



January 2022

## Impact Of Expert And Victim Gender In A Case Involving Intimate Partner Violence

Mckenzie Schueller

[How does access to this work benefit you? Let us know!](#)

Follow this and additional works at: <https://commons.und.edu/theses>

---

### Recommended Citation

Schueller, Mckenzie, "Impact Of Expert And Victim Gender In A Case Involving Intimate Partner Violence" (2022). *Theses and Dissertations*. 4374.  
<https://commons.und.edu/theses/4374>

This Thesis is brought to you for free and open access by the Theses, Dissertations, and Senior Projects at UND Scholarly Commons. It has been accepted for inclusion in Theses and Dissertations by an authorized administrator of UND Scholarly Commons. For more information, please contact [und.commons@library.und.edu](mailto:und.commons@library.und.edu).

IMPACT OF EXPERT AND VICTIM GENDER IN A CASE INVOLVING INTIMATE  
PARTNER VIOLENCE

by

McKenzie Katherine Schueller  
Bachelor of Science, University of North Dakota, 2014

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

August  
2022

Copyright 2022 McKenzie Schueller

This thesis, submitted by McKenzie Katherine Schueller 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.

---

Cheryl Terrance

---

Andre Kehn

---

Alison Kelly

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

---

Chris Nelson  
Dean of the School of Graduate Studies

---

Date

## PERMISSION

Title           Impact of Expert and Victim Gender in a Case Involving Intimate Partner  
Violence

Department    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 her absence, by the Chairperson of the department or the dean of the School of Graduate Studies. 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.

McKenzie Schueller  
June 24, 2022

## TABLE OF CONTENTS

ACKNOWLEDGEMENTS .....	iv
Abstract .....	v
Impact of Expert and Victim Gender in a Case Involving Intimate Partner Violence .....	1
Expert Witnesses .....	2
Expert Gender .....	3
Intimate Partner Violence .....	6
Male Victims of IPV .....	7
The Current Study .....	9
Study Design and Hypotheses .....	10
Method .....	11
Participants .....	11
Materials .....	12
Transcripts .....	12
Questionnaires and Measures .....	14
Perceptions of the Scenario .....	14
Maipulation and Attention Check Items .....	14
Verdict .....	14
Participant Judgements .....	14
Perceptions of Severity .....	15

Perceptions of Expert Witness Testimony .....	15
Victim Credibility .....	15
Victim Responsibility and Blame .....	15
Defendant Responsibility and Blame.....	16
Demographics .....	16
Procedure .....	16
Results.....	17
Manipulation and Attention Check.....	17
Verdict.....	17
Participant Judgements .....	18
Perceptions of Severity .....	18
Perceptions of Expert Witness Testimony .....	19
Victim Credibility .....	19
Victim Responsibility and Blame .....	20
Defendant Responsibility and Blame.....	20
Discussion.....	20
References.....	28
Appendix A – Trial Transcripts .....	33
Appendix B– Survey Questions.....	46
Appendix C – Debriefing Information.....	51

## ACKNOWLEDGMENTS

I wish to express gratitude to my advisor Dr. Cheryl Terrance for her insight, expert knowledge, and direction. The countless drafts and revisions you helped me with while providing your personal expertise on the content was invaluable. I would like to thank the rest of my thesis committee, Dr. Andre Kehn and Dr. Alison Kelly, for their encouragement and guidance which pushed me out of my comfort zone and promoted personal and professional growth.

I give endless appreciation to my husband, Adam, for his love, encouragement, and hard work while I have been in graduate school. You always believed in me, and that helped me believe in myself.

I am thankful for my peers who turned into friends at the University of North Dakota, Kendall Klein, Michael Jowker, and Desiree Giesen, for their perspective and support throughout graduate school. Thank you all for your friendship and comradery, for without it, I know this project would not have been possible.



## Abstract

The purpose of this study was to examine the impact expert witness and victim gender had on mock jurors' perceptions in a court case involving intimate partner violence (IPV). Participants were asked to read a mock trial transcript that included testimony of a victim and an expert and respond to questions. Results indicated that gender of the victim was oftentimes more influential on mock jurors' perceptions than gender of the expert. For instance, the female victim was perceived as less blameworthy than the male victim regardless of expert gender. Furthermore, both the male and female expert were viewed as more credible when the victim was female rather than male. Finally, the female victim was assessed as more credible than the male victim when the expert was male, though there was no significant differences in victim credibility when the expert was female. Implications are discussed.

*Keywords:* Expert witness, gender, intimate partner violence, domestic violence, male victim, female victim, male expert, female expert.

## **Impact of Expert and Victim Gender in a Case Involving Intimate Partner Violence**

In an effort to aid fact finders (i.e., jurors and judges), expert witness testimony is becoming more frequently introduced in criminal and civil trials (Schuller, 2005). With this in mind, it is important to examine how fact finders evaluate expert witness testimony. Research has shown that expert witnesses influence juries based on the content of their testimony as well as extralegal factors (McKimmie, 2019; Schuller, 2005). Extralegal factors involve source characteristics (i.e., gender, attractiveness, dress, etc.) of the expert, which consequently, have an impact on fact finder evaluation of the given expert testimony (McKimmie, 2019; Schuller, 2005; Schuller & Cripps, 1998).

Historically, men have been considered to have more “expert power” than women (Neal, 2014). This expert power is said to influence judges, juries, and even attorneys, resulting in male experts being hired more often than women (Neal, 2014). It has also been suggested that men are perceived as more credible than women, furthering this male expert power narrative (Bornstein & Green, 2017; Neal, 2014). However, despite the general preference for male experts, there is evidence that in some circumstances, female experts have an advantage over male experts. Specifically, women fare better and are viewed as valid experts relative to men in female dominated domains such as intimate partner violence and child abuse (Schuller, 2005). The idea that female expert testimony is seen as more valid in situations in which the case domain largely relates to women and children is referred to as gender congruency. The perceived superiority of female experts within gender congruent domains, supports a narrative that female experts have more knowledge about female related issues than male experts (Schuller, 2005; Schuller et al., 2001).

For the most part, research supporting the value of female experts has been investigated in cases where the gender of the victim (female) corresponds to the female domain (i.e., intimate partner violence) representing high gender congruency. Indeed, studies involving female dominated domain cases have largely ignored claims of victimization from men. Whether expert gender interacts with victim gender in female dominated domain cases remains largely unexplored and will be the purpose of the current study.

### **Expert Witnesses**

Expert witness testimony can be extremely influential in criminal and civil trials. For instance, previous research suggests that when exposed to expert testimony, mock jurors tend to hand down more guilty verdicts when presented with incriminating (supporting guilt) versus exculpatory (supporting innocence) evidence (Bornstein & Green, 2017). Moreover, there is evidence that when an expert witness is presented in defense, mock jurors tend to be more lenient in their sentencing than when an expert witness is not presented at all (Schuller & Hastings, 1996). Knowing this, it would then seem to be beneficial for either party, prosecution or defense, to call on expert witness testimony when appropriate.

The appropriateness of an expert's testimony can depend on multiple factors. Currently, some states rely on older models of expert testimony admissibility, such as the Frye Standard or Daubert Standards, other states have developed their own guidelines, while the federal government relies on newer Federal Rules of Evidence standards (Cutler & Kovera, 2011; Federal Rules of Evidence, 2021). Regardless of the standard used, the expert testimony presented is scrutinized and can be challenged by the opposing party

before a judge will determine whether to admit the testimony at trial (Cutler & Kovera, 2011).

Expert witnesses must be proficient in their fields to gain the confidence of a judge and to make an impression on the jury. Considerable research has been done on what makes a reliable and even favorable expert witness. Although it is impressed that the courtroom is an impartial setting and it is assumed that jurors can make impartial decisions, there is a significant body of research from a variety of fields that demonstrates that extralegal factors have an influence on jurors (Gunnell & Ceci, 2010; McKimmie et al., 2019; Schuller et al., 2005).

### **Expert Witness Gender**

Women have historically been excluded from obtaining any position in the courts. In fact, this bias went as far as to say that women were not intelligent enough and would interfere with the reliability of the court process (Neal, 2014). Though this field has traditionally and historically been represented by men, it has continually expanded, and now recognizes women to be qualified to testify as experts. However, this does not mean that women are considered *equally* qualified. Women must earn their credibility and struggle to match their male associates and as such, judges have occasionally requested that women need to prove they have credentials above and beyond what has been asked of their male colleagues (Neal, 2014; Texas Supreme Court Gender Bias Task Force, 2004).

Considering the historical context of the exclusion of women, expert witness roles appear to have been traditionally a male dominated field (Neal, 2014). It appears that although the number of women practicing law, psychiatry, psychology, and other professional fields continue to rise, there still exist gender differences that tend to benefit

men (Kaempf et al., 2015). Not only are women perceived differently but research has shown that men tend to have more influence than their female counterparts based on the belief that men are more credible than women (Bornstein & Green, 2017; Neal, 2014; Schuller et al., 2005).

However, there does seem to be a caveat. There are certain case domains where women appear to be perceived as more credible than their male counterparts. In fact, research has demonstrated that depending upon the nature of the case, women have a compelling edge over men (Bornstein & Green, 2017; McKimmie et al., 2004; Neal, 2014; Schuller et al., 2005; Schuller et al., 2001; Schuller & Cripps, 1998). These referenced case domains are those which encompass matters within stereotypically female dominated domains, such as child custody or family matters (McKimmie et al., 2013; McKimmie et al., 2004; Neal, 2014; Swenson et al., 1984), or cases generally associated with female victims, such as sexual assault or intimate partner violence (McKimmie et al., 2013; Neal, 2014).

For instance, research by Schuller and Cripps (1998) evidenced that mock jurors were more favorably responsive to female experts than male experts in a case involving battered women's syndrome, a female dominated case domain (Schuller et al., 2005). This research suggests that due to the nature of the case, female experts are viewed as more credible than male experts (Schuller et al., 2005). Such cases have been referred to as female-gendered or female-dominated domain cases and it is within this domain that female expert witnesses are viewed as more trustworthy, valuable, and impactful than their male counterparts (Neal, 2014; Schuller et al., 2005; Schuller & Cripps, 1998). Therefore, congruency of the expert's gender and the case domain should be considered most

impactful on jurors' decision making rather than gender of the expert alone (Schuller et al., 2005).

Gender congruency of case domain and perceived expertise is evidenced as far back as the 14<sup>th</sup> century when special juries were established, long before women had influential roles in the courts. The idea behind these special juries was that those selected were experts on the specific trial matters or had direct knowledge about the issues of the case (Milroy, 2017). For example, Milroy (2017) stated that women tended to be summoned to make up special juries when courts needed to determine if a woman was pregnant. To be sure, this is not a new issue and women have been called on to provide perceived inherent expertise on issues that affect other women for centuries.

Additionally, gender stereotypes can influence mock jurors' opinions of expert testimony. Specifically, Schuller et al. (2005) provides research evidencing that mock jurors rely on gender stereotypes when processing expert testimony becomes mentally cumbersome. In the same study, they found that when expert testimony was complex and difficult to grasp, participants used the expert's gender and heuristics to conclude legitimacy of the testimony (Schuller et al., 2005). McKimmie et al. (2019) found similar results using expert witnesses with stereotypical career roles. The career roles were selected as gender congruent based on a pilot study which determined that "therapist" is perceived as a female-gendered role and "surgeon" is considered a male-gendered role (McKimmie et al., 2019). They found that female expert testimony was favored in female-oriented roles (therapist) rather than male-oriented roles (surgeon) despite giving the same testimony as their male counterparts in each role (McKimmie et al., 2019).

These findings suggest that despite presenting the same testimony, female experts are perceived as more competent than men when they are in a female-oriented role and are perceived to be less capable when they were in a male-oriented role (McKimmie et al., 2019). Similarly, female experts described being hired by attorneys who indicated they specifically sought a female expert anticipating that their testimony would be influential in a female dominated domain case (Neal, 2014).

### **Intimate Partner Violence**

Intimate Partner Violence (IPV) encompasses a wide variety of physically, emotionally, financially, and psychologically harmful behaviors. IPV is generally considered a female gendered crime, due in part to the high prevalence rates of reported victimization of women. This is evidenced by the National Intimate Partner and Sexual Violence Survey (2015) in which one-third of women reported having experienced IPV in their lifetime. More specifically, within the context of heterosexual relationships, men are indicated much more often than women as the primary aggressors and subsequently arrested in IPV situations (Worthen & Vardado-Sullivan, 2005).

It is not only the prevalence that provides the basis for the gendered view of IPV. Stereotypes about men being aggressive and women being passive have influenced perceptions of IPV (Terrance et al., 2011). Indeed, gendered violence tends to emulate systems of inequality wherein masculinity is often analogous with violence. To be masculine, stereotypically, men must assert dominance, power, and aggression. Fear and control of the victim are often byproducts of men's violence, but this has not been found to the same degree regarding women's violence (Hester, 2013). Female victims tend to experience severe abuse at the hands of their male partners relative to the abuse male

victims suffer by women (Hester, 2013). Research also suggests that women are less likely to initiate abuse and violence against their male partners and are more likely to be using retaliatory violence in self-defense (Downs et al., 2007; Hester, 2013; Miller & Meloy, 2006).

These stereotypes and the extent of the violence suffered by women make it seem more acceptable for women to reach out for help and intervention. Indeed, female victims of IPV tend to be seen as less responsible for the abuse they endure when compared to male victims (Terrance et al., 2011). Therefore, due to the higher prevalence of female victims, when women are victims of IPV, this strengthens the stereotype narrative that women are in need of protection from men and that men are perpetrators that must be held accountable (Terrance et al., 2011).

### **Male Victims of IPV**

According to the 2015 National Intimate Partner and Sexual Violence Survey (NISVS), approximately 36% of women will have experienced intimate partner violence in their lifetime (National Intimate Partner and Sexual Violence Survey, 2015). Because victimization of women is a widely acknowledged issue, this statistic may not be surprising. However, what may be surprising is that the same years' NISVS report states that about 34% of men will have experienced intimate partner violence in their lifetime (NISVS, 2015). The lesser-known rate of male victimization contributes to the stereotyping of men as batterers and women as victims. The gender stereotype of men as aggressive, strong, angry, and dominant adds to the profile of a perpetrator. These same stereotypes are factors contributing to the hindrance of male IPV victims seeking help (Terrance et al., 2011; Walker et al., 2019).



Although controversial, Dutton (2007) asserts that research has continuously supported the idea that female partners commit violence at rates as high, or even higher than male partners. It should be mentioned that the majority of the studies Dutton refers to are using the Controlling and Abusive Tactics (CAT) questionnaire. The CAT has been one of the only, if not the only, survey that has found such results (Walker, 2009). Nonetheless, if the abuse men endure is acknowledged, it is generally trivialized and considered to be less common or severe without basis, especially due to results from the NISVS and other studies which indicate prevalence rates are very similar (Archer, 2000; Dutton, 2007; Walker et al., 2019).

However, because men are generally viewed as lesser victims, or even perpetrators, the resources available to help victims don't tend to be inclusive of men's needs, nor do the abuse claims provoke urgency from social agencies (Terrance et al., 2011; Walker et al., 2019). When women perpetrate violence against men, research shows that their actions are viewed as innocuous and trivial, and legal interjection is perceived as less needed or urgent (Hester, 2013; Terrance et al., 2011). It should be noted that studies show that violence perpetrated by men onto women is generally more severe than violence perpetrated on men by women, and this can consequently increase women's use of intervention or legal services (Hester, 2013; Terrance et al., 2011). Furthermore, abuse by women may be minimized by professionals who refuse to acknowledge that women are capable of violence (Hester, 2013).

Not only are there external barriers, but research has shown that there are many internal barriers that men struggle with in order to receive help (Walker, 2019). These may include recognizing that they are the victim of abuse, wanting to stay with and still loving

their partner, fear of not being believed, fear of being treated as the wrongdoer, and feeling like they have no options (Hines et al., 2020). When men can overcome these barriers, they are met with a criminal justice system that struggles to grasp concepts of male victimization and thus fails or refuses to arrest, lay charges, or penalize the female perpetrating partner (Hines et al., 2020; Terrance et al., 2011; Walker et al., 2020). This lack of response further solidifies the feelings of powerlessness and reinforces the idea that men should not disclose their abuse, and because they don't, they remain unapparent victims. Despite the challenges, it appears male victims may be beginning to come forward to seek criminal and civil avenues of justice.

In IPV cases, experts are critical in providing information to juries about the intricacies of victim/offender relationships. The role of expert testimony in these cases is to educate. This is especially important when the victim or the victim's behaviors doesn't match stereotypical notions of IPV. When these stereotypes are coupled with a male victim, expert testimony may be especially important. With regard to current research, it is unclear whether expert gender would interact with male victim gender in a case involving IPV, as it remains relatively unexplored.

### **The Current Study**

The purpose of the current study was to examine the impact that expert witness gender had in a case involving IPV. Though gender congruence of female expert/female victim has been studied in cases of IPV and other female dominated domains, men have not been included in this research as victims and have not been thoroughly analyzed as experts. Because male experts are hired 83% of the time (Kaufman, 2017) it is important to examine how their testimony is received in female-dominated cases with male and

female victims. In addition, research is evidencing what has long been expected: that there are more male victims of IPV than statistics previously accounted for (Dutton, 2005, 2007; Walker et al., 2019). As such, the legal system has not yet adjusted, and continues to show evidence of bias against men in favor of women in such cases (Dim & Lysova, 2021). As one of the key influential factors in the courtroom, it becomes important to examine the impact expert witness gender has in such cases.

The current study explored how an expert's gender interacted with a victim's gender in a case of IPV based on the gender congruence or incongruence of the victim.

### **Study Design and Hypotheses**

This study used a 2 (victim gender: male vs. female) x 2 (expert gender: male vs. female) between subjects design. Variables of interest were verdicts, judgements, perceptions of the scenario which included ratings of the severity of the situation, expert witness testimony, victim credibility, victim responsibility and blame, defendant responsibility and blame, manipulation and attention checks, and demographics. Based on previous research, the following hypotheses were made:

1. Mock jurors will rate the female expert as more credible than the male expert when there is a female victim. This hypothesis is supported by previous research findings (Neal, 2014; Schuller et al., 2001, 2005) favoring a gender congruency model (female expert, female victim, and female dominated domain of the case).
2. Mock jurors will rate the male expert as more credible than the female expert when there is a male victim. Expert gender has been thoroughly scrutinized in IPV cases with female victims and according to the findings, female experts are considered more credible than male experts due to the female dominated domain of the case

(Schuller et al., 2001, 2005). Due to the low rate of reporting by male victims, there exist biases that affect the believability of abuse allegations. However, it is anticipated that a male victim may especially benefit from a male expert. Because expert testimony may be especially relied upon in cases involving male victims, the male expert may be critical in validating the male victim's experience.

3. Mock jurors will find the female victim less responsible and blameworthy than the male victim regardless of expert gender. It may be that the female victim of IPV is perceived as not responsible or to blame due to the image of the male aggressor and stereotypes associated with this type of violence. Previous research supports this hypothesis (Terrance et al., 2011; Worthen & Vardado-Sullivan, 2005).

## Method

### Participants

A total of 143 participants (43 men, 95 women, 3 non-binary, 2 prefer not to respond) were included in analyses.<sup>1,2,3</sup> Participants ranged in age from 21-76 years ( $M = 43.4$ ;  $SD = 12.5$ ). Participant ethnicity was primarily White/Caucasian ( $n = 111$ ; 77.6%), with additional categories including Black/African American ( $n = 11$ ; 7.7%), Asian or Pacific Islander ( $n = 16$ ; 11.2%), Hispanic or Latino/Latina ( $n = 3$ ; 2%), and undisclosed ( $n = 3$ ; 2.1%). A large majority of participants reported that they were heterosexual ( $n =$

---

<sup>1</sup> Initially, 400 participants were recorded in the data. Upon review, many ( $n=181$ ) were excluded for short response times, failing attention or manipulation checks, non-English speakers, unfinished surveys, and those who failed the captcha security measure. As a result, 219 participants remained.

<sup>2</sup> Those who were in survey groups in which no expert witness gender was specified ( $n = 76$ ) were ultimately excluded from primary analysis resulting in a 2 (victim gender) x2 (expert gender) structure. A majority of participants in the control condition misidentified expert gender ( $n = 65$ ). Due to the inaccurate responses, the decision was made to exclude them from further analyses ( $n = 76$ ). Finally, 143 participants remained from which the following data was drawn.

<sup>3</sup> A majority ( $n = 45$ ; 59.2%) of participants in the unspecified expert witness gender category identified the expert as male. This is worthy of further investigation.

115; 80.4%). Additional sexualities included asexual ( $n = 3$ ; 2.1%), bisexual ( $n = 17$ ; 11.9%), gay/lesbian ( $n = 5$ ; 3.5%), pansexual ( $n = 1$ ; <1%), queer/questioning ( $n = 1$ ; <1%), and undisclosed ( $n = 3$ ; 2.1%).

Of these participants, 61 (42.7%) indicated they had been in an abusive relationship in their lifetime, 77 (53.8%) indicated they had not been, and 5 (3.5%) preferred not to disclose. Furthermore, 77 (53.8%) participants reported they knew someone who had been in an abusive relationship, 60 (42%) reported they had not, and 6 (4.2%) preferred not to disclose.

Participants for the study were recruited through CloudResearch powered by Amazon's TurkPrime. This method was chosen because CloudResearch can obtain data from participants across multiple regions nationally. All participants were compensated for their participation by receiving \$1.00 through CloudResearch.

## **Materials**

**Transcripts.** This study employed a 2 (victim gender) x 2 (expert gender) between subjects factorial design. Participants were told the study was examining mock jurors' perceptions of a trial involving IPV. After consenting to participate in the proposed research project, participants were asked to behave as mock jurors in a criminal assault trial. Trial transcripts were identical across conditions with the exception of pronouns and names that were manipulated to reflect the victim and expert's gender. They were given a transcript of a trial in which the alleged perpetrator was charged with aggravated assault. The transcript was based on previous research by Terrance et al. (2011).

The trial transcript included testimony about the criminal incident in which police were called to the home by the victim. The prosecutor asked the victim about their partner's

past behavior. The victim disclosed her/his partner's jealousy and controlling behaviors and previous incidents of IPV. The victim indicated that she/he had been to the emergency room before due to the offender's violence and that she/he had called the police multiple times before for similar incidents. The prosecutor then asked the victim about the current incident. The victim indicated that the defendant had been upset when the victim arrived at home due to the victim working late. The victim indicated that right away the defendant began using physical violence. The victim indicated that she/he used physical violence on the defendant in order to get away and call the police.

Participants were also asked to read a trial transcript excerpt for a clinical psychologist who specialized in the treatment and research of victims of IPV. The expert witness was identified as Dr. Gary Schultz or Dr. Mary Schultz. The expert discussed the use of retaliatory violence in IPV situations to explain the victim's behavior during the violent incident. The expert also testified that it is common for victims of IPV to fight back against their abusers, to lie for their partners to keep them out of trouble, or even stay with an abusive partner without attempts to leave. These are some behaviors that are inconsistent with how IPV victims are typically perceived (Russell, 2012; Terrance et al., 2011).

The transcript included jury instructions given by a judge following the expert testimony. Participants were informed of the legal definitions of aggravated assault, the charges against the defendant, and domestic violence, an alternative lesser charge. The charges were described by the North Dakota Century Code as North Dakota is the jurisdiction in which the research was conducted.

Jury instructions also included the presumption of innocence and burden of proof. The burden of proof was explained as beyond a reasonable doubt, which was defined as

proof that precludes every reasonable hypothesis except the hypothesis that it tends to support. Additional instructions supplemented this definition to ensure clarity.

## **Questionnaires and Measures**

**Perceptions of Scenario.** The majority of the dependent measures (see Appendix B) used a 5-point Likert-type scale, with endpoints that were determined by each item (e.g., 1 = Not at all credible – 5 = Very Credible) or degree of particular agreement (e.g., 1 = not at all – 5 = completely). Other items included dichotomous variables. Questions were derived from previous research (Harris & Cook, 1994; Pierce & Harris, 1993; Schuller & Hastings, 1996; Terrance et al., 2011) and were created for the purposes of this study.

*Manipulation and Attention Check Items.* Participants were asked to identify the gender of the defendant, the victim, and the expert. They were also asked to identify the nature of the crime alleged. There were attention checks throughout the survey to ensure participants were reading and answering questions intently.

*Verdict.* Participants rendered a verdict on the case as either guilty or not guilty. If the participant rendered a “not guilty” verdict, they were immediately directed to the following credibility scales. If the participant rendered a “guilty” verdict, the participant was asked follow-up questions if the defendant was guilty of aggravated assault or guilty of the lesser charge of domestic violence.

*Participant Judgements.* If a participant rendered the defendant guilty of either charge, they were asked two follow up questions regarding their decision. First, they were asked the level of guilt of the defendant and second, harshness of the sentence deserved by the defendant on a 5-point Likert-type scale (1 = not at all - 5 = extremely).

*Perceptions of Severity.* Participants were asked to rate, using 5-point Likert-type scales (ranging from 1 = not at all to 5 = extremely) the severity of the abuse reported based on how serious, severe, and significant the incident was. Responses across these 3 items were summed and averaged to form a composite measure of severity (Cronbach's alpha = .87), with higher scores indicating a higher severity of the violence.

*Perceptions of Expert Witness Testimony.* Participants were asked to rate (using 5-point Likert-type scales ranging from 1 = not at all - 5 = extremely) the credibility of the expert witness based on the following traits: credible, respectable, trustworthy, truthful, honest, reliable, informed, logical, educated, qualified, and unbiased. Responses across these 11 items were summed and averaged to form a composite measure of expert testimony (Cronbach's alpha = .92), with higher scores indicating more positive evaluation of the testimony.

*Victim Credibility.* Participants were asked to respond to items (using a 5-point Likert-type scale ranging from 1 = not at all - 5 = extremely) indicating the extent of victim honesty, accuracy, and believability (Cronbach's alpha = .88) with higher scores indicating more positive evaluation of the victim.

*Victim Responsibility and Blame.* Participants completed assessments regarding their assignment of blame to the victim in the IPV situation (using a 5-point Likert-type scale ranging from 1 = not at all - 5 = completely). These questions asked participants to evaluate how much blame, responsibility, and fault rests solely on the alleged victim (Cronbach's alpha = .72), with higher scores indicating more blame and responsibility on the victim.



*Defendant Responsibility and Blame.* Participants completed assessments regarding their assignment of blame to the defendant in the IPV situation (using a 5-point Likert-type scale ranging from 1 = not at all - 5 = completely). These questions asked participants to evaluate how much blame, responsibility, and fault rests solely on the defendant (Cronbach's alpha = .95), with higher scores indicating more blame and responsibility on the defendant.

*Demographics.* Participants were also asked to complete a demographic questionnaire which asked them to indicate their age, ethnicity, gender, sexual orientation, marital status, and highest level of education completed. Participants were also asked if they had ever been in an abusive relationship or if they knew someone who had been.

### **Procedure**

The current study was completed using an online data collection software called Qualtrics. After obtaining informed consent, the participants were randomly assigned to 1 of 4 trial transcripts stemming from a 2 (victim gender: male vs. female) x 2 (expert gender: male vs. female) between subjects design. For each scenario, participants read the victim's testimony, the expert's testimony, and jury instructions. Following the scenario, they were asked to render a verdict for the defendant, issue judgements, respond to a number of questions pertaining to perceptions of the scenario including perceptions of severity, perceptions of expert witness, victim credibility, victim responsibility and blame, defendant responsibility and blame, complete manipulation and attention checks, and answer demographic questions. Participants were then debriefed.

All data was collected through Qualtrics Research Suite. The Qualtrics website uses secure sockets layer encryption, which is HIPAA compliant. Participants were identified

only by a randomly generated number within Qualtrics. The numbers were not linked with names or consent forms. No identifying information (e.g., names) was collected. Participants' questionnaires were reported in aggregate form.

## Results

*Manipulation and Attention Check.* Overall, 90% ( $n = 143$ ) of the participants in the expert conditions correctly identified the gender of the expert and also accurately completed the attention checks.<sup>4</sup> Respondents who answered these checks inaccurately were excluded from all analyses.

*Verdicts.* Of the 143 total participants, 91.6% ( $n = 131$ ) rendered the verdict of guilty and 8.3% ( $n = 12$ ) found the defendant not guilty. Furthermore, 58% ( $n = 76$ ) of those who rendered guilty verdicts found the defendant guilty of aggravated assault, while 41.9% ( $n = 55$ ) found the defendant guilty of the lesser offense of domestic violence.

Final jury verdicts of guilty (1) and not guilty (0) were analyzed using a 2 (victim gender) x 2 (expert witness gender) logistic regression. A test of the full model with both predictors failed to attain significance ( $X^2(2, N = 143) = .20$ , (Nagelkerke  $R^2 = .05$ ). Furthermore, neither expert gender (Wald statistic = 1.46;  $p = .23$ ), nor victim gender (Wald statistic = 1.58;  $p = .21$ ) reliably predicted guilt decisions. Irrespective of condition, jurors rendered overwhelmingly guilty verdicts (male expert male victim: Guilty = 31, Not guilty = 4; male expert female victim: Guilty = 37, Not guilty = 0; female expert male victim: Guilty = 31, Not guilty = 4; female expert female victim: Guilty = 32, Not guilty = 4).

---

<sup>4</sup> There were 159 participants total in male expert and female expert conditions. Sixteen participants were filtered out for incorrectly recalling the expert's gender or failing attention check questions.

*Participant Judgements.* To investigate the impact of the manipulated variables on participants' evaluation of the expert testimony, the level of guilt of the defendant and harshness of the sentence deserved by the defendant were analyzed by a series of two-way ANOVAs.

A 2 (victim gender) x 2 (expert gender) ANOVA was conducted to examine perceived level of guilt. Results indicated no significant main effect for expert gender  $F(1, 127) = 2.06; p = .15$ , victim gender  $F(1, 127) = 1.05; p = .31$ , or the interaction  $F(1, 127) = 3.32; p = .07$ , on defendant level of guilt ( $M = 4.66; SD = .62$ ).

Overall, when tested against the midpoint of the scale, the majority of participants ( $n = 95; 72.5\%$ ) indicated they believed the defendant to be *extremely guilty* ( $M = 4.65; SD = .63; t(130) = (30.11); p < .001$ ). However, only 44.27% ( $n = 58$ ) indicated they endorsed a harsh penalty for the defendant ( $M = 4.07; SD = .99; t(130) = (12.31); p < .001$ ).

A 2 (victim gender) x 2 (expert gender) ANOVA was conducted to examine jurors sentence harshness determinations. Results failed to yield significance for the main effect of expert gender  $F < 1$ , or the interaction  $F < 1$ . However, the main effect of victim gender was significant  $F(1, 127) = 6.41; p = .01$ , such that the female defendant (paired with the male victim) was given a less harsh sentence ( $M = 3.84; SD = 1.10$ ) than the male defendant (paired with the female victim;  $M = 4.28; SD = .99$ ).

*Perceptions of Severity.* A 2 (victim gender) x 2 (expert gender) ANOVA was conducted on the perceptions of severity of the situation. Results failed to yield significance for the main effect of expert gender,  $F(1, 139) = 1.67; p = .20$ , and the interaction  $F(1, 139) = 3.44; p = .07$ . However, the main effect of victim gender  $F(1, 139) = 5.10; p = .03$ , did

yield significance such that abuse against the female victim ( $M = 4.62$ ;  $SD = .50$ ) was perceived as more severe than abuse against the male victim ( $M = 4.40$ ;  $SD = .69$ ).

*Perceptions of Expert Witness Testimony.* A 2 (victim gender) x 2 (expert gender) multivariate analysis of variance (MANOVA) was conducted pertaining to mock jurors' perceptions of the influence expert testimony had on their verdicts. Results failed to yield multivariate significance for expert gender,  $F(2, 126) = 1.20$ ;  $p = .31$ , and the interaction,  $F(2, 126) = 1.76$ ;  $p = .18$ . Results did yield multivariate significance for victim gender,  $F(2, 126) = 3.18$ ;  $p = .05$ .

Univariate significance was attained for the item assessing the impact of expert testimony on the harshness of the defendant's sentence,  $F(1, 127) = 6.41$ ;  $p = .01$ . Mock jurors gave more influence to the expert witness' testimony regarding their decision on how harsh the sentence should be when the victim was female ( $M = 4.28$ ,  $SD = .90$ ) versus male ( $M = 3.84$ ,  $SD = 1.09$ ).

A 2 (victim gender) x 2 (expert gender) ANOVA was conducted on the perceptions of the expert's credibility. Results failed to yield significance for main effects of expert gender,  $F < 1$ , and the interaction  $F < 1$ . However, the victim gender did yield significance,  $F(1, 139) = 4.09$ ;  $p = .05$ .

Results indicated that, overall, when there was a female victim ( $M = 4.63$ ;  $SD = .59$ ) the expert was viewed as more credible than when there was male victim ( $M = 4.40$ ;  $SD = .74$ ) regardless of expert gender.

*Victim Credibility.* A 2 (victim gender) x 2 (expert gender) ANOVA was conducted on the perceptions of the victim's credibility. Results failed to yield significance for main

effects of expert gender,  $F < 1$ , and victim gender  $F(1,139) = 2.51$ ;  $p = .12$ . However, the interaction did yield significance,  $F(1,139) = 5.31$ ;  $p = .02$ .

Simple main effects of expert gender at each level of victim gender were conducted. Results indicated that with a male expert, the female victim ( $M = 4.62$ ;  $SD = .10$ ) was more credible than the male victim ( $M = 4.21$ ;  $SD = .11$ ;  $F(1, 139) = 7.61$ ;  $p = .01$ ). When the expert was female, credibility of the male victim ( $M = 4.42$ ;  $SD = .11$ ) and female victim ( $M = 4.34$ ;  $SD = .11$ ) did not significantly differ,  $F(1, 139) = .26$ ;  $p = .61$ .

*Victim Responsibility and Blame.* A 2 (victim gender) x 2 (expert gender) ANOVA was conducted on the perceptions of the victim's responsibility and blame. Results failed to yield significance for main effect of expert gender,  $F < 1$ , and the interaction,  $F < 1$ . The main effect of victim gender, however, did yield a significant main effect,  $F(1,139) = 9.68$ ;  $p = .002$ .

Results indicated that, overall, the female victim ( $M = 1.33$ ;  $SD = .69$ ) was viewed as less responsible and to blame than the male victim ( $M = 1.71$ ;  $SD = .77$ ) for the violent situation.

*Defendant Responsibility and Blame.* A 2 (victim gender) x 2 (expert gender) ANOVA was conducted on the perceptions of the defendant's responsibility and blame. Results failed to yield significance for main effect of expert gender,  $F(1,139) = 1.14$ ;  $p = .27$ , main effect for victim gender,  $F(1,139) = 3.79$ ;  $p = .05$ , or the interaction  $F < 1$ .

## **Discussion**

The primary purpose of this study was to examine expert gender and victim gender influence on mock jurors' perceptions in a case involving IPV. Previous research has shown expert gender to be influential in IPV cases when there is gender congruency

between the expert, the victim, and the case domain (i.e., female expert, female victim, and female gender domain of the case; Schuller et al., 2005). Previous research also indicates that male experts are perceived as more credible than female experts and may have more influence on juror perceptions than female experts in general (Bornstein & Green, 2017; Neal, 2014; Schuller et al., 2005). By examining mock jurors' perceptions of a male expert witness and a female expert witness regarding a male and a female victim of IPV, the results of this study suggest that, overall, expert testimony is less influential than reported in previous research.

Irrespective of expert witness or victim gender, results indicated participants overwhelmingly rendered guilty verdicts. Further, the majority of all participants indicated they believed the defendant to be extremely guilty. Contrary to previous research (Bornstein & Green, 2017; McKimmie et al., 2004; Neal, 2014; Schuller et al., 2005; Schuller et al., 2001; Schuller & Cripps, 1998), expert gender failed to differentially impact participants' guilt decisions. Moreover, there was no significant difference in participants' guilt decisions based on the main effect of victim gender or the interaction between expert witness gender and victim gender.

This is unexpected as previous research indicates female expert testimony is more favorable than male expert testimony in IPV cases where the victim is female (Schuller & Cripps, 1998). That is, previous research has shown that female experts have been deemed as more credible due to the female dominated domain of the case (Schuller et al., 2005). This conclusion was not supported by the results of the current study. It may be due to enhanced the public awareness that IPV is not exclusively a female gendered crime. Future research should evaluate public knowledge regarding the intersection of IPV and gender.

It may also be the case that due to culture shifts regarding female professionals, the credibility gap between men and women in fields such as psychology has decreased. Results from this study are consistent with this suggestion. Future research should further examine how male and female professionals are perceived within the courtroom.

The majority of participants (72%) rated the defendant at a high level of guilt, but most (56%) imposed less harsh sentences. Though most mock jurors acknowledged that the defendant, regardless of gender, was extremely guilty, they were overall less likely to employ a harsh sentence. Results may be due to participants denying that IPV is a serious offense that deserves harsh consequences. These findings require further research into societal perceptions of the crime of IPV.

Participants perceptions of expert witness testimony on their verdicts were also examined. Participants indicated the expert testimony had a significant effect on their decisions related to guilt and harshness of sentence deserved by the defendant. Results also indicated that the degree to which expert witness testimony was influential was dependent upon victim gender. Specifically, regardless of expert gender, when the victim was female, participants rendered significantly harsher sentences than when the victim was male. Indeed, the male defendant was perceived as deserving of a harsher sentence than the female defendant.

This is consistent with previous research demonstrating that when women perpetrate violence against men, their actions are viewed as minor or trivial (Hester, 2013; Terrance et al., 2011). Because female perpetrated violence isn't taken seriously, legal intervention is perceived as less needed than when the perpetrator is male (Hester, 2013; Terrance et al., 2011).

As hypothesized, participants tended to view the female victim's abuse as more serious and severe than the male victim's abuse. This result is unsurprising and consistent with previous research indicating that the abuse men suffer perpetrated by women is viewed as trivial and less serious than abuse women suffer perpetrated by men (Hester, 2013; Terrance et al., 2011; Walker et al., 2019). Despite the scenarios describing identical violence, it appears that participants' perceptions of the severity of the abuse is based on victim gender stereotypes and heuristics rather than the information gathered in the scenario alone. The male victim was perceived as less of a victim and his situation was taken as less serious than that of the female victim.

Although participants viewed the female victim's abuse as more severe overall, it is surprising that guilt levels and harsh sentences were not significantly different for the female and the male defendant. These results are despite the participants' perceptions that the expert's testimony aided them in rendering sentence harshness. Thus, future research is warranted to explore why perception of guilt ratings would be high, but sentence harshness ratings would be low for both male and female defendants especially when the female defendant's abuse was seen as more severe.

Results of the current study contradict previous research indicating female experts are perceived as more credible than their male counterparts in cases of female gendered crimes such as IPV when there is a female victim (McKimmie et al., 2013; Neal, 2014; Schuller et al., 2005; Schuller & Cripps, 1998). There was no significant difference between male or female expert credibility when the victim was female which indicates the gender of the expert is less influential on juror perceptions than previous research suggests. Rather, results of the current study suggest the male and female expert were viewed as



equally credible when paired with a female victim. Further, there were no significant effects of expert gender on perceptions of severity, victim credibility, or victim or defendant responsibility and blame.

It was anticipated that mock jurors would perceive the female expert as more credible than the male expert when there was a female victim. Conversely, it was anticipated that mock jurors would perceive the male expert as more credible than the female expert when there was a male victim. Results indicated that when there was a female victim, there was no significant difference between the male and female expert credibility. Similarly, when there was a male victim, there was no significant difference between the male and female expert credibility. However, regardless of gender, experts were evaluated as more credible overall when there was a female victim than when there was male victim. To be sure, there were no significant differences between the male and female expert within each condition of victim gender. Expert gender played less of a role in mock jurors' perceptions than was expected.

When examining victim credibility, results of this study found that when there was a male expert, the female victim was perceived as more credible than the male victim. When the expert was female, the male and female victim's credibility did not significantly differ. These findings are unexpected as previous research indicates female expert testimony (versus male expert testimony) is most beneficial for female victims of female gendered crimes (Neal, 2014; Schuller et al., 2005; Schuller & Cripps, 1998).

It may be that participants gave more weight to the female expert testifying on behalf of the male victim because it might be a stronger statement coming from a female expert witness that the male is, in fact, the victim and the female is the perpetrator in an

IPV situation. Additionally, the male expert's testimony may not have had as much influence on participants' perceptions of guilt because a male expert is stereotypical within the criminal justice system and the male defendant (female victim) is the stereotypical perpetrator within IPV scenarios (McKimmie et al., 2019; Neal, 2014; Terrance et al., 2011; Walker et al., 2019).

Results indicated that when there was a female expert, victim credibility failed to significantly differ between the male victim and female victim. This is again inconsistent with previous research indicating gender congruency of the case is favorable for a female expert testifying on behalf of a female victim in IPV cases (Schuller et al., 2005). When the expert was male, however, the female victim was perceived as more credible than the male victim. This may be due to participants relying on heuristics and stereotypes to determine credibility of the victim rather than legitimacy of the expert or victim's testimony (Schuller et al., 2005).

It was hypothesized that mock jurors would find the female victim less responsible and blameworthy than the male victim, regardless of expert gender. Results found that there was no significant effect of expert witness gender on victim responsibility and blame. There was a main effect for victim gender such that victim gender did significantly influence participants' perceptions of responsibility and blame. As expected, the female victim was seen as less responsible and blameworthy than the male victim overall.

When examining victim responsibility and blame, the male victim was identified as more responsible and blameworthy than the female victim. Based on this result, it would imply that the female defendant would be less blameworthy than the male defendant.

However, when examining defendant responsibility and blame, there were no significant differences between the male and female defendant.

It may again suggest that within the context of an IPV situation, the female victim is seen as the stereotypical victim and thus, gender is relied upon to make determinations regarding responsibility and blame rather than the specifics of the case. These results are consistent with previous research findings that female victims are seen as less responsible and blameworthy. Previous research has attributed responsibility and blame perceptions on gender-based assumptions (Terrance et al., 2011; Worthen & Vardado-Sullivan, 2005). This explanation aligns with the current study. It appears that, overall, victim gender was more influential on mock jurors' perceptions than expert gender was.

Generalizations from the present study may be limited by the sample and research method used. The collected sample showed little variability regarding gender and sexual orientation. Indeed, the majority of the sample indicated they were either male or female and heterosexual. Gender identity and sexual orientation may influence the way individuals engage in and view relationships. When examining IPV, perceptions may differ for LGBTQA+ individuals whose relationships are different than those in heterosexual relationships, such as the one described in this study. The implication being that power dynamics and gender roles contribute to perceptions of guilt, severity, blame, and responsibility. This should be further examined for non-heteronormative (i.e., those who do not adhere to traditional gender identities and expressions) populations, as they are generally severely underreported victims of IPV (Kuehnle & Sullivan, 2003).

Future research should examine whether expert witness gender has influence on mock jurors' perceptions of an IPV situation with homosexual couples or between victims

or couples who are non gender-conforming (i.e., non-binary, transgender, etc.). It would also be beneficial to research mock jurors' perceptions of non gender-conforming expert witnesses. Further research regarding misconceptions and stereotypes surrounding victims of IPV, specifically female-perpetrated violence, would also be beneficial to establish measures for combatting the image of a conventional victim (Terrance et al., 2011; Walker et al., 2019).

The present study remains a research simulation of an actual court trial. As a result, factors such as the degree to which jurors are invested in the research and the length of the trial, may differ from actual court cases, and thereby limit the generalizability to real court cases (Terrance et al., 2014). Moreover, in actual court cases, expert testimony would undoubtedly incorporate elements of both perspectives, not just the victim's as in the present study. However, incorporating a more dichotomous manipulation of expert testimony allowed for a more systematic examination of the critical elements of each.

Limitations notwithstanding, the current research provides important insight into mock jurors' perceptions of expert witness gender and victim gender as it relates within a case of IPV. Indeed, this study suggests that there are minimal differences between perceptions of the male and female expert witness. The gender of the expert was not more favorable in gender congruent cases as was originally expected (i.e., female expert, female victim, female gender domain of the case). This also indicates that previous research may be less applicable to current circumstances due to the increased awareness of IPV situations and a narrowing gender gap with regards to professionalism.

## References

- Archer, J. (2000). Sex differences in aggression between heterosexual partners: A meta-analytic review. *Psychological Bulletin*, *126*, 651– 680.
- Bornstein, B. H., & Greene, E. (2017). *The jury under fire: Myth, controversy, and reform*. Oxford University Press.
- <https://doi.org/10.1093/acprof:oso/9780190201340.001.0001>
- Brodsky, S. L., Neal, T. M. S., Cramer, R. J., & Ziemke, M. H. (2009). Credibility in the Courtroom: How Likeable Should an Expert Witness Be? *Journal of the American Academy of Psychiatry and the Law Online*, *37*(4), 525-532.
- Brodsky, S. L., Griffin, M. P., & Cramer, R. J. (2010). The Witness Credibility Scale: An outcome measure for expert witness research. *Behavioral Sciences & the Law*, *28*(6), 892–907.
- Cutler, B. L. & Kovera, M. B. (2011). Expert Psychological Testimony. *Current Directions in Psychological Science*, *20*, 53-57.
- Dim, E. E., & Lysova, A. (2021). Male Victims’ Experiences With and Perceptions of the Criminal Justice Response to Intimate Partner Abuse. *Journal of Interpersonal Violence*, 08862605211001476. <https://doi.org/10.1177/08862605211001476>
- Dutton, D. G. (2007). The complexities of domestic violence. *American Psychologist*, *62*, 708–709.
- Federal Rules of Evidence, Rule 702 (2021).
- Frye v. United States*, 293 F. 1013 (D.C. Cir. 1923).
- Frye v. United States*, 293 F. 1013 / *Casetext Search + Citorator*. (n.d.). Retrieved March 16, 2021, from <https://casetext.com/case/frye-v-united-states-7>

- Gunnell, J. J., & Ceci, S. J. (2010). When emotionality trumps reason: A study of individual processing style and juror bias. *Behavioral Sciences & the Law*, 28(6), 850–877.
- Harris, R., & Cook, C. (1994). Attributions about spouse abuse: It matters who the batterers and victims are. *Sex Roles*, 30, 553–565.
- Hester, M. (2013). Who does what to whom? Gender and domestic violence perpetrators in English police records. *European Journal of Criminology*, 10(5), 623–637.
- Kaempf, A. C., Baxter, P., Packer, I. K., & Pinals, D. A. (2015). Gender and the Experience of Mental Health Expert Witness Testimony. *Journal of the American Academy of Psychiatry and the Law*, 43(1), 52-59.
- Kaufman, B. (2017, September 6). *Attorneys Faulted for Scarcity of Female Expert Witnesses*. Bloomberg ABA/BNA Lawyers' Manual on Professional Conduct. <https://www.cwba.org/resources/Documents/Resource%20Library/Female%20Exper%20Article.pdf>
- Kuehnle, K., & Sullivan, A. (2003). Gay And Lesbian Victimization: Reporting Factors in Domestic Violence and Bias Incidents. *Criminal Justice and Behavior*, 30(1), 85-96.
- McKimmie, B. M., Newton, S. A., Schuller, R. A., & Terry, D. J. (2013). It's Not What She Says, It's How She Says It: The Influence of Language Complexity and Cognitive Load on the Persuasiveness of Expert Testimony. *Psychiatry, Psychology & Law*, 20(4), 578–589.
- McKimmie, B. M., Schuller, R. A., Thomas, S., & Sherrel, H. (2019). The Impact of Gender-Role Congruence on the Persuasiveness of Expert Testimony. *University of Queensland Law Journal*, 38(2), 279–299.

- Miller, S. L., & Meloy, M. L. (2006). Women's Use of Force: Voices of Women Arrested for Domestic Violence. *Violence Against Women, 12*(1), 89–115.
- Milroy, C. M. (2017). A Brief History of the Expert Witness. *Academic Forensic Pathology, 7*(4), 516–526.
- Neal, T. M. (2014). Women as Expert Witnesses: A Review of the Literature. *Behavioral Science Law, 32*, 164-179.
- Neal, T. M. S., Guadagno, R. E., Eno, C. A., & Brodsky, S. L. (2012). Warmth and Competence on the Witness Stand: Implications for the Credibility of Male and Female Expert Witnesses. *Journal of the American Academy of Psychiatry and the Law Online, 40*(4), 488–497.
- Pierce, M. C., & Harris, R. J. (1993). The effect of provocation, race, and injury description on men's and women's perceptions of a wife-battering incident. *Journal of Applied Social Psychology, 23*, 767–790.
- Schuller, R. A., & Cripps, J. (1998). Expert evidence pertaining to battered women: The impact of gender of expert and timing of testimony. *Law and Human Behavior, 22*, 17–31.
- Schuller, R. A., & Hastings, P. A. (1996). Trials of Battered Women Who Kill: The Impact of Alternative Forms of Expert Evidence. *Law and Human Behavior, 20*, 167-187.
- Schuller, R. A., Terry, D., & McKimmie, B. (2001). The impact of an expert's gender on jurors' decisions: The Role of Gender of the Expert. *Law and Psychology Review, 25*, 59–79.

- Schuller, R. A., Terry, D., & McKimmie, B. (2005). The Impact of Expert Testimony on Jurors' Decisions: Gender of the Expert and Testimony Complexity. *Journal of Applied Social Psychology, 35*, 1266 - 1280.
- Swenson, R. A., Nash, D. L., & Roos, D. C. (1984). Source credibility and perceived expertness of testimony in a simulated child-custody case. *Professional Psychology: Research and Practice, 15*, 891–898.
- Terrance, C., Plumm, K., & Thomas, S. (2011). Perceptions of Domestic Violence in Heterosexual Relationships: Impact of Victim Gender and History of Response. *Partner Abuse, 2*(2), 208-223.
- Terrance, C., Plumm, K., & Kehn, A. (2014). Battered Women Who Kill: Impact of Expert Testimony and Timing. *Psychiatry, Psychology and Law, 21*(1), 1-15.
- Texas Supreme Court Gender Bias Task Force, 2004. *Guidelines for Practicing Gender Neutral Courtroom Proceedings*. Retrieved from <https://www.texasbar.com/AM/Template.cfm?Section=Ethics1&Template=/CM/ContentDisplay.cfm&ContentID=23484>
- Walker, A., Lyall, K., Silva, D., Craigie, G., Mayshak, R., Costa, B., Hyder, S., & Bentley, A. (2020). Male victims of female-perpetrated intimate partner violence, help-seeking, and reporting behaviors: A qualitative study. *Psychology of Men & Masculinities, 21*(2), 213–223.
- Walker, L. E. (2009). *The Battered Woman Syndrome*. Springer Pub. Co.
- Worthen, J. B., & Varnado-Sullivan, P. (2005). Gender Bias in Attributions of Responsibility for Abuse. *Journal of Family Violence, 20*(5), 305. <https://doi.org/10.1007/s10896-005-6606-5>



## Appendices

### Appendix A

#### Trial Transcript

*Trial transcripts are identical with the exception of names and pronouns to reflect the IV manipulations of expert witness and victim gender. These manipulations are highlighted in bold.*

#### Testimony of Alleged Victim, **Carol/Ken** O'Brien

Prosecutor (PRO): Can you please state your name, age, and place of employment for the record?

Victim (VIC): My name is **Carol/Ken** O'Brien, I am 29, and I am a clerk at Bremer Bank.

PRO: What is your relationship to the defendant, **Ken/Carol** O'Brien?

VIC: **S/He** is my **wife/husband**. We have been married for three years now and dated for a couple of years before that.

PRO: Have there been any problems in your relationship?

VIC: Yes, many.

PRO: Can you please elaborate for the court?

VIC: Well, for the past few years since I started working at the bank, **Carol/Ken** has been very jealous and suspicious of me for no reason. I don't know why – **s/he** keeps pretty strict tabs on me - where I am, who I'm with. When **s/he** worked with me at the same bank, **s/he** was constantly keeping an eye on me. Eventually, management thought that it wasn't appropriate to have us working at the same location, so **Carol/Ken** took a clerk position at another location. **S/He** wasn't too pleased with that - **s/he** called me constantly at work checking in on me. **S/He** really controls everything I do. **S/He** makes all the decisions about everything. **S/He** decides how and where to spend our money. When I need money, I have to ask **her/him** for it, and even then, I have to account for every dime I spend. **S/He** just doesn't trust me at all. **S/He** wants total control over everything.

PRO: Has there ever been a physical incident in the past?

VIC: Do you mean has **s/he** hit me before?

PRO: Yes, or any type of physical violence.

VIC: Oh ya, lots of times. **S/He'd** get upset with me for nothing. It doesn't take much to get **her/him** mad. Once I forgot to bring home the dry cleaning and that was enough to set **her/him** off. **S/He** hit me pretty hard that day.

PRO: How does the defendant react when **s/he** gets upset with you?

VIC: Well, **s/he** usually starts yelling at me, and when **s/he** gets really mad, **s/he'll** push me around and sometimes hits and kicks me. The time I came home a little late from work but I forgot to pick up the dry cleaning, **s/he** was hysterical. **S/He** was yelling at me and pushed me down the stairs. I was knocked unconscious for a bit I guess, and when I came to, **s/he** was standing over me and kicked me hard in the stomach. I started to spit up blood and **s/he** just kicked me again and stormed off. I could barely get up after that. I ended up with a couple of broken ribs and had to go to the hospital.

PRO: When was this incident?

VIC: Probably around this time last year.

PRO: When you went to the hospital did you tell the doctor what happened to you?

VIC: No – I just told the doctor that I tripped down the stairs. **Carol/Ken** had demanded to stay in the room with me the whole time. **S/He** was always standing right there. Even if **s/he** wasn't there though, I was too frightened and ashamed to tell anyone the truth.

PRO: So, since that incident, how often would you say the defendant has been physically violent towards you?

VIC: Jeez, it's kinda hard to say - at least once or twice a month **s/he'd** get mad enough to hit me.

PRO: Have the police ever been called to your home in the past because of the defendant's behavior?

VIC: Yes, I have called them myself on at least three different occasions.

PRO: And what happens when the police get called?

VIC: The cops will show up, settle **her/him** down a bit, but then they never really do anything.

PRO: Have you ever tried to leave the defendant?

VIC: Well, no, not really - I mean I've thought about it, but I wouldn't be able to really afford it. And besides - where could I have gone? **Carol/Ken** always said that if I left **her/him**, **s/he'd** track me down and kill me – one way or another **s/he'd** find me. Like I said, **s/he** keeps pretty strict tabs on me. **S/He** always knows where I am. **S/He** would do things like time me when I went to the store. **S/He** would even check the car odometer to make sure I

had only gone as far as I said I had. If I took longer than **s/he** thought I should, **s/he** would just stand there and belt me in the stomach or something when I came in the door. Most days when I went to work, **s/he** would drop me off and pick me up. **S/He** would never give me any freedom and would always find a reason to be mad at me.

PRO: How do you respond when the defendant gets mad at you?

VIC: Well, at first, when **s/he** starts yelling, I just try to calm **her/him** down. If that doesn't work, I end up yelling back at **her/him** to leave me alone. When **s/he** starts pushing me around, I'll try to leave the room, but **s/he'll** be right on top of me, not letting me get out of **her/his** way. I push **her/him** back and tell **her/him** to go away. If **s/he** starts hitting me or kicking me, in the face, stomach, or wherever, I grab **her/his** arms or hit **her/him** back trying to get **her/him** to stop but there's nothing much I can do to stop **her/him**, I don't want **her/him** getting angrier with me. Besides, I know that when **s/he** gets it out of **her/his** system **s/he'll** stop.

PRO: Can you please tell the court what was happening when you called the police to your home on the night of the current incident?

VIC: I had to stay at work late because we were having some problems with our computers. I called and told **Carol/Ken** that I would be late. **S/He** wasn't happy about that but when I got home, **s/he** was furious. I guess I took longer than **s/he** expected. Well, that was all the reason **s/he** needed – **s/he** was convinced that I was out with another **wo/man**. So right when I got through the door, **s/he** started yelling at me. I just started to yell right back at **her/him**. I just wanted to be left alone. I went upstairs to our bedroom to get changed. The next thing I knew, **s/he** came up behind me and started to smack me across the back of my head. My head was throbbing - I put my arms up around my face - I was trying to protect myself. Well, that didn't help. **S/He** kept swinging at me, so I grabbed **her/his** arm and called **her/him** a **bitch/bastard**. I pushed **her/him** so I could get past **her/him**, but **s/he** was blocking my way. **S/He** kept hitting me so I hit **her/him** back pretty hard in the face. I grabbed **her/his** arm trying to get **her/him** to move but **s/he** picked up this big lamp and whacked it across my head - I guess that's when I fell to the floor. The next thing I knew **s/he** was standing above me and kicked me in the stomach. I just layed there in pain. I ended up getting a hold of **her/his** leg and tried to knock **her/him** down – when I couldn't, I bit **her/his** leg as hard as I could. When I tried to get up, **s/he** kicked me again. When I

finally did get up, **s/he** came at me hitting me in the face. I grabbed **her/his** arm again and hit **her/him** in the face again and after that I was able to run downstairs to the kitchen where I got a hold of the phone and called the police.

PRO: Did **s/he** let you call the police?

VIC: **She/He** followed me downstairs and tried to grab the phone from me while I was dialing. But the call had already gone through. I dropped the phone initially, but I was able to hit **her/him** again to get it away from **her/him** and take it and run to the bathroom. I locked myself in there until the police came.

PRO: What was **s/he** doing while you were in the bathroom?

VIC: **S/He** was yelling at me, still threatening me, and banging on the door the whole time until the police arrived. I was scared the whole time that **s/he** would break the door in.

PRO: No further questions, your honor.

Judge: The Defense will now cross examine the witness.

Defense (DEF): Thank you, your honor. Now, **Mrs./Mr.** O'Brien, you said that you have been married for three years and dated for a couple before that, correct?

VIC: Yes, that is correct.

DEF: Were you in a relationship before you met **Mrs./Mr.** O'Brien?

VIC: Yes, I was.

DEF: Did that relationship end prior to your relationship with **Mrs./Mr.** O'Brien?

VIC: I began dating **her/him** before I had broken up with my **girlfriend/boyfriend**.

DEF: How did this affect your relationship with **Mrs./Mr.** O'Brien?

VIC: At first it was ok, but after I broke up with my former **girlfriend/boyfriend**, we had a lot of trust issues, and **s/he** was very jealous.

DEF: Do you think **s/he** was wrong to be jealous?

VIC: Well, I had ended things with my former **girlfriend/boyfriend**, so I thought that things would be fine now that we were together, but it got worse as time went on.

DEF: **Her/His** jealousy got worse over time? Can you tell me why that is?

VIC: There was one time while we still worked together that **s/he** saw me and another coworker flirting. It was innocent but **s/he** thought there was something going on between us. This was right before **s/he** was switched to a different branch. Since then, things have been much worse, and **s/he** is always suspicious of me.

DEF: So there have been multiple incidents that **Mrs./Mr.** O'Brien has witnessed your disloyalty to a partner?

VIC: I guess you could say that.

DEF: So, don't you think that **s/he** has good reason to be upset when you come home late or are too preoccupied with other things, that **s/he** knows nothing about, to remember to pick up the dry cleaning.

VIC: I don't know.

DEF: You previously testified that you hit **Mrs./Mr.** O'Brien during that incident. Is that correct?

VIC: Yes.

DEF: Have you hit **Mrs./Mr.** O'Brien before?

VIC: Only when **s/he** has also hit me.

DEF: Would you say that you have also inflicted wounds on **her/him**?

VIC: I have sometimes but it's because I'm defending myself.

DEF: Did you give the defendant the scrape above **her/his** eye that is visible today?

VIC: Yes but--

DEF: And was that scrape on **her/his** face from this incident we are discussing today in which you claim you are the victim?

VIC: Yes.

DEF: How did you inflict this wound?

VIC: I hit **her/him** with my fist.

DEF: So would it be fair to say, **Mrs./Mr.** O'Brien, that your **wife/husband** is also a victim of violence in this incident?

VIC: I guess.

DEF: Nothing further, your honor.

Testimony of Dr. **Mary/Gary/Schultz**

Prosecutor (PRO): Dr. Schultz, thank you for being here today.

Dr. **Mary/Gary**: Thank you, I'd prefer Dr. **Mary/Gary**, that's what my patients call me.

PRO: Of course. Dr. **Mary/Gary/Schultz** you have been called as an expert witness on Intimate Partner Violence and the victims' experiences on behalf of **Mrs./Mr. Carol/Ken** O'Brien. Could you please state your credentials for the court?

Dr. **Mary/Gary/Schultz**: Of course, I received my license to practice clinical psychology from the University of Minnesota where I completed extensive investigations into issues pertaining to family violence. For the past three years I have acted as head of the Family Violence Unit at St. Paul General Hospital, and I am also a consultant for the City of St. Paul's Domestic Violence Task Force.

PRO: Could you describe for the court what is meant by the term Intimate Partner Violence?

Dr. **Mary/Gary/Schultz**: Intimate Partner Violence, or as we call it, IPV, is often described as abuse or aggression that occurs in a romantic relationship. "Intimate partner" refers to both current and former spouses and dating partners. IPV can vary in how often it happens and how severe it is. It can also range from one episode of violence that could have a lasting impact on the victim, to chronic and severe episodes over multiple years. IPV can include physical violence, stalking, or psychological aggression, which can be defined as the use of verbal and non-verbal communication intending to harm or control another person mentally or emotionally.

PRO: Can you please discuss the existence of violence within these abusive relationships?

Dr. **Mary/Gary/Schultz**: Sure. Very often the violence begins gradually. Incidents of name calling, criticism, isolation, and the like escalate to more physical forms of aggression such as shoving, pushing or slapping. In turn, these incidents become more aggressive and more violent. After the first episode of violence, the victim is startled and shocked, and usually believes it to be a unique event. At this point they do not usually seek help or end the relationship. Rather, they believe, as anyone might, in the potential for reform and are still committed to the relationship and their partner.

PRO: So the abuse gradually increases in severity - what effect does this have on the victim?

Dr. **Mary/Gary/Schultz**: This often has an extremely negative effect on these individuals. They become increasingly fearful of the violent episodes, and they learn to predict, very accurately, the severity and the time frame of the ensuing violent episode. Both the overt actions and the more subtle mannerisms of the perpetrator provide a clear warning to the

victim that a violent episode is likely. This can help explain why a victim would stay with their partner after being subjected to, often severe, physical abuse.

PRO: How is that doctor?

Dr. **Mary/Gary/Schultz**: Well, there exists a recurrent cycle of violence in these relationships. The stages of violence perpetrated by the abuser has the result of effectively trapping the victim in the relationship. In the first stage of the cycle, the tension building phase, there is a gradual building of tension characterized by name calling and possibly minor abusive incidents. This is followed by the stage in which the tension erupts and often severe physical damage occurs to the victim. In the final stage, which can be seen as the loving contrition stage, the batterer often apologizes for the abuse and attempts to assure the victim that it will never occur again.

PRO: What effect does this have on the victim?

Dr. **Mary/Gary/Schultz**: This cyclical violence is not only physically damaging but breaks down the victim psychologically. A situation has been created reminiscent of intermittent reinforcement schedules in learning theory. What this means is that the perpetrator's cycle of positive and negative behaviors serves to keep the victim in the relationship by convincing her that if **s/he** tried a little bit harder, **her/his** partner would stop the violent behavior.

PRO: What is the result of such a cycle?

Dr. **Mary/Gary/Schultz**: Initially, the victim often denies the severity of the abuse and accepts **her/his** partner's apology for the abuse as genuine. What is critical to the perpetuation of violence is that the cycle of violence repeats itself over and over again with less time between incidents of abuse and fewer and fewer attempts made by the perpetrator to apologize or make amends for the abusive incident. Furthermore, the violent incidents are likely to become more and more severe over time and the victim is less likely to be able to feel that **s/he** can effectively cope with her abuser or the abuse. This encourages learned helplessness by the victim.

PRO: Could you please tell the court what is meant by "learned helplessness"?

Dr. **Mary/Gary/Schultz**: Certainly. What happens in many of these abuse cases is that over time, in response to the escalating cycle of abuse, the victim begins to understand that regardless of what they do, the abuse continues. As I stated earlier, many victims believe that if they

were better partners the perpetrator would not behave abusively. After attempting to stop the abuse however, they begin to realize that no matter what they do, no matter what they may say, they are powerless to change their abuser's behavior. This results in what is known as learned helplessness. As the name suggests, there exists a sense of helplessness, an awareness that they are unable to control the violence. This results in a psychological paralysis that inhibits the victim's ability to leave. Additionally, a host of social and psychological factors such as isolation, feelings of shame and guilt, and a lack of effective alternatives further entrap victims in violent relationships.

**PRO:** On the basis of your professional experience, how would you characterize these victims of abuse?

**Dr. Mary/Gary/Schultz:** Generally speaking, these victims are described as feeling terrorized and extremely vulnerable. They believe themselves to be worthless, and are helpless to escape from their abusers. They may be extremely isolated both physically and emotionally from the support of others in their lives and they may have been coaxed to sever ties with family and friends. Out of shame and helplessness they feel that nothing they do - whether they ask for help or not - will stop the abuse and may even begin to believe they deserve the abuse. These victims experience intense fear when they think about leaving because of potential retaliation by the abuser. I am frequently confronted with victims who display symptoms of extreme anxiety, depression, very low-self-esteem, and who are overcome by guilt and a sense of responsibility for what has been happening to them. What is important to remember is that the behaviors these victims display are very typical reactions to an abusive situation.

**PRO:** Would you please explain what factors are considered most influential in keeping victims in these abusive relationships?

**Dr. Mary/Gary/Schultz:** Actually, numerous factors exist to keep victims trapped within these relationships. A few of these elements include the fear of retaliation and more severe abuse if they attempt to leave, are caught leaving, or are found after leaving. In fact, escalated violence is a very justified concern. It is not uncommon to hear of victims who have managed to leave, but who continue to experience stalking, threats, and assaults even years later. Fear of retaliation against parents, other close relatives or friends is also common. In addition, escaping an abusive partner often requires relocating, which may also involve



leaving an established lifestyle including a job and a regular paycheck. Unfortunately, even if an individual does escape the abusive situation and maintains their job, it is not uncommon for the abuser to sabotage the victim's employment by stalking the victim and engaging in aggressive behavior at the victim's place of work. And even those who manage to keep their jobs still face the domination and control by their partners.

PRO: What about going to the police for help?

Dr. **Mary/Gary/Schultz**: Some of the most critical determinants of a victim staying in the relationship include the inadequacy of police and judicial response and the general lack of social alternatives. Often the victim is concerned about retaliation for having turned in the perpetrator. Victims will later report they did not want the perpetrator arrested; they just wanted the abuse to stop. There are often mutual arrests made due to injuries on both parties if a primary aggressor cannot be determined regardless of who calls the police.

PRO: And what about after a perpetrator is arrested?

Dr. **Mary/Gary/Schultz**: After the abuser is arrested and released, **s/he** is generally given court ordered conditions. The most common condition is that the perpetrator has no contact with the victim. Once the abuser is released however there is no additional protection provided to the victim to ensure that **s/he** will not return to harm **her/him** further. A verbal warning of the legal consequence of breaching **her/his** release is of little concern to those who seek revenge against their partner who turned **her/him** in. It is not surprising that the return of many of these abusers to the home goes unreported by the victims. Often these victims are simply too afraid to contact the police or do not re-contact the police because they feel that nothing was done when they called before. When the victim realizes that **s/he** may be placing **herself/himself** in more danger by involving the authorities, **s/he** may choose to remain silent as a defense measure against future violence and to keep the peace, so to speak, with their abuser. After even one call for assistance, victims typically stop calling because in many cases they feel adequate protection is simply unrealistic.

PRO: Now Dr. **Mary/Gary/Schultz**, are cases of victims who violently retaliate typical of these abusive relationships?

Dr. **Mary/Gary/Schultz**: Many different factors play a role in these situations. Some victims have the resources to leave the abusive relationship, but many do not. So, when these victims violently retaliate, it is typically the result of many factors working together. Research has

shown that these victims have exhausted attempts at removing themselves from their situation and use an aggressive method of stopping the abuse only as a final resort.

PRO: Dr. **Mary/Gary/Schultz**, would you please briefly address some additional problems that victims of abuse must face?

Dr. **Mary/Gary/Schultz**: Well, people oftentimes hold inaccurate beliefs about victims of abuse. First of all, some people have an opinion of what an abuse victim looks like. Abusers exist in many forms and include all genders, occupations, and socioeconomic statuses. People must also understand that these victims do not remain within relationships with their abusers because they enjoy the abuse or because they are not truly suffering. Many people believe, for instance, that victims simply over dramatize or inflate the seriousness of their situation. The reality is however that many victims actually downplay the seriousness of their abusive relationships. Finally, and perhaps most critically, no one deserves to be abused regardless of their actions.

PRO: Dr. **Mary/Gary/Schultz** you have had an opportunity to examine **Mrs./Mr.** O'Brien- on the basis of your professional experiences, does **Carol/Ken** O'Brien exhibit characteristics consistent with IPV victimization?

Dr. **Mary/Gary/Schultz**: Yes.

PRO: Thank you Doctor, no further questions, your honor.

#### Cross Examination of Dr. **Mary/Gary/Schultz** - Expert Witness

DEF: Dr. **Mary/Gary/Schultz**, you have stated that your practice and training has been almost exclusively with IPV or family violence victims. Is that true?

Dr. **Mary/Gary/Schultz**: Yes.

DEF: Would you say that you feel a great deal of empathy and sympathy for victims of intimate partner violence?

Dr. **Mary/Gary/Schultz**: Yes, that's fair to say.

DEF: Is it fair to say then that regardless of the particulars of the situation, when an individual claims to have been victimized, you believe them without question, or without evidence?

Dr. **Mary/Gary/Schultz**: I try to be open-minded - I think that each case should be assessed on an individual basis.

DEF: Dr. **Mary/Gary/Schultz**, you stated that you are a consultant at the City of St. Paul's Domestic Violence Task Force- correct?

Dr. **Mary/Gary/Schultz**: Yes

DEF: Since you began that work, have any of the cases you consulted on involved a long-term severely abused victim?

Dr. **Mary/Gary/Schultz**: Yes, some of them suffered long- term, severe abuse.

DEF: And in many of those cases, did the alleged perpetrator also have injuries?

Dr. **Mary/Gary/Schultz**: Yes, it is common for both partners to have sustained injuries.

DEF: Are these alleged victims always completely forthcoming about the violence they inflicted on the alleged perpetrator?

Dr. **Mary/Gary/Schultz**: It is common that they are not.

DEF: You had testified that "No one deserves to be abused regardless of their actions." Is that correct?

Dr. **Mary/Gary/Schultz**: Yes, I believe that is correct.

DEF: So, in your opinion, do these alleged perpetrators deserve to be abused in response to their actions against the alleged victim?

Dr. **Mary/Gary/Schultz**: That is a different situation, the victim is attempting to end the violence by defending themselves.

DEF: So, fighting fire with fire so to speak. Are the alleged victims always consistent in their stories about the instances of violence?

Dr. **Mary/Gary/Schultz**: It is common that their accounts of the incidents do change.

DEF: So, they use violence against their partners, and aren't honest, they change their stories, they stay in these relationships, yet from your earlier testimony, I get the impression that you would have us believe that we are to consider this "normal" or "typical" behavior of an alleged victim?

Dr. **Mary/Gary/Schultz**: Yes, these are common behaviors in those who suffer abuse.

DEF: Ok. Moving on, Dr. **Mary/Gary/Schultz**. So, the police and legal system, according to your previous testimony, are unable to provide adequate assistance to victims in crisis. Is it not actually the case, Doctor, that these officers go out of their way to provide assistance in times of need, but it is the victim who chooses not to accept the help that is offered?

Dr. **Mary/Gary/Schultz**: Even though officers are expected to make arrests in battering situations they may actually be placing the victim in even greater danger.

DEF: But it is the case, is it not Doctor, that these **wo/men** have the option to call the police to notify them if their partner continues to hit them - or in fact even if **s/he** doesn't hit them but just breaches a court order not to see **her/him**?

Dr. **Mary/Gary/Schultz**: Yes.

DEF: And - if they did call the police at that point the alleged perpetrator would in fact be arrested - correct?

Dr. **Mary/Gary/Schultz**: Yes - but these victims could very well be risking further, more severe abuse by doing so--

DEF: To move on Doctor, according to your testimony, you seem to be implying that society has ultimately forced many victims to take the law into their own hands, that we as a society have given these victims a free pass to use violence. Is that a fair analysis of your testimony?

Dr. **Mary/Gary/Schultz**: Well, I wouldn't quite say that we give them a free pass to use violence, but because we fail to provide adequate safeguards against this violence we have to accept at least partial responsibility for what is happening in these situations.

DEF: So in other words doctor - it is society's fault that an alleged victim would use violence and we are inclined to just believe this individual when they say they had no other options, when in fact they do?

Dr. **Mary/Gary/Schultz**: Again - I wouldn't quite say that - all I said was that society does play a role in a victim's inability to safely leave the relationship.

DEF: Now Doctor, you stated that psychological distress and learned helplessness are common in victims of IPV, factors that you claim are the result of the violent experience. How is it that a helpless and severely psychologically distressed **wo/man** is suddenly able to conquer this helplessness and distress in order to commit a violent and aggressive action against the very abuser that **s/he** so greatly feared?

Dr. **Mary/Gary/Schultz**: The intense anxiety and arousal of which I spoke earlier represent a strong factor in overcoming this sense of helplessness.

DEF: And finally Dr. **Mary/Gary/Schultz**, is it not the case that many alleged victims can, and in fact have, managed to successfully leave an abusive relationship without using violence?

Dr. Mary/Gary/Schultz: Yes.

DEF: No further questions, your Honor.

#### Judge's Closing Statements

Members of the Jury, you have heard all the arguments presented by both the prosecutor and the defense attorney and are now required to come to a decision regarding **Mr./Mrs. O'Brien's** plea of not guilty. To reiterate: **Mr./Mrs. O'Brien** has been charged with aggravated assault.

As the presiding judge of this court, it is my duty to inform you that in determining your verdict, you will have three available options. First you may find **Mr./Mrs. O'Brien** guilty of aggravated assault. On the other hand, you may find **Mr./Mrs. O'Brien** not-guilty. Additionally, a third option may be warranted. That option is to find the defendant guilty of the lesser charge of domestic violence.

Now, according to the North Dakota Century Code, section 12.1-17-02, a person is guilty of Aggravated Assault, a class C Felony, if that person:

- a. Willfully causes serious bodily injury to another human being;
- b. Knowingly causes bodily injury or substantial bodily injury to another human being with a dangerous weapon or other weapon, the possession of which under the circumstances indicates an intent or readiness to inflict serious bodily injury; or
- c. Causes bodily injury or substantial bodily injury to another human being while attempting to inflict serious bodily injury on any human being.

Additionally, according to section 12.1-17-01.2, a person is guilty of an offense of Domestic Violence, in this case, a class B Misdemeanor, if that person willfully causes:

- a. Bodily injury to the actor's family or household member;
- b. Substantial bodily injury to the actor's family or household member; or
- c. Serious bodily injury to the actor's family or household member.

All jury members are reminded that in order to find the accused guilty, they must be certain that guilt has been proven beyond a reasonable doubt. Now, reasonable doubt concerning guilt is not merely the possibility of innocence. A reasonable doubt is a doubt that would cause a reasonable person in the harsher and more important affairs of life to pause and to hesitate to act upon the truth of the matter charged.

Proof beyond a reasonable doubt is not proof beyond all possible or imaginary doubt. Instead, it is proof that precludes every reasonable hypothesis except the hypothesis that it tends to support. Proof beyond a reasonable doubt is proof to a moral certainty. Proof beyond a reasonable doubt is proof strong enough to convince reasonable people who have examined the evidence before them that no other reasonable conclusion is possible.

If, after hearing all of the evidence, you possess reasonable doubt, you must find the accused not guilty. If, on the other hand, you as a juror believe that guilt has been established beyond a reasonable doubt, that is, you are satisfied to a moral certainty and are convinced, depending on your conclusions, you must find the accused guilty to one of the two indicated charges.

Members of the jury - it is important that you review carefully all of the evidence that has been presented. You should think carefully about all the testimony that you have heard and you must make judgments as to the weight of each witness. Please remember that not everything said under oath in a court of law can be taken as fact. You may now feel free to consider the evidence. The court will reconvene when you have reached one of the following decisions: "Guilty of aggravated assault," "Guilty of domestic violence," or "Not guilty."

## Appendix B

### Survey Questions

*There are questions that were only asked of participants who rendered “guilty” verdicts.*

*These questions are highlighted in bold.*

1. As a member of the jury, do you find the defendant:

- a. Guilty
- b. Not Guilty

2. **(If Guilty) Do you find the defendant guilty of:**

- a. Aggravated assault**
- b. Domestic violence**

3. **(If Guilty) Please indicate:**

**Not at all    1    2    3    4    5    Extremely**

- a. Defendant level of guilt**
- b. How harsh the defendant’s sentence should be**

Did you find the expert witness:

Not at all Credible	1	2	3	4	5	Very Credible
Not Respectable	1	2	3	4	5	Respectable
Untrustworthy	1	2	3	4	5	Trustworthy
Untruthful	1	2	3	4	5	Truthful
Dishonest	1	2	3	4	5	Honest
Unreliable	1	2	3	4	5	Reliable
Uninformed	1	2	3	4	5	Informed
Illogical	1	2	3	4	5	Logical
Uneducated	1	2	3	4	5	Educated
Unqualified	1	2	3	4	5	Qualified
Biased	1	2	3	4	5	Unbiased

**1. Please indicate how much influence the expert witness' testimony had on your decision regarding guilt or innocence.**

**None at all    A little            A moderate amount    A lot    A great deal**  
**1                    2                            3                    4                    5**

**2. Please indicate how much influence the expert witness' testimony had on your decision regarding how harsh the defendant's sentence should be.**

**None at all    A little            A moderate amount    A lot    A great deal**  
**1                    2                            3                    4                    5**

Please respond to the following questions using the scale below:

Not at all    1    2    3    4    5    Extremely

1. How honest did you find the alleged victim to be?
2. How accurate did you find the alleged victim to be?
3. How believable did you find the alleged victim to be?

Based solely upon the information gained from reading the testimony please answer the following questions:

1. How much does the blame for the defendant's actions that evening rest solely on the alleged victim?

Not at all    1    2    3    4    5    Completely

2. How much do you consider the incident on the evening in question to be the fault of the alleged victim?

Not at all    1    2    3    4    5    Completely

3. Please rate the alleged assault that occurred on the night in question according to the following dimensions:

	Not at all				Extremely
a. Serious	1	2	3	4	5
b. Severe	1	2	3	4	5
c. Significant	1	2	3	4	5



Please indicate the extent to which you agree with the following questions regarding the Defendant using the following scale:

Not at all      1      2      3      4      5      Completely

1. Does the blame for the defendant's actions rest solely on the defendant?
2. Do you consider the assault on the evening in question to be the fault of the defendant?

Please rate the degree to which:

1. The alleged victim was responsible for the violence in the home

Not at all      1      2      3      4      5      Completely

2. The defendant was responsible for the violence in the home

Not at all      1      2      3      4      5      Completely

1. Please select the gender of the defendant:

- a. Male
- b. Female
- c. Not Specified
- d. I don't know or I don't recall

2. Please select the gender of the victim:

- a. Male
- b. Female
- c. Not Specified
- d. I don't know or I don't recall

3. Please select the gender of the expert witness:

- a. Male
- b. Female
- c. Not Specified
- d. I don't know or I don't recall

1. What is your gender identity?

- a. Male
- b. Female

- c. Non-binary
  - d. Not listed, please indicate \_\_\_\_\_
2. Age: \_\_\_\_\_
3. Please indicate your ethnicity:
- a. American Indian or Alaska Native.
  - b. Asian.
  - c. Black or African American.
  - d. Hispanic or Latino.
  - e. Native Hawaiian or Other Pacific Islander.
  - f. White.
  - g. Not listed, please indicate \_\_\_\_\_
4. Relationship/Marital Status:
- a. Married/Engaged/Widowed
  - b. Divorced/Separated
  - c. Never Married
  - d. Cohabiting
  - e. Not listed, please indicate \_\_\_\_\_
5. Please select your sexual orientation (select all that apply):
- a. Asexual
  - b. Bisexual
  - c. Gay/Lesbian
  - d. Heterosexual (Straight)
  - e. Pansexual
  - f. Queer
  - g. Questioning or unsure
  - h. Not listed, please indicate \_\_\_\_\_
  - i. Prefer not to disclose
6. What is the highest degree or level of school you have completed? *If currently enrolled, the highest degree received.*
- a. Grade school to 8th grade
  - b. Some high school, no diploma

- c. High school graduate, diploma or the equivalent (for example: GED)
  - d. Some college credit, no degree
  - e. Trade/technical/vocational training
  - f. Associate degree
  - g. Bachelor's degree
  - h. Master's degree
  - i. Professional degree
  - j. Doctorate degree
  - k. Prefer not to disclose
7. Prefer not to disclose Have you ever been in an abusive relationship?
- a. Yes
  - b. No
  - c. Prefer not to disclose
8. Do you know anyone who has been or is currently in an abusive relationship?
- a. Yes
  - b. No
  - c. Prefer not to disclose

## Appendix C

### Debriefing Information

We would like to thank you for participating in this study. Your participation will help us understand more about the factors implicated in intimate partner violence (IPV) situations that influence people's decisions.

We would like to emphasize the extreme seriousness of the crimes of IPV. Victims of domestic abuse often suffer severe psychological and physical repercussions. Unfortunately, many individuals hold various misconceptions or stereotypes with regard to abused men and women. Of utmost importance is for people to become aware and to understand that victims of IPV are not responsible for the abuse that they may be subjected to, and that they are the victims of traumatic and, oftentimes, brutal abuse. Often, many barriers make it difficult or impossible for these individuals to escape from the violence of their partners. Financial restraints, fear for the safety and well-being of their children, psychological trauma, inadequacy of social alternatives, and fear of reprisal should the victim leave are all factors that influence the lives of these individuals. Under no circumstances should a victim be held responsible for their partner's abusive actions.

We would like to additionally point out that this study was conducted using a gender binary of male and female for both victims and experts. We recognize a need for this research to be inclusive of all genders and hope this research can be a starting point for further research that is more broad and inclusive.

The purpose of the study in which you have participated was to investigate the influence of two factors on people's decision making. The first factor pertained to the influence of the expert witness's gender. The other variable of interest was the gender of the victim in relation to the gender of the expert witness. Accordingly, the testimony was varied to reflect either a female, male, or unspecified gender expert witness paired with a male or female victim. Also, please note that the transcript presented to you is a totally simulated scenario, although it did include elements typically reported in domestic assault situations.

We appreciate your taking the time to answer the questions and want to stress that all your answers are valuable. We understand that the scenarios may be upsetting and anxiety provoking for some people and we stress that you contact myself if you have any concerns regarding this study, or one of the agencies listed below if you have concerns about the issues referred to in this study. This list of contacts includes national agencies that are available for everyone. Services are free of charge. Any charges for services that may arise are the responsibility of the participant.

Due to the nature of this research, we ask you not to discuss the subject matter with potential participants until testing is complete (approximately May of 2022). If you wish to discuss any additional aspects of the research, we are available for appointments.

If you have any questions regarding this experiment, you may contact me at [mckenzie.schueller@und.edu](mailto:mckenzie.schueller@und.edu) or Dr. Cheryl Terrance by email at [cheryl.terrance2@und.edu](mailto:cheryl.terrance2@und.edu).

#### **Contact Sheet**

Emergency	911
University of North Dakota's Counseling Center:	701-777-2127
Crisis Intervention Help-Line:	1-800-472-2911
National Domestic Violence Hotline	1-800-799-SAFE (7233)
TTY:	1-800-787-3224
Text:	"START" to 88788
Website:	<a href="http://www.ndvh.org">www.ndvh.org</a>
National Dating Abuse Helpline:	1-866-331-9474
Website:	<a href="http://www.loveisrespect.org">www.loveisrespect.org</a>
National Sexual Assault Hotline:	1-800-656-4673 (HOPE)
Website:	<a href="http://www.rainn.org">www.rainn.org</a>

National Center for Victims of Crime: 1-202-467-8700  
Website: [www.victimsofcrime.org](http://www.victimsofcrime.org)

National Resource Center on Domestic Violence: 1-800-537-2238  
Website: [www.nrcdv.org](http://www.nrcdv.org) and [www.vawnet.org](http://www.vawnet.org)

The National Health Resource Center on Domestic Violence: 1-888-792-2873  
Website: [www.futureswithoutviolence.org](http://www.futureswithoutviolence.org)

National Center on Domestic Violence, Trauma & Mental Health: 1-312-726-7020 ext.  
2011  
Website: [www.nationalcenterdvtraumamh.org](http://www.nationalcenterdvtraumamh.org)

National Suicide Prevention Lifeline: 1-800-273-8255 (TALK)  
Website: [www.suicidepreventionlifeline.org](http://www.suicidepreventionlifeline.org)