Using Video to Make the Point: Mona Lisa Vito the Expert Witness

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If a picture is worth 1,000 words, some filmmakers have proposed a movie is worth a million. In the classroom, I have had mixed experiences with using movies and debated whether the class time spent watching the movie was worth it. However, as a way to illustrate expert testimony and elicit dialogue and analysis, I have found a movie clip works beautifully. Here, I discuss how and why my Psychology and Law class watches a few minutes of the movie My Cousin Vinny every semester, and the principles that seem to make it effective.

Expert testimony is one of a few advanced topics I include in my undergraduate, 300-level Psychology and Law course. I like teaching about the role of the expert witness, even at this level, because it brings together so many aspects of the trial process and the work we do in both research and forensic evaluation. Students have the opportunity to think about how lawyers ask questions, limits of scientific knowledge in application to specific cases, and how to accurately convey information with appropriate limitations. It can be challenging to teach because students have relatively little familiarity with important processes involved, including differences between qualifying as an expert in the voir dire process and providing testimony, and the ways direct and cross examination differ.

In my course, students are learning all of this as they prepare for an abbreviated mock trial, in which they take turns serving as an expert (forensic evaluator) or fact (clinical treatment provider) witness in a child custody matter. This experiential learning exercise is filled with opportunities to apply learning and is usually accompanied by some anxiety for students. Several years ago, as I prepared to teach the course for the second time, I recalled that my first class had been very engaged in the exercise of giving testimony, but had not possessed the knowledge from which to draw and use as a foundation for the exercise. I recalled our class discussion prior to the testimony exercise. It was less than thrilling. In fact, it was apathetic and disconnected. Despite my attempts to make the connection for them, my students did not “get” it. Whatever understanding they had of the material (e.g., the differences between fact and expert witnesses), they did not yet appreciate how the information would be relevant in context or how the components came together.

It was then I remembered that a unit psychologist I had worked with during my training had shown My Cousin Vinny as part of a competency restoration group. I found the movie and the segment in the last 20 minutes of the film where Ms. Mona Lisa Vito is called to the stand as an expert in “the field of automobiles.” In 10 minutes, Ms. Vito (played by Marisa Tomei) is qualified as an expert, answers questions on direct examination and explains to the jury what would be highly technical information on the workings of axels and differentials in two different cars.
I decided to take the risk of 10 potentially wasted minutes in class. This second time around, I began our coverage of expert testimony with the film clip at the start of class. What followed was an entirely different conversation. The movie clip had captured their attention in a different way, and put names and faces onto what had otherwise been theoretical roles. They saw how the important players interacted, and it raised questions for discussion. In the past, it had taken the experiential activity of mock testimony to spark that engaged curiosity, but then it was too late. They were “on the stand” and the opportunity for discussion had passed. Adding the movie clip had helped them recognize the relevance and complexity of the information sooner, and to examine it in new and different ways. In particular, the movie clip works well because it is:

1. **Absurd in content.** Ms. Vito is not only testifying about the make and workings of automobiles (not a typical topic in Psychology and Law), her character is also the angry fiancée of the attorney who calls her as an expert. While both of these aspects could be a distraction from the topic, in the classroom they actually help the conversation and analysis. Typical psycholegal topics for testimony (e.g., criminal responsibility, accuracy of eyewitness identification) are complex and likely to involve information and processes that students have not yet mastered. When undergraduate students watch an expert testify about the criminal responsibility of a defendant, they sometimes have difficulty focusing on the process of testimony because they are working hard to understand the clinical and legal content of the testimony. The topic of cars, however, is generally understandable but also so clearly not the point of the exercise, that students are able to remain focused on the process of testimony and how the expert is conveying information to the judge and jury. The absurd nature of Ms. Vito’s relationship to the case and parties involved, as well as her anger on the stand, provide students with an opportunity to consider important ideas about the role of the expert witness. We discuss behaviors that are and are not effective on the stand (as Ms. Vito demonstrates both) and get into thoughtful conversation about roles, bias, and the appearance of bias as an expert. Students can recognize how Ms. Vito’s role could make her appear biased to the court, and consider how this would apply to experts in real world settings (particularly around multiple roles and conflicts of interest).

2. **Accurate in principle.** Although the content is absurd and the situation clearly fictional, the principles and process are accurate. My students are often surprised by the hostile nature of some questions posed to Ms. Vito from opposing counsel in both qualification and testimony. This leads to great discussion about differences in direct and cross examination, and the challenge of remaining calm and non-defensive on the stand when testifying. The attorney in the film is clearly asking questions he knows the answer to, and we talk about how attorneys work with experts and use them to provide information to the court. Ms. Vito uses effective and ineffective communication throughout testimony, ranging from hostile brevity to conversational explanation to the jury. We discuss how each work in communication. Because of the combination of accurate and absurd in the movie, students are able to compare, contrast and evaluate aspects of the process as realistic and unrealistic, thereby establishing their understanding
of what would be likely to happen in real testimony.

3. **Short in duration.** This movie clip packs a lot of fodder for analysis into ten short minutes. Longer movie clips run the risk of students losing focus and getting distracted by details and plot development that is not the focus of conversation. Across courses, I have seen students struggle to pull applicable concepts from entire films. The short clip seems to be helpful in keeping focus on the process of interest.

4. **Rooted in context.** Although this is not a feature inherent to the clip itself, it is an important part of successful discussion. Before watching the clip, students complete a reading assignment about expert testimony. Whether a chapter from a text book or one written for those in the field, this context and general information is important foundation for discussion of the clip. Without it, students have no basis from which to evaluate what they are seeing or language to discuss it. In my course, the reading assignment provides this factual base, then the movie clip at the start of class provides the catalyst for discussion of the material.

Since my first experiment with this clip, I have continued to use it in multiple sections of Psychology & Law. Each time, it has sparked interesting analysis and conversation from students, and results in a day of spirited discussion and participation.

As you consider using movie clips in this way in your teaching:

**A note on class size:** Although the course where I use this activity is a small seminar of 18-20 students, the process could easily translate even to large classes. Consider breaking students into small groups for discussion and then having them report back to the larger group on specific aspects of the testimony.

**A note on practicalities:** One challenge to using movie clips can be reliable access to the film itself. Digital copies of the movie can be helpful and accessed from any classroom. At the time of this writing, *My Cousin Vinny* is not available on Netflix, but is available for digital purchase through Amazon. Alternatively, it may be an option to bring the actual DVD (often available through the library) to class or to find the relevant clip posted publicly on a site such as YouTube.

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