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## Psychological Reactance Applied to Instruction to Disregard

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## ABSTRACT

### PSYCHOLOGICAL REACTANCE APPLIED TO INSTRUCTION TO DISREGARD

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This study applies theory of psychological reactance to instructions to disregard (ITD). When inadmissible testimony is made in front of jurors, a judge may issue an ITD that orders jurors to not consider the inadmissible evidence when making their verdicts. The theory of psychological reactance proposes that when a person's choices are limited or their freedom is threatened, there will be a resulting attempt to regain or prioritize one's freedom. Using a jury transcript study, the experiment has both a control condition including the evidence but without an ITD and a condition where the ITD is included. Results showed that participants in the condition with an ITD showed more negative cognitions than those in the control group, as predicted. However, differences in attitudes toward the plaintiff and anger did not emerge. Overall, the predictions that ITDs produce reactance produced only partial support. Limitations and directions for future research are considered.

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PSYCHOLOGICAL REACTANCE APPLIED TO INSTRUCTION TO DISREGARD

BY

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# CHAPTER 1

## LITERATURE REVIEW

### Instructions to Disregard

The Federal Rules of Evidence determine which types of evidence can be presented to a jury (Federal Rules of Evidence, 2015). Some evidence, viewed as inappropriate for the jury to consider in making a judgment, is deemed to be inadmissible. For instance, evidence of a statement made to a witness by another is considered inadmissible because the other party cannot challenge the person who made the statement--such evidence is referred to as hearsay.

If inadmissible evidence is introduced, a judge can rule the evidence inadmissible. With such a ruling, the judge would then issue an Instruction to Disregard (ITD), where the jurors are ordered not to consider the evidence in forming their impressions of the case. A judge is not required to give the jury the legal reasoning behind the ITD, so the jury's legal understanding of the ITD may come down to A judge's preference.

Hypothetically, jurors with an ITD should make the exact same decision they would have made if the inadmissible evidence had never been introduced. Researchers have examined how juries react to an ITD for years to explore if the instruction indeed works as planned (e.g., Smith, & Caldwell, 1973; Broeder, 1959; Sue, Steblay, Hosch, Culhane, & McWethy, 2006). The results indicate it may not.

Brehm's (1966) theory of psychological reactance might provide an explanation. The theory explains that when a freedom is threatened, such as an ITD restricting the ability of jurors

to consider all information, the subject will act in a way to regain one's freedom (Brehm, 1989). Acting against the threat posed by an ITD could indicate why the instruction seems to fail. This proposed study seeks to further understanding of jury instructions by applying psychological reactance theory to the impact of ITDs on jurors' verdicts. First, psychological reactance theory will be explained. Then, past research on ITDs will be reviewed. Finally, links between ITDs and psychological reactance theory will be explored.

### Psychological Reactance Theory

Brehm (1966) introduced the theory of psychological reactance. The theory proposes that when a behavioral freedom is under perceived threat, that threat will result in an attempt by the subject to regain control. The drive to re-assert one's freedom is called reactance. The greater the perceived importance of the freedom or the greater the number of freedoms threatened, the stronger the drive will be. Later research expanded this and broke down reactance into four concepts: "freedom, threat to freedom, reactance, and restoration of freedom" (Quick, Shen, & Dillard, 2013, p.167).

Freedoms are defined as "beliefs about the ways in which one can behave" (Quick et al., 2013, p.167). For an ITD study, freedom could be seen as the jurors' belief that they are allowed to consider all elements of the trial in making their verdict. Threat to freedom is something that "renders the exercise of a freedom more difficult" (Quick et al., 2013, p.168). An ITD could constitute a threat to freedom by imposing a limit on the type of evidence a juror can consider within the trial. Reactance is "the motivational state that is hypothesized to occur when a freedom is eliminated or threatened with elimination" (Brehm & Brehm, 1981, p. 37). When the ITD is imposed, jurors could hypothetically feel that their freedom to consider all trial evidence



has been threatened. This state could lead to an attempt to restore freedom, defined as motivation to restore a freedom that is perceived as “eliminated or threatened with elimination” (Quick et al., 2013, p.168). For an ITD study, this could mean a boomerang effect where jurors would give more weight to the evidence they were instructed to disregard.

Brehm (1989) also discusses a boomerang effect inherent with psychological reactance by stating, “A lost choice alternative tends to become more attractive, a forced attitudinal position tends to become less attractive, and a social influence attempt can easily boomerang” (p.72). Brehm explains that a choice that is threatened can become more attractive than it would otherwise have been. In this way, persuasive attempts to convince an audience to do a certain action can result in this audience being even less likely to do it than if no persuasive attempt was made. Like a boomerang, rather than moving in the direction they are pushed, attitudes can come back the other way.

The boomerang effect is a common phenomenon in reactance research. For instance, Lienemann and Siegel (2016) also found evidence of a boomerang effect. In studying public service announcements encouraging people to seek help with depression, the study used three styles of messages: a control-neutral message, a message with autonomy-supportive language, and a message with controlling language. They found that controlling language, representing the most obvious threat to freedom and most likely to produce psychological reactance, led to either no difference or more negative attitudes (i.e., a boomerang effect). In other words, the influence of psychological reactance in a message discouraged at times the very behavior the message aimed to support. Other studies also provide support for a boomerang effect (e.g., Mann & Hill, 1984; Quick & Bates, 2010; Quick & Kim, 2009).

Psychological reactance has been applied to jury studies. Shaw and Skolnick (1995) applied psychological reactance to basic jury instructions. Their study showed participants a picture of either a Black or White defendant with jury instructions informing the participants that “the defendant's race, color, nationality, sex, religious affiliation, wealth or poverty, and martial standing” should not be used as evidence (p.322). These instructions resulted in a trend toward more guilty verdicts based on race. Now that psychological reactance has been reviewed, previous research on the phenomenon of ITDs in jury decision making can be discussed along with its larger links to psychological reactance.

#### Existing Literature on ITD

Broeder (1959) conducted one of the first studies that reported on the impact of ITDs on juries. Broeder compared jury awards for groups presented with inadmissible evidence and an ITD to groups presented with the same evidence but without an ITD. The results reveal a boomerang effect. Rather than reducing the juries’ reliance on inadmissible evidence, the ITD increased the influence of that evidence on jury awards. The literature that followed Broeder has produced inconsistent results with regard to a boomerang effect and ITDs.

Sue, Smith, and Caldwell (1973) found some evidence that ITDs were ineffective at eliminating the effect of excluded evidence. However, evidence was not more persuasive with an ITD. In other words, they did not find a true boomerang effect.

Reinard and Reynolds (1978) found that inadmissible evidence did have an impact on juries but did not find a boomerang effect with regard to convictions. Yet, consistent with a boomerang effect, those groups given an ITD recommended longer sentences than those without inadmissible testimony.

Carretta and Moreland (1983) explored ITDs concerning wiretapping evidence. Again, no significant difference was detected between unchallenged admissible evidence and evidence ruled inadmissible with an ITD for convictions. Their findings were, however, consistent with a boomerang effect in that groups discussed inadmissible evidence favoring the prosecution more than groups given admissible evidence favoring the prosecution.

Sommers and Kassin (2001) tested how need for cognition influenced use of ITDs. While a boomerang effect was not found, those with a high need for cognition did report lower estimates of guilt with some inadmissible evidence than in the control condition.

Fein, McCloskey, and Tomlinson (1997) studied the impacts of ITDs and juror suspicion. In two studies, using either incriminating pretrial publicity or inadmissible testimony introduced in the trial, the authors found that inadmissible evidence influenced jurors' verdicts unless suspicion of the evidence was aroused. When suspicion was aroused, ITDs appeared to eliminate the effects of the evidence.

London and Nunez (2000) examined the impact of inadmissible evidence prior to deliberation and after deliberation. In two transcript based experiments, inadmissible evidence with an ITD led to higher conviction rates than in control groups absent that piece of evidence. Interestingly, those in the ITD condition were more likely to change their initial verdict after group deliberation than those in the control group.

The strongest evidence supporting a boomerang effect with ITDs comes from a meta-analytic review. Steblay et al. (2006) conducted a meta-analysis on the impact of an ITD on juror verdicts. A meta-analysis is especially useful in this regard since gathering larger samples of participants across different studies increases the ability to detect small effects that may not be significant in the individual studies. In this case, the meta-analysis found--consistent with the

findings reported by Broeder (1959)--that inadmissible evidence with an ITD produced a stronger effect on jurors than the same evidence without an ITD. This supports a boomerang effect as it shows that inadmissible evidence with an ITD produces more of an effect on verdicts than just the evidence alone can explain.

The findings of Broeder (1959) and of the meta-analysis (Stebly et al., 2006) are most indicative of a boomerang effect. One possible explanation for the boomerang effect can be identified using psychological reactance theory (Brehm, 1966). In discussing how ITDs could produce a boomerang effect, Lieberman and Arndt (2000) proposed the theory of psychological reactance as an explanatory mechanism. They stated that “a judge's instructions are perceived to be a threat to freedom, and it is this external threat that instigates processes manifesting reactance” (p.702).

Using similar logic, the current study represents a bridge between ITD research and psychological reactance theory. The boomerang effect has been frequently linked with psychological reactance (Lienemann & Siegel, 2016, Mann & Hill, 1984; Quick & Kim, 2009). As stated, previous research on ITDs has shown that their presence creates a boomerang effect--where participants become more likely to perform the admonished behavior (Stebly et al., 2006). The controlling language of ITDs shows clear similarities to the threats to freedom Brehm (1966) originally discussed. However, the theory has never been fully tested for ITDs. Such a test is conducted in the current study.

ITDs are one of the few instances where an audience is instructed not to be persuaded. By telling jurors that they are not allowed to have the inadmissible testimony influence their decisions, the ITD may create a boomerang effect where the inadmissible testimony is given greater weight. The reactance does not necessarily have to lead to higher rates of conviction.

Quick and Stephenson (2007) explain the differences among boomerang, related boomerang, and vicarious boomerang—the latter two do not indicate direct contrary action but rather resistance in related activities. For jurors, along with the most direct action of considering the evidence against the ITD, other reactance could be shown through lack of involvement following the ITD or lower appraisal of the courtroom experience. The current study aims to examine whether boomerang effects to ITDs can be explained by psychological reactance. In doing so, it employs the Dillard and Shen (2005) measurements for psychological reactance in a jury transcript study.

### Exploring Reactance to ITDs

In order to determine if reactance creates the boomerang effect found in ITD research (e.g., Steblay et al., 2006), a way of assessing reactance is needed. Dillard and Shen (2005) examined the nature of reactance and proposed that reactance could be assessed by a combination of negative cognitions and self-reported levels of anger. Dillard and Shen broke down psychological reactance's main antecedents into five components: anger, negative cognitive responses, attitude, behavioral intentions, and reactance proneness. Anger and negative cognitive responses represent the experience of reactance.

This approach represents a way in which reactance can be assessed and compared in trial scenarios with and without an ITD. If an ITD produces reactance, participants with an ITD should report higher levels of anger and produce more negative cognitions when thinking about excluded witness testimony than when there is no ITD. Furthermore, negative cognitions and anger should predict the anticipated boomerang effect to an ITD---in other words, the evidence is given more weight when it is excluded than when it is presented without an ITD. The following hypotheses delineate how reactance would influence response to ITDs.

## Hypotheses

**H1:** The condition with an ITD will produce a stronger pro-plaintiff attitude, consistent with the excluded evidence, than the condition without an ITD.

**H2:** Participants in the ITD condition will report greater levels of anger than those without an ITD.

**H3:** Participants in the ITD condition will list more negative thoughts than those without an ITD.

**H4:** Negative cognitions and anger will be positively associated with pro-plaintiff attitudes.

## CHAPTER 2

### METHOD

#### Participants

Participants were recruited from undergraduate communication classes at a large midwestern university. There were 63 participants. The ages of participants ranged from 18 to 31, with the mean age as 22.23,  $SD = 2.30$ . Of the participants, 31 were male and 32 were female. There were 38 Caucasian American participants, 13 Black or African American, 2 Asian American, and the remaining 10 identified multiple or other ethnicities.

#### Design

The experiment was completed using an experimental design. Evidence was presented to participants using transcripts of a hypothetical jury trial. Materials were modified from those used in Henningsen and Henningsen (2004). Jury studies, including those looking at ITDs, have a long history of using written transcripts for data collection (e.g., Lenehan & O'Neill, 1981; London & Nunez, 2000; Reinard & Reynolds, 1978; Shaw & Skolnick, 1995; Sue et al., 1973). For this study, two conditions were used. In the first condition, inadmissible evidence favorable to the plaintiff was introduced, challenged, and excluded using an ITD. In the second condition, the same evidence went unchallenged. After exposure to the stimuli, Dillard and Shen's (2005) measures of reactance were assessed. In addition, positions regarding the case (i.e., pro-plaintiff or pro-defendant) were assessed.

## Procedure

Participants were presented with transcripts from a hypothetical trial. First, following a description of the case, participants were asked to record their attitudes about the case (i.e., pro-plaintiff or pro-defendant) to establish a base measure. They then read three transcripts of testimony from different witnesses--the second containing inadmissible evidence supporting the plaintiff's position (see Appendix). In one condition, the inadmissible evidence was challenged and an ITD was issued. In the second, the evidence went unchallenged. After reading the second witness' testimony, participants performed a thought listing task and coded the thoughts as positive, negative, and neutral, consistent with prior research (e.g., Dillard & Shen, 2005). Next, participants self-reported their emotional state. This provided the measures of reactance to the ITD. Finally, participants recorded their attitude toward the parties in the case. To avoid calling attention to the ITD, measures of reactance were included after the two other transcripts as well. Of the conditions, 30 participants received an ITD while 33 did not.

## Measures

Based on the work of Dillard and Shen (2005), the study used a questionnaire to gauge anger, cognitive responses, and attitudes as well as an induction check. All measures were presented after each of the three testimonies. The correlation matrix is shown below (see Table

1)



Table 1

## Correlation Matrix

	Attitude	Anger	Negative Cognitive Responses	Induction
Attitude		-.08	.13	-.12
Anger			-.09	.55*
Negative Cognitive Responses				.03

\*  $p > .05$

Induction Check

An induction check, modified from Dillard and Shen (2005), was conducted with three items measuring perceptions of restricted freedom: “this testimony threatened my freedom to choose,” “this testimony tried to make a decision for me,” and “the testimony tried to pressure me.” These items were scaled from 1-7 with higher scores indicating greater feelings of restricted freedom. The means were 2.52,  $SD = 1.43$ , following the first transcript; 2.23,  $SD = 1.35$ , following the second transcript; and 2.15,  $SD = 1.38$ , following the third transcript.

Manipulation Check

A manipulation check was also included after the third and final testimony transcript. The manipulation check featured a series of 10 true or false statements, including, “During one of the testimonies, the judge instructed the jurors to disregard part of the testimony”. There were five true statements included in the condition with an ITD and four true statements included in the control condition. The remaining statements were false and referred to evidence the participants

did not see in the transcripts. Overall accuracy reflects attention was paid to the materials.

Accuracy regarding the ITD was a manipulation check. A total of 76% of participants accurately answered all questions, 88% in the control condition and 63% in the ITD condition.

### Attitude

In measuring attitude, the questionnaire used four items: “At this point, I favor the Plaintiff (Mr. Wicker),” “At this point, I favor the Defendant (Boston Mutual Life Insurance Plan),” “I believe Lydia Wicker committed suicide,” and “I believe Lydia Wicker did not commit suicide” ( $\alpha = 0.872$  following the case description,  $\alpha = 0.879$  following the first transcript,  $\alpha = 0.869$  following the second transcript, and  $\alpha = 0.832$  following the third transcript). Evidence consistent with suicide favored the defendant. The means were  $M = 4.23$ ,  $SD = 1.69$ , following the case description;  $M = 4.35$ ,  $SD = 1.78$ , following the first transcript;  $M = 4.98$ ,  $SD = 1.52$ , following the second transcript; and  $M = 4.93$ ,  $SD = 1.48$ , following the third transcript.

### Anger

Anger was measured using the following items from Dillard and Shen (2005): “Reading this, made me feel irritated,” “I am annoyed by this testimony,” “I feel angered when reading this,” and “I am aggravated by this excerpt.” These items will be scaled from 1-7 with higher scores indicating higher levels of anger ( $\alpha = 0.945$  following first transcript,  $\alpha = 0.953$  following second transcript, and  $\alpha = 0.94$  following third transcript). The means were  $M = 2.59$ ,  $SD = 1.72$ , following the first transcript;  $M = 2.03$ ,  $SD = 1.35$ , following the second transcript; and  $M = 2.06$ ,  $SD = 1.54$ , following the third transcript.

### Cognitive Responses

For cognitive responses, as in Dillard and Shen (2005), participants were instructed to list their thoughts about the testimony. Using a technique similar to that used by Quick and Kim (2009), participants then coded each thought using a plus, minus, or zero, reflecting positive, negative, or neutral cognitions. The means were  $M = 1.17$ ,  $SD = 1.48$ , following the first transcript;  $M = 0.46$ ,  $SD = 0.80$ , following the second transcript; and  $M = 0.80$ ,  $SD = 0.87$ , following the third transcript.

## CHAPTER 3

### RESULTS

#### Induction Check

The induction check, adapted from Dillard and Shen (2005) and measuring perception of threat to freedom, had a mean of 2.03 for the control condition,  $SD = 1.23$ , and a mean of 2.44 for the ITD condition,  $SD = 1.45$ , following the second transcript. The effect was not significant,  $t(60) = 1.20, p > 0.5$ .

#### Manipulation Checks

The manipulation check did not show that the ITD manipulation was successfully identified. In the control condition, 29 participants correctly reported that an ITD was not included and four reported one was included,  $\chi^2 = 18.93, p < 0.05$ . The significant difference indicates the control was effectively induced. However, in the ITD condition, 19 participants correctly reported that the ITD was included while 11 did not,  $\chi^2 = 2.13, p = 0.14$ . People were no more likely to report an ITD than to not report one when one was, in fact, present in the transcript.

#### Attitude

Hypothesis 1 predicted that participants in the condition with an ITD would show a stronger pro-plaintiff attitude than participants in the condition without an ITD. This hypothesis

was not supported. Although those in the ITD condition were more likely to favor the plaintiff,  $M = 5.15$ ,  $SD = 1.65$ , than in the control condition,  $M = 4.82$ ,  $SD = 1.38$ , but the results were not significant,  $p > .05$ ,  $t(60) = 0.85$ .

### Anger

It was predicted in Hypothesis 2 that participants in the ITD condition would report greater levels of anger than those without an ITD. Hypothesis 2 was not supported. Participants with the ITD,  $M = 2.44$ ,  $SD = 1.45$ , did report higher levels of anger than those in the control condition,  $M = 2.03$ ,  $SD = 1.23$ , but the results were not significant,  $p > 0.05$ ,  $t(61) = 0.06$ .

### Cognitive Responses

In Hypothesis 3 it was predicted that participants in the ITD condition would report more negative thoughts than those without an ITD. This hypothesis was supported. Participants in the ITD condition reported more negative cognitions,  $M = 0.63$ ,  $SD = 0.88$ , than participants in the control group,  $M = 0.30$ ,  $SD = 0.68$ . These results were significant,  $t(60) \text{ one-tailed} = 1.66$ ,  $p = 0.05$ .

### Reactance

It was predicted in Hypothesis 4 that negative cognitions and anger would be positively associated with pro-plaintiff attitudes. Attitude was regressed onto anger and negative cognitions. A boomerang effect would be evidenced if anger and negative cognitions were positively associated with pro-plaintiff attitudes. There was no significant effect for the multiple

regression coefficient,  $R = 0.14$ ,  $p > 0.05$ . Further, neither anger,  $\beta = -.07$ ,  $p > .05$ , nor negative thoughts,  $\beta = 0.12$ ,  $p > .05$ , produced a significant partial correlation.

#### Post Hoc Tests

Due to the failure to identify the ITD shown in the manipulation check, post hoc tests were also conducted. The induction check, measuring perception of threat to freedom, did not show a significant difference between those in the ITD condition who successfully identified the ITD,  $M = 2.40$ ,  $SD = 1.46$ , and those who did not successfully identify the ITD,  $M = 2.52$ ,  $SD = 1.50$ ,  $t(28) = 0.20$ ,  $p > .05$ . With attitude, those who successfully identified the ITD,  $M = 5.18$ ,  $SD = 1.29$ , also did not have a significant difference from those who did not successfully identify it,  $M = 5.09$ ,  $SD = 2.1$ ,  $t(28) = -.15$ ,  $p > .05$ . Similarly, anger did not have a significant difference when the ITD was correctly identified,  $M = 2.11$ ,  $SD = 1.26$ , compared to when it was not successfully identified,  $M = 1.86$ ,  $SD = 1.09$ ,  $t(28) = -.53$ ,  $p > .05$ . Last, negative cognitions also did not produce a significant difference between those who successfully identified the ITD,  $M = .63$ ,  $SD = .96$ , and those who did not successfully identify the ITD,  $M = .64$ ,  $SD = .81$ ,  $t(28) = 0.01$ ,  $p > .05$ .

## CHAPTER 4

### DISCUSSION

The overall goals of this study were to expand on existing research on jury decision making and to see if psychological reactance might offer an explanation for the boomerang effect found in ITD research (Steblay et al., 2006). Jury studies on ITDs have found that inadmissible information coupled with an ITD produces a stronger effect than can be accounted for by the inclusion of the evidence alone (Steblay et al., 2006). In other words, an ITD might encourage behavior counter to the instruction, revealing a boomerang effect. Brehm (1966) introduced the theory of psychological reactance to explain that by limiting the freedom to choose, a restricted choice becomes more attractive. Brehm (1989) speculated this might make persuasive messages backfire and participants more likely to behave against the persuasive instruction. Seeing a possible link between the phenomenon in jury research and the boomerang effect in psychological reactance, this study applied Dillard and Shen's (2005) measures of psychological reactance to ITDs to test if ITDs produce reactance.

The first hypothesis predicted participants exposed to an ITD would show a stronger pro-plaintiff attitude than participants without an ITD. While participants in the ITD condition did report attitudes more in favor of the plaintiff than those in the control condition, the results were not significant. The second hypothesis found similar results in that those in the ITD condition did report greater levels of anger than those without an ITD, but not to a significant degree.

The third hypothesis was the sole hypothesis that received significant support, predicting that participants in the ITD condition would report more negative thoughts than those without an ITD. Participants exposed to an ITD did report more negative cognitions than those exposed to the same evidence but without an ITD.

The fourth and final hypothesis predicted that negative cognitions and anger would be positively associated with a boomerang effect. Like with the first two hypotheses, this hypothesis did not receive significant support. Furthermore, anger produced a non-significant negative beta.

It is also worth noting that although the first hypothesis, predicting a boomerang effect, did not receive significant support, the ITD did not produce the instructed response of not considering the evidence. If participants in the experimental condition followed the ITD and discounted the pro-plaintiff evidence, they should have reported attitudes more in favor of the defense. Since attitudes did not significantly differ between the experimental and control condition, it appears that the order of the ITD did not produce the instructed dismissal of evidence. This finding supports previous ITD studies that found that ITDs did not completely erase consideration of the evidence (Carretta & Moreland, 1983; Fein, McCloskey, & Tomlinson, 1997; Reinard & Reynolds, 1978).

There were a few limitations that may have contributed to these findings.

### Limitations

The current study encountered a few main limitations when collecting data. The first limitation was the number of participants. As previously discussed, effects of ITDs are hard to detect. It is very possible that a larger pool of participants might have revealed results at a significant level. Indeed, the pattern of means was consistent with predictions.



For the second limitation, not enough participants in the ITD condition were able to correctly report that an ITD existed in the transcript. Although participants were significantly more likely to recognize an ITD in the experimental condition than in the control condition, people were not significantly more likely to recognize the ITD than not within the experimental condition. If participants did not recognize the ITD, they should not have felt as though their freedoms were being restricted. It is possible that other measures failed to produce significant effects merely because not enough participants noticed the ITD or felt their freedom threatened by it. This could explain why there was no difference in perceived restrictions of freedom between the control and the experimental groups.

The third limitation involves the transcript nature of the study. It is possible that participants would have been less likely to miss the ITD while watching or listening to a trial--through video, audio recording, or in person--than they were when reading the testimony. Audio transcripts have been successfully used in jury studies (Pickel, Karam, & Warner, 2009). The audio nature of the transcript may assist in identifying the ITD because audio transcripts must be processed at the same pace as opposed to skimming that can occur in written transcripts. It is possible that interchanging the written transcript for a different type of format may aid in the manipulation check.

The final limitation is participant age. All of the participants involved in this study were students due to availability. As students are generally not the main demographic that make up juries, it is possible that having a more diverse participant pool would produce different results.

In order to avoid these limitations and continuing expanding jury decision-making research, a few possible avenues should be considered.

### Directions for Future Research

For future applications of this research, a larger pool of participants should be employed. It would also be worthwhile to test different methods of ITD inclusion. These could include an audio transcript, a longer written transcript, and multiple ITD inclusions. Testing these varieties of ITD inclusions could help find if there is an effect on participants noticing an ITD.

Also, more research should be conducted on jurors' cognitive awareness of ITDs. It is troubling that participants did not recognize when they were instructed to disregard some evidence. In the court system, this would have grave implications. Further research in this area could examine if ITDs with discussion and counterarguments have an effect on jurors because they have more attention drawn to the ITDs.

### Conclusion

This study achieved its goal of furthering jury decision-making research and applying Brehm's (1966) theory of psychological reactance to an ITD context. While this study did not obtain significant results for all the hypotheses, it did find that participants in the ITD condition produced significantly more negative cognition than those in the control group. Further research should be conducted on whether more elements of psychological reactance would appear with a larger sample or if participants become more aware of ITDs with alternative presentations (e.g., audio, video, or in person testimony).

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APPENDIX

MATERIALS WITH INSTRUCTION TO DISREGARD

**You will now be presented with testimony concerning the case. Please read the following testimony carefully and determine how it influences your impression of the case.**

The Plaintiff Lawyer represents Mr. Walter Wicker

The Defense Lawyer represents Boston Mutual Life Insurance Company

You represent a juror.

(Transcript from Trial)

Plaintiff Lawyer: THE PLAINTIFF WOULD LIKE TO CALL CINDI OLSON TO THE STAND

Judge: CINDI OLSON TO THE STAND, PLEASE.

Plaintiff Lawyer: MS. OLSON, HOW LONG HAD YOU KNOWN THE DECEASED, LYDIA WICKER.

Ms. Olson: EIGHT YEARS.

Plaintiff Lawyer: WOULD YOU CONSIDER YOURSELF CLOSE TO HER?

Ms. Olson: YES, I WAS HER MAID OF HONOR.

Plaintiff Lawyer: IN A REGULAR WEEK, HOW OFTEN WOULD YOU SAY YOU TALKED TO MRS. WICKER?

Ms. Olson: AT LEAST ONCE A WEEK, SOMETIMES TWICE.

Plaintiff Lawyer: DID YOU NOTICE ANYTHING DIFFERENT ABOUT MRS. WICKER IN THE DAYS LEADING UP TO HER DEATH?

Ms. Olson: YES. I NOTICED THAT SHE HAD STARTED CARRYING HER HANDGUN IN HER PURSE.

Plaintiff Lawyer: WAS THAT UNUSUAL?

Ms. Olson: I HAD NEVER NOTICED IT BEFORE.

Plaintiff Lawyer: DO YOU KNOW WHAT HAD CHANGED?



Ms. Olson: LYDIA TOLD ME THAT SHE WAS WORRIED THAT ONE OF HER CLIENTS, HERBERT VASE, WAS TIED UP IN SOMETHING BAD. SHE SAID SHE THOUGHT SHE WAS IN REAL DANGER. ESPECIALLY FROM MR. VASE.

Defense Lawyer: OBJECTION! HEARSAY!

Judge: MOTION SUSTAINED. JURORS, DISREGARD THE LAST STATEMENT MADE BY MS. OLSON.

Plaintiff Lawyer: I CONCLUDE MY QUESTIONING.

Defense Lawyer: DEFENSE HAS NO FURTHER QUESTIONS FOR MS. OLSON