**Sound Decision-Making: Into the Mind of Decision-Makers**

**KEEPING OUR INTUITIONS AT ARM’S LENGTH: QUICK TIPS FOR ADJUDICATORS**

**HEARING AND WEIGHING THE EVIDENCE**

* **When hearing the evidence, focus on the forest, not the trees**
* **Be aware of your natural bias to believe what you hear**
* **Question your first impressions of a witness and how that may affect what you hear**
* **Be conscious of the ‘halo effect’**
* **Recognize the emotional impact evoked by a witness’ choice of words**
* **Know that you are not immune to the phrasing of ideas, e.g. relative vs. abstract**
* **Recognize the emotional impact evoked by the juxtaposition of words and the associations triggered by those words**
* **Be aware of the emotional impact of these associations on your judicial demeanour**
* **Do not be surprised if the apparent truth is merely a familiar falsehood**
* **Ensure that prospective witnesses do not have the opportunity to influence each other**
* **Question the frequency or level of danger inherent in reported incidents—dramatic front-page news may appear to prevail in the human mind**
* **Be systematic in your credibility assessments—not all stories that are simple, concrete, and make sense, are true.**
* **Remember the witness may think she is telling the truth—although humans have a strange tendency to reconstruct the past based on the present**
* **Trust the intuition of an expert witness, but filter it through rational analysis.**
* **Keep in mind that the witness may be giving priority to bad news**
* **Ascertain that the witness is not confusing her experience with her memory of it**

**COMING TO A DECISION**

* **Be aware of the general influence of emotion in your decisions**
* **Be mindful that you can be easily tempted away from a demanding rational task such as drafting a logical, comprehensive and sound decision**
* **Be wary of superficial or ‘lazy’ thinking**
* **When in a good mood, watch out for logical errors**
* **Tend to your hunger and fatigue, before making important decisions**
* **Question the emotional tail that wags your rational dog**
* **Make sure you follow a rigorous decision-making template—lest you choose arguments that merely support your beliefs**
* **Ask yourself whether you are seeing causality where none exists**
* **Ask yourself whether you are seeing patterns where none exist**
* **Do not be satisfied with mere consistency—make sure the evidence is not only coherent but balanced and comprehensive in its discussion of the issue at hand**
* **Avoid jumping to conclusions**
* **Do not underestimate the impact of the form and look of your decision**
* **If you are part of a three-member decision-making panel, be mindful of the effect of those who speak early and assertively**
* **Be fully conscious of ‘the anchoring effect’ when estimating costs, damages or terms for detention release, for example**
* **Know the intensity of your feelings when you make decisions, such as awarding monetary awards**
* **When assessing probabilities, look to the evidence, not your beliefs**
* **Beware of overconfidence in predicting the future based on your understanding of the past**
* **Make sure you have a reliable checklist or decision-making tree when your decision calls for largely intuitive assessments such as credibility or an exercise of discretion**
* **Be mindful of the parties’ ‘loss aversion’ when mediating a dispute**
* **Be mindful of the parties’ ‘risk aversion’ when mediating a dispute**