

# Cold-Blooded No More: Mississippi Supreme Court Tames the "Reptile"

March 27, 2026

## Media Contact

Erica Gianetti

Marketing & Communications Supervisor

erica.gianetti@mgclaw.com

Earlier this spring, in *Greer v. Key*, No. 2024-CA-01393-SCT, 2026 Miss. LEXIS 45 (Feb. 19, 2026), the Mississippi Supreme Court outlawed a common tactic used by personal injury attorneys known as the "Reptile Theory." This theory, developed by jury consultants, aims to tap into a juror's instinct for self-preservation and community safety by activating his or hers so-called "reptilian brain" – that part of the human brain most concerned with survival.

The way it works is that the plaintiff's attorney couches his or her questions in such a way as to shift the jury's focus from the alleged impact the defendant's actions had on the plaintiff, to the effect such actions could have on the public at large. For instance, a crafty plaintiff's lawyer might argue to the jury that the defendant's conduct violates certain "public safety standards" that put the entire community at risk. This tends to lead to higher damage awards because jurors are not necessarily concerned about compensating an injured party, but rather protecting themselves and the community at large from people like the defendant.

## Case Details

*Greer* arises from a November 1, 2017, rear-end collision in Desoto County, Mississippi. Defendant Key admitted liability for the collision, and the trial centered on proximate causation of Plaintiff's alleged injuries. The circuit court granted in part Defendant's Motion in Limine stating that "golden rule and reptile theory arguments are improper" and cautioned against "attempts to inflame the jury's passions by making improper emotional appeals to their personal sense of safety or self-preservation." *Id.* at \*4. The jury unanimously found no proximate causation, and the court entered judgment for Defendant Keys. Plaintiff appealed.

## Analysis on Reptile Theory

Addressing the admissibility of reptile-theory arguments as a matter of first impression, the Mississippi Supreme Court aligned Mississippi practice with federal courts in Mississippi which have rejected such arguments. The Court analogized reptile theory to golden-rule arguments which have long been deemed inadmissible in Mississippi and condemned by the Fifth Circuit as impermissible community-conscience appeals. The Court held that the Plaintiff's questions to Defendant about "rules of the road," safety responsibilities, and foreseeability mirrored excluded reptile-style questions in federal cases and were therefore properly barred at trial.

## Practical Effect and Future Impact in Mississippi

The *Greer* decision effectively bans reptile-theory questioning in Mississippi under Rules 401-403 of the Mississippi Rules of Evidence. Defense attorneys will therefore need to be cognizant of the need to file evidentiary pre-trial motions (motions in Limine) to preclude plaintiff's attorneys from violating the holding in *Greer*. The failure to do so could run the risk of letting the "reptile" back out of its cage.

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