



Effective Apologies and Integrity After the Harm

How your clients can ease the burdens that come from doing wrong

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Your client is at fault. He is about to be convicted. Or, she wants to convince the DA to offer a plea bargain. Or, the company CEO wants to make a public statement minimizing the damage. Or, he wants to make it clear in a deposition that he is remorseful.

So, how do you teach your clients to express remorse?

STEP ONE: Your client must actually feel remorse.

As a forensic psychologist, or a regular psychologist, or even as a decent human being, I would never recommend that anyone attempt to trick a judge, a jury, or the general public if he or she is not remorseful. First, it won't work--the trier of fact will see through a fake apology. Second, and most important, it is unethical to advise your client to lie.

With that in mind, there are plenty of remorseful clients--people who truly feel terrible about what they have done--who do not know how to express that remorse in an effective manner. And, lawyers and psychologists know that a DA, judge, jury, or the general public can be swayed by a proper apology. It can cut years off of a sentence or save tens of thousands of dollars.

STEP TWO: Make sure it is the appropriate time in the legal process for an apology.

There isn't much explanation needed here. The following steps will only make sense after you and your client deem it the proper time to issue an apology.



STEP THREE: Tell your client to admit fault.

By doing this, your client is letting the aggrieved party know she is taking responsibility for her actions. For example, a client who is remorseful about her behavior could say, *"I knew it was wrong to steal the money my sister left on the counter, but I did it anyway. It was completely my fault for breaking the law."* The admission should be direct and specific, and should lack qualifiers such as *"it never would have happened if my sister hadn't been so careless with her money."*

If your client does not specifically admit fault, steps four through seven will sound disingenuous.

STEP FOUR: Tell your client to literally say, "I'm sorry."

Research shows that people will not experience an apology as an apology unless they hear the words, "I'm sorry." And it is important to say only, "I'm sorry," as opposed to "I'm sorry if I offended anyone," or "I'm sorry that so-and-so got hurt." By sticking to a simple, "I'm sorry," your client is saying she understands her actions were wrong, even if no one else was affected by them. That demonstrates true remorse from a person of good character.

Here is the combination of Steps Three and Four:

"I knew it was wrong to steal the money my sister left on the counter, but I did it anyway. It was completely my fault for breaking the law. I am truly sorry."

STEP FIVE: Have your client explain her behavior.

This one is tricky. You don't want your client to come across as though she is excusing or rationalizing her bad behavior. Doing so will make it sound like she is not taking responsibility for what she has done.



However, it is extremely important to give context to her behavior so the aggrieved party has a better understanding of her motivation. This step will require you to help your client think reflectively about her behavior and why she acted the way she did. This also demonstrates to others that she is capable of thinking about her behavioral motivations and learning from her mistakes.

Adding yet again to the apology from previous steps:

"I knew it was wrong to steal the money my sister left on the counter, but I did it anyway. It was completely my fault for breaking the law. I am truly sorry. It was totally out of character for me to do something like that, and it took me a long time to reflect on why I did it. After talking with family, friends, and my therapist, I finally realized what was happening. I had lost my job three weeks earlier, and I was scared about losing my house. My ex-husband was threatening to take me back to court over the kids, and I knew that was going to cost more money. My unemployment payments hadn't kicked in yet. I was so stressed. That thousand dollars seemed so tempting, and in the moment I convinced myself that I needed it more than my sister did. Obviously, I wasn't thinking clearly or respecting my sister, and none of that is an excuse for breaking the law, but I want to explain what was going through my mind at the time. As a result, I now have a felony on my record, I'll have a harder time in court with my ex, and I've ruined my relationship with my sister. The worst part is that even if none of those bad things had happened and I had gotten away with taking the money, I'd still have to live with myself knowing what I had done was wrong. I know that saying 'I'm sorry' doesn't fix any of that, but I'm still sorry I did what I did."

STEP SIX: Instruct your client to explain what she learned from her mistake.

People like to hear that someone has learned something from a mistake so that her behavior will be different next time.

Adding more to the apology:

"...I know that saying 'I'm sorry' doesn't fix any of that, but I'm still sorry I did what I did. If there is a silver lining to my horrible mistake, it is that I learned several valuable things. I learned how important my family is to me. I learned the reasons why I start to think so irrationally when I am stressed--with the help of my therapist, I am also learning how to change those bad thought and behavioral patterns. And, I learned that I get very selfish when I am stressed out. If I'm not careful, I can fall into that pattern quickly and act in ways that are bad for me and the people around me."

STEP SEVEN: Have your client describe the specific actions she has taken and continues to take to repair the damage.

Promises for what one plans to do in the future are not likely to be helpful, but describing the current actions being taken to reduce the impact of the harm may make a difference. Apology is one form of responsibility, but actions to repair damage show a commitment to "getting back into integrity" that go beyond words and into real effort to restore the social fabric. Actions might include significant community service or charitable work related to the harm in question, or publishing a book with all



proceeds going to a related nonprofit or charity. Showing true remorse through words and feelings, combined with actions taken to repair the harm, make up the cornerstones of restorative justice interventions that are shown to reduce recidivism. A client who proactively engages in these behaviors may effectively communicate their intentions to mitigate and prevent future harm. It is also therapeutic for your client (and often for victims).

Adding more to the apology:

“Although it will never right the wrong, I have already started community service hours--I am volunteering at Goodwill every weekend. And, I organized a bake sale in my neighborhood. Several people sold baked goods outside of the local Starbucks last week, and we raised \$200. I donated that money to an organization that helps people who were the victims of theft.”

STEP EIGHT: Tell your client it is okay, and even helpful, to show genuine emotion during the apology.

It is possible to show emotion through behaviors (e.g. crying or looking sad), or through words (e.g. “I feel sad and embarrassed that I hurt my sister so badly because of my selfishness”). If your client does not convey emotion, the words she is saying in her apology could come across as less genuine and less believable.

WORD OF WARNING: Don’t coach your client on how to cry on command! Let her know it is okay, and even helpful, to express emotion. But also let her know that a DA, a judge, a jury, or the general public will spot fake emotion very quickly. It is better to deliver a genuine, unemotional apology than a faked emotional one.

STEP NINE: Prepare your client for the possibility that her apology and attempts to repair the harm will not help her legal situation.

Following the above steps is not a guarantee that a DA will offer a plea bargain or that a judge will reduce a sentence. It is not a promise that the public will fall back into love with a company or that a jury will see your client sympathetically. You and your client do not have control over how other people will receive a genuinely remorseful apology. But, the steps outlined in this paper will maximize the potential for a genuine apology to be positively received. And the more severe the offense, the more potential this process has for being successful. Even if not successful, for truly remorseful clients, going through these steps can ease the burden they carry inside as they await the judgments of others.

Information in this white paper adapted from:

Kirchoff et al. (2012). Apologies: Words of Magic? The role of verbal components, anger reduction, and offence severity. *Peace and Conflict: Journal of Peace Psychology*, 18(2), 109-130.

Sherman et al. (2015). Are Restorative Justice Conferences Effective in Reducing Repeat Offending? Findings from a Campbell Systematic Review. *Journal of Quantitative Criminology*, 31, 1-24.

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