

*“The Influence of Attorney’s Attributes and Behaviors on the Jury’s Verdict”*



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As thesis advisor for \_\_\_\_\_

I have read this paper and find it satisfactory.

\_\_\_\_\_  
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Date

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## **Abstract:**

According to the Sixth Amendment of the United States Constitution, every individual has the right to a fair trial. Part of the Sixth Amendment states, “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.” This is a very important amendment to the Constitution and without it, many individuals would not have a fair opportunity to be proven guilty beyond a reasonable doubt. The jury is a crucial part in our justice system and they help decide the verdict of a case.

Surveys were administered to a sample of 193 participants to examine how certain attorney attributes could affect their verdict. This survey was conducted in order to find out how the jury is influenced by four different attributes of an attorney. Out of the 193 participants 82 of the responses were from male participants and 111 of the responses were from female participants. The independent variables that were included in this study were self-confidence, physical characteristics, organizational skills, and the type of presentational style used by the attorney. The dependent variable in this study was the jury’s verdict. The moderating variables in this study were a rape case and a conspiracy case. This study tested each one of these variables separately and saw how each one of these variables had an impact on the jury’s verdict. The research in this study also determined how effective these variables were in a particular court case, such as different classes of felony crimes. This research model is different than the studies in the past because it included moderating variables. The main purpose of this research was to see “how does the gender of an attorney, the gender of the jurors, an attorney’s self-confidence, physical characteristics, organizational skills, and the different ways in which a lawyer presents the evidence in the courtroom affect the jury’s verdict in a rape case vs. in a conspiracy case?”

The data showed that the four variables tested did indeed have an impact on the jury's verdict. Overall, both female and male jurors are more likely to choose Attorney (A), which confirmed the hypothesis that if an attorney uses more of an aggressive style the jury will favor that attorney more. Attorney (A) shows more self-confidence than Attorney (B); therefore, this also confirmed the hypothesis that the jury will favor an attorney who expresses more self-confidence. The data confirmed the hypothesis that an attorney will affect the jury's verdict more if she/he has more appealing physical characteristics, such as being good looking, tall, and is wearing appropriate business attire. The data showed that organizational skills of an attorney are very important when it come to influencing their decision of the verdict. However, the results did reveal that gender differences do not affect the jury's verdict to a great extent. Nevertheless, gender differences are still taking into account when an individual juror is making their decision.

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## **Introduction:**

Every year many Americans are called to serve on the jury. There are approximately twelve members of the jury, however, it varies from case to case and from state to state. These individuals after listening to testimonies and evidence of a case then they have to make a decision regarding the verdict, which is usually guilty or not guilty. People believe that the decision of the jury is based on evidence. But the jurors are individuals just like you and I and can be easily persuaded by the different attitudes, behaviors, and characteristics of an attorney. In a courtroom, a lawyer's attitude, behavior, and characteristics can have a huge impact on the jury's decision in a case. Therefore, being able to understand how a lawyer affects the jury can then help a lawyer persuade the jury in their favor.

Being able to determine the influence that lawyers have on the jury is a difficult task. However, this information can lead to a dramatic change in many courtroom cases. For example, a lawyer might be able to use this type of information to help win more cases. It can even help a judge determine how the jury thinks and what makes them pick the verdict of guilty or not guilty. These influences can also have an impact on the amount of clients a lawyer will have. This information can be critical in our society because if a lawyer persuades the jury and wins the case then his or her client if innocent, will be freed. On the other hand if the lawyer loses the case and the client was guilty, then the client will be imprisoned. However, this can occur vice versa; an innocent person can be imprisoned and a guilty person can be freed.

What we know about this topic is that lawyers do persuade the jury in some way or another. There are a number of attitudes, behaviors and characteristics that lawyers have or need in order to be able to get the jury on their side. The main focus of this thesis is to examine some of these attitudes and behaviors and see how they influence the jury. This thesis will also

examine the influences of some demographic characteristics such as the gender of the attorneys and the jury, the height of the attorney, attractiveness of the attorney, and the style of clothing he or she wears to trial. Therefore, this will tell us what have more of an impact and which ones do not.

### **Literature Review:**

An examination of the literature revealed that many scholars have focused on attorney characteristics and some times jury characteristics and/or their influence on court or trial decisions. For instance, Peter W. Hahn and Susan D. Clayton (1996) conducted a study that examined the effects of the defense attorney's presentation style and gender, and juror gender on jurors' verdicts and evaluation of the attorney and witness. In this particular study, Hahn and Clayton used undergraduate college students in order to test their research. The students had to “read a brief summary of an assault-and-robbery case, viewed a videotape of either a passive or aggressive male or female attorney interrogating a witness, then rendered a verdict and rated the witness and attorney on characteristics such as competency, credibility, and assertiveness” (Hahn and Clayton, 1996). The results showed that the more aggressive the attorneys were then the more they are successful at obtaining an acquittal for their clients. Therefore, this showed that aggressive attorneys were more successful with obtaining an acquittal than passive attorneys. Hahn and Clayton also concluded that male attorneys were more successful than female attorneys. They also noticed that the attorney’s presentation style interacted with gender of attorney and juror.

In another study, Jansen Voss (2005) explains that there are many techniques that attorneys use in order to persuade the jury. She states: “Although mastering these persuasive

techniques could help trial attorneys be more persuasive, the integrity of the judicial process would suffer greatly as a result of their misuse” (Voss, 2005). Voss describes that speech, physical appearance, body movement, and eye contact amongst other techniques do have an impact on the jury’s decision in a courtroom case. The connection between speech style and credibility is strong. Therefore, jurors consider a powerful speech credible regardless of what is being said. The physical appearance of attorneys does play a part in the courtroom. According to this research social scientists have found that jurors do actually judge based on appearance. Also, physical appearance has been found to have a strong correlation to believability. For example, “many attorneys wear blue suits on the first day of trial because blue is believed to be a trusting, calming color” (Voss, 2005). Based on Voss’s research jurors are more likely to believe the arguments of attorneys who are tall, attractive, and similar to them. In addition, to these techniques, an attorney is observed as being more credible if he or she makes frequent eye contact with the jury and uses gestures.

Consistent with Voss (2005), Lawrence A. Hosman, Susan A. Siltanen, and Victoria Smith (1998) examined the effect of three levels of speaker expertise and two features of powerful and powerless speech styles, such as hedges and hesitations on impression formation and attitude change. Hedges are words such as “sort of” and “kind of” and an example of a hesitation would include “um” or “er”. The authors stated that speakers who use a powerless style of speech are observed “as less competent, intelligent, attractive, trustworthy, and certain than speakers who exhibit a high power style” (Hosman, Siltanen, and Smith, 1998). Overall, their study showed that speaker experience and power of speech affects audience understanding and attitude change that a message creates. Also, this study concluded that these results are constant with the idea that individuals develop expectations about how speakers will talk and that

these expectations affect their evaluations of the speaker and the outcomes of the message.

Latour Lafferty (2004) extended his study to include leadership skills as well as related communication methods as factors that lead to the attorney's increased credibility when trying to persuade the judge or jury. He states that personal leadership is strongly connected to persuasive trial advocacy, because effective advocacy depends on the leadership skills of personal communication. Lafferty says, "charismatic leaders, like trial lawyers, are passionate, driven individuals who are able to paint a compelling vision of the future" (Lafferty, 2004). Therefore, he is stating that it is important for lawyers to be charismatic. He claims, "charismatic and inspirational leadership enables leaders to inspire confidence and support among an audience, including jurors" (Lafferty, 2004). An example that he gives is that trial lawyers will not be able to lead through authority and coercion. He states rather that trial lawyers must inspire and motivate the jury to decide on a verdict in their favor. In conclusion, his article shows that a trial lawyer's credibility depends on the level capability. Thus, the jury is able to acknowledge the trial lawyer's confidence or lack of confidence in the courtroom.

Other scholars such as Elizabeth A. LeVan (1984) focused on the importance of nonverbal communication and Steven A. Beebe (1976), examined the combination of verbal and non-verbal factors. She states that in a courtroom, nonverbal communication affects the entire proceedings of a trial. Gestures and facial expressions are communicated and observed by every person in the courtroom. The attorney in his or her opening statement uses gestures and eye contact in order to persuade the jury. The judge silently communicates his or her feelings about the case to the jury through his or her posture and facial expressions. The jury observes this nonverbal behavior and may be influenced by it. The attorney should acknowledge the presence of this form of communication and use it to his or her advantage. This article focuses on the

nonverbal behavior of judges, clients, witnesses, and attorneys in order to help attorneys understand the impact that nonverbal communication has on the jury. LeVan also discusses the extent to which the jury depends on this nonverbal communication in making their decisions. According to the article, an attorney is more able to control his or her own nonverbal behaviors than he or she is able to control anyone else's nonverbal behaviors in a trial. Therefore, an attorney should use his or her own nonverbal behaviors to influence the jury. An attorney who has experience, ability, and confidence will be able to control his or her own behavior in order to better persuade the jury. The author's research states that: "In any case, the attorney should be aware of her own nonverbal communication during trial and its possible influencing or deterring effects on the jury's decision" (LeVan, 1984). Physical attractiveness has also been shown to be an important characteristic in the persuasiveness of a communicator. LeVan focused on a study in her article that found that monotone communicators are less credible and persuasive. According to this article, negative nonverbal communication conveyed by the attorney could weaken his or her persuasiveness and credibility. Also, any indication of a false statement from a lawyer's witness or client could lead to the jury not siding with them. The conclusion states that if as these studies propose that jurors do rely on nonverbal behavior more than verbal content in creating judgments, the precision of their understanding of such nonverbal behavior could be essential to the outcome of the case.

Steven A. Beebe (1976), in his article, *Effects of Eye Contact, Posture, and Vocal Inflection upon Credibility and Comprehension*, conducted a study of 144 college students in order to test whether constant eye contact, formal posture, and varied vocal inflection are able to increase source credibility and listener comprehension. In this study, the students were put into groups of equal size and listened to the same informative speech. Therefore, the speaker

presented a different combination of the independent variables to each group. After listening to the speaker the subjects were tested for their comprehension of the speech and they had to rate the speaker's credibility. Beebe's conclusion after reviewing the result of this study showed that eye contact does increase both listener comprehension and the speaker's credibility. However, the results showed that inconsistencies between eye contact and vocal inflection might lower the speaker's believability. Also, the speaker's posture has a minimal effect on credibility or comprehension. Beebe after analyzing the results stated, "varied or limited vocal inflection has no-significant effect upon the speaker's credibility, except for the likability factor of credibility" (Beebe, 1976).

In another article, *When a Juror Watches a Lawyer*, John M. Conley and William M. O'Barr (1976) conducted a number of experiments. One experiment that they did included an edited ten-minute segment of a trial, in which the witness under direct examination gave her testimony in a "powerless" manner. Conley and O'Barr then rewrote the script, making it into a "powerful" testimony. In conclusion, their experiential subjects found the two witnesses evidently different. The subjects "rated the witness speaking in the powerless style significantly less favorably in terms of such evaluative characteristics as believability, intelligence, competence, likability and assertiveness" (Conley and O'Barr, 1976). They also conducted the same experiment but this time changing the sex of the witness to a male. The same results were found in this example. Therefore, this experiment shows that how a witness gives their testimony may actually change the reception it gets. In another experiment they concluded that when an attorney, asked more questions to get the same information, subjects viewed him as more manipulative and allowing the witness less opportunity to present evidence" (Conley and O'Barr, 1976). Overall, this experiment showed that when a attorney uses more control over his or her

witness, this will hurt his or her presentation by making a less favorable impression and thus showing little confidence in the witness.

Another article, *The Power of Language: Presentational Style in the Courtroom*, which was conducted by John M. Conley and William M. O'Barr along with E. Allan Lind (1978) also showed that “witnesses who speak in a straightforward, powerful and not unnaturally formal style, who testify with minimal assistance from the lawyer, and who resist efforts by opposing counsel to cut short their remarks will enhance their credibility because they will make more favorable impressions on the jury” (Conley, Lind, and O'Barr, 1978). Therefore, the research done in this article gives significant evidence that a witness' testimony style strongly affects the jury's view of the witness's credibility. The authors also gave suggestion on how to avoid powerless speeches given by witnesses. They stated that if counsel simply spent more time to make a witness feel more stress-free and confident in testifying then this would help the witness's speech be more powerful. This can be achieved by having the witness practice his or her direct testimony a number of times before trial.

In the article, *The Persuasive Effects of Verbal and Nonverbal Information in a Context of Value Relevance*, Dawn Hart-O'Rourke, Deana L. Julka and Kerry L. Marsh (1997) conducted studies to explore how the verbal and nonverbal content of a message affected value based attitudes. In these studies the participants observed a speaker who advocated a policy change at their own university “high-personal-relevance condition” or another university “low-personal-relevance condition” on an issue related to participants' values. Verbal content of the message “strong or weak arguments” and nonverbal behavior of the speaker “negative or natural” were varied. According to these studies, “a negative delivery led to impressions of the speaker as less likable, assured, and expert, but it had no effect on attitudes. Increasing personal relevance led to

more negative attitudes, but argument strength affected the attitudes and thoughts of both low- and high-personal-relevance participants” (Hart-O’Rourke, Julka, and Marsh, 1997). Therefore, these outcomes proposed that for a value-relevant topic, that low personal relevance did not decrease extensive processing of verbal content. According to this article, research on nonverbal communication claims that a person’s nonverbal behaviors affect the impressions that a person makes. But research on persuasion stated that the influence of such impressions on a listener’s attitudes could be moderated by whether the issue at hand is related to the listener’s personal outcomes or values.

In the article, *Winning through Integrity and Professionalism*, Gerald Lebovits (2009) writes about fifteen different qualities that can help a lawyer win a court case. Among the fifteen qualities that he states being punctual is one of them. In the article, it states that punctuality displays more than timeliness and respect. It is an integrity issue. Lebovits explains that lack of punctuality reveals a lack of focus and clarity. He says, “professionals value time; they do not waste it. The best lawyers appear on time and honor the deadlines the court gives them. If delayed, they notify the court and counsel whenever possible and as soon as possible” (Lebovits, 2009). He goes on to explain that tardiness by lawyer’s indicate that the scheduled event is unimportant and shows a lack of respect toward others. Lebovits states that being punctual is a benefit for a lawyer.

Dr. Donald E. Vinson (1982) in his article, *For lawyers, brown might be better*, conducted studies in order to get certain propositions about the way lawyers dress and in order to develop solid data about the effects of a lawyer’s clothing on the jury. In this study, Vinson separated the variables of suit color and studied the impact of blue, brown, gray, and tan and the affect these colors have on the jury. Thus, in this study he was concerned about the suit color of

the attorney and how it acknowledges thirteen different qualities such as aggressiveness, friendliness, honesty, success, confidence, power, intelligence, arrogance, sincerity, believability, reliability, competence, and cleverness. However, the results of this study showed that it does not seem that jurors really do not care much about the color of a lawyer's clothes.

David Nathan (1975) in his article, *Courtly Attire: How to Dress-Win Your Case*, interviewed John Malloy, who is a stylist for law firms. Malloy states that how a lawyer dresses does not alone make a winning case. However, many of his satisfied clients believe that the clothes they wore helped them win particular cases. Malloy says, "In order to believe this, you also have to believe firmly that clothes do indeed make the man (or woman), that they have a definite psychological impact on the jury or client, and that you are willing to cater to that conditioned psychology" (Nathan, 1975). Malloy states that the jury will not take a lawyer seriously, if he is wearing a bow tie. For women, he says that they should dress sharp, contrasting colors for example, a blue suit with a white scarf. He says, "heavy make-up should be avoided, as well as lace, pleats or anything that someone might consider 'silly', like bow ties" (Nathan, 1975). Also, Malloy mentions that women should always be in style, this is because female jurors will take notice of these things. In conclusion, this article states what lawyers should and should not wear in a courtroom.

In the article, *Gender Bias and Feminist Consciousness among Judges and Attorneys: A Standpoint Theory Analysis*, authors Patricia Yancey Martin, John R. Reynolds, and Shelley Keith (2002) conduct a number of studies in order to test the impact of gender in certain cases. According to the article, scholars that studied gender and the legal institution agreed on a number of points. These points included: "(1) The institution's primary participants historically were men, as judges, lawyers, and jurors. (2) Stereotypical beliefs of women's alleged delicate

physiology and lesser mental capacities framed women as incapable of participating in the adversarial world of law and as “naturally” suited for home and family life, while men’s higher intelligence and coarser nature prepared them well for the world of law. (3) Women’s influx into law schools and the legal profession since the 1970s has changed the institution’s gender composition so that women now constitute a larger, though still minority, proportion” (Martin, Reynolds, and Keith 2002). For example, in one of their studies, it was shown that women judges and attorneys reject rape myths or “a view that holds women or girls responsible for being raped” more than men judges and attorneys do. Both men and women disagree with rape myths. However, the results show that women disagree more strongly.

*The Effect of Attorney Gender on Jury Perception and Decision-Making*, by Mary Stewart Nelson (2004), is another article that studied the affect of attorney gender in the courtroom by analyzing literature and surveys. In this article, Nelson explains that surveys suggest that the gender of an attorney does affect a jury’s decision-making because the elements surrounding gender affect the jury’s perception of attorneys and consequently their verdicts. She states that the elements surrounding gender include gender stereotypes and attorney appearance, which tend to affect a jury's perception of attorneys based on their gender. Therefore, her research suggest, “the jury tends to have a biased perception of an attorney's expected presentation style and a biased perception of the attorney's credibility, based on the historically small number of women in the legal profession, the treatment of women in the courtroom by judges and attorneys, and the jury's perception of an attorney's competence and trustworthiness” (Nelson, 2004).

In the article, *Sex Role Differentiation in Jury Deliberations*, Richard D. Mann and Fred L. Strodbeck (1956), conducted an experiment on jurors to see how their sex impacts their

deliberation process. They did a mock jury deliberation, in which the participants listened to a recorded trial deliberation and returned their verdict. The data of this experiment showed that “Men pro-act, that is, they initiate relatively long bursts of acts directed at the solution of the task problem, and women tend more to react to the contributions of others” (Mann and Strodbeck, 1956). Therefore, the results in this experiment show that male jurors are more likely to interact with the case and facts of the trial in order to find a verdict. However, on the other hand, female jurors are more likely to just agree with majority.

*Gender and juror partiality: are women more likely to prejudge guilt?* Is another article that studied the gender of the jury and the impact they have on the verdict of a case. The authors of this article, Edmond Costantini, Michael Mallery, and Diane M. Yapundich (1983), conducted three separate telephone surveys on four different court cases involving murder and rape, the defendant was a male in all of the cases. The results found in these surveys showed that females are less likely to be unprejudiced jurors than males. Also, the results showed that female jurors are more likely to accuse guilt to criminal defendants.

Lucy Fowler (2005) is another author who studied the gender of the jury and their deliberation. In her article, *Gender and Jury Deliberation: The Contributions of Social Science*, she argues that male and female jurors are not “fungible” and that the criminal justice system should not pretend that they are. Fowler analyzes research conducted by Carol Gilligan and the work of other social scientists. She concludes that gender does affect jury deliberations. However, she states, “it is impossible to predict, based upon an individual's gender, how that person will behave as a juror, clear gender patterns have emerged from the research on juror behavior” (Fowler, 2005). For example, in rape cases in particular, the generalization about gender differences among jurors is that women are more likely than men to find the defendant

guilty. Also, women jurors suggest longer sentences for the rape defendant than men, and the women express a greater belief in their verdicts. According to the article, “one obvious explanation for these results is that women tend to identify with the female rape victim, leading them to judge the alleged attacker more harshly” (Fowler, 2005). On the other hand, men might be more hesitant to give a verdict of guilty to a defendant who, like themselves, is male. In addition, male jurors acquit defendants in a rape case by changing blame to the victim. But female jurors are unwilling to reason their judgment of the defendant's guilt.

There is research in this area available but not for the exact same kind of study that I am trying to do. Also, a lot of the methods and focuses of the studies are different from what I am going to do. For example, I am going to conduct a survey regarding two different kinds of felonies, for example, a rape case and a conspiracy case that includes different scenarios in which a male attorney and a female attorney will present evidence and support their client using my four different independent variables. The participants taking the survey will state their gender and they will pretend that they are on the jury of these two separate cases and will rate the scenarios on the likelihood of how effective or ineffective the female and male attorney's presentation of the evidence would have on their decision of the verdict in this case. Therefore, my research will test each one of these variables separately and see how each one of these variables impact the jury's decision of the verdict. Also, my particular research is going to determine how effective these variables are in a particular court case such as different classes of felony crimes. Therefore, my research model will include moderating variables, in which none of the other studies have tested in the past. My research question is “how does the gender of an attorney, the gender of the jurors, an attorney's self-confidence, physical characteristics, organizational skills, and the different ways in which a lawyer presents the evidence in the courtroom affect the jury's verdict in a rape case vs. in a conspiracy case?”

## **Research Question and Hypothesis:**

My research question is “how does the gender of an attorney, the gender of the jurors, an attorney’s self-confidence, physical characteristics, organizational skills, and the different ways in which a lawyer presents the evidence in the courtroom affect the jury’s verdict in a rape case vs. in a conspiracy case?” This research will test each one of these four independent variables. I will measure an attorney’s self-confidence by the amount of eye contact and body language used to influence the jury. The physical characteristics I will include in my study will involve the appearance of the attorney and will be measured by their height, attractiveness, and style of clothing in order to see how this influences the jury. I will measure organizational skills by testing to see how an attorney’s punctuality such as being on time and being prepared for trial can affect the jury’s verdict. I will test two different types of presentation styles of speech such as aggressive and passive. An aggressive attorney is one who is straightforward with their words, vary their voice, use exaggerated hand gestures, look their audience square in the eye, and speak clearly and directly. On the other hand, a passive attorney is one who maintains a quieter, steady voice, stands still at a podium, looks often at their notes, pauses often in their speech, and seems unmotivated or uninterested.

My research will include a survey, in which I will test each one of these variables in different scenarios and see how they have an impact on the verdict of the jury in two separate cases. A felony crime is a serious crime typically one involving violence and usually punishable by imprisonment for more than one year, life in prison or by death. There are many different kinds of felonies and each state classifies them into different classes. This research will be testing a higher class felony and a lower class felony. The higher class felony crime that will be used in this research will be a rape case. Rape is usually classified in the first or second classification

because it is considered a serious crime. Rape is also considered a violent felony. The lower class felony crime that will be used is conspiracy. Conspiracy is considered a nonviolent felony. The crime of conspiracy is usually in one of the last classifications of felonies because it is not as serious as the other felonies. Therefore, in the survey each one of the four independent variables mentioned before will be tested three separate times. First, the variables will be tested to see how they impact the jury's verdict. Secondly, the variables will be tested on the jury's verdict and the impact these variables have on a higher class felony crime. Finally, the variables will be tested on the jury's verdict and the impact these variables have on a lower class felony crime.

## Theoretical Model

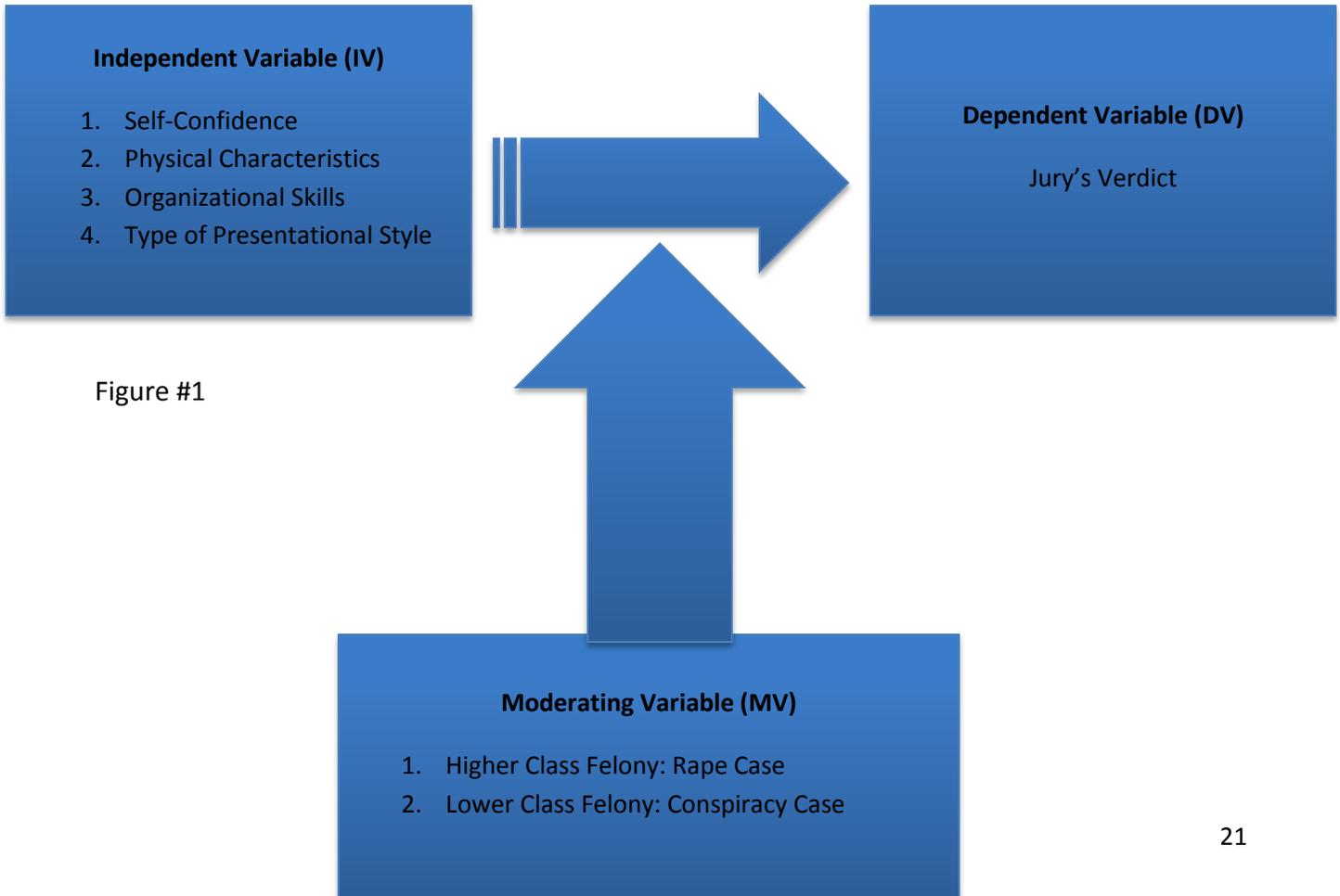


Figure #1

The independent variables included in this study are self-confidence, physical characteristics, and organizational skills, and the type of presentational style. The dependent variable in this study is the jury's verdict. The moderating variables in this study are a rape case and a conspiracy case. Therefore, there are four key relationships that need to be tested in this study. The first key relationship is to see how an attorney's self-confidence impacts the jury's verdict. For example, I argue that the more self-confidence an attorney displays in the courtroom will lead to a favorable verdict. The second key relationship is to see how an attorney's physical characteristics such as height, attractiveness, and style of clothing impact the verdict of the jury. For example, I argue that the more of these characteristics an attorney has such as being tall, attractive, and wearing professional clothing then the more likely the verdict will be favorable. The third key relationship will determine how an attorney's organization skills such as being on time and being prepared for trial will impact the jury's verdict. For example, I argue that if an attorney is on time and prepared for trial it is more likely that the jury's verdict will be favorable. The fourth key relationship is to see how two different types of presentational styles such as aggressive and passive will impact the jury's verdict. For example, I argue that if an attorney uses an aggressive style the verdict will be favorable.

However, after testing each one of these key relationships on the impact they have on the jury's verdict. These key relationships will then be tested in the two separate cases. I argue that these variables will be less important in a higher class felony crime in this particular study a rape case. I feel that the jury will pay closer attention to the facts of a serious crime rather than how the attorney acts or presents the facts. In serious crimes, the jury has to make a decision that could potentially send an individual to jail for life or could be given the death penalty. Therefore, if the jury does not pay attention to the facts of the crime they could end up putting an innocent

individual to prison or even ending his or her life. The jury could also end up letting a guilty individual off the hook and putting him or her back on the street, in which this individual could potentially hurt more innocent people. Thus, in a more serious crime, the jury has a tougher decision to make and most likely they are paying close attention to the evidence and facts made available in the case. Higher class felony crimes usually involve violence and are among the worst acts a human being can commit. Therefore, it is in the jury's discretion to make an accurate decision and to insure the safety of our society, while trying to not convict an innocent individual or free a criminal. On the contrary, I argue that these variables will have more of an impact on the jury's verdict in a lower class felony crime. I still believe the jury will listen and pay attention to the evidence of the case. However, these variables most likely will have a higher impact on the jury's verdict. I argue this is true because an individual who has committed a lower class felony crime is punished usually by spending a minimal amount of time on probation and rarely ever any jail time. Thus, the jurors' role in these types of cases are rarely about protecting society from serious criminals but more about punishing an individual for breaking a law such as conspiracy or computer tampering. Additionally, conspiracy is the agreement of two or more people planning to commit an unlawful act in the future. Consequently, I argue if the defendant has an attorney who has some or all of these variables the more likely he or she will be able to win the case or get a lesser sentencing.

In addition to testing those four variables, this paper will also study gender differences. The gender that will be studied in this survey is the gender of the attorney and the genders of the jury, in this case the participants of the survey. In the survey, there will be a question asking if the attorney was a male how would this affect your verdict and there will also be a question asking if the attorney was a female how would this affect your verdict. I argue that a gender

difference does exist especially in rape cases. However, I am not too sure how big of a gender difference there is.

### **Methodology:**

I decided the best way to analyze my thesis question and test my hypothesis would be through a survey. I created a survey through *Qualtrics Survey Software*, which is a Web-based survey software and research tool. Qualtrics software enables users to do any kind of online data collection. Therefore, I thought this would be the perfect survey software to use. The survey had to be short because I knew that participants would not be willing to take a long survey online. The survey consisted of twenty-five (25) questions and it would take a single participant between five to ten minutes to complete. The questionnaire consisted of five separate parts. The first part was an informed consent form that every single participant had to read. It included an introduction, the procedures, confidentiality, and it gave my name and email just in case they had any questions regarding the survey. It also stated in this form that every single participant had to be 18 years old or older in order to take the survey. The second part consisted of general background questions. These questions included: (1) Gender; (2) Current age; (3) National origin; (4) Current status such as employed, retired, student, or unemployed; (5) Current employment such as full-time, part-time, or not employed; (6) If a student, name of their university. In the third part each participant had to answer general questions about how four different attributes of an attorney would affect their verdict of guilty or not guilty, if he or she was a juror in any court case. This section also included a brief description of two different attorneys. Attorney (A), who throughout the case maintains eye contact with the jurors and the witnesses and uses body language. The attorney is also straightforward with her/his words, vary

her/his voice, uses exaggerated hand gestures, looks the audience square in the eye, and speaks clearly and directly. Attorney (B), who throughout the case does not maintain a lot of eye contact with the jurors and the witnesses and uses very little to no body language. The attorney also maintains a quieter, steady voice, stands still at the podium, looks often at her/his notes, pauses often in her/his speech, and seems unmotivated or uninterested. The questions in this section included: (1) Which attorney would have more of an influence on their verdict; (2) If either attorney was female, would this affect their verdict; (3) If either attorney was male, would this affect their verdict; (4) If the attorney was tall, beautiful/handsome, and dressed in a pencil skirt and a blazer/ a suit and a tie. How would this affect their verdict; (5) If the attorney is on time and prepared for trial. How would this affect their verdict; (6) If the attorney is not on time and is not prepared for trial. How would this affect their verdict. The next two sections consisted of two separate short scenarios describing two different cases (that were made up for this survey), in which the same four attributes were demonstrated again and they had to answer the same questions from section three but this time each participant was pretending they were a juror on these two particular cases. The particular case that was used in part four is as follows: This case involves a male defendant who is on trial for rape. The victim claims that the defendant raped her and that she told him no but he kept repeating, "you want it." There are no witnesses and the defendant claims that she consented to having sex with him. If convicted the defendant would be sentenced to a minimum of five years to a maximum of twenty-five years in prison. The particular case that was used in part five is as follows: This case involves a defendant who is on trial for conspiracy. The defendant and two others made an agreement to steal a car. However, the defendant says that they were only joking and would have of never actually committed the crime. The only witness is another student who over heard the defendant and the other two

students talking about stealing a car. If convicted the defendant would be put on probation for a minimum of one year to a maximum of seven years. For the questions in the last three sections, which were about the attorney's attributes, the participant had to choose from one of the five answers for each question: (1) Not at all; (2) To a slight extent; (3) To a moderate extent; (4) To a great extent; (5) To a very great extent. However, for the question about "Which attorney would have more of an influence on your verdict?" the answers were different. For this question the participant had to choose from one of the three answers: (1) Attorney (A); (2) Attorney (B); (3) Neither. At the end of the survey each participant received a message stating, "We thank you for your time spent taking this survey. Your response has been recorded."

In order to receive the most responses as possible for my survey I decided to use social media such as Facebook. I thought Facebook would be a great tool to use because it is one of the biggest social media sites out there and it is used worldwide. Since, I have all my family members and friends on Facebook it was very simple to send messages out asking them to participate in my survey. Besides using Facebook, I also used word of mouth to get more responses. I told people to spread the word and ask others to take the survey as well. Another way I got people to participate in taking the survey was through my online sorority server.

After collecting all of the results for my survey I had a total of 193 participants. 82 of the responses were from male participants and 111 of the responses were from female participants. The age of the participants ranged from 18-64 years old. However, the majority of the participants were between the ages of 19-24 years old, which totaled 152 out of the 193 participants who took part in the survey. The one particular age that took the survey the most was participants who were 21 years old (44 of the 193 participants). The national origin of the participants are as follows: (1) African American (13 participants or 7%); (2) Asian (90

participants or 47%); (3) Caucasian (62 participants or 32%); (4) Hispanic (11 participants or 6%); (5) Other (16 participants or 8%). Overall, a little less than half of all the participants who took the survey were Asian (47%). The current status of the participants are as follows: (1) Employed (65 participants or 34%); (2) Retired (1 participant or 1%); (3) Student (115 participants or 60%); (4) Unemployed (11 participants or 6%). The majority of people who took the survey were students (60%). The current employment statuses of the participants are as follows: (1) Full-time (67 participants or 35%); (2) Part-time (65 participants or 34%), (3) Not employed (60 participants or 31%). The majority of participants who took the survey were employed full-time.

## **Results and Discussion:**

For the first set of questions regarding if the participant was a juror in any court case the results were as follows. The results for the question, “which attorney would have more of an influence on your verdict,” were as follows: (1) Attorney (A) (156 participants or 88%), (91 females), (65 males); (2) Attorney (B) (8 participants or 4%), (6 females), (8 males); Neither (14 participants or 8%), (5 females), (3 males). The results for the question, “if either attorney in the above scenario was a female. How would this affect your verdict,” were as follows: (1) Not at all (133 participants or 75%), (77 females), (56 males); (2) To a slight extent (28 participants or 16%), (17 females), (11 males); (3) To a moderate extent (7 participants or 4%), (2 females), (5 males); (4) To a great extent (7 participants or 4%), (4 females), (3 males); (5) To a very great extent (2 participants or 1%), (1 female), (1 male). The results for the question, “if either attorney in the above scenario was a male. How would this affect your verdict,” were as follows: (1) Not at all (129 participants or 73%), (74 females), (55 males); (2) To a slight extent (31 participants or 18%), (18 females), (13 males); (3) To a moderate extent (12 participants or 7%), (7 females), (5 males); (4) To a great extent (4 participants or 2%), (1 female), (3 males); (5) To a very great extent (1 participant or 1%), (1 female), (0 males). The results for the question, “if the attorney was tall, beautiful/handsome, and dressed in a pencil skirt and a blazer/ a suit and a tie. How would this affect their verdict,” were as follows: (1) Not at all (75 participants or 43%), (38 females), (37 males); (2) To a slight extent (48 participants or 27%), (32 females), (16 males); (3) To a moderate extent (36 participants or 20%), (22 females), (14 males); (4) To a great extent (15 participants or 9%) (7 females), (8 males); (5) To a very great extent (2 participants or 1%), (1 female), (1 male). The results for the question, “if the attorney is on time and prepared for trial. How would this affect their verdict,” were as follows: (1) Not at all (29 participants or 16%), (11 females), (18 males); (2) To a slight extent (31 participants or 18%), (17 females), (14

males); (3) To a moderate extent (34 participants or 19%), (21 females), (13 males); (4) To a great extent (35 participants or 20%), (19 females), (16 males); (5) To a very great extent (47 participant or 27%), (33 females), (14 males). The results for the question, “if the attorney is not on time and is not prepared for trial. How would this affect their verdict,” were as follows: (1) Not at all (11 participants or 6%), (4 females), (7 males); (2) To a slight extent (26 participants or 15%), (13 females), (13 males); (3) To a moderate extent (40 participants or 23%), (28 females), (12 males); (4) To a great extent (45 participants or 26%), (22 females), (23 males); (5) To a very great extent (54 participant or 31%), (34 females), (20 males).

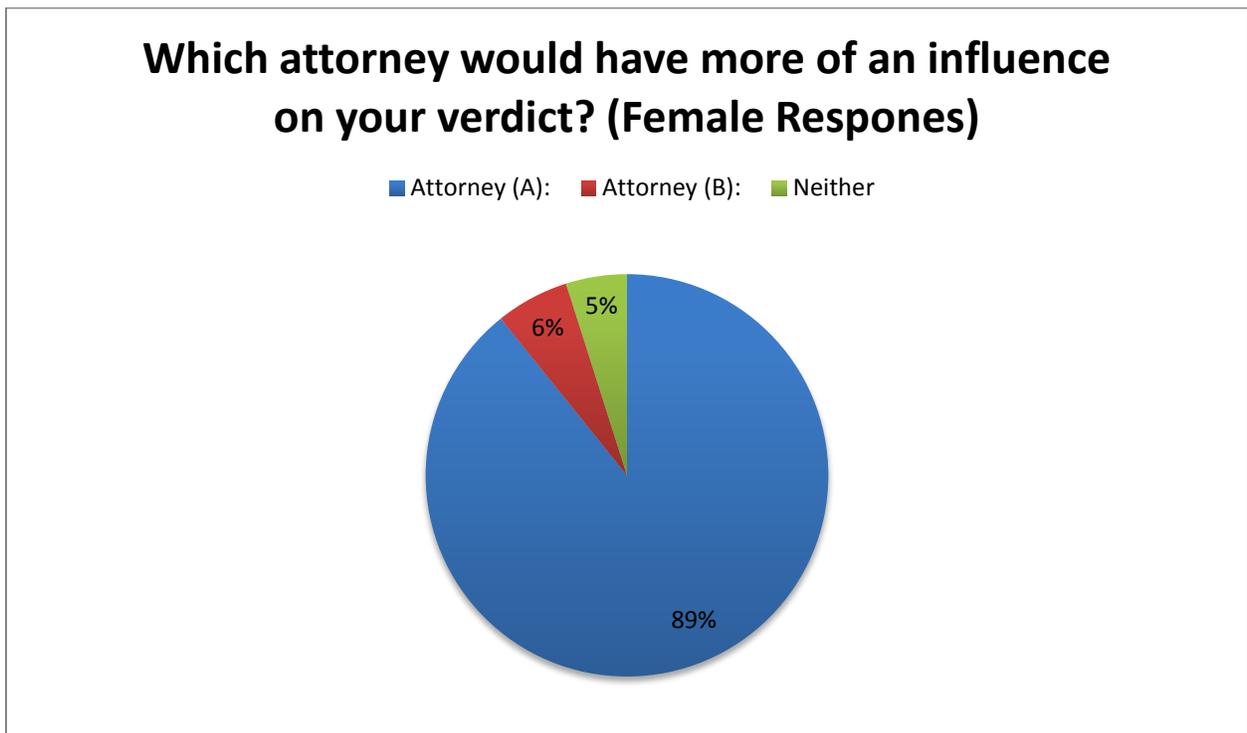


Figure #2

## Which attorney would have more of an influence on your verdict? (Male Responses)

■ Attorney (A): ■ Attorney (B): ■ Neither

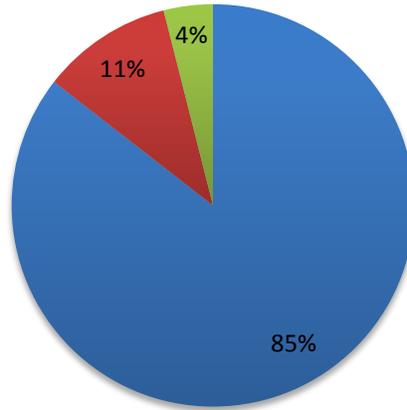


Figure #3

	Not at all: (133 participants or 75%)	To a slight extent: (28 participants or 16%)	To a moderate extent: (7 participants or 4%)	To a great extent: (7 participants or 4%)	To a very great extent: (2 participants or 1%)
If either attorney in the above scenario was a female. How would this affect your verdict?	<b>77 Females</b>	<b>17 Females</b>	<b>2 Females</b>	<b>4 Females</b>	<b>1 Female</b>
	<b>56 Males</b>	<b>11 Males</b>	<b>5 Males</b>	<b>3 Males</b>	<b>1 Male</b>
	Not at all: (129 participants or 73%)	To a slight extent: (31 participants or 18%)	To a moderate extent: (12 participants or 7%)	To a great extent: (4 participants or 2%)	To a very great extent: (1 participant or 1%)
If either attorney in the above scenario was a male. How would this affect your verdict?	<b>74 Females</b>	<b>18 Females</b>	<b>7 Females</b>	<b>1 Female</b>	<b>1 Female</b>
	<b>55 Males</b>	<b>13 Males</b>	<b>5 Males</b>	<b>3 Males</b>	<b>0 Males</b>
	Not at all: (75 participants or 43%)	To a slight extent: (48 participants or 27%)	To a moderate extent: (36 participants or 20%)	To a great extent: (15 participants or 9%)	To a very great extent: (2 participants or 1%)
If the attorney was tall, beautiful/handsome, and dressed in a pencil skirt and a blazer/ a suit and a tie. How would this affect their verdict?	<b>38 Females</b>	<b>32 Females</b>	<b>22 Females</b>	<b>7 Females</b>	<b>1 Female</b>
	<b>37 Males</b>	<b>16 Males</b>	<b>14 Males</b>	<b>8 Males</b>	<b>1 Male</b>
	Not at all: (29 participants or 16%)	To a slight extent: (31 participants or 18%)	To a moderate extent: (34 participants or 19%)	To a great extent: (35 participants or 20%)	To a very great extent: (47 participant or 27%)
If the attorney is on time and prepared for trial. How would this affect their verdict?	<b>11 Females</b>	<b>17 Females</b>	<b>21 Females</b>	<b>19 Females</b>	<b>33 Females</b>
	<b>18 Males</b>	<b>14 Males</b>	<b>13 Males</b>	<b>16 Males</b>	<b>14 Males</b>
	Not at all: (11 participants or 6%)	To a slight extent: (26 participants or 15%)	To a moderate extent: (40 participants or 23%)	To a great extent: (45 participants or 26%)	To a very great extent: (54 participant or 31%)
If the attorney is not on time and is not prepared for trial. How would this affect their verdict?	<b>4 Females</b>	<b>13 Females</b>	<b>28 Females</b>	<b>22 Females</b>	<b>34 Females</b>
	<b>7 Males</b>	<b>13 Males</b>	<b>12 Males</b>	<b>23 Males</b>	<b>20 Males</b>

Figure #4

The second set of questions dealt with the rape case scenario. The results for the question, “which attorney would have more of an influence on your verdict,” were as follows: (1) Attorney (A) (136 participants or 83%), (77 females), (59 males); (2) Attorney (B) (7 participants or 4%), (5 females), (2 males); Neither (21 participants or 13%), (11 females), (10 males). The results for the question, “if either attorney in the above scenario was a female. How would this affect your verdict,” were as follows: (1) Not at all (115 participants or 71%), (69 females), (46 males); (2) To a slight extent (19 participants or 12%), (12 females), (7 males); (3) To a moderate extent (15 participants or 9%), (4 females), (11 males); (4) To a great extent (6 participants or 4%), (4 females), (2 males); (5) To a very great extent (6 participants or 4%), (3 females), (3 males). The results for the question, “if either attorney in the above scenario was a male. How would this affect your verdict,” were as follows: (1) Not at all (113 participants or 70%), (64 females), (49 males); (2) To a slight extent (29 participants or 18%), (20 females), (9 males); (3) To a moderate extent (9 participants or 6%), (3 females), (6 males); (4) To a great extent (7 participants or 4%), (4 females), (3 males); (5) To a very great extent (4 participant or 2%), (1 female), (3 males). The results for the question, “if the attorney was tall, beautiful/handsome, and dressed in a pencil skirt and a blazer/ a suit and a tie. How would this affect their verdict,” were as follows: (1) Not at all (77 participants or 48%), (37 females), (40 males); (2) To a slight extent (42 participants or 26%), (31 females), (11 males); (3) To a moderate extent (25 participants or 16%), (17 females), (8 males); (4) To a great extent (11 participants or 7%) (4 females), (7 males); (5) To a very great extent (4 participant or 3%), (2 females), (2 males). The results for the question, “if the attorney is on time and prepared for trial. How would this affect their verdict,” were as follows: (1) Not at all (28 participants or 18%), (13 females), (15 males); (2) To a slight extent (36 participants or 23%), (20 females), (16 males); (3) To a moderate extent

(21 participants or 13%), (12 females), (9 males); (4) To a great extent (38 participants or 24%), (20 females), (18 males); (5) To a very great extent (37 participants or 23%), (25 females), (12 males). The results for the question, “if the attorney is not on time and is not prepared for trial. How would this affect their verdict,” were as follows: (1) Not at all (18 participants or 11%), (8 females), (10 males); (2) To a slight extent (28 participants or 17%), (15 females), (13 males); (3) To a moderate extent (34 participants or 21%), (21 females), (13 males); (4) To a great extent (32 participants or 20%), (15 females), (17 males); (5) To a very great extent (49 participants or 30%), (32 females), (17 males).

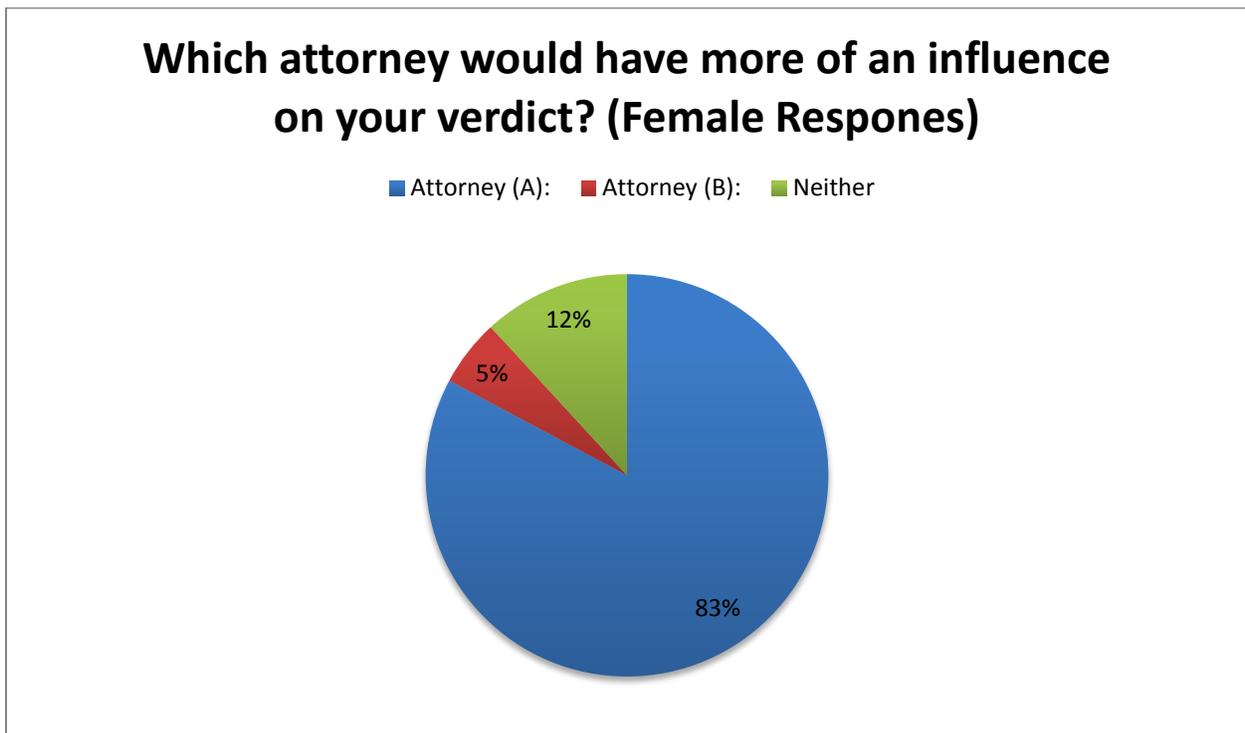
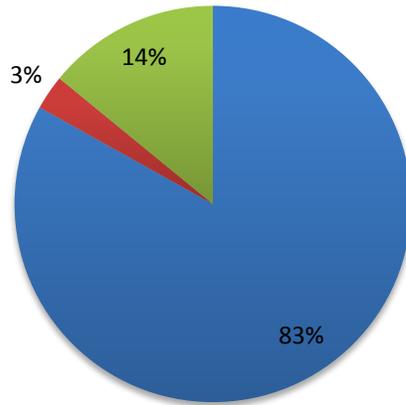


Figure #5

## Which attorney would have more of an influence on your verdict? (Male Responses)

■ Attorney (A): ■ Attorney (B): ■ Neither



Figure#6

	Not at all: (115 participants or 71%)	To a slight extent: (19 participants or 12%)	To a moderate extent: (15 participants or 9%)	To a great extent: (6 participants or 4%)	To a very great extent: (6 participants or 4%)
If either attorney in the above scenario was a female. How would this affect your verdict?	<b>69 Females</b>	<b>12 Females</b>	<b>4 Females</b>	<b>4 Females</b>	<b>3 Females</b>
	<b>46 Males</b>	<b>7 Males</b>	<b>11 Males</b>	<b>2 Males</b>	<b>3 Males</b>
	Not at all: (113 participants or 70%)	To a slight extent: (29 participants or 18%)	To a moderate extent: (9 participants or 6%)	To a great extent: (7 participants or 4%)	To a very great extent: (4 participant or 2%)
If either attorney in the above scenario was a male. How would this affect your verdict?	<b>64 Females</b>	<b>20 Females</b>	<b>3 Females</b>	<b>4 Females</b>	<b>1 Female</b>
	<b>49 Males</b>	<b>9 Males</b>	<b>6 Males</b>	<b>3 Males</b>	<b>3 Males</b>
	Not at all: (77 participants or 48%)	To a slight extent: (42 participants or 26%)	To a moderate extent: (25 participants or 16%)	To a great extent: (11 participants or 7%)	To a very great extent: (4 participants or 3%)
If the attorney was tall, beautiful/handsome, and dressed in a pencil skirt and a blazer/ a suit and a tie. How would this affect their verdict?	<b>37 Females</b>	<b>31 Females</b>	<b>17 Females</b>	<b>4 Females</b>	<b>2 Females</b>
	<b>40 Males</b>	<b>11 Males</b>	<b>8 Males</b>	<b>7 Males</b>	<b>2 Males</b>
	Not at all: (28 participants or 18%)	To a slight extent: (36 participants or 23%)	To a moderate extent: (21 participants or 13%)	To a great extent: (38 participants or 24%)	To a very great extent: (37 participant or 23%)
If the attorney is on time and prepared for trial. How would this affect their verdict?	<b>13 Females</b>	<b>20 Females</b>	<b>12 Females</b>	<b>20 Females</b>	<b>25 Females</b>
	<b>15 Males</b>	<b>16 Males</b>	<b>9 Males</b>	<b>18 Males</b>	<b>12 Males</b>
	Not at all: (18 participants or 11%)	To a slight extent: (28 participants or 17%)	To a moderate extent: (34 participants or 21%)	To a great extent: (32 participants or 20%)	To a very great extent: (49 participant or 30%)
If the attorney is not on time and is not prepared for trial. How would this affect their verdict?	<b>8 Females</b>	<b>15 Females</b>	<b>21 Females</b>	<b>15 Females</b>	<b>32 Females</b>
	<b>10 Males</b>	<b>13 Males</b>	<b>13 Males</b>	<b>17 Males</b>	<b>17 Males</b>

Figure #7

The third set of questions dealt with the conspiracy case scenario. The results for the question, “which attorney would have more of an influence on your verdict,” were as follows: (1) Attorney (A) (104 participants or 78%), (59 females), (45 males); (2) Attorney (B) (6 participants or 5%), (4 females), (2 males); Neither (23 participants or 17%), (13 females), (10 males). The results for the question, “if either attorney in the above scenario was a female. How would this affect your verdict,” were as follows: (1) Not at all (109 participants or 82%), (62 females), (47 males); (2) To a slight extent (13 participants or 10%), (8 females), (5 males); (3) To a moderate extent (7 participants or 5%), (3 females), (4 males); (4) To a great extent (3 participants or 2%), (3 females), (0 males); (5) To a very great extent (1 participants or 1%), (0 females), (1 male). The results for the question, “if either attorney in the above scenario was a male. How would this affect your verdict,” were as follows: (1) Not at all (106 participants or 80%), (64 females), (47 males); (2) To a slight extent (17 participants or 13%), (12 females), (5 males); (3) To a moderate extent (6 participants or 5%), (3 females), (3 males); (4) To a great extent (3 participants or 2%), (2 females), (1 male); (5) To a very great extent (1 participant or 1%), (0 females), (1 male). The results for the question, “if the attorney was tall, beautiful/handsome, and dressed in a pencil skirt and a blazer/ a suit and a tie. How would this affect their verdict,” were as follows: (1) Not at all (70 participants or 53%), (34 females), (36 males); (2) To a slight extent (34 participants or 26%), (21 females), (13 males); (3) To a moderate extent (18 participants or 14%), (13 females), (5 males); (4) To a great extent (6 participants or 5%) (5 females), (1 male); (5) To a very great extent (4 participant or 3%), (2 females), (2 males). The results for the question, “if the attorney is on time and prepared for trial. How would this affect their verdict,” were as follows: (1) Not at all (27 participants or 20%), (14 females), (13 males); (2) To a slight extent (33 participants or 25%), (20 females), (13 males);

(3) To a moderate extent (25 participants or 19%), (14 females), (11 males); (4) To a great extent (19 participants or 14%), (9 females), (10 males); (5) To a very great extent (29 participant or 22%), (19 females), (10 males). The results for the question, “if the attorney is not on time and is not prepared for trial. How would this affect their verdict,” were as follows: (1) Not at all (19 participants or 14%), (11 females), (8 males); (2) To a slight extent (23 participants or 17%), (11 females), (12 males); (3) To a moderate extent (34 participants or 26%), (21 females), (13 males); (4) To a great extent (21 participants or 16%), (10 females), (11 males); (5) To a very great extent (36 participant or 27%), (23 females), (13 males).

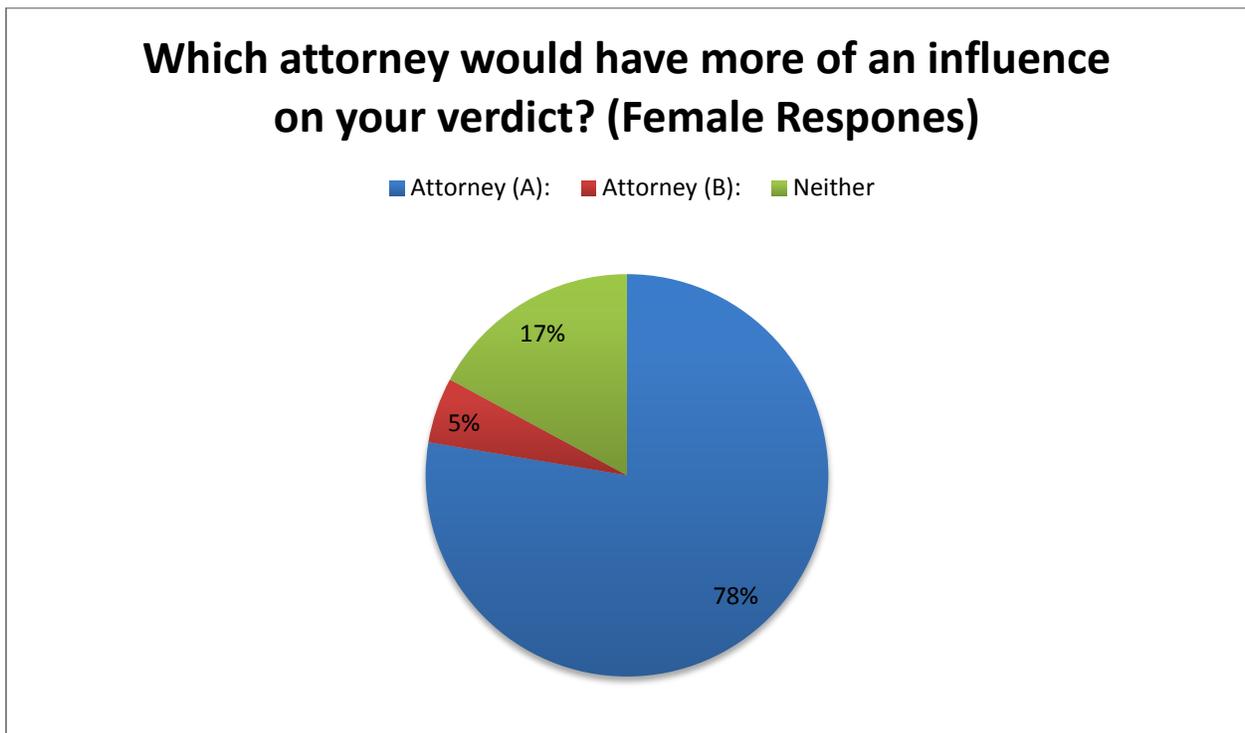


Figure #8

## Which attorney would have more of an influence on your verdict? (Male Responses)

■ Attorney (A): ■ Attorney (B): ■ Neither

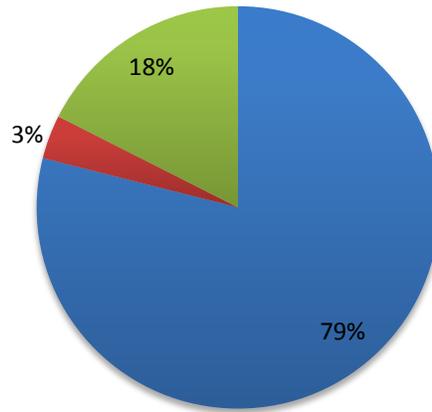


Figure #9

	Not at all: (109 participants or 82%)	To a slight extent: (13 participants or 10%)	To a moderate extent: (7 participants or 5%)	To a great extent: (3 participants or 2%)	To a very great extent: (1 participants or 1%)
If either attorney in the above scenario was a female. How would this affect your verdict?	<b>62 Females</b>	<b>8 Females</b>	<b>3 Females</b>	<b>3 Females</b>	<b>0 Females</b>
	<b>47 Males</b>	<b>5 Males</b>	<b>4 Males</b>	<b>0 Males</b>	<b>1 Male</b>
	Not at all: (106 participants or 80%)	To a slight extent: (17 participants or 13%)	To a moderate extent: (6 participants or 5%)	To a great extent: (3 participants or 2%)	To a very great extent: (1 participant or 1%)
If either attorney in the above scenario was a male. How would this affect your verdict?	<b>64 Females</b>	<b>12 Females</b>	<b>3 Females</b>	<b>2 Females</b>	<b>0 Females</b>
	<b>47 Males</b>	<b>5 Males</b>	<b>3 Males</b>	<b>1 Male</b>	<b>1 Male</b>
	Not at all: (70 participants or 53%)	To a slight extent: (34 participants or 26%)	To a moderate extent: (18 participants or 14%)	To a great extent: (6 participants or 5%)	To a very great extent: (4 participants or 3%)
If the attorney was tall, beautiful/handsome, and dressed in a pencil skirt and a blazer/ a suit and a tie. How would this affect their verdict?	<b>34 Females</b>	<b>21 Females</b>	<b>13 Females</b>	<b>5 Females</b>	<b>2 Females</b>
	<b>36 Males</b>	<b>13 Males</b>	<b>5 Males</b>	<b>1 Male</b>	<b>2 Males</b>
	Not at all: (27 participants or 20%)	To a slight extent: (33 participants or 25%)	To a moderate extent: (25 participants or 19%)	To a great extent: (19 participants or 14%)	To a very great extent: (29 participant or 22%)
If the attorney is on time and prepared for trial. How would this affect their verdict?	<b>14 Females</b>	<b>20 Females</b>	<b>14 Females</b>	<b>9 Females</b>	<b>19 Females</b>
	<b>13 Males</b>	<b>13 Males</b>	<b>11 Males</b>	<b>10 Males</b>	<b>10 Males</b>
	Not at all: (19 participants or 14%)	To a slight extent: (23 participants or 17%)	To a moderate extent: (34 participants or 26%)	To a great extent: (21 participants or 16%)	To a very great extent: (36 participant or 27%)
If the attorney is not on time and is not prepared for trial. How would this affect their verdict?	<b>11 Females</b>	<b>11 Females</b>	<b>21 Females</b>	<b>10 Females</b>	<b>23 Females</b>
	<b>8 Males</b>	<b>12 Males</b>	<b>13 Males</b>	<b>11 Males</b>	<b>13 Males</b>

Figure #10

Overall, after analyzing the results in the three separate parts of the survey many facts were made clear. For example, in all three parts the participants both female and male were more likely to choose Attorney (A). However, the results did show that the percentage of participants who choose neither attorney did go up depending on the case. In any court case the percentage was 8%, in the rape case the percentage was 13%, and in the conspiracy case it was 17%. Even though the percentage increase was only between 4-5 percent it was still an increase. Therefore, this shows that the type of case is taken into consideration when the jury is making their final decision. The results showed that overall the gender of the attorney would not affect their verdict. Nevertheless, it did show that male jurors rather than female jurors would be more affected to a moderate extent if the attorney were a female. On the other hand, it showed that female jurors rather than male jurors would be more affected if the attorney were a male but to a slight extent rather than to a moderate extent. Therefore, this shows that attorneys of the opposite sex would more easily affect male jurors rather than female jurors. The results also revealed that the type of court case did matter when taking into consideration the gender of the attorney. For example, the gender of the attorney affected the case to a moderate extent more in the rape case rather than in the conspiracy case. If the attorney was a female it affected the rape case by 9% overall including both female and male jurors and only affected the conspiracy case by 5%. If the attorney was a male it affected the rape case by 6% overall including both female and male jurors and only affected the conspiracy case by 5%. The results showed that the physical characteristics of an attorney overall does have an effect on the jury's verdict. Between 40-50% of all the participants both female and male said that the physical characteristics would affect their verdict to a slight or moderate extent. Thus, this illustrates that the jury's verdict is affected by the attorney's physical characteristics. The results also reveal that physical characteristics

have more of an effect on female jurors rather than male jurors and that they have more of an affect on the rape case rather than the conspiracy case. However, the percentage is very low only about 5 percent. The data indicates that being on time and being prepared for trial seriously influences the jury's verdict. For example, between 36-47% percent of all participants both female and male stated that this would affect their verdict to a great or very great extent. Also, not being on time and not being prepared for trial seriously affects the jury's verdict as well. The percentage was even higher! Between 42-57% of all participants both female and male said that this would affect their verdict to a great or very great extent. However, being on time and prepared for trail or not being on time and not being prepared for trial both had more of an affect on female jurors' verdict rather than male jurors' verdict. Also, the results showed that these two variables had more of an affect on the rape case rather than in the conspiracy case but percentage was pretty low around 8%.

I discovered that the data I collected from my survey did confirm my hypothesis to the most part. However, there was a surprise that the data revealed that went against what I thought would occur. The data showed that the four variables I tested do indeed have an impact on the jury's verdict. Overall, both female and male jurors are more likely to choose Attorney (A), which confirms my hypothesis that if an attorney uses more of an aggressive style the jury will favor that attorney more. Attorney (A) shows more self-confidence than Attorney (B); therefore, this also confirms my hypothesis that the jury will favor an attorney who expresses more self-confidence. The data confirms my hypothesis that an attorney will affect the jury's verdict more if she/he has more appealing physical characteristics, such as being good looking, tall, and is wearing appropriate business attire. The data showed that organizational skills of an attorney are very important when it comes to influencing their decision of the verdict. For example, 36-47%

of the participants who took the survey stated that if an attorney was on time and prepared for trial that this would have great or very great effect on their verdict. 42-57% of the participants stated that if the attorney was late and not prepared for trial that this would have a great or very great effect on their verdict. Therefore, these results confirm that if an attorney has good organizational skills and is on time and prepared for trial this will benefit her or him in the long run. Overall, the results did prove my hypothesis to be correct that these four variables do in fact affect the jury's verdict in a court case. However, the results did reveal that gender differences do not affect the jury's verdict to a great extent. Nevertheless, gender differences are still taking into account when an individual juror is making their decision. For example, the data displayed that a male juror rather than a female juror would be more affected to a moderate extent if the attorney were a female. The data also showed that a female juror rather than a male juror would be more affected if the attorney were a male but to a slight extent rather than to a moderate extent. Therefore, this data shows that there is a gender difference, which influences an individual juror's decision-making process.

There was one great surprise that the data revealed, which was that these variables affect the jury's verdict more in a rape case rather than in a conspiracy case. This was very shocking because I thought the results would reveal the opposite. I thought these variables would be less important but they turned out to be more important to the jury. For example, the data showed that 13% of the participants said that neither Attorney (A) nor Attorney (B) would affect their verdict in a rape case but 17% of the participants responded the same way when it was a conspiracy case. Therefore, this concludes that the attorney's presentation style and self-confidence has more of an affect on the jury in a rape case rather than in a conspiracy case. Furthermore, the data showed that an attorney's physical characteristics have more of an affect on the jury's

verdict in a rape case rather than in a conspiracy case. 43% of the participants responded to the question, “if the attorney was tall, beautiful/handsome, and dressed in a pencil skirt and a blazer/ a suit and a tie” by stated that this would not affect their verdict in the rape case. On the other hand, 53% of the participants responded the same way to the same question in the conspiracy case. Therefore, even though the difference is only by 5%, it still shows an attorney’s physical characteristics have more of an affect in a rape case. An attorney’s organizational skills also showed to have more of an affect on the jury in a rape case rather than in a conspiracy case. However, the percentage was very low but still showed to have an impact. For example, 82% of the participants responded to the question, “if the attorney is on time and prepared for trial,” that it would affect their verdict to some extent in the rape case. On the other hand, only 80% of the participants responded the same way to the same question in the conspiracy case. This is only a 2% difference but it still shows that it has an affect on their verdict. When answering the question, “if the attorney is not on time and is not prepared for trial,” 89% of the participants said it would affect their verdict in the rape case and 86% of the participants responded to the same question in the conspiracy case. This time there is a difference of 3%, this proves that the jury’s verdict is affect by an attorney’s organizational skills more in a rape case rather than in a conspiracy case. Overall, the results showed that these four attributes of an attorney have more of an affect on the jury in a rape case rather than in a conspiracy case. I thought these results were very surprising because I thought the jury would pay less attention to these attributes in a rape case and pay more attention to the evidence of the case. However, it showed the opposite and the jury’s verdict was actually affected more by these four attributes of the attorney in the rape case and not in the conspiracy case. I believe this might have occurred because the jury might pay more attention to the attorney in a serious felony crime such as rape rather than in a non-so

serious felony crime such as conspiracy. However, I am not positive this is the reason why this has occurred and future research might help to answer this question. Perhaps another scholar can test this out and do another survey to see if this occurs again or to ask the participants other questions to try and figure out why this occurred.

If I had the chance to collect my data differently I am almost positive that the results would be the same. I feel that these four attributes, if an attorney has them she/he will be able to affect the jury's verdict in her/his own favor. However, maybe if the data was collected in a different way and not done by a survey the results might show that these attributes will have less of an affect in a serious felony crime and more of an affect in a less serious felony crime. If the data is collected perhaps by allowing participants to watch a video of an attorney exercising these four attributes in two separate cases such as a serious felony crime and a less serious felony crime. The results might be different in my opinion. I feel like if the participants can hear the facts of the case and see the attorney in action it might be different than just reading a brief description on a survey. Therefore, that is the only way I think I could have approached collecting my data differently. If I had conducted a video or something for the participants to actually see what was going on, the results might have been different. However, I feel that the overall results would be the same no matter which way I collected the data because the data showed that these four attributes do in fact play a part in the jury's decision-making process. So if the participants could see the attorney exercising these attributes I feel like it actually might affect their verdict even more than on the survey.

## **Conclusion:**

This thesis is important because it tested how a jury's verdict can be affected. This is of extreme importance because the jury has the power to give a verdict that can affect the lives of many individuals. For example, the jury may give a verdict of not guilty when that individual might actually be guilty or vice-versa. Overall, this thesis question can be very important to many people including, the jury, judges, lawyers, prosecutors, and the defendants. This research can also affect society at large because it shows that certain attributes that an attorney can use to her/his advantage to persuade the jury in her/his favor. Thus, this can be used to persuade the jury and affect the verdict of the case. This is very important because individuals have the right to a fair trial but these attributes can affect the case and cause the jury to pay less attention to the evidence.

The impact that this thesis has on academic contributions is that it can help law students become better lawyers. For example, the data supports that a lawyer who has better self-confidence and presents evidence in an aggressive way rather than in a passive way will affect the jury's verdict. Therefore, law students can practice their communication and self-confidence skills more and take more public speaking courses. This will help future attorneys to be more appealing to the jury. The data from the survey shows that a lawyer who has better organizational skills will affect the jury's verdict. This data can be valuable to future and current law students because they can take time and practice to make sure they are ready for trial and are always on time.

Both lawyers and jurors can use this data to improve what they are doing. For example, lawyers can use this information to improve the number of cases they might win or can increase their chances of persuading the jurors' verdict. Lawyers can also use this information in order to

increase the way they can get their information across to the jury. On the other hand, jurors can use this information in order to not fall into a lawyer's persuading skills or techniques. Also, jurors can use this information in order to come to a more justifiable verdict without taking these attributes into consideration.

This information is of extreme importance to me because influencing the jury is a crucial part in any court case. My career goal is to become a lawyer and eventually become a judge. Therefore, this information can become very helpful to me in the near future. For example, this data can help me influence the jury or help them understand the evidence in a better way. Therefore, this can help me become a more knowledgeable lawyer. Overall, this information connects to my career in a number of ways. Also, I thought this would be an interesting topic to write my thesis on and gain some knowledge on as well.

# Appendix

(See Attached)

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