The Effect of Celebrity-Status on Juror Decision-Making

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Abstract

Reported frequently in the popular press is a public perception that juries hold celebrities to a different legal standard. This study tested this hypothesis by presenting participants with a trial transcript of a personal injury lawsuit in which the defendant was either a famous male actor or a comparable non-celebrity. Also tested was the hypothesis that the presence of a celebrity would render "jurors" more susceptible to heuristic-processing of trial information. Some participants were informed that the location of the accident was the estate of a famous male actor while for others the estate had non-celebrity ownership. It was predicated that the decision-making of participants in the celebrity-estate condition would be more influenced by the physical attractiveness of the defendant. Physical attractiveness has been documented to affect juror decision-making and increases in influence when jurors process information heuristically. The results of this study did not support these predictions. Possible reasons for findings inconsistent with prior research and limitations of the current study are discussed.
THE EFFECT OF CELEBRITY-STATUS ON JUROR DECISION-MAKING

A THESIS

Submitted in partial fulfillment of the requirements
for the degree of Master of Arts

by

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Introduction

The acquittals of Michael Jackson, Robert Blake, and O. J. Simpson are salient examples of failed celebrity prosecutions that were supported by substantial evidence and prosecutorial resources. The verdicts of those cases elicited widespread public outrage directed at a seemingly unfair justice system. In fact, the cable news networks were rife with self-proclaimed legal experts and judicial commentators who lamented an "expanded" burden of proof for celebrity defendants. In the wake of such cases some experts asserted that jurors render decisions consistent with their private feelings and attitudes toward a given celebrity (Deutsch, 2005). Clearly, there is a perception among the American public that our justice system is not blind to celebrity-status.

Although jurors are expected to impartially weigh legally-relevant evidence, prior research has consistently demonstrated that their decisions can be influenced by a variety of extralegal factors. For example, jurors seem unable to disregard inadmissible evidence (Tanford, 1990), prior convictions of the defendant (Baldus, Pulaski, & Woodworth, 1983; Barnett, 1985; Blanck, 1985), and pretrial publicity (Stebaly, Besirevic, Fulero, & Jimenez-Lorente, 1999). In particular, juries are sensitive to legally-irrelevant defendant characteristics such as race (Mazzella & Feingold, 1994; Shaw & Skolnick, 1995; Daudistel, Hosch, Golmes, & Graves, 1999), gender (Mazzella & Feingold, 1994; Nagel & Weitzman, 1972), physical attractiveness (Mazzella & Feingold, 1994; MacCoun, 1990; Geimer & Amsterdam, 1988), socio-economic status (Shaw & Skolnik, 1996; Niedermeier, Horowitz, & Kerr, 1999), facial hair (Conti & Conti, 2004), and even whether the defendant smiles during the trial (LaFrance & Hecht, 1995). The effect of
such extralegal information on juror decision-making has been found in a large number of experimental and field studies of juror behavior (Devine, Clayton, Dunford, & Seying, 2001).

The Role of Heuristics in Juror Decision-Making

The influence of extralegal information on juror decision-making is rooted in part in the basic flaws and biases inherent to processing social information. One topic of research in social cognition that is particularly relevant to juror bias is individual’s reliance on heuristics, which are problem-solving techniques or cognitive short-cuts that simplify complex decision-making tasks. The use of heuristics may result in greater problem-solving efficiency, but the tradeoff is sometimes erroneous decision-making due to ignoring or misusing information (Carroll & Payne, 1976).

The representativeness heuristic, for example, leads one to predict the outcome most representative of the evidence at hand (Tversky & Kahneman, 1974). It involves an assessment of “goodness of fit” in categorization (Nisbett & Ross, 1980). This heuristic, which is related to the use of stereotypes, can lead us to erroneously predict rare and extreme events, often with unjustified confidence (Kahneman & Tversky, 1973). Jurors use the representativeness heuristic when they develop stereotypes about who are “typical” criminals and rely on those stereotypes to make judgments about a defendant’s guilt or innocence (Colwell, 2005). The availability heuristic (Tversky & Kahneman, 1974) leads one to assess the probability of an event based on the ease of recalling an instance of that event. Having been exposed to a defendant’s prior criminal record, for example, can make jurors’ attributions of guilt more likely based on the availability of that information (Rose, 2003). Related to the availability heuristic is “illusory
correlation,” whereby a prior expectation can cause a perception of a relationship that does not exist (Chapman & Chapman, 1969). In the context of a jury trial, knowledge that the accused was previously convicted of a crime may suggest a correlation between the accused being charged with an offense and his or her being found guilty of the offense. This perceived correlation is dubious because the jury is not made aware of any instances in which the accused may have been suspected of a crime and not subsequently convicted. Of course, jurors are specifically told not to use the defendant’s prior criminal record to assess the likelihood that he or she is guilty of the present offense, but it seems likely that the perceived association may well have an effect on their verdicts (Rose, 2003).

Research has shown that reliance on heuristics increases as the complexity of the task increases and with the amount of information provided to the observer (Carroll & Payne, 1976). Thus, with more information to manage, and more complex decisions to make, people tend to employ cognitive strategies to simplify and reduce the difficulty of their task. Arriving at a verdict is often a complex task that is based on large amounts of evidence of varying degrees of relevance and reliability, and is therefore precisely the sort of task that is susceptible to the use of heuristic driven decision-making.

Another information processing concept is the schema. Fisk and Taylor (1991) describe schemas as cognitive representations of knowledge about a concept and its attributes that contain prototypical or stereotypical information. Thus, we may have schemas for types of people, goals, the self, achieved or ascribed roles, events, and so on. Schemas are a shorthand way of storing and accessing information and arise from the need to categorize the world (Fisk & Taylor, 1991). Schemas, being concerned with
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generalized, abstract, or categorical knowledge, allow us to efficiently attend to, perceive, store and recall information, and to fill in gaps in our knowledge. Simultaneously, they are likely to introduce errors through their implied assumptions.

It is reasonable to assume that jurors employ "criminal" schemas, "crime" schemas, "trial" schemas, and so on, to decide what happened, what is happening, and what should happen during a trial. Such schemas may be used for making dispositional attributions based on what fits into the story that is suggested by their schemas. According to Fiske and Taylor (1991) schemas are likely to be cued by distinguishing and accessible information. Moreover, schemas can resist change in the face of disconfirming evidence and can become more robust over time; once schemas are established people tend to continue their use without reevaluating their validity. As with heuristics, reliance on schemas increases with increased time pressure, pressure to make a decision, and task difficulty. All of these attributes are characteristic of the task before a jury. Finally, research suggests that people have more complex schemas for in-groups than for out-groups, leading to the aforementioned observation that people make more extreme and polarized appraisals of out-group members such as "criminals" (Linville & Jones, 1980). It is also worth noting that people often use inappropriate causal schemas to solve problems and they conversely fail to use appropriate schemas when they are prudent (Nisbett & Ross, 1980).

As previously discussed, jurors are often swayed by superficial defendant characteristics (e.g. attractiveness, race). One explanation for such influence is that each characteristic represents a schema that is more or less consistent with criminal behavior. In terms of society's lenience for celebrity defendants, one possible explanation for this
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phenomenon is that a “celebrity” schema does not fit with a “criminal” schema, thereby reducing the likelihood of finding a celebrity defendant guilty. However, the possibility that a defendant’s celebrity-status has a similar effect on juror decision-making as does other extralegal defendant characteristics has received little empirical attention. One exception is an experiment by Skolnick and Shaw (1997) that attempted to explain the O.J. Simpson verdict by testing if jurors would evaluate an attractive defendant with high social status less severely than an unattractive defendant with low social status. As expected, jurors made more positive evaluations of the defendant and found less evidence of his guilt when he was of high social status and was physically attractive. However, Skolnick and Shaw’s (1997) study, which manipulated defendant attractiveness and socio-economic status, failed to examine the effect of celebrity-status on jurors’ decisions.

In a more recent study, Knight, Guiliano, and Sanchez-Ross (2001) examined the effect of a defendant’s celebrity-status and his race on juror’s decisions in a rape trial. Participants were given case information about an alleged rape that involved one of four defendant profiles: a white non-celebrity, a black non-celebrity, one of six famous white celebrities, or one of six famous black celebrities. Mock jurors, all of whom were white, rated white celebrities less culpable than white and black non-celebrities. Non-celebrities of both races were rated less culpable than black celebrities, suggesting a celebrity-leniency effect for some types of defendants (i.e., white celebrities).

Heuristic Processing and the Elaboration Likelihood Model

Social-psychological theories of persuasion predict that in the context of a jury trial heuristics will compete with more systematic decision-making processes when extra
legal information is available to jurors. The most accepted model of persuasion in the social psychological literature is the Elaboration Likelihood Model (ELM), which posits that individuals evaluate messages along a continuum of cognitive elaboration that opens up two potential paths to persuasion: a central-route and a peripheral-route (Petty & Cacioppo, 1981). The central route is likely to dominate when an individual is both motivated and able to cognitively elaborate on the message. When persuasion occurs via the central route, argument quality is the primary determinant of attitude change, with stronger arguments leading to greater persuasion. In contrast, when a person is lacking the motivation or ability to systematically scrutinize a message, persuasion may still take place if salient cues are present in the persuasive context, such as source attractiveness, rate of speech, and the number of arguments used (Chaiken, 1979; Miller, Maruyama, Beaber, & Valone, 1976; Petty & Cacioppo, 1984). Although such features are irrelevant to the substance of the message, they are often sufficient to persuade individuals when they process information peripherally.

Attitude change resulting from a specific route of persuasion is predicted to differ in several ways. The ELM predicts that an attitude that has been carefully considered will typically be more memorable and accessible than one that has not been the subject of deep elaboration (Petty & Cacioppo, 1986). Effortful consideration should also render more salient those facts and reasons that the attitude holder drew together to support the attitude. This salience should make the facts and reasons more readily available for use if the attitude is challenged (Haugtvedt & Petty, 1992; Petty & Cacioppo, 1986). In addition, attitude change via the central-route has been found to produce greater attitude-
behavior consistency than that occurring through peripheral-route persuasion (Petty, Cacioppo, & Schuman, 1983).

According to the ELM, a variable can affect persuasion in one of three ways. Information can act as a persuasive argument when, upon scrutiny, it evokes either favorable or unfavorable thoughts about the message (Petty & Cacioppo, 1980). Information can also function as a peripheral cue, determining the amount and direction of attitude change without affecting argument scrutiny (Petty, Cacioppo, & Schumann, 1983). Finally, information can also alter the quantity of message elaboration by shifting processing from a central to a peripheral route of processing or vice versa (Burnkrant & Howard, 1984). Messages of high personal relevance, for example, are often subject to increased cognitive elaboration and therefore processed centrally (Maheswaran & Chaiken, 1991; Petty & Cacioppo, 1979, 1980, 1981). Alternatively, messages evaluated while performing a distracting task are more likely to be processed peripherally (White & Harkins, 1994; Petty, Wells, & Brock, 1976). An important postulate of the ELM is that the role of a specific variable can change depending on the persuasive context. For example, Chaiken (1980) demonstrated that physical attractiveness operated as a peripheral cue when convincing participants to sign a petition (when the petition was presented by a physically attractive source more people provided their signatures). On the other hand, Petty and Cacioppo (1980) found that the physical attractiveness of a beauty product endorser affected attitudes toward the product even under conditions of high cognitive elaboration (indicative of central processing). Presumably, the endorser's attractiveness in this context functioned as a persuasive argument by offering "visual testimony as to the effectiveness of a beauty product" (Petty & Cacioppo, 1984, p. 671).
The ability of source characteristics to affect persuasion through different channels was examined in a multipart experiment by White and Harkins (1994). Specifically, they examined whether an argument communicated by a black source would be more or less persuasive than a white source. In their first experiment participants were told they would be reading a proposal to require comprehensive examinations as a requisite for college graduation. The proposal was allegedly written by either a black or white source (another student at their college). Before participants received the proposal they indicated their agreement with the proposal and listed their thoughts on the topic. White and Harkins reasoned that because participants had not been provided with any arguments before indicating their thoughts, any differences in attitudes concerning the proposal would be entirely a function of the source’s race. No differences in attitudes toward the proposal were evident between the two source conditions. Therefore, the authors concluded that race did not function as a peripheral cue in this context. However, their second experiment—which required participants to review the proposal before providing the attitude and thought measures—yielded an interesting finding. In this study the personal relevance of the message was manipulated by informing participants that the comprehensive exams would be implemented in the near-term (high personal relevance) or some time in the future after they had graduated (low personal relevance). The quality of the message was also manipulated by presenting either convincing arguments (starting salaries of graduates increased by $4,000 in schools using comprehensive exams) or weak arguments (exams increased student anxiety) to support the proposal. Finally, the race of the source was manipulated by informing participants that the arguments were made by a white or black student.
As predicted by the ELM, participants exposed to the white source were affected by message quality only under high personal involvement. However, when the message was allegedly written by a black source, argument quality was significant under both levels of involvement. In other words, participants processed messages from a black source centrally despite other manipulations, suggesting that race functioned as a motivational variable within the framework of the ELM. A third and fourth experiment by White and Harkins (1994) found that when participants were required to perform a tedious task while evaluating the proposal, argument quality and race of source no longer influenced persuasion. That is, distraction elicited peripheral processing and cancelled out the increased elaboration resulting from a black source.

Fleming, White, and Petty (cited in Sargent & Bradfield, 2004) found similar results as White and Harkins (1994) when they manipulated the race of the target of the persuasive appeal (i.e., who the persuasive message was about). In subsequent work, Petty, Fleming, and White (1999) concluded that black sources induced greater processing motivation because white individuals who held non-prejudicial attitudes toward black individuals were inclined to act as “watchdogs” against prejudice. Because they wanted to be vigilant against their own bias or the biases of others, they attended to the source’s arguments, even when the message was about an issue that did not affect them personally.

The Role of the ELM in Juror Decision-Making

As a model to explain and predict attitude-change, the ELM is relevant to understanding legal decision-making as jurors must evaluate two competing (and presumably persuasive) messages. Some of the judgments made by juries are evaluative
in nature (e.g., assessing the strength of each case). However, jurors also formulate judgments that are not explicitly evaluative. Recent editions of the ELM suggest that non-attitudinal judgments (e.g., whether facts objectively suggest that a particular course of actions occurred) may also be formed within the ELM framework (Petty & Wegener, 1999). As the task of the juror is to make inferences based on an evaluation of objective evidence, the ELM offers a potentially useful model to understand such information processing.

Sargent and Bradfield (2004) used the ELM to investigate whether a defendant’s race can influence jurors’ processing of trial-related information. The motivation for the study was field and laboratory research indicating that minorities are judged more harshly in criminal trials than non-minorities under some conditions (Sweeney & Haney, 1992; Mazzella & Feingold, 1994). Using the theoretical framework of the ELM, Sargent and Bradfield sought to determine if mock jurors rely on race as a peripheral cue, persuasive argument, motivational variable, or some combination thereof. Their first experiment presented participants with a case report of an armed robbery involving a black or white defendant who presented either strong or weak alibi evidence. In addition, motivation was manipulated by informing participants that their responses would be used either to improve instructions given to real jurors (high motivation) or merely for piloting purposes (low motivation). Using guilt likelihood judgments and ratings of prosecutorial strength, highly motivated participants relied on alibi strength (presumably a persuasive argument) for decision-making. Under low motivation, only participants evaluating a black defendant relied on alibi strength when rendering a verdict.
A second experiment replaced the alibi manipulation with a manipulation of the effectiveness of the prosecutor’s cross-examination of a defense witness. The outcome was similar to that of the first experiment. Overall, the results demonstrated that white observers may pay attention to legally relevant information when a defendant is black, even under conditions unfavorable to extensive processing (i.e., when the task description is designed to produce relatively little motivation to elaborate on the message).

Importantly, because no effect of race was observed independent of elaboration depth, the results of this study suggest that race did not function simply as a peripheral cue or persuasive argument.

Perhaps celebrity-status operates through a similar pattern as defendant race. Unfortunately, research has yet to evaluate the effect of celebrity-status using the ELM framework. Although Petty and Wegener (1998) mention the potential usefulness of the ELM for understanding juror decision-making in the O.J. Simpson criminal trial, they did not elaborate on how the ELM may have operated in this particular case. Outside the legal context, several studies have investigated the effect of fame on persuasive. For example, Petty, Cacioppo, and Schumann (1983) examined the impact of celebrity product endorsements. Participants expressed their attitudes about a product after being exposed to a magazine advertisement under conditions of either high or low product involvement. The advertisement contained strong or weak arguments for the product and featured prominent sports celebrities or average citizens as endorsers. The manipulation of argument quality had a greater impact on attitudes under high involvement compared to low involvement, but the manipulation of product endorser had a greater impact under low involvement compared to high involvement.
If celebrity-status does affect jurors' evaluation of evidence, the ELM posits several routes through which this effect may occur. The defendant's fame may serve as a peripheral cue, similar to the effect of defendant physical attractiveness. Alternatively, a famous defendant may distract jurors, shifting jurors to a peripheral/heuristic route of processing information. Lieberman (2002) examined the interaction between mock jurors’ modes of information processing and susceptibility to defendants’ physical attractiveness (the attractive-leniency effect). Some jurors were led to process trial-related evidence in a rational mode (by completing an initial problem-solving task) while other participants were told to evaluate the trial-related evidence naturally (heuristic processing). Participants in the heuristic processing condition produced damage awards that were more influenced by the defendant’s physical attractiveness than those in the rational processing manipulation. Similar to this pattern, celebrity-status may increase jurors’ tendency to rely on heuristics when processing legal evidence.

Overview of the Current Study

The current study investigated the effect of celebrity defendants on juror decision-making using predictions derived from the ELM. Participants were presented with a realistic civil trial transcript of a personal injury civil suit involving an automobile accident case that included minor personal injuries and major property damage. Both the physical attractiveness and celebrity-status of the defendant were manipulated.

Participants were predicted to evaluate the defense’s case as stronger, assign less liability to the defendant, and award fewer monetary damages when the defendant was a celebrity. Consistent with prior research (e.g. Mazzella & Feingold, 1994), the same pattern of results was predicted when the defendant was physically attractive. To test the
hypothesis that the presence of a celebrity can affect processing of trial-related information, participants were told that the owner of the property on which the accident occurred was either a famous or unknown individual. Although the owner of the property had no relationship to the strength of either the plaintiff’s or defense’s case, it was anticipated that attaching a celebrity to the case, even indirectly, would distract jurors sufficiently to elicit peripheral processing. Specifically, it was predicted that participants in this celebrity-indirect condition would demonstrate a stronger leniency for attractive defendants (as physical attractiveness is a peripheral cue). This prediction was similar to the results obtained by Lieberman (2002) which demonstrated a clear bias toward attractive defendants only when they were induced to process information heuristically (an aspect of peripheral processing).
Method

Participants

Two hundred fifty-four undergraduate students (70% female) from Montclair State University participated in the experiment. Participants received credit towards a research requirement for their participation. The mean age of participants was 20 years. Fourteen participants were excluded because they failed to provide data on key dependent measures or because they provided data outside the possible range of the scale values (e.g., a 16 on an 8-point scale). The final sample consisted of 240 participants.

Design

The design consisted of a 2(defendant fame: celebrity vs. non-celebrity) x 2(defendant attractiveness: celebrity vs. non-celebrity) x 2(accident estate owner fame: celebrity vs. non-celebrity) between subjects factorial. Each cell contained 30 participants.

Procedure

Participants were greeted by an experimenter and randomly assigned to treatment conditions. The experimenter informed participants that they were taking part in research designed to investigate decisions in personal injury trials. Participants were further told that the research involved reading a partial transcript of a recent civil case that took place in California. Participants were seated in private rooms and asked to turn off cell phones and other potentially distracting devices. After signing an informed consent document, participants were given a case summary, trial transcript, and color photographs of (a) the defendant, (b) the automobile (without damage), and (c) the location of the accident (a sidewalk in front of an opulent, gated estate). Participants were instructed to read the
summary and examine the photographs before reading the transcript. After participants read the transcript, the experimenter collected the transcript, summary, and photographs and distributed three questionnaires, in the following order: the dependent measures, thought-listing task sheet, and manipulation checks. Participants were told to complete the questionnaires in the order in which they were received and not to return to any previously completed questionnaire. Participants were then debriefed, assigned credit, and asked not to discuss the study with their classmates.

**Stimulus Materials**

*Celebrities and Non Celebrities.* Prior to the experiment a pilot study was conducted to identify attractive and unattractive celebrity and non-celebrity individuals. Names and photographs of celebrities likely to be familiar to college-aged students were identified and assembled. In order to reduce variability and possible confounds, only white, male actors with no publicized criminal histories were included. All photographs were in "headshot" format. Comparable photographs of non-celebrity white males were also collected. The photographs were presented to volunteers in a large psychology class who rated the images on physical attractiveness and fame on 8-point likert scales (e.g., 1=not attractive at all to 8=extremely attractive). Four groups of photographs were created to correspond to the manipulations: attractive celebrities, unattractive celebrities, attractive non-celebrities and unattractive non-celebrities. The three celebrities with the highest attractiveness ratings were Brad Pitt, Jude Law, and Ben Affleck. The three celebrities with the lowest attractiveness ratings were Tommy Lee Jones, Billy Bob Thorton, and Mike Myers.
Attractiveness ratings. No differences were found in attractiveness measures among the three attractive celebrities, the three unattractive celebrities, the three attractive non-celebrities, or the three unattractive non-celebrities. Therefore, the scores for the individuals in each respective group were collapsed into a single value for further analysis. The attractive celebrities were rated significantly more attractive ($M = 4.45$) than the three unattractive celebrities ($M = 2.37$), $t(62) = 12.001$, $p < .001$. Comparably, the three attractive non-celebrities were rated significantly more attractive ($M = 3.27$) than the unattractive non-celebrities ($M = 1.37$), $t(59) = 14.744$, $p < .001$.

Fame ratings. No differences were found in fame measures among the three attractive celebrities, the three unattractive celebrities, the three attractive non-celebrities, or the three unattractive non-celebrities. Therefore, the scores for the individuals in each respective group were collapsed into a single value for further analysis. The six celebrity photos were rated as significantly more famous ($M = 4.91$) than the six non-celebrities ($M = 1.42$), $t(54) = 28.611$, $p < .001$. In order to manipulate the celebrity-status of the estate owner, two additional celebrities (Adam Sandler and Brad Pitt) with high mean fame ratings were chosen. These two celebrities were rated significantly more famous ($M = 5.73$) than the six non-celebrities ($M = 1.41$), $t(57) = 44.353$, $p < .001$.

The photograph of the accident location featured a street fronting an opulent, gated estate, similar to what would be found in Beverly Hills or Westwood California. Participants received the three photographs on an 8.5 x 11 inch paper with the two "headshots" equally spaced on the upper-half of the sheet and the estate photograph in the lower right quadrant. Each photograph was separate by a 1 inch margin and labeled with
a number corresponding to its description in the case summary. All photographs were
taken from public domain websites.

*Case Summaries.* Prior to receiving the trial transcript all participants read a one
paragraph cover story reporting that that case involved a personal injury lawsuit, tried in
the California civil justice system. The plaintiff’s claim and injuries were specified as
well as the defense’s principal argument. The summary specified the defendant’s name
and the name of the owner of the estate on which the accident occurred. In the
defendant-non-celebrity condition, the name of the defendant was “Charles Carey.” In
the estate owner non-celebrity condition, the name of the estate’s owner was “Howard
Majors,” who was described as a successful movie producer (to control for economic
status). The summary also identified the three photographs provided on the
accompanying sheet.

*Trial transcripts.* The transcripts used in the study were based on that used in
Lieberman’s (1997) study. Modifications were made so the defendant did not die from
the accident and the injuries were less severe, in order to make the trial seem plausible (as
participants would likely know if a celebrity were involved in a deadly automobile
accident). In the trial, it was revealed that the defendant was being sued after hitting and
severely injuring a woman, resulting in a concussion, broken nose, and permanent facial
bruising. The plaintiff was suing the defendant for compensation for medical bills, pain
and suffering, and punitive damages.

The details of the events surrounding the accident were ambiguous, with an equal
amount of evidence supporting the defendant’s and the plaintiff’s claims. Both sides
presented and cross-examined witnesses and both the plaintiff and defendant testified on
their behalf. A slightly different transcript was created for each celebrity defendant, a
generic non-celebrity named “Charles Carey,” the two celebrity estate owners (whose
names are referenced in the transcript), and a generic non-celebrity named “Howard
Majors.” Only the names and ages of the defendant (the real ages of the celebrities were
used) differed between the transcripts (celebrity age range of 33 to 59, non-celebrity age
of 35). The transcript consisted of 30 double spaced typed pages which was
approximately 5,000 words in length. In order to control for socio-economic status
differences between the celebrity and non-celebrity defendants, income and net worth
were the stated as identical for both celebrity and non-celebrity defendants.

Jury Instructions. After participants finished reading the transcript, they were
presented with pattern jury instruction for a personal injury lawsuit. The instructions
explained the laws that applied to the case including the concepts of burden of proof,
negligence, the duty of the driver and pedestrian, liability, and damages. The definitions
of these concepts was based on instructions used in various jurisdictions in the United
States but were rewritten to make them more comprehensible to participants (Beskind,
Bocchino, Ordover, & Seckinger, 1988; Eades, 1993). Previous research has found that
jurors demonstrate better comprehension of judicial instructions when the instructions are
written according to accepted psycho-linguistic principles (Lieberman & Sales, 1997).

Dependent Measures

Manipulation checks. Participants completed a separate questionnaire to assess
the manipulation of fame and physical attractiveness for the defendant and estate owner.
Participants rated the physical attractiveness of the defendant on an 8-point scale (1 = not
attractive at all to 8 = extremely attractive). Fame of the defendant and estate owner was
assessed by having participants rate how famous, familiar, and well-known (as separate ratings) each individual was (1 = not famous at all to 8 = extremely famous). To determine if socio-economic status was properly controlled, participants rated the defendant and estate owner on wealth (1 = not wealthy at all to 8 = extremely wealthy). Participant’s also completed a demographic sheet indicating their ethnicity, age, gender, and language proficiency.

Verdicts. Participants were presented with the “jury verdict form” that asked participants to circle a verdict in favor of the plaintiff or the defendant. Participants also indicated their confidence in their ruling on an 8-point scale (1 = not confident at all to 8 = extremely confident). Participants were then asked to select a percentage indicating the amount of liability for the accident that they separately attributed to the plaintiff and to the defendant.

Defendant/Plaintiff Case Variables. In addition to rendering a dichotomous verdict (liable or not liable), participants answered the following questions about the culpability of both the plaintiff and the defendant: (a) How liable is the defendant in this case? (1 = not liable at all to 8 = extremely liable), (b) How negligent do you believe the defendant was? (1 = not negligent at all to 8 = extremely negligent), (c) How strong of a case does the defendant have? (1 = not strong at all to 8 = extremely strong), (d) How much did the defendant contribute to the accident? (1 = did not contribute at all to 8 = extremely), (e) How negligent do you believe the plaintiff was? (1 = not negligent at all to 8 = extremely negligent), (c) How strong of a case does the plaintiff have? (1 = not strong at all to 8 = extremely strong) and (d) How much did the plaintiff contribute to the accident? (1 = did not contribute at all to 8 = extremely).
Damage Awards. Participants were asked to specify damage awards regardless of the verdict rendered. To provide a plausible reason why damage awards should be specified even when the participant did not find the defendant liable, participants were instructed to "proceed as if you are deliberating on this case with other jury members, and a majority of the other jury members found the defendant liable, so you must award damages." Participants were reminded of the amounts requested by the plaintiff for medical expenses ($40,000), pain and suffering ($250,000), and punitive damages ($250,000) and asked to specify damage award amounts for all three award categories.

Thought-listing task. Participants listed their thoughts about the defendant's case on a separate piece of paper. This procedure followed thought-listing procedures described in prior persuasion literature using the ELM (Petty & Wegener, 1999). An 8.5 by 11 paper with eight empty bullet points was provided and participants were told that there was no minimum or maximum number of entries but simply to list "anything that comes to mind naturally." After listing their thoughts, participants were asked to denote with a "+", "-", or "n" whether each thought was positive, negative, or neutral towards the defense's case, respectively. This procedure created a self-scoring mechanism, eliminating the need for qualitative analysis, and is consistent with prior literature using thought-listing tasks (Petty & Wegener, 1999).
Results

Manipulation Checks

Attractiveness. The effectiveness of the physical attractiveness manipulation was assessed by comparing mean attractiveness ratings across defendants. No significant differences in attractiveness ratings were found among attractive individuals or unattractive individuals. Therefore attractiveness ratings within each of these groups were collapsed for further analysis. Those defendants designated as physically attractive were judged to be significantly more attractive ($M=4.43$) than those individuals designated as physically unattractive ($M=2.34$) $F(1, 235) = 75.76, p < .001$, power = 1.0.

Celebrity-status. Manipulation of celebrity-status was assessed by comparing fame, familiarity, and “well-known” ratings across defendants and estate owners. No significant differences on these ratings were found among famous individuals or among non-famous individuals. Therefore, ratings within each of these groups were collapsed for further analysis. Celebrity defendants were judged to be significantly more famous ($M=6.72$) than their non-famous counterparts ($M=2.65$), $F (1, 236) = 345.566, p < .001$, power = 1.0. Furthermore, celebrity defendants were rated as better known ($M=6.77$) compared with non-celebrities ($M=2.96$), $F (1,236) = 308.544, p < .001$, power = 1.0. Finally, celebrity defendants were judged to be more familiar ($M=5.49$) in comparison with non-celebrities ($M=1.61$), $F (1,237) = 300.733, p < .001$, power = 1.0.

Similar trends were found when comparing ratings between celebrity estate owners and non-celebrity estate owners. Specifically, celebrity estate owners were judged to be more famous ($M=7.78$) than non-famous estate owners ($M=2.70$), $F (1, 224) = 600.733, p < .001$, power = 1.0. They were also judged to be better known ($M=7.77$)
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comparing to non-famous estate owners ($M = 2.72$), $F(1, 224) = 561.072, p < .001$, power $= 1.0$. Finally, participants judged famous estate owners to be more familiar ($M = 7.72$) than their non-famous ($M = 1.37$) counterparts $F(1, 237) = 2319.643, p < .001$, power $= 1.0$.

Finally, participants judged famous estate owners to be more familiar ($M = 7.72$) than their non-famous ($M = 1.37$) counterparts $F(1, 237) = 2319.643, p < .001$, power $= 1.0$.

Socio-economic status. Socio-economic status was held constant between celebrity and non-celebrity defendants and estate owner conditions. Consistent with this intention, no differences in wealth ratings were found between celebrity ($M = 6.49$) and non-celebrity defendants ($M = 6.20$), $F(1, 237) = 3.050, p = .085$, power $= .413$. However, ratings of wealth for the celebrity estate owners ($M = 7.75$) were significantly greater than wealth ratings for the non-celebrity estate owners ($M = 4.72$), $F(1, 223) = 141.979, p < .001$, power $= 1.0$.

Verdicts. The evidence in the trial was designed to be ambiguous, with an equal amount of evidence supporting the plaintiff and defendant. It was therefore expected that participants in the non-celebrity estate owner condition would render an approximately equal number of verdicts for the plaintiff and defendant. Collapsed across all conditions, 57% of participants ($n = 137$) ruled in favor of the defense while 103 43% of ($n = 103$) ruled in favor for the plaintiff.

It was hypothesized that participants in the celebrity estate owner condition would render significantly more verdicts for the defendant when he was attractive then when he was unattractive. We did not expect the defendant’s attractiveness to have as much of an effect on verdicts for participants in the non-celebrity estate owner condition. In order to test these hypothesized interactions, the verdict data from celebrity and non-celebrity estate owner conditions were split into two separate 2(plaintiff vs. defense) x 2(attractive
The Effect of Celebrity-Status

vs. unattractive defendant) factorials. The proportions of verdicts as a function of defendant attractiveness and estate owner celebrity-status are presented in Table 1. A $\chi^2$ test indicated that the relationship between defendant attractiveness and verdict was not significant when the estate owner was a celebrity $\chi^2 (1, N = 120) = .034, p = .854, \text{power} = .075$. Similarly, the relationship between attractiveness and verdict for the non-celebrity estate owner condition was not significant $\chi^2 (1, N = 120) = 2.194, p = .139, \text{power} = .059$. Therefore, the hypothesized interaction between defendant attractiveness and estate owner celebrity-status was not supported. In addition, the relationship between attractiveness and verdict, overall, was not significant $\chi^2 (1, N = 240) = 1.378, p = .241, \text{power} = .089$, nor was the relationship between defendant celebrity-status and verdict $\chi^2 (1, N = 240) = .153, p = .696, \text{power} = .067$.

**Damage Awards**

*Medical damage awards.* No differences were predicted for awards of medical expenses as the plaintiff’s medical bills were fixed, objective amounts. As expected, no differences in medical expenses were found for physical attractiveness $F(1, 232) = .217, p = .642, \text{power} = .075$, defendant celebrity-status $F(1, 232) = .226, p = .635, \text{power} = .076$, or estate owner celebrity-status $F(1, 232) = .005, p = .945, \text{power} = .051$. In addition, none of the interaction among the three variables achieved statistical significance.

*Subjective damage awards.* One of the study’s major predictions was that participants would award lower subjective (pain/suffering and punitive) damage awards for physically attractive and/or celebrity defendants. Moreover, we predicted an interaction between defendant attractiveness and estate owner celebrity-status.
Specifically, we expected participants would award the lowest subjective damages when the defendant was physically attractive and the estate owner was a celebrity.

As indicated in Table 2, pain and suffering damage award ranged from $88,543 (attractive defendant, non-celebrity estate owner) to $101,667 (attractive defendant, celebrity estate owner). For pain and suffering awards, the predicted main effect for defendant attractiveness $F(1, 232) = .002, p = .967, power = .05$ and defendant celebrity-status $F(1, 232) = .304, p = .582, power = .085$ were not significant. Moreover, the hypothesized interaction between physical attractiveness and estate owner celebrity-status was not significant $F(1, 232) = .954, p = .33, power = .163$. No other main effects or interactions reached statistical significance.

Punitive damage awards (see Table 3) ranged from $54,733 (attractive defendant, non-celebrity estate owner) to $71,925 (unattractive defendant, non-celebrity estate owner). The hypothesized defendant attractiveness main effect was not significant $F(1, 232) = .373, p = .542, power = .093$, nor was the hypothesized defendant celebrity-status main effect significant $F(1, 232) = .989, p = .321, power = .168$. In addition, the predicted interaction between defendant attractiveness and estate owner-celebrity-status was not significant $F(1, 232) = .948, p = .331, power = .163$. No other main effects or interactions achieved statistical significance.

**Defendant/Plaintiff Case Variables.** In addition to specifying a verdict, participants provided ratings of liability, negligence, and case/evidence strength (see above). In order to reduce experiment-wise error, a MANOVA was used to test for differences among these nine dependent variables. For defendant celebrity-status, differences did not reach multivariate significance $Wilks' Lambda = .953, F(8, 224) =$
1.374, \( p = .209 \), power = .176. Similarly, the interaction between defendant physical attractiveness and estate owner celebrity-status did not reach multivariate significance \( \text{Wilks' Lambda} = .981, F (8, 224) = .529, p = .934 \), power = .243. However, a main effect for physical attractiveness closely approached significance \( \text{Wilks' Lambda} = .962, F (8, 224) = 1.925, p = .06 \), power = .503. No other main effects or interactions reached multivariate significance. Univariate ANOVAs were conducted on the physical attractiveness variable as follow-up tests. The only dependent variable reaching significance was plaintiff negligence \( F (1, 231) = 4.328, p < .04 \), power = .504.

**Thought-listing.** Participants' positive, negative, and neutral thoughts regarding the defendant's case were summed. A ratio was computed by dividing the number of positive thoughts by total thoughts, a technique consistent with prior persuasion research (Petty & Wagener, 1999). These ratios were analyzed using a factorial ANOVA. Neither the predicted main effects for physical attractiveness \( F (1, 232) = .015, p = .902 \), power = .052 or defendant celebrity-status \( F (1, 232) = 1.846, p = .176 \), power = .272 was significant. The interaction between attractiveness and estate owner celebrity-status was also not significant \( F (1, 232) = .251, p = .617 \), power = .622. No other main effects or interactions reached statistical significance.
Discussion

The purpose of this study was to examine two facets of juror decision-making. The first concerned the bias of two specific defendant characteristics, physical attractiveness and celebrity-status, on trial verdicts. These characteristics were considered relevant as previous research has documented a defendant-attractiveness leniency effect as jurors evaluate attractive defendants more favorably than unattractive defendants. Celebrity-status, although not the subject of many prior studies, has received significant attention in the popular press due to the media attention surrounding high profile cases. The study’s second goal was to investigate how the mode of persuasion may shift the type of information used by jurors when rendering a decision. That is, this study sought to determine if the presence of a celebrity in a case, even a peripheral presence, might increase or decrease juror reliance on extralegal information. Therefore, this study was a test of social persuasion (i.e., the elaboration likelihood model) in addition to an investigation of the effect of extralegal factors on juror decision-making.

The study proposed three specific hypotheses to be tested using multiple dependent variables. First, the study expected to replicate the defendant-attractiveness leniency effect found in prior literature. That is, when participants review a case involving an attractive defendant, we predict more verdicts in favor of the defendant, lower ratings of negligence and liability for the defendant, lower subjective damages (pain/suffering and punitive), higher ratings of the strength of the defendant’s case, and more positive thoughts toward the defendant compared to when the case involved an unattractive defendant. Surprisingly, there was no evidence in support of these hypotheses, despite the successful manipulation of defendant attractiveness.
The second hypothesis concerned the appearance of a defendant-celebrity leniency effect. Specifically, when the defendant was a famous male celebrity, we predicted more verdicts for the defendant, lower ratings of negligence and liability, lower subjective damages (pain/suffering and punitive), higher ratings of the strength of the defendant’s case, and more positive thoughts toward the defense than when participants received a case involving a non-famous individual. Surprisingly, we did not find strong evidence to suggest that participants were more lenient with celebrities on any of the dependent measures. The only exception was the small increase (.47 on an 8-point scale) in mean ratings of negligence for the plaintiff in the celebrity defendant condition. However, this finding, considering its small effect size (eta squared = .017) and considered with the lack of differences among the other dependent variables, does not provide convincing evidence of our defendant-celebrity leniency hypothesis. The lack of differences between celebrity and non-celebrity conditions occurred despite successful manipulation of defendant celebrity-status.

The study’s last hypothesis predicted that the presence of a celebrity in a case (the owner of the estate on which the accident occurred) would be sufficiently distracting to elicit a peripheral processing of trial-related evidence peripherally, with its greater reliance on extralegal heuristics. Specifically, we expected that when the owner of the estate was a celebrity, there would be a more pronounced appearance of the attractive-defendant leniency effect discussed above. In short, we predicted an interaction between estate owner celebrity-status and defendant attractiveness. Statistically, the experiment yielded no convincing evidence to support this prediction. No differences emerged in verdicts, pain and suffering damage awards, liability, negligence or case strength ratings,
or the thought-listing ratios. However, an examination of the means for punitive damages did display the predicted pattern, although the interaction did not achieve statistical significance. Once again, the absence of the predicted effect can not be attributed to ineffective manipulation of the estate owner’s celebrity-status.

Lack of support for the defendant-attractiveness leniency hypothesis is most surprising in light of the findings of past research across both criminal and civil trials (Lieberman, 2002; Geimer & Amsterdam, 1988; MacCoun, 1990; Mazzella & Feingold, 1994). However, there were several notable differences between the current study and Lieberman’s research. The current study required the creation of variability within the dependent variables in order to leave sufficient room to allow group differences to emerge. In this regard, the study was successful as demonstrated by the near equality in plaintiff and defendant verdicts, as well as the large standard deviations of the damage awards and other dependent measures. Unfortunately, the amount of variability among dependent measures was perhaps too large, reducing the power of many of the statistical tests beyond adequate levels. Data reported in Lieberman’s research contained substantially less variability than that reported in this study (however, one should note that despite reduced variability, only the damage awards and not liability judgments were significant in Lieberman’s experiment). Therefore, future research will need to carefully fine tune the minimally necessary amount of variability to allow for differences in treatments while maintaining adequate statistical power. Larger sample sizes may be required to achieve this result.

A few procedural differences between this and Lieberman’s (2002) study may also partially explain the lack of findings. In addition to the photographs and trial
transcript, Lieberman presented subjects with a diagram of the four-way intersection where the accident was located. This diagram was excluded from the present study for two reasons. First, the “plot” changes to the trial necessary for manipulation of the estate owner were not consistent with the intersection layout displayed in the diagram. Second, pilot testing indicated that the diagram did not significantly influence verdicts and participants did not report the diagram to be useful in rendering a verdict. However, the study cannot rule out the possibility that the absence of a diagram made processing of trial details more complex, increasing variability within the dependent measures.

Another difference between the studies worth noting is that Lieberman (2002) instructed jurors to tack the photograph of the defendant (along with several other case images) onto a board placed in front of the participant during the experiment. Therefore, the image was potentially visible to the participant throughout the reading of the trial. In the present study, participants were given a separate sheet of paper containing digital images of the defendant (along with the car and the estate). Although the participants retained the images while they were reading the transcript, the experimenters did not require that the paper be positioned in such a way that the images were, at all times, visible during the participant’s reading. It is possible that the visual prominence of the photograph in Lieberman’s study made the defendant’s physical attractiveness more salient and, therefore, more influential.

Perhaps the most significant distinction between the current procedure and those used in the past were the incorporation, in some conditions, of a celebrity defendant and/or estate owner. Anecdotally, several participants were suspicious of the authenticity of the trials containing the celebrities. This is a difficult problem for any research of this
nature as some participants will expect to have heard about or be familiar with any case involving real celebrities. Therefore, this perceived artificiality may have contaminated the results of this study. One potential way to work around this problem is to experimentally create a celebrity by, for example, alleging that a specific individual is famous in Eastern Europe and will soon be entering the U.S. entertainment market. However, our hypothesis was dependent on the celebrity being a distracting influence on participants, which requires a certain affective association unlikely to be created with an experimentally produced celebrity.

Overall, the present study suffers from those concerns shared by other attempts to investigate juror decision-making experimentally. College students, who served as participants for this and most other experimental research, tend to be better educated than actual jurors (Reifman, Gusick, & Ellsworth, 1992). Therefore, the results of research based on these populations may not appropriately generalize to real life juror contexts. In addition, this research considered individual jurors' verdicts. In real cases, jury verdicts occur through deliberation. Prior research has suggested that the group deliberation process of juries may, in certain situations, differ from the judgments of individual jurors (Bourgeios, Horowitz, ForsterLee, & Grahe, 1995). Future research should address these issues through the utilization of diverse methodologies.

Future research should also study the specific methods through which central and peripheral process modes may be shifted in trial practice. Although experimental research has began to study these processes (Williams & Jones, 2005), the work has been limited. Other research should carefully evaluate how particular defendant characteristics can be manipulated to effectively exploit the expected processing-mode of jurors. This
will enable the development of carefully tailored strategies for trial practice and will provide the legal community with techniques for preventing opportunistic use of extralegal heuristics by opposing sides. Overall, the goal should be a legal system more influenced by facts and evidence than exploitation of jurors' limited information processing capabilities.
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References


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Mazzella, R., & Feingold, A. (1994). The effects of physical attractiveness, race, socio-


Table 1. *Percentage of Verdicts as a function of defendant attractiveness and estate owner’s celebrity-status.*

<table>
<thead>
<tr>
<th>Defendant</th>
<th>Estate Owner’s Status</th>
<th>Celebrity</th>
<th>Non-Celebrity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attractive</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Plaintiff</td>
<td>43% (n=26)</td>
<td>35% (n=21)</td>
</tr>
<tr>
<td></td>
<td>Defense</td>
<td>57% (n=34)</td>
<td>65% (n=39)</td>
</tr>
<tr>
<td>Unattractive</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Plaintiff</td>
<td>45% (n=27)</td>
<td>48% (n=29)</td>
</tr>
<tr>
<td></td>
<td>Defense</td>
<td>55% (n=33)</td>
<td>52% (n=31)</td>
</tr>
</tbody>
</table>

*Note:* Total number of participants per cell indicated in parenthesis.
Table 2. *Average pain and suffering damage awards as a function defendant attractiveness and estate owner’s celebrity-status.*

<table>
<thead>
<tr>
<th>Defendant</th>
<th>Estate Owner’s Status</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Celebrity</td>
<td>Non-Celebrity</td>
<td></td>
</tr>
<tr>
<td>Attractive</td>
<td>$101,667 ($101,124)</td>
<td>$88,543 ($96,495)</td>
<td></td>
</tr>
<tr>
<td>Unattractive</td>
<td>$89,000 ($94,698)</td>
<td>$100,167 ($89,910)</td>
<td></td>
</tr>
</tbody>
</table>

*Note: Standard deviations indicated in parentheses.*
Table 3. Average punitive damage awards as a function defendant attractiveness and estate owner's celebrity-status.

<table>
<thead>
<tr>
<th>Defendant</th>
<th>Estate Owner's Status</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Celebrity</td>
</tr>
<tr>
<td>Attractive</td>
<td>$63,067 ($82,420)</td>
</tr>
<tr>
<td>Unattractive</td>
<td>$59,133 ($87,779)</td>
</tr>
</tbody>
</table>

Note: Standard deviations indicated in parentheses.
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