



Georgia Southern University Digital Commons@Georgia Southern

University Honors Program Theses

2014

Anger in the Courtroom: The Effects of Attorney Gender and Emotion on Juror Perceptions

Christian B. May
Georgia Southern University

Follow this and additional works at: <https://digitalcommons.georgiasouthern.edu/honors-theses>

 Part of the [Cognition and Perception Commons](#), and the [Social Psychology Commons](#)

Recommended Citation

May, Christian B., "Anger in the Courtroom: The Effects of Attorney Gender and Emotion on Juror Perceptions" (2014). *University Honors Program Theses*. 29.
<https://digitalcommons.georgiasouthern.edu/honors-theses/29>

This thesis (open access) is brought to you for free and open access by Digital Commons@Georgia Southern. It has been accepted for inclusion in University Honors Program Theses by an authorized administrator of Digital Commons@Georgia Southern. For more information, please contact digitalcommons@georgiasouthern.edu.

ANGER IN THE COURTROOM

Anger in the Courtroom:

The Effects of Attorney Gender and Emotion on Juror Perceptions

An Honors Thesis submitted in partial fulfillment of the requirements for Honors in

Psychology

By

Christian B. May

Under the mentorship of *Dr. Amy Hackney*

ABSTRACT

This study sought to examine the effects of gender stereotypes of emotional expression on jurors' perceptions of an attorney's competence. Participants watched a video of a closing statement of a male or female attorney expressing either anger or neutral emotions and were asked to give a verdict and rate the attorney's competence. Participants rated an angry male attorney highest in competence and an angry female attorney lowest in competence. Results also showed that participants who viewed a male attorney were more likely to attribute the attorney's emotions to the situation compared to participants who viewed a female attorney. The implications of this study for attorney strategies are discussed.

Thesis Mentor: _____
Dr. Amy Hackney

Honors Director: _____
Dr. Steven Engel

April 2014
Psychology Department
University Honors Program
Georgia Southern University

ANGER IN THE COURTROOM

Anger in the Courtroom:

The Effects of Attorney Gender and Emotion on Juror Perceptions

Emotions have long been part of trial proceedings. Though the law itself is intentionally devoid of emotionality, emotions are a vital part of both criminal and civil trials. Attorneys use precious preemptory challenges to select jurors sympathetic to their respective sides during *voir dire*, and during the trial, they use emotions to try to arouse empathy from the jury for their case. While most attorneys at some point intentionally convey specific emotions to try to win over the jury, it is possible that the emotions they attempt to use to their advantage could unintentionally be harmful to their cases.

Because of the historical stereotype that portrays men as aggressive and women as passive, gender is an interesting factor to compare to emotionality in the current study. Gender is especially apt as there is little research concerning gender differences in a courtroom setting. Despite large leaps in recent decades, law is still predominately a “man’s world.” The most recent census by the American Bar Association reported 73% of attorneys were male in the year 2000 (American Bar Association, 2009). This ratio of almost three to one is indisputably skewed, though much less skewed than that two decades before when only 8% of attorneys were female. Because of the great increase of female attorneys in the past few decades, the examination of the differences between juries’ perceptions of male and female attorneys is a relatively new field of study, with little research having been conducted. Therefore, it is the attempt of this study to examine the effects of attorney gender and emotionality on perceived competence by jurors.

ANGER IN THE COURTROOM

Gender in the Courtroom

Though there is little research on gender bias of attorneys from jurors, there is some literature concerning gender bias in other aspects of a trial. One study examined the gender of an expert witness and its effect on jury verdicts (Couch & Sigler, 2002). In this study, participants were given a civil trial summary involving a woman injured in an automobile accident and filing suit against the automobile manufacturer, claiming that a faulty part led to her injuries. In the trial summary, there was testimony from an expert witness confirming the plaintiff's claim that a faulty part was to blame. In one condition the expert witness was a man, and in the other, the witness was a woman. In pre-deliberation verdicts, the gender of the expert witness did not affect the verdict itself, but it did affect the compensatory and punitive damages award to the plaintiff. Participants who read testimony from a female expert witness awarded a significantly higher reward to the plaintiff than did participants who read testimony from a male expert. However, this effect was not found in the full jury verdict. In relation to the current study, this evidence shows that, at least on an individual level, expert gender can bias the perception of information. The female expert witness led jurors to award higher damages than the male expert witness.

Riger, Foster-Fishman, Nelson-Kuna, and Curran (1995) examined both judges' and attorneys' perceptions of gender bias in the courtroom. They collected responses from a mailed survey conducted by the American Bar Foundation for the Illinois Task Force on Gender Bias in the Courts. This survey asked questions about perceived inequality in the courtroom, attitudes toward gender bias, and demographic information. Both judges and attorneys in the state of Illinois were surveyed, with 351 usable surveys

ANGER IN THE COURTROOM

(out of 819, a response rate of 43%) returned from judges and 913 usable surveys (out of 3,000, a response rate of 30%) returned from attorneys. The response rates were comparable to surveys sent out by the American Bar Association. On examination of the part of the survey that dealt with attitudes toward gender bias, there seems to be an acknowledgment from all responding law professionals whether they were male or female, judge or attorney, that a gender bias does exist in courtroom dynamics, though attorneys were more likely to admit a bias than were judges. Male attorneys tended to perceive their female counterparts as less competent. Male judges also perceived female attorneys as less competent than male attorneys. Male attorneys and judges (though more so in attorneys), also perceived that female attorneys used the perception of a gender bias as a tactic to discredit the other attorney. A comment by a judge who participated in this study reflects this sentiment, "In my experience, female counsel are (sic) not above taking advantage of their gender if the opportunity arises, especially before a jury" (p. 471).

Riger et al. concluded that many male law professionals believe that female attorneys intentionally use their gender as a courtroom tactic to win cases. For example, male attorneys reported that women use stereotypically feminine emotions (such as sadness) to elicit sympathy from the jury, or try to convince the jury that the opposing attorney was biased against her because of her gender. It is possible that these perceived gender biases carry over to juries. Subtle differences in the way a judge treats a female attorney compared to a male attorney could possibly also cause the jury members to become biased against a female attorney compared to a male attorney.

ANGER IN THE COURTROOM

More recently, Elliot (2011) studied the relationship between juror and attorney gender and the use of emotionally charged words in a closing statement. Participants were randomly assigned to read one of four closing statements of prosecutors concerning a person charged with looting after an earthquake. Both the prosecutor's gender and the neutrality (whether there were emotionally charged words or not) of the closing statement were the independent variables. Participants answered a questionnaire concerning the defendant's guilt, sentence, and impact the closing statement had on the verdict. Elliot found that though there was no significant interaction between attorney gender, juror gender, and type of closing statement on guilt ratings or level of punishment, there was a significant effect of attorney gender on guilt ratings. Participants who read about male attorneys found the defendant to be more guilty than did participants who read about a female attorney, though this effect was not found concerning the proposed punishment. Additionally, participants perceived the emotional closing statement as more convincing and of higher quality than the neutral closing statement. Participants rated the competence of the male attorney higher than the competence of the female attorney, independent of whether the attorney used emotionally charged words. For the current study, this perception of competence will be examined, though with the attorneys expressing a strong emotion instead of simply using emotionally charged words, perhaps eliciting a stronger response from the jury in the emotional conditions as they relate to the attorney's gender.

Anger and its Effects on Perception

According to many studies, anger is the emotion most experienced by humans (Averill, 1982; Fischhoff, Gonzalez, Lerner, & Small, 2005; Lerner, Gonzalez, Small, &

ANGER IN THE COURTROOM

Fischhoff, 2003), which makes it ideal for use in the current study. Additionally, DeSteno et al. (2004) found that angry appeals are more persuasive than appeals using sadness. Because the current study focuses on an attorney's perceived competence, it follows that an emotion shown to have persuasive effects should be used.

Anger has been found to have many interesting effects, especially when it comes to making judgments and decision-making. Lerner and Teidens (2006) conducted a meta-analysis on the effects of anger on judgments and decision-making. Within this analysis, they examined the "Anger Superiority Effect" described by Hansen and Hansen (1988), which is the tendency of people to pay more attention to an angry face than a neutral face. In relation to the current study, this might mean that jurors may pay more attention to (and therefore possibly perceive as more competent) an attorney who is angry than one who has neutral emotionality. The meta-analysis also examined the Appraisal-Tendency Framework proposed by Lerner and Keltner (2000; 2001). This ATF assumes that different emotions have different central cognitive dimensions at their core. For example, anger is associated with the sense that the self has been offended or injured. Therefore, using this central cognitive dimension as the "theme" of anger, the ATF can be used to predict how anger affects judgment and decision-making. Anger has been associated with both actual confidence in oneself about the event in question (i.e., an angry person is more confident that his or her perceptions about something are correct) and perceived confidence in oneself from others (i.e., other people perceive an angry person as confident in him or herself). This element is of particular interest to the current study as confidence is important when dealing with convincing a jury to side with an attorney's side. If anger increases the confidence of knowing how an event took place,

ANGER IN THE COURTROOM

and others perceive that anger as confidence, a jury might possibly be more inclined to believe one's side than if the attorney had not conveyed anger.

Anger in Relation to Gender

Historically, stereotypes are associated with the expression of certain emotions and one's gender. Females are perceived as more passive, and males are perceived as more aggressive. Men seem to be given somewhat of a "free pass" when it comes to expressing anger or aggression, while women are seemingly punished for this same display of anger.

Though there is little research on this subject in a legal setting, there is some literature on this topic in a business setting. One such study by Brescoll and Uhlmann (2008) examined the effect of gender and emotional expression on status conferral in the workplace. In the first of a three part study, participants watched a videotaped job interview with either a male or female applicant expressing either anger or sadness. The participants then answered questions concerning the status they would give the applicant in the job, the salary the applicant deserved to get paid, the competence of the applicant, and whether the participant thought that the emotional expression was caused by internal attributions (i.e., they acted that way because of their personality) or external attributions (i.e., they acted that way because of the situation). The results showed that the angry male applicant was given a higher status than the sad male applicant. The angry male applicant also was conferred with a higher status than the angry female applicant. Comparing the female conditions, the angry female applicant was given less status than the sad female applicant. These results were replicated with the salary participants felt the applicant deserved. The angry male applicant was given the highest salary, followed

ANGER IN THE COURTROOM

by the sad male applicant and the sad female applicant. The angry female applicant was awarded the lowest salary.

The status conferral results were also closely mirrored by the competence ratings. The angry male applicant was seen as the most competent, followed by the sad male applicant. Again the angry female applicant was seen as the least competent, though there was no significant difference between the competence ratings of the angry female applicant and the sad female applicant. It was also found that when the female applicant expressed anger, the anger was more likely to be attributed as an internal characteristic of the female's disposition. Conversely, when the male applicant expressed anger, the anger was attributed as an external characteristic of the male's situation.

The second study by Brescoll and Uhlmann (2008) replicated the first study's experiment with a few modifications. Primarily, the sadness condition was replaced with a no-emotion condition to serve as a more emotionally neutral control. Additionally, the occupational rank of the applicants was divided into a high rank (a CEO) and a low rank (assistant trainee) condition, as it was hypothesized that because women, on average, have a lower status than men, then participants ranked women with lower status, and it may be considered presumptuous for a person of lower status to express a "high-ranking" emotion such as anger in an interview setting. Additional measures of internal attributions were also added in order to examine if participants did view a woman's anger as more internally driven, causing her to be seen as "out of control."

Results showed that a female expressing anger was given a lower status regardless of occupational status, while the only main effect found in status conferral for males was occupational rank. This effect was mirrored in suggested salary. It was found that

ANGER IN THE COURTROOM

participants were willing to give an unemotional female a higher salary than one who expressed anger regardless of her original occupational rank. Conversely, it was found that participants were willing to give a male CEO a higher salary than a male assistant trainee regardless of emotional expression. Concerning the participants' views of competence of the applicants, the results of the first study were paralleled as males were seen as more competent than females. However, high-ranking females who expressed anger were given significantly lower competence ratings than all other conditions. Also, it was found that angry female applicants were perceived as more out of control than any other condition.

The third study by Brescoll and Uhlmann (2008) examined the hypothesis that the bias against a woman expressing anger might be mediated by the woman giving an explanation for the cause of the anger. This would, in theory, cause the participant to view the female applicant's anger as externally based instead of internally based. The results for status conferral seemed to confirm this hypothesis. The female applicant who expressed anger but gave a reason for it was given a significantly higher status than the angry female applicant who did not provide a reason. However, the female applicant with external justification for her anger was still not given as high a status as the unemotional female applicant. The suggested salaries mirrored the status conferral. Also, though there was a slight boost in perceived competence for the externally justified angry female applicant, it was not statistically significant.

In relation to the current study, the studies by Brescoll and Uhlmann (2008) raise several interesting themes. Foremost, females are seen as having less status and lower competence than males regardless of initial status. Secondly, this effect is compounded

ANGER IN THE COURTROOM

by the presence of anger. Angry males are given higher status and perceived as more competent at the same time as females are given lower status and perceived as less competent for expressing the same anger. Even when the angry female has a high status to begin with, she is still seemingly punished for her emotional display. In fact, an angry female who expresses anger seems to be punished more severely for her emotions, as she was deemed less competent than all her counterparts. Though there is somewhat of a mitigating factor- having a reason or justification for the anger- the female applicant who expressed a “justified” anger still was perceived as less competent and deserving of less status than an unemotional female applicant. Therefore, it is possible that even if a juror agrees that a defendant is guilty and should be punished, a female prosecutor could still be seen as less competent due to her emotional expression. Additionally, a juror may be less likely to view the defendant as guilty if the prosecutor is female, because the juror does not see the female attorney as competent. This perception could possibly cause the juror to distrust any evidence presented by the female prosecutor.

Both judges and attorneys of both genders agree that there is a gender bias in courtroom dynamics (Riger, Foster-Fishman, Nelson-Kuna, & Curran, 1995). However, there has been little research examining how this gender bias affects the perceptions of jurors. It is the attempt of this study to examine these perceptions. In a business setting, emotion (specifically anger) has been found to lower or raise perceptions of competence in relation to gender (Brescoll & Uhlmann, 2008). Angry females are seen as less competent than emotionally neutral females, even if the angry female was justified in her anger. The opposite effect was found for males, as angry males were seen as more

ANGER IN THE COURTROOM

competent than their emotionally neutral counterparts. The current study is the first to examine whether these gendered effects of anger also occur in a legal setting.

Hypotheses

For the current study, it was hypothesized that these effects will carry over into the courtroom. Because Brescoll and Uhlmann (2008) found that female applicants were seen as less competent than male applicants, it was predicted that a female attorney would be seen as less competent than her male counterpart. Because Brescoll and Uhlmann (2008) found that angry female applicants were seen as less competent than emotionally neutral female applicants and angry male applicants were seen as more competent than emotionally neutral male applicants, it was also hypothesized that this effect would be strengthened by the presence of anger- that is, a female attorney would be perceived as less competent if she expressed anger compared to a female attorney who expressed no emotion and a male attorney would be perceived as more competent if he expressed anger than a male attorney who expressed no emotion. Additionally, because Brescoll and Uhlmann (2008) found that a female's anger is generally seen as internally based and a male's anger is seen as externally based, it was hypothesized that a female attorney's anger would be attributed to her disposition, and a male attorney's anger would be attributed to his situation.

Method

Participants

One hundred seventy undergraduates from a southeastern university participated in this experiment as partial completion of a course requirement or to obtain extra credit. The majority of participants were Black (22.4%) and White (67.6), with 10% of

ANGER IN THE COURTROOM

participants responding as being another race. Fifty-three and one half percent of the participants were female and 46.5% of the participants were male. The age of the participants ranged from 18 to 40 years old, with the average age being 19.98 years old ($SD = 3.02$).

Design

The experiment involved a 2 (Attorney Gender: Male vs. Female) x 2 (Attorney Emotion: Anger vs. Neutral) between-subjects design. The attorney's emotion was manipulated by inflection, body language, and tone of voice. Participants were randomly assigned to one of the four conditions (Angry Male, Neutral Male, Angry Female, or Neutral Female).

Stimuli

Participants read a trial summary concerning a civil case adapted from Hans and Ermann (1989). In this case, a corporation was sued by five of its workers for an injury they received while working for the corporation. The corporation agreed to pay for the workers' medical bills but did not agree to pay for the workers' pain and suffering (see Appendix A for entire trial summary). Participants then watched one of eight videos. In the videos, an actor (one of two men and two women) portraying an attorney delivered his or her closing statement to the general direction of the camera (the camera was placed about where a jury would sit). The videos were filmed in a room that looked similar to a courtroom. Each of the four actors recorded an angry closing statement and an emotionally neutral closing statement, for a total of eight different videos. The content of the closing statement was constructed for the purposes of this experiment. The structure was modeled from a law school's guidelines for effective closing statements. The angry

ANGER IN THE COURTROOM

closing statement and the emotionally neutral closing statement were identically worded. They concerned the permanent lung damage the corporation allegedly did to the plaintiffs and the prosecutor's insistence that the plaintiffs receive as much compensation as possible. The videos were pretested by a separate sample of 118 participants to ensure that the actors within each condition were not seen as significantly different in anger or calmness (the neutral condition), and that the actors were not seen as significantly different in attractiveness, likeability, and clarity.

Measures

Participants completed dependent measures in the order listed in this section and then completed a demographics survey (for the full questionnaire, see Appendix B).

Verdict. The participants answered whether they felt that the corporation being sued was guilty or not guilty.

Compensation. If the participants found the corporation guilty, they were asked how much compensation they felt the workers' deserved. The participants were reminded of how much the corporation was willing to pay and how much the plaintiffs were asking for, but were told that a jury can reward more compensation than was asked.

Competence. Following Brescoll and Uhlmann (2008), participants rated the attorney they watched on the trait dimensions of competent-incompetent (e.g., How competent would you rate the plaintiff's attorney?) and knowledgeable-ignorant (e.g., How knowledgeable would you rate the plaintiff's attorney?). These questions were answered on an 11-point scale (with one being Not Competent/Ignorant and 11 being Very Competent/Very Knowledgeable). For Brescoll and Uhlmann (2008), $\alpha = .79$. For

ANGER IN THE COURTROOM

analysis, a composite score was created by averaging the ratings of these items. For the current study, $\alpha = .83$.

Attributions. This study used similar questions as the ones created by Brescoll and Uhlmann (2008) to assess the internal and external attributions of the attorneys (the questions were adjusted to fit a legal setting). Two questions dealt with internal attribution (e.g., “the attorney’s emotions were due to his/her personality” and “the attorney is an angry person”) and two questions dealt with external attribution (e.g., “the attorney’s emotions were because of the situation with his/her client” and “Jones Corp’s actions caused the emotions he/she expressed). These questions were also answered on an 11-point scale (with 1 being Completely Disagree and 11 being Completely Agree). For Brescoll and Uhlmann (2008), $\alpha = .72$. For the current study, two separate composite scores were created: one for internal attributions and one for external attributions. The scores of the respective questions were averaged to create the composites. For the external attribution score, $\alpha = .70$. For the internal attribution score, $\alpha = .48$. However, the average inter-item correlation of the internal attribution score was .32, which falls within the acceptable range.

Manipulation Check. A manipulation check was used to ensure that there was a significant difference in the anger ratings of the angry condition and the emotionally neutral condition. Participants were asked to rate the attorney on five emotions (anger, calmness, contempt, disgust, and happiness) on a scale of one to five (with one being disagree and five being agree). The primary manipulation check was the question concerning anger. However, the other emotions were examined to determine if they were required to be controlled during hypothesis testing.

ANGER IN THE COURTROOM

Procedure

Participants completed the experiment online through Qualtrics. They first read the informed consent statement and, if they agreed to the terms, continued to the experiment. Participants then read the trial summary and watched one of the closing arguments videos. After they watched the video, participants responded to the questionnaire items and the demographics survey. They were reminded of their anonymity throughout the process.

Results

Preliminary Analyses

Concerning the emotion manipulation check, a significant difference between the two conditions was found. Participants in the angry condition rated the attorneys as more angry ($M = 3.55$, $SD = .76$) than participants in the emotionally neutral condition ($M = 3.15$, $SD = 1.12$), $t(168) = 2.72$, $p = .01$. A univariate ANOVA was used to determine if the attorneys' anger levels differed by gender (i.e., participants viewed one gender as more angry than the other). There was no significant difference found, $F(1, 166) = 2.57$, $p = .11$. For the other emotions, only disgust was seen as significantly different, $F(1, 166) = 7.12$, $p = .01$. Follow-up testing found that the emotionally neutral female attorney ($M = 2.86$, $SD = 1.00$) was seen as significantly less disgusted than the angry female ($M = 3.50$, $SD = .77$), angry male ($M = 3.48$, $SD = .85$), and the emotionally neutral male ($M = 3.54$, $SD = .84$), $F(3, 166) = 5.97$, $p = .001$.

Hypothesis Testing

It was predicted that a female attorney would be seen as less competent than a male attorney. It was also predicted that a female attorney would be perceived as less

ANGER IN THE COURTROOM

competent if she expressed anger compared to a female attorney who expressed no emotion and a male attorney would be perceived as more competent if he expressed anger than a male attorney who expressed no emotion. Finally, it was hypothesized that a female attorney's anger would be attributed to her disposition (i.e., internal attribution), and a male attorney's anger would be attributed to his situation (i.e., external attribution).

To test the first hypothesis, an ANOVA was conducted to assess whether attorney gender affected perceptions of competence. Results showed that overall, participants perceived the male attorney ($M = 7.58$, $SD = .19$) and the female attorney ($M = 7.47$; $SD = .20$) similarly in competence, $F(1, 162) = .16$, $p = .69$, $\eta_{\text{par}}^2 = .001$. Therefore, this hypothesis was not supported.

To test the second hypothesis, a 2 (Attorney Gender: Male vs. Female) x 2 (Attorney Emotion: Anger vs. Neutral) factorial ANOVA was conducted to assess whether males were seen as more competent for displaying anger and females were seen as less competent for displaying anger. Results showed no significant interaction between an attorney's gender and the emotion he or she expressed on competence $F(1, 166) = 1.11$, $p = .30$, $\eta_{\text{par}}^2 = .01$.

To test the third hypothesis, a series of 2 (Attorney Gender: Male vs. Female) x 2 (Attorney Emotion: Anger vs. Neutral) factorial ANOVAs was conducted to determine whether attorney gender affected attributions (internal, external) of the emotion displayed. Results showed no significant interaction between an attorney's gender and the emotion he or she expressed on internal attributions $F(1, 166) = 1.78$, $p = .18$, $\eta_{\text{par}}^2 = .01$. The results showed a significant main effect of attorney gender. Participants rated male attorneys' emotions ($M = 6.81$, $SD = 1.98$) as more attributable to external

ANGER IN THE COURTROOM

circumstances than female attorneys' emotions ($M = 6.15$, $SD = 2.17$), $F(1, 166) = 4.47$, $p = .04$, $\eta_{\text{par}}^2 = .03$.

Secondary Analyses

After data collection, we reasoned that participant race might influence the perceptions of the attorneys. All of the actors in the videos were White, but the majority of the participants were White and Black. Past research supports that juror race is an influential factor in juror decision making (e.g., Bucolo & Cohn, 2010; Cohn, Bucolo, Pride, & Sommers, 2009; Sommers, 2007). We therefore tested the impact of participant race on dependent variables by conducting a series of 2 (Attorney Gender: male vs. female) x 2 (Attorney emotion: angry vs. neutral) x 2 (Participant race: White vs. Black) between-subjects ANOVAS.

Adding participant race to the model yielded a significant interaction between attorney gender and attorney emotion on competence, $F(1, 145) = 4.10$, $p = .04$. Follow-up simple effects testing showed that in the angry condition, as hypothesized, participants perceived male attorneys ($M = 7.92$, $SD = 1.80$) as more competent than the female attorneys ($M = 7.03$, $SD = 1.96$), $p = .04$, $\eta_{\text{par}}^2 = .05$. This difference in perceived competence was not present for participants who viewed the emotionally neutral attorneys, $p = .98$.

Adding participant race to the model also yielded a significant interaction between attorney gender and attorney emotion on compensation, $F(1, 138) = 4.08$, $p = .04$, $\eta_{\text{par}}^2 = .03$. Simple effects testing showed that in the angry condition, participants who viewed a male attorney ($M = 314,722.22$, $SD = 210,746.78$) perceived the complainant as deserving of less compensation than did participants who viewed a female

ANGER IN THE COURTROOM

attorney ($M = 387,648.65$, $SD = 144,774.96$), $F(1, 69) = 3.01$, $p = .09$, $\eta_{\text{par}}^2 = .04$.

Although this test did not reach conventional levels of statistical significance, this test was underpowered. All other simple effects comparisons were nonsignificant, all p 's $> .24$.

When looking at correlations between the dependent variables, several interesting results were found. Competence was positively correlated with external attributions, $r(168) = .40$, $p < .001$, and negatively correlated with internal attributions, $r(168) = -.20$, $p = .01$. The participant's rating of the attorney's anger was positively correlated with both internal attributions, $r(168) = .45$, $p < .001$, and external attributions, $r(168) = .20$, $p = .009$.

Discussion

This study hypothesized that a female attorney would be seen as less competent than her male counterpart. It was also predicted that a female attorney would be perceived as less competent if she expressed anger compared to a female attorney who expressed no emotion and a male attorney would be perceived as more competent if he expressed anger than a male attorney who expressed no emotion. Finally, it was hypothesized that a female attorney's anger would be attributed to her disposition (i.e., internal attribution), and a male attorney's anger would be attributed to his situation (i.e., external attribution).

When participant race was added to the statistical model, we found that as hypothesized, participants rated the angry male attorney as the most competent and the angry female attorney as the least competent. There were no differences in perceived competence when the attorneys were emotionally neutral. This result mirrors the findings

ANGER IN THE COURTROOM

of Brescoll and Uhlmann (2008). The congruence of the findings of these two studies suggests that anger is perceived differently based on the gender of the person who is expressing that anger. This effect could be driven by existing gender stereotypes, specifically the stereotype that men are overall less emotional than women, and therefore have a legitimate reason when they do express emotion.

Adding participant race to the statistical model also allowed us to find that participants who viewed an angry male attorney saw the complainant as deserving of less compensation than those who viewed an angry female attorney. This was not the effect that was expected. It's possible that this effect could possibly be traced back to another common gender stereotype. This stereotype is that women are traditionally rewarded higher settlements in civil cases than males in similar cases. Regardless of whether this stereotype is true, participants following it could be likely to reward the higher compensation to the plaintiff of the female attorney in the absence of the gender of the plaintiffs explicitly defined.

These results, however, should be interpreted with some caution. Although it did not reach statistical significance, there was a trending three-way interaction between attorney gender, attorney emotion, and participant race. An examination of the means revealed that the effects of attorney gender and emotion may have been stronger for Black participants than White participants. The three-way interaction was underpowered, and future research will need to be conducted with an adequate sample size. Past research does support that juror race can be an important component of jury decision making (Sommers & Ellsworth, 2000) and needs to be further tested (Sommers, 2007).

ANGER IN THE COURTROOM

We also found that the emotions of male attorneys were more attributed to external reasons than were the emotions of female attorneys. This could be because men are seen as less emotional than women. Therefore, when they are seen expressing emotion, a person who believes in or is influenced by this stereotype would assume that there is a reason why he is expressing that emotion.

Limitations

There are some limitations to the result of this study. In addition to having a sample size that was not large enough, there was a lot of variability in the anger ratings of the attorneys. Ideally, this study would have a large mean difference between the anger ratings of the emotionally neutral attorneys and the angry attorneys, not simply a statistically significant one. However, though the mean anger rating differences were statistically significant, they were not as expected. This result can possibly be traced back to the direction given to the actors portraying the attorneys. The actors were told to either express anger or to not express any emotion. There are two problems with this direction. First, the actors were only told to express anger, not to express only anger and try to express no other emotion except anger. It is a subtle difference, but when participants are focusing on the attorney's emotions, it is an important one. This can be seen by the relatively high ratings of perceived disgust and other emotions in the angry conditions. Secondly, the neutral conditions were not as emotionally neutral as hoped. Though there was no statistically significant perceived emotion in the neutral conditions, the presence of non-significant emotions meant that the neutral conditions were not completely emotionally neutral. Another limitation is the actual actors used to portray the attorneys for the experiment. They were not professional actors and it was therefore

ANGER IN THE COURTROOM

more difficult for them to display either a singular emotion without displaying a semblance of any other emotion (i.e., showing anger and only anger) or to display no emotion at all. Ideally, this study would have made use of professional actors and it would be suggested that future studies utilize professional actors to portray the attorneys in order to effectively manipulate the display of emotions.

As stated previously, the sample size was too small to fully explore the effects of participant race on the dependent variables. Also, because of the pool of undergraduates from which the participants were drawn, there is an unintended result. All the participants were similar in age, education level, and most likely SES. Participants also self-selected themselves for this study and past research has found that undergraduate samples can have psychology majors over-represented (Barlow & Cromer, 2006). Additionally, attorneys and judges criticize the use of undergraduate samples in mock jury studies and generally have not used these types of studies when addressing important legal questions (Lieberman, Krauss, & Wiener, 2011). Therefore, it is possible that the results of this study are not applicable to a community sample that would make up a jury pool.

Applications

One application can be taken from the finding that angry male attorneys are seen as more competent than all other conditions and angry female attorneys are seen as less competent than all other conditions. When forming strategies for an upcoming case, a male attorney should use anger as a tool to elicit a response from the jury. If the male attorney uses anger in his strategy, he is more likely to be seen more competent than if he was emotionally neutral. In a close case, this boost in perceived competence could result in the case being decided in his client's favor. However, a female attorney would be

ANGER IN THE COURTROOM

remiss if she pursued this same tactic. She would likely be seen as less competent than if she had remained emotionally neutral and her arguments could then be perceived as carrying less weight.

Additionally, an application can be taken from the result which found that male attorneys' anger is attributed more to external reasons than the anger of female attorneys. Male attorneys could use anger as a tool to elicit a positive response from the jury because the jury will likely perceive the attorney's anger as a response to the situation rather than because he has an angry personality. Such a response has the potential to sway jury members to that attorney's side.

Future Directions

Because not all of the hypotheses of this study were supported, there are many paths to take in regards to future directions. The most simple is a follow-up study that addresses many of the limitations of this study. In this follow-up study, professional actors should be used to have as much control over the emotions to be portrayed as possible. The follow-up study should also have a very large sample size in order to examine the effects of participant race on perceived competence.

A study by Livingston, Rosette, and Washington (2012) took the existing research supporting the idea that females with agentic behaviors (i.e., being dominant) were "punished" for not conforming to gender stereotypes (this idea is supported by the previously discussed study by Brescoll & Uhlmann, 2008) and added race as a variable. Participants in this study read about a leader in a Fortune 500 company meeting with a subordinate employee who had not met the company's expectations. The leader was dominant, communal, or compassionate in his or her approach to talking with the

ANGER IN THE COURTROOM

subordinate. The leader's race and gender were also manipulated. It was expected that Black men and White women would be seen as having less status within the company and their behavior would be seen as more internally-based if they portrayed dominance because they did not proscribe to the normative gender and race stereotypes. Black women were hypothesized to be doubly punished because they occupy two roles (i.e., female and black) that are incongruent with the stereotypical leadership in a major company. Surprisingly, results of this study found that the hypotheses concerning the Black female leader were not supported. Though both the Black male and the White female were given less status when they expressed dominance than when they expressed communalism as hypothesized, the Black female was not doubly punished as expected. Instead, there was no significant difference in the status given to the dominant Black female and the communal Black female, similar to the responses to the stereotypical white male leader. For future studies, it would be interesting to assess whether this effect carried over into the legal setting of this study. Additionally, if this effect is found in a legal setting, it would be interesting to examine how this effect interplays with the found effect of angry male attorneys being seen as more competent than angry female attorneys.

A separate future path can be created from examining a study by Miron-Spektor, Efrat-Treister, Rafaeli, and Schwarz-Cohen (2011). Their study assessed the hypothesis that simply observing anger in another person can impede problem-solving skills. Participants in this study listened to a prerecorded conversation between a customer (either angry or neutral) and a customer service representative. They were then asked to solve a set of creative problems and a set of analytical problems. Results found that observing anger hindered creative problem-solving and actually enhanced analytical

ANGER IN THE COURTROOM

problem solving skills. If this effect carried over into a legal setting, it could have interesting implications. With problem-solving abilities reduced or inhibited, it is easier for a juror to rely on gender stereotypes. In a legal setting, this reliance would mean that jurors would be more likely to see male attorneys more competent than female attorneys.

Because examining the differences between male and female attorneys is a relatively new field of study, this study provides the groundwork for future studies in a little explored area of research. In finding that angry male attorneys were seen as significantly more competent than angry female attorneys we discovered that the findings of Brescoll and Uhlmann (2008) are supported in a legal setting as well as the original business setting. We also found that the emotions of males are seen as being attributable more to the situation rather than their personality. Finally, we found that participant race is a more important variable in this area of research than originally thought. This study added to the knowledge base of psychological research, especially in the fields of social and legal psychology. This study has laid the foundation for examining the effects of gender emotion stereotypes in a legal setting.

ANGER IN THE COURTROOM

References

- American Bar Association Market Research Department (2009). Lawyer demographics. *The Lawyer Statistical Report*, 1985, 1994, 2004 Editions.
- Averill, J. R. (1982). *Anger and aggression: An essay on emotion*. New York: Springer-Verlag.
- Barlow, M. R., & Cromer, L. D. (2006). Trauma-relevant characteristics in a university human subjects pool population: Gender, major, betrayal and latency of participation. *Journal of Trauma and Dissociation*, 7, 59–75.
- Brescoll, V. L. & Uhlmann, E. L. (2008). Can an angry woman get ahead? Status conferral, gender, and expression of emotion in the workplace. *Psychological Science*, 19, 268-275.
- Bucolo, D. O., & Cohn, E. S. (2010). Playing the race card: Making race salient in defense opening and closing statements. *Legal and Criminological Psychology*, 15, 293-303.
- Cohn, E. S., Bucolo, D., Pride, M., & Sommers, S. R. (2009). Reducing white juror bias: The role of race salience and racial attitudes. *Journal of Applied Social Psychology*, 39, 1953-1973.
- Couch, J. V. & Sigler, J. N. (2002). Gender of an expert witness and the jury verdict. *The Psychological Record*, 52, 281-287.
- DeSteno, D., Petty, R. E., Rucker, D. D., Wegener, D. T., & Braverman, J. (2004b). Discrete emotions and persuasion: the role of emotion-induced expectancies. *Journal of Personality and Social Psychology*, 86, 43–56.

ANGER IN THE COURTROOM

- Elliot, C. (2011). Juries, sex, and emotional affect. *Law and Psychology Review*, 35, 37-59.
- Fischhoff, B., Gonzalez, R. M., Lerner, J. S., & Small, D. A. (2005). Evolving judgments of terror risks: foresight, hindsight, and emotion. *Journal of Experimental Psychology: Applied*, 11, 124–139.
- Hans, V. P. & Ermann, M. D. (1989). Responses to corporate versus individual wrongdoing. *Law and Human Behavior*, 13, 151-166.
- Hansen, C. H., & Hansen, R. D. (1988). Finding the face in the crowd: an anger superiority effect. *Journal of Personality and Social Psychology*, 54, 917–924.
- Lerner, J. S., Gonzalez, R. M., Small, D. A., & Fischhoff, B. (2003). Effects of fear and anger on perceived risks of terrorism: a national field experiment. *Psychological Science*, 14, 144–150.
- Lerner, J. S., & Keltner, D. (2000). Beyond valence: toward a model of emotion-specific influences on judgment and choice. *Cognition and Emotion*, 14, 473–493.
- Lerner, J. S., & Keltner, D. (2001). Fear, anger, and risk. *Journal of Personality and Social Psychology*, 81, 146–159.
- Lerner, J. S. & Tiedens, L. Z. (2006). Portrait of the angry decision-maker: How appraisal tendencies shape anger’s influence on cognition. *Journal of Behavioral Decision Making*, 19, 115-137.
- Lieberman, J. D., Krauss, D. A., & Wiener, R. L. (2011). Preface to “When does sample matter in juror decision-making research? Differences between college students and representative samples of jurors. *Behavioral Sciences and the Law*, 29, 325-327.

ANGER IN THE COURTROOM

- Livingston, R. W., Rosette, A. S., Washington, E. F. (2012). Can an agentic black woman get ahead? The impact of race and interpersonal dominance on perceptions of female leaders. *Psychological Science, 23*, 354-358.
- Miron-Spektor, E., Efrat-Treister, D., Rafaeli, A., & Schwarz-Cohen, O. (2011). Others' anger makes people work harder not smarter: The effect of observing anger and sarcasm on creative and analytic thinking. *Journal of Applied Psychology, 96*, 1065-1075.
- Riger, S., Foster-Fishman, P., Nelson-Kuna, J., & Curran, B. (1995). Gender bias in courtroom dynamics. *Law and Human Behavior, 19*, 465-480.
- Sommers, S. R. (2007). Race and the decision making of juries. *Legal and Criminological Psychology, 12*, 171-187.
- Sommers, S. R., & Ellsworth, P. C. (2000). Race in the courtroom: Perceptions of guilt and dispositional attributions. *Personality and Social Psychology Bulletin, 26*, 1367-1379.

ANGER IN THE COURTROOM

Appendix ATrial Summary

Jones Corp hired five workers to clear debris from a newly purchased lot. After two weeks on the job, four of the workers complained to Jones Corp that they felt a little lightheaded and dizzy while they were clearing the debris. Jones Corp told them to continue working but to notify him/it if they felt worse. By the third week, three of the workers began to have visible tremors and difficulty breathing. They were subsequently hospitalized for about two weeks with severe respiratory problems. Follow-up physical examinations of all five workers revealed some permanent lung damage, ranging from minor damage in two workers to moderate damage in the three who were hospitalized. City and federal inspectors analyzed the debris on the lot and discovered significant amounts of a highly toxic substance. Persons exposed to this substance often experienced dizziness and respiratory problems similar to those of Jones Corp's workers. As a result of the incident, the workers decided to sue Jones Corp in civil court to obtain compensation.

The five workers had sued Jones Corp for compensation for their hospital bills, their doctor bills, and their pain and suffering. The plaintiffs' attorney argued that Jones Corp should have foreseen that the lot might contain toxic waste and that it was reckless in failing to check the lot before hiring the workers. Jones Corp also should have checked out the workers' complaints before sending them back to work. Therefore, they argued that Jones Corp was liable for the workers' hospital and doctor bills totaling \$80,000. Furthermore, the lawyers argued that Jones Corp should also compensate the workers for

ANGER IN THE COURTROOM

their pain and suffering. They said that the three workers were hospitalized and who had the most severe lung damage should receive \$100,000 each, and that the two workers who had minor lung damage should receive \$30,000 each. Thus, they asked Jones Corp to pay \$80,000 in medical expenses and \$360,000 for pain and suffering, for a total of \$440,000.

The attorney for Jones Corp said his client would pay the hospital bills of the three workers, which amounted to \$40,000, but he disputed the other medical claims and said that Jones Corp should not be required to pay them. Jones Corp also disputed that the workers' lung damage was entirely the result of exposure to the toxic waste, pointing out that the three workers who had the most severe reactions were all cigarette smokers.

ANGER IN THE COURTROOM

Appendix BSection I

1. The verdict you would give the defendant (Jones Corp) is:

Guilty

Not Guilty

2. If guilty, how much should the defendant have to pay the plaintiffs (total amount)?

3. On a scale from 1 to 7, with 1 being Not Competent and 7 being Very Competent, how competent would you rate the plaintiff's attorney?

4. On a scale from 1 to 7, with 1 being Disagree and 7 being Agree, how much do you agree with the following statement?

The attorney acted the way they did because of who they are.

5. On a scale from 1 to 7, with 1 being Disagree and 7 being Agree, how much do you agree with the following statement?

The attorney acted the way they did because of the situation.

Section II (All emotions in this section had the responses Disagree, Somewhat Disagree, Neither Agree nor Disagree, Somewhat Agree, and Agree)

The attorney in the video was:

- 1) Angry
- 2) Calm
- 3) Contemptuous
- 4) Disgusted
- 5) Happy

Section III

ANGER IN THE COURTROOM

Instructions: Please fill out the following information.

Gender: _____ female _____ male

Age: _____

Race/Ethnicity: _____ African American (Black) _____ European American
(White)

_____ Latino(a) _____ Asian American

_____ Native American

_____ Other (write-in)