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An empirical analysis of the perceived effectiveness and credibility of women trial lawyers

Montgomery, Carrie Sue, M.A.

The University of Arizona, 1988

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300 N. Zeeb Rd.
Ann Arbor, MI 48106

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AN EMPIRICAL ANALYSIS OF THE PERCEIVED EFFECTIVENESS AND CREDIBILITY OF WOMEN TRIAL LAWYERS

by

Carrie Montgomery

A Thesis Submitted to the Faculty of the

DEPARTMENT OF PSYCHOLOGY

In Partial Fulfillment of the Requirements
For the Degree of

MASTER OF ARTS

In the Graduate College

THE UNIVERSITY OF ARIZONA

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G. Domino

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ABSTRACT

A group of 188 undergraduate students at the University of Arizona read three vignettes depicting a lawyer's performance at trial. The types of cases presented at trial were rape, sex discrimination, family law (divorce and child support), murder, narcotics, contracts, paternity, prostitution, and insanity. Some of the subjects read a case presented by lawyer John McKay, while others read the same case presented by lawyer Joan McKay. Each subject then rated the competence of the attorneys by answering a series of Likert type questions. A 2 (sex of lawyer) by 2 (sex of subject) by 9 (type of case) multivariate analysis of variance revealed no significant differences in the perceived effectiveness and credibility of the trail lawyers, with male and female attorneys rated equally competent. Subjects saw attorneys, both male and female, as being most credible when they presented corporate litigation, and least credible when they presented family litigation, sex discrimination, and paternity suits. The results were most encouraging for women entering the profession of law, and showed that bright undergraduate college freshmen now perceive women attorneys without sexism and with credibility.

CHAPTER 1

INTRODUCTION

The purpose of this paper is to study empirically the perceived effectiveness and credibility of women trial lawyers.

Women in the American legal profession have faced a particularly difficult struggle in their efforts toward professional equality. This struggle for professional equality entails a history that gives the place of women in today's judiciary a special significance. What follows is a review of the major events that depict the progression of women throughout the American legal system (Berkson, 1982).

Historical Review

Just over 100 years ago the first woman was named to the bench in the United States. The appointment in 1870 of Esther Morris as Justice of the Peace in South Pass Mining Camp, Wyoming marked the beginning of a very slow ascension of women to judicial positions in America. Indeed, until this past decade, culminating with the appointment of Justice Sandra Day O'Connor to the Supreme Court, only a handful of women have ever served on the American bench.

The assimilation of women into the judiciary has been a long, difficult climb from the South Pass Mining Camp through local, state, and federal ranks to the U.S. Supreme Court.

The history of the struggle for women to gain entrance into the legal profession dates back to the late 1860's with Arabella Mansfield, the first woman to be admitted to the bar of any state (Iowa, 1869). Scarcely two months after Arabella Mansfield was admitted to the Iowa bar, Myra Bradwell passed the examination for the Chicago bar, and the Illinois Supreme Court refused to grant her a license to practice law on the grounds of her sex (Weisberg, 1979). When the case was taken on a writ of error to the United States Supreme Court, she again was unsuccessful. This landmark decision in 1873, Bradwell v. Illinois, was one of the most important decisions ever rendered because it set the tone for many future judicial views regarding the place of women in the legal system. The Supreme Court sustained the denial of Bradwell's application to practice law in Illinois dismissing the contention that the fourteenth amendment conferred upon women the right to pursue any legitimate employment, including the practice of law (Gilsinan, 1975). In a concurring opinion, Justice Bradley stated:

> The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The constitution of the family organization, which is founded in the divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood . . . The paramount destiny and mission of women are to fulfill the noble and benign offices of wife and mother. This is the law of the creator (Kanowitz, 1973).

"The law of the creator" was used as the primary social rationale upon which this decision was based. The judges delivered a lengthy discourse on women's "sphere." The proper sphere for women, they maintained, citing by way of authority "the law of nature and the law of the creator," was in the home (Weisberg, 1979). Thus, one of the first legal rationales utilized to bar women from the profession of law centered on women's traditional roles in the family. The professional role of the lawyer was seen to be in direct conflict with the traditional roles of woman as wife and mother.

Another objection to women entering the legal profession was the contention that women were inferior in mind and body. Social rationale underlying court decisions included allegations that women did not possess a "legal mind" because their thoughts were more emotional than logical. Not only did women apparently lack the necessary mental qualities and appropriate emotional responsiveness

for the practice of law, but they were also thought to lack the physical stamina the profession required.

The Bradwell case was of special significance since it portended rather rough going for female attorneys as they pursued goals through the bar of justice. This case created a judicial precedent that established a dismal record of the courts in the area of women's rights that proved to be quite difficult to overturn. The far-reaching consequences of the Bradwell decision were felt right up to 1948 (Goesaert v. Cleary) in which courts continued to base their decisions on the "law of the creator" (Gilsinan, Obermyer, & Gilsinan, 1975).

Even after the turn of the century when women were admitted to the bar in 34 states, the battle continued for women's admission to law school (Weisberg, 1979). Columbia University did not admit women law students until 1929. Harvard University first admitted female law students in 1959 although women first applied to Harvard in the 1870's. The University of Notre Dame did not admit women law students until 1969, and the last male bastion to admit women was Washington and Lee University in 1972 (Weisberg, 1979).

The historical roots of these various struggles that women overcame in order to become members of the legal

profession can also be found in the anti-slavery movement, for it was the slavery issue that provided the spark which ignited the feminist movement (Weisberg, 1979). Before the 1840's feminism was somewhat of an unorganized social movement; after 1840 women began coming together to form antislavery societies. As Flexner (1973) describes:

> It was in the abolitionist movement that women first learned to organize, to hold public meetings, to conduct petition campaigns. As abolitionists they first won the right to speak in public and began to evolve a philosophy of their basic rights. For a quarter of a century the two movements, to free the slave and to liberate the woman, nourished and strengthened one another.

Thus, the abolitionist movement first brought women together to fight for a cause, and subsequently, served as the impetus for female unity in the suffrage movement. The feminist movement, in turn, provided the solid legal footing that women required in order to become members of today's legal profession.

Structural Overview of Sexism in the Profession of Law

Epstein (1970) suggested that the discrimination which women face at work is similar to that faced by members of ethnic minority groups, but that sex discrimination is compounded by the way in which women are "inexorably seen in relation to their childbearing

functions and . . . the delegation of family roles to them." Womens' assumed domestic and family responsibilities are frequently used as the rationale behind the discrimination that women experience in the legal profession (Podmore, 1982).

Marriage and children are perceived to be detrimental to the professional competence and acceptability of women in law. A legal periodical recently suggested that the real reason why women make no progress in the legal profession is that firms cannot afford to nurse their practices while they nurse their children, and that accordingly, women should set up their own firms to share the cost of a rotating maternity on an equal basis (Furnival, 1975). This approach expresses what is probably the major justification offered to excuse the subordinate position of women in the profession today, namely, that as actual or potential child bearers, women are more likely than men to withdraw from practice. The biological fact of maternity is said to give rise to the social fact of unavailability, and it is argued that a highly competitive profession cannot be expected to bear the expense and inconvenience of absentee members (Sachs and Wilson, 1978). Cheeld (1976) conducted a study showing that male and

female attorney's absenteeism rates are reasonably equal. She also pointed out that the legal profession is not a celibate one, and that becoming a parent has never prevented a man from developing his career. In her view equal opportunity should include the right to combine a career with a family, something men have taken for granted for ages. If maternity is the major justification for keeping women out of the professions, paternity apparently works the other way - men should be given opportunities and higher salaries because they have children to rear.

Smith (1981) has argued that greater attention needs to be given to the part which professions themselves play in determining women's opportunities. The professional structure and ideology of the legal occupation discriminates against women and limits their opportunities for professional advancement by refusing to examine policies concerning maternity, hiring practices, case assignment, promotion, salary increases, and partnership.

Concentration on the alleged personal characteristics of women has diverted attention away from the part which occupational and professional structures, ideologies, and recruitment patterns have played in limiting opportunities for women in law. This next section describes what some of these personal characteristics

assigned to women are and how the masculine approach defines professional behavior in the legal field.

Characteristics Assigned to Women in Law

The vast literature about women (written largely by men) reveals that women are generally seen as being more nurturant, gentle, tender, cooperative, emotional, weak and frivolous (Deaux, 1976). The same body of literature shows that men are viewed as being more aggressive, competitive, rational, strong and serious. Epstein (1981) has documented that the ideal lawyer is seen as someone who is aggressive--a skilled combatant in the judicial conflicts of the courtroom. Characteristics assigned to successful trial lawyers are virtually male attributes. The profession of law is driven by male norms and, in practice, this translates into the cold fact that female attorneys must confront allegations such as: women cannot be shining lights at the bar because they are too kind; in criminal law women cannot handle discussions of sex; and women are not good corporate lawyers because they are not cold and ruthless enough (Epstein, 1981).

When women are like men, they're still not viewed as being professionally competent. A male lawyer is praised for being tough and driving a hard bargain, but a woman lawyer who behaves in the same way is considered difficult to work with. Younger women lawyers today are often

stereotyped as "tough" and "humorless." One woman commented pungently in Epstein's article (1981), "You hardly ever met a man practicing law who didn't regale you with the horrible experiences he had with ballsy, nasty, aggressive women lawyers and how different you were."

The indictment of women lawyers as "too tough" persists from the past. Even older feminist lawyers think that "the women coming into law today are too intense and humorless" and ask "whether the law schools are producing a kind of woman who is so competitive that she can't relax a little." "Stiff", "inflexible", and "uncompromising" are other adjectives applied to young women lawyers by men and older women in law. These impressions of female attorneys that Epstein (1970, 1981a, 1982) has written about have been documented by Sheridan (1981).

What follows is a series of empirical studies that show how women are perceived in the profession of law. The studies are organized according to topic and represent an empirical review of the major themes found throughout the literature.

Empirical Studies

Sheridan, 1981: Adjectives Assigned to Male v. Female Lawyers

Her study showed that when job-related, problem solving scenarios were presented to male and female adults

(N not indicated), these subjects used words like "strategic", "assertive", and "in charge" to describe how male attorneys would handle the situations. In contrast, the terms "manipulative", "castrating" and "controlling" were used to describe female lawyers behavior in identical situations.

Goldberg, 1968: Competence Evaluation Across Professions

In an early demonstration of sex-linked biases, Goldberg (1968) studied a group of 140 college women selected at random. One-hundred were used for a pilot study and 40 participated in the experiment proper by reading several articles and then rating them. The articles were scholarly discussions, such as might appear in professional journals, addressing a variety of topics; law, architecture, city planning, and dietetics. The women were asked to judge how scholarly and well-written these articles were; however, some of the women read an article that was written by John McKay, while others read the same article written by Joan McKay. In every case, articles were rated as much less valuable and the authors as less competent when the writer was a female.

White, 1967: Women in Law

The most thorough piece of research done on women attorneys is White's classic study, Women in Law, which was

published in 1967. More recent articles generally refer back to this study. Even though it is dated, the results are still valid as indicating trends in the profession (Feinman, 1980; Gilsinan et al., 1975; Podmore and Spencer, 1982; Soule and Standley, 1973).

James J. White, of the University of Michigan, conducted a study of 1300 men and 1300 women in 1967. All of the subjects in the sample were legal professionals who graduated from law school between 1956 and 1965. Sixty-nine percent of his female participants were married; eighty-three percent of his male respondents were married. Half of the women in his sample had children and worked full-time; almost 95 percent of the men in the study had children and worked full-time. The percentage of women attorneys in the study who had a female relative in the law was greater than the percentage for men by a significant margin. The mothers of four men in his sample were lawyers, but 20 of the women were following the careers of lawyer-mothers.

White (1967) reported that men earned $1500 more than women in their first year of practicing the law, and after ten years, the median income of men was $8300 greater than the median income of women. In addition, White also documented that women were rarely promoted or made partners

in law firms. He suggested that in particular, women lawyers were poorly represented in small firms (defined as 5 to 30 lawyers) because these firms did not have elaborate libraries or research departments. Women were better represented in large firms because the female lawyers function in these large firms "[was] to do research, mind the library, and perform other specialized tasks which [fell] somewhat short of practice on the same scale as their male colleagues" (White, 1967, p. 106). In other words, women "usually were assigned to do legal research and men went to court and tried the cases" (Feinman, 1980, p. 24).

The women in White's sample also showed a heavier concentration in government work as compared to men. About 33 percent of the women attorneys in his national sample were working for the government, as compared with 16 percent of men. Moreover, 50 percent of the women lawyers were engaged in domestic relations work as compared to 38.6 percent of the male respondents (Epstein, 1981; White, 1967).

White tried to determine the degree to which discrimination was based on objective factors. He found no scholastic difference between men and women in law schools; in fact, law schools reported that women were usually ranked among the top third of their class. He found no

evidence that women were less motivated or dedicated to their work, nor proof that women dropped out or changed careers after graduation more than their male counterparts. If they did make a career change, it was for the same financial and personal reasons (Feinman, 1980).

Overall, the study indicated that women law school graduates were discriminated against in terms of the types of jobs available to them, and the financial renumeration they received from the practice of law. These facts, together with White's findings that 57 out of 63 placement directors reported that discrimination against female law graduates in hiring is significant or extensive, suggest that women have been restricted regarding the type of jobs available to them. Finally, White's study indicates that well over half of his female respondents (N = 1148) felt that they had been discriminated against in seeking employment within the legal profession. White's sample of female attorneys reported 1,963 separate occasions of potential employers actually stating to a female respondent that there was a policy against the hiring of female attorneys (Gilsinan, 1975; White, 1967).

Gross, 1967, 1968: Podmore and Spencer, 1982: The Channeling Process of Female Lawyers into Domestic Relations Cases and Desk Bound Work

Gross reviewed census data from 1900 to 1960 using an adaptation of Duncan's index of segregation which is a measure of the amount of sexual segregation in a given occupation. He found an enormous degree of sex typing in the legal profession, and later documented that women lawyers appear in lower status practices involving divorce, juvenile and welfare cases while they are relatively absent from practices of higher status specialties which involve tax law and corporate litigation. Podmore and Spencer (1982) interviewed 76 English women lawyers and also found that women attorneys were concentrated into desk-bound work.

Of 36 lawyers in private practice, 21 were channeled into conveyancing, 8 in matrimonial, and 3 in wills and probate. Only 3 specialized in criminal work and none in corporate litigation or contractual law. The subjects felt that their areas of specialization were the result of channeling rather than personal preference. Podmore and Spencer also illustrated how the channeling process seems to be influenced by client attitudes. Clients are often prepared to be represented by a woman lawyer in some types of cases but not in others because they entrust female attorneys with their marriages, but not with their money.

Soule and Standley, 1973: Standley and Soule, 1974: Perceptions of Sex Discrimination in Law

The authors' report concerned legal professionals' perceptions of sex discrimination within law. They studied the vocational adjustment of 80 women professionals against a comparison group of 80 male professionals. Subjects were drawn from three Eastern urban areas and the sample was chosen to include women and men from a variety of professional settings - law firms, government agencies, and law school facilities. After reviewing the responses to the questionnaires and the results of the interviews, the authors confirmed White's finding that attorneys perceive there is considerable sex discrimination within the legal profession. Soule and Standley (1973) concluded that both men and women in law report that female lawyers receive more discrimination in client acceptance, improper practices in hiring and setting salaries, and in promotion and advancement.

McGuire and Bermant, 1977: Sex of Attorney and Influence on the Verdicts Jurors Render

The results of this research indicated that jurors were more likely to vote "not guilty" with a male defense attorney than a female defense attorney. In this study, 226 subjects (113 female, 113 male), who ranged in age from

18 to 65, viewed an audio-visual presentation of a murder trial based upon a woman accused of murdering her husband. Sex of defense attorney was systematically varied with a female defense attorney in the first version, and a male defense attorney in the second version. Verdicts of first degree murder, second degree murder, manslaughter, and not guilty were assessed immediately following the trial presentation and after group deliberation with each participant completing a questionnaire. Sex of attorney did not significantly affect the individual pre-deliberation verdicts, but an effect of attorney's sex did emerge following group deliberation. Jurors in the male defense attorney condition were more likely to vote "not guilty" following deliberations than were jurors in the female defense attorney condition.

Epstein, 1982: Female Clients Expect More from their Female Attorneys

Epstein's research (1982) with women lawyers reveals that in a feminist setting, women attorneys are often subject to a special set of pressures from women clients that they believe men do not experience. Women clients want and expect more from a woman lawyer than they do a man--they want the female attorney to demonstrate more of a personal interest and to give more of herself to the client. The study concludes that sex of client is another

important variable to be considered in the study of female lawyers and their credibility.

Abramson, Goldberg and Greenberg, 1977: Competency as a Function of Sex and Unexpected Professional Status

The authors studied 126 female and 91 male subjects in introductory psychology. The subjects rated the vocational competence of an attorney in a one-page biography which included college records, law school documents, early employment records as an attorney, later employment records as a judge, and a final statement indicating the possibility of the individual running for a congressional office or gubernatorial position. The sex and status of the person in the biography were manipulated so that half the subjects read a vignette about a male and half read a biography about a female, half were lead to believe the individual was an attorney, and half were led to believe the individual was a paralegal worker. In a 2 (sex of subject) by 2 (sex of biographical person) by 2 (lawyer, paralegal) analysis of variance, the results indicated that both men and women perceived the female attorney to be the most vocationally competent. The authors speculated that the subjects perceived female lawyers to be the most vocationally competent because the subjects did not anticipate the female attorney's professional status. Law is a relatively new profession

open to women and the role of a female attorney still has a degree of novelty attached to it. The authors explained that when any individual attains a level of occupational success not anticipated, their achievements tend to be magnified rather than diminished.

Collins, Reardon, and Water, 1980; Heilman, 1979: and Touhey, 1974: Effects of Additional Female Professionals on Ratings of Occupational Prestige

Touhey (1974) also studied 200 introductory psychology students (114 males, 86 females). He found that the expectation of an increased proportion of women practitioners reduces the prestige and desirability of a profession. His findings were consistent across five professions--law, medicine, science, academia, and architecture. The author noted that the changing sexual structure of an occupation may be interpreted to indicate that whenever a large number of women enter an occupation, men begin to seek employment elsewhere. Collins et al (1980) confirmed this trend in 112 male and 112 female college students and showed:

> The interest of male and female college students in the currently male-dominated occupation of lawyer was differentially affected by the percentage of females projected to be in the profession during the next 10 to 15 years. Male college students expressed significantly less interest in the occupation when the percentage of females was projected to be 50% or 60% (p. 1158).

Heilman (1979) also confirmed this finding in high school students. She showed that as the projected number of women entering the field of law increased, the occupational prestige of the legal profession declined.

Conclusion

As more women enter the field of law, a key issue must address the recognition that is given women attorneys as equal members of the profession. Such a question is of more than academic interest since a lack of professional recognition can also mean a lack of professional success. If law school deans, professors, colleagues in practice, judges, clients, and even clerks all hold the expectation that lawyering is essentially a man's occupation, the female practitioner can expect to have a much more difficult time than her male counterpart in achieving comparative eminence and income. The lack of professional recognition also has consequences beyond the immediate plight of the individual woman attorney. The recognition given or withheld from women attorneys by functionaries in the legal system can affect the decisions of judges, the decisions of juries, in short, the fate of clients and the principles upon which our legal system is based. If a person's chances of obtaining justice are excessively influenced by the sex of that individual's counsel, the

whole system of justice is seriously called into question (Gilsinan et al., 1975).

In light of these facts, this study proposes to investigate the perceived effectiveness and credibility of women trial lawyers in the following types of cases; rape, sex discrimination, family law, murder, narcotics, contracts, paternity, prostitution, and insanity. Generally the hypothesis of this study expects to show that trial lawyers, identified as males, will be rated more competently than trial lawyers, identified as females. Specifically, it is expected that women trial attorneys will be rated most competently on issues congruent with sex role expectations such as family law (divorce and child support) and women's issues (rape, sex discrimination). They will be rated least effectively on issues that have been traditionally male dominated areas - such as the criminal defense specialties encompassing murder and narcotics as well as corporate litigation including contractual disputes.

Of special interest are paternity, prostitution, and insanity cases in which no specific hypotheses are made.

CHAPTER 2

METHODOLOGY

This study is an empirical analysis of the perceived effectiveness and credibility of women trial lawyers and is similar in design to the classic Goldberg study of 1968. Each of 188 undergraduate college students read three vignettes depicting a lawyer's performance in a given type of trial, and then rated the competency of the attorneys by answering a series of ten Likert type questions. A multivariate analysis of variance was conducted in order to test the hypotheses of this study.

Subjects

Subjects included 95 male and 93 female (N=188) undergraduate students enrolled in English and Introductory Psychology courses at the University of Arizona. The mean age of these students was 19.68, with sixty percent freshmen. The sample was 84% white, 13% hispanic, 1% black, and 2% other. Most of the students majored in business (34%) while others were undeclared (15%) or majored in psychology (6%), electrical engineering (5%), home economics (5%), management information systems (6%), radio-

television (3%) systems engineering (3%), biology (3%), physical education (2%), elementary education (2%), and nursing (2%).

Procedure

All subjects filled out a cover sheet that asked their age, sex, major, ethnic background, and year in class. After filling out the cover sheet, the subjects read a description of the lawyer's background that included such information as education, qualifications, degrees, and experience. All information was held constant across lawyers. After the background information on the lawyer, an actual vignette was given that depicted the lawyer presenting the facts of a case at trial; however, some of the subjects read a case presented by Lawyer John McKay, while others read the same case by Lawyer Joan McKay. Following the vignette was a ten-item questionnaire that measured how competent the subject perceived the lawyer to be. Each item contained five response options, from much below average to much above average. Finally a five item test was administered to each subject on the issues and facts in order to ensure the subject was attending to the material (see Appendix A).

Thirty-two subjects were eliminated altogether: 17 did not attend to the substance of the material as

determined by their performance on the five-item test; 4 failed to complete the questionnaire; 2 packets were collated in correctly; one subject was extremely sick; and 8 pre-law and criminal justice students were eliminated in order to avoid possible confounds in the competency evaluations.

Design

Each subject was randomly assigned to three of 36 experimental conditions. There were approximately 15 subjects in each condition for a total sample size of 188. The general design of this experiment is presented in Table 1.

Table 1. The perceived effectiveness and credibility of women trial lawyers.

Type of Case		Rape		Sex Discrimination		Family Law (divorce, child custody)		Murder		Narcotics		Contracts		Paternity		Prostitution		Insanity
Sex of Lawyer		F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F M
SEX OF SUBJECT	Female																	
	Male																	

A 2 (sex of subject) by 2 (sex of lawyer) by 9 (type of case) multivariate analysis of variance was conducted to see if any significant effects emerged in the ratings of competency. This mixed MANOVA random subjects design was followed by the conservative Scheffe' test in order to make specific comparisons.

Results

A preliminary factor analysis was run on the 10 item dependent measure in order to test the contribution of each question. The results are presented in Table 2.
The emergence of one large eigenvalue (5.92) showed the presence of one major factor. The communality column showed the contribution of each question to be fairly strong with questions two (Did the lawyer skillfully present the facts at trial?), and eight (How would this lawyer represent you in a similar kind of case?) being the strongest and question three (Did the lawyer approach the issues clearly?) being the weakest. Since one clear factor emerged with strong communality values associated with each of the ten questions, good justification was offered for using each subject's total score in the analysis.

In order to test the expected female sex-congruent specialties of rape, sex discrimination and family law, against the sex-incongruent areas of murder, narcotics and contracts a Pearson's correlational matrix was run in order

Table 2. Factor analysis on the 10-item questionnaire.

Variable	Factor	Eigen-value	Percentage of Variance	Communality in Factor 1
Q1	1	5.92	59.2	.59716
Q2	2	.77	7.7	.61454
Q3	3	.67	6.7	.34080
Q4	4	.46	4.6	.55674
Q5	5	.44	4.4	.57053
Q6	6	.39	3.9	.55500
Q7	7	.38	3.8	.58732
Q8	8	.36	3.6	.64531
Q9	9	.31	3.1	.52749
Q10	10	.28	2.8	.48869

to empirically assess whether these categories should be collapsed (see Table 3).

All correlations were low and not differentiated by type of case; therefore, the decision was made not to collapse across type of case categories.

The subjects total scores on the Perceived Competence measure were submitted to a multivariate analysis of variance. The results are presented in Table 4.

The only significant result was type of case (F=5.89) at a .01 level of significance indicating that subjects perceived the lawyer's competence differently depending upon the type of case that was presented.

A Scheffe' test was then conducted to provide information about specific comparisons between types of cases. These results are presented in Table 5. The contracts cases were significantly different from the sex discrimination cases, the family law cases, and the paternity cases.

Finally, for informative purposes, the cell means and standard deviations for each of the experimental conditions were presented in Table 6.

The highest mean (X=38) occurred in the contracts condition with female subjects rating a male lawyer. The lowest mean (X=27) occurred in the family law condition with female subjects rating a female lawyer. The largest standard deviations occurred in the sex discrimination condition with male subjects rating a male lawyer as well as in the insanity condition with female subjects rating a female lawyer. The smallest standard deviation was found in the rape condition with male subjects rating a female lawyer as well as in the narcotics condition with female subjects rating a male lawyer.

Table 3. Pearson Correlation Coefficients.

	Sex Discrimination	Family Law	Murder	Narcotics	Contracts
Sex Discrimination	.01	-.08	.02	-.13	-.07
Family Law		.02	-.14	-.08	-.06
Murder			-.17	-.08	-.11
Narcotics					-.05
Contacts					0

Table 4. Multivariate Analysis of Variance.

	SS	MS	F	DF	P
Sex of Subject	20.6408	20.6408	.42	1,187	.5163
Sex of Lawyer	35.7937	35.7937	.73	1,187	.3927
Type of Case	2303.34	287.918	5.89*	8,187	.0000
Sex of Subject X Sex of Lawyer	170.536	170.536	3.49	1,187	.0624
Sex of Subject X Type of Case	418.262	52.2828	1.07	8,187	.3835
Sex of Lawyer X Type of Case	213.154	26.6442	.54	8,187	.8229
Sex of Subject X Sex of Lawyer X Type of Case	173.889	21.7361	.44	8,187	.8943
Error	25879.2	48.9209			

p .01

Table 5. Scheffe's Post Hoc Comparison Values.

	Cell Mean	Rape	Narcotics	Insanity	Murder	Prosti-tution	Paternity	Family Law	Sex Discrimination
Cell Mean									
Contracts	35.11	34.33	33.29	32.48	31.65	30.90	29.56	29.56	29.43
Rape	34.33	.78	1.82	2.63	3.46	4.21	5.55*	5.61*	5.68*
Narcotics	33.29	0	1.04	1.85	2.68	3.43	4.77	4.83	4.90
Insanity	32.48		0	.81	1.64	2.39	3.73	3.79	3.86
Murder	31.65			0	.83	1.58	2.92	2.98	3.05
Prostitution	30.90				0	.75	2.09	2.15	2.22
Paternity	29.56					0	1.34	1.40	1.47
Family Law	29.50						0	.06	.13
Sex Discri-miniation	29.43							0	.07
									0

*ssd=4.96

Table 6. The perceived effectiveness and credibility of women trial lawyers.

Type of Case		Rape		Sex Discrimination		Family Law (divorce, child custody)		Murder		Narcotics		Contracts		Paternity		Prostitution		Insanity	
Sex of Lawyer		F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M
SEX OF SUBJECT																			
Female	X=	35	34	29	29	27	31	30	33	33	36	34	38	31	28	33	33	31	33
	SD=	7	6	6	8	7	7	6	6	7	5	6	8	8	6	8	8	10	8
Male	X=	34	34	30	30	28	29	31	32	32	33	35	34	30	29	29	29	34	33
	SD=	5	6	6	10	8	6	8	7	6	8	6	7	7	8	6	6	6	6

N = 188

The top number is the mean and the bottom number is the standard deviation.

Summary of Findings

Male and Female trial lawyers were rated with equal competence and credibility. Women attorneys were not rated significantly higher on expected sex-congruent issues of rape, sex discrimination, and family law; in fact, these three types of cases were not even correlated with each other to infer them as female domains. Similarly, male attorneys were not rated significantly higher on murder, narcotics, or contracts suits; these three cases, as well, were found not to be correlated with each other and could not be inferred as male domains. The major finding of the study indicated that the "type of case" was significant. Subjects perceived the lawyer's competence differently depending upon the kind of case presented at trial. Lawyers, both male and female, who presented corporate litigation involving unfair business practices and contractual disputes were seen as significantly more credible than attorneys who presented family litigation, sex discrimination, and paternity suits.

CHAPTER 3

DISCUSSION

Procedural Issues in Methodology

Men and women trial lawyers were perceived with equal vocational competence in this study. The present experiment produced evidence to suggest that women can be perceived as being just as credible as men within the male dominated profession of law. A review of these findings, however, must consider the possibility that the experimental procedure simply did not elicit the hypothesized sex discrimination. A criticism of the study's methodology included four areas of major concern: (1) the subject population studied and the assignment of subjects to experimental conditions, (2) the materials administered in the investigation, (3) the degree of experimental realism, and (4) an exploration of alternative hypotheses that could explain the results.

Although college students were used in this study because they provided a convenient and captive audience that was readily available, the use of a student population carried with it an inherent college bias. The special nature of college freshmen in this exploratory study limited

the generalizability of these findings. College students may tend to be more sophisticated in their responses concerning the issue of sexism than the general population. More research is required on the public at large in order to discern how far these research results extend. Prospective clients in the community actually searching for a lawyer to represent them in a given type of case would make particularly useful subjects in judging the scope of client acceptance of female advocates.

A second limitation of the investigation involved subject assignment. Subjects were randomly assigned to three of the nine case type conditions in order to make the investigation feasible. A better design would have fewer case type conditions (maybe three of four) and would assign each subject to every condition for a true repeated measures design. Another way to improve the study would be to increase the sample size and assign each subject to only one condition for a true between subjects design.

The impact of this study may have been diminished by the use of written vignettes rather than audio-visual presentations (Sigal et al., 1985). Subjects may have not been highly involved in the experiment by simply reading through the cases. There is also a need for clearer more standardized vignettes. Poorly written case presentations

may have created some score variability. The highest standard deviation (SD=10) occurred in the sex discrimination and insanity cases where the facts and issues may have seemed muddled to the subjects. Adding further to the possible confounds in the vignettes are sex of the client and role of the attorney as a prosecutor or defense lawyer (See Table 7).

Table 7. Sex of client and role of attorney in vignettes.

	Sex of Client	Role of Attorney (defense, prosecution)
Type of Case		
Rape	F	P
Sex Discrimination	F	P
Family Law	F	P
Murder	F	D
Narcotics	F	D
Contracts	F	P
Paternity	F	P
Prostitution	F	D
Insanity	F	D

In this study, all clients in the vignettes were female. Although the variable was held constant across all nine conditions, it may have taken on different meanings in different conditions. For example, murder defendants are usually male and plaintiffs in rape cases are usually female. In this study, the lawyer represented a female murder defendant (which is a more rare occurrence) and a female plaintiff in a rape case (which is a more common occurrence). Moreover, the sex of the lawyer further complicates these variables because if a female lawyer represents a male rape defendant, the assumption by the jury is often that the defendant is innocent. Therefore, in testing vignette construction, sex of the client, role of the attorney (defense, prosecution), and sex of the lawyer ought to be systematically varied in order to investigate whether or not these are significant variables to consider in experimental design.

Another criticism of the materials administered in the study involve the reverse rating direction on items three, five, six, and eight of the dependent measure (see Appendix A). A better instrument would keep the response scale the same and change the wording of the stem having some stems worded positively and others worded negatively. When wording a stem negatively, the instrument would use

NOT in capital letters and underlined to draw attention to the difference. This would be a better way to assure accuracy and to assess subject attention and involvement.

There were two red flags that may have cued the subjects into what the study was measuring (sexism in the legal profession). The use of "he/she" on the description sheet of the lawyer's background and the question, "Was the lawyer a male or female" on the attention indicator may have given away the study or at least raised some suspicion about the nature of the experiment. Given this assumption, the subjects knew what was being studied, the results of no sexism could be explained by the presence of demand characteristics. In an effort to look good before the experimental investigator, the subjects could have given false positive ratings to the female attorneys.

Another concern was the extent of experimental realism. Did the subjects really believe what was going on in the experimental procedure? Some of the problems enumerated above regarding vignette construction (poorly written, non audio-visual, unusual sex of client and role of attorney combinations) might indicate the answer is no. Moreover, the absence of group deliberation following the case presentation may have also threatened the degree of experimental realism (McGuire and Bermant, 1977).

In reviewing the possibility that the experimental procedure simply did not elicit the hypothesized sex discrimination, a summary was made of the conceivable problems in the study's methodology. Let us now turn to the possibility that the results of no sex discrimination in the investigation are real. Perhaps times have changed and women attorneys of the 1980's are now accepted in their new professional roles as adversaries. The more current Sigal study (1985) certainly confirms these findings. What follows is a rebuttal to the stated limitations in methodology and a review of the investigation's strengths.

First, college students were appropriate subjects for the investigation since this was an exploratory study. The nature of a pilot investigation more readily allows for the use of college participants. Moreover, college students are future consumers of legal services and can comfortably be regarded as prospective clients. In fact, college graduates may be more likely recipients of legal services than individuals in the population at large based on learning power and higher rates of lawsuits filed by college graduates.

Second, a mixed MANOVA design was the best possible experimental choice because it was practical and feasible. Assigning each subject to three case type conditions involved 35 minutes of their time. If each subject had

been assigned to all nine conditions, it would have taken over two hours to complete the materials. Therefore, a true repeated measures design was simply not practical. Moreover, a true between subjects design, which could have involved assigning each subject to only one condition would have required an extremely large and impractical sample size (N=540). Furthermore, in analyzing each condition separately, the problem of alpha slippage would have been present in doing nine separate ANOVAS across all nine conditions.

Third, the use of written vignettes over video presentations provided better experimental control. For example, the Sigal (1985) study reported a 2:1 ratio in favor of the prosecution that was related to visually dramatizing the arguments in the videotape formats. The problem of a "conviction edge" was controlled in this study by using written formats. Any experimental impact that may have been diminished by the use of written vignettes was certainly compensated for by a high degree of internal control. Moreover, in upholding a certain degree of experimental impact, subject involvement was ensured by the five question attention indicator and the reverse rating direction of four questions on the dependent measure.

Fourth, the results indicated that the use of non-standardized vignettes was of minor importance. The

average standard deviation across conditions was a mere seven which showed the cell means were fairly stabilized. Score variability created by the nonstandardized vignette was of concern in only two of the 36 experimental conditions (see Table 6). Moreover, question one on the attention indicator (What was the major issue in dispute?) served to clarify the vignettes for the subjects as well as flag bad data in which questionnaires were randomly checked by subjects not attending to the materials. An instrument of this nature is highly recommended for use in future research.

Fifth, the reverse rating direction on the response scale commanded a higher degree of attention from the subjects than reworded sentence stems. Every questionnaire was checked for inconsistent responses and no subject had to be eliminated on this basis; therefore, the issue was a moot one anyway. Furthermore, scale and instrument construction were among the investigation's strongest points. Both the five point Likert scale calling for a graded response to each statement and the instrument instructions were constructed and tested by Moos (1974). He recommended the reverse rating direction on items in a randomized sequence in order to assure more accurate and reliable measurements. The table of random numbers was used in determining the reverse direction of items three,

five, six and eight in this study. The five specific adjectives on the response scale from much below average to much above average were suggested by Dr. Bechtel of the University of Arizona for purposes of this study. Dr. Bechtel has used these adjectives in several of his own experiments and has found that they yield highly reliable results. According to Abramson, Goldberg, Greenberg and Abramson (1977), the use of the five point Likert scale provides a more accurate method of assessing competence in studies on perceived sex differences. This method of assessing competency has one major advantage: demand characteristics are minimized because it is not clear to the subject what exactly is being measured. For example, the subject is not asked to describe directly "the typical female lawyer," as other studies have done.

Sixth, use of deception in providing a good cover story also minimized demand characteristics. Subjects were told, "We are interested in how people arrive at certain types of decisions. The study will involve reading a vignette which will raise an issue on which you must give an opinion." No mention was made of law or sexism. The experimenter also assured the subjects their responses would be held in confidence and only group statistics would be reported. The "red flag" of asking whether the lawyer

was a male or female directly before taking the dependent measure ensured the subject had the lawyer's sex clearly in mind before answering the questions. In the debriefing phase of the experiment, the investigator thoroughly probed for subject knowledge about the nature of the study (sexism). Of the 188 subjects, no one stated a suspicion that sexism was being measured. If demand characteristics were present, this might explain the balanced positive scores male subjects gave to both male and female attorneys. However, female subjects' ratings for female attorneys were not as favorable (see Table 6). It is doubtful that demand characteristics were present unless only male subjects figured-out what was being studied which is highly improbable. The debriefing procedure that probed for subject suspicion of sexism controlled demand characteristics and upheld internal validity.

Seventh, internal validity of the study was upheld by a high degree of experimental control, a clear manipulation of the independent variables, a random assignment of subjects to experimental conditions, and the use of double blind procedure in both the administration and scoring of the measures. Background information on education was controlled by using the names of midwestern universities (Illinois, Indiana, Ohio) in order to avoid a

potential bias that an Ivy League college could produce. Marital status was controlled by omitting any reference to the articles Mr., Mrs., Miss or Ms. Gender was implied clearly by using names such as Joan or John McKay, Jack or Janet Morrison, Donna or Dave Johnson, Paul or Pauline Williams, Janice or James Jackson, Joseph or Josephine Olsen, Mary or Mike Haines, Al or Alice Nelson and Carol or Craig Jones. No subject received two cases with the same last name. The age of 45 was implied by stating the attorney graduated from law school in 1963. The outcome or ruling of the case was not mentioned so the subject did not know if the lawyer had won the case or not. None of the following were mentioned in the vignette: plea bargaining-it was assumed that the case had gone to trail, whether the attorney was privately retained or publicly appointed, whether the defendant was released on bail or remained in jail, and the outcome of the trial as well as sentencing. In addition, construct validity for the 10 item dependent measure instrument was upheld by the factor analysis. Also, the Scheffe-comparison in the post hoc analysis was a conservative measure to use in the investigation.

Finally, experimental realism in the study was enhanced by using the phrase, "actual court transcript" on the vignette presentations. All materials were based on actual court cases that have been litigated.

In order to completely discern the reliability of the results reported in this study, more investigation is required. Replication of the major finding that no sexism occurred when subjects rated the professional competence of female attorneys is needed. Further investigation exploring trends and patterns in Table 6 is encouraged. While the table is purely speculative, it may provide a key to future research. Two examples are given below of important substantive material from Table 6 the author explores through the sex of subject dimension. First, female subject ratings are reviewed with a special consideration of woman's attitudes toward other woman-myths and their consequences. Second, male subject ratings are explored with an analysis of competency as a function of unexpected professional status and channeling.

Substantive Issues in Results

A. Female Subject Ratings

As Table 6 indicates, one finds that female subjects gave lower ratings to female lawyers and demonstrated a certain deference to male lawyers. Why did this occur? Do women hold negative views of other woman? What does this say about women's attitudes toward themselves? Is this really more a question of power than of self-hatred? How

much professional power do women really have in law? How much do women perceive they have? Why do women give up their power so easily? Perhaps these concerns reflect:

(1) Cultural ambivalence about what women do, their role, and proper sphere;

(2) The relative lack of power that women hold within the professional structure of law;

(3) Differential expectations and standards of behavior for men and woman in law; and finally,

(4) How powerlessness undermines support for woman in law.

All of these elements interact in a number of different ways that explain the finely tuned attitudes that people hold about women lawyers.

First, why did the female subjects give lower ratings to female lawyers in family law, murder, narcotics, and contract cases? (see Table 6) (These speculations are nonstatistical and were included only for purposes of discussion.) Perhaps cultural ambivalence about the role of women and differential expectations of professional behavior based on gender may provide some explanation. Perhaps Epstein (1982) was right in her observation that female clients do expect more from female attorneys and impose a special set of pressures upon women professionals, especially in family law cases that relate directly to women and their respective roles. Female attorneys are often expected to perform nurturant and expressive roles

(i.e., spending more time on the telephone with a client, taking a personal interest in the case, or displaying a caring attitude towards the client) in addition to performing their duties as a legal professional. Furthermore, women are often seen as having chosen between a career or a family. Men are not subjected to this extra set of pressures because they are not viewed as having chosen between anything. The deference that female subjects gave to male attorneys (again, this is nonstatistical) could also be noted consistently across the murder, narcotics, and contracts conditions which have been longstanding traditional male domains within the legal profession. Perhaps, (1) women's relative lack of real power within the professional structure of law, and (2) their perceived powerlessness based upon this structure explains the deference that female subjects exhibited in their ratings of male attorneys.

The more general question of woman's negative attitudes toward other women usually is framed when social rank and mobility are at issue and women move out of their circles; up the hierarchy, out of step with their peers, and especially out into the domain of men (Epstein, 1980). There are structural and cultural reasons for the widely held notions that "women are their own worst enemies."

Women disagree with each other simply for the same reasons that men do - they are diverse and have personality differences which are not gender specific (Epstein, 1980).

Women are said to have poor attitudes toward other women getting ahead, typically and specifically, when it is getting ahead on the basis of their own independent activity. There is a cultural expectation that women should serve others and not serve their own personal interests (Epstein, 1980). Yet what is considered to be self-serving also differs for men and women. When men become professionals or go into public life, that is considered legitimate and often viewed as noble behavior, selfless and altruistic, serving his family. But when a woman chooses to pursue a profession or run for public office, she is considered selfish and self-serving, neglecting her family. All of this reflects a cultural bias far into our history that has consequences for women's good opinion of themselves.

Powerlessness within the professional structure of law undermines the good opinion women can offer themselves, sabotages the support that women receive, and diminishes the support women can offer each other. Support of people whether by mentors in professional or public life or by associates, is often linked to the mentor's view that his

reputation or interests will be served by sponsoring a talented young and up and coming person. The scientist hopes the younger person will advance the work, that they will publish jointly and operate as a team. The senior law partner hopes the junior associate will shoulder a good part of the load and in time expand the talent pool of the firm. The politician grooms the next in line to continue in the set tradition of the party, and to follow through on his work in order to perpetuate the organization. Men support other men, often because they expect the benefit will be mutual. Male support exists not merely because of love or affection which may or may not play a part in the process, or because men bond. Men support each other because they have access to an opportunity structure which makes advancement and continuity possible. Women have rarely been labeled the "fair-haired boy." In the tracking system talented men become disciples, and talented women become locked into untenured assistantship roles. Women are never the ones flagged to take over because this involves too much risk for the mentor.

When a woman can show she has power and the resources for getting more, and when a mentor has identified the woman as a potential winner, then the major problem of the relative lack of power that women have in the legal

profession is unleashed and women attorneys will be able to attain greater eminence and income. The question of "whether women are their own worse enemies" is a healthy indication of growth because the question of within group conflict is usually accentuated when women have moved into male domains and begin to achieve greater upward mobility and status. Identifying more women as the "fair-haired boy" is a key in improving the power women hold in the professional structure of law. Increasing the support that women receive will produce more support women can offer each other, and in turn, improve the good opinion women can offer themselves.

B. Male Subject Ratings

Male subjects gave far more equal ratings to male and female lawyers; and generally, if there was a difference, male subjects gave the higher score to female attorneys, especially in family law matters (See Table 6). One can only speculate about the meaning of these findings, but they may:

(1) reflect a male client preference for a female lawyer,

(2) substantiate Abramson's (1977) finding of competency as a function of unexpected professional status--male subjects may not have

anticipated the female attorneys' professional status--and, therefore, assigned higher scores to them, and

(3) in the family law cases, reveal the fact that women are channeled into the domestic area, a sex congruent specialty that male clients may accept (Gross, 1967, 1968; Podmore, 1982; Sacks, 1978).

The results in Table 6 raise more questions than answers. Problems of interpretation may rest in a historic period of changing sex roles. The 1980's have been a perplexing time of transition when both men and women have been unclear about how to behave and what to expect from each other (Epstein, 1981).

Conclusion

Women in the American legal profession have undergone a long and difficult struggle in their efforts toward professional equality and they have come a long way since the Bradwell (1873) decision. The appointment of Sandra Day O'Connor as a Supreme Court Justice represents the culmination of over a century of hard work for women in law. The social implications of this investigation suggest that perhaps times have changed and that (at the very least) bright undergraduate college freshmen now accept

women attorneys in their professional roles, and perhaps that women attorneys have finally reached the point of receiving client acceptance. The results seem to indicate that clients of the 1980's are now prepared to be represented by a female attorney in court, and entrust women lawyers with their money as well as their marriages. If the general public now assigns the same professional recognition to a woman lawyer as a male, then it is time to change the policies within the legal profession that limit opportunities for women. Client attitudes no longer justify channeling female attorneys into low paying cases. Improper practices in case assignment, in hiring and setting salaries, in promotion and advancement all require change. More women need to be made full partners in law firms since, at present, women comprise only two to five percent of legal partnerships in the United States (Sheridan, 1981).

In addition, attitudes toward women attorneys inside the profession of law also need to be investigated. The views of women held by judges, other lawyers, law clerks, law students, law school professors, and deans in colleges of law are all important to examine, for there is considerable evidence that women face more discrimination within the profession of law from their colleagues than

from their clients outside the field (Feinman, 1980; Gilsinan, 1975; Gross, 1967; Podmore and Spencer, 1982; Soule and Standley, 1973; White, 1967).

Sexism in the legal profession is neither accidental nor residual; it is ingrained in the profession's style, division of labor and professional ethos (Pearson and Sachs, 1980). Professionalism itself is seen as embodying a male character which denies a more positive value of the feminine. It will be interesting to see if the present female pioneers in law will adopt or reject these male norms. Legal matters often entail so much stress and perhaps more nurturance, a better understanding of the client and less authoritarianism from the lawyer will improve the legal process and the social context in which it occurs. One hope is that a credible lawyer will come to have female attributes as well as male qualities, and that credibility in the profession of law will be driven by male and female norms equally. Social customs and old assumptions about sex differences build barriers between men and women and undermine their ability to work easily as colleagues. These barriers make it difficult for women to learn the subtleties of their professional roles, to discover their competence as lawyers, and to develop their ambition properly (Epstein, 1981). The elimination of

these barriers and the creation of institutions geared towards equal opportunity, will represent a major advancement. How significant that advancement is will depend to some extent on the sensitivity of the legal profession to the issues involved. It is in the interests of not only basic justice--the ideal from which the whole legal enterprise supposedly proceeds--but also of the legal profession itself, that these formal policy barriers and informal assumptions concerning women will emerge as subjects for individual and collective self-examination, involving as they do, a critique of the current legal professional style, and a recognition of the need to evolve a different one, which is both more relevant and more responsive to changing social patterns of the 1980's (Pearson and Sachs, 1980).

APPENDIX A

Note: All headings appearing on the following materials were added for clarification in the writing of this manuscript and were not present during the administration of these materials.

Cover Sheet

S#_____

Sex: Male_____ Female_____

Age:_____

Year in School: Freshman_____ Sophomore_____ Junior_____

Senior_____ Graduate_____

Ethnic Background: Black_____ Hispanic_____ White_____

Indian_____ Oriental_____ Other_____

Major:

Lawyer's Background 1

This person is an attorney at law specializing in trial practices. He/she is a member of the Association of Trial Lawyers of America (ATLA) and serves as a consultant to both the U. S. Department of Justice and the National Criminal Justice Bureau for Social Research in Washington, DC. Upon graduation from a leading law school in 1963, he/she clerked for a state supreme court and thereafter practiced law as a trial deputy and chief appellate attorney for the San Diego County Public Defender's Office (1965-1973). The lawyer received his/her B.A. in political science from Ohio University in 1960 and has been practicing law for several years.

Lawyer's Background 2

This person is an attorney at law specializing in trial practice. He/she is a member of the Association of Trial Lawyers of America (ATLA) and serves as a consultant to both the National Institute of Criminal Justice and the Bureau of Social Science Research in Washington, DC. Upon graduation from a leading law school in 1963, he/she clerked for a state supreme court and thereafter practiced law as a trial deputy and chief appellate attorney for the Orange County Public Defender's Office (1965-1973). The lawyer received his/her B. A. in political science from Illinois University in 1960 and has been practicing law for several years.

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Rape

The following case presentation is from an actual court transcript of the trial. Please read it carefully. (Note: D denotes Defendant, P denotes Plaintiff.)

Neil v. Biggers

409 U.S. 188, 93 S. Ct. 375, 34 L.Ed. 2d 401

Attorney John McKay speaking:

Your honor, the nature of this case involves a petition for a writ of habeas corpus charging that my client was raped by the defendant. Your honor, if I may, I would like to review the facts of this case in a respectful way before the jury.

The FACTS of this case are that Ms. Neil was attacked by a man in her home and was marched into the woods and raped. She described the rapist to the police as being between 16 and 18 years old and between five-feet-ten-inches and six feet tall, as weighing between 180 and 200 pounds, and as having a dark brown complexion.

Now I would like each member of the jury to take a close look at Mr. Biggers and ask yourself if this man fits that description . . . (pause) . . . . Thank you.

Seven months later, a show-up identification procedure was conducted. The show-up consisted of two detectives walking Biggers (D) past Ms. Neil. At her request, he was directed to say, "Shut up or I'll kill

you," as the rapist had done. She immediately identified defendant Biggers as the rapist.

Your honor and members of the jury, the paramount ISSUE in this case is whether under the "totality of the circumstances" the identification of defendant Biggers was reliable. Factors to be considered in evaluating the likelihood of misidentification include (1) the opportunity of the witness to view the criminal at the time of the crime, (2) the witness's degree of attention, (3) the accuracy of the witness's prior description of the criminal, (4) the level of certainty demonstrated by the witness at the confrontation, and (5) the lapse of time between the crime and the identification. In this case, the victim, Ms. Neil, spent more than 20 minutes with the rapist in broad daylight; she was clearly attentive at the identification procedure; the tone of her voice used in the identification of defendant Biggers was very certain; and finally, there only was a lapse of seven months between the rape and the identification (a short amount of time compared to most rape trials). Your honor and members of the jury, these facts taken together prove Ms. Neil's identification to be reliable and correct. Ms. Neil was the victim of a most heinous and cruel rape. Her remedy for this most intrusive criminal act rests in your hands. Thank you.

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409 U.S. 188, 93 S. Ct. 375, 34 L.Ed. 2d 401

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Sex Discrimination

The following case presentation is from an actual court transcript of the trial. Please read it carefully. (Note: D denotes Defendant, P denotes Plaintiff.)

McKee v. Kallir, Phillips, Ross, Inc.

420 F.supp. 919, 13 FEP 1508 (1976)

Attorney Jack Morrison speaking:

Your honor, the nature of this case involves sex discrimination.

Member of the jury, here are the facts. My client, plaintiff Josephine McKee, was employed as a senior account executive by defendant Kallir, Philips, Ross, Inc. (an advertising agency). She first entered the defendant's employment in 1967 as an administrative assistant and was eventually promoted to positions of increased responsibility with substantive salary increases. In December 1972, she was assigned to the Upjohn account, a pharmaceutical house, under Jay Lilker, a senior vice president and principal stockholder of KDR, who was the management representative on the account.

Plaintiff McKee, whose annual salary then, was $18,000, learned that a male senior executive was paid $25,000. On December 4th, she requested of Kallir that her salary be brought into equivalence with that of her male counterpart. Kallir advised plaintiff McKee that the

matter would be considered by defendant's executive committee in April; 1973, prior to the sixth anniversary of her employment. Dissatisfied with the lack of immediate favorable action, plaintiff McKee has decided to file a charge of sex discrimination against KPR based upon the salary differential. Considering the similarity between my client's job and that of her male counterpart's, it seems that the salary difference shows adequate evidence of sex discrimination. your honor and members of the jury, please consider these facts carefully before making your decision. Thank you.

Sex Discrimination

The following case presentation is from an actual court transcript of the trial. Please read it carefully. (Note: D denotes Defendant, P denotes Plaintiff.)

McKee v. Kallir, Phillips, Ross, Inc.

420 F.supp. 919, 13 FEP 1508 (1976)

Attorney Janet Morrison speaking:

Your honor, the nature of this case involves sex discrimination.

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Family Law

The following case presentation is from an actual court transcript of the trial. Please read it carefully. (Note: D denotes Defendant, P denotes Plaintiff.)

Derrig v. Derrig

186 N.W.2d 643

Attorney Dave Johnson speaking:

Your honor, the nature of this case involves a suit for divorce on the ground of cruel and inhuman treatment.

The facts of this care are that my client, plaintiff Betty Derrig, has been abused by her husband and therefore seeks (1) a divorce, (2) custody of their son Mark, (3) child support, and (4) determined property rights. Members of the jury I would like to present to you some of the complaints about the defendant that justifies that my client was treated cruelly and inhumanely. On occasion defendant Lawrence T. Derrig would drink intoxicants, and would then become angry and quarrelsome. He has a hot temper. He would come home and fight with D. On occasions he has beaten her and inflicted bruises on her. The police have been called to obtain peace. D has threatened after drinking and quarreling, to remove their child, Scott, from the house in the middle of the night. Once he attempted to do so until restrained by officers. The defendant's

drinking and fighting has upset my client to such an extent and rendered her so nervous that she has had to take drugs and have the care of a physician. Their son has also become very nervous and high strung from the continual arguing. I urge you to carefully consider each of these complaints before you render your decision.

Thank you.

Family Law

The following case presentation is from an actual court transcript of the trial. Please read it carefully. (Note: D denotes Defendant, P denotes Plaintiff.)

Derrig v. Derrig

186 N.W.2d 643

Attorney Donna Johnson speaking:

Your honor, the nature of this case involves a suit for divorce on the ground of cruel and inhuman treatment.

The facts of this care are that my client, plaintiff Betty Derrig, has been abused by her husband and therefore seeks (1) a divorce, (2) custody of their son Mark, (3) child support, and (4) determined property rights. Members of the jury I would like to present to you some of the complaints about the defendant that justifies that my client was treated cruelly and inhumanely. On occasion defendant Lawrence T. Derrig would drink intoxicants, and would then become angry and quarrelsome. He has a hot temper. He would come home and fight with D. On occasions he has beaten her and inflicted bruises on her. The police have been called to obtain peace. D has threatened after drinking and quarreling, to remove their child, Scott, from the house in the middle of the night. Once he attempted to do so until restrained by officers. The defendant's

drinking and fighting has upset my client to such an extent and rendered her so nervous that she has had to take drugs and have the care of a physician. Their son has also become very nervous and high strung from the continual arguing. I urge you to carefully consider each of these complaints before you render your decision.

Thank you.

Murder

The following case presentation is from an actual court transcript of the trial. Please read it carefully. (Note: D denotes defendant, P denotes plaintiff.)

People v. Anderson

70 Cal 2d 15, 447 P.2d 942

Attorney Paul Williams speaking:

Your honor and members of the jury, the nature of this case involves first degree murder. We maintain that there is an absence of substantial evidence to support a verdict of first degree3 murder and haVe appealed the case in order to reduce the conviction to second degree murder.

A review of the undisputed Facts of the case will be helpful to your determination.

The defendant had been living for about eight months with Mr. Hammond and his three children. On the morning of the murder, the defendant did not go to work, and when Mr. Hammond left for work at 7:30 a.m., he left her at home with one of his children, Victoria, aged 10. She had been home from work the previous two days, during which time she had been drinking heavily. Witnesses to the defendant's whereabouts on the day of the murder were the owner of a nearby liquor store, who testified that the defendant purchased a quart of whiskey between 1 and 2 p.m. that day, and Victoria's 13-year-old brother, Kenneth.

Kenneth returned home from school at 3:30 p.m. and found the front door locked, which was not unusual. He went around to the back of the house and down into the basement, where, while working on his microscope, he heard noises coming from upstairs that sounded like objects being moved around "like someone was cleaning up." He also heard shower water running. When Kenneth went upstairs to change clothes, the back-door screen was locked, which also was not unusual, so he jerked on the screen to force the hood to pop out. When he went to the kitchen, he found that door locked also. The defendant answered Kenneth's knock dressed in slacks. She gave Kenneth $1.00 for a teen dance he was going to attend that night, and when Kenneth noticed blood on the kitchen floor, the defendant told him that she had cut herself. Kenneth then left the house sometime before 4 p.m.

Mr. Hammon returned home at 4:45 p.m. and noticed blood on the living room couch. The defendant told him that Kenneth had cut himself. He then went to the grocery store and returned at about 5:30 p.m. Meanwhile, Kenneth discovered at 6i:30 p.m. that he had forgotten his wallet and returned home. When his father found that he had not cut himself, he again asked the defendant about the blood and the defendant told him that Victoria had cut herself,

but that the cut was not serious. She also told Mr. Hammond that Victoria was at a friend's house for dinner, and Mr. Hammond then desired to take Kenneth with him to get Victoria. When Kenneth went back to his room to get a jacket, he looked into Victoria's room and found her nude, bloody body under some boxes and blankets on the floor. The last person to see Victoria alive was a classmate, who had left her in front of the Hammond house at about 3:45 p.m.

Several witnesses testified that the defendant did not appear intoxicated that night. But Mr. Hammond testified that she had been drinking when he returned home both times; the officers who talked to defendant smelled alcohol on her breath; and a blood test taken at 7:45 p.m. indicated that defendant's blood alcohol content was higher than that necessary to classify an automobile driver as "under the influence."

Officers found the shades down on all the windows and the doors locked when they came to arrest the defendant, who finally opened the door for them. They also found the defendant's blood-spotted dress, a knife, and defendant's stockings, with blood encrusted on the soles. Additional evidence included Victoria's bloodstained clothes, which were found throughout the house, bloody

footprints that matched the size of Victoria's feet, and blood in almost every room except the kitchen, which appeared to have been mopped. Over 60 wounds, extending over Victoria's entire body, were found. Several of the wounds, including vaginal lacerations, were post mortum.

Members of the jury, these are the only facts that have been established and . . . [We] conclude the ISSUE to be that the evidence is insufficient to support the verdict of first degree murder on the theory of either (a) premeditated and deliberate murder, or (b) murder committed during the perpetration or attempted perpetration of a violation of Penal Code section 288.

We must, in the absence of substantial evidence to support the verdict of first degree murder, reduce the conviction to second degree murder. . . .

Your honor, I rest my case.

Murder

The following case presentation is from an actual court transcript of the trial. Please read it carefully. (Note: D denotes defendant, P denotes plaintiff.)

People v. Anderson

70 Cal 2d 15, 447 P.2d 942

Attorney Pauline Williams speaking:

Your honor and members of the jury, the nature of this case involves first degree murder. We maintain that there is an absence of substantial evidence to support a verdict of first degree murder and have appealed the case in order to reduce the conviction to second degree murder.

A review of the undisputed Facts of the case will be helpful to your determination.

The defendant had been living for about eight months with Mr. Hammond and his three children. On the morning of the murder, the defendant did not go to work, and when Mr. Hammond left for work at 7:30 a.m., he left her at home with one of his children, Victoria, aged 10. She had been home from work the previous two days, during which time she had been drinking heavily. Witnesses to the defendant's whereabouts on the day of the murder were the owner of a nearby liquor store, who testified that the defendant purchased a quart of whiskey between 1 and 2 p.m. that day, and Victoria's 13-year-old brother, Kenneth.

Kenneth returned home from school at 3:30 p.m. and found the front door locked, which was not unusual. He went around to the back of the house and down into the basement, where, while working on his microscope, he heard noises coming from upstairs that sounded like objects being moved around "like someone was cleaning up." He also heard shower water running. When Kenneth went upstairs to change clothes, the back-door screen was locked, which also was not unusual, so he jerked on the screen to force the hood to pop out. When he went to the kitchen, he found that door locked also. The defendant answered Kenneth's knock dressed in slacks. She gave Kenneth $1.00 for a teen dance he was going to attend that night, and when Kenneth noticed blood on the kitchen floor, the defendant told him that she had cut herself. Kenneth then left the house sometime before 4 p.m.

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but that the cut was not serious. She also told Mr. Hammond that Victoria was at a friend's house for dinner, and Mr. Hammond then desired to take Kenneth with him to get Victoria. When Kenneth went back to his room to get a jacket, he looked into victoria's room and found her nude, bloody body under some boxes and blankets on the floor. The last person to see Victoria alive was a classmate, who had left her in front of the Hammond house at about 3:45 p.m.

Several witnesses testified that the defendant did not appear intoxicated that night. But Mr. Hammond testified that she had been drinking when he returned home both times; the officers who talked to defendant smelled alcohol on her breath; and a blood test taken at 7:45 p.m. indicated that defendant's blood alcohol content was higher than that necessary to classify an automobile driver as "under the influence."

Officers found the shades down on all the windows and the doors locked when they came to arrest the defendant, who finally opened the door for them. They also found the defendant's blood-spotted dress, a knife, and defendant's stockings, with blood encrusted on the soles. Additional evidence included Victoria's bloodstained clothes, which were found throughout the house, bloody

footprints that matched the size of Victoria's feet, and blood in almost every room except the kitchen, which appeared to have been mopped. Over 60 wounds, extending over Victoria's entire body, were found. Several of the wounds, including vaginal lacerations, were post mortum.

Members of the jury, these are the only facts that have been established and . . . [We] conclude the ISSUE to be that the evidence is insufficient to support the verdict of first degree murder on the theory of either (a) premeditated and deliberate murder, or (b) murder committed during the perpetration or attempted perpetration of a violation of Penal Code section 288.

We must, in the absence of substantial evidence to support the verdict of first degree murder, reduce the conviction to second degree murder. . . .

Your honor, I rest my case.

Narcotics

The following case presentation is from an actual court transcript of the trial. Please read it carefully. (Note: D denotes defendant, P denotes plaintiff.)

South Dakota v. Opperman

U.S. Sup Ct., 1976 -US- 96 S.Ct. 3092, 49 L.Ed. 2d 1000

Attorney James Jackson speaking:

Your honor and members of the jury, the nature of this case involves an alleged violation of the narcotic laws.

The FACTS of the case are as follow: The police ticketed the automobile of my client, defendant Opperman, which was parked in a zone where no overnight parking was allowed. When the car was found to still be parked illegally in the morning, it was again ticketed and towed away. Police in whose custody the car was impounded notice valuables. In order to inventory the valuables, police unlocked the car, removed all visible items, and upon opening the unlocked glove compartment, found a plastic bag containing cocaine, which they seized. When Opperman (D) came for her valuables, she was arrested for cocaine possession.

Members of the jury, the ISSUE to consider is whether a routine inventory of an impounded automobile

conducted without a warrant but following standard police procedure is a violation of the Fourth Amendment?

The concise rule of law is that a routine inventory of an impounded automobile conducted without a warrant but following standard police procedures is indeed an unreasonable violation of the Fourth Amendment.

Your honor and members of the jury, may I conclude by pointing out that Mrs. Opperman had a reasonable expectation of privacy and when the police opened her glove compartment, they violated her constitutional rights. I rest my case, your honor. Thank you.

Narcotics

The following case presentation is from an actual court transcript of the trial. Please read it carefully. (Note: D denotes defendant, P denotes plaintiff.)

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U.S. Sup Ct., 1976 -US- 96 S.Ct. 3092, 49 L.Ed. 2d 1000

Attorney Janise Jackson speaking:

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Contracts

The following case presentation is from an actual court transcript of the trial. Please read it carefully. (Note: D denotes Defendant, P denotes Plaintiff.)

Murphy v. McNamara

Conn. Super., 416 A.2d 170

Attorney Joseph Olsen speaking:

Your honor, the nature of this case involves unfair business practices. I would like to review the essential facts of this case before the jury.

The facts are that my client plaintiff Carolyn Murphy is a recipient of welfare and has four minor children. the defendant, Mr. Brian McNamara, is in the business of renting and selling television and stereo sets. The plaintiff saw an advertisement placed by the defendant in a local newspaper offering color television sets and stereos. The advertisement stated the following: "Why buy when you can rent? Color TV and stereos. Rent to own! Use our Rent-to-own rental plan and let TV Rentals deliver either of these models to your home. We feature--Never a repair bill--no deposit--no credit needed--no long term obligation--weekly or monthly rates available--order by phone--call today--watch color TV tonight."

As a result of this offer, the plaintiff called the defendant on January 8, 1979. The next day she entered

into an agreement with the defendant which was supposed to provide for a lease of a 25-inch Philco color television set. The agreement provided for weekly payments of $16, and further provided that if the plaintiff paid that sum for 78 successive one-week terms, she would become the owner of the television set.

The plaintiff entered into the transaction with the defendant because she was persuaded through the advertisement that she could obtain the ownership and use of the television set without establishing credit. Upon delivery of the set, she paid $36 to the defendant which represented $16 for the first week's rent and a $20 delivery charge. At no time did the defendant advise my client of the total amount she would be required to pay in order to own the set under the terms of the agreement, which summed to $1268, including the delivery charge. The retail price for the same set was $499.

From the period of January 9, 1979 to July 3, 1979, ;the plaintiff made payments which totaled $436. On or about that date she noticed a newspaper article which criticized the lease plan, and she realized the amount she would be required to pay for the television set under the agreement. The plaintiff then stopped making payments and consulted me.

From that time on, my client received threats by employees of the defendant. These threats included telephone calls and written communications. All of the foregoing resulted in my client's suffering great emotional stress.

Your honor and members of the jury, the failure of the defendant merchant to advise my client of the total price she would be required to pay under the terms of the agreement exemplifies the unfairness of his trade practices. This violates the Truth-In-Lending Act, Chapter 657 which states that the full purchase price and other financial information be disclosed to the purchaser, without consideration of the economic bargaining power of the purchaser. Please consider these facts carefully before deciding whether the defendant is guilty of unfair business practices. I rest my case. Thank you.

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Conn. Super., 416 A.2d 170

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Paternity

The following case presentation is from an actual court transcript of the trial. Please read it carefully. (NOte: D denotes defendant, P denotes Plaintiff.)

Feige v. Boehm

210 Md. 352, 123A 2d 316

Attorney Mike Harris speaking:

Your honor, the nature of this case involves an action to recover damages in an alleged paternity violation.

Members of the jury, the facts are plain and simple. My client, plaintiff Boehm (P), became pregnant and believed in good faith that defendant Fiege (D) was the father. Fiege (D) promised to pay expenses incident to the birth and make regular payments for the raising of the child. Subsequent to the child's birth, Fiege (D) stopped making payments whereupon Boehm (P) has instituted paternity proceedings against him. Boehm (P) now seeks to recover the payments she was promised after the child was born.

We maintain that my client has a right to claim what is rightfully hers. The allegation by the Plaintiff that Defendant Fiege is the father of her child is a matter of simple fact as the blood test indisputably proved. My client has a right to recover damages that are lawfully hers through the legal remedies of this court. Thank you.

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Prostitution

The following case presentation is from an actual court transcript of the trial. Please read it carefully. (Note: D denotes Defendant, P denotes Plaintiff.)

State v. Perry

249 Ore. 76, 436 P. 2d 250

Attorney Al Nelson speaking:

Members of the jury, my Defendant appeals from a judgment of a conviction of prostitution (PRS 166, 060). We content that ORS 166.060 is unconstitutionally value, providing no standard by which to determine who is a "common prostitute."

Police officer Sheeky, will you please take the stand?

Are you the police officer with the vice division of the Portland Police Bureau who struck up a conversation with the Defendant in a bar?

Police Officer:

Yes I am.

Attorney Al Nelson:

Will you please describe in your own words what happened on the night of January 22 of this year?

Police Officer:

[T]hen she says, "Are you looking for a girl, or a lady, or one of the two?" And I says, "Yeah, I guess I am." And then she says, "Well how much do you want to

spend?" And I says, "How much will it cost me?" And then she told me it would cost me $20. So I asked her, "Well, what will I get for $20?" And she says, "Well, whatever you want." So then I asked her what was her speciality. She says, "Well, half and half, straight lay." I says, "How about a straight lay for the $20?" And then she asked me if she could finish her drink and I says, "Sure."

And then we went on to a conversation--I asked her where we were going to go and she says, "We can go next door to the Anna Maria Hotel." So I says, "Okay." Then she finished the drink and we proceeded out. She took the lead and I went after her.

On the way over to the hotel, I told the Defendant, I says, "I'm married." I says, "I don't want any of this to get out. Is this place all right?" And she says, "Yeah. They don't ask any question in here. They know what's going on. So, it's all right."

And when we went in, she paid the $4 for the room and signed the register. It was either Mr. and Mrs. James Smith or John Smith. I can't recall the first name she used right now. But, then, he gave us the key to the room. . . . We went up to Room 203. When we were in there, I asked her, I says, "Do you want the money now or after we're finished?" And she said, "I want it now." So, I gave her $20.

She says, "Okay. Go ahead and get undressed." In the meantime, while she's saying this, she was disrobing herself. I disrobed down to my shorts. She says, "Come over here and be washed." She took ahold of my private area and washed it, and I told her I was a vice officer and she was under arrest.

Attorney Al Nelson:

Your honor and members of the jury: It is Defendant's position that the state is required to prove multiple acts of sexual intercourse for gain in order to make out the charge of vagrancy as a common prostitute and that this evidence is lacking in the present case since there is proof only of a single act of solicitation at the time of the arrest. Therefore, we maintain that no act of prostitution ever took place, only solicitation occurred. Moreover, we maintain that ORS 166.060 is unconstitutionally vague, providing no standard by which to determine who is a "common prostitute."

It is on these two points that we build our case. d You, the members of the jury, have heard the facts and the rules of law--you know what they are. My client trusts that you will use them and apply them correctly to her case, for we believe in your sound and fair judgment. Thank you.

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Insanity

The following case presentation is from an actual court transcript of the trial. Please read it carefully. (Note: D denotes Defendant, P denotes Plaintiff.)

People v. Valerie Dawn Kelley

516 P.2d 875

Attorney Craig Jones speaking:

Your honor, the nature of this case involves assault with a deadly weapon with intent to commit murder. My client, Defendant Valerie Kelley, pleads innocent by reason of insanity. We maintain that Defendant Kelley was insane at the time of the commission of the crimes.

Members of the jury, I would now like to review the facts of the case: My client has used drugs ever since she was 15-years-old. In the fall of 1970, when she was 18 years old, she began taking mescaline and LSD, using those drugs 50 to 100 times in the months leading up to the offense. On December 6, 1970, her parents received a telephone call that my client was being held at the police substation located at the Los Angeles International Airport after being found wandering about the airport under the influence of drugs. In response to the call, her parents picked up my client at the airport and drove her back to their home in San Diego. Although they recognized that she was not acting normally, at my client's request

they drove her to her own apartment where she spent the night.

On the next morning, December 7, the defendant telephoned her mother and asked to be driven to her parent's home. Mrs. Kelley did so but noticed that the defendant "wasn't there; she seemed to be just wandering" and told her mother that she heard "a lot of noises, and a lot of people talking." Mrs. Kelley made defendant change into pajamas and lie down, and then went into the kitchen to prepare the defendant's breakfast. A few moments later, my client entered the kitchen and, while Mrs. Kelley was turned toward the stove, repeatedly stabbed her mother with an array of kitchen knives.

The issue at hand is whether or not my client was insane at the time she committed the assault.

I have testimony from seven psychiatrists stating that the defendant was insane at the time of the assault. Since there was substantial agreement among them, I will briefly summarize their testimony: The defendant suffered from personality problems but was normally a sane person. However, her voluntary and repeated ingestion of drugs over a two-month period had triggered a legitimate psychosis so that on the day of the attack, my client was unable to distinguish right from wrong. Nevertheless, the defendant

was conscious in that she could perceive the events that were taking place.

Members of the jury, I will grant that my client assaulted her mother with a deadly weapon; however, at that time my client was insane, and under criminal laws she should not be found guilty of her crime. I rest my case. Thank you.

Insanity

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516 P.2d 875

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that she was not acting normally, at my client's request they drove her to her own apartment where she spent the night.

On the next morning, December 7, the defendant telephoned her mother and asked to be driven to her parent's home. Mrs. Kelley did so but noticed that the defendant "wasn't there; she seemed to be just wandering" and told her mother that she heard "a lot of noises, and a lot of people talking." Mrs. Kelley made defendant change into pajamas and lie down, and then went into the kitchen to prepare the defendant's breakfast. A few moments later, my client entered the kitchen and, while Mrs. Kelley was turned toward the stove, repeatedly stabbed her mother with an array of kitchen knives.

The issue at hand is whether or not my client was insane at the time she committed the assault.

I have testimony from seven psychiatrists stating that the defendant was insane at the time of the assault. Since there was substantial agreement among them, I will briefly summarize their testimony: The defendant suffered from personality problems but was normally a sane person. However, her voluntary and repeated ingestion of drugs over a two-month period had triggered a legitimate psychosis so that on the day of the attack, my client was unable to

distinguish right from wrong. Nevertheless, the defendant was conscious in that she could perceive the events that were taking place.

Members of the jury, I will grant that my client assaulted her mother with a deadly weapon; however, at that time my client was insane, and under criminal laws she should not be found guilty of her crime. I rest my case. Thank you.

Attention Indicator

Please answer the following:

1. What was the major issue in dispute?

2. What was the name of the lawyer?

3. Was the lawyer a man or a woman?

4. Where did the lawyer attend law school?

5. Where did the lawyer first practice law?

Dependent Measure of Perceived Competence

Instruction: We would like your opinion on the following ten items. We want you to answer these questions even though the information may or may not be clearly obvious. Please circle the appropriate number for each item.

1. Did the lawyer intelligently gather the facts?

Much Above Average	Above Average	Average	Below Average	Much Below Average
5	4	3	2	1

2. Did the lawyer skillfully present the facts at the trial?

Much Above Average	Above Average	Average	Below Average	Much Below Average
5	4	3	2	1

3. Did the lawyer approach the issues clearly?

Much Above Average	Above Average	Average	Below Average	Much Below Average
5	4	3	2	1

4. Did the lawyer investigate the case satisfactorily?

Much Above Average	Above Average	Average	Below Average	Much Below Average
5	4	3	2	1

5. Do you think the lawyer was prepared?

Much Above Average	Above Average	Average	Below Average	Much Below Average
5	4	3	2	1

6. Did the lawyer present the case credibly?

Much Above Average	Above Average	Average	Below Average	Much Below Average
5	4	3	2	1

7. Was this lawyer effective?

Much Above Average	Above Average	Average	Below Average	Much Below Average
5	4	3	2	1

8. How would this lawyer represent you in a similar kind of case?

Much Above Average	Above Average	Average	Below Average	Much Below Average
5	4	3	2	1

9. Did the lawyer do a good job representing the client's interests?

Much Above Average	Above Average	Average	Below Average	Much Below Average
5	4	3	2	1

10. What changes do you think the lawyer has of winning the case?

Much Above Average	Above Average	Average	Below Average	Much Below Average
5	4	3	2	1

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