

Project Overview & Aims

- For-profit businesses are treated more harshly than other types of litigants (e.g., Hans, 1998)
- Corporations are stereotyped along the same universal dimensions that humans use to stereotype (and perceive) other humans: **warmth & competence** (Aaker et al., 2010; Cuddy et al, 2008).
- Stereotypically warmer litigants (i.e., plaintiff or defendant) more likely to win (Girvan, 2016).
- For-profit businesses are stereotyped as low in warmth, but high competence; Non-profit businesses are stereotyped as high in warmth, but low in competence (Aaker et., 2010)
- For-profit businesses might be at a disadvantage when the opposing party is comparatively warmer (e.g., an individual or a non-profit business; e.g., Hans, 1998)

How will jurors' perceptions of for- and non-profit corporate litigants' warmth and competence affect their decision-making?

Background

- Jurors in mock civil research are more likely to find for-profit businesses liable and assess higher damage awards against them than other civil defendants (Hans, 1998; Robbenolt & Hans, 2016)
- Jurors' stereotypes might contribute to this discrepant treatment of for-profit businesses, as their stereotypic low warmth (i.e., being stereotyped as likely to have immoral intentions; Fiske et al., 2002) predicts negative social-cognitive and behavioral reactions in perceivers (e.g., Cuddy et al., 2007; 2008)
- Stereotypic low warmth might lead to unfavorable outcomes for for-profit defendants (i.e., jurors blame them for causing the injury), or for-profit plaintiffs (i.e., jurors blame them for their own injury) when opposite a stereotypically warmer litigant (e.g., a non-profit)
- Research shows jurors favor the party with higher stereotypical warmth; **whether plaintiff or defendant, the warmer party is more likely to win the case** (e.g., Girvan, 2016)

The present research examined:

- a) **How warmth and competence stereotypes affect jurors' decision-making in cases with for- and non-profit corporate litigants**
- b) **Whether perceived warmth predicts jurors' verdict decisions**

Present Research: Hypotheses

The present research assesses the impact of corporate stereotypes on jurors' decisions by pitting a for-profit (high warmth, low competence) corporation against a non-profit (high warmth, low competence; Aaker et al.) corporation in a civil trial.

Hypothesis 1: Stereotype content hypothesis. The non-profit corporate litigant is predicted to be perceived as higher in warmth, but lower in competence, compared to the for-profit corporate litigant, regardless of role (i.e., whether plaintiff or defendant).

Hypothesis 2: Perceived warmth and verdict preference hypothesis. Stereotypic warmth is expected to predict jurors' verdict preferences, such that jurors will be more likely to render a verdict in favor of the warmer litigant (i.e., the non-profit).

The Role of Profit Status and Stereotypes in Civil Juror Decision-Making



Alexander C. V. Jay Charles B. Stone

Methods

Participants

An online national sample of ($N = 84$; 57% female, 79% Caucasian, $M_{age} = 48$) jury eligible community members were recruited through Amazon's Mechanical Turk (M-Turk) and randomly assigned to read one of two case scenarios. Participation took approximately 15 minutes and participants were compensated \$0.85 for their time.

Materials and Procedure

Vignettes— After signing up online, jurors read about a Plaintiff, Databahn, suing the Defendant, Bits & Bytes, for negligent misrepresentation following a data breach of Databahn's systems they allege happened because Bits & Bytes' data storage products were not secure. In one version, Databahn was a non-profit and Bits & Bytes a for-profit. In the other version, profit status was reversed. All other case details were identical between the two versions.

Verdict and Stereotype Measure— After reading the vignette, jurors rendered a verdict, and completed a 26 items stereotype measure for the applicability of 10 competence items (e.g., effective), 10 warmth items (e.g., trustworthy), and 6 filler items (e.g., assertive) on a scale from 1 (*Not at All*) to 5 (*Extremely*) to each of the litigants. All subscales had excellent reliability (all alphas $\geq .90$).

Demographics— After the stereotype and verdict measure, participants completed a standard demographic questionnaire



vs.



Results

Perceived Warmth and Competence

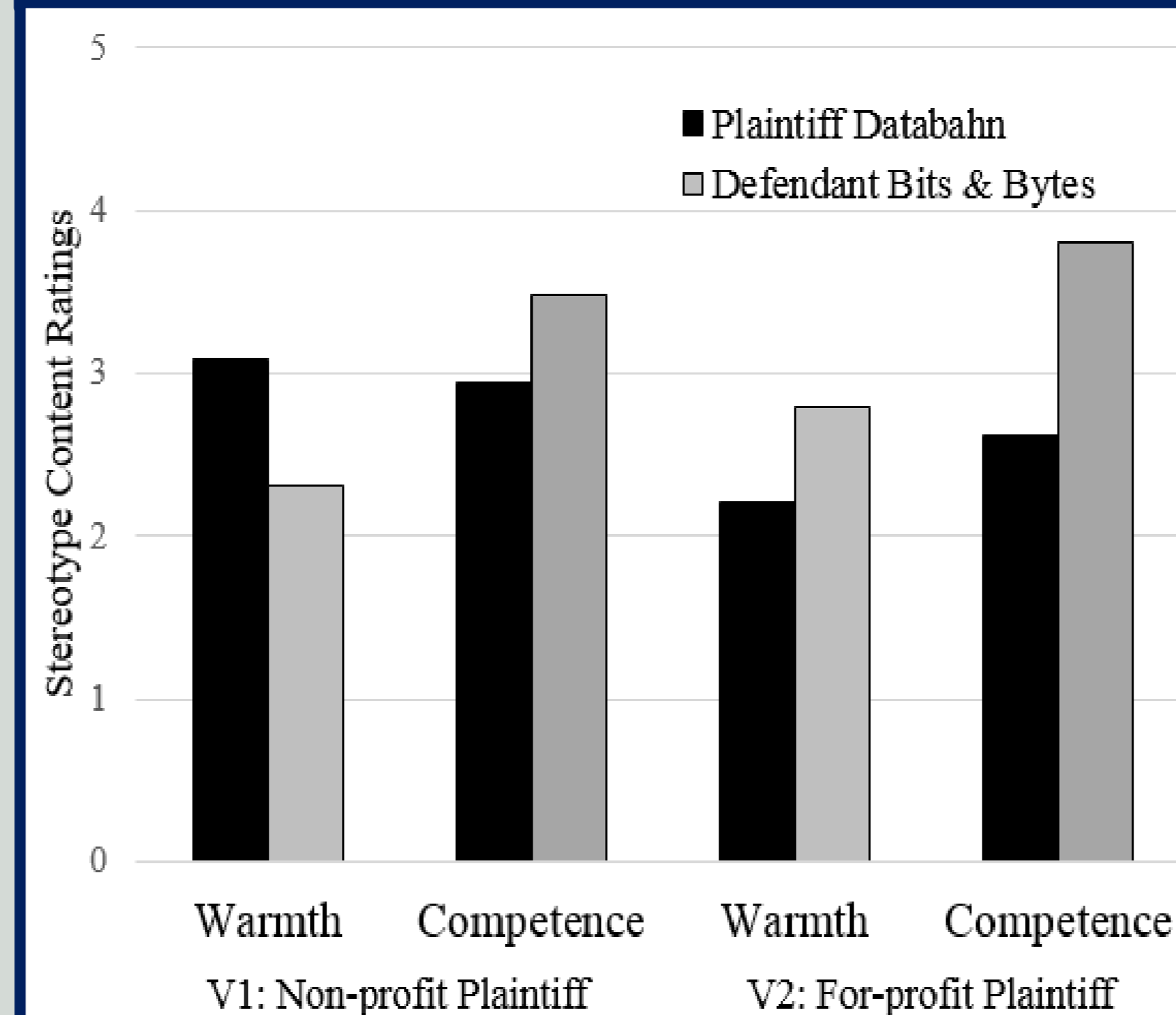


Figure 1. Jurors' ratings of litigants' warmth and competence

Jurors' Verdict Preferences

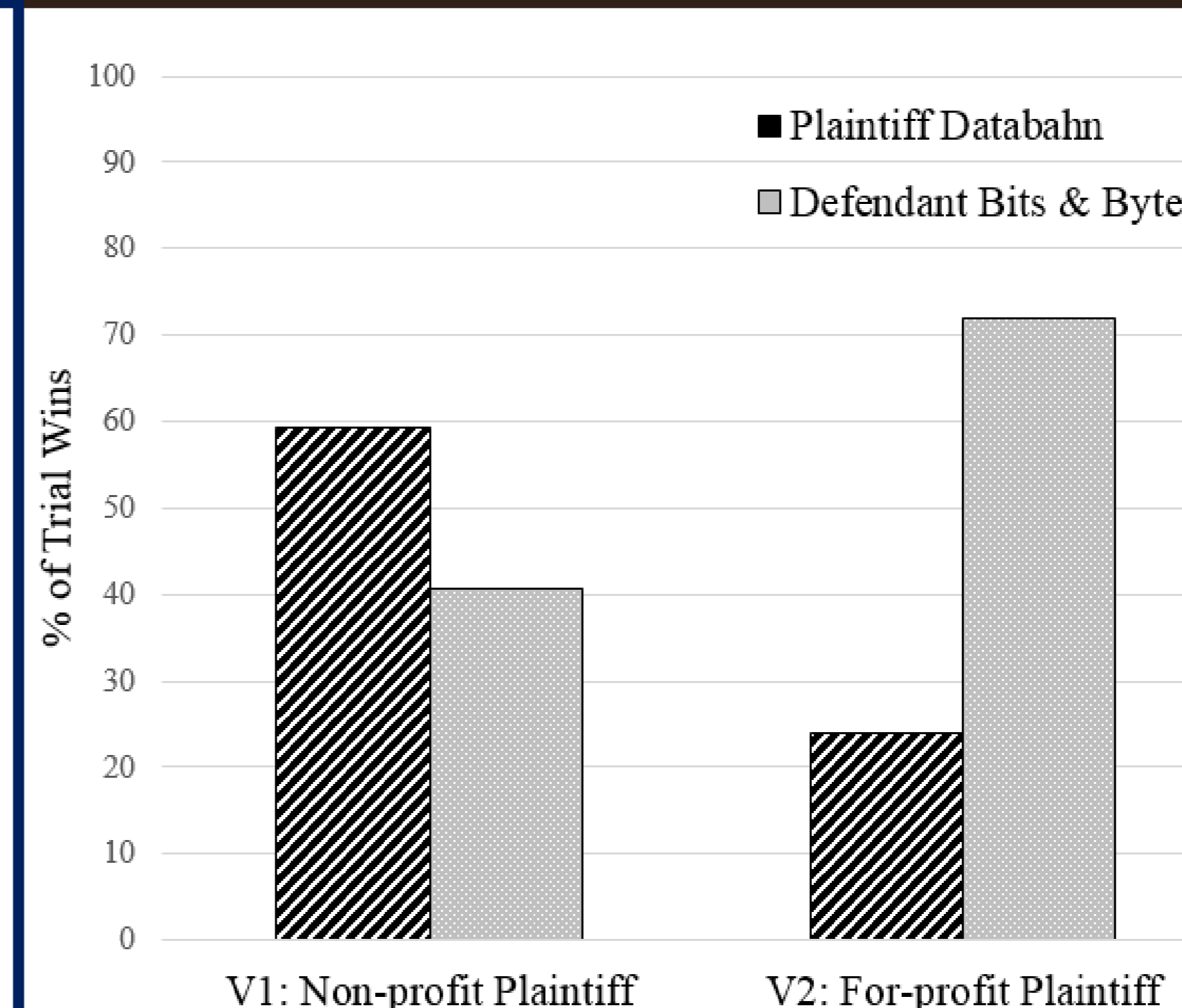


Figure 2. Jurors' verdict preference broken down by the vignette.

Results & Discussion

- The result partially supported the hypotheses: Non-profit Databahn was rated significantly warmer $t(26) = 3.21, p = .004, d = .621$, but also significantly less competent, $t(26) = 2.21, p = .036, d = .429$ than for-profit Bits & Bytes (See Figure 1 V1).
- For-profit Databahn was seen as significantly less warm $t(24) = -2.27, p = .033, d = .455$ but interestingly, also as significantly less competent $t(24) = 5.81, p < .0001, d = 1.17$, than non-profit Bits & Bytes (See Figure 1 V2).
- Critically, verdicts followed the litigants' warmth as predicted (see Figure 2), as jurors significantly favored the non-profit over the for-profit in each version, $\chi^2(2, 79) = 5.33, p = .021$
 - In Version 1, the Plaintiff Databahn won 23 (vs. 15) verdicts, but in Version 2, the Defendant Bits & Bytes won 28 (vs. 15)
- The data demonstrate that jurors are sensitive to warmth and competence stereotypes of litigants, and that this information has an impact on their verdicts
- Additionally, the data indicate that profit status effectively triggers warmth and competence stereotypes, consistent with past research (e.g., Aaker et al., 2010)

Takeaways

- Jurors' stereotypic pre-conceptions about for-profit corporations might contribute to their disparate treatment in civil cases, such as greater culpability or liability judgments and higher damage awards (Hans, 1998; MacCoun, 1996; Robbenolt & Hans, 2016)
- Consultants need to be knowledgeable about corporate warmth and competence stereotypes and how they affect civil jurors' decision-making
 - **This includes measuring jurors' warmth and competence perceptions in pre-trial jury exercises to identify these important variables in each case**
- Consultants need to consider how fact patterns and narratives affect warmth and competence; Pilot data (not shown here) further demonstrate that case details impact perceptions
- The present research will help consultants inform clients of situations when otherwise appealing trial strategies might be ill-advised, such as making a legal argument that portrays their side as technically behaving legally, even if immorally, which might ultimately undermine the odds of a favorable outcome

References

Aaker, J., Vohs, K. D., & Mogilner, C. (2010). Nonprofits are seen as warm and for-profits as competent: Firm stereotypes matter. *Journal of Consumer Research*, 37, 224–237. doi: 10.1086/651566

Alicke, M. D. (1992). Culpable causation. *Journal of Personality and Social Psychology*, 63, 368–378.

Cuddy, A. J., Fiske, S.T. & Glick, P. (2007). The BIAS Map: Behaviors from intergroup affect and stereotypes. *Journal of Personality and Social Psychology*, 92(4), 631–48. doi: 10.1037/0022-3514.92.4.631

Cuddy, A. J., Fiske, S.T. & Glick, P. (2008). Warmth and competence as universal dimensions of social perception: The stereotype content model and the BIAS map. *Advances in Experimental Social Psychology*, 40, 61–149. doi:10.1016/S0065-2601(07)00002-0

Fiske, S. T., Cuddy, A. J., Glick, P., & Xu, J. (2002). A model of (often mixed) stereotype content: competence and warmth respectively follow from perceived status and competition. *Journal of Personality and Social Psychology*, 82(6), 878–902. doi: 10.1037/0022-3514.82.6.878

Girvan, E. J. (2016). Wise restraints?: Learning legal rules, not standards, reduces the effects of stereotypes in legal decision-making. *Psychology, Public Policy, and Law*, 22(1), 31–45. doi: 10.1037/law0000068

Hans, V. P. (1998). The illusions and realities of jurors' treatment of corporate defendants. *DePaul Law Review*, 48, 327–354.

MacCoun, R. J. (1996). Differential treatment of corporate defendants by juries: An examination of the "Deep-Pockets" hypothesis. *Law & Society Review*, 30(1), 121–161. doi: 10.2307/3054036

Robbenolt, J. K., & Hans, V. P. (2016). *The Psychology of Tort Law*. NYU Press.

Solomon, J. M. (2012). The political puzzle of the civil jury. *Emory Law Journal*, 61(6), 1331–1395.

Please send questions and comments to Alexander Jay at acjay6@gmail.com