

EXAMINING CAPITAL JURORS' IMPRESSIONS OF ATTORNEYS' PERSONAL CHARACTERISTICS AND THEIR IMPACT ON SENTENCING OUTCOMES

Adam Trahan and Daniel M. Stewart
University of North Texas

Using a mixed-methods model, we analyze former capital jurors' impressions of defense and prosecuting attorneys' personal characteristics and the impact these perceptions have on sentencing outcomes. Data derived from the Capital Jury Project. We used thematic content analysis to describe the jurors' impressions of the attorneys and identify differences in their impressions of the prosecuting and defense attorneys. We used chi-square tests to determine whether jurors' impressions were related to sentencing outcomes. Findings show that the jurors' impressions focused on the attorneys' physical appearance and personalities. Impressions of the defense attorneys were markedly more negative than their impressions of the prosecutors. Impressions of the defense attorneys, but not the prosecutors, were significantly related to sentencing outcomes such that negative impressions of the defense attorneys were associated with death sentences. The results of the thematic content analysis suggest that jurors' impressions of the attorneys' personal characteristics were a function of bias. The chi-square tests further suggest that these biased impressions influence sentencing verdicts. As such, the defendants tried by the jurors in this sample failed to realize their Sixth Amendment right to an impartial jury. Implications for how to reaffirm capital defendants' due process rights are discussed.

Keywords: capital jurors; sentencing; death penalty; attorney characteristics

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Unlike jurors in most criminal cases, capital jurors' tasks do not end with the determination of guilt. They must also, upon conviction, decide whether to sentence the defendant to death (*Ring v. Arizona*, 2002). Recognizing that juror cognition plays a uniquely

Authors Note: Correspondence concerning this article should be addressed to Adam Trahan, Department of Criminal Justice, University of North Texas, 1155 Union Circle #305130, Denton, Texas, 76203-5017. Phone: (940) 369-8860. Email: Adam.Trahan@unt.edu

Daniel Stewart, Department of Criminal Justice, University of North Texas, 1155 Union Circle #305130, Denton, Texas, 76203-5017. Phone: (940) 565-3464. Email: Daniel.Stewart@unt.edu

prominent role in capital case dispositions, studies have measured how jurors take account of a wide range of factors common to capital trials. Researchers have analyzed capital jurors' impressions of and reactions to various types of evidence, arguments, witnesses, defendants, punishments, and aggravating and mitigating factors. The findings show that capital jurors harbor an array of biases that operate to the detriment of the defense (Fitzgerald & Ellsworth, 1984; Haney, 1984a, 1984b; Luginbuhl & Middendorf, 1988; Butler & Moran, 2002; Sandys & McClelland, 2003; Butler & Wasserman, 2006; Butler & Moran, 2007a, 2007b; Bowers, Brewer, & Lanier, 2009).

Capital jurors' biases have been attributed to a highly controversial process commonly referred to as "death qualification." This procedure occurs during voir dire and involves vetting prospective jurors as to their willingness and ability to give meaningful consideration to all punishment options in making their sentencing decision. Members of the venire whose responses suggest that they would automatically vote for or against a death sentence upon conviction are theoretically excluded from jury service. Those who indicate that they could vote for death or life and base their sentencing decision on mitigating and aggravating factors are eligible to serve on capital juries. Death qualification is designed to ensure that only impartial individuals are seated on capital juries. Research has shown, however, that it does quite the opposite. It is the primary vehicle through which bias is injected into the administration of capital punishment (Haney, 1984a, 1984b; Fitzgerald & Ellsworth, 1984; Haney, 2005; Butler & Wasserman, 2006; Butler & Moran, 2007a, 2007b).

The extant literature offers two prevailing explanations for death qualification's failure to ensure impartiality. The first calls into question the assumption that interrogating prospective jurors during voir dire yields information that can be used to accurately predict the way jurors will react to issues raised at trial. Death penalty attitudes are habitually complex and cannot necessarily be neatly categorized as the law requires (O'Neil, Patry, & Penrod, 2004). Some have also argued that the standards themselves are ambiguous. For example, scholars criticized the current standard set forth in *Wainwright v. Witt* (1985),^[1] which rested on the notion of "impairment," for lacking precision (Thompson, 1989). It seems that judges and attorneys have difficulty putting these amorphous concepts into practice. Evidence suggests that prospective jurors are often confused by questions posed during voir dire and are unaware of their own biases (Sandys & McClelland, 2003). Furthermore, these questions frequently ask jurors to predict how they will behave in hypothetical situations, which is imprecise at best.

Second, research suggests that the procedure itself may be counterproductive. Haney (1984a, 1984b) found that the process of death-qualification has a biasing effect on prospective jurors. Subjects who witnessed a simulated capital voir dire reported significantly higher levels of bias than a control group. Vetting prospective jurors as to their attitudes toward death and their perceived ability to impose it skips the presumption of innocence and implies that conviction is a foregone conclusion (Haney, Hurtado, & Vega, 1994). Being exposed to death qualification therefore makes prospective jurors more likely to vote for guilt and, upon conviction, death. Haney concluded that "the process of death qualification may act to create exactly the kind of 'imbalance to the detriment...of the

defendant' that the Court condemned" (*Ballew v. Georgia* (as cited in Haney, 1984a:132); Haney, 2005).

Death qualification yields capital juries that are disproportionately comprised of individuals with certain demographic and attitudinal characteristics (Dillehay & Sandys, 1996; Fitzgerald & Ellsworth, 1984). Qualified capital jurors are more likely to be male, Caucasian, Catholic or Protestant, financially secure, and politically conservative than excludables (Butler & Moran, 2002; Butler & Moran, 2007b). They are also more likely to harbor various crime control values. For instance, compared to their excludable counterparts, capital jurors are more likely to believe that the criminal justice system is infallible and that defendants' due process rights are an impediment to the effective delivery of justice. They are less likely to believe that even the worst criminals are deserving of mercy (Fitzgerald & Ellsworth, 1984; Butler & Moran, 2007a).

These ideological orientations shape the way jurors react to virtually everything they come in contact with at trial. Studies have shown that capital jurors tend to reject the veracity of defense witnesses and other exculpatory evidence (Butler & Moran, 2007b). They are more likely to mistrust the defendant and express incredulity toward the defense attorney's version of the case (Fitzgerald & Ellsworth, 1984; Thompson, Cowan, Ellsworth, & Harrington, 1984). They are more likely to be "mitigation impaired"²¹ (Luginbuhl & Middendorf, 1988) and less receptive to the insanity defense (Butler & Wasserman, 2006). As a result, capital jurors are predisposed to convict capital defendants and sentence them to death. In fact, studies have shown that some capital jurors' pro-death bias is so robust that they automatically vote for death upon finding the defendant guilty (Haney, 1984a, 1984b).

One potential manifestation of capital jurors' bias and subsequent source of arbitrariness in sentencing that research has yet to explore is capital jurors' impressions of the individual attorneys. This absence is particularly conspicuous for at least three reasons. First, the attorneys play a primary role in conducting voir dire, selecting the jury, and presenting evidence and arguments at trial. It is possible that the peculiar characteristics of these individuals exercise some influence on the jurors' cognition and behavior. Second, scholars and practitioners generally assume that jurors form pervasive impressions of the attorneys they encounter at trial (Smith & Malandro, 1985; Diamond, Casper, Heiert, & Marshall, 1996), and some anecdotal accounts support this conclusion (O'Barr & Conley, 1981). Third, research in other disciplines, such as marketing, political science, and education, suggests that certain "source characteristics" (i.e., personal attributes of a communicator) influence the way messages are received and reacted to (Priester & Petty, 1995; Herek et al., 1998; Jones, Sinclair, & Courneya, 2003; Karmarkar & Tormala, 2010). Individuals who are perceived to be likeable and attractive, for instance, are more effective at persuading their audiences to accept a particular viewpoint and take a subsequent course of action (Voss, 2005).

The study presented here is designed to fill this deficit in the empirical record by analyzing former capital jurors' impressions of the personal characteristics of the attorneys they came in contact with at trial. The first goal of the study is to provide a detailed descrip-

tion of the jurors' impressions of the attorneys and identify any differences in their assessments of the prosecuting and defense attorneys. The second goal of this study is to analyze the relationship between the jurors' impressions of the attorneys' personal characteristics and their sentencing decisions.

METHODS

Data and Participants

The data analyzed here derive from the Capital Jury Project (CJP). The CJP is a National Science Foundation funded study that has collected data from 1,198 former capital jurors who served on 353 capital trials in 14 states. The data were gathered during in-depth interviews, which lasted approximately three to four hours each. During these interviews jurors were asked a variety of open-ended and close-ended questions in order to detail the jurors' "experiences and thinking over the course of the trial, to identify points at which various influences (including aspects of arbitrariness) may have come into play, and to reveal the ways in which jurors reached their sentencing decision" (Bowers, 1995, p. 1082). A total of 916 of these interviews were taped and later transcribed.^[3]

Although none of the close-ended questions asked jurors about their impressions of the attorneys personal characteristics, two open-ended questions asked the jurors to describe in their own words the defense and prosecuting attorneys respectively. In response to these questions, some jurors described in detail the attorneys' personal characteristics and their opinions of the same. All told, 130 jurors discussed their impressions of the attorneys' personal characteristics during their interviews. These jurors served as the sample for the study presented here, and the narratives contained in the interview transcripts in which they described the attorneys' personal characteristics and their impressions constituted the data set.

Of the 130 subjects included in the current analyses, 77 were female and 53 were male (approximately 60% and 40% of the sample, respectively), with a mean age of 47.6 years ($SD = 13.4$). The vast majority were white ($n = 122$; 93.8%) and had been married at least once ($n = 113$; 89.6%). Furthermore, there was a relatively even distribution of college ($n = 62$; 47.4%) and non-college educated ($n = 68$; 52.3%) subjects. Concerning the defendants whose trials about which the jurors were asked questions, approximately 53% ($n = 69$) were non-white.

Analytical Approach and Measures

A mixed-methods model comprised of a combination of qualitative and quantitative techniques was designed to analyze the jurors' impressions of the attorneys' personal characteristics and their relationships with sentencing outcomes. To address the first goal of the research, a four-phase thematic content analysis model was used to generate a comprehensive profile of the jurors' impressions of the attorneys. First, the interview transcripts were reviewed several times and all references to the attorneys' personal characteristics were extracted and collated into a separate data file. The jurors' narratives were then coded

in the second phase according to which attorney they cited and whether they conveyed a favorable or unfavorable impression.

The third phase involved reviewing these data to identify sweeping patterns, or themes, that repeatedly emerged in the jurors' talk of the two sets of attorneys. The jurors' narratives were carefully read multiple times until a preliminary set of themes was identified. The accuracy and reliability of these themes were then assessed in the fourth phase of the analysis. There are two criteria commonly used in thematic content analysis to establish that patterns are accurate and reliable themes – internal homogeneity and external heterogeneity (Patton, 1990; Braun & Clarke, 2006). The former refers to the fact that the data collated within each theme should cohere together in a meaningful way. External heterogeneity refers to the relationship between themes. There should be clear and identifiable differences across individual themes. In this sense, then, phase four essentially involved testing the developed themes for construct validity. The data in each theme were read and re-read until it was clear that they formed a coherent pattern. Inter-rater reliability was also conducted as an additional measure of the veracity of the themes. This analysis yielded a Kappa score of .737, $p < .01$.

For the second goal of the paper regarding whether jurors' impressions of attorneys' personal characteristics are related to sentencing outcomes in capital cases, chi-square tests for independence were conducted. From the aforementioned qualitative analysis, the jurors' perceptions of attorneys were coded as "favorable" or "unfavorable." In the CJP survey, jurors were asked whether the defendants in their particular cases were sentenced to "life" or "death." In short, the frequency of cases found in the two attributes of juror perceptions was compared across the two attributes of sentencing outcomes.

RESULTS

Defense Attorney

A definitive total of 71 jurors discussed their impressions of the defense attorneys' personal characteristics.^[4] These jurors served on 58 different capital trials across 12 states. Two general themes emerged from their talk of the defense attorneys. In the first, 27 jurors described their impressions of the defense attorneys' physical appearance. The second theme is comprised 39 jurors who opined on the defense attorneys' personalities.^[5] The jurors' impressions of both were overwhelmingly negative.

Physical appearance. The data that cited the defense attorneys' appearance included references to a variety of physical characteristics. Jurors discussed in detail their impressions of the attorneys' dress, height, weight, facial features, hygiene, and attractiveness. The general tenor of these narratives was overtly negative. Jurors routinely used conspicuously disparaging terms in denigrating the defense attorneys' physical appearance.

CA: When I first saw the defense attorney I thought he was the defendant. The defense attorney looked like the thug of the world. It was astonishing that he had a family at all. He was a slob. He would come in unkempt and throw himself in his chair.

CA: I thought maybe he was an alcoholic. He just looked like one. SC: [The defense attorney] looked like an undertaker.

These data indicate that clothing is a singularly powerful stimulus. The defense attorneys' dress was the most oft-cited physical attribute among many. However, the jurors' impressions were not tied to any particular characteristic of the defense attorneys' attire. The jurors often formed negative impressions of the defense attorneys regardless of what they wore. For instance, several jurors disparaged the attorneys for wearing "cheap," seemingly inexpensive suits and outdated clothing.

IN: He wore, um, like a Kmart suit. It looked like a cheap suit.

CA: She dressed like she walked out of 1972. She just wasn't very professional.

Several other jurors criticized the defense for wearing clothing that appeared to be expensive and "flashy." For instance, one juror from California, when asked to describe the defense attorney in his own words, replied, "sleaze bag." The interviewer then asked, "What made you think that?" and the juror stated, "he wore a silk suit."

Personality. The jurors' talk of the defense attorneys' personalities focused on one particular attribute. Of the 39 jurors included in this category, 35 concentrated on the defense attorneys' self-esteem. Much like their impressions of the attorneys' physical characteristics, the jurors formed generally negative impressions of the defense attorneys' self-esteem and were often conspicuously disparaging. For instance, one juror from California stated that "jackass in the dictionary ought to have [the defense attorney's] picture by it. He was so cocky. There was something about him nobody liked." These data portray the defense attorneys as arrogant, egomaniacal individuals.

CA: He seemed to have a big ego. I think that did hurt him.

FL: He was very annoying; I didn't like his attitude. He acted superior. The man acted superior to everyone.

AL: [I] did not like [the defense] attorney. He was too cocky.

Although many jurors ridiculed the defense attorney for possessing a seemingly inflated ego, an approximately equal proportion of the jurors were critical of the defense for being unconfident and insecure.

CA: He was insecure. [It was] unfortunate.

GA: I don't remember him as a strong personality.

SC: He seemed unsure of himself, apprehensive.

These data indicate that self-esteem did not exert an independent influence on the jurors' impressions of the defense. The defense attorneys in this sample garnered the jurors' disdain whether they exhibited high or low levels of self-esteem. The subsequent

section presents the findings of the thematic content analysis of the jurors' impressions of the prosecutors.

Prosecutor

A total of 72 jurors discussed their impressions of the prosecutors' personal characteristics during their interview.^[6] These jurors served on 61 different trials in 13 states. The same two general themes that emerged from the jurors' talk of the defense attorneys – physical appearance and personality – were predominant here as well. Of the 72 jurors that comprised this subsample, 22 described their impressions of the prosecutors' physical characteristics. An additional 38 jurors cited the prosecutors' personalities.

Physical appearance. The data extracts that cited the prosecutors' appearance referenced a variety of physical traits, such as attractiveness, hygiene, and dress. The jurors' comments indicate that they formed positive perceptions of the prosecutors' physical appearance, and that their predilections for the prosecutors' appearance lead to generally positive impressions of the solicitor. Several jurors explicitly stated that the prosecutors' pleasing appearance influenced their overall impressions of the prosecutors. For instance, one juror from Indiana explained that the prosecutor "made a very good impression on me." When asked why, the juror stated, "he was very, very professional looking."

The most commonly cited topic in these jurors' narratives was the prosecutors' physical attractiveness. Jurors often stated that they were physically attracted to the prosecuting attorney and described in detail the features they found appealing.

CA: Great seat, wonderful, dressed wonderful, gorgeous eyes. Oh, beautiful man.

FL: We named the prosecutors Barbie and Ken because they looked like tall blonde, like Barbie and Ken dolls.

TX: [The prosecutor] looked like something to take to senior prom.

Several of these comments suggest that perceived attractiveness can exert a powerful influence on the jury. For instance, one juror from California, when asked to describe the prosecutor in her own words, stated, "Very cute, handsome and dresses very nicely. He won the jurors."

Personality. The data that referenced the prosecutors' personality characteristics overwhelmingly focused on their self-esteem. The tenor of these narratives was mixed. An approximately equal number of jurors formed positive and negative impressions of the solicitors' self-esteem. Those who formed positive impressions often described the prosecutors as confident, not arrogant or conceited.

CA: He knows he's good. Winner-take-all kind of person.

GA: I'd want him on my side if I was in court. He knows he's a pretty good attorney.

CA: He was very confident at the trial. He was very likable.

Not all of the jurors who reacted favorably to the prosecutors' self-esteem formed the opinion that they were simply confident. Several of the jurors' narratives described the prosecutors as cocky and arrogant yet still conveyed positive impressions. These comments suggest that smugness on the part of the prosecutors impressed some of the jurors. It led them to believe that the case would be prosecuted by a talented solicitor.

MO: [The prosecutor was] a very good attorney, cocky. As he walked into the courtroom you could tell this guy is very arrogant.

Approximately half of the jurors who discussed their impressions of the prosecutors' self-esteem conveyed negative impressions. These jurors also described the prosecutors' as cocky and arrogant, but further claimed that the prosecutors' heightened self-esteem affected the way they treated other individuals at trial. Although the jurors did not elaborate on exactly who the prosecutor treated superciliously or what was said or done that they found aversive, they routinely used terms such as rude, vindictive, and cruel that indicate there was an interpersonal element to the expression of their conceit.

GA: [The prosecutor was] cocky, very vindictive.

LA: I never want to have her. I didn't like her at all. She just didn't have a heart. The prosecutor was an arrogant, ugly thing, she was.

SC: [The prosecutor was] sort of rude, had an attitude like he was better than everybody.

These data suggest that what distinguishes positive from negative impressions of prosecutors' conceit is whether it manifested in their treatment of other people at trial. That is, the jurors who formed positive impressions described the prosecutors as confident, even cocky, in their own abilities. Those who formed negative impressions talked of the prosecutors as being smug toward others.

The findings of the thematic content analysis suggest that the jurors formed markedly disparate impressions of the prosecutors and defense attorneys. Overall, 62.5% of the jurors who discussed their impressions of the prosecutors conveyed positive impressions. Only 31% of the jurors who cited the defense conveyed positive impressions. The following section presents the results of the chi-square tests of whether and how these impressions impacted the jurors' sentencing verdicts.

JUROR PERCEPTIONS AND SENTENCING OUTCOMES

Table 1 presents the results of chi-square tests for independence that were performed to determine whether jurors' perceptions of attorneys' personal characteristics were related to sentencing outcomes. Using Yate's correction for continuity, chi-square analyses indicated significant sentencing outcome differences in jurors' perceptions of defense attorneys, $\chi^2(1, 71) = 7.31, p = .007$. That is, jurors with unfavorable perceptions of defense attorneys were more likely to sentence defendants to death than jurors with favorable per-

ceptions (69% compared to 31.8%, respectively). Put another way, jurors with favorable perceptions of defense attorneys were more likely to sentence defendants to life in prison than jurors with unfavorable perceptions (68.2% compared to 30.6%, respectively).^[7] Juror perceptions of prosecutors, however, were not found to be related to sentencing outcomes.

Table 1. Comparison of Sentencing Outcomes and Jurors' Perceptions of Attorneys

Jurors' Perceptions of Defense Attorneys (n = 71)	Sentencing Outcome				χ^2
	Life		Death		
	n	%	n	%	
Favorable	15	68.2	7	31.8	
Unfavorable	15	30.6	34	69.4	
Total	30	42.3	41	57.7	8.78**
Jurors' Perceptions of Prosecuting Attorneys (n = 72)					
Favorable	16	35.6	29	64.4	
Unfavorable	16	59.3	11	40.7	
Total	32	44.4	40	55.6	3.84

** p < .01

SUMMARY AND DISCUSSION

The research presented here was designed to fill a gap in the literature on juror cognition in capital trials. There exists an extensive empirical record on how jurors take account of various types of arguments and evidence. How they perceive and react to the attorneys who introduce these factors to them at trial has been relatively ignored. This study analyzed 130 former capital jurors' impressions of the prosecuting and defense attorneys and the impact these impressions had on their sentencing decisions.

The findings demonstrate that capital jurors pay close attention to the attorneys they encounter at trial. As one juror from California explained after describing the prosecutors' physical appearance, "after you sit there, you notice everything." They recalled with precision even the most seemingly minute details of the attorneys' physical characteristics and personalities. The findings further suggest that the impressions jurors form based on these qualities are pervasive. The jurors often developed strong opinions about the attorneys' overall character and quality based on their personal characteristics.

The findings further suggest that capital jurors form markedly disparate perceptions of the two attorneys who litigated their cases. Less than one-third (30.9%) of the jurors developed positive impressions of the defense attorneys' personal characteristics. Conversely, prosecutors garnered favorable impressions from almost two-thirds (62.5%) of the jurors who cited their attributes. Although the data analyzed here did not include any baseline measure of the attorneys personal characteristics, two aspects of the results suggest that the jurors' disparate impressions are a function of bias.

First, jurors often formed negative impressions of the defense attorneys regardless of how they looked or acted. The jurors conveyed overwhelmingly negative impressions of the defense attorneys' appearance, particularly their clothing. However, the attorneys' style of dress did not exert an independent influence on the jurors' impressions. The jurors reacted harshly when the attorneys wore conservative, outdated, and seemingly cheap clothing. They formed similarly negative impressions though when the defense donned flashy, seemingly expensive attire. A similar phenomenon emerged from the jurors' talk of the defense attorneys' self-esteem. That is, the jurors formed negative impressions of attorney who exhibited inflated egos. They were equally critical, however, of defense attorneys who they perceived to be lacking in self-confidence. Thus, the findings suggest that capital jurors are predisposed to develop negative opinions of the defense attorneys' physical appearance and personalities regardless of how they present themselves.

Second, heightened levels of self-esteem did not exert an independent or uniform effect on the jurors' impressions. Instead, jurors reacted differently to high self-esteem depending upon whether it was exhibited by the prosecution or defense. Defense attorneys who displayed high self-esteem garnered the jurors' disdain. They were described as arrogant, ego maniacal individuals whose sense of self was unfounded and counterproductive to their efforts. Conversely, prosecutors who demonstrated high levels of self-esteem were praised by most of the jurors. Cockiness and arrogance are, according to the jurors in this sample, the mark of a good prosecutor. Prosecutors were condemned only in instances when their inflated egos led them to treat other individuals discourteously.

The results also demonstrate that the jurors' impressions of the attorneys' personal characteristics exercise some influence on their sentencing decisions. Jurors who formed negative impressions of the defense attorneys were more likely to sentence their clients to death than those who reacted favorably toward the defense counsel. The jurors' impressions of the prosecutors, however, did not have a statistically significant impact on their sentencing verdicts. This finding is in line with past research that has shown capital jurors' biases tend to refract their evaluations of the defense, not necessarily the prosecution. Extant studies have found that capital jurors are prone to reject exculpatory evidence and mitigating factors (Haney, 1984a, 1984b; Luginbuhl & Middendorf, 1988; Butler & Moran, 2002; Sandys & McClelland, 2003; Butler & Wasserman, 2006; Butler & Moran, 2007a, 2007b; Bowers, Brewer, & Lanier, 2009). The current study indicates that capital jurors' impressions of the attorneys' personal characteristics also operate to the detriment of the defense. Future research should explore how jurors react to other extralegal factors and whether they impact capital case dispositions.

The practical implications of these findings are grave. The defendants tried by the jurors in this sample failed to realize their Sixth Amendment rights to an impartial jury, and some of these defendants were arbitrarily sentenced to death as a result of the jurors' bias. In order to prevent juror bias from pervading the administration of capital punishment, courts should consider eradicating death qualification from capital case proceedings. Although directly measuring the impact of death qualification on capital jurors' evaluations of the attorneys was beyond the scope of the study presented here, research has repeatedly

attributed various dimensions of juror bias to qualification criteria and procedures. The process of death qualifying the venire yields capital juries that are comprised of differentially partial individuals who are oriented toward crime control values and predisposed to reject the defense at trial. It follows logically that capital jurors' proclivity for the prosecutors and disdain for the defense attorneys uncovered in the current study are yet another manifestation of the fundamental ideological orientations they bring with them to trial. Abolishing death qualification is integral to reaffirming capital defendants' due process rights.

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ENDNOTES

1. Prospective jurors may be excused for cause only if their views on capital punishment would “prevent or substantially impair the performance of his duties as a juror in accordance with his instructions and his oath” (p.582).
2. Mitigation impairment refers to the inability or unwillingness to consider evidence in support of a sentence of less than death (Garvey, 1998; Blume, Johnson, & Threlkheld, 2001).
3. The remaining 282 jurors in the CJP sample elected not to have their interviews recorded.
4. This figure includes the 57 jurors who discussed their impressions of the defense attorneys and the 14 who discussed their impressions of both the defense and prosecuting attorneys.
5. The remaining five jurors conveyed their impressions of personal characteristics of the defense that did not fall into these two thematic categories. For instance, one juror from Kentucky talked about the defense attorney’s level of education.
6. This figure includes the 57 jurors who discussed their impressions of the defense attorneys and the 14 who discussed their impressions of both the defense and prosecuting attorneys.
7. To control for confounding variables, binary logistic regression analysis was used to determine if juror perceptions of defense attorneys were still related to sentencing outcome when the age, marital status, and education level of the juror as well as the race of the defendant were included as predictors in the model. Using the backward stepwise method for selection with p (removal) ≥ 0.2 significance levels, juror perceptions, sex, and education were retained, producing a statistically significant model; $\chi^2(1) = 14.511$, $p = .002$. The model correctly classified 71.8% of the cases. Of the variables retained in the model, however, only the juror perceptions measure was related to a statistically significant change in sentencing outcome ($p < .01$). An unfavorable perception of the defense attorney (i.e., a one standard deviation change in the log of juror perceptions) increased the odds of a death sentence by 541.7 %.

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