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Scientific Testimony in a Civil Trial: An Examination of Juror Gender and Expert Witness Credibility Factors

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Scientific Testimony in a Civil Trial: An Examination of Juror Gender and Expert Witness Credibility Factors



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1. Introduction

Gender of Expert Witness and Jurors

- Male expert witnesses are perceived as more credible than female expert witnesses (Larson, 2010).
 - These results are strengthened when testimonies are given in male-dominant domains (Schuller et al., 2001).
- However, results are inconsistent.**
- Female jurors tend to rate expert witnesses as more credible than male jurors (Feinstein, 2002).

Ambivalent Sexism (Glick & Fiske, 1996)

- Hostile sexism (HS)--women are incompetent and inferior to men
- Benevolent sexism (BS)--women are weak and need protection
- Women are more likely to hold BS beliefs than HS, though men outscore women for both HS and BS (Cowie et al., 2019).

Witness Credibility Theory (Brodsky et al., 2010)

- Expert witness effectiveness is based on four factors: intelligence, believability, trustworthiness, and likeability.
- There may be gender differences regarding the importance of certain expert witness traits (Neal et al., 2012; Brodsky et al., 2009).

4. Results

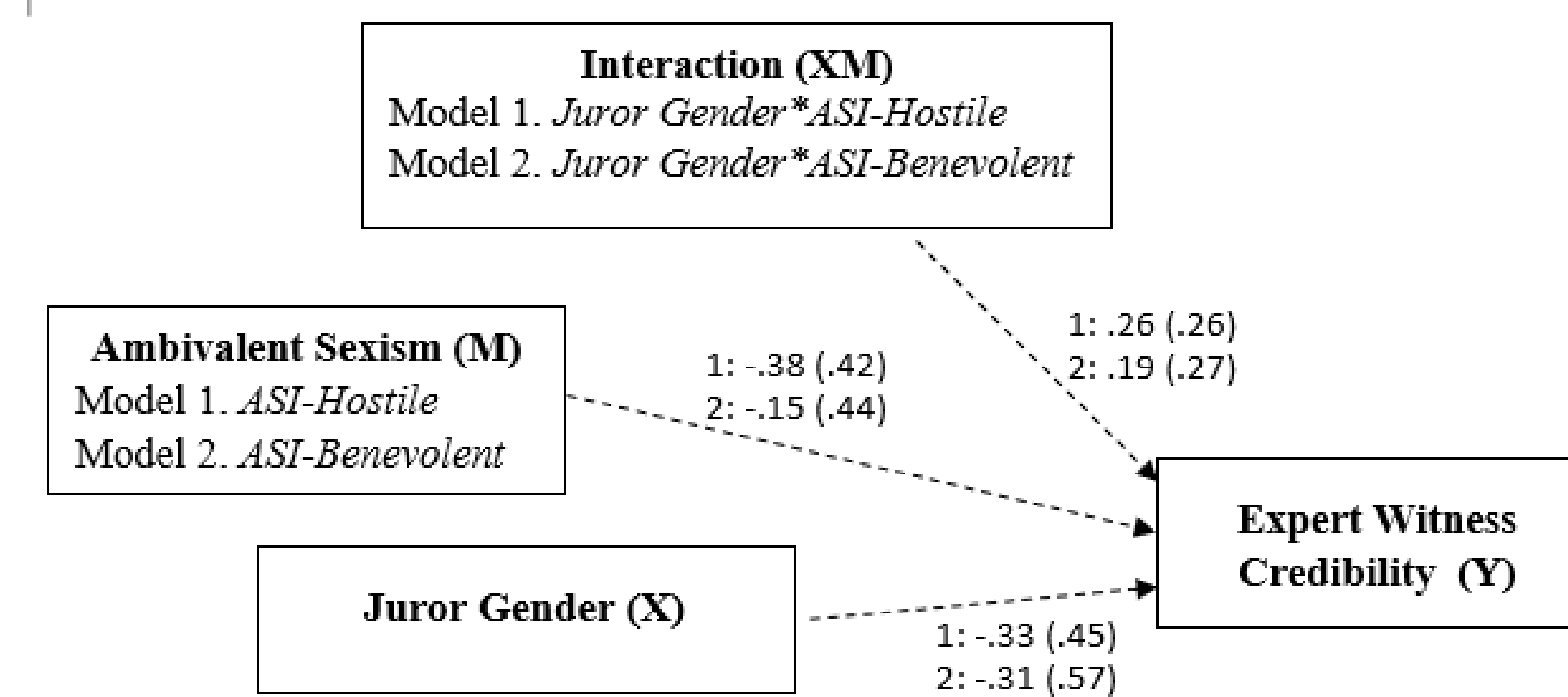
Hypotheses were tested via SEM modeling, ANOVAs, and regressions.

- (H1) The female expert witness's credibility was perceived as moderately high, $M=8.03$ on Likert-type scale (1-10).
- (H2) Neither hostile nor benevolent sexism significantly moderated the relationship between juror gender and expert witness credibility, $\beta=0.261, SE=0.259, p=0.314$; $\beta=0.192, SE=0.274, p=0.484$.
- Exploratory analyses revealed:
 - Men were significantly higher in both hostile and benevolent sexism than women, $F=9.418, p=0.002$; $F=9.983, p=0.002$, respectively
 - There were no differences between genders in expert witness credibility scores, $F=0.282, p=0.596$.
- (H3) There were significant differences in which traits were important for males versus females, $F=24.741, p<0.001$; $F=16.011, p<0.001$.

2. Research Hypotheses

Does the gender of a juror influence their perceptions of female expert witness credibility in a male-dominant domain (STEM field)?

- (H1) The female expert witness will not be perceived as highly credible, and this effect will be larger for men.
- (H2) Ambivalent sexism will moderate the association between the male and female jurors and their perceptions of credibility.
- (H3) Supplemental analyses will be conducted to examine which expert witness characteristics were the most influential.



* $p<.05$ ** $p<.01$ *** $p<.001$

Figure 1. Path analyses for each moderation model with unstandardized coefficients (SEs). Neither Hostile nor benevolent sexism significantly moderate the relationship between juror gender and expert witness credibility. Note. This model was just-identified.

Males

Greater confidence was associated with greater credibility ($\beta=.200, p=.041$).

Likeability was not related to credibility ($\beta=-.135, p=.107$).

Greater trustworthiness was associated with greater credibility ($\beta=.800, p<.001$).

Greater knowledge was associated with greater credibility ($\beta=.392, p=.002$).

Females

Confidence was not related to credibility ($\beta=-.066, p=.630$).

Likeability was not related to credibility ($\beta=.086, p=.412$).

Greater trustworthiness was associated with greater credibility ($\beta=.755, p<.001$).

Greater knowledge was associated with greater credibility ($\beta=.369, p=.021$).

3. Methods

Participants:

- 467 community members (in person), UNL students (via SONA online or in person), and MTURK participants (online)
 - 19 to 70 years old ($M=26.35, SD=9.20$), 47.8% female, and 69.9% Caucasian.

Materials:

- Ambivalent Sexism Inventory** ($\alpha=.77$; Glick, & Fiske, 1996)
 - Measures the degree to which one agrees/disagrees with statements
 - Higher scores indicate more sexism (HS and BS)
- Witness Credibility Scale** ($\alpha=.97$; Brodsky et al., 2010)
 - 10-point rating scale of expert witness characteristics (e.g. kindness)
 - Higher scores indicate greater credibility

Demographics Questions

Procedure:

- Participants filled out an array of measures then viewed a civil trial in which a confederate female expert witness presented information about neurological functioning.
- Acting as a mock juror, participants completed an additional assessment battery.

5. Discussion

- There were no significant differences between genders in expert witness credibility scores.
 - Given the inconsistency in the literature, this suggests that there may be additional factors that are influencing the relationship.
- For both men and women, trustworthiness, along with knowledge, were important factors in determining the expert witness's credibility.
 - However, men also significantly valued confidence.

Limitations and Future Research

- This study only included a female expert witness, thus replication with both a female and male expert witness to examine expert witness gender differences would be beneficial.
- Exploration examining the interaction when the experts present information in a female-dominant domain will provide a more complete understanding of the relationship.