January 2012

Juror Personality And Legal Blame

Eugenia Vazquez

JUROR PERSONALITY AND LEGAL BLAME

by

Eugenia Marie Vazquez
Bachelor of Science, North Dakota State University, 2008

A Thesis

Submitted to the Graduate Faculty

of the

University of North Dakota

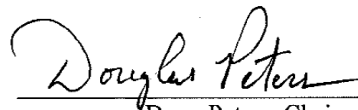In partial fulfillment of the requirements
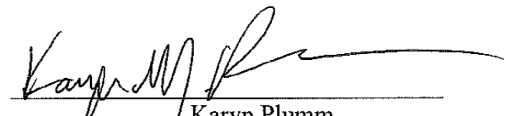
For the degree of

Master of Science

Grand Forks, North Dakota
May
2012

This thesis, submitted by Eugenia Vazquez in partial fulfillment of the requirements for the Degree of Master of Science from the University of North Dakota, has been read by the Faculty Advisory Committee under whom the work has been done, and is hereby approved.

_____
Doug Peters, Chairperson

_____
Karyn Plumm

_____
Cheryl Terrance

This thesis is being submitted by the appointed advisory committee as having met all of the requirements of the Graduate School at the University of North Dakota and is hereby approved.

_____
Dr. Wayne Swisher, Dean of the Graduate School

_____
Date

PERMISSION

Title   Juror Personality and Legal Blame

Department   Forensic Psychology

Degree   Master of Science

       In presenting this thesis in partial fulfillment of the requirements for a graduate degree from the University of North Dakota, I agree that the library of this University shall make it freely available for inspection. I further agree that permission for extensive copying for scholarly purposes may be granted by the professor who supervised my thesis work or, in his absence, by the Chairperson of the department or the dean of the Graduate School. It is understood that any copying or publication or other use of this thesis or part thereof for financial gain shall not be allowed without my written permission. It is also understood that due recognition shall be given to me and to the University of North Dakota in any scholarly use which may be made of any material in my thesis.

Eugenia Vazquez
4/16/12

TABLE OF CONTENTS

LIST OF TABLES

ABSTRACT

The following study looked at the relationship between self-monitoring and jurors' view of liability in a civil accident case. Some studies looking at belief systems and selected personality traits and have found conflicting results on whether or not you can determine which way the juror will vote on a case. Even fewer studies have looked at the Big Five Personality traits and self-monitoring. Research shows that individuals who are more extraverted are more likely to vote for the defense. This study had participants (N=147) take the Big Five Personality Inventory and the Self-Monitoring Scale, then read an accident scenario and answer questions about who they thought was responsible for the accident and assign blame. The hypothesis that those who are high self-monitors would be more likely to find the defendant not guilty was partially supported.

CHAPTER I

INTRODUCTION

Jury selection or voir dire is "the process by which the judge and/or attorneys ask potential jurors questions and attempt to uncover any biases" (Greene & Heilbrun, 2011, p. 421). Lieberman and Sales (2007) believe that the event that lead to the development of modern jury selection was the Harrisburg Seven trial in 1972. The seven defendants were accused of "conspiring to destroy records held by draft boards, conspiring to kidnap presidential advisor Henry Kissinger, and conspiring to blow up heating tunnels in Washington DC" (p. 4). The attorneys asked questions about these preferences during voir dire to identify who would be best for their case. The Schulman group conducted phone and face to face interviews to find characteristics that were related to verdict preferences. After the case was presented to the jury, they went to deliberate but could not agree on convicting the Harrisburg seven. Therefore, it was a hung jury and the defendants were not retried by the prosecutor. Other high profile cases seen in the media that have used jury consulting are the Michael Jackson child sexual abuse case, the Kobe Byrant sexual assault case, and Martha Stewart's insider trader case.

Lawyers, consultants, and psychologists have been trying to find ways to predict which characteristics of potential jurors would be more likely to side with their case. Studies on voir dire first looked at physical characteristics such as ethnicity or

gender. Researchers have also looked at socioeconomic status, income, and education level. Considerable research has been done examining these variables have been mixed (Baldus, Woodworth, Zuckerman, Weiner, & Broffit, 2001).

In looking at the influence of demographics, Vinson, Costanzo, and Berger (2008) conducted a study in which they had 446 surrogate jurors watch three different litigation videos. These videos included claims related to insurance, tobacco, and pharmaceutical companies. The insurance case involved a real estate developer who had his two underinsured buildings destroyed in the September 11th terrorist attacks and the insurance company did not see the two buildings as separate and only wanted to pay a certain amount. In the tobacco case, a smoker was suing a tobacco company because she developed lung cancer. Her argument was that the tobacco company was purposely selling a harmful product and that they should be held responsible for their behavior. The pharmaceutical video was about a class action suit against a large pharmaceutical company who had produced drugs that together would cause weight loss but they did not market these medicines for such. However, doctors would prescribe them together for weight loss even after the companies said they should discontinue prescribing them together. After a few years people started dying from heart problems. The plaintiffs accused the pharmaceutical company of caring more about money than the consumers. The researchers found that males were more likely to agree with the smoker (plaintiff) in the tobacco company case but not the insurance or pharmaceutical case. Older jurors were more likely to find for the plaintiffs in the tobacco and pharmaceutical case but not the insurance case. Jurors with higher levels of education were more likely to find for the real estate developer (plaintiff) in the insurance case but not the others. Jurors

with higher levels of income were more likely to find for the real estate developer in the insurance case but not in the other cases. In regards to marital status, single jurors were more likely to favor the defendant in the pharmaceutical case. Marital status was not important in the other cases. Lastly, African Americans were more likely to find for the plaintiff in the tobacco case but no correlation was shown in the other cases.

In another study, Bornstein and Rajki (1994) found that socioeconomic status and race were related to proplaintiff liability decisions. The researchers gave participants case summaries about an ovarian cancer suit. There were three different summaries, one said that a birth control pill was responsible for the cancer, another said calligraphy ink was responsible and finally a chemical plant that was located by the plaintiff's home. Participants only received one of the case summaries. The participants then answered questions on the case summaries about who they thought was more liable for the plaintiff's cancer. The researchers found that those with lower socioeconomic status were more likely to vote for the plaintiff. Also, they found minorities were more likely to decide for the plaintiff than Whites.

Hastie, Schkade, and Payne (1998) conducted a study where they had participants watch videotaped cases and were grouped into juries to deliberate on their case. The participants gave their verdict to the researchers and then filled out a private questionnaire about how they felt about the case. The researchers found that ethnicity was weakly related to who they sought was liable for the case. Their results showed that white jurors were more likely to vote proplaintiff than minorities.

Lieberman and Sales (2007) discuss different studies that looked at gender and outcomes of cases. Goodman et al (1990) found that gender did not have an impact on

awards that were given to plaintiffs, but Denove and Imwinkelreid (1995) found that gender did have an impact on verdicts (as cited in Lieberman & Sales, 2007).

<center>The Big Five</center>

Since the results of multiple studies have shown that demographics sometimes are and sometimes are not related to a juror's decision on a case (i.e., not reliable outcome predictors), researchers have started looking into other characteristics such as personality. The Big Five, or Five Factor Model, is a "is a taxonomy that proposes five universal traits that constitute human personality" (Szalma & Taylor, 2011, p. 72). The first of the five traits is neuroticism which is negative affectivity vs. emotional stability. The second is extraversion which is social activity vs. introversion. The third is openness to experience which can be defined as intellect and culture vs. closedness. The fourth is agreeableness which is friendly compliance and socialization vs. antagonism. Last is conscientiousness and is the will to achieve and constraint vs. undirectedness (Costa & McCrae, 1992).

Neuroticism is "an individual's typical level of emotional stability or emotionality, tendency to experience negative affective states such as anxiety, sadness, anger, or guilt" (Szalma & Taylor, 2011, p.72). It is associated to a larger susceptibility to stress and the use of emotion-focused and avoidant coping strategies. Individuals with higher levels of neuroticism prefer and adapt better to emotionally positive environments. Therefore, they respond more negatively to situations that have threatening stimuli or the occurrence of uncertain events. Also, those with higher levels of neuroticism have a harder time adapting to changes in their environment (Matthews et al., 2003).

<center>4</center>

Extraversion is defined as preferences for social interaction. It includes characteristics of assertiveness, activity level, preference for excitement and stimulation (Szalma & Taylor, 2011). Individuals high in extraversion tend to be outgoing and like others (Truxillo, Bauer, Campion, and Paronto, 2006). Extroverts are usually described as friendly, high-spirited, conversational, and warm. Introverts are differentiated from extroverts by lack of confidence and liveliness and are apt to be reserved and unfriendly (Hermes, Hagemann, Naumann, Walter, 2011).

Openness to experience consists of active imagination, artistic sensitivity, attention to feelings, intellectual curiosity, and enjoyment of variety (Szalma & Taylor, 2011). People high in openness have active imaginations, are aware of their feelings and have high intellectual curiosity. Those with low openness to experience prefer routine, are less open to diversity, have low intellectual curiosity and are more conservative in nature (Truxillo, Bauer, Campion, and Paronto, 2006).

Agreeableness is associated with characteristics of sympathy, altruism, helpfulness, and tendency to trust others. Individuals high in agreeableness adapt well to interpersonal settings that require social interaction and cooperation (Szalma & Taylor, 2011). They also are more likely to believe others will feel sympathy toward them and be helpful to them. (Truxillo, Bauer, Campion, and Paronto, 2006). Individuals that are low in agreeableness have expectancies of low reliability, are less trustful, can be more selfish and are more likely to be defiant (Szalma & Taylor, 2011).

Conscientiousness consists of traits such as dutifulness, self-control, consideration, and order. Individuals high in conscientiousness do well in environments which they can act alone and demonstrate self-efficacy (Szalma &

Taylor, 2011). They also tend to be goal-directed and motivated. Individuals low in conscientiousness are more likely to be complacent, careless, and less likely to complete tasks (Truxillo, Bauer, Campion, and Paronto, 2006).

In regards to the Big Five personality traits, there have been studies that show relationships between personality and thinking patterns. Witteman, van den Bercken, Claes, and Godoy (2009) conducted a study in which they looked at correlations between personality traits and thinking patterns by administering a questionnaire that assessed preferences for rational or intuitive thinking. They also administered the Big Five Personality Inventory. Results showed a positive correlation between conscientiousness and rational thinking and a negative correlation between conscientiousness and intuitive thinking. This is important to know because jurors do think differently about cases. Some people may let their emotions get in the way of rational thinking (Fiegenson, 2000).

There are two types of mental tools that people use to make judgments on the liability of an individual in a civil case. These are knowledge structures and judgmental heuristics. Knowledge structures are theories, schemas, and models that interpret how the world works. Judgmental heuristics are shortcuts that people use to classify or predict responsibility. Judgmental heuristics are made up of the availability heuristic and the representativeness heuristic. The availability heuristic is the estimation of the frequency of an event and is influenced by how easily people are exposed to the events. The representativeness heuristic is a person's habit of reasoning by perceived similarities (Feigenson, 2000).

Self-monitoring

Self-monitoring is "characterized by an acuteness of perception, discernment, and understanding of social situations" and is divided into two groups, high self-monitors and low self-monitors (Flynn, Reagans, Amanatullah, & Ames, 2006, p.1124). High self-monitors pay a lot of attention to their environment and others and are able to change their self-image to make it more appealing to others depending on the situation they are in. On the other hand, low self-monitors are the opposite. Low self-monitors are less attuned to their environment and others. They are rigid in their response to changing social situations and feel they need to stay true to themselves (Mehra & Schenkewl, 2008).

Some research has shown that there are no differences between high and low self-monitors when it comes to decision making. Niedenthal, Cantor, and Kihlstrom (1985). Conducted a study on high and low self-monitors and their preferences for housing. In their study they asked college students about what their housing preferences and goals in housing selection were for the fall of the upcoming semester. The participants also took the Self-Monitoring Scale. Results showed that there were no correlations in type of self-monitor and how the participant decided on their housing selection.

In 1989, Jamieson and Zanna conducted a study on high and low self-monitors and verdicts. The case was a death penalty case and showed a correlation between low-self monitors who were under a time constraint and their verdict. They did not find any correlations for high self-monitors or low self-monitors who were under a time restrain and were not under a time constraint (as cited in Lieberman & Sales, 2007). Clark,

Boccaccini, Caillouet, and Chaplin (2007) conducted a study in which the participants were individuals who had been called to jury duty and sat through civil and criminal trials. They collected personality and demographic information after they had finished with their juror orientation sessions but before the trials. Personality traits were similar overall for both the criminal and civil cases. The researchers found that high levels of extraversion were associated with not guilty verdicts or verdicts for the defendant. Studies have shown that high self-monitors are more likely to be the foreperson of a jury and that low self-monitors are more likely to be less vocal in the verdict decision (Fiegenson, 2000).

High self-monitors are social chameleons and can put themselves into different situations with dissimilar situational cues and react accordingly. Low self-monitors are more principled and are set in their beliefs. Presumably, a high self-monitor would walk across the street because they see the sign and make the appropriate choice to walk across the street. Furthermore, in decision making, high self-monitors think about what the ideal person would do in the situation. It is likely that this ideal person would walk across the street. Lastly, skilled attorneys could appeal to high self-monitoring jurors because they are more flexible, are open to alternate explanations and are more willing to listen. For this study, it is predicted that high self-monitors would be more likely to find for the defendant, meaning that participants will put more blame on the plaintiff, find the plaintiff more responsible for the injuries, and give less money to the plaintiff, and also because of the relationship between high self-monitors and extraversion (Morrison, 1997; Musser & Browne, 1991; Cunningham, 1977), and extraversion being associated in finding for the defendant, (Clark Boccaccini, Caillouet,

and Chaplin, 2007). Finally, it is predicted that the results of Clark, Boccaccini,

Caillouet, and Chaplin's 2007 study will be replicated.

CHAPTER II

METHOD

Participants

A total of 192 students were recruited through University of North Dakota's (UND) SONA system. They were compensated by receiving extra credit in a psychology course. A total of 192 students completed the study. The minimum requirement for potential jurors is that they have to be at or over the age of 18 years, must be an US citizen, and English must be there first language. As a result, six students were removed because they were not US citizens. Also, three were removed because they did not answer the questions, and one did not agree to participate. Finally, 35 students did not pass the manipulation checks and were removed from the data set. Therefore, 147 students' answers were in the data set. Demographic information is presented in Table 1.[1]

Materials

Big Five Inventory. This personality inventory consists of 44 questions that are answered using a 5-point Likert Scale. It measures the following personality factors, Agreeableness, Conscientiousness, Openness, Extraversion, and Neuroticism. Higher scores indicate higher levels of the personality factor.

---

[1] An enter multiple regression was conducted to test the relationship between the demographics of the participants and the dependent variables. There were no significant overall models.

Table 1. Demographic Information.

Variable	N	%	Mean	SD
Age	147		19.76	3.629
Gender				
Female	111	75.5		
Male	36	24.5		
Year in College				
Freshman	56	38.1		
Sophomore	57	38.8		
Junior	22	15.0		
Senior	11	7.5		
5+ Years	1	.7		
Ethnicity				
White/Caucasion	139	94.6		
African American	1	.7		
Hispanic	0	0		
Asian	0	0		
Native American	4	2.7		
Pacific Islander	0	0		
Multi-Racial	1	.7		
Declined to Answer	2	1.4		
Political Affiliation				
Independent	22	15.0		
Republican	50	34.0		
Democratic	21	14.3		
Other	47	32.0		
Declined to Answer	7	4.8		
Marital Status				
Single	135	91.8		
Living with significant other	5			
Married	5			
Separated	1			
Divorced	0			
Widowed	0			
Declined to Answer	1			

Table 1. Cont.

Variable	N	%	Mean	StdDev
Have you ever served on a jury?				
Yes	2	1.4		
No	145	98.6		
Have you ever sued someone or have been sued?				
Yes, I have sued Someone	1	.7		
Yes, I have been sued	0	0		
Yes, I have sued Someone AND have been sued	0	0		
No, I have never sued someone or have been sued	146	99.3		
Has a family member or someone close to you sued someone or have been sued?				
Yes, a family member or someone close to me has sued someone	19	12.9		
Yes, a family member or someone close to me have been sued	9	6.1		
Yes, a family or someone close to me has sued someone AND has been sued	10	6.8		
No, a family member or someone close to me has not sued	108	73.5		

Self-Monitoring Scale. This scale measures whether or not a person is a high self-monitor or a low self-monitor using 25 True/False questions. Participants with scores 0-12 were considered as low self-monitors and participants with scores 13-25 were considered as high self-monitors.

Scenario An accident scenario was presented to the participants for them to read. The scenario was as follows:

Mr. Jones is a middle-class business man who lives in a small metropolis. He is walking to the train station on his way home. As he is walking on the sidewalk, he sees some signs up ahead that say "DANGER - CONSTRUCTION ZONE. SIDEWALK CLOSED. USE OTHER SIDE." He sees the building across the street is scaffolded and has a covered walkway. Nothing is blocking his side of the street. Mr. Jones thinks to himself, "I don't feel like crossing the street, there's too much traffic." Mr. Jones continues walking on his side of the street.

Meanwhile, Mr. Hoffer, a construction worker, is up above the sidewalk working on the building. He's trying to get his work done quickly, as he wants to go home. He knows the small construction company he works for, (Thompson Construction Company) has strict standards about safety, but he does not properly tie down a piece of metal. He accidentally bumps into a thick piece of metal and it falls off the platform toward the sidewalk below.

The piece of metal strikes the roof of the covered walkway and bounces off the scaffolding. Mr. Jones who is now in the construction zone, but not in

the covered walkway, is hit by the bouncing metal and it breaks his clavicle. A bystander quickly calls for an ambulance.

A few months later, Mr. Jones is suing the Thompson Construction Company and Mr. Hoffer for negligence, in the amount of $500,000. Pain and suffering, loss of work, and medical bills are part of the $500,000. His claim is that Mr. Hoffer did not properly tie down the metal that fell on him and therefore was responsible for the accident. Mr. Hoffer's lawyer states that Mr. Jones should not have been inside of the protected area in the first place and that neither the construction company nor Mr. Hoffer is responsible for the accident.

Procedure

Participants were invited to the study through UND's SONA system. Participants were asked to agree to the study by clicking an "I agree to participate" box or they could have left the study. Participants were asked several demographic questions which included gender, age, what year of school they were in, ethnic background, political affiliation, and marital status. They were also asked if they were an US citizen, if English was their first language, whether they have been sued or sued someone, whether they have worked in construction or owned their own business and whether they have served on a jury or not.

After these initial questions they took the Big Five Personality Inventory and then the Self-Monitoring Scale. Next, they read the scenario described earlier. After they read it, they were asked questions on who they think is to blame for the injuries, the responsibilities of the parties involved, and money owed to the plaintiff.

14

Design

Multiple logistic regressions were used to see if there were correlations between the questions about the case and the five personality traits and high/low self-monitoring. The criterion variables were extraversion, openness, agreeableness, neuroticism, conscientiousness, and high/low self-monitoring. The predictor variables were Mr. Jones is responsible for his injuries in the accident (*mrjonesresponsible*), Mr. Hoffer was responsible for Mr. Jones' injuries (*mrhofferresponsible*), Thompson construction was responsible for Mr. Jones' injuries (*thompsonconscruction*), the defendant Mr. Hoffer was guilty of the crimes committed (*mrhofferguilty*), I myself would have walked across the street (*walkedacrossstreet*), Mr. Jones deserves the $500,000 (*deserves500000*), Mr. Jones deserves less than $500,000 (*deservesless*), Mr. Jones deserves more than $500,000 (*deservesmore*), Mr. Jones was responsible for his injuries number scale (*numberjones*), Mr. Hoffer was responsible for the injuries of Mr. Jones number scale (*numberhoffer*), Mr. Jones was to blame for his own injuries (*mrjonestoblame*) and Mr. Hoffer is to blame for Mr. Jones injuries (*mrhoffertoblame)*.

15

CHAPTER III

RESULTS

It was predicted that high self-monitors would be more likely than low self-monitors to find that the defendant was not responsible for the plaintiff's injuries and was not to blame. It was further predicted that those who were higher in extraversion would be more likely to vote for the defendant. Results were analyzed using a series of multiple regressions to determine how predictive personality traits and self-monitoring are of participants' opinions in the case. The independent variables in these analyses were extraversion, openness, agreeableness, neuroticism, conscientiousness and high/low self-monitoring. Separate multiple regression models were created for each of the following, Mr. Jones is responsible for his injuries in the accident (*mrjonesresponsible*), Mr. Hoffer was responsible for Mr. Jones' injuries (*mrhofferresponsible*), Thompson Construction was responsible for Mr. Jones' injuries (*Thompsonconstruction*), the defendant Mr. Hoffer was guilty of the crimes committed (*mrhofferguilty*), I myself would have walked across the street (*walkedacrossstreet*), Mr. Jones deserves the $500,000 (*deserves500000*), Mr. Jones deserves less than $500,000 (*deservesless*), Mr. Jones deserves more than $500,000 (*deservesmore*), Mr. Jones was responsible for his injuries using a number scale (*numberjones*), Mr. Hoffer was responsible for the injuries of Mr. Jones using a number scale (*numberhoffer*), Mr.

Jones was to blame for his own injuries (*mrjonestoblame*), and Mr. Hoffer is to blame

for Mr. Jones injuries (*mrhoffertoblame*).

To see the relationship between responsibility of the plaintiff, an enter multiple

regression was conducted using extraversion, openness, agreeableness, neuroticism,

conscientiousness and self-monitoring to predict participants' degree of agreeing that

the plaintiff, Mr. Jones, is responsible. When all predictor variables were included, the

overall model was not significant, $R^2 = .082$, $F(6,140)=2.076$ $p =.060$. Regression

results are shown in Table 2.

Table 2. Regression Results for The Plaintiff is Responsible for his Injuries.

	B	β	t	part r
Extraversion	.038	.016	2.378*	.193
Openness	.009	.016	.538	.044
Agreeableness	-.062	-.251	-2.497*	-.202
Neuroticism	-.012	-.057	-.637	-.052
Conscientious	-.019	-.075	-.828	-.067
High/Low self-monitoring	.351	.137	1.524	.130

** Significant = .01
* Significant = .05

To see the relationship between personality factors and the defendant, an enter

multiple regression was conducted using extraversion, openness, agreeableness,

neuroticism, conscientiousness and self-monitoring to predict participants' degree of

agreeing that the defendant, Mr. Hoffer, was responsible for the plaintiff's injuries.

When all predictor variables were included, the overall model was not significant, $R^2 =$

.041, $F(6,140)= .991$ $p = .434$. Regression results are shown in Table 3.

Table 3. Regression Results for the Defendant is Responsible for the Plaintiff's Injuries.

	B	β	t	part r
Extraversion	.012	.054	.602	.050
Openness	-.008	-.038	-.429	-.036
Agreeableness	.042	.139	1.355	.112
Neuroticism	.033	.128	1.407	.116
Conscientious	.028	.090	.975	.081
High/Low self-monitoring	-.275	-.089	-.969	-.080

** Significant = .01
* Significant = .05

To see the relationship between personality factors and the defendant, an enter multiple regression was conducted using extraversion, openness, agreeableness, neuroticism, conscientiousness and self-monitoring to predict participants' degree of agreeing that Thompson Construction Company was responsible for the plaintiff's injuries. When all predictor variables were included, the overall model, was not significant, $R^2 = .056$, $F(6,140)=1.387$ $p = .224$. The regression results are shown in Table 4.

Table 4. Regression Results for Thompson Construction is Responsible for the Plaintiff's Injuries.

	B	β	t	part r
Extraversion	-.027	-.126	-1.408	-.116
Openness	-.020	-.093	-1.064	-.087
Agreeableness	.062	.029	2.106*	.173
Neuroticism	.020	.082	.904	.074
Conscientious	.024	.027	.874	.072
High/Low self-monitoring	-.339	-.114	-1.250	-.103

** Significant = .01
* Significant = .05

An enter multiple regression was conducted to see the relationship between personality factors and whether or not the defendant was guilty using extraversion, openness, agreeableness, neuroticism, conscientiousness and self-monitoring to predict

18

participants' degree of agreeing that the defendant was guilty of the crimes committed.

When all predictor variables were included, the overall model was not significant $R^2 =$

.071, $F(6,140)=1.777$ $p = .108$. Regression results are shown in Table 5.

Table 5. Regression Results for the Plaintiff is Guilty for the Crimes Committed.

	B	β	t	part r
Extraversion	.001	.003	.039	.003
Openness	-.028	-.119	-1.368	-.111
Agreeableness	.061	.033	1.883	.153
Neuroticism	.028	.100	1.118	.091
Conscientious	.034	.103	1.133	.092
High/Low self-monitoring	-.705	-.212	-2.343*	-.191

** Significant = .01
* Significant = .05

An enter multiple regression was conducted using extraversion, openness,

agreeableness, neuroticism, conscientiousness and self-monitoring to predict whether or

not participants, themselves, would walk across the street. When all predictor variables

were included, the overall model was not significant $R^2 = .041$, $F(6,140)= .999$ $p =$

.428. Regression results are shown in Table 6.

Table 6. Regression Results for I, Myself, would have Walked Across the Street.

	B	β	t	part r
Extraversion	.004	.016	.177	.015
Openness	-.005	-.020	-.221	-.018
Agreeableness	-.019	-.059	-.577	-.048
Neuroticism	-.026	-.091	-1.002	-.083
Conscientious	-.032	.031	-1.025	-.085
High/Low self-monitoring	-.441	-.132	-1.432	-.119

** Significant = .01
* Significant = .05

To see the relationship between personality factors and finding that the plaintiff

deserved the amount of money the plaintiff was seeking, an enter multiple regression

was conducted using extraversion, openness, agreeableness, neuroticism,

19

consciousness and self-monitoring to predict participants level of agreeing that the

plaintiff deserves the $500,000 (*Deserves500000*). When all predictor variables were

included, the overall model was significant $R^2 = .087$, $F(6,140)=2.231$ $p=.044$.

Conscientiousness significantly contributed to the model ($\beta = .272$, $p=.003$). The

positive *beta weight* ($\beta = .272$) means that participants who scored higher in

conscientiousness were less likely to agree that the plaintiff deserved the $500,000.

Regression results are shown in Table 7.

Table 7. Regression Results for the Plaintiff Deserves the $500,000.

	B	β	t	part r
Extraversion	-.015	-.077	-.877	-.071
Openness	-.005	-.026	-.302	-.024
Agreeableness	.023	.083	.826	.067
Neuroticism	.006	.025	.287	.023
Conscientious	.077	.272	3.004**	.243
High/Low self-monitoring	-.282	-.099	-1.109	-.090

** Significant = .01
* Significant = .05

To see the relationship between personality factors and finding that the plaintiff

deserved less than the amount of money the plaintiff was seeking, an enter multiple

regression was conducted using extraversion, openness, agreeableness, neuroticism,

conscientiousness and self-monitoring to predict participants agreeing if the plaintiff

deserved less than $500,000 (*deservesless*). When all predictor variables were

included, the overall model for *deservesless* was significant $R^2 = .085$, $F(6,140)=2.170$

$p =.049$. Two independent variables were significant, conscientiousness ($\beta = -.251$,

$p=.006$) and high/low self-monitoring ($\beta = -.200$, $p=.027$). The negative *beta weight* of

conscientiousness ($\beta = -.251$) indicates that participants who had higher scores of

conscientiousness were more likely to agree that the plaintiff deserved less than

$500,000. The negative *beta weight* of high/low self-monitoring ($\beta = -.200$) indicates that participants who were high self-monitors were more likely to agree that the plaintiff deserved less than $500,000. Regression results are shown in Table 8.

Table 8. Regression Results for the Plaintiff Deserves Less than $500,000.

	B	β	t	part r
Extraversion	.015	.072	.813	.066
Openness	.019	.092	1.063	.086
Agreeableness	.011	.038	.378	.031
Neuroticism	.007	.028	.318	.026
Conscientious	-.073	-.251	-2.775**	-.224
High/Low self-monitoring	.581	.200	2.232*	.180

** Significant = .01
* Significant = .05

To see the relationship between personality factors and finding that the plaintiff deserved more than the amount of money the plaintiff was seeking, an enter multiple regression was conducted using extraversion, openness, agreeableness, neuroticism, conscientiousness and self-monitoring to predict participants agreeing if the plaintiff deserved more than $500,000. When all predictor variables were included for whether or not the plaintiff deserves more than $500,000, the overall model was not significant $R^2 = .069$, $F(6,140)=1.717$ $p = .121$. Regression results are shown in Table 9.

Table 9. Regression Results for the Plaintiff Deserves More than $500,000.

	B	β	t	part r
Extraversion	-.002	-.016	-.184	-.015
Openness	-.004	-.028	-.316	-.026
Agreeableness	.041	.205	2.022*	.165
Neuroticism	.014	.082	.910	.074
Conscientious	.029	.143	1.569	.128
High/Low self-monitoring	-.078	-.038	-.423	-.034

** Significant = .01
* Significant = .05

An enter multiple regression was conducted to test the relationship between personality traits and responsibility of the plaintiff, using extraversion, openness,

agreeableness, neuroticism, conscientiousness and self-monitoring to predict

participants agreeing if the plaintiff was responsible for his injuries on a number scale

of 1-100. When all predictor variables were included for the rating, the overall model

was not significant $R^2 = .059$, $F(6,138)=1.439$ $p =.204$. Regression results are shown in

Table 10.

Table 10. Regression Results for the Plaintiff is Responsible for his Injuries Number
Question.

	B	β	t	part r
Extraversion	-.545	-.150	-1.683	-.139
Openness	-.106	-.029	-.326	-.027
Agreeableness	.727	.146	1.416	.117
Neuroticism	.275	.064	.702	.058
Conscientious	.794	.156	1.683	.139
High/Low self-monitoring	-3.300	.064	-.695	-.057

** Significant = .01
* Significant = .05

To test the relationship between personality traits and the responsibility of the

defendant, an enter multiple regression was conducted using extraversion, openness,

agreeableness, neuroticism, conscientiousness and self-monitoring to predict

participants agreeing if the defendant was responsible for the plaintiff's injuries a

number scale of 1-100. When all predictor variables were included for the rating, the

overall model was not significant $R^2 = .043$, $F(6,138)=1.034$ $p = .406$. Regression

results are shown in Table 11.

Table 11. Regression Results for the Defendant is Responsible for the Plaintiff's
Injuries Number Question.

	B	β	t	part r
Extraversion	.404	.104	1.156	.096
Openness	-.049	-.013	-.142	-.012
Agreeableness	-.765	-.143	-1.382	-.115

Table 11. Cont.

	B	β	t	part r
Neuroticism	-.042	-.009	-.101	-.008
Conscientious	-.130	-.024	-.255	-.021
High/Low self-monitoring	1.027	.199	2.153*	.179

** Significant = .01
* Significant = .05

To test the relationship between personality traits and the amount of blame contributed to the plaintiff, an enter multiple regression was conducted using extraversion, openness, agreeableness, neuroticism, conscientiousness and self-monitoring to predict participants agreeing if the plaintiff was to blame for his injuries. When all predictor variables were included for the rating, the overall model was significant R^2 = .088, $F(6,140)$=2.256 p = .041. There was one independent variable that was significant, agreeableness (β = -.202, p=.046). The negative *beta weight* of agreeableness (β = -.202) indicates that participants who had higher scores of agreeableness were more likely to agree that the plaintiff was to blame for his injuries. Regression results are shown in Table 12.

Table 12. Regression Results for the Plaintiff is to Blame for his Injuries.

	B	β	t	part r
Extraversion	.026	.165	1.875	.151
Openness	.005	.032	.372	.030
Agreeableness	-.044	-.202	-2.013*	-.162
Neuroticism	-.011	-.061	-.688	-.055
Conscientious	-.038	-.170	-1.886	-.152
High/Low self-monitoring	.086	.038	.428	.035

** Significant = .01
* Significant = .05

An enter multiple regression was conducted to test the relationship between personality traits and the amount of blame contributed to the defendant, using extraversion, openness, agreeableness, neuroticism, conscientiousness and self-

23

monitoring to predict participants agreeing if the defendant was to blame for the

plaintiff's injuries. When all predictor variables were included for the rating, the

overall model was not significant $R^2 = .064$, $F(6,139)=1.586$ $p = .155$. Regression

results are shown in Table 13.

Table 13. Regression Results for the Defendant is to Blame for the Plaintiff's Injuries.

	B	β	t	part r
Extraversion	.004	.017	.185	.015
Openness	-.027	-.107	-1.181	-.097
Agreeableness	.081	.267	2.623** .	.215
Neuroticism	.038	.147	1.624	.133
Conscientious	.006	.020	.213	.017
High/Low self-monitoring	-.329	-.104	-1.132	-.093

** Significant = .01
* Significant = .05

To control for an inflated alpha level, the independent variables of Extraversion,

Openness, Agreeableness, Neuroticism, Conscientious, and High/Low Self-monitoring

were transformed into dichotomous variables that ranged from high to low. Scores for

each independent variables were broken up using the median to sustain equal group

sizes. The median for Extraversion was 28.00 points with the low score ranging from

8-28 and the high score ranging from 29-40. The median for Openness was 33.00

points with the low score ranging from 10-33 and the high score ranging from 34-50.

The median for Agreeableness was 36.00 points with the low score ranging from 9-36

and the high score ranging from 37-45. The median for Neuroticism was 23.00 points

with the low score ranging from 8-23 and the high score ranging from 24-40. The

median for Conscientiousness was 36.00 points with the low score ranging from 9-36

and the high score ranging from 37-45. High/Low Self-monitoring was calculated as a

dichotomous score based on the original scoring system. Low self-monitors had scores ranging from 0-12 and high self-monitors had scores ranging from 13-25.

A MANOVA was computed to examine the above dichotomous independent variables on the dependent variables, the plaintiff is responsible for his injuries in the accident, the defendant was responsible for the plaintiff's injuries, Thompson Construction was responsible for the plaintiff's injuries, the defendant was guilty of the crimes committed, I myself would have walked across the street, the plaintiff deserves the $500,000, the plaintiff deserves less than $500,000, the plaintiff deserves more than $500,000, the plaintiff was responsible for his injuries using a number scale, the defendant was responsible for the injuries of the plaintiff using a number scale, the plaintiff was to blame for his own injuries, and the defendant is to blame for the plaintiff's injuries. To control for inflated type one error, a Bonferroni adjustment was calculated dividing the alpha level of .05 by 12 (number of dependent variables in the analysis). This adjustment shifted the alpha level to .004. As a result of the Bonferroni adjustment, no significant results were found for any of the subsequent ANOVAs from the overall MANOVA.

CHAPTER IV

DISCUSSION

The findings of the study did not completely support the hypotheses put forth by the author. It was predicted that high self-monitors would be more likely than low self-monitors to find that the defendant was not to blame for the plaintiff's injuries, held no responsibility for the plaintiff's injuries and did not owe money to the plaintiff for their injuries. There was only one model that was significant for high and low self-monitoring. High self-monitors only found for the defendant in a question related to money; there were no significant models on questions about blame or responsibility. It was predicted that participants who were higher in extraversion were more likely to find for the defendant. However, extraversion was not found to be significant in any of the models. Another finding not predicted as a hypothesis was that conscientiousness was significant in two models and agreeableness was significant in one model.

High self-monitors can change their behavior from situation to situation (Synder as cited in Friedman & Schustack, 2001) and respond better to situational cues. Therefore, one could assume that high self-monitors would have voted against the plaintiff because they themselves would have walked across the street (adjusting to their situation) and avoided getting hurt. In making decisions, high self-monitors may choose their actions by coming up with their idea of the ideal person for the situation. High self-monitors could have seen the ideal person as someone who would have

26

carefully walked across the street to avoid walking in the construction area (Snyder, 1987).

The significance with conscientiousness and the questions that were related to money could have to do with the fact that those who are higher in conscientiousness have more of a work ethic (Mischel, Shoda, & Smith, 2004). They may feel that you shouldn't get more money than you deserve or possibly have even earned (McCrae & Costa, 1990). These individuals in all probability feel that in court cases where people win extravagant amounts of money do not deserve it. Those who have greater conscientiousness scores think carefully before acting (McCrae & Costa, 1990). Consequently, they would have thought out the consequences of walking into the construction area and acted appropriately by walking across the street when it was safe.

Those who are higher in agreeableness believe the best in others (McCrae & Costa, 1990) which may have made them side with Mr. Hoffer. They also are more empathetic and compassionate to other people (Szalma & Taylor, 2011). Majority of the participants said that they would have walked across the street (83%). Those with higher agreeableness would find for the defendant because they did not agree with what the plaintiff did. They would avoid interpersonal conflict and vote against the plaintiff who walked across the street when the participants would not.

One limitation of this study is that the participants had homogenous demographic characteristics. Majority of the students were white (94.6%), female (75.5%), and were between the ages of 18-22 (95.9%). None of the demographic characteristics were significant on the independent variables. Previous studies show that minorities are slightly more likely to find the defendant liable in civil cases

(Wagner, 1989; Bornstein & Rajki, 1994). Results have been mixed regarding gender and age (Lieberman & Sales, 2007). It would additionally be beneficial to have more participants from different ethnic backgrounds, age groups, and locations around the country so that these results could be generalized to the population.

An additional limitation of the study was the artificial setting in which the participant took the survey. Participants most likely did not discuss the case with other participants. Therefore, you would not be able to get the full effect since high/low self-monitoring is more about social environment. Results may have been different if the setting was more realistic and participants were in a mock jury. However, Lieberman & Sales (2007) report that even if there is a mock jury, it may cause the mock jurors to behave differently than they would if they were actual jurors.

Another limitation was not using open ended questions. We could not ask why the participants answered a certain way, which would give more insight. For example, participants were less likely to find that the plaintiff deserved the $500,000 and were more likely to agree the plaintiff deserved less than $500,000. Research has shown that mock jurors are more likely to award greater damages to the plaintiff who faced a corporation as the defendant versus an individual defendant (Frederick, 1987). So could the reason be that the participants did not want to award the plaintiff money is because they thought he didn't deserve the money, because he was where he was not suppose to be or is it because the defendant would probably not be able to pay the damages?

The last limitation is that the study was online. It is very possible that the students just clicked their way through the study, not paying attention to the actual

questions. One way researchers in the future could account for this problem is give the participants pen and paper to fill out the survey and watch to make sure they are actually reading the questions versus just filling in numbers.

Future research could examine self-monitoring in a more socialized, realistic jury-like setting. Also, a different scenario or type of case could be used as previous research has shown that different types of civil cases have yielded different results (Bornstein & Rajki 1994; Lieberman & Sales, 2007; Vinson, Costanzo, & Berger 2008).

Even though this study has limitations, it gives some insight into how a potential juror will decide on a case. More research needs to be done in the area of juror personality traits to better understand what predicts who the juror will find for in a civil case. In time, lawyers may be able to figure out the best juror for their case or at least be able to make sure their client gets a fair, unbiased trial with people who are not predisposed to a particular position.

REFERENCES

Baldus, D.C., Woodworth, G., Zuckerman, D., Weiner, N.A. , & Broffit, B. (2001). The
use of preemptory challenges in capital murder trials: A legal and empirical
analysis. *University of Pennsylvania Journal of Constitutional Law, 3,* 3-10.

Bornstein, B. H., & Rajki, M. (1994). Extra-legal factors and product liability: The
influence of mock jurors' demographic characteristics and intuitions about the
cause of an injury. *Behavioral Sciences & the Law*, 12(2), 127-147.
doi:10.1002/bsl.2370120204

Clark, J., Boccaccini, M. T., Caillouet, B., & Chaplin, W. F. (2007). Five factor model
personality traits, jury selection, and case outcomes in criminal and civil cases.
Criminal Justice and Behavior, 34(5), 641-660.
doi:10.1177/0093854806297555

Costa, P. T., & McCrae, R. R. (1992). The five-factor model of personality and its
relevance to personality disorders. *Journal of Personality Disorders*, 6(4), 343-
359. Retrieved from EBSCO*host*.

Cunningham, M. R. (1977). Personality and the structure of the nonverbal
communication of emotion. *Journal of Personality*, 45(4), 564-584.
doi:10.1111/j.1467-6494.1977.tb00172.x

Fiegenson, N. (2000). Legal blame: How jurors think and talk about accidents.
Washington, DC: American Psychological Association.

Flynn, F. J., Reagans, R. E., Amanatullah, E. T., & Ames, D. R. (2006). Helping one's way to the top: Self-monitors achieve status by helping others and knowing who helps whom. *Journal of Personality and Social Psychology*, 91(6), 1123-1137. doi:10.1037/0022-3514.91.6.1123

Frederick, J. Y., (1987). *The psychology of the American jury.* Charlottesville, Virginia: The Michie Company.

Greene, E. & Heilbrun, K. (2011). *Wrightman's psychology and the legal system* (7th Ed.). Belmont California: Wadsworth Cengage Learning.

Hastie, R., Schkade, D. A., & Payne, J. W. (1998). A study of juror and jury judgments in civil cases: Deciding liability for punitive damages. *Law and Human Behavior*, 22(3), 287-314. doi:10.1023/A:1025754422703

Hermes, M., Hagemann, D., Naumann, E., & Walter, C. (2011). Extraversion and its positive emotional core—Further evidence from neuroscience. *Emotion*, *11*(2), 367-378. doi:10.1037/a0021550

Lieberman, J. D., & Sales, B. D. (2007). Scientific jury selection. Washington, DC: American Psychological Association.

Matthews, G., Deary, I. J., & Whiteman, M. C. (2003). *Personality traits, 2nd ed.* Cambridge: Cambridge University Press.

Mehra, A., & Schenkel, M. T. (2008). The price chameleons pay: Self-monitoring, boundary spanning and role conflict in the workplace. *British Journal of Management*, 19(2), 138-144. doi:10.1111/j.1467-8551.2007.00535.x

Mischel, W., Shoda, Y., & Smith, R. E. (2004). *Introduction to personality: Toward an intergration* (7th ed.). United States: John Wiley & Sons.

Musser, L. M., & Browne, B. A. (1991). Self-monitoring in middle childhood: Personality and social correlates. *Developmental Psychology*, 27(6), 994-999. doi:10.1037/0012-1649.27.6.994

Niedenthal, P. M., Cantor, N., & Kihlstrom, J. F. (1985). Prototype matching: A strategy for social decision making. *Journal of Personality and Social Psychology*, 48(3), 575-584. doi:10.1037/0022-3514.48.3.575

Snyder, M. (1974). Self-monitoring of expressive behavior. *Journal of Personality and Social Psychology, 30,* pp. 526–537.

Synder, M. (1987). *Public appearances, private realities: The psychology of self-monitoring.* New York, NY: W.H. Freeman and Company.

Snyder, M. (2001). Self-monitoring of expressive behavior. In H.S. Friedman & M. W. Schustack (Eds.), *Readings in psychology: Classic theories and modern research* (pp.56-67). Boston, MA: Allyn And Bacon.

Szalma, J. L., & Taylor, G. S. (2011). Individual differences in response to automation: The five factor model of personality. *Journal of Experimental Psychology: Applied*, 17(2), 71-96. doi:10.1037/a0024170

Truxillo, D. M., Bauer, T. N., Campion, M. A., & Paronto, M. E. (2006). A Field Study of the Role of Big Five Personality in Applicant Perceptions of Selection Fairness, Self, and the Hiring Organization. *International Journal Of Selection And Assessment*, *14*(3), 269-277. doi:10.1111/j.1468-2389.2006.00351.x

Vinson, K. V., Costanzo, M. A., & Berger, D. E. (2008). Predictors of verdict and punitive damages in high-stakes civil litigation. *Behavioral Sciences & the Law*, 26(2), 167-186. doi:10.1002/bsl.807

Wagner, W. (1989). *The art of advocacy: Jury selection*. New York: Matthew Bender.

Witteman, C., van den Bercken, J., Claes, L., & Godoy, A. (2009). Assessing rational and intuitive thinking styles. *European Journal of Psychological Assessment*, 25(1), 39-47. doi:10.1027/1015-5759.25.1.39