

The Impact of Personality and Demographics on Verdict in a Civil Rape Case

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This second part of a three-part series on jury decision making examines several key juror personality variables to determine whether knowledge about jurors' personalities would aid attorneys in jury selection. It is the first study to examine interrelationships among personality measures in a civil, as opposed to criminal, matter.

This article, the second in a series on jury decision making, focuses on jurors' personality and demographic characteristics as they affect judgments of liability and damages in a simulated civil rape case. Civil rape was chosen as the area of study because it allowed us to add a certain amount of drama to an otherwise average premises liability case. In addition, studying civil rape provided a means of assessing jurors' attitudes in a scenario where both parties are likely to be perceived as blameworthy. Several key personality variables were examined, including a relatively new measure, to determine whether an insight into jurors' personalities would aid attorneys in jury selection. Although most previous research has shown little relationship between jurors' personal characteristics and decision making, this is the first study to examine the interrelationships among personality measures in a civil, as opposed to criminal, matter.

Trial attorneys are certainly aware that the characteristics of plaintiffs and defendants impact

jury behavior. Two obvious characteristics are the race and age of the litigants. In the study that is the focus of this article, the plaintiff's race and age were varied to determine whether these observable, and unchangeable, attributes impacted jurors' judgments about her role in the rape. Following a review of relevant research, we present the results of our research and a discussion of the implications of the findings for voir dire strategy.

JURY RESEARCH ON RAPE CASES

Considerable psychological research on rape has centered on the responsibility of the victim and

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the rapist. Primarily, these studies have examined whether observers blame the victim and, therefore, excuse the rapist for some of the responsibility for the rape or hold the rapist completely accountable for the incident. One study classifies research studies on rape into four categories:

(a) studies focusing on characteristics of rape victims, including their respectability and provocativeness, resistance, emotional response, physical attractiveness, sexual history, carelessness, past history of rape, and intoxication; (b) studies focusing on the context of the rape, including time of day and victim's relationship to rapist; (c) studies focusing on characteristics of the rapist, such as dress, physical attractiveness, race, use of force, and motives; (d) studies focusing [on] characteristics of people judging rape victims, including their sex, age, background and occupation, and attitudes.¹

Since the vast majority of rape cases are criminal in nature, it comes as no surprise that researchers have typically examined juror attitudes as they affect verdicts in criminal rape cases. Studies have measured extralegal factors such as juror demographics, juror personality characteristics, victim characteristics, and defendant characteristics to determine the impact of these variables on attribution of fault, judgments of guilt, and disposition of sentencing. In general, victim and defendant characteristics have been found to play a more influential role in the outcome of jury deliberations than have juror characteristics. The exception to this general rule, however, is that juror attitudes which are case specific are a strong factor in verdict preference.

While past studies have focused on criminal rape cases, the present study, in contrast, provides a look at plaintiff characteristics and juror attitudes as they affect verdicts in a civil rape case. It is expected that juror personality variables, such as universal orientation, just-world view, locus of control, and authoritarianism will impact decisions in a civil rape case in much the same way as in criminal rape cases. Similarly, jurors' decisions are expected to be influenced by the plaintiff's age and race when judgments of liability and damages, as opposed to guilt, are made. The following sections will review research findings on each of our key variables of interest.

Race

Recent incidents such as the O.J. Simpson and Rodney King trials have elicited renewed attention

to racial factors within the legal system. Research in this area has a long history of conflicting results and conclusions. Some research has found strong evidence of racial factors influencing legal decisions, while other studies have found none. Researchers have approached discrimination in the legal system from a variety of angles, employing an equal diversity of methods. If any one assertion may be made with certainty regarding previous findings, it is that a large number of factors influence case processing, and any comprehensive interpretation of previous findings is bound to be extremely complex.

Mock jury research has shown that black, poor, and uneducated defendants are judged more harshly than other defendants.

In an effort to isolate the effects of racial factors on the judicial process, many researchers have investigated the decision process itself, rather than relying on archival, postverdict (and postsentencing) investigation. The most common method employed for this purpose is the mock jury. Mock jury research has shown that black, poor, and uneducated defendants are judged more harshly than other defendants.² The race of the victim also affects jurors' judgments—blacks who victimize whites are treated more harshly and blacks who victimize blacks are treated less harshly than other defendants.³ In addition, mock jurors tend to judge defendants more harshly when the victim is the same race as the juror.⁴ Similar results are obtained in actual trials. Defendants are judged more harshly when the victim is white and more leniently when the victim is black.⁵

The present study varied the race of the victim via photographs of a white or black woman. It was predicted that jurors who viewed the photograph of the white woman would assign a lower percentage of fault and award higher monetary damages to her than jurors who viewed the photograph of the black woman.

Age and Respectability of Victim

In general, older victims are seen as less responsible for their rapes than younger victims.⁶ Age is believed to be associated with respectability, such that older victims are perceived as more respectable than younger victims. While few studies have specifically addressed age of victims, several have

examined the effects of victim respectability on verdict. Most have found that, as victim respectability increases, her perceived responsibility decreases.⁷ Respectable victims are also viewed by jurors as being more psychologically affected by the crime of rape. Respectability is, in turn, influenced by the victim's marital status, sexual experience, and profession, all of which influence jurors' judgments about the victim's responsibility for the rape. The theory used to explain the effect of respectability on verdicts is Heider's balance theory: respectable people engage in respectable actions.⁸ Indeed, Felman-Summers and Lindner's research, cited above, demonstrated that as victim respectability increased, length of sentence imposed on the defendant increased.

Respectability of the victim relates to judgments of the victim's "character." Because women have traditionally been viewed as sexual property, it follows that there will be more serious sanctions against rapists who assault married women or virgins. Similarly, the victim's behavior places her on trial in that her actions will be scrutinized by jurors.⁹ For this reason, jurors are less likely to believe the defendant is responsible if the victim and assailant knew each other prior to the assault and if the victim is black (because jurors typically believe blacks are more sexually experienced and, thus, less harmed by assault).

Respectability of the victim is also affected by jurors' sex roles. Jurors with traditional sex roles have been found to blame the defendant less than nontraditional jurors.¹⁰ If there is any evidence that the victim violated sex-based norms, this effect will be enhanced.

If rape victims are perceived as having low status, it follows that they will be derogated by highly authoritarian jurors.

Only one study has been found to dispute the general view that victim respectability and responsibility are inversely related.¹¹ The research found that more respectable rape victims were assigned more fault. The researchers explained their counterintuitive findings by proposing that the victim's character and/or behavior are used to judge negative events (that is, she must have done *something* to provoke the attack). In contrast to earlier results, jurors blamed the married and virgin victims more than the divorced victim. The authors speculated that respectable victims are

blamed more as a way of accounting for the magnitude of their misfortune.

In the present study, photographs were used to depict victim age. It was predicted that jurors who viewed the photograph of the older woman would assign a lower percentage of fault and award higher monetary damages to her than jurors who viewed the photograph of the younger woman. This finding was predicted to be moderated by plaintiff race, where the black plaintiff would be blamed more than the white plaintiff. Thus, plaintiff blame, from lowest to highest, was hypothesized to occur in the following manner: older white, older black, younger white, and younger black.

Authoritarianism

Authoritarianism is one of the most frequently measured juror characteristics. In general, authoritarian jurors are more punitive, and thus tend to be prosecution oriented.¹² However, authoritarianism has also been associated with negative views of the rape victim, including feelings of low empathy for the victim.¹³ The authors of these studies and other researchers have also found that female jurors were better plaintiffs' jurors, largely because females had more empathy for the rape victim.¹⁴ One reason for the relationship between authoritarianism and negative attitudes toward rape victims is that authoritarians tend to respond with personal hostility toward lower-status persons.¹⁵ If rape victims are perceived as having low status, it follows that they will be derogated by highly authoritarian jurors.

While most researchers have found that authoritarianism is positively associated with punitiveness toward the defendant, this finding has not always been observed.¹⁶ Authoritarianism has sometimes been shown to be affected by other variables, for example, characteristics of the defendant. One study found that authoritarians are more affected by extralegal factors than are egalitarian people.¹⁷ This study also showed that, while jurors high in authoritarianism were more likely to find the defendant guilty and to sentence him more severely, if authoritarian jurors were similar to the defendant, they tended to be biased in his favor. In addition, other studies have found that authoritarian jurors are less punitive toward the defendant when the defendant is an authority figure or when the crime itself pertains to obedience to authority.¹⁸

The present study measured jurors' authoritarianism via the Legal Authoritarianism Questionnaire

(LAQ) developed by Boehm¹⁹ and scored according to Kravitz, Cutler, and Brock.²⁰ It was predicted that jurors high in legal authoritarianism would hold the plaintiff more responsible for the rape by assigning a greater percentage of fault to her. This finding was predicted based on the authority figure status of the defendant (the apartment owner/manager) and the relative difference in the plaintiff's and defendant's status, especially as their status related to ability to control the situation.

Just World

Victimization does not follow the rules of a just world. Sometimes innocent and good people are victimized. When something bad happens to someone who is good, this event challenges people's belief in a just world. Their belief in a just world can be restored by attributing blame to the victim or somehow alleviating the suffering of the victim. The authors of one study argue that "since it is not possible to reverse a crime of rape, rape victims are subject to derogation. However, when observers identify with a victim by recognizing a common vulnerability, they are likely to respond with empathy rather than derogation."²¹

These same authors found that women (who are more likely to experience a common vulnerability with a rape victim) were less likely to hold the rape victim responsible for the rape.²² In addition, women with a high belief in a just world derogated the rape victim less than women with low belief in a just world. This result is possibly due to the fact that women are more likely than men to identify with a rape victim and, therefore, less apt to blame her character.²³ Women who identify with a rape victim and who believe in a just world face a particular conflict in reconciling the rape with their belief that "people get what they deserve."²⁴ These women are especially reluctant to derogate a rape victim for a negative experience that they perceive could also happen to them. In contrast, men with a high belief in a just world evaluate the crime as more serious and view the rape victim as more responsible than men with a low belief in a just world. Apparently, men with a high belief in a just world perceive rape as a challenge to that belief.²⁵ In the present study, we predicted that male jurors with a high belief in a just world would attribute more responsibility and award less in monetary damages than men with a low belief in a just world. We predicted exactly the opposite results for female jurors.

Locus of Control

Locus of control has not received widespread study as it relates to attitudes toward rape. One study found that subjects generally perceived rape as due to factors outside a victim's control, but that men were more likely than women to attribute rape to chance (among other variables).²⁶ While it would be expected that locus of control would be predictive of verdict in a rape case, one study in which this relationship was examined in detail found no such relationship.²⁷ These authors explained the absence of a relationship by postulating that locus of control would be mediated by whether one identifies with the plaintiff or defendant. Thus, a juror with an external locus of control who identifies with the plaintiff will be more likely to hold the defendant more responsible. On the other hand, those jurors with an external locus of control who identify with the defendant will hold the plaintiff more responsible.

Identification with plaintiff or defendant in the present study is expected to be based on gender of juror. For this reason, it was predicted that women would be more likely to identify with the female plaintiff and that men would be more likely to identify with the male defendant. Thus, internal-external locus of control was expected to be differentially related to verdict dependent on juror gender.

Universal Orientation

Most research on differential treatment of defendants and victims based on race has tried to determine whether the persons making the decisions were prejudiced. There have been few studies of the effects of nonprejudice on decision making. The Universal Orientation Scale (UOS) was developed to measure nonprejudice. "Nonprejudice is defined as a universal orientation in interpersonal relations whereby the actors selectively attend to the similarities between the self and other rather than the differences between the self and the other."²⁸ The UOS measures respondents' views of other people that are *inclusive* rather than *exclusive*. Since there are no items that directly refer to race or ethnicity, it has the added advantage of not being transparent to respondents (as are many measures of prejudice).

A great deal of literature on interpersonal attraction indicates that we like people who are perceived to be similar to ourselves. This perceived similarity is a "fundamental link to liking and

helping."²⁹ People with a universal orientation seek similarities between themselves and others. These people perceive themselves "as similar to, associated with, connected with, and identify[ing] with a wide variety of others."³⁰ These authors maintain that categorizing people and attending to their differences is a basis for prejudice and conflict. "Prejudice appears to derive from orientation to differences, limiting associations with others, categorization emphasis, preference for homogeneity, an evaluation orientation, and self-other separation."³¹

People with a universal orientation seek similarities between themselves and others.

Research on the UOS has found that people who have a universal orientation view themselves as more similar to others, minority and nonminority alike, while persons with a low universal orientation view themselves as more different from others, especially minorities.³² Persons with a high universal orientation expressed no discrimination in choice of work partners based on ethnicity, while persons with low universal orientation scores preferred nonminority students to minority students as work partners. In another study, results indicated that people scoring in the highest quartile on universal orientation found minority people to be more representative of humankind and more attractive than did those who were in the lowest quartile on the USO.

Based on prior research, it was predicted in the present study that mock jurors who have a universal orientation would be less likely to discriminate on the basis of race or age when deciding liability or awarding monetary damages to the plaintiff in this case. In contrast, jurors who do not have a universal orientation were predicted to be more likely to discriminate on the basis of age and race.

Gender of Juror

Generally, research has found that men tend to find the rape victim more responsible for rape than women,³³ although some research has found that women attribute more responsibility to the rape victim than men. Two authors explain these latter findings as situations in which the women "are motivated to attribute responsibility to the victim in order to protect their own feelings of control."³⁴ The studies in which women judge the victim more harshly are those that involve responsibility

in combination with other factors such as victim resistance,³⁵ acquaintance with the rapist,³⁶ and victim's dress.³⁷

HYPOTHESES

In sum, the following hypotheses were made in the present study:

1. Respondents will attribute less responsibility to the white plaintiff than to the black plaintiff.
2. Respondents will award more monetary damages to the white plaintiff than to the black plaintiff.
3. Respondents will attribute more responsibility to the younger plaintiff than to the older plaintiff.
4. Respondents will award more monetary damages to the older plaintiff than to the younger plaintiff.
5. Jurors who are high in legal authoritarianism will attribute more responsibility to the plaintiff and will award less monetary damages than those who are low in legal authoritarianism.
6. Men with a high belief in a just world will attribute more responsibility to the plaintiff and award less monetary damages than men with a low belief in a just world.
7. Women with a high belief in a just world will attribute less responsibility to the plaintiff and award more monetary damages than women with a low belief in a just world.
8. Men with an external locus of control will attribute more responsibility to the plaintiff and award less monetary damages than men with an internal locus of control.
9. Women with an external locus of control will attribute less responsibility to the plaintiff and award more monetary damages than women with an internal locus of control.
10. There will be no difference in attributions of responsibility or monetary damages based on age or race for people with a universal orientation.
11. Men will attribute more responsibility to the plaintiff and award less monetary damages than women.

OVERVIEW OF THE PRESENT STUDY

Upon their arrival at the study, mock jurors completed a demographic questionnaire, the LAQ, the UOS, the Internal-External Locus of Control Scale, and the Just World Scale.

The demographic questionnaire measured the following characteristics: age, gender, education, political orientation, ethnicity, marital status, number of children, employment status, student status, occupation, spouse's occupation (if applicable), and crime victimization. The LAQ,³⁸ a 30-item scale, measured jurors' attitudes on a 6-point scale ranging from 0 (strongly disagree) to 5 (strongly agree). Higher scores are indicative of legal authoritarianism.³⁹ The UOS⁴⁰ measured mock jurors' responses to 21 items on a 5-point scale ranging from 1 (does not describe me) to 5 (describes me very well). Higher scores indicate a more universal orientation. The Adult Nowicki-Strickland Internal-External Control Scale (I-E), a 40-item scale, measured jurors' attitudes with yes or no responses. Higher scores are indicative of an external locus of control. The Just World Scale⁴² measured responses to 20 items on a 6-point scale ranging from 0 (strongly disagree) to 5 (strongly agree). Higher scores indicate greater belief in a just world.

Mock jurors' race, and their level of confidence in the accuracy of their decisions, impacted their assessment of the plaintiff's responsibility for the rape.

When all participants had completed the questionnaires, they were shown a photograph of the plaintiff. The original photograph of a young, white woman was manipulated by a graphic artist using a computer program to generate four photographs: a young white woman, an old white woman, a young black woman, and an old black woman. The photographs were identical except for skin color change and slight adjustments in the lips and noses of the black women to make them more authentic. Next, mock jurors heard a taped description of the facts of a civil case and standard jury instructions. The case involved a rape victim who sued the owner/manager of the apartment complex in which she was raped for damages she sustained. While the case description was identical for all jurors, each jury saw one of four randomly assigned photographs of the victim. Jurors were then asked to indicate, individually, the amount of

responsibility that the apartment owner/manager and victim had for the incident. Participants then were asked to determine what monetary damages the victim should be awarded and their confidence in their decision.

Next, participants were asked to form a jury, select a foreperson, deliberate, and come to a consensus (using a verdict form) concerning the responsibility of the defendant and the plaintiff and the amount of damages to be awarded to the plaintiff. After reaching a unanimous decision, mock jurors then indicated the amount of influence that each other member of the jury had on their decisions. Next, they were asked to indicate, again, their individual opinions about the responsibility of the defendant and the plaintiff, the amount of money that the plaintiff should receive in damages, and their confidence in these decisions.

THE RESULTS

Mock jurors' individual responses to liability and damages questions were subjected to an analysis of variance.⁴³ Individual responses obtained before deliberations were the unit of analysis, because we were interested in the impact of personality and demographic variables before preferences of other jurors were revealed during deliberations. In this way, we were able to isolate individual characteristics prior to any social influence that may have been exerted by the jury as a group.

Race of Juror

We observed many interrelationships between race of mock juror and other variables. Damages awarded to the plaintiff varied by both race and gender of mock juror, with black females awarding the least damages and black males awarding the most. Average damages are set out in Table 1.

Mock jurors' race, and their level of confidence in the accuracy of their decisions, impacted their assessment of the plaintiff's responsibility for the rape. White mock jurors who were highly confident judged the plaintiff most favorably; black mock jurors whose confidence level was low judged the plaintiff least favorably. Judgments of the plaintiff's responsibility (reported as averages) are set out in Table 2.

Damages awards were also affected by juror race and confidence level. In addition, gender of mock juror differentially impacted damages awarded to the plaintiff. Black male jurors who

Table 1. Effect of Race and Gender of Juror on Damages

Gender of Juror	Race of Juror	
	Black	White
Female	\$218,136	\$367,281
Male	\$1,422,500	\$437,841

Table 2. Effect of Race and Confidence of Juror on Judgments of Plaintiff Liability

Confidence Level of Juror	Race of Juror	
	Black	White
Low	48%	15%
High	12%	6%

were highly confident in their judgmental accuracy awarded far more to the plaintiff than any other type of juror. Average awards by juror gender, race, and confidence level are presented in Table 3.

Age of Plaintiff

Age of the plaintiff interacted with gender of juror in producing differing judgments of the plaintiff's responsibility. Male jurors showed the most variability in their responses. Average percentages are presented in Table 4.

Age of the plaintiff also interacted with gender and race of juror to produce unique effects on damages awards. Black male jurors demonstrated the most age-related variability in the damages they awarded to the plaintiff. Average damages are presented in Table 5.

Authoritarianism Level of Juror

All of the personality measures, with the exception of internal-external locus of control, were found to influence jurors' attitudes about the

Table 3. Effect of Race, Gender, and Confidence of Juror on Damages

		Race of Juror			
		Black		White	
Gender of Juror		Female	Male	Female	Male
Confidence Level of Juror	Low	\$276,000	\$120,000	\$410,227	\$278,750
	High	\$271,667	\$2,725,000	\$362,763	\$584,615

Table 4. Effect of Gender of Juror and Age of Plaintiff on Judgments of Plaintiff Liability

Age of Plaintiff	Gender of Juror	
	Female	Male
Young	11%	24%
Old	14%	7%

Table 5. Effect of Race and Gender of Juror and Age of Plaintiff on Damages

		Race of Juror			
		Black		White	
Gender of Juror		Female	Male	Female	Male
Age of Plaintiff	Young	\$248,625	\$150,000	\$785,500	\$456,154
	Old	\$368,333	\$3,583,333	\$272,417	\$516,667

case. Authoritarianism and its impact on judgments of liability will be described in the next several tables. (Authoritarianism did not affect damage awards.)

Authoritarianism combined with race of mock juror to affect liability assessments. Black jurors' level of authoritarianism had more effect on their judgments than did white jurors' degree of authoritarianism. Average percentages of responsibility attributed to the plaintiff are presented in Table 6.

Authoritarianism also produced different effects depending on the gender of the juror, in combination with juror race. The effects of an authoritarian attitude were most pronounced for black mock jurors. In fact, authoritarianism had very little impact on liability assessments of white mock jurors. This is illustrated in Table 7.

A portion of the authoritarianism questionnaire concerns equality-related attitudes. Equalitarian attitudes are those that support "traditional, liberal, nonextreme positions on legal

questions."⁴⁴ Jurors' degree of equality and their race differentially affected their liability judgments. Surprisingly, the same pattern of results was observed for the equality measure as was observed for authoritarianism as a whole. Results of liability assessments are presented in Table 8.

Just-World Belief of Juror

Belief in a just world had strong effects on damages assessments, in combination with the gender and race of jurors.⁴⁵ Black male jurors with varying degrees of belief in a just world exhibited more fluctuation in their judgments than other types of jurors. Average damages awards are presented in Table 9.

Universal Orientation of Juror

Universal orientation differentially impacted mock jurors' assessments of liability and damages. The impact of universal orientation on judgments

Table 6. Effect of Race and Authoritarianism of Juror on Judgments of Plaintiff Liability

Level of Authoritarianism	Race of Juror	
	Black	White
Low	22%	9%
High	7%	11%

Table 7. Effect of Race, Gender, and Authoritarianism of Juror on Judgments of Plaintiff Liability

		Race of Juror			
		Black		White	
Gender of Juror		Female	Male	Female	Male
Level of Authoritarianism	Low	6%	35%	7%	7%
	High	10%	80%	8%	7%

Table 8. Effect of Race and Equalitarian Level of Juror on Judgments of Plaintiff Liability

Level of Equality	Race of Juror	
	Black	White
Low	25%	8%
High	6%	11%

of plaintiff responsibility was particularly apparent in combination with the gender of jurors. Male mock jurors with varying degrees of universal orientation exhibited more differentiation than females in their assignment of liability to the plaintiff. Average percentages are presented in Table 10.

Universal orientation interacted with both gender and race of juror to produce differing amounts of damages. Black male jurors with a high degree of universal orientation awarded far more in damages than other jurors. Average damages are presented in Table 11.

Content Analysis of Jurors' Comments

Mock jurors' comments during deliberations were recorded for later analysis. The analysis of comments involved categorizing them into subject matter, then formulating subcategories under each main category. The general categories to which comments pertained were (in order of frequency): plaintiff's actions; damages; defendant's actions;

jurors' personal experiences; and rape (general).

It was interesting to note that, as in other mock juries we have observed, jurors often distorted the information presented to them, even to the extent of inventing "facts." For example, consider the jurors' comments regarding the "appropriate dress" of the plaintiff. No information about the plaintiff's attire, other than the photograph showing the plaintiff in a plain white, collarless (crew neck) blouse, was given to the jurors. (The fact that jurors were told the plaintiff was home alone and sleeping in her bed *should* have indicated she was wearing nightclothes!) Similarly, three people stated that the plaintiff should have fastened the chain that "was" on the door to secure it. This, of course, assumes that there was a chain on the door, when, in fact, no information was presented regarding the existence of a chain lock.

Jurors' comments are presented in Tables 12-16. The numbers in parentheses beside each category refer to the number of mock jurors who made the particular type of comment.

Table 9. Effect of Race and Just-World Belief of Juror on Damages

		Race of Juror			
		Black		White	
Gender of Juror		Female	Male	Female	Male
Just-World Belief	Low	\$296,750	\$182,500	\$249,375	\$464,583
	High	\$215,000	\$1,000,000	\$344,737	\$280,667

Table 10. Effect of Gender and Universal Orientation of Juror on Judgments of Plaintiff Liability

Degree of Universal Orientation	Gender of Juror	
	Female	Male
Low	13%	16%
High	14%	7%

Table 11. Effect of Race, Gender, and Universal Orientation of Juror on Damages

		Race of Juror			
		Black		White	
Gender of Juror		Female	Male	Female	Male
Degree of Universal Orientation	Low	\$248,625	\$150,000	\$785,500	\$456,154
	High	\$368,333	\$3,583,333	\$272,417	\$516,667

Table 12. Jurors' Comments Regarding Plaintiff's Actions

Plaintiff's Actions (88)	Complaints (11)
<i>Taking Responsibility (21)</i>	She went to manager many times, with no results (5)
People are responsible for their own safety (10)	She should have gone to police (4)
Plaintiff should have done "something" (6)	She should have complained earlier (1)
Plaintiff should have taken safety precautions (3)	She should have documented complaints (1)
Plaintiff did all she could (3)	<i>Victims' Rights (General) (6)</i>
Tenants are responsible to ensure their safety (2)	(We) should not blame victim (3)
<i>Locks (21)</i>	People have a right to safety in own home (3)
Plaintiff should have changed locks (14)	<i>Miscellaneous (13)</i>
Plaintiff should have locked deadbolt from inside (4)	Plaintiff did not dress appropriately (3)
Plaintiff should have put chain on from inside (3)	Plaintiff was too trusting (2)
<i>Moving (16)</i>	Plaintiff should have put chair under door lock (1)
Plaintiff should have moved (13)	Plaintiff should have bought dog (1)
Plaintiff cannot move if lease valid (2)	Plaintiff could have seen this coming (1)
Plaintiff would lose deposit if she moved (1)	Plaintiff should have bought gun (1)
	Plaintiff had no common sense (1)

Table 13. Jurors' Comments Regarding Damages

Damages (45)	General Damages (7)
<i>Pain & Suffering (18)</i>	Too much money is a reward (3)
She will suffer for rest of life (8)	She would not get anything if manager could not be sued (1)
She is not coping well (2)	Lawsuit should not make her secure for rest of her life (1)
She does not need therapy (2)	Money will not help her recovery (1)
She will heal quickly (2)	All Americans can do is give money (1)
She has no permanent disability (1)	<i>Medical Bills (4)</i>
Cost of counseling unknown (1)	We must pay all medical bills (2)
Length of counseling unknown (1)	A lot of her money will go to medical bills (1)
(I) do not believe in money for pain and suffering (1)	There are no medical bills resulting from rape (1)
<i>Lost Wages (13)</i>	<i>Insurance (4)</i>
She may never work again (4)	Her insurance will pay for everything (2)
Nurses make a lot of money (2)	Insurance should pay—they have lots of money (1)
Nurses start out at \$35,000/yr. (2)	We do not know if she has insurance (1)
Lost wages for one year will be a lot (2)	
Not all nurses make a lot of money (1)	
She will have trouble with male patients (1)	
People who are raped return to work (1)	

Implications of the Results

The results of our study provided mixed support for our hypotheses. The hypotheses relating to the favorable treatment of the white plaintiff, in terms of both liability and damages, were unsupported. It appears that, prior to deliberating the

merits of the case, mock jurors are not more favorably predisposed to members of the majority group. This finding is positive in that it demonstrates a lack of racial prejudice among our sample of mock jurors.

The hypotheses pertaining to differential treatment of the plaintiff as a function of her age

Table 14. Jurors' Comments Regarding Defendant's Actions

Defendant's Actions (32)	Key (11)
<i>Attitude/Actions (15)</i>	Key was not secured (7)
Manager:	Manager misled plaintiff about who had access to key (2)
Told plaintiff everything was fine (4)	Manager needs key to gain access to apartments (1)
Made no effort to correct problem (3)	Cannot watch a key 24 hours a day (1)
Should have escorted all workers (2)	<i>Safety/Security (6)</i>
Responsible for all staff (2)	Manager responsible for tenants' safety (2)
Went far enough to protect plaintiff (1)	Manager should have had better security (2)
Did not follow police orders to change lock (1)	Manager should take extra precautions for elderly residents (1)
Was working with rapist (1)	Manager should have done background check on workers (1)
Cannot afford to pay plaintiff (1)	

Table 15. Jurors' Comments Regarding Jurors' Personal Experiences

Jurors' Personal Experiences (14)	Rape (5)
<i>Apartments/Renting (9)</i>	(I) was raped—know how plaintiff feels (2)
Lived in apartment where master keys were used (3)	Many rape victims get no money (1)
Aware that tenants not allowed to change locks (3)	My body is worth \$1 million (1)
Renters have to follow owners' guidelines (1)	A rape is worse than when I was shot and robbed (1)
I own apartments—"know" defendant at fault (1)	<i>Miscellaneous (1)</i>
Do not "believe" in master keys (1)	I convince myself that everything is okay (1)

Table 16. Jurors' Comments Regarding Rape

Rape (11)	
<i>General (7)</i>	If rapist has AIDS, rape is the same as shooting victim with gun (1)
Cannot put a price on being raped (1)	Rape is not worth much money (1)
We used to execute people for rape (1)	<i>Rapist (4)</i>
Rape is most violent crime in society (1)	Rapist did not need key (2)
Some never get over terrible trauma (1)	It is sick to rape an old woman (1)
No one is responsible for being raped (1)	Rapist intruded on private property (1)

received some support. With regard to liability, males responded in the direction predicted; they attributed more responsibility to the young plaintiff than to the old plaintiff. Female jurors, however, attributed almost the same degree of responsibility to plaintiffs of both ages. As predicted, damages awards were highest for the old plaintiff (for all jurors except black males). In contrast to other jurors, black males awarded significantly more damages to the young plaintiff. Black males, then, held the young plaintiff more

responsible for the rape but believed she suffered more harm.

Results concerning authoritarianism and its effects are rather complicated to interpret. Authoritarianism did not impact assessments of damages. Of all juror types, black males high in legal authoritarianism were the only jurors to assign more responsibility to the plaintiff (in the predicted direction). Other jurors did not make differential liability judgments based on their level of authoritarianism. Black males, in general, were

significantly less favorable toward the plaintiff, in terms of liability, than all other jurors, regardless of their authoritarian rating. Perhaps black men identified with the defendant because they deferred to his status; alternatively, they may have assumed the defendant was himself black. (The defendant's race was not specified.)

The hypotheses concerning the effects of varying degrees of just-world view received some support. These effects were observed in damages assessments only. The prediction that men with a high belief in a just world would be negatively predisposed toward the plaintiff was supported for white men only. Black men reacted in the direction opposite to that predicted. (In fact, black men with a high belief in a just world awarded far more damages than other mock jurors, and black men with a low just-world belief awarded the least in damages.) The prediction that women with a high belief in a just world would be favorably predisposed toward the plaintiff was supported for white women only. Black women reacted in just the opposite way. Just-world view, then, appears to be more influential in white jurors' decision making than in black jurors' decisions.

It was the jurors' characteristics, as opposed to the plaintiff's characteristics, that impacted assessments of the case.

Hypotheses pertaining to the effects of locus of control were unsupported by the findings from the study. Locus of control did not interact with gender of mock juror or any other variable to produce different judgments of liability and damages.

Regarding universal orientation, we received some support for our predictions. For example, male mock jurors with a high universal orientation reacted most favorably to the plaintiff in liability assessments. Female jurors' responses did not differ with varying degrees of universal orientation. All jurors with a high universal orientation, except white women, reacted more favorably in damages compensations than those with a low universal orientation. However, the overall results for universal orientation did not change, as predicted, depending on the plaintiff's age or race. It was the jurors' characteristics, as opposed to the plaintiff's characteristics, that impacted assessments of the case.

The last hypothesis pertaining to gender differences in liability and damages judgments received no support. Juror race, as opposed to

gender, was responsible for differential assessments of damages (but not liability). In addition, jurors' confidence level interacted with racial characteristics to produce varying judgments of responsibility and compensation.

Analysis of jurors' deliberations comments was particularly revealing. The largest category of comments centered on the plaintiff and what she could have, or should have, done. Mock jurors were reluctant to find the plaintiff completely blameless and were relatively creative in opining about how she could have prevented her misfortune. Many jurors were reluctant to acknowledge that the plaintiff's damages were long lasting. They preferred to believe that, with the right attitude, she would overcome the negative effects of rape. Because the plaintiff's tangible damages were unspecified, jurors may have assumed they were insignificant. Other comments demonstrated the inaccuracies in jurors' comprehension of the case facts. These errors, called cognitive distortions, can have serious impact on verdicts. The attorney must be aware of the likelihood of cognitive distortions and take steps to educate the jury sufficiently.

In general, the defendant was held almost totally to blame for the rape. (Recognize, however, that we did not provide jurors with the option of apportioning liability to the rapist.) Due to the compelling factual presentation and the fact that the premises case involved sexual assault, it is likely that the mock jurors, particularly the women, were attempting to "punish" the defendant for starting a tragic chain of events.

Male mock jurors demonstrated more variability in their responses than female jurors. Their responses generally represented the extremes in most comparisons based on gender. Because the case involved sexual assault, female jurors may have been attending to general concerns about rape, whereas males' behavior was more situation specific.

In conclusion, the results of our study indicate that certain personality characteristics have strong effects on the way in which jurors make decisions in civil cases. Trial attorneys' knowledge of the underlying predispositions that affect jurors' view of case facts will aid in presenting the case in a way tailored to the unique group of people chosen to decide the fate of the parties. Because it is difficult, if not impossible, to change jurors' personalities (not to mention their deeply held attitudes, values, and beliefs), the attorney must "take them as they come." Valuable court time is often wasted by attorneys' failure to recognize that case facts, presented over the course of a few days or weeks, will

not affect long-term characteristics that are part of a juror's identity. There is little about a courtroom experience that will compel jurors to change their world view, such that the attorney, not the juror, must adapt his or her perspective to present the case in a way that fits jurors' ideas about the way things should be.

The next, and final, article in this series will provide practical applications for in-court utilization of personality theory. We will examine the items in the various personality scales to determine which ones are most predictive of juror behavior. In this way, attorneys can maximize their voir dire opportunity by asking the fewest number of questions that yield the most information. The last article will focus on the Universal Orientation Scale and the way in which it may change jury deselection strategies to jury selection strategies. Common myths and biases used by attorneys in voir dire will also be addressed so that they may be avoided.

ENDNOTES

¹C.L. Kleinke & C. Meyer, *Evaluation of Rape Victim by Men and Women with High and Low Belief in a Just World*, 14 *Psychol. Women Q.* 344, 344 (1990).

²R.P. McGlynn et al., *Sex and Race as Factors Affecting the Attribution of Insanity in a Murder Trial*, 93 *J. Psychol.* 94 (1976); M. Rokeach & N. Vidmar, *Testimony Concerning Possible Jury Bias in a Black Panther Murder Trial*, 3 *J. Applied Soc. Psychol.* 22, 22 (1973); D.C.E. Ugwuegbu, *Racial and Evidential Factors in Juror Attribution of Legal Responsibility*, 15 *J. Experimental Soc. Psychol.* 139 (1979).

³G. LaFree, *Convictions in Rape Cases: Toward a Social Theory of Rape Processing*, 58 *Soc. Forces* 848 (1980); Ugwuegbu, *supra* note 2, at 140.

⁴Ugwuegbu, *supra* note 2, at 144.

⁵L.A. Foley & C.E. Rasche, *The Effect of Race on Sentence, Actual Time Served and Final Disposition of Female Offenders*, in *Theory and Research in Criminal Justice: Current Perspectives* (J.A. Conley ed., 1979).

⁶N.K. Villenor & J.S. Hyde, *Effects of Sex of Defense Attorney, Sex of Juror, and Age and Attractiveness of the Victim on Mock Juror Decision Making in a Rape Case*, 9 *Sex Roles* 879, 882 (1983).

⁷S. Felman-Summers & K. Lindner, *Perceptions of Victims and Defendants in Criminal Assault Cases*, 3 *Crim. Just. & Behav.* 135, 140 (1976).

⁸F. Heider, *The Psychology of Interpersonal Relations* (1958).

⁹E. Borgida & P. White, *Social Perception of Rape Victims*, 2 *L. & Hum. Behav.* 339, 346 (1980); G.D. LaFree et al., *Jurors' Responses to Victims' Behavior and Legal Issues in Sexual Assault Trials*, 32 *Soc. Problems* 389, 404 (1985).

¹⁰A.C. Acock & N.K. Ireland, *Attribution of Blame in Rape Cases: The Impact of Norm Violation, Gender, and Sex-Role Attitude*, 9 *Sex Roles* 179, 190 (1983); S.A. Collier & P.A. Resick, *Women's*

Attributions of Responsibility for Date Rape: The Influence of Empathy and Sex-Role Stereotyping, 2 *Violence & Victims* 115, 118, 124 (1987).

¹¹C. Jones & E. Aronson, *Attribution of Fault to a Rape Victim as a Function of Respectability of the Victim*, 26 *J. Personality & Soc. Psychol.* 415, 416 (1973).

¹²S.M. Kassin & L.S. Wrightsman, *The Construction and Validation of a Juror Bias Scale*, 17 *J. Research Personality* 423, 428, 437 (1983); R. McGowan & G.D. King, *Effect of Authoritarianism, Anti-Authoritarianism, and Egalitarian Legal Attitudes on Mock Juror and Jury Decisions*, 51 *Psychol. Rep.* 1067, 1071 (1982).

¹³J.A. Weir & L.S. Wrightsman, *The Determination of Mock Jurors' Verdicts in a Rape Case*, 20 *J. Applied Soc. Psychol.* 901, 914 (1990).

¹⁴M.R. Barnett et al., *Factors Affecting Reactions to a Rape Victim*, 126 *J. Psychol.* 609, 616 (1992).

¹⁵V.R. Boehm, *Mr. Prejudice, Miss Sympathy, and the Authoritarian Personality: An Application of Psychological Measuring Techniques to the Problem of Jury Bias*, *Wis. L. Rev.* 734, 739, 745 (1968).

¹⁶A.P. Sealy, *Another Look at Social Psychological Aspects of Juror Bias*, 5 *L. & Hum. Behav.* 187, 193, 197 (1981).

¹⁷H.E. Mitchell & D. Byrne, *The Defendant's Dilemma: Effects of Jurors' Attitudes and Authoritarianism on Judicial Decisions*, 25 *J. Personality & Soc. Psychol.* 123, 126 (1973).

¹⁸Kassin & Wrightsman, *supra* note 12, at 428, 437.

¹⁹Boehm, *supra* note 15, at 741.

²⁰D.A. Kravitz et al., *Reliability and Validity of the Original and Revised Legal Attitudes Questionnaire*, 17 *L. & Hum. Behav.* 666 (1993).

²¹Kleinke & Meyer, *supra* note 1, at 344.

²²*Id.* at 347.

²³*Id.* at 350.

²⁴M.J. Lerner & D.T. Miller, *Just World Research and the Attribution Process: Looking Back and Ahead*, 85 *Psychol. Bull.* 1030, 1030 (1978).

²⁵Kleinke & Meyer, *supra* note 1, at 350.

²⁶Barnett et al., *supra* note 14, at 614.

²⁷Villenor & Hyde, *supra* note 6, at 881, 888.

²⁸S.T. Phillips et al., *The Nature of Non-prejudice* 3 (1995) (unpublished manuscript, on file at the Department of Psychology, University of Florida, Gainesville, Florida).

²⁹*Id.* at 4.

³⁰*Id.* at 6.

³¹*Id.* at 19.

³²*Id.* at 26.

³³L.G. Calhoun et al., *The Effects of Victim Physical Attractiveness and Sex of Respondent on Social Reactions to Victims of Rape*, 17 *Brit. J. Soc. & Clinical Psychol.* 191 (1978); S. Kanekar et al., *Causal and Moral Responsibility of Victims of Rape and Robbery*, 15 *J. Applied Soc. Psychol.* 623 (1985); Kleinke & Meyer, *supra* note 1, at 347; K. McLendon et al., *Male and Female Perceptions of Date Rape*, 9 *J. Soc. Behav. & Personality* 425 (1994).

³⁴Kleinke & Meyer, *supra* note 1, at 350.

³⁵J.E. Krulowitz, *Sex Differences in Evaluations of Female and Male Victims' Responses to Assault*, 11 *J. Applied Soc. Psychol.* 460 (1981); J.E. Krulowitz & J.E. Nash, *Effects of Rape Victims' Resistance, Assault Outcome, and Sex of Observer on Attributions About Rape*, 47 *J. Personality* 565 (1979).

³⁶P.A. Tetreault & M.A. Barnett, *Reactions to Stranger and Acquaintance Rape*, 11 *Psychol. Women Q.* 356 (1987).

³⁷A.D. Yarmey, *Older and Younger Adults' Attributions of Responsibility Toward Rape Victims and Rapists*, 17 *Canadian J. Behav. Sci.* 331, 335 (1985).

³⁸Boehm, *supra* note 15, at 747 (1968).

³⁹B.L. Cutler et al., *Jury Selection in Insanity Defense Cases*, 26 *J. Res. Personality* 165, 173 (1992).

⁴⁰R.C. Ziller & L. Clarke, *Social Orientations (Instrument)* (Psychology Department, University of Florida, Gainesville, FL 32611, 1987).

⁴¹S. Nowicki & M.P. Duke, *The Nowicki-Strickland Life Span Locus of Control Scales: Construct Validation*, in 2 *Research with the Locus of Control Construct* 10, 11 (H. M. Lefcourt ed., 1983).

⁴²Z. Rubin & A. Peplau, *Who Believes in a Just World?*, 31 *J.*

Soc. Issues 69, 70 (1975).

⁴³Because personality and demographic variables are individual juror characteristics, as opposed to jury (group) characteristics, all analyses described in this section were performed on individual responses only. Jury results (as a group) were reported in Volume 18, No. 2 of the *Trial Diplomacy Journal*, March/April 1995. All reported results are significant at the .05 level. Additional details about the analyses or results may be obtained from either author.

⁴⁴Boehm, *supra* note 15, at 740.

⁴⁵Of all the demographic and personality variables assessed in our study, just-world view emerged as the most significant factor in understanding juror behavior. Just-world view, when measured in conjunction with the demographic characteristics of gender and race of juror, accounted for more than 90 percent of variance in jurors' assessments of damages.