

Impact of Lawyer Sex, and Lawyer and Defendant Use of Polite Language on Observer's
Perception of the Lawyer's Job Performance and Credibility, and Verdict Outcome

By
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Abstract

Sex-role stereotypes set expectations for the behavior of men and women both in everyday life and in the workplace. In general, men tend to be expected to be more agentic, while women are expected to be more communal. Social Role Theory (Eagly, 1987) posits that the reason these traits are stereotypically associated with these particular sex roles is because men and women traditionally tend to be divided into different roles, in both the home and the workplace. The roles that men typically perform tend to have more agentic or instrumental characteristics, while the roles that women typically perform tend to have more communal or relational characteristics; therefore, these traits tend to become associated with the sex of the group most commonly placed in those roles. This can be a problem when women go into occupations that are dominated by men, as the occupational role expectancies conflict with sex-role expectancies. Further, various language characteristics also tend to be associated more with a particular sex role, such as politeness, which tends to be more stereotypically associated with women. Given that the legal profession tends to be more dominated by men, the current study examines how: the sex of a lawyer, the lawyer's politeness level, and the politeness level of the defendant the lawyer is examining, all work together to affect observer's views of the lawyer's credibility, job performance, and verdict outcomes. In general, results indicated that lawyers are more persuasive than defendants, and that polite lawyers are more likable. Implications of this research are discussed, as are limitations of the study. Suggestions for future research are also presented.

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Chapter One: Introduction and Rationale

According to the American Bar Association (ABA, 2013), women comprise 33.3% of the individuals within the legal profession and only 19.9% of partners, 15% of equity partners, and 4% of managing partners in the 200 largest law firms in the United States. Based on these numbers, whereas women have gained some ground in the overall legal workforce, representation in the legal workplace and leadership positions still largely favors men. Therefore, the question arises as to why women have yet to attain similar levels of representation as men in the legal realm. Although this problem is multifaceted, the effects of sex-role stereotyping in general, and Social Role Theory and Role Congruity theory in particular, suggest some possible components of the answer.

Research into sex-role stereotyping (e.g., Bakan, 1966; Eagly & Steffen, 1984; Rudman & Glick, 2008) has revealed that women tend to be expected to have a more communal or relational self-presentation (interpersonally sensitive, emotionally demonstrative, and nurturing), while men tend to be expected to have a more agentic or instrumental self-presentation (assertive, self-promoting, task-oriented, and aggressive). Social Role Theory (SRT; Eagly, 1987; Eagly & Diekmann, 2000) furthered this research by proposing that these stereotypes exist because of the work roles in which men and women were divided in both the home and the workplace. Traditionally, women tended to complete most of the housework within the home and, when working outside the home, women tended to work in more nurturing roles, such as teaching and nursing. Alternatively, men tended to work outside the home in a breadwinning capacity where agentic characteristics and a task orientation tend to be especially valued and rewarded. As these work roles were dominated by a particular sex, the expectations for the

occupational roles were then adopted to also represent expected sex-role behavior for the sex that was most dominant in that occupation.

These differing expectations can become problematic when a person behaves in a way that is perceived as counter to their gender role. According to the backlash effect (Rudman, 1998), if an individual acts in a way that is contrary to their stereotypical sex-role representation, then they can be punished socially. Therefore, when a woman presents herself in a way that is contrary to the stereotype of her sex role, she can be subjected to negative appraisals by those around her.

This possibility is further complicated by situations in which two roles may come into conflict, such as occupational role expectancies and individual sex-role expectancies. According to Role Congruity Theory (Eagly, Wood, & Diekmann, 2000), when women enter occupations that are seen as demanding more masculine behaviors (such as being a lawyer), they can be penalized for either presenting: (a) in a way that is “too feminine,” and therefore not exhibiting behaviors deemed appropriate for their occupational role, or (b) for presenting in a way that fits the occupational criteria but is “not feminine enough” on an individual level. As such, women are presented with a situation in which they are penalized regardless of their behavioral choices, even if the choice they make conforms to their occupational identity.

Further, according to Cejka and Eagly (1999), professions that are dominated by a particular sex tend to be seen as requiring behaviors and traits associated with that sex to be essential for success in that field. Therefore, in a profession dominated by men, such as law, behaviors and traits associated with men are more likely to be considered necessary for those in the profession than are behaviors and traits associated with women. However, as these behaviors run counter to the stereotypical behaviors expected of women, the backlash effect can then result

in women who are lawyers being penalized for performing the very behaviors that have been rated as important for their success in that field. This result creates a situation in which women are less likely to advance in these professions, as they are required to perform certain behaviors to succeed in the profession (occupational expectancies), yet are penalized for performing those same behaviors (gender expectancies).

Finally, Politeness Theory (Brown & Levinson, 1987) also potentially illuminates the inequity in representation in the legal field. Politeness Theory examines the ways in which language is used by a speaker to help preserve the receiver's positive or negative face. Positive face represents an individual's desire to be liked, while negative face represents an individual's desire for autonomy and to not to be infringed upon. For the purpose of this study, politeness refers to language use designed to protect another's face (Brown & Levinson, 1987). Politeness is typically not expected within the courtroom, as a certain amount of strategic impoliteness is not only acceptable, but necessary for some phases of a legal trial because the entire goal of some phases is to damage the positive or negative face of a person representing the opposing case. For example, it is considered acceptable, as well as expected, for lawyers to aggressively cross-examine a witness. However, politeness is generally more stereotypically associated with women rather than men (Mills, 2003); accordingly, women can be penalized either for using politeness, and therefore failing to perform the behaviors expected of a lawyer, or for using impoliteness and acting outside of the expectancies for their sex role. It is this linguistic catch-22 that serves as the basis of this dissertation study's purpose.

In order to perform her duties as a lawyer, a female lawyer must demonstrate some agentic—and therefore coded masculine—behaviors, including some instances of face-threatening actions (or impoliteness). Therefore, it is important to examine how (im)politeness

affects a perceiver's (and a potential juror's) evaluations of both her characteristics in general (e.g., her credibility) and her overall performance as a lawyer, as well as whether these evaluations differ from her male counterparts. Further, as the overall point of a trial is the outcome (or verdict), it is important to determine whether the lawyer's sex and politeness level affect the verdict outcome. These evaluations have real world implications for both lawyers and their clients. How should a female lawyer act in order to produce the best outcome for her cases? Are her actions judged differently than a male lawyer? Does her level of polite language affect how jurors perceive her? Do jurors perceive politeness from a female lawyer differently than they do from a male lawyer? To that end, this study examines how the sex of the lawyer, as well as the lawyer's and defendant's politeness level (more polite versus less polite), affect: (a) the observers' perceptions of the lawyer's credibility, (b) the verdict outcome in favor of the lawyer or the defendant, and (c) the lawyer's job performance.

Chapter Two provides greater detail (in the form of a literature review) about sex-role stereotyping, Social Role Theory, Role Congruity Theory, Politeness Theory, credibility, job performance, and verdict outcome. Chapter Three discusses the methods used to examine the relationship between the sex of the lawyers, the polite language of the lawyer and defendant, and their effects on perceived credibility, the verdict outcome, and the perceived job performance of the lawyer. Chapter Four provides the results of the hypothesis testing. Chapter Five discusses the implications of results of the study, as well as its limitations. Suggestions for future research are also presented.

Chapter Two: Literature Review

When individuals interact with members of different groups, their expectations for the behavior of the individual person with whom they are interacting can be influenced by their expectations for the behavior of members of the group they perceive that person to belong to or the stereotypes they hold for that group. For instance, when performing in a sex role (i.e., male or female), individuals can be expected to act in accordance with the stereotypical behaviors associated with that role (i.e., agentic versus communal). However, when multiple roles are being enacted at once, such as an occupational role and a sex role, the stereotypes for one role can contradict the expected behaviors for another role, resulting in confusion about which behaviors the individual is expected to enact, as well as which criteria observers should use to judge them. For example, the role behaviors for a lawyer are more closely associated with men (Daicoff, 1996), as men have made up the majority of lawyers up to this point (ABA, 2013; Cejka & Eagly, 1999), which can result in a role conflict when the lawyer is a woman. Further, more agentic behaviors, such as aggression, have been indicated to be more effective in the courtroom (Hahn & Clayton, 1996). This creates a paradox for lawyers who are women, who are expected to conform to sex-role expectations (e.g., communal behavior), while also conforming to occupational role demands (e.g., agentic behavior).

Role behaviors can be conveyed in a number of ways, including language use. Politeness as a language strategy (Brown & Levinson, 1987), which involves language use designed to protect a conversational partner's simultaneous desire to be liked and desire to not be infringed upon, is generally thought of as being a more communal, and therefore as a feminine language marker (Mills, 2003). As such, observers may evaluate female lawyers in ways that may be different than a male, whose masculine communication style is perceived as more closely

aligning to both his occupational role and his sex role. These evaluations can occur for many different perceptions of character traits that may be influenced by the speaker's behavior, such as credibility and/or job performance.

In order to more thoroughly examine how sex and politeness strategies influence evaluations and outcomes, sex-role stereotypes, Social Role Theory, Role Congruency Theory, and Politeness Theory are discussed. In addition, Politeness Theory and its potential influence on speaking styles and sex on credibility, as well as job performance and verdict outcome in favor of the lawyer or the defendant, are examined.

Sex-Role Stereotype Theories

To best facilitate a discussion about sex-role stereotypes, it is important to note the difference between gender and sex. According to Wood (2012), "Although many people use the terms gender and sex interchangeably, they have distinct meanings" (p. 19). Generally speaking, sex is described in terms of biology, whereas gender is described in terms of performance and is socially constructed. For the purpose of this study, and for the sake of simplicity, and to conform with the majority of the literature used throughout, *sex* will be used to designate role behaviors.

Within the literature, stereotypes in general can be thought of as "cognitive structures that contain the perceiver's knowledge, beliefs, and expectancies about some human group" (Hamilton & Trolier, 1986, p. 133). Stereotypes provide patterns or heuristics (Chaiken, Liberman, & Eagly, 1989) that help guide individuals through their daily lives and provide road maps for how individuals expect members of a stereotyped group to behave. Further, according to Hilton and Von Hippel (1996) stereotypes "are also theories about how and why certain attributes go together" (p. 240). As such, stereotypes are used as a means of determining not only

how members of a group *do* behave (descriptive stereotypes), but also how they *should* behave (prescriptive stereotypes; Burgess & Borgida, 1999).

Given that sex roles are a social category that is one of the first noticed and therefore provides one of the most common sources for categorizing people into groups—even above race and occupation (Fiske, Haslam, & Fiske, 1991)—it is likely individuals hold stereotypical beliefs regarding how they expect members of that group to behave. In fact, research has indicated that women are expected to behave in ways that are more communal (e.g., nurturing and emotional), whereas men are expected to behave in ways that are more agentic (e.g., aggressive and task-oriented; Bakan, 1966; Eagly & Steffen, 1984; Rudman & Glick, 2008). Further, these stereotypes are easily called into effect and can be automatically activated, as research has shown that exposure to stereotypical traits, such as emotional or aggressive, resulted in faster identification of the sex of male and female first names that matched the traits sex (Blair & Banaji, 1996). Therefore, research has revealed that people do hold stereotypical expectations for men's and women's behaviors, and these expectations are easily accessed. These expectations are used to evaluate an individual man or woman and determine the appropriateness of his or her behavior. Failure to perform in ways that are appropriate to his or her sex role can result in negative consequences such as backlash.

Backlash (Rudman, 1998) is defined as social or other punishment that an individual incurs when they behave in a manner counter to the norms of their perceived social category. Therefore, if men behave in ways that are seen as more communal than agentic, they could potentially be punished by others in an attempt to reassert the conventional social roles; conversely, if women behave in ways that are seen as more agentic and less communal could also be punished for failure to follow the appropriate social roles. The effects of backlash

become especially problematic when an individual is engaged in multiple, potentially conflicting roles.

However, membership in one group with a certain set of stereotypically expected behaviors can be complicated by simultaneous membership in other groups with their own, potentially different, sets of stereotypes. The expected behaviors of the two groups may be very different and impossible to satisfy simultaneously, and the consequences for violating the expected behaviors of either group may result in different evaluations from observers depending on the role that the observers believe the individual is representing. For example, sex roles come with a particular set of expectations for behavior, which may be in conflict with other roles, such as occupational rules. These conflicts are further elaborated by both Social Role Theory and Role Congruity Theory.

Social Role Theory. Social Role Theory (SRT; Eagly, 1987; Eagly & Diekmann, 2000) was developed to examine how expectations for masculine and feminine behavior arose based upon the distribution of men and women into different labor areas that demanded certain behaviors, which then became stereotypically associated with the sex role most associated with that labor area. Further, these beliefs then led to actual behavioral changes of the groups in question to conform to these stereotypes (Eagly, 1987; Eagly & Diekmann, 2000). In other words, men and women were typically allowed to perform certain labor roles, and the characteristics of these labor roles began to be associated with the sex role most commonly occupying those labor areas. As this behavioral mapping took hold, men and women began to more strongly conform to those behaviors in order to more closely match their occupational roles, and thus sex roles. Therefore, SRT examines the stereotypes commonly associated with the sexes and posits an

explanation for how those stereotypical expectations emerged in the first place. This theory was then expanded in Role Congruity Theory (RCT).

Role Congruity Theory. Role Congruity Theory (RCT; Eagly, Wood, & Diekmann, 2000) arose as a way of extending SRT into situations where multiple roles are present. Specifically, RCT was developed to examine how sex roles and leadership roles overlapped, and how this overlap affected the judgments of observers. As women are stereotypically perceived as behaving more communally, a potential conflict arises when they assume or aspire to assume leadership roles, which are perceived as being more agentic. Schein (1973, 1975) asked both female and male managers to rate their perceptions of men, women, and successful managers. Participants tended to rate manager characteristics as significantly closer to the characteristics of men (agentic) than the characteristics of women (communal). This finding was further reinforced by similar findings that ratings of managers (Powell & Butterfield, 1984) and political leaders (Rosenwasser & Dean, 1989) were more agentic than communal. Further, research has shown that lawyers tend to be stereotyped as more dominant and aggressive and less affiliative than other occupations, such as nurses, or teachers (McLean & Kalin, 1994), which corresponds with the notion that the characteristics associated with lawyers more closely match those associated with men than with women.

As such, women are seen as possessing qualities that are inconsistent with leaders, which can lead to doubt about their abilities to fulfill leadership positions. The problem faced by female leaders is demonstrated by research (e.g., Heilman, Block, Martell, & Simon, 1989) that has indicated that when individuals are asked to give their impression of the behaviors of men, women, and successful managers, their impressions of men and successful managers overlap significantly more than their impressions of women and successful managers. As such, men are

deemed more fit to perform in the role of leader, as their perceived behaviors more naturally align with those expected of a leader.

Further, women who perform agentic behaviors may experience backlash effects including: being perceived as less likable and socially deficient (Heilman, Wallen, Fuchs, & Tamakins, 2004); lower likelihood of being hired (Rudman, 1998); greater difficulty in salary negotiations (Bowles, Babcock, & McGinn, 2005); and denials of promotions (Fiske, Bersoff, Borgida, Deaux, & Heilman, 1991). The backlash for women who perform agentic behaviors is problematic, particularly for women who are in an occupation that requires behaviors that are traditionally viewed as more agentic. By participating in behaviors that violate sex norms, women can be seen as violating the norms of their social group. In fact, according to a study by Heilman and Okimoto (2007), the penalties to likability, boss desirability, and interpersonal hostility for women managers were mitigated when they were perceived as performing more communally. As such, it is likely that female lawyers are subject to backlash if they perform the more agentic behaviors expected of their occupational roles (Daicoff, 1996), and thus male lawyers are perceived as a better fit for being a lawyer overall.

In Hahn and Clayton's (1996) study, they varied the sex of a defense attorney (i.e., male and female) and their presentational style (i.e., aggressive and passive) in a video vignette in which the defense attorney was cross-examining an eyewitness to the crime in question, an assault and robbery case. The researchers had participants act as jurors to rate the characteristics of the attorney and witness being examined and render a verdict about the case. According to the results of the study, male attorneys were more successful at obtaining an acquittal of their client than female attorneys, which suggests that, regardless of speaking style, male attorneys were perceived as more effective than female attorneys. Further, attorneys utilizing a more aggressive

speaking style led to acquittal of their clients more often, which suggests that a more agentic, and therefore more stereotypically male speaking style is seen as more effective in cross-examination in the eyes of observers. As such, a more aggressive, and therefore agentic, speaking style should be preferable in the context of cross-examination within the courtroom. However, as proposed by RCT, female lawyers who perform in an agentic way might be penalized for performing in a way that is counter to their perceived sex role. This could explain why male lawyers were perceived as more effective than female lawyers, as the role itself is seen to be more aligned with masculine characteristics (Daicoff, 1996). Finally, Hahn and Clayton (1996) found that, in the aggressive condition, participants rated the crime as more serious when the attorney was female. It is possible that the participants believed that the female lawyer would only be performing in a more aggressive way if the situation was serious, but would revert to a more communal style in a less serious circumstance.

Based on these studies, both within and outside the courtroom, there seem to be indications that there are differences in how male and female lawyers are evaluated. Therefore, the current study examined whether female lawyers are evaluated differently than male lawyers, with the expectation that male lawyers will be evaluated more positively, given that the stereotypical characteristics of lawyer (Daicoff, 1996; McLean & Kalin, 1994). One way in which these characteristics can be expressed is through the use of language, such as level of politeness.

Politeness Theory

Politeness Theory, developed by Brown and Levinson (1987), incorporates some concepts from Goffman's (1967) idea of facework. Face, according to Brown and Levinson (1987), is "the public self-image that every member wants to claim for himself [or herself]" (p.

61). As such, face is a performative identity disparate from our own internal self-concept. These identities can be separated further into positive (desire to be liked by others) and negative face (desire to not be imposed upon). Face Threatening Actions (FTAs), or social interactions that threaten to cause harm to someone's desire to be liked or to not be imposed upon, are at the core of Politeness Theory.

Politeness Theory (Brown & Levinson, 1987) describes the ways in which an individual handles instances in which their interactions may constitute a face threat to the person with whom they are interacting. Specifically, Politeness Theory describes five different ways in which an individual can handle FTAs. The first is called "bald on record," which involves simply stating the intended message with no attempt to soften it to protect the receiver's face. Following this are the second and third methods, called "positive face redress" and "negative face redress." "Positive face redress" protects the receiver's positive face by reinforcing the receiver's positive face as a part of the message. "Negative face redress" protects the receiver's negative face by avoiding imposing overly on the receiver's autonomy. The fourth strategy is "off the record," where the speaker uses indirect methods of attempting to convey the message, such as telling a story related to the issue in hopes that the message will be suggested through the story. The final strategy is to simply "not state the message at all" to avoid committing a FTA.

Impoliteness, on the other hand, has been viewed to be either the absence of politeness or placed within the category of "bald on record." However, recent literature has begun to flesh out the idea of impoliteness and what exactly it means. In fact, according to Bousfield (2010), there are some definitional problems with the very idea of impoliteness and whether the concept itself can be separated from the concept of rudeness: "In essence what we seem to have, within English at least, are exceptionally near synonyms with regards to interpersonal, socially

proscribed and contextually evaluated behavior which causes offense” (p. 102). Therefore, the idea of impoliteness versus rudeness is still developing within the academic literature.

For the purpose of this study, the concept utilized is called “impoliteness,” with the understanding that the literature is still somewhat divided on whether impoliteness and rudeness are separate concepts. However, regardless of whether impoliteness and rudeness are conceptually close enough to be a single concept, recent literature argues that, rather than merely another sub-strategy of politeness, impoliteness as a concept encompasses its own, distinct, but complementary, framework.

Culpeper (1996) argued that the conceptualization of “bald on record” has a relatively narrow scope that indicates only three appropriate contexts for its use, including: (1) when there is an emergency, (2) when one speaker has significantly more power than another, or (3) when the face threat potential is small. As such, Culpeper (1996) argued that impoliteness cannot be merely conceptualized within the existing politeness framework, but rather needs a separate, complementary framework of its own. Therefore, the current study not only utilized Brown and Levinson’s (1987) strategies, but also paired them with the corresponding impoliteness strategies proposed by Culpeper (1996).

Specifically, Culpeper (1996) developed five categories of impoliteness: (1) bald on record impoliteness, (2) positive impoliteness, (3) negative impoliteness, (4) sarcasm or mock politeness, and (5) withholding politeness. In this case, Culpeper’s (1996) bald on record is distinct from Brown and Levinson’s (1987) conceptualization: Although it is also the delivery of a FTA with no attempt to modify the message to be impolite, it does so in circumstances in which the threat to the receiver’s face is significant, as opposed to the insignificant face threat of Brown and Levinson’s (1987) bald on record. Positive and negative impoliteness aim to damage

the receiver's positive or negative face, respectively. Mock politeness uses politeness strategies but in a way that is clearly insincere. Finally, withholding politeness involves not using politeness strategies in circumstances that call for their use, such as not thanking someone who has done you a favor. These differing strategies are a counterpoint to Brown and Levinson's (1987) politeness strategies and provide face-threatening strategies to oppose Politeness Theories' face-protecting strategies.

Politeness theory has been expanded into multiple contexts, including political discourse (e.g., Harris, 2001), computer-mediated communication (e.g., Morand & Ocker, 2003), and romantic relationships (e.g., Knobloch, Satterlee, & DiDomenico, 2010). These studies highlight the idea that these strategies are *not* independent from the context around them. According to Culpeper (1996), impoliteness is more likely to occur in instances where there is a relative power imbalance between the speaker and receiver.

One of the areas where this power imbalance has been particularly noted is within the courtroom (Lakoff, 1989). Indeed, the power imbalance between the lawyer and the witness gives the lawyer far more latitude to be impolite than is granted to the witness, although hostile witnesses do occur. Additionally, impoliteness is actually a viable tactic for lawyers, as one of the main points of cross-examination is to damage the opposing side's credibility through attacks on the witness's or defendant's positive or negative face. As such, impoliteness is not only used, but somewhat mandated within the conversational confines of the courtroom. Therefore, the current study utilized Brown and Levinson's (1987) positive face redress and negative face redress, as well as Culpeper's (1996) corresponding positive and negative impoliteness, to operationalize politeness, as these are the two strategies that focus specifically on protecting or attacking the conversational partner's face.

Conversely, according to Holmes (2013), politeness as a linguistic strategy is heavily influenced by the contributions of, and roles afforded to, women, but may not be considered valuable in spheres in which men hold the dominant positions. Further, politeness is generally expected more of women than it is from men (Rudman & Glick, 2001). Therefore, much like other types of communal behavior, politeness may be more expected of women, but may incur penalties for its use when it is perceived to be unnecessary, such as while fulfilling certain occupational roles. As such, the current study examined how politeness, as operationalized by Brown and Levinson's (1987) positive and negative face redress, in conjunction with Culpepper's (1996) positive and negative impoliteness, affects evaluations of both men and women lawyers, with the expectation that impolite lawyers will be evaluated more positively, given that impoliteness is an expected strategy in the courtroom and aligns more closely with stereotypical expectations that lawyers are more dominant (McLean & Kalin, 1994).

Therefore, polite or impolite language strategy use can affect receiver evaluations. Research has shown that the use of politeness indicates that the person using a high politeness strategy wants a positive relationship with the receiver and therefore bolsters perceptions of the receiver (Oetzel, Myers, Meares & Lara, 2003; Wilson & Putnam, 1990). As such, this study examined how a defendant's use of politeness affects perceiver's evaluations of the lawyer, with the expectation that a more polite defendant will lead to a more positive evaluation of the lawyer. Further, given that politeness tends to be expected more from women (Rudman & Glick, 2001), this study also examined how the sex of the lawyer, the politeness of the lawyer, and the politeness of the defendant interact to affect perceivers' (or observers') evaluations of lawyers.

Given that lawyer sex and use of polite language have been shown to potentially affect evaluations of female lawyers, it is important to determine exactly how this affects perceptions

of their effectiveness in the courtroom. As the lawyer is a representative of one side of the case, their credibility, consisting of their perceived trustworthiness and expertise, is a vital tool for persuading observers of the validity of their case. Therefore, this study examined how lawyer sex and politeness level affected the perceived credibility of the lawyer, as well as overall job performance.

Credibility

According to O'Keefe (2002), source credibility has recently been identified as a two-dimensional construct, including both expertise and trustworthiness. In the case of credibility, *expertise* is conceptualized as the speaker's knowledge level in the subject area, while *trustworthiness* is conceptualized as the perceiver's estimation that the speaker is telling the truth (Pornpitakpan, 2004).

In multiple settings, speakers with high credibility have been shown to be more persuasive than those with low credibility (Miller & Baseheart, 1969; Schulman & Worrall, 1970; Watts & McGuire, 1964). Further, variables relating to the speaker have been shown to influence credibility ratings, including physical attractiveness (Mills & Aronson, 1965) and similarity to the recipient (Feldman, 1984). However, studies on the effects of sex on source credibility have been inconclusive (Freiden, 1984). As such, more research is needed to help examine the relationship between sex and credibility.

Job Performance

Much like credibility, job performance provides a measure for how effective a lawyer is at their job. According to Rotundo and Sackett (2002), job performance encompasses three components: (1) task performance, (2) citizenship behaviors (or context behaviors; Borman & Motowidlo, 1997), and (3) counterproductive performance. For the purpose of this study,

citizenship behaviors and counterproductive behaviors are not relevant. Citizenship behaviors focus on behavior that is related to the goals of the employing organization, which was not provided for this study. Counterproductive performance relates to behavior that goes against the well-being of the employing organization, which again, was not provided for this study. Therefore, this study focuses on task performance, specifically in-role behaviors, for the conceptualization of job performance.

Task performance has been defined as “behaviors that contribute to the production of a good or the provision of a service” (Rotundo & Sackett, 2002, p. 67). One way in which task performance can be measured is through the concept of in-role behaviors. In-role behaviors are the actions that are considered to formally be a part of the job description (Turnley, Bolino, Lester, & Bloodgood, 2003). The performance of these behaviors can be seen as one way in which the members of a particular occupation indicate their membership within this group. Further, this can also be used by observers to recognize members of a particular organizational group and evaluate the performance of a member of that group. As such, measuring job performance through identification of in-role behaviors allows for examination of whether observers believe that someone is acting in a particular role and how well they are doing so.

Verdict Outcomes

While credibility and job performance both provide insight into how effective a lawyer is according to observers, verdict outcome provides a concrete measure of whether a lawyer has succeeded in their goal of swaying jurors to their side of a case. Within the context of the courtroom, the persuasiveness of the participants is generally measured through the concept of sentencing outcomes in criminal cases, and liability of the defendant in civil cases, which can be loosely combined into verdict outcomes. As the ultimate goal within a courtroom is to decide in

favor of one party, sentencing outcomes and defendant liability—which seek to determine which party the respondent would support—provide a measure of how persuasive the two opposing sides have been. Moreover, numerous studies have indicated that sentencing outcomes and defendant liability can be influenced by a number of defendant characteristics, including race (Mitchell, 2005), sex (Daly & Bordt, 1995), and socioeconomic status (Chiricos & Waldo, 1975).

The characteristics of lawyers have also been shown to influence sentencing outcomes and defendant liability in a trial, including attorney skill (Shinall, 2010) and the type of lawyer (prosecutor or defense; Pettus, 1990). However, there has been less, and often contradictory, evidence for other characteristics, with some studies showing no relationship between lawyer sex and sentencing outcome (e.g., Abrams & Yoon, 2007), but others finding that lawyer sex interacts with the type of case to influence sentencing outcomes (Hahn & Clayton, 1996; Villemur & Hyde, 1983). Overall, although the literature for the effect of lawyer characteristics has been somewhat sparser than for defendants, attorney skill has been shown to be a factor, so it is possible that other facets of the lawyer's performance would be influential on participant's decisions.

Hypotheses

Based on the previous literature reviewed in this chapter, the current study tested the following hypotheses:

H1: Participant's rating of the credibility and job performance of the lawyer will vary according to the levels of politeness of the lawyer, levels of politeness of the defendant, and the sex of the lawyer.

H1a: Male lawyers will be rated more highly than female lawyers on their levels of credibility and job performance.

H1b: Lawyers who utilize a less polite speaking style in cross-examination will be rated more highly on their levels of credibility and job performance.

H1c: Defendants utilizing a more polite speaking style in cross-examination will result in a higher evaluation of the lawyer's credibility and job performance by perceivers.

H1d: The sex of the lawyer and the politeness level of the lawyer will interact to affect participant's evaluation of the lawyer's credibility and job performance.

H1e: The politeness level of the defendant and the politeness level of the lawyer will interact to affect participant's evaluation of the lawyer's credibility and job performance.

H1f: The politeness level of the defendant and the sex of the lawyer will interact to affect participant's evaluation of the lawyer's credibility and job performance.

H2: Participant's rating of whether the verdict outcome will favor the lawyer or the defendant will vary according to the levels of politeness of the lawyer, levels of politeness of the defendant, and the sex of the lawyer.

H2a: Male lawyers will have more positive verdict outcomes than female lawyers.

H2b: Lawyers who utilize a less polite speaking style in cross-examination will have a positive verdict outcome than those that use a more polite speaking style.

H2c: The politeness level of the defendant will affect participant's indication of their verdict outcome of the case.

H2d: The sex of the lawyer and the politeness level of the lawyer will interact to affect participant's indication of their verdict outcome of the case.

H2e: The politeness level of the defendant and the politeness level of the lawyer will interact to affect participant's indication of their verdict outcome of the case.

H2f: The politeness level of the defendant and the sex of the lawyer will interact to affect participant's indication of their verdict outcome of the case.

Chapter Three: Method

Research Design

This dissertation study used an experimental design to examine the effects of lawyer sex (i.e., male versus female), lawyer politeness (i.e., more polite versus less polite), and defendant politeness (i.e., more polite versus less polite) on participants' judgments of the lawyer's perceived job performance and credibility, as well as the verdict outcome in favor of the lawyer or the defendant. Written vignettes were used as stimuli in a similar fashion to a study conducted by Myers, Giles, Reid, and Nabi (2008). This chapter describes the details of the stimulus materials, the manipulation check, the procedures, the participants, and the measurements used to assess the relevant dependent variables.

Stimulus Materials

Section of trial. For the purpose of this study, participants read a vignette portraying a defendant at trial being questioned by a lawyer representing the plaintiff, who has brought the case to trial. This section of the trial, known as cross-examination, was chosen for the purpose of this study because the goal of cross-examination is to “reveal information that supports the cross-examiner's case and that damages the opposing party's case” (Haydock & Sonsteng, 1994, p. 95). As such, credibility and job performance are especially important in this phase of the trial, as the lawyer seeks to increase their credibility, and thus the credibility of their client, while also undermining the credibility of the defendant, and thus the opposing case.

In contrast, the other major section of the trial involving questioning of a defendant by a lawyer, direct examination, involves the lawyer examining their own client with the purpose of “ask[ing] questions to develop [the] story and enable the defendant to communicate effectively” (Haydock & Sonsteng, 1994, p. 3). As such, the lawyer will have carefully prepared the

defendant for this questioning phase with the goal of increasing credibility. Therefore, the direct phase of examination is less open to fluctuations of the dependent variables due to the careful preparation of the lawyer to avoid negative consequences as a result of the questions that could potentially damage the lawyer's case.

Type of trial. For the purpose of this study, the vignettes were based upon the transcript of a civil trial. This type of trial was chosen because civil trials comprise the majority of the trials in the United States, according to the United States Courts (2013). In 2013, civil trials represented 284,604 of the total case filings in the United States as compared to 91,266 for criminal trials (United States Courts, 2013). Therefore, civil trials are more representative of the type of court case that an individual is likely to be summoned to jury service for.

Type of transcript. The transcript developed for this study was based upon the transcript of a real case (see Appendix A). This transcript was obtained from the website of a personal injury attorney firm from Maryland (Miller & Zois, 2014), where it was posted as an example of a civil court case. The particulars of the case, according to the website, were as follows:

“The plaintiff alleged that a tanker-trailer carrying fuel oil cut him off in traffic, causing him to swerve into the adjacent lane, where he was struck from the rear by another vehicle. He filed suit against the owner of the tanker truck and the driver of the vehicle that struck him from the rear.

The defendants claimed that [the] plaintiff was responsible for the car accident. The case was tried on the issue of liability only, pursuant to a stipulated verdict agreement.”

Using a modified transcript from a real trial allowed the current study to maintain fidelity to both the language and structure of a courtroom, excepting changes made in order to simplify the transcript and aid in the manipulation of the independent variables. Whereas experimental

designs cannot generally maintain ecological validity, using transcripts based on a real trial can maintain a more accurate representation of a real courtroom session.

Manipulation of the sex of lawyer. The sex of the lawyer and the defendant were both manipulated by a description of their characteristics at the beginning of the vignette (see Appendix B). This brief introduction established the type of case (i.e., an automobile accident) and the identities and characteristics of the lawyer and the defendant. The lawyer's sex was indicated by the use of their name, which was chosen as rated to be highly masculine (Kyle) or feminine (Sally; Mehrabian, 2001). The defendant's name (David) was chosen from a list of suggestions by Kasof (1993) and was rated as both highly attractive and highly competent. Further, the names of both the lawyer and the defendant were repeated with each line of dialog in order to keep the sex of both salient.

Manipulation of politeness level. The lawyer and defendant's politeness level manipulation was based on a modified form of Culpeper's (1996) strategies of positive and negative impoliteness, as well as Brown and Levinson's (1987) strategies of positive and negative face redress. Accordingly, less polite language style was indicated by "snub the other," "be unsympathetic," "condescend, scorn or ridicule," and "explicitly associate the other with negative aspect, hinder or block the other linguistically" (Culpeper, 1996, pp. 357-358), yet modified slightly to fit the context of this study. More polite language was indicated by expressing gratitude, showing understanding, showing deference, seeking agreement, avoiding disagreement, asserting common ground, not presuming (using hedge questions), and apologizing. Specific manipulations (i.e., polite lawyer, less polite lawyer, polite defendant, and less polite defendant) can be viewed in Appendix C. These strategies have been examined both

within the courtroom (Lakoff, 1989; Penman, 1990) and outside the courtroom (Andersson & Pearson, 1999).

Vignette development. As the current experimental study used a 2 (lawyer sex: male and female) x 2 (lawyer politeness: more polite and less polite) x 2 (defendant politeness: more polite and less polite) factorial design, eight vignettes of equal wording were composed based on the transcript of a cross-examination in civil court case (see Appendix A). Preceding each vignette was a brief paragraph that outlined the purpose of the trial, including a name and brief biography for both the lawyer and the defendant (see Appendix B). The paragraph describing the trial and the biography were created by the researcher. The vignette was modified from the original trial transcript to reduce some repetition, simplify some language, and to include language representing the indicators of politeness as modified from Culpeper (1996) and Brown and Levinson (1987).

First, the transcript was converted into a word document, and some portions were cut for being repetitive. For example, the lawyer asked the defendant in several places throughout the original transcript to repeatedly clarify a statement. While this is good practice within the confines of the courtroom, reading it in transcription form was somewhat awkward and padded the length of the vignette, possibly leading to survey fatigue. As such, instances when the lawyer asked the defendant to clarify statements were reduced to one instance on each occasion within the final transcript. Further, some language that was originally somewhat awkward was changed to flow more naturally, such as in cases where verbal fillers were included in the transcription.

Second, the transcript was modified to include politeness and impoliteness indicators. In order to do this, the transcript was read starting at the beginning and focusing on one indicator. Whenever a particular language indicator could be included naturally within the transcript, it was

included. Once the end of the transcript had been reached for a particular indicator, the process was repeated for a different indicator. This process was completed for all of the language indicators listed in the previous manipulation of politeness level section. Although the instances of the language indicators are not equal using this method, allowing the transcript to dictate the occurrences maintained a more faithful representation of the language use in the courtroom while also allowing for manipulation of the independent variable.

Finally, the transcript was examined one more time to edit for awkward or confusing phrases. The transcripts were then matched to create a vignette for each pairing of the independent variables (e.g., male lawyer/politeness level/male defendant; female lawyer/politeness level/female defendant, etc.). See Appendix C for the finalized vignettes, including markers for each language indicator.

Manipulation Check: Manipulation of Politeness Level

In order to ensure that the politeness independent variable manipulation was successful, a manipulation check was performed to measure the perceived level of politeness within the vignettes. During the manipulation check only the politeness level was manipulated, while the sex of the lawyer was held constant, in order to ensure that only the politeness manipulation was affecting participant response. Further, in order to prevent the lawyer's politeness level from affecting the defendant's politeness level, and thus ensure that the participants were only rating the politeness level of one person in the vignette without influence from the other, only one conversational partner's politeness level was manipulated in a vignette, while the other was held constant. As such, four vignettes were utilized, consisting of a vignette with a polite lawyer and neutral witness, an impolite lawyer and neutral witness, a polite defendant with a neutral lawyer, and an impolite defendant with a neutral lawyer. All methods and procedures for the

manipulation check were approved by the university's Institutional Review Board (IRB). This sample was a pre-test and was a separate sample from the sample in the main study.

The study for the manipulation check was conducted online through the survey website Qualtrics. Participants ($N = 174$), who were students in the basic oral communication class at a Midwestern university who were over 18 years of age, were randomly assigned to one of four conditions (demographic information was not collected for the manipulation check). In each of the four conditions, the politeness level of either the lawyer or the defendant was manipulated, while the other was held constant. As such, there were four total conditions consisting of: (1) a more polite lawyer, (2) a less polite lawyer, (3) a more polite defendant, and (4) a less polite defendant. Following the administration of the vignette, participants were given a scale measuring politeness. The items in this scale measure two fundamental indicators of politeness, warmth and assertiveness. Previous studies (Tao, 2010) have indicated that polite messages were perceived as warmer and less assertive than impolite messages. The complete list of items for this scale can be found in Appendix E. For the purpose of this study, warmth was composed of the items cold, impolite, caring and respectful; while assertiveness was composed of the items assertive, competitive, controlling, directive, and aggressive.

Using these two factors, an independent samples t-test was conducted. Results (see Table 1 in Appendix F) indicated that for both the lawyer and the defendant, the more polite and less polite vignettes were significantly different on both the warmth and assertive dimensions. The more polite lawyer and defendant's warmth was significantly higher than the less polite lawyer and defendant's warmth scores. Also, the more polite lawyer and defendant's assertiveness was significantly lower than the less polite lawyer and defendant's assertiveness scores.

Further, a one sample t-test was conducted to ensure that the politeness scores were significantly different from neutral, which was a score of four on the seven-point scale used. Results (see Table 2 in Appendix F) were significant for all, except the assertiveness of the polite lawyer. Given that the independent samples t-test indicated that the more polite lawyer was significantly different in assertiveness from the less polite lawyer, and that the means indicated that the less polite lawyer was still viewed as more assertive than the more polite lawyer, this result, while not significantly different from neutral, was deemed acceptable.

Main Study Procedures

Following the successful completion of the manipulation check, the main study was executed using a different sample. All methods and procedures for the main study were also approved by university IRB. Participants were given a link to an online study through the survey website Qualtrics. Once they clicked on the link and read the informed consent statement, as well as a brief paragraph describing the courtroom scenario, they were randomly assigned one of eight written vignettes containing an interaction between a lawyer and a defendant during cross-examination. After reading the vignette, participants were asked to complete measures of the credibility of the defendant and the lawyer, the job performance of the lawyer, and the verdict outcome in favor of the lawyer or the defendant. The participants were also asked for their own demographic information.

Main Study Participants

Participants in the main study were students in the basic oral communication class at a Midwestern university who were over 18 years of age, as a convenience sample. According to Goodwin (2005), convenience samples are useful when a more sophisticated sampling technique is unfeasible.

Participants in the main study included 325 college students (M age = 19.66, SD = 2.54, range = 18-43) solicited from a large Midwestern university. Of the participants, 164 (50.50%) were female and 161 (49.50%) were male, with an average of 13.80 years of education (M age = 19.66, SD = 1.26, range = 11-18). Five participants were removed from the study due to failure to properly answer several items included to ensure participants were fully reading every question.

Main Study Dependent Measures

Credibility. The measure for credibility of the lawyer used the Brodsky, Griffin, and Cramer's (2010) credibility scale consisting of 20 semantic differential bipolar pairs (see Appendix D). This scale was developed to measure the credibility of expert witnesses when testifying in the courtroom. Although the expectations on an expert witness and a lawyer differ somewhat, given the similar context and the similar demand for competence in their field, as well as responsibility for conveying information to a jury in a believable manner, this scale should provide a relatively valid measure of credibility for lawyers as well. Further, this scale's validity was verified by Brodsky et al. (2010), who tested both the scales' concurrent and divergent validity through a comparison with a list of adjectives pulled from a previous credibility scale by Shapiro (1988).

Participants reported the perceived levels of credibility of the lawyer along four dimensions: confidence, likability, trustworthiness, and knowledge level. Items were modified from Brodsky et al.'s (2010) credibility scale. Participants reported how closely they believed the lawyer matched one of two bipolar pairs, using four bipolar pairs for confidence (articulate, confident, poised, relaxed), five for likability (kind, friendly, pleasant, well-mannered, respectful), three for trustworthiness (trustworthy, dependable, reliable), and four for knowledge

level (logical, wise, informed, educated) across a 10-point scale. Analysis of these items indicated good reliability across the confidence ($M = 6.83$, $SD = 1.85$; $\alpha = .80$), likability ($M = 5.72$, $SD = 2.39$; $\alpha = .95$), trustworthiness ($M = 6.19$, $SD = 1.99$; $\alpha = .87$), and knowledge-level ($M = 6.85$, $SD = 1.99$; $\alpha = .89$) factors.

Job performance. The measure for job performance of the lawyer used a 6-item scale measuring in-role behaviors created by Williams and Anderson (1991), modified slightly for this research context. The Williams and Anderson (1991) in-role behaviors scale is based on a scale by O'Reilly and Chatman (1986) which measured in-role behaviors amongst university employees and students. Williams and Anderson (1991) expanded the original 3-item measure ["I work a full eight-hour day (or full shift if part-time)," "I complete my assigned duties on time," and "I comply with the rules and regulations of this organization"] into a slightly modified 7-item measure ("Adequately completes assigned duties," "Fulfills responsibilities specified in job description," "Performs task that are expected of him/her," "Meets formal performance requirements of the job," "Engages in activities that will directly affect his/her performance evaluations," "Neglects aspects of the job he/she is obligated to perform," and "Fails to perform essential duties") that was shown through subsequent factor analysis to have a loading of at least .35 onto the in-role behavior factor.

As part of the Williams and Anderson (1991) study, the scale was used to measure in-role behaviors of employees from varying companies who were attending an evening MBA class, most of whom were from a professional/technical background. Further, given the generality of the participants being measured Williams and Anderson (1991), it is likely to be easily transferable to the context of lawyers.

For the purpose of this dissertation study, the Williams and Anderson (1991) professionalism scale was used with slightly modified wording (see Appendix E) and did not use the item “Engages in activities that will directly affect his/her performance evaluations,” given that this item is not relevant to the current study, as the lawyers presented in the vignettes are not explicitly members of an organization that would use such evaluations.

Participants reported the perceived levels of job performance of the lawyer by reporting the degree to which they agreed or disagreed with six statements (“Adequately completes expected duties for the job of lawyer”; “Fulfills responsibilities expected in job description of lawyer”; “Performs tasks that are expected of him/her as a lawyer”; “Meets formal performance requirements of being a lawyer”; “Neglects aspects of the job he/she is obligated to perform as a lawyer”; “Fails to perform essential duties of being a lawyer”) on a 7-point Likert scale (1 = strongly disagree and 7 = strongly agree). Analysis of these items indicated good reliability for the job performance of the lawyer ($M = 5.26$, $SD = 1.15$; $\alpha = .91$).

Verdict outcomes. The verdict outcome in favor of the lawyer or the defendant was measured using a modified version of the scale used by Cramer, Brodsky, and DeCoster (2009), which measured verdict outcome using a 10-point single-item Likert-scale (“Based on the expert defendant’s testimony, how likely are you to recommend a death sentence?”). As the current study used a more abbreviated vignette, measuring verdict outcome in this way was not feasible. Therefore, a modified version of Cramer et al.’s (2009) item was used for both the lawyer (“Based on the testimony you have just read, how likely are you to decide in favor of the plaintiff?”) and the defendant (“Based on the testimony you have just read, how likely are you to decide in favor of the defendant?”). While these items are slightly modified from Cramer et al. (2009), the change in context was small enough to make it unlikely that the validity of this item

was affected. Further, in order to ensure the accurate measurement of this variable, several additional items were created by the researcher (“How likely do you believe it is that someone in your age group would decide in favor of the plaintiff/defendant?”; “How likely do you believe it is that someone in a jury would decide in favor of the plaintiff/defendant?”; see Appendix D for all of the items).

Participants reported whether their verdict would be in favor of the lawyer or the defendant by reporting how likely they were to agree with several questions created specifically for this study (“How likely are you to decide in favor of the lawyer?”; “How likely are you to decide in favor of the defendant?”; “How likely do you believe it is that someone in your age group would decide in favor of the lawyer?”; “How likely do you believe it is that someone in your age group would decide in favor of the defendant?”; “How likely do you believe it is that someone in a jury would decide in favor of the lawyer?”; “How likely do you believe it is that someone in a jury would decide in favor of the defendant?”) on a 7-point scale (1 = extremely unlikely and 7 = extremely likely). Analysis of these items indicated good reliability for the verdict outcome in favor of the lawyer ($M = 4.43$, $SD = 1.15$; $\alpha = .74$) and the verdict outcome in favor of the defendant ($M = 3.6$, $SD = 1.17$; $\alpha = .75$).

Chapter Four: Results

Participants, who were randomly assigned to one of the eight conditions in this study, were asked to provide their judgments of the credibility of the lawyer, the job performance of the lawyer, and the verdict outcome for the case and also to give brief demographic information about themselves. Using the data from these measures, analyses of variance (ANOVA) were performed to test the hypotheses proposed in this study. The following chapter details the results of the statistical analysis.

Hypothesis Testing Results

Hypothesis 1. Overall, hypothesis 1 predicted both significant main effects for and significant interaction effects between sex of lawyer, politeness level of the lawyer, and politeness level of the defendant on participants' ratings of credibility and job performance. Specifically, the sub-hypotheses predicted that male lawyers would be rated more highly than female lawyers, less polite lawyers were predicted to be rated more highly than more polite lawyers, and lawyers who faced more polite defendants were predicted to be rated more highly than those who faced less polite defendants. Further, hypothesis 1 also predicted interaction effects between the sex of the lawyer and politeness level of the lawyer, the sex of the lawyer and the politeness of the defendant, the politeness of the lawyer and the politeness of the defendant, and the sex of the lawyer, politeness of the lawyer and the politeness of the defendant; although no prediction was made for the direction of these effects. In order to test this hypothesis, a separate test was performed for each dependent variable.

Credibility. Credibility consisted of four subscales representing confidence, likability, trustworthiness, and knowledge level. In order to test the effects of the three manipulated variables (sex of lawyer, level of politeness of lawyer, level of politeness of defendant) on the

lawyer's perceived confidence, likability, trustworthiness, and knowledge level, a 2 (sex of lawyer: male versus female) x 2 (politeness level of lawyer: more polite versus less polite) x 2 (politeness level of defendant: more polite versus less polite) multivariate analysis of variance (MANOVA) was conducted. However, prior to conducting the MANOVA, the dependent variables were correlated in order to test the assumption that they would be correlated or moderately correlated with each other (0.20 - 0.60; Meyers, Gampst, & Guarino, 2006). This assumption was born out, with correlations ranging from 0.27 to 0.63, as shown in Table 3 in Appendix F.

Following the test above, a three-way MANOVA was conducted. Results of the analysis showed a significant main effect of the politeness of the lawyer $F(4, 306) = 38.75, p < 0.01, \eta_p^2 = 0.34$, while results indicated non-significant main effects for the sex of the lawyer $F(4, 306) = 0.87, p > 0.01, \eta_p^2 = 0.01$, and politeness of the defendant $F(4, 306) = .86, p > 0.01, \eta_p^2 = 0.01$. Four univariate analyses of variance were conducted for the significant MANOVA main effect of the politeness of the lawyer. Type I error was controlled for using Bonferroni method (Field, 2009). As can be seen in Table 5 in Appendix F, results of these tests were non-significant, except in the case of politeness level of the lawyer on the lawyer's likability, $F(1, 309) = 112.91, p < 0.01, \eta_p^2 = 0.27$ with more polite lawyers ($M = 7.04, SD = 2.11$) being seen as significantly more likable than less polite lawyers ($M = 4.55, SD = 2.02$).

Multivariate results were also indicated to be non-significant for the interactions of the sex of the lawyer and the politeness of the lawyer $F(4, 306) = 0.81, p > 0.01, \eta_p^2 = 0.01$, the sex of the lawyer and the politeness of the defendant $F(4, 306) = 1.29, p > 0.01, \eta_p^2 = 0.02$, the politeness of the lawyer and the politeness of the defendant $F(4, 306) = 1.80, p > 0.01, \eta_p^2 =$

0.02, and the sex of the lawyer, politeness of the lawyer and the politeness of the defendant $F(4, 306) = 0.37, p > 0.01, \eta_p^2 = 0.01$. Accordingly, H1 was not supported based on these results.

Job performance. Job performance was analyzed using a 2 (sex of lawyer: male versus female) x 2 (politeness level of lawyer: more polite versus less polite) x 2 (politeness level of defendant: more polite versus less polite) analysis of variance (ANOVA) in order to test the effects of the three manipulated variables (sex of lawyer, level of politeness of lawyer, level of politeness of defendant) on the lawyer's perceived job performance. Results (see Table 7 in Appendix F) indicated no significant main effects for sex of lawyer, politeness of lawyer, or politeness of defendant. Further, no significant results were indicated for the interactions of sex of lawyer and politeness of lawyer, sex of lawyer and politeness of defendant, politeness of lawyer and politeness of defendant, or sex of lawyer, politeness of defendant, and politeness of lawyer. Based on these results, H1 was not supported regarding job performance.

Hypothesis 2. Overall hypothesis 2 predicted both significant main effects for and significant interaction effects between sex of lawyer, politeness level of the lawyer, and politeness level of the defendant on verdict outcome. Specifically, the sub-hypotheses predicted that male lawyers and less polite lawyers would have more favorable verdict outcomes than more polite lawyers. Further, the sub-hypotheses also predicted interaction effects between sex of the lawyer and politeness level of the lawyer, the sex of the lawyer and the politeness of the defendant, the politeness of the lawyer and the politeness of the defendant, and the sex of the lawyer, politeness of the lawyer and the politeness of the defendant; although no prediction was made for the direction of these effects.

Verdict outcomes. As verdict outcomes were measured in favor of the lawyer and the defendant, analysis of variance (ANOVA) with repeated measures was employed to examine the

effects of lawyer sex, lawyer politeness level, and defendant politeness level. Multivariate results (see Table 9 in Appendix F) indicated a significant target effect for the verdict outcomes, $F(1, 314) = 54.40, p > 0.05, \eta_p^2 = 0.07$, with lawyers being perceived as significantly more persuasive ($M = 4.44, SD = 0.64$) than defendants ($M = 3.85, SD = 0.66$). However, results indicated no main effects for sex of the lawyer, politeness of the lawyer, politeness of the defendant, or interaction effects for sex of the lawyer and politeness of the lawyer, sex of the lawyer and politeness of the defendant, politeness of the lawyer and politeness of the defendant, sex of the lawyer, politeness of the lawyer, and politeness of the defendant.

Correlations Between Variables: Supplemental Analyses

To examine how job performance, credibility (likability, confidence, knowledge level, and trustworthiness), and verdict outcome were associated with each other for male and female lawyers, correlation analyses were conducted (see tables 10 (female lawyers) and 11 (male lawyers) in Appendix F).

Female lawyer. Results for the female lawyer indicated that confidence was significantly positively correlated with likability, trustworthiness, knowledge level $r(160) = 0.68, p < 0.01$, job performance $r(154) = 0.52, p < 0.01$, verdict outcome in favor of the lawyer $r(161) = 0.23, p < 0.01$, and significantly negatively correlated verdict outcome in favor of the defendant $r(159) = -0.16, p < 0.05$.

Likability was significantly positively correlated with trustworthiness $r(161) = 0.52, p < 0.01$, knowledge level $r(160) = 0.24, p < 0.01$, verdict outcome in favor of the lawyer $r(162) = 0.17, p < 0.05$, and significantly negatively correlated verdict outcome in favor of the defendant $r(160) = -0.16, p < 0.05$, but not significantly correlated with job performance $r(155) = 0.12, p > 0.05$.

Trustworthiness was significantly positively correlated with knowledge level $r(161) = 0.67, p < 0.01$, job performance $r(157) = 0.56, p < 0.01$, verdict outcome in favor of the lawyer $r(161) = 0.38, p < 0.01$, and significantly negatively correlated verdict outcome in favor of the defendant $r(159) = -0.26, p < 0.05$.

Knowledge level was significantly positively correlated with job performance $r(155) = 0.72, p < 0.01$, verdict outcome in favor of the lawyer $r(162) = 0.41, p < 0.01$, and significantly negatively correlated verdict outcome in favor of the defendant $r(160) = -0.29, p < 0.05$.

Job performance was significantly positively correlated verdict outcome in favor of the lawyer $r(157) = 0.48, p < 0.01$, and significantly negatively correlated verdict outcome in favor of the defendant $r(155) = -0.28, p < 0.05$.

Verdict outcome in favor of the lawyer was significantly negatively correlated with verdict outcome in favor of the defendant $r(162) = -0.72, p < 0.01$.

Male lawyer. Results for the male lawyer indicated that confidence was significantly positively correlated with likability $r(159) = 0.37, p < 0.01$, trustworthiness $r(160) = 0.58, p < 0.01$, knowledge level $r(157) = 0.61, p < 0.01$, job performance $r(156) = 0.47, p < 0.01$, verdict outcome in favor of the lawyer $r(159) = 0.36, p < 0.01$, and significantly negatively correlated verdict outcome in favor of the defendant $r(159) = -0.30, p < 0.01$.

Likability was significantly positively correlated with trustworthiness $r(160) = 0.68, p < 0.01$, knowledge level $r(157) = 0.45, p < 0.01$, job performance $r(157) = 0.29, p > 0.01$, verdict outcome in favor of the lawyer $r(159) = 0.40, p > 0.01$, and significantly negatively correlated verdict outcome in favor of the defendant $r(159) = -0.32, p < 0.01$.

Trustworthiness was significantly positively correlated with knowledge level $r(158) = 0.61, p < 0.01$, job performance $r(157) = 0.49, p < 0.01$, verdict outcome in favor of the lawyer

$r(160) = 0.44, p < 0.01$, and significantly negatively correlated verdict outcome in favor of the defendant $r(160) = -0.35, p < 0.01$.

Knowledge level was significantly positively correlated with job performance $r(154) = 0.60, p < 0.01$, verdict outcome in favor of the lawyer $r(157) = 0.41, p < 0.01$, and significantly negatively correlated verdict outcome in favor of the defendant $r(157) = -0.34, p < 0.01$.

Job performance was significantly positively correlated verdict outcome in favor of the lawyer $r(156) = 0.46, p < 0.01$, and significantly negatively correlated verdict outcome in favor of the defendant $r(156) = -0.38, p < 0.01$.

Verdict outcome in favor of the lawyer was significantly negatively correlated with verdict outcome in favor of the defendant $r(160) = -0.76, p < 0.01$.

Chapter Five: Discussion

The purpose of this study was to examine how a lawyer's sex and politeness level, in conjunction with a defendant's politeness level, affected the lawyer's perceived levels of credibility, job performance, and verdict outcomes in favor of the lawyer or the defendant. Based on previous literature, it was predicted that male lawyers, less polite lawyers, and lawyers paired with polite defendants would be rated more highly than female lawyers, more polite lawyers, and lawyers paired with impolite defendants. The current chapter discusses the results of this study, its implications, possible reasons for the results based on the literature, limitations of the current study, as well as directions for future research.

Summary of Findings

With regard to the hypotheses posed by this study, relatively few significant results were obtained. Overall, varying the sex of the lawyer and politeness level of the defendant did not change participants' perceptions of the lawyer's credibility, job performance, or verdict outcomes in favor of the lawyer or the defendant. Further, varying the lawyer's politeness only affected participants' perceptions of one factor of the lawyer's credibility (likability) and did not affect participants' perceptions of the lawyer's job performance or verdict outcome in favor of the lawyer or the defendant. The only other significant finding was that lawyers were perceived as more persuasive overall than the defendant, regardless of the lawyer's sex, politeness level, or the defendant's politeness level. The following section elaborates on how these findings relate to the proposed hypotheses.

Sex of lawyer. Hypotheses 1a and 2a combined stated that male lawyers would be rated more highly than female lawyers on their levels of credibility, job performance, and verdict outcome in favor of the lawyer or the defendant. Results indicated that these hypotheses were

not supported. Thus, male lawyers were not rated more highly than female lawyers on their levels of credibility, job performance, or verdict outcomes. There was no difference in how participants viewed the lawyer's credibility, job performance, or verdict outcome in favor of the lawyer or the defendant with relation to the sex of the lawyer.

According to Social Role Theory (SRT; Eagly, 1987; Eagly & Diekmann, 2000) and Role Congruity Theory (RCT; Eagly, Wood, & Diekmann, 2000), individuals are expected to behave according to the stereotypical view of their sex roles, with men being expected to perform more agentic and women being expected to perform more communally. Further, deviations from these roles can provoke backlash effects (Rudman, 1998). Regardless of whether these differences actually exist in daily behavior, the stereotypical behavioral constructs still inform expectations for how men and women should behave. Whereas research studies have shown that men and women are more similar than different across a variety of behavioral variables (see, e.g., Canary & Dindia, 2009, Kunkel & Burleson, 1999), men and women are typically evaluated differently (Heilman, Wallen, Fuchs, & Tamakins, 2004). Therefore, men and women can be evaluated differently based on these expectations, even though the stereotypically expected differences have been shown to be very small in practice (Hyde, 2005).

Role Congruity Theory (Eagly, Wood, & Diekmann, 2000) posits that when a woman has an occupational role that is perceived to require more agentic behaviors, enacting those behaviors causes participants to view her less favorably as a result of her perceived role violation. Thus, women, who are expected to perform communally tend to be punished for performing agentic, even when that type of behavior is perceived as being more closely aligned to their occupational role. Therefore, a female lawyer, who needs to enact agentic behaviors as part of her occupational role, would be penalized for failing to perform according to

expectations for her sex role. However, this study showed no difference between perceptions of male and female lawyers. The fact that this study failed to produce results in line with prior theory and research could be due to a few different factors.

First, it is possible that the high-status level of lawyers protected women from backlash when performing the more agentic behaviors of their occupational roles. According to Schneider, Tinsley, Cheldelin, and Amanatullah (2010), women lawyers were perceived as both likable and competent. Whereas these perceptions were based on the views of other lawyers, it is possible that the prestige of the lawyer occupation overrides the penalty for behaving in a way that opposes the expected sex role performance. The occupational role may just be perceived as requiring enough specialized skills that the performance of agentic behaviors is expected and excused. The specialized nature of a lawyer's job may also be why lawyers were perceived by participants as more persuasive overall than were defendants.

Second, it could also be that the occupational role was simply more salient in the situation than the sex role. As the vignettes were taking place within the context of a cross-examination, the lawyer role may have been more primed for the participants and thus may have had more of an impact on their perceptions of the lawyer's behaviors. This is further discussed in the limitations section below as a result of the vignette construction.

Politeness of lawyer and defendant. Hypotheses 1b and 2b stated that lawyers who utilize a less polite speaking style would be rated more highly on their levels of credibility, job performance, and verdict outcome in favor of the lawyer or the defendant. Hypotheses 1c and 2c stated that lawyers who were cross-examining a more polite witness would be rated more highly on their levels of credibility, job performance, and verdict outcome.

Results indicated that these hypotheses were not supported. Neither lawyers who utilized a less polite speaking style nor lawyers who were paired with a polite defendant were rated more highly on their levels of credibility, job performance, or verdict outcome in favor of the lawyer or the defendant. In fact, the only significant result, that more polite lawyers were rated as more likable, which was one of the factors of credibility, indicates the opposite result of the proposed hypotheses 1b and 2b.

Brown and Levinson's (1987) Politeness Theory, and Culpeper's (1996) extension into impoliteness strategies, discusses how individuals use language to either protect or threaten another's positive or negative face. Further, the use of these strategies is dependent on the *context* in which interactions occur (Harris, 2001; Knobloch et al., 2010; Morand & Ocker, 2003). According to Lakoff (1989), a certain level of strategic impoliteness is necessary for the courtroom, where part of the purpose of the trial is to impugn the credibility of the opposing case. Therefore, as part of their profession, lawyers are expected to exhibit a certain amount of impoliteness in order to fulfill the requirements of their profession.

Given the above, the current study expected to find that lawyers who performed in a less polite manner would be judged more favorably than those who performed in a more polite manner. However, no difference was found in lawyers who behaved more or less politely. It is possible that more politeness, or less politeness, were both viewed as equally viable strategies for challenging the defendant's credibility. As such, a lawyer who is more polite could be viewed as trying to use that politeness as a way to trick the witness into revealing something that could hurt their credibility. In contrast, a lawyer who is less polite could be perceived as using a lack of politeness to make the witness uncomfortable enough to disclose information that would

hurt their credibility. Therefore, politeness could be viewed as an effective strategy regardless of what type of politeness (or impoliteness) is used.

Sex and politeness level. Hypotheses 1d, 1e, 1f, 2d, 2e, and 2f examined whether sex and politeness level interacted to affect credibility, job performance ratings, or verdict outcome in favor of the lawyer or the defendant. Results indicated that lawyer sex and politeness level together did not affect ratings of credibility, verdict outcome in favor of the lawyer or the defendant, and job performance. As such, politeness level and lawyer sex did not interact with one another to affect participants' perceptions of the lawyer's characteristics in regard to the dependent variables.

According to Mills (2003), politeness is generally more stereotypically associated with women than men. As such, this study proposed to examine whether there politeness made a difference in this area. Given that politeness was more associated with women than men, female lawyers should be expected to be more polite if their sex was viewed as the more salient quality. However, given the requirement for strategic politeness in the courtroom (Lakoff, 1989), less polite lawyers could be viewed as more central to the courtroom.

In addition, results indicated that politeness and sex did not interact to influence credibility within the courtroom. Given the results of the hypotheses testing lawyer sex and lawyer politeness, it is possible that sex and politeness had no effect together, or separately, given the constraints of the courtroom. As such, sex did not interact with politeness because the prestige of the lawyer's occupational role overrode sex-role expectations and politeness was viewed as a strategic tactic regardless of the level of politeness employed.

Supplemental Analyses

While not accompanied by predictive hypotheses, supplemental analyses indicated interesting differences between the male and female lawyers. Specifically, the likability of the female lawyer was less correlated with confidence (0.17 versus 0.37), knowledge level (0.24 versus 0.45), verdict outcomes in favor of the lawyer (0.17 versus 0.40), and verdict outcomes in favor of the defendant (-0.16 versus -0.32). Further, job performance and likability were not correlated for women, but were correlated for men. Therefore, it appears that, although the relationship of likability with these variables was significant, excepting job performance, the relationships were stronger for men than women. This result has interesting implications for sex-role stereotyping, where the literature has shown that agentic women are viewed as less likable (Phelan, Moss-Racusin, & Rudman, 2008). As such, it is possible that, because the female lawyers in this study were performing an agentic role, and thus expected to be less likable, their likability had less effect on the other variables. Further research is needed to test this relationship within the legal field.

Theoretical and Practical Implications of Study

From a theoretical perspective, the lack of results limits the theoretical implications. Whereas Social Role Theory (SRT; Eagly, 1987; Eagly & Diekmann, 2000) and Role Congruity Theory (RCT; Eagly, Wood, & Diekmann, 2000) posit that women can be penalized for behaving in ways contrary to the behavior expected for their sex role, and that conflicting roles may produce penalties for contradictory behavior, this study failed to produce this result. Given the lack of significant results in this study, it is possible that these theories do not apply within the context of the courtroom.

Moreover, studies have shown that gender accounts for a small part of discriminatory information (Olian, Schwab, & Haberfield, 1998). As mentioned in the previous sections, the prestige of the occupational role of lawyer possibly results in a higher saliency, thus protecting lawyers from the backlash experienced in other occupational fields. Therefore, future studies using both theories (SRT and RCT) could be conducted to determine if these effects are mitigated (or amplified) in other contexts.

Similar to the limited theoretical implications of this study, the implications for practice, as gleaned from this study, are also limited. The lack of significant results means that few recommendations can be made for how lawyers *should* behave in the courtroom. Although this particular study found that sex and politeness did not affect participants' ratings of credibility, job performance, or verdict outcome in favor of the lawyer or the defendant, it is possible that the lack of results is due to the structure of the study or the limitations discussed below. As such, suggesting that sex and politeness have no effect on how a jury member perceives a lawyer would be unwise.

More polite lawyers were shown to be viewed as more likable than less polite lawyers, which is something that should be considered in the courtroom. Although a lawyer cannot be said to be the sole focus of any given case, their credibility, of which likability is a factor, is something on which viewers can potentially base their decisions. Therefore, some level of politeness could be seen as potentially a good thing to increase the likability of the lawyer and potentially the positivity of the case, even if some strategic impoliteness is also called for as part of a lawyer's job-related duties.

Limitations of Study

One possible limitation to this study was the demographics of the sample. Whereas college students do provide a convenient sample, this sample presents several problems. First, it is possible that, due to being younger in age than typical jury members, college students have less experience with the legal system. As such, they may have less knowledge about how a lawyer should behave and therefore less of a basis on which to justify the lawyer's behavior (Forret, Sullivan, & Mainiero, 2010). Without that basis, their ratings of a lawyer's job performance, credibility, and verdict outcome in favor of the lawyer or the defendant are likely to have less grounding in how a lawyer actually behaves. Also, Millennial's attitudes at work differ from previous generations (Gibson, Greenwood, & Murphy, 2009), with Millennials being more prone to ask questions, expect feedback, and switch jobs more frequently. As such, their expectations for occupations and careers may differ significantly from previous generations. Therefore, even if they have experience in the workforce, they may have different expectations for lawyers than previous generations.

Additionally, it is possible that Millennial's conceptualizations of how a lawyer should behave is based on media representations of lawyers that they have been exposed to through media or social media channels. It is possible that these media representations influenced their perceptions on how the lawyers in this study should behave. For example, research on parasocial relationships (i.e., when people begin to feel a personal attachment to characters they see in media) has shown that these relationships can influence how people process their daily lives and the behavior of others around them (Giles, 2002). Further, having less familiarity with the courtroom setting could have led to misunderstandings about the case presented and the

functions of the actors within that case. This lack of knowledge could also have led to a lack of differences in ratings.

Millennial's attitudes toward gender identity and gender roles are also much more fluid than Baby Boomers and Gen-Xers (Donnelly, Clark., Shaikh, Beiler-May, & Carter, 2016), so their expectations for sex-role behaviors may allow for a much wider variation than earlier generations. Therefore, the stereotypical behavior predicted by the sex-role stereotype literature may have more permissible variation or be completely different from previously studied generations.

As such, a woman lawyer may not be expected to adhere to previously expected stereotypical behavior for a particular sex-role. Finally, given that Millennials were children during the 80s and 90s when progress toward gender equality was occurring, their exposure could have produced a more egalitarian view of sex roles (Zucker & Stewart, 2007) and, again, lessened the expectations for sex-role behaviors.

A second possible limitation of this study has to do with the presentation of the case itself. As the case was presented as a vignette to cut down on possible confounding variables, it is possible that the priming of sex, which for this study was accomplished by listing the lawyer's name each time they spoke, was not sufficient to produce meaningful results. Having the vignette performed with actors (in a videotape format) or having a picture of the lawyer attached to the vignette itself might be necessary to prime sex to the extent that would be necessary to produce significant and meaningful results.

Finally, the complexity of the courtroom itself might be problematic and therefore difficult to assess within a simple experimental study. Given the complexity of a court of law, it may be more difficult to prime certain factors, such as sex, which would make obtaining

significant and meaningful results more difficult. Although this study attempted to simplify the language used in order to make it more accessible to a lay person, it is possible that the situation was still far too complex to allow for the priming of sex to have an impact on the results.

Directions for Future Research

Whereas the current study did not produce many significant results, this area of research still has many potential avenues for exploration. First, addressing the limitations mentioned above could allow for a more successful test of the proposed hypotheses in this study. If the priming of sex was more noticeable, it is possible that participants would have viewed the vignette's scenarios differently and the priming would have more of an impact on their views of the lawyer's credibility, job performance, and verdict outcome in favor of the lawyer or the defendant.

In addition, it would be interesting to examine how the lawyer's sex and politeness level impact the credibility of the defendant. Given that the point of a cross-examination is to damage the opposing side's case by impugning the credibility of the defendant, it would be interesting to see how the lawyer's sex and changes in the lawyer's language style impact the perceived credibility of the defendant.

Finally, future research could examine how sex and politeness interact with the type of case being presented. Different areas of law likely require different strategies in handling witnesses, so it is possible that women are perceived as more credible depending on the type of case (e.g., family court cases). Therefore, it is possible that varying the type of case could allow for insight into how the constraints of a given area of law change participant's perception of the lawyer's characteristics.

Conclusion

This study proposed to examine how a lawyer's sex and politeness level, in conjunction with a defendant's politeness level, affected participants' perceptions of a lawyer's credibility, job performance, and verdict outcome in favor of the lawyer or the defendant. In order to do this, the researcher created vignettes depicting a courtroom scenario where the sex of the lawyer, as well as the lawyer and defendant's politeness levels, were differentially manipulated and asked participants to rate their perceptions of the lawyer. Results indicated that more polite lawyers were perceived as more likable than less polite lawyers, and that lawyers were perceived as more persuasive overall. Therefore, lawyers may want to take this into account and show at least some level of politeness to the witness. Future research can focus on how these variables affect defendant credibility and how different types of cases interact with these variables to affect perceptions of the lawyer. Although this particular study indicated few significant results, this area still has great future potential to inform theory and practice within the realm of legal communication.

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1 Q: Okay.

2 A: And I -- like I said I had merged over into
3 that first -- the right turn left turn lane, and I was
4 riding along side of him at that time.

5 Q: Okay.

6 And my question to you is, okay, where
7 alongside the tractor and the tanker trailer were you
8 when he commenced to come into your lane as you suggest?

9 Where -- what part of the tractor and trailer
10 were you in conjunction with when that occurred?

11 A: I was more in conjunction with the trailer
12 more so than the tractor.

13 Q: Okay.

14 Now, it's a long trailer, right?

15 A: That is correct.

16 Q: Were you more -- was your vehicle closer to
17 the rear tandem wheels of the trailer or was it closer to
18 the middle of the trailer?

19 A: Closer to the middle of the trailer.

20 Q: Closer to the middle of the trailer.

21 Q: Closer to the middle of the trailer?

22 Okay.

23 I've got your Deposition transcript in front of
24 you there, sir. If you could please draw your attention
25 to Page 67.

1 Pardon me, if you go to Page 66, Line 22 which
2 is the last line on Page 66. Let me know when you're
3 there.

4 A: What page-- which line number?

5 Q: The very last line of Page 66; Line 22.

6 You see that?

7 A: Um hum.

8 Q: Okay.

9 I'm gonna read with you so I want you to make
10 sure that I'm reading this accurately. Beginning Page
11 66, Line 22, I asked you, question, "Now, in terms of
12 where you were in conjunction with the BTL trailer, when
13 you say it came into your lane were you about half way
14 down the trailer or were you back where the rear tandems
15 are?" Your answer was "Back near the rear tandems",
16 right?

17 A: That's correct.

18 Q: Next question, "So, further towards the
19 back of the trailer than the middle?" Your answer,
20 "That's correct."

21 That was your testimony at your Deposition?

22 A: That is correct.

23 Q: Okay.

24 Does that refresh your recollection that that's
25 in fact -- this Deposition was taken back on the 7th of

1 November, 2007?

2 A: I do remember that Deposition.

3 Q: Okay.

4 Do you agree that your Deposition testimony is
5 is accurate?

6 A: Yes.

7 Q: Okay.

8 Did you ever progress further than the rear
9 tandems of the trailer? Did you ever progress forward,
10 further than that point, after he commenced to come into
11 your lane?

12 A: I can't recall.

13 Q: Okay.

14 So the rear tandems back at the rear of the
15 tanker, that's as far forward in terms of the tractor
16 trailer that you got in conjunction with this entire
17 event?

18 MR. BRATT: Objection. THE

19 COURT: Overrule.

20 A: Correct.

21 Q: Okay.

22 Showing you what's been marked as Plaintiff's
23 Exhibit Number 2, do you agree that in terms of
24 Plaintiff's Exhibit Number 2 your vehicle is the vehicle
25 designated with the letter "H" for Honda?

1 A: That is correct.

2 Q: And do you agree that in conjunction with
3 this exhibit you have placed your vehicle up near the
4 rear wheels of the tractor?

5 A: That is correct.

6 Q: Far further forward than the rear tandems
7 which are back here, right?

8 A: Yes.

9 Q: That's different than your testimony today,
10 correct?

11 A: Correct.

12 Q: I believe today in court during your direct
13 examination you were asked by Plaintiff's Counsel whether
14 you checked -- you -- looked -- checked in the left lane;
15 checked your mirrors to see whether there was anything *in*
16 the left left turn lane before you made your lane change.

17 And your testimony today, correct me if I'm
18 wrong, was that you didn't look 'cause you didn't have the
19 time. Is that correct?

20 A: That is correct.

21 Q: Okay.

22 Drawing your attention to Page 34 of your
23 Deposition transcript. I apologize, Page 33, Line 19.
24 Let me know when you're there.

25 A: I'm there.

1 Q: Line 19, I asked you, "Before making the
2 move did you look in your mirror or side view mirror,
3 your rear view mirror, to see if there was any traffic in
4 that lane."

5 Page 34, answer, "I had a split second to see
6 that." Question, "Did you look?" Answer, "Yes, I had a
7 split second to see that." Question, "And what did you
8 see in that split second?" Answer, "I saw that I had
9 just a split second to jump in the next lane."

10 Question, "Did you see anything in that lane?"

11 Answer, "No." Question, "How long did you look?"

12 Answer, "It was a split second."

13 Do you agree your Deposition testimony
14 indicates that you did check to see if there was anything
15 in the left lane but you didn't see anything?

16 A: That is correct.

17 Q: Your testimony today in court is -- correct
18 me if I'm wrong on that, following the collision between
19 the Dodge and the rear of your vehicle, you immediately
20 came to a stop, correct?

21 A: After the accident.

22 Q: After the accident.

23 A: Correct.

24 Q: There was a rear-end collision and then you
25 came to a stop essentially, right?

1 A: It wasn't a sudden -- I rolled a couple of
2 feet and then stopped.

3 Q: Couple of feet.

4 In fact in your Deposition on Page 36 you --
5 you recall you indicated you -- you traveled probably 5
6 or 10 yards and then you stopped, correct?

7 A: Correct.

8 Q: Okay.

9 It's your testimony today that Ms. Young's
10 vehicle is green?

11 A: Correct.

12 Q: Okay.

13 Sir, you do agree that as you were approaching
14 where the lanes change from two lanes to three and then
15 four lanes, you were traveling behind the BTL tanker
16 trailer the whole time? Do you agree with that?

17 A: Yes.

18 Q: Can we say, just for arguments sake, for at
19 least a quarter of a mile you're traveling behind that
20 tractor trailer in the left through lane?

21 A: That's correct.

22 Q: Okay.

23 And he's traveling in front of you, right?

24 A: He's in front of me.

25 Q: Okay.

What speed are you going throughout that period
2 of time?

3 A: The speed limit.

4 Q: Okay.

5 And when the opportunity comes for you to--to
6 -- when-- when the lanes change from two lanes to--to
7 four, you-- you -- your testimony is you immediately
8 went into the left, to the turn lanes, correct?

9 A: Correct.

10 Q: Okay.

11 Could the tanker trailer have done that?

12 A: No.

13 Q: Why not?

14 A: He could have squeezed in there but he
15 didn't.

16 Q: No, I'm talking about before -- you know as
17 -- as he's travel -- he's traveling in front of you, he
18 could have taken the same path and gone into those merge lanes
19 as well.

20 A: He -- he could have.

21 Q: He could have, right.

22 Just like you did.

23 A: Just like I did.

24 Q: And do you agree with me, you heard me in
25 Opening Statement, do you agree that when you're

1 traveling down Mattawoman Beantown Road and you're in the
2 two through lanes and the turn lanes are coming up, if
3 you want to get into one of those turn lanes you
4 essentially just go straight into it. Do you agree with
5 that?

6 A: That is correct.

7 Q: Okay.

8 There's no real turning over to the left,
9 right? You just stay where you are and it automatically
10 filters you straight into that left turn lane.

11 A: That's the way it's supposed to be.

12 Q: Right.

13 That's the way it was for you on the date of
14 the accident, right?

15 A: That was the way for me.

16 Q: Okay.

17 But it's your testimony that the tanker truck
18 instead of staying straight and filtering right into that
19 left turn lane it went off to the right to follow the --
20 the through lane; the left through lane.

21 A: He stayed straight.

22 Q: Do you agree that that tractor trailer that
23 you saw, the tanker trailer; do you agree that it
24 ultimately did make a left turn on Leonardtown Road?

25 A: Yes, I do agree with that.

Q: Do you agree that it ultimately made the
2 left turn from the right left turn lane?

3 A: Ultimately.

4 Q: Okay.

5 When you were change -- when you were
6 filtering into the left turn lane ultimately --
7 well you were previously you were behind the tractor
8 trailer. What was the distance between the front of
9 your vehicle and the rear of the tanker trailer as
10 you were approaching where the lanes open up into the turn lanes?

11 A: I can't recall.

12 Q: Okay.

13 But you agree that you got from wherever you
14 were at that point up to a point where you're next to
15 the rear tandem wheels of the tanker trailer? You
16 agree with that, right?

17 A: Yes.

18 Q: Did you accelerate up to that point?

19 A: No.

20 Q: Did the tanker trailer decelerate back
21 to that point?

22 A: He could have but I-- I don't recall.

23 Q: Okay.

24 Was the tanker trailer accelerating or
25 decelerating at the time that it entered, as you say,

1 it entered into your lane?

2 A: I can't recall.

3 Q: Okay.

4 Do you know how fast Ms. Young was going in her

5 Honda?

6 A: No, I don't.

7 She didn't have a Honda.

8 Q: Sorry -- in -- in her Dodge. I do

9 apologize. You're quite correct. Thank you for clearing

10 that up for me so the record is clear.

11 Do you know how fast she was going in her

12 Dodge?

13 A: No, I don't.

14 Q: Okay.

15 When you changed lanes, as you described

16 abruptly, into the left lane -- into the *lane* that Ms.

17 Young was in did you accelerate or did you decelerate or

18 did you maintain your constant speed?

19 A: It happened so abruptly I don't recall.

20 Q: Do you recall whether you applied the

21 brakes as you made the lane change into the left lane?

22 A: I don't recall.

23 Q: Okay.

24 But up until that point you do recall that you

25 were traveling at a constant speed at the speed limit up

until the point that you made the abrupt lane change to the left?

A: Yes.

Q: Okay.

But whether or not you accelerated or decelerated or braked or whatever, you have no knowledge in terms of the lane change?

A: I just can't remember.

Q: Okay.

But you do remember you didn't *indicate*?

A: Correct.

Q: And you do remember you didn't sound your horn when you saw a tanker trailer coming into your lane?

A: I do remember that.

Q: Okay.

A: I remember just getting out of his way.

Q: Okay.

In terms of the distance from Leonardtown Road to the point where the accident occurred, what -- what was that distance?

A: In my original statement I said I recall -- I used a football field to kind of judge it. So I said it was about 80 yards.

Q: Okay.

I -- I believe you're referring to your

1 Deposition transcript where you said, using a football
2 field as -- as a yardstick you thought it was less than a
3 football field's distance, right?

4 A: Yes.

5 Q: 80 yards and that would be about 240 feet,
6 right?

7 A: I don't know the math.

8 Q: Okay.

9 If there are three feet in a yard, three times
10 80; 240. You're not familiar with the-- the three feet
11 in a yard?

12 A: Not that quick as you.

13 Q: Okay.

14 (Laughter.)

15 A: I don't have a law degree and I didn't--
16 math wasn't my thing.

17 Q: All right.

18 MR. BRATT: I have one but I can't do it.

19 Q: When you were next to the rear tandem
20 wheels of the tanker trailer and you perceive for the
21 the first moment that you perceived that it was coming
22 into your lane as you suggest why didn't you hit the
23 brakes?

24 A: It was a sudden decision. I didn't have
25 time to think that quick. It was abrupt.

1 I didn't my first thought was I don't want
2 to get hit by this this truck carrying fuel.

3 Q: Right, but were you aware that there were
4 any vehicles directly behind you in that lane that
5 would have -- would have presented a danger if you
6 applied your brakes?

7 A: I was trying to get out of the way of this
8 humungous truck.

9 Q: Okay.
10 It's a very--it was a very noticeable thing,
11 right? It's right next to you. It's very large and it's
12 -- you-- you can see it, right?

13 A: You're correct.

14 Q: You -- you even say as you indicate you
15 caught it out of your peripheral vision, right?

16 A: Correct.

17 Q: Okay.

18 Hard to miss?

19 A: Correct.

20 Q: Cause it's a lot taller than the vehicle
21 you're in, right?

22 A: Correct.

23 Q: Okay.

24 And just so we're clear, it's a big shiny
25 silver tank, right?

A: Correct.

2 Q: Okay.

3 Your brother, Dewayne, that you refer to - is
4 he gonna be here today to testify?

5 A: No.

6 Q: Okay.

7 The police officer that you spoke to, is he
8 coming to testify today?

9 A: No.

10 Q: Now, you told the police officer that you
11 had been run off the road by a tanker trailer. Did you

12 ask him to go and radio ahead and stop the BTL tanker
13 trailer on the highway?

14 A: No, I did not.

15 Q: Okay.

16 Do you have a police report here today with
17 you?

18 A: They didn't make a police report.

19 Q: Prior to making your lane change to the
20 left did you think or *did* -- were you aware that there
21 were any vehicles ahead of you in the left, the
22 furthestest left left turn lane, that it would have
23 presented a danger for you to accelerate and move to the
24 left?

25 A: I didn't recall any vehicles ahead of me.

1 Q: Okay.

2 Just want to -- go back to the Exhibit Number
3 2; Plaintiff's Exhibit Number 2, that you compiled.

4 Why is it in Plaintiff's Exhibit Number 2 you
5 put my client's vehicle not only in the left through
6 lane but she's also encroaching on the right through lane?

7 A: Well, actually I was a cut and paste. I
8 didn't have all the engineering tools that you had to
9 paste it together. It was the tools that you provided to
10 me so I cut by hand and placed them there. And they were just
blown up from that.

12 Q: Okay.

13 But you're not suggesting by this that you saw
14 or you have knowledge that my client veered into the
15 right turn?

16 A: No.

17 Q: Right through lane?

18 A: By -- by no means.

19 Q: Okay.

20 You'd been following that tractor trailer for a
21 while, Mr. Ervin, hadn't 'cha?

22 A: About two miles probably.

23 Q: Okay.

24 And I guess given that it's a tanker truck it
25 would have stopped completely in advance of the railroad

1 tracks. Do you remember that? And you probably would
2 have to stop behind it?

3 A: No.

4 Q: You don't recall that?

5 A: No, well if that's the case, as I stated
6 there were three lanes. He turned *in* the furthest
7 right lane. So I may have been in front of him by that
8 time and he passed me at one point.

9 Q: And were you getting frustrated with the
10 tractor trailer driver?

11 A: No.

12 Q: I don't have any further questions.

13 THE COURT: Re-direct.

14

Appendix B

You have been summoned for jury duty for a civil law suit. In a civil law suit, the jury member's responsibility is to determine whether the defendant, who is the person on trial, is liable (meaning responsible) for some damage caused to the plaintiff, who is the person accusing the defendant. In order for the jury to determine whether the defendant is liable, they must listen to all the evidence and then decide whether there is a "preponderance of evidence" that the defendant is responsible for the damages. A "preponderance of evidence" means that it is more likely than not that the defendant was responsible for the damages, which generally means a more than 50% chance that the defendant is liable. If the defendant is found to be liable for the damages, the jury may then decide on an amount of money that the defendant must pay the plaintiff to compensate for these damages.

The plaintiff in this case is suing the driver of a car (Mike/Sara) that he claims injured him while recklessly attempting to change lanes to avoid a large tractor-trailer. It is the plaintiff's contention that that Mike/Sara should have been more mindful of the traffic around him/her when he/she attempted to change lanes, and that this lack of mindfulness makes him/her responsible for the injuries the plaintiff received in the crash and the damages to her car.

However, Mike/Sara maintains that the accident was the fault of the tractor-trailer driver, who he/she claims changed lanes without being aware of the traffic around him and that his/her reaction was a split second decision made in the moment that he/she saw the truck abruptly entering his/her lane. Therefore he/she should not be held accountable for the plaintiff's injuries or damages sustained to her car.

The question put before the jury is whether Mike/Sara changed lanes recklessly and is at fault for the injuries sustained by the other driver. The jury is being asked to decide whether

(Mike/Sara) should be responsible for paying for the damage to the plaintiff's vehicle and medical bills accrued due to injuries she received during the accident. In the following, the lawyer (John/Jane) for the plaintiff is questioning Mike/Sara about the incident at the center of the trial.

Appendix C

Less Polite Lawyer Manipulation

Lawyer:	Do you agree with me, as you heard in Opening Statement, that when you're traveling down Mattawoman Beantown Road and you're in the two through lanes and the turn lanes are coming up, if you want to get into one of those turn lanes you essentially just go straight into it. Do you agree with that?
Defendant:	Yes, you are correct.
Lawyer:	I can only hope your memory for the event in question today is as good. [Politeness Manipulation Type = Negative Impoliteness (condescend, associate with negative aspect)] So, there's no real turning over to the left, would that be correct? You just stay where you are and it automatically filters you straight into that left turn lane.
Defendant:	Yes, that's correct.
Lawyer:	I simply wished to establish that you had been paying attention to your surroundings. . [Politeness Manipulation Type = Negative Impoliteness (condescend, associate with negative aspect)] And that's the way it was for you on the date of the accident, right?
Defendant:	Yes, it was.
Lawyer:	So, when you were filtering into the left turn lane - previously you were behind the tractor-trailer. What was the distance between the front of your vehicle and the rear of the tanker trailer as you were approaching where the lanes open up into the turn lanes?
Defendant:	I don't remember.
Lawyer:	Obviously your memory of the event isn't as reliable as it could be. [Politeness Manipulation Type = Negative Impoliteness (condescend, associate with negative aspect)] Do you know how fast Ms. Young was going in her Honda?
Defendant:	No, she didn't have a Honda.
Lawyer:	I misspoke, but you clearly avoided the question. [Politeness Manipulation Type = Positive Impoliteness (be unsympathetic)] Were you not paying enough attention to the traffic around you to know how fast she was going in her Dodge?
Defendant:	I don't know.
Lawyer:	Perhaps you should have been paying better attention to your surroundings. [Politeness Manipulation Type = Negative Impoliteness (condescend, associate with negative aspect)] When you changed lanes, as you described abruptly, into the

	left lane - into the lane that Ms. Young was in, did you maintain your constant speed?
Defendant:	I don't recall.
Lawyer:	And again, perhaps you were not paying enough attention to the road at the time of the accident. [Politeness Manipulation Type = Negative Impoliteness (condescend, associate with negative aspect)] Do you recall whether you applied the brakes as you made the lane change into the left lane?
Defendant:	I don't remember.
Lawyer:	As the operator of a motor vehicle it is your job to remember. [Politeness Manipulation Type = Positive Impoliteness (be unsympathetic)] In terms of the distance from Leonardtown Road to the point where the accident occurred, what was that distance?
Defendant:	I think that in my original statement, I said it was about 80 yards.
Lawyer:	I believe you're referring to your Deposition transcript where you said, using a football field as a yardstick you thought it was less than a football field's distance, right?
Defendant:	Yes, that's correct.
Lawyer:	You seem very certain of your 80 yards figure now, when your original statement says less than a football field. [Politeness Manipulation Type = Negative Impoliteness (associate with negative aspect)] So, when you were next to the rear tandem wheels of the tanker trailer and you perceive for the first moment that you perceived that it was coming into your lane as you suggest why didn't you hit the brakes?
Defendant:	I didn't have time to react.

More Polite Lawyer

Lawyer:	Do you agree with me, as you heard in Opening Statement, that when you're traveling down Mattawoman Beantown Road and you're in the two through lanes and the turn lanes are coming up, if you want to get into one of those turn lanes you essentially just go straight into it. Do you agree with that?
Defendant:	Yes, you are correct.
Lawyer:	Of course, I understand. [Politeness Manipulation Type = Politeness (showing understanding/avoiding disagreement)] There's no real turning over to the left, would that be correct? You just stay where you are and it automatically filters you straight into that left turn lane.
Defendant:	Yes, that's correct.
Lawyer:	Okay, thank you for clarifying that. And that's the way it was for you on the date of the accident, right?
Defendant:	Yes, it was.
Lawyer:	Again, thank you for clarifying. [Politeness Manipulation Type = Politeness (expressing gratitude)] So, when you were filtering into the left turn lane - previously you were behind the tractor trailer. What was the distance between the front of your vehicle and the rear of the tanker trailer as you were approaching where the lanes open up into the into the turn lanes?
Defendant:	I don't remember.
Lawyer:	I understand. [Politeness Manipulation Type = Politeness (showing understanding/avoiding disagreement)] Under the circumstances it would be difficult to remember. Do you know how fast Ms. Young was going in her Honda?
Defendant:	No, she didn't have a Honda.
Lawyer:	Sorry her Dodge. I do apologize. [Politeness Manipulation Type = Politeness apologizing]] You're quite correct. Thank you for clearing that up for me so the record is clear. Do you know how fast she was going in her Dodge?
Defendant:	I don't know.
Lawyer:	Okay, I know these things can be difficult to judge. [Politeness Manipulation Type = Politeness (showing understanding/avoiding disagreement)] When you changed lanes, as you described abruptly, into the left lane - into the lane that Ms. Young was in, did you accelerate or did you decelerate or did you maintain your constant speed?

Defendant:	I don't recall.
Lawyer:	Okay, I just wanted to make sure. [Politeness Manipulation Type = Politeness (avoiding disagreement)] Do you recall whether you applied the brakes as you made the lane change into the left lane?
Defendant:	I don't remember.
Lawyer:	Yes, I know it can be difficult to remember. [Politeness Manipulation Type = Politeness (asserting common ground/showing understanding)] In terms of the distance from Leonardtown Road to the point where the accident occurred, what was that distance?
Defendant:	I think that in my original statement, I said it was about 80 yards.
Lawyer:	Thank you for bringing up your original statement. [Politeness Manipulation Type = Politeness (expressing gratitude)] I believe you're referring to your Deposition transcript where you said, using a football field as a yardstick you thought it was less than a football field's distance, right?
Defendant:	Yes, that's correct
Lawyer:	Alright, I'm glad we are on the same page. [Politeness Manipulation Type = Politeness (asserting common ground)] When you were next to the rear tandem wheels of the tanker trailer and you perceive for the first moment that you perceived that it was coming into your lane as you suggest why didn't you hit the brakes?
Defendant:	I didn't have time to react.

Less Polite Defendant

Lawyer:	Do you agree with me, as you heard in Opening Statement, that when you're traveling down Mattawoman Beantown Road and you're in the two through lanes and the turn lanes are coming up, if you want to get into one of those turn lanes you essentially just go straight into it. Do you agree with that?
Defendant:	Obviously, that is what I said. [Politeness Manipulation Type = Positive Impoliteness (condescend/scorn)]
Lawyer:	There's no real turning over to the left, would that be correct? You just stay where you are and it automatically filters you straight into that left turn lane.
Defendant:	Yes, anyone can tell that's the way it's supposed to be. [Politeness Manipulation Type = Positive Impoliteness (condescend/scorn)]
Lawyer:	And that's the way it was for you on the date of the accident, right?
Defendant:	Why wouldn't it be if that is the way it is for everyone else? Yes, it was. [Politeness Manipulation Type = Positive Impoliteness (condescend/scorn)]
Lawyer:	When you were filtering into the left turn lane - previously you were behind the tractor trailer. What was the distance between the front of your vehicle and the rear of the tanker trailer as you were approaching where the lanes open up into the into the turn lanes?
Defendant:	How am I supposed to remember that? No, I don't remember. [Politeness Manipulation Type = Positive Impoliteness (condescend/scorn)]
Lawyer:	Do you know how fast Ms. Young was going in her Honda?
Defendant:	Clearly you don't remember, but she didn't have a Honda. [Politeness Manipulation Type = Positive Impoliteness (condescend/scorn/associate the other with negative aspect)]
Lawyer:	Do you know how fast she was going in her Dodge?
Defendant:	How would I know that? I don't know. [Politeness Manipulation Type = Positive Impoliteness (scorn)]
Lawyer:	When you changed lanes, as you described abruptly, into the left lane - into the lane that Ms. Young was in, did you accelerate or did you decelerate or did you maintain your constant speed?
Defendant:	Again, how would I remember that? I don't recall. [Politeness Manipulation Type = Positive Impoliteness (scorn)]

Lawyer:	Do you recall whether you applied the brakes as you made the lane change into the left lane?
Defendant:	No one could remember something that happened that quickly. Why would I? I don't remember. [Politeness Manipulation Type = Positive Impoliteness (scorn)]
Lawyer:	In terms of the distance from Leonardtown Road to the point where the accident occurred, what was that distance?
Defendant:	If you'd read my original statement, you'd know that I said it was about 80 yards. [Politeness Manipulation Type = Negative Impoliteness (scorn/associate the other with negative aspect)]
Lawyer:	I believe you're referring to your Deposition transcript where you said, using a football field as a yardstick you thought it was less than a football field's distance, right?
Defendant:	Yes, clearly if I said 80 yards I meant less than a football field. [Politeness Manipulation Type = Negative Impoliteness (scorn)]
Lawyer:	When you were next to the rear tandem wheels of the tanker trailer and you perceive for the first moment that you perceived that it was coming into your lane as you suggest why didn't you hit the brakes?
Defendant:	Obviously it was a sudden event. I clearly did not have time to react. Are you suggesting I should have? [Politeness Manipulation Type = Negative Impoliteness (scorn/associate the other with negative aspect)]

More Polite Defendant

Lawyer:	Do you agree with me, as you heard in Opening Statement, that when you're traveling down Mattawoman Beantown Road and you're in the two through lanes and the turn lanes are coming up, if you want to get into one of those turn lanes you essentially just go straight into it. Do you agree with that?
Defendant:	Yes, I agree with you. [Politeness Manipulation Type = Politeness seeking agreement)]
Lawyer:	There's no real turning over to the left, would that be correct? You just stay where you are and it automatically filters you straight into that left turn lane.
Defendant:	Yes, you are correct. [Politeness Manipulation Type = Politeness seeking agreement)]
Lawyer:	And that's the way it was for you on the date of the accident, right?
Defendant:	Yes, it was. [Politeness Manipulation Type = Politeness seeking agreement)]
Lawyer:	So, when you were filtering into the left turn lane - previously you were behind the tractor trailer. What was the distance between the front of your vehicle and the rear of the tanker trailer as you were approaching where the lanes open up into the into the turn lanes?
Defendant:	Sorry, I don't remember. [Politeness Manipulation Type = Politeness avoiding disagreement/apologizing)]
Lawyer:	Under the circumstances it would be difficult to remember. Do you know how fast Ms. Young was going in her Honda?
Defendant:	Sorry, but she didn't have a Honda, I believe. [Politeness Manipulation Type = Politeness avoiding disagreement/apologizing/not presuming)]
Lawyer:	Do you know how fast she was going in her Dodge?
Defendant:	I'm sorry to say that I don't know. [Politeness Manipulation Type = Politeness avoiding disagreement/apologizing)]
Lawyer:	When you changed lanes, as you described abruptly, into the left lane - into the lane that Ms. Young was in, did you accelerate or did you decelerate or did you maintain your constant speed?
Defendant:	Unfortunately, I don't recall. [Politeness Manipulation Type = Politeness showing deference)]
Lawyer:	Do you recall whether you applied the brakes as you made the lane change into the

	left lane?
Defendant:	No, I can't say that I remember. [Politeness Manipulation Type = Politeness avoiding disagreement)]
Lawyer:	In terms of the distance from Leonardtown Road to the point where the accident occurred, what was that distance?
Defendant:	Well, I believe that in my original statement, I said it was about 80 yards, correct? [Politeness Manipulation Type = Not presuming)]
Lawyer:	I believe you're referring to your Deposition transcript where you said, using a football field as a yardstick you thought it was less than a football field's distance, right?
Defendant:	Yes, you are correct. [Politeness Manipulation Type = Politeness seeking agreement)]
Lawyer:	When you were next to the rear tandem wheels of the tanker trailer and you perceive for the first moment that you perceived that it was coming into your lane as you suggest why didn't you hit the brakes?
Defendant:	I'm afraid I didn't have time to react. [Politeness Manipulation Type = Politeness showing deference)]

1	2	3	4	5	6	7	8	9	10
Tense									Relaxed
1	2	3	4	5	6	7	8	9	10
Shaken									Poised
1	2	3	4	5	6	7	8	9	10
Not Self-Assured									Self-Assured
1	2	3	4	5	6	7	8	9	10
Uninformed									Informed
1	2	3	4	5	6	7	8	9	10
Illogical									Logical
1	2	3	4	5	6	7	8	9	10
Uneducated									Educated
1	2	3	4	5	6	7	8	9	10
Unwise									Wise
1	2	3	4	5	6	7	8	9	10
Unscientific									Scientific

In-role Behaviors

Please rate the lawyer/defendant for the following items on the scale provided.

	1 Disagree Strongly	2 Disagree	3 Disagree A little	4 Neither Agree Nor Disagree	5 Agree A Little	6 Agree	7 Agree Strongly
1 Adequately completes expected duties for the job of lawyer.	1	2	3	4	5	6	7
2 Fulfills responsibilities expected in job description of lawyer.	1	2	3	4	5	6	7
3 Performs tasks that are expected of him/her as a lawyer.	1	2	3	4	5	6	7
4 Meets formal performance requirements of being a lawyer.	1	2	3	4	5	6	7
5 Neglects aspects of the job he/she is obligated to perform as a lawyer.	1	2	3	4	5	6	7
6 Fails to perform essential duties of being a lawyer.	1	2	3	4	5	6	7

Based on the testimony you have read:	1	2	3	4	5	6	7
	Extremely Unlikely	Very Unlikely	Somewhat Unlikely	Neither unlikely nor likely	Somewhat likely	Very likely	Extremely Likely
1. How likely are you to decide in favor of the defendant?	1	2	3	4	5	6	7
2. How likely are you to decide in favor of the plaintiff?	1	2	3	4	5	6	7
3. How likely do you believe it is that someone in your age group would decide in favor of the defendant?	1	2	3	4	5	6	7
4. How likely do you believe it is that someone in your age group would decide in favor of the plaintiff?	1	2	3	4	5	6	7
5. How likely do you believe it is that someone in a jury would decide in favor of the defendant?	1	2	3	4	5	6	7
6. How likely do you believe it	1	2	3	4	5	6	7

is that
someone in a
jury would
decide in favor
of the
plaintiff?

Appendix E

Please rate the emotional tone of the lawyer in the above scenario in terms of the following adjectives. You need to ask yourself, "How did the lawyer's interactions with the defendant sound?" For example, if you feel that the lawyer sounded extremely pleasant, choose 6 or 7. If you think that lawyer did not sound pleasant at all, choose 1 or 2. Otherwise, choose a number in the middle of the scale (3, 4 or 5) that best represents your thoughts on how the lawyer sounded.

The lawyer sounded:

	1 Not at all	2	3	4 Neutral	5	6	7 Extremely
Cold							
Caring							
Hostile							
Respectful							
Impolite							
Affirming							
Assertive							
Negative							
Competitive							
Controlling							
Directive							
Supportive							
Cooperative							
Professional							
Aggressive							

Appendix F

Table 1. Independent samples t-test results

	More Polite Lawyer		Less Polite Lawyer		t	More Polite Defendant		Less Polite Defendant		t
	M	SD	M	SD		M	SD	M	SD	
Warmth	5.0	1.28	3.43	1.04	-6.09*	4.65	1.03	2.91	1.18	7.30*
Assertiveness	4.06	1.23	5.0	1.09	3.66*	2.44	1.15	4.52	0.99	-9.16*

* $p < 0.05$

Table 2. One sample t-test results

	More Polite Lawyer			Less Polite Lawyer			More Polite Defendant			Less Polite Defendant			T
	M	SD	t	M	SD	t	M	SD	t	M	SD	T	
Warmth	5.0	1.28	4.74*	3.43	1.04	3.71	4.65	1.03	4.05	2.91	1.18	6.30	
Assertiveness	4.06	1.23	0.33*	5.0	1.09	6.02	2.44	1.15	8.69	4.52	0.99	3.66	

* $p < 0.05$

Table 3. Correlation among the credibility subscales.

	1	2	3	4	M	SD
1. Confident					6.92	1.69
2. Likable	.27*				5.72	2.39
3. Trustworthy	.55*	.61*			6.27	1.86
4. Knowledgeable	.65*	.34*	.63*		6.68	1.77

* $p < 0.05$

Table 4. Descriptive Statistics for credibility

	Male			Female		
	<i>M</i>	<i>SD</i>	<i>N</i>	<i>M</i>	<i>SD</i>	<i>N</i>
Lawyer Sex						
Confidence	7.00	1.67	160	6.83	1.71	161
Likability	5.57	2.46	160	5.87	2.33	162
Trustworthiness	6.23	1.93	161	6.30	1.78	163
Knowledge Level	6.78	1.65	158	6.59	1.88	162
	More Polite			Less Politeness		
	<i>M</i>	<i>SD</i>	<i>N</i>	<i>M</i>	<i>SD</i>	<i>N</i>
Politeness Level (Lawyer)						
Confidence	7.03	1.74	150	6.82	1.64	171
Likability	7.03	2.10	151	4.56	2.00	171
Trustworthiness	6.55	1.91	153	6.02	1.78	171
Knowledge Level	6.64	1.50	150	6.72	1.70	170
	More Polite			Less Politeness		
	<i>M</i>	<i>SD</i>	<i>N</i>	<i>M</i>	<i>SD</i>	<i>N</i>
Politeness Level (Defendant)						
Confidence	6.95	1.72	161	6.88	1.66	160
Likability	5.57	2.35	160	5.88	2.43	162
Trustworthiness	6.25	1.74	162	6.29	1.87	162
Knowledge Level	6.68	1.13	160	6.68	1.80	162

Table 5. Results for credibility follow-up ANOVAs

	<i>F</i>	<i>df</i>	<i>df</i> error	η_p^2
Lawyer Sex				
Confidence	1.40	1	309	0.01
Likability	0.59	1	309	0.00
Trustworthiness	0.02	1	309	0.00
Knowledge Level	0.73	1	309	0.00
Politeness of Lawyer				
Confidence	2.69	1	309	0.01
Likeability	112.91*	1	309	0.27
Trustworthiness	5.68	1	309	0.02
Knowledge Level	0.06	1	309	0.00
Politeness of Defendant				
Confidence	0.74	1	309	0.00
Likeability	1.21	1	309	0.00
Trustworthiness	0.00	1	309	0.00
Knowledge Level	0.00	1	309	0.00
Sex of Lawyer \times Politeness of Lawyer				
Confidence	0.38	1	309	0.00
Likeability	0.02	1	309	0.00
Trustworthiness	1.86	1	309	0.01
Knowledge Level	0.54	1	309	0.00
Sex of Lawyer \times Politeness of Defendant				
Confidence	2.81	1	309	0.01
Likeability	1.44	1	309	0.01
Trustworthiness	1.28	1	309	0.00
Knowledge Level	0.09	1	309	0.00
Politeness of Lawyer \times Politeness of Defendant				
Confidence	3.76	1	309	0.01
Likeability	0.11	1	309	0.00
Trustworthiness	0.03	1	309	0.00
Knowledge Level	1.20	1	309	0.00

Table 5 continued

	<i>F</i>	<i>df</i>	<i>df</i> error	η_p^2
Lawyer Sex \times Politeness of Lawyer \times Politeness of Defendant				
Confidence	0.55	1	309	0.00
Likeability	0.12	1	309	0.00
Trustworthiness	0.64	1	309	0.00
Knowledge Level	1.41	1	309	0.01

* $p < 0.01$

Table 6. Descriptive Statistics for job performance

	Male			Female		
	<i>M</i>	<i>SD</i>	<i>N</i>	<i>M</i>	<i>SD</i>	<i>N</i>
Lawyer Sex Job Performance	5.35	1.07	157	5.17	1.22	157
	More Polite			Less Politeness		
	<i>M</i>	<i>SD</i>	<i>N</i>	<i>M</i>	<i>SD</i>	<i>N</i>
Politeness Level (Lawyer) Confidence	5.22	1.14	150	5.29	1.17	164
	More Polite			Less Politeness		
	<i>M</i>	<i>SD</i>	<i>N</i>	<i>M</i>	<i>SD</i>	<i>N</i>
Politeness Level (Defendant) Confidence	5.29	1.13	157	5.22	1.18	157

Table 7. Results for job performance

	<i>F</i>	<i>df</i>	<i>df error</i>	η_p^2
Lawyer Sex	1.94	1	306	0.01
Politeness of Lawyer	0.19	1	306	0.00
Politeness of Defendant	0.22	1	306	0.00
Politeness of Lawyer × Lawyer Sex	0.61	1	306	0.00
Politeness of Defendant × Lawyer Sex	0.02	1	306	0.00
Politeness of Lawyer × Politeness of Defendant	1.65	1	306	0.00
Politeness of Lawyer × Politeness of Defendant × Lawyer Sex	0.29	1	306	0.00

Table 8. Descriptive Statistics for verdict outcome

	Male			Female		
	<i>M</i>	<i>SD</i>	<i>N</i>	<i>M</i>	<i>SD</i>	<i>N</i>
Lawyer Sex						
Verdict Lawyer	4.49	1.14	160	4.36	1.15	164
Verdict Defendant	3.85	1.10	160	3.86	1.24	162
	More Polite			Less Politeness		
	<i>M</i>	<i>SD</i>	<i>N</i>	<i>M</i>	<i>SD</i>	<i>N</i>
Politeness Level (Lawyer)						
Verdict Lawyer	4.48	1.18	152	4.38	1.12	172
Verdict Defendant	3.79	1.21	152	3.92	1.14	170
	More Polite			Less Politeness		
	<i>M</i>	<i>SD</i>	<i>N</i>	<i>M</i>	<i>SD</i>	<i>N</i>
Politeness Level (Defendant)						
Verdict Lawyer	4.40	1.06	162	4.45	1.23	162
Verdict Defendant	3.91	1.05	160	3.80	1.28	162

Table 9. Multivariate results for verdict outcomes

	<i>F</i>	<i>df</i>	<i>df</i> error	η_p^2
Verdict outcome in favor of the lawyer or the defendant	1	23.37*	314	0.07
Politeness of Lawyer	1	1.03	314	0.003
Politeness of Defendant	1	0.70	314	0.002
Lawyer Sex	1	0.69	314	0.002
Politeness of Lawyer × Politeness of Defendant	1	3.08	314	0.01
Politeness of Lawyer × Lawyer Sex	1	2.04	314	0.006
Politeness of Defendant × Lawyer Sex	1	0.03	314	0.000
Politeness of Lawyer × Politeness of Defendant × Lawyer Sex	1	0.27	314	0.01

* $p < 0.05$

Table 10. Correlation among the dependent variables for female lawyers.

	1	2	3	4	5	6	M	SD
1. Confident							6.83	1.71
2. Likable	0.17**						5.87	2.33
3. Trustworthy	0.53**	0.52**					6.30	1.78
4. Knowledgeable	0.68**	0.24**	0.66**				6.59	1.88
5. Job Performance	0.52**	0.12	0.56**	0.72**			5.16	1.22
6. Verdict Outcome in Favor of Lawyer	0.23**	0.17*	0.38**	0.41**	0.48**		4.36	1.15
7. Verdict Outcome in Favor of Defendant	-0.16*	-0.16*	-0.26**	-0.29**	-0.28**	-0.72**	3.37	1.24

* $p < 0.05$ ** $p < 0.01$

Table 11. Correlation among the dependent variables for male lawyers.

	1	2	3	4	5	6	M	SD
1. Confident							7.00	1.67
2. Likable	0.37**						5.57	2.46
3. Trustworthy	0.58**	0.68**					6.23	1.93
4. Knowledgeable	0.61**	0.45**	0.61**				6.78	1.65
5. Job Performance	0.47**	0.29**	0.49**	0.60**			5.35	1.07
6. Verdict Outcome in Favor of Lawyer	0.36**	0.40**	0.44**	0.41**	0.46**		4.49	1.14
7. Verdict Outcome in Favor of Defendant	-0.30**	-0.32**	-0.35**	-0.37**	-0.33**	-0.76**	3.85	1.10

* $p < 0.05$ ** $p < 0.01$