

# Trading Forensic and Family Commitments

Adam J. Kearney, BA, Thomas G. Gutheil, MD, and Michael L. Commons, PhD

This pilot study explores the balancing of conflicting family and forensic commitments among forensic experts. Drawing upon consumer preference theory and behavioral economics, the authors devised an instrument to elicit choices between upholding family commitments and professional commitments. The instrument was administered to 15 forensic experts, and the data were used to construct trading functions for each individual. These functions were examined to reveal the decision-making process behind balancing conflicting sets of commitments. The study also examined the relationship between the trading functions and each participant's attitude toward the role of the expert witness, as well as some personal characteristics.

How does one balance commitments to one's family and profession? This is the fundamental question the expert witness (and many other professionals) must face. Expert witnesses owe an obligation to their clients and the legal system, while at the same time they have responsibilities to and interests in their families. Conflicts between these two sets of commitments pose a moral choice,<sup>1</sup> yet it is unclear what guides individuals when they must make such decisions.

In real forensic work, cases may be scheduled for trial years in advance or leap to the head of a trial list with little notice. Such scheduling may intersect

with planned (marriages, graduations, birthdays, pre-planned vacations), unplanned (sudden death of a relative, impulsively seized vocational opportunity), and relatively flexibly planned (dinner dates, retirement parties, anniversary celebrations) family commitments. Some forensic activities leave a fair degree of flexibility (expert's report, expert's deposition) and others are relatively rigid (high-profile trial with many witnesses). Experts comment informally on such difficult choices but systematic study is lacking.

## Background Concepts

Much of the work in moral development deals with hypothetical dilemmas involving simple choices or case studies of the participants' own real moral dilemmas. Some studies, however, examine situational factors in moral choice. For ex-

---

Mr. Kearney, Dr. Gutheil, and Dr. Commons are affiliated with the Harvard Medical School and Harvard University, Boston, MA. Address correspondence to: Thomas G. Gutheil, MD, Program in Psychiatry and the Law, Harvard Medical School, Massachusetts Mental Health Center, 74 Fenwood Rd., Boston, MA 02115-6196.

ample, a study by Iwasa<sup>2,3</sup> found that how likely a certain person was to steal a drug was a function of the probability of saving his wife. As Kohlberg<sup>4</sup> points out, situational variables contribute to what choices are made at all stages of moral development (also see Carpendale,<sup>5</sup> Conners,<sup>6</sup> Krebs,<sup>7</sup> Malinowski,<sup>8</sup> Schellenger,<sup>9</sup> Sobesky,<sup>10</sup> and Villegas de Posada<sup>11</sup>).

We examine one portion of the family-professional dilemma that faces professionals in a broadly conceived economic form, thereby integrating the moral choices into an economic framework. All that we assume is that, in making a choice, outcomes that are morally preferred carry more weight than less morally preferred outcomes. In behavioral economic terms, when the moral benefit of a choice is greater than its cost, the person will tend to make that choice. Perhaps certain universal ethical or moral principles dictate (or at least constrain) how people choose which commitments to keep in cases requiring such principles. But not all dilemmas require principled choices. In our judgment, principled solutions to claims among competing professional and personal responsibilities are required only in certain cases. In more common situations, trading between and among commitments is reasonable; hence the relative value of each choice can be treated economically.

As Barnett,<sup>12</sup> Rachlin and Green,<sup>13, 14</sup> and Frank<sup>15</sup> indicate, individuals may make such choices based on value or personal satisfaction at achieving a particular result. Such value is termed economic utility. If economic utility influences choices, expert witnesses would treat

family and professional commitments as two commodities that must be traded off against one another in order to maximize utility, or happiness with the outcome. Cultural dictates may also play a role in such decision-making.<sup>16</sup> For example, although this question has not been studied in these groups, Chinese or Japanese forensic experts might attach greater importance to upholding family commitments than would their American counterparts. This would be due to a greater emphasis in these cultures on filial piety—feeling of obligation toward family elders and their norms. Perhaps cultural norms also influence an individual's willingness to trade commitments or shift priorities rather than attend to one form of obligation in order to maximize happiness with the outcome.

No existing studies that we know of or can cull from the literature address the question of trading professional and family obligations. The career and dual-career literature<sup>17-25</sup> contain discussions of balancing professional and family obligations. Up until now, however, no one has constructed individual indifference curves to represent the trade-offs (or just simply trades) people make in this balancing. In addition, there are only a few studies showing how to obtain empirical rather than theoretical utility functions<sup>26</sup> for individuals and how to construct scales of utility.<sup>27, 28</sup>

There is, however, a literature about how animals trade between different "schedules of reinforcement." Schedules of reinforcement differ in how much has to be done over how long a period of time to earn a reinforcer. In these behavioral

## Trading Forensic and Family Commitments

economics studies, two variables—how much time animals allocate to working under one schedule versus another, and how often they change between the two choices—were used to estimate the individual animal's trading functions.<sup>13, 14, 29</sup> We propose that behavioral economics can reveal the trading functions of people for moral commitments, such as professional and family obligations.

This pilot study explores the decisions individual forensic experts make when faced with a situation requiring some choice between family and profession. Using techniques drawn from microeconomics, we hope to demonstrate how individuals make economic choices between two moral goods. In particular, we will determine whether the participants make decisions by shifting priorities between family and profession.

### Consumer Preference Theory

The importance of a particular commitment can be understood as the value that individuals attach to fulfilling it, or the *utility* they derive from doing so. Utility in this context is traditionally defined as the happiness or satisfaction one gains from a particular situation.<sup>15</sup> This satisfaction may be moral or ethical, not just monetary. Different commitments can thus be compared by their relative utilities. Commitments that people consider more important are assigned higher utilities relative to less important commitments. For example, an individual might consider attending his or her daughter's wedding more important than seeing a baseball game with his or her friends. In this case, the wedding has a greater utility

for this individual than the baseball game. Commitments may be rated by the utilities people attach to upholding them.

Consider, for example, our first economic good, professional commitments. If a death penalty trial is assigned a higher utility than a civil deposition, then participation in the death penalty trial represents a greater quantity of this economic good. Similarly, devotion to family or profession increases by the relative importance of a chosen commitment (civil deposition, civil trial, criminal trial, etc.).

If we force a choice between maintaining family commitments and professional commitments, the individual must make a *trade-off*, which is defined simply as choosing some combination of economic goods.<sup>30</sup> In a trade-off, there could be two goods. Here, the trade-off is between level of importance of playing a forensic role and level of sacrifice of missing a family commitment. Keeping an important family commitment is arranged as an economic bad because one has to miss an increasingly important family event to keep an increasingly important professional commitment. For example, missing one's 20th wedding anniversary and testifying as one of three expert witnesses in a death penalty trial (see Table 1) constitutes one possible trade-off. A more severe trade-off might be missing a child's graduation and being the only expert witness in a death penalty trial (again, see Table 1) in which the person might be found innocent if one keeps the commitment. Keep in mind that the particular choice of commitments corresponds to *quantities* of our two economic goods, but does not define the goods.

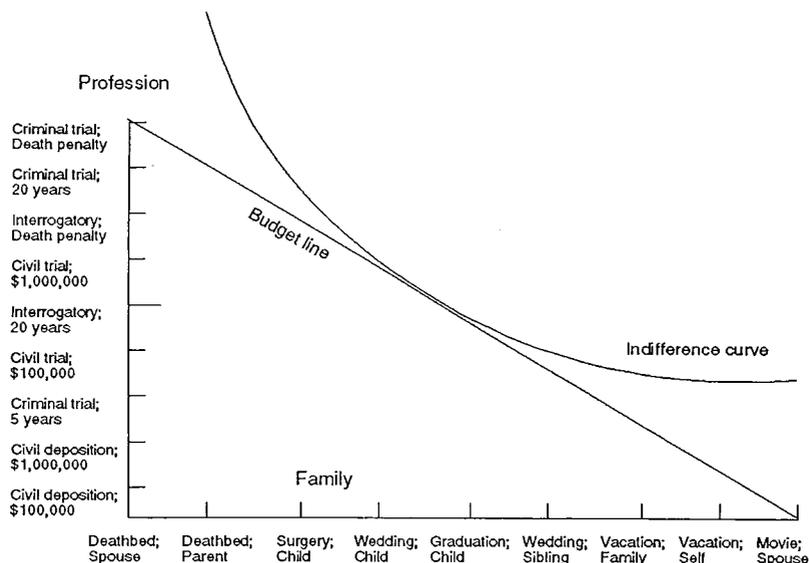


Figure 1. Three budget lines are shown. The budget line, also known as a budget constraint, shows the maximum quantity of each economic good a consumer may buy and is represented by a set of trade-offs between two goods. For these three budget lines, the vertical segment (level of commitment to profession) is unchanged, and therefore the consumer has access to the same quantity of this good. However, the horizontal segment (level of commitment to family) changes so that the consumer has access to more or less of this good depending on the budget line.

Thus, another trade-off, such as attending a funeral versus testifying for a civil deposition, differs only in quantity from the previous one. Both combinations represent quantities of the same two economic goods or commitment types: devotion to family and dedication to profession.

To force a choice between profession and family, we arranged commitments to form “budget lines” (Figure 1), or points of equal importance in the tension between competing economic goods. If we order professional commitments, or cases, by their utilities, then the maintenance of more important commitments will require a higher “cost.” We can do the same thing with family events, assigning higher costs to uphold more important commitments. If we ensure only a forced choice, than participants may make trade-

offs only along the budget line. They are unable to reschedule or otherwise escape the time conflict posed by this scenario. Thus, participants are forced to make a choice between family and profession—which is the real life issue that we wish to simulate for study.

Assuming utility is only hierarchically measurable (ordinally measurable, rank utilities), consumers’ tastes or preferences can be represented by *indifference curves*. An indifference curve<sup>15</sup> is the locus of points representing trade-offs to which the consumer is indifferent (i.e., has no preference). If people are faced with a trade-off involving two items that fall on the same indifference curve, then both trades give them the same level of satisfaction, and they are “indifferent” between them.

**Table 1**  
**Forensic/Family Trade-Offs<sup>a</sup>**

---

Five choices from a set of nine trade-offs from the first situation:

Criminal trial .....	Child's graduation
One expert	
Death penalty	
Interrogatory .....	50th wedding anniversary
One expert	
Death penalty	
Criminal trial .....	20th wedding anniversary
Three experts	
Death penalty	
Civil deposition .....	5th wedding anniversary
One expert	
\$1,000,000	
Civil deposition .....	Recreational event; self; planned one year in advance
One expert	\$10,000 cost
\$100,000	

---

<sup>a</sup> Material from the first situation, which was used to find a budget line represented by a set of nine trade-offs. Participants were asked to choose the trade-off that gave them the most satisfaction. For the other seven budget lines (seven of the situations consisting of sets of trade-offs), they were asked to choose a trade-off that most closely approximated the level of satisfaction obtained by their choice in the first situation.

## Method

**Participants** The participants in this study were 15 forensic experts, 10 from The Program in Psychiatry and the Law, Department of Psychiatry, Harvard Medical School and 5 from Bridgewater State Hospital.

**Design of Instrument** Because observing the actual choices of forensic experts would be impractical, we developed an instrument with a range of hypothetical choices between keeping family commitments and professional commitments. Responses to these choices were then used to map out an indifference curve, or trading function, for each participant. It must be emphasized that this study is of a *single-subject design*.<sup>31-33</sup> Each participant's performance represents a single set of results. What is of interest is the different patterns of these results, not how

many participants there are showing each pattern.

Several considerations guided the design of this instrument. First, participants had to be presented with a realistic situation that forced them to make a choice, or trade-off, between family and profession. Second, it was necessary to devise budget constraints consisting of professional and family commitments. Third, the instrument had to be designed in such a way as to obtain a fairly broad range of choices. This was necessary for the construction of accurate indifference curves.

In our vignette, participants are presented with a hypothetical situation that requires them to take on a particular type of case (Table 1). The cases, which are presented in two ordered lists, vary in importance. Because the participants are asked to assume that they are the best

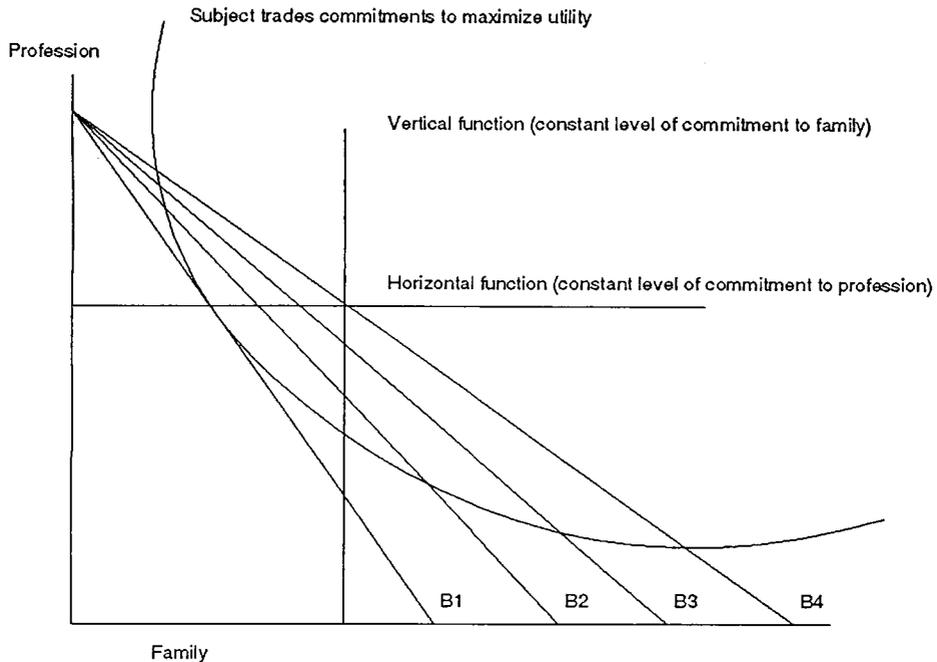


Figure 2. An indifference curve in relation to a particular budget line. The participant is equally satisfied at each point along the curve. The horizontal axis represents level of commitment to family. The importance of family events decreases across this axis. Therefore, as the participant moves farther out on the axis, he dedicates more resources to his family by missing a less important event. The vertical axis represents level of commitment to profession. The importance of the cases increases along the vertical axis. Therefore, as the participant moves farther up this axis, he dedicates more resources to his profession by taking on a more important case.

expert witnesses in the field, the cases they choose to participate in will presumably have a dramatically increased chance of successful resolution. Note that although this assumption of the decisive role of the expert's testimony may not be veridical, it does match commonly observed narcissistic views held by experts on the impact of their testimony.

For each case, we designed a corresponding family commitment that the participant must miss in order to fulfill his or her professional obligations. As the cases increase in importance, so do the family commitments that must be missed. Therefore, as participants devote more time to their professional lives, they must

devote less to their families, and vice versa. In this scenario, importance of case represents commitment to profession. Similarly, the participants can devote more attention to their family by missing a less important forensic event. (See *Appendix*.)

The lists of paired commitments represent budget lines (Fig 2). If the participants pick the first pair, they effectively accept the most important case while sacrificing the most important family event. In behavioral economic terms, they devote all of their resources to the first good, dedication to profession, and none to the second, devotion to family. Alternatively, they could pick the last pair,

## Trading Forensic and Family Commitments

which consists of the least important family event and the least important case. With this choice, they would be using all of their resources on the second good, dedication to family, while devoting nothing to the first. The participant is faced with nine pairs of commitments arranged to form a continuum of this sort.

To devise this type of budget constraint, it was necessary to gauge the relative importance of various commitments. To do this, a pilot questionnaire had been designed and administered previously to a sample of 16 members of the Program in Psychiatry and the Law and forensic psychiatrists from the American Academy of Psychiatry and Law (AAPL). The results and rationale for refinement of this pilot questionnaire are available from the authors.

In the final instrument in the present study, the 15 participants from the Program in Psychiatry and the Law and Bridgewater State Hospital were presented with eight lists, each list containing nine paired commitments. The professional commitments remained the same in all lists. Family commitments varied, however, both by spacing and by the "center" of utilities (point of "medium" economic good for a given series of commitments). For the first list, participants were instructed to start at the bottom of each list and move up, choosing the pair that provided the greatest degree of satisfaction. For subsequent lists, they were asked to choose the combination that most closely approximated the degree of satisfaction in choice one. This method was used to ensure a range of equally

satisfying choices—a requirement for the construction of indifference curves.

## Results

From the results of this instrument, we hoped to answer a number of questions in a preliminary fashion. First, we hoped to discern a trading pattern among each participant's choices. This would indicate whether some participants treated moral commitments as behavioral economic goods, trading them to maximize utility. Alternatively, the choices might display some other pattern, revealing nonutilitarian considerations behind such decisions. Perhaps some participants would display no pattern at all. Finally, we examined the relationship between the pattern of choices and each participant's attitudes toward the role of the expert witness, as well as some personal and demographic characteristics (Table 2).

**Data Analysis** From these eight choices, we attempted to construct a trading (indifference) curve for each participant. The statistical software package Crunch was used to regress the professional commitments on the family commitments. The numerical utilities assigned to each commitment from the pilot questionnaire were used for the regression. Both linear ( $y = b_1 * x + b_2$ ) and hyperbolic ( $y = b_1 + b_2/x$ ) regressions were run, as they provided the best fits for the data out of several equations tried. Scatter plots were also constructed to assess visually the pattern of choices for each participant.

Significance tests were used to evaluate the strength of the fit for each curve. Lower  $p$  values signify a tighter, more

**Table 2**  
**Participant Variables<sup>a</sup>**

- 
- (1) Religious orientation
  - (2) How often do you attend services?
  - (3) Political orientation
  - (4) How much *responsibility* would you feel if the person you are the witness for loses their case?
  - (5) How much do you care about the person for whom you would be the expert witness?
  - (6) How much should people *help* others who are in trouble?
  - (7) How *important* to you is it for this client to win?
  - (8) How *rewarding* would it be to you if this client wins?
  - (9) How much *credit* would you feel you should take if the client wins?
- 

<sup>a</sup> Results of regression of Professional Commitments on Family Commitments (6 *df*) (regressions significant at  $p < .10$  in *italic*). The  $R^2$  (linear) and  $R^2$  (nonlinear) represent the strength of the data's fit to a curve, or the strength and coherence of the pattern of choices. Four participants did not display a trading curve. These participants either considered only the impact on their commitment to profession (lexicographic to profession) or the impact on their commitment to family (lexicographic to family).

consistent pattern of choices. Trading functions with low  $p$  values indicate a pattern that is less likely to be due to chance. We would expect some variance in this pattern as a result of the type of budget lines used. The commitments presented in the instrument were *multidimensional*—composed of different factors that could not be scaled along a one-dimensional continuum. For example, family commitments consisted of such diverse factors as type of event, family member involved, temporal considerations, and monetary values. The price of a vacation lies along one scale; the length of time a vacation has been planned lies along another. Each different type of event also requires a different scale. Ev-

ery commitment consisted of several such components. As a result, different participants would be unlikely to attach the same relative importance to any two commitments. From the utility rankings of the preliminary questionnaire, we chose commitments with low variances in order to minimize this problem. Nevertheless, there was still a great deal of multidimensionality in the budget lines.

Of 15 participants, 5 chose to trade commitments in order to maximize satisfaction with the outcome. Using linear or nonlinear regression, five participants produced indifference curves that were significantly different from flat at  $p < .10$ , with four significant at the  $p < .05$  level (see Table 1). One of these four displayed an indifference curve that was significant at  $p < .001$ . This indicates that these five participants chose to trade commitments in order to maximize satisfaction with the outcome. All five schedules were negatively sloped, as we would expect with indifference curves. This indicates that participants prefer increasing amounts of each good—they must receive more of one good to compensate for having less of the other. Hyperbolic regression provided a better fit for three of the participants, whereas simple linear regression served better for two of them. We would expect indifference curves to be hyperbolic under the assumption of decreasing marginal utility—the value derived from the consumption of a “good” will decrease as more of the good is consumed. For example, if I am eating apples, the third apple will give me less satisfaction than the second, which in turn gave me less satisfaction than the first. If

## Trading Forensic and Family Commitments

this assumption holds true, then consumers would tend to avoid extreme combinations, such as sacrificing everything for one's profession. A linear trading schedule does not display this characteristic. It should be noted, however, that the "noise" created by our multidimensional scales and the small number of choices that were made could obscure the significance of this feature.

Five participants chose a particular level of dedication to either family (one) or profession (four) and maintained it, without responding to changes in the budget line. In economic terminology, these participants gave highly lexicographic performances. *Lexicographic* responses yield a constant level of commitment to either family or profession. Some lexicographically responding participants chose to take on the same forensic case no matter what family sacrifice it entailed. On a plot, these participants displayed horizontal or vertical trading functions indicating the one-dimensional nature of their choices. Such choices indicate an unwillingness to trade between the two goods. These individuals refused to make decisions based on the utility level of any particular situation. Rather, they felt obligated to maintain a particular level of devotion to either family or profession.

Of these five individuals, four chose to maintain their level of commitment to profession while one did so for family. Although this may indicate a genuine propensity to make these choices in reality, it could easily be due to the design of our instrument. Because the professional commitments are identical in all eight lists, it is much easier to remain constant

with respect to profession than to family. One can simply pick the same forensic case while ignoring the corresponding family commitments. To remain constant with respect to family, however, the participant must move up and down the different lists of family events in an attempt to equalize the importance of each family choice. One participant successfully did just this, displaying a vertical trading schedule.

It should be noted that three of the participants who remained constant with respect to profession consistently chose the least important case. This may simply be their preferred level of commitment to profession. It could also indicate, however, that they simply wish to minimize this level of commitment. In economic terms, the profession has no value relative to family. Therefore, participants do not simply ignore it when making their choices, but minimize it so they can make the greatest commitment to their families. To further examine this possibility, we would need to use another scale of professional commitments, one with a lower "bottom end." If these same participants bottomed out on the new scale, it would provide further evidence that they attach practically no value to professional commitments, at least in light of the scenario we presented.

To recapitulate the results for all 15 participants, 5 displayed clearly defined trading functions, although one was strongly lexicographic with respect to profession. Four other participants were almost completely lexicographic: three with respect to profession, one toward family commitment.

Of the remaining six participants, two displayed what appears as a random pattern of choices, while four showed poorly defined trading functions that were not statistically significant at  $p < .10$ . The functions for these four were only significant in the range of  $p < .30$ . This probably resulted from the multidimensionality of the scales discussed earlier.

**How Participant Characteristics Affected Choice** We also examined the relationship between each participant's choices and his or her opinion toward the role of the expert witness, as well as a few personal characteristics, such as religious and political orientation. Indifference curves have two key parameters: the marginal rate of substitution and the utility level of the individual. The *marginal rate of substitution* is the rate at which consumers substitute one good for another. The *utility level* of the individual is simply the level of happiness or satisfaction one attains by a particular choice or set of equivalent choices. We can easily obtain the former, but the latter is much more difficult to assess. By plotting the eight choices, we can determine the slope of the curve and thus the rate at which participants trade one good for another. Nevertheless, we do not know how satisfied the participant is with this particular set of choices. In other words, we know these eight points all give equal satisfaction, but we do not know what level of satisfaction they represent. One possibility is to look at the height of each participant's indifference curve.<sup>12, 34</sup> This height is determined simply by the amount of each good the participant chooses at any par-

ticular point, rather than the rate at which he substitutes them.

A number of multiple regressions were run to predict the indifference curves' two parameters, marginal rate of substitution and height, as well as the strength of each curve's fit. The answers to several questions (see Table 2) that appeared at the end of the instrument were used as predictors. For these regressions, four of the five lexicographic participants were excluded, as their trading schedules did not possess the relevant parameters. The one lexicographic participant with a significant trading schedule was included. Two other participants also could not be included because they did not respond to the supplementary questions. Therefore, these multiple regressions were run with only nine participants ( $N = 9$ ), a very small number for a group design.

The first multiple regression was run using strength of fit as the response variable. Strength of fit may be understood as the consistency of the participant's choices in following a pattern. None of the predictors in Table 1 proved significant.

Another regression was run using slope, or marginal rate of substitution (MRS), as the response variable. Again, the MRS is the rate at which participants substitute between family and professional commitments. Four predictors (frequency of religious attendance, political orientation,\* importance of client winning, and degree to which one should help others) were significant at  $p < .05$ ,

\*Political orientation was scaled as follows: Republican = 1; Independent = 2; Democrat = 3.

## Trading Forensic and Family Commitments

with the first two significant at  $p < .01$ . All four correlated positively with the MRS. In other words, participants at the upper end of the scale on these questions placed a comparatively high value on family commitments relative to professional commitments in trading between them.

The third multiple regression used height of the trading function as the response variable. This parameter indicates the level at which a participant's choices fall on our scale. Note that it is separate from the rate at which commitments are traded. Two variables, political orientation and frequency of religious attendance, were significant at  $p < .05$ . Both correlated negatively with the height of the trading function, signifying that participants at the high end of the scale on these questions chose to avoid important cases and the corresponding family sacrifices they entailed. Participants who were politically liberal or frequently attended religious services were less willing to sacrifice family commitments for their profession.

## Discussion

This study indicates that some individuals say they make decisions between family and profession on the basis of utilitarian grounds. Five of fifteen participants displayed sharply defined trading functions, a result that was especially significant given the multidimensionality of the commitments used. This indicates that in real life, people may indeed make such decisions based on the relative importance they attach to different commitments. In other words, they try to balance

conflicting obligations by minimizing their sense of loss.

At the same time, four other participants said they would not trade commitments. When faced with a conflict, they kept their level of devotion to either profession (three participants) or family (one participant) constant, ignoring changes in outcome. Although this may be indicative of genuine behavior in real life, it must be kept in mind that the choices studied here are merely hypothetical. Many people think they would behave in such a way as always to honor some form of commitment. Yet in the real world, there may be subtle influences that lead people to trade, whether consciously or unconsciously.

Perhaps equally significant is the fact that only 2 of 15 participants displayed an apparently random pattern of choices. This suggests that most people in our sample dealt with conflicting commitments through a systematic decision-making process rather than on a case-by-case basis.

The study also seems to indicate that politically liberal individuals in our group tended to sacrifice less for their profession than conservatives. This may be due to a tendency of these conservatives to be more oriented to their careers. Churchgoers also seem to avoid sacrificing too much of their family time for their profession. This could indicate a possible correlation between church attendance and devotion to family. Of course, the small sample size ( $N = 9$ ) on which these multiple regressions on political and religious orientation are based limits the reliability and generalizability of such conclusions.

### Conclusion

The absence of discussion in the forensic literature of this particular type of difficult choice raises the question as to whether this is an area of emotional conflict or of taboo. Certainly, forensic-family dilemmas are probably common, but not commonly discussed. The present pilot study represents a first examination of an emotionally and ethically complex topic. Its discussion here is intended to begin the exploration of this issue and its real-life applications. Once understood, this area of decision-making can be refined to provide practitioners with guidelines for difficult decision-making around difficult choices.

### Acknowledgment

We thank Michelle Barnett for her inspiration and work on which this study so heavily depends.

### Appendix

Imagine yourself in the following situation. Please pay close attention to details.

You are an expert witness for a large law firm. You have agreed to take on an additional case with a group of witnesses and lawyers. In your practice, you are the *best* specialist in the area under which the following cases fall. The trial date is now approaching. Recently, you have been having problems keeping family and personal commitments. For each hypothetical situation, there are lists of choices. You must select one pair of choices for each situation. Because you are the best expert witness in the field, whatever case you choose to handle will have a dramatically increased chance of successful resolution. **You are not allowed to use video tape, nor are you allowed to reschedule.** As the cases increase in importance, they require more time. More important cases thus require you to miss a more serious family commitment.

For situation 1, start at the bottom of the list and move up as high as you can until you feel

uncomfortable with the trade-offs. *Pick the highest trade-off with which you feel comfortable.* This is the case you will actually handle and the family commitment you will sacrifice. For the other seven situations, start at the bottom, and move up until you reach the trade-off which gives you the *same degree of satisfaction* as the trade in situation one. Indicate this choice with an X.

- Situation 1
- Criminal trial.....Child's graduation
  - One expert
  - Death penalty
  - Interrogatory.....50th wedding anniversary
  - One expert
  - Death penalty
  - Criminal trial.....20th wedding anniversary
  - Three experts
  - Death penalty
  - Civil deposition....5th wedding anniversary
  - One expert
  - \$1,000,000
  - Civil deposition....Recreational event; self;
  - One expert           planned one year in advance
  - \$100,000           \$10,000 cost
  - Civil trial.....Sibling's graduation
  - Three experts       see every day
  - \$1,000,000
  - Civil deposition....Recreational event; self;
  - Three experts       planned two weeks in advance;
  - \$1,000,000       \$10,000 cost
  - Civil deposition....Recreational event; self;
  - Three experts       planned two weeks in advance;
  - \$100,000           \$5,000 cost
  - Civil trial.....Recreational event; self;
  - Eight experts       planned two weeks in advance;
  - \$1,000,000       \$1,000 cost

- Situation 2
- Criminal trial.....Parent on deathbed
  - One expert
  - Death penalty
  - Interrogatory.....Emergency surgery; spouse
  - One expert
  - Death penalty
  - Criminal trial.....Elective surgery; spouse
  - Three experts
  - Death penalty
  - Civil deposition.....Sibling on deathbed;
  - One expert           see every week
  - \$1,000,000

## Trading Forensic and Family Commitments

### Situation 2 *continued*

Civil deposition....Child's graduation  
 One expert  
 \$100,000  
 Civil trial.....Recreational event; whole  
 Three experts family; planned one year  
 \$1,000,000 in advance  
 Civil deposition....50th wedding anniversary  
 Three experts  
 \$1,000,000  
 Civil deposition....Recreational event; whole  
 family; planned one-year in  
 Three experts advance  
 \$100,000 \$5,000 cost  
 Civil trial.....20th wedding anniversary  
 Eight experts  
 \$1,000,000

Please explain in as much detail as possible the reasoning behind your choice.

### Situation 3

Criminal trial.....Spouse on deathbed  
 One expert  
 Death penalty  
 Interrogatory.....Emergency surgery;  
 One expert young child  
 Death penalty  
 Criminal trial.....Elective surgery; spouse  
 Three experts  
 Death penalty  
 Civil deposition....Child's graduation  
 One expert cost  
 \$1,000,000  
 Civil deposition....50th wedding anniversary  
 One expert  
 \$100,000  
 Civil trial.....20th wedding anniversary  
 Three experts  
 \$1,000,000  
 Civil deposition....5th wedding anniversary  
 Three experts  
 \$1,000,000  
 Civil deposition....Recreational event; self;  
 Three experts planned one year in advance;  
 \$100,000 \$10,000 cost  
 Civil trial.....Graduation; sibling; see every  
 Eight experts day  
 \$1,000,000

## References

1. Commons ML, Barnett MA: Action as a function of stage, bonding, and affiliative experience. *Gene Epistemol* 14:17-23, 1984
2. Iwasa N: Situational considerations in moral judgment: a Japan-United States comparison. Unpublished doctoral thesis, Harvard Graduate School of Education, Cambridge, MA, 1989
3. Iwasa N: Postconventional reasoning and moral education in Japan. *Moral Educ* 21:3-16, 1992
4. Kohlberg L: *Essays on Moral Development. Vol. 2: The Psychology of Moral Development: Moral Stages, Their Nature and Validity.* San Francisco: Harper & Row, 1984
5. Carpendale JI: Situational variation in moral judgment: in a stage or on a stage? *J Youth Adolesc* 21:203-24, 1992
6. Conners RA: An analysis of situational variation in moral reasoning. *Diss Abstr Int* 51(1-A):79, 1990
7. Krebs DL: Structural and situational influences on moral judgment: the interaction between stage and dilemma, in *Handbook of Moral Behavior and Development, Vol. 2: Research.* Edited by Kurtines WM, Gewirtz JL. Hillsdale, NJ: Lawrence Erlbaum Associates, 1991, pp 139-69
8. Malinowski CI: Moral reasoning and moral conduct: an investigation prompted by Kohlberg's theory. *J Pers Soc Psychol* 49:1016-27, 1985
9. Schellenger J: Situational-contextual influences on moral reasoning. *Diss Abstr Int* 53(3-B):1625, 1992
10. Sobesky WE: The effects of situational factors on moral judgments. *Child Dev* 54:575-84, 1983
11. Villegas de Posada C: A motivational model for understanding moral action and moral development. *Psychol Rep* 74:951-9, 1994
12. Barnett MA: The psychological processes behind decision-making in a university setting. Honors thesis in psychology and social relations, Harvard University, Cambridge, 1985
13. Rachlin H, Green L: Commitment, choice and self-control. *J Exp Anal Behav* 17:15-22, 1972
14. Rachlin H, Green L, Tormey B: Is there a decisive test between matching and maximizing? *J Exp Anal Behav* 50:113-23, 1988
15. Frank RH: *Microeconomics and Behavior.* New York: McGraw-Hill, 1994
16. Jahoda G: European "lag" in the development

- of an economic concept: a study in Zimbabwe. *Br J Dev Psychol* 1:113-20, 1983
17. Betz N, Fitzgerald LF: *The Career Psychology of Women*. Orlando: Academic Press, 1987
  18. Carroll JC, Brown JB, Reid AJ: Female family physicians in obstetrics: achieving personal balance. *Can Med Assoc J* 153:1283-9, 1995
  19. Cherniss C: Career stability in public service professionals: a longitudinal investigation based on biographical interviews. *Am J Community Psychol* 17:399-422, 1989
  20. Gross EB: Gender differences in physician stress. *J Am Med Assoc* 47:107-12, 114, 1992
  21. Hillman BJ, Fajardo LL, Witzke DB, Cardenas D, Irion M, Fulginiti JV: Influences affecting radiologists' choices of academic or private practice careers. *Radiology* 174: 561-4, 1990
  22. Levinson W, Kaufman K, Tolle SW: Women in academic medicine: strategies for balancing career and personal life. *J Am Med Assoc* 47:25-33, 1992
  23. Levinson W, Tolle SW, Lewis C: Women in academic medicine: combining career and family. *New Engl J Med* 321:1511-18, 1989
  24. Niessen LC: The demands of the summer season. *J Am Dent Assoc* 119:123-5, 1989
  25. Ross MM, Rideout E, Carson M: Nurses' work: balancing personal and professional caregiving careers. *Can J Nurs Res* 26:43-59, 1994
  26. Torgerson WS: *Theory and Methods of Scaling*. New York: John Wiley, 1958
  27. Galanter E: *Textbook of Elementary Psychology*. San Francisco: Holden-Day, 1966
  28. Miller GA, Galanter E, Pribram KH: *Plans and the Structure of Behavior*. New York: Holt, 1960
  29. Vaughan W Jr, Herrnstein RJ: Stability, melioration, and natural selection, in *Advances in Behavioral Economics* (vol 1). Edited by Green L, Kagel JH. Norwood, NJ: Ablex, pp 185-215, 1967
  30. Mansfield E: *Microeconomics: Theory and Applications*. New York: WW Norton & Co, 1982
  31. Barlow DH: *Single Case Experimental Designs: Strategies for Studying Behavior Change*. New York: Pergamon Press, 1984
  32. Kratochwill TR, Levin JR (editors): *Single-Case Research Design and Analysis: New Directions for Psychology and Education*. Hillsdale, NJ: Lawrence Erlbaum Associates, 1992
  33. Matyas TA, Greenwood KM: Visual analysis of single-case time series: effects of variability, serial dependence, and magnitude of intervention effects. *J Appl Behav Anal* 23: 341-51, 1990
  34. Rodriguez JA, Barnett MA, Commons ML: The effect of moral judgment stage on the form of the utility function in young adults: the decision to sacrifice one's own grades to keep tutoring commitment. Presented at the annual meeting of the Eastern Psychological Association, New York, April 1986