The Effects of Attorney Gender on Male and Female Juror Judgments

Spring 1982

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THE EFFECTS OF ATTORNEY GENDER ON MALE AND FEMALE JUROR JUDGMENTS

By

SHARI VAN NYMEGEN HODGSON
M.A., University of Central Florida, 1982

THESIS
Submitted in partial fulfillment of the requirements for the Master of Arts degree in Communication in the Graduate Studies Program of the College of Arts and Sciences
University of Central Florida
Orlando, Florida

Spring Term
1982
TO TODD AND RACHEL
My limitless indebtedness must be directed to Dr. Albert Pryor, Committee Chairman, for his enduring patronage, interest and unending support from the initial conception to the completion of this thesis project.

I am obliged to the capable Administrative Staff of the Communication Department, Maggie, Billie and Carolyn, for their prodigious patience and constant literary guidance throughout my first and final thesis drafts.

My sincere gratitude to Dr. Phillip Taylor and Dr. Raymond Buchanan for serving on my committee and directing my interests toward research attempting to bridge the Social Sciences with legal communications. Their expertise in this field provided me with an invaluable foundation for my thesis work.

Last, but certainly not least, I must thank my children, Todd and Rachel, and, my family, for their opulent understanding, patience and perceptiveness about the anxieties involved throughout this immeasurable endeavor.
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Introduction

A Societal Problem

"The only difference between a male and female doctor, is that after hearing the final diagnosis from a female physician, we always want a second opinion" (Ulene, 1980).

Sex bias, sex-role, sex-stereotyping, sex-discrimination and inferiority complex are a number of words which exhibit the many nametags we have assigned to a single problem; discrimination against women. Society, from ancient Greece, has associated women with lesser minds, strengths, ambitions, capabilities and opportunities to fulfill their potentials.

Today, scientific studies point to the role of cognitive conditioning in the shaping of gender-related personality differences. From birth, males and females are treated differently. A six month old male infant receives a football from dad, wears sneakers, and no one gives a second thought to throwing him in the air. On the other hand, his female baby sister receives a soft, pink, lace-lined doll, wears lace-lined booties and bonnet, and no one dare jostle this fragile person lest he be prepared to withstand Dad's wrath (Brown, 1957).

It's not surprising that with this overt conditioning, children establish their sex-role stereotypes very early and
perpetuate these values throughout adult life. In every culture and subculture, there exists a distinct pattern of expectations of masculine/feminine behaviors. In addition, studies have exhibited significant similarities of these sex-related behaviors extending across cultures (Campbell, 1963).

Therefore, sex-role stereotyping and discrimination is not just a personal problem, plaguing only individuals, but it is a societal problem, restricting humanity from tapping one of its most valuable resources: women.
Studies have shown that the earliest civilizations began planting the seeds of feminine inferiority and evilness (Authur, 1973). The Greeks insisted on the low worth of women. Hesiod, a major figure in Greek literature, introduced the ever recurring theme of misogyny. His conception of the role of the female sex was purely pragmatic: women were to bear a man's child and nurse him in senility; at any other time, they were an expensive nuisance. The image of women inherited from the Greeks was summed up by Aristotle, "We should look on the female state as being, as it were, a deformity." (Hunter, 1976).

By Roman times, women had gained unparalleled independence (Pomeroy, 1975). The problem with new found independence was that women soon became the target for the belief that female emancipation was responsible for the breakdown of the Roman family, the decline of morals and even the fall of Rome.

The notion of female inferiority continued in the teachings of the Hebrews. In the creation story of the book of Genesis, Eve was an afterthought, created from the rib of Adam, and thus secondary and subordinate.

In addition, history also reveals women's reputation not
only includes inferior, but also evil. The celibate formulators of the medieval Christian doctrine preached as follows, "Sex is evil; I desire sex; I cannot be evil; therefore, the object causing my desire, women, must be evil" (Hays, 1974). In the Middle Ages, one of the most horrible manifestations of this notion of evil was the witch craze. At first, both men and women were accused of sorcery, but it also quickly became a feminine crime (Russell, 1972).

Modern times have abolished the myths of women as evil forces. But unfortunately, the same is not true of the inferiority myth. In America, the women's movement against this, and other stereotypes, is as old as our nation. Women have waged an ongoing battle to gain the right to participate and contribute to American society as full and equal citizens. As early as 1776, Abigail Adams accurately perceived the crucial importance of the law in governing the lives of women. She warned her husband, John Adams, to "remember the ladies, and be more generous and favorable to them than your ancestors" (Nicholas, 1979, p. 15). Unfortunately, the founding fathers did not take Abigail's warning seriously. The Constitution that was adopted contained all the old injustices; the undue injustices to women. Therefore, by 1848, women's unrest surfaced and the first women's rights convention was organized to discuss the social, civil and religious rights of women.
This meeting marked the beginning of a long, difficult and often bitter struggle to win equal rights for women.

Present Status

Obviously, many of the repressive laws of 1848 no longer exist. The legal status of American women has risen to the point that is now not far below that the American men. For the most part, the common law disabilities of married women such as contractual incapacity, loss of rights to manage, receivership and control of income property owned prior to marriage, and complete transference to the husband of all premarital personal property, have all been recently nullified by statute (Kanowitz, 1969).

Similarly, unmarried women have also made substantial progress in closing the gap between their own legal status and that of the American male. Legal obstructions, such as women's right to vote and serve on juries, have been judged unconstitutional. Federal law now endorses the principle of equal work, regardless of sex, and enforces penal sanctions for violators (Babcock, Freedman, Norton & Ross, 1975). Therefore, history itself exhibits the few strides women have made toward becoming valuable contributors to the life and work of American society.
However, present studies show that despite the progress toward emancipating women under the law, their social position is still inferior to that of men (Parlee, 1978). Perhaps society's continual stereotyping of women as inferior, from ancient Greece to modern times, has "inoculated" people against the counter-defenses for an egalitarian position. (McGuire, pp. 191-200).

Considering the prevailing stereotypes, the latest figures from the United States Department of Labor are encouraging; 49.7 percent of all women are now in the labor force. In addition, of the fourteen million new jobs filled over the past ten years, ten million have gone to women (Hard Facts, 1980). The figures certainly display positive trends toward equalizing the labor force: positive trends, until other observations reveal the true picture. For example, promotion opportunities with the academic community are minimal. Only one quarter of college faculty positions are held by women, and most are clustered in the lower one-third of the professional strata. Even the legal profession, founded on justice for all, seems reluctant to equalize females. Today, women constitute only 9.2% of American lawyers (Schoenthal, 1978). The average ratio of law-school professors is twenty tenured male professors to one woman professor. In addition, obtaining a partnership in a large law firm is seemingly
impossible. A survey showed that only twenty-one female attorneys are partners in all of New York City's law firms (Schoenthal, 1978).

Oppenheimer (1970) points out that although some occupations have shifted dramatically from men's work to women's work; 24% of clerical positions in 1900 were held by women, 77% in 1974. He concludes that the degree of occupational sex-typing has persisted almost untouched throughout the twentieth century. Moreover, men continue to hold more restrictive attitudes than women about female employment, despite the recent liberalization of views (Duncan & Evers, 1975).

But sexual biases toward women are not an exclusive behavior for men. Females also exhibit biases against their own gender. Orchowashy and Jenkins (1979) showed that females rated male characters faced with a moral dilemma more rational than female characters faced with the identical dilemma. In addition, studies conducted by Deaux and Emsswiller (1974) and Goldberg (1968) indicated that women, as well as men, rated females as generally less competent than males on complicated tasks.

A female lawyer in a large private firm reported she had met her greatest resistance from other women. "They do their own sex a disservice by admitting that they don't think a woman attorney is as credible as a male attorney" (Schoenthal, 1978, p. 67).
It is possible in some instances that this may actually work to a female attorney's advantage. With the majority of the other attorneys and their clients expecting their female adversaries to be unprepared and inarticulate, they may be rendered "off guard" against a competent female attorney's counter-arguments.

As stated previously, the images of women's inferiority still retain their value for those who wish to use them in defense of the existing societal status quo. Even unconsciously, these images of women's inferiority are passed on by our parents through their expressed expectations for, and against, children's behaviors and future goals (Brown, 1957). Their cues set the groundwork for personality differences evident in men and women, which then perpetuate our traditional stereotypic beliefs about the personality and ability differences of men and women. These sex-role socializations restrict society in two ways: first, by eliminating certain new roles from being considered as appropriate by either sex; and second, by inhibiting the introspective review of personal values, attitudes and beliefs by both sexes. Therefore, the present ideology of sex-role model is perpetuated, internalized unconsciously as fact versus opinion thereby causing self evaluation to be continually restricted.

Traditionally, sex-role models included a belief that women should not achieve greater recognition than their husbands and that the emotional life of the family suffers when a woman works
(Parsons, Frieze, Ruble & Croke, 1976). Additionally, evidence has shown that women who believed they should achieve success vicariously through their husbands have significantly lower educational objectives. These unconscious internalizations may often inhibit career goal attainment for females. In summation, women have been stereotyped as passive, submissive, not skilled in business and excitable during minor crisis (Broverman, Vogel, Broverman, Clarkson & Rosenkrantz, 1972).
Chapter II

Attitudes

Attitudes Influence Behavior

The concept of attitudes is indispensible, not only to social psychology, but also to understanding the psychology of peoples' personalities (Allport, 1935). Milton Rokeach (1968, p. 112) defined an attitude as "a relatively enduring organization of inter-related beliefs that describe, evaluate, and advocate action with respect to an object or situation, with each belief having cognitive, affective, and behavioral components." In addition, while there may be a hereditary basis for attitudes (Allport, 1950), all attitudes, from a person's beginning, are learned. If attitudes are an organization of beliefs, what then are beliefs? Again, Rokeach (1968, p. 113) stated, "A belief is any simple proposition, conscious or unconscious, inferred from what a person says or does." Therefore, if persons have formed beliefs about women and their roles, such as their passiveness, emotionality and obligation to proliferate the human race, they may also be prone to negative attitudes against the "liberated" women, conscious and/or unconscious.

Rokeach (1968, p. 113) stated that beliefs have three components: cognitive, representing a person's knowledge,
affective, emotional predispositions of varying intensity, either positive or negative with respect to the attitude object; and lastly, a behavioral component, leading to actions when activated.

The relationship between each component is so close that they will work simultaneously. For example, a juror feels Ms. Smith's (a female defense attorney) closing argument was an emotional appeal, but somewhat valid. Believing that females are innately overly emotional (cognitive component), the juror begins to question the objectivity of Ms. Smith and her argument (affective component). Consequently, the juror may discredit the validity of Ms. Smith's case and render a guilty verdict (behavioral component). Dramatic example, but one that must be considered.

Katz (1960) exhibits that due to the nature of attitudes, preferential responses includes two dimensions: affection and evaluation. In other words, it is possible to LIKE something that is bad, cigarettes or sugar, or to DISLIKE something that is good, vegetables and speed regulations. A person's preferential responses, whether positive or negative, depend on the strength of their evaluative attitudes, and, the strength of those positive or negative feelings toward the object or situation.

The strength of one's convictions gains a great deal of meaning when applied to the theory of attitudes. Social scientists agree that a person's attitude system is a
comprehensive collection of their beliefs; beliefs that will form organized attitudes about people, objects and events. In addition, these attitudes are stratified, beginning from one's most central values to the more peripheral beliefs. The central values are basic and fundamental to everything a person perceives about his world's physical and social reality. These central values are more difficult to change. However, when they are altered, subsequent changes occur to any connected beliefs (Rokeach, 1960, pp. 32-33). The peripheral, or outer beliefs, are connected to the central values and beliefs. They cannot efficiently alter or change these central beliefs, but will themselves be altered if a central belief is shaken. These central beliefs concerning attitudes about social reality, self-concept and the ideal self and its values, are critical in determining behavior (Steinfatt, 1977, pp. 177-178). But consider one's peripheral beliefs, which include credibility and attitudes toward other persons. What importance do they play in affecting behavior?

Rokeach (1963, pp. 172-174) postulated that these preferential responses toward an attitude object do not occur in a vacuum, but in the context of a social situation about which we also have attitudes. Thus, social behavior is the combined response elicited by attitudes toward both an object and a situation. As Krech, Crutchfield and Ballachey (1962, p.163) stated, "Action is determined, not by a single attitude, but
by a number of attitudes, wants and situational conditions". The recognition that the two kinds of attitudes interact with each other implies that they may have differing degrees of importance or influence over responses. According to Campbell (1963, p. 156), "we have that different situational thresholds that explain some apparent inconsistencies between attitudes and behaviors, or between one behavior and another across situations". Because of these varying social pressures inherent across situations, discriminatory behavior toward a specific attitude object may occur in one setting but not another. For example, negative attitudes about working women and their capabilities might be activated in situations where professional women hold professional positions. That is, women (object) who work may encounter more discrimination and bias as professionals (situation) than clerical positions (situation). The subordinate nature of most clerical positions fits into societies' traditional set of attitudes concerning women's roles (Parlee, 1978).
Source Credibility: Its Effects on Attitude Change

The study of whom we believe, and the way in which we believe them, is called "source credibility" (Steinfatt, 1977, p. 164). Credibility is in the eyes of the beholder and has several dimensions. Berlo, Lemert and Mertz (1969) used a semantic differential scale to study the dimensions of credibility. They proposed several dimensions; however, this discussion will focus on only three: trustworthiness, competence and dynamism. This research will focus on how these dimensions affect attitudes toward a message source.

Berlo et al. contended that a person's perception of honesty was tied to one's own beliefs about how that other person reacted to them. Our perception of others' honesty, friendliness, patience, warmth and safety are crucial to our attitudinal constructs about those others. Source credibility is an attitude held by one individual toward another. "That attitude is formed through our experiences with the other person" (Steinfatt, 1977, p. 173). If the experiences, whether overt or covert, have been negative, so will the credibility rating of that person.

Consider the previous example of Ms. Smith, the female defense attorney. She has now been retained as counsel for John Doe, who is charged with the murder of a twelve year old girl. The evidence is strictly circumstantial, but it is also incriminating. Initially, jurors may form favorable or
unfavorable first impression attitudes about the case based on their personal subconscious belief systems. Ms. Smith then approaches the jury box and begins her opening statements using both opinionated language and strong emotional appeals. Infante (1975) defined "opinionated language" as the derogation of any source who disagreed with one's initial argument (p. 115). Infante reported that the use of opinionated language functioned as a strong determinant of the audiences' ratings of the communicator's credibility (pp. 117-119). In addition, by using strong, emotional appeals, Ms. Smith may negate the jurors favorable first impressions based on preconceived beliefs associated with women: friendly, patient, warm and honest. In other words, the jurors may no longer consider Ms. Smith a trustworthy person; a key dimension of source credibility.

Steinfatt (1977, p. 174) discussed the second important dimension of source credibility: "competence". Steinfatt defined competence as the "qualifications or authoritativeness of a person; the degree of his expertness."

Again, reviewing previous studies on females (Parlee, 1978; Bröverman, Vogel, Brovermen, Clarkson & Rosenkrantz, 1972) researchers reported that traditionally male and female attitudes toward female competence in positions other than wife and mothering roles are consistently low. Tannenbaum (1954) reported attitudes that the audience members brought with them into a
communication situation determined their perceptions, either favorable or unfavorable, of the credibility of source and his message. It follows, then, if jurors had preconceived attitudes of female incompetence, Ms. Smith may inherit those biased attitudes. Again, jurors may consciously or unconsciously rate Ms. Smith low on the competence dimension.

The third dimension found by Berlo and his associates is dynamism (Berlo, Lemert & Mertz, 1969). According to these authors, "dynamism is the perception of a source's energy and activity. A dynamic person is perceived as aggressive, empathetic and bold, as opposed to meek, hesitant and timid" (p. 570). Broverman et al. (1972) reported societal stereotypes of females including passive, submissive and indecisive about business matters. Hunter (1976) described women as having lower educational and business aspirations than men. Parsons, Frieze, Ruble and Croke (1976) contended that due to the traditional belief that women should not achieve greater recognition than their husbands, that when females decided to pursue a career, these nonconscious internalizations inhibited their success. Research supported the contention that, initially, Ms. Smith may not be considered a dynamic individual, only because of the traditional female stereotype described by Broverman et al. (1972).

Steinfatt (1977, p. 175) added that if an individual is
seen as untrustworthy or incompetent, the perception of "high dynamism" may make that individual appear even more incompetent and untrustworthy. As stated before, Ms. Smith may have received a low rating on this dimension because of her "opinionated language" (Infante, 1975, p. 115). These combined low ratings on all three dimensions may render Ms. Smith a noncredible attorney.

Numerous studies have isolated the source credibility variable and its importance to attitude change. Zagna and Harter (1966) stated, "As credibility of the source increased, the percentage of subjects who agreed with that source's information and perceived it as trustworthy also increased" (p. 138). In their classic study, Hovland and Weiss (1951) reported, "Opinion change in the direction advocated by the persuader was much greater when the persuader was attributed with high credibility, than when he/she was rated as a low credible source" (p. 651). Therefore, if Ms. Smith was perceived by the jurors as low in competence, trustworthiness and dynamism, she was also perceived as a low credible source and her messages were rendered impotent as persuasive mechanisms used to facilitate opinion changes from the jurors.

In summary, society has nurtured stereotypic attitudes about women's roles, capabilities and appropriate aspirations. Ms. Smith, unfortunately, may become the object of the jurors' preconceived attitudes. Then the courtroom situation itself,
compounded by the behavior Ms. Smith must employ in that situation, may add to the jurors' misconception and bias regarding her credibility. The negative attitude toward Ms. Smith may activate behavior in the form of a guilty verdict for her client. The guilty verdict would not be based solely on the evidence involved in the case, but based on the personal cognitions jurors have assimilated about the credibility of the source defending John Doe.

**Purpose of the Study**

The purpose of this study is to explore the problem of sex-role discrimination in a courtroom context. Specifically, it is important to examine the effects of potential sexual bias on the credibility and effectiveness of a female attorney. If these effects are significant, female attorneys and their clients may be inheriting a legacy of inferiority, or more crucially, guilt, without substantial reason. Our jurors may be disposing judgments based on biases, not evidence.

**Hypotheses:**

The following predictions are based upon the assumption that the sexual biases discussed in the introduction will be manifested in a simulated trial context.

**Hypothesis I:**

Subjects will rate the female attorney less credible than the male attorney.
Hypothesis II:

Subjects will render more "guilty" verdicts to the female attorney's client than to the male attorney's client.

Hypothesis III:

Subjects will "retain" the male attorney more frequently than they will "retain" the female attorney as their personal counsel.
Chapter III

Methodology

Pilot Test

Four females and four males were tested to identify two voices, one male and one female, that displayed similar delivery styles. Thirty subjects listened to the eight audio tapes of the male/female defense attorneys' closing arguments. Each voice was then rated on two semantic differential scales: vocal similarity and credibility (see Appendix A for complete derivation). The vocal similarity scale included four factors: rate of speech, nonfluencies, vocal pitch and accent. The credibility scale included three factors: trustworthiness, competence and dynamism. Lastly, a rating of "overall" vocal pleasantness was determined. A series of t-tests were conducted to compare each male with each female voice. The voices selected for use in the experiment did not differ significantly on any of the eight factors.

Cover Story

Subjects were told that the study concerned the measurement of comprehension and memory of audio-taped portions of actual trials. The alleged purpose was to evaluate the possibility of actually trying cases through the mode of audio tapes.
Subjects

The subjects were 169 University of Central Florida students, 84 female subjects and 85 male subjects, all subjects were enrolled in required speech classes. The decision to use a student sample versus a juror sample was based on data provided by Pryor, Taylor, Buchanan and Strawn (1980). These researchers compared data collected from actual jurors and university students on a variety of dependent measures involving comprehension and attitudes toward jury instructions. There were not significant differences between the jury and student scores. Therefore, the external validity of this study should not be threatened by the use of students as opposed to jurors.

Design

An after-only, control group design was used to collect the data. The independent variables were the subjects' attitudes and judgments regarding the attorney's credibility and the client's guilt or innocence. Five experimental groups, consisting of 30 to 33 subjects per group were utilized. All groups evaluated a "breaking and entering" case summary (see Appendix B for complete derivation). Four of the groups listened to the audio-taped version of the defense attorney's closing arguments (see Appendix C for complete derivation) as they read the arguments. Two of the four groups listened to the female attorney's voice and two groups listened to the male attorney's voice. The fifth
group, used as the control group, simply read the closing argument.

The dependent variable, attorney credibility, was operationally defined by the use of two measurements. The first measurement was McCroskey's (1966) semantic differential scales measuring two dimensions of credibility: trustworthiness and competence (see Appendix D for complete derivation).

The second measurement was facilitated by the question, "Would you retain this attorney as your personal counsel?" Yes ____ No ____ Why? ____ (see Appendix E for complete derivation).

The verdict variable was operationalized by the question, "Do you find the defendant guilty or innocent?" Guilty ____ Innocent ____ Why? ____ (see Appendix E for complete derivation).

Procedure

Each speech class was asked to participate in a study assessing courtroom communications. The same female experimenter administered all treatments. Subjects were not debriefed until all the data had been collected, thus precluding biasing due to inter-subject communications. The procedures were administered in the following sequence: (1) Subjects read a two-page summary of the mock "breaking and entering" case. This case was previously tested and produced a 50/50 guilty/not guilty verdict ratio for both sexes (Pryor et al., 1980). (2) The experimenter asked
subjects to read the defense attorney's closing arguments. This is where the gender variable was manipulated. Four of the five experimental groups listened to the audio-taped version of the male or female attorneys deliver their closing arguments. The remaining group, used as the control, only read the closing argument. (3) The subjects completed the questionnaires involving attorney evaluation and verdict. (4) Subjects were instructed not to discuss the experiment with anyone, then dismissed.
Chapter IV

Results and Discussion

Manipulation Check

A test to determine the validity of the male and female attorney gender manipulation was facilitated by the use of a yes/no question requesting subjects to identify the sex of the attorney (see Appendix E for complete derivation). In both gender manipulations, all subjects correctly identified the attorney's sex. The control group was not exposed to any attorney-sex suggestions. However, as previous research implied (Schoenthal, 1978), there was a strong tendency for subjects to assume the attorney was male. Forty-two of the forty-five male and female control group subjects identified the attorney as a male. The remaining three, all females, stated correctly that neither gender had been specified.

Credibility Scales

McCroskey's (1966) semantic differential scale for measuring the trustworthiness and competence dimensions of credibility were used to rate the attorney's credibility. Each scale was comprised of six bi-polar adjectives along a seven point continuum. McCroskey used the summed scores of
all six components to establish if there were differences between subjects and/or groups.

In order to use these two dimensions to measure credibility, it would be necessary to re-establish significant correlations among the factors of the two dimensions. McCroskey's trustworthiness dimension factors include intelligence, friendly, pleasant, honest, virtuous and reliable. Whether these factors would correlate positively among each other in this current context was an empirical question. Intuitively, one might argue that subjects may rate an attorney as intelligent, but not necessarily honest or pleasant. The same question may be raised regarding the competence dimension which includes capable, prepared, competent, expert, experienced and trained. Subjects may, for example, rate an attorney capable, but not well-prepared. Therefore, to optimize the internal validity, each component of the trustworthiness and competence dimensions were analyzed separately for hypothesis testing.

Test of Hypothesis

Results of Tables 1, 2, 3 and 4 are presented here in order to facilitate explanation of findings for the two predictions involving credibility. The hypotheses regarding credibility were examined with a series of t-tests.

The first prediction assumed the female attorney would receive lower credibility ratings than the male attorney.
Table 1
Mean Trustworthiness Ratings for Male and Female Attorneys by Female Subjects

<table>
<thead>
<tr>
<th>Factors</th>
<th>Female Attorney</th>
<th>Male Attorney</th>
<th>Probabilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intelligence</td>
<td>4.8</td>
<td>5.8</td>
<td>.003</td>
</tr>
<tr>
<td>Friendly</td>
<td>4.4</td>
<td>5.2</td>
<td>.012</td>
</tr>
<tr>
<td>Pleasant</td>
<td>4.7</td>
<td>5.6</td>
<td>.007</td>
</tr>
<tr>
<td>Honest</td>
<td>4.5</td>
<td>4.9</td>
<td>.221</td>
</tr>
<tr>
<td>Virtuous</td>
<td>4.7</td>
<td>5.0</td>
<td>.394</td>
</tr>
<tr>
<td>Reliable</td>
<td>4.3</td>
<td>5.0</td>
<td>.133</td>
</tr>
</tbody>
</table>

Note. n=32 and n=30 respectively, indicate the number of subjects in both groups who rated the attorneys.
Table 2
Mean Trustworthiness Ratings for Male and Female Attorneys by Male Subjects.

<table>
<thead>
<tr>
<th>Factors</th>
<th>Female Attorney</th>
<th>Male Attorney</th>
<th>Probabilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intelligence</td>
<td>5.8</td>
<td>5.6</td>
<td>.401</td>
</tr>
<tr>
<td>Friendly</td>
<td>4.7</td>
<td>5.1</td>
<td>.333</td>
</tr>
<tr>
<td>Pleasant</td>
<td>5.1</td>
<td>5.2</td>
<td>.642</td>
</tr>
<tr>
<td>Honest</td>
<td>4.8</td>
<td>4.6</td>
<td>.601</td>
</tr>
<tr>
<td>Virtuous</td>
<td>4.6</td>
<td>5.1</td>
<td>.113</td>
</tr>
<tr>
<td>Reliable</td>
<td>5.1</td>
<td>5.3</td>
<td>.543</td>
</tr>
</tbody>
</table>

(n = 31)  (n = 30)

Note. n=31 and n=30 respectively, indicate the number of subjects in both groups who rated the attorneys.
Table 3
Mean Competence Ratings for Male and Female Attorney by Female Subjects

<table>
<thead>
<tr>
<th>Factors</th>
<th>Female Attorney</th>
<th>Male Attorney</th>
<th>Probabilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capable</td>
<td>4.9</td>
<td>5.6</td>
<td>.003</td>
</tr>
<tr>
<td>Prepared</td>
<td>5.6</td>
<td>6.0</td>
<td>.252</td>
</tr>
<tr>
<td>Competence</td>
<td>5.2</td>
<td>5.4</td>
<td>.592</td>
</tr>
<tr>
<td>Expert</td>
<td>4.5</td>
<td>5.3</td>
<td>.021</td>
</tr>
<tr>
<td>Experience</td>
<td>4.8</td>
<td>5.7</td>
<td>.013</td>
</tr>
<tr>
<td>Trained</td>
<td>5.0</td>
<td>5.7</td>
<td>.035</td>
</tr>
</tbody>
</table>

*(n = 32) (n = 30)*

Note. *n=32 and n=30 respectively, indicate the number of subjects in both groups who rated the attorneys.*
Table 4
Mean Competence Ratings for Male and Female Attorneys by Male Subjects

<table>
<thead>
<tr>
<th>Factors</th>
<th>Female Attorney</th>
<th>Male Attorney</th>
<th>Probabilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capable</td>
<td>5.7</td>
<td>5.9</td>
<td>.591</td>
</tr>
<tr>
<td>Prepared</td>
<td>6.2</td>
<td>6.7</td>
<td>.673</td>
</tr>
<tr>
<td>Competence</td>
<td>6.0</td>
<td>6.0</td>
<td>.745</td>
</tr>
<tr>
<td>Expert</td>
<td>4.9</td>
<td>5.3</td>
<td>.341</td>
</tr>
<tr>
<td>Experienced</td>
<td>5.5</td>
<td>5.8</td>
<td>.494</td>
</tr>
<tr>
<td>Trained</td>
<td>5.6</td>
<td>5.7</td>
<td>.441</td>
</tr>
</tbody>
</table>

>Note. \(n=31\) and \(n=30\) respectively, indicate the number of subjects in both groups who rated the attorneys.
Tables 1 and 3 showed that female subjects rated the female attorney significantly lower on seven of the twelve components. These included intelligence, friendly, pleasant, capable, expert, experienced and trained. Conversely, male subjects yielded no significant differences in ratings of the two attorneys. However, in terms of direction, the males rated the male attorney higher on nine of the twelve components, equal on one component, competence, and inferior on only two components, intelligence and honesty.

The data clearly demonstrated that the female attorney was rated as generally less credible than the male attorney. It is noteworthy, that of the twenty-four component evaluations shown in tables 1 through 4, females received only two higher scores; honesty and intelligence, and neither was statistically significant. In summary, the data supported Hypothesis I.

Hypotheses II and III were tested by the use of chi-square analysis. Hypothesis II predicted that subjects would render more "guilty" verdicts to the female attorney's client than to the male attorney's client.

The results demonstrated that the female attorney's client did receive more guilty verdicts than the male attorney's client (n = 33 and 22 resp., chi square= 1.5, 1 df, p. < .25). Therefore, Hypothesis II received directional support.

Hypothesis III predicted that subjects would more frequently
"retain" the male attorney than the female attorney as personal counsel. The results indicated that the male attorney was "retained" significantly more often than the female attorney (n = 39 and 25, respectively; chi-square = 7.29, 1 df, p. < .01).

Discussion

The purpose of this study was to examine attorney credibility and trial outcomes as a function of attorney gender. Previously cited research implies that, traditionally, women have been rated inferior to men (Parlee, 1978). Women were rated less competent than men by both males and females (Deaux & Emswiller, 1974; Goldberg, 1968). Parsons, Frieze, Ruble and Croke (1976) demonstrated that society persists in embracing the belief that the family suffers when "mother" leaves home for the working world. Additionally, Schoenthal (1978) has contended that the credibility gap between men and women widens as women move into the professional strata.

Communication research shows that beliefs and attitudes are anchored to our central values (Rockeach, 1960, pp. 32-33), and that those beliefs and attitudes about social reality are critical in determining behaviors. Thus, if women's inferiority has been the prevailing social reality, one's behaviors may be predicated on that central belief, not the reality of a situation. Krech, Crutchfield and Ballachey (1962) stated, "Action is determined, not by a single attitude, but by a number of attitudes,
wants and situational conditions" (p. 163). This premise, coupled with Schoenthal's premise that the credibility gap widens as women move into professional occupations, strongly implies that society's perception of females being less credible than males, combined with society's perception that a "woman's place is in the home," could distort society's perception about the credibility of a female attorney. Therefore, juror assessments of Ms. Smith as being less credible than her male counterpart (attitude) coupled with her occupational misplacement in the legal profession (situation) may ultimately lead to a guilty verdict (behavior) for her innocent client (Rokeach, 1968, p. 114).

Hypothesis I, which predicted that subjects would rate the female attorney less credible than the male attorney, was supported. While the support was only directional for male subjects, female subjects rated the female attorney significantly lower on 7 of the 12 components. Therefore, this study reinforces the findings of Parlee (1978); Deaux and Emswiller (1974); Schoenthal (1978); Braverman, Vogel, Braverman, Clarkson and Rosenkrantz (1972) contending that society continually perpetuates the beliefs about female inferiority, especially in the professional occupations.

But why did the female subjects judge the female attorney
so harshly? Two statements may serve as plausible explanations for the females' reactions. First, females, more often than males, are the perpetuators of family tradition (Parlee, 1978). These feminine central values of "motherhood and apple pie" may have waged a subconscious war against those individuals who dared to destroy the status quo. Ms. Smith, the liberated female professional, may be considered a turncoat, and thus an enemy, not an ally. Therefore, she becomes less credible, first, because she is a woman (attitude) and, secondly, because she is an attorney (situation).

Second, Ms. Smith is living proof that any female may achieve success in the outside world and she exemplifies society's definition of the "ideal" woman. However, Ms. Smith's success may mirror the reality of other females' "nonsuccess." Congruity Theory (Osgood & Tannenbaum, 1955, p. 43) predicts that perceived inconsistencies between subjects' cognitions of their "ideal" and "real" self will produce an internal imbalance. When activated, this imbalance will cause subjects considerable discomfort, resulting in attempts to adjust this imbalance. In reviewing the circumstances of the present study, Ms. Smith, the professional, liberated women, may have been just the catalyst needed to activate female subjects' internal imbalances. To minimize these imbalances, female subjects may have unconsciously derogated the source; Ms. Smith. This may explain why female
subjects rated the female attorney less credible than the male attorney on all twelve credibility factors. The above premises may also suggest plausible explanations for the subliminal weaknesses consistently restricting the "Women's Movement" itself. Perhaps the "Movement" signals a greater threat for women's central values than men's; thus females are constantly creating counterarguments against the "Movement's" persuasive propaganda.

Hypothesis II, which predicted that subjects would render more "guilty" verdicts for the female attorney's client than the male attorney's client, received weak support. The experimenter's use of a mock police report provided "evidence" that subjects could use in reaching a verdict. Ninety-two percent of the male and female subjects specified that evidence was the determining factor in their judgments of guilt or innocence. Only eight percent attributed "attorney credibility" as the determinant. On one hand, it is quite possible that more subjects used attorney credibility as a determinant, but did so unconsciously. Yet it appears that the overwhelming number of respondents did use evidence as the primary basis for their decisions. This may have masked the credibility biases.

Hypothesis III, which predicted that the subjects would "retain" the male attorney as personal counsel more often than the female attorney, was supported. These results were consistent
with the findings of recent research. Oppenheimer (1970) exhibited that the persistent, subconscious sex-typing of females in nonprofessional positions has remained untouched in the twentieth century. Duncan and Evers (1975) showed that the restrictive attitudes toward females in business are alive and well today. Deaux and Emswiller (1974) indicated that both men and women rated females less competent than males. And current statistics on occupational trends (Schoenthal, 1978) have shown that the reluctance of society to relinquish traditional attitudes about women's roles persist in today's liberated world. The significant support for Hypothesis III, coupled with the control groups almost unanimous assumption that the attorney was male, are important indicators of the value of this and further research concerning occupational sex-biasing.

Limitations of the Study

A limitation of the study concerned the gender manipulation. Through the use of a pilot study, the experimenter attempted to control for any extraneous variables. By equalizing the male and female delivery characteristics, internal validity was strengthened. However, generalizability is limited since only one male and one female voice was used to vary attorney gender. It would be valuable to replicate the experiment and use several different male and female voices.
An additional limitation of the study was the stimulus used to effect perceptions of attorney gender. Perhaps the use of a combined video-audio tape of the attorneys, rather than just the audio version of the closing arguments, would have produced a more life-like situation, and thus, subject's ratings of high or low attorney credibility may also have been magnified. However, by adding "reality" to the gender manipulation, the experimenter may have threatened the study's internal validity. Replications involving such alternate means of gender manipulations and stimuli would be worthwhile.

The results of the experiment suggest two major implications. First, there may exist a subconscious bias, by both males and females, against female's credibility in the professional occupations. Secondly, the central values of females, as only mothers and wives, may have been anchored too solidly for even the "Women's Movement" to dislodge. To change females' traditional values would also require females to restructure their belief and attitude systems. Perhaps the threat of destruction to the female's status quo has caused women to defensively avoid messages and persons supporting the liberation movement. To protect themselves, and their families, females may have subconsciously invented excuses for discrediting sources and their arguments defending destruction of the traditional female model.
Summary

The purpose of this experiment was to observe the effects of attorney gender on subjects' evaluations of attorney credibility and trial outcomes. The independent variable was operationalized by the use of audio-taped versions of a male and female attorneys' closing arguments. The variables were manipulated over three conditions: (1) Subjects read and listened to the female attorney's argument; (2) subjects read and listened to the male attorney's argument; and (3) the control subjects read the arguments only.

Attorney credibility was measured by the use of McCroskey's (1966) credibility dimension scales. Subjects also responded to questions involving their "verdict" judgments of the case, and whether they would "retain" the attorney as their personal counsel.

The key results demonstrated that subjects rated the female attorney less credible than the male attorney. The female subjects rendered significantly lower credibility ratings for the female attorney than the male attorney, while the male subjects rated the female attorney only slightly less credible than the male attorney. This evidence demonstrated that both female and male subjects exhibited credibility biases against the female attorney. In addition, the data exhibited
that female subjects rated their own sex more harshly than did the male subjects.

The second hypothesis, suggesting that more "guilty" verdicts would be rendered to the female attorney's client, received only directional support. However, even with the minimal differences between the number of male/female attorney's "guilt" verdicts, it was evident that the female subjects continued to discredit the female attorney, and her client, more than did the male subjects.

In line with the third hypothesis, the male attorney was "retained" significantly more often than the female attorney. Again, female subjects displayed a significantly greater reluctance to "retain" a female attorney as counsel than did the male subjects.

Finally, and what may be the most telling results of the study, is the control subject's overwhelming assumption that the attorney was male. This finding suggests that even today females may be considered "out-of-place" in the professional occupations.

The initial question of this present study, concerning the possibility of sexual discrimination affecting jurors attitudes towards female attorneys and their clients, has been answered. Sexual biases exist and could well be contaminating our courtrooms. Therefore, the problem of
sexual discrimination must be considered beyond its social and economical ramifications; it must be considered as a probable legal issue as well.
Appendix A

Vocal Similarity Rating

RATE OF SPEECH
SLOW __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __(__)
Case Summary

Victim: Acme Drugs
Location: Orange Avenue Shopping Center
Date: June 25, 1980
Time: 2:00 a.m.

Predawn (2:00 a.m.)

1. Silent alarm at police headquarters notifies authorities of robbery in progress.
2. Contact officer proceeds to scene.
3. Upon arrival, officer hears commotion in rear; proceeds to rear of store with weapon drawn.
4. As the officer rounds the corner of the building, he sees a black male, approximately medium build, running from the scene.
5. Officer follows but is unable to apprehend the man before he enters a wooded area; while pursuing the suspect, the officer notices that the man in question has a peculiar stride, as if dragging one leg; not knowing if the suspect is armed, the officer does not follow but rather returns to patrol car to have the area sealed off.
6. Officer then returns to the crime scene, where he is joined by
two back-up units.

7. Investigation reveals that the thief entered the drugstore through rear window by sawing steel bars and breaking glass.

8. A hacksaw with the initials "I. D." scratched into the plastic handle is found near point of illegal entry.

9. Further investigation finds pharmaceutical area of store in disarray and approximately $200 worth of barbituates were found missing from display case which had been broken into.

10. Also found near the broken case was a recently extinguished roll-your-own cigarette butt; another was found near the window.

11. Prints on the hacksaw were smudged so no usable prints could be lifted.

12. When reconstructing the crime, detectives figured the thief tripped the alarm as he was leaving the scene, thus unknowingly giving himself enough time to flee the scene before police officers arrived.

13. Later the same morning (3:00 a.m.), uniformed police noticed a black male matching suspect's description limping hurriedly along road in a predominantly white residential section approximately 10 blocks from crime scene.

14. The uniformed officers stopped and questioned the man, who was then identified as Isiah Dawkins, a recent parolee.

15. After further investigation, Isiah Dawkins was arrested
week later and charged by information with the breaking and entering of Acme Drugstore with the intent to commit a felony.
Defense Attorney's Closing Argument

Ladies and gentlemen of the jury, what we have here is plainly an unfortunate case of mistaken identity. Isiah Dawkins just happened to be at the wrong places at all the right times. But please, ladies and gentlemen, consider the evidence the prosecutor has offered thus far. It's all only circumstantial. He contends his only eye witness, the police officer, saw a black male leaving the scene of the crime with a distinctive stride as though he had a bad leg. But will the officer, the only eye witness, make a positive I.D.? You heard his reservation, then refusal to positively identify Isiah as the man he saw leaving the crime. What was it the officer said, "It was just too dark to be sure." Ladies and gentlemen, do you realize how many black men in this area resemble Isiah in stature? Quite a few. In addition, to address the problem of the unusual stride, you have all seen Isiah as he approached the bench. Did you notice anything unusual about his walk?

The prosecution has made emphasis of Isiah's previous record. Ladies and gentlemen, selling a few "joints" does not a criminal make. Certainly not in the same league as breaking, entering and
Let us review several other coincidences the prosecutor suggests are fact. First, about Isiah's hacksaw being found at the scene of the crime. Surely all of you know the problem of petty theft these days. It's more than likely the saw was stolen, then used to open the drug case by the same person who stole it. Secondly, the pharmacist may have seen Isiah in the drug store that afternoon. Again, ladies and gentlemen, it's not against the law to browse in a drug store. It is also not unlikely that Isiah may have touched several of the store's contents, thus explaining his fingerprints being identified.

The remaining evidence offered by the prosecution is, again, only circumstantial and not worth wasting your time and patience rehashing. Therefore, ladies and gentlemen, in closing, let me remind you of the only evidence offered, during the trial, that is not circumstantial. First, there was never a positive I.D. of Isiah as the robber. Secondly, the police did not find the drugs that were stolen in Isiah's possession. Thirdly, Isiah has pleaded, under oath, to be not guilty.

Therefore, ladies and gentlemen, you don't have positive identification, you don't have possession and most importantly, you
don't have an admission of guilt. All you really have is an unfor­
tunate combination of circumstances. Circumstances, that do not
prove beyond a reasonable doubt that that man, Isiah Dawkins, is
guilty.

Thank you, I rest my case.
Appendix D

Evaluation of Attorney

Please evaluate the attorney by placing an x at the point on each scale which best represents your opinions.

In my opinion the attorney is:

Intelligent ___:____:____:____:____:____:____: Unintelligent
Friendly ___:____:____:____:____:____:____: Unfriendly
Pleasant ___:____:____:____:____:____:____: Unpleasant
Honest ___:____:____:____:____:____:____: Dishonest
Virtuous ___:____:____:____:____:____:____: Sinful
Reliable ___:____:____:____:____:____:____: Unreliable

In my opinion the attorney is:

Capable ___:____:____:____:____:____:____: Incapable
Prepared ___:____:____:____:____:____:____: Nonprepared
Competent ___:____:____:____:____:____:____: Incompetent
Expert ___:____:____:____:____:____:____: Ignorant
Experienced ___:____:____:____:____:____:____: Inexperienced
Trained ___:____:____:____:____:____:____: Untrained

Would you retain this attorney as your personal council?

Yes ___ No ___

Briefly explain the reason(s) for your decision.
Appendix E

This is an anonymous questionnaire. Do not write your name on this form. We need the following information to aid us in our analysis. Please check (x) the appropriate responses to the following questions.

1. SEX: _____ MALE  _____ FEMALE
2. AGE: _____ 18-40  _____ 41-64  _____ 65 and over
3. OCCUPATIONAL STATUS: _____ EMPLOYED  _____ UNEMPLOYED  _____ RETIRED

4. Describe your occupation (if retired, indicate former occupation)

5. EDUCATION: (Circle highest grade of school completed)
   1 2 3 4 5 6 7 8 9 10 11 12  College:  1 2 3 4 more
6. PRIOR JURY DUTY: _____ YES  _____ NO

Please record your verdict on the lines below.
I find the defendant, Isiah Dawkins, guilty ____
not guilty ___
of breaking and entering with intent to commit a felony.
Briefly explain the reason(s) for your decision.

Please record your recollection of the attorney's name and sex. NAME ____________________________
SEX: ___________
References


Tannenbaum, P. H. Initial attitude toward source and concept as factors in attitude change through communication. Public Opinion Quarterly, 1954, 18, 413-425.

