Jury Interactions: The Effects of Gender of the Defence Attorney and Crime Domain on Juror Decision-Making

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Thesis submitted to the University of Ottawa in partial fulfillment of the requirements for the degree of

Master of Arts in Criminology

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Abstract

This thesis examines the existence of an interaction between the gender of the defence attorney and the crime domain of the accused person represented by the defence attorney when predicting juror verdict, juror certainty in his/her verdict and juror perceptions of the credibility of the defence attorney. More broadly, this study explores a possible gender-domain congruency effect on juror decision-making and whether jurors apply gender schemas when processing information presented by male versus female attorneys in particular crime domains. Specifically, this investigation hypothesizes that in cases in which female defence attorneys represent crimes perceived to be in an area of women's expertise, jurors resort to gender stereotypes, perceiving them as not only more credible than male defence attorneys but also more likely to find the accused person not guilty as well as have a greater degree of certainty in this verdict. To test this theory, an Ottawa community sample of 80 jury-eligible participants read one of four online case vignettes in which the crime domain and the gender of the defence attorney varied. Findings demonstrate a significant main effect of gender whereby mock jurors are more likely to impose a guilty verdict with a male versus a female defence attorney. Further, the crime domain of the accused person whom the defence attorney represents emerged as a significant main effect predicting the perceived credibility of the defence attorney. That is, regardless of gender, the defence attorney was perceived as more credible when representing the defendant accused of aggravated assault than of sexual assault. However, a significant interaction effect of the gender of the defence attorney and crime domain was not found. The implications of these findings as they relate to the impact of extralegal factors on juror decision-making are discussed, particularly in light of the continuing existence of gender stereotypes and their ramifications for modern Canadian juries.

Acknowledgements

First and foremost, I would like to offer special thanks to my supervisor, Dr. Cheryl Webster, for her unwavering and gracious support. I am particularly grateful for her enthusiastic approach, motivation and guidance, which are, by far, the main reasons that I was able to complete my thesis in a timely manner. Her attentiveness and tenacity were vital in the creation of this thesis. I would also like to thank Dr. Ronald-Frans Melchers and Dr. Carolyn Côté-Lussier for their encouragement, feedback and support during the conception of this thesis. This thesis would not exist without Dr. Melchers' purist methods and Dr. Côté-Lussier's intellectual feedback regarding my statistical analyses.

I would also like to express my appreciation for the thoughtful feedback received from the external reviewers, Dr. Anthony Doob and Dr. David Joubert. Their considerations helped to improve this thesis.

I would also like to thank Dr. Richard Dubé and Dr. Ronald-Frans Melchers for their wonderful reference letters for both the Social Sciences and Humanities Research Council and Ontario's Graduate Scholarship. Their supportive references were the driving pillars to retaining both scholarships. Last, I would also like to acknowledge and thank the University of Ottawa for providing financial assistance. The Excellence Scholarships and the Teaching Assistantships were a vital means of income which allowed me to focus on the creation, development and completion of my thesis.

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Chapter 1 – Introduction

A recent Canadian court case (*R. v. Stanley*, 2018) renewed public attention surrounding the use of jury trials in Canada. On February 09, 2018, Gerald Stanley - a Caucasian male - was acquitted by a Saskatchewan jury of the second-degree murder of a 22-year old Cree man, Colton Boushie (Roach, 2018). Public uproar arouse as no Indigenous people were selected to act as jury members and, in fact, the prosecutor used peremptory challenges to exclude five visibly Indigenous jurors from the prospective jury. Additionally, the prosecutor did not challenge any jurors on whether racial prejudice against the Indigenous victim would inhibit them from deciding the judgment of the case solely on the basis of the evidence presented (Roach, 2018). Indeed, the Boushie trial raised important concerns regarding the impartiality of juries. In particular, it called attention to potential extralegal factors (e.g., race) that may come into play when deciding the judgment of a case, renewing public – and academic – interest in this criminal procedure.

And, in fact, jury trials are not a new 'criminological' phenomenon. On the contrary, Western and European countries have employed the institution of the jury within their legal systems for several centuries (Hans & Vidmar, 2004). Having said this, juries have played diverse roles over this period. At least as early as the nineteenth century, juries were a significant part of the legal and political governance of Canada (Brown, 2009). Specifically, they were perceived as an institution that protected the freedom of subjects and communities against state oppression (Brown, 2009). Juries were mandatory for all civil and criminal cases in the Canadian inferior courts and Supreme Court. The two types of juries that were commonly utilized were trial juries and grand juries. Trial juries were composed of 12 members who rendered verdicts for civil claims and criminal offences (Brown 2009, Schuller & Vildmar, 2011). Grand juries were composed of

24 members who assisted in local governance and worked with magistrates to determine whether certain cases contained sufficient evidence to be heard by a trial jury (Brown, 2009).

However, this role became increasingly restricted over time. Concerns were initially raised pertaining to the political, fiscal and legal nature of juries (Brown, 2009). In response to these concerns, legislative developments were eventually implemented that substantially reduced the use of trial juries and grand juries in criminal and civil cases.

In Ontario, the political desire to extend state control and the rise of responsible government resulted, in the mid-nineteenth century, in the decline of the jury (Brown, 2009; Romney, 1989). Responsible government lead to the growth of political parties as well as encouraged freedom of speech. Politically oriented newspapers and public forums were a gateway for individuals to respond freely in debates over community issues. In particular, issues related to the use of juries including jury-packing (illegally influencing a jury by empanelling jury members known to be biased), poor driving conditions, public inconvenience and lack of juror compensation for their time permeated public forums and eventually became a popular subject of political press (Brown, 2009). As public concerns became more frequent, the communal dislike for juries put pressure on the Ontario government to restrict their use. In fact, the topic of the jury constituted an important intersection in which government, law and politics often met (Brown, 2009, p. 9).

Further, discussions between legal and political parties eventually lead to the creation and implementation of several statutes that attempted to address the fiscal demands of jury trials.

In Ontario, the *Law Reform Act* (1868) abolished jury trials for the majority of civil cases presented in both the inferior and Superior Courts, unless requested by the judge (Ontario Law Reform Commission, 1996). Additionally, the *Speedy Trials Act* (1869) sharply reduced the number of criminal cases heard by juries in this jurisdiction. This act required that cases be tried

by a judge alone, as the long wait times to empanel a jury were not economically viable for the state. Prior to the implementation of the bill, the delay required the offender to remain in state custody until the appointed court was in session, with the financial burden falling to the state to provide the offender with the necessary living essentials (e.g., housing, food and healthcare) (Brown, 2009). In a similar vein, the *Ontario Jury Act* (1879) gave county boards the discretion to determine the total number of jurors, which resulted in smaller jury panels as municipalities could not afford the high costs associated with the selection of jurors (Brown, 2009).

Beyond fiscal concerns, the increasing professionalism of the judiciary was another factor which contributed to the reduced reliance on the jury (Brown, 2009; Hans & Vidmar, 2004). Particularly with the increase in the education/training of criminal justice professionals, judges and lawyers were better equipped to apply the law equally to all individuals, as opposed to untrained juries (Brown, 2009). Professionals appointed within the legal sphere (e.g., judges and lawyers) advocated for the value of expert knowledge within the courtroom and contested the rationality and certainty of community knowledge. By 1984, Canadian grand juries had been completely eradicated in legislation. It became clear that the power of the judiciary had substantially increased and that of the jury had correspondingly decreased. The assumption that professional judges and lawyers could better apply the law precipitated the dissipation of the jury.

As a further reflection of these restrictions, civil jury trials have only been composed of six members as opposed to 12 since the mid-twentieth century. In the case that a juror dies or is discharged under 'reasonable cause', the judge may proceed with five members (*Courts of Justice Act*, 1990). Criminal juries are generally composed of 12 members; however, an amendment to the *Criminal Code* in 2011 under the *Fair and Efficient Criminal Trials Act* (s.7, 2011) does, in

fact, provide judges with the discretion to request 13 or 14 jurors as opposed to 12 (*Criminal Code*, s.631, 1985).

The function of today's criminal juries, prior to deliberation, involves interpreting the information presented to them in court, with the end goal of determining whether or not an accused party charged with a criminal offence is to be acquitted or convicted (Skolnik, n.d.). To this end, the judge provides jury members with judicial instructions regarding their duties as jurors prior to the commencement of trial. In particular, the judge emphasizes that the ultimate responsibility of a juror is to decide factual issues in a trial. As such, jurors are also known as triers of fact. More importantly, they are instructed that they must decide the case solely based on the evidence presented to them in the courtroom (National Judicial Institute, 2014, s.3.2). Further, the jury must hear all evidence presented at trial which can include witnesses, testimonies and arguments brought forward by either counsel (Corrick & Rosenberg, n.d.). Based on the facts of the case, jurors either convict or acquit the defendant on the grounds that the prosecution has (or has not) proven the guilt of the defendant beyond a reasonable doubt (Skolnik, n.d).

Most fundamentally, it is the jury's duty to accept the law as explained by the judge. That is, jurors should not formulate their own conceptions of the law or rely on information about the law provided from other sources (National Judicial Institute, 2014 s.3.2). To assist in the deliberation process, the judge issues final instructions (before the jury is sequestered) which explain the law that the jurors are to apply when rendering a verdict, the nature of verdicts that they may return (guilty or not guilty) and the types of defences that can be used (Corrick & Rosenberg, n.d.; National Judicial Institute, 2014, s.8.1). Further, impartiality is a constitutional requirement under s.11 (d) of the *Canadian Charter of Rights and Freedoms* (1982) and is founded on the presumption that judicial decision-making is exclusively rendered from reasoning based

upon relevant evidence admitted at trial. As such, jurors are expected - and required - to remain objective while considering and assessing trial evidence.

Notably though, criminal jury trials are not always available to all accused persons. The *Canadian Charter of Rights and Freedoms* (1982) defines one's eligibility for this criminal procedure. Specifically, s.11(f) stipulates that "any person charged with an offence has the right to be tried by a jury where the maximum punishment for the offence is imprisonment for five years or a more severe punishment". Further, jury trials can only be conducted in Superior Courts. As such, those offences deemed to be of the exclusive jurisdiction of the higher court (or, more simply, s.469 offences) automatically have the option of a jury trial. Indeed, these cases must be tried in the higher court and are generally tried by judge and jury (that is, unless the Attorney General and the accused agree to trial by judge alone pursuant to s.473).

In contrast, certain offences (known as offences of the absolute jurisdiction of the Provincial Court or, more simply, s.553 offences) are not eligible for jury trials, unless the Provincial court judge elects not to try the offence. In these cases, the case must proceed by way of preliminary inquiry (by virtue of s. 555(1)), where the accused has been deemed to have elected trial by judge and jury pursuant to s.565(1)(a) (Martins, 2019, p. 1188). Otherwise, for any pure indictable or hybrid-indictable offence in which the accused can elect the mode of trial (not including s.553 offences), a trial by jury is possible, even if the maximum penalty for the offence is less than 5 years imprisonment. Indeed, the *Criminal Code* can legally expand the *Charter*'s right to include a larger subset of offences.

Despite the wide availability of criminal jury trials, they are not a criminal procedure that is frequently used. Using data from a three-year period (1998-1999, 1999-2000 and 2000-2001) as

an illustration,[1] 929,622 cases were completed in criminal courts of Canada. However, only 17,490 (1.9%) of these cases were resolved in Superior Court (Webster & Doob, 2003; 2004, p. 90) and, as such, *eligible* for trial by jury. More importantly, even this very small percentage of cases which are eligible for a jury trial will not necessarily elect to have one. Indeed, even some of the most serious offences in Canada which the general public presume are all tried in the higher court – elect to be tried in provincial court. Illustratively, of all the murder/manslaughter/attempted murder offences completed during 1998/9-2000/01 (1,887), only 39.6% of these cases were tried by a judge or by a judge and jury in Superior Court (Webster & Doob, 2003; 2004). In fact, the majority of these cases (1,140, 60.4%) were tried by a judge alone in *Provincial* Court (Webster & Doob, 2003; 2004, p. 89). More recently, 328,028 cases were completed in criminal courts of Canada in 2014/2015. Only 1,315 (0.4%) of them were offences resolved in Superior Court (with the option of electing a trial by judge and jury) (Statistics Canada, 2017).[2] And, of these offences, only the ones with a maximum prison sentence of 5+ years were eligible for trial by jury. In other words, the number of jury trials (which would be only a fraction of these 0.4% of cases resolved in Superior Court) would likely be very small. Indeed, despite the rapid development of the Canadian jury in the early nineteenth century, it would seem that juries are seldom used in Canada today (Schuller & Vidmar, 2011).

Despite their very infrequent use, jury trials continue to garner academic attention (Hans, 2014; Roach, 2018; Schuller & Vidmar, 2011). In particular, the question of the viability of the

[1] It is important to indicate that the 1998/9-2000/01 data were taken from a study which examined – amongst other issues – the distribution of criminal cases in Provincial versus Superior Courts in Canada. The reported data relative to the latter court have the advantage of being broken down by offence type. To our knowledge, Statistics Canada does not present any detailed Superior Court data. As such, this (arguably outdated) study provides the only available data of the types of offences which appear in Superior Court and, by extension, have the option of electing a jury trial.
[2] Some caution is advised when interpreting this value. Certain jurisdictions do not yet report Superior Court data to Statistics Canada and, as such, would not be included. Even with this caveat though, it is very unlikely that their inclusion would significantly change the aforementioned estimate.

jury – particularly with regards to the (im)partiality of jury members – has been a central focus of social and legal scientists (Brown, 2009; Maeder, Yamamoto, & Saliba, 2015; Maeder & Burdett, 2013; Roach, 2018; Robinson & Jay, 2011; Voss, 2005). Specifically, legal realists within the field of jury research have questioned the presumption – on the part of legal formalists – that jury decisions are independent of other kinds of reasoning that lie beyond the purview of legal structure and principles (Leiter, 2010). In particular, legal realists argued that the rational and formalist perspective of juror decision-making fails to take into account external considerations such as political, psychological and social factors that may influence judicial decisions (Danziger, Levav, & Avnaim-Pesso, 2011; Leiter, 2010).

By extension, these scholars have questioned the ability of jurors to base their decisions solely on law and facts. They contend that extralegal factors (e.g., factors that are deemed by scholars as legally irrelevant to a case such as race, gender, socio-economic status and/or physical appearance) manifest themselves in the courtroom, implicitly influencing jurors' decision-making and the verdicts that they render (Mazzella & Feingold, 1994; Quas, Bottoms, Haegerich, & Nysse-Carris, 2002; Villemar & Hyde, 1983). Although jurors are expected to focus solely on the evidence introduced in court, results suggest that they do not always do so in practice. Unlike judges, jury members are not trained in legal doctrine and are likely to uphold perspectives consistent with those of the public domain when rendering their decisions, as opposed to adhering to legal principles.

As such, understanding the degree to which jurors use extralegal factors in determining whether or not an accused is guilty has had much appeal for scholars and professionals attempting to improve legal policies regarding jury selection and decision-making practices (Hans, 2014; Maeder, Yamamoto, & Saliba, 2015; Roach, 2018; Schuller & Vidmar, 2011). Indeed, jury

decisions have social, political and economic consequences that extend far beyond the particular parties of a case (Hans & Vidmar, 2004). For instance, criminal cases can involve millions of dollars and can put the reputation of families or corporations at risk. As such, the absence of (unintended or unconscious) juror biases becomes paramount. Juries may also decide high profile cases. Instances in which extralegal factors may be thought to have impacted the fairness of the trial can easily call the administration of justice into disrepute (Hans & Vidmar, 2004). One need only to recall the negative media headlines surrounding the Boushie trial or the murder trial of Toronto Police Constable James Forcillo. Less dramatically, as juries in Canada are prohibited from disclosing any details pertaining to the reasoning behind their verdicts (*Criminal Code*, s.649, 1985), verdicts rendered in high profile cases are often scrutinized as not all observers agree with the final outcome, leading to social and political debates regarding current issues (e.g., peremptory challenges).

Within this broader context, it would seem particularly important to identify potential extraneous influences that may implicitly bias the jurors' evaluation of the case and the verdict rendered. The more that we become aware of existing extralegal factors, the greater the likelihood of diminishing their presence in juror decision-making, ultimately minimizing the possibility of jeopardizing a fair trial (Hans & Vidmar, 2004). Although Gerald Stanley was acquitted, the prosecutor's refusal to challenge jurors on the extent to which racial bias against the Indigenous victim could influence their judgement raised concerns (particularly in the Indigenous community) on whether or not extralegal factors (e.g., racial bias) were used by jury members to exonerate Gerald Stanley (Roach, 2018).

And, in fact, current academic research has revealed that jurors are influenced by a variety of extralegal factors including race (Mitchell, Haw, Pfeifer, & Meissner, 2005; Robinson & Jay,

2011), socio-economic status (Esqueda, Espinoze, & Culhane, 2008), physical appearance (Mazzella & Feingold, 1994), and gender (Mckimmie et al., 2004; Nelson, 2004; Sumoski, 2001; Warshawsky, 1994).

For example, jurors have been found to evaluate the credibility of defendants by assessing their demeanour, non-verbal and verbal cues, prior criminal record, socio-economic status, appearance, level of competence and degree of trustworthiness (Eaton, Ball, & O'Callaghan, 2001; Maeder & Burdett, 2013; Mazzella & Feingold, 1994; Pryor & Buchanan, 1984). As a case in point, the defendant's race has been found to significantly influence his/her perceived credibility by the jurors and, ultimately, verdict judgments (Maeder & Burdett, 2013). For instance, mock jurors are more likely to find Aboriginal Canadian defendants less credible than both White and Black defendants, with the former being assigned a greater number of guilty verdicts. Similarly, jurors also tend to find male defendants guilty more often than female defendants, independent of the crime committed (Mazzella & Feingold, 1994).

But it is not only the characteristics of the defendant which have been shown to impact juror decision-making. Rather, certain attributes of the juror also appear to constitute additional extralegal influences which raise questions about the impartiality of jury members. For instance, various studies have demonstrated that male and female jurors process and respond to trial elements in different ways (ForsterLee, ForsterLee, Horowitz, & King, 2006; Maeder et al., 2016; Pozzulo, Dempsey, Maeder, & Allen, 2010; Robinson & Jay, 2011). Female jurors demonstrate the tendency to sympathize and empathize with the victim, resulting in conviction-prone behaviours. In contrast, male jurors are more evidence-driven in their evaluation of trial elements and are more likely to identify with the defendant, resulting in the allocation of more lenient verdicts (ForsterLee et al., 2006).

Interestingly, research has also suggested that attorney characteristics play a role in juror decision-making (Diamond, Casper, Heiert, & Marshall, 1996). Indeed, factors including attorney race (Cohen & Peterson, 1981; Espinoza & Willis-Esqueda, 2008), presentation of arguments (Linz & Penrod, 1984; Lubet, 1990, 1997; Miller & Mauet, 1999) and physical appearance (Voss, 2005) have been identified as extraneous influences that either compromise or preserve the attorney's degree of credibility (and ultimately his/her ability to convince the jury). In particular, results reveal that jurors who find the attorney attractive are more likely to also find him/her as more persuasive and credible than an attorney who does not possess this characteristic (Lubet, 1997; Voss, 2005). An attorney's height and style of dress are additional key influences. In particular, jurors find attorneys more credible when they are tall and maintain a conservative appearance (Voss, 2005). Similarly, research reveals that the manner in which attorneys present and structure their arguments can influence the jury (Lubet, 1990).

Perhaps not surprisingly, attorney gender has also been shown to influence juror perceptions of the attorney and ultimately the verdicts that he/she renders. In fact, a number of studies (Hahn & Clayton, 1996; Hodgson & Pryor, 1984; McGuire & Bermant, 1977; Nelson, 2004; Podgor & Pertnoy, 1991; Warshawsky, 1994) have highlighted the significant relationship between the gender of the defence attorney and juror verdicts. As a case in point, jurors tend to favour male attorneys as they consider their presentation style and demeanour to be more persuasive and credible than female attorneys (Nelson, 2004; Sumoski, 2001; Warshawsky, 1994).

In a similar vein, female attorneys are perceived by jurors as considerably less competent, experienced and qualified than male attorneys. Male attorneys are often regarded as more competent in terms of expertise and capability (Hodgson & Pryor, 1984). In fact, the gender of the defence attorney has been found to influence jurors' perceived seriousness of the crime, such that

jurors report finding crimes relatively more serious when the defence attorney is female (Hahn & Clayton, 1996). This line of research is particularly intriguing because it advances the notion that gender stereotyping and the use of gender schemas would appear to implicitly influence the manner in which jurors interpret the evidence presented at trial and, by extension, the verdicts that they render.

Notably though, the research examining the impact of attorney gender on jury verdicts has generally restricted its focus to exploring 'gender' simply as a main effect. That is, attorney gender itself influences juror decision-making, independent of other factors (McGuire & Bermant, 1977; Podgor & Pertnoy, 1991; Warshawsky, 1994). However, it is equally likely that the gender of the defence attorney also impacts jury decisions in more complex ways. In particular, attorney gender may interact with other factors, constituting yet another predictor of a jury's verdict. For instance, it may be that the gender of the defence attorney influences jury decisions differently depending on the type of crime committed. Certainly preliminary research would appear to support this notion. As an illustrative example, female attorneys are perceived as more credible than male attorneys when defending persons accused of rape (Villemur & Hyde, 1984), but are deemed less credible with other types of crimes (generally associated with males) (Hahn & Clayton, 1996; Hodgson & Pryor, 1984; May, 2014).

Unfortunately, research to-date that has examined the impact of the gender of the defence attorney on juror decision-making has paid little attention to the interaction of attorney gender with other extralegal influences. The current thesis purports to add to the existing body of jury literature by extending the research on the impact of attorney gender on juror decisions (as a main effect) to incorporate an interactive component. Specifically, this study aims to provide the reader with a more complex explanatory model which takes into account the possible interaction between the

gender of the defence attorney and the crime domain of the accused person whom the attorney represents. In brief, it proposes to (at least partially) explore the question of the extent to which juror decisions are simultaneously influenced by both factors. Such an interactive effect would also provide important support for the concept of a gender-domain congruency effect introduced by Mckimmie, et al. (2004). This theoretical construct was employed to explain why both male and female expert witnesses are perceived by mock jurors as credible, but only when the expert witness testifies in a crime domain congruent with his/her gender. By applying this concept to the gender of the defence attorney and the crime domain that he/she represents, this thesis intends to add to the criminological knowledge of the (complex) role of gender in juror decision-making and the possible implications of gender stereotypes on Canadian jury members.

To comprehend the mechanisms behind the potential influence of attorney gender and crime domain on juror decision-making, Chapter 2 explores the scholarly literature on the role of gender as an extralegal factor impacting juror decision-making. Particularly focus is given to the impact of attorney gender as a main effect. Further, Bem's (1981) gender schema theory is introduced as a means to comprehend the cognitive processes that jurors may use when processing information associated with the gender of the defence attorney. Chapter 3 lays out the methodological approach of the current research and the associated advantages and disadvantages. It describes the use of online vignettes and questionnaires to explore the influence of the gender of the defence attorney and the crime domain on a jury-eligible community sample from Ottawa, Ontario. Chapter 4 uses a variety of multivariable methods and nonparametric tests to analyze the quantitative results. Chapter 5 provides a general discussion regarding the experimental findings and situates these findings in terms of the jury literature. It concludes with a reflection on the

limitations of this study as well as recommendations for future research. The criminological contributions of the current study are also discussed.

Chapter 2 – Literature Review

2.1 Studying Extralegal Factors Impacting Juror Decision-Making

2.1.1. The complexities of juror decision-making as the central theoretical construct of interest.

Initial research on jury decision-making has focused on jury *verdicts* (Hans & Vidmar, 1991; Hans & Vidmar, 2004; Kalven & Zeisel, 1971). In fact, such studies date back to at least the 1950s with the Chicago Jury Project being the first systematic study of juror decision-making as measured by the jury's verdict (Kalven & Zeisel, 1971). This is, of course, a natural focus as verdicts are the most obvious outcome and have the most significant impact on post-trial decisions. Indeed, the central concern for theorists, at this point, was the final *outcome* of jury deliberations.

While the construct of juror decision-making was commonly understood as the verdict that the jury rendered, subsequent research in various countries, including Canada, conducted similar research to that of the Chicago Jury Project but began to explore other related dimensions (Hans & Vidmar, 2004). Most notably, research began examining the *process* involved in juror decision-making. Specifically, the various mechanisms leading to a final outcome (jury verdict) were the new object of study. As such, attention shifted largely to the deliberation process and the ways in which to simulate such a process (ForsterLee et al., 2006; Hastie, 1993; Kassin & Wrightsman, 1979; Maeder, Yamamoto, & Saliba, 2015). Within this context, the certainty of juror decisions emerged as an especially relevant object of inquiry.

This subsequent focus on the degree of certainty that jurors allocate to their verdict is rooted in two different – albeit related - factors. The first reason speaks to the various aspects of jury simulation methodology. Canadian researchers who are interested in studying the effects of jury decision-making are often required to simulate the deliberation process because jurors in Canada are prohibited from disclosing any information pertaining to the deliberation of a particular case

(*Criminal Code*, s.649, 1985). That being said, simulating the deliberation process is often abandoned because of its high costs. Further, literature has demonstrated that jurors appear to reach an initial decision about their verdict prior to deliberating, such that no significant differences have been found to exist between the collection of jurors' initial decisions and the jury's final verdict (Hastie, 1993; Kerr and Bray, 2005; Weiten & Diamond, 1979). As a result, the process of jury decision-making was examined whereby verdict certainty was assessed as a means of replicating the deliberation process.

The second reason is the possibility that a juror's degree of certainty in the verdict can ultimately influence the discussions taking place in the deliberation process (Hastie, 1993; Hastie, Penrod, & Pennington, 1983). Specifically, jurors who exhibit a high degree of certainty in their initial decisions may dominate deliberations and influence jurors who are less certain in their verdicts (Smith & Wales, 2000). Indeed, these jurors are more likely to retain their initial decisions, whereas jurors who are less certain may be more inclined to revise their final decisions (Diamond, 1997; Smith & Wales, 2000). Although we are not interested in judgements and decisions made during deliberation *per se*, the degree of certainty that a juror sustains in his/her initial decision may provide a window into one of the principal processes involved in jury decision-making as well as potentially forecast the final outcome of a jury's verdict.

Simultaneous to this focus on process, research also expanded the fundamental construct of juror decision-making to include an examination of the principal *actors* involved in jury decision-making (Cohen & Peterson, 1981; Diamond et al, 1996; Maeder, et al., 2016; Nelson, 2004; Sumoski, 2001). That is, no longer were theorists solely reliant on the outcome and process. Rather, the purview of juror decision-making had been broadened whereby the roles of the principal participants were also taken into account. Notably within the context of this study,

attention has been given to the credibility of the attorney as perceived by the jurors as a significant factor impacting juror decision-making.

In particular, an attorney's credibility has been identified as fundamental to his/her effectiveness at trial as the attorney must convince jury members that he/she is capable of effectively advocating for the client and that his/her arguments should be taken seriously (Nelson, 2004). Importantly, an attorney's ability to effectively persuade jurors to perceive him/her as credible is reliant on two components: perceived competence and trustworthiness of the attorney (Lafferty, 2005). Notably though, the former has been shown to be the most persuasive factor impacting jurors' examinations of the attorney's credibility (Lafferty, 2005; Nelson, 2004).

Attorney competence is determined by the degree to which jurors consider him/her to be prepared and informed on the subject matter and procedure. As it refers to the degree to which jurors believe in the attorney's professional abilities, it can act as a turning point in determining how credible the attorney may be perceived to be by jurors. Ironically, although attorneys may objectively possess the necessary competence in the areas in which they are practising, their ultimate success depends on their *perceived* competence within the courtroom (DRI, 2004). While every case is conceptualized by attorneys as a battle for jurors' confidence in the attorneys' credibility, attorneys who are presumed to be competent are more able to effectively persuade and inspire jurors to perceive them as credible and to render a verdict in favour of their arguments (Lafferty, 2005).

Overall, we would suggest that all three dimensions of juror decision-making (outcome/process/actors) are important. Indeed, the analysis of all three dimensions constitutes a more complete – albeit more complex – object of study. Not surprisingly, much of the scholarly literature has explored them. Importantly though, much of the research has focused on only one of

these various factors in any one investigation. The current study proposes to incorporate all three of them. In this way, a more realistic picture of juror decision-making will arguably emerge. Indeed, all three constructs provide insight into the direct and indirect impact of extralegal factors on juror decision-making.[3]

2.1.2. Research on extralegal factors affecting juror decision-making. There is a long history in social science research examining the effects of extralegal factors on juror decision-making. One of the first studies dates back as early as 1977 (McGuire & Bermant, 1977). Perhaps reflecting its fundamental role, this research highlighted the significant relationship between gender and juror decision-making. Subsequent (more recent) examinations have corroborated its impact (McGuire & Bermant, 1977; Mckimmie et al., 2004; Nelson, 2004; Sumoski, 2001; Warshawsky, 1994). However, the number of factors beyond gender that have been identified as having an effect is non-trivial. For example, current academic research provides evidence to suggest that juror decision-making is influenced by a variety of extralegal factors including race (Mitchell, Haw, Pfeifer, & Meissner, 2005; Robinson & Jay, 2011), socio-economic status (Esqueda, Espinoze, & Culhane, 2008), and physical appearance (Mazzella & Feingold, 1994). Given their potential to bias the results of a jury decision as well as justify concerns with perceptions of the (un)fairness of juror decision-making and, by extension, the (dis)continuing role of juries in the Canadian criminal justice system, extralegal influences clearly constitute an area meriting further scholarly attention.

2.1.3 The role of attorney characteristics as a significant extralegal factor. Perhaps not surprisingly, attorney characteristics as an extralegal factor would appear to play an important role

[3] Ideally, it would have been interesting to examine each of these dimensions not only as individual dependent variables (as carried out in this study) but also as an integrated model (exploring the relationships between them). However, the current study's small sample size precluded this more sophisticated analysis.

in juror decision-making (Diamond et al., 1996). Equally notable, the identification of this role is not new – studies date back to at least 1981. Nor is this role simplistic in nature. Indeed, a number of different attorney characteristics have been identified as impacting juror decision-making. For instance, the attorney's race (Cohen & Peterson, 1981; Espinoza & Willis-Esqueda, 2008), his/her performance and behaviour (Luciano & Anakwe, 2013; Wood, Sicafuse, Miller, & Chomos, 2011) and his/her presentation style (Hahn & Clayton, 1996; Hobbs, 2003) have all been the focus of research which has examined the ways in which these extralegal characteristics influence particular factors of juror decision-making, including verdicts and perceived credibility of the attorney. Specifically, jurors are found to evaluate the credibility of attorneys and render verdicts by basing their assessment on these (and other) extralegal characteristics rooted in the attorney him/herself (Lubet, 1997).

In particular, speech style, eye contact, physical appearance, presentation of facts and body language have been identified as important factors employed by attorneys to persuade the jury as well as used by jurors to judge the attorney's credibility (Voss, 2005). For example, defence attorneys in criminal cases who use abstract and vague language to present the meaning of the evidence are likely to gain an advantage and increase their odds of achieving an acquittal (Voss, 2005). Jurors also perceive attorneys who use more nouns and verbs, rather than adjectives, to describe the events of the case as more dependable and realistic. In addition to the use of nouns and verbs, the use of high school-level language by attorneys also translates into their perception by jurors as more competent, trustworthy and convincing (Voss, 2005). Attorneys who are overly expressive with their body language and tones are sometimes deemed distracting by jurors (Lebovits, 2013). As a result, attorneys are taught to vary their speech tones, body language and gestures in order to effectively persuade jurors.

Other studies have addressed the importance of leadership skills in the art of persuading a jury (Lafferty, 2005; Perrin, Caldwell & Chase, 2011). Particularly, Lafferty (2005) contends that an attorney's ability to effectively advocate for his/her client is heavily reliant on his/her leadership skills and forms of personal communication. Attorneys who communicate in a charismatic and inspirational manner are found to have more success in encouraging confidence and trust among jurors (Lafferty 2005). Although not as salient of a factor compared to competence, perceived trustworthiness is determined by the degree to which jurors believe the attorney to have "…a sincere personal commitment to the case" that they are representing (Lafferty, 2005, p.526). Jurors perceive a higher degree of trustworthiness and are more likely to vote in favour of an attorney who demonstrates inspiration, politeness, fairness and respect to all members of a case.

Furthermore, the manner in which attorneys present and structure their facts can influence the jury. Scholars suggest that attorneys should use a technique of 'story framing' or storytelling in order to increase their perceived credibility (Lubet, 1990, 1997; Miller & Mauet, 1999; Linz & Penrod, 1984; Voss, 2005). It is thought that jurors arrange evidence presented at trial into a chronological narrative or story-like organization (Hastie, 1993). They rely extensively on story-like frameworks to reconstruct and interpret the facts of the case in order to help them render a pre-deliberation decision (Linz & Penrod, 1984). As a result, attorneys are taught to set up their opening statements, direct and cross examinations and closing arguments accordingly, so as to provide jurors with a consistent and familiar decision-making framework. By extension, attorneys who present jurors with a coherent story of the arguments constructed around a compelling and logical theme, schema or theory about what took place are likely to "…facilitate [the juror's] naturally occurring fact-reconstruction process" (Linz & Penrod, 1984, p. 6). And, in fact, providing jurors with a story-like structure of the arguments serves three functions: it provides

jurors with memorable pieces of information; it serves to facilitate jurors' ability to draw inferences about what must have happened; and it helps guide jurors in their decision-making (Linz & Penrod, 1984; Voss, 2005). Overall, jurors are more persuaded and likely to recall and retain information when attorneys present the theme of the arguments according to a chronological story narrative.

Additionally, physical appearance and attributes such as attire, height and attractiveness also serve as extralegal factors that either compromise or preserve the attorney's degree of credibility. Many attorneys wear clothing of certain colours to influence their audience during trial proceedings. For instance, attorneys often wear the colour blue, as it is believed that blue has a calming and trust-inducing effect on jurors (Voss, 2005). Jurors also find attorneys more credible when they are tall and physically attractive (Lubet, 1997). Though physical attraction is a subjective phenomenon, when jurors perceive an attorney to be more attractive than usual, they are likely to find the attorney more persuasive (Linz & Penrod, 1984; Voss, 2005). Further, jurors are also likely to find attorneys more reliable when they can relate to them in terms of appearance, values, attitudes and goals (Lubet, 1997; Voss, 2005).

2.2 Studying Gender as a Significant Extralegal Factor Impacting Juror Decision-Making.

Within research examining the role of attorney characteristics as an extralegal factor impacting juror decision-making, gender emerged very early as an intriguing additional consideration (Martin & Jurik, 2007; May, 2014; McGuire & Bermant, 1977; Nelson, 2004; Sumoski, 2001). Further, scholarly interest in this variable has not waned over time. On the contrary, it continues to attract academic attention today.

2.2.1 Gender as a 'main effect'. Within this body of research, gender is most often conceptualized – in statistical terms – as a main effect. That is, researchers examine the individual

or independent effect of attorney gender on juror decision-making. Most notably, jurors' existing perceptions about gender and the extent to which they utilize gender stereotypes have been shown to influence jurors' perceived credibility of the attorney and ultimately their verdicts (Brown & Campbell, 1997; Nelson, 2004; Sumoski, 2001).

Generally speaking, scholars have found that mock jurors rate male attorneys more favourably and consider them to be more credible than female attorneys (Hahn & Clayton, 1996; Hodgson & Pryor, 1984; May, 2014; Nelson, 2004; Sumoski, 2001; Warshawsky, 1994). In particular, male attorneys are often taken more seriously as they are perceived by jurors as possessing agentic attributes, which include the tendency to be assertive, aggressive, dominant, confident and controlling (Eagly & Karau, 2002). In addition, male attorneys are deemed more rational, self-sufficient, prepared and educated on legal subjects (Nelson, 2004). By extension, male attorneys are typically given the presumption of competence while jurors implicitly require female attorneys to prove their levels of proficiency and competency (Podgor & Pertnoy, 1991; Sumoski, 2001). Further, jurors often dismiss a female attorney's ability to comprehend the complexities of most crime domains and consequently are likely to find a male attorney more credible (Sumoski, 2001).

Jurors also attribute a higher degree of credibility to an attorney that they like. However, what jurors tend to like in a male attorney is often different from what jurors like in a female attorney (Sumoski, 2001). For instance, jurors generally like and expect men to be aggressive and to use persuasive techniques such as shouting, dramatization of events, and sarcasm within the legal setting. Yet, when female attorneys show similar behaviour and techniques, jurors are not as accepting and are more likely to view the attorney as unpleasant and ultimately less credible. Jurors tend to like female attorneys who are nice but a female attorney who is "too nice" risks appearing

hesitant and lacking in confidence which can damage her perceived credibility (Sumoski, 2001). In this way, perceived credibility is gendered whereby the same characteristic (e.g., aggressiveness) is shown to increase a male attorney's perceived credibility but reduces a female attorney's perceived credibility.

Of course, the central question becomes that of the effects of jurors' perceptions of the attorney's credibility – itself a direct result of the attorney's gender – on juror verdicts. Previous studies investigating the impact of the attorney's gender on juror decision-making have found mixed results. A small body of literature suggests that no association exists between the gender of the attorney and juror verdict (Cohen & Peterson, 1981; Johnson, 1985; Sigal et al., 1985). One study, in particular, analyzed the influence of attorney race and gender on juror decisions (Cohen & Peterson, 1981). Both variables were manipulated independently in a simulated murder trial. The authors hypothesized that mock jurors would be more likely to deliver a guilty verdict in the presence of a female defence attorney than in the presence of a male defence attorney. However, their results found no relationship between the gender of the attorney and either the mock juror's perceptions of defendant guilt or perceived credibility of the attorney. One possible explanation is that gender was a relatively less salient factor when combined with the race of the defence attorney (Cohen & Peterson, 1981).

In contrast with these early studies, the vast majority of more recent literature has found a significant relationship between attorney gender and juror verdicts. Jurors are likely to find a male attorney more credible than a female attorney and to render verdicts in favour of the male attorney (Hahn & Clayton, 1996; Nelson, 2004; Podgor & Pertnoy, 1991; Warshawsky, 1994). Notably, even some of the more dated studies (Hodgson & Pryor, 1984; McGuire & Bermant, 1977) have also supported this general conclusion. For instance, a study conducted by Hodgson and Pryor

(1984) examined the relationship between attorney gender and jurors' perceptions of attorney credibility. Mock jurors were randomly assigned to read one of two transcripts of either a male or female defence attorney representing a defendant accused of a break-and-enter. Once completed, mock jurors rated the credibility of the attorney according to two dimensions: trustworthiness and competence. Results revealed significant differences between the two attorneys whereby mock jurors were considerably more likely to rate the female attorney as less competent, less qualified, less experienced, less intelligent, less expert and less trained than the male attorney (Hodgson & Pryor, 1984, p. 484). Male attorneys were regarded as more competent in terms of their intelligence, capability, and expertise in the crime domain. Mock jurors were further asked, if necessary, which attorney they would be inclined to hire as counsel. Results found that mock jurors were significantly more likely to hire the male attorney than the female attorney, despite being presented with identical closing remarks.

Roughly a decade later, Hahn and Clayton (1996) executed a similar study. They were interested in examining the influence that the gender of the mock juror, the gender of the defence attorney and his/her presentation style had on juror verdicts. It was hypothesized that jurors would render verdicts in favour of defence attorneys who were assertive, aggressive and confident as opposed to attorneys who were reserved and passive. Assertiveness, aggression and confidence were additional measures used to evaluate the defence attorney's perceived competence.[4] Mock jurors were asked to read a summary of a physical assault-and-robbery case. The findings illustrated that the manipulation of gender and presentation style of the attorney affected both mock juror perceptions of the attorney and mock juror perceptions of perceived seriousness of the crime

[4] The defence attorney's overall competence was evaluated according to seven characteristics: aggressiveness, friendliness, confidence, credibility, intelligence, assertiveness, and overall presentation style (Hahn & Clayton, 1996).

(Hahn & Clayton, 1996). Mock jurors were more likely to render verdicts in favour of the male attorney as they were more persuaded by the attorney's aggressive energy and found his style more competent compared to the female attorney (Hahn & Clayton, 1996). The outcome resulted in a main effect for gender, as the female attorney who used an aggressive style was less successful in obtaining a not guilty verdict (Hahn & Clayton, 1996). In fact, mock jurors reported finding the crime relatively more serious when the attorney was female. Mock jurors also found the aggressive style used by the female attorney to be significantly more aggressive than that of the male attorney. Despite seeing and hearing the same arguments, mock jurors perceived the male attorney as friendlier. Indeed, the female attorney's aggressive style was negatively perceived by mock jurors, further affecting her credibility and leading to adverse consequences for the defendant.

Similarly, a recent study conducted by May (2014) found comparable results. Mock jurors were asked to watch a video recording of a corporate case in which employees sued the corporation after incurring personal injuries while working on the job. The video contained closing remarks from either a male or a female defence attorney expressing either anger or neutral emotions (May, 2014). Findings illustrated that mock jurors were more likely to rate the angry and aggressive male attorney highest in competence. Conversely, mock jurors rated the angry female attorney lowest in competence. Mock jurors were more likely to attribute the male emotions to external circumstances assumed to be outside the control of the male attorney, whereas female emotions were perceived as being caused by internal disposition (e.g., an "angry personality").

Clearly, the impact of attorney gender on attorney credibility (and, by extension, juror verdict) is not simple. On the contrary. Jurors perceive male and female attorneys in dramatically different ways in terms of competence and overall credibility. In particular, the same characteristic (e.g., aggressiveness) increases a male attorney's credibility but reduces a female attorney's

credibility. This disparity in perception negatively influences female attorneys' ability to achieve fairness in trials as jurors are more likely to render verdicts in favour of male attorneys (Lee, 2015). In other words, jurors' perceptions of the attorney's credibility are gendered whereby female attorneys are in a proverbial double-bind.

2.2.2 Making sense of gender as a main effect. This double-bind in which female attorneys find themselves not only underlines the complexities of the impact of gender (as an extralegal factor) on juror decision-making. Rather, it may also point to a possible explanation. Specifically, this effect may be - at least in part – the result of gender stereotyping (Nelson, 2004; Podgor & Pertnoy, 1991; Sumoski, 2001). Indeed, one plausible explanation proposed for the double-bind that female attorneys appear to experience is the influence of gender stereotyping (Hahn & Clayton, 1996; Hodgson & Pryor, 1984; May, 2014). Specifically, jurors generally react differently to attorneys based on their gender because of stereotypes that set different expectations of the methods of presentation for male and female attorneys (Nelson, 2004; Sumoski, 2001). That is, jurors characterize male attorneys as aggressive, emotionally controlled and dominant, and these agentic attributes are often preferred as well as perceived as accepted behaviours for male attorneys, as well as for men in general (Lee, 2015). Jurors deem their traditional presentation style to be persuasive and competent in terms of prestige, substantive expertise and self-presentation (Nelson, 2004). Consequently, female attorneys are constantly being measured against this stereotypical male legal professional. They are required to either model their professional behaviour according to masculine traits (while supressing their femininity) or to uphold their femininity and exhibit discrimination as their feminine qualities threaten the notion of the stereotypical legal professional (Martin & Jurik, 2007). Said more succinctly, a juror's use of

gender stereotypes and/or schemas may ultimately affect a juror's perception of the attorney's credibility and the verdicts they render (Szmer, Sarver, & Kaheny, 2010).

Stereotypes are defined by psychologists as being a part of a 'schema' – a cognitive structure that assists an individual in making sense of the various stimuli to which he/she is exposed on a daily basis (Bem 1981; Haslett, Geis, & Carter, 1992). A schema is used as an anticipatory response that helps to guide individuals in processing and interpreting the information received (Bem, 1981). It does so by serving as a "mental representation of a category of objects, events, or persons and their typical characteristics" (Haslett, Geis, & Carter, 1992, p. 57). Schemas play a fundamental role in our understanding and organization of information as individuals often order the elements of their environment according to the structures of relevant schemas (Conover & Feldman, 1984). Schemas also influence what information individuals will encode and retrieve from their memory when perceiving information (Conover & Feldman, 1984). Individuals employ different types of schemas, all of which serve as essential means in processing various forms of information and can 'fill in' or aid in the event of missing information. By extension, schema theory construes individual perceptions of any given situation as a constructive and schematic process in which what is perceived is a product of the interaction between the information received and the individual's pre-established schema (Bem, 1981).

However, schematic processing is a highly selective process. An individual's readiness to invoke one schema rather than another is determined by the cognitive availability of a particular schema (Bem, 1981). A variety of theories have been used to describe the cognitive structures used by individuals to make sense of the various stimuli with which they are bombarded throughout the course of their daily lives (Matland, 1994). In jury research, the variety of theories used to describe

an individual's cognitive structure include attribution theory[5] (Heider, 1958), heuristic-systematic theory[6] (Chaiken, 1980) and information integration theory[7] (Anderson, 1974). While these theories are more mainstream in the theoretical analysis of juror decision-making, Bem's (1981) gender schema theory emerges as especially appropriate for the current study because it addresses gender as a key construct and aligns with this study's legal realist perspective. In essence, Bem's theory is used as a means to provide one explanation for how jurors interpret pieces of evidence presented at trial differently based on gender, extending beyond the purview of legal principles. Specifically, Bem's (1981) gender schema theory defines the cognitive processes that individuals use when processing information associated with gender. Additionally, this theory has the advantage (for future research) to be able to operate at both the macro and micro levels of analysis (although our empirical approach considers only the micro level).

Gender schema theory postulates that individuals maintain and process information according to "gender-based schematic processing… a generalized readiness to process information on the basis of the sex-linked associations that constitute the gender schema" (Bem, 1981, p. 355). An individual's 'gender schema' involves the typical, culturally defined attributes that society ascribes to men and women in order to define what it means to be masculine and feminine. It is through the perceptions of typical attributes that gender schemas work to sustain gender stereotypes. Notably, Bem's gender schema theory focuses on the process of separating reality according to two corresponding categories – masculine and feminine – on the basis of gender schemas. By extension, it is through this theoretical process that we can describe the source of

[5] Attribution theory is concerned with how jurors construct explanations for events through internal and external causes (Izzett & Fishman, 1976).
[6] Heuristic-systematic theory posits that jurors utilize less cognitive effort in forming judgements and often rely on mental 'short cuts' when they do not understand the information presented to them (McKimmie et al., 2004).
[7] Information integration theory suggests that attitudes are formed by integrating and combining new information with existing judgments and knowledge (Kaplan & Kemmerick, 1974).

individuals' natural ascription of divergent attributes to men and women (Bem, 198la; Eagly & Karau, 2002).

In every culture, starting at a young age, individuals learn to make clear distinctions between the biological sexes. Sex is considered a 'basic category' that individuals use and reference when assessing one another (Bem, 1981; Haslett, Geis, & Carter, 1992). It is deemed to be the strongest personal characteristic that individuals use to categorize people, more so than even race and age (Eagly & Karau, 2002). It is the first and most pronounced characteristic through which we perceive and understand others and, in the absence of critical information about individuals, we easily activate and reference existing stereotypes about gender and gender roles in order to fill in the gaps (Bem, 1981; Eagly & Karau, 2002).

Cultures allocate roles on the basis of sex and men and women are expected to acquire sex-specific skills and self-concepts that the culture has deemed typical of the ideal man and woman respectively (Bem, 1981; Eagly & Karau, 2002). Commonly known as sex-typing, this process is a result of the assimilation of the self-concept into the gender schema (Bem, 1981). Gender schema theory proposes that sex-typing is derived from a readiness to process information on the basis of gender schemas. A sex-typed individual who undergoes this process learns to ascribe culturally defined behaviours of masculinity and femininity within his/her self-concept. The definitions of masculinity and femininity may vary depending on the culture in which one lives (Bem, 1981). However, the process endured by sex-typed individuals is consistent across cultures as they process and absorb, into their self-concept, information according to whatever gender schemas and definitions their particular culture ascribes to masculinity and femininity. Bem (1981, 1993) posits that individuals develop and learn the contents and ideas of a culture's gender schema at an early age. Individuals adjust their self-concept including their behaviour, decisions and information

processing to fit these existing gender schemas. Unlike the cognitive-developmental theory (Kohlberg, 1966) which situates the reason for children's sex-typing in the mind of the child, Bem (1993) identifies it as the motivation to match sex and behaviour to the culture in which we live. Our gender schematic discourses and social institutions construct what we call masculinity and femininity. Consistent with social role theory (Eagly & Karau, 2002), Western cultures have defined and categorized masculinity and femininity according to agentic and communal attributes. Our stringent ascription of agentic and communal attributes perpetuates the creation of gender schemas and the existence of gender stereotypes (Eagly & Karau, 2002). These cultural constructs are enshrined in our daily lives as parents teach their children which attributes are to be ascribed to their own sex.

Particularly relevant to the current study, Bem (1981) uses the strong-weak and nurturing-neglect dimensions to illustrate that these two dimensions, in themselves, are differentially ascribed to the two sexes. Adults rarely comment on how strong a little girl is becoming, demonstrating the absence of the strong-weak dimension from the schema culturally believed to be ascribed to girls. Likewise, adults rarely comment on how nurturing a little boy is becoming, illustrating the absence of the nurturing-neglect dimension from the schema culturally believed to be ascribed to boys (Bem, 1981). The imposition of a gender-based classification on a child's reality encourages and motivates the child to ascribe this same gender schematic processing to his/her self-concept. The child does so by choosing the behaviours that have been socially and culturally defined as appropriate for his/her own sex and rejecting any behaviour that does not match his/her sex (Bem, 1981, 1993). As a result, children learn to internalize sex-typed self-concepts within their perception of reality, without even realizing it.

2.2.3 Evidence supporting the use of gender schemas. While the influence of attorney characteristics on jurors is obviously an accumulation of a number of factors (e.g., race, performance, behaviour and presentation style), it is plausible that gender plays a distinct explanatory role. Indeed, evidence has revealed the use of gender schemas and gender stereotyping in various instances within the legal sphere. For example, evidence suggests that female attorneys frequently experience emotional conflict as their moral responses "are forced to accommodate the gendered structure of the legal profession" (Janoff, 1991, p. 231). This phenomenon my arguably be linked to internalized gendered self-concepts and associated behaviours.

Symptomatically, early in their careers, female attorneys emphasize cooperative strategies in their moral decision-making and attempt to solve problems by building relationships (Cott, 1995; Janoff, 1991). In contrast, men's moral decisions emphasize competitive strategies, rationality and individuality. Notably though, by the end of their first year of work, women's moral responses significantly change as they become more aligned with the responses of men (Janoff, 1991). It has been argued that in order for female attorneys to successfully think and act like lawyers, they must learn to maintain responses that emphasize individuality, rationality and analytical fact-finding (Cott, 1995; Janoff, 1991). In fact, the legal system is structured in such a way that when a female attorney's moral decision-making is incongruent with the role requirements, she is expected to suppress her personal and moral sensibilities for the sake of her professional role (Janoff, 1991). As a result, in order to 'fit' the adversarial role, female attorneys are required to disengage emotionally from their clients and embrace a competitive, male adversarial practice. Similarly, women are more likely to experience feelings of pressure to suppress their ethic of care in order to think and act like attorneys (Wilson & Taylor, 2001). Consequently, whichever perspective or style of behaviour female attorneys uphold in a legal

professional culture centered around men, they find themselves in ‘no win’ and ‘double-bind’ situations (Cott, 1995; Epstein, 1992, Rhode, 2001). Female attorneys are criticised for either endorsing a style that is too emotional or too masculine and aggressive.

By extension, in light of the fact that public perceptions typically expect women to uphold feminine traits, aggression from a woman in a litigation setting can be perceived as bossy, cold and combative (Hahn & Clayton, 1996; Lee, 2015). The feminine traits that women are expected to adhere to are called communal attributes, which are characterized as the tendency to be passive, affectionate, compassionate, sensitive, nurturant and gentle (Eagly & Karau, 2002). It has been proposed that female attorneys “risk appearing too ‘soft’ or too ‘strident’, too ‘aggressive’ or not ‘aggressive’ enough” and that “what is assertive in a man often seems abrasive in a woman” (Rhode 2002, p. 1004). On the one hand, women who are perceived as tough are likely to face disapproval from both their female and male colleagues. That is, feminist attorneys may fault them for conforming to male models of behaviour, and male attorneys may perceive them as interpersonally incompetent and not credible (Epstein, 1992). Similarly, jurors often perceive female attorneys who present themselves as aggressive and volatile to be pushy, argumentative, abrasive and less credible than their male counterparts (Nelson, 2004; Podgor & Pertnoy, 1991).

On the other hand, those female attorneys who demonstrate more compassionate, soft-spoken, maternal behaviours may be seen as more honest; however, they are also perceived by jurors as sensitive, weak and lacking in direction (Nelson, 2004; Podgor & Pertnoy, 1991). When female attorneys attempt to conform to traditional female modes of behaviour, such as by presenting themselves in a respectful, modest and soft-spoken manner, their behaviour may be perceived as inappropriate and ineffective in a legal setting. By extension, they may be regarded as too “pure” to make important deals and settlements (Epstein, 1992; Martin & Jurik, 2007). In

sum, regardless of their style of behaviour, it appears that women are not given the same respect or presumption of competence and credibility as men (Kay & Gorman, 2008; Epstein, 1992; Wilson & Taylor, 2001). Consequently, in order to be perceived as credible, female attorneys find themselves treading lightly between stereotypes of feminine and masculine traits.

Supportive evidence is not difficult to find. For instance, it has been reported that female law professors are often challenged and discriminated against by their students and colleagues due to gender stereotyping and schemas (Wilson & Taylor, 2001). In addition, scholars have found that male classmates often make stereotypical remarks towards female law students, such as accusing them of attending law school only to find a man or remarking that their success is primarily due to favoritism (Epstein, 1993). Similarly, it has been found that female attorneys are, in fact, limited in their access to adequate mentorship opportunities and social networking support (Rhode, 2001; Wald, 2010). This reality is partly because many men find comfort in mentoring people with similar backgrounds, values and chemistry, whereas women are often perceived as 'different' by men (Rhode, 2003). However, some male attorneys are reluctant to mentor women because they enjoy the bond of an all-male 'boys club', while others do not see the point in investing time and energy in female attorneys as they expect women to abandon their legal careers once they start a family (Martin & Jurik, 2007; Rhode, 2003). Some successful female judiciaries and attorneys are also reluctant to mentor other women, maintaining the mindset that women should be able to achieve success without any assistance.

In a similar vein, it has been contended that women are hindered from legal advancement because of the perpetuation of negative gender stereotyping and the application of gender schemas

sustained by prestigious law firms (Wald, 2010).[8] Employers often maintain the stereotypical assumption that female attorneys are less motivated and committed to their practice than male attorneys, which in turn hinders female attorneys' ability to advance in prestigious and lucrative employment opportunities (Hull & Nelson, 2000; Wald, 2010). It may also be assumed that women belong in the home and not in a competitive work environment, and that they are solely responsible for taking care of their children's and husbands' needs (Rhode, 2001; Wald, 2010). Male colleagues (e.g., judges and attorneys) further sustain the belief that female attorneys lack credibility compared to male attorneys as they are presumed to be ill suited and unable to understand the full complexities of the law (Rhode, 2001; Wald, 2010). Additionally, female attorneys are often faced with the assumption that they are not sufficiently committed to their practice, the firm or their clients as they are distracted by their commitment to motherhood. They may believe a female's commitment to her role as a mother is inconsistent with her loyalty to her legal practice (Rhode, 2001; Wald, 2010).

Arguably as a consequence of these gender stereotypes and schemas – if not an actual extension of them – it is notable that women continue to remain underrepresented in positions of high status and economic prestige despite an increasing number of them entering the legal profession (Catalyst, 2017; Hull & Nelson, 2000). In 2014, women represented 43.5% of the attorneys who entered the legal profession in Canada, where 40,920 were practicing female attorneys and 53,153 were practicing male attorneys (Catalyst, 2017). A vast majority of female

[8] This thesis is solely concerned with the negative application of gender stereotypes and schemas to which female attorneys are subject. However, see Collier's (2010) critical analysis of masculinity and law in which he outlines the implications of his findings for men and gender in general. See also Cooper, McGinley, and Kimmel's (2012) discussion of men's struggles to prove their masculinity. These scholars introduce a multidimensional masculinities theory to law that would ultimately change the way in which law is interpreted and applied in attempts to address social issues relating to gender. Finally, see, as well, Smith and Kimmel's (2005) analysis of pertinent cases such as *Goluszek v. H.P. Smith* and the implications that men face when stereotypical perceptions of masculinity and male sexuality are upheld by court respondents.

attorneys are overrepresented in government, legal aid, and public-interest organizations (18.7% compared to 10.0% of men) whereas the majority of male attorneys are licensed and working in solo practice or for large competitive law firms that provide partnering opportunities. Although women were issued more licenses in Ontario than men (1,129 compared to 1,072) in 2014 (Catalyst, 2017), fewer women were made partners (part-owners who share in the firm's liabilities and profits). Only 14.4% of female attorneys were issued sole practice licenses compared to 26.1% of male attorneys and only 9.7% of female attorneys were issued law firm partner licenses compared to 23.5% of male attorneys. The odds of women being made partners within large law firms are less than one third of the odds of men (Hull & Nelson, 2000). Indeed, female attorneys often experience a 'dual' glass ceiling effect. First, they have a harder time becoming partners in large law firms[9] and second, they rarely hold managerial positions in their firms (Grunig, Hon, & Toth, 2013).

Perhaps not surprisingly, the majority of female attorneys who work in public sectors are primarily attracted to their family-friendly environments. For instance, some public sector agencies in the U.S offer part-time work opportunities, flexible and predictable work hours, and on-site child care (Rhode, 2001). Women who practise in government sectors report higher degrees of satisfaction with regard to the balance between career and family demands. While these work practices are accepted in certain sectors, mainstream legal practices and corporate firms require a minimum number of billable hours and around-the-clock availability in order to make partner (Cott, 1995). Fast-paced corporate law firms' emphasis on long hours is one of the main reasons that women find themselves leaving such firms for other forms of practice in higher proportions than men (Cott, 1995; Rhode, 2001; Wald, 2010). Additionally, female attorneys in Ontario raise

[9] As of 2013, men represented 90% of the private partnerships in the United States' largest firms.

various concerns relating to law firms' maternity leave plans (or lack thereof) (Kay, Masuch, & Curry, 2014). They report receiving a lack of compensation and benefits during maternity leave, or not receiving salaries despite working part-time (Kay, Masuch, & Curry, 2014). Some female attorneys report feeling as though their job would be at risk if they were to go on maternity leave and fear receiving negative backlash at the office. In an attempt to mitigate any negative conflicts with the demands of their career, female attorneys are likely to delay having children. As a result, many women commonly shy away from firms that require them to sustain such expectations (Kay & Gorman, 2008).

Furthermore, gender discrepancies are observed in the annual earnings of female and male attorneys. Women in legal practice earn roughly $20,000 less in annual pay compared to their male colleagues (Rhode, 2001). A more recent study revealed that, on average, women earn 93% of a man's salary, with female attorneys reporting annual earnings of $75,000 compared to $80,500 for male attorneys (Dinovitzer, 2015). The largest discrepancy amongst annual earnings is in the business sector where women still earn approximately 20% less than men (average annual income of $79,000 for women and $100,000 for men) (Dinovitzer, 2015). It has been found that female attorneys earn 5% less than male attorneys at the start of their careers and that over time, this disparity increases (Dinovitzer, Reichman, & Sterling, 2009). Although the relationship between gender and income may be much more complex in nature, gender gaps in annual earnings may highlight the structure of inequality that continues to devalue the work of women; even when men and women are in similar legal divisions, male attorneys earn a relatively higher income than female attorneys.

2.2.4 Gender as an 'interaction effect'. There would appear to be little doubt that negative gender stereotyping and the application of gender schemas can have detrimental implications for

female defence attorneys in a male dominated profession (Cott, 1995; Epstein, 1992, Martin & Jurik, 2007; Rhode, 2001). What is less clear are the mechanisms which might explain this phenomenon. Specifically, the relationship between defence attorney gender, verdicts and attorney credibility (through gender schemas) may be more complex than initially conceptualized. That is, while gender – as a main effect – may provide a partial explanation, it may be inherently too simplistic. Indeed, it disregards or ignores the potential interactive effects of gender with other relevant factors. Within this context, one might be tempted to suggest that the gender of the defence attorney may also interact with the crime domain that he/she is representing.

This proposition is rooted in the recognition that male attorneys are often awarded the presumption of competence over female attorneys in most crime domains. However, this appears to be especially the case in crime domains that are perceived as male-oriented, including those that are deemed technical, abstract or transactional in nature (Nelson, 2004; Sumoski, 2002). In such instances, women must make special efforts to establish and demonstrate their competence, litigation experience and substantive expertise. For example, female attorneys are told to practise the relevant technical terminology, as mispronunciations or shyness regarding the specialized vocabulary can have destructive influences on their ability to persuade jurors, ultimately harming their perceived credibility (Sumoski, 2002). Interestingly though, there is some evidence to suggest that there are certain crime domains in which jurors perceive female attorneys to be more competent than their male counterparts (Nelson, 2004; Sumoski, 2001).

Specifically, despite the success of male defence attorneys in male-oriented crime domains such as robbery, physical assault and white collar crime (Hahn & Clayton, 1996; Hodgson & Pryor, 1984; May, 2014), evidence suggests that if jurors resort to gender stereotyping and schemas, female defence attorneys may receive more verdicts in their favour when she is representing a

female crime domain. Indeed, she is perceived – in this scenario – as sustaining a degree of substantive expertise compared to male attorneys (Szmer, Sarver, & Kaheny, 2010; Villemur & Hyde, 1983). A female crime domain is defined as a domain in which Western cultures and clients perceive it to be a woman's field of expertise including sex discrimination and harassment, crimes against women (e.g., rape or sexual assault), and custody and domestic relations (Cott, 1995; Dolan, 1998; Szmer, Sarver, & Kaheny, 2010).

This potential interaction between the defence attorney's gender and the crime domain that he/she is representing finds theoretical support in the concept of a gender-domain congruency effect introduced by McKimmie, Newton, Terry, and Schuller (2004) to explain why both male and female expert witnesses are perceived by mock jurors as credible, but only when the expert witness testifies in a crime domain congruent with his/her gender. Specifically, these scholars examined the heuristic role of gender bias in the courtroom. Their principal finding suggested the existence of an interaction between expert witness testimony and the crime domain on juror verdicts, providing compelling evidence for gender-domain congruency effects on juror decision-making. A gender-domain congruency effect was deemed to occur when an expert witness testified in a crime domain that was considered, according to gender-based assumptions, to be stereotypically consistent with his/her gender. In this case, the expert witness was presumed to be more credible.

More broadly, a gender-domain congruency effect can be measured by the juror's tendency to apply gender schemas in ways that benefit female defence attorneys when they represent a crime in what is deemed a female domain (like sexual assault) but place female defence attorneys at a disadvantage when they represent a crime in what is deemed a male domain (like aggravated assault).

In other words, when a female defence attorney represents a crime domain that is perceived as an area of women's expertise (a female crime domain), jurors resort to gender schemas and thus perceive the female defence attorney as more credible. However, when a female defence attorney represents a crime domain that is not a female crime domain, jurors are less likely to side with the female defence attorney and are likely to perceive her as less credible than a male defence attorney.

To test this theory of an interaction between the gender of the defence attorney and the crime domain of the accused whom he/she represents, McKimmie et al. (2004) asked mock jurors to read a trial transcript that varied in the gender of the expert (male/female) and the crime domain. To manipulate crime domain, a price-fixing allegation was either set within the context of a male crime domain (tire automobile service business) or a female crime domain (cosmetics sales) (McKimmie et al., 2004, p. 134). It was presumed that when the gender of the expert witness and the gender of the crime domain coincided, mock jurors would be more persuaded by the testimony and would find the expert more credible compared to an expert witness testifying in a crime domain considered to be inconsistent with his/her gender.[10] Their results indicated that both male and female experts were perceived by mock jurors as credible, but only when the expert witness was testifying in a crime domain congruent with his/her gender. Because the expert witness testimony was presented for the plaintiff, results revealed less favourable verdicts for the defendant when the expert's gender matched the gender orientation of the crime domain. It was suggested that mock jurors may have used the expert's gender as a heuristic cue or mental 'short cut' when the gender orientation of the crime domain was consistent with the expert's gender.

Evidence supporting the presence of a gender-domain congruency effect has also been suggested within the broader context of the political realm. Specifically, female political

[10] An inconsistent crime domain was defined as being a male expert testifying in a case relating to cosmetic sales and a female expert testifying in a case relating to tire/automobile sales.

candidates are seemingly deemed by the public as being more capable of representing and handling particular kinds of issue domains. Illustratively, scholars have found evidence suggesting that voters use gender stereotyping and schemas in determining their voter choice when female political candidates are presented in congressional elections (Dolan, 1998; 2010; 2018; Bos, 2015). That is, female political candidates are perceived to have greater credibility by voters as well as better able to handle issues when they are in the interest of women and are of a particular domain including education, family, abortion, women's rights, subsidized child care and sexual harassment (Dolan, 2010, 2018). In contrast, male political candidates are seen as best able to handle issues relating to crime, policy and defense. Notably, a credibility gap was found to exist with regard to less gender-specific issues (Dolan, 1998; 2010; 2018). Specifically, voters negatively perceive female politicians' abilities to handle less gender-specific or more stereotypically male issues including crime domains relating to economics, foreign affairs and warfare.

Interestingly, while the gender-domain congruency effect appears to be supported within the political realm and also found to exist when the gender of the expert witness interacts with the crime domain in which he/she testifies, additional evidence suggests that a similar effect may also occur when assessing the interaction between the gender of the defence attorney and the crime domain that he/she represents. Indeed, it would appear that gender stereotypes and schemas sometimes work to the advantage of female defence attorneys, depending on the crime domain they are representing, creating an effect similar to the gender-domain congruency effect.

Symptomatically, practicing attorneys have noticed that more and more clients seek the representation of female attorneys in particular crime domains (Robinson & Jay, 2011). For example, Western cultures typically perceive women as more competent in domains that are considered to be within a woman's field of expertise, including those associated with child rearing,

domestic activities and tasks which focus on feelings (Sumoski, 2001). As a result, clients often seek out female attorneys with the assumption that they are better suited in domains of family law, gender equality and domestic relations litigation (Robinson & Jay, 2011). Female attorneys provide an advantage in these domains because, as women, clients believe that they have the ability to understand the mentality of other women as opposed to male attorneys (Kraft, Miles, & Miller, 2017; Robinson & Jay, 2011).

And, in fact, evidence has found that women in the legal field are often employed in specialties deemed suitable to their gender, such as family, employment and estate probate law. Notably, 71% of female attorneys in Canada specialized in family law as of 2015 (Dinovitzer, 2015; Kay & Gorman, 2008). In a similar vein, in cases of sexual assault and abuse involving children and adults, clients are particularly keen on hiring a female attorney (Robinson & Jay, 2011). Some women have firsthand experience in areas such as divorce, sexual harassment or domestic abuse and, as a result, are seen as being more capable of empathy toward their clients (Kraft, Miles, & Miller, 2017; Meyer, 2013). It is likely not a coincidence that women have been credited with the staggering changes made to the legal interpretation and prosecution of certain domains of law. For instance; "the defense of reproductive rights, the implementation of equal employment and equal education guarantees, the invention of whole new fields of law on domestic violence and sexual harassment at the workplace" have largely been attributed to the work by female attorneys (Cott, 1995, p. 346). Given this recognition, it is perhaps unsurprising that female attorneys are perceived as more credible in these crime and legal domains. Indeed, they may be expected to bring a subjective understanding and certain degree of expertise to these areas (Cott, 1995; Sumoski, 2001).

This gender-domain congruency effect as applied to attorneys was made especially evident in a contemporary study conducted by Szmer, Sarver, and Kaheny (2010). These scholars hypothesized that the credibility that judges attribute to female attorneys would be influenced by the crime domain that they represent (Dolan, 1998; Szmer, Sarver, & Kaheny, 2010). In particular, they contended that the application of gender schemas by some judges would result in the devaluation of the arguments made by female attorneys; however, in certain crime domains, some judges may use gender schemas as a heuristic for the attorneys' substantive legal expertise. Considering that attorney litigation experience and substantive expertise are likely to enhance the judge's perception of the attorney's credibility, it was presumed that the female attorney's perceived credibility would be affected by the crime domain that she was representing (Szmer, Sarver, & Kaheny, 2010).

And, in fact, findings showed the impact of gender stereotypes and schemas to be conditional upon the crime domain that the female attorney represented. Specifically, gender schemas were found to work to the disadvantage of female attorneys in male-related crime domains, including economics and warfare (Dolan, 1998; Szmer, Sarver, & Kaheny, 2010). However, they were shown to work to the advantage of female attorneys in women's related crime domains. Indeed, Supreme Court judges were more likely to render verdicts in favour of a female defence attorney when she was representing one of the following female crime domains: "sex discrimination, privacy, crimes against women (e.g., rape), prostitution, [and] obscenity" (Szmer, Sarver, & Kaheny, 2010, p. 10). It was suggested that judges likely uphold gender schemas that presuppose that female attorneys are more competent in and more capable of addressing these types of crimes (Szmer, Sarver, & Kaheny, 2010).

Taken together, the literature to-date would appear to suggest the existence of a gender-domain congruency effect, at least relative to the perceived credibility of political candidates, expert witnesses and defence attorneys as assessed by Supreme Court justices. The more intriguing question – given the focus of the current study – is whether this interaction effect extends to the context of jurors. Specifically, it would not seem implausible to suggest that female attorneys are perceived by jurors as more credible when they represent a crime domain that is considered, according to gender-based assumptions, to be stereotypically congruent with their gender.

2.2.5 Gender-domain congruency effect in understanding the impact of defence attorney gender on juror decision-making. To our knowledge, only one study to-date has suggested the presence of a gender-domain congruency effect when assessing the extralegal effects of attorney gender on juror decision-making. Specifically, Villemur and Hyde's (1983) experiment, although dated, is the most recent study in which mock jurors were found to be more likely to render verdicts in favour of a female attorney. Unlike the results found by Hodgson and Pryor (1984), Hahn and Clayton (1996), and May (2014), this study found a higher acquittal rate for a female defence attorney representing a defendant accused of rape. Villemur and Hyde (1983) were particularly interested in determining whether jurors invoked gender stereotypes when rendering their decisions. Specifically, mock jurors listened to an audiotape of a rape trial and were subsequently asked to render a verdict (guilty/not guilty) as well as rate the likeability, responsibility and respectability of the victim and defendant. The most striking finding was that of a significant effect of attorney gender on juror verdicts. Specifically, mock jurors were significantly more likely to find the rape defendant not guilty when the defence attorney was female than when the attorney was male.

Indeed, Villemur and Hyde's (1983) results appear to lend at least indirect support for the existence of a gender-domain congruency effect. Specifically, they found a significant main effect for attorney gender when the female defence attorney was representing a defendant accused of rape. The limitation, of course, for those interested in corroborating a gender-domain congruency effect, is that this latter study did not investigate the main effect of crime domain nor, more importantly, the interaction between defence attorney gender and crime domain. Rather, it solely examined the main effect of defence attorney gender.

To this end, this study proposes to extend the scholarly literature on juror decision-making and the role that defence attorney gender – as an extralegal factor – plays in it. The present study aims to answer the following research question: In what way(s) do the gender of the defence attorney and the crime domain that he/she represents impact the juror decision-making of jury members in Canadian criminal trials? Specifically, we want to examine the influence of the gender-domain congruency effect on juror verdicts, certainty and perceived credibility of the defence attorney in order to comprehend whether jurors apply gender schemas when processing information presented by female defence attorneys in particular crime domains. In this way, the current research attempts to bridge the gap between the literature that advances the existence of a main effect of attorney gender and the literature that postulates the presence of the gender-domain congruency effect within related legal domains by examining them within the context of juror decision-making. Based on the relevant literature and the theoretical constructs of juror decision-making (outcome/process/actors), this study proposes to examine the following hypotheses:

1. Mock jurors will be more likely to find a defendant accused of sexual assault *not guilty* when the defendant is represented by a female defence attorney, but will be more likely to

find a defendant accused of aggravated assault *guilty* when the defendant is represented by a female defence attorney.

2. Mock jurors will be more certain in their verdicts when a defendant accused of sexual assault is represented by a female defence attorney, but less certain in their verdicts when a defendant accused of aggravated assault is represented by a female defence attorney.
3. Mock jurors will perceive a male defence attorney representing the crime domain of aggravated assault as more credible than a female defence attorney, but will perceive a male defence attorney representing the crime domain of sexual assault as less credible than a female defence attorney.

Chapter 3 – Methodology

The current study employed a quantitative research design by creating a simulated mock trial using online case vignettes and questionnaires to investigate the extent to which mock juror decision-making is simultaneously influenced by the defence attorney's gender and the crime domain of the accused person whom the defence attorney represents. Chapter 3 commences with a description of the population of interest as well as provides a detailed account of the sampling methods used to select the Ottawa jury-eligible sample. The methods used to collect participant data are subsequently presented. In particular, attention is called to the 2 x 2 factorial design of this study, the creation of case vignettes and questionnaires, a detailed discussion regarding the ethical implications of this research and a description of the collection procedures. Following this discussion, the independent and dependent variables as well as the tools used to assess the demographic and descriptive variables of the sample population are highlighted. Finally, this chapter concludes with a detailed discussion of the methods of data analysis.

3.1 Population of Interest and Sampling Strategy

The population of interest for this research is that of community members from the Ottawa region who were jury-eligible at the time of the study. In Canada, jury members are randomly selected from the communities in which the trial court is located (Ontario Ministry of the Attorney General, 2015); thus, we wanted to ensure that the sample for the mock trial, held in Ottawa, Ontario, was drawn from the full diversity of the Ottawa population. In addition, jury duty is a legal obligation for every Canadian citizen summoned. As a result, it seemed appropriate to make the targeted population all jury-eligible Canadian citizens from the Ottawa district.

To this end, we sought to examine the accessibility of applicable sampling frames from which to randomly select our study participants. In particular, the most appropriate sampling frame

would arguably be the jury roll. How it works is that the province, generally, mails out a juror eligibility questionnaire to community members, using the most recent voters' lists, and Band lists for individuals living in a First Nation community (Ontario Ministry of the Attorney General, 2015). Based on the responses to the questionnaires, people who are deemed jury-eligible are placed on a list of potential jurors, referred to as the jury roll. Unfortunately, as we could not obtain access to voters' lists, Band lists, or the jury roll, we were required to explore alternative sampling strategies.

One alternative that was investigated was the accessibility of a list of Ottawa jurors who were previously summoned to attend a trial proceeding. While these members would have been convenient, the Ontario courts are generally reluctant to grant access to these lists (Chamberlain & Shelton, 2014). This was also our experience. We also worried that although the current research uses a simulated mock trial, previously summoned jurors may be reluctant to take part in scholarly research. Indeed, s.649 of the *Criminal Code* (1985) prohibits jurors from disclosing information presented during trial proceedings and jury deliberations. Those guilty of violating this law are at risk of being prosecuted for a summary offence.

After exhausting various possibilities, it was (regrettably) concluded that access to a sufficient sampling frame was impossible. As a result, it was necessary to use a non-probabilistic sample for the current study. Non-probability sampling deliberately selects the sample to reflect a particular group within the sample population. Fundamentally, the characteristics of the population are used as the basis of selection (Ritchie, Lewis, Nicholls, & Ormston, 2013). Although probabilistic sampling techniques for quantitative research are favoured in order to reduce sampling error, non-probability sampling techniques are often used in mock jury research precisely

because sampling frames are often impractical or impossible to obtain (Chamberlain & Shelton, 2014; Ritchie, et al., 2013).

Within this non-probabilistic design, two diverse groups of subjects – students and community members – were sampled. Both groups were selected for various reasons. On the one hand, student samples bring a unique quality to the current research. Not only are they readily available and cost efficient, they also represent a relatively refined and young subset of the Ottawa jury-eligible population.[11] On the other hand, we recognize that an analysis based solely on a university student sample could aggravate the limitations of jury simulation studies. Specifically, such a singular population fails to consider that differences in responses may exist between community members and students (Keller & Wiener, 2011; Wiener, Krauss, & Lieberman, 2011) in terms of attitudes toward crime, perspectives about crime and the extent to which respondents' biases influence case outcomes. As such, the population of interest was extended to all Ottawa residents. Such a decision to include a community dimension as part of our sampling frame has the advantage of increasing the external validity[12] of our findings as it provides greater generalizability to that of real Ottawa jurors.

To further approximate the population of interest, we used a number of eligibility criteria to filter out possible jury-*ineligible* members from the sample. In doing so, we referred to the Ontario *Juries Act* (s.2, 1990) which defines one's eligibility to be part of a jury in Ontario. Specifically, one must be a resident of Ontario, a Canadian citizen, and 18 years of age or older. Also pursuant to s.3(1) of the *Juries Act* (1990), community members are considered *ineligible* in

[11] Although we recognize that the population will inevitably also include students whose principal residence is not Ottawa, it is assumed that 'students' generally will share similar characteristics relative to jury decision-makers (independent of whether they would be jury-eligible in Ottawa), reducing, to some degree, concerns regarding the representativeness of our sample.

[12] External validity is defined as the extent to which findings from the current study can be applied or generalized to a wider setting (Allen, 2017).

the case that the member has previously committed an offence, was previously summoned as a witness, has attended court for jury duty within the last three years, possesses a physical or mental disability that would seriously restrict his/her duties as a juror, and/or is studying or employed in certain professions (e.g., firefighter, police officer, or doctor).[13] Ideally, the population of interest would include anyone who fits the eligibility criteria. However, our study only excluded community members according to three criteria: 1) if he/she was younger than 18; 2) was not a Canadian citizen; or 3) had a criminal record. Otherwise, everyone else was deemed jury-eligible. As a result, the current study did not question participants about employment, physical or mental disabilities, previous jury service, or whether or not they had previously been summoned as a witness in a trial.

This decision to potentially include community members who would generally be excluded from jury duty was made to enhance the prospects of achieving statistical power in the study by providing a greater likelihood of participation.[14] In addition, questions pertaining to the participants' physical and mental abilities were deemed to be too personal. Further, students and community members who only speak French are generally eligible for Ottawa jury duty. Unfortunately, materials were only provided in the English language due to time constraints. Therefore, participation required that the participant be fluent in English. While not a perfect sampling frame, the options adopted for this study can still be considered to constitute a useful approximation of 'jury-eligible Ottawa residents', providing valuable insights which can be explored – in more detail – by subsequent studies (with a more representative sample).

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[13] Specifically, s.3(1) of the Ontario *Juries Act*(1990) outlines detailed jury inclusion criteria for community members based on their occupation including members of the Privy Council of Canada, Senate, the House of Commons or Assembly, judges, members of the justice of the peace, barristers and solicitors, and students of law.

[14] Although the current study did not take into account all criteria, future research should consider ensuring that the inclusion criteria precisely follow s.2 and s.3 of the *Juries Act* (1990) in order to provide a more representative sample of the targeted population.

3.2 Sampling Method

To select study participants, we used multiple non-probability sampling methods. Specifically, our study employed a combination of convenience and snowball sampling of the Ottawa jury-eligible community. A large portion of the recruitment was done purely on the basis of availability and ease of accessibility of participants. Recruitment commenced in July 2015 and concluded in September 2017.

Both convenience and snowball sampling techniques were used to recruit students from the University of Ottawa, Carleton University and Algonquin College. To this end, we were required to obtain approval from the University of Ottawa Research Ethics Board (see Appendix A and B), Carleton University Research Ethics Board (see Appendix C) and Algonquin College Research Ethics Board (see Appendix D). Once approval was granted from each campus, we were further required to gain permission from individual professors in order to conduct a quick class presentation regarding recruitment.

For the classes that we attended, the presentation lasted 2-3 minutes and provided participants with a description of the researchers and the study topic, what participation would entail (including the duration of the study), eligibility criteria, potential risks, and the opportunity for compensation (draw). Additionally, business cards, created solely for the purpose of this study, were handed out to participants during the presentation. They included information identical to that provided during the presentation as well as the contact information of the primary researcher and the study link to the online survey. We also relied on snowball sampling by asking potential participants - during the presentations - to tell others about the survey and to pass along the business cards. Additionally, we visited each campus to display and distribute posters and business

cards with the survey information. Approval to affix posters on the main bulletin boards was obtained from all three campuses.

As the above recruitment procedure only reached the student population, we further employed both snowball and convenience sampling methods in order to recruit community participants. Specifically, we used various online tools to ask community members to voluntarily participate in the study. Facebook, Kijiji, and Craigslist were the primary online means to solicit community participants. Taking advantage of the aforementioned tools, we were able to post the study to a significantly more diverse participant sample (on the advantage of online solicitation, see for instance, Wiener, Krauss, & Lieberman, 2011). The online advertisements included information similar to what was presented on the student-directed posters and business cards. The only difference was our use of *online* 'snowballing' for our community sample (Hunter, 2012). That is, we asked online participants to forward the study details and study link to others in order to attract further participation and a larger sample. Scholars have deemed this method of sampling appropriate to increase the pool of potential participants (Hunter, 2012; Wiener, Krauss, & Lieberman, 2011).

In addition, we asked friends, colleagues and family members who met the inclusion criteria to inform others whom they believed would be eligible (Chamberlain & Shelton, 2014). It was not imperative for participants to ensure that other potential participants met the inclusion criteria as the demographic questionnaire determined whether or not participants were jury-eligible. Further, posters and business cards were distributed to and displayed in major shopping centers, grocery stores and pharmacies. While non-probabilistic sampling techniques do not guarantee a representative sample, our use of multiple sampling methods and broad/intensive

publicity helped to ensure that a wide/diverse set of potential participants were solicited in order to increase the representativeness of the study sample.

3.3 Participants

The initial participant pool included 270 'jury-eligible'[15] participants. However, due to attrition and technical difficulties, the final sample consisted of 80 mock jurors. This substantial reduction is rooted in a number of factors. First, the sample size decreased due to a lack of completion of the survey. Specifically, 96 participants (35.6%) were removed from the analysis because they did not complete the entire questionnaire[16]. In addition, four participants (1.5%) withdrew. There may be various reasons why participants decided not to complete the questionnaire or to withdraw from the study. For example, they may have lost motivation, experienced a technical issue with the online platform used to gather data (Qualtrics), been uncomfortable with the materials presented, or been distracted by the environment in which they completed the study (on these common explanations, see, for example, Selm & Jankowski, 2006; Stieger & Reips, 2010).

Second, 14 participants (5.2%) were removed from the sample because they did not pass the inclusion criteria. Third, we recognized – partway through the analysis – that participants were not being randomly assigned to one of the original eight study conditions set up in Qualtrics. As a result, we were required to eliminate four conditions as well as the responses retained for those conditions, totaling 75 (27.8%) participant responses. At this point, we had a total of 81 participants. Finally, only one participant chose "you do not have an option that applies to me" as

[15] As the reader will recall, "jury-eligible" means – in the context of this study - those who met the limited inclusion criteria: 1) if he/she was 18 or older; 2) was a Canadian citizen; and 3) had no criminal record.

[16] Of the 96 participants, 31 were male (32.2%) and 65 were female (67.7%). The majority of the participants were between the ages of 18 and 30 (n = 50, 52.1%), 30 were between the ages 31 to 50 (31.3%), and 16 were 51 or older (16.7%). Importantly, these demographics are relatively consistent and similar to those of the sampled population. Additionally, an overwhelming 89 participants (92.7%) did not continue beyond the case vignettes while only 7 participants (7.3%) provided incomplete responses.

his/her answer to the question regarding gender. As gender is a central construct in this study, we opted to remove this participant's results.[17] While the sample is much smaller than we had anticipated, it is arguably still a reasonable size and many of the reasons for the reduced number would unlikely affect the representativeness of the sample in any important way.

3.4 Data Collection

3.4.1 Experimental design. This quantitative study explores the influence of the gender of the defence attorney and this variable's interaction with the crime domain of the accused person whom the defence attorney is representing on juror decision-making. We utilized a 2 x 2 between-groups factorial experimental design, combining two levels of gender of the defence attorney (female/male) and two levels of crime domain (aggravated assault/sexual assault). To conduct our factorial experiment, we created a simulated trial using online vignettes and questionnaires. Each case vignette was systematically manipulated according to the two experimental factors, resulting in four case vignettes. Further, each participant was randomly assigned to one of the four case vignettes, resulting in four experimental conditions. Table 3.1 describes the sample frequency for each of the four possible conditions established by our 2 x 2 factorial design.

Table 3.1:

Cross Tabulation of Gender of the Defence Attorney by Crime Domain (producing the four experimental conditions)

Crime Domain	Gender of the Defence Attorney					
	Female Defence Attorney		Male Defence Attorney		Total	
	n	%	*n*	%	*n*	%
Aggravated Assault	20	25.0	18	22.5	38	47.5
Sexual Assault	22	27.5	20	25.0	42	52.5
Total	42	52.5	38	47.5	80	100.0

[17] Notably, the gender of the juror was initially anticipated to act as an independent variable in this study.

3.4.2 Data collection method. Data from this study were collected from written vignettes and questionnaires. These data collection methods were employed using cloud-based experimental software. Specifically, our e-survey software platform of choice was Qualtrics (www.qualtrics.com) which allowed us to construct and design the survey as well as circulate it on the internet. There were a number of reasons for choosing Qualtrics as our service provider. Most importantly, the primary researcher had previous hands-on experience using its interface and functionalities. Additionally, because the thesis supervisor had connections to the School of Psychology at the University of Ottawa, we were able to take advantage of their existing Qualtrics license. We also took into account several advantageous operational factors such as ease of use, accessibility, technical support and options for data management (on these advantages, see, for instance, Donohoe, Stellesfson, & Tennant, 2012). As data management and security were key concerns for the current study, Qualtrics was deemed an appropriate survey tool because the software adheres to the ethical guidelines of the University of Ottawa regarding security in terms of data storage and access.

Further, there were multiple advantages to conducting the experiment using a cloud-based survey tool. In comparison to paper surveys, the use of the Internet as our survey tool was economically advantageous and efficient. We were able to collect data while working on other components of the study, such as recruiting participants and writing and revising the thesis itself. Qualtrics also provided the ability to export the dataset to a variety of statistical software packages, including the Statistical Package for the Social Sciences (SPSS) which was used as the primary tool to analyse the data for this study (Wright, 2017). The need for manual data entry was thus removed (Selm & Jankowski, 2006).

In addition, with cloud-based surveys, participants are given the freedom to complete the study in a familiar setting, likely increasing their response rate. Moreover, we were able to distribute the online survey to a larger group of participants in an attempt to achieve a higher degree of statistical power (Wright, 2017).[18] This option was made possible because Qualtrics generated an anonymous reusable survey link which was included in the online advertisements. Finally, we were able to ensure a degree of anonymity to the respondents (on the importance of this characteristic, see, for example, Selm & Jankowski, 2006) as personal and identifying information was not required, requested or collected during the study. Indeed, participants were assigned a ResponseID, randomly generated by Qualtrics, which was used to identify each response in the database. In order to protect confidentiality, only the participant's ResponseID was used as the primary identifier of his/her data. While names and e-mail addresses were collected for those participants who agreed to take part in the monetary incentive, these personal data were purposefully stored separately from the dataset (further decreasing the likelihood of being identified).

Although there are numerous benefits to using a cloud-based survey tool, this option is not without its own limitations. First, in the present study, a technical difficulty resulted in participants not being randomly assigned to one of the experimental conditions, thus resulting in a smaller sample size. When using cloud-based surveys, one should anticipate technical glitzes as a potential limitation (Selm & Jankowski, 2006). Another disadvantage is the lack of interaction between the researcher and participants during the cloud-based experiment (Selm & Jankowski, 2006). As such, we were unable to directly clarify any confusion or concerns that participants may have

[18] The degree of statistical power is primarily influenced by the sample size. This is because a larger sample narrows the sample distribution. What this means is that there is less overlap between the null distribution and the true sampling distribution, making it easier to determine whether the observed data come from one distribution as opposed to the other (Field, 2009; Pandis, 2015).

experienced regarding instructions, definitions or any other issues pertaining to the study. This disadvantage is especially important in terms of this study's ecological validity,[19] as actual jurors are permitted to raise concerns with the judge at any given time and are given immediate responses to clarify their confusion (Hans & Vidmar, 2004).

Finally, cloud-based surveys increase the likelihood of incomplete responses, non-responses or multiple responses, especially when the survey allows for anonymity (Göritz, 2006; Selm & Jankowski, 2006). In order to reduce this latter limitation, we offered participants a monetary incentive in the form of a prize drawing (discussed below). However, doing so increases the possibility that participants will submit multiple responses in order to be entered multiple times in the draw (Göritz, 2006). Due to the anonymity of the data and the fact that the names and e-mail addresses were collected separately from the dataset, we were unable to determine whether any particular respondent filled out the survey more than once. Despite these limitations, it would seem reasonable to assume that many of them are unlikely to dramatically affect the validity of the study findings. On the one hand, there were few non-responses in the data. On the other hand, the draw was unlikely to be a strong enough motivation to have participants fill out the survey more than once (indeed, the gift card value was relatively low).

Case vignettes. Written case vignettes represent the most common trial presentation medium used in experimental jury simulations (Bieneck, 2009; Bornstein, 1999) as well as the primary medium used in this study's literature review (Hahn & Clayton, 1996; Hodgson & Pryor, 1984; May, 2014; Villemur & Hyde, 1983). Vignettes are written accounts of a hypothetical event, situation, or case proceeding which are intended to simulate real-life situations and are generally

[19] Ecological validity is defined by the extent to which the methods, materials and setting of a study can approximate the real-world (Field, 2009). A study that maintains high ecological validity can more accurately generalize findings to real-life settings.

used to elicit data on the opinions, awareness and attitudes of participants through their reactions and answers to hypothetical situations (Gould, 1996). In the context of jury research, written case vignettes represent a valuable method of gaining knowledge about the cognitive processes involved in jurors' perceptions and interpretations of trial information and decision-making (Bieneck, 2009).

Furthermore, vignettes allow for systematic manipulation of certain elements of trial information in the case descriptions as well as observation of their effects on responses (Bieneck, 2009). Generally, if all other pieces of trial information presented in each case vignette remain the same, differences in responses can be attributed to the manipulations (Bieneck, 2009). In addition, utilizing a vignette followed by a standardized questionnaire allows the researcher to collect an extensive amount of data from numerous participants. However, unlike interviews with jury members or shadow juries,[20] the use of case vignettes raises concerns pertaining to the ecological validity of the experimental study. In particular, case vignettes generally describe a case proceeding that is more simplistic than real-life proceedings (Bieneck, 2009). As a result, we must remain cognisant of the extent to which the results can be applied or generalized to the real-life perceptions and interpretations of actual jurors.

Questionnaires. Following the presentation of a written case vignette, participants in jury research are usually expected to answer questions pertaining to the vignette (Bieneck, 2009). This study utilized an online structured questionnaire with closed ended questions to collect participant data. Some of the advantages associated with online structured questionnaires include the minimal effort required from participants (as responses are in point-and-click format and are structured),

[20] A shadow jury refers to a group of mock jurors who are demographically similar to the actual jury and who are paid to observe a trial proceeding and report their impressions and reactions of the evidence to a trial and jury consultant (Andrews, 2009).

participants feel less pressure to immediately respond, and researchers have control over the order in which participants are able to answer the questions and the ability to force responses to some questions prior to continuing (Selm & Jankowski, 2006). Qualtrics also provided the ability to ensure that participants were unable to return to previously viewed pages. Participants were only able to advance in the survey after having responded to certain questions. This feature was especially pertinent as participants were unable to verify their answers regarding the manipulation checks.

However, there are several disadvantages to the use of structured questionnaires. First, the employment of standardized questions as opposed to open-ended questions may inappropriately influence participant responses (Bieneck, 2009). Specifically, a standardized questionnaire can suggest how the researcher wants and expects participants to respond (Bieneck, 2009). Second, seeking information solely by asking standardized questions in a questionnaire does not reflect all avenues in which information is generally retained on a daily basis. A question presumes that participants have ready and available answers (Gillham, 2008). With standardized questions, researchers do not know what exactly fuels the responses as they lack the ability to gage silence, body gestures or facial reactions and self-reflection on responses. Finally, brief and simple questions are strongly recommended; otherwise, participants may lose interest or fail to answer the questionnaire seriously (Gillham, 2008). Within this context, it may be relevant that the current survey took roughly 45 minutes to complete. Its length may have been a reason why some participants chose to drop out. While this latter limitation of structured questionnaires is arguably a concern, we believe the others to be more remote in this particular study. In particular, all questions were reproduced by previously tested questionnaires used in similar research (Hahn &

Clayton, 1996; Maeder, Yamamoto, & Saliba, 2015). As such, the validity and reliability of the responses obtained in this study are enhanced.

Monetary incentive. The current study used a monetary incentive to further encourage participation and reduce incomplete responses and dropouts. Specifically, we provided the opportunity for participants, at the end of the survey, to enter their name in a draw to win one of four gift cards (Apple Store, Shoppers Drug Mart, HMV and Tim Hortons), each valued at $25.00. The draw was open to all participants who entered their names and e-mails, regardless of whether they decided to ultimately withdraw from the study after beginning the questionnaire. Upon completion of the research, four names were randomly selected from participants. In order to claim the prize, participants had to correctly answer a skill testing question, automatically generated by Qualtrics.

When participants are offered incentives, it has been argued that they are more motivated to start a cloud-based experiment (Göritz, 2006). Subsequently, once participants access an online survey, they are more likely to complete the entire survey if an incentive is offered (Göritz, 2006). However, offering monetary incentives may have influenced the participants' intrinsic motivation to start and complete the survey (O'Neil & Penrod, 2001). By extension, participants may have perceived the materials and questionnaire differently due to the incentive and may not have responded due to a genuine interest in the study topic. While we are cognisant of this danger, it was nonetheless deemed unlikely to have negatively influenced the quality of the data as participants would have been more likely to have simply not completed the questionnaire.

Ethical concerns. The present study's main ethical concern was the use of deception. Deception was a key component to this research as participants were not informed of the specific nature of the study until they had completed it. Participants were initially told only that the study

was interested in "juror decision-making"; only after completing the study were participants informed of the study's actual interest in assessing gender stereotypes and schemas as well as their influence on juror decision-making. Deception was necessary precisely because respondents may not be conscious of the effect of gender on juror decision-making given that it is created by societal norms and values. Informing participants about the true nature of the study would have potentially changed how they viewed the defence attorney on the basis of gender. Upon completing the survey, participants were presented with a debriefing form explicitly stating why deception was considered necessary for the study and how it was used.

Additionally, while this study involved little risk of anxiety and mental and/or emotional distress, it is nevertheless possible that some participants may have felt discomfort when reading the case vignettes, which were written accounts of a hypothetical sexual assault or aggravated assault. The crime domains presented in the case vignettes and/or certain questions pertaining to perceptions of gender may have evoked feelings of anxiety and/or emotional distress in certain participants. In order to mitigate any potential discomfort, the consent form clearly warned all participants that they would be asked to read and respond to questions related to their beliefs regarding certain sensitive topics (e.g., culture and gender stereotypes), but did not state the specific topic. If participants experienced distress, they were given the option to withdraw their participation at any point. A withdrawal button was available at the bottom of each page of the survey. Additionally, the debriefing form contained contact information for the University of Ottawa's counseling and coaching services as well as Carleton University's and Algonquin College's counseling services. Participants were also given the option to contact the researcher for a list of Ottawa counseling resources.

Collection procedures. All participants who opened the survey link were first instructed to complete the demographic questionnaire. Once results revealed that a participant was jury-eligible, he/she was directed to read and digitally sign an informed consent form (see Appendix E). The consent form was built directly into the online survey in which participants were asked to check a box agreeing or disagreeing to participate in the study. It described the researchers, what participation would entail, potential risks and discomfort, issues of confidentiality and anonymity, participant benefits, and the participant's right to withdraw his/her participation. Participants were informed that they would play the role of a mock juror. Those refusing to participate in the study were redirected to the debriefing form (see Appendix F) and were not provided the opportunity to take part in the prize drawing. The debriefing form described the true nature of the study, the importance of the current research to the general public, our hypotheses, why we used deception, information on compensation, counseling resources, and a list of primary sources that participants could visit for more information. After explaining the true nature of the study, participants were given a final opportunity to withdraw their data from the dataset by clicking "I do not continue to consent to the use of my data" (see Appendix G). The data generated from these latter participants were subsequently removed from the dataset and destroyed (n = 1).

Those who agreed to participate were randomly assigned to one of the four case vignettes. After reading the vignette, participants were given jury instructions which emphasized the presumption of innocence and the burden of proof for either the sexual assault criminal charge or the aggravated assault criminal charge. Participants were then asked to complete the following measures: (i) judgment of guilt, (ii) the degree of certainty that they would ascribe to their judgment of guilt, and (iii) how credible they perceived the defence attorney. Once participants completed the questionnaire, they were directed to the debriefing form.

3.4.3 Independent variables. The current study examined two independent variables: the gender of the defence attorney and the crime domain represented by the defence attorney. The gender of the defence attorney (female or male) and the crime domain (sexual assault or aggravated assault) varied in the descriptions of the case vignettes. That is, two of the case vignettes described a hypothetical sexual assault case (with one describing a female defence attorney and the other a male defence attorney) (see Appendix H), while the other two case vignettes described a hypothetical aggravated assault case (again, with one describing a female defence attorney and the other a male defence attorney) (see Appendix I). Each vignette was approximately eight pages long. Participants were randomly assigned to one of the four case vignettes.

Since we were unable to retrieve examples of vignettes previously used in similar research, all four of the case vignettes were constructed by the primary researcher, with the aid of the thesis supervisor. Photographs were utilized to depict all characters in the four vignettes.[21] Each vignette contained opening and closing statements from the crown prosecutor (whose description and photo depicted him as male across all four case vignettes). The vignettes also included opening and closing statements from the defence attorney. Depending on the case vignette, the description and photo of the defence attorney varied in terms of gender. The case vignettes also contained testimonies from a police officer (the same male character and photo were used across all four case vignettes), two witnesses, a victim and a defendant. While the defendant was depicted as male in both description and photo across all four case vignettes, the victim and the two witnesses were presented as female characters in the sexual assault case but as male characters in the aggravated

[21] Photographs were utilized to ensure that the case vignettes were as realistic as possible; but, of course we were concerned that the photographs may potentially cause some sort of an effect unrelated to gender. With this in mind, the photographs were cautiously developed whereby all actors were given a neutral facial expression and depicted mature facial features. In addition, while 12 of the 80 participants (15.0%) failed the manipulation checks, it is still possible that participants were influenced by some other effect (dress, physical appearance, attraction) which was not examined in the particular study.

assault case. Considering that the characters of the victim and witnesses differed between the two crimes in the vignettes, it is necessary to exercise caution when interpreting the results.[22]

Pilot test. Prior to the distribution of the primary survey, a pilot study was conducted with the intent to evaluate and pre-test the instruments (Thabane, et al., 2010). It was executed to test the ecological validity and neutrality[23] of the sexual assault and aggravated assault case vignettes. Specifically, since the two case vignettes were constructed by the primary researcher and did not model any specific source, we wanted to ensure that both case descriptions would generate equal verdicts of guilt (guilty (50%) and not-guilty (50%)), so that neither case description appeared to favour the arguments of one side or the other. In this case, we would be able to attribute any differences in responses to the manipulations as opposed to the vignette itself.

The pilot sample comprised 24 participants from Ottawa, Ontario. These participants were recruited using the same methods described in the sampling method section. Of the 24 participants, 11 (45.8%) were randomly assigned to the aggravated assault vignette, and 13 (54.2%) were randomly assigned to the sexual assault vignette. Results revealed that of the 11 participants assigned to the aggravated assault vignette, 4 (36.4%) found the defendant guilty, while 7 (63.6%) found the defendant not guilty. Of the 13 participants assigned to the sexual assault vignette, 3 (23.1%) participants found the defendant guilty, while 10 (76.9%) found the defendant not guilty. Based on the results of the pilot study (where both case descriptions elicited more not-guilty verdicts than guilty verdicts), adjustments were made to both case vignettes in order to ensure a more equal assignment of guilt (e.g., adjusting the testimonies of the victim and the defendant to appear more impartial). Due to time constraints, we were unable to re-pilot the case vignettes after

[22] See section 5.2 for a discussion of the implications of this variation in the study vignettes. The initial design of this study included the additional manipulation of the gender of the victim and witness. However, this component was subsequently abandoned because of the complexity of the design as well as a small sample size.
[23] Neutrality is defined by the extent to which the case vignettes were impartial on the basis of verdict.

these adjustments were made. While re-piloting the vignettes would have been more reassuring, it was assumed that the adjustments were effective because all comments and suggestions provided by participants to enhance neutrality were addressed.

Manipulation checks. Participants were asked a series of questions which functioned as manipulation checks[24] pertaining to the case vignette. Most of the manipulation checks differed depending on the crime domain of the case vignette. However, one manipulation check, intended to ensure that participants recognized the gender of the defence attorney, was identical across all four questionnaires. Specifically, participants were given two response options: male and female. Of the 42 participants who read the sexual assault vignette, a total of 9 (21.4%) participants failed to correctly identify the gender of the defence attorney. Of the 38 participants who read the aggravated assault vignette, 3 (7.9%) participants failed to correctly identify the gender of the defence attorney. Generally, the data for those participants who fail the manipulation checks are removed from the analyses. However, due to the limited amount of participant data, these results were retained in this study. Hence, caution is again advised when interpreting the results.[25]

3.4.4 Dependent variables. The current study examined whether or not the independent variables (gender of the defence attorney and crime domain) influenced three dependent variables: verdict decision, verdict certainty and perceived credibility of the defence attorney. Participants were expected to complete a series of opinion-related questions pertaining to their judgment of guilt and the degree of confidence which they would ascribe to that judgment. Participants were

[24] A manipulation check is generally defined as an experimental question that helps ensure that the independent variable – in this case, the gender of the defence attorney – has effectively been manipulated whereby participants understand the independent variable to the same extent that the primary research planned (Allen, 2017).

[25] For a discussion of the consequences of including data from participants who fail manipulation checks, see section 5.2. In addition to addressing the potential consequences, we also provide a justification of why removing these data from the analysis would arguably have been more harmful to the integrity of the current study than retaining them.

also expected to complete one additional scale indicating how credible they perceived the defence attorney to be.

Verdict decision. Participants were first asked to assign a verdict to the defendant accused of either sexual assault or aggravated assault according to a dichotomous judgment of guilt: guilty or not guilty. Verdict decision, examined as a categorical variable, was coded as 0 for "not guilty" and 1 for "guilty".

Verdict certainty. Participants were subsequently asked to evaluate their confidence in their verdict decision on a 10-point scale ranging from 0 to 10, with 0 representing "not at all confident" and 10 representing "very confident". A continuous verdict score was created to measure the participants' confidence in their verdict, which was further generated as a scale variable labelled "verdict certainty". The creation of this continuous verdict certainty variable was modeled after Maeder, Yamamoto and Saliba's (2015) continuous verdict index. To derive it, we had to create an additional verdict decision variable labelled "verdict decision confidence". We adjusted the coding according to Maeder, Yamamoto, and Saliba's (2015) coding scheme: -1 for "not guilty" and +1 for "guilty".[26] Verdict certainty was created by multiplying "verdict decision confidence" by "verdict confidence". This methodological strategy resulted in the scores ranging from -10 to +10, with -10 indicating that a participant was "very certain the defendant was not guilty" and +10 indicating that a participant was "very certain the defendant was guilty". Verdict certainty scores are frequently calculated in jury research to obtain continuous data, permitting a more sensitive assessment of the independent variables (Maeder, Yamamoto, & Saliba, 2015).

Perceived credibility of the defence attorney. In order to examine whether or not the independent variables influenced the perceived credibility of the defence attorney, we constructed

[26] For all other analyses, we referred to the original coding ascribed to the verdict decision variable (0 for "not guilty" and 1 for "guilty").

a scale asking participants to indicate the extent to which they found the defence attorney to be credible. We followed Hahn and Clayton (1996) in seeking to produce questions that would best illustrate participants' perception of the defence attorney's credibility. Importantly, the perceived credibility of the defence attorney was assessed only according to the dimension of competence and not according to the dimension of trustworthiness.[27] Paralleling Hahn and Clayton (1996), we had participants rate the defence attorney on the trait dimension of competence, particularly in terms of assertiveness, aggressiveness and confidence. Specifically, participants were asked to rate the following statements along a 7-point Likert scale (with 1 representing "not at all" and 7 representing "very much"): To what extent did the defence attorney "Provide credible and competent facts", "Provide information in an assertive manner", "Present the material in an aggressive manner", "Present the material in a confident manner" and "Appear incompetent". Participants' responses from the scale were scored (or reverse scored, depending on the original formulation) so that a higher mean score indicates greater perceived credibility. Of the five statements, two were reverse scored: "Present the material in an aggressive manner"[28] and "Appear incompetent". Participant mean scores ranged from 3.00 to 7.00. Prior to commencing the data

[27] Findings presented by Hodgson and Pryor (1984), Hahn and Clayton (1996) and May (2014) demonstrate the importance of perceived credibility according to the dimension of competence. That is, competence is found to be the most significant factor determining jurors' perceptions of the attorney (Nelson, 2004). Although the current study only took into account the dimension of competence, and not trustworthiness, future research should consider both dimensions when examining the credibility of the defence attorney. According to Lafferty (2005), both dimensions can help to establish the attorney's credibility.

[28] Although aggression is not necessarily a negative tone, it is our understanding that previous scales reverse scored aggression. As such, this item was reverse scored to remain consistent with previous research.

analysis, we examined the reliability of the questionnaire to ensure internal consistency.[29] The scale generated a Cronbach's alpha[30] of .67, indicating acceptable internal consistency reliability.

3.4.5 Sample characteristics. In order to assess the demographic and descriptive characteristics of the sample population, the following study took into account the data from a number of different sources.

Demographic questionnaire. At the beginning of the online survey, participants were asked three close-ended questions used to identify the characteristics of the sample participants (see Appendix J). These three questions asked participants to identify their gender ("female", "male", "transgender" or "you do not have an option that applies to me"), racial background ("White", "Arabic", "South Asian", "Southeast Asian", "West Asian", "Chinese", "Black", "Filipino", "Latin American", "Korean", "Japanese" or "Other") and Aboriginal status ("No, not an Aboriginal person", "Yes, First Nations (North American Indian)", "Yes, Metis" or "Yes, Inuk (Inuit)").

Eligibility criteria. Subsequently, participants were asked three close-ended questions used to determine the eligibility of the participant (see Appendix J). These three questions were adopted according to s.2 and s.3 of the *Juries Act* (1990). In particular, participants were asked to identify their age according to six multiple choice options ("17 and under", "18-30", "31-40", "41-50", "51-60" and "61 and older"), whether or not they were a Canadian citizen ("yes" or "no"), and if they had ever been convicted of a criminal offence ("yes" or "no"). Any participant who identified as 17 years of age or younger, not a Canadian citizen, or previously convicted of a criminal offence

[29] Internal consistency is a measure of reliability and is defined by the extent to which items on a scale or questionnaire, that are intended to measure the same construct, produce similar results (Allen, 2017). For example; "how well do all the items on the perceived credibility of the defence attorney scale, which are intended to measure the participants' perception of the defence attorney's credibility, produce consistent findings?".

[30] Cronbach's alpha is used to measure the internal consistency reliability of an instrument and is expressed as a value between 0 and 1 (Tavakol & Dennick, 2011). The acceptable values used to demonstrate strong internal consistency range anywhere from 0.70 to 0.95.

was deemed *ineligible* to continue and automatically re-routed to an electronic page that notified them of their *ineligibility* and thanked them for their time.

Need for Cognition Scale (NFC). Additionally, participants were expected to complete the 18-item NFC Scale (Cacioppo, Petty & Kao, 1984). The NFC scale, which measures individual differences in the degree to which people engage in and enjoy effortful cognitive endeavours, has been the most popular and successful scale in distinguishing the extent to which jurors cognitively consider the materials presented in court (Petty, Briñol, Loersch, & McCaslin, 2009; Shestowsky & Horowitz, 2004). Within the context of the current study, NFC results extend the description of the sample. Specifically, a juror's degree of NFC demonstrates the extent to which he/she carefully and systematically scrutinizes the materials presented to him or her (Devine, 2012; Leippe et al., 2004). Jurors considered low in NFC typically do not enjoy engaging in challenging cognitive activities, but may only do so if an incentive is presented to them. Conversely, jurors who score high in NFC eagerly embrace cognitive activities and process information systematically; they tend to think more about various forms of information, including their own thoughts (Devine, 2012; Petty et al., 2009). These differences in thinking capabilities may impact the degree to which defence attorney evidence is weighed and interpreted, ultimately resulting in different verdict outcomes in response to the same evidence (Petty et al., 2009).

The items on the NFC scale are statements that address the participant's tendency to engage and enjoy effortful cognitive endeavours (e.g., "The idea of relying on thought to make my way to the top appeals to me"). Participants were asked to rate themselves on a 7-point Likert scale, with 1 demonstrating "strongly disagree" and 7 demonstrating "strongly agree". Items on the scale were scored or reverse scored so that the higher the mean sum of scores indicated greater eagerness to engage in the case vignette and the questionnaire. Of the 18-items, 9 were reverse scored as they

were negatively worded (Cacioppo, Petty & Kao, 1984). Examples of these items are as follows: "Thinking is not my idea of fun", "Learning new ways to think doesn't excite me very much" and "I prefer to think about small, daily projects to long-term ones".

Participants were categorized as low or high in their NFC by using the median split method suggested by Cacioppo and Petty (1982). Based on the scores collected from the sample, the median score was 4.90. Participants were classified as low in their NFC when their NFC mean score was below the median (coded as 0). Similarly, participants were classified as high in their NFC when their NFC mean score was above the median (coded as 1). This statistical approach generated a dichotomous categorical variable labelled "NFC". In previous research, the NFC measure has yielded strong reliability. In this study, the 18-item scale demonstrated excellent internal consistency reliability, with a Cronbach's alpha of .92 (on this interpretation, see, for example, Haddock, Maio, Arnold & Huskinson, 2008). Appendix K presents the entire NFC scale.

Bem Sex-Role Inventory (BSRI). Finally, participants were expected to complete the 60-item BSRI (Bem, 1974). The 60 items on this scale constitute personality characteristics which are intended to assess whether or not participants define their self-concept according to gender cues. This allowed for a more descriptive assessment of the sample's demographic composition as it identifies which participants are more or less likely to organize their reality and regulate their behaviour and information processing according to gender.

Bem (1974) argued that apart from identifying oneself as feminine or masculine, some individuals may identify themselves as androgynous which entails being both "masculine and feminine, both assertive and yielding, both instrumental and expressive" (p. 155). Within this context, this scholar introduced the Bem Sex-Role Inventory (BSRI) to measure and identify the construct of psychological androgyny. The BSRI treats masculinity and femininity as two

independent dimensions in order to make it possible for individuals to characterize themselves as masculine, feminine, androgynous or undifferentiated.

In particular, the BSRI contains three scales: Masculinity scale (e.g., characterised by such traits as “Aggressive”, “Assertive”, “Individualistic”), Femininity scale (e.g., “Gentle”, “Soft spoken”, “Sympathetic”) and a Neutral scale (e.g., “Happy”, “Secretive”, “Jealous”). Each of them explores 20 related personality characteristics. The items included in the Masculinity and Femininity scales are deemed stereotypical characteristics related to each gender (Bem, 1974). The items included in the Neutral scale are not stereotypically applied to one gender over the other. These latter items merely provide a neutral context in which to distinguish the Masculinity and Femininity scales. As such, scores derived from the Neutral scale were not included in our analysis (Bem, 1974).

To construct the three scales, participants were asked to indicate, on a 7-point Likert scale, how well each of the 60 personality characteristics described themselves, with 1 representing “never or almost never” and 7 representing “always or almost always true” (Bem, 1974). The participant’s Masculinity score is the mean of his/her self-ratings on all 20 masculine items. Likewise, the participant’s Femininity score is the mean of his/her self-ratings on all 20 feminine items (Bem, 1974; Chu, 2007). Participants were categorized as feminine, masculine, androgynous or undifferentiated using a median split method (Bem, 1977). This methodological approach compared the participants’ mean masculine and feminine scores to the median. Based on the scores collected from the sample, the median scores calculated for both the Masculine and Feminine scales were 4.80 and 4.70, respectively.

The BSRI measure was used to identify ‘sex-typed’ individuals (that is, participants who associate feminine and masculine personality characteristics to their self-concept). Sex-typed

individuals are more likely to organize their reality and regulate their behaviour and information processing according to gender. Conversely, non-sex-typed individuals are less likely to organize information and regulate their behaviour according to gender (e.g., they are more likely to associate with androgynous or undifferentiated, non-sex-typed self-concepts). In particular, the BSRI measures an individual's self-concept according to their gender role. That is, it measures individuals' tendency to use gender as a lens to understand their reality and to ascribe either gender stereotypical or non-stereotypical definitions to their self-concept.

That being said, a participant was classified as Feminine (coded as 0; sex-typed) when their feminine score was above the feminine median and their masculine score was below the masculine median. Similarly, a participant was classified as Masculine (coded as 1; sex-typed) when their masculine score was above the masculine median and their feminine score was below the feminine median. Participants were classified as Androgynous (coded as 2; not sex-typed) when their masculine and feminine scores were both above the respective group medians. Participants were classified as Undifferentiated (coded as 3; not sex-typed) when both their masculine and feminine scores were below the respective group medians. This differentiation allowed us to create a categorical variable labelled as "gender type". In previous research, the BSRI measure has yielded high internal consistency (Bem, 1977; Chu, 2007). In this study, both the femininity and masculinity items demonstrated rather robust internal consistency reliability, with a Cronbach's alpha of .79 and .84 respectively. Appendix L presents the entire BSRI.

3.5 Data Analysis

The current study employed several statistical analyses, including multivariable methods, in order to test our three hypotheses. We utilized SPSS, version 24, and RStudio, version 1.1.453, to carry out these analyses and to interpret the data. In particular, we executed the following: 1) a

chi-square test of independence (used to examine the relationship between the dichotomous dependent variable (verdict decision) and the categorical independent variables); 2) a nonparametric Kruskal-Wallis H test and Scheirer-Ray-Hare test (used to examine the relationship between the continuous dependent variable (verdict certainty) and the categorical independent variables which produced a non-normal distribution of scores); and 3) a hierarchical multivariable linear regression (used to examine the relationship between the final continuous dependent variable (perceived credibility of the defence attorney) and the categorical independent variables).

3.5.1 Chi-square test of independence. As a nonparametric test, the chi-square test of independence was employed in order to determine whether or not a significant association exists between the dichotomous dependent variable (verdict decision) and both categorical independent variables (gender of the defence attorney and crime domain). This inferential statistic tests the null hypothesis of no association between two or more categorical variables by analyzing frequencies (Field, 2009). Specifically in the case of the current study, the statistic compared the frequencies observed within each cell of a 2 by 2 contingency table to the frequencies one might expect to get in those cells simply by chance (Field, 2009).

Prior to executing a chi-square test of independence, there are three vital assumptions that must be met to ensure that the data can, in fact, be analysed using this test (Field, 2009). The first assumption requires the dependent and independent variables to be (treated as) categorical in nature. In this case, the dependent variable of interest is verdict decision and contains only two categorical outcomes (not guilty or guilty). Similarly, the independent variables of interest are gender of the defence attorney and crime domain, which both contain two categorical outcomes (female or male; sexual assault or aggravated assault).

The second assumption requires independence of observations such that different participants are ascribed to each independent cell whereby participant scores in one cell are not influenced by any other scores in another cell. The current study satisfies this assumption as we maintained a study design in which each participant contributed to only one cell of the contingency table. The final assumption requires all expected frequencies within each cell to be greater than 5. The contingency tables generated for the current study did not have low expected values. As a result, it can be confirmed that we have satisfied the final assumption. Appendix M presents the expected values for both crosstabs.

Once all three assumptions were tested and validated, a chi-square test of independence was used to test our first hypothesis. Specifically, this test examines the association between each independent variable (gender and crime domain) and the dependent variable (verdict decision). As part of this statistical examination, both main effects (e.g., the impact of gender on verdict as well as the impact of crime domain on verdict) and interactions (gender by crime domain on verdict decision) were examined. The chi-square analysis provides a variety of descriptive and inferential statistics. In the former case, the frequency per cell, the row (dependent variable) and column (independent variables) percentages, and the *p*-value associated with Fisher's exact test were interpreted. Column percentages were used to interpret any effects of the independent variable (placed on the columns) on the dependent variable presented in the analysis. Compared to frequencies, these percentages better reflect the patterns of data as they do not depend on the sample sizes among the different categories (Field, 2009). Fisher's exact test was interpreted (rather than the chi-square statistic) as the latter statistic can become unstable with a 2 by 2 contingency table and a small sample (precisely because it relies on an approximate chi-square distribution which assumes a large sample size) (Field, 2009; Hae-Young, 2017). This statistic

computes the exact probability of the chi-square statistic that is accurate when sample sizes are relatively small (Field, 2009; Hae-Young, 2017). Using the Fisher exact 2-sided test, the *p*-value was reported where values of < .05 were interpreted as demonstrating a significant association between the variables and values of ≥ .05 were interpreted as demonstrating no significant association. In cases in which a significant association was present, Cramer's V (*V*) was reported in order to provide the effect size (that is, the magnitude of the effect) of the mean differences. Values ≤ 0.20 demonstrated a small effect; values ≤ 0.40 demonstrated a moderate effect and values ≥ 0.40 demonstrated a large effect.

3.5.2 Kruskal-Wallis H test analysis. A Kruskal-Wallis H test – a rank-based nonparametric technique equivalent to that of a one-way ANOVA – was employed to examine whether verdict certainty (measured on a continuous scale from -10 to +10) differed based on the gender of the defence attorney and crime domain. The Kruskal-Wallis H test uses the variation between ranked sample means to compare and estimate the variation among participants (Chan & Walmsley, 1997). Although Analysis of Variance (ANOVA) is typically used to compare and test the differences between multiple independent group means, the current dataset failed to fulfill one of the assumptions required for this inferential statistic (Chan & Walmsley, 1997). Specifically, ANOVA assumes the dependent variable to be normally distributed across each level of the independent variables (Chan & Walmsley, 1997). After conducting the Kolmogorov-Smirnov and the Shapiro-Wilk tests, we determined that the data scores on verdict certainty were not normally distributed for each independent group at each level (see Appendix N) (for a discussion of this assumption, see, for example, Corder & Foreman, 2011). The results were statistically significant, which required us to reject the null hypothesis of assumed normality and to search for a nonparametric alternative.

The Kruskal-Wallis H test was deemed most appropriate for this analysis as it compares and distinguishes differences among the independent sample curves for the distribution of scores across each level of the independent variables on the dependent variable and the population curve, without making assumptions pertaining to the original distribution of the population (Chan & Walmsley, 1997). Because the null hypothesis relating to the Kruskal-Wallis H test only assumes the same form of the distributions, general assumptions are made about the population distribution (Chan & Walmsley, 1997). As a result, a random distribution can be assumed.

Although this test does not assume normality in the data, there are still four necessary assumptions that must be verified to ensure the data can, in fact, be analysed using a Kruskal-Wallis H test. The first assumption requires the dependent variable under study to be measured on an ordinal or continuous scale (Chan & Walmsely, 1997). In the context of this study, we can conclude the first assumption to be satisfied. Specifically, the dependent variable (verdict certainty) was measured on an ordinal scale but treated as a continuous variable.

The second assumption requires all independent variables to contain two or more categorical, independent levels or groups (Chan & Walmsely, 1997). Similarly, the current study satisfies this assumption as both independent variables (gender of the defence attorney and crime domain) consist of two categorical binary groups. Third, there should be no relationship between participant scores among each independent group. In other words, the independence of observations requires different participants across each independent group whereby participant scores in one group are not influenced by participant scores in another group (Chan & Walmsely, 1997). The current study satisfies this assumption as we maintained a study design whereby each participant was randomly assigned to only one group.

The last assumption requires the same form of distribution between each independent group and the population from which the sample was taken (Chan & Walmsely, 1997). Specifically, we needed to ensure that the distribution of scores for each level of the independent variables on the dependent variable maintained the same shape. We were able to test this assumption by reviewing the previous results from the Kolmogorov-Smirnov and Shapiro-Wilk tests. Histograms and box plots were generated and broken down by level of each independent variable, resulting in the creation of four histograms and four box plots (two for each independent variable). Through visual inspection, we sought to determine whether each distribution was similar across both levels of the independent variable. The histograms demonstrated similar forms in distribution. Further, the relationships between the whiskers on the box plots were relatively similar between the two groups for each independent variable. Appendix O presents these analyses. We were thus able to conclude that the distributions between the two levels of each independent variable on the dependent variable of verdict certainty were, in fact, similar and had the same shape.

Once all four assumptions were tested and validated, we conducted the Kruskal-Wallis H test to independently examine the main effect of both independent variables on verdict certainty, respectively. The analysis provides the mean rank for each group and an Omnibus statistic presented in the form of a chi-square. Significant results would imply a rejection of the null hypothesis – that is, that the distribution of the dependent variable is significantly different across the mean ranks of both groups for the independent variable. No post hoc tests were necessary as we only have two levels for each independent variable. Non-significant results would require us to retain the null hypothesis – that is, that the distribution of the dependent variable is the same across the mean ranks of both groups for the independent variable.

In order to test the interaction between the gender of the defence attorney and crime domain, we utilized the Scheirer-Ray-Hare test. This test is a two-way nonparametric test on ranked data and an extension of the Kruskal-Wallis H test (Scheirer, Ray, & Hare, 1976). This analysis was not available in SPSS, version 24. As a result, we used RStudio, version 1.1.453 to run the analysis. We were not required to test any assumptions as the Scheirer-Ray-Hare test maintains the same assumptions that were previously validated for the Kruskal-Wallis H test. The analysis involves ranking the data for all of the variables, executing a two-way ANOVA, and testing the ratio H (equivalent to SumSquare/MeanSquare$_{total}$) reported in the form of a chi-square (Scheirer, Ray, & Hare, 1976). A statistically significant p value (e.g., $p < .05$) would imply a significant difference in rank scores among the dependent variable and the interaction predictor.

3.5.3 Hierarchical multivariable linear regression analysis. The multivariable technique used to test the final dependent variable (perceived credibility of the defence attorney) was hierarchical multivariable linear regression. This method of analysis allows us to examine how the predictor variables contribute to changes in the dependent variable of the perceived credibility of the defence attorney. Linear regression models describe the relationship between a continuous dependent variable and only one predictor variable. A multivariable linear regression allows for the analysis of the simultaneous effects of multiple predictor variables (continuous or categorical) on a continuous dependent variable (Hidalgo & Goodman, 2013). The model assumes that the dependent variable is a linear function of the predictor variable. It computes a regression coefficient for each predictor variable which describes the overall relationship between the predictor variables and the dependent variable (Schneider, Hommel, & Blettner, 2010). Additionally, by conducting a multivariable linear regression, it is possible to determine the overall variance in the dependent variable explained by the model and how much of this variance can be

accounted for by each individual predictor variable (Schneider, Hommel, & Blettner, 2010). Equally important, we chose a hierarchical multivariable linear regression because it also permits the testing of the interaction between the predictor variables. To this end, we ensured that the individual predictor variables were the first variables added to the regression model.

Prior to executing this statistical technique, a number of relevant assumptions needed to be tested in order to ensure the validity of the results (Williams, Grajales, & Kurkiewicz, 2013). The first assumption requires the independence of errors. Any violation of this assumption increases the risk of a Type 1 error because errors that are not independent can lead to biased estimates of significance (Williams, Grajales, & Kurkiewicz, 2013). We tested this assumption by plotting the standardized residuals against the standardized predicted values along a scatterplot chart for the dependent variable across both predictor variables. Two scatterplot charts were generated and demonstrated no major concerns with regard to the independence of errors. Appendix P presents these analyses. Specifically, both scatterplots maintained a rectangular shape and all scores fell between the appropriate ranges of +3 and -3 on the standardized residual and -2 and +2 along the predicted values.

In order to further interpret these results, we also analyzed the Durbin-Watson statistic (Nerlove & Wallis, 1966). This statistic is designed to test for the possible correlation in the residuals from one observation to the next (Nerlove & Wallis, 1966). The statistic ranges from 0 to 4, with a value of 2 indicating that the residuals are not correlated. A Durbin-Watson statistic that moves closer to 4 indicates an increasingly strong negative correlation, while a statistic moving closer to 0 demonstrates an increasingly strong positive correlation between the residuals (Nerlove & Wallis, 1966). The Durbin-Watson statistic for the dependent variable was close to 2,

demonstrating no correlation among the residuals. As a result, we can conclude that the residuals are, in fact, independent.

The second assumption is that a linear relationship exists between the continuous dependent variable and each of the predictor variables. That is, the dependent variable is assumed to be a linear function of the independent variables (Williams, Grajales, & Kurkiewicz, 2013). In order to test this assumption, we conducted a multivariable linear regression and interpreted the normal probability plots of the regression standardized residuals for the dependent variable. For perceived credibility of the defence attorney, the observation scores formed a nearly linear pattern. Additionally, the scores on the scatterplot were well within the range of +3 and -3 on the standardized residuals (minimum standard residual of -2.03 and maximum standard residual of +2.61) and within the range of -1.5 and +1.5 on the predicted values. Appendix Q presents these analyses. As a result, we can conclude that a linear relationship does, in fact, exist between the independent variables and the dependent variable of the perceived credibility of the defence attorney.

The third assumption requires homoscedasticity across all levels of the predictor variables. Homoscedasticity assumes that the actual set of data will have similar to equal levels of variance consistently spread out across the values of the predictor variables (Williams, Grajales, & Kurkiewicz, 2013). We tested the homoscedasticity of the perceived credibility of the defence attorney when predicted by both predictor variables (the gender of the defence attorney and crime domain) by plotting the relationship between the dependent variable and the standardized residuals (Williams, Grajales, & Kurkiewicz, 2013). Appendix R presents these analyses. We conducted a multivariable linear regression in order to interpret the scatterplot and determine the presence of homoscedasticity. We can confirm the homogeneity of variance for the dependent variable given

that the distances from the residuals to the linear fit line remained consistent as we moved across all levels of the independent variables.

The fourth assumption requires the absence of multicollinearity (Williams, Grajales, & Kurkiewicz, 2013). Multicollinearity occurs when two or more predictor variables are considered highly correlated (Park, 2013). Multicollinearity among independent variables is considered problematic as it may lead to large standard errors for the estimated beta coefficients. For dichotomous independent variables, multicollinearity is tested using the tetrachoric correlation coefficient - an extension of the polychoric correlation. However, SPSS does not have a statistical procedure that produces tetrachoric correlations. As such, we performed the analysis of multicollinearity using the phi coefficient (Φ) to test for correlation among categorical independent variables (on the use of this alternative strategy, see, for example, Ekström, 2011 or Muir et al., 2010). Independent variables are deemed to be highly correlated if $\Phi \geq \pm 0.30$. Additionally, linear regressions are executed in order to retrieve collinearity diagnostics among independent variables. Tolerance values should not recede below 0.20, as values closer to 1 indicate little multicollinearity. Variance inflation factors (VIFs) should not exceed 4.00, as values higher than 4.00 indicate that the variables are highly correlated (Park, 2015; Vuuren, Jong, & Seydel, 2007). We tested this assumption by performing a cross tabulation among the independent variables. For every pair of variables, we analyzed multicollinearity using the Φ presented in the cross tabulation. Appendix S presents the values for these analyses. The results indicated that no independent variables were highly correlated, as Φ was $< \pm 0.30$ for each pair of variables, respectively. Additionally, we conducted a linear regression and noted the collinearity diagnostic among each independent variable. The tolerances for both independent variables were well above 0.20, with each VIF not exceeding 1.5.

The fifth assumption requires the absence of significant outliers in the data (Williams, Grajales, & Kurkiewicz, 2013). This assumption was tested through the interpretation of Cook's distance where a distance of greater than 1 would imply the existence of an outlier. The dependent variable (perceived credibility of the defence attorney) generated a Cook's distance of 0.09. As a result, the fifth assumption was validated and satisfied, confirming that no outliers were present.

Finally, this statistical test assumes that the dependent variable is normally distributed. Specifically, the model requires the errors (e.g. the difference between participants' observed values and the values predicted by the regression model) to be normally distributed for any combination of values across the predictor variables (Williams, Grajales, & Kurkiewicz, 2013). In order to test the assumption of normality, we conducted a normality test. Specifically, we interpreted both the Kolmogorov-Smirnov and the Shapiro-Wilk statistics and their significance. It was determined that the data scores for the dependent variable, across the independent variables, were visually normally distributed according to the displayed histograms. Additionally, results from the normality test produced non-significant statistics for both the Kolmogorov-Smirnov and Shapiro-Wilk tests. These results suggest that the dependent variable is normally distributed, and is normally distributed for each independent variable, at each level.

Once the aforementioned assumptions were validated, we performed a hierarchical multivariable linear regression in order to predict the perceived credibility of the defence attorney based on the gender of the defence attorney and crime domain as well as the interaction between these two variables. The regression consisted of three steps. With each new step, a new predictor was added to the regression. In order to examine the effects of the predictor variables, each step provided a model summary, an ANOVA summary output and a regression coefficient table, which were all interpreted in our analysis (Cronk, 2017).

The model and the ANOVA summary output describe the variance and significance of the regression equation of the independent variables when predicting the dependent variable (Cronk, 2017). Specifically, the model summary provides the proportion of variance in the dependent variable that can be explained by the predictor variables at each step. It describes how well the model actually fits the data (Cronk, 2017). This proportion was interpreted via R^2 (coefficient of determination) and reported as a percentage. In order to compare models and their predictive capacity, we also reported the R^2 change (ΔR^2) which identified the proportion of change in variance solely on the basis of the predictor variables and was associated with an F change value and p-value. The ANOVA summary output describes the overall statistical significance of the linear regression model - R^2 - by reporting the related F value. Throughout each step, we interpreted and reported the R^2 and ΔR^2 values as well as their overall significance using the F value, the df for the regression and residuals, and the p-value. A generated p-value of $<.05$ would imply that the linear regression model significantly predicts the outcome of the dependent variable.

After interpreting the overall fit of the model, we sought to examine the degree to which the individual independent variables within the model contributed to predicting the dependent variable. In doing so, we reported the unstandardized regression coefficients (B), the standardized Beta coefficients (β), the standard error and the significance ascribed to each predictor. The unstandardized regression coefficient represents the expected change in the dependent variable when the predictor variable is increased by a unit of 1, while keeping all other predictor variables constant. The standardized Beta coefficient indicates the change relative to standard deviations, such that for every 1 standard deviation increase in the predictor variable, β represents the expected value of change in the standard deviation in the dependent variable. In cases in which a significant association was present, Cohen's f^2 (f^2) was reported in order to provide the effect size of the mean

differences. Values ≤ 0.15 demonstrated a small effect; values < 0.35 demonstrated a moderate effect and values ≥ 0.35 demonstrated a large effect (Selya et al., 2012).

Chapter 4 - Results and Analysis

4.1 Participant Demographics

The sample consisted of 80 participants drawn from a jury-eligible student and community sample from Ottawa, Ontario.[31] Of those participants, 61 were female (76.3%) and 19 were male (23.7%). As demonstrated in Table 4.1, most participants (n = 46, 57.5%) were between the ages of 18 and 30, while 17.5% (n = 14) were 31-40, 11.2% (n = 9) were 41-50, 12.5% (n = 10) were 51-60, and one participant (1.3%) was in the age category of 61 or older. Additionally, the majority of the sample described themselves as White (n = 69, 87.3%), while the remaining participants identified themselves as Chinese (n = 3, 3.8%), Filipino (n = 2, 2.5%), Latin American (n = 1, 1.3%), Arab (n = 1, 1.3%), Black (n = 1, 1.3%) or other (n = 2, 2.5%).

Table 4.1

Participant Characteristics

Characteristics	Description	*n*	*%*
Gender	Female	61	76.3
	Male	19	23.7
Age	18-30	46	57.5
	31-40	14	17.5
	41-50	9	11.2
	51-60	10	12.5
	61 or older	1	1.3
Ethnicity	White	69	87.3
	Chinese	3	3.8
	Filipino	2	2.5
	Latin American	1	1.3
	Arab	1	1.3

[31] As we did not question participants regarding their employment/student status, it is not possible to verify the number of students (versus the number of community members) who were retained in the sample.

Black	1	1.3
Other	2	2.5

Importantly, although the sample was predominantly female, other characteristics (age and ethnicity) were comparable to both the 2010 student demographic report presented by Statistics Canada and the 2016 Census of the Ottawa community demographic profile. For instance, Canada's 2006 student population was estimated at 1.6 million whereby 75% (1.2 million) of students were between 17 and 27 years of age (Statistics Canada, 2010). While the current sample showed slightly more variability in terms of age, the overrepresentation of participants between the ages 18 and 30 is likely a reflection of the targeted sampling of the student population. And, in fact, Ottawa's community population aged 20 or older was estimated at 721,375 in 2016, with only 18.4% (132,340) between the ages 20 and 29 while almost half of the community population was identified as 50 or older (47%, 339,105) (Statistics Canada, 2016). Similarly, the current sample was relatively representative of the Ottawa student and community populations in terms of ethnic and racial composition. Specifically, 74.2% of the Ottawa population identify themselves as White, while 4.0% identify themselves as Chinese, 1.2% identified as Filipino, 1.2% as Latin American, 3.7% as Arab, 5.7% as Black, and 0.2% as other (City of Ottawa, 2011). In brief, at least with respect to the few demographic variables collected, the study sample generally appears representative of the wider population of interest.

4.1.1 Need for Cognition results. To further expand the description of the sample, all participants were asked to complete the NFC scale. As this measure describes the participant's tendency to engage and enjoy effortful cognitive endeavours, it is arguably an important characteristic impacting the decision-making process of our study subjects. Specifically, high NFC participants are more likely to focus on central cues (argument quality) and use cognitive effort when evaluating complex information, including video and audiotaped events, advertisements,

pictures, vignettes and evidence presented in the courtroom (Leippe, Eisenstadt, Rauch, & Seib, 2004). In contrast, participants who score low in NFC have a tendency to process information schematically by focusing on extralegal cues and relying on stereotypes to form their judgments of guilt as opposed to carefully assessing the crime details (Petty et al., 2009). Said differently, the latter group would likely be more vulnerable to issues surrounding gender.

As illustrated in Table 4.2, there was a comparable split among those who were categorized as high and low in their NFC. Of the 43 (53.8%) mock jurors categorized as high in their NFC, 33 (76.7%) of them were identified as female and 10 (23.3%) were identified as male. Of the 37 (46.2%) mock jurors categorized as low in their NFC, 28 (75.7%) were identified as female while 9 were identified as being male (24.3%). These findings would suggest that 46.2% of the mock jurors in our study sample were not particularly eager to process the information presented during the study while 53.8% carefully examined the information presented to them.[32] Said differently, while the percentages of female and male participants - in each high/low category - were relatively equal, close to half of the male and female mock jurors might be more at risk of gender stereotypes/schemas and, as such, more susceptible to gender as an extralegal factor (ultimately affecting this sample's decision-making process (at least as captured by NFC)).

[32] Obviously mock jurors' NFC would have been a valuable control variable in our analysis. Unfortunately, it was not possible, given our small sample size. Broadly, controlling for this variable would have resulted in reduced degrees of freedom for the majority of our statistical analyses and, hence, a decrease in our study's statistical power. More problematically, it would translate into a number of empty (e.g., with 0 cases) cells. Having said this, while our results revealed that participants' NFC scores had no impact on any of the three dependent variables, future research may benefit from exploring the effects of NFC on juror decision-making, given that 46% of mock jurors were low in NFC.

Table 4.2

Cross Tabulation of NFC Results by the Gender of the Mock Juror

	Need for Cognition									
	Low				**High**				**Total**	
	n	*%*	*M*	*SD*	*n*	*%*	*M*	*SD*	*n*	*%*
Total	37	46.2	4.04	0.80	43	53.8	5.65	0.50	80	100.0
Female Mock Juror	28	45.9	3.99	0.86	33	54.1	5.50	0.33	61	76.3
Male Mock Juror	9	47.4	4.17	0.62	10	52.6	6.16	0.62	19	23.7

4.1.2 Bem Sex-Role Inventory results. As yet another relevant description of our study sample, participants were further asked to complete Bem's Sex-Role Inventory in order to understand the participant's gender type (feminine, masculine, androgynous, or undifferentiated). As described by Bem (1981), participants who identify as feminine or masculine are more likely to organize their reality and regulate their behaviour and information processing according to gender, while participants identified as androgynous or undifferentiated are less likely to do so. This characteristic is arguably another important characteristic impacting the decision-making process of our study subjects.

As illustrated in Table 4.3, of the 80 mock jurors in the sample, 24 (30.0%) were identified as Feminine, while 21 (26.3%) were identified as Masculine. Similarly, 20 mock jurors (25.0%) were classified as Androgynous, while 15 (18.7%) were identified as Undifferentiated. In other words, 56.3% of the mock jurors in our study were identified as sex-typed. Interestingly, a subject's gender type did not necessarily correspond to his/her biological gender. Indeed, although

the majority of the sample consisted of females (76.3%, n = 61), 70% (n = 56) of this sub-sample identified themselves as masculine, androgynous or undifferentiated.[33]

Furthermore, the Feminine scale generated a mean score of 4.66. Specifically, female mock jurors yielded a mean score of 4.73 (SD = 0.61), while male mock jurors yielded a mean score of 4.43 (SD = 0.61). Notably, considering the median score for the Feminine scale was 4.70, respectively, mock jurors who identified themselves as feminine and androgynous were more likely to uphold feminine self-concepts whereas those mock jurors who identified themselves as masculine and undifferentiated were less likely to do so.

These findings are consistent with Bem's (1974) definitions. Specifically, participants identified as androgynous generally maintain both masculine and feminine self-concepts. Similarly, those participants identified as undifferentiated are less likely to maintain either masculine or feminine self-concepts. Arguably more importantly though, over half of the male and female mock jurors in this sample may be more likely to organize their reality and regulate their behaviour and information processing according to gender. In other words, they may be more susceptible to gender as an extralegal factor (ultimately affecting this sample's decision-making process (at least as captured by the BSRI)).[34]

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[33] As validation of the use of the BSRI with this study sample, it is notable that the mean scores among males and females were comparable, as depicted in Table 4.3. The Masculine scale generated a mean score of 4.75. Specifically, female mock jurors yielded a mean score of 4.68 (SD = 0.69), while male mock jurors yielded a mean score of 4.98 (SD = 0.85). Interestingly, considering the median score for the Masculine scale was 4.80, respectively, mock jurors who identified themselves as masculine and androgynous were more likely to uphold masculine self-concepts, whereas those mock jurors who identified themselves as feminine and undifferentiated were less likely to do so.

[34] Within this context, this variable would have constituted a valuable control variable in the current study. Unfortunately – again – it was not possible given our small sample size. Broadly, controlling for this variable would have resulted in reduced degrees of freedom for the majority of our statistical analyses and, hence, a decrease in our study's statistical power. More problematically, it would translate into a number of empty (e.g., with 0 cases) cells. Having said this, while our results revealed that participants' BSRI scores had no influence on any of the three dependent variables, future research may benefit from exploring the effects of BSRI scores on juror decision-making, given that mock jurors were relatively split according to gender type.

Table 4.3

BSRI Mean Scores by Gender Type and Gender of the Mock Juror

				Gender Type			
	Total	Female	Male	Feminine	Masculine	Androgynous	Undifferentiated
Sample size (*n*)	80	61	19	24	21	20	15
(%)		76.3	23.7	30.0	26.3	25.0	18.7
Female (*n*)				20	14	16	11
(%)				83.3	66.7	80.0	73.3
Male (*n*)				4	7	4	4
(%)				16.7	33.3	20.0	26.7
Masculine Scale							
Mean Masculine score	4.75	4.68	4.98	4.12	5.47	5.14	4.26
Female				4.14	5.31	5.12	4.23
Male				4.00	5.77	5.23	4.35
SD	0.73	0.69	0.85	0.57	0.47	0.27	0.41
Female				0.54	0.48	0.21	0.47
Male				0.78	0.28	0.47	0.19
Feminine Scale							
Mean Feminine score	4.66	4.73	4.43	5.12	4.05	5.12	4.17
Female				5.14	4.07	5.14	4.23
Male				5.00	4.00	5.01	4.01
SD	0.63	0.61	0.61	0.30	0.41	0.41	0.31
Female				0.31	0.38	0.44	0.33
Male				0.28	0.48	0.31	0.21

4.2 Verdict Decision

The current research was interested in the relationship between defence attorney gender, crime domain and verdict decision. Specifically, the first hypothesis explores a potential interaction between these three variables. Precisely, it is hypothesized that mock jurors would be more likely to hand down a not guilty verdict when the female defence attorney represented a defendant accused of sexual assault, while more likely to render a guilty verdict when she represented a defendant accused of aggravated assault. As part of this examination, the current

research conducted three separate analyses which explored not only the interaction itself but also possible main effects (as valuable context).

To this end, the first analysis examined the main effect of defence attorney gender on verdict decision. This effect was explored in part because previous research has identified a significant relationship between these two variables whereby jurors are more likely to render verdicts in favour of a male defence attorney compared to a female defence attorney (Hahn & Clayton, 1996; Hodgson & Pryor, 1984; McGuire & Bermant, 1977; Nelson, 2004; Podgor & Pertnoy, 1991; Warshawsky, 1994). In order to determine whether verdict decisions were independent of defence attorney gender in the current study, a chi-square test of independence was conducted (Table 4.4). The statistical analysis confirmed a significant association between verdict decision and defence attorney gender ($p = .03$, two-sided Fisher's exact test, $V = .25$). Specifically, female defence attorneys were more likely than male defence attorneys to retain a verdict of not guilty (81.0 % versus 57.9%, respectively) while male defence attorneys were more likely than female defence attorneys to receive a verdict of guilty for their client (42.1% versus 19.0%, respectively). Indeed, it seems that female defence attorneys are more effective than male attorneys. By extension, defence attorney gender may well have an extralegal influence on a juror's verdict. This finding supports previous studies, suggesting that the gender of the defence attorney continues to influence a juror's verdict. Notably though, while this result may suggest the continuing existence of gender stereotypes, it is not in the direction that has been predicted in prior research (Hahn & Clayton, 1996; Hodgson & Pryor, 1984; McGuire & Bermant, 1977; Nelson, 2004; Podgor & Pertnoy, 1991; Warshawsky, 1994). In fact, it is in the opposite direction.[35]

[35] See Chapter 5.1 for a discussion regarding plausible explanations for these findings.

Table 4.4

Cross Tabulation of Verdict Decision Counts and Percentages as a Function of Gender of the Defence Attorney

Verdict Decision	Gender of the Defence Attorney					
	Female		Male		Total	
	n	%	*n*	%	*n*	%
Not Guilty	34	81.0	22	57.9	56	70.0
Guilty	8	19.0	16	42.1	24	30.0
Total	42	100.0	38	100.0	80	100

The second analysis examined the main effect of crime domain on verdict decision. In contrast with the previous analysis, the chi-square test of independence revealed that verdict decisions were not associated with crime domain (p = .99, two-sided Fisher's exact test). Specifically, the percentage of mock jurors handing down a not guilty verdict for cases of aggravated assault in comparison to cases of sexual assault was virtually the same. That is, while 71.1% of the aggravated assault cases were given a not guilty verdict, 69.0% of the sexual assault cases were given the same verdict (see Table 4.5). Similarly, while 31.0% of sexual assault cases were given a guilty verdict, 28.9% of aggravated assault cases received the same decision. This finding suggests that the crime domain represented by the defence attorney does not impact a juror's verdict. By extension, this variable is unlikely to have an extralegal influence on the verdict given by jurors.

Table 4.5

Cross Tabulation of Verdict Decision Counts and Percentages as a Function of Crime Domain

Verdict Decision	Crime Domain					
	Aggravated Assault		Sexual Assault		Total	
	n	%	*n*	%	*n*	%
Not Guilty	27	71.1	29	69.0	56	70.0
Guilty	11	28.9	13	31.0	24	30.0
Total	38	100.00	42	100.0	80	100

Although only gender was found to be a significant predictor of verdict decisions (while crime domain was not), it is possible that what is important is not so much their independent effects on verdict but rather their interaction with verdict decisions. Indeed, previous literature has focused on the importance of a gender-domain congruency effect. That is, jurors are more likely to allocate not guilty verdicts when the defence attorney represents a crime domain that is deemed stereotypically consistent with his/her gender (Mckimmie, et al., 2004; Szmer, Sarver, & Kaheny, 2010; Villemur & Hyde, 1983). As a result, the final analysis investigated the interaction between defence attorney gender and crime domain on verdict decision. It was presumed that verdict decisions are simultaneously influenced by defence attorney gender and crime domain. More precisely, it was hypothesized that mock jurors would be more inclined to render a verdict in favour of the defence attorney when he/she is representing a crime domain congruent with his/her gender.

In order to test this interaction, the original relationship between gender and verdict decision was examined separately across each type of crime domain.[36] An interaction effect would be supported in the case that jurors were found to be significantly more likely to render a not guilty

[36] Although it might arguably have been more elegant to include the interaction term as a control variable in a logistic regression model, the small sample size of this study precluded such an analysis. See Allen (2017) and Field (2009) for the importance of large sample sizes with logistic regressions.

verdict when the defence attorney was representing a crime domain stereotypically congruent with his/her gender (e.g., a male defence attorney representing an aggravated assault case versus a female defence attorney representing a sexual assault case). That is, male defence attorneys would be found to be (significantly) more likely than female defence attorneys to be handed down a verdict of not guilty when defending an aggravated assault case while female defence attorneys would be more likely than male defence attorneys to be given a not guilty verdict in a sexual assault case.

Looking exclusively at aggravated assault cases, the statistical analysis (Table 4.6) revealed that there was no association between the gender of the defence attorney and verdict decision (p = .29, two-sided Fisher's exact test). While the female defence attorney was slightly more likely than the male defence attorney to retain a not guilty verdict while representing an aggravated assault case (80.0% versus 61.1%, respectively), the relationship was not statistically significant.

Similar results were found when examining only sexual assault cases (Table 4.6). Specifically, the statistical analysis found no association between gender of the defence attorney and verdict decision (p = .09, two-sided Fisher's exact test) while controlling for crime domain. While the female defence attorney was slightly more likely than the male defence attorney to retain a not guilty verdict when representing a sexual assault case (81.8% versus 55.0%, respectively), this relationship was not statistically significant. In brief, although defence attorney gender presented as a main effect whereby female defence attorneys appeared to be more effective than male defence attorneys in receiving a not guilty verdict, similar gender stereotypes were not maintained when examining the interaction between defence attorney gender and crime domain. Contrary to previous findings suggesting the existence of a gender-domain congruency effect, there was no evidence in this study to support this interaction as juror verdicts were not

significantly influenced by the simultaneous exposure to both defence attorney gender and the crime domain that he/she represents. In other words, this interaction is not likely to have an extralegal impact on the verdict given by jurors.

Table 4.6

Cross Tabulation of Verdict Decision Counts and Percentages as a Function of Gender of the Defence Attorney x Crime Domain

Verdict Decision	Crime Domain							
	Aggravated Assault				Sexual Assault			
	Female Defence Attorney		Male Defence Attorney		Female Defence Attorney		Male Defence Attorney	
	n	*%*	*n*	*%*	*n*	*%*	*n*	*%*
Not Guilty	16	80.0	11	61.1	18	81.8	11	55.0
Guilty	4	20.0	7	38.9	4	18.2	9	45.0
Total	20	100.0	18	100.0	22	100.0	20	100.0

4.3 Verdict Certainty

The current research was also interested in the relationship between defence attorney gender, crime domain and verdict certainty. Specifically, the second hypothesis explores a potential interaction between these three variables. Precisely, it is hypothesized that mock jurors would be more certain in their verdicts when the defendant accused of sexual assault was represented by a female defence attorney but less certain in their verdicts when a female defence attorney represented the defendant accused of aggravated assault. The justification for this hypothesis parallels that of the first. That is, not only would mock jurors be more likely to render a verdict in favour of the defence attorney when he/she was representing a crime domain deemed stereotypically consistent with his/her gender (Mckimmie, et al., 2004) but they would be more certain in that verdict as well. As Diamond (1997) as well as Smith and Wales (2000) remind us,

the importance of the degree of certainty of a juror in his/her verdict decision cannot be minimized. Indeed, these scholars have found that jurors who exhibit a high degree of confidence in their initial decisions are more likely to dominate deliberation and influence jurors who are less confident in their verdicts. As was previously suggested, jurors who are more certain in their initial decisions are more likely to be polarized to their initial decisions as opposed to jurors who are less certain. In contrast, jurors who are less certain in their verdicts are more likely to revise their decisions.

Paralleling the previous examination, the current research conducted three separate analyses which explored both the interaction between defence attorney gender and crime domain as well as possible main effects (again, as valuable context). The first analysis investigated the main effect of defence attorney gender on verdict certainty (Table 4.7). Previous research has identified a significant relationship between attorney gender and juror verdicts whereby jurors are more likely to render verdicts in favour of male versus female defence attorneys (Hahn & Clayton, 1996; Hodgson & Pryor, 1984; McGuire & Bermant, 1977; Nelson, 2004; Podgor & Pertnoy, 1991; Warshawsky, 1994). By extension, jurors may also be more certain in that (gender-stereotyped) verdict.

A Kruskal-Wallis H test was conducted in order to determine whether or not the gender of the defence attorney had any independent effect on verdict certainty. The test was conducted for each response category of the independent variable separately; results for these analyses are summarized in Table 4.7. The smaller the mean rank, the more certain mock jurors were that the defendant was not guilty (minimum value of 5). By extension, the larger the mean rank, the more certain mock jurors were that the defendant was guilty (maximum value of 79).

While gender was found to be a significant main effect when predicting verdict *decision*, results from this statistical analysis (examining verdict *certainty*) revealed no statistically significant differences between female defence attorneys and male defence attorneys (X^2 (1, N = 80) = 1.50, p = .22), with a mean rank of 37.49 for females and 43.83 for males. Although jurors were slightly more certain that the defendant was not guilty when represented by a female defence attorney but (again, only marginally) more certain that the defendant was guilty when represented by a male defence attorney, there was no significant relationship between defence attorney gender and verdict certainty. At least in this study, mock jurors are not seemingly *more* or *less* certain in their verdicts when the defendant is represented by a male or female defence attorney. That is, while some jurors exhibit a high degree of certainty in their initial decisions, the current research did not find a main effect of defence attorney gender on verdict certainty. By extension, defence attorney gender should have no extralegal influence on discussions during deliberation.

The second analysis examined the main effect of crime domain on verdict certainty (Table 4.7). Findings from the Kruskal-Wallis H test demonstrated that the results of verdict certainty were not significantly different across the two crime domains (X^2 (1, N = 80) = 0.19, p = .66), with a mean rank verdict certainty score of 41.60 for sexual assault and 39.29 for aggravated assault. Although jurors were slightly more certain that the defendant was not guilty in an aggravated assault case but marginally more certain that the defendant was guilty in a sexual assault case, there appeared to be no significant relationship between crime domain and verdict certainty. At least in this study, mock jurors appear not to be *more* or *less* certain in their verdicts when the defence attorney represents an aggravated assault or sexual assault case. While it is true that some jurors exhibit a high degree of certainty in their initial decisions, the current research has found no

main effect of crime domain on verdict certainty. Similar to defence attorney gender, crime domain should have no extralegal influence on discussions held during deliberation.

Table 4.7

Kruskal-Wallis H Test Providing Mean Rank by Gender of the Defence Attorney and Crime Domain on Verdict Certainty

	n	M_{rank}	*p*
Gender of the Defence Attorney			
Female	42	37.49	.22
Male	38	43.83	.22
Crime Domain			
Sexual Assault	42	41.60	.66
Aggravated Assault	38	39.29	.66

Arguably though, while neither defence attorney gender nor crime domain were found to be significant predictors of verdict certainty, it is possible that what is important is not so much their independent effects but rather their interaction with verdict certainty. Within this context, the final analysis investigated the interaction between defence attorney gender and crime domain on verdict certainty. It was hypothesized that verdict certainty is simultaneously influenced by both of these independent variables.

Indeed, previous literature postulates the existence of a gender-domain congruency effect whereby jurors are more likely to render verdicts in favour of the defence attorney when he/she represents a crime domain stereotypically congruent with his/her gender. By extension, mock jurors may also be more certain in that verdict, compared to when the defence attorney represents a crime domain considered not stereotypically consistent with his/her gender.

To further explore this possibility, the current research conducted the Scheirer-Ray-Hare test (Table 4.8). That is, the original relationship between defence attorney gender and verdict certainty was examined separately across each type of crime domain. An interaction effect would be supported in the case that jurors were found to be significantly more certain in their verdict

when the defence attorney was representing a crime domain stereotypically congruent with his/her gender (e.g., a male defence attorney representing an aggravated assault case versus a female defence attorney representing a sexual assault case). That is, male defence attorneys would be found to be (significantly) more likely than female defence attorneys to generate more certainty in the jurors' verdicts when defending an aggravated assault case while female defence attorneys would be more likely than male defence attorneys to generate more certainty in the jurors' verdicts in a sexual assault case.

Results from the final analysis revealed no significant difference in verdict certainty when testing the interaction between crime domain and gender of the defence attorney ($X^2(1, N=80) = 0.09$, $p=.76$) (Table 4.8). It would seem that mock jurors are not *more* or *less* certain in their verdicts when the defence attorney represents a crime domain stereotypically congruent with his/her gender. While some jurors exhibit a high degree of certainty in their initial decisions, the current research has found no interaction between defence attorney gender and crime domain on verdict certainty. As a result, the simultaneous exposure to defence attorney gender and crime domain does not appear to have an extralegal influence on discussions held during deliberation.

Table 4.8

Scheirer-Ray-Hare Test Providing Verdict Certainty by Interaction between the Gender of the Defence Attorney and Crime Domain

	df	*SS*	X^2
Gender of the Defence Attorney x Crime Domain	1	51	0.09

4.4 Perceived Credibility of the Defence Attorney

The current research was also interested in the relationship between defence attorney gender, crime domain and perceived credibility of the defence attorney. Specifically, the third and final hypothesis explores a potential interaction between these three factors. It was hypothesized that mock jurors would perceive a female defence attorney representing an aggravated assault case as less credible than a male defence attorney, but would perceive her as more credible than a male when representing a sexual assault case. To test this prediction, the current research used a three step hierarchical multivariable linear regression in order to conduct three separate analyses.

The first analysis assessed the main effect of defence attorney gender on jurors' perceived credibility of the defence attorney. This exploration is predicated on prior research which has demonstrated a significant relationship between these two factors such that male defence attorneys are generally perceived by jurors as more credible than female defence attorneys (Martin & Jurik, 2007; Nelson, 2004; Rhode, 2001; Sumoski, 2001; Wald, 2010; Warshawsky, 1994). It has been argued that male attorneys are often taken more seriously as they are perceived by jurors as more rational, self-sufficient, prepared and educated on legal subjects (Nelson, 2004). By extension, this disparity in perception negatively influences a female attorney's ability to achieve fairness in trials (Lee, 2015).

Interestingly, findings from the current study did not find support for such an effect (Table 4.9). Specifically, it was found that the regression model did not significantly predict the perceived

credibility of the defence attorney compared to the null model without any predictors ($R^2 = F$ (1, 78) = 1.40, p = .24). In fact, the gender of the defence attorney only accounted for 1.8% of the variation in the perceived credibility of the defence attorney. After a more extensive examination of the regression coefficients, it was determined that defence attorney gender, alone, was not a significant predictor of the dependent variable (β = 0.13, B = 0.25, p = .22). Although jurors' perceived credibility of the defence attorney increased by 0.25 when they were presented with a male defence attorney, there appeared to be no significant relationship between defence attorney gender and perceived credibility. This finding suggests that the gender of the defence attorney has no influence on jurors' perceptions of the attorneys' credibility. Contrary to previous findings (Martin & Jurik, 2007; Nelson, 2004; Rhode, 2001; Sumoski, 2001; Wald, 2010; Warshawsky, 1994), jurors' perceptions of the attorney's credibility do not appear to be gendered whereby male defence attorneys are more likely than female defence attorneys to be awarded the presumption of credibility. Said differently, attorney gender is unlikely to have an extralegal impact on jurors' perceived credibility of the defence attorney.

Table 4.9

Hierarchical Multivariable Linear Regression with Crime Domain, Gender of the Defence Attorney and the Two-Way Interaction between Crime Domain and Gender of the Defence Attorney on Juror Perception of Defence Attorney Credibility

	Model 1			Model 2				Model 3			
Predictor	*B*	*β*	S.E	ΔR^2	*B*	*β*	S.E	ΔR^2	*B*	*β*	S.E
Defence Attorney Gender (male coded as 1)	0.25	0.13	0.21		0.25	0.13	0.20		0.52	0.28	0.29
Crime Domain (sexual assault coded as 1)				6.93	-0.53*	-0.29	0.20		-0.29	-0.15	0.28
Crime Domain x Defence Attorney Gender								1.63	-0.51	-0.24	0.40

Note. $*p < .05$

The second step in the regression analysis examined the main effect of crime domain on the jurors' perceived credibility of the defence attorney, while controlling for the impact of defence attorney gender (Table 4.9). Notably, introducing this second predictor variable (e.g., crime domain) to the regression model significantly increased the explained variability of the perceived credibility of the defence attorney by 8.1% ($\Delta R^2 = F\,(1, 77) = 6.93$, $p = .01$). That is, crime domain appeared to have its own independent effect on the dependent variable. In fact, the overall variance explained by the regression model significantly increased from 1.8% to 9.9% ($R^2 = F\,(2, 77) = 4.22$, $p = .02$). That is, this regression model (including both predictor variables) significantly predicted the perceived credibility of the defence attorney. Further, a more extensive examination of the regression coefficients determined that crime domain, alone, was, in fact, a significant predictor of the dependent variable ($\beta = -0.29$, $B = -0.53$, p = .01, $f^2 = 0.09$). That is, the perceived credibility of the defence attorney decreased by 0.53 when the defence attorney was representing a defendant accused of sexual assault in comparison to aggravated assault. As a result, the current finding suggests that crime domain influences a juror's perception of the attorney's credibility.

Indeed, defence attorneys appear to lose credibility when representing a sexual assault case (in contrast to an aggravated assault case). While previous research does not specifically explore the main effect of crime domain on jurors' perceived credibility of the defence attorney, this finding highlights new avenues for future research. Indeed, crime domain may have an extralegal influence on juror perception of the credibility of the defence attorney.

While only crime domain was found to be a significant predictor of jurors' perceived credibility of the defence attorney (while defence attorney gender was not), it is possible that what is important is not so much their independent effects but rather their interaction with the dependent variable. This supposition is predicated on prior research which has found that although male defence attorneys are perceived as more credible, this finding may only be true in male-oriented crime domains such as robbery, physical assault and white collar crime. Consistent with the gender-domain congruency effect, a small body of literature suggests that female defence attorneys are more credible in domains that are considered a woman's field of expertise, including domains associated with sex discrimination and harassment, crimes against women (e.g., rape or sexual assault), and custody and domestic relations (Cott, 1995; Dolan, 1998; Robinson & Jay, 2011; Sumoski, 2001; Szmer, Sarver, & Kaheny, 2010). In order to test whether or not an interaction exists between defence attorney gender and crime domain on perceived credibility of the defence attorney, the original relationship between defence attorney gender and jurors' perceived credibility of the defence attorney was examined across each type of crime domain (Table 4.9). An interaction would support the notion that jurors are significantly more likely to find a defence attorney more credible when representing a crime domain stereotypically congruent with his/her gender than one that is not.

Notably, the introduction of a two-way interaction between the gender of the defence attorney and the crime domain that he/she represents did not independently, nor significantly, add to the proportion of variation explained ($\Delta R^2 = F$ (1, 76) = 1.63, p = .21). However, the overall explained variance of the regression model significantly increased from 9.9% to 11.8% ($R^2 = F$ (3, 76) = 3.38, p = .02). That is, this regression model (including all three predictors) significantly predicted the perceived credibility of the defence attorney. However, while the overall model significantly increased in predictive capacity, results revealed no significant predictive influence of the interaction term between the gender of the defence attorney and crime domain on perceived credibility of the defence attorney (β = -0.24, B = -0.51, p = .21). Additionally, crime domain was no longer a significant predictor of the dependent variable (β = -0.15, B = -0.29, p = .30). These findings suggest that the simultaneous exposure to both the gender of the defence attorney and crime domain has no independent influence on a juror's perception of the attorney's credibility. And, contrary to previous findings, neither male nor female defence attorneys were perceived as more credible (that is, sustaining a greater degree of substantive expertise) when representing a crime domain deemed stereotypically congruent with their gender. In other words, jurors were not more or less likely to use gender stereotypes and schemas when assessing the credibility of the defence attorney. By extension, the simultaneous exposure to defence attorney gender and crime domain does not appear to have an extralegal impact on jurors' perceptions of defence attorney credibility.

Chapter 5 – Discussion

5.1 General Discussion

Research to-date that has examined the impact of defence attorney gender on juror decision-making has paid little attention to the interaction of this factor with other extralegal influences. The current study has attempted to fill this gap by extending our understanding of the effect of defence attorney gender on juror decision-making in two different ways. On the one hand, three different dependent measures were examined in an attempt to explore a number of important dimensions of the central construct of juror decision-making. On the other hand, this study not only investigated the impact of gender of the defence attorney on juror decision-making as a main effect but incorporated an interactive component. Specifically, this study aimed to provide the reader with a more complex explanatory model which takes into account the possible interaction between the gender of the defence attorney and the crime domain of the accused person whom the attorney represents and its influence on juror decision-making. In brief, it proposed to explore the question of the extent to which juror verdicts, jurors' certainty in that verdict and jurors' perceptions of the defence attorney's credibility are simultaneously influenced by both factors.

Such an interactive effect would also provide important support for the concept of a gender-domain congruency effect introduced by Mckimmie et al. (2004). This theoretical construct was initially developed to explain why both male and female expert witnesses were perceived by mock jurors as credible but only when the expert witness testified in a crime domain congruent with his/her gender. However, there appears to be some indirect evidence suggesting that a similar effect may occur when assessing the interaction between the gender of the defence attorney and the crime domain that they represent (Robinson & Jay, 2011; Szmer, Sarver, & Kaheny, 2010; Villemur & Hyde, 1983). Specifically, this small body of literature points to the existence of a gender-domain

congruency effect whereby female defence attorneys are more effective at retaining not guilty verdicts in female crime domains (Mckimmie, et al., 2004; Szmer, Sarver, & Kaheny, 2010; Villemur & Hyde, 1983).

To examine this hypothesis, this study explored not only the main effects of defence attorney gender and crime domain but also their interaction. These various influences were examined for each of our three dependent variables. In brief, while several main effects emerged, no interaction effects were found across any of the dependent variables.

The first significant main effect was discovered when examining the relationship between defence attorney gender and verdict decision (outcome). Specifically, mock jurors were more likely to impose guilty verdicts when presented with a male (versus a female) defence attorney. In other words, mock jurors were less likely to find the defendant guilty when the defence attorney was female. Interestingly, while this finding suggests the continuing existence of gender stereotypes, it is *not* in the direction that has been predicted in prior research (Hahn & Clayton, 1996; Hodgson & Pryor, 1984; McGuire & Bermant, 1977; Nelson, 2004; Podgor & Pertnoy, 1991; Warshawsky, 1994). Indeed, although it was hypothesized that female defence attorneys would be *less* likely than male defence attorneys to receive a not guilty finding, the opposite effect was actually found,

There are several plausible explanations for the current finding. First, it has been demonstrated that gender tends to elicit - from jurors - a set of expectations concerning the defence attorney. Although expectations held by jurors have traditionally been found to be biased against female defence attorneys, the current finding may be ascribed to shifting perceptions regarding women in the legal profession. While the legal culture has created – at least in the past - an assumed membership where male attorneys are often preferred and respected (Hahn & Clayton, 1996;

Hodgson & Pryor, 1984; Kay & Gorman, 2008; Martin & Jurik, 2007, Rhode, 2002, 2003), our findings may suggest that public perceptions regarding attorneys may be becoming more favourable toward female attorneys. This shift may be a reflection of the growing number of women entering the legal world, with almost equal numbers of female attorneys as their male counterparts in Canada (Catalyst, 2017). More broadly, we may be seeing a more general change in social norms whereby gender stereotypes are perceived as inappropriate or out-dated. Certainly the increasing calls for equality for women in the workforce as well as other traditionally marginalized groups (e.g., LGBT) may be bearing fruit in the legal profession.

Alternatively (albeit arguably less progressive), this same finding might be interpreted as a variant of the 'talking platypus phenomenon' (Abramson et al., 1977; Villemur & Hyde, 1983). This phenomenon refers to the situation in which "it matters little what the platypus says, the wonder is that it can say anything at all" (Abramson et al., 1977, p. 114). Indeed, prior evidence has shown when a female defence attorney performs particularly well in an area deemed as male-oriented, jurors are more likely to perceive her as exceedingly competent - sometimes more than she actually is - resulting in fewer guilty verdicts (Nelson, 2004; Sumoski, 2002). Male defence attorneys in a traditionally male-oriented profession may be expected to maintain a certain performance level and when a female defence attorney meets or surpasses that performance level, she may generate less guilty verdicts because she is not expected to meet that level of performance (Nelson, 2004; Sumoski, 2002). And, in fact, jurors may have been so amazed to see a competent female defence attorney that they over-evaluated her performance.

In contrast, crime domain had no significant influence on verdict decision. Similarly, juror verdicts were not significantly impacted by the interactive effect between gender and crime domain. Although previous research suggests the existence of a gender-domain congruency effect

when a defence attorney represents a crime domain stereotypically congruent with his/her gender, the current finding demonstrates that such an effect may not be present. One plausible reason which may have contributed to the lack of evidence for an interactive effect between gender and crime is that, for this particular dependent variable, the crime domain represented by the defence attorney was not as salient a factor between defence attorneys as was gender. Where gender differences appear to lead to differences in how effective defence attorneys are at retaining a not guilty verdict, the difference in crime domains may not have a similar effect.

Second, the current research was also interested in the relationship between defence attorney gender and crime domain and its effect on verdict certainty (process). The present findings revealed that neither defence attorney gender nor crime domain had an independent significant influence on the degree of certainty mock jurors allocated to their verdicts. While the lack of a significant main effect of crime domain would be consistent with the same finding found relative to verdict outcome, the lack of impact of gender on this second dependent variable is potentially more surprising. One potential explanation for these findings is that mock jurors may have been more likely to use the gender of the defence attorney as a means of generating an immediate (perhaps more instinctual) verdict. However, when given the time to determine their certainty in this verdict, jurors may have referenced or utilized other extralegal factors not discussed in the current research (e.g., victim characteristics). That is, while gender stereotypes may still be part of a juror's decision-making process, they can be re-considered or overridden by more 'modern' gender-neutral responses.

Arguably more surprising is the finding of the continuing absence of a significant interaction between gender of the defence attorney and crime domain when predicting verdict certainty. Contrary to evidence suggesting the existence of a gender-domain congruency effect

(Mckimmie, et al., 2004; Robinson & Jay, 2011; Szmer, Sarver, & Kaheny, 2010), it is possible that mock jurors who were influenced by the interactive effect were the minority, resulting in insignificant results. That being said, considering "jury deliberation tends to accentuate any pre-discussion bias" (Mckimmie, et al., 2004, pg. 17), it is equally possible that the interaction effect would have only been apparent following deliberation through the influence of group polarization (Diamond, 1997; Smith & Wales, 2000). As the current study was unable to include a deliberation component per se, the absence of any interaction effect may find at least part of its explanation in this characteristic. Indeed, Mckimmie and colleagues (2004) found a significantly more pronounced effect of the gender-domain congruency during deliberation.

Finally, the current research was further interested in the relationship between defence attorney gender and crime domain and its effect on the juror's perceived credibility of the defence attorney. The present findings found that gender of the defence attorney had no independent effect on the perceived credibility of the defence attorney. Although a variety of scholars have found that jurors are more likely to apply gender stereotypes and schemas in ways that place female defence attorneys at a disadvantage (such that jurors are more likely to assume that male attorneys are more competent and influential compared to female attorneys (Hahn & Clayton, 1996; Hodgson & Pryor, 1984; May, 2014; Rhode, 2001; Wald, 2010)), the current findings do not support this assumption.

More broadly, the lack of significant finding of a main effect of gender in predicting two of our three dependent variables (e.g. the juror's perceived credibility of the defence attorney as well as verdict certainty) certainly calls into question the continuing role that gender stereotyping may play in juror decision-making. While we did, in fact, find that the defence attorney's gender significantly impacted a juror's verdict, the lack of consistency in this variable's influence across

all three dependent measures makes it difficult to know how to interpret this later (single) finding. Further, it is equally relevant that even the one main effect found to be significant was in the opposite direction than predicted by theories of gender schemas.

In contrast to the findings of verdict decisions (both in terms of outcome and certainty), crime domain emerged as a significant main effect predicting the perceived credibility of the defence attorney. Regardless of gender, the defence attorney was perceived as more credible when representing the defendant accused of aggravated assault than representing the defendant accused of sexual assault. There are several possible explanations for this finding.

First, it is quite possible that attorneys generally may require additional education on the crime elements pertaining to sexual assault. As previously mentioned, attorney credibility is determined by the degree to which jurors consider the attorney to be prepared, competent and informed on the subject matter of a case (Lafferty, 2005). As a result, the attorney's perceived lack of credibility in this particular crime domain may, in part, stem from jurors' belief (or lack therefor) in the attorney's professional abilities (Lafferty, 2005; Nelson, 2004). Particularly given the ever-increasing complexities of sexual assaults, jurors may simply feel that defence attorneys (as a whole) are less able to competently defend their clients.

Alternatively (albeit arguably related), the increased sensitivity surrounding the crime of sexual assault may have made it especially difficult for attorneys to *appear* to be competent when defending persons who are accused of this crime. Sexual assault may still largely be considered by Western cultures as a taboo topic whereby those attorneys attempting to represent a defendant accused of such a crime find themselves struggling to use the correct terminology, body language, speech tones and demeanour (Voss, 2005; Lebovits, 2013) – all which can impact their perceived competence in the courtroom. With that being said, it is also possible that jurors themselves do not

possess the knowledge to correctly evaluate sexual assault cases and/or maintain their own biases around the topic of sexual assault. It could be these failings which are at the root of their (potentially erroneous) perceptions of the defence attorney as less competent when dealing with sexual assault cases, having nothing to do with the attorneys' actual professional ability.

Beyond this main effect of crime domain though, it was – yet again – found that jurors' perceived credibility of the defence attorney was not significantly influenced by the interactive effect between gender and crime domain. Although previous literature suggests the existence of the gender-domain congruency effect (Mckimmie, et al., 2004; Robinson & Jay, 2011; Szmer, Sarver, & Kaheny, 2010) the consistent lack of support for this effect in the current study leads one to question whether it exists (at least within the present time frame and setting). Especially with potentially shifting perceptions regarding gender, it is entirely possible that crime domains may no longer be gendered.

More broadly, it is also possible that the reason why gender and crime had no interactive effect on juror decision-making is because crime domain is more likely to interact with other extralegal factors which are more salient to mock jurors. For instance, jurors are found to evaluate the credibility of attorneys by basing their decision-making assessment on various extralegal characteristics including an attorney's demeanour, presentation style, behaviour, appearance, personality and trustworthiness (Lubet, 1997). It may be that mock jurors were influenced by any one of these factors (not examined in the current study) which simply became more pronounced when interacting with crime domain.

5.2 Limitations of the Current Research

Although the current research adds to the small body of literature concerning defence attorney gender and juror decision-making as well as the wider literature on extralegal factors more

generally, there are a number of limitations that warrant consideration. One important limitation of the present study concerns the generalizability of the results. Given the small sample size of 80 mock jurors and the lack of diversity among mock jurors, the results may be difficult to generalize as our sample may not be representative of community members from the Ottawa district. Within this context, it may be relevant that the majority of mock jurors were primary white women (76.3%). It is plausible that a sample primarily composed of male participants or participants who are of a different ethnic background would differ in terms of their decision-making.

Additionally, due to the lack of participants, our analyses included mock jurors who failed the manipulation checks. This inclusion presents an important limitation to the findings as a total of 12 (15.0%) mock jurors falsely identified the gender of the defence attorney. It is suggested that participants who fail manipulation checks are a source of 'statistical noise' and may consequently reduce statistical power in experiments (Oppenheimer, Meyvis, & Davidenko, 2009). While true, it might also be argued that eliminating these participants could itself bias results. For instance, it is possible that mock jurors who incorrectly identified the gender of the defence attorney failed to react to the context manipulation not because they failed to notice the gender of the defence attorney but precisely because they did not take gender into account (Oppenheimer, Meyvis, & Davidenko, 2009). Within this context, although our findings should be interpreted with caution, the elimination of the data from these particular mock jurors may have actually removed a true source of variance.

Another potential limitation concerned with the external validity and generalizability of our results lies within the inclusion criteria. Our inclusion criteria did not fully adhere to s.3 (1) of the *Juries Act* (1990) as the current study did not question mock jurors about their employment or student status, existing physical and mental disabilities, previous jury service, or whether or not

they were summoned as a witness in a previous trial. Consequently, it is possible that our sample was not as representative of the jury-eligible population as one might like, consisting of members who, in fact, would not be deemed jury-eligible. We made the decision to include potential members who would generally be excluded from jury duty in order to increase the likelihood of participation and, by extension, increase statistical power. Although sampling frames are often impractical or impossible to obtain (Chamberlain & Shelton, 2014; Ritchie, et al., 2013), future research should uphold s.2 and s.3 (1) of the *Juries Act* (1990) when creating their inclusion criteria in order to more adequately ensure results that are more representative of actual jurors.

Additionally, because we did not question mock jurors on their student status, we are unable to determine which mock jurors were, in fact, students. It is possible (given the intensive recruiting at three different institutions of higher education in Ottawa) that our current sample was composed primarily of students. A sample that relies solely on undergraduate students does not take into account the generic differences between students and community members (Keller & Wiener, 2011). Indeed, it has been argued and validated that students and community members demonstrate different patterns of judgements when interpreting case material (Keller & Wiener, 2011). While certainly a potential concern, we might suggest that it is a minor one as some scholars have found that experiments that solely rely on undergraduate students do not find significantly different results than those based exclusively on a community sample (Bornstein, 1999). Nonetheless, future research could conduct a comparative analysis between a student and community sample to examine whether differences exist in their application of gender schemas and attitudes towards gender as well as their influence on juror decision-making.

The design and methodological approaches used in the current study have some notable limitations as well. In comparison to actual jury proceedings, mock jurors in the current study were

not provided the opportunity to deliberate. Whether the effects of the gender-domain congruency and gender schemas would have been more pronounced following group deliberation was not assessed. As previously discussed, ForsterLee and colleagues (2006) as well as Smith and Wales (2000) suggest that group deliberation not only polarizes jurors' pre-deliberation decisions but enhances the group's sensitivity to biasing information. The opportunity for an open discussion among jurors may accentuate gender stereotypical effects (Mckimmie, et al., 2004). Future research should consider examining this issue using a mixed methods approach. Specifically, the use of a group mock-design would allow researchers to retain quantitative and qualitative information which could help identify why participants chose certain verdicts and which information was most relevant in making their decisions.

Having said this, while group deliberations are a more realistic component of actual court proceedings, the scholarly literature has also demonstrated that jurors seem to reach an initial decision about their verdict prior to deliberating whereby no significant differences have been found to exist between the collection of jurors' initial decisions and the jury's final verdict (Hastie, 1993; Kerr and Bray, 2005). Additionally, during the deliberation process, jurors tend to adjust their verdicts according to the majority view (Hans & Vidmar, 2004). As one side increases in members, jurors who make up the minority may experience social pressure to support the majority position. The problem with jury deliberation is the occurrence of this social desirability factor whereby juror verdicts may not necessarily reflect genuine positions (Hans & Vidmar, 2004). As a result, a lack of group deliberation may not present itself as a major limitation but nonetheless one that remains a consideration for future research.

Perhaps a more significant limitation is the creation of our vignettes. Standard methodology dictates that when all pieces of trial information presented in each case vignette remain the same

(apart for the manipulations of interest), differences in responses can be attributed to the manipulations in question (Bieneck, 2009). Considering the characters of our victim and witnesses differed for the sexual assault and aggravated assault case vignettes, researchers must be cautious when interpreting our results. Specifically, it is entirely possible that differences in responses may not be directly attributed to the manipulation of gender and crime domain but may be attributed to differences in victim and witness characteristics. In order to provide a stronger test of the gender-domain congruency effect, future studies should examine the effect of the gender of the defence attorney and crime domain on juror decision-making with the assurance that these are the only variables being manipulated.

5.3 Recommendations for Future Research

Overall, results from the current study raise some potential concerns about the potential influences of extralegal factors, specifically the independent effects of gender and crime domain on juror decision-making in aggravated assault and sexual assault cases. Specifically, the present findings suggest that female and male defence attorneys are perceived differently by jurors (at least when predicting juror verdict). Indeed, it appears that female defence attorneys are perceived as being more effective than male defence attorneys in attaining not guilty verdicts, lending support for the existence of gender stereotypes, but not in the direction previous research has anticipated. That being said, future research is required in order to provide a more robust assessment of a main effect of attorney gender on juror verdicts, specifically in the direction favouring female defence attorneys. Similarly, the present findings also suggest that jurors' perceptions of the defence attorney's credibility may be influenced by the crime domain that they represent. Again, future research should examine whether or not defence attorneys do, in fact, lack (or are at least perceived to lack) knowledge in the realm of sexual assault. More broadly, although the current findings

were not able to support the existence of a gender-domain congruency effect, future research should also consider examining the effect of gender of the defence attorney with a larger sample size and with a more robust methodology to verify whether the effect, in fact, exists.

Furthermore, although the current study was primarily focused on the gender of the defence attorney and crime domain, future studies should also take into account various characteristics of all actors involved in a jury trial. For instance, one might think about examining the gender of the victim. Indeed, certain crimes may be deemed gendered based on the frequency in which males and females are victimized. For instance, Statistics Canada (2012) notes that males are three times more likely to be a victim of aggravated assault while females are ten times more likely to be a victim of sexual assault. Given these statistics, it is quite plausible that the gender of the victim has an influence on the manner in which a juror interprets the seriousness of the crime committed by the defendant (Hodgson & Pryor, 1984). As a result, future research should consider the gender of the victim as a potential variable in the assessment of the gender-domain congruency effect.

In addition, it can also be helpful to consider the influence of juror characteristics on juror decision-making, specifically the gender of juror (Robinson & Jay, 2011). Various studies have demonstrated that male and female jurors process and respond to trial elements in different ways (ForsterLee, ForsterLee, Horowitz, & King, 2006; Maeder et al., 2016; Pozzulo et al., 2010; Robinson & Jay, 2011), especially in cases of sexual assault and harassment (Maeder, Dempsey, & Pozzulo, 2012; Maeder, Wiener, & Winter, 2007; Schutte & Hosch, 1997) and when materials are presented by female attorneys (Sumoski, 2001; Hahn & Clayton, 1996; Hodgson & Pryor, 1984).

A small body of scholars examining the influence of differences in juror gender on verdict decisions have found that female jurors are more willing to sympathize with the defendant in

criminal trials (Devine, 2012). Conversely, the majority of the research finds that female jurors are more inclined to convict defendants (ForsterLee et al., 2006). Specifically, female jurors demonstrate the tendency to sympathize and empathize with the victim, resulting in conviction-prone behaviours, in comparison to male jurors who are more evidence-driven in their evaluation of trial elements (ForsterLee et al., 2006). Men are also more likely to identify with the defendant, resulting in the allocation of more lenient verdicts (ForsterLee et al., 2006). This is especially true in sexual assault and rape cases. In fact, a meta-analysis examined gender differences in verdict decisions of 36 cases, of which 19 involved accusations of rape and 17 involved accusations of sexual assault (Schutte and Hosch, 1997). Results of the study demonstrated that women were significantly more likely than men to convict the defendants. Specifically, women were more likely to attribute responsibility to the defendants and to identify with the victims whereas men were more likely to identify with the defendant (Quas, Bottomes, Haegerich, & Nysse-Carris, 2002; Schutte & Hosch, 1997). Studies have shown that female mock jurors, in cases of sexual assault, typically find the victim to be more accurate and believable in their statements while men typically find the defendants' statements to be more reliable, credible and believable (Pozzulo et al., 2010).

Similarly, a small body of literature reveals significant differences in verdicts between male and female jurors when materials are presented by female attorneys (Sumoski, 2001; Hahn & Clayton, 1996; Hodgson & Pryor, 1984). In cases such as breaking and entering, female jurors are more likely than male jurors to react negatively to female defence attorneys, resulting in higher conviction rates. This was made evident in the findings presented by Hodgson and Pryor (1984) in which female mock jurors judged female defence attorneys more harshly than male jurors did and were more likely to convict the defendant. Contrary to these results, Villemur and Hyde (1983) demonstrated that regardless of juror gender, mock jurors were likely to find the defendant more

credible and less responsible for the crime of rape when the defendant was represented by a female defence attorney. Notably, gender differences in decision-making could potentially stem from differences in jurors' self-concepts according to existing gender cues and their individual embodiment of particular gender roles. As a result, future research should consider manipulating juror gender as well as their gender type (Bem Sex-Role Inventor; Bem, 1974) to verify whether both variables could further affect the interaction between defence attorney gender and crime domain on juror decision-making.

Finally, although there was no interactive effect on any one of our three dependent variables, the interaction between defence attorney gender and crime domain may have an effect on jurors' perceived credibility of the defendant and should be examined in future research. For instance, jurors have been found to evaluate the credibility of defendants by assessing their demeanour, non-verbal and verbal cues, prior criminal record, socio-economic status, appearance, level of competence and degree of trustworthiness (Eaton, Ball, & O'Callaghan, 2001; Maeder & Burdett, 2013; Mazzella & Feingold, 1994). Similar to research on attorney credibility, prior work has found that the perceived credibility of a defendant can influence a juror's final verdict (Pryor & Buchanan, 1984; Robinson & Jay, 2011). In particular, a meta-analysis of 80 experimental studies in criminal cases in various areas (including theft, rape, assault and fraud) assessed the effects of physical attractiveness, socio-economic status, gender and race of the defendant on jurors' perception of the defendant's credibility and ratings of the defendant's guilt (Mazzella & Feingold, 1994). Overall, the results of the analysis revealed that defendants who were female, who were deemed physically attractive, and who were of high socio-economic status were more likely to be perceived by jurors as credible and were less likely to be found guilty. Jurors also

tended to find male defendants guilty more often than female defendants (Mazzella & Feingold, 1994). These findings were consistent across crime domains.

Similarly, defendant race and demeanor, including nonverbal cues (e.g., eye contact, body gestures, chair swivels) and behaviour (e.g., signs of anxiety and fidgeting), also have been found to influence jurors' perceptions of defendant credibility and guilt (Maeder & Burdett, 2013; Pryor & Buchanan, 1984). Evidence suggests that jurors are influenced by defendants' demeanor such that defendants who exhibit little to no anxiety are perceived by jurors as more trustworthy and credible (Pryor & Buchanan, 1984). Furthermore, defendant race has been found to significantly influence the perceived credibility of the defendant and verdict judgments (Maeder & Burdett, 2013). Specifically, mock jurors are more likely to find Aboriginal Canadian defendants less credible than both White or Black defendants, and the former are assigned more guilty verdicts.

In the same vein, a number of scholars have found that in cases of sexual assault and rape, defendants are perceived by jurors as less credible when the victim is female and when the victim is perceived by jurors as attractive (Pozzulo, Dempsey, Maeder & Allen, 2010; Vrij & Firmin, 2001). In such cases, they are generally more likely to perceive the defendant as less reliable, less accurate and less believable, and they are likely to ascribe a higher degree of responsibility to the defendant; this is especially true for female jurors, as previously discussed (Pozzulo et al., 2010). Victims who are deemed attractive are found to make a more credible impression and are considered less responsible for the event compared to physically unattractive victims (Vrij & Firmin, 2001). Defendants are held to a higher degree of responsibility, are ascribed less credibility, and are more likely to be found guilty when the victim is attractive (Vrij & Firmin, 2001).

Although the current study did not consider the effects of victim characteristics or attorney characteristics on the perceived credibility of the defendant, future research should consider analysing such effects as characteristics unrelated to the defendant can influence their perceived credibility and a juror's overall verdict. This was made evident in the findings presented by Villemur and Hyde (1983) in which defendants were perceived as less responsible and more credible in a rape trial; however, this was only true when the defendant was being represented by a female defence attorney. In accordance with these findings, future research should take into account this interactive effect and how it may influence the defendant.

5.4 Criminological Contributions

The current research has added to the existing body of jury literature and to the development of criminological knowledge by discussing and identifying several of the effects that gender may have on juror decision-making. This study is the first to extend the work of Mckimmie and colleagues (2004) in an attempt to address whether or not the gender-domain congruency effect exists when the crime domain is stereotypically congruent with the gender of the defence attorney. Considering the lack of studies examining the influence of the gender of the defence attorney and crime domain, this study's application of a legal realist perspective has provided preliminary or initial findings regarding the effects that gender stereotypes may have on independent components of juror decision-making (outcome/process/actors) and the consequences that defendants may endure as a by-product.

In particular, although numerous studies have addressed and investigated issues relating to the gender of the defence attorney as an independent effect on juror verdicts (Hahn & Clayton, 1996; Hodgson & Pryor, 1984; May, 2014; Villemur & Hyde, 1983), our contribution was unique because not only did we account for the gender of the defence attorney but also its interactive

effect with the crime domain that the defence attorney was representing. There were only two modern studies which have considered gender and crime domain as a function of verdicts. Specifically, Mckimmie and colleagues (2004) found evidence supporting the gender-domain congruency effect when jurors are presented with an expert whose gender coincides with the crime domain being testified and Szmer, Sarver and Kaheny (2010) found Supreme Court judges more likely to render verdicts in favour of a female defence attorney when she was representing certain crime domains. While our examination and quantitative findings were not able to corroborate the existence of a gender-domain congruency effect, it has nonetheless began to address the gap in jury literature that has yet to investigate the interactive effect of gender and crime domain on juror decision-making. Additionally, the current research has examined the (continuing) use of gender schemas and stereotypes when rendering verdicts, adding to the discussion regarding the impartiality of Canadian jury members and the formation of jury reforms.

According to s.11(d) of the *Canadian Charter* (1982) all defendants are entitled to a fair trial heard by an impartial jury. Although mock jurors in the current study did not perceive the female defence attorney in an adverse way (as has been found in previous studies (Hahn & Clayton, 1996; Hodgson & Pryor, 1984; May, 2014)), jurors may still have relied on stereotypical assumptions which unfavourably situated the male defence attorney. Mock jurors were significantly more likely to find the female defence attorney more effective than the male defence attorney regardless of crime domain. Such findings may indicate a shift in public perceptions regarding the expected behaviour of male and female attorneys. Given this finding, the prevalence of gender stereotypes and schemas should be taken into account when creating and implementing jury reforms and policies to reduce the occurrence of implicit gender bias.

Despite existing threats to impartiality created through implicit gender bias on the part of the juror, few attempts have been made in Canada to protect defendants against these threats (Roberts, 2012). Yet, a number of mechanisms exist. For instance, pursuant to s.632 of the *Criminal Code*, judges may excuse any member of the jury prior to the commencement of trial if he/she believes the juror to have a personal interest in the matter, if a relationship exists or existed between the juror and the defendant or any member of the judiciary, and finally any 'reasonable cause' that the judge may see fit that warrants the juror to be excused (*Criminal Code*, 1985).

Furthermore, at trial, lawyers for either party can 'challenge' potential jurors according to three methods. First, lawyers can challenge the 'array' or entire panel on the grounds of partiality (*Criminal Code*, s.629(1), 1985). Second, individual jurors may be challenged peremptorily. Even if a juror has been deemed impartial, lawyers for either party can use a peremptory challenge to remove a specific juror from the jury which would then require other jurors to be called and tried until that spot is filled (Vidmar, 1999). The number of peremptory challenges depends on the seriousness of the offence. In the case of sexual and aggravated assault cases, the prosecutor and the defendant are each entitled to twelve peremptory challenges according to s.634(2)(b) of the *Criminal Code*. Finally, following s.638(1) of the *Criminal Code*, the defence or prosecution may challenge jurors for cause on six possible grounds including being physically unable to perform properly the duties of a juror and/or is confirmed as being an alien (not a Canadian citizen).

The reason behind excusing and challenging potential jurors is to maintain and ensure that all persons accused are tried by an impartial jury, who respectively, represent the broader community. However, such procedures really aim to eliminate 'obvious' biases as opposed to implicit bias (Roberts, 2012). For instance, peremptory questions commonly asked of jurors (e.g., whether they can be fair and impartial in assessing trial evidence) are unlikely to screen out

partiality on the basis of gender as jurors are often unaware of the biases that they have (Roberts, 2012). Perhaps unsurprisingly, arguments have been raised stating that peremptory challenges merely provide power to both the accused and the Crown to exclude potential jurors without cause (House of Commons Deb, 2018). And, in fact, it is within this context of concerns of the potential for abuse (as demonstrated, some have argued, in *R. v. Stanley* (2018) in which the defence council used their peremptory challenges to dismiss indigenous people in the jury selection) that the recent Bill C-75 (2018) was introduced. Amongst other issues, it proposes to abolish peremptory challenges in Canada altogether. The elimination of peremptory challenges is considered an initial step in addressing concerns regarding the overrepresentation of particular groups of individuals on jury panels (House of Commons Deb, 2018).

While Bill C-75 (2018) has yet to be passed, the lack of protections implemented in addressing bias generally and gender bias in particular continues to be under the judicial and academic scope. Recent proposed solutions include allowing communities to select the jury pool, changing the jury selection procedures in attempts to achieve more representative juries and weeding out potential jurors on their Implicit Association scores (IAT). The IAT is being proposed for implementation in U.S courtrooms as a means to predict judicial stereotypes and detect existing types of implicit bias in individual jurors. The IAT would screen potential jurors for implicit bias including gender, social status and race. Participants with the highest scores would be removed from jury duty (Roberts, 2012). Although this may be a good start, we might further propose educational opportunities for potential jurors to fully comprehend the extent of any implicit gender bias. Tools like IAT can be powerful as they measure various types of implicit bias; however, scores are meaningless if not understood correctly (Roberts, 2012). Educating potential jurors about implicit gender bias and their results on tests like the IAT can be accomplished simply by

describing their results and what the tests actually reveal. Additionally, once selected as a juror, orientation programs or open discussion seminars can be continuously provided to juror members – pre-trial and during the trial - in order to describe what exactly implicit gender bias entails and how to address it (Roberts, 2012). Proposing to engage potential jurors in learning about implicit bias not only aims to address the substantive inequality defendants may endure, but also serves to increase genuine investment in the Canadian legal system and comprehension of the application of legal principles (Roberts, 2012).

Further, considering that jury duty is a legal obligation for every Canadian citizen summoned, education on implicit gender bias should commence at an early age and well before entering the courtroom for jury duty. In other words, Canadian jury service should be added to our Canadian school curriculums which would entail discussions about the requirements to be a fair and impartial juror. Explicit and implicit bias pertaining to gender, race, social status, age and so on can be investigated, understood and reflected upon at an early age. In order to ensure that defendants are truly tried by a fair and implicit jury, such attempts may be necessary to sufficiently address extralegal bias in juror decision-making.

Notably, this thesis did not intend to support the position proposing to reduce the use of jury trials in Canada. On the contrary. The intention was to assess whether or not juror decision-making is, in fact, affected by extralegal components and if so, to propose recommendations that could reduce such impacts. Despite the reduction of jury trials, what remains of the jury ought to be fostered and properly nourished as the jury is one of the few means by which community members can have a stake in legal practice and, as such, represents an important tool for community democracy. We are hopeful that some of the future directions and recommendations

that we have proposed entice individuals to critically question the impartiality of juror members and the means in which our legal system responds.

References

Abramson, P. R., Goldberg, P. A., Greenberg, J. H., & Abramson, L. M. (1977). The talking platypus phenomenon: Competency ratings as a function of sex and professional status. *Psychology of Women Quarterly*, *2*(2), 114-124. doi:10.1111/j.1471-6402.1977.tb00494.x.

Allen, M. (2017). *The SAGE Encyclopedia of Communication Research Methods*. Milwaukee, WI: Sage Publications, Inc.

Anderson, N. H. (1974). Cognitive Algebra: Integration Theory Applied to Social Attribution. *Advances in experimental social psychology. 7*, 1-101. Retrieved from https://doi.org/10.1016/S0065-2601(08)60035-0

Andrews, C.K. (2009). *Shadow Juries: Benefits and Limitations*. Retrieved from Decision Quest, Inc. (#18266).

Bem, S.L. (1974). The measurement of psychological androgyny. *Journal of Consulting and Clinical Psychology, 42*(2), 155-162. doi: 10.1037/h0036215

Bem, S. L. (1981). Gender schema theory: A cognitive account of sex typing. *Psychological review*, *88*(4), 354-364. doi: 10.1037/0033-295X.88.4.354

Bem, S.L. (1993). The Lenses of Gender: Transforming the debate of sexual inequality. New Haven, CT: Yale University Press

Bieneck, S. (2009). How adequate is the vignette technique as a research tool for psycho-legal research? In E.M. Oswald, S. Bieneck, J.H. Heinemann (Eds.), *Social Psychology of Punishment of Crime* (pp.). Malden, MA: Wiley-Blackwell

Bill C-75: *An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts*. (2018). 1st Reading Mar. 29, 2018, 42nd Parliament, 2nd Reading Jun. 11, 2018, 3rd Reading Dec. 12, 2018. Retrieved from the Legisinfo: https://www.parl.ca/LegisInfo/BillDetails.aspx?Language=E&billId=9745407

Bornstein, B.H. (1999). The Ecological Validity of Jury Simulations: is the Jury Still out? *Law and Human Behaviour, 23*(1), 75-91. Retrieved from http://www.jstor.org/stable/1394481

Bos, A.L. (2015) The unintended effects of political party affirmative action policies on female candidates' nomination chances. *Politics, Groups, and Identities, 3*, 73-93. doi: 10.1080/21565503.2014.999803

Brown, R.B. (2009). *A Trying Question: The Jury in Nineteenth-Century Canada*. Osgood, ON: University of Toronto Press

Brown, R. L., & Campbell, S. (1997). How the Public Views Female and Black Attorneys.

Arkansas Lawyer, 32(4), 22-24. Retrieved from http://www.heinonline.org.proxy.bib.uottawa.ca/HOL/Page?handle=hein.barjournals/arklwr0032&div=71&start_page=22&collection=barjournals&set_as_cursor=0&men_tab=srchresults#

Cacioppo, J.T., & Petty, R.E. (1982). The Need for Cognition. *Journal of Personality and Social Psychology, 42*(1), pg.116-131. doi: 10.1037/0022-3514.42.1.116

Cacioppo, J. T., Petty, R. E., & Kao, C. F. (1984). The efficient assessment of need for cognition. *Journal of Personality Assessment, 48*(3), 306–307. Retrieved from https://doi-org.proxy.bib.uottawa.ca/10.1207/s15327752jpa4803_13

Canadian Charter of Rights and Freedoms, s. 11, Part 1 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c. 11

Catalyst. (2017). *Women in Law in Canada and the U.S*. Retrieved from http://www.catalyst.org/knowledge/women-law-canada-and-us#footnote8_2klfykl

Chaiken, S. (1980). Heuristic versus systematic information processing and the use of source versus message cues in persuasion. *Journal of Personality and Social Psychology, 39*(5), 752–766. Retrieved from http://dx.doi.org.proxy.bib.uottawa.ca/10.1037/0022-3514.39.5.752

Chamberlain, J., & Shelton, H.D.E. (2014). Methods and Measures Used in Gauging Community Sentiment. In M. Miller, J. Blumenthal, & J. Chamberlain (Eds.), *Handbook of Community Sentiment* (pp.43-54). New York, NY: Springer. doi: https://doi-org.proxy.bib.uottawa.ca/10.1007/978-1-4939-1899-7_3

Chan Y., & Walmsley, R.P. (1997). Learning and understanding the Kruskal-Wallis one-way analysis-of-variance-by-ranks test for differences among three or more independent groups. Physical Therapy, 77(12), 1755-1762. Retrieved from https://doi-org.proxy.bib.uottawa.ca/10.1093/ptj/77.12.1755

Chu, P.F.M. (2007). *Interpreting Scale Items: Using Items on the Bem Sex Role Inventory to Explore Respondents' Meaning Construction*. Retrieved from ProQuest Dissertations and Theses

City of Ottawa (2011). *Ottawa's Population*. Retrieved October 20, 2018 from City of Ottawa: https://ottawa.ca/en/city-hall/get-know-your-city/statistics-and-economic-profile/statistics/ottawas-population

Cohen, D.L., & Peterson, J.L. (1981). Bias in the courtroom: race and sex effects of attorneys on juror verdicts. *Social Behavior and Personality: an International Journal, 9*(1), 81-87. doi: https://doi-org.proxy.bib.uottawa.ca/10.2224/sbp.1981.9.1.81

Collier, R. (2010). Masculinities, law, and personal life: Towards new framework for understanding men, law, and gender. *Harvard Journal of Law and Gender* 33(2), 431-476. Retrieved from

http://heinonline.org.proxy.bib.uottawa.ca/HOL/Page?handle=hein.journals/hwlj33&div=22&g_sent=1&casa_token=&collection=journals

Conover, P.J., & Feldman, S. (1984). How People Organize the Political World: A Schematic Model. *American Journal of Political Science, 28*(1), 95-126. Retrieved from http://www.jstor.org.proxy.bib.uottawa.ca/stable/pdf/2110789.pdf

Cooper, F.R., McGinley, A.C., & Kimmel, M.S. (2012). Masculinities and the Law: A Multidimensional Approach. New York, NY: New York University Press. Retrieved from https://books-google-ca.proxy.bib.uottawa.ca/books?hl=en&lr=&id=2FgTCgAAQBAJ&oi=fnd&pg=PR9&dq=Masculinities+and+the+Law:+A+Multidimensional+Approach&ots=D_UyiU6eAw&sig=wDB2eN1RELrP86tuhSJrdIT_ljU#v=onepage&q=Masculinities%20and%20the%20Law%3A%20A%20Multidimensional%20Approach&f=false

Corder, G.W., & Foreman, D.I. (2011). *Nonparametric Statistics for Non-Statisticians: A Step-by-Step Approach*. Hoboken, NJ: John Wiley & Sonas, Inc. doi:10.1002/9781118165881

Corrick, K., & Rosenberg, M. (n.d.). *Trial by Jury: The Canadian experience*. Retrieved from http://www.sistemasjudiciales.org/content/jud/archivos/notaarchivo/946.pdf

Cott, N.F. (1995). Adversarial Invention [Review of the book Women Lawyers: Rewriting the Rules]. *American Quarterly, 47*(2), 343-348. Retrieved from http://www.jstor.org/stable/2713285

Courts of Justice Act (R.S.O. 1990, c. C.43)

Criminal Code (R.S.C., 1985, c. C-46)

Cronk, B.C. (2017). *How to use SPSS, a step-by-step guide to analysis and interpretation* (10th ed.). St Joseph, MO: Routledge Publishing

Danziger, S., Levav, J., & Avnaim-Pesso, L. (2011). Extraneous factors in judicial decisions. *Proceedings of the National Academy of Sciences*, *108*(17), 6889-6892. Retrieved from http://www.jstor.org/stable/41242099

Devine, D.J. (2012). *Jury Decision Making The State of the Science*. NY: New York University Press. Retrieved from https://books-google-ca.proxy.bib.uottawa.ca/books?hl=en&lr=&id=HMwVCgAAQBAJ&oi=fnd&pg=PP9&dq=Jury+Decision+Making:+The+State+of+the+Science&ots=TYVUhNj6ho&sig=_bNTOSl6Bg0wMJ77wIPk0_gYE7Y#v=snippet&q=prescriptive&f=false

Diamond, S. S. (1997). Illuminations and shadows from jury simulations. *Law and Human Behavior*, *21*(5), 561-571. Retrieved from http://www.jstor.org/stable/1394333

Diamond, S.S., Casper, J.D., Heiert, C.L., & Marshall, A. (1996). Juror Reactions to Attorneys at

Trial. *The Journal of Criminal Law and Criminology, 87*, 17-47. Retrieved from http://www.jstor.org/stable/1143971

Dinovitzer, R. (2015). *Law and beyond: a national study of Canadian law graduates*. Retrieved from https://poseidon01-ssrn-com.proxy.bib.uottawa.ca/delivery.php?ID=946099113093064104069075116019027090015022028045089092075001079099001099109106112127011017012000106100015113097069016125092075010050012092072089114078097021087008038034055090103125075091121031101066026088072121022077102066103073126086003096009078114&EXT=pdf

Dinovitzer, R., Reichman, N., & Sterling, J. (2009). The Differential Valuation of Women's Work: A New Look at the Gender Gap in Incomes. *Social Forces, 88*(2), 819-864. Retrieved from http://www.jstor.org/stable/40645825

Dolan, K. (1998). Voting for Women in the "Year of the Woman". *American Journal of Political Science, 42*, 272-293. Retrieved from http://www.jstor.org/stable/2991756

Dolan, K. (2010). The Impact of Gender Stereotypes Evaluations on Support for Women Candidates. *Political Behavior,32*, 69-88. Retrieved from https://www.jstor.org/stable/40587308

Dolan, K. (2018). *Voting for Women How the Public Evaluates Women Candidates*. New York, NY: Routledge Publishing

Donohoe, H., Stellefson, M., & Tennant, B. (2012). Advantages and Limitations of the e-Delphi Technique. *American Journal of Health Education, 43*(1), 38-46. doi: 10.1080/19325037.2012.10599216

DRI[37]. (2004). *A Career in the Courtroom: A Different Model for the Success of Women Who Try Cases*. Chicago, IL. Retrieved from http://www.dri.org/docs/default-source/dri-white-papers-and-reports/women-in-the-courtroom-(2004).pdf?sfvrsn=6

Eagly, A.H., & Karau, S.J. (2002). Role Congruity Theory of Prejudice Toward Female Leaders. *Psychological Review, 109*(3), 573-598. doi: 10.1037//0033-295X.109.3.573

Eaton, T.E., Ball, P.J., & O'Callaghan, G.M. (2001). Child-Witness and Defendant Credibility: Child Evidence Presentation Mode and Judicial Instructions. *Journal of Applied Social Psychology, 31*, (9), 1845-1858. Retrieved from https://doi-org.proxy.bib.uottawa.ca/10.1111/j.1559-1816.2001.tb00207.x

Ekström, J. (2011). *The phi-coefficient, the tetrachoric correlation coefficient, and the Pearson-Yule Debate*. Retrieved from https://escholarship.org/uc/item/7qp4604r

Epstein, C.F. (1992). Tinkerbells and pinups: the construction and reconstruction of gender boundaries at work. In M. Lamont & M. Fournier (Eds), *Cultivating Differences: Symbolic Boundaries and the Making of Inequality*, (pp. 232–256). Chicago, IL: University Chicago

[37] Also known as the Voice of the Defense Bar.

Press. Retrieved from https://books-google-ca.proxy.bib.uottawa.ca/books?hl=en&lr=&id=VHMhOCNyQ-kC&oi=fnd&pg=PA232&dq=Tinkerbells+and+pinups:+the+construction+and+reconstruction+of+gender+boundaries+at+work&ots=hHTDG3IoRA&sig=KZO8RysHXNOG445zptV1UfNdJU4#v=onepage&q=Tinkerbells%20and%20pinups%3A%20the%20construction%20and%20reconstruction%20of%20gender%20boundaries%20at%20work&f=false

Epstein, C.F. (1993). *Women in Law* (2nd ed.). Chicago, IL: University of Illinois Press. Retrieved from https://books-google-ca.proxy.bib.uottawa.ca/books?hl=en&lr=&id=wpVeMV1bphwC&oi=fnd&pg=PR7&dq=women+in+law&ots=lTLiRpI0Ot&sig=4a5TCW1Gn3daM4R54TN8DcF_aSc#v=onepage&q=women%20in%20law&f=false

Espinoza, R. K., & Willis-Esqueda, C. (2008). Defendant and defense attorney characteristics and their effects on juror decision making and prejudice against Mexican Americans. *Cultural Diversity and Ethnic Minority Psychology*, *14*(4), 364-371.

Esqueda, C.W., Espinoza, R.K., & Culhane, E.S. (2008). The Effects of Ethnicity, SES, and Crime Status on Juror Decision Making A Cross-Cultural Examination of Euopean American and Mexican American Mock Jurors. *Hispanic Journal of Behavioral Sciences, 30*(2), 181-199. doi: https://doi-org.proxy.bib.uottawa.ca/10.1177/0739986308315319

Fair and Efficient Criminal Trials Act (S.C. 2011, c. 16)

Field, A. P. (2009). *Discovering Statistics Using SPSS*. London: Sage

ForsterLee, R., ForsterLee, L., Horowitz, I., & King, E. (2006). The effects of defendant race, victim race, and juror gender on evidence processing in a murder trial. *Behavioral Sciences and the Law, 24*, 179–198. doi: 10.1002/bsl.675

Garland, D. (1996). The limits of the sovereign state strategies of crime control in contemporary society. *British Journal of Criminology* 36(4), 445-471. Retrieved from: http://heinonline.org.proxy.bib.uottawa.ca/HOL/Page?handle=hein.journals/bjcrim36&div=36&start_page=445&collection=journals&set_as_cursor=0&men_tab=srchresults

Gillham, B. (2008). *Developing a Questionnaire* (2nd ed.). New York, NY: Continuum International Publishing Group

Göritz, A.S. (2006). Incentives in Web Studies: Methodological Issues and a Review. *International Journal of Internet Science, 1*(1), 58-70. Retrieved from https://pdfs.semanticscholar.org/c5f8/a98de7f6ca7804c32398befaf027ec873176.pdf

Gould, D. (1996). Using vignettes to collect data for nursing research studies: how valid are the findings. *Journal of Clinical Nursing, 5*, 207-212. Retrieved from https://journals-scholarsportal-info.proxy.bib.uottawa.ca/pdf/09621067/v05i0004/207_uvtcdfshvatf.xml

Grunig, L. A., Hon, L. C., & Toth, E. L. (2013). *Women in public relations: How gender influences practice*. Mahwah, NJ: Routledge. Retrieved from https://books-google-ca.proxy.bib.uottawa.ca/books?hl=en&lr=&id=aQjaAAAAQBAJ&oi=fnd&pg=PP1&dq=public+perceptions+of+female+attorneys&ots=Xa3mJkNsAA&sig=q7opY_jw3hopupLkm1peG_TJogo#v=onepage&q&f=false

Haddock, G., Maio, G. R., Arnold, K., & Huskinson, T. (2008). Should persuasion be affective or cognitive? The moderating effects of need for affect and need for cognition. *Personality and Social Psychology Bulletin*, *34*(6), 769-778.doi-org.proxy.bib.uottawa.ca/10.1177/0146167208314871

Hae-Young, K. (2017). Statistical notes for clinical researchers: Chi-squared test and Fisher's exact test. *Restorative Dentistry & Endodontics, 42*(2), 152-155. doi: 10.5395/rde.2017.42.2.152

Hahn, P. W., & Clayton, S. D. (1996). The Effects of Attorney Presentation Style, Attorney Gender, and Juror Gender on Juror Decisions. *Law and Human Behavior, 20*, 533-554. Retrieved from http://www.jstor.org/stable/1394151

Hans, V. P. (2014). What's it worth: Jury damage awards as community judgments. *William Mary Law Review, 55*(3), 935-970. Retrieved from https://heinonline-org.proxy.bib.uottawa.ca/HOL/Page?handle=hein.journals/wmlr55&div=27&g_sent=1&casa_token=&collection=journals

Hans, V. P., & Vidmar, N. (1991). The American Jury at Twenty-Five Years. *Journal of the American Bar Foundation, 16*(2), 323-352. doi https://doi.org/10.1111/j.1747-4469.1991.tb00921.x

Hans, V. P., & Vidmar, N. (2004). Jurors and juries. In Austin, S.(Ed), *The Blackwell Companion to law and society* (pp. 195-211). United Kingdom: Blackwell Publishing

Haslett, B., Geis, F.L., & Carter, M.R. (1992). *The organizational woman: power and paradox*. Norwood, N.J: Ablex Publishing

Hastie, R. (Ed.). (1993). *Inside the juror: The psychology of juror decision making*. Colorado: Cambridge University Press

Hastie, R., Penrod, S. D., & Pennington, N. (1983). *Inside the jury*. Cambridge, MA: Harvard University Press. Retrieved from https://books-google-ca.proxy.bib.uottawa.ca/books?hl=en&lr=&id=nvdxta9lUgUC&oi=fnd&pg=PA1&dq=inside+the+jury&ots=CgZsqRXtMs&sig=rU4mW4fYQIuLwS8Sjsnkjg5qP6I#v=onepage&q=inside%20the%20jury&f=false

Heider, F. (1958). *The psychology of interpersonal relations*. Hillsdale, NJ: Psychology Press. Retrieved from https://books-google-ca.proxy.bib.uottawa.ca/books?hl=en&lr=&id=tVFmY0xvn-

wC&oi=fnd&pg=PP1&dq=the+psychology+of+interpersonal+relations&ots=UIFImrdey3&sig=xF6LQzSTZa5ONXkysajDSIp_Q_Q#v=onepage&q&f=false

Hidalgo, B. & Goodman, M. (2013). Multivariable or Multivariable Regression? *American Journal of Public Heath, 103*(1), 39-40. doi: 10.2105/AJPH.2012.300897

Hobbs, P. (2003). 'Is That What We're Here about?': A Lawyer's Use of Impression Management in a Closing Argument at Trial. *Discourse & Society, 14*(3), 273-290. Retrieved from https://doi-org.proxy.bib.uottawa.ca/10.1177/09579265030143002

Hodgson, S., & Pryor, B. (1984). Sex Discrimination in the Courtroom: Attorney's Gender and Credibility. *Psychological Reports, 55*, 483-486. Retrieved from http://journals.sagepub.com.proxy.bib.uottawa.ca/doi/pdf/10.2466/pr0.1984.55.2.483

House of Commons. (2018). *November 28 Debate (vol 148, col 1625, 1610)*. Retrieved from https://www.ourcommons.ca/DocumentViewer/en/42-1/house/sitting-360/hansard

Hull, K. E., & Nelson, R.L. (2000). Assimilation, Choice, or Constraint? Testing Theories of Gender Differences in the Careers of Lawyers. *Social Forces, 79*(1), 229-264. Retrieved from https://doi-org.proxy.bib.uottawa.ca/10.1093/sf/79.1.229

Hunter, L. (2012). Challenging the reported disadvantages of e-questionnaires and addressing methodological issues of online data collection. *Nurse Researcher (through 2013), 20*(1), 11-20. Retrieved from https://search-proquest-com.proxy.bib.uottawa.ca/docview/1095537978/abstract/AF26FAB9E0C94304PQ/1?accountid=14701

Izzett, R., & Fishman, L. (1976). Defendant sentences as a function of attractiveness and justification for actions. *Journal of Social Psychology, 100*, 285-290.

Janoff, S. (1991). The influence of legal education on moral reasoning. *Minnesota Law Review, 76*(2), 193-238. Retrieved from http://heinonline.org.proxy.bib.uottawa.ca/HOL/Page?handle=hein.journals/mnlr76&div=16&g_sent=1&casa_token=&collection=journals#

Johnson, S. (1985). Religion as a Defense in a Mock-Jury Trial. *The Journal of Social Psychology, 125*(2), 213-220. doi: 10.1080/00224545.1985.9922874

Juries Act R.S.O. 1990, c. J.3

Kalven, H., & Zeisel, H. (1971). *The American Jury*. Chicago, IL: University of Chicago Press.

Kaplan, M.F., & Kemmerick, C.D. (1974). Juror judgment as information integration: Combining evidential and nonevidential information. *Journal of Personality and Social Psychology, 30*, 493-499

Kassin, S. M., Reddy, M. E., & Tulloch, W. F. (1990). Juror interpretations of ambiguous evidence: The need for cognition, presentation order, and persuasion. *Law and Human Behavior*, *14*(1), 43-55. Retrieved from http://www.jstor.org/stable/1393555

Kassin, S. M., & Wrightsman, L. S. (1979). On the requirements of proof: The timing of judicial instruction and mock juror verdicts. *Journal of Personality and Social Psychology, 37*, 1877-1887. doi: 10.1037/0022-3514.37.10.1877

Kay, F., & Gorman, E. (2008). Women in the Legal Profession. *Annual Review of Law and Social Science, 4*, 299-332. Retrieved from https://doi org.proxy.bib.uottawa.ca/10.1146/annurev.lawsocsci.4.110707.172309

Kay, F., Masuch, C., & Curry, P. (2014). *Diversity and change: The contemporary legal profession in Ontario*. Law Society of Upper Canada. Retrieved from http://books1.scholarsportal.info.proxy.bib.uottawa.ca/viewdoc.html?id=/ebooks/ebooks0/gibson_cppc/2014-02-25/1/10812899#tabview=tab1

Keller, S.R., & Wiener, R.L. (2011). What are we studying? Student jurors, community jurors, and construct validity. *Behavioral Sciences and the Law, 29*(3), 376-394. doi: 10.1002/bsl.971

Kerr, N. L., & Bray, R. (2005). Simulation, realism, and the jury. In N. Brewer & K. D. Williams (Eds), *Psychology and Law* (pp. 322–364). New York: Guilford. Retrieved from https://books-google-ca.proxy.bib.uottawa.ca/books?hl=en&lr=&id=RS0hDgAAQBAJ&oi=fnd&pg=PA322&dq=Simulation,+realism,+and+the+jury&ots=6aa2RZTeox&sig=9haC9QIJUton7zGZhsSMo0BSlSs#v=onepage&q=Simulation%2C%20realism%2C%20and%20the%20jury&f=false

Kidd, R.F. (1976). Manipulation checks: advantage or disadvantage? *Representative Research in Social Psychology, 7*(2), 160-165.

Kohlberg, L.A. (1966). A cognitive-developmental analysis of children's sex role concepts and attitudes. In E.E. Maccoby (Ed.), The development of sex differences (pp.82-173). Stanford, CA: Stanford University Press

Kraft, Miles & Miller, LLP. [2017]. *Female Attorneys Provide Distinct Advantages in Family Law.* Retrieved from http://kraftlawoffices.com/female-attorneys-provide-distinct-advantages-family-law/

Lafferty, L. (2005). Leadership in trial advocacy: Credibility is cornerstone of effective trial advocacy. *American Journal of Trial Advocacy, 28*(3), 517-530. Retrieved from http://heinonline.org.proxy.bib.uottawa.ca/HOL/Page?handle=hein.journals/amjtrad28&div=35&g_sent=1&casa_token=&collection=journals

Lebovits, G. (2013). Winning Through Integrity and Professionalism. *The NALS Magazine for*

Legal Professionals, 62(3), 30-33. Retrieved from https://poseidon01-ssrn-com.proxy.bib.uottawa.ca/delivery.php?ID=454026098004122082016099108091009093000085002012023032095093073109068087095003124006057018122039107109012088109122024027069072025094036037013086105067103078109005067012046083064008070124113086127026094115097000105027004023007024124096127098004083084&EXT=pdf

Lee, C. (2015). Gender Bias in the Courtroom: Combating Implicit Bias against Women Trial Attorneys and Litigators. *Cardozo Journal of Law and Gender, 22*, 229-252. Retrieved from http://www.cardozolawandgender.com/uploads/3/4/0/7/34074834/2._lee_gender_bias_in_the_courtroom-final-published.pdf

Leiter, B. (2010). Legal Formalism and Legal Realsim: What is the issue? *Legal Theory, 16*(2), 111-133. doi:10.1017/S1352325210000121

Linz, D. G., & Penrod, S. (1984). Increasing Attorney Persuasiveness in the Courtroom. *Law and Psychology Review, 8*, 1-48. Retrieved from http://heinonline.org.proxy.bib.uottawa.ca/HOL/Page?handle=hein.journals/lpsyr8&div=4&g_sent=1&casa_token=&collection=journals#

Lubet, S. (1990). The trial as persuasive story. *American Journal of Trial Advocacy, 14*(1), 77-96. Retrieved from http://heinonline.org.proxy.bib.uottawa.ca/HOL/Page?handle=hein.journals/amjtrad14&div=9&start_page=77&collection=journals&set_as_cursor=2&men_tab=srchresults#

Lubet, S. (1997). Persuasion at trial. *American Journal of Trial Advocacy, 21*(2), 325-356. Retrieved from http://heinonline.org.proxy.bib.uottawa.ca/HOL/Page?handle=hein.journals/amjtrad21&div=22&g_sent=1&casa_token=&collection=journals#

Luciano, A., & Anakwe, U. P. (2013). *Influence of Attorneys' Attributes and Behaviors on the Jury's Verdict*. Livingston, N.J: LAP LAMBERT Academic Publishing. Retrieved from https://www.pace.edu/sites/default/files/files/honors-college/best-of/antoinette-nicole-luciano.pdf

MacCoun, R.J. (1987). *Getting Inside the Black Box: Toward a Better Understanding of Civil Jury Behaviour.* Santa Monica, CA: Rand

Maeder, E.M., & Burdett, J. (2013). The Combined Effect on Defendant Race and Alleged Gang Affiliation on Mock Juror Decision-Making. *Psychiatry, Psychology, and Law, 20*(2), 188-201. doi:10.1080/13218719.2011.633330

Maeder, E.M., McManus, L.A., McLaughlin, K.J., Yamamoto, S., & Stewart, H. (2016). Jurors' perceptions of scientific testimony: The role of gender and testimony complexity in trials involving DNA evidence. *Cogent Psychology, 3*, 1-14. Retrieved from https://doi.org/10.1080/23311908.2016.1264657

Maeder, E.M., Yamamoto, S., & Saliba, P. (2015). The influence of defendant race and victim physical attractiveness on juror decision-making in a sexual assault trial. *Psychology, Crime and Law, 21*(1), 62-79. doi: 10.1080/1068316X.2014.915325

Martin, S. E., & Jurik, N. C. (2007). Women entering the legal profession: change and resistance. In S.E. Martin & N.C. Jurik (Eds.), *Doing justice, doing gender: Women in legal and criminal justice occupations* (pp. 107-132). Thousand Oaks: SAGE Publications Ltd. doi: 10.4135/9781452204185.n5

Matland, R. E. (1994). Putting Scandinavian equality to the test: An experimental evaluation of gender stereotyping of political candidates in a sample of Norwegian voters. *British Journal of Political Science*, *24*(2), 273-292. Retrieved from https://www-cambridge-org.proxy.bib.uottawa.ca/core/services/aop-cambridge-core/content/view/87E2F1CD1F5DD4614411FBA7C93A2FC6/S0007123400009819a.pdf/putting_scandinavian_equality_to_the_test_an_experimental_evaluation_of_gender_stereotyping_of_political_candidates_in_a_sample_of_norwegian_voters.pdf

May, B.M. (2014). *Anger in the Courtroom: The Effects of Attorney Gender and Emotion on Juror Perceptions*. University Honors Program These, Georgian Southern University. Retrieved from https://digitalcommons.georgiasouthern.edu/cgi/viewcontent.cgi?article=1055&context=honors-theses

Mazzella, R., & Feingold, A. (1994). The Effects of Physical Attractiveness, Race, Socioeconomic Status, and Gender of Defendants and Victims on Judgements of Mock Jurors: A Meta-Analysis. *Journal of Applied Social Psychology, 24*(15), 1315-1344. Retrieved from https://onlinelibrary-wiley-com.proxy.bib.uottawa.ca/doi/epdf/10.1111/j.1559-1816.1994.tb01552.x

McAuliff, B.D., & Kovera, M.B., (2008). Juror Need for Cognition and Sensitivity to Methodological Flaws in Expert Evidence. *Journal of Applied Social Psychology, 38*(2), 385-408. Retrieved from https://doi-org.proxy.bib.uottawa.ca/10.1111/j.1559-1816.2007.00310.x

McGuire, M. V., & Bermant, G. (1977). Individual and group decisions in response to a mock trial: A methodological note. *Journal of Applied Social Psychology*, *7*(3), 220-226. Retrieved from https://doi-org.proxy.bib.uottawa.ca/10.1111/j.1559-1816.1977.tb00747.x

McKimmie, B. M., Newton, C. J., Terry, D. J., & Schuller, R. A. (2004). Jurors' responses to expert witness testimony: the effects of gender stereotypes. *Group processes and intergroup relations*, *7*(2), 131-143. doi: 10.1177/1368430204043724

Meyer, A. [December 2013]. 8 Reasons Why YOU Should Hire a Female Divorce Attorney. Retrieved from http://www.magiccityfamilylaw.com/2013/12/18/8-reasons-why-you-should-hire-a-femal-divorce-attorney/

Miller, M., & Mauet, T. A. (1999). The psychology of jury persuasion. *American Journal of*

Trial Advocacy, 22(3), 549-570. Retrieved from http://heinonline.org.proxy.bib.uottawa.ca/HOL/Page?handle=hein.journals/amjtrad22&div=30&start_page=549&collection=journals&set_as_cursor=0&men_tab=srchresults

Mitchell, T.L., Haw, R.M., Pfeifer, J.E., & Meissner, C.A. (2005). Racial Bias in Mock Juror Decision-Making: A Meta-Analytic Review of Defendant Treatment. *Law and Human Behaviour, 29*(6), 621-637. Retrieved from https://link-springer-com.proxy.bib.uottawa.ca/article/10.1007/s10979-005-8122-9

Muir, S.W., Berg, K., Chesworth, B., Klar, N., Speechley, M. (2010). Balance impairment as a risk factor for falls in community – dwelling older adults who are high functioning: a prospective study. Physical Therapy, 90(3), 338-347. Retrieved from https://doi-org.proxy.bib.uottawa.ca/10.2522/ptj.20090163

National Judicial Institute. (2014). *Model Jury Instructions*. Retrieved from https://www.nji-inm.ca/index.cfm/publications/model-jury-instructions/#2FF92434-E5F1-43B3-8817A02E5DE9D63D

Nelson, M. (2004). The Effect of Attorney Gender on Jury Perception and Decision-Making. *Law and Psychology Review, 28*, 177-194. Retrieved from http://heinonline.org.proxy.bib.uottawa.ca/HOL/Page?handle=hein.journals/lpsyr28&div=14&g_sent=1&casa_token=&collection=journals

Nerlove, M. & Wallis, K. (1966). Use of the Durbin-Watson Statistic in Inappropriate Situations. *The Econometric Society, 34*(1), 235-238. Retrieved from http://www.jstor.org/stable/1909870

O'Neil, K.M., & Penrod, S.D. (2001). Methodological variables in Web-based research that may affect results: Sample type, monetary incentives, and personal information. *Behavior Research Methods, Instruments and Computers, 33*(2), 226-233. Retrieved from https://link-springer-com.proxy.bib.uottawa.ca/content/pdf/10.3758%2FBF03195369.pdf

Ontario Ministry of the Attorney General. (2015). *General information about the Jury System in Ontario*. Retrieved from https://www.attorneygeneral.jus.gov.on.ca/english/courts/jury/geninfo.php

Ontario Law Reform Commission. (1996). *Report on the Use of Jury Trials in Civil Cases*. Ontario Law Reform Commission. Retrieved from http://www.ontla.on.ca/library/repository/mon/27010/191606.pdf

Oppenheimer, D.M., Meyvis, T., & Davidenko, N. (2009). Instructional manipulation checks: detecting satisficing to increase statistical power. *Journal of Experimental Social Psychology, 45*, 867-872. Retrieved from https://pdfs.semanticscholar.org/5397/a29ff28e5810cf66dc0be608462702fada3d.pdf

Pandis, N. (2015). The Sampling Distribution. American Journal of Orthodontics & Dentofacial Orthopedics, 147(4), 517-519. doi: https://doi.org/10.1016/j.ajodo.2015.01.009

Park, H. (2013). An introduction to logistic regression: from basic concepts to interpretation with particular attention to nursing domain. *Journal of Korean Academy of Nursing*, *43*(2), 154-164. Retrieved from http://dx.doi.org.proxy.bib.uottawa.ca/10.4040/jkan.2013.43.2.154.

Petty, R. E., Briñol, P., Loersch, C., & McCaslin, M. J. (2009). The need for cognition. In M. R. Leary & R. H. Hoyle (Eds.), *Handbook of individual differences in social behavior* (pp. 318-329). New York: The Guildford Press. Retrieved from https://books-google-ca.proxy.bib.uottawa.ca/books?hl=en&lr=&id=67xcAgAAQBAJ&oi=fnd&pg=PA318&dq=%22need+for+cognition%22+and+juror+decision+making&ots=DUdzNWz1vN&sig=GV1t7zIFLp23re1YcyNLSzn_vR4#v=onepage&q=%22need%20for%20cognition%22%20and%20juror%20decision%20making&f=false

Podgor, E. S., & Pertnoy, L. D. (1991). And god created woman .. but to be criminal defense attorney. *Mercer Law Review, 42*(2), 713-728. Retrieved from file:///C:/Users/ffrance/Desktop/Bri/EllenSPodgorLeonardDPertn.pdf

Pozzulo, J. D., Dempsey, J., Maeder, E., & Allen, L. (2010). The effects of victim gender, defendant gender, and defendant age on juror decision making. *Criminal Justice and Behavior, 37*, 47–63. doi: 10.1177/0093854809344173

Pryor, B., & Buchanan, R.W. (1984). The Effects of a Defendant's Demeanor on Juror Perceptions of Credibility and Guilt. *Journal of Communication, 34*(3), 92-99. Retrieved from https://doi-org.proxy.bib.uottawa.ca/10.1111/j.1460-2466.1984.tb02176.x

Quas, J. A., Bottoms, B. L., Haegerich, T. M., & Nysse-Carris, K. L. (2002). Effects of Victim, Defendant, and Juror Gender on Decisions in Child Sexual Assault Cases. *Journal of Applied Social Psychology, 32*(10), 1993-2021. doi: 10.1111/j.1559-1816.2002.tb02061.x

R. v. Stanley (2018), 27 CRIM 26 (SKQB)

Rhode, D. L. (2001). *The unfinished agenda: Women and the Legal Profession.* Chicago American Bar Association Commission on Women in the Profession. Retrieved from http://womenlaw.stanford.edu.proxy.bib.uottawa.ca/pdf/aba.unfinished.agenda.pdf

Rhode, D. L. (2002). Gender and the profession: The no-problem problem. *Hofstra Law Review, 30*(3), 1001-1014. Retrieved from http://heinonline.org.proxy.bib.uottawa.ca/HOL/Page?handle=hein.journals/hoflr30&div=37&g_sent=1&casa_token=&collection=journals

Rhode, D.L. (2003). *The difference ' difference' makes: women and leadership*. Stanford, CA: Standford Law and Politics. Retrieved from https://books.google.ca/books?id=e2Rn_LLaGDkC&pg=PA105&lpg=PA105&dq=example+in+a+case+where+a+judge+or+attorney+referred+to+a+female+lawyer%27s+appearance+and+attire&source=bl&ots=IAWSqwfJj0&sig=ynkJ_ymYkLz-v2leNE-

Rz1LB3i4&hl=en&sa=X&ved=0ahUKEwiYl-bQh4vaAhVH4oMKHfzAC38Q6AEIVzAI#v=snippet&q=appearance&f=false

Ritchie, J., Lewis, J., Nicholls, C.M., & Ormston, R. (2013). *Qualitative research practice: A guide for social science students and researchers* (2nd ed). Sage

Roach, K. (2018). The Urgent Need to Reform Jury Selection after the Gerald Stanley and Colton Boushie Case. *Criminal Law Quarterly, 65*, 271-278. Retrieved from https://ssrn-com.proxy.bib.uottawa.ca/abstract=3130919

Roberts, A. (2012). (Re) Forming the Jury: Detection and Disinfection of Implicit Juror Bias. *Connecticut Law Review*, *44*, 827-882. Retrieved from http://heinonline.org.proxy.bib.uottawa.ca/HOL/Page?public=false&handle=hein.journals/conlr44&page=827&collection=journals

Robinson, A.A., & Jay, J. (2011). Effects of Race and Gender of Attorneys on Trial Outcomes. *The Jury Expert the Art and Science of Litigation Advocacy, 23*(3), 1-24. Retrieved from http://www.thejuryexpert.com/wp-content/uploads/RobinsonTJEMay2011.pdf

Romney, P. (1989). From Constitutionalism to Legalism: Trial by Jury, Responsible Government, and the Rule of Law in the Canadian Political Culture. *Law and History Review*, *7*(1), 121-174. Retrieved from https://doi-org.proxy.bib.uottawa.ca/10.2307/743779

Scheirer, J., Ray, W., & Hare, N. (1976). The Analysis of Ranked Data Derived from Completely Randomized Factorial Designs. *International Biometric Society, 32*(2), 429-434. Retrieved from http://www.jstor.org/stable/2529511

Schneider, A., Hommel, G., & Blettner, M. (2010). Linear Regression Analysis Part 14 of a Series on Evaluation of Scientific Publications. *Deutsches Arzteblatt International, 107*(44), 776-782. doi: 10.3238/arztebl.2010.0776

Schuller, R., & Vidmar, N. (2011). The Canadian criminal jury. *Chicago-Kent Law Review, 86*(2), 497-536. Retrieved from https://scholarship-law-duke-edu.proxy.bib.uottawa.ca/cgi/viewcontent.cgi?article=3003&context=faculty_scholarship

Selm, M.V., & Jankowski, N.W. (2006). Conducting Online Surveys. *Quality and Quantity, 40*, 435-456. doi 10.1007/s11135-005-8081-8

Selya, A. S., Rose, J.S., Dierker, L.C., Hedeker, D., & Mermelstein, R.J. (2012). A Practical Guide to Calculating Cohen's f^2, a Measure of Local Effect Size, from PROC MIXED. *Frontiers in Psychology, 3*. doi: 10.3389/fpsyg.2012.00111

Shestowsky, D., & Horowitz, L. M. (2004). How the need for cognition scale predicts behavior in mock jury deliberations. *Law and Human Behavior*, *28*(3), 305-337. Retrieved from http://www.jstor.org.proxy.bib.uottawa.ca/stable/pdf/4141764.pdf

Sigal, J., Braden-Maguire, J., Hayden, M., & Mosley, N. (1985). The effect of presentation style and sex of lawyer on jury decision-making behavior. *Psychology: A Quarterly Journal of Human Behavior, 22*(3), 13-19.

Skolnik, T. (n.d). *The Jury System in Canada*. Retrieved from http://www.judicialsystems.org/content/jud/archivos/notaarchivo/947.pdf

Smith, T., & Kimmel, M. (2005). The Hidden Discourse of Masculinity in Gender Discrimination Law. Signs: *Journal of Women in Culture and Society, 30*(3), 1827-1849. Retrieved from https://doi-org.proxy.bib.uottawa.ca/10.1086/427524

Smith, G, & Wales, C. (2000). Citizens' Juries and Deliberative Democracy. *Political Studies, 48*, 51-65. doi: 10.1111/1467-9248.00250

Statistics Canada. (2010). *Trends in the Age Composition of College and University Students and Graduates*. Retrieved October 20, 2018 from Statistics Canada: https://www150.statcan.gc.ca/n1/pub/81-004-x/2010005/article/11386-eng.htm

Statistics Canada. (2012). *Gender Differences in Police-reported Violent Crime in Canada*. Retrieved October 13, 2014 from Statistics Canada: http://www.statcan.gc.ca/pub/85f0033m/2010024/part-partie1-eng.htm

Statistics Canada. (2016). *Census Profile, 2016 Census*. Retrieved October 20, 2018 from Statistics Canada: https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/prof/details/page.cfm?Lang=E&Geo1=CSD&Code1=3506008&Geo2=PR&Code2=01&Data=Count&SearchText=ottawa&SearchType=Begins&SearchPR=01&B1=All

Statistics Canada. (2017). *Adult criminal court statistics in Canada, 2014/2015*. Retrieved August 05, 2018 from Statistics Canada: https://www150.statcan.gc.ca/n1/pub/85-002-x/2017001/article/14699-eng.htm

Stieger, S. & Reips, U.D. (2010). What are participants doing while filling in an online questionnaire: A paradata collection tool and an empirical study. *Human Behavior, 26*(6), 1488-1495. doi: https://doi.org/10.1016/j.chb.2010.05.013

Sumoski, D.M. (2001). Bridging the Gender Gap. *Litigation, 27*(67), 31-35. Retrieved from http://www.jstor.org/stable/29760213

Szmer, J.J., Sarver, T.A., Kaheny, E.B. (2010). Have We Come a Long Way, Baby? The Influence of Attorney Gender on Supreme Court Decision Making. *Politics and Gender, 6*(1), 1-36. doi: 10.1017/S1743923X09990493

Thabane, L., Ma, J., Chu, R., Cheng., J., Ismaila, A., Rios, L.P.,…Goldsmith, C.H. (2010). A

tutorial on pilot studies: the what, why and how. *BMC Medical Research Methodology, 10*(1). Retrieved from https://doi-org.proxy.bib.uottawa.ca/10.1186/1471-2288-10-1

Villemur, N. K., & Hyde, J. S. (1983). Effects of sex of defense attorney, sex of juror, and age And attractiveness of the victim on mock juror decision making in a rape case. *Sex Roles, 9*(8), 879-889. doi:10.1007/BF00289961

Voss, J. (2005). The Science of Persuasion: An Exploration of Advocacy and the Science Behind the Art of Persuasion in the Courtroom. *Law and Psychology Review, 29,* 301-328. Retrieved from http://heinonline.org.proxy.bib.uottawa.ca/HOL/Page?handle=hein.journals/lpsyr29&div=16&g_sent=1&casa_token=&collection=journals

Vuuren, M.V., Jong, M.D.T., & Seydel, E.R. (2007). Direct and indirect effects of supervisor communication on organizational commitment. *Corporate Communications: An International Journal, 12*(2), 116-128. doi: 10.1108/13563280710744801

Wald, E. (2010). The Changing Professional Landscape of Large Law Firms, Glass Ceilings and Dead Ends: Professional Ideologies, Gender Stereotypes, and the Future of Women Lawyers at Large Law Firms. *Fordham Law Review, 78*(5), 2245- 2288. Retrieved from http://ir.lawnet.fordham.edu/flr/vol78/iss5/5

Warshawsky, K.D. (1994). The Judicial Canons: A First Step in Addressing Gender Bias in the Courtroom. *Georgetown Journal of Legal Ethics, 7*, 1047-1081. Retrieved from http://heinonline.org.proxy.bib.uottawa.ca/HOL/Page?handle=hein.journals/geojlege7&div=41&g_sent=1&casa_token=&collection=journals

Webster, C., & Doob, A. N. (2003). The superior/provincial criminal court distinction: Historical anachronism or empirical reality. *Criminal Law Quarterly, 48*(1), 77-109. Retrieved from https://heinonline-org.proxy.bib.uottawa.ca/HOL/Page?public=false&handle=hein.journals/clwqrty48&page=77&collection=journals

Weiten, W., & Diamond, S.S., (1979). A Critical Review of the Jury Simulation Paradigm. *Law and Human Behavior, 3*(1/2), 71-93. Retrieved from http://www.law.northwestern.edu/faculty/fulltime/diamond/papers/ACriticalReviewJurySimulation.pdf

Wiener, R.L., Krauss, D.A., & Lieberman, J.D. (2011). Mock Jury Research: Where do we go from here? *Behavioural Sciences and the Law, 29*(3), 467-479. doi: 10.1002/bsl.989

Williams, M.N., Grajales, C.A., & Kurkiewicz, D. (2013). Assumptions of Multiple Regression: Correcting Two Misconceptions. *Practical Assessment, Research & Evaluation, 18*(11), 1-14. Retrieved from https://pdfs.semanticscholar.org/ed1f/a29fe2f4794cd1b9ace983439ec1f696ec1d.pdf

Wilson, L. A., & Taylor, D. H. (2001). Surveying gender bias at one midwestern law school. *Journal of Gender, Social Policy and the Law, 9*(2), 251-281. Retrieved from http://digitalcommons.wcl.american.edu.proxy.bib.uottawa.ca/cgi/viewcontent.cgi?article=1364&context=jgspl

Wood, S. M., Sicafuse, L. L., Miller, M. K., & Chomos, J. C. (2011). The Influence of Jurors' Perceptions of Attorneys and Their Performance on Verdict. *Jury Expert*, *23*, 23-56. Retrieved from http://www.thejuryexpert.com/wp-content/uploads/Woodetal.TJEJan2011Vol23Num1.pdf

Wright, K.B. (2017). Researching Internet-Based Populations: Advantages and Disadvantages of Online Survey Research, Online Questionnaire Authoring Software Packages, and Web Survey Services. Journal of Computer-Mediated Communication, 10(3). Retrieved from https://doi-org.proxy.bib.uottawa.ca/10.1111/j.1083-6101.2005.tb00259.x

Appendix A - University of Ottawa Research Ethics Approval Certificate

File Number: 05-15-22 **Date (mm/dd/yyyy):** 06/10/2015

Université d'Ottawa University of Ottawa
Bureau d'éthique et d'intégrité de la recherche Office of Research Ethics and Integrity

Ethics Approval Notice

Social Science and Humanities REB

Principal Investigator / Supervisor / Co-investigator(s) / Student(s)

First Name	Last Name	Affiliation	Role
Ronald	Frans-Melchers	Social Sciences / Criminology	Supervisor
Brianne	Philippe-Belisle	Social Sciences / Criminology	Student Researcher

File Number: 05-15-22

Type of Project: Master's Thesis

Title: Effects on Jury Decision-Making

Approval Date (mm/dd/yyyy)	Expiry Date (mm/dd/yyyy)	Approval Type
06/10/2015	06/09/2016	Ia (Partial Approval)

(Ia: Approval, Ib: Approval for initial stage only)

Special Conditions / Comments:

Partial Approval

This approval is valid for recruitment of participants outside of the Carleton University and Algonquin College campuses.

These sites will be added to the certificate once permission letters have been received.

550, rue Cumberland, pièce 154 550 Cumberland Street, room 154 Ottawa
(Ontario) K1N 6N5 Canada Ottawa, Ontario K1N 6N5 Canada
(613) 562-5387 • Téléc./Fax (613) 562-5338
www.recherche.uottawa.ca/deontologie/ www.research.uottawa.ca/ethics/

File Number: 05-15-22 **Date (mm/dd/yyyy):** 06/10/2015

Université d'Ottawa University of Ottawa
Bureau d'éthique et d'intégrité de la recherche Office of Research Ethics and Integrity

This is to confirm that the University of Ottawa Research Ethics Board identified above, which operates in accordance with the Tri-Council Policy Statement (2010) and other applicable laws and regulations in Ontario, has examined and approved the ethics application for the above named research project. Ethics approval is valid for the period indicated above and subject to the conditions listed in the section entitled "Special Conditions / Comments".

During the course of the project, the protocol may not be modified without prior written approval from the REB except when necessary to remove participants from immediate endangerment or when the modification(s) pertain to only administrative or logistical components of the project (e.g., change of telephone number). Investigators must also promptly alert the REB of any changes which increase the risk to participant(s), any changes which considerably affect the conduct of the project, all unanticipated and harmful events that occur, and new information that may negatively affect the conduct of the project and safety of the participant(s). Modifications to the project, including consent and recruitment documentation, should be submitted to the Ethics Office for approval using the "Modification to research project" form available at: http://research.uottawa.ca/ethics/submissions-and-reviews.

Please submit an annual report to the Ethics Office four weeks before the above-referenced expiry date to request a renewal of this ethics approval. To close the file, a final report must be submitted. These documents can be found at: http://research.uottawa.ca/ethics/submissions-and-reviews.

If you have any questions, please do not hesitate to contact the Ethics Office at extension 5387 or by e-mail at: ethics@uOttawa.ca.

Signature:

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Appendix B - University of Ottawa Research Ethics Renewal Certificate

File Number: 05-15-22 **Date (mm/dd/yyyy):** 05/29/2017

Université d'Ottawa University of Ottawa
Bureau d'éthique et d'intégrité de la recherche Office of Research Ethics and Integrity

Ethics Approval Notice

Social Sciences and Humanities REB

Principal Investigator / Supervisor / Co-investigator(s) / Student(s)

First Name	Last Name	Affiliation	Role
Ronald	Frans-Melchers	Social Sciences / Criminology	Supervisor
Brianne	Philippe-Belisle	Social Sciences / Criminology	Student Researcher

File Number: 05-15-22

Type of Project: Master's Thesis

Title: Effects on Jury Decision-Making

Renewal Date (mm/dd/yyyy)	Expiry Date (mm/dd/yyyy)	Approval Type
05/29/2017	06/09/2018	Renewal

Special Conditions / Comments:
N/A

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(Ontario) K1N 6N5 Canada Ottawa, Ontario K1N 6N5 Canada
(613) 562-5387 • Téléc./Fax (613) 562-5338
www.recherche.uottawa.ca/deontologie/ www.research.uottawa.ca/ethics/

File Number: 05-15-22 **Date (mm/dd/yyyy):** 05/29/2017

Université d'Ottawa University of Ottawa
Bureau d'éthique et d'intégrité de la recherche Office of Research Ethics and Integrity

This is to confirm that the University of Ottawa Research Ethics Board identified above, which operates in accordance with the Tri-Council Policy Statement (2010) and other applicable laws and regulations in Ontario, has examined and approved the ethics application for the above named research project. Ethics approval is valid for the period indicated above and subject to the conditions listed in the section entitled "Special Conditions / Comments".

During the course of the project, the protocol may not be modified without prior written approval from the REB except when necessary to remove participants from immediate endangerment or when the modification(s) pertain to only administrative or logistical components of the project (e.g., change of telephone number). Investigators must also promptly alert the REB of any changes which increase the risk to participant(s), any changes which considerably affect the conduct of the project, all unanticipated and harmful events that occur, and new information that may negatively affect the conduct of the project and safety of the participant(s). Modifications to the project, including consent and recruitment documentation, should be submitted to the Ethics Office for approval using the "Modification to research project" form available at: https://research.uottawa.ca/ethics/forms.

Please submit an annual report to the Ethics Office four weeks before the above-referenced expiry date to request a renewal of this ethics approval. To close the file, a final report must be submitted. These documents can be found at: https://research.uottawa.ca/ethics/forms.

If you have any questions, please do not hesitate to contact the Ethics Office at extension 5387 or by e-mail at: ethics@uOttawa.ca.

Signature:

Mélanie Rioux
Ethics Coordinator
For Catherine Paquet, Director of the Office of Research Ethics and Integrity

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www.recherche.uottawa.ca/deontologie/ www.research.uottawa.ca/ethics/

Appendix C – Carleton University Research Ethics Approval Certificate

Carleton University
Research Ethics Office
Research Ethics Board
511 Tory, 1125 Colonel By Drive
Ottawa, ON K1S 5B6 Canada
Tel: 613-520-2517, ethics@carleton.ca

Ethics Clearance Form – New Clearance

This is to certify that the Carleton University Research Ethics Board has examined the application for ethical clearance. The REB found the research project to meet appropriate ethical standards as outlined in the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Human, 2nd edition*, and the *Carleton University Policies and Procedures for the Ethical Conduct of Research*.

Date of Clearance: July 10, 2015
Researcher: Brianne Philippe-Belisle (Student Research: Master's Student)
Department: Department of Criminology
University: University of Ottawa
Research Supervisor (if applicable): Prof. Ronald Frans-Melchers (University of Ottawa)
Project Number: 103147
Alternate File Number (if applicable):
Project Title: Effects on Jury Decision-Making
Funder (if applicable):

Clearance Expires: June 9, 2016

All researchers are governed by the following conditions:

Annual Status Report: You are required to submit an Annual Status Report to either renew clearance or close the file. Failure to submit the Annual Status Report will result in the immediate suspension of the project. Funded projects will have accounts suspended until the report is submitted and approved.

Changes to the project: Any changes to the project must be submitted to the Carleton University Research Ethics Board for approval. All changes must be approved prior to the continuance of the research.

Adverse events: Should a participant suffer adversely from their participation in the project you are required to report the matter to the Carleton University Research Ethics Board. You must submit a written record of the event and indicate what steps you have taken to resolve the situation.

Suspension or termination of clearance: Failure to conduct the research in accordance with the principles of the Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans, 2nd edition and the Carleton University Policies and Procedures for the Ethical Conduct of Research may result in the suspension or termination of the research project.

Louise Heslop
Chair, Carleton University Research Ethics Board

Andy Adler
Vice-Chair, Carleton University Research Ethics Board

Appendix D – Algonquin College Research Ethics Approval Certificate

ALGONQUIN COLLEGE | Research Ethics Board

Algonquin College Research Ethics Board
Certificate of Approval to Conduct Research

Protocol #: 2015-JUN-MELCHERS

This is to certify that the Algonquin College Research Ethics Board (REB) has approved the application for the research project titled:

"Effects on Jury Decision-Making"

to be conducted by:

Ronald-Frans Melchers and Brianne Philippe-Belisle.

The members of the REB are satisfied that this research project, as described in the application package, meets the appropriate ethical standards as set out in Algonquin College Policy RE03 – Research Involving Human Subjects.

This certification is valid for one year from the date indicated below. If the researcher(s) wish to continue their study beyond the date indicated below, they will be required to submit an Annual Research Renewal Form.

If at any time during the course of the study the participants or researcher(s) encounter any adverse events, they are required to report them to the REB immediately, per RE03 – Research Involving Human Subjects.

If at any time researchers wish to change any aspect of the study (e.g. data collection, recruitment procedures, research personnel), the researchers must inform the REB of the proposed changes and request their approval prior to implementing any changes. This includes any secondary analysis of the data that extends beyond the initial research question being examined.

Upon completion of the project, and no later than one year from the date indicated below, the principal investigator is required to submit a Project Completion Form to the REB.

The members of the Algonquin College REB would like to wish the researcher(s) well in their research.

Louise Boudreault, Ph.D.
Chair, REB
Algonquin College

October 2, 2015
Approval Date

Appendix E – Informed Consent Form

Title: Effects on Jury Decision-Making

Research Personnel: This study is being conducted by Brianne Philippe-Belisle, Master's student in the department of Criminology and supervised by Dr. Ronald-Frans Melchers, from the department of Criminology, faculty of Social Sciences at the University of Ottawa.

Invitation to Participate: You are invited to participate in the above mentioned research study conducted by Brianne Philippe-Belisle in the context of a Master's thesis, under the supervision of Professor Melchers.

Project: This is a study to evaluate how people process trial information.

The purpose of an informed consent is to make sure that you understand the purpose of the study and your involvement as a participant. The informed consent must include enough information regarding the study for you to be able to make a well-informed decision regarding whether or not you would like to partake in the study.

Participation: You have been asked to participate in a study concerning how people process trial information. During this study you are asked to read parts of a trial transcript involving a specific charge of aggravated assault or sexual assault. You are asked to read the entire case and then determine a verdict as well as answer several other opinion-related questions. At the end of the study you will be brought to a debriefing form. This study will take you approximately 45 minutes to complete.

Potential Risk/Discomfort: You will also be asked to answer questions regarding your beliefs about certain sensitive topics (e.g., religious views, gender stereotypes, cultural stereotypes, beliefs, and values), and you may become uncomfortable with the nature of the questions. Also, you may feel embarrassed or distressed reading about incidents involving criminal activity. There is a possibility that you may have to read about a sexual assault trial, if at any time you feel uncomfortable you can withdraw from the study. The 'Withdraw' button will be located at the end of the page. You have received assurance from the researcher that every effort will be made to minimize these risks. At any time, you may discontinue your involvement in this study and you will still have the chance to input your name in the draw. In addition, you may refrain from answering any questions on the questionnaire if you are uncomfortable or otherwise do not want to. Furthermore, at the end of the study, you will be asked if you would like to withdraw your data from the study and will have the option of doing so immediately if you should so wish.

Benefits: After reading the debriefing form you may be more informed about juror decision-making. Furthermore, you will have the opportunity to contribute to research on a topic (juror research and the courtroom) that has not gained much familiarity in modern research.

Confidentiality and Anonymity: The data collected in this experiment is strictly confidential. All data are coded with an assigned participant number such that your name is not associated with the responses you provide. All data will be collected anonymously. Your name and e-mail address collected for the draw will be collected separately from your survey answers. Furthermore, once

you click 'DO' accept the 'Study Consent-to-Keep-Data Form' at the end of the study; your data cannot be withdrawn. We collect data through the software Qualtrics, which uses servers with multiple layers of security to protect the privacy of the data (e.g., encrypted websites and password protected storage). Please note that Qualtrics is hosted by a server located in the USA. The United States Patriot Act permits U.S. law enforcement officials, for the purpose of an anti-terrorism investigation, to seek a court order that allows access to the personal records of any person without that person's knowledge. In view of this we cannot absolutely guarantee the full confidentiality and anonymity of your data. With your consent to participate in this study you acknowledge this.

Conservation of data: Your data will be kept electronically on the Qualtrics account and will be transferred from the Qualtrics account to a USB key at the end of the project period (August 2016). Data will be conserved on the USB key for 5 years following completion of the project (August 2016); therefore, data will be conserved until August 2021 and will then be securely deleted. The USB key will be securely stored in a locked cabinet, in a locked office located at the University of Ottawa (FSS) for the period of conservation, where the only person who will have access to this USB key will be the project supervisor.

Compensation: At the end of the study, you will be given the chance to type your name and e-mail address which will automatically be put in a draw for the chance to win one of four 25.00$ gift cards (Apple Store, HMV, Shoppers Drug Mart, and Tim Hortons).

Right to Withdraw (voluntary participation): You are under no obligation to participate and if you choose to participate, you can withdraw from the study at any time and/or refuse to answer any questions, without suffering any negative consequences. You may refrain from answering any questions on the questionnaire if you are uncomfortable or otherwise do not want to. Throughout the survey, a "Withdraw" option will be included at the bottom of every internet page that you can click at any time, which will immediately lead you to the debriefing page following the draw submission. Please note, at the end of the survey you will also have access to the debriefing form. Furthermore, the data previously entered in the study will automatically be deleted and erased.

Should you require further information regarding this study, you can contact:
Brianne Philippe-Belisle, Master Student
Department of Criminology, Faculty of Social Sciences, University of Ottawa

Dr. Ronald-Frans Melchers, supervisor
Department of Criminology, Faculty of Social Sciences, University of Ottawa
Tel. 613-562-5800 ext. 1801

Should you have any ethical concerns regarding this study, you can contact:
Protocol Officer for Ethics in Research,
University of Ottawa,
Tabaret Hall, 550 Cumberland Street, Room 154
Ottawa, ON K1N 6N5
Tel.: (613) 562-5387
ethics@uottawa.ca

or

Algonquin College REB
Tel: (613) 727-4723 ext. 5213
redadmin@algonquincollege.com

This study has received ethical clearance by the University of Ottawa Research Ethics Board.

Acceptance: By clicking on the 'AGREE' link below you are agreeing to participate in the above research study conducted by Brianne Philippe-Belisle of the Criminology Department, Faculty of Social Science, under the supervision of Dr. Ronald-Frans Melchers.

NOTE: If you would like a record of this form, please e-mail Brianne Philippe-Belisle

- I **agree** to take participate in the above research study. My participation in this study is voluntary, and I understand that if at any time I wish to leave the experiment, I may do so without having to give an explanation and with no penalty whatsoever. Furthermore, I am also aware that the data gathered in this study are confidential and anonymous with respect to my personal identity. By checking this box, I'm indicating that I agree to participate in this study.
- I **disagree**, and do not wish to participate in the above research study.

Appendix F – Debriefing Form

Thank you for your participation in this study. This is a debriefing form which will clarify the purpose of our study and why we are interested in this issue.

What are we trying to learn in this research and how was this study designed?
The purpose of this research was to understand how the gender of the defence attorney, the nature of the crime represented by the defence attorney, and the physical appearance of the defendant can influence jury decision-making. The trial transcript which you read was not an actual trial, but was rather fabricated for this study. None of the individuals in the photographs which you viewed were actually involved in such a case. We asked you to answer questions regarding your perceptions regarding gender in order to see if and how these perceptions might affect verdicts.

Why is this important to the general public?
This study will enable the public to comprehend the effects that gender and physical appearance may have on our modern Canadian court system and enhance the manner in which the system is currently managed. The findings may, in the long run, raise the possibility for defendants to receive a fair trial.

What are our hypotheses and predictions?
We predict that the gender of the defence attorney, the crime the attorney is representing and the physical appearance of the defendant will affect juror verdicts. Previous research indicates that female defence attorneys who represent a crime consistent with their gender, for instance a sexual assault case, will be found more credible and will be allocated fewer guilty verdicts. Additionally, it will also be predicted that jurors will be less likely to render a verdict of guilt when the defendant has immature facial features.

Why was the use of partial disclosure necessary?
Incomplete/partial disclosure occurs when information is intentionally not provided. In our study, we were not able to inform you of the specific purpose of the study, nor of the specific nature of the questions which we asked you to answer prior to your completion of the study. The effect of gender and physical appearance on juror decision-making may be an unconscious one and is an effect created through societal norms and values. Informing participants about the true purpose of our study would inevitably change how they viewed the defendant on the basis of weight. Additionally, incomplete disclosure was used in order to reduce any effect of social desirability, which is a phenomenon where individuals modify their answers to fit with what they perceive to be socially acceptable. Please be aware that you are able to withdraw your data from this study if you wish. Additionally, please keep in mind that all data collected has been done so anonymously.

Compensation information
Thank you for your contribution to the research project, you have been given the option to enter your name in a draw to win one of four Gift Cards valued at 25.00$ (Apple Store, HMV, Shoppers Drug Mart, and Tim Hortons). The draw will be conducted through the online survey tool Qualtrics. At the end of this study you will be given the chance to accept or deny the opportunity to take part in a draw. If you deny this opportunity, you will automatically be brought to the end of the study.

The draw is open to all research participants who enter their name in the draw, regardless of whether they decide to withdraw from further participating in the research project.

Upon completion of the study, four names will be randomly selected amongst those who have entered and the individuals whose names are drawn will be informed by e-mail. To win the prize the individuals must correctly answer a skill testing question. If any of the individuals cannot be reached within 14 days from the date of the draw, the prize will be awarded to the following name that is randomly selected and so on until the prize has been awarded. The odds of winning a prize depend on the number of eligible entries received. The prize must be accepted as awarded or forfeited and cannot be redeemed for cash.

Your e-mail that you provide when you enter the draw is collected for the purposes of contacting you if your name is selected in the draw. Your e-mail will be kept confidential and then destroyed once the prizes have been awarded.The information retrieved will not be associated with your data.

We reserve the right to cancel the draw or cancel the awarding of the prize if the integrity of the draw or the research or the confidentiality of participants is compromised. The draw is governed by the applicable laws of Canada.

Right to Withdraw (voluntary participation)
If you wish, you can withdraw from the study by clicking on the button below 'Withdraw' which will immediately lead you to the end of the study and will automatically delete/erase all data previously entered in the study. If you do continue, you will also have the opportunity to withdraw your data if you click 'DO NOT' accept on the 'Study Consent-to-Keep-Data Form'. If you wish to not accept, again all data previously entered will be deleted and erased. If you wish to click 'DO' accept on the 'Study Consent-to-Keep-Data Form', your data cannot be withdraw/deleted/erased after this point.

Where can you learn more?
Hahn, P.W., & Clayton, S.D. (1996). The Effects of Attorney Presentation Style, Attorney Gender, and Juror Gender on Juror Decisions. Law and Human Behavior, 20, 533-554.

Hodgson, S., & Pryor, B. (1984). Sex Discrimination in the Courtroom: Attorney's Gender and Credibility. Psychological Reports, 55, 483-486.

Villemur, N. K., & Hyde, J.S. (1983). Effects of sex of defence attorney, sex of juror, and age and attractiveness of the victim on mock juror decision making in a rape case. Sex Roles, 9(8), 879-889.

Wald, E. (2010). The Changing Professional Landscape of Large Law Firms, Glass Ceilings and Dead Ends: Professional Ideologies, Gender Stereotypes, and the Future of Women Lawyers at Large Law Firms. Fordham Law Review, 78(5), 2245- 2288.

What if you have questions later?
You can also contact the researchers involved in this study:

Brianne Philippe-Belisle, Master Student
Department of Criminology, Faculty of Social Sciences, University of Ottawa

Dr. Ronald-Frans Melchers, supervisor
Department of Criminology, Faculty of Social Sciences, University of Ottawa
Tel. 613-562-5800 ext. 1801

Should you have any ethical concerns, please contact:
Protocol Officer for Ethics in Research,
University of Ottawa,
Tabaret Hall, 550 Cumberland Street, Room 154
Ottawa, ON K1N 6N5
Tel.: (613) 562-5387
ethics@uottawa.ca

Is there anything you can do if you found this experiment emotionally draining?
If this experiment has caused you any emotional distress, please contact Counseling and Coaching services at the University of Ottawa at 613-562-5200, Carleton University Counseling services at 613-520-6674, Algonquin College Counseling services at 613-727-4723 ext. 7200, or contact the principal investigator for a list of Ottawa counseling resources.

Thank you for participating in this research

Appendix G – Study to Consent Data

The purpose of the online consent-to-keep-data form is to make sure that you are able to make an informed decision regarding whether or not you would like your data included in this study. We include this form after explaining the true purpose of our study and the reasons for which partial disclosure was necessary. This form is meant to give you an opportunity to withdraw your data from the study, now that you are aware of its purpose. In the event that you wish to withdraw your data, it will be destroyed.

By clicking the approval box, you indicate that you understand that you were not informed of the true purpose of this study prior to completing your participation in the study, and that you understand the reasons regarding the necessity of providing partial disclosure in this study.

Please indicate whether you **do / do not** (please click the appropriate response) continue to consent to the use of your data. Please note that once you click "**DO**" and submit your responses, note that you will not be able to withdraw given the anonymous nature of the data. The principal investigator will be unable to retrace individual dataset. Once you provide your final consent for the use of the data, you cannot withdraw your participation.

- o I do continue to consent to the use of my data.
- o I do not continue to consent to the use of my data.

Appendix H – Trial Transcript (Sexual Assault)

Note: depending on the condition, a male or female defence attorney was presented.

Below are excerpts from a trial concerning an account of sexual assault. Please read through the Crown's opening statement, the Defence's opening statement, the statement of two witnesses (Ms. Flavor and Ms. Jones), Kelly Smith (the victim) and the statement of Logan Anderson (the defendant).

Background Information

Alleged Crime: Sexual Assault
Defendant: Logan Anderson
Ottawa, Ontario
Arrested: May 10, 2013
Defendant's Attorney: Heather Anson

Crown Prosecutor

Crown's Opening Statement: On May 10th, 2013, Kelly Smith was sexually assaulted in her apartment. Ms. Smith invited Mr. Anderson for dinner after both individuals had finished work at the Department of National Defence. Ms. Smith was only interested in a dinner between friends, but Mr. Anderson took advantage of his victim's hospitality and forced himself onto her despite her protests and her attempts to stop him. Ms.Smith's verbal and physical attempts to stop Mr. Anderson's advances were more than adequate to ensure that a reasonable person would understand that Ms. Smith did not consent to having sexual intercourse on this occasion. Therefore, there is nothing for the court to conclude other than that Mr. Logan Anderson proceeded to have sexual intercourse with Kelly Smith without her consent, which constitutes sexual assault. In short, we will prove beyond any reasonable doubt that Mr. Anderson is guilty of sexual assault.

Defence Attorney

Defence's Opening Statement: Kelly Smith and my client, Logan Anderson, worked together for the federal government of Canada. The department in which they work forbids any intimate relations between coworkers. However, Ms. Smith and Mr. Anderson both decided to take their relationship outside of the workplace. My client does not deny that he went with Ms. Smith to her apartment on May 10th, 2013, nor does he deny that he had sexual intercourse with Ms. Smith. However, Mr. Anderson and Ms. Smith's intimacies were consensual for both parties. My client was shocked and appalled at the accusation of sexual assault, and I suggest to the court that Ms. Smith has altered the story of what happened that evening in order to retain her reputation in the workplace. The Crown will tell you a wonderful tale during this trial. They are going to try to piece together some loose bits of flimsy evidence, fill in the gaps with a couple of coincidences, and try to glue it all together with some pretty slippery arguments to convince you that my client is a criminal. The problem with the Crown's story is that my client is not the villain in this tale. We will show that the pieces of evidence don't fit together, that the gaps are too big to be filled with mere coincidences and that the Crown's speculative arguments cannot hold it all together. Mr. Anderson is an innocent man, and you, the jury, will be the real villains if you send this innocent man to jail.

Crown Witness, Melissa Flavor

Crown: Please state your full name and occupation for the court.
Flavor: My name is Melissa Flavor, and I work at Sears as a cashier.

Crown: What is your relationship with Ms. Smith?
Flavor: Kelly is my roommate; we've been roommates now for about 8 months. However, we have been best friends since we were kids.

Crown: How would you describe Ms. Smith?
Flavor: She is generally very energetic, great personality, likes things done her way, and keeps to herself. She has had a tough upbringing; however, she has managed to overcome past issues at some level.

Crown: What kind of issues are you speaking about?
Flavor: I believe it is up to Kelly to discuss this matter.

Crown: What were you doing the evening of May 10th, 2013?
Flavor: I was at work until 9:00pm, and then I went home.

Crow: What time did you get home?
Flavor: Probably around 10:00pm.

Crown: When you arrived home did you see Ms. Smith and Mr. Anderson?
Flavor: Yes, they were both on the couch when I arrived.

Crown: Can you tell me what you observed throughout the night?
Flavor: Well I did not observe much. As soon as I got home, I grabbed a snack from the kitchen, said goodnight, and went to my room for the night.

Crown: How would you describe their behaviour?
Flavor: Well they were both acting pretty comfortable with one another. Like when I arrived they were both laughing, and telling jokes.

Crown: Was this the first time you've seen Mr. Anderson?
Flavor: Yes.

Crown: What can you remember from the way that he looked?
Flavor: I remember when I saw him he looked a lot older than Kelly. Apart from that, he was tall and toned.

Crown: Did you notice if Mr. Anderson and Ms. Smith were drinking that night?
Flavor: Yes, I did see a few beer bottles.

Crown: Over the period of the night did you hear anything odd?
Flavor: Yes, at around 1:45am I got up to go to the washroom. During that time I overheard Kelly and Logan having an argument.

Crown: Do you know what the argument was about?
Flavor: Not entirely, all I heard was Kelly crying. She kept asking Logan "why did you do that?" She seemed pretty upset.

Crown: Why did he do what?
Flavor: It sounded as though they were having an argument, I did not want to get involved so I went back to bed. I was going to ask about it in the morning. But at around 2:30am I heard the front door close. That is when I opened my door, and noticed that Kelly was in her room by herself. I asked where Logan went and she told me he went home and shut her door.

Defence Cross-Examination:

Defence Attorney: So were you not concerned for Ms. Smith's wellbeing?
Flavor: Of course I was, but at the time, I assumed they were just having an argument. But now that Kelly has come forward with the truth, I do feel guilty for not stepping in.

Defence Attorney: How would you describe Kelly's behaviour in the morning?
Flavor: Well Logan was not at the apartment and Kelly seemed a little distant. She was curled up on the couch. I asked her if everything was ok, she did not respond but looked at me as if she wanted to cry. I had to leave for work, but I told her I would talk to her once I got home in the evening.

Defence Attorney: Later that evening did you speak with Ms. Smith?
Flavor: Yes, we had a conversation.

Defence Attorney: What did you and Ms. Smith discuss during this conversation?
Flavor: When I asked why she appeared upset earlier in the morning and what the argument was about the evening prior, she changed the topic. Every time I would try to ask what happened that night, she would either shrug it off, or switch the topic. It was really odd, generally she tells me everything and I knew something was off.

Defence Attorney: Maybe she just did not feel good that day?
Flavor: I doubt it.

Crown Witness, Constable David Palmer

Crown: Please state your full name and occupation for the court.
Constable Palmer: My name is David Palmer and I am a Constable for the Toronto Police Service.

Crown: When and at what time did you arrive at Mr. Anderson's residence?
Constable Palmer: On May 16th, 2013, I arrived at Mr. Anderson's apartment at approximately 7:00pm.

Crown: Why were you called to Mr. Anderson's residence?
Constable Palmer: I was responding to a sexual assault complaint made by Ms. Smith earlier that day.

Crown: When you arrived at Mr. Anderson's residence, what happened?
Constable Palmer: I arrested a gentleman by the name of Logan Anderson.

Crown: What was the reason of arrest?
Constable Palmer: We received a call from Ms. Smith earlier that day stating that she was sexual assaulted by Mr. Anderson on the evening of Friday May 10th, 2013.

Crown: How would you describe Mr. Anderson at the time of arrest?
Constable Palmer: Mr. Anderson was at least 6'0 and weighed about 185lbs. He was quite toned and also had facial features that were quite prominent such as defined checks, small eyes, and a small forehead. He appeared older than his age.

<u>Defence Cross-Examination:</u>

Defence: What grounds did you have to arrest Mr. Anderson?
Constable Palmer: Well when I arrived to Mr. Anderson's residence, I asked him several questions regarding Ms. Smith and what took place on the night of the alleged offence. Mr. Anderson admitted to having sexual intercourse with Ms. Smith.

Defence Attorney: As a constable did you find it a little unusual that Ms. Smith contacted authorities roughly a week after the alleged event took place?
Constable Palmer: Yes, it does seem a little odd.

Defence Attorney: Would you agree that this would impact Ms. Smith's credibility?
Constable Palmer: Yes I would. However, it is not unusual for a victim to come forward with accusations a significant period after the incident.

Defence Witness, Sarah Jones

Defence Attorney: Please state your full name and occupation for the court.
Jones: My name is Sarah Jones, and I also work for the Department of National Defence.

Defence Attorney: How do you know the defendant Mr. Anderson?
Jones: He is a coworker, as well as my brother-in-law.

Defence Attorney: Can you please explain Mr. Anderson's demeanour in general.
Jones: Logan has always been very respectful. He wouldn't hurt a fly. It just does not seem like his nature to sexually assault someone. He also does not have any issues getting girls, he is very attractive, toned and has very defined cheek bones, and small eyes. He is very mature looking, which generally attracts most women.

Defence Attorney: How do you know the victim Ms. Smith?
Jones: She is also a coworker, and used to be a good friend of mine.

Defence Attorney: Why are you and the victim no longer friends?
Jones: Well I found out that she and my ex-boyfriend were sleeping together.
Defence Attorney: Indeed, that is reason enough to put a strain on your relationship. Ms. Smith appears to get around quite a bit.

Defence Attorney: How did you find out about Mr. Anderson and Ms. Smith's sexual encounter?
Jones: May 10th, 2013, was when Logan called his brother telling him he was going to Kelly's house for night. At the time, Logan was living with us. When Logan's brother, my husband, told me that I was shocked. I mean I would expect it from Logan but not from Kelly, she always claimed that her reputation was very important to her.

Defence Attorney: How did you find out for certain that both Mr. Anderson and Ms. Smith had a sexual encounter?
Jones: Well I am the kind of person that needs to know everything, so the following day I called Logan on his cell phone and he told me everything, right down to the dirty details.

Defence Attorney: Did you inform Ms. Smith that you knew about their encounter?
Jones: Yes I did. I finally had something on her that could really ruin her reputation. So on Monday morning, I believe it was the 13th, 2013, I went up to her during lunch and told her I knew everything.

Defence Attorney: What was her response?
Jones: She continuously denied that anything happened.

Defence Attorney: Did Ms. Smith's behaviour at the workplace change at all?
Jones: Yes, she seemed as though she was anxious. I mean I could understand her behaviour, if anyone were to find out about her and Logan's sexual encounter; they would both face employment loss.

Crown Cross-Examination:

Crown: Did you ever see Mr. Anderson and Ms. Smith together in the office after the sexual assault took place on May 10th, 2013.
Jones: No…actually, there was this one time I saw Logan and Kelly leaving the office together, I believe it was on May 14th, 2013.

Crown: Really?
Jones: Well, they were far apart.

Crown: Please explain.
Jones: It appeared as though Kelly was walking ahead of Logan.

Crown: Would you say that Ms. Smith was trying to get away from Mr. Anderson?
Jones: No, I would say she did not notice him, and she was in a hurry.

Crown Witness, Kelly Smith

Crown: Please state your full name and occupation for the court.
Smith: My name is Kelly Smith, and I work for the Department of National Defence.

Crown Attorney: Ms. Smith, can you please tell the court the nature of your relationship with the defendant, Mr. Anderson?
Smith: Logan and I have worked together for almost a year now. We were always friendly at work, although we had never really done anything together outside of work before.

Crown Attorney: Can you please tell the court what occurred on May 10th, 2013?
Smith: Well, Logan and I were working the same shift and we both finished at five o'clock. We were both hungry, so we thought: why not get some dinner together? I can't remember who suggested it. But we couldn't really think of anywhere to go, and I live close to work so I said why not go back to my place and we could make some dinner? So we did that, and we had dinner and that was fine. Then after dinner we sat on the couch for a bit, just talking at first.

Crown Attorney: And then what happened?
Smith: Then Logan started to make advances and wouldn't listen to me when I told him that I didn't want to do anything. He finally just forced himself on me, saying that he knew that I had invited him over for sex and that I shouldn't tease a guy and then change my mind; I tried, but I couldn't stop him.

Crown Attorney: And, Kelly, did you intend at any point to have sexual relations with Mr. Anderson?
Smith: No.

Crown Attorney: What were you and Mr. Anderson arguing about during that evening, at around 1:45am?
Smith: I believe that was when the sexual encounter ended, and I was asking him why he did what he did. I repeatedly told him to leave.

Crown Attorney: Can you please explain how you felt during and after the assault occurred?
Smith: I did not have an overall reaction. During the abuse I felt as though I was out of control of my body and my own reactions. I did attempt to stop him; but, I just felt powerless. I have been abused as a child, and due to this I shut down.

Defence Cross-Examination:

Defence Attorney: Did Mr. Anderson spend the night?
Smith: No.

Defence Attorney: What kind of attempts did you make to make it clear that you did not want to sleep with Mr. Anderson?
Smith: Well when he started kissing me, I put my hand between us and pushed him away. I told him that I did not feel the same way. He then attempted again, and I kept moving back. I also asked him several times to stop what he was doing, and to leave my apartment.

Defence Attorney: Why did you not yell Ms. Flavor into the room?
Smith: Because I felt as though I would eventually be able to stop Logan; but instead I shut down. I felt as though I could not yell.

Defence Attorney: And what time did Mr. Anderson leave?
Smith: He left roughly around 2:30am.

Defence Attorney: You state that you and Mr. Anderson have never done anything outside of work prior to the incident, why is that?
Smith: No specific reason.

Defence Attorney: Well aren't there strict regulations regarding intimate relationships in the workplace?
Smith: Yes.

Defence Attorney: Have you ever breached this regulation prior to this incident?
Smith: No! I would never consider it. My career is the only thing that I have.

Defence Attorney: Is it true that you slept with Ms. Jones's ex-boyfriend?
Smith: Yes, but I do not see how that has anything to do with this case.

Defence Attorney: Did you not think that maybe inviting Mr. Anderson over for dinner may have been crossing the boundaries?
Smith: At the time, I was not thinking of any boundaries because this dinner was supposed to be purely friendly.

Defence Attorney: Why did you wait so long to contact the authorities?
Smith: Well I was scared that if I contacted authorities, everyone at work would find out, and I would have lost my job.

Defence Attorney: If you were worried about losing your job, why did you decide to call authorities roughly a week after the incident?
Smith: Because I couldn't stand seeing his face at work anymore; I was scared of him. He would stare at me, sneak around my desk at work, and follow me home.

Defence Attorney: Did Ms. Jones approach you on May 13th, 2013?
Smith: Yes.

Defence Attorney: Why is that?
Smith: Well Logan must have told her about what happened between him and I; however, she only heard Logan's side of it. I really did not want anyone to know that I was sexually assaulted, so I denied that anything happened at all. I felt embarrassed and disgusted.

Defence Attorney: Did you know Mr. Anderson made a call to his brother that night telling him that he was going to your house for dinner?
Smith: No.

Defence Attorney: Well is it true that on the evening of Tuesday May 14th, 2013, you and Mr. Anderson went for a walk?
Smith: No, we did not go for a walk. I was on my way home when Mr. Anderson followed me to my place. I asked him to leave me alone.

Defence Witness, Logan Anderson

Defense Attorney: Please state your full name and occupation for the court.
Anderson: My name is Logan Anderson, and I work for the Department of National Defence.

Defence Attorney: Logan, can you describe for the court the events that occurred on May 10th, 2013?
Anderson: Of course. Kelly and I were working until 5:00pm, and right after work she said she was hungry so I asked if she wanted to go out for dinner. She's the one who suggested that we go to her place and make food instead. Dinner went great and then we were talking afterwards and were, you know, flirting.

Defence Attorney: And did you and Ms. Smith have sexual intercourse?
Anderson: Yes, we ended up having sex, but it was completely consensual. We both enjoyed it and she didn't once say anything about not wanting to have sex.

Defence Attorney: Did you spend the night?
Anderson: No. After the argument, Kelly insisted that I leave.

Defence Attorney: Logan, did you suspect or were you told at any time by Ms. Smith that she did not consent to having sexual intercourse with you?
Anderson: No, there didn't seem to be anything wrong and, you know, she didn't say or do anything that made me think that there was anything wrong.

Defence Attorney: Why do you think that Ms. Smith would accuse you of sexual assault if your sexual relations were consensual by both parties?
Anderson: I don't know for sure why she's accusing me of such a serious offence that can further jeopardize my reputation, but I think that she got scared because employees are not supposed to be involved with one another. There are serious repercussions, such as employment loss.

Defence Attorney: Was anyone aware of what happened that night?
Anderson: Yes, I do live with my brother and his wife, and I called him to inform him that I was going over to a friends house for the night. He asked where I was staying and without thinking I said Kelly's place. It did not dawn on me that my sister-in-law would have said anything to Kelly.

Defence Attorney: What happened next?

Anderson: Well the following day I got a call from my sister-in law, Sarah, asking me all about that night. I knew that Sarah and Kelly were not on good terms but I did not know why. So after her begging, I eventually caved in and told her everything.

Defence Attorney: Did Ms. Smith know that you told Ms. Jones about that evening?
Anderson: No, she only knew about the phone call that I made to my brother, which essentially started an argument on the night of May 10th, 2013.

Defence Attorney: Was Ms. Smith upset that you told your brother where you were staying?
Anderson: Yes, I would say more than upset. After we were intimate, I informed her that I told my brother where I was going for the night. She kept asking me why I would tell him, and that I should have known Kelly would use this against her. She repeatedly told me to leave. So at around 2:30am I left.

Defence: But she claims she did not know about this phone call, can you explain that?
Anderson: Not really.

Defence Attorney: Did you see Ms. Smith later that week and if so when?
Anderson: Yes, I believe I saw her on the evening of May 14th, 2013.

Defence Attorney: What did you guys do?
Anderson: Well I asked her at work if it would be ok if I walked her home.

Defence Attorney: Why did you want to walk Ms. Smith home?
Anderson: Well, I was starting to like her.

Defence Attorney: Did she agree?
Anderson: She said she was in a hurry but if I met her outside for 5:00pm, it would be fine.

Defence Attorney: So what happened during this walk?
Anderson: Well it was about 5:05pm that I got out of the office, so I had to catch up to Kelly. But once I met up with her we proceeded to talk about our day at work and then she informed me that my sister-in law approached her yesterday about the night we had sex. She started telling me that she knew us getting together would only result in negative consequences, and said that she wanted space. So by this time, we were almost at her place. Once she told me she needed space, I turned around and walked home.

Defence Attorney: Did you speak or see Ms. Smith later that week?
Anderson: No, I only saw her at work. I attempted to talk to her but every time I said a word to her, she would just ignore me.

Defence Attorney: Were you surprised that Ms. Smith accused you of sexually assaulting her?
Anderson: Yes, extremely. We were both consensual parties in this.

Defence Attorney: Did you sexually assault Ms. Smith?
Anderson: No I did not.

Crown Cross-Examination:

Crown: Why did you feel the need to notify Ms. Jones of the incident?
Anderson: Well I did not consider it a big deal. Kelly is my sister-in-law and I knew she would not say anything to get me in trouble.

Crown: Why did you ignore Ms. Smith's verbal and physical protests to stop your sexual advances?
Anderson: She did not make any; if she did I would have stopped.

Crown: Did you at anytime blackmail my client; stating that you would ruin her reputation if she told anyone about what happened?
Anderson: No never, I liked Kelly and was starting to care about her. I would not want to ruin her reputation.

Crown: You think my client would make up the fact that she was raped, go through all the trouble to hire a lawyer, potentially jeopardize her career, and risk criminal charges for reporting a false accusation?
Anderson: To save her reputation, yes I do think so.
Crown: I think you are mistaken.

Crown Closing Statement

The defendant, Mr. Anderson, had found the perfect victim. Not only did Mr. Anderson sexually assault my client, but he also made her life miserable by continuously attempting to speak to her when clearly my client was not interested. There was merely one way to get what Mr. Anderson wanted that night, and that was to sexually abuse my client. Since Ms. Smith rejected Mr. Anderson, he decided that he would take advantage of Ms. Smith anyway, regardless of her attempts to escape. Once the sexual assault was done, Mr. Anderson followed my client around the office, and to her own residence. My client was scared of the defendant, was unable to work in a comfortable atmosphere, and his presence left my client in shock. Ms. Smith did not contact authorities on the night of the offence because she was worried about employment loss. Can all these be mere coincidences, as the Defence would have you believe? No, you and I both know that this goes beyond a series of coincidences, beyond any reasonable doubt the defendant, Logan Anderson, did commit the crime for which he stands accused.

Defence Closing Statement

Logan Anderson thought it was his lucky night; he was going on a date with a woman he started to have feelings for. My client expected nothing more than just a dinner date; however, as the night progressed, Ms. Smith and my client decided to mutually take their relationship to the next level. Mr. Anderson believed that the sexual encounter that occurred was consensual. Ms. Smith also went for a walk with Mr. Anderson on May 14th, 2013. If Ms. Smith was truly afraid of seeing my client she would have contacted authorities well before May 16th, 2013. However, Ms. Smith did not contact authorities the same night of the alleged offence; yet, waited roughly a week to do so. After the sexual encounter Ms. Smith realized that serious repercussions could occur; therefore, she decided to make false allegations that my client sexually assaulted her. With no hard evidence of a crime, much less Mr. Anderson's involvement, you must find there's plenty of room for reasonable doubt and return a verdict of not guilty.

Crown Rebuttal

Criminals sometimes think they are smarter than the rest of us. But if that were true, they would not commit crimes in the first place. Mr. Anderson admitted to the sexual encounter between him and Ms. Smith. This admission along with: Ms. Smith's several attempts to stop Mr. Anderson and Mr. Anderson's efforts to continuously pursue Ms. Smith after she made it clear she was not interested, demonstrates that Mr. Anderson is guilty. The Defence would like you to believe that anything short of a videotape of the defendant sexually assaulting Ms. Smith is insufficient evidence. Well, folks, that is not true. You can send that message to the Defence by finding the defendant, Logan Anderson, guilty.

You will now answer a number of questions about what you have read in the trial transcript. Please answer the questions honestly and to the best of your ability. We ask that you do not turn back to earlier pages after you have completed them.

Jury Instructions

Presumption of Innocence

[1] Every person charged with an offence is presumed to be innocent, unless and until the Crown has proved his guilt beyond a reasonable doubt.

[2] The indictment tells you and Logan Anderson what offence the Crown alleges against Logan Anderson. The charge is not evidence. It is not proof of guilt.

[3] The presumption of innocence lasts throughout the trial. This presumption only ceases to apply if, at the end of the case and on the whole of the evidence, the Crown has proved beyond a reasonable doubt that Logan Anderson is guilty of the crime charged.

Burden of Proof

[1] The person charged does not have to present evidence or prove anything in this case, in particular, that he/she is innocent of the offence charged.

[2] From start to finish, it is the Crown who must prove the guilt of Logan Anderson beyond a reasonable doubt. You must find Logan Anderson not guilty of the offence unless the Crown proves beyond a reasonable doubt that he is guilty of it.

Sexual Assault Indictment

271. Everyone who commits a sexual assault is guilty of

(a) an indictable offence and is liable to imprisonment for a term not exceeding 10 years and, if the complainant is under the age of 16 years, to a minimum punishment of imprisonment for a term of one year; or

(b) an offence punishable on summary conviction and is liable to imprisonment for a term not exceeding 18 months and, if the complainant is under the age of 16 years, to a minimum punishment of imprisonment for a term of 90 days.

Appendix I – Trial Transcript (Aggravated Assault)

Note: depending on the condition, a male or female defence attorney was presented.

Below are excerpts from a trial concerning an account of aggravated assault. Please read through the Crown's opening statement, the Defence's opening statement, the statement of two witnesses (Mr. Campbell, Mr. White), the arresting officer McGrey, Kyle Smith (the victim) and the statement of Logan Anderson (the defendant).

Background Information

Alleged Crime: Aggravated Assault
Defendant: Logan Anderson
Ottawa, Ontario
Arrested: May 10, 2013
Defendant's Attorney: Josh Bailey

Crown Prosecutor

Crown's Opening Statement: The Crown will prove that Logan Anderson, on the evening of May 10th, 2013, attempted to steal glasses and physically assaulted the store clerk, Kyle Smith, from the Gems, Jewels & Lens Wear store located on 4th Avenue. Kyle Smith was struck several times with an alloy bat, causing life-threatening injuries. The Crown will present a witness that places Logan Anderson at the scene of the crime. The Crown will further demonstrate that Logan Anderson had both motive and opportunity to commit the crime, was observed quickly leaving the area of the crime just after it occurred, and had a similar alloy bat at his apartment when questioned by police. In short, we will prove beyond any reasonable doubt that Logan Anderson is guilty of this crime.

Defence Attorney

Defence's Opening Statement: The Crown will tell you a wonderful tale during this trial. They are going to try to piece together some loose bits of flimsy evidence, fill in the gaps with a couple of coincidences, and try to glue it all together with some pretty slippery arguments to convince you that my client is a criminal. The problem with the Crown's story is that my client is not the villain in this tale. The Defence will show that the pieces of evidence don't fit together, that the gaps are too big to be filled with mere coincidences and that the Crown's speculative arguments cannot hold it all together. Logan Anderson is an innocent man, and you, the jury, will be the real villains if you send this innocent man to jail.

Crown Witness, Kyle Smith

Crown: What were you doing the evening of May 10th, 2013?
Smith: I was at work.

Crown: Where do you work?
Smith: I am a sales associate at Gems, Jewels & Lens Wear.

Crown: Can you tell me what occurred when Logan Anderson came into the store?
Smith: Well Mr. Anderson arrived at the store around 6:50pm. The first thing I asked him was what he was looking for. He said he was really interested in getting new lenses.

Crown: What kind of lenses/glasses did Mr. Anderson ask to look at?
Smith: He stated that since he had a Bulgari Crystal watch, he wanted something that would match and was interested in seeing the Bulgari Crystal glasses.

Crown: Was Mr. Anderson wearing the watch?
Smith: Yes.

Crown: What is the value of the watch?
Smith: Roughly $5200, and they are generally hard to obtain.

Crown: What is the value of the Bulgari Crystal glasses?
Smith: We were selling them for $4500.

Crown: How interested was Mr. Anderson in getting those particular glasses?
Smith: Mr. Anderson was only interested in these particular glasses and mentioned numerous times that he must have them.

Crown: What happened when you were showing the glasses to Mr. Anderson?
Smith: He asked if we had larger frames because the ones on display were for a person with larger eyes and rounder cheek bones, and as he was a man with defined features such as small eyes, and defined cheek bones, the glasses didn't fit his face well. I left the glasses that I was showing him behind the counter and went to the back of the store to check if we had larger frames in stock.

Crown: What happened next?
Smith: I found the larger frames that he was looking for and went back into the showroom to allow him to try them on. As I returned, I saw Mr. Anderson with what looked to be a baseball bat. After that I blanked out, and all I remember is being in the ambulance.

Defence Cross-Examination

Defence: How certain are you that the person who assaulted you was Mr. Anderson?
Smith: I am pretty certain it was him.

Defence: But your memory is a little flawed?
Smith: Well it was a while ago, but I do think Mr. Anderson is the one who assaulted me since he had he had very defined cheek bones, and small eyes. He looked very mature. The man sitting in front of me today, Mr. Anderson, has similar features.

Defence: But just to clarify, you are not a 100% definite that Mr. Anderson was the one who assaulted you?
Smith: I am 99% sure.

Defence: Why would Mr. Anderson assault you?
Smith: I am not too certain. I think he was probably attempting to steal the glasses.

Defence: But it was clear that the glasses were not stolen, correct?
Smith: Correct, but I also just want to note that when the glasses were found, they were broken. Therefore, Mr. Anderson might have lost the incentive to steal them.

Defence: How sure are you that the watch Mr. Anderson was wearing was a Bulgari Crystal watch? Are there not many different types of Bulgari Crystal watches?
Smith: There are many different types; from what I saw, it was a white Crystal watch.

Defence: Do you sell a lot of Bulgari Crystal watches?
Smith: Not many originals, but many white Crystals. They are a lot cheaper and sell for about $2500.

Defence: So only certain Bulgari Crystal watches are hard to get, such as the original?
Smith: Correct.

Defence: Who contacted the authorities for you?
Smith: I believe Steve Campbell, the assistant manager, was the one who immediately called the police, and gave them a description of Mr. Anderson.

Defence Witness, Steve Campbell

Defence: Where were you during the evening of May 10th, 2013?
Campbell: I was working in the back room of Gems, Jewels & Lens Wear, repairing various pieces of jewelry and glasses.

Defence: What is your role at Gems, Jewels & Lens Wear?
Campbell: I am a glasses repair expert and assistant manager.

Defence: Did you witness Kyle Smith show a man various pairs of glasses?
Campbell: No, I never went out onto the sales floor, but Kyle asked if I had larger frames for the Bulgari Crystal glasses. I found larger frames that Kyle wanted and then continued with my work.

Defence: What happened afterwards?
Campbell: About two minutes later, I heard a loud noise. I didn't think anything of it, but then I heard Kyle scream. I ran to the front and saw Kyle lying on the floor.

Defence: Can you please explain Mr. Smith's injuries.
Campbell: He was bleeding from the head, and had several blood marks all over his clothes. I was not entirely sure of the extent of his injures to the rest of his body.

Defence: Were you able to see who the person was that allegedly assaulted Mr. Smith?
Campbell: No. As I was running into the showroom, the person was running out the door.

Defence: Therefore, you are uncertain as to whether or not Mr. Anderson was the one who assaulted Mr. Smith.
Campbell: That is correct.

Defence: It would appear as though no strong evidence can really place my client at the scene of the crime.

Crown Cross Examination

Crown: Did you contact authorities?
Campbell: Yes. I grabbed the phone as soon as I saw the man run out of the store. They told me that an officer on a bicycle was in the area and would be over shortly to take a statement.

Crown: Were you able to give some sort of a description to the authorities?
Campbell: Yes, I told them that the man I saw leaving the store was wearing light blue jean shorts, a white T-shirt, and a red baseball hat. He was also carrying an alloy baseball bat.

Crown Witness, Constable Robert McGrey

Crown: Can you tell me what you did after receiving a call from your dispatcher that an assault had just occurred at the Gems, Jewels, & Lens Wear store?
Constable McGrey: I took down the description of the suspect and proceeded to bike to 4th Avenue to take the statement of the assistant manager.

Crown: What happened on your way to the store?
Constable McGrey: While on route to Gems, Jewels, & Lens Wear I observed a male matching the description of the suspect running along 2nd Avenue at around 7:00pm. I wanted to question him, but he got to his car and drove off before I could talk to him.

Crown: How did you come to arrest Mr. Anderson for the assault?
Constable McGrey: While I did not manage to talk to Mr. Anderson right after the incident, I took down the license plate of the car and traced it back to Mr. Anderson. When I went to Mr. Anderson's residence about two hours later, around 9:00 pm, he was wearing a similar watch that was described by Mr. Smith to be a Bulgari Crystal watch. He was also wearing a red baseball hat, and there was an alloy baseball bat placed at the entrance door. I requested that Mr. Anderson be brought in for further questioning. He admitted to having visited the store on May 10th, 2013, and was subsequently arrested for the assault against Mr. Smith.

Crown: Was there a video surveillance system in the store?
Constable McGrey: Yes, there were numerous video cameras in the store, but the only one operational on May 10th, 2013 was the camera focused on the front entrance. When reviewing the video tapes, I observed a man exiting the store. However, due to how the camera was positioned, we were unable to see the man's face.

Defence Cross-Examination

Defence: Was the video camera in a position that would show the sidewalk?
Constable McGrey: No, the camera was positioned in a way that limited the view to just the entrance door.

Defence: Therefore, there is no footage that would show Mr. Anderson waiting for his friend Mr. White?
Constable McGrey: No, unfortunately not.

Defence: When you say you saw a man exiting the store, what exactly did you see?
Constable McGrey: I saw a man with a red baseball hat exit the store; however, due to the lack of visibility, I was unable to see if he was holding a baseball bat or not.

Defence: When you say you saw Mr. Anderson running along 2nd Avenue, what exactly was Mr. Anderson wearing.
Constable McGrey: The red baseball hat was the first thing that I noticed; apart from that, I saw that Mr. Anderson was wearing blue jean pants, and a gray t-shirt.

Defence: That is a little concerning considering Mr. Campbell stated that he saw my client wearing blue jean shorts and not blue jean pants. Are you saying that Mr. Campbell might have made a mistake?
Constable McGrey: From what I saw, Mr. Anderson was wearing blue jean pants.

Defence: Do you think maybe you arrested the wrong person?
Constable McGrey: No.

Defence: I am still a bit confused about your attempt to apprehend Mr. Anderson. Could you describe the events that took place when you observed Mr. Anderson running up 2nd Avenue?
Constable McGrey: I observed an older looking male running north on 2nd Avenue who matched the description given by the store clerk to my dispatcher. I tried to make contact with him, both through verbal commands and physical actions, but he got to his car and drove off before I could apprehend him.

Defence: Did Mr. Anderson look like he was trying to get away?
Constable McGrey: Given the context of the situation, it did look like he was trying to get away.

Defence: Is it not entirely possible that he didn't see or hear your attempts to stop him?
Constable McGrey: Yes, it is possible.

Defence: In order for Mr. Anderson to have assaulted Mr. Smith he would have had to have the baseball bat in his possession as he was returning to his car. Did you see Mr. Anderson carrying any baseball bat while returning to his car?
Constable McGrey: Yes.

Defence: Considering the injuries that Mr. Smith endured, the baseball bat would have been covered in blood. Did you see any blood on the baseball bat or on Mr. Anderson?
Constable McGrey: No, I did not see any blood on the baseball bat or on Mr. Anderson.

Defence: Were you able to match the baseball bat that Mr. Anderson had in his possession to the one that was used to assault Mr. Smith?
Constable McGrey: No we were not. While the baseball bat in Mr. Anderson's possession was confirmed to be the same type of baseball bat, the baseball bat in Mr. Anderson's possession did not contain any traces of blood. That being said, there are tons of cleaning products that could have removed the blood residue.
Defence: Removing the blood residue from the bat seems very time consuming, given the circumstances.

Defence Witness, Mark White

Defence: How do you know Logan Anderson?
White: We play on the same baseball league.

Defence: On May 10th, 2013, did you have a baseball game, and if so, where was it held?
White: Yes, it was held at Alexandria Park.

Defence: What time was the game scheduled for?
White: It was scheduled for 5:00pm.

Defence: Is the Alexandria Park close to the assault that occurred on 4th Avenue?
White: Yes, it is located about two blocks away on 2nd Avenue.

Defence: On May 10th, 2013, did you have plans to meet with Mr. Anderson at the Gems, Jewels, & Lens Wear?
White: Yes, we had plans to meet at 4:45pm at the Gems store.

Defence: Do you always meet at that location?
White: Yes, I work on 4th avenue, so generally we meet at that location and walk to the diamond together.

Defence: Why didn't you meet Mr. Anderson on May 10th?
White: I took the day off that day, and forgot to tell Logan. I texted him once I arrived at the diamond to tell him I wouldn't be meeting him.

Defence: Was Mr. Anderson at the baseball game?
White: Yes.

Defence: Did you see Mr. Anderson exist the washroom?
White: Yes, it was about 6:55ish I noticed Mr. Anderson running from the bathroom. I guess he was in a big hurry.

Defence: Well clearly my client cannot be at two places at once.

Crown Cross-Examination

Crown: Now you said Mr. Anderson was at the baseball game, correct?
White: Yes.

Crown: Did Mr. Anderson stay for the whole game?
White: No, he had to leave about 20 minutes prior to the end of the game.

Crown: What time was the game scheduled to end?
White: At 7:00pm.

Crown: So Mr. Anderson probably left at around 6:40pm?
White: Yes, give or take a few minutes.

Crown: Did Mr. Anderson say why he had to leave early?
White: All he said was that he had an important date.

Crown: Did Mr. Anderson ever talk to you about purchasing Bulgari Crystal glasses?
White: No, but he had mentioned a few times that he needed glasses.

Defence Witness, Logan Anderson

Defence: What were you doing in Gems, Jewels, & Lens Wear on May 10th, 2013, at 4:45pm?
Anderson: I was meeting someone.

Defence: Who were you meeting?
Anderson: I was meeting Mark; we play for the same baseball league.

Defence: Did Mr. White arrive?
Anderson: No, I waited for about five minutes, and then I received a text from him stating that he was already at the baseball diamond.

Defence: Do you generally meet Mr. White at that location?
Anderson: Yes.

Defence: It does not seem like a guilty person would admit to the police to having been at the location of the store where an assault occurred.
Anderson: I fully co-operated with the police because I have nothing to hide.

Defence: Did you attend Gems, Jewels, & Lens Wear after the baseball game?
Anderson: No I left the baseball game early to get changed, I had an important date.

Defence: Constable McGrey mentioned that when he went to your residence to talk with you later that evening, he found you in possession of a similar alloy baseball bat that was used to assault Mr. Smith. Can you shed more light on this?
Anderson: I play baseball on a regular basis, so generally I leave my alloy bat at my entrance.

Defence: Just to make sure we are all on the same page here, did you assault Mr. Smith?
Anderson: No way, I would never assault anyone!

Crown Cross-Examination

Crown: You say that you would never assault anyone, but why would you drive away when a police officer was trying to stop you? This seems to be something that only a guilty person would do.
Anderson: I did not notice the officer. I had to leave my baseball game early, because I was late for a date, and I must have missed him.

Crown: Mr. White stated that you left the baseball game around 6:40pm, would that be correct?
Anderson: Yes, I remember looking at my watch and the exact time was 6:39pm.

Crown: How far was your car from the park?
Anderson: About a 3 minute walk.

Crown: If you left at 6:40pm, you would have been running to your car at around 6:45pm. Yet, Constable McGrey saw you running to your car at 7:00pm. Can you explain this difference in time?
Anderson: Well I did not go straight to my car, I had to change.

Crown: Ok. So it took you roughly 15 minutes to get changed?
Anderson: I guess so, yea.

Crown: What did you change into?
Anderson: The clothing I was wearing prior to the game, which was a grey t-shirt and blue jean pants.

Crown: Mr. White stated that he saw you at around 6:55pm running from the washrooms. Clearly you were nervous about something?
Anderson: No, I was just going to be late.

Crown: Yes. Or you made your way to Gems, Jewels, & Lens Wear after getting changed, once you assaulted my client, you rushed over to the washrooms where you decided to clean the blood residue off your bat and returned, in a hurry, to your vehicle because you did not want to get caught.
Anderson: No, I remained at the washroom the whole time.

Crown: Certainly your motive to enter Gems, Jewels, & Lens Wear was to purchase a nice pair of glasses that went nicely with your watch, prior to your important date, correct?
Anderson: I was not at Gems, Jewels, & Lens Wear at 6:50pm. I only attended at 4:45pm to meet with Mr. White.

Crown: Mhm, but the camera shows someone leaving the store with a red baseball hat, and Mr. Smith clearly remembers your face
Anderson: I am one of several people who wear red baseball hats.

Crown: Also, the watch that you were wearing, according to Mr. Smith, is quite rare and Constable McGrey witnessed you wearing it. Can you explain this?
Anderson: The watch I was wearing was a Bulgari white Crystal watch. It is quite different than the original Bulgari Crystal watch, and easier to find as was mentioned earlier.

Crown: Are you saying that you were not the person who physical assaulted Mr. Smith on May 10, 2013.
Anderson: That is correct.

Crown Closing Statement

The defendant, Mr. Anderson, had found the perfect victim. There was one way to get the glasses without paying for them; that is, steal them. Since Mr. Anderson did not get a chance to grab the glasses, he decided to assault the store sales associate, Kyle Smith, in hopes that the glasses would be available. Once the assault was done, Mr. Anderson realized that the glasses were broken, and rather than looking for another pair, Mr. Campbell's appearance scared him off. How do we know this? First, the defendant admitted to having been at the shop, and a witness saw Mr. Anderson run up 2nd Avenue, which is just a 5 minute walk from Gems, Jewels, & Lens Wear. Second, the camera clearly showed the defendant leaving the store wearing a red baseball hat, one very similar to that of Mr. Anderson's. Third, when police tried to talk to the defendant afterwards, he drove off in his car. Fourth, when questioned by police the defendant had an alloy baseball bat identical to the one used to assault Mr. Smith. Can all these be mere coincidences, as the Defence would have you believe? No, you and I both know that this goes beyond a series of coincidences, beyond any reasonable doubt, that the defendant, Logan Anderson, did commit the crime for which he stands accused.

Defence's Closing Statement

Logan Anderson thought it was a normal day; he managed to make it on time for his baseball game and had to leave early for an important date. Considering Mr. Anderson had to leave his baseball game early for an important date; he would not have had sufficient time to arrive at Gems, Jewels, & Lens, assault Mr. Smith, and remove the residue from his alloy baseball bat, all within the span of 15 minutes. In addition, the individual that Constable McGrey observed running up 2nd Avenue does not match the physical description of the suspect given by Steve Campbell. My client was wearing jean pants and a grey shirt, as mentioned by Constable McGrey; as oppose to jean shorts and a white shirt mentioned by Steve Campbell. These details are crucial in determining whether or not my client is guilty. No solid evidence can place my client at the scene of the crime. Furthermore, it was determined that the bat Mr. Anderson had in his possession did not contain any of Mr. Smith's blood. With no hard evidence of a crime, much less Mr. Anderson's involvement, you must find there's plenty of room for reasonable doubt and return a verdict of not guilty.

Crown Rebuttal

Criminals sometimes think they are smarter than the rest of us. But if that were true, they would not commit crimes in the first place. Mr. Anderson admitted to being present at the scene of the crime. This admission along with: a video recording of Mr. Anderson leaving the store and Mr. Anderson's attempts to flee from the police demonstrate that Mr. Anderson is guilty. The Defence would like you to believe that anything short of a videotape of the defendant assaulting Mr. Smith is insufficient evidence. Well, folks, that is not true. You can send that message to the Defence by finding the defendant, Logan Anderson, guilty.

You will now answer a number of questions about what you have read in the trial transcript. Please answer the questions honestly and to the best of your ability. We ask that you do not turn back to earlier pages after you have completed them.

Jury Instructions

Presumption of Innocence

[1] Every person charged with an offence is presumed to be innocent, unless and until the Crown has proved his guilt beyond a reasonable doubt.

[2] The indictment tells you and Logan Anderson what offence the Crown alleges against Logan Anderson. The charge is not evidence. It is not proof of guilt.

[3] The presumption of innocence lasts throughout the trial. This presumption only ceases to apply if, at the end of the case and on the whole of the evidence, the Crown has proved beyond a reasonable doubt that Logan Anderson is guilty of the crime charged.

Burden of Proof

[1] The person charged does not have to present evidence or prove anything in this case, in particular, that he is innocent of the offence charged.

[2] From start to finish, it is the Crown who must prove the guilt of Logan Anderson beyond a reasonable doubt. You must find Logan Anderson not guilty of the offence unless the Crown proves beyond a reasonable doubt that he is guilty of it.

Aggravated Assault Indictment

268. (1) Every one commits an aggravated assault who wounds, maims, disfigures or endangers the life of the complainant.

(2) Every one who commits an aggravated assault is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

Appendix J – Demographic Questionnaire

1. What is your age?

   17 and under
   18 to 30
   31 to 40
   41 to 50
   51 to 60
   61 and older

2. What is your gender?

   Man
   Woman
   Transgender
   You do not have an option that applies to me

3. What is your racial/ethnic background?

   Asian
   Black/African-Canadian
   Middle Eastern
   East Indian
   Hispanic/Latino
   White/Caucasian
   Aboriginal Canadian/Native Canadian/First Nation
   Other

4. Are you a Canadian citizen?

   Yes
   No

5. Have you ever been convicted of an indictable offence, for which you did not receive a formal pardon?

   Yes
   No

Appendix K – Need for Cognition Scale

Please circle your answer to each of the below questions on a scale between strongly disagree (1) or strongly agree (7)

		Strongly Disagree						Strongly Agree
1.	I would prefer complex to simple problems	1	2	3	4	5	6	7
2.	I like to have the responsibility of handling a situation that requires a lot of thinking	1	2	3	4	5	6	7
3.	Thinking is not my idea of fun	1	2	3	4	5	6	7
4.	I would rather do something that requires little thought than something that is sure to challenge my thinking abilities	1	2	3	4	5	6	7
5.	I try to anticipate and avoid situations where there is a likely chance I will have to think in depth about something	1	2	3	4	5	6	7
6.	I find satisfaction in deliberating hard and for long hours	1	2	3	4	5	6	7
7.	I only think as hard as I have to	1	2	3	4	5	6	7
8.	I prefer to think about small, daily projects to long-term ones	1	2	3	4	5	6	7
9.	I like tasks that require little thought once I've learned them	1	2	3	4	5	6	7
10.	The idea of relying on thought to make my way to the top appeals to me	1	2	3	4	5	6	7
11.	I really enjoy a task that involves coming up with new solutions to problems.	1	2	3	4	5	6	7
12.	Learning new ways to think doesn't excite me very much	1	2	3	4	5	6	7
13.	I prefer my life to be filled with puzzles that I must solve	1	2	3	4	5	6	7
14.	The notion of thinking abstractly is appealing to me	1	2	3	4	5	6	7
15.	I would prefer a task that is intellectual, difficult, and important to one that is somewhat important but does not require much thought	1	2	3	4	5	6	7
16.	I feel relief rather than satisfaction after completing a task that required a lot of mental effort	1	2	3	4	5	6	7
17.	It's enough for me that something gets the job done; I don't care how or why it works	1	2	3	4	5	6	7
18.	I usually end up deliberating about issues even when they do not affect me personally	1	2	3	4	5	6	7

Appendix L – Sex Role-Inventory Scale

Indicate how well each item descries you on the following scale.

Never or almost never true	1
Usually not true	2
Sometimes but infrequently true	3
Occasionally true	4
Often true	5
Usually true	6
Always or almost always true	7

1.	____ self -reliant	21.	____ reliable	41.	____ warm
2.	____ yielding	22.	____ analytical	42.	____ solemn
3.	____ helpful	23.	____ sympathetic	43.	____ willing to take a stand
4.	____ defends own beliefs	24.	____ jealous	44.	____ tender
5.	____ cheerful	25.	____ has leadership abilities	45.	____ friendly
6.	____ moody	26.	____ sensitive to needs of others	46.	____ aggressive
7.	____ independent	27.	____ truthful	47.	____ gullible
8.	____ shy	28.	____ willing to take risks	48.	____ inefficient
9.	____ conscientious	29.	____ understanding	49.	____ acts as a leader
10.	____ athletic	30.	____ secretive	50.	____ childlike
11.	____ affectionate	31.	____ make decisions easily	51.	____ adaptable
12.	____ theatrical	32.	____ compassionate	52.	____ individualistic
13.	____ assertive	33.	____ sincere	53.	____ does not use harsh language
14.	____ flatterable	34.	____ self-sufficient	54.	____ unsystematic
15.	____ happy	35.	____ eager to soothe hurt feelings	55.	____ competitive
16.	____ strong personality	36.	____ conceited	56.	____ loves children
17.	____ loyal	37.	____ dominant	57.	____ tactful
18.	____ unpredictable	38.	____ soft spoken	58.	____ ambitious
19.	____ forceful	39.	____ likeable	59.	____ gentle
20.	____ feminine	40.	____ masculine	60.	____ conventional

Appendix M – Chi-Square: Testing the Assumption of Expected Frequencies

Verdict Decision by Defence Attorney Gender Cross Tabulation

			Defence Attorney Gender		
			Female	Male	Total
Verdict Decision	Not Guilty	Count	34	22	56
		Expected Count	29.4	26.6	56.0
		% within Gender of the defence attorney	81.0%	57.9%	70.0%
	Guilty	Count	8	16	24
		Expected Count	12.6	11.4	24.0
		% within Gender of the defence attorney	19.0%	42.1%	30.0%
Total		Count	42	38	80
		Expected Count	42.0	38.0	80.0
		% within Gender of the defence attorney	100.0%	100.0%	100.0%

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 11.40.
b. Computed only for a 2x2 table

Verdict Decision by Crime Domain Cross Tabulation

			Crime Domain		
			Aggravated Assault	Sexual Assault	Total
Verdict Decision	Not Guilty	Count	27	29	56
		Expected Count	26.6	29.4	56.0
		% within Crime domain	71.1%	69.0%	70.0%
	Guilty	Count	11	13	24
		Expected Count	11.4	12.6	24.0
		% within Crime domain	28.9%	31.0%	30.0%
Total		Count	38	42	80
		Expected Count	38.0	42.0	80.0
		% within Crime domain	100.0%	100.0%	100.0%

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 11.40.
b. Computed only for a 2x2 table

Appendix N – Kruskal-Wallis H: Testing the Assumption of Normal Distribution: Kolmogorov-Smirnov and Shapiro-Wilk Test across each Independent Variable

Normality Tests

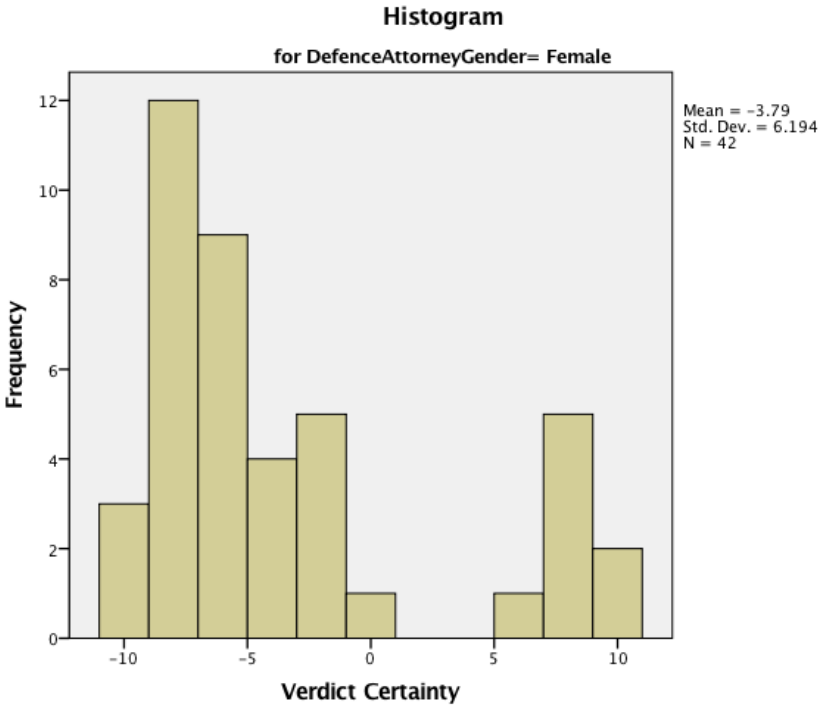
		Kolmogorov-Smirnov[a]			Shapiro-Wilk		
	Defence Attorney Gender	Statistic	df	Sig.	Statistic	df	Sig.
Verdict Certainty	Female	.211	42	.000	.802	42	.000
	Male	.169	38	.008	.868	38	.000

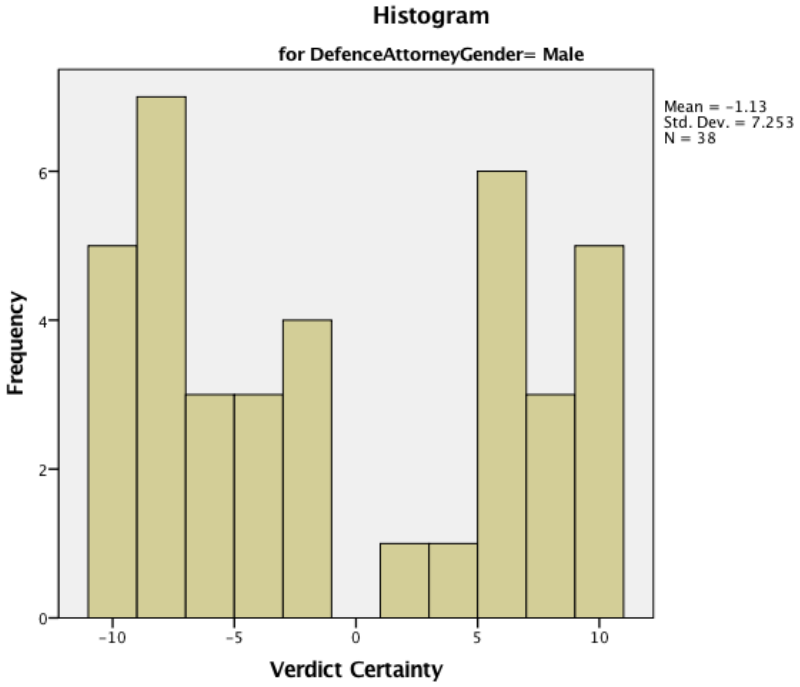
Normality Tests

		Kolmogorov-Smirnov[a]			Shapiro-Wilk		
	Crime Domain	Statistic	df	Sig.	Statistic	df	Sig.
Verdict Certainty	Aggravated Assault	.192	38	.001	.847	38	.000
	Sexual Assault	.204	42	.000	.844	42	.000

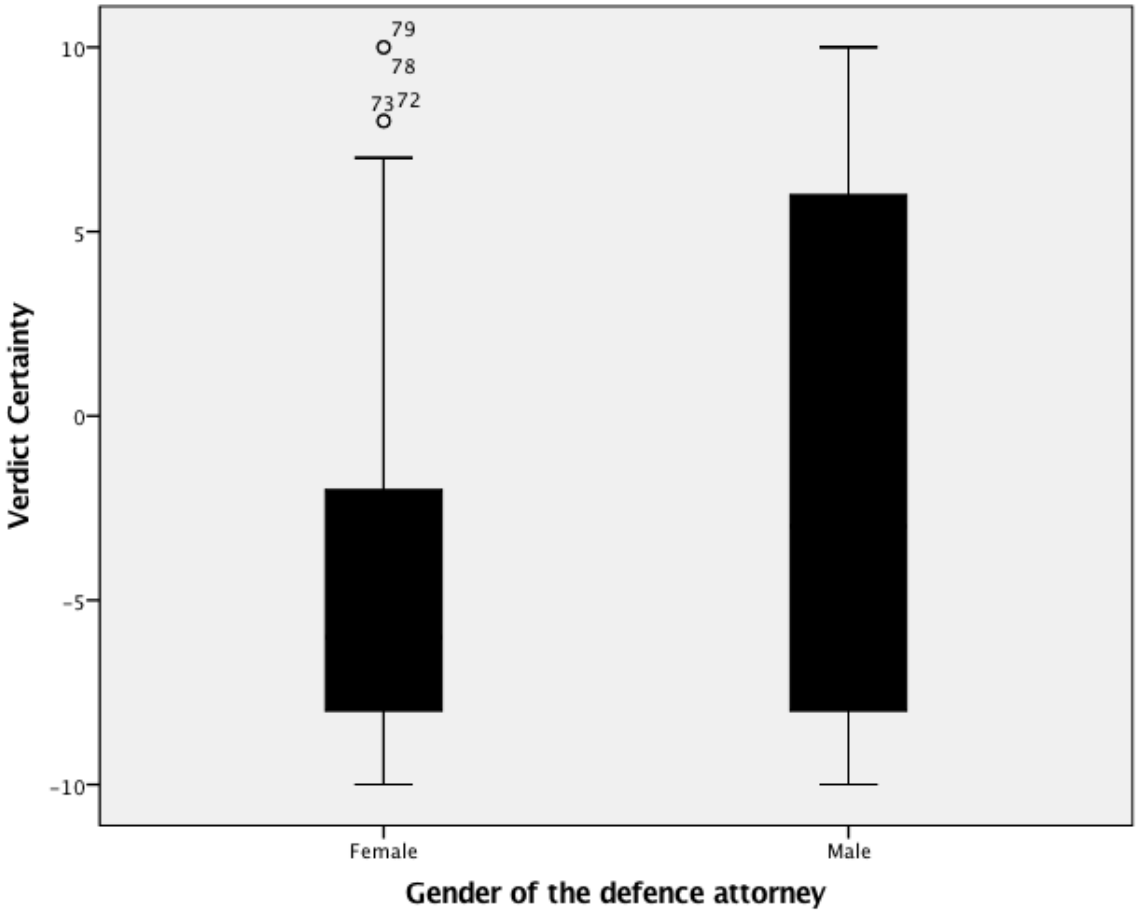
Appendix O – Kruskal-Wallis H: Testing the Assumption of Similar Distribution across each Independent Variable

Histograms: Defence Attorney Gender

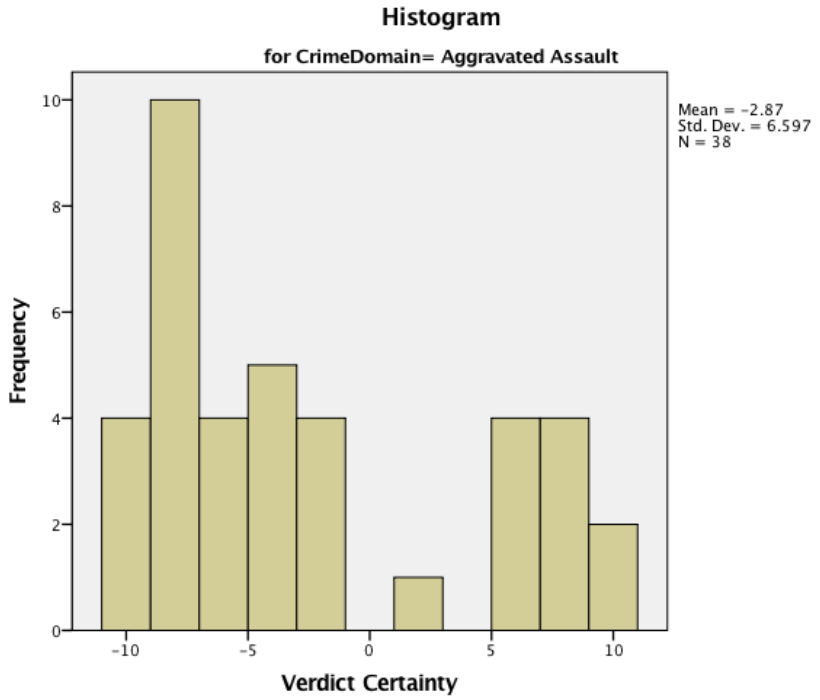


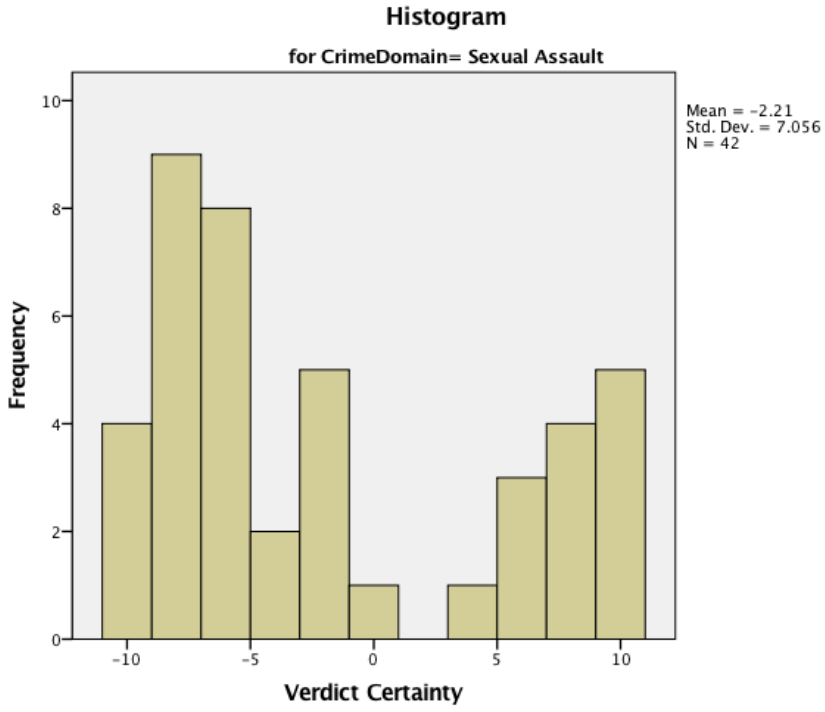


Box Plots: Defence Attorney Gender

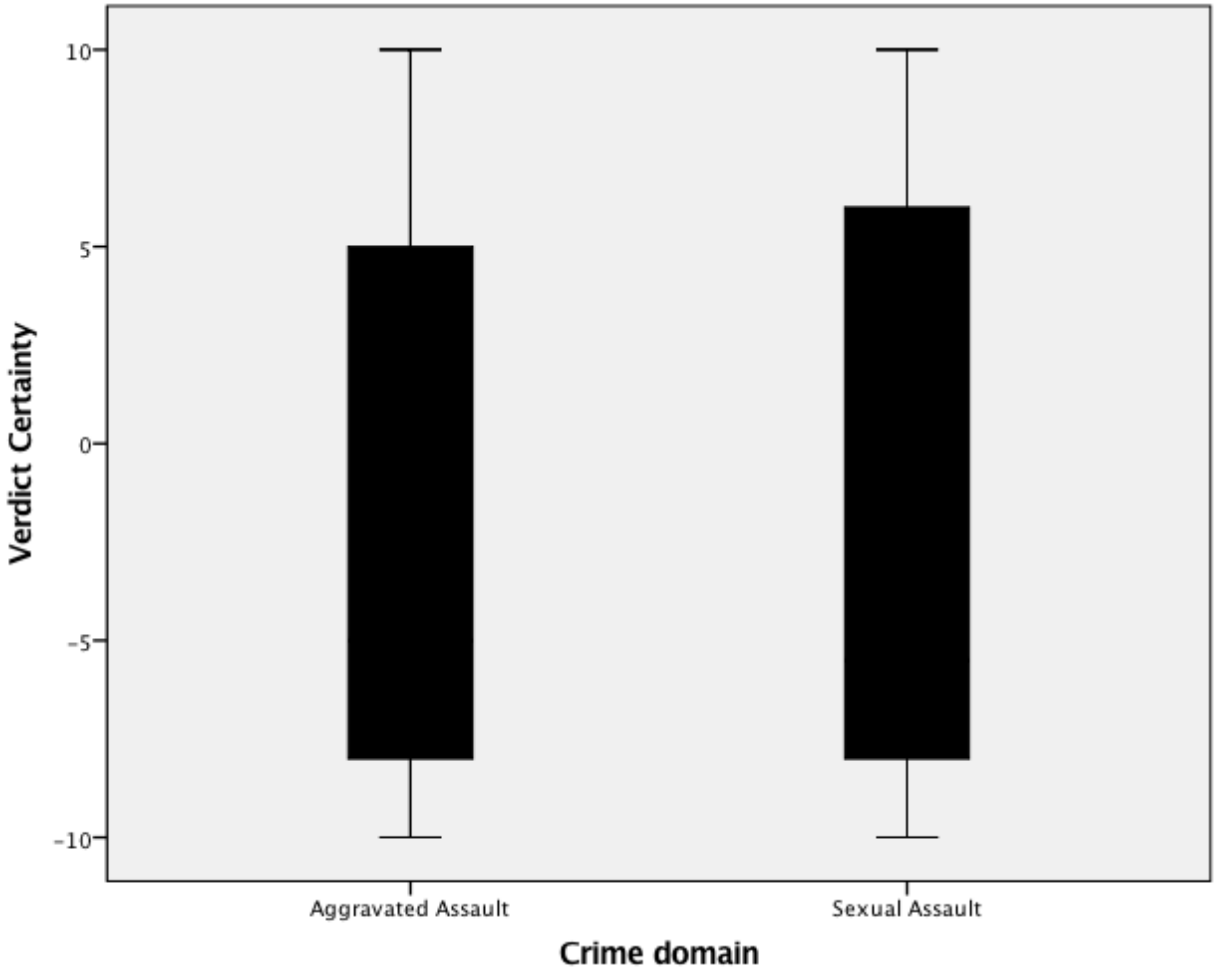


Histograms: Crime Domain



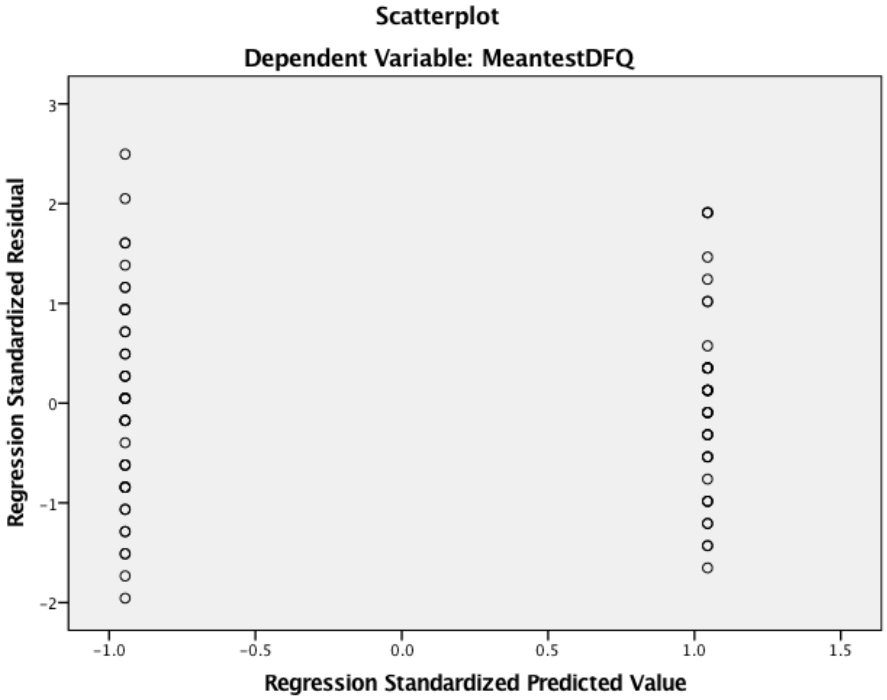


Box Plots: Crime Domain

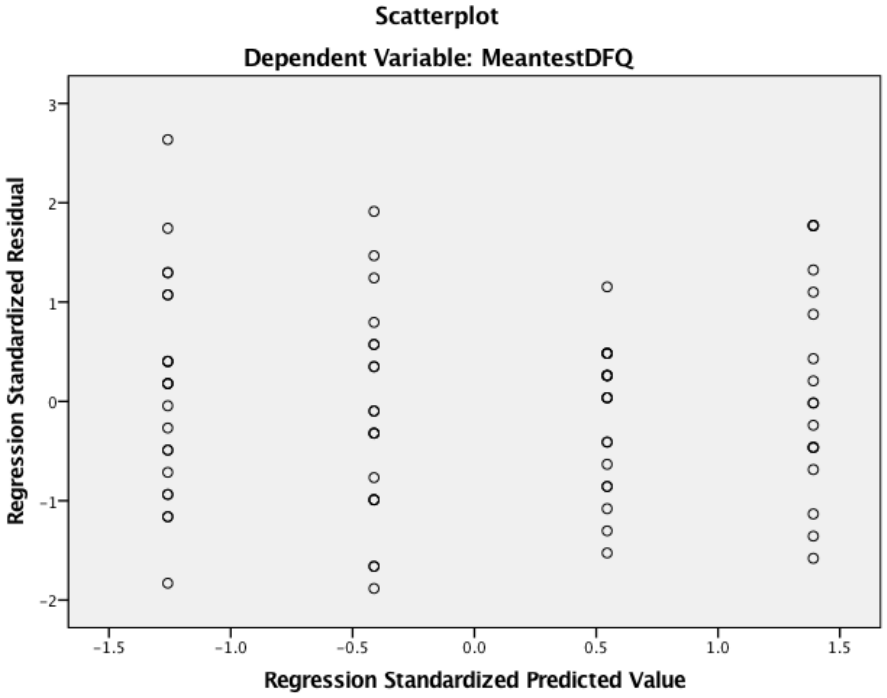


Appendix P – Hierarchical Multivariable Linear Regression: Testing the Assumption of Independence of Errors

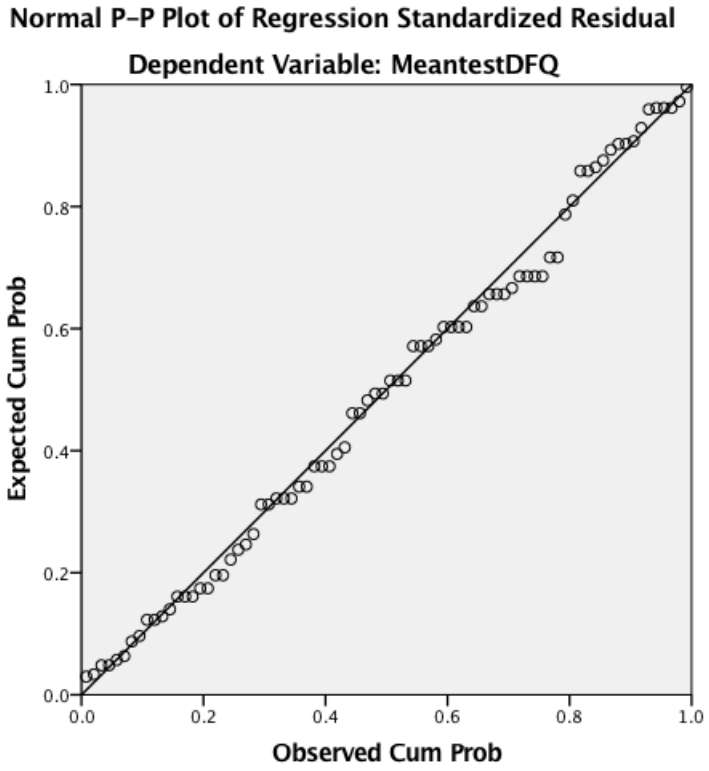
Independence of errors for Perceived Credibility of the Defence Attorney across Defence Attorney Gender

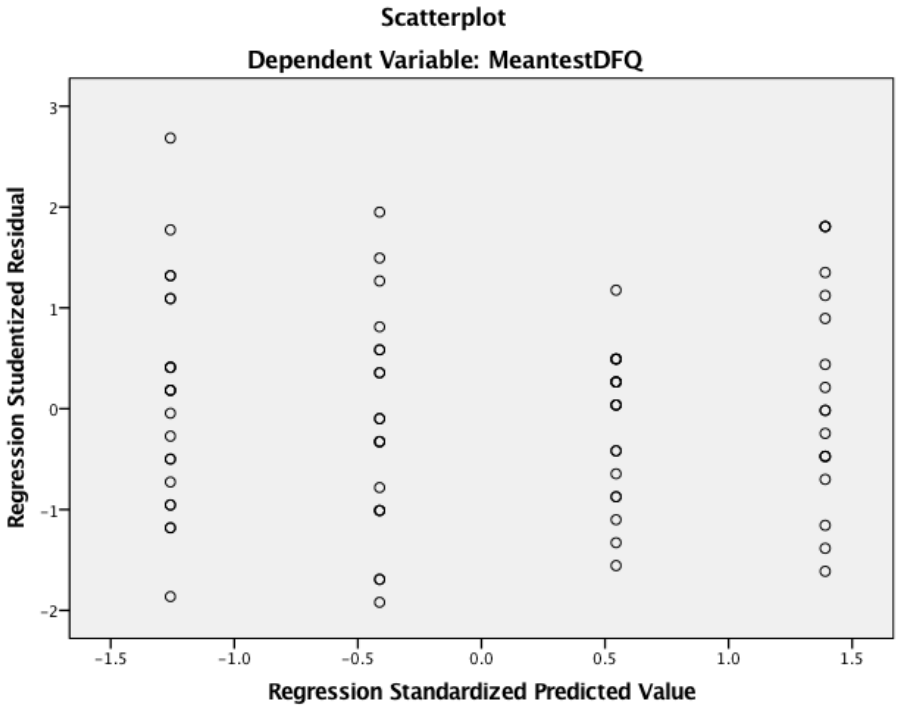


Independence of errors for Perceived Credibility of the Defence Attorney across Crime Domain



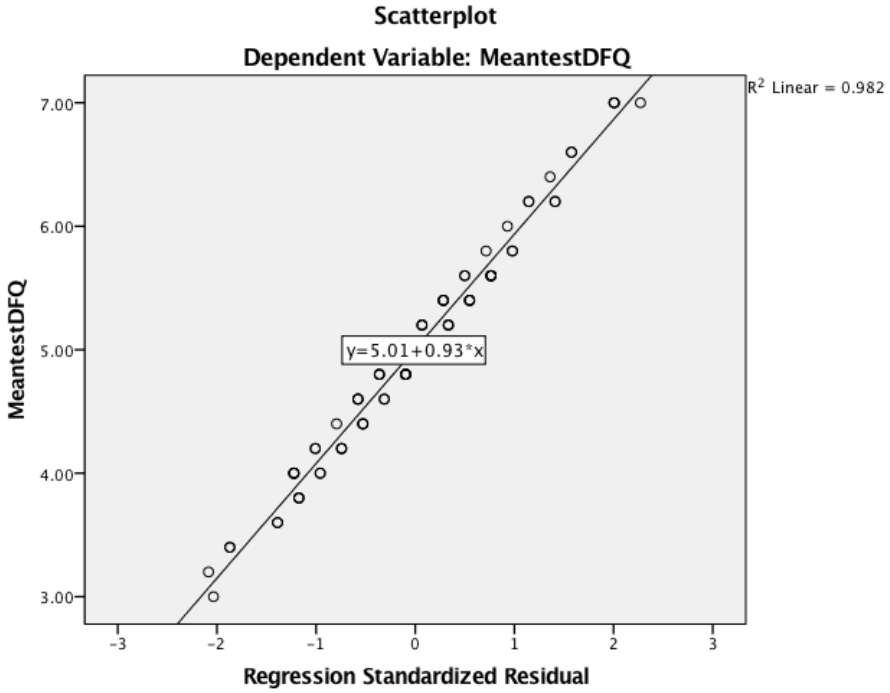
Appendix Q – Hierarchical Multivariable Linear Regression: Testing the Assumption of Linearity



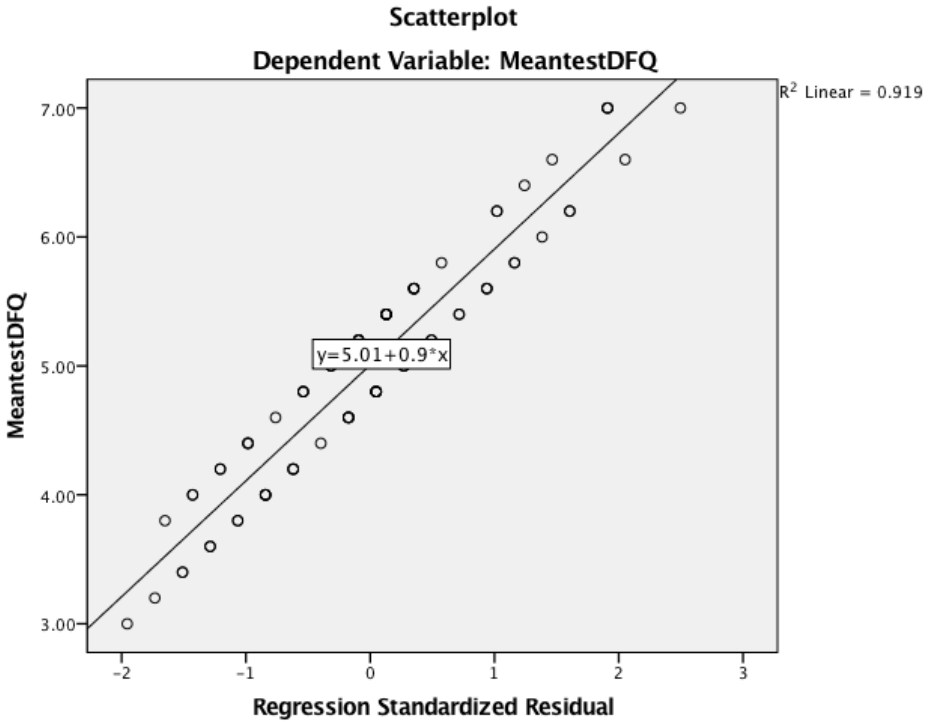


Appendix R – Hierarchical Multivariable Linear Regression: Testing the Assumption of Homoscedasticity

Perceived credibility of the Defence Attorney when predicted by Gender of the Defence Attorney



Perceived credibility of the Defence Attorney when predicted by Crime Domain



Appendix S – Hierarchical Multivariable Linear Regression: Testing the Assumption of Multicollinearity

Collinearity Diagnostics: Tolerance and Variance inflation factors (VIF) for both Independent Variables

	Collinearity Statistics	
	Tolerance	VIF
Defence Attorney Gender	.698	1.432
Crime Domain	.698	1.432

Cross Tabulation Results for both Independent Variables

		Value	Approximate Significance
Nominal by Nominal	Phi	.003	.982
	Cramer's V	.003	.982
N of Valid Cases		80	