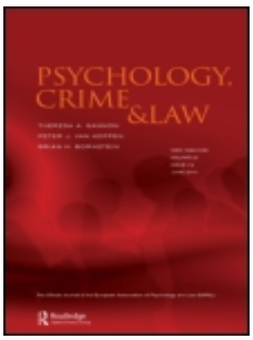

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Decision importance and Black and Hispanic jurors' judgments of outgroup and ingroup defendants in a trial simulation

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ABSTRACT

Because they involve important decisions, should actual trials involve less or more discrimination than trial simulations? Does discrimination occur when defendant and juror both belong to underprivileged groups? In two experiments employing a 2 (decision importance) X 2 (defendant ingroup/outgroup status) design, Black and Hispanic (and some White) college students read a robbery/murder trial transcript. The defendant belonged to participants' racial/ethnic group or one of the others. Low-decision-importance instructions asked mock-jurors to consider the case carefully. High-decision-importance instructions emphasized the study was a government-sponsored assessment of jurors' reasoning about a real trial with known guilt/innocence. In Experiment 1 ($n = 118$), outgroup discrimination – judging outgroup defendants more likely guilty – was evident only under high importance. In Experiment 2 ($n = 135$), which presented weaker prosecution of the trial and included processing-motivation measures, outgroup discrimination occurred regardless of importance. Black and Hispanic mock-jurors discriminated against defendants of the other group. Greater identity-related processing motivation was reported under high importance. High importance may reduce bias associated with heuristic processing, but promote bias through processing infused with evaluative associations involving social identity and race/ethnicity. The defendant outgroup discrimination regardless of importance suggests prejudice observed in trial simulations may generalize to actual trials.

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Juror decision-making; prejudice; decision importance; social identity

Archival research has documented racial and ethnic disparities in convictions, sentencing, and administration of the death penalty (Baldus et al., 1998; Mustard, 2001). In many trial simulations as well, the influence of prejudice has been observed in the form of discrimination against defendants who do not belong to the juror's racial or ethnic ingroup. Mitchell et al. (2005) found in a meta-analysis of trial simulations that Black mock-jurors

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were more likely to convict a White (vs. Black) defendant and White mock-jurors were slightly more likely to convict a Black (vs. White) defendant. Other studies have found similar bias against a Black defendant by White mock-jurors (e.g. Schuller et al., 2009, in trials involving drug trafficking and embezzlement), and greater readiness by non-Hispanic Whites to convict Hispanic compared to White defendants (e.g. Espinoza & Willis-Esqueda, 2008, in a grand auto theft trial) and by English and French Canadians to convict defendants of the other ancestry (Bagby & Rector, 1992, in a rape trial). And at least one study – to be followed up in this report – has found evidence that Hispanics and Blacks are more likely to convict members of the other race/ethnicity (Leippe et al., 2017, in a car-theft or carjacking murder trial). In short, although there are exceptions (e.g. Sargent & Bradfield, 2004, in an armed robbery trial; Sommers & Ellsworth, 2000, in trials involving assault, robbery, and arson), trial simulations typically find an 'outgroup severity bias' (Devine & Caughlin, 2014) – consistent with social identity theory (Tajfel & Turner, 1986), outgroup defendants are judged more likely to be guilty than are ingroup defendants.

The goals of the experiments we report here concern, in essence, the generality of the defendant outgroup discrimination effect. One goal was to examine the impact of the importance of the jurors' verdict decision on defendant outgroup discrimination. As decision importance increases toward the high level associated with actual trials, does discrimination decrease, increase, or remain the same? The answer to this question has implications for the application of trial simulation findings to actual trials, given the often wide chasm on the importance dimension between laboratory simulations and real courtrooms. A second goal was to examine more closely Leippe et al.'s (2017) finding that defendant outgroup discrimination occurs among Black mock-jurors judging Hispanic defendants, and vice-versa. Leippe et al. observed this relationship in a trial simulation in which Black, Hispanic, and non-Hispanic White mock-jurors read a transcript of a trial of either a car-theft or a carjacking that resulted in a murder. The defendant was either Black, Hispanic, or White. Black mock-jurors voted for conviction more than 2.5 times more often when the defendant was Hispanic than when he was Black, whereas Hispanic mock-jurors voted for conviction of the Black defendant more than twice as often as they did for Hispanic defendants. These significant differences were not qualified by the focal manipulated variables (type of case and priming of jurors about their mortality).

Intergroup discrimination among Blacks and Hispanics

The Black-Hispanic ingroup-outgroup combination is currently understudied and not well-documented in trial simulation research, despite the fact that Blacks and Hispanics have a considerable presence in the American criminal justice system. Especially in large urban areas, these groups constitute a sizeable portion of jurors, victims, and defendants. It also can be noted that both Blacks and Hispanics are underprivileged and stigmatized groups in the U.S., and, needless to say, targets of considerable prejudice and discrimination. This 'pitting' of underprivileged groups against one another as juror and defendant is uncommon in research on courtroom prejudice. Perusal of the studies included in meta-analyses by Devine and Caughlin (2014) and Mitchell et al. (2005) that involve defendant race and ethnicity suggests that most trial simulation studies have involved a juror-defendant matching in which either the jurors or the defendants

belong to a more dominant social group and the other typically belongs to a group that has lower status and is more the target of prejudice and discrimination. Although there are other reasons for Blacks and Hispanics to harbor biases against one another, such as economic competition, evidence of mutual discrimination between two stigmatized and underprivileged groups would be consistent with the major tenets of social identity theory (Tajfel & Turner, 1986), namely that social categorization alone may be sufficient for outgroup discrimination and ingroup favoritism no matter what groups are in the roles of evaluators and targets.

Raising importance: inhibitor, facilitator or nonfactor in discrimination?

With regard to the goal of investigating decision importance, findings about the role of importance in determining the outcome of trial simulation studies would bear significantly on the applicability of these studies to actual trials and related legal proceedings. Jurors in actual cases presumably view their fact finding and verdict decision tasks as quite important, given the consequences for the liberty of the defendant and the assurance of safety and justice in the society they populate. In contrast, mock-jurors in most trial simulations, including those investigating defendant outgroup discrimination, probably find the verdict decision they face rather unimportant. There are no apparent consequences involved and instructions usually merely instruct them to role-play – to respond to the trial materials *as if* they were jurors in an actual case. Verdict preferences are typically made anonymously, and trial materials and response questionnaires are often presented in booklets in group settings.

Would bias against outgroup defendants also be found when jurors attach considerable importance to their decision, as they presumably do in an actual trial? Findings about the role of decision importance would be highly relevant to the generalizability of the outgroup discrimination effect to actual trials. If the effect is limited to simulations viewed as unimportant, it might be that the defendant's outgroup status is unlikely to be a significant factor in a real trial. On the other hand, if defendant status effects are evident when the importance mock-jurors ascribe to their decision is higher and somewhat closer to the experience of actual jurors, generalization to real-world cases would be more justified.

The low-importance conditions that, as noted, are probably characteristic of studies that have observed defendant outgroup discrimination indeed seem favorable for finding such discrimination. Persuasion and decision-making research suggests that, when their task is unimportant, individuals tend to do less systematic processing of information, and to rely more on heuristic decision rules and easily-noticed situational cues to guide their judgments (Petty & Wegener, 1998). In the case of jurors, the heuristics may involve cues and stereotypes afforded by the defendant's group membership. Indeed, high cognitive load, which compels heuristic processing, has been found to increase reliance on negative stereotypes about the defendant (Van Knippenberg et al., 1999).

Against this baseline, what would be the effect of increasing importance? Interestingly, a case can be made for all three possibilities: An increase or decrease in discrimination, or no effect at all. As importance increases, effortful systematic, cognitively complex processing of task information typically increases, whether importance is based on the personal relevance of a communication (Petty & Wegener, 1998), the personal importance of an

attitude issue (Thomsen et al., 1995), or high accountability to others for a decision (Lerner & Tetlock, 1999). The influence of heuristic cues decreases. Accordingly, defendant outgroup discrimination might decrease as jurors perceive their decision as increasingly important. If they evaluate the evidence more carefully, any influence of the defendant's race/ethnicity should decrease due to inattention to it or diffusion in a larger pool of verdict-relevant thoughts.

This possibility of a *negative* importance-discrimination relationship assumes that trial processing will not be biased by the defendant's outgroup status. However, there are reasons to expect a *positive* importance-discrimination relationship, based on the plausible notion that beliefs and implicit biases associated with the defendant's racial or ethnic group will be infused in the processing of trial information and actually increase discrimination. Preexisting attitudes and biases have been found to influence the systematic processing of persuasive communications (Petty & Wegener, 1998). Because of cultural conditioning of negative evaluative associations, as well as social identity needs to prefer one's racial/ethnic ingroup, some outgroup bias should be ingrained in most individuals, at least at an unconscious level. When a decision task is personally important, and especially when it involves uncertainty and reflects on the self, individuals are more likely to evince ingroup favoritism and outgroup discrimination (Grieve & Hogg, 1999), incorporate their beliefs and values when processing information (Leippe, 1991), and align decisions with self-defining worldviews (Boninger et al., 1995). These considerations imply a positive importance-discrimination relationship, if increased cognitive elaboration of the trial is unavoidably directed by implicit biases against the outgroup.

A third possibility, of course, is that decision importance and outgroup discrimination are unrelated in a trial setting, because the opposing factors we have described cancel each other, or because jurors are motivated processors even with minimal importance attached to their task.

Determinants of decision importance

A decision is important at least in part because it is relevant to the self. In an actual trial, self-relevance derives from the fact that the verdict decision has real consequences for the defendant and justice, which itself is a source of importance. A verdict decision with weighty consequences, coupled with the need to explain one's verdict preference to other jurors, has strong implications for jurors' public and private self-image, reflecting on their values, reasoning ability, and social responsibility. Manipulation of consequences, however, is not easily achieved in a simulation. But there are other ways to vary decision importance that may lead to a motivational state that resembles the importance-to-self experienced by actual jurors. In decision-making and persuasion research, importance in terms of self-relevance has been piqued by highlighting that (1) performance on the task at hand reflects personal ability (Baron et al., 1996), (2) decision-makers are accountable for an explanation of their decision (Lerner & Tetlock, 1999), or (3) the issue under review has personal consequences (e.g. Leippe & Elkin, 1987). Typically, for all of these manipulations, cognitive engagement in the material increases and cognitive elaboration includes more self-relevant thinking (e.g. cognitive responses that connect message information to preexisting knowledge, values, and opinions; Leippe, 1991). It is reasonable to suppose, then, that established laboratory methods of increasing decision importance,

especially when used in combination, will increase the perceived importance of a trial simulation, and foster processing of trial information that more resembles that of actual jurors.

The present studies

We conducted two experiments in which we manipulated the importance of participant-jurors' decisions through instructions that linked the decision to multiple aspects of importance: ability assessment, accountability, and real-world relevance. Participants read a criminal trial transcript after receiving either low-decision-importance instructions simply to consider the case carefully as if they were jurors, or high-decision-importance instructions that described the research as a critical study commissioned by the U.S. Department of Justice (DOJ) that uses an actual case with known verdict and guilt status to learn about the ability of citizens to reach a correct verdict and the reasoning they used to do so. In addition, the race or ethnicity of the defendant was manipulated. The participant-juror and defendant belonged to either different racial/ethnic groups – the *outgroup* defendant condition – or the same group – the *ingroup* defendant condition. In Experiment 1, participant-jurors and the defendant were Black, Hispanic, and White. In Experiment 2, in addition to presenting a slightly weaker prosecution case and adding checks on the decision importance manipulation, we focused only on Black and Hispanic participant-jurors and defendants.

In line with research on importance, we expected our manipulation of decision importance to increase systematic processing of the trial. But because that research suggests plausible reasons for either a positive, negative, or nil importance-discrimination relationship, we made no directional prediction about the impact of importance on outgroup discrimination. That is, whereas we expected (based on past research) defendant outgroup discrimination (i.e. outgroup defendants seen as more likely guilty than ingroup defendants) in the low-importance conditions, we made no prediction of whether the level of discrimination would be different in the high-importance condition.

The data collected in both experiments are available from the first author, who can be contacted by email.

Experiment 1

Method

Participants and design

Undergraduates (69% female) at a private urban Midwestern university ($n = 27$) and a public urban Northeastern college ($n = 91$) participated to satisfy a psychology course requirement. Participants identified themselves as 'African-American' ($n = 29$), 'Hispanic or Latino' ($n = 48$), or 'White' ($n = 41$). The numbers of participants belonging to the three racial/ethnic groups correspond roughly to their proportional representation at the two institutions collectively. Participants were assigned randomly to the conditions of a 2 (decision importance: high or low) X 3 (defendant race/ethnicity: Black, Hispanic, or non-Hispanic White) between-subjects design. Given that the main focus regarding decision importance was on ingroup vs. outgroup defendant status, and not race/

ethnicity per se, the design was subsequently condensed to a 2 (decision importance) X 2 (defendant status: ingroup or outgroup) factorial, in which the second factor corresponded to whether the defendant's racial/ethnic group was the same as *(ingroup* condition) or different than (*outgroup* condition) the participant's. Specific defendant race/ethnicity effects were explored by examining the patterns for each of the 3 defendant race/ethnicity conditions within the 2 (decision importance) X 2 (ingroup or outgroup) design.

Both Experiment 1 and Experiment 2 were powered in terms of the 2 (decision importance) X 2 (defendant status: ingroup or outgroup) design. Approximate cell sample sizes were chosen to be sufficient to achieve a power of .8 to find medium main effect and interaction effect sizes.

Procedure

Upon arrival, up to four participants were seated at individual computer stations and informed by the experimenter that they would be reading a trial transcript on the computer (via a *MediaLab* presentation). Instructions that included the importance manipulation were presented first on the computer. The experimenter summarized these instructions, which noted that, 'after you read the trial transcript, we will ask you to provide your impressions of the case, including your verdict preference.' In the *low decision importance* condition, further instructions asked participants to 'consider the case carefully.' In the *high decision importance* condition, further instructions emphasized that: (1) the transcript was from a real case for which the verdict and the defendant's actual guilt or innocence were known, making it possible to study whether 'you can make the right call' and (2) the study was sponsored by the DOJ, which was interested in 'reasoning and decision-making by jury-eligible adults.' The instructions displayed the DOJ insignia and pointed out that 'the sponsorship of the DOJ makes it especially likely that our research findings will have real-world impact.'

At their own pace, participants next read the trial transcript, which was preceded by two screen pages that summarized the crime and charges, identified the perpetrator's race/ethnicity, and displayed the color headshot photographs and names of 5 trial participants (the male judge, male prosecutor, female defense attorney, male eyewitness, and male defendant). The defendant was either Black, Hispanic, or White; the other four were White.[1] The transcript was approximately 6000 words in length. After reading the transcript, participants answered questions about the trial and then provided demographic information (age, gender, and race/ethnicity) before being fully debriefed.[2]

Trial and transcript

The transcript concerned the trial of a robbery/murder case involving a nighttime holdup at knifepoint that led to a fatal stabbing. An eyewitness observed the crime from a second-floor window, and several pieces of circumstantial evidence more or less supported the eyewitness's positive identification. The transcript consisted of excerpts from the (fictitious) trial, including (1) opening and closing prosecution and defense arguments, (2) direct and cross-examination of the eyewitness, several other witnesses (e.g. an alibi witness, police and medical investigators), and the defendant, and (3) the judge's opening and final instructions. The prosecution's witnesses were the eyewitness, the eyewitness's wife, the police officer who initially questioned the eyewitness at the crime

scene, the police detective who conducted the lineup, and a DNA expert from the 'State DNA Forensic Laboratory'. The defense called the defendant and an apartment neighbor of the defendant, who provided an alibi regarding when he saw the defendant and when he heard his TV on. The eyewitness's wife and the DNA expert were female; the others were male.

Dependent measures

Participants were first asked to indicate 'the verdict you would cast your vote for' by checking either 'guilty' or 'not guilty.' They then judged the likelihood that the defendant committed the crime on a 0%-to-100% scale (in 5% increments), and, on 11-point scales, rated the strength of the evidence for guilt and for innocence.

Results

A log-linear analysis in which the variables were decision importance, defendant status, and verdict preference revealed only a 3-way association of importance, status, and verdict preference (χ^2 (1, $n = 118$) = 8.08, $p = .004$, partial $\eta^2 = .07$) consistent with a positive importance-discrimination relationship. Discrimination against the outgroup defendant was apparent only in the high importance condition, where the outgroup defendant (64.1%) was judged guilty near-significantly more frequently than the ingroup defendant (39.1%; χ^2 (1, $n = 62$) = 3.64, $p = .056$, $d = .50$). In contrast, when decision importance was low, guilty votes actually were more frequent when the defendant was an ingroup member (72.2%) than when he was an outgroup member (42.1%; χ^2 (1, $n = 56$) = 4.44, $p = .035$, $d = .60$). An additional contrast revealed that the outgroup defendant was near-significantly more likely to receive a guilty verdict preference when importance was high (vs. low; 64.1% vs. 42.1%; χ^2 (1, $n = 41$) = 3.74, $p = .053$, $d = .44$).

Perceptions of evidence

A derived measure referred to as 'perceived evidence strength' was created by subtracting ratings of evidence for innocence from ratings of evidence for guilt. A 2 (decision importance) X 2 (defendant status) ANOVA of perceived evidence strength revealed only a significant Importance X Status interaction, $F(1, 114) = 4.00$, $p = .048$, partial $\eta^2 = .034$. Likelihood-of-guilt ratings were also subjected to the 2 X 2 ANOVA. As seen in

Table 1. Guilt-Relevant Measures in Experiments 1 and 2 as a Function of Decision Importance and Defendant's Group Status.

Decision Importance Defendant	Low Ingroup	Low Outgroup	High Ingroup	High Outgroup
EXPERIMENT 1				
Percent Guilty	72	42	39	64
Perceived Case Strength	2.67 (2.90)	1.10 (4.55)	−0.13 (4.62)	1.69 (4.17)
Guilt Likelihood	65.1 (25.6)	60.5 (24.5)	54.4 (28.5)	66.8 (25.6)
EXPERIMENT 2				
Percent Guilty	37	53	23	49
Perceived Case Strength	−0.03 (3.72)	0.67 (3.84)	−0.80 (3.76)	1.13 (4.60)
Guilt Likelihood	54.4 (26.3)	65.2 (24.5)	48.0 (28.3)	64.7 (25.3)

Note: Means and standard deviations (in parentheses) are presented for perceived case strength and guilt likelihood.

Table 1, the interaction pattern of means resembled that for perceptions of evidence. The interaction, however, fell short of significant, $F(1, 114) = 2.86$, $p = .093$, partial $\eta^2 = .024$.

These interactions reflect the same relationship found in verdict preferences. Perceptions of guilt tended to be stronger for the *ingroup* (vs. outgroup) defendant when decision importance was low (perceived evidence strength: $M_{OUT} = 1.11$; $M_{IN} = 2.67$, $d = .36$; likelihood-of-guilt: $M_{OUT} = 60.53$; $M_{IN} = 65.06$; $d = .17$), and stronger for the *outgroup* (vs. ingroup) defendant when importance was high (perceived strength of evidence: $M_{OUT} = 1.69$; $M_{IN} = -0.13$, $d = .42$; likelihood-of-guilt: $M_{OUT} = 66.79$; $M_{IN} = 54.35$; $d = .48$).

Patterns for defendant race/ethnicity and defendant outgroup/ingroup status

To examine whether the defendant's specific race/ethnicity moderated the relationships evident in the preceding analyses, we conducted $3 \times 2 \times 2$ ANOVAs of perceived evidence strength and likelihood-of-guilt in which the independent variables were defendant race/ethnicity (Black, Hispanic, or White), decision importance, and defendant status. For both measures, the Importance X Status interaction remained significant (Fs(1, 106) > 4.64; ps < .034, partial η^2s = .041 and .050) and unqualified by a 3-way interaction involving defendant race/ethnicity (ps > .11, observed power = .26 and .44 for likelihood-of-guilt and perceived evidence strength, respectively). The similarity of the importance-by-defendant-status interaction pattern across categories of race/ethnicity can be illustrated by examining likelihood-of-guilt estimates. Under low decision importance, defendants numerically tended to be seen as equivalently or more likely to be guilty if they belong to the ingroup. Mean likelihood-of-guilt estimates were .56 and .67 for the outgroup and ingroup Black defendants, respectively. For the outgroup and ingroup Hispanic and White defendants, the estimates were .55 and .61, and .69 and .69, respectively. In contrast, under high importance, likelihood-of-guilt tends to be numerically higher when the defendant is an outgroup (vs. ingroup) member, whether the defendant is Black (.65 vs. .29), Hispanic (.70 vs. .58), or White (.66 vs. .61).

Patterns for participant race/ethnicity and defendant outgroup/ingroup status

The overall pattern of guilty verdict preferences was numerically the same for all three groups of participants. A log-linear analysis of verdict preferences revealed that the significant association of decision importance and defendant ingroup/outgroup status described previously was not qualified by participant race/ethnicity ($\chi^2 < 1$). When importance was high, guilty verdict preferences were numerically higher for the outgroup defendant than for the ingroup defendant for Black (62% vs 0%), Hispanic (56% vs. 50%) and White (80% vs. 46%) participants. When importance was low, guilty verdict preferences were numerically lower for the outgroup (vs ingroup) defendant for Black (56% vs 67%), Hispanic (50% vs. 75%), and White (23% vs. 71%) participants.

Discussion

If anything, the results suggest a *positive* importance-discrimination relationship. Outgroup defendants received near-significantly higher judgments of guilt than did ingroup defendants when decision importance was high, but not when it was low. This

pattern in the high-importance condition, of course, is consistent with typical findings of defendant outgroup discrimination that we described previously.

It is interesting that, in contrast to our prediction, bias *against* the ingroup defendant occurred when importance was low. This may reflect political correctness and limited, heuristics-based processing of the trial. Concerned with appearing non-prejudiced, participants may have given outgroup defendants the benefit of the doubt. Evident mostly in studies of judgments about Blacks (Crosby et al., 1980; Mitchell et al., 2005), such self-presentation may nowadays extend to other (at least non-hated) outgroups and be more prevalent given greater societal sensitivity to diversity. Importantly, political correctness was not evident under high importance, where we would expect greater systematic processing to override self-presentational concerns.

Another reason for the negative ingroup bias in the low importance condition could be that participants were more influenced by activated stereotypes that pull for heightened perceptions of the guilt of ingroup defendants. As we have noted, reliance on stereotypes may be more likely if low importance is associated with more superficial heuristic processing. For Black and Hispanic participants, the image of an ingroup defendant (juxtaposed among an all-White group of attorneys and judge) may have activated a negative criminal stereotype of their group. For White participants, the White defendant (viewed among an all-White group of trial actors) perhaps may have activated concerns about pro-White discrimination in the justice system.[3] Though such activation of an anti-ingroup stereotype has not been observed to occur and be operative in past research, it is a possibility here and worth exploring further.

Experiment 2

Experiment 1 yielded some suggestive evidence for a positive importance-discrimination relationship. On the other hand, it yielded strong evidence that the relationship is NOT negative. Experiment 2 was designed to look further into the importance-discrimination relationship. Besides examining again the direction, if any, of the relationship, we examined the nature of the importance induction in Experiment 2. The manipulation of importance has considerable face validity. But Experiment 1 did not provide direct evidence of how it impacts participants' perceptions of and engagement in their task. In Experiment 2, we included measures designed to assess these factors, which would provide insight into the validity of the importance instructions as a manipulation of importance.

In Experiment 2, we focused exclusively on the Hispanic and Black ingroup-outgroup combination, to provide a more powerful test of this relatively novel comparison in the study of discrimination in jury decision-making. It can be noted that Blacks and Hispanics comprise nearly three-quarters of the students at the college at which participants were recruited.

While adhering strictly to the same core manipulations of decision importance and defendant status, minor changes were made in Experiment 2. First, we examined the nature of the importance manipulation by asking participant-jurors about their involvement, interest, and bases for considering the juror decision task important. High importance should compel greater processing motivation and involvement. In addition, a positive importance-discrimination relationship, as noted, would presumably be at least partly due to greater processing that, rather than being more objective, involves

evaluations associated with self-defining outgroup biases and ingroup preferences. Accordingly, ratings of importance to self-definition should be greater under high importance.

Second, on an exploratory basis, several questionnaires, mostly relevant to social identity and evaluative preferences about various social groups, were administered prior to the importance manipulation and presentation of trial transcript. Demographic questions (age, race/ethnicity, and gender) were included in this pre-experimental questionnaire packet.

Finally, minor changes were made to the trial transcript. A slightly weaker version of the trial was presented in which some prosecution evidence was made more equivocal. A weaker prosecution case should produce a higher ceiling for finding escalation of perceived guilt associated with outgroup discrimination. The revised trial transcript also included a change designed to bolster the impact of defendant status by making the defendant's race/ethnicity more salient, as in an actual trial. Small color facial photos were placed beside the names of all trial actors, including the defendant, when they made statements within the transcript. Thus, in addition to the defendant photo presented at the outset and the occasional mention of his race/ethnicity, the defendant's photo showed up twice more in the transcript.

Method

Participants and design

Participants in the main experiment were 37 Black and 98 Hispanic college students (70% female) at a Northeastern urban, public college who participated to satisfy a psychology course requirement. They were assigned randomly to the conditions of a 2 (high or low decision importance) X 2 (ingroup or outgroup defendant status) between-subjects design. The defendant was Black or Hispanic, and his racial/ethnic group either matched *(ingroup*) or differed from (*outgroup*) that of the participant. The group sample sizes for the participant groups reflect participant availability and the demographics of the recruitment classrooms. One Hispanic participant was dropped from the analyses because the transcript reading time was too brief to allow comprehension.

Knowing that it would not be possible to to recruit enough participants (especially White participants) to complete a study that included 3 participant and 3 defendant race-ethnicities and had enough power to find effects for all ingroup/outgroup combinations, we decided to limit the study to Black and Hispanic participants. However, the study was open to participants regardless of their race or ethnicity. Twenty-nine participants who did not self-identify as African-American or Hispanic/Latinx completed the experiment, during the same time period that the 135 Black and Hispanic students participated. These participants were included in the analysis of data pertaining to the importance manipulation, which is not relevant to the ingroup-outgroup variable, as a means of capitalizing on available power. They self-identified as non-Hispanic White ($n = 25$) or 'other' ($n = 4$), and were assigned randomly to the high or low importance condition (and one of the defendant race/ethnicities used in Experiment 1).

Procedure

Up to four participants were seated at computer stations. Participants were told there were two parts to the session, each connected to a different study. The first part consisted

of several questionnaires in a folder. The first page in the folder asked for demographic information, including race/ethnicity (identified by circling one of five options: African American, Asian, Hispanic/Latino, White, and Other). Several questionnaires followed, including the Need for Cognition Scale (NC; Cacioppo et al., 1984) as a filler, the Collective Self-Esteem Scale (CSI; Luhtanen & Crocker, 1992; titled the 'Group Perceptions Scale'), on which agreement ratings were made to 16 statements about one's self-identified racial/ethnic group; and a 'Group Preferences Scale', on which participants rated the favorability of various social, racial, and ethnic groups, including their own on an 11-point scale (1 = extremely unfavorable; 11 = extremely favorable). Included among the groups were the categories 'African-Americans,' 'Hispanic and Latino Americans,' 'White Americans,' and others. An *own-group preference score* (OGP) was computed by subtracting from participants' ratings of their own group (e.g. 'African-Americans') the mean rating of the defendant's group (e.g. Hispanic and Latino Americans). The latter two measures are relevant to prejudice and discrimination, and were included to explore whether individual differences regarding important social identities (CSI) and prejudice-related personal preferences (OGP) moderate the impact of defendant racial/ethnic status. Neither of these measures (as well as the NC filler measure), however, correlated significantly with any verdict-related dependent measures. Accordingly, the measures in the packet will not be discussed further.

After a participant completed the questionnaires, the experimenter retrieved the folder, placed it on a nearby table with other folders, returned to the participant's station, and initiated 'Part 2' of the session – a computer presentation of the trial and measures. Participant-jurors received either the *high* or *low decision importance* instructions. The case materials, including the initial photos of the judge, attorneys, eyewitness, and defendant, were the same as in the previous experiment, with two exceptions. First, although the transcript concerned the same crime, charges, parties, and witnesses, the case for guilt was somewhat weaker. Some evidence was revised to make it less inculpatory (e.g. DNA analysis reporting a lower probability of a match) or more exculpatory (e.g. better alibi witness). Second, the transcript included small color photos of the judge, the trial attorneys, the various witnesses, and the defendant, placed to the left of testimony attributed to them. Ten individuals (3 women; 7 men) appeared at trial, and their photos were included. Other than the Black or Hispanic defendant, none of the other trial actors were Black or Hispanic. The judge and attorneys had 'WASPish' names and appearance; the other trial actors included three individuals who, by appearance and/or name, were distinctly South Asian, Italian-American, and Jewish, respectively.

After the transcript, participant-jurors completed dependent measures and were debriefed.

Dependent measures: verdict-related

The measures relating to a verdict and perceptions of guilt were the same as those used in Experiment 1.

Dependent measures: decision importance-related

As final tasks, participants rated on 9-point scales (1 = Not at all; 9 = Very) how interested they were in the trial, how involved they became as they read the transcript, how important it was to reach a correct verdict, and how important reaching a correct verdict was to

their (a) self-concept as someone who would be a fair and careful juror and (b) sense of pride and accomplishment. Participants then completed a 21-item multiple-choice *trial knowledge test* of their understanding of various aspects of the case and trial, including trial details (e.g. What was [the defendant] charged with?), trial actors (e.g. Who is David Ponzan (alibi witness)?), crime details (e.g. At approximately what time did the crime take place?), witness courtroom statements (e.g. According to the eyewitness what was the attacker wearing?), evidence (e.g. How many blocks from the defendant's home did police find the victim's wallet?), and attorney arguments (e.g. The defense raised questions about all of the following about the eyewitness except his _____?).

Results

Importance manipulation indicators

We first examined measures intended as indicators of the processing and motivational effects of the importance manipulation. Analyses of these measures included the non-Black/non-Hispanic participants in addition to the Black and Hispanic participants in the main experiment (total $n = 163$).[4]

Ratings on importance dimensions

The 3 importance ratings were subjected to a one-way multivariate ANOVA, in which the independent variable was decision importance, which was significant, *Wilks' Lambda F* (3, 159) = 4.36, $p = .006$, partial $\eta^2 = .076$. Univariate ANOVAs confirmed that, compared to those who received low-importance instructions, participant-jurors who received high-importance instructions judged that it was more important to them to reach the correct verdict (*M*s = 8.08 vs. 7.62, $F(1, 161) = 4.25$, $p = .041$, partial $\eta^2 = .026$), and that making a correct verdict decision was more important to their 'sense of pride and accomplishment' (*M*s = 7.98 vs. 7.22, $F(1, 155) = 8.09$, $p = .005$, partial $\eta^2 = .048$) and 'self-concept as someone who would be a fair and impartial juror' (*M*s = 8.36 vs. 7.61, $F(1, 161) = 12.96$, $p < .001$, partial $\eta^2 = .075$).

Ratings of involvement-while-reading and interest

Participant-jurors in the high importance condition reported significantly more involvement-while-reading than did participants in the low importance condition, *M*s = 8.98 vs. 8.23, $F(1, 161) = 5.97$, $p = .016$, partial $\eta^2 = .04$. Numerically, interest in the trial also was higher among high vs. low importance participants (*M*s = 8.90 vs. 8.30), but the difference was not significant, $F = 3.16$, $p = .078$, partial $\eta^2 = .01$.

Trial knowledge

A t-test revealed that participants who received high-(vs. low)-importance instructions scored modestly but significantly higher on the trial knowledge test, 85.8% vs 81.0% correct, $t(161) = 2.13$, $p = .035$, partial $\eta^2 = .03$.

All subsequent analyses are of data from only the main, factorial experiment ($n = 134$).

Verdict preferences and related variables

A log-linear analysis of the associations among verdict preference, decision importance, and defendant status revealed a significant association of verdict preference and

defendant status, χ^2 (1, $n = 134$) = 6.08, $p = .014$, partial $\eta^2 = .022$. Guilty verdict preferences were more likely when the defendant was an outgroup (51%) than an ingroup (31%) member. A 2 X 2 ANOVA a revealed a significant defendant status main effect on likelihood-of-guilt ($F(1,130) = 9.19$, $p < .01$, partial $\eta^2 = .066$), such that the outgroup defendant ($M = 61.94$) was judged more likely guilty than the ingroup defendant ($M = 51.46$). Although perceived case strength also tended to be higher for the outgroup ($M = 0.93$) than for the ingroup ($M = -0.38$) defendant, this difference fell short of significance in a 2 X 2 ANOVA, $F(1,130) = 3.02$, $p = .067$, partial $\eta^2 = .026$. The Decision Importance X Defendant Status interaction was not significant in any analyses. As seen in Table 1, the outgroup (vs. ingroup) defendant was more likely to be perceived as guilty in both the high and low decision-importance conditions.

Both Black and Hispanic participants evinced outgroup discrimination. A log-linear analysis of the associations of verdict preference, participant race/ethnicity (Black or Hispanic), and defendant race/ethnicity (Black or Hispanic) revealed only a significant 3-way association, χ^2 (1, $n = 134$) = 6.31, $p = .012$. Blacks preferred guilt more when the defendant was Hispanic (43%) than when he was Black (19%), and Hispanics preferred guilt more when the defendant was Black (55%) than when he was Hispanic (35%).

Discussion

The results indicate that the high-decision-importance induction was successful in increasing the perceived importance and self-relevance of the trial. In the high, compared to low, importance condition, participants reported greater involvement in evaluating the trial, gave higher ratings of the importance of being correct, and evinced slightly better trial knowledge. They also rated their task as more important to their sense of pride and accomplishment and to their self-concept as fair judges, suggesting that the self was drawn into trial processing.

Increases in these perceptions of importance often compel greater systematic processing of information. And, if the self is implicated as it appears to have been, the values and evaluative biases that define the self, including those connected to social identity and group preferences, should be activated during processing of trial information. As systematic processing increases, therefore, we should expect bias associated with identity and racial/ethnic preferences to increase.

Yet, despite the signs of motivation and a processing set in the high-importance condition that should lead to more bias in trial processing, outgroup discrimination, overall, was not reliably greater in the high-importance condition. Nor was it less. Indeed, the results support the idea of a nil importance-discrimination relationship. This outcome could occur for any of a number of reasons. Heuristic processing based on the defendant's racial/ethnic status could be responsible for a level of bias in the low-importance condition that matched the processing-related bias in the high-importance condition. Alternatively, the heuristic influence of defendant status could have occurred in both importance conditions. Although systematic trial processing appears to have been greater when importance was higher, it is possible that the prejudice- and identity-infused trial elaboration we have described did not much occur as hypothesized and thus did not factor much into mock-jurors' judgments. There was, after all, no direct assessment of the thoughts that arose from trial elaboration. But, importantly, the

results make clear that greater processing *motivation* did not lead to less (or more) biased assessments.

Related to heuristic processing, it is interesting that, in the low importance condition, the finding of defendant outgroup discrimination of Experiment 2 contrasts with the defendant *ingroup* discrimination observed in Experiment 1. Both outcomes – outgroup or ingroup discrimination – can be accounted for by reliance on the heuristic cue provided by the defendant's racial/ethnic status, combined with shallow trial processing. In Experiment 1, this cue may have triggered a concern for political correctness; in Experiment 2, it may have triggered negative stereotypes and evaluative associations. But why the difference between experiments? Variations in the methodology may be at the core of it. First, demographic questions followed the trial and measures in Experiment 1, whereas in Experiment 2, *preceding the trial*, participants identified their race/ethnicity, rated their favorability toward their own and other racial/ethnic groups, and completed the Collective Self-Esteem Scale, which focuses on social identity. These activities may have made race and ethnicity – and feelings and beliefs about other race/ethnicities – more salient factors in trial evaluation. Second, as intended, the case for guilt was weaker in the trial presented in Experiment 2, with a prefer-guilt rate of 41% compared to 53% in Experiment 1. A weak prosecution case would make it easier to find reasonable doubt if motivated to do so, as participants might be for an ingroup defendant. This benefit of the doubt might not be extended to the outgroup defendant. Finally, the more frequent appearance of the outgroup defendant's face in the transcript may have more continuously activated negative associations that influenced trial processing.

Our other focus in Experiment 2 was on the potentially discriminatory judgments of Black and Hispanic mock-jurors about defendants of the other race/ethnicity. Just as the significant outgroup discrimination was not moderated by decision importance, it was also not moderated by mock-jurors' race/ethnicity. Blacks evinced discrimination against the Hispanic defendant, and Hispanics evinced similar discrimination against the Black defendant.

In general, the results of Experiment 2 support the no-relationship possibility over the positive importance-discrimination relationship hypothesis that seemingly was suggested by the pattern of results in Experiment 1.

General discussion

In two experiments, mock-jurors read a transcript of a robbery murder trial under instructions that either did or did not emphasize the importance of their decision-making role. The mock-jurors either shared (ingroup) or did not share (outgroup) the race or ethnicity of the defendant in the trial. Outgroup discrimination, defined as a higher rate of guilty judgments when the defendant is an outgroup (versus ingroup) member, was a common finding, and evident in the two groups we especially focused on: Black mock-jurors discriminated against the Hispanic defendant, and Hispanic mock-jurors similarly discriminated against the Black defendant.

A major goal of the research was to determine if defendant outgroup discrimination is lowered, heightened, or not affected by decision importance. The results suggest that it is not lowered and that the directional hypothesis of a negative importance-discrimination relationship can be rejected. In neither experiment did outgroup discrimination in the

low-importance condition exceed that in the high-importance condition. Prejudice-related outgroup discrimination, it appears, is not necessarily avoided by underscoring the importance of a legal decision-making task. The other directional possibility – a positive importance-discrimination relationship in which importance increases discrimination – received weak support, but only in Experiment 1. In that experiment, defendant outgroup discrimination was evident at a near-significant level on verdict preferences in the high-importance, but not the low-importance, condition. The meaning of this pattern, however, is ambiguous, as we discuss below. In Experiment 2, there was no overall difference in outgroup discrimination owing to decision importance – mock-jurors in both the high- and low-importance condition judged the outgroup defendant as more likely guilty than the ingroup defendant. This result supports the third possibility we posed – that there is no relationship between decision importance and defendant outgroup discrimination.

The ambiguity in the Experiment 1 resides in the fact that, in the low importance condition, mock-jurors actually were *less* likely to judge the outgroup defendant guilty compared to the ingroup defendant. Of the four importance conditions (two high and two low) in the two experiments, this was the only one in which the outgroup defendant was not perceived as more likely guilty than the ingroup defendant. We have argued that this reversal of the usual bias pattern may primarily reflect an absence of careful trial processing in favor of peripheral processing in which the cue of the defendant's race/ethnicity prompted a politically correct response. If this is so, it suggests that, by motivating systematic trial processing, heightening importance in Experiment 1 only eliminated the political correctness that would hide bias and prejudice. Thus, when there is an inclination toward politically correct judgments in a trial, it may be that high decision importance does not increase defendant outgroup discrimination as much as it unmasks it.

Taking all of the results into account, the most prudent, albeit tentative, conclusion seems to be that the importance-discrimination relationship, for the most part, is nil. Bias against outgroup defendants occurs regardless of decision importance. An absence of a relationship is not, however, an unimportant result, as it lends some greater confidence to the belief that findings of discrimination in low-stakes trial simulations will generalize to the real world of a more important, consequential trial.

Decision importance and trial processing

Aside from the results on perceptions of guilt, it is important as well to consider the effects of the importance manipulation on how the trial was perceived and possibly processed. Under instructions conveying high decision importance, participant-jurors reported higher levels of importance to the self on several dimensions, and greater involvement in examining trial information. This supports our contention that increasing decision importance may serve not only to increase message or trial elaboration but also may prompt elaboration tinged with social identity concerns and implicit evaluative preferences. If processing is skewed in this way, increasing decision importance is not likely to reduce the bias inherent in the more peripheral, superficial processing that occurs under low importance.

To the extent that higher decision importance triggers motivation to systematically process trial information, it is understandable that any heightened processing will be at least partly directed by identity- and self-related biases that may lead to more negative judgments of outgroup defendants. Most individuals harbor some biases regarding socially salient outgroups, that are likely supplemented by learned connections to beliefs, values, and attitudes. If personal, automatic preferences and beliefs linked to the self and self-definition are associated with the group membership status of the defendant, that status should affect judgments more as self-concept-related importance drives greater processing and activation of those associations.

This analysis comports with contemporary accounts of persuasion and prejudice. There is evidence, for example, that individuals incorporate preexisting attitudes, beliefs, and values into their cognitive elaboration and interpretation of trial evidence and other materials (Carlson & Russo, 2001). Cognitive elaboration of communicated information, by definition, occurs when 'people add something of their own to the specific information provided in the communication' (Petty & Wegener, 1998, p. 46), and increases with increases in the personal importance of the communication. Indeed, self-relevant and self-generated thoughts become more prevalent in persuasion settings when the message issue has personal importance (see, e.g. Leippe & Elkin, 1987). A similar response may occur when a trial takes on greater importance. Preexisting attitudes, positive or negative, about the defendant's racial, ethnic, or other social group, along with personal values and worldviews connected to prejudice (Leippe & Eisenstadt, 1994), should help shape and direct trial elaboration.

Specific race/ethnicity effects

Across experiments, three highly-identifiable racial/ethnic groups of participants and defendants – Blacks, Hispanics, and non-Hispanic Whites – were studied. Outgroup discrimination was similar among all groups when decision importance was high. It is particularly noteworthy that Black and Hispanic participant-jurors were consistently more likely to find an outgroup (vs. ingroup) defendant guilty even when they were pitted against one another in the juror-defendant pairing. Whereas there is substantial evidence from trial simulations that Black jurors discriminate against White defendants, the present research is among the first to observe that Blacks would similarly discriminate against Hispanic defendants. Nor is there much extant evidence of Hispanic bias regarding Black defendants in the juror decision-making realm. Mutual discrimination among Blacks and Hispanics suggests outgroup bias when the juror and defendant both belong to disadvantaged groups. This gives credence to social identity as a significant contributor to courtroom bias. Consistent with social identity theory's (Tajfel & Turner, 1986) major dictums, favoring the ingroup over the outgroup and discriminating against outgroup members seem to occur no matter what groups are in the roles of evaluators and targets.

Applications, limitations, and implications

From an applied standpoint, our findings cast doubt on the idea that the gravitas associated with an actual jury trial can be a panacea for juror prejudice. Raising decision importance in our trial simulations never decreased discrimination against an outgroup

defendant. The high-decision-importance condition did not include the consequences of an actual trial. But compared to the low-importance conditions of many past studies, it was clearly further along the importance dimension in the direction of an actual trial.

The generalizability of our findings to actual trials may be limited by several factors. The trial presentation was in written (vs. audio-visual) form that included only excerpts of the trial (albeit lengthy, realistic ones), the mock-jurors were college students, and there were no consequences for the defendant. But there is reason for optimism about generalizability. Reviews of research suggest that trial presentation medium (e.g. live, video, audio, written transcript, or written summary) and sample type (e.g. students vs. community citizens) do not commonly moderate the effects of independent variables in juror decision-making studies (Bornstein, 1999; Pezdek et al., 2010).

If outgroup discrimination is just as or more likely to occur when, as in actual trials, jurors recognize their task is important, the question of how to reduce this bias becomes especially pressing. The question is complicated by the strong possibility that jurors are not even aware of bias in their judgments. There is substantial evidence that implicit prejudice can operate at a nonconscious level in affecting behaviors and decisions relevant to social justice (Rudman, 2004). If jurors are unaware that racial or ethnic preferences and stereotypes are affecting their decision-making, they are unlikely to naturally guard against their biases. Asking jurors to do so, through judge's instructions, might serve as one remedy for limiting discrimination, as suggested by the Flexible Correction Model (Wegener et al., 2000). However, research has found little or no effect of pretrial instructions about other biasing factors (e.g. pretrial publicity; Nietzel et al., 1999). More encouraging is recent evidence that a race-based challenge during voir dire jury selection – asking non-Black prospective jurors both whether and *how* their evaluation of trial evidence would be affected by the fact that the defendant is Black – may help reduce anti-Black bias in verdicts (Schuller et al., 2009). But the insidious processes through which biases and stereotypes enter into their trial elaboration may not be accessible to many jurors (cf. Nisbett & Wilson, 1977).

Another way to put jurors on guard about racial bias is to identify race as an important aspect of a court case. Trials in which race is a relevant and important aspect of the case, or has been identified as such by lawyers, have the quality of *race salience* (Sommers & Ellsworth, 2009). When race is made salient, discrimination by Whites against a Black defendant has been found to be less likely (Sommers & Ellsworth, 2000), and anti-White bias has also occurred (Bucolo & Cohn, 2010). Alerted that race is an issue, mock-jurors may become motivated to appear unprejudiced and egalitarian, and give the Black defendant the benefit of the doubt – at least publically. An alternative possibility is that race salience succeeds in making jurors able to guard against bias as they consider the evidence. As we have indicated, however, the success of doing so seems limited.

Race salience was essentially absent in the trial used in our experiments. The attorneys never mentioned the defendant's race/ethnicity, and the only mention of race/ethnicity by a witness occurred in the eyewitness's one-sentence description of the perpetrator. And the case crime had no racial or ethnic overtones. It would be of interest to examine the influence of importance on discrimination when race is a salient quality of the crime.

At this stage, there is clear merit in pursuing greater understanding of why and how raising decision importance generally did not decrease judgmental discrimination

against an outgroup defendant. On the plus side, the results of our studies give somewhat greater confidence that outgroup defendant bias found in trial simulations may generalize to more important real life trials. The downside is that they also suggest that highlighting the importance of a legal decision does not eliminate this bias. Thus, at the very least, our findings make efforts to find correctives for bias an even more pressing challenge for social and legal scientists.

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Notes

1. The photos were drawn from a large database developed and reported by Minear and Park (2004). The photos were full-face headshots. All of the faces used were drawn from the 'neutral' emotion category of faces in that database and selected to be of average attractiveness with race and ethnicity highly recognizable. In the case of the Black, Hispanic, and White defendants, the faces were selected from the corresponding racial/ethnic database categories, and the age category of 18–29 years. The Black, Hispanic, and White defendants were 20, 22, and 19 years of age, respectively.
2. In neither experiment were participants asked to recall or recognize the race/ethnicity of the defendant following the trial and the dependent measures. However, it can be noted that in a later, as-yet unpublished study by the senior author involving more than 150 participants that used the same defendant race/ethnicity manipulation as in Experiment 1 (i.e., a photo of the defendant just before the transcript and written mention of defendant race/ethnicity before the transcript and once in the transcript) and also included a defendant race/ethnicity manipulation check, 85% of the participants correctly identified the defendant's race/ethnicity at the end of the experimental session. In Experiment 2, in addition to the explicit indications of the defendant's race/ethnicity that were present in Experiment 1, participants were exposed to the photo of the defendant toward the end of the transcript. In the Leippe et al. (2017) experiment, which used the same defendant race/ethnicity manipulation and included a similar late exposure to the defendant's photo, more than 97% of the participants accurately recalled the defendant's race/ethnicity.
3. We thank an anonymous reviewer for suggesting the possible influence of anti-ingroup stereotypes.
4. Additional analyses that included 'sample' – participants in the main experiment vs. participants in the additional not-Black-or-Hispanic sample – revealed that no Decision Importance X Sample interactions approached significance for any of the importance-related variables (all Fs < 1). High-vs-low differences in importance were virtually the same in both samples.

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References

Bagby, R. M., & Rector, N. A. (1992). Prejudice in a simulated legal context: A further application of social identity theory. *European Journal of Social Psychology*, *22*(4), 397–406. https://doi.org/10.1002/ejsp.2420220408

Baldus, D. C., Woodworth, G., Zuckerman, D., Weiner, N. A., & Broffit, B. (1998). Racial discrimination and the death penalty in the post-furman era: An empirical and legal overview with more recent findings from Philadelphia. *Cornell Law Review*, *83*(6), 1630–1770. https://scholarship.law.cornell.edu/clr/vol83/iss6/6/

Baron, R. S., Vandello, J. A., & Brunsman, B. (1996). The forgotten variable in conformity research: Impact of task importance on social influence. *Journal of Personality and Social Psychology*, *71*(5), 915–927. https://doi.org/10.1037/0022-3514.71.5.915

Boninger, D. S., Krosnick, J. A., Berent, M. K., & Fabrigar, L. R. (1995). The causes and consequences of attitude importance. In R. E. Petty, & J. A. Krosnick (Eds.), *Attitude strength: Antecedents and consequences* (pp. 159–189). Erlbaum.

Bornstein, B. H. (1999). The ecological validity of jury simulations: Is the jury still out? *Law and Human Behavior*, *23*(1), 75–92. https://doi.org/10.1023/A:1022326807441

Bucolo, D. O., & Cohn, E. S. (2010). Playing the race card: Making race salient in defence opening and closing statements. *Legal and Criminological Psychology*, *15*(2), 293–303. https://doi.org/10.1348/135532508X400824

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. https://doi.org/10.1207/s15327752jpa4803_13

Carlson, K. A., & Russo, J. E. (2001). Biased interpretation of evidence by mock jurors. *Journal of Experimental Psychology: Applied*, *7*(2), 91–103. https://doi.org/10.1037/1076-898X.7.2.91

Crosby, F., Bromley, S., & Saxe, L. (1980). Recent unobtrusive studies of black and white discrimination and prejudice. *Psychological Bulletin*, *87*(3), 546–563. https://doi.org/10.1037/0033-2909.87.3.546

Devine, D. J., & Caughlin, D. E. (2014). Do they matter? A meta-analytic investigation of individual characteristics and guilt judgments. *Psychology, Public Policy, & Law*, *20*(2), 109–134. https://doi.org/10.1037/law0000006

Espinoza, R. K. E., & 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. https://doi.org/10.1037/a0012767

Grieve, P. G., & Hogg, M. A. (1999). Subjective uncertainty and intergroup discrimination in the minimal group situation. *Personality and Social Psychology Bulletin*, *25*(8), 926–940. https://doi.org/10.1177/01461672992511002

Leippe, M. R. (1991). A self-image analysis of persuasion and attitude involvement. In R. C. Curtis (Ed.), *The relational self: Theoretical convergences in psychoanalysis and social psychology* (pp. 37–63). Guilford.

Leippe, M. R., Bergold, A. N., & Eisenstadt, D. (2017). Prejudice and terror management at trial: Effects of defendant race/ethnicity and mortality salience on mock-jurors' verdict judgments. *Journal of Social Psychology*, *157*(3), 279–294. https://doi.org/10.1080/00224545.2016.1184128

Leippe, M. R., & Eisenstadt, D. (1994). The generalization of dissonance reduction: Decreasing prejudice through induced compliance. *Journal of Personality and Social Psychology*, *67*(3), 395–413. https://doi.org/10.1037/0022-3514.67.3.395

Leippe, M. R., & Elkin, R. A. (1987). When motives clash: Issue involvement and response involvement as determinants of persuasion. *Journal of Personality and Social Psychology*, *52*(2), 269–278. https://doi.org/10.1037/0022-3514.52.2.269

Lerner, J. S., & Tetlock, P. E. (1999). Accounting for the effects of accountability. *Psychological Bulletin*, *125*(2), 255–275. https://doi.org/10.1037/0033-2909.125.2.255

Luhtanen, R., & Crocker, J. (1992). A collective self-esteem scale: Self-evaluation of one's social identity. *Personality and Social Psychology Bulletin*, *18*(3), 302–318. https://doi.org/10.1177/0146167292183006

Minear, M., & Park, D. C. (2004). A lifespan database of adult facial stimuli. *Behavior Research Methods, Instruments, & Computers*, *36*(4), 630–633. https://doi.org/10.3758/BF03206543

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 Behavior*, *29*(6), 621–637. https://doi.org/10.1007/s10979-005-8122-9

Mustard, D. B. (2001). Racial, ethnic, and gender disparities in sentencing: Evidence from the U. S. Federal courts. *Journal of Law and Economics*, *44*, 285–314. https://doi.org/10.1086/320276

Nietzel, M. T., McCarthy, D. M., & Kern, M. J. (1999). Juries: The current state of the empirical literature. In R. Roesch, S. D. Hart, & J. R. P. Ogloff (Eds.), *Psychology and law: The state of the discipline* (pp. 23–52). Kluwer Academic. https://doi.org/10.1007/978-1-4615-4891-1_2.

Nisbett, R. E., & Wilson, T. D. (1977). Telling more than we can know: Verbal reports on mental processes. *Psychological Review*, *84*(3), 231–259. https://doi.org/10.1037/0033-295X.84.3.231

Petty, R. E., & Wegener, D. T. (1998). Attitude change: Multiple roles for persuasion variables. In D. T. Gilbert, S. T. Fiske, & G. Lindzey (Eds.), *The handbook of social psychology (4th edition, Vol. I, pp. 323-390)*. McGraw-Hill.

Pezdek, K., Avila-Mora, E., & Sperry, K. (2010). Does trial presentation medium matter in jury simulation research? Evaluating the effectiveness of eyewitness expert testimony. *Applied Cognitive Psychology*, *24*(5), 673–690. https://doi.org/10.1002/acp.1578

Rudman, L. A. (2004). Sources of implicit attitudes. *Current Directions in Psychological Science*, *13*(2), 79–82. https://doi.org/10.1111/j.0963-7214.2004.00279.x

Sargent, M. J., & Bradfield, A. L. (2004). Race and information processing in criminal trials: Does the defendant's race affect how the facts are evaluated? *Personality and Social Psychology Bulletin*, *30* (8), 995–1008. https://doi.org/10.1177/0146167204265741

Schuller, R. A., Kazoleas, V., & Kawakami, K. (2009). The impact of prejudice screening procedures on racial bias in the courtroom. *Law and Human Behavior*, *33*(4), 320–328. https://doi.org/10.1007/s10979-008-9153-9

Sommers, S. R., & Ellsworth, P. C. (2000). Race in the courtroom: Perceptions of guilt and dispositional attributions. *Personality and Social Psychology Bulletin*, *26*(11), 1367–1379. https://doi.org/10.1177/0146167200263005

Sommers, S. R., & Ellsworth, P. C. (2009). 'Race salience' in juror decision-making: Misconceptions, clarifications, and unanswered questions. *Behavioral Sciences & the Law*, *27*(4), 599–609. https://doi.org/10.1002/bsl.877

Tajfel, H., & Turner, J. C. (1986). The social identity theory of intergroup behavior. In S. Worchel, & W. G. Austin (Eds.), *Psychology of intergroup relations* (pp. 7–24). Nelson-Hall.

Thomsen, C.J., Borgida, E. and Lavine, H. (1995). The causes and consequences of personal involvement. In R. E. Petty & J. A. Krosnick (Eds.), *Attitude strength: Antecedents and consequences* (pp. 191-214). Hillsdale, NJ: Lawrence Erlbaum Associates.

Van Knippenberg, A., Dijksterhuis, A., & Vermeulen, D. (1999). Judgement and memory of a criminal act: The effects of stereotypes and cognitive load. *European Journal of Social Psychology*, *29*(2-3), 191–201. https://doi.org/10.1002/(SICI)1099-0992(199903/05)29:2/3<191::AID-EJSP923>3.0.CO;2-O

Wegener, D. T., Kerr, N. L., Fleming, M. A., & Petty, R. E. (2000). Flexible corrections of juror judgments: Implications for jury instructions. *Psychology, Public Policy, and Law*, *6*(3), 629–654. doi:10.1037/1076-8971.6.3.629