

Anticipate and Influence Juror Reactions to Successful Women

By Elizabeth J. Parks-Stamm

How do male and female jurors react to a woman who has been successful in a traditionally masculine domain?

Research in social psychology consistently finds that both males and females characterize women who have been successful in male-dominated fields as cold, unlikable businesswomen. However, the motivation behind this derogation of successful women appears to differ for males and females. Based on recent research findings, this article focuses on the role of self-protection in women's derogation of successful women and discusses how it may impact jurors' reactions to successful female lawyers, plaintiffs, or defendants in the courtroom.



Perceptions of Successful Women

Stereotypes impact women in traditionally-male occupations (e.g., management, engineering, and law) in two ways. First, descriptive gender stereotypes influence perceptions of women's competence and the suitability of women for these positions. The characteristics thought to be associated with success in traditionally-male positions (e.g., toughness, confident decision-making, leadership skill) do not mirror the characteristics stereotypically associated with women (e.g., warmth, emotionality, incompetence). These descriptive gender stereotypes can impact women by reducing their perceived suitability for positions typically held by men (Eagly & Karau, 2002; Heilman, 1983).

What happens when women overcome these descriptive stereotypes by demonstrating that they are highly competent and successful in a male-dominated field? Stereotypes influence perceptions of women in a very different way when their success in these domains is clear. Heilman and colleagues (2004)

asked research participants to read about a woman in a stereotypically male position whose competence and success was either known or unknown. Consistent with descriptive gender stereotypes, researchers found that when her competence was unknown, participants assumed her to be less competent, but nicer, than a similarly-described man. However, when participants read about a woman who was clearly competent and successful in this traditionally male position, she was then assumed to be selfish, insensitive, cold, and manipulative—characteristics directly opposed to the female stereotype (Heilman, Block, & Martell, 1995). Researchers found no differences for the personal evaluations of competent men. Women, but not men, who are portrayed as highly successful in traditionally male work domains are disliked and derogated in terms of their interpersonal qualities – what Heilman and colleagues call penalties for success.

Further research showed that it is possible to block this derogation of successful women. When participants were given evidence that a successful businesswoman was helpful and supportive (“communally-oriented”), perceivers no longer disparaged her or disliked her. This suggests that these evaluations of successful women are based on an inference about their likely personal qualities and their likeability, and can be blocked when communal information is provided (Heilman & Okimoto, 2007).

What Motivates Penalties for Success?

Recent research has examined women’s motivation to derogate fellow women who have overcome descriptive gender stereotypes. Why would women disparage a woman who has achieved success in a traditionally-male position? Shouldn’t they embrace her as a woman who proves the negative stereotypes about women’s incompetence are untrue?

We proposed that a successful woman is threatening to other women, because she represents an upward social comparison (i.e., a high standard to judge oneself against). Men, on the other hand, can easily disregard comparisons with successful women, because similarity is needed for social comparisons and gender is a particularly salient category (Brown, Novick, Lord, & Richards, 1992; Festinger, 1954). We proposed that women are therefore motivated to see a successful woman as a cold, manipulative, unlikable businesswoman (i.e., not a “real woman”) to accentuate the differences between them and her, and thereby avoid the negative self-perception that comes from comparing themselves with her.

People often find ways to make comparisons with more successful people irrelevant to protect themselves (e.g., “He got the promotion ahead of me, but he doesn’t have a social life”; “She makes more money than I do, but her office is in New York”). A classic psychology experiment provides an example: female students who view pictures of more attractive peers usually show subsequent costs in their own attractiveness self-ratings. However, calling the attractive women in the pictures “professional models” (as opposed to other students), eliminated the negative effect on female students’ own attractiveness self-ratings (Cash, Cash, & Butters, 1983). People can see a professional model as belonging to a separate category, and is therefore an irrelevant comparison for a typical student. In the same way, we thought that women could use this cold, manipulative businesswoman description to make a successful woman an irrelevant comparison for them.

If so, women (but not men) should judge themselves to be more competent when they can derogate a successful woman than when they are blocked from derogating her. We tested this in a recent study (Parks-Stamm, Heilman, & Hearn, 2008). Male and female participants read about a highly successful woman in a managerial position at a financial company, and then rated her and themselves. We blocked the negative inference about her personal qualities in half of the participants by providing communal information (i.e., examples of her being supportive and understanding), whereas the other half read generally positive information about her. Both male and female participants liked her less and rated her as significantly more abrasive, pushy, insensitive, tough, unkind, manipulative, selfish, and cold when no

communal information was provided. But more interesting was how men and women then saw themselves. Men's competence self-ratings in the two conditions did not differ depending on whether or not they were able to derogate, or disparage, the successful woman. Either way, they saw themselves as very competent. On the other hand, women benefited from derogating the successful woman. Women rated themselves as significantly more skillful, capable, and competent when they were able to derogate her compared to when they were blocked from derogating her (and therefore could not avoid the upward comparison). This demonstrates that when women can characterize a successful woman as unfeminine and unlikable, they can exclude her as a standard of comparison and protect their self-evaluations.

In a separate study, we tested whether this process was motivated; that is, if it only occurs when women feel personally threatened by the other's success (Parks-Stamm, Heilman, & Hearn, 2008). When women were first given positive feedback about their own managerial potential (so another woman who had succeeded as a manager would not be threatening), they no longer took the opportunity to derogate her—in fact, their evaluation of the successful woman looked like the description of the communal woman in the “blocked” condition in the first study. Together, these studies show that the derogation of successful women can function as a self-protective strategy for women.



Implications for the courtroom

Female jurors are often exposed to competent, successful women—whether they be lawyers, expert witnesses, plaintiffs, or defendants. The research shows that reactions to successful women are determined by more than just the information given, and women's negative reactions to successful women can be motivated by self-protection.

Two critical questions relevant to the courtroom emerge from this research.

How can we protect successful women in the courtroom from suffering from “penalties for success”?

Women who have succeeded in traditionally male positions are assumed to be cold, manipulative, unfeminine businesswomen (Heilman et al., 2004). How can we take the edge off these harsh assumptions about successful women?

Reasserting a female's femininity is one way to minimize this derogation. As described above, communal information about a target (i.e., that she is helpful, supportive, and caring) can block negative inferences about her character. For example, jurors may assume a successful female CEO must be extremely tough to survive in a male-dominated workplace, but providing insight into her role as a loving mother may soften these perceptions.

However, femininity is a double-edged sword. When a woman's competence is not known, markers of femininity (i.e., communality, attractiveness, motherhood status) increase perceptions of incompetence through strengthening the descriptive gender stereotype (Heilman & Parks-Stamm, 2007). Cues of femininity can therefore be a curse when they inform competence judgments (i.e., more feminine = more incompetent), but a blessing when they inform personal judgments of highly successful women (i.e., more feminine = more likeable). Thus, emphasizing a woman's femininity should be harmful when her competence is questioned (e.g., a defendant in a malpractice case), but beneficial when her interpersonal qualities or goodness are questioned (e.g., a defendant in a discrimination case). A female lawyer concerned about her perceived intelligence may want to minimize her femininity, whereas a female lawyer concerned that she will be disliked for appearing too aggressive may want to highlight it. Although the effects of gender stereotypes on the evaluations of women are complex, reasserting a woman's communality and femininity is a good idea when she has achieved unambiguous success.

How can we reduce female jurors' feelings of self-threat in response to a successful woman while not diminishing perceptions of competence?

Research shows that women exposed to a highly successful female may be motivated to derogate her to protect the self. In essence, women use a negative description to distance themselves by creating differences between themselves ("normal women") and a highly successful woman (not a "real woman").

One option is to highlight other differences between the successful woman and the self that offer an excuse for different personal choices or levels of success. Did the successful female manager grow up in a family of financial managers? Does the competent female lawyer come from a stereotypically high-achieving immigrant group? Again, similarity is a necessary precondition for social comparison. Any information that suggests the successful woman is an irrelevant standard of comparison will alleviate threat, and thus reduce the need for motivated derogation by other women.

Secondly, recent research suggests that creating a "we" mentality between women allows for non-threatening identification with successful women (Parks-Stamm & Heilman, 2008). An interdependent self-construal (i.e., a way of seeing the self as interdependently connected with others) has been shown to reduce social comparisons (Gardner, Gabriel, & Hochschild, 2002). When female participants were made to view a successful woman with an interdependent "we" mentality, they no longer derogated her (Parks-Stamm & Heilman, 2008). Ratings did not differ regardless of whether or not participants heard about the successful woman's communal behavior; they viewed her positively in both conditions. Moreover, interdependent participants rated themselves high in competence even when



the potential for comparison was provided and penalization was blocked. If female jurors can view successful women as a source of pride rather than competition, it is possible for them to both admire successful women and feel good about themselves at the same time. Thus, increasing identification with a successful woman is a good strategy for getting female jurors to accept a woman who has been successful in a traditionally masculine domain without feeling personally threatened. Addressing women's common struggles and achievements as a group may be one way to activate this "we" mentality in female jurors. This reduces the tendency to engage in social comparison, and therefore the motivation to derogate and dislike the successful woman.

Conclusion

Both male and female jurors are likely to make negative personal attributions about a woman who has achieved success in a traditionally masculine domain. For women jurors, this is often motivated by self-protection. The research reviewed here offers suggestions for how lawyers can mitigate these responses to successful women in the courtroom.

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We asked three experienced ASTC-member trial consultants to respond to Elizabeth Parks-Stamm's article. Anne Reed, and Erica Baer/Joanna Gallant (collaborating on a response) provide their reactions to how this research can be used in the courtroom.

Anne Reed Response to Parks-Stamm

Anne Reed is a jury consultant and trial lawyer who tries to show both competence and communality at her blog, *Deliberations* (<http://jurylaw.typepad.com>), and in her practice in Milwaukee, Wisconsin.

"Okay, got it it. Show how communal I am, show women jurors there are reasons I'm competent that have nothing to do with them, and establish a "we" mentality with women jurors. But how do I do that in trial?" Women lawyers reading Elizabeth Parks-Stamm's article may have that question; I know I did.

It's often difficult to translate results from the social science "laboratory" to the courtroom, for several reasons. First, the forms and rules of courtroom expression are confined; you might be able to work your communal orientation into normal conversation, but it's not so easy when opening statement can consist only of statements of evidence, direct examination only of nonleading questions, and so on. Second, there's a lot on your mind in trial. You're responsible for every moving part from the emotional impact of your theme to the timing of your last witness's airplane, and it isn't easy to remember how you planned to work in responses to any jurors who might react negatively to your competence.

As with most good research, though (and I'm convinced Ms. Parks-Stamm is right that women often see other women through the screen of their own self-criticism), a little brainstorming reveals ways to put theories into practice that are easier to remember and to do than you might first have thought. Here are a few ideas:

Communality. You can demonstrate your communal qualities in the way you work with your team and your client. Jurors are watching you every minute they can see you, so they're judging you as much by the way you treat your client and your team as by the way you speak to them. Since jurors often can't hear you, much of what they're judging is body language – whether you smile, the way you lean to speak to someone, whether you're acting patient or petulant. Of course there are other advantages to demonstrating communality in this way: your client and team respond better and it's the right thing to do, to name two.

"Don't hate me because I'm competent." It's tricky, this idea of showing women jurors there are differences between your story and theirs that can let them recognize your competence without criticizing themselves. It's a lot easier with, say, supermodels; we've all said, "Sure, I could be skinny and gorgeous too if it were my *job*." But how does this work with legal competence? Others could be as competent as you if they . . . had the money to go to law school? Had your terrific elementary school education? Worked as hard as you do?

Don't get fancy with this one; keep it as simple and honest as that supermodel distinction. You're good at trials because it's your job. You've spoken to juries before, handled piles of exhibits before, cross-examined a tough witness before. An awful lot of women could do what you're doing if they'd done what you've done. It's true, and it's an easy point to make in trial; you only need to refer to your experience a couple of times, maybe once each in voir dire, opening, and one examination.

☑ "We" mentality. I did a voir dire when I was seven months pregnant. The judge asked the jurors whether anyone would have trouble sitting through long trial days, and one woman said she'd need bathroom breaks because she was (less visibly) pregnant. Of course the whole venire looked at me, and what they saw was me sighing with sincere relief that I wouldn't be the only one. In that moment, that juror and I were definitely "we."

☑ The "mommy war" tension between women who work and those who stay home isn't over. If you let that make you nervous, you'll see only the differences between you and many women jurors, not the things you have in common. But you do have things in common. We all hate pantyhose in the summer; we almost all like chocolate; and when you apply the sincere interest in other people that you need to bring to voir dire anyway, you'll find many more.

Thanks to Elizabeth Parks-Stamm for a candid and thought-provoking study.

Joanna Gallant/Erica Baer response to Parks-Stamm

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Elizabeth Parks-Stamm's article is a well-written overview of the stereotypes which can impact successful women. The research covered in this article illustrates several practical implications for today's world of complex litigation, where more and more women are playing prominent roles in the courtroom as attorneys, judges and expert witnesses. The motivation behind juror stereotyping of these female figures and how these perceptions—which could be positive or negative—can affect critical juror decision-making are therefore especially pertinent concerns to any woman involved in litigation. While there is no question that these subjective views should not dictate juror decisions, research suggests that audience receptivity and persuasion are both vulnerable to such influences, necessitating the need for developing successful and proactive strategies to combat such stereotypes.

For example, and as Ms. Parks-Stamm notes, female attorneys have long struggled with finding a way to effectively engage in traditionally male behaviors without entirely losing one's femininity and subsequently being perceived as cold and/or abrasive. Perhaps the most obvious example of where and how this can impact juror perception is when a female attorney engages in a cross examination of a male witness. While a male attorney is expected to be short, quick, and perhaps aggressive or even a bit discourteous with the witness, jurors more often attribute negative traits to female attorneys who engage in the very same behavior since it is out of keeping with the schema of the typical female. To reduce this, we have found that devoting time during witness preparation to assessing the attorney's style and targeting behaviors that enhance these negative views has been somewhat effective, as has been working with the attorneys on utilizing more traditionally feminine behaviors (e.g., smiling, body language, tone of voice, etc.) to specific ends. When used in a strategic way, these more traditionally feminine behaviors can equally, albeit more subtly, convey key information to jurors about a witness's credibility and truthfulness without compromising the attorney's feminine status.

Ms. Parks-Stamm also highlights some concerns for female expert witnesses. When female jurors draw comparisons between themselves and the female expert, they are prone to seeing that expert as more successful than themselves, causing them to engage in denigration of the witness to protect the sense of self. In these situations, we have found that it is especially helpful to establish the witness' credibility and competence at the outset. As Ms. Parks-Stamm stated, by building distance between the expert and the jurors by distinguishing the expert as someone with unique training and specialized skills, jurors become less prone to holding a negative comparative bias since the expert is now placed in a separate class from themselves in which comparisons are not necessary. While reducing negative bias in this way is undoubtedly important, it is also equally important for the expert to develop rapport with the jurors so that they will be more receptive to her opinions. Although asking about children and family can be useful to this end in some situations, more frequently, placing the expert into a teaching role where she can explain an important concept to the jury, which also helps them understand the case issues, is often the most effective means of presenting that expert in a positive light and establishing her credibility and respect.

Regardless of the specific role played, successful women in the courtroom need to be cognizant of the fact that they are judged more harshly than their male counterparts and cannot forget that while perhaps unfair, subjective views of them are likely to influence how their arguments and opinions are perceived by the jury. To this end, we have found that deciding against displaying certain status symbols in court (e.g., designer bags, jewelry, etc.) and ensuring that all female participants in the litigation play active, useful roles (e.g., questioning of witnesses for attorneys) can be beneficial as it helps eliminate certain negative biases that will color juror perception.

Thus, the studies outlined by Ms. Parks-Stamm examine an important aspect of trial consulting. In a perfect world, jurors would weigh arguments and facts in evidence to render a verdict and extralegal factors would not influence decision-making. Unfortunately, jurors in the real world report to jury duty armed with preconceptions and biases which attorneys, witnesses, trial consultants, and others must try to proactively target and diffuse through their trial strategies. Through this, and other applied research, trial consultants can attempt to eliminate some of the negative biases that impact how jurors view the case story so that they can stay focused on the facts in evidence and arrive at thoughtful, considered decisions.

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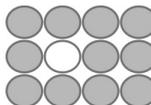
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