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The Perils of Visual Diversity

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Courts often claim to prioritize neutrality and objectivity, yet the moment an expert, especially a forensic psychiatrist, enters the room, perceptions can influence how their expertise is received even before they speak. Across cases, experts whose appearances deviate from the traditional mental image of "the psychiatrist"—whether through gender expression, race, age, disability, or other visible signs—face subtle and overt signals that their credibility depends on conforming to expectations they did not set.

We are aware that aspects of diversity that are visible are not the sole types of diversity that exist within forensic psychiatry or the courtroom. However, this article focuses on aspects of diversity that are visual. Notably, visual diversity encompasses a multitude of aspects of diversity and can be intersectional. Intersectional theory, coined in 1989 by Dr. Kimberlé Crenshaw, is the study of overlapping or intersecting social identities and related systems of oppression, domination, or discrimination.(1) The intersectional framework is rooted in the premise that human experience is jointly shaped by multiple social positions (e.g., race, gender) and cannot be adequately understood by considering a singular position. The impact and experience of intersectional individuals, and especially intersectional experts, have yet to be examined thoroughly in contemporary forensic psychiatry. Visual intersectionality and differences can have more impact (and not necessarily positive) now than in the past due to extreme political divisiveness.

Here are three possible scenarios we have developed.

A gender-nonconforming expert, Mx. R., dressed in a tailored suit, wearing subtle nail polish, a small nose ring, and sporting asymmetrical blue-black hair, may find their professionalism questioned when cross-examination implies that their "chosen appearance" compromises neutrality. Despite impeccable qualifications and credentials, appearing visibly gender diverse may send an unspoken message that turns an expert's identity into a point of challenge, forcing them to defend not only their conclusions but also the legitimacy of their presence in the courtroom.

In another example, a young Black female whose age, race and gender are all visible may face a different yet equally strong set of assumptions in the courtroom. Even if her work is meticulous and well-balanced, she may face more intense scrutiny and questioning regarding her qualifications, years of practice, and number of testimonies, as if youth and race require her to repeatedly prove her competence. In yet another possible scenario, a senior White male colleague with visible mobility aids may face intrusive questions about whether his disability affects his memory or judgment while testifying in court. In both situations, visible traits—race, age, (dis)ability, the way they occupy space —become unintended co-witnesses.

In each scenario, despite stellar experts' qualifications, visual appearance triggered negative assumptions in the courtroom. These demonstrate that visual diversity is an unspoken part of the legal process, affecting which experts are seen as trustworthy, how forcefully they are challenged, and whether their identities become part of the story they must navigate while giving an objective opinion.

The experience and impact of intersectionality may be understood through its application to credibility. In 2010, Brodsky and colleagues investigated the conceptual components of credibility through a literature review. (2) They summarized that aspects including expertise (credentials, training and experience), trustworthiness (appearance of objectivity, lack of partisanship and sincerity) and dynamism (style of delivery and demeanor) were most relevant in determining whether an expert was credible. (2) Further work within these subcategories demonstrated that whether an expert was perceived as credible (e.g. by the jury, by their peers or by judges) was, in fact, subjective. For example, the dynamism of female experts was closely critiqued with female experts being expected to use gender matching language (3), expert's attractiveness and physical presentation impacting their perceived credibility and were asked more intrusive questions than their male peers (4,5). As such, a female expert witness must navigate the identity by balancing the professional expectation and gender role expectations. (6) Notably, gender being only one aspect of the intersectionality that this expert may have to attend to and navigate within the courtroom.

These dynamics carry consequences beyond any single testimony. The sustained need to monitor one's appearance, demeanor, assertiveness, and emotional expression, particularly in environments where visual intersectionality may be misread as partiality, incompetence, or threatening, creates a cumulative risk of professional burnout. Experts who must continually calibrate between assertiveness and authenticity, while knowing their identities may be scrutinized as evidence, shoulder additional, often invisible labor. In the short term, protective strategies such as Balint groups (structured peer support groups), intentional self-care, and grounding practices can provide spaces to process these experiences and mitigate their psychological toll. Over the long term, meaningful change requires systemic investment: increasing diversity within forensic psychiatry,

actively supporting and mentoring trainees from underrepresented backgrounds, and implementing robust unconscious-bias education across the judicial and legal systems. Attending to burnout in this context is not merely a matter of clinician wellness—it is essential to preserving the fairness, credibility, and integrity of forensic psychiatric expertise itself.

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