to Smith and Malandro who emphasised the observation of how to use the non-verbal behaviours or the communication signals to control the interpersonal perception in the courtroom [9-10].

The American literature on the subject is a rich source of the information on the management of the impressions in the courtroom in which the first violin often plays the non-verbal communication. Because the nature of the communication before a court is determined by many the non-linguistic factors that affect the way in which the participants of such the proceedings communicate. Well, those whose the statements were highly rated and who made a positive impression but were unable to effectively use their non-verbal behaviours ultimately, lost the dissertation [11-13].

Cathy Bennett, along with Robert Hirschhorn, writes:

"It is a psychological fact that the non-verbal communication of the people reveals to us more about them than the words they say. If you do not believe a person's words, it often happens because the non-verbal (that person's) behaviour communicates the opposite. The body posture, the facial expression, the voice intonation and the eye contact suggest that this person thinks something different than what his words say. So you must carefully observe the various jurors' behaviours to get a true picture of what they want to say. " [14].

The coherence of the verbal messages with the non-verbal ones is also of a special importance, for example, when someone is communicating a cheerful information it must also take a happy face. You should also avoid the non-verbal behaviours that associate with the stereotype of a liar or a person who is insidious, such as the restless eyesight, the wriggling on the seat, a sweating, the lack of the spontaneity or too long pauses [13].

It is safe to say that the assessments of the advocates, the legal advisors, the jurors and the witnesses remain under the overwhelming influence of the continuous interaction of the non-verbal signals [13]. In the courtroom the nonverbal communication subtly influences the entire criminal process. It is still present, although not all lawyers, the legal advisors are always aware of its existence. The gestures and the facial expressions are constantly sent and watched by every person in the courtroom. After all, the defender or the attorney in his speech uses the gestures and the eye contact to convince the court to be right.

For example, in the American legal system the judge discretely communicates his feelings about the case to the jury through the posture of the body and the facial expressions. The party of the proceedings constantly broadcasts messages to the jury through a general impression as well as his outfit. A witness interviewed in the court transmits more information with his body dress and the movements than through his confession. There are many concepts on how the attorneys should behave in order to create a rapport (the good relations) with the scant informations about the jury. When creating a rapport, you need the "warm" non-verbal behaviours (for example the close distance, the eye contact, the smiles, the soft tone of voice) and avoiding the antagonistic elements (the sarcastic tone, the distortion or the humiliating gestures [13]). There is a lot of the evidence that rapport may be related to the adoption of the similar poses (*the mirroring*), the styles of speech, the facial expressions or the patterns of the coordinated movements. They must therefore carefully observe the different jurors' behaviours to get a true picture of what they want to say [14].

Many years of the observation have proved that the perception of the guilt or the innocence depends to a large extent on the non – verbal communication of the defender [13]. The defenders' statements are more effective thanks to such the factors as: the moderate speech rate, the fluency of the speech, the strong eye contact and the convergence of the communication channels which means avoiding the contradictions between the words and the mimic expressions as well as between the two different non-verbal messages, such as the voice and the body movements, the quiet tone of voice, the natural gestures, as well as avoiding the adapters. Thus, the credibility is a synthesis that consists of: a competence, a trust, a friendliness, a dynamism, the character and the social skills [15]. The researches has shown that the speakers were more convincing when they spoke fluently maintaining the eye contact, the expressiveness of the facial expressions, as well as the lack of the tension – the free gestures. For example a jury usually as more effective perceives the aggressive prosecutors, i.e. a fast-talking with the intense eye contact, the emotional gestures, the loud speakers and a hostile voice.

The studies conducted by Barge, Schlueter and Pritchard have proven that the fluency of the speech suggests the competence while the conversational way of the speaking arouses more confidence. The interesting insights also apply to the gender perception. The sex prejudices are much more frequent, generally boasting that the women practicing the attorney or the legal counsel are less well-rated than the men who do the same profession (less intelligent, unfriendly, less competent and less experienced) [13].

According to an one of the theories of the using of the non-verbal communication about the defenders or the proxies demolishing the expectations. The communicator becomes more convincing if he uses the non-verbal communication to break the expectations of the recipient of the message [13]. An example of such a behaviour may be the following situations: firstly - an outstanding lawyer will gain the credibility speaking louder than the members of the court expect. Secondly - if the lawyer changes his conservative and conventional outfit into a more

colourful or completely an ordinary one. The changed style of the clothes presents a logical and a strong argument that can demolish the expectations of the members and thus become more convincing.

Also with a regard to the attractiveness, the researchers observed a relationship according to her "a beauty is good" which comes down to the hypothesis that the people generally attribute the positive attributes to the attractive people. Giovanni Giacomo Casanova, wrote: The beauty full is a bill of the exchange honoured throughout the world upon the presentation. The formula of this eighteenth-century adventurer turns out to be alive today. Let us emphasise that the attractive defendants are less often perceived as guilty of a crime (*halo effect*) than those accused of being less fortunate, except when a favourable appearance is helpful in committing a crime. For this reason the attractive people generally receive the smoother judgments. Although the vast majority of the respondents admitted that judging the defendant on the basis of the appearance is not fair but in the situation of the assessing the guilt of the defendant, the unattractive people are attributed to a blame and a harsher punishment much more often than the attractive people [13] Unfortunately, the people with an average appearance do not enjoy the same effect as the attractive people from the halo effect (*halo effect*), nor do they benefit from the chance to feel the compassion.

There is the little researches on the impact of the clothes in the courtroom. As a general rule the clothing and the behaviour should be in an accordance with the norms prevailing in the court assuming that all participants in the process will behave with the due seriousness, the respect and the professionalism. It is important in this case: to maintain the right attitude, wear an appropriate clothing, a hair length, a colour of the clothing, the glasses, wearing a jewellery, establishing the interpersonal contacts, chewing a gum [13]. The police officers testifying as the civilian witnesses should be dressed rather conservatively (i.e., a suit, a tie, no bright colours and in the case of women it should be dresses rather than the trousers) and in addition the clothes should be carefully ironed. According to the second rule of Rasicot: "in the criminal cases the defendant should be dressed so that his appearance" does not match "the act he was charged with." [4].

Let us also point to the other studies that have shown the impact of the defendant's facial expressions on the perception of the guilt, the severity of the act or the amount of the punishment. And so in the case of the acts of the lesser social harm or the ordinary acts of the vandalism, the defendant had a better chance of the acquittal or gotten a milder sentence when the expression on his face was sad or neutral than when he seemed happy or angry [13]. An angry expression on his face evoked the least favourable reactions. What's more, some people think that a similar effect as the attractiveness, about the punishment and the recognition of guilty or the innocent offence is a smile. Smiling people are usually assessed as less responsible for committing an act and treated as a rule milder than those who do not smile. However, we should remember that the first impression is the most important in the court. The jury, on the basis of the first impression, assessed a person whom it had never seen before so the proper garment compensated for any prejudices (the sex, the race, the age [16].

There is the evidences that the people who have the childlike facial features look "boyish" and "conservatively" than "aggressively" and "animal" [17] are more often perceived as innocent or even naive as opposed to the people whose the appearance is more mature. Persons with a childish appearance were more often attributed to the negligent offences than the people with a mature appearance who were more often attributed to an intentional action than one whose the character resembles the negligence.

This kind of the perception obviously influences the decisions of the jury and the judge. The facial distortions may affect the perception of the behaviour leading to the association of such the distortions with the behaviour that violates the norms and the social prohibitions. In the opinion of the other researchers of the non-verbal behaviours the significance of the facial innocence can not be overestimated on the court decisions, in particular if a serious crime occurs where the influence of the factor of the appearance the immaturity loses its significance. Unfortunately, the childish face does not have the same effect on the court in a situation of the strong evidence [13].

In the case of the witnesses' testimonies the same elements are important that apply to both the advocates' speeches and their final speeches, i.e. an eye contact, a fluent speech, the natural gestures and avoiding the self-harmed behaviour.

In addition, the defendant is more often perceived as guilty when the witness reverses his or her sight than when he or she maintains it. The defendant is perceived as more credible and often innocent when he shows no signs of the concern manifested by the self-contact behaviours, the specific eye contact or the fluctuations in the speaking. Still the other elements come to the fore in a situation when an expert is a witness. When he begins his testimony, he must be aware of the fact that the average person has the little knowledge of the subject being testified. It is important not to use too many professional expressions because the technical language can only cause the confusion among the jury members. In addition, if the listener does not understand what is being said to him, he stops listening to what the expert has to say. As important as the content of the speech is the quality of the tone of the voice and here it is advisable to use the pauses instead of raising the tone of the voice because it attracts the attention of the listeners [16]

The expert who testifies in front of a jury should also, if possible, show pictures of the communicated content because it is much more often that one remembers what sees than one who hears. It is also important to keep the eye contact with the jury as this is the evidence of the credibility and the competence. The certain tips on the non-verbal behaviour during the testimonies may prove extremely useful but it is important to be aware of the importance of the certain behaviours. And so, for example, the crossed arms testify to a defensive position, the crossed legs with a slight movement imitating a kick suggest the boredom, the touching the hand with a nose means the negation, the compressed hands - this is a sign of the being on something. The strong guidelines in the field of the non-verbal communication occurring during the testimony are, for example, the unbuttoned jacket – the evidence of the openness or the joined hands with the tips of the fingers - demonstrating a sense of the trust [16-20].

Interestingly, an important element of the non-verbal communication in the courtroom is also the so-called emotional infections which boils down to the fact that the certain people "capture" the emotions of the other people and that the some are more susceptible to this phenomenon than the others. There are the known behaviours such as a staring, a loud voice, the wrinkles, the gestures, an intentional silence, the smiles which are the nonverbal signs of the disrespect. However, there is also a different view that a too intimate hearing of a witness can reduce the effectiveness of a lawyer. Because the people have more control over the verbal behaviours than the non-verbal communication, the non-verbal signals can be far more true than the spoken words [13].

The behaviour of the judge is also important in the courtroom. For example, in the American legal system the behaviour of the judge can also affect the position of the jury. A lot of the information about him gives a way of his eyesight, a significant factor is also the

race (usually the black judges looked at the white defendants, and the white judges – at the black defendants). There is also a different regularity which means that the longer the judge looked at the defendants, the more he received the penalty if he was found guilty. The some researchers suggest the existence of a certain effect of the waiting from the judge. This non-verbal behaviour consists in the fact that the judge, recognising the defendant as guilty, signals his conviction by a verbal verbally to the jury through the facial expressions, the tone of voice and in many other ways. In this way the judge may often has the influence on the jury verdict[13].

Ad vocem, the non-verbal indicators such as the tone of voice, the hesitation, the language errors, the length of response, the pupil constriction, the adapters, the lack of the convergence in the verbal and the non-verbal messages, a false smile, the illustrators may help to detect the lies[13]. The non-verbal signals are often the signals of the nervousness or the arousal. In addition, the people according to *Ekman* very often look as if they were lying, if they only feel that someone does not believe in them.

3. THE FORMS OF THE ENDING CRIMINAL PROCEEDING AND THE AREA OF THE NON-VERBAL COMMUNICATION

As it results from the above, the image of the non-verbal communication affects the condition, the course and, as a consequence the final result of a particular conversation. Of course its each component is also examined by the participants of the interaction on the three levels: the conditions of the environment, the physical nature of the opponent and her or his own behaviour.

This rich, extensive and empirically researched area of the non-verbal speech principles helps in the purchase of the favours of their "victims" in the first moments of the meeting.

The criminal court considers the issue of the actual state of a particular case without organising *eo ipso* the possibility of the using by the defenders and the agents the persuasion based on the pathos. And unlike to the civil or the administrative proceedings, the judges are not exclusively the professional judges. The personal contact at the criminal trial allows the direct interaction which gives the opportunity to use all non-verbal communication functions or the body language.

Apart from the criminal hearing, the sense *stricte* in the Code of the Criminal Procedure since 1997 there are the institutions providing the consensual resolution of the criminal cases. In general the most commonly used methods of the alternative dispute resolution in the criminal matters in a practice are:

- (i). the conviction without the trial (the article 335 C.C.P.);
- (ii). the shortened hearing (the article 387 C.C.P.);
- (iii). the direct communication between the defendant and the aggrieved party (the article 341 § 3 C.C.P.);
- (iv). the informal agreement between the defendant and the court or the prosecutor (the small royal witness of the articles 60 § 2 - 4 C.C. and 61 § 1 C.C.);
- (v). the mediation in the criminal trial (the article 23a C.C.P.).

Generally, every legal and the criminal dispute must be finalised before the court which does not exclude the possibility that the mediation can significantly help in the resolving of

the case. The benefits of the consensual settlement are mutual, for example, the prosecutor does not often have to carry out the arduous and the time-consuming preparatory proceedings, the defendant obtains a milder sentence and also has no sense of the social marginality deciding about his or her own fate. In addition, the overloaded courts are exempt from the substantive and the rigorous resolution and their role is limited to the control and the approval of the agreements concluded by the parties.

Let us add that most of the time the lawyers spend in the courtroom during the conversations with the clients, it is the communication in the literal sense of the word, that means the process during which the subjects pass on the verbal and the non-verbal signs to each other, while striving for the agreement. It is impossible to omit the issue of the communication of the rationality here because it is important for the existence of the discourse aimed at a reaching the compromise. The rationalism is very closely related to the argumentative model of an applying the law which is visible during analysing the adversarial principle where the rational resolution is based on the synthesis made by the court based on the thesis and the opposition of the opposing sides.

According to the art. 2 § 2 C.C.P. the basis for all decisions should be the true factual findings. Currently, the classical formula of the justice does not meet the needs of the criminal trial and the detection of the truth is no longer the sole and the absolute goal of the criminal process. This process of the evidence is radically restricted and thus no real factual findings are made when the hearing does not take place at all in the mode of the application of the art. 335 C.C.P. or when it is very shortened in the case when applying the regulation of the art. 387 C.C.P. The principle of the directness implemented in the course of an adversarial hearing is only the meaning to the goal of an achieving the state of the material justice. In addition, there are the institutions such as the lack of the connection to the court for the conviction or the control and the possibility of an influencing the independent court on the content of the agreement or the other conditions (the nature of the offence, the consent of the defendant , no opposition) which safeguard the implementation of the guiding principle of the criminal trial.

The conflict of the principle of the material truth with the consensualism should be reduced to the alternative, according to the classical theory of the Aristotle's truth, the rule which contains that the truth lies in the agreement and the true sentence is true if all participants in the discourse believe in its truthfulness. Such an understanding of the reality presupposes the departure from a treating the process as an instrument of the material law and focuses on a solving the individual conflict. In this case the efforts of the justice system are directed to the regulation of the social behaviour shaken by the crime. The process in this sense should be a forum for an exchange of the arguments of the participants in the discourse. The criminal justice in the classical sense removes the prospect of the reconciliation between the perpetrator and the victim and the medication is only the appropriate form of the negotiation. In this context the jointly agreed agreement accepted by the court satisfies the requirements of the procedural fairness.

The corrective justice leads to the empowerment of those interested in the process making them the active decision-makers which is reflected in the possibility of the meeting, the confronting, the guilting of the perpetrator and working out a consensus together. One of the ideas of an implementing the restorative justice is the mediation, it means a kind of the agreement based on the four assumptions: the voluntariness, the confidentiality, the universal accessibility and the autonomy of the mediation institutions. The dispute is not about the parties fighting but mainly on the feeling of the guilt and the forgiveness which consequently

leads to a repairing the damage caused by the crime. The assumption of a reaching the consensus does not exclude the realisation of the material truth but it is certainly not a prerequisite. The truth in the mediation procedure is what the parties agree with it. However, the settlement will never happen without the constructive conversation so the ability to communicate interpersonally based on the ethics of the intellectual dialogue is very important. In every case it is a matter of the agreement between the parties with the opposite interests so it is necessary to navigate efficiently in the communication space to know the rules of a gaining the acceptance and the communication codes in both the verbal and the non-verbal communication.

The lawyers for this reason need the communication skills which facilitate an establishing and a maintaining the social contacts. To effectively negotiate a lawyer should know the principles of the verbal and the non-verbal communication and also consciously use them. The so-called adaptation of the codes which in the commercial nomenclature is referred to as the rapport. An example may be a prosecutor, who speaking to a suspect, should use the phrases that are understandable for him and also behave in a way that inspires the confidence and the conviction about the sincerity of the intent. A prerequisite for the successful negotiation is to realise the powerful role of the non-verbal communication, such as the kinesics, the para-language, the proxemics or the situational context described at the beginning. The situational context is particularly difficult for the defendant whose the negotiating position is weaker because often his intellectual abilities deviate from the education of the judge or the prosecutor and in addition the conversation takes place in a place such as the police station, the prosecutor's office or the court.

The defendant being interrogated is still instructed to say only his statements because, for example his confession does not concern the case or that he is not given a voice at the given moment. A change in the perception of the justice concept from the redistribution to the redress opens a large field for the negotiation in the criminal law. In the connection with the above the concept of the so-called the third way in the criminal law which emphasises a crime as the social conflict. The unquestionable advantage of such a solution is to avoid the social process of the degradation and the permanent stigmatisation of the perpetrator and the victim has a chance to receive the due compensation for the harm suffered.

4. CONCLUSIONS

In the summary, although the criminal proceedings are usually a form of the linguistic expression, however, there are the entire areas in it that relate to the non-verbal communication. Most often, it is associated with a concept of the provision and thus with the editorial unit of the law-making act or a part of the legal act separated as an article, a paragraph or in another form.

The law as a product of the culture gives the basis to look at it from the communication point of the view because it facilitates its deeper understanding and thus increases its effectiveness. The court is a place where the discourse is constantly being held and the interpersonal communication which is also important for a building the democratic state of the law. The non-verbal communication has a key influence on how we are perceived by the others, the domain "how they see you, in this way they describe you" in the court of the discourse has a relevant meaning. Each participant in the proceedings must be aware of his

body language. He should consciously send the non-verbal messages. At the same time he should also be able to properly read the body language of his opponents. According to the opinion of Albert Mehrabian - one of the first researchers of the body language - on the total transmission of a given message only 7% are influenced by the words, 38% by the voice signals (the voice tone, the modulation) and 55% by the non-verbal signals [21].

Thanks to the truly in-depth knowledge of the human reflexes, the perception and the judgment, the 80:20 system was created which confirms that in eighty percent of the sender's message is read primarily from his behaviour.

After what is written above it is difficult to imagine a lawyer - a professional who has no mastered basics of the non-verbal language. The skills of the effective appearance in the courtroom pay off so they should be constantly improved [22]. Unfortunately, everyone communicates non-verbally, even the troglodytes from the Spanish town of Guadix.

References

- [1] Ekman, P. (1965). Differential communication of affect by head and body cues. *Journal of Personality and Social Psychology*, 2(5), 726-735.
<http://dx.doi.org/10.1037/h0022736>
- [2] Anthony P.K., Vinson C. E. (1987). Nonverbal communication in the courtroom. You don't say? *Trial Diplomacy*, 39, p. 35-37.
- [3] Barge, K.J., Schlueter, D.W., & Pritchard, A. (1989). The effects of nonverbal communication and gender on impression formation in opening statements. *The Southern Communication Journal*, 54, 330-349.
- [4] Rasicot J. (1985). Jury selection, body language, the visual trial, Minneapolis, MN:AB Publications.
- [5] Lacof R.T.(1989). The limits of politeness: therapeutic and courtroom discourse, *Multilingua - Journal of Cross-Cultural and Interlanguage Communication*, Volume 8, Issue 2-3, p. 101-130.
- [6] Kirch M.S.(1979). Non-Verbal Communication Across Cultures, *The Modern Language Journal*, Vol. 63, Issue 8, p.416-423.
- [7] Collins A. (2002). Body language. What do our gestures mean? *Man and nature* 2(19), p. 10.
- [8] Collett P. (2004). *The Book of Tells: How to Read People's Minds from Their Actions*, Bantam.
- [9] Smith L. J., Malandro L.A. (1985). *Courtroom Communication Strategies*, New York: Kluwer.
- [10] Blanck, P.D., & Rosenthal, R. (1992). Nonverbal behavior in the courtroom. In R. S. Feldman (Ed.), *Applications of nonverbal behavioral theories and research* (pp. 89-115). Hillsdale, NJ: Lawrence Erlbaum Associates
- [11] Aron R, Fast J., Klein R. B. (1986). *Trial communication skills*, New York: McGraw-Hill.

- [12] Smith L. J., Malandro L.A. (1985). *Courtroom Communication Strategies*, New York: Kluwer
- [13] Remland M.S. (1994). The importance of Nonverbal Communication in the Courtroom, *New Jersey Journal of Communication*, Vol. 2, pp. 124-145.
- [14] Bennett C.E., Hirschhorn R.B. (1993). Bennett's guide to jury selection and trial dynamics in civil and criminal litigation, St Paul, MN: West., p.221.
- [15] Rockwell P., Ebesu A. (1999). The Effect of Attorneys Nonverbal Communication on Perceived Credibility, *The Journal of Credibility Assessment and Witness Psychology*, Vol. 2 No 1.
- [16] Lyons M.V., The Expert Witness. Courtroom Communications, Fingerprint, *Technician Delaware State Police*, p. 2, 22-23
- [17] Leathers D. G., Martin M., Steinfatt T. (1994), The William Kennedy Smith trial as impression management phenomenon, Paper presented at the 1994 convention of the Speech Communication Association, New Orleans, LA.
- [18] Robinson S. L.(1996). Trust and Breach of the Psychological Contract Administrative. *Science Quarterly*, Vol. 41, No. 4 , Sage Publications, Inc., pp. 574-599.
- [19] Brodt M. A, Susan E., Whitener E. M.(2002). Trust in the face of conflict: The role of managerial trustworthy behavior and organizational context, *Journal of Applied Psychology*, Vol 87(2), p. 312-319.
- [20] Blanck, P.D., Rosenthal, R., & Cordell, L.H. (1985). The appearance of justice: Judge's verbal and nonverbal behavior in criminal jury trials. *Stanford Law Review*, 38, 89- 164.
- [21] Yammiyavar Y.,Clemmensen, Kumar J. (2008). Influence of Cultural Background on Non-verbal Communication in a Usability Testing Situation, *International Journal of Design*, Vol.2, No.2 , p. 31-40.
- [22] Burgoon, J.K., Buller, D.B., & Woodall, W.G. (1989). *Nonverbal communication: The unspoken dialogue*, New York: Harper and Row