

Cognitive Barriers to Authentic Contractual Consent

Jessica Choplin

DePaul University

Debra Pogrud Stark

The John Marshall Law School

Abstract: Failure to read and understand contracts and consent forms makes consumers susceptible to fraud, compromises the goal of true informed consent, and leaves medical patients and research participants vulnerable to abuse. We report the results of a fraud simulation study which found that people are highly susceptible to fraud. We discuss some cognitive explanations for their susceptibility and propose law reforms that should help protect people from fraud.