It's not what she says, it's how she says it: The influence of language complexity and cognitive load on the persuasiveness of expert testimony

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Link

http://www.tandfonline.com/doi/abs/10.1080/13218719.2012.727068a

Abstract

Mock jurors rely on a variety of heuristics and stereotypes about expert witnesses when evaluating their testimony. Research indicates that these extra-legal cues have their greatest impact when expert testimony is complex and so processed in a less effortful manner. Previous work suggests that language complexity may also be related to stereotypes about expert gender. This research tested the hypothesis that complex language is seen as stereotypically associated with male experts, whereas simple language is associated with female experts, and that such expectations about the gender orientation of the expert's language influence mock jurors' judgments such that they would be more persuaded when an expert used language that matched his/her gender. Results provided some support for predictions, primarily when the expert was female.

Key words: Expert testimony, stereotypes, gender, language complexity, jury decision-making.

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Controversy has surrounded the ability and competency of juries to render fair and accurate verdicts (MacCoun, 1993), with much of the debate drawing on earlier research highlighting the jurors' difficulty in comprehending evidence presented at trial (Greene & Bornstein, 2003; Hans, 1992; MacCoun, 1993). More recently, it has been noted that jurors are generally able to understand complex testimony (Vidmar, 2005), although cues beyond the content of the testimony are also sometimes relied upon, especially as complexity increases (Cooper, Bennett, & Sukel, 1996; Schuller, Terry, & McKimmie, 2005). Research to-date suggests that, consistent with dual process models of persuasion, this is because under these conditions perceivers are not able to effortfully consider the testimony. A close examination of such findings however suggests that there may be an additional phenomenon influencing mock jurors' responses. Expert language complexity may be also associated with additional gender-related stereotypes, and so the influence of stereotypes on jurors' perceptions may be more pervasive than previously thought. The present research sought to investigate whether the complexity of an expert's language also acts as a heuristic cue in combination with the expert's gender.

There is some evidence from the extant work on expert language complexity (e.g., Schuller et al., 2005) that manipulations of information load by varying language complexity may have influenced decisions not only by affecting perceivers' level of ability. For example, some recent work suggests that the complexity of an expert's language may be associated with expectations about the gender of the expert, with male experts being expected to use more complex language compared to female experts. These expectations may influence evaluations of the expert and his or her testimony, and suggest additional ways in which stereotypes can influence decisions in a jury context. The current research explores this

possibility more systematically.

Expert Testimony and Extra-Legal Factors

A substantial focus of the research investigating the influence of extra-legal factors on jurors' decisions has involved the testimony given by expert witnesses. This has partly been the case because expert witnesses are generally only called in court cases when it would be unreasonable to expect jurors to understand the evidence without expert assistance. Thus, experts are called to explain difficult facts or information, and give opinions about complex matters that are beyond what would be considered common knowledge. It is precisely under these conditions that, according to dual process models of persuasion (e.g., Chaiken, Liberman, & Eagly, 1989; Petty & Cacioppo, 1986), heuristics and stereotypes are likely to have their greatest effect. Research examining the impact of expert testimony has suggested that source-related peripheral cues are influential under such conditions. Some of these influential cues include expert gender (Couch & Sigler, 2002; Schuller & Cripps, 1998; Swenson, Nash, & Roos, 1984), race (Memon & Shuman, 1998), expertise (Ratneshwar & Chaiken, 1991) and educational credentials (Cooper et al., 1996).

The influence of expert gender in particular has begun to receive some attention in the literature. While the initial studies suggested that mock jurors evaluated the testimony more positively when given by a female expert compared to a male expert (e.g., Schuller & Cripps, 1998), the findings were interpreted as suggesting that the effect was a function of both the expert's gender and the domain of the case. That is, Schuller & Cripps (1998) made use of a homicide trial with the expert testifying about battered woman syndrome. Another study that demonstrated a female expert advantage (Swenson et al.,1984) similarly featured an expert testifying in a female dominated domain, a child custody case. Subsequent work has confirmed that the match between the expert's gender and the domain of the case influences the persuasiveness of the expert's testimony (McKimmie, Newton, Terry, & Schuller, 2004;

Schuller, Terry, & McKimmie, 2001). For example, in two studies (McKimmie et al., 2004; Schuller et al., 2001), experts were rated more favorably when the gender of the expert matched jurors' expectations of the gender of a professional likely to be employed within that domain but less favorably when the gender of the expert violated gender linked expectations of the case domain. These more favorable evaluations of experts in terms of their expertise translated into increased damage awards and/or decision confidence when the expert testified in a domain that matched his/her gender.

Testimony Complexity and Mode of Processing

One of the underlying assumptions made in the research investigating the impact of extra-legal factors on jurors' decisions is based on the two ways that perceivers process information. The differences between these modes are encapsulated by dual process models of information processing such as the elaboration likelihood model (Petty & Cacioppo, 1986) and the heuristic-systematic model (Chaiken et al., 1989). The two models use different terms but describe essentially the same two modes of processing. The first is relatively effortful--the central route or systematic mode--involving the analytic, comprehensive processing of all object-relevant aspects of the message in formulating a judgment. The second--the peripheral route or heuristic mode--utilizes simple inferential decision rules to foster quick decision-making. While central route or systematic processing requires both ability and motivation to engage in effortful processing, peripheral or heuristic processing is less demanding and more likely to be used when motivation and ability are limited (Chaiken, 1980; Chaiken et al., 1989; Petty & Cacioppo, 1986; Petty & Wegener, 1999). It is this less elaborative mode of thinking that researchers investigating the impact of extra-legal factors assume is at play when jurors rely on such cues in their decision-making, particularly when case complexity is high. Higher levels of case and testimony complexity should limit mock jurors' abilities to engage in effortful processing due to increasing cognitive load.

There has been limited research actually testing the assumption that extra-legal factors have their primary influence under conditions that would foster heuristic processing, but the little that has been conducted does offer some support for the prediction. For instance, Cooper et al. (1996) manipulated testimony complexity by altering the language used by the expert to study the influence of expert credentials (a heuristic cue) on the persuasiveness of expert witness testimony. Expert credentials were manipulated by varying the level of the expert's qualifications. As expected, the results indicated that participants were more influenced by the expert's credentials (a heuristic cue) when complexity was high compared to when it was low. Schuller et al. (2005) found a similar pattern of results in a study manipulating language complexity and expert gender in the context of a trial set in a male domain. Results again suggested that heuristics based on extra-legal factors had their greatest impact under conditions of high testimony complexity, as this was when the expert's gender influenced perceptions about the case.

In both the Cooper et al. (1996) and Schuller et al. (2005) studies, however, there were somewhat unexpected patterns of results in the condition in which testimony was simple, suggesting that perhaps the manipulation of testimony complexity was not only influencing the mode used to process the expert testimony. In Cooper et al.'s (1996) study there was a nonsignificant tendency for mock jurors to be more persuaded by the expert with low credentials over and above the expert with high credentials in the simple language condition. This was seen in verdicts, as well as ratings of decision confidence and argument strength. In Schuller et al.'s (2005) study there was an advantage for the female expert over the male expert on some measures in the low complexity condition. Although, of these, only one of the ratings was statistically significant, clear patterns of a female expert advantage in the low complexity condition were also observed on measures of decision confidence and testimony quality.

These unexpected patterns might be explained in terms of the degree of match between expert-related expectancies and the language the expert used (c.f., J. K. Burgoon & Walther, 1990; M. Burgoon, Dillard, & Doran, 1983). Providing information about an expert's credentials (Cooper et al., 1996) or gender (Schuller et al., 2005) might create expectations about the type of language to be used by the experts. Experts who are high in credentials or male in gender may be expected to speak in more technical ways than those who are low in credentials or female in gender (Brownlow, Rosamond, & Parker, 2003). As such, Cooper et al.'s (1996) results might be explained by an expert's testimony being more persuasive when that expert uses language that matches his or her level of credentials--complex language for high credentials and simple language for low credentials. Likewise, Schuller et al.'s (2005) results might be explained by an expert's testimony being more persuasive when that expert uses language that matches the type of language that people expect experts of that gender to use--complex language for male experts and less complex language for female experts.

Overview of Current Research

Two studies were conducted exploring the relationship between expectations about language complexity and expert gender. The first study established the presence of gender-related language expectations for experts, and the second study tested whether these expectations acted as a heuristic cue in influencing mock jurors' perceptions.

Study 1

Evidence for the link between language and gender can be found in the human communication literature, where since the 1980s researchers have explored gender-linked language effects in a variety of domains (e.g., Mulac, Bradac, & Mann, 1985; Mulac, Incontro, & James, 1985; Quina, Wingard, & Bates, 1987). Researchers have observed gender-related differences in perceived language intensity (e.g., M. Burgoon et al., 1983),

assertiveness (Quina et al., 1987), power (Sparks, Areni, & Cox, 1998), and structure (Brownlow et al., 2003). In particular, female speakers are perceived to be more likely to use more passive, less intense, powerless and simple language, whereas male speakers are more likely to use intense, assertive, powerful and complex language (Brownlow et al., 2003; M. Burgoon et al., 1983; Lind, Erickson, Conley, & O'Barr, 1978; Mulac, Bradac et al., 1985; Mulac, Incontro et al., 1985; Quina et al., 1987; Sparks et al., 1998).

These perceived differences in language have been demonstrated to influence subsequent perceptions and evaluations of speakers (Strand, 1999). Wiley and Eskilson (1985) examined the impact of variations in language power on the perception of male and female job applicants. In particular, the researchers examined the impact of situation- and gender-appropriate language on ratings of applicants. That study found that for male participants, female applicants using more powerful speech styles were rated less favorably than female applicants using powerless speech (Wiley & Eskilson, 1985). With regard to power of language, Sparks et al. (1998) found that power had differential impacts for male and female experts, with female experts being rated more positively when using powerless, as opposed to powerful language, presumably because their behavior conformed to gender linked language expectations (see also Mulac, Bradac et al., 1985).

Following from this research, we predicted that participants would perceive more complex testimony to be more masculine in nature compared to the simple testimony, which would be perceived as more feminine.

Method

Pilot Study

To be able to test samples of expert testimony for gender-related expectations (Study 1) and use those samples to test for any role as a heuristic (Study 2), we first had to create a simple and a complex form of testimony that were relatively similar in terms of reading

difficulty. This was to minimize the influence of language complexity on mode of processing, and to ensure that the manipulation of language complexity was focused on the style of the language, not the difficulty. To this end, 30 participants (22 women, 8 men; M_{age} = 29.43; SD_{age} = 12.76) were recruited from undergraduate psychology classes, and randomly assigned to one of the two language complexity conditions (high/low). In the complex condition, the expert used more technical terms and concepts whereas in the simple condition, the expert used fewer technical terms and more lay terms. For example in the complex version the expert testified:

> Once a satisfactory model of prior pricing behavior has been developed, these same price-predicting variables would be used to extrapolate the prices for the period in question. The disparity between these projected prices and those that were actually charged provides the best estimate of the effect of said pricing.

Compared to the following testimony provided by the expert in the simple version:

> Once we've developed a model for their prior pricing behavior, we then use the same factors I just mentioned to predict the prices for the period in question. The difference between the model's prices and those that were actually charged would be the best estimate of the effect of the pricing agreement.

Participants were asked to rate the testimony in terms of its complexity. For the purposes of this pilot assessment, reference to the case domain was omitted and the expert was referred to in gender-neutral terms. To ensure that the manipulation of language complexity had minimal impact on mode of information processing, perceived reading

difficulty was also assessed. Six items, rated on a 7-point scale (anchored with the endpoints *not at all* to *very much*) assessed participants' perceptions of language complexity (to what degree did the expert use technical jargon, to what extent was the expert's testimony complex; $\alpha = .90$), while four items, rated using the same 7-point scale, assessed reading difficulty of the testimony (e.g., how easy was it to understand the testimony presented by the expert, how confusing did you find the expert's testimony, $\alpha = .84$). A series of one-way ANOVAs on these two composites revealed that the manipulation of language complexity was successful as participants viewed the testimony in the high complexity condition as being more complex ($M = 5.47$; $SD = 1.09$) than the testimony low complexity condition ($M = 4.29$; $SD = 1.09$), $F(1, 28) = 8.81$, $p < .01$, $\eta_p^2 = .24$, with this difference unlikely to be confounded with reading ability as no significant differences in reading difficulty emerged between the two versions (Ms= 4.61 and 3.82; SDs = 1.18 and 1.31, for complex and simple, respectively), $F(1, 28) = 4.64$, $p = .09$, $\eta_p^2 = .10$.

Having established that the two excerpts differed in terms of complexity and were comparable in terms of their reading difficulty, the main study was conducted to assess whether language complexity was associated with gender orientation of the testimony.

Participants and Design

Sixteen participants (13 women, 3 men, $M_{age} = 27.56$; $SD_{age} = 11.02$) were recruited from the same participant pool as used for the piloty study and presented with both the simple and complex expert testimony excerpts--testimony complexity was therefore manipulated within subjects using counterbalancing.

Materials and Procedure

As in the pilot study, participants were asked to read the testimony excerpts and indicate their perceptions of that testimony on a number of dimensions. The extent to which the testimony was male-orientated was measured by two items ($r = .71$); participants were

asked to rate the extent to which the expert's language was masculine and the extent to which it was typical of a man, from 1, *not at all*, to 7, *very much*. Female orientation of the testimony was also measured by two corresponding items (α = .88). Repeated-measures *t*-tests indicated that the complex testimony (M = 4.09, SD = 1.56) was seen as significantly more male-orientated than the simple testimony (M = 2.69, SD = 1.47), $t(15) = -3.28$, $p < .01$. Further, when the expert used simple language (M = 3.63, SD = 1.70), the testimony was rated as significantly more female-orientated than when the expert used complex language (M = 2.81, SD = 1.09), $t(15) = 2.38$, $p < .05$. This pattern of findings was consistent with our prediction.

Study 2

Having established that simple language was seen as more feminine and complex language as more masculine, we wanted to test whether mock jurors used this as a decision heuristic when evaluating an expert's testimony. For example, we wanted to know if a male expert were to use complex versus simple language, would the testimony would have a greater influence on jurors. The opposite pattern should hold for female experts, such that they would be more persuasive when using less complex language, which is perceived to be feminine in orientation. We were not expecting any effects of participant gender because previous research using the same case domains and similar stimuli has not found any such effects (e.g., Schuller et al., 2005), and based on the shared nature of the stereotypes we are assessing, there was no theoretical reason to expect participant gender effects in this domain (e.g., see Masser, Lee, & McKimmie 2010) compared to other types of cases (e.g., Schuller, McKimmie, & Janz, 2004, see also McKimmie & Masser, 2010).

Further, to demonstrate that the match between expert gender and language is relied upon as a heuristic in evaluating the expert testimony, it is necessary to demonstrate such a relationship under conditions that promote heuristic processing independently of language

complexity. There are a number of ways in which to promote heuristic processing. For example, perceivers' motivation or ability (Eagly & Chaiken, 1993; Petty & Cacioppo, 1986) to engage in effortful thinking can be varied. Previous researchers examining the impact of expert testimony have relied on the ability route to manipulate mode of processing by varying the complexity of the testimony (e.g., Cooper et al., 1996; Schuller et al., 2005). The current study used a conceptually similar manipulation, but to ensure separation of the manipulation from the testimony delivered, the study made use of a distraction task. This manipulation would increase information load and hence impede the participants' ability to effortfully evaluate the expert testimony (see Harkins & Petty, 1981; Petty, Wells, & Brock, 1976). As in Schuller et al. (2005), participants were presented with a transcript of a price-fixing case in a male-oriented domain, in which either a male or female expert testified about the losses incurred by the plaintiff company.

It was expected that if language complexity acted as an additional heuristic cue, the expert would be more convincing when using language that matched his or her gender (i.e., simple language for female experts and complex language for male experts), but only when processing load was high rather than low.

Method

Participants and Design

One hundred and two participants (88 women, 14 men) were recruited from undergraduate psychology classes, with an age range of 17 to 52 years (M = 22.23; SD = 8.51). A 2 expert gender (male, female) by 2 cognitive load (high, low) by 2 language (complex, simple) between groups design was used in which participants were randomly assigned to one of the eight conditions.

Procedure and Measures

Experimental sessions were conducted in a meeting room with a long central table (similar to a jury room), and they lasted for approximately one hour. Participants were presented with a modified version of a civil trial (Schuller et al., 2001, 2005) involving a price-fixing case originally developed by Diamond and Casper (1992). The case involved two defendants, suppliers of crushed rock, who were involved in the price-fixing of goods supplied to the plaintiff, a road construction company. The current trial scenario involved the plaintiff suing for $490 000 for damages suffered as a result of the illegal price-fixing agreement. Participants were asked to read through the transcript (approximately 4,600 words in length, reading time was approximately 30-45 minutes) while assuming the role of a juror. As the defendant's guilt had been established in an earlier trial, participants were informed that their task was to decide the amount of damages that should be awarded to the plaintiff after hearing opposing testimonies presented by experts for the plaintiff (either a man or a woman) and defendant (always a man). The experts utilized different methods in estimating the amount of damages suffered, with the plaintiff's expert estimating $490 000 in damages, and the defendants' expert estimating damages in the amount of $105 000 (see Schuller et al., 2001).

Manipulation of language complexity. Language complexity was manipulated as in the first pilot study by varying the language used by the plaintiff's expert. The expert used more technical terms and concepts in the complex condition, whereas in the simple condition, the expert used fewer technical terms and more lay terms.

Manipulation of expert gender. The gender of the plaintiff's expert was manipulated by altering the name of the plaintiff's expert. Half of the participants read testimony from a female expert (Dr. Elizabeth Pinder) and the other half read testimony from a male expert (Dr. Andrew Pinder). The case domain was held constant as all participants were presented with the expert's testimony in the context of a dispute between companies in

the construction industry. Previous research has indicated that this domain is stereotypically seen as being male orientated with male experts seen as more knowledgeable in this domain than a female expert (McKimmie et al., 2004).

Manipulation of cognitive load. The participants' cognitive load was manipulated while participants were reading the trial transcript. Those in the low load condition were simply asked to read the transcript, and participants in the high load condition were requested to concurrently complete an additional auditory-based task. This task involved a series of audio beeps played out on a portable stereo system, and participants were asked to record the number of beeps (approximately seven per minute) they heard on a tally sheet. Participants were only required to complete this task while reading the transcript. Once they had completed the transcript, they were able to complete the questionnaire in a separate space where the audio would no longer be distracting. Due to the way in which this task was presented, participants in the two different cognitive load conditions took part in separate sessions.

Dependent variable. Upon completion of the transcript, participants were asked to estimate the amount of damages, if any, that should be awarded to the plaintiff based on the evidence presented in the transcript. Participants were free to award any amount in dollars.

Manipulation checks. As a check on the manipulation of cognitive load, four items, assessed using a 7-point scale (*not at all* to *very much*), measured participants' perceived distraction while completing the task (e.g., the extent to which they felt distracted while reading the transcript; $\alpha = .79$). The language complexity manipulation was assessed via a single item asking participants to indicate the extent to which the testimony presented was simple, from 1, *not at all*, to 7, *very much*. Finally, participants were asked to indicate the gender of the expert (man/woman) who testified on behalf of the plaintiff in order to assess the success of the gender manipulation. Upon completion of the study, participants were fully

debriefed about the aims and method of the study and thanked for their participation.

Results

Manipulation Checks

Examination of the three manipulation checks indicated success on all three counts. Of the thirty-nine participants in the male expert condition, all but 5 correctly reported the expert's gender and of the forty participants in the female expert condition, all but 4 correctly reported the expert's gender. These nine cases were excluded from analyses. In terms of the language complexity manipulation, a 2 (expert gender) by 2 (language complexity) by 2 (cognitive load) ANOVA on the item assessing language complexity revealed only a significant main effect for language complexity, $F(1, 94) = 15.96$, $p < .001$, $\eta_p^2 = .15$, such that participants in the simple language condition viewed the testimony as more simple ($M = 3.56$, $SD = 1.73$) compared to participants in the complex language condition ($M = 2.48$, $SD = 1.05$). Finally, a 2 (expert gender) by 2 (language complexity) by 2 (cognitive load) ANOVA conducted on the composite measure assessing participants' level of distraction while reading the transcript revealed a significant main effect for cognitive load, $F(1, 94) = 27.50$, $p < .001$, $\eta_p^2 = .23$, with participants in the high load condition reporting greater distraction ($M = 5.01$, $SD = 0.94$) than participants in the low load condition ($M = 3.95$, $SD = 1.07$). A significant, although much smaller, main effect also emerged for language complexity, $F(1, 94) = 3.91$, $p = .05$, $\eta_p^2 = .04$, with participants in the complex language condition reporting greater distraction ($M = 4.62$, $SD = 1.11$) than participants in the simple language condition, ($M = 4.25$, $SD = 1.16$).

Main Analyses

To test our prediction, we conducted a 2 (expert gender) by 2 (language complexity) by 2 (cognitive load) ANOVA using the amount of damages awarded as the dependent variable. There were no significant main effects or two-way interactions (all Fs < 2.76, all p

> .10), there was however a significant three-way interaction between expert gender, language complexity and cognitive load, $F(1, 94) = 3.91$, $p = .05$, $\eta_p^2 = .04$.

Analyses of the expert gender by cognitive load interaction for each level of language complexity indicated that for the simple language condition there was no significant interaction, $F(2, 94) = 0.04$, $p = .96$, $\eta_p^2 = .00$. For the complex language condition, however, there was a significant interaction, $F(2, 94) = 3.35$, $p < .05$, $\eta_p^2 = 0.07$ (see Table 1). Analysis of the simple effects suggested that when the expert was male, there was no significant difference in damages awarded between the low load and high load conditions, $F(1, 94) = 1.85$, $p = .18$, $\eta_p^2 = .02$. However, consistent with our prediction, participants awarded smaller damage awards when the expert was female and cognitive load was high as opposed to low, $F(1, 94) = 4.84$, $p < .05$, $\eta_p^2 = .05$.

General Discussion

The results of these studies suggest that language complexity may be used as a heuristic by mock jurors. Consistent with predictions, Study 1 suggested that when testimony was complex compared to simple, it was stereotypically seen as being more masculine in orientation, whereas simple testimony was seen as being more feminine in orientation than complex testimony. Study 2 found that for female experts at least, testimony had less persuasive influence over participants' judgments when they used gender-incongruent language (complex testimony) and information load was high.

When the expert was female, there was some support for the prediction that an expert's language would be used as a heuristic cue when participants were deciding the appropriate amount of damages to award. Participants were less persuaded by the female expert when she used complex language, as reflected in the damages that they awarded, but only when cognitive load was high. As there were no differences in damages awarded when the male expert testified, there was no evidence that language was used as a heuristic cue. It

could be that this could reflect a ceiling effect, as the case was set in a male domain, and so the male expert would be seen to be congruent with the domain (McKimmie et al., 2004; Schuller et al., 2005), leaving little room for language complexity to influence the persuasiveness of the expert.

Such a suggestion is somewhat at odds, however, with the findings of Schuller et al. (2005) who found a stronger effect for language complexity when the expert was male. Although the present study utilized essentially the same transcript as Schuller et al., variations were made to the expert testimony to ensure that the high and low complexity versions were of similar reading difficulty. While this was done with a view to producing a manipulation of language complexity that distinguished between language style and language difficulty, it may have reduced the strength of the language complexity manipulation. Such a possibility is consistent with the relatively modest effect size for the manipulation check of language complexity in this study. As such, there may be a general tendency to evaluate male experts more favorably in legal settings, but that additional cues (such as language complexity, case domain) are utilized to evaluate the credibility of female experts. Future research could explore the possibility that the testimony of male and female experts is processed with differing levels of effort.

While this research does show that mode of processing is important in understanding mock jurors' reliance on extra-legal factors, it also suggests that past manipulations of this construct may also be manipulating stereotypic expectations as well. The results of the current study found that language complexity only operated as a heuristic cue under conditions of high cognitive load, as would be predicted from dual process models of persuasion. Given this, past work (e.g., Cooper et al., 1996; Schuller et al., 2005) may have provided the first evidence that language complexity can act as a heuristic cue. While it is acknowledged that the unexpected trends in the low complexity condition of Cooper et al.'s

(1996) study were weaker than those predicted in the high complexity condition, the unexpected significant preference for female versus male experts observed in the low complexity condition of Schuller et al.'s (2005) study does provide firmer evidence for the influence of language-related stereotypes in those studies. The stronger influence of stereotypes under conditions of high complexity in those two studies suggests that the results reflect both the influence of mode of processing and language-related stereotypes.

One of the limitations of this study was that it used excerpts from a transcript, rather than a more realistic re-creation of a trial. While this is a concern that has been consistently raised in relation to mock jury research, there is some evidence that different levels of realism are not related to differences in how variables influence mock jurors' judgments (Bornstein, 1999). If anything, the persuasion literature would suggest that as realism is increased and more peripheral or extra-legal cues are introduced (such as cues to the expert's gender), the impact of non-message related cues should be increased at the expense of message related processing (Chaiken & Eagly, 1983). Further, this research has not taken into account the potential impact of jury deliberation on the influence of extra-legal cues. There is some evidence that deliberation reduces the effect of biasing factors (Kaplan & Miller, 1977; Kerwin & Shaffer, 1994), however, more recent work looking specifically at gender-related stereotypes suggests that group discussion may increase the effect of these stereotypes on final judgments (McKimmie et al., 2004).

Further research could explore both of these possibilities. For example, participants could be presented with audio or video trial recreations to examine whether more realistic materials produce a stronger effect for these gender-related stereotypes. In doing so, some care would be needed to ensure that the actors playing the roles of the experts are matched on dimensions known to influence mock jurors' receptivity to witness testimony--for example,

attractiveness. Of course, not having to control for such variables is one of the advantages of using written transcripts.

The results of this research illustrate a potentially new way in which stereotypes about experts can impact on mock jurors' evaluations of an expert. The intriguing implications of these results, that is, the use of gender-congruent language as a strategy by which experts may be able to counter any negative consequences that can result from testifying in a gender-incongruent case domain (McKimmie et al., 2004; Schuller et al., 2001, 2005), clearly warrant further research attention.

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Tables

Table 1. Means (and standard deviations) for expert gender, language complexity, and cognitive load interaction on the measure of damages in Study 2 (in $1000's).

	Simple Testimony		Complex Testimony	
	Female Expert	Male Expert	Female Expert	Male Expert
Low Cognitive Load	335 (166)	358 (136)	365 (134)	273 (151)
High Cognitive Load	328 (168)	329 (157)	209 (172)	377 (317)