Fake News and the Phantom Advisor: How Outside Influences Impact Witness Interviews

Sarah E. Worley
Conflict Resolution, P.C.

Association of Workplace Investigators
AWI Training Institute for Workplace Investigators
Investigation

• Information Gathering
• Interviews
• Credibility Determinations
• Analysis
• Report Writing
Average Number of Viewers

- Law and Order: 6.9 million viewers
- Blue Bloods: 8.74 million viewers

FAKE NEWS

“Fake stories that appear to be news, spread on the internet or using other media, usually created to influence political views or as a joke.”
- Cambridge Dictionary

FAKE NEWS

- Conspiracy Theories
- Urban Legend
Fake News

• Urban Legend

“= $1,000,000”
“Frivolous lawsuit”
URBAN LEGEND

“= $1,000,000”
“Frivolous lawsuit”

REALITY

• 79 year old Stella Liebeck/passenger

REALITY

• 79 year old Stella Liebeck/passenger
• 8 days in-patient, 2 years of skin grafts, disabled for rest of life
REALITY
• 79 year old Stella Liebeck/passenger
• 8 days in-patient, 2 years of skin grafts, disabled for rest of life
• Pre-suit: asked McDonald’s for $20,000 to cover medical expenses

REALITY
• At trial, McDonald’s quality assurance manager testified that the coffee sold to Stella Liebeck was too hot for human consumption.

REALITY
• At trial, McDonald’s quality assurance manager testified that the coffee sold to Stella Liebeck was too hot for human consumption.
• McDonald’s knew for years before this incident that their product was too hot for human consumption.
REALITY

- Jury awarded $2,860,000
- Judge reduced the award to $640,000
- After fees and expenses, Stella Liebeck received net less than $300,000

"= $1,000,000"
"Frivolous lawsuit"
PHANTOM ADVISOR

- Roommate
PHANTOM ADVISOR

• Roommate
• Uncle

PHANTOM ADVISOR

• Roommate
• Uncle
• Facebook Group

MOTIVATED REASONING

IDEOLOGY
Motivated Reasoning

“The natural tendency to cherry pick and twist facts to fit with our existing beliefs.”


Motivated Reasoning

“People weigh facts differently when those facts are personally threatening.”


Motivated Reasoning

Peter Ditto, PhD and David F. Lopez, PhD

• Medical test result study

Motivated Reasoning in the Workplace

- Negative performance review may result in challenge/appeal
- Positive performance review rarely results in challenge/appeal

MOTIVATED REASONING

IDEOLOGY

Ideology

“People who believe that truth is shaped by politics and power are more likely to embrace falsehoods.”

-Misti Crane, “Reliance on ‘gut feelings’ linked to belief in fake news.” Ohio State University, September 2017
Ideology
“A belief that truth is political was the strongest predictor of whether someone would buy into conspiracy theories.”
-Misti Crane, “Reliance on ‘gut feelings’ linked to belief in fake news.” Ohio State University, September 2017

Attitude Roots
• Motivation
• Ideology
Matthew Hornsey, PhD describes attitude roots as “fears, ideologies, world views, vested interests and identity needs that motivate us to accept or reject facts.”

Attitude Roots: Motivation and Ideology
• How do these elements inform interviewees?
Attitude Roots: Motivation and Ideology

• How do these elements inform interviewees?
• What beliefs is the interviewee bringing into the room?

• FAKE NEWS
• PHANTOM ADVISOR
• MOTIVATION
• IDEOLOGY
Bias may be amplified by motivation and ideology.

“Don’t just get involved. Fight for your seat at the table. Better yet, fight for a seat at the head of the table.”

-Donald J. Trump

“Don’t just get involved. Fight for your seat at the table. Better yet, fight for a seat at the head of the table.”

-Barack H. Obama
Investigator Bias

- Confirmation Bias
- Priming

Can lead to a predetermined outcome

Investigator Bias

- Implicit Bias that may prevent digging deeper to understand facts and motives.
"I like your hat!"
“I like your hat” = RAPPORT

CONNECT
RESPECT
PROTECT

PRACTICAL TIPS
• AFFILIATIONS
PRACTICAL TIPS
• AFFILIATIONS
• TRANSPARENCY

MORE LISTENING, LESS TALKING

CHECK BIAS
PRACTICAL TIPS

• CHECK MY BIAS
• STAY IN MY LANE
• CONNECT, RESPECT, PROTECT

CONCLUSION

INTEGRITY OF THE PROCESS
INTEGRITY OF THE INVESTIGATIVE REPORT

Contact information:

Sarah E. Worley, Esquire
Sarah E. Worley Conflict Resolution, P.C.
50 Milk Street, 16th Floor, Boston, MA 02109
www.worleyconflictresolution.com
617-419-1900