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Celebrities in the Courtroom: Legal Responses, Psychological Theory and Empirical Research

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Celebrities in the Courtroom: Legal Responses, Psychological Theory and Empirical Research

Jared Chamberlain, Monica K. Miller,** and Alayna Jehle****

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The wealth of magazines that specialize in reporting gossip about celebrities demonstrates the public's fascination with those who have achieved fame and fortune. Even the mainstream news recognizes that stories concerning celebrities are likely to attract customers. Reporting celebrities' brushes with the law seems to be particularly appealing to the public, and it seems that hardly a day passes without the news reporting a celebrity's arrest. While it is unknown whether these celebrity defendants are actually guilty of these crimes, there seems to be an assumption of guilt within the public when the celebrity is acquitted.

Many believe that celebrities who are accused of crimes are more likely to be acquitted or receive lighter sentences than non-celebrity citizens.¹ While it is possible that this belief is a myth, there is some truth to this idea. Perhaps jurors are unable to imagine that someone who is famous (and possibly admired by the juror) could be guilty of a crime, or perhaps jurors hesitate to punish someone who is so popular. Furthermore, some celebrities get increased sympathy and support from the public, as some people might believe that the accused celebrity is being "framed" by the "victim," who is trying to make money and get attention. For instance, some people believe that the accuser in the Kobe Bryant trial was more interested in making money than attaining justice.²

It is also possible, however, that some celebrities may actually receive less favorable treatment than non-celebrity defendants due to their status. Public reactions to celebrities who are accused of crimes demonstrate this point. The criminal trials of Michael Jackson and Martha Stewart are prime examples of recently accused celebrities

1. QuickVote, *Are Celebrity Defendants Helped or Hurt by Their Fame?*, CNN.COM, Sept. 21, 2004, available at <http://www.cnn.com/POLLSERVER/results/12278.content.html>.

2. Julie Hilden, *Celebrity Justice: Famous, Wealthy Criminal Defendants can Hire High-Priced Lawyers, but do they also Face Disadvantages?*, FINDLAW: LEGAL NEWS AND COMMENTARY, Aug. 27, 2004, <http://writ.news.findlaw.com/hilden/20040827.html>.

who faced public hostility.³ These instances suggest that celebrities do not always receive favorable treatment in the legal system.

This article sets out to answer a basic question about celebrities in the legal system: does celebrity status influence the outcome of a trial? Part I focuses on the legal aspects surrounding the treatment of celebrities in the courtroom. For example, there is some evidence that celebrities receive preferential treatment in court, while there is other evidence that celebrities are held to higher standards than non-celebrities. Part II examines psychological theories suggesting that status and authority influence jurors' decision-making processes. In Part III, a review of relevant past psychological research provides an empirical basis to make conclusions about celebrity influence in the courtroom. Although there may be vivid accounts of celebrities being treated preferentially in the courts, the current experimental study demonstrates that celebrity defendants do not get differential treatment from non-celebrity defendants. As a result of this research, the article concludes that the legal system does not need to implement extreme legal measures (e.g., establishing special courts to protect celebrity defendants' rights) that are designed to abate the alleged presence of celebrity influence in the court.

I. TREATMENT OF CELEBRITIES IN THE COURTS

The American court system embraces the idea that defendants are entitled to the same treatment as any other individuals, regardless of race, ethnicity, gender or status. In theory, the criminal justice system provides defendants, including celebrity defendants, a fair and unbiased trial. Although the system strives to ensure a fair trial, extra-legal factors (e.g., race, status, etc.) inevitably bias judges' and jurors' decisions, consequently disrupting the outcome of the case.⁴ Celebrity status is one extra-legal factor that has been cited as a potentially unfair influence in several cases.⁵ Cases involving

3. Jane Gross, *Sympathizer or Gloater, They Agree it was All About Her*, N.Y. TIMES, Mar. 6, at C1; Mary Carole McCauley, *Can Tarnished Star Shine Once More?*, BALT. SUN, June 14, 2005, at 10A.

4. David Gray & Richard Ashmore, *Biasing Influence of Defendant' Characteristics on Simulated Sentencing*, 38 PSYCHOL. REP. 727 (1976); Michael Ross, *Is the Death Penalty Racist?*, 21 HUM. RTS. 32 (1994); see generally Hilden, *supra* note 2; Laurie Robinson, Note, *Professional Athletes—Held to a Higher Standard and Above the Law: A Comment on High-Profile Criminal Defendants and the Need for States to Establish High-Profile Courts*, 73 IND. L.J. 1313 (1998); Ernie Thomson, *Discrimination and the Death Penalty in Arizona*, 22 CRIM. JUST. REV. 65 (1997).

5. See generally Laurie Levenson, *Cases of the Century*, 33 LOY. L.A. L. REV. 585 (2000).

celebrity defendants have demonstrated that celebrity status can be either positive or negative, as described in Part I(A) and Part I(B).⁶ To combat such celebrity influences in the courtroom, some courts have adopted the measures listed in Part I(C) to help protect the rights of defendants.

A. Evidence Suggesting Celebrities Receive Preferential Treatment in the Courts

For decades, critics of juries have suggested that jurors are influenced by factors outside the law;⁷ one such case involved “Fatty” Arbuckle, a prominent actor in the 1920’s.⁸ In 1921, Arbuckle was charged with the manslaughter of a young film actress, Virginia Rappe. In spite of convincing evidence against him, Arbuckle was acquitted of the crime, prompting critics to believe his celebrity status influenced the outcome of the trial.⁹ More contemporary cases involving celebrities (e.g., O.J. Simpson) have prompted similar speculation that high-status provides celebrities an unfair advantage in the courtroom.¹⁰ Over the years, celebrity trials have fueled the debate over whether celebrities do in fact receive preferential treatment because of their high status.¹¹

Although there has been much speculation and debate over the extent of celebrity influence in the courtroom, it is difficult to dispute that celebrity trials are different from non-celebrity trials in important ways. Celebrity trials are extraordinary because they naturally attract more media attention than non-celebrity trials.¹² Because of the added attention, celebrity defendants often need, and sometimes receive, extra protection of their rights like special jury instructions, sequestrations, and postponement, whereas non-celebrities do not tend to receive these special benefits.¹³ Celebrities also differ because

6. See generally Geoffrey Miller, *Bad Judges*, 83 TEX. L. REV. 431 (2004); Megan Reidy, *The Impact of Media Coverage on Rape Shield Laws in High-Profile Cases: Is the Victim Receiving a “Fair Trial”?*, 54 CATH. U. L. REV. 297 (2004).

7. Levenson, *supra* note 5, at 606.

8. See *id.*, at 606 (discussing the trial of “Fatty” Arbuckle).

9. *Id.*

10. Robinson, *supra* note 4, at 1332.

11. Catherine Stehlin, *Is Open Voir Dire “A Good Thing”?* ABC, Inc. v. Martha Stewart: *The Second Circuit’s Interpretation of First Amendment Rights During Jury Selection in High-Profile Celebrity Trials*, 12 VILL. SPORTS & ENT. L.J. 298, 298 (2005).

12. *Id.*

13. *Id.* at 304.

they tend to have access to better lawyers and can utilize the media to their advantage.¹⁴

Popular public belief suggests that celebrity defendants receive preferential treatment throughout the trial process.¹⁵ In the early stages of a trial, celebrities are afforded the opportunity to present their case to the media which, more often than not, strengthens their case.¹⁶ Through increased accessibility to the media, celebrities are able to appeal to the public's sympathies and attack the prosecution's arguments and the victim's credibility before trial.¹⁷ The belief that the criminal justice system exerts a bias in favor of rich and famous defendants has been evidenced through legal decisions in several cases involving high-profile athletes and actors.¹⁸

California Judge Judith C. Chirlin demonstrated clear bias when she presided over a case "in which Main Line Cinemas accused Kim Basinger of breach of contract for backing out of the movie *Boxing Helena*."¹⁹ After ruling in favor of the studio, but while the case was still on appeal, Chirlin was seen attending the premiere of the movie and the post-party reception as a guest of the plaintiff, a studio executive.²⁰

Judge George Taylor showed similar bias in deciding a case in which baseball player Barry Bonds requested a \$7,500 reduction in family-support payments.²¹ Taylor was a self-described "ardent baseball fan" who even asked the baseball star for an autograph.²² Taylor initially granted the request for reduction, but later reversed his decision upon public outcry ensuing from the incident.²³

Juries have also been biased in favor of celebrity defendants, as demonstrated by the case of Marcus Moore, a Colorado Rockies baseball player.²⁴ After acquitting Moore of charges of rape and sexual assault, one of the jurors cited Moore's status as a reason for acquittal: "Everybody said he was guilty. They didn't want to convict

14. *Id.* at 306.

15. Quickvote, *supra* note 1.

16. Reidy, *supra* note 6, at 304.

17. *Id.*

18. Miller, *supra* note 6, at 450; Robinson, *supra* note 4, at 1332.

19. Miller, *supra* note 6, at 452 (citing *In re Chirlin* (Cal. Comm'n on Jud. Performance, Aug. 28, 1995), available at http://cjp.ca.gov/PubAdmRTF/ChirlinPA_08-28-95.rtf).

20. *See id.*

21. *See* Robinson, *supra* note 4, at 1331.

22. *See id.* (quoting *Judge Makes Bonds Pay Full Family Support*, CHI. TRIB., Sept. 3, 1994, at N2).

23. *See id.*

24. *See id.*

him. It was baseball that did it. They didn't want to push it with a baseball player, a celebrity. They thought being traded down to the minors was punishment enough."²⁵

In other instances, high-profile defendants have received special rights that would typically not be afforded to a non-celebrity. For example, O.J. Simpson was given more rights as a prisoner (e.g., longer breaks) during his highly-publicized trial, presumably due to his celebrity status.²⁶ In another high-profile case, NBA star Charles Barkley was accused of throwing a person through a window.²⁷ The judge in the case demonstrated preferential treatment by delaying the trial to accommodate Barkley's playing schedule.²⁸ Tyrone Williams, a University of Nebraska football player, was also given preferential treatment after he was convicted of illegally shooting a gun.²⁹ He was placed in a low-security work-release program and was allowed to leave jail for his workout sessions with the football team.³⁰ For some authors, these cases clearly illustrate that celebrities receive preferential treatment in the legal system.³¹ However, it is difficult to establish that the preferential treatment granted in these cases was due to the defendants' celebrity status, as there are no two cases (i.e., one with a celebrity and one with a non-celebrity) that provide a direct comparison of how celebrities are treated as compared to non-celebrities. Thus, it is impossible to discern the exact effect of celebrity influence simply by deconstructing these cases.

B. Evidence Suggesting Celebrities are Held to Higher Standards in the Courtroom

While celebrity status can be beneficial in some cases, celebrities also can be disadvantaged due to their status.³² The heightened presence of the press in a celebrity trial does not necessarily guarantee that a celebrity will receive positive publicity. For instance, Martha Stewart received unfavorable media attention throughout her trial, which potentially led to a sentence that was disproportionate to the crime she committed.³³

25. See *id.* at 1331-32 (citing William Nack & Lester Munson, *Sports' Dirty Little Secret*, SPORTS ILLUSTRATED, July 31, 1995, at 62 (quoting juror)).

26. See *id.* at 1332.

27. See *id.* at 1331.

28. See *id.*

29. See *id.* at 1332-33.

30. See *id.*

31. See generally Miller, *supra* note 6; Robinson, *supra* note 4.

32. Miller, *supra* note 6; Robinson, *supra* note 4.

33. Hilden, *supra* note 2.

The press, acting as lay-person detectives, has also harmed defendants by unearthing information about celebrities that would never have been revealed in non-celebrity cases. For example, the *National Enquirer* uncovered a photo of O.J. Simpson wearing a certain type of shoe that he claimed he never owned.³⁴ The evidence uncovered by the *National Enquirer* might not have been found if Simpson was not a celebrity worthy of media investigation.³⁵ The press clearly served as an additional force in investigating Simpson's crime, thereby helping the plaintiffs and representing a clear disadvantage for Simpson.

The increased media attention often allows the prosecution to establish a stronger case against the celebrity because increased awareness in the public can uncover additional evidence. This was the case when a witness recognized former congressman Gary Condit disposing of materials that were related to the investigation of Chandra Levy's disappearance.³⁶ The witness may not have recognized Condit had the case not been so widely publicized.³⁷ These examples illustrate that high-profile defendants do not always benefit from the media attention that inevitably accompanies a celebrity case.

In addition to the biases resulting from heightened media attention, celebrities are often held to higher standards when facing a judge or jury. In such cases, a defendant's celebrity status imposes a burden of perfection, allowing the defendant to serve as an example to society (i.e., a "sacrificial lamb").³⁸ In a 1983 case, three Kansas City Royal baseball players (Willie Wilson, Jerry Martin and Willie Aiken) were charged with misdemeanor attempts to possess cocaine. Although the penalty for such a crime would typically require a fine with no jail time, the federal magistrate sentenced each player to three months in jail. The magistrate justified the sentence by stating the defendants "were professional baseball players and something of role models for children [and] should be held to higher standards."³⁹

In a 1996 domestic violence case, former professional quarterback Warren Moon allegedly choked his wife.⁴⁰ Although his wife did not press charges, Texas officials pursued the case, booking Moon on Class A misdemeanor charges.⁴¹ According to one author, the

34. *Id.*

35. *Id.*

36. *Id.*

37. *Id.*

38. Robinson, *supra* note 6, at 1313-14.

39. *Id.* at 1328.

40. *See id.*

41. *See id.*

charges were brought up for two reasons: (1) the incident occurred shortly after the O.J. Simpson case (a case that brought domestic violence issues to the forefront of the justice system); and (2) Moon was a high-status celebrity football player.⁴² In short, Moon was held to higher standards for the purpose of using him as a “sacrificial lamb” in the fight against domestic abuse. Such examples indicate that celebrity status can often be detrimental to the defendant’s right to fair treatment in the legal system.

C. *Protecting a Celebrity’s Right to a Fair Trial*

In response to the debate over celebrity influence in a trial, courts have employed a variety of measures designed to ensure a high-profile defendant’s right to a fair trial.⁴³ In attempts to lessen the prejudicial effects that accompany media coverage in high-profile cases, courts have implemented measures such as gag orders on trial participants, prior restraint on the media, extensive voir dire, special jury instructions, sequestrations, postponement and change of venue.⁴⁴

Gag orders on trial participants are defined as “order(s) by the court . . . in a trial with a great deal of notoriety, directed to attorneys and witnesses, to not discuss the case with reporters – such an order being felt necessary to assure the defendant of a fair trial.”⁴⁵ Such gag orders are intended to prevent any bias due to factors such as celebrity status. Similarly, a change of venue is granted when a judge believes that the entire geographical area of a trial has been tainted by media publicity, so that it is impossible to select a jury in the area that has not already made up its mind about the guilt or innocence of the celebrity on trial.⁴⁶ As a result, the trial must be moved in order to promote fairness.

Both gag orders and change of venue procedures are employed to ensure that defendants receive fair trials; however, the effectiveness of these measures has been questioned.⁴⁷ Several new

42. See *id.*

43. Reidy, *supra* note 6, at 317.

44. Jaime Morris, *The Anonymous Accused: Protecting Defendants’ Rights in High-Profile Criminal Cases*, 44 B.C. L. REV. 901, 902 (2003).

45. BLACK’S LAW DICTIONARY (8th ed. 2004).

46. *Powell v. Superior Court*, 283 Cal. Rptr. 777, 783 (Cal. Ct. App. 1991).

47. See Newton N. Minow & Fred H. Cate, *Who Is an Impartial Juror in an Age of Mass Media?*, 40 AM. U.L. REV. 631, 647 (1991) (citing ineffectiveness of change of venue remedy).

methods have been proposed to replace or supplement them.⁴⁸ For example, one proposal would allow celebrity defendants to remain anonymous so that jurors will not be biased in favor or against them.⁴⁹ Another proposal would allow celebrity defendants to be tried by a special court designed to protect their right to a fair trial.⁵⁰ Although potentially beneficial to ensuring impartiality for celebrity trials, these alternatives are problematic. Granting celebrity defendants a special court could be seen as an act of preferential treatment, and allowing celebrity anonymity would block the defendant from directly confronting his accuser in court. Thus, it is important to determine whether celebrity biases are so pervasive that the benefits of these measures (i.e., impartiality) would outweigh the aforementioned costs.

II. PSYCHOLOGICAL THEORIES OF SOCIAL INFLUENCE

Theories of social influence can provide an explanation for why celebrities might receive preferential treatment in the courtroom. Social influence refers to a change in the behavior of others due to the use of power by an individual or group.⁵¹ Social power is generally defined as the ability to influence others.⁵² Referent power, a specific type of social power, is gained when a person is admired or liked by others.⁵³ The theory of social power would suggest that celebrities exert referent power because they are typically admired and/or liked. Thus, celebrities have the ability to persuade jurors that they are innocent because they typically possess referent power.

The social power that celebrity defendants wield could result in three distinct responses from the jurors judging the case: compliance, identification, and internalization.⁵⁴ Compliance involves a person overtly going along with the social influence without internal acceptance. For example, a juror would overtly be influenced by the celebrity's social power without actually changing his private opinion

48. See *Trumping the Race Card: Permitting Criminal Defendants to Remain Anonymous and Absent from Trial to Eliminate Racial Jury Bias*, 18 GEO. J. LEGAL ETHICS 1151 (2005).

49. Morris, *supra* note 44, at 945.

50. Robinson, *supra* note 4, at 1339-51.

51. Stephen Worchel, Joel Cooper, & George Goethals, *Social Influence*, in SOCIAL PSYCHOLOGY, 337 (Wadsworth/Thompson Learning ed., 2000).

52. *Id.*

53. John French & Bertram Raven, *The Bases of Social Power in Studies*, in SOCIAL POWER, 150-67 (Univ. of Mich., 1959).

54. See generally Herbert C. Kelman, *Processes of Opinion Change*, 25 PUB. OPINION Q. 62, 62-66 (1961).

of the case.⁵⁵ Specifically, the juror would believe that the celebrity defendant is guilty, yet vote for acquittal because he does not want to send the celebrity to jail.

The other two responses—identification and internalization—involve a genuine change of opinion. Identification involves a temporary but genuine opinion change in which a person holds certain beliefs because of an affinity or admiration for a person. This acceptance is maintained only as long as the person continues to be admired.⁵⁶ For example, a juror would overtly and internally base his opinion (e.g., a not guilty vote) in favor of the celebrity because he respected and/or admired the celebrity. Alternatively, a juror might initially believe a celebrity is innocent (based on admiration), and, after hearing convincing evidence against the celebrity, change his opinion to a guilty verdict.

The third response to social influence, internalization, involves a genuine and long-lasting opinion.⁵⁷ With an internalization response, a juror would be influenced by a celebrity's status to genuinely believe that a celebrity defendant was innocent, and this belief would be quite enduring. Compliance, identification and internalization offer three distinct ways in which a celebrity's power and influence could affect jurors' decisions.

In general, celebrity defendants are likely to influence juries in their favor because they have socially powerful characteristics; they are usually physically bigger and stronger, more intelligent, talkative, more motivated, and charismatic. There are different ways in which jurors may respond to social influence exerted by celebrity defendants (e.g., through compliance, identification, and internalization). Although these responses vary in permanency and authenticity, they can all theoretically lead to impartial trials for celebrity defendants.

III. EMPIRICAL RESEARCH

Several empirical studies have explored the relationship between extra-legal factors (e.g., attractiveness, gender, socio-economic status) and jury decision-making. These studies reveal that jury members are often swayed by factors outside the law, which may affect judgments in cases involving celebrities. This section starts with a general review of research that has investigated the relationship between jurors' decisions and socio-economic status,

55. Worchel, *supra* note 51, at 338.

56. *Id.*

57. *Id.* at 339.

attractiveness, gender and race. Celebrities are often attractive and of a high socio-economic status. Additionally, their gender and race can also play an integral part in how jurors will perceive their case. The focus of discussion then centers on research that has specifically addressed the influence of celebrity status on individuals' perceptions and verdicts.

A. *Extra-Legal Influences on Jurors*

Research in the area of psychology and law has uncovered a host of decision-making biases that have potentially changed the outcomes of court cases over the years.⁵⁸ For example, a defendant's race,⁵⁹ attractiveness,⁶⁰ socio-economic status⁶¹ and gender⁶² can have a significant impact on whether a defendant is convicted and the extent of punishment he receives.

The issue of racial bias in the courtroom has prompted researchers to investigate racial influences on jurors' verdict decisions. For example, researchers discovered death sentencing discrimination in Arizona, where both African-American and Hispanic defendants were more likely to face the death penalty than similarly-situated Caucasian defendants.⁶³ Other researchers found similar results when they examined the relationship between overt and subtle forms of racism. Dovidio, Smith, Donnella, and Gaertner conducted a study using undergraduate participants who completed a survey measuring

58. See Wilbur Castellow, Karl Wuensch, & Charles Moore, *Effects of Attractiveness of the Plaintiff and Defendant in Sexual Harassment Judgments*, 5 J. SOC. BEHAV. & PERSONALITY 547 (1990); John Dovidio, Jennifer Smith, Amy Donnella, & Samuel Gaertner, *Racial Attitudes and the Death Penalty*, 27 J. APPLIED SOC. PSYCHOL. 1468 (1997); Gray & Ashmore, *supra* note 4, at 727; Yvonne Osborne & Neil Rappaport, *Sentencing Severity with Mock Jurors: Predictive Validity of Three Variable Categories*, 3 BEHAV. SCI. & LAW 467 (1985); Ross, *supra* note 4, at 32; Thomson, *supra* note 4; Tineke Willemsen & Els Van Schie, *Sex Stereotypes and Responses to Juvenile Delinquency*, 20 SEX ROLES 623 (1989).

59. Paul Skolnick & Jerry I. Shaw, *The O.J. Simpson Criminal Trial Verdict: Racism or Status Shield?*, 53 J. SOC. ISSUES 503, 510-11 (1997).

60. Nona J. Barnett & Hubert S. Feild, *Character of the Defendant and Length of Sentence in Rape and Burglary Crime*, 104 J. SOC. PSYCHOL. 271, 275 (1978); Marsha B. Jacobson, *Effects of Victim's and Defendant's Physical Attractiveness on Subjects' Judgments*, 7 SEX ROLES 247, 252 (1981); David Landy & Elliot Aronson, *The Influence of the Character of the Criminal and His Victim on the Decisions of Simulated Jurors*, 5 J. EXPERIMENTAL SOC. PSYCHOL. 141, 150-51 (1969).

61. Jerry I. Shaw & Paul Skolnick, *When Is Defendant Status a Shield or a Liability? Clarification and Extension*, 20 L. & HUM. BEHAV. 431, 436-41 (1996); Paul Skolnick & Jerry I. Shaw, *Is Defendant Status a Liability or a Shield? Crime Severity and Professional Relatedness*, 24 J. APPLIED SOC. PSYCHOL. 1827, 1832-34 (1994).

62. Willemsen & Van Schie, *supra* note 58, at 623.

63. Thomson, *supra* note 4.

their attitudes towards blacks.⁶⁴ The students' scores on this racism scale were used to categorize the participants as either high- or low-prejudice scoring participants.⁶⁵ Then, participants read a trial summary about a murder where the defendant's race was manipulated as either black or white.⁶⁶ Next, the participants deliberated with a jury that consisted of either all whites or all whites except for one black mock juror.⁶⁷ The authors found that high-prejudice scoring participants were more likely to recommend the death penalty for African-American defendants as compared to Caucasian defendants.⁶⁸ However, low prejudice-scoring participants recommended the death penalty for African-American defendants more often than Caucasian defendants only when an African-American mock juror also advocated the death penalty.⁶⁹ This suggests that low prejudice individuals are able to put their biases aside unless influenced by minority jurors.

These findings add to the empirical evidence that African-American and other minority defendants are more likely to receive the death penalty than Caucasian defendants. The results of these studies conform to statistical data that was collected by the National Association for the Advancement of Colored People's Legal Defense in 1994. The data reveals that African-Americans made up forty percent of the 1,117 death row prisoners, despite only making up twelve percent of the American population.⁷⁰ These examples provide evidence that jurors are influenced by a defendant's race, an extra-legal factor, when deciding an outcome.

Research has shown that extra-legal factors such as attractiveness, gender and socio-economic status also play a part in a forming a juror's verdict decision. One study that investigated attractiveness in the courtroom found that "unattractive" defendants were given more severe sentences than "attractive" defendants.⁷¹ Later research revealed that mock jurors rated physically attractive defendants more positively on personal characteristics (e.g., sincerity) than physically unattractive defendants.⁷²

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64. Dovidio et al., *supra* note 58, at 1468
65. *Id.* at 1473.
66. *Id.*
67. *Id.* at 1474.
68. *Id.* at 1475.
69. *Id.* at 1476, 1478.
70. Ross, *supra* note 4, at 32.
71. Gray, *supra* note 4, at 727.
72. Castellow, et al., *supra* note 58, at 547.

Research on gender influences in punishment decisions has also demonstrated that jurors are influenced by this extra-legal factor. One study found that jurors were more likely to give males more severe fines for aggressive behavior, while females were more severely punished for non-criminal behavior.⁷³ This suggests that jurors may be influenced by gender when determining an appropriate punishment; specifically, defendants are punished more harshly when their behavior fits the norms and capabilities associated with their gender.

Researchers have also investigated the influence of a defendant's socio-economic status on jurors' sentencing decisions. Results indicated that defendants in low socio-economic brackets received significantly higher sentences than similarly situated defendants in high socio-economic brackets.⁷⁴

The research presented thus far has demonstrated that extra-legal factors such as attractiveness and socio-economic status can influence a juror's decision in a case. Although these studies do not directly address the issue of celebrities in the courtroom, they indicate that celebrities, as individuals who tend to be wealthy and attractive, might receive differential treatment. Additional studies have more directly examined the influence of celebrity status on mock-juror's decisions.

B. Research Investigating Celebrity Influence in the Courtroom

While there have been many studies investigating the effects of the defendant's race,⁷⁵ attractiveness,⁷⁶ and socio-economic status⁷⁷ on jurors' decisions, there have been few studies concerning the effects of celebrity status of the defendant on the jury. Skolnick and Shaw conducted the first notable study investigating celebrity status and crime by examining the effects of low celebrity status (i.e. financially challenged, unemployed writer) versus high celebrity status (i.e. successful, award winning author) defendants on trial for committing murder.⁷⁸ This study found that celebrity status did not affect verdicts, but did influence evaluative judgments of the defendant.⁷⁹

73. Willemsen & Van Schie, *supra* note 58, at 623.

74. Osborne & Rappaport, *supra* note 58, at 467.

75. Skolnick & Shaw, *supra* note 59, at 510-11.

76. Barnett & Feild, *supra* note 60, at 275; Jacobson, *supra* note 60, at 252; Landy & Aronson, *supra* note 60, at 150-51.

77. Skolnick & Shaw, *supra* note 59, at 504.

78. *Id.*

79. *Id.* at 512-14.

Specifically, the high celebrity status defendant was rated as less responsible for the crime than the low celebrity status defendant.⁸⁰ Additionally, personal evaluations on ten traits of the two types of defendants, including likeability, trustworthiness, sensitivity, and competence were obtained from the mock jurors and combined for an overall personal evaluation score.⁸¹ The high celebrity status defendant was given more positive personal evaluations than the low celebrity status defendant,⁸² especially when the defendant was of the same race as the mock juror.⁸³

The findings that people evaluate celebrities more positively and view them as less responsible indicate a potential problem with due process within the court system. Specifically, these findings suggest that a number, albeit a very small number, of celebrity defendants could be receiving preferred treatment in the courts each year. As previously discussed, some speculate that celebrities have received preferential treatment,⁸⁴ but this notion is not strongly supported by empirical research. However, even though the direct effects of celebrity status on verdicts are likely non-existent (or at least too small to be detected in studies), the indirect effects (celebrities being viewed as less responsible than non-celebrities) are still troubling.

Skolnick and Shaw noted that their author-celebrity was an intellectual celebrity, which may not apply to other celebrity figures, such as athletes.⁸⁵ Knight, Giuliano and Sanchez-Ross also criticized the study's use of an author, arguing the successful author was of a higher status but not necessarily more fame than the unemployed writer.⁸⁶ Therefore, Knight and colleagues conducted a similar experiment using an actor accused of rape as the defendant.⁸⁷ They presented participants with a newspaper article reporting the rape of a woman by either a celebrity (i.e., an actual movie star) or a non-celebrity (i.e., an actor who is not well known) who was either white or black.⁸⁸ The study found that participants judged the black celebrities more harshly than black non-celebrities, but tended to treat white

80. *Id.* at 512.

81. *Id.* at 510.

82. *Id.* at 512-13.

83. *Id.* at 512.

84. *See* discussion *infra* Part I.A.

85. *See* Skolnick & Shaw, *supra* note 59, at 514.

86. Jennifer L. Knight, Traci A. Giuliano, & Monica G. Sanchez-Ross, *Famous or Infamous? The Influence of Celebrity Status and Race on the Perceptions of Responsibility for Rape*, 23 BASIC & APPLIED SOC. PSYCHOL. 183, 183 (2001).

87. *Id.* at 185-186.

88. *Id.* at 185.

celebrities similarly to white non-celebrities.⁸⁹ In addition, the participants viewed black celebrities as less credible than black non-celebrities, while they viewed white celebrities as slightly *more* credible than white non-celebrities.⁹⁰ The study showed that celebrity status negatively affected evaluations of defendants, but only when the defendant was black.⁹¹ This finding opposes the Skolnick and Shaw study in which celebrities were evaluated more positively than non-celebrities.⁹²

Celebrity athletes also have been researched in relation to criminal cases. Research has found that athletes are stereotyped by the public as violent, drug abusing, and lacking intelligence.⁹³ This stereotype suggests that athletes might be at a disadvantage in the legal system if jurors subscribe to these negative beliefs. Benedict and Klein reviewed arrest and conviction records of famous athletes from across the country and found that athletes were more likely to be arrested for sexual assault than non-athletes, but that athletes were more likely to be acquitted than non-athletes.⁹⁴ These findings are unclear in establishing whether celebrity athletes are at a disadvantage when accused of a crime.

Because these studies found somewhat conflicting results, they need to be compared to establish what caused the differences. It is possible that the different results had to do with the different types of celebrities arrested and accused or the different types of crimes the celebrities were accused of committing in the various studies. Regardless, these studies are not comparable to each other since the researchers used different methods.⁹⁵ Some of the studies used only one type of crime⁹⁶ or one type of celebrity.⁹⁷ Additionally, measures included in the studies are not always legally relevant.⁹⁸ Because of

89. *Id.* at 186.

90. *Id.*

91. *Id.*

92. Skolnick & Shaw, *supra* note 59, at 512-13.

93. Richard E. Lapchick, *Crime and Athletes: New Racial Stereotypes*, 37 *SOC'Y* 14, 14 (2000).

94. Jeffrey Benedict & Alan Klein, *Arrest and Conviction Rates for Athletes Accused of Sexual Assault*, 14 *SOC. SPORT J.* 86, 91 (1997).

95. For example, Skolnick & Shaw presented the stimuli as a trial transcript in Skolnick & Shaw, *supra* note 59, at 512. Meanwhile, Knight and colleagues presented the stimuli as a newspaper account in Knight, et al., *supra* note 86, at 185.

96. Knight, et al., *supra* note 86, at 185 (studying rape); Skolnick & Shaw, *supra* note 59, at 506 (studying murder).

97. Knight, et al., *supra* note 86, at 185-86 (studying actors); Skolnick & Shaw, *supra* note 59, at 506 (studying authors).

98. For example, Knight and colleagues had participants read a newspaper account rather a trial transcript. See Knight, et al., *supra* note 86, at 185. Therefore, their ratings

these shortcomings, a comprehensive study is needed to answer the questions surrounding the effects of celebrity status on jury decision making.

C. Expanding Research on Celebrities in Court: An Extensive Study

The authors of this article designed an experiment to extend the findings of current celebrity status research and address some of the shortcomings of previous studies. First, the study investigated the effects of celebrity status in a variety of case types, which varied by severity. The six different case types were shoplifting, steroid use, stock market fraud, sexual assault, assault with a deadly weapon and homicide by child abuse. Second, the present study investigated a variety of celebrity types, including athletes, an actress, a politician, and a businessperson. Next, the celebrity's status was manipulated into three levels: celebrity (e.g., a professional major league baseball player), semi-celebrity (e.g., a college student who plays on the college baseball team), and non-celebrity (e.g., a college student who plays baseball for fun). Finally, the current study presented the scenarios to participants in a mock-trial fashion, rather than presenting them in newspaper articles.⁹⁹ This provided detailed and realistic stimuli and more legally relevant decisions by the participants as to guilt and sentence judgments.

Participants¹⁰⁰ were asked to imagine that they were jurors in one of eighteen different trials,¹⁰¹ which varied by the type of crime and celebrity status. Several measures were taken to avoid any inadvertent effects on the mock-jurors based on race or attractiveness of the mock-defendant, or pre-existing attitudes of the participants toward the mock-defendant. To prevent any unintended effects due to race,¹⁰² each defendant was described as a white, twenty-five year old male or female. In addition, to prevent any effects on the jurors based on the attractiveness of the defendant,¹⁰³ and because researchers feared that participants would

for the conviction probability and degree of punishment are not as legally relevant as mock jurors who read a trial summary and actually render a verdict and a sentence.

99. The stimuli were presented as newspaper articles in Knight, et al., *supra* note 86, at 185.

100. The study consisted of 173 participants.

101. The study was a 6 (crime type) X 3 (celebrity status) design with 18 conditions in all.

102. For example, if some defendants were white and some were black, the study could not clearly determine whether any results were due to celebrity status or race of the defendant. Thus, we remove any influence of race by making race consistent throughout the different conditions.

103. Barnett & Feild, *supra* note 60, at 275; Jacobson, *supra* note 60, at 252; Landy & Aronson, *supra* note 60, at 150-51.

assume that the celebrity defendant was attractive, while they would not make that assumption about the non-celebrity, researchers provided the same picture of the defendant for each of the three celebrity statuses.¹⁰⁴ The study also controlled for preexisting attitudes toward the defendant¹⁰⁵ by using fictitious celebrities instead of real celebrities. Because the participants did not have preconceptions about a non-existent person, such notions could not affect their decisions.

After reading the trial summary, the participants completed a survey asking whether or not they believed the defendant was guilty or not guilty and how certain they were of the verdict they had chosen. The participants also determined the severity of punishment the defendant should receive.¹⁰⁶ Finally, there was a series of questions that investigated their perceptions of the defendant.¹⁰⁷

Independent analyses on each of the six case types revealed identical results. The study found no difference in how confident the participants were of their verdict¹⁰⁸ based on the celebrity group to which the mock-defendant belonged (i.e., celebrity, semi-celebrity, non-celebrity).¹⁰⁹ Although the differences were not significant, the celebrity group participants¹¹⁰ were most likely to be found guilty, followed by the semi-celebrity group¹¹¹ and then the non-celebrity group.¹¹²

There was also no significant difference in the severity of recommended punishment¹¹³ based on celebrity manipulation.¹¹⁴

104. While the pictures remained the same by celebrity status (e.g. the celebrity baseball player and non-celebrity baseball player were represented by the same photo), each crime type had a different picture that attempted to fit the profession/hobby of the current defendant.

105. For example, a participant may be more lenient towards a real celebrity because she admires the celebrity, and not because she really thinks he is not guilty. On the other hand, another juror may dislike the celebrity and have the propensity to find him guilty. Because these preconceived notions accompany real celebrities, researchers chose to use fictitious celebrities to prevent any effect of such notions.

106. If the participants felt that the defendant is not guilty, they were asked to imagine the evidence was strong enough that the defendant was convicted of the crime when making punishment judgments.

107. The perceptions investigated were credibility, honesty, likeability, believability, ethics, intelligence, responsibility for crime, and overall perception of the defendant.

108. Verdict Confidence was created by multiplying the participant's verdict and the participant's level of confidence in that verdict. The result was a verdict confidence score ranging from -9 (highly confident in a guilt verdict) to +9 (highly confident in a not guilty verdict).

109. $F(2,148) = .03, p > .05$.

110. $M = -1.40$.

111. $M = -1.42$.

112. $M = -1.73$.

113. This dependent variable was measured by asking the question: "How much should the defendant be punished?" Participants answered on a 9 point Likert-type scale from 1 (very little) to 9 (the most the law will allow).

Although not significant, the participants recommended the most punishment for the non-celebrity group,¹¹⁵ followed by the celebrity group¹¹⁶ and the semi-celebrity group.¹¹⁷

While there was no difference in treatment by the participants based on the celebrity groups, there were differences based on the type of crime the mock-defendant was accused of committing. Most importantly, there was a significant difference in recommended punishment among different crimes.¹¹⁸ Participants recommended the most punishment for defendants accused of homicide by child abuse,¹¹⁹ followed closely by sexual assault defendants¹²⁰ and stock market fraud defendants.¹²¹ The defendants accused of steroid use¹²² and shoplifting¹²³ received the least amount of punishment. These results are intuitive; homicide and sexual assault logically should result in greater punishment than shoplifting. This result suggests that the participants were performing well and taking their task seriously. Such results give the researchers confidence that the participants took into consideration the facts of the case (e.g., severity of crime and celebrity status of the defendant) when making decisions. Furthermore, results demonstrated that the participants viewed the celebrity defendants as more famous than the non-celebrity defendants. This is further evidence that participants read the trial summary carefully and were aware of the celebrity manipulation.

Although celebrity status did not affect the verdicts, how positively a participant viewed the defendant did affect the verdicts. Specifically, there was a significant positive relationship between verdict certainty and perceptions of the defendant's credibility,¹²⁴ honesty,¹²⁵ likeability,¹²⁶ believability,¹²⁷ ethics,¹²⁸ and responsibility.¹²⁹ The relationship between verdict certainty and the overall perception of the defendant was also

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- 114. $F(2,153) = .59, p > .05.$
 - 115. $M = 5.35.$
 - 116. $M = 5.05.$
 - 117. $M = 4.93.$
 - 118. $F(5,153) = 23.57, p < .05.$
 - 119. $M = 7.19.$
 - 120. $M = 7.07.$
 - 121. $M = 5.52.$
 - 122. $M = 3.14.$
 - 123. $M = 3.38.$
 - 124. $r = .383, p < .001.$
 - 125. $r = .529, p < .001.$
 - 126. $r = .294, p < .001.$
 - 127. $r = .329, p < .001.$
 - 128. $r = .293, p < .001.$
 - 129. $r = .630, p < .001.$

significant.¹³⁰ The study indicated that the more positively the participant viewed the defendant, the more likely he was to give a not guilty verdict.

In sum, there were no significant differences in verdicts found based on celebrity status. There were, however, significant relationships between verdicts and perceptions of the defendant (regardless of the defendant's celebrity status). One limitation of the current study is that the celebrities in the trial summary were not real celebrities. Therefore, participants may not have assigned the celebrity defendant the positive traits they attribute to actual celebrities. This was a necessary evil, however, as using fictitious celebrities was needed for two reasons: first, this study controlled for attractiveness by showing participants the same picture for all three celebrity types; second, the study controlled for preexisting attitudes toward the defendant, as participants do not have preconceptions about non-existent people. However, future studies may want to replicate this study with actual celebrities to better produce reactions that jurors might have to well-known figures.

Despite polls revealing a general belief that celebrities get better treatment in the court system, our study shows that this is not necessarily the case. While the speculation discussed in Part I gives examples of celebrities getting unfair treatment in the law, they can only provide anecdotal, unscientific evidence. There is no way to make fair comparisons in real life, because there are never two identical cases. An experiment, such as the one reported here, allows researchers to manipulate celebrity status while controlling for all other extraneous variables. Using controlled experimental methods, the current study found that there is no difference in treatment of defendants based on celebrity status. Furthermore, the current study used six types of celebrities and crimes to ensure that the results were not simply an effect of one type of celebrity or crime. Although more studies can and should be conducted to confirm the results of this experiment, it appears that celebrity status has no effect on jury decision making.

IV. CONCLUSION

With the high recent occurrence of celebrity trials in the media, celebrity influence in the courtroom has become a widely discussed issue in the legal realm.¹³¹ Public opinion seems to favor the belief

130. $r = .571, p < .001$.

131. See generally Hilden, *supra* note 2; Levenson, *supra* note 5; Miller, *supra* note 6; Morris, *supra* note 44; Reidy, *supra* note 6; Robinson, *supra* note 4; Stehlin, *supra* note 11.

that celebrities are more likely to be acquitted or face lighter sentences than non-celebrities.¹³² Legal discussions regarding celebrity influence have yielded differing opinions on the extent and direction of such influence.¹³³ There are several cases that seem to demonstrate that celebrities have the power to influence legal decisions in their favor.¹³⁴ Other cases demonstrate that judges and juries may treat celebrities more harshly than non-celebrities, holding them to higher standards.¹³⁵ Although these cases allow for speculation about celebrity influence, they do not provide concrete evidence that celebrity defendants receive better or worse treatment than non-celebrities. The legal system does not allow for the exact comparison of two identical cases (one involving a celebrity and one involving a non-celebrity); thus it is necessary to rely on psychological theory and experimental research to determine if celebrity status truly influences jurors' decisions.

Psychological theory posits that individuals are influential when they are admired or liked by others, an attribute called referent power.¹³⁶ Celebrities often possess referent power because they are typically admired and/or well-liked. Several empirical studies have also found that extra-legal factors (e.g., attractiveness, gender, socio-economic status) influence jurors' decisions.¹³⁷ However, research investigating celebrity status in the courtroom has generally found a relationship between celebrity status and mock-juror decisions only in very specific situations (e.g., a study that found black celebrities received harsher treatment than black non-celebrities, but celebrity status did not affect treatment of white defendants).¹³⁸ Another study found no relationship between status and verdicts.¹³⁹ In yet another study, accused celebrities were seen as less responsible for the crime than accused non-celebrities, although there was no effect on the actual verdicts.¹⁴⁰ Thus, past research presents somewhat conflicting results, yet fairly consistently demonstrates that celebrity status does not significantly affect verdicts.

132. QuickVote, *supra* note 1.

133. See generally Hilden, *supra* note 2; Levenson, *supra* note 5; Miller, *supra* note 6; Morris, *supra* note 44; Reidy, *supra* note 6; Robinson, *supra* note 4; Stehlin, *supra* note 11.

134. See Miller, *supra* note 6; Robinson, *supra* note 4.

135. See Hilden, *supra* note 2; Robinson, *supra* note 4.

136. See Worchel et al., *supra* note 51, at 344.

137. See Castellow, et al., *supra* note 58; Dovidio et al., *supra* note 58; Osborne & Rappaport, *supra* note 58; Ross, *supra* note 4; Thomson, *supra* note 4; Willemsen & Van Schie, *supra* note 58.

138. Knight, et al., *supra* note 86.

139. See generally Skolnick & Shaw, *supra* note 52.

140. *Id.*

A study conducted at the University of Nevada, Reno found that celebrities in six different crime scenarios did not receive preferential treatment, nor were they held to higher standards than non-celebrities. This study suggests that celebrity status is not a substantial influence on juror's decisions. A note of caution is due, however. Even if celebrity status is a very small influence (i.e., too small to be detected in the experiments reported here), it can still affect a very small number of cases. That is, even if celebrity status only affects one in a thousand cases, there is still concern over this small number of cases that were affected by this extra-legal factor.

It is also worthy of note that, although the majority of the psychological research indicates that celebrity status does not generally affect jurors' decisions, it cannot be assumed that status is never an influence on jury rendered verdicts. Some studies, such as the current study, have found that perceptions of the defendant (regardless of celebrity status) affect juror decisions. Inasmuch as real jurors have favorable perceptions of celebrities, these opinions could lead to unjust acquittals. In other studies, attractiveness¹⁴¹, and socio-economic status¹⁴² affected jurors' verdict decisions. Although celebrity status itself does not generally affect juror decisions, factors such as likeability, attractiveness and wealth (traits often associated with celebrities) have been found to affect juror decisions.

In light of the potential injustices involved in celebrity cases, courts have implemented measures to ensure a defendant's right to a fair trial.¹⁴³ Courts have used gag orders, extensive voir dire, postponement and change of venue as a means of reducing celebrity bias in the courtroom.¹⁴⁴ The recent Michael Jackson case in the spring of 2005 provides one example of this type of measure. In order to protect Jackson's right to a fair trial, the Judge ordered secrecy prior to and during the trial, sealing dozens of court records in the process. A three-member panel affirmed the Judge's decision to stand as a precedent on secrecy in high-profile cases, a decision that legal experts suspect may restrict public access to such information in future cases.¹⁴⁵ This represents one way in which celebrities can receive different legal treatment than non-celebrities.

141. Barnett & Feild, *supra* note 60, at 275; Jacobson, *supra* note 60, at 252; Landy & Aronson, *supra* note 60, at 150-51.

142. Skolnick & Shaw, *supra* note 59.

143. Reidy, *supra* note 6, at 2.

144. Morris, *supra* note 44, at 1.

145. Associated Press, *Jackson Case Sets Secrecy Precedent*, CNN, Aug. 2, 2005, available at <http://www.emailthis.clickability.com/et/emailThis?clickMap=viewThis&etMailToID=29520646>.

More extreme measures (e.g., establishing special courts to protect celebrities' rights¹⁴⁶) have also been proposed to provide celebrity defendants a fair trial and to prevent jurors from being influenced in celebrity trials.¹⁴⁷ Given the scientific, empirical evidence (including the current study) that celebrity status does not influence jurors' decisions, such measures are likely unnecessary expenditures of legal efforts. Future empirical research should further investigate the issue so that public policies are well informed by valid research.

146. Robinson, *supra* note 4, at 1.

147. Morris, *supra* note 44, at 1.