



# The Impact of Psychological Injury Evidence and Jurors' Schemas on Civil Case Decisions

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## Abstract

Psychological injury evidence is at the heart of many civil claims. Due to the recent burgeoning of sexual harassment and assault claims which predominantly involve psychological distress, it is especially important to understand how jurors process this evidence at the most basic (or schema) level, and how these preconceived notions influence processing of trial evidence and subsequent legal judgments. As a result, the present paper explores rarely addressed—but fundamental—issues regarding how jurors perceive psychological injury evidence. Specifically, do jurors have psychological injury schemas? And if so, what injuries do these schemas contain, how stable are they, how are they evaluated, and how do they affect jurors' case perceptions and legal decisions? A review of relevant theory and empirical research reveals that jurors have psychological injury schemas, but they are often poorly developed and susceptible to the influence of prompts used to retrieve these schemas (e.g., questions posed by attorneys during voir dire, the actual injuries adduced by the plaintiff). Also interesting is that despite the relative importance of psychological injury evidence, tremendous gaps remain regarding what actual types of psychological injuries jurors believe typically result in civil cases, how stable these injury schemas are, and precisely how they affect jurors' decisions. This paper addresses these important issues to help organize and direct future research on the subject, including proposing a model for how psychological injury schemas interact with jurors' perceptions of the plaintiff's alleged injuries to affect their legal decisions.

**Keywords** Psychological injury · Schemas · Juror decision-making · Outcome severity · Credibility

Schemas are preconceived notions for typical concepts, objects, or ideas used by individuals to organize and interpret their world (Alba & Hasher, 1983; Bartlett, 1932; Pichert & Anderson, 1977). Individuals have schemas for nearly all things previously experienced, such as what the typical man looks like and what characteristics are emblematic of the average woman. It should therefore come as no surprise that individuals also have *legal schemas*, or preconceived notions regarding the typical conduct and consequences in legal cases, which they bring to bear as jurors (see V. L. Smith, 1991, 1993; Vallano & McQuiston, 2018; Wiener, Richmond, Seib, Rauch, & Hackney, 2001). These schemas have important consequences for legal outcomes. For example, jurors are more likely to assimilate schema-consistent information into their preexisting case beliefs and (mis)remember schema-

consistent details (e.g., a juror who does not remember the murder weapon but accesses their schema to incorrectly recall a knife; Holst & Pezdek, 1992; Smith, 1993; Smith & Studebaker, 1996). Although these legal schemas often misrepresent the applicable legal elements, they nevertheless affect jurors' decisions. Specifically, defendants adjudged as more "typical" who engaged in more typical wrongdoing are more likely to be held legally responsible for the crime (Hart, Evans, Wissler, Feehan, & Saks, 1997; Huntley & Costanzo, 2003; Skeem & Golding, 2001; Skorinko & Spellman, 2013).

## Psychological Injury Schemas

As the schema literature has primarily focused on the typical conduct involved in criminal wrongdoing (see Smith, 1991; Wiener et al., 2001), the present paper focuses on its psychological consequences—or the subjective and intangible pain and suffering—that jurors expect the typical plaintiff to suffer in civil cases. Despite the relatively voluminous literature on perceptions and impact of physical injury in civil cases (see

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Bornstein, 1998; Hart et al., 1997; Robbenolt, 2000), much remains unknown regarding jurors' basic-level perceptions of *psychological injury evidence* in civil cases. Psychological injuries and jurors' concomitant schemas are particularly relevant in sexual harassment and assault claims where mental distress is the predominant form of injury (Kovera & Cass, 2002). And despite the inevitable existence of false claims, many plaintiffs adducing legitimate claims experience debilitating psychological injury (Schneider, Swan, & Fitzgerald, 1997). As a result, it is important to examine legal fact-finders' (judges' and jurors') preconceived notions of psychological injury, as these schemas likely affect how they perceive the plaintiff's actual injury claim and render liability and compensatory damage awards. The present review addresses these important—and often unanswered—questions to organize and assist future research on jurors' beliefs and judgments regarding psychological injury evidence.

### Do Jurors Have Psychological Injury Schemas?

Before examining the impact of psychological injury schemas on jurors' legal decisions, we must initially address whether jurors *actually have* psychological injury schemas. The relatively scant research on this issue suggests that they do (Gentry & Pickel, 2016; Pickel & Gentry, 2017; Popovich et al., 1995; Vallano & McQuiston, 2018; but see Hart et al., 1997 for little existence of psychological injury schemas in negligence/tort cases). Generally speaking, a substantial percentage of mock jurors (~25%+) report that civil plaintiffs will suffer some form of psychological injury due to tortious conduct (Popovich et al., 1995; Vallano & McQuiston, 2018). Yet, these psychological injury schemas often present as poorly developed—in other words, vague, and nondescript (e.g., psychological trauma, emotional distress)—even in sexual harassment and assault cases where the predominant form of injury is psychological (LeGrand & Leonard, 1979; Pickel & Gentry, 2017; Popovich et al., 1995; Vallano & McQuiston, 2018). This ostensible underdevelopment appears somewhat dependent upon the type of case and the specific prompt used to access these injury schemas. For example, there is less evidence of psychological injury schemas in negligence cases (e.g., a slip or fall; Hart et al., 1997) relative to sexual harassment or kidnapping cases more likely to primarily result in mental distress (Kovera & Cass, 2002). Additionally, psychological injury schemas appear less developed than their physical injury counterparts (Vallano & McQuiston, 2018). For example, Vallano and McQuiston (2018) recently examined jurors' psychological and physical injury schemas in four civil incidents: car accident, slip and fall, kidnapping, and sexual assault. Results revealed that psychological injury schemas existed in all four incidents, but were more evident (and more developed via the inclusion of more injuries) in the kidnapping and sexual

assault incidents. In sum, the majority of relevant studies find evidence of psychological injury schemas, although they often appear underdeveloped, particularly in cases less likely to activate images of mental distress. Yet, it is interesting that this underdevelopment is often inconsistent with the existence of mental distress in actual civil claims. That is, tort victims can (and do) suffer from a significant amount and degree of psychological distress, regardless of jurors' (mis)perceptions (Kovera & Cass, 2002; Schneider et al., 1997; Vallano, 2013).

The (at times) fleeting existence and underdevelopment of psychological injury schemas may be an artifact of the prior research. That is, most of the aforementioned research used cases more likely to activate images of physical injury or failed to specifically prompt jurors to recall their psychological injury schemas (e.g., see Hart et al., 1997 in support of the former contention, whereby medical malpractice and product liability claims resulted in the reporting of primarily physical injury; see Vallano & McQuiston, 2018 in anecdotal support of the latter contention, as specifically prompting mock jurors' psychological injury schemas in study 2 produced an increased overall reporting of psychological injuries as compared to a general prompt to “report all injuries” in study 1). Further, these underdeveloped schemas may be the result of jurors having little association or experience with psychological injuries in certain cases (e.g., a slip and fall) or that certain cases are more likely to activate images of physical (than psychological) injury. Nevertheless, the major legal implication is that although jurors have psychological injury schemas, many jurors may need substantial education from civil plaintiffs and/or psychological experts regarding the breadth of the actual injuries allegedly suffered, particularly in civil cases less likely to conjure images of psychological injury. Specifically, mental health experts or civil plaintiffs should provide a thorough and detailed discussion of the mental anguish to evoke more critical consideration and a more accurate understanding of these injuries.

### How Are Psychological Injury Schemas Formed and Developed?

Despite the aforementioned research finding that jurors have psychological injury schemas, much remains unknown about the formation, development, and content of these schemas. In fact, these fundamental questions have received surprisingly little attention in the schema or psychological literature. Certainly schema theory (Anderson, 1978; Rumelhart, 1980) suggests that schemas are formed and updated through direct or indirect experience (Bartlett, 1932; Fiske & Taylor, 2013). Further extrapolation from schema theory therefore suggests that jurors' legal schemas are created and developed via direct

experience with similar legal causes of action and/or the injuries themselves (e.g., recently having suffered posttraumatic stress disorder (PTSD)—after having been in a car accident) and/or via indirect experience through exposure to various forms of media (e.g., watching a television show in which a car accident victim experiences depression).

The application of schema theory additionally suggests that this direct or indirect experience facilitates the creation of prototypes (the “average” incident or injury that would result) and/or exemplars (a specific instance of an incident and injury; Reisberg, 2005). These “preconceived” notions either reside in long-term memory or are formulated “on the spot” by envisioning the typical incident and injuries in “real time” (see Vallano & McQuiston, 2018). That is, perhaps jurors’ notions are “preconceived” in real time (such as when presented with voir dire questions or the plaintiff’s psychological injury testimony) once they are prompted to consider these injuries. Either conception suggests that jurors may harbor several preconceived notions for a particular type of legal conduct and its consequences that rotate in and out of consciousness. If so, the type of prompt used to access these schemas could affect their existence, development, and content—as well as what type of schema they envision and report (see Vallano & McQuiston, 2018, for indirect evidence that the type of prompt affects schema existence and development). Future research should investigate jurors’ indirect and direct experience with psychological injury, as well as whether schemas reside in memory or are created at the time of retrieval (or both).

Whether jurors’ psychological injury schemas are created via direct or indirect experience (or a combination of the two) has important theoretical and legal ramifications regarding how—and how strongly—they may impact legal decisions. Analogous to the attitude-behavior relationship, the moderating variable of attitude strength heavily affects its impact on behavior (Glasman & Albarracín, 2006). In other words, stronger attitudes are generally more accessible, thus exerting larger effects on behavior across situational variations (Fazio, Chen, McDonel, & Sherman, 1982; Krosnick & Petty, 1995; Petty & Krosnick, 1995). Conceptualizing legal schemas as analogous to attitudes, stronger schemas should therefore be more accessible and more likely to affect legal perceptions and decisions. It would therefore follow that psychological injury schemas formed via direct (versus indirect) experience that reside in memory would be stronger and exert a larger impact on jurors’ decisions. Yet, these reasonable claims remain tentative due to the absence of specific empirical support, underscoring the importance of future research on this topic. We therefore recommend that future research consider treating schemas as analogous to attitudes in the pursuit of these important issues.

## How Stable Are Psychological Injury Schemas?

In a similar vein, that psychological injury schemas are the product of varying levels of direct and indirect experience suggests that some schemas may be highly unstable. Although we are unaware of research specifically addressing this issue, we know that the environmental cues used to retrieve these mental images affect schema existence and development. And the application of attitudes as analogous to schemas further suggests the possibility that certain schemas—primarily those weakly held and less accessible—are more likely to be labile and therefore exert weaker effects on legal decisions. It would appear likely that only a minority of psychological injury schemas would be stable due to the relatively modest evidence of their development along with the knowledge that environmental variables affect their existence and development. As very little (if any) research has specifically addressed schema malleability—or psychological injury schema malleability for that matter—these issues are particularly ripe for further research, considering that fluctuations in jurors’ schemas should concomitantly alter jurors’ evidentiary perceptions and legal decisions. Future research should also examine the specific circumstances in civil trials that would prompt jurors’ injury schemas (e.g., attorney questions during voir dire, expert or plaintiff testimony) to determine if variations in their presentation affect schema existence and development, as well as how stable (versus unstable) psychological injury schemas affect legal decisions.

## What Injuries Are Contained Within Jurors’ Psychological Injury Schemas?

The established evidence of psychological injury schemas—however malleable they may be—inevitably leads to a discussion regarding the *content* of these schemas. Just what specific injuries do jurors believe are suffered by civil plaintiffs? This issue is of great importance, as the match between the plaintiff’s alleged injuries and jurors’ general injury schemas affect their perceptions of the plaintiff’s actual injuries, and in turn, their legal decisions (see Pickel & Gentry, 2017; see also Vallano, Winter, & Charman, 2012, who found evidence that jurors’ psychological injury expectations influenced their judgments of the plaintiff’s adduced injuries, especially in regard to severity). This research indirectly suggests that certain types of injuries may be perceived as more typical, and therefore perceived as more legitimate than other injuries. Yet, it should be noted that more typical injuries are not objectively synonymous with enhanced credibility. So-called “atypical” injuries, such as suffering PTSD due to a slip and fall, are no more or less credible due to their perceived-to-be atypical status.

Unfortunately, little is known about the exact content of jurors' psychological injury schemas. The aforementioned studies either provided the specific psychological injuries in order to "set" participants' injury expectations—therefore not obtaining participants' spontaneously provided psychological injury schemas—or they did not specifically code for the specific psychological injuries contained within participants' schemas. Even more, the aforementioned studies suggest jurors' harbor psychological injury schemas and associated notions about their typicality that are fairly general in nature. That is, rather than specifically imagining and reporting specific psychological symptoms or disorders such as major depressive disorder and PTSD, they may more often have generally vague and non-descript notions of such injuries (e.g., emotional suffering, trauma, pain, and distress). This would not be surprising, as these more general preconceived notions are consistent with the oft-subjective and intangible nature of psychological injury. Yet, it should be noted that research on incident schemas finds that jurors do hold fairly detailed descriptions of the typical conduct resulting in harm, such as beliefs that the typical rape case involves a violent assault in a public place where a female is attacked and physically injured by a male stranger (Du Mont, Miller, & Myhr, 2003; Popovich et al., 1995; Venema, 2014). Although these are *incident* not *injury* schemas, we nevertheless suspect that certain types of cases where individuals have increased familiarity (especially via direct experience) are more likely to produce conceptions of specific psychological injuries (e.g., a car accident producing PTSD; see Vallano & McQuiston, 2018, for anecdotal support). Regardless, future research should seek to rectify these limitations by specifically prompting, obtaining, and coding for specific psychological injuries jurors believe will result in civil cases.

In sum, the aforementioned research suggests that jurors hold at least general notions for the psychological harm suffered by civil plaintiffs. Although jurors likely hold conceptions of specific psychological injuries, these specific injuries remain unknown, along with the relative percentage of general to specific injuries contained within their schemas (and their associated typicality). This knowledge would greatly extend the current research on legal schemas and expectations (see Smith, 1991, 1993) and assist plaintiffs' attorneys when questioning prospective jurors by ensuring that certain psychological injuries were not devalued due to their atypicality within a juror's schema. In other words, perhaps PTSD is not contained within a prospective jurors' schema—and therefore not expected—consequently resulting in its devaluation. Conversely, defense attorneys would also have a greater understanding of which psychological injuries may make a juror overly sympathetic to a mental distress claim and wrongly permit this sympathy to affect their liability determinations (see Bornstein, 1998, finding that jurors can be motivated to find the defendant liable to award compensatory damages—

especially in cases of severe versus mild injury—even though injury severity should not impact liability judgments; see also Greene, Johns, & Bowman, 1999).

## How Severe Are Psychological Injury Schemas?

The establishment of psychological injury schemas requires additional consideration regarding how they are concurrently evaluated by jurors on legally relevant dimensions, most notably injury severity and credibility (see Vallano et al., 2012; Vallano & McQuiston, 2018). That is, just how severe do jurors' perceive the psychological injuries contained within their legal schemas to be? After all, the perceived severity of psychological injury is one of the strongest predictors of compensatory damage awards (Devine, Clayton, Dunford, Seying, & Pryce, 2001; Greene & Bornstein, 2003; Wissler, Evans, Hart, Morry, & Saks, 1997). As a result, it is important to establish the perceived severity level of psychological injury at its cognitive core (i.e., jurors' overall perceptions of psychological injury in the aggregate) and the perceived severity of specific psychological injuries (e.g., how severe jurors' perceive specific injuries such as depression and PTSD), along with the factors that affect their perceived severity.

Although jurors may not consider a large number of specific psychological injuries, there is some evidence that the psychological injuries contained within their schemas are perceived as relatively severe, and in some cases *even more severe* than physical injury (Vallano & McQuiston, 2018; Wissler et al., 1997). Yet, it remains unclear what specific components of the psychological injury itself contribute to its perceived severity. When addressing this question, it is useful to consider the research on physical injuries. Certain dimensions of physical injury severity (i.e., the level of disability, the amount and duration of mental suffering) are more predictive of overall perceptions of injury severity than other dimensions (i.e., injury visibility, the amount or duration of physical pain; Wissler et al., 1997). However, due to certain differences between physical and psychological injury, the dimensions that strongly affect perceptions of physical injury may not similarly apply to psychological injury. It is therefore important to identify the specific elements within jurors' conceptions of psychological injury that contribute to overall perceptions of its severity. In other words, which factors most strongly contribute to jurors' perceptions of psychological injury severity, as well as the plaintiff's alleged injuries? Is it the frequency or duration of the injury? The perceptions of pain and suffering endured by the victim? Research utilizing factor analytic strategies would help answer these important questions and consequently shape how psychological injury evidence is portrayed by experts and attorneys to ensure that legal fact-finders have a better appreciation for the plaintiff's

experience of psychological injury, however mild or severe the injuries may be.

### How Credible Are Psychological Injury Schemas?

Another significant evaluative component of psychological injury schemas is their perceived credibility, along with the plaintiffs who adduce these injuries. The perceived credibility of the plaintiff and their injuries is also highly predictive of jurors' legal decisions (Hans, 2000; O'Connor, Gutek, Stockdale, Geer, & Melancon 2014; Vallano et al., 2012). Psychological injury evidence often receives heavy scrutiny by courts and jurors due to misperceptions about the high numbers of plaintiffs who easily falsify seemingly subjective and intangible injuries (see Iverson, Lange & Franzen, 2005; see also Vallano, 2013—but note that this statement should not be misconstrued as an endorsement that all claims are legitimate—rather that these claims are not as easily falsified as they may appear to the average layperson). Specifically, research has revealed that jurors are often skeptical of psychological injury evidence and other injuries less amenable to objective testing and clear observation (e.g., soft tissue injuries; Hans & Vadino, 2007; Smith, 2007). Yet, other research suggests that jurors are not as skeptical as many might believe. For example, Vallano and McQuiston (2018) found that while jurors rated their psychological injury schemas as generally less credible than their physical injury schemas, the effect was weak and did not emerge in three of the four studied civil incidents. These results are accompanied by the viable argument that psychological injuries are just as legitimate and not inordinately more susceptible to malingering relative to other types of injuries (Iverson et al., 2005; Vallano, 2013). Nevertheless, perceptions of lessened credibility may reduce compensatory damage awards or contribute to the large variability found in pain and suffering awards (Diamond & Salerno, 2013; Saks, Hollinger, Wissler, Evans, & Hart, 1997; Vallano et al., 2012).

### Do Jurors' Psychological Injury Schemas Affect Their Legal Decisions?

We finally turn to the issue of utmost practical importance: Do jurors' psychological injury schemas affect their legal decisions? There is theoretical support that they should, and empirical support that they do. It is well documented that schemas facilitate expectations that affect how we process and interpret information (Neisser, 1976; Rumelhart, 1980). Even more relevant empirical support can be found in two parallel lines of juror decision-making research that reveal the overall effects of preconceived case perceptions on

jurors' legal decisions. First is the story model of juror decision-making (Pennington & Hastie, 1986, Pennington & Hastie, 1988a, b, 1992). The story model proposes that jurors create stories to understand and interpret trial evidence, with the type of story they create consequently affecting their legal decisions. A foundational assumption of the story model is that the type of story a juror creates is in part based upon their generic knowledge of similar crimes and resulting injuries. This research has further supported the notion that the created story—either favorable to the prosecution/plaintiff or defense—serves a mediating role between jurors' evaluations of trial evidence and their legal decisions. Second is the related concept of predecisional distortion (Carlson & Russo, 2001; Hope, Memon, & McGeorge, 2004). Predecisional distortion describes the process whereby jurors (often unconsciously) form opinions about the evidence before or during trial—often based upon their schemas—which anchor them towards a particular party, similarly affecting evidentiary evaluation and legal decisions.

Consistent with these theoretical frameworks, more relevant empirical studies have specifically found that jurors' injury schemas affect their perceptions of trial evidence, and indirectly or directly affect their liability and damage determinations (Hart et al., 1997; Huntley & Costanzo, 2003; Vallano et al., 2012). Specific research on psychological injury schemas further finds that the (in)consistency between jurors' schemas and the actual injuries adduced by plaintiffs affect their legal decisions, particularly by lowering the plaintiff's perceived credibility (Gentry & Pickel, 2016; Pickel & Gentry, 2017; Vallano et al., 2012). Generally speaking, the more closely the details of the alleged assault align with jurors' legal schemas, the more legal fact-finders will view the victim as credible (Ellison & Munro, 2009a, b; Krahe, Temkin, & Bieneck, 2007; McKimmie, Masser, & Bongiorno, 2014). This is especially concerning given that many cases substantially deviate from the typical sexual assault schema, suggesting that legal decision-makers may (incorrectly) devalue a plaintiff's credibility when adducing injuries in such a non-prototypical case (Du Mont et al., 2003). For example, Pickel and Gentry (2017) found that a plaintiff adducing severe psychological injuries was perceived as less credible when presented with a non-prototypical (versus prototypical) rape case. Despite acknowledging the scant research on this topic, the impact of injury schemas on jurors' decisions in civil cases—especially those involving sexual harassment or assault—necessitate the development of a more comprehensive model of how jurors' injury schemas interact with the actual psychological injury evidence to affect trial outcomes, especially as it relates to compensatory damage awards (see Greene & Bornstein, 2003). We address these issues below.

## A Generic Model of Juror Decision-Making in Cases Involving Psychological Injury

Given the mounting evidence for psychological injury schemas and their influence on juror perceptions, a broad conceptualization of the specific role played by these schemas in civil decision-making is warranted to assist future research on this topic. Based upon the aforementioned theory and research, we propose the following generic model of juror decision-making in cases involving psychological harm. In a civil trial, jurors' injury schemas will likely be activated either during voir dire or upon hearing the plaintiff (and/or mental health expert) testifying regarding the alleged psychological injury. This schema activation likely initiates a comparison between jurors' psychological injury schemas and the plaintiff's alleged injuries. If the alleged injuries are deemed a reasonable result of the defendant's conduct—based on its compatibility with the juror's schema—then the alleged injuries will be judged correspondingly credible, therefore increasing liability judgments, as only credible injuries would warrant subsequent compensation. Assuming that the plaintiff is perceived as credible, psychological injuries of increased severity would result in greater damage awards (see the outcome severity literature—Bornstein, 1998; Robbenolt, 2000). Conversely, if the alleged injuries are not deemed a reasonable result of the defendant's conduct (due to its incompatibility with the juror's schema), the credibility of the plaintiff and his/her injuries will be questioned, thereby in turn lowering liability judgments. As a result, even those plaintiffs deemed as “credible enough” may therefore nullify or limit any outcome severity effects, thereby undercutting compensatory damage awards due to lingering questions regarding the existence and extent of the plaintiff's injuries (see Greene, 1989; see also Bornstein, 1998, indicating that jurors' liability and compensatory damage award decisions are inexorably linked).

Two important caveats are worth mentioning. First, the model is somewhat presumptive due to the relative dearth of research connecting psychological injury schemas and the plaintiff's injury evidence to specific legal judgments. Second, jurors' psychological injury evaluations do not occur in a vacuum. As such, we certainly acknowledge that these evaluations are much more complex than portrayed within this rather generic model. Nevertheless, our aim is to provide an empirically based starting point to assist future investigations regarding the interplay between psychological injury schemas, the plaintiff's adduced injuries, and legal decisions in the context of cases predominantly dealing with mental distress (e.g., sexual harassment and assault). It is our hope that future research will fill in the nuanced gaps of the outlined framework.

## Summary and Conclusions

Jurors' psychological injury schemas deserve a considerably greater amount of attention due to their potential effects on evidentiary processing and legal judgments in civil cases. Moreover, jurors' interpretation of psychological injury evidence and their associated schemas is particularly important in sexual harassment and assault cases which predominantly involve psychological distress. Psychological injury schemas have the potential to (indirectly or directly) affect the way jurors interpret psychological injury evidence, and thus how juries will decide these cases—whether they judge the plaintiff as credible and their injuries as severe, as well as whether they will correctly identify deserving defendants as responsible and consequently award reasonable monetary compensation. It is additionally important to recognize that schemas can be either beneficial or detrimental to legal decision-making. That is, more accurate preconceived notions of psychological injury should help jurors arrive at more just decisions, while less accurate portrayals will ultimately risk the devaluation of psychological injuries or that sympathy will overwhelm jurors' liability judgments in an effort to incorrectly punish any defendant to award compensation for severe injury, resulting in less just decisions.

For researchers, we have noted how psychological injury schemas and their influence on legal decisions in civil cases are rife for future research. In brief, more research is needed on (1) how psychological injury schemas are formed and developed; (2) the content of jurors' psychological injury schemas, including their general or specific conceptions of pain and suffering; (3) the dispositional factors that may affect schema existence or development (e.g., age, gender, ethnicity, experience with civil incidents and injuries); (4) how malleable these schemas are (and what factors affect their malleability); and (5) what attributes of the plaintiff's injury claim specifically contribute to their perceived severity and credibility. Even more importantly, research should specifically—and more elaborately—examine the proposed model for the role of psychological injury schemas in juror decision-making, with a particular emphasis on investigating the legal outcomes of liability and compensatory damage awards. Only then will we have a more concrete notion for how psychological injury schemas affect perceptions of psychological injury evidence and ultimately juror decision-making, especially in sexual harassment and assault cases where it is the predominant form of injury.

For legal officials, revealing jurors' psychological injury schemas during voir dire could show whether they may favorably (or unfavorably) evaluate such evidence, knowing that some jurors' negative predispositions towards this evidence may result in its devaluation. Even more, psychological experts or treating clinicians who describe the content and severity of the plaintiff's injuries could use their testimony as an

opportunity to disabuse jurors of common misperceptions of psychological injury (e.g., that they are only suffered by “weak” plaintiffs who are to blame for their injury, are highly amenable to malingering, and would not be suffered by the similarly situated “reasonable” plaintiff; Corrigan, Druss, & Perlick, 2014; Ellison & Munro, 2009a, b; Vallano, 2013). The more clear and detailed picture jurors have of the plaintiff’s psychological injuries, the better they will be able to fairly evaluate these pain and suffering claims and provide appropriate compensation. After all, the justice system demands that all claims, including the plaintiff’s alleged psychological injuries, are fairly assessed based upon the evidence presented at trial rather than jurors’ (potentially incorrect) assumptions about psychological injury evidence. In that pursuit, legal officials (e.g., judges, attorneys) and psychological testimony can help ensure that jurors’ schemas do not harm legitimate psychological injury claims while helping them more accurately distinguish between legitimate and non-legitimate claims of mild (or severe) severity based upon the evidence presented at trial.

## Compliance with Ethical Standards

**Conflict of Interest** The authors declare that they have no conflict of interest.

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