

When Is Defendant Status a Shield or a Liability? Clarification and Extension

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Previous research has documented that an offender's status may be a protective shield or a harmful liability. One model (Rosoff, 1989) contends that status effects are moderated by offense magnitude, with status providing a shield for minor offenses, but acting as a liability for major offenses. Another model (Skolnick & Shaw, 1994) asserts that the professional relatedness of an offense moderates status effects, with status acting as a shield for professionally unrelated offenses and as a liability for professionally related offenses. A study is presented to determine the moderator of these status effects. Clarifying and extending prior research of the investigators, 120 participants read one of 12 hypothetical civil case summaries and rated defendant liability, monetary damages, and other evaluative judgments. A 3 × 2 × 2 factorial design varied offense severity, defendant status, and the professional relatedness of the offense. Results strongly supported professional relatedness as the moderator of status effects, extending previous findings from criminal to civil proceedings and eliminating alternative hypotheses suggested by the earlier work.

The many advantages of status and its accompanying power have long been documented. Studies have shown that high-status individuals are rated more positively on desirable social attributes (Neugarten, 1946), are permitted more leeway with regard to group norms (Diftes & Kelley, 1956), exact more conformity from others (Bushman, 1988), and outperform their low-status cohorts on simple cognitive tasks (Jemmott & Gonzalez, 1989). However, the benefits that status confers upon individuals are not without limits. High-status persons are often encouraged to engage in some degree of deviant behavior to permit innovation, but larger discrepancies from group standards are vigorously opposed because they set a poor example. Hollander (1958) has shown that high-status group members who deviate too much from group norms may face worse sanctions than their low-status counterparts.

This notion was elaborated by Wiggins, Dill, and Schwartz (1965), who proposed that high-status offenders will be treated more leniently than low-status of-

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fenders only if their deviant actions fall within the limits of group tolerance. If not, then high-status offenders will be treated more harshly. Wrongdoers can thus be benefited or harmed by their elevated standing within a group. Skolnick and Shaw (1994) use the term "status effects" to refer to the relationship between status and group sanctions. A negative relationship between these two variables indicates a "status shield" effect and a positive relationship indicates a "status liability" effect.

What moderates the relationship between status and group sanctions? The proposal by Wiggins et al. (1965) asserts that status effects are moderated by crime magnitude. A minor transgression should produce a status shield effect, whereas a major transgression should produce a status liability effect. This hypothesis was tested by Rosoff (1989), who confirmed that a higher-status medical specialist was judged less harshly for a minor crime and more harshly for a major crime than was a lower-status medical practitioner.

In reviewing Rosoff's (1989) results, Skolnick and Shaw (1994) observed that the magnitude of the doctors' crimes was confounded with their professional relatedness. The minor crime (insurance fraud) was directly related to the physicians' professional activities, whereas the major crime (murder) was not. This left unclear whether the status effects were moderated by the extent of deviation [as suggested by the Wiggins et al. (1965) analysis] or by the professional relatedness of the crimes. Status may protect against blame when a criminal's actions are unrelated to his or her professional activities, but may be a liability when the crime is professionally related. Professionally related deviance by high-status individuals betrays the trust of their profession and should be sanctioned more severely than the same professionally related crime committed by low-status individuals. Thus, the professional relatedness of a crime may moderate status effects rather than the magnitude of a deviation. Several studies using attractiveness rather than profession as the basis of status suggest this may be the case. Sigall and Ostrove (1975) found that a woman whose status was based upon her attractiveness was judged more harshly when she used her appearance to commit a crime than when she did not. Likewise, McFatter (1978) found that individuals tended to recommend harsher sentences for guilty defendants when their physical attractiveness was related to their crime than when it was not.

Skolnick and Shaw (1994) tested the offense severity and professional relatedness hypotheses experimentally by varying the status of the offender (a professor of psychology or a graduate student), the magnitude of the crime (forcible rape or insurance overbilling), and the professional relatedness of the crime (related to the offender's profession of psychology or not related). After reading the relevant scenario, participants in each group recommended appropriate sanctions. The crime magnitude hypothesis predicts an interaction between defendant status and severity of crime, with the high-status offender sanctioned less for a minor crime and more for a major crime than the low-status offender. In contrast, the professional relatedness hypothesis predicts an interaction between defendant status and the crime's professional relatedness, with the high-status offender sanctioned less for a professionally unrelated crime and more for a professionally related crime than the low-status offender. The results supported the professional relatedness hypothesis, but

not the crime magnitude hypothesis. Moreover, status effects were obtained only for the minor crime.

The current study seeks to generalize from the criminal case scenarios used in all the previous work to civil lawsuits. Are status effects obtained only in criminal cases involving questions of guilt or innocence and the incarceration of convicted defendants, or do they generalize to civil cases involving liability judgments and monetary sanctions? Additionally, we seek to address certain limitations of our earlier work. The minor crime (insurance overbilling) in our previous study was altruistically motivated (others benefited besides the offender), whereas the major crime (forcible rape) was not. Since status effects were found only for the minor crime, it may be that the selfless component of the minor crime moderated the status effects. The current proposal eliminates this difference in motivation. An alternative possibility is that the major crime was so serious that it masked the effects of other independent variables. Indeed, sanctions were at or very near the top of the measurement scale for the major crime regardless of the defendant status or professional relatedness conditions. To examine this possibility, the current study includes three levels of severity.

A different aspect of the current study relates to the type of judgments rendered by participants. Rosoff's (1989) earlier study measured guilty verdicts for the major crime, but relied on courtroom sanctions (incarceration) and other punishment preferences (professional license suspension) for the minor crime. Our prior study used sanctions, punishment preferences, and evaluative judgments as dependent variables for all crimes with guilt established at the outset. Perhaps the moderator of status effects depends to some extent on the judgmental context. Status effects may be determined principally by crime magnitude when guilty or innocent *verdicts* are rendered and by professional relatedness when guilt is already evident and consequential *sanctions* or other evaluative *judgments* are to be imposed. Although the current study involves a civil action rather than a crime, participants are asked to make a verdict judgment as to whether the defendant was liable or not, a sanction judgment as to the amount of financial award to be given the plaintiff, and several other evaluative judgments. By including various categories of dependent variables, we hope to establish whether status effects depend on the type of judgment being made.

A final improvement included in the current study relates to the defendant status manipulation. In our previous study, the low-status defendant was a graduate student studying for a professional degree. Although his status was lower than the high-status defendant (an established professional), he still may have been perceived as relatively high in status. Since status effects may be more evident if the status differential is greater, the current design magnifies the difference between the low- and high-status defendants.

In summary, the purpose of the present study is to clarify and extend previous findings regarding status effects in criminal cases to civil liability cases. Design modifications used in this study will demonstrate whether status shield and liability effects are due to the magnitude or professional relatedness of an offense and whether status effects occur independently of defendant motivation and judgmental context. If so, the defendant status by professional relatedness interaction is ex-

pected to be significant on all dependent measures and to generalize across the three levels of offense severity.

METHOD

Participants

Participants were 120 undergraduate jury-eligible students at California State University, Northridge who participated as part of a research requirement in their introductory psychology classes. Approximately two-thirds of the participants were women.

Design and Procedure

The experiment consisted of a $3 \times 2 \times 2$ (Offense Severity \times Offender Status \times Professional Relatedness of Offense) factorial design. Individual participants were randomly assigned to read one of 12 versions of a transcript summary of a hypothetical civil trial involving an assault and battery scenario. The 12 groups resulting from this procedure had 10 participants each with approximately equal proportions of men and women in all conditions.

The offender was always portrayed as a practitioner in the field of psychology. The high-status offender, Dr. Roger Johnson, was described as a licensed psychotherapist and a clinical professor of psychology at a prestigious private university. He had practiced mental health for over 20 years, belonged to many distinguished professional organizations and was a prolific publisher. He was the recipient of numerous scientific awards and was regarded as one of the most prominent experts in his field. The low-status offender, Mr. Roger Johnson, was described as having worked in retail sales for over 20 years after finishing college before returning to school to begin graduate training in psychology. He was portrayed as an average student who was enrolled in a graduate seminar which involved conducting therapy sessions as part of his training.

The assault was an altercation between Johnson and the victim, Mr. Henry Montgomery, that resulted in mild, moderate, or severe injuries depending on the level of offense severity. In the mild offense condition, Montgomery suffered a cut lip and a chipped tooth which cost \$200 for medical treatment. In the moderate offense condition, Montgomery suffered a gash on his cheek, a broken nose, and a concussion. He was required to stay overnight at the hospital for observation and medical costs were \$2,000. In the severe offense condition, Montgomery had to be taken to a hospital by ambulance. His injuries included a cheek gash, a broken nose, a concussion, two broken ribs, internal bleeding, and loss of consciousness. He remained in the hospital for several weeks and continued to receive therapy as an outpatient for several more months. The total cost for treating these injuries was \$20,000.

The professionally related offense occurred when Montgomery was late for his therapy appointment with Johnson. Montgomery testified that he had been treated by Johnson for work-related stress for six weeks prior to the altercation. Montgomery contended that when he arrived late, Johnson seemed upset and very annoyed. Johnson began yelling at and pushing Montgomery. A fight ensued resulting in injuries to Montgomery. The office receptionist testified that Johnson had been distressed recently about some personal financial reversals and was annoyed by billing problems and the repeated tardiness of some clients, including Mr. Montgomery. Although in another room, she heard the scuffle between the two men and saw Montgomery's injuries afterwards. A final witness was the doctor who treated Montgomery who testified to the nature of his injuries, the required treatment, and resulting medical costs. Johnson also testified contending that Montgomery was habitually late for his appointments and was generally rebellious and hostile. Johnson stated that after he reprimanded Montgomery for his tardiness and delinquent payments for his therapy sessions, Montgomery had flown into a rage and physically attacked him. In defending himself, injuries were accidentally inflicted on Montgomery.

The professionally unrelated offense occurred when Montgomery arrived late at Johnson's home for an appointment to repair a cable TV reception problem. Montgomery testified that he worked as a service repairman for a cable TV firm and had made several service calls to Johnson's home during the past six weeks to repair a recurring problem. Montgomery contended that when he arrived late, Johnson seemed upset and very annoyed. Johnson began yelling at and pushing Montgomery. A fight ensued resulting in injuries to Montgomery. Johnson's housekeeper testified that Johnson had been distressed recently about some personal financial reversals and was annoyed by the recurring cable TV problem and the inability of Montgomery to repair it. Although in another room, she heard the scuffle between the two men and saw Montgomery's injuries afterward. A final witness was the doctor who treated Montgomery, who testified to the nature of his injuries, the required treatment, and resulting medical costs. Johnson also testified contending that Montgomery had been habitually late for his service repair appointments and was generally rebellious and hostile. Johnson stated that after he reprimanded Montgomery for his tardiness and inability to repair the problem, Montgomery had flown into a rage and physically attacked him. In defending himself, injuries were accidentally inflicted on Montgomery.

Dependent Measures

After reading the relevant scenario, participants in each group answered a postquestionnaire, which asked whether they found the defendant liable or not liable for the offense of assault and battery against the plaintiff. Participants who indicated that the defendant was liable also indicated percentage of liability from 1% to 100% and recommended monetary sanctions for both compensatory and punitive damages. Participants also rendered three other evaluative judgments about the defendant. They were asked to indicate whether any professional penal-

ties ought to be levied against Johnson on a 9-point scale ranging from *none at all* (1) to *maximum allowed by law* (9). A measure of general accountability asked participants to assess how responsible Johnson was for his actions on a 9-point scale ranging from *not at all responsible* (1) to *totally responsible* (9). The third item asked participants to make a personal evaluation of Johnson on 10 trait dimensions. These traits were trustworthiness, likability, competence, ethics, considerateness, attractiveness, intelligence, warmth, sensitivity, and industriousness. Each trait was rated on a 9-point scale with higher ratings indicating more negative evaluations. Responses to the 10 traits were summed for each participant to produce a personal evaluation score. Upon completion of the questionnaire, the purpose of the experiment was described to the participants, they were given credit for their participation, and dismissed.

RESULTS

A $3 \times 2 \times 2$ log linear analysis was conducted for offense severity, defendant status, and professional relatedness on the verdict judgment as to whether or not the defendant was liable for the assault and battery offense. Results are presented in Table I. A main effect for professional relatedness was obtained in that the defendant was more frequently judged liable when the offense was unrelated to his profession ($n = 46$) than when it was related ($n = 32$), $\chi^2(1, N = 120) = 7.38, p < .007$. This main effect is qualified by an interaction between offense severity and professional relatedness, indicating that elevated liability ascribed for the professionally unrelated offense occurred only when the plaintiff suffered moderate injuries. Frequencies of liability judgments for the professionally unrelated and related offenses were 13 vs. 11 for the mild offense, 18 vs. 8 for the moderate offense and 15 vs. 13 for the severe offense, $\chi^2(2, N = 120) = 7.41, p < .025$. The predicted interaction between professional relatedness and defendant status was also significant, $\chi^2(1, N = 120) = 7.48, p < .007$. This interaction is shown in Fig. 1. As expected, the high-status defendant was judged liable more often than the low-status defendant for the professionally related offense (20 vs. 12; status liability effect) and less often for the professionally unrelated offense (21 vs. 25; status shield effect). Additional *chi-square* tests confirmed that the status liability effect was significant, $\chi^2(1, N = 32) = 4.28, p < .05$, but the status shield effect was not, $\chi^2(1, N = 46) = 1.48, p = ns$. Effect size estimates indicate that the predicted professional relatedness \times defendant status interaction accounts for a larger proportion of variance than do the nonsignificant offense severity \times defendant status and professional relatedness \times offense severity \times defendant status interactions ($\phi^2 = .06, .03, .006$, respectively).²

Participants who judged the defendant to be liable were asked three sanction-related questions similar to those asked of jurors in actual civil cases. They indicated

²Effect size estimates for the three interactions are reported because they represent rival hypotheses in the present study. The possibility that both professional relatedness and offense severity moderate status effects is given by the three-way interaction.

Table I. Number of Defendant Liability Judgments as a Function of Offense Severity, Defendant Status, and Professional Relatedness of the Offense

Offense severity	Defendant status	Professional relatedness			
		Related		Unrelated	
		Liable	Not liable	Liable	Not liable
Mild	Low	3	7	7	3
	High	8	2	6	4
Moderate	Low	4	6	10	0
	High	4	6	8	2
Severe	Low	5	5	8	2
	High	8	2	7	3
Totals		32	28	46	14

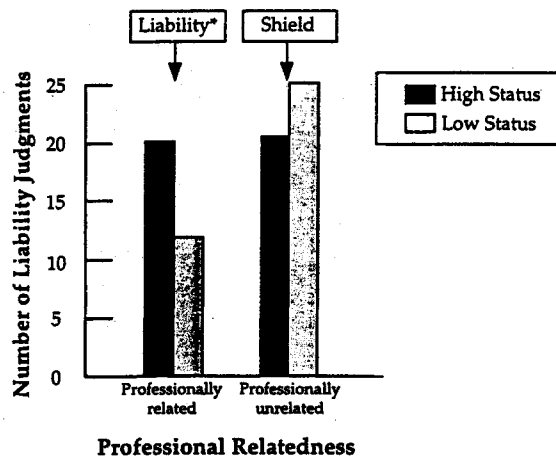


Fig. 1. Status liability and shield effects: verdicts. * $p < .05$.

the percentage of liability attributed to the defendant and recommended appropriate amounts of compensatory and punitive monetary damages. Since the monetary damages asked by the plaintiff increased by a factor of 10 across the three offense severity levels, it was necessary to convert these dependent variables to a percentage of the amount requested to provide comparable data. The $3 \times 2 \times 2$ multivariate analysis of variance conducted on the three sanction-related dependent variables produced only one significant effect: the predicted professional relatedness \times defendant status interaction, $F(3, 55) = 5.46, p < .002$. Effect size estimates indicate that the predicted professional relatedness \times defendant status interaction accounts for a larger proportion of variance than do the nonsignificant offense severity \times

defendant status and professional relatedness \times offense severity \times defendant status interactions ($\eta^2 = .23, .01, .09$, respectively). Figure 2 displays the defendant status by professional relatedness univariate interactions for each of the three sanction-related dependent variables. As shown therein, the high-status defendant was ascribed a greater percent of liability than the low-status defendant for the professionally related offense and a lesser percent of liability for the professionally unrelated offense, $F(1, 57) = 16.13, p < .001$. A similar pattern of findings was obtained for the other two dependent variables, although the univariate interaction F ratio was not significant for compensatory damages, $F(1, 57) < 1, p = ns$, but was for punitive damages, $F(1, 57) = 4.57, p < .05$.

For all three dependent variables, the means are consistent with both status liability and shield effects. The high-status, in contrast to the low-status defendant was assigned a higher percent of liability (85.0% vs. 73.6%) and was assessed a higher percent of compensatory damages (100.7% vs. 86.3%) and of punitive damages (75.0% vs. 35.5%) when the offense was related to his professional activities. Simple effects tests indicated that these status liability effects were significant for percent of liability, $F(1, 57) = 6.81, p < .025$ and punitive damages, $F(1, 57) =$

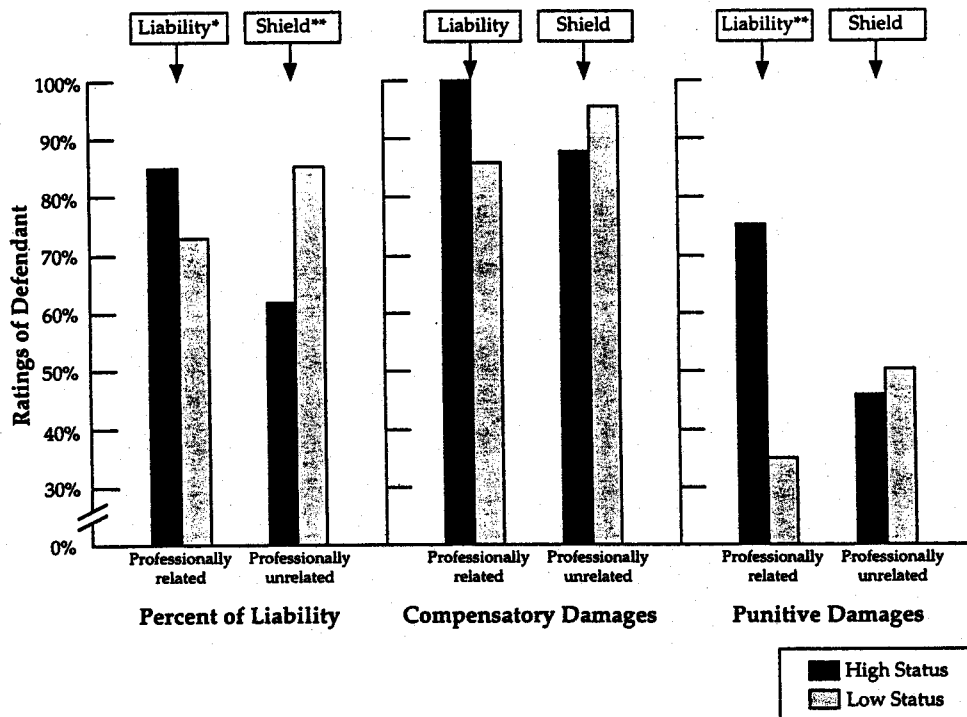


Fig. 2. Status liability and shield effects: sanctions. Note: Compensatory and punitive damages are indicated in terms of the percentage of monetary compensation requested by the plaintiff. $p < .05$; ** $p < .001$.

15.32, $p < .001$), but not for compensatory damages, $F(1, 57) = 2.18$, $p = ns$. In contrast to these findings were those obtained when the offense was professionally unrelated. In these circumstances, the high-status, in contrast to the low-status defendant, was assigned a lower percent of liability (62.0% vs. 85.5%) and was assessed a lower percent of compensatory damages (88.0% vs. 96.4%) and of punitive damages (46.3% vs. 50.7%). Simple effects tests indicated that these status shield effects were significant only for percent of liability, $F(1, 57) = 41.81$, $p < .001$.

All participants responded to three other evaluative questions concerning the amount of professional penalties to be imposed on the defendant, how responsible he was, and a personal evaluation of him. As before, a $3 \times 2 \times 2$ multivariate analysis of variance was conducted, this time using the three evaluative judgment dependent variables. Once again, the only significant effect was the predicted professional relatedness by defendant status interaction, $F(3, 101) = 4.39$, $p < .006$. Effect size estimates indicate that the predicted professional relatedness \times defendant status interaction accounts for a larger proportion of variance than do the nonsignificant offense severity \times defendant status and professional relatedness \times offense severity \times defendant status interactions ($\eta^2 = .12, .06, .02$, respectively). Figure 3 presents the defendant status by professional relatedness interactions for

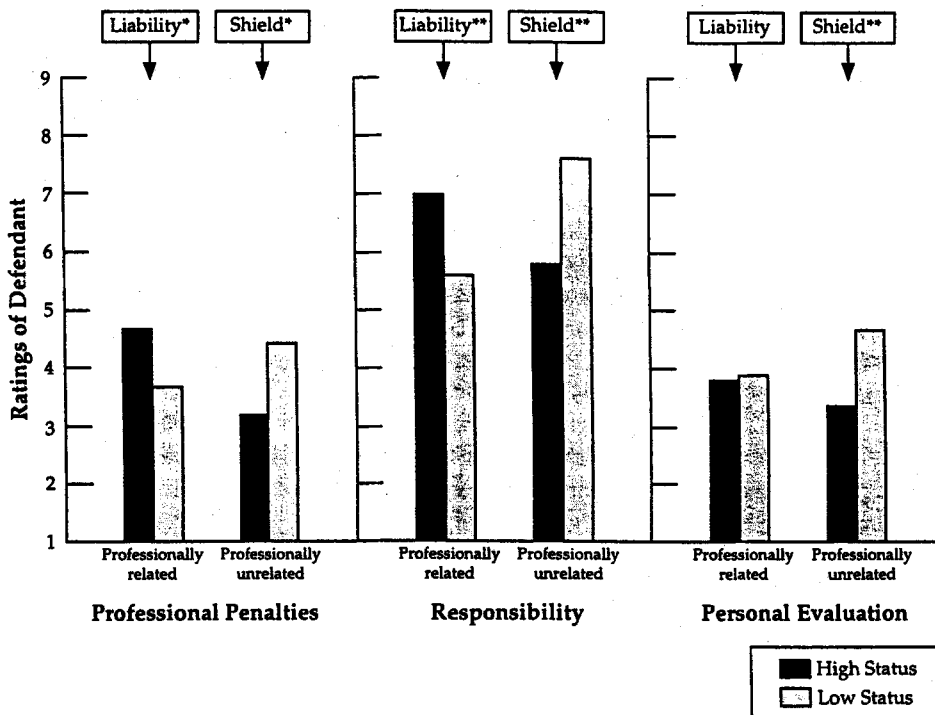


Fig. 3. Status liability and shield effects: evaluative judgments. Note: Higher ratings indicate more severe professional penalties, greater responsibility for the offense, and more negative personal evaluations. * $p < .05$; ** $p < .001$.

each of the three evaluative judgment dependent variables. As shown therein, the high-status defendant was given more severe professional penalties than the low-status defendant for the professionally related offense and less severe professional penalties for the professionally unrelated offense, $F(1, 103) = 4.23, p < .05$. A similar pattern of findings was obtained for the other two dependent variables with significant univariate interaction F ratios for both responsibility, $F(1, 103) = 10.86, p < .001$, and personal evaluation, $F(1, 103) = 4.39, p < .05$.

With one exception, the means are consistent with both status liability and shield effects for all three dependent variables. When the offense was related to his professional activities, the high-status, in contrast to the low-status defendant, was given higher professional penalties (4.7 vs. 3.7) and judged more responsible (7.0 vs. 5.6) for the occurrence. However, the high- and low-status defendants were given nearly equal personal evaluations (3.8 vs. 3.9). Simple effects tests indicated that these status liability effects were significant for professional penalties, $F(1, 103) = 3.24, p < .05$ and responsibility, $F(1, 103) = 12.37, p < .001$.

In contrast to these findings were those obtained when the offense was professionally unrelated. In these circumstances, the high-status, in contrast to the low-status defendant, was accorded lessor professional penalties (3.2 vs. 4.4), was judged less responsible (5.8 vs. 7.6), and was given a less negative personal evaluation (3.4 vs. 4.7). Simple effects tests indicated that these status shield effects were significant for professional penalties, $F(1, 103) = 4.03, p < .025$, responsibility, $F(1, 103) = 20.45, p < .001$, and personal evaluation, $F(1, 103) = 21.27, p < .001$.

DISCUSSION

The present study clarified and extended our earlier work on status effects in legal contexts (Skolnick & Shaw, 1994). The major hypothesis, that status effects are moderated by the professional relatedness of the offense, was supported in our original study using criminal cases and was again supported in this study using civil cases. The predicted two-way interaction between defendant status and professional relatedness was significant for both multivariate and univariate analyses across all three dependent variable categories: verdicts, sanctions, and evaluative judgments of the defendant. Insofar as earlier work left open the question as to whether status effects are moderated by offense severity when verdict judgments are assessed (e.g., Rosoff, 1989) and by professional relatedness when sanctions and other evaluative judgments are measured (e.g., Skolnick & Shaw, 1994), the present results clearly indicate that status effects are not dependent on the judgmental context. Without exception, status effects were moderated by professional relatedness and not by offense severity for all three categories of dependent variables. However, whether status shield and/or liability effects were obtained was partly contingent on the nature of the dependent variables. A liability effect was found for verdicts, but a shield effect, although in the expected direction, was not significant. Status liability effects were also obtained somewhat more reliably than shield effects for sanctions, but were slightly less reliable for other evaluative judgments (see Figs. 1, 2, and 3). Thus, the types of judgments a court is likely to make (verdicts and sanctions) may

be more susceptible to liability effects, whereas other evaluative judgments may be more likely to produce shield effects.

The Wiggins et al. (1965) model, which predicts that status effects are moderated by offense severity was wholly unsupported, since not once was the defendant status \times offense severity interaction anticipated by this theoretical framework found to be significant. This was true in spite of the fact that the Wiggins et al. (1965) model was given a fairer test in the current study, which included three levels of offense severity instead of the two levels used in our prior study. The possibility that professional relatedness and offense severity both moderate status effects was also unsupported given the lack of any triple interactions. Additionally, effect size estimates indicated that more variance was accounted for by the predicted professional relatedness by defendant status interaction than by the interactions that supported the alternative hypotheses.

The current study strengthened the status manipulation from that used in our previous work and, not surprisingly, status effects were more reliably obtained. Also, strong status effects were found with differences in defendant motivation among offense severity levels eliminated, thereby ruling out this confound that remained a problem in our earlier research. Taken as a whole, these results indicate that status effects, moderated by professional relatedness, are highly reliable across different types of legal proceedings, judgmental contexts, and offense magnitudes.

A problem with the current study is that the professional relatedness manipulation may have inadvertently created a confound in the perceived defendant–plaintiff relationship: one of therapist–patient in the professionally related cases vs. customer–employee in the unrelated cases. If a therapist interacting with a patient is expected to behave more properly than a customer interacting with an employee, we would expect a more negative reaction directed toward the defendant in the professionally related cases than in the unrelated cases. Moreover, a high-status therapist relating to a patient may be held to a higher standard of conduct than a low-status therapist, but the status of a customer relating to an employee should make little difference. This line of reasoning predicts a main effect for professional relatedness (stronger condemnation when the offense is professionally related) and status liability effects (stronger condemnation in the professionally related cases against the high-status defendant than against the low-status defendant), but no status shield effects (since status would make no difference in the unrelated cases). None of these effects were obtained. The lone main effect for professional relatedness was opposite to that expected, since more liability judgments were rendered against the defendant for the professionally unrelated rather than related offense. Combined with the findings of both shield and liability effects, it is unlikely that this confound influenced our results.

One limitation of the present study and previous work on status effects is that the mock jurors were asked to make individual judgments, but did not engage in any jury deliberations. A prior study by the present authors suggests that group discussion may minimize the impact of extralegal factors such as defendant status. Shaw and Skolnick (1995) investigated the influence of a different extralegal factor, defendant race, and found that although race influenced mock jurors' individual

judgments, this effect was eliminated after jury deliberations. Perhaps status effects would be similarly eradicated if jurors had the opportunity to deliberate.

A final consideration is the conceptual basis of status effects. In our own and other prior work investigating these concepts, the defendant's status was typically derived from his or her profession. However, the status of an individual may also derive from other factors, such as attractiveness, ability, wealth, or inherited position. Although there is some indication that status effects occur with attractiveness (McFatter, 1978; Sigall & Ostrove, 1975), it is unclear if status effects generalize to other sources of status. That is, if a person whose status is based on wealth or poverty uses this attribute to commit an offense, will status effects be obtained? If so, the "professional relatedness" variable used in our two studies may actually be a special case of "status relatedness." High status on any dimension may be a liability to a person who uses that status to commit wrongful acts, whereas it may shield a person whose offenses are unrelated to their status.

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