

7-19-1991

Attitudinal predictors in a Negligence Case

Therese Ann Astolfo
Florida International University

Follow this and additional works at: <http://digitalcommons.fiu.edu/etd>



Part of the [Psychiatry and Psychology Commons](#)

Recommended Citation

Astolfo, Therese Ann, "Attitudinal predictors in a Negligence Case" (1991). *FIU Electronic Theses and Dissertations*. 1057.
<http://digitalcommons.fiu.edu/etd/1057>

This work is brought to you for free and open access by the University Graduate School at FIU Digital Commons. It has been accepted for inclusion in FIU Electronic Theses and Dissertations by an authorized administrator of FIU Digital Commons. For more information, please contact dcc@fiu.edu.

ABSTRACT OF THE THESIS

Attitudinal Predictors in a Negligence Case

by

Therese Ann Astolfo

Florida International University, 1991

Miami, Florida

Professor Brian Cutler, Major Professor

This study addresses the use of attitude and personality variables as predictors of compensation and award in a personal injury suit. Safety seeking behavior and attitudes toward tort reform are introduced as case-specific factors that may predict this verdict decision. Two hundred registered voters were surveyed on scales measuring attitudes toward safety, tort reform, and psychiatrists. Subjects also indicated their demographic characteristics and the degree of compensation and amount of award they would render the plaintiff in a civil suit. Results indicated attitudinal variables were more predictive of compensation and award than were demographic variables. The implications of these findings are discussed.

FLORIDA INTERNATIONAL UNIVERSITY
Miami, Florida

Attitudinal Predictors in a Negligence Case

A thesis submitted in partial satisfaction of the
requirements for the degree of Master of Science
in Psychology

by

Therese Ann Astolfo

Committee in charge:
Professor Brian L. Cutler, Chairperson
Professor Gary Moran
Professor Scott Fraser

1991

To Professors: Brian L. Cutler
Gary Moran
Scott Fraser

This thesis, having been approved in respect to form and mechanical execution, is referred to you for judgement upon its substantial merit.

Arthur W. Herriott, Acting Dean
College of Arts and Sciences

The thesis of Therese Ann Astolfo is approved.

Scott Fraser

Gary Moran

Brian L. Cutler, Major Professor

Date of examination: July 19, 1991

Dean Richard Campbell
Division of Graduate Studies

Florida International University, 1991

Table of Contents

Abstract.....	i
Committee Approval Page.....	ii
List of Tables.....	iv
Introduction.....	1
Method.....	4
Survey Instrument.....	4
Survey Procedure.....	7
Results.....	7
Discussion.....	10
Table 1.....	13
Table 2.....	14
Table 3.....	19
Table 4.....	20
Table 5.....	21
References.....	22
Footnotes.....	23
Appendix A.....	24
Vita.....	34

List of Tables

Table 1

Safety Locus of Control Scale

Table 2

Demographic Characteristics of Sample

Table 3

Descriptive Statistics

Table 4

Intercorrelation Matrix

Table 5

Regression Analyses

Attitudinal Predictors in a Negligence Case

There have been few studies of individual differences as predictors of case outcomes in civil cases. The few existing studies, however, seem to point to the same conclusion: Attitude and personality variables are better predictors of verdict and/or award than are demographic variables (Goodman, Loftus, & Greene, 1990; Penrod, 1990).

Penrod (1990) attempted to determine whether it was possible to predict juror verdict preference using demographic and attitudinal information. A negligence case was one of four cases used in the study. Subjects for the study were jurors serving jury duty in large metropolitan areas. Participants listened to an audiotape of an actual negligence case. They were then asked to determine the proportion of negligence attributable to the defendant, the plaintiff's contributory negligence, and the total amount of damages they would award. Attitudes towards various issues were measured. These included: (a) attitudes toward the plaintiff collecting for pain and suffering, (b) belief that large awards encourage more lawsuits, and (c) belief that juries should be able to consider defendant's wealth. Agreement with the latter correlated significantly with juror verdict.

Goodman et al. (1990) focused on demographics and attitudes toward tort reform as predictors of juror verdict and award. Tort reform surfaced as a dominant public issue in 1986. Escalating jury awards have been indicated as a

major factor underlying the insurance availability crisis (Goodman et al., 1990). According to Guinther (1988), tort cases, which involve injury to persons or property, are the principal cause of the litigation explosion. Goodman et al. (1990) had subjects read a brief synopsis of three wrongful death cases: (a) a product liability case in which the driver had a fatal accident when the accelerator pedal malfunctioned, (b) a negligence case in which a driver failed to stop for a pedestrian, and (c) a medical malpractice case in which a patient was injected with a substance to which he was known to be allergic. Participants were told that liability had already been determined and were asked to award an appropriate sum in damages. Afterwards, they answered questions assessing their attitudes regarding monetary damages in civil lawsuits. Goodman et al. found that jurors who favored tort reform were less likely to side with the plaintiff in a medical malpractice case.

Two additional findings regarding attitudes toward tort reform are worth noting. Moran, Cutler, and Loftus (1990) found that attitudes toward tort reform predicted a criminal case verdict: the case involved a lawyer charged with drug crimes. Caiola and Berman (1991) found that attitudes toward tort reform predicted criminal case verdicts in an insurance fraud case. It seems that jurors who favor tort reform differ systematically from those who oppose reform. The present study tests the hypothesis that people who favor tort

reform award smaller amounts of compensation than people who oppose tort reform.

In addition to testing attitudes toward tort reform, this research explores the relevance of attitudes toward safety-seeking as a predictor of jury awards. Little research exists on juror safety characteristics or attitudes. Accidents cost the nation billions of dollars each year (Wuebker, 1986). Safety-seeking individuals are defined here as those persons who actively pursue and exercise safe behavior. Safety involves more than just avoiding accidents. Safety conscious persons seem to take responsibility for their actions.

Jones (1984, cited in Wuebker, 1986) has related safety to locus of control. Jones suggests that individuals with "internal" safety locus of control orientations (high safety consciousness) expect a contingent relationship between personal behavior and any accidents and injuries they may or may not have. Persons with "external" safety control orientations see little cause and effect relationship between personal actions and safety. They tend to perceive accidents and injuries as uncontrollable or determined by forces outside their control. Such individuals would not be expected to take precautions to avoid accidents because they feel that they have little control over involvement in accidents. Jones developed the Safety Locus of Control Scale (SLCS) to identify employees at high risk for accidents, injuries, and unsafe behaviors. Several studies

have provided evidence of the SLC construct as a valid discriminator between individuals with high and low accident susceptibility (Wuebker, 1989).

The present study hypothesizes that safety-seeking individuals are more likely to side with the plaintiff in a personal injury suit. Also, because the case used in this study involves psychiatric testimony on behalf of the plaintiff, a measure of attitudes toward psychiatrists is included. Cutler, Moran, and Narby (1991) found that subjects with negative attitudes toward psychiatrists were less likely to support an insanity defense. It is hypothesized here that subjects with negative attitudes toward psychiatrists (testifying on behalf of the plaintiff) will award less compensation to the plaintiff than subjects with positive attitudes toward psychiatrists.

Method

The Survey Instrument

The survey consisted of: (a) a case scenario and ratings of amount of compensation the plaintiff should receive, (b) safety-related attitudes, (c) attitudes toward tort reform, (d) attitudes toward psychiatrists and the insanity defense, and (e) demographics. The instrument is displayed in Appendix A.

Case scenario. Respondents read the following scenario: "Mrs. Smith is a 58 year-old white female who is suing a major corporation. She claims that during a tour of one of the corporation's buildings she slipped and fell on a wet

floor and landed flat on her back, and head, and was injured. She claims that she suffers from mild organic brain damage as a result of her fall." Respondents then answered the question: "How much compensation should Mrs. Smith receive for the damages resulting from her accident?" Individuals responded by circling one number: 1 (no compensation) thru 9 (full compensation). Six new pieces of information were introduced and individuals were asked to respond as described above. An example of the new information is: "The defendant (the corporation) claims that, although no warning sign was posted where she fell, there were signs ten feet away which indicated that the floor was wet."

Safety-related attitudes. Ten items from the Safety Locus of Control Scale were used to identify safety-seeking individuals. Internal scorers think they should assume personal responsibility for their safety and they believe they can take preventive steps to avoid accidents (Jones & Wuebker, 1985). The SLCS is a situation-specific scale. Items are referenced to industrial accidents and accidents in general (Wuebker, 1986). Items regarding accidents in general were used for the present study. These items are included in Table 1. Responses were rendered on a 4-point Likert-type scale (i.e., 1=Strongly Agree, 2=Agree, 3=Disagree, and 4=Strongly Disagree). A higher score on this scale means external locus of control with respect to safety, or low safety-seeking.

Insert Table 1 About Here

Attitudes toward tort reform. Respondents indicated their agreement with the following statements employed by Moran and his colleagues (Caiola & Berman, 1991): (1) "Doctors pad medical bills and insurance claims," (2) "What is your opinion about awarding money to injured persons solely on the basis of pain and suffering?," (3) "Many doctors perform medical tests that are unnecessary," (4) "Many medical procedures are ordered for the sole purpose of generating damage awards," (5) "Untold millions are paid out yearly in malpractice suits," (6) "Lawyers encourage clients to file fabricated lawsuits," (7) "High injury awards lead to increased premiums." Responses were rendered on a 4-point Likert-type scale. A higher score on this scale means favorable attitudes toward tort reform.

Attitudes toward psychiatrists and insanity defense. Attitudes toward psychiatrists were measured by respondents indicating their agreement with the following statements (Cutler, Moran, & Narby, 1991): (1) "I don't put much faith in the testimony of psychiatrists," (2) "The testimony of psychiatrists is critical in insanity cases," (3) "Psychiatrists are no better than anyone else at determining whether a defendant is insane," (4) "Psychiatrists are just hired guns. They are too willing to say anything on the witness stand for the right price." Six items were used to

measure attitudes toward the insanity defense, which were part of Cutler, Moran, and Narby's (1991) scale (see Appendix A). A higher score on this scale means negative attitudes toward psychiatrists and the insanity defense.

Demographics. Each respondent indicated his or her age, education, race, marital status, income, age of children, employment status, occupation, spouse's occupation, and political views. Respondents also indicated whether they ever had a lawyer work for them and if so whether they were satisfied with the representation, whether they read Consumer Reports, completed their own tax return, used a budget, belonged to any social organizations, had ever been involved in a lawsuit, and whether they favored Florida's Amendment 10 to put a cap on lawyers fees in civil cases.

The Survey Procedure

Surveys were distributed at a local shopping mall and to people in line at the Driver Licenses Bureau. Response rate was 52%. Each survey was completed within 15 minutes. Respondents were a sample of 200 jury-eligible residents (i.e., registered voters) of Dade County, Florida.

Results

The breakdown of demographic characteristics of the sample is displayed in Table 2. The survey procedures produced a rather heterogeneous sample of respondents with respect to sex, race, marital status, education, employment status, occupation, income, political affiliation, and safety habits. The only dimension that seemed substantially

restricted was age: 85% were 44 or younger. The demographic characteristics of the sample were compared to those of Dade County jurors.¹ Respondents' sex, race, and education were comparatively similar to those of actual jurors. Age and income, however, deviated. Thirty eight percent of jurors were between 18 and 35 years of age, while 69% of respondents were between 18 and 34 years. With respect to income, 52% of jurors' income was less than \$10,000, while 34% of respondents' income was less than \$20,000.

Insert Table 2 About Here

Table 3 displays the descriptive statistics. The case scenario was well-balanced, with means on compensation items ranging from 4.56 to 5.96 (on a 1 to 9 scale). Attitudinal items and scale scores seemed to be normally distributed as well. Reliability analyses were conducted on the attitudes toward psychiatrist scale ($\alpha=.71$), attitudes toward insanity defense scale ($\alpha=.76$), attitudes toward tort reform scale ($\alpha=.58$), and the safety attitudes scale ($\alpha=.60$).

Insert Table 3 About Here

In the first analysis, interval-scaled variables were each correlated with the two dependent variables, likelihood of full compensation (on the 1 to 9 scale) and dollar award.

The award variable was coded as follows: 0=no award, 1=\$1-\$100,000; 2=\$100,001-\$200,000; 3=\$200,001-\$300,000; 4=\$300,001-\$400,000; 5=\$400,001-\$500,000; 6=\$500,001-\$600,000; 7=\$600,001-\$700,000; 8=\$700,001-\$800,000; 9=\$800,001-\$900,000; 10=\$900,001-\$1,000,000; and 11=more than \$1,000,000.

Categorical variables were first examined in one-way analyses of variance and then dummy-coded appropriately.

Intercorrelations are displayed in Table 4. Respondents who awarded less compensation to the plaintiff: were males, worked full or part time, had negative attitudes toward psychiatrists and the insanity plea, favored tort reform, and were identified as having external safety locus of control orientations (marginally significant). Respondents who were older, used a budget, and favored tort reform gave smaller dollar awards.

Insert Table 4 About Here

Regression analyses were performed using degree of compensation and award as the dependent variables and sex, age, use of a budget, employment status, and attitudes toward psychiatrists, insanity plea, tort reform and safety as predictors. For each dependent variable, predictors that were significant or marginally significant were included in the equation. Sex, employment status, and attitudes toward psychiatrists, insanity plea, tort reform, and safety accounted for about 15% of the variance (multiple $R=.38$) for

the degree of compensation variable. Use of a budget, sex, and attitudes toward tort reform accounted for about 10% of the variance (multiple $R=.32$) for the award variable. Results of the regression equations are displayed in Table 5.

Insert Table 5 About Here

Discussion

Certain hypotheses were supported. Safety seeking individuals awarded more compensation to a plaintiff in a personal injury suit, but this result was only marginally significant. Subjects who favored tort reform gave less compensation (on the rating scale) and smaller dollar awards. Subjects with negative attitudes toward psychiatrists gave less compensation. The results further demonstrate that demographic characteristics are less predictive of compensation than are attitudinal variables.

A major limitation to the study is the scales used to measure attitudes, especially the safety scale, were only marginally reliable. Perhaps if more reliable scales were used, the correlations would have been larger in magnitude. Also, the sample was restricted in age and it remains to be seen whether the results generalize to an older population. Another potential problem with the safety-seeking scale is that it focuses on attributions of causality for accidents rather than on specific safety-seeking behaviors. Perhaps a more behavioral oriented safety-seeking scale would be more

predictive of juror verdicts. A behaviorally oriented safety-seeking scale would assess subjects' tendencies to take precautions (e.g., buy insurance, wear seat belts, install burglar alarms, etc.).

Alternative modes of case presentation need to be taken into consideration. Whether the cognitive processes of subjects reading a case scenario are the same as those of actual jurors in a courtroom setting needs to be examined. The use of more realistic settings, such as an actual trial or videotape of a trial, would create a more natural courtroom environment. The appearance of lawyers and witnesses, as well as the act of being sworn in by a court official, might have an impact on jurors that gets lost in written material. A second alternative to acquiring subjects' reactions would be to survey jurors who have previously served on a personal injury case. Future research may also incorporate different types of civil cases.

Research findings on juror attitudes or personality traits show a more robust effect than those of demographic variables (Goodman et al., 1990). The present study lends support to the premise that juror attitudes are more useful in predicting juror predisposition than are demographic characteristics. Goodman et al. (1990) argue that "case-relevant biases may not be reliably identified based exclusively on demographic information about prospective jurors" (p. 305). Future research needs to examine the relationships between case-specific attitudes, such as

attitudes toward safety, and juror verdict and award.
Attitudes toward safety and tort reform are promising
variables to be used in future studies on jury selection.

Table 1

Safety Locus of Control Scale

Internal Items

1. I can avoid getting injured if I am careful and aware of potential dangers.
2. Most accidents are avoidable.
3. Most of my accidental injuries are preventable.
4. I always try to avoid dangerous situations.
5. There is a distinct connection between how careful I am and the number of accidents I have.

External Items

1. Whether I get injured or not is a matter of fate, chance, or luck.
2. Most of my accidents are caused by accidental happenings outside my control.
3. I think I am a victim of misfortune whenever I have an accident.
4. There are so many dangers in this world, that I never know how or when I might have an accident.
5. For me, avoiding accidents is a matter of luck.

Table 2

Demographic Characteristics of Sample

	<u>Percentage</u>
<u>Sex:</u> Male	.53
Female	.47
<u>Age:</u> 18-24 yrs	.31
24-34 yrs	.38
35-44 yrs	.16
45-54 yrs	.09
55-64 yrs	.05
65+	.02
<u>Race:</u> White, non-Hispanic	.44
Hispanic	.29
Black, non-Hispanic	.21
Asian	.02
Other	.06
<u>Marital</u>	
<u>Status:</u> Married	.32
Remarried	.03
Divorced	.10
Separated	.03
Widowed	.04
Single	.49

(table continues)

	<u>Percentage</u>
<u>Education:</u>	
less than high school	.02
some high school	.06
high school diploma	.20
partial college or junior college	.43
college degree	.24
postgraduate professional degree	.06
<u>Employment</u>	
<u>Status:</u> employed full-time	.64
employed part-time	.18
employed occasionally	.15
retired	.04
<u>Occupation:</u>	
Homemaker	.09
Professional/Technical	.19
Salesperson	.12
Manager	.15
Clerical/Secretary	.05
Craftsman	.02
Laborer	.04
Service Worker	.06
Teacher	.04
	<u>(table continues)</u>

	<u>Percentage</u>
<u>Occupation:</u>	
Student	.06
Self-employed	.14
Not working/Unemployed	.05
Refused	.02
<u>Income:</u>	
Less than \$20,000	.34
Between 20 & 30,000	.21
Between 30 & 45,000	.22
Between 45 & 60,000	.12
Between 60 & 75,000	.05
More than 75,000	.06
<u>Political</u>	
<u>Party:</u> Democrat	.33
Republican	.33
Independent	.34
<u>Child below age</u>	
<u>of 15 years:</u> yes	.26
no	.76
<u>Spouse's occupation:</u>	
Homemaker	.11
Professional/Technical	.35
Salesperson	.16
Manager	.18

(table continues)

	<u>Percentage</u>
<u>Spouse's occupation:</u>	
Clerical/Secretary	.05
Craftsman	.00
Laborer	.05
Service Worker	.00
Teacher	.02
Student	.02
Self-employed	.05
Not working/Unemployed	.02
<u>Resided in</u>	
<u>South Florida:</u> less than 2 yrs	.12
2-5 yrs	.14
6-10 yrs	.20
over 10 yrs	.54
<u>Had a lawyer</u>	
<u>work for them:</u> yes	.47
no	.53
<u>Satisfied with</u>	
<u>representation:</u> yes	.79
no	.21
<u>Completed own</u>	
<u>tax return:</u> yes	.45
no	.55
<u>Use a budget:</u> yes	
no	.41

(table continues)

	<u>Percentage</u>
<u>Read Consumer Reports:</u> yes	.42
no	.58
<u>Favored Florida's Amendment 10:</u> yes	.75
no	.25
<u>Wear seatbelts:</u> Always	.53
Sometimes	.30
Rarely	.14
Never	.03
<u>Suffered a major personal injury:</u> yes	.49
no	.52
<u>Belong to a social organization:</u> yes	.24
no	.76

Table 3

Descriptive Statistics

<u>Variables</u>	<u>Minimum</u>	<u>Maximum</u>	<u>M</u>	<u>SD</u>
Compensation (Item 1)	1	9	5.96	2.40
Compensation (Item 2)	1	9	5.01	2.60
Compensation (Item 3)	1	9	5.64	2.57
Compensation (Item 4)	1	9	5.86	2.50
Compensation (Item 5)	1	9	4.74	2.59
Compensation (Item 6)	1	9	4.64	2.41
Compensation (Item 7)	1	9	4.56	2.42
Compensation (Item 8)	1	9	4.63	2.40
"If I cannot do something really well, there is little point in doing it at all"	1	4	2.80	.94
"Most of what you read in the newspaper or see on TV turns out to be pretty much the truth"	1	4	2.61	.79
"I don't like things to be uncertain and unpredictable"	1	4	2.29	.86
Current political views	1	4	2.31	1.05
Amount of Award	0	11	1.63	2.08
Attitudes toward psychiatrists scale	4	16	8.58	2.34
Attitudes toward insanity scale	7	23	15.28	3.24
Attitudes toward tort reform scale	12	28	20.33	2.69
Attitudes toward safety scale	12	34	22.67	3.62

Table 4

Intercorrelation Matrix

	2	3	4	5	6	7	8	9	10
1 Sex	.00	-.17**	.13*	-.17**	.02	-.15**	-.02	.17**	-.02
2 Age		-.03	.09	-.02	-.06	.23***	-.15**	.00	-.21**
3 Budget			.20**	.07	.05	-.02	.09	.03	.20**
4 Employment Status				.02	-.07	-.13*	.07	.22**	.00
5 Attitudes toward psychiatrists					.49	.28	.24***	-.20***	.03
6 Attitudes toward insanity defense						.35	.09	-.19***	-.07
7 Attitudes toward tort reform							.17**	-.26***	-.20**
8 Attitudes toward safety								-.12*	-.01
9 Compensation									.48
10 Award									

Note. For sex, 1=male; 2=female. For age, higher score=older. For budget, 1=uses; 2=does not use. For employment status, 1=full or part time; 2=retired. For the attitude measures, higher scores=negative attitudes toward psychiatrists and the insanity defense, positive attitudes toward tort reform and external locus of control for safety. For compensation and award, higher scores mean more compensation and larger awards.

* $.10 < p < .05$, two tailed.

** $.05 < p < .01$, two tailed.

*** $.01 < p$, two tailed.

Table 5

Regression Analyses

<u>Predictors</u>	<u>Betas</u>	
	<u>Compensation</u>	<u>Award</u>
Sex	.13*	----
Age	----	-.16*
Use of a budget	----	.19**
Employment status	.18**	----
Attitudes toward psychiatrist	-.10	----
Attitudes toward insanity defense	-.04	----
Attitudes toward tort reform	-.15*	-.16*
Attitudes toward safety	-.11	----

<u>R</u>	.38	.32
<u>R</u> ²	.15	.10
<u>F</u>	5.05***	4.83***

Note. * $.10 < p < .05$, two tailed.

** $.05 < p < .01$, two tailed.

*** $.01 < p$, two tailed.

References

- Caiola, M. A., & Berman, G. L. (1991, August). The need for extended voir dire in insurance fraud cases. Paper presented at the Annual Meeting of the American Psychological Association: San Francisco, C.A.
- Cutler, B. L., Moran, G., & Narby, D. (1991). Jury selection in insanity defense cases. Manuscript submitted for publication.
- Goodman J., Loftus, E. F., & Greene E. (1990). Matters of money: Voir dire in civil cases. Forensic Reports, 3, 303-329.
- Guinther, J. (1988). The jury in America. New York: Facts on File Publications.
- Jones, J. W., & Wuebker, L. (1985). Development and validation of the Safety Locus of Control Scale. Perceptual and Motor Skills, 61, 151-161.
- Moran, G., Cutler, B. L., & Loftus, E. F. (1990). Jury selection in major controlled substance trials: The need for extended voir dire. Forensic Reports, 3, 331-348.
- Penrod, S. D. (1990). Predictors of jury decision making in criminal and civil cases: A field experiment. Forensic Reports, 3, 261-277.
- Wuebker, L. J. (1986). Safety Locus of Control as a predictor of industrial accidents and injuries. Journal of Business and Psychology, 1, 19-30.
- Wuebker, L. J. (1989). Safety Locus of Control: A construct and predictive validity study. Unpublished master's thesis, Georgia Institute Technology, Atlanta.

Footnote

¹This information was obtained from a 1986 Dade County Prosecutor survey.

Appendix A

The Survey Instrument

The following survey is part of research being conducted for a master's thesis. This is an anonymous survey, therefore your name is not required. You are free to discontinue participating at any time. After completion, any questions regarding the nature of the study will be gladly answered.

The first part of this survey concerns your reactions to a typical lawsuit. Please read the case summary below and respond to the questions.

Mrs. Smith is a 58 year-old white female who is suing a major corporation. She claims that during a tour of one of the corporation's buildings she slipped and fell on a wet floor and landed flat on her back, shoulders, and head, and was injured. She claims that she suffers from mild organic brain damage as a result of her fall.

(1) How much compensation should Mrs. Smith receive for the damages resulting from her accident? (Circle one)

No Compensation							Full Compensation	
1	2	3	4	5	6	7	8	9

The defendant (the corporation) claims that, although no warning sign was posted where she fell, there were signs ten feet away which indicated that the floor was wet.

(2) Given this new information, how much compensation should Mrs. Smith receive for the damages resulting from her accident? (Circle one)

No Compensation							Full Compensation	
1	2	3	4	5	6	7	8	9

Prior to her accident Mrs. Smith ran for a public office, ran a real estate business, and worked for many charity organizations. Since the accident she is no longer an active person.

(3) Given this new information, how much compensation should Mrs. Smith receive for the damages resulting from her accident? (Circle one)

No Compensation							Full Compensation	
1	2	3	4	5	6	7	8	9

Psychiatrists hired by the plaintiff (Mrs. Smith) will testify that Mrs. Smith is indeed suffering from moderate to mild organic brain damage and severe, incapacitating depression.

(4) Given this new information, how much compensation should Mrs. Smith receive for the damages resulting from her accident? (Circle one)

No Compensation							Full Compensation	
1	2	3	4	5	6	7	8	9

Psychiatrists hired by the defense (the corporation) will testify that Mrs. Smith is not suffering from mild organic brain damage but she is suffering from normal psychiatric problems not resulting from her accident; other doctors, hired by the defense say that Mrs. Smith is faking her injuries.

(5) Given this new information, how much compensation should Mrs. Smith receive for the damages resulting from her accident? (Circle one)

No Compensation							Full Compensation	
1	2	3	4	5	6	7	8	9

Thirty years ago Mrs. Smith received electric shock treatments for depression. Around that time she also attempted suicide, and a second attempt at suicide was made seven years later, in 1964.

(6) Given this new information, how much compensation should Mrs. Smith receive for the damages resulting from her accident? (Circle one)

No Compensation							Full Compensation	
1	2	3	4	5	6	7	8	9

The defendant (the corporation) asserts that Mrs. Smith is a long-term pill-popper as a result of her ongoing depression. Mrs. Smith claims that the pills are a legitimate prescription for her migraine headaches and have nothing to do with depression. She once was addicted to morphine a long time ago; the withdrawal from this morphine took one year to complete.

(7) Given this new information, how much compensation should Mrs. Smith receive for the damages resulting from her accident? (Circle one)

No Compensation								Full Compensation
1	2	3	4	5	6	7	8	9

(8) Given all of the evidence, how much compensation should Mrs. Smith receive for the damages resulting from the accident? (Circle one)

No Compensation								Full Compensation
1	2	3	4	5	6	7	8	9

(9) If you were to award her a dollar amount, how much would that be? _____

The next few questions are about your attitudes. Please indicate the extent to which you agree with each statement as it pertains to you.

(10) If I cannot do something really well, there is little point in doing it at all.

Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(11) I think I am a victim of misfortune whenever I have an accident.

Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(12) I don't put much faith in the testimony of psychiatrists.

Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(13) Most of what you read in the newspaper or see on TV turns out to be pretty much the truth.

Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(14) I can avoid getting injured if I am careful and aware of potential dangers.

Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(15) Too many guilty people are acquitted by pleading insanity.

Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(16) What is your opinion about awarding money to injured persons solely on the basis of pain and suffering?

Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(17) Most accidents are avoidable.

Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(18) The testimony of psychiatrists is critical in insanity cases.

Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(19) Doctors pad medical bills and insurance claims.
Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(20) Psychiatrists are no better than anyone else at determining whether a defendant is insane.
Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(21) High injury awards lead to increased premiums.
Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(22) For me, avoiding accidents is a matter of luck.
Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(23) Psychiatrists are just hired guns -- they are too willing to say anything on the witness stand for the right price.
Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(24) Many doctors perform medical tests that are unnecessary.
Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(25) I always try to avoid dangerous situations.
Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(26) Criminal defendants should not be allowed to plead insanity.

Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(27) Whether I get injured or not is a matter of fate, chance, or luck.

Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(28) Lawyers encourage clients to file fabricated lawsuits.

Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(29) Most of my accidents are caused by accidental happenings outside my control.

Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(30) In most cases in which a defendant is found not guilty by reason of insanity, the verdict is justified.

Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(31) "Untold millions" are paid out yearly in malpractice suits.

Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(32) There are so many dangers in this world, that I never know how or when I might have an accident.

Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(33) All criminal defendants should be punished for committing crimes, even if they are found insane.

Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(34) Many unnecessary medical procedures are ordered for the interest of the lawsuit, rather than in the interest of the patient.

Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(35) Most of my accidental injuries are preventable.

Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(36) The courts are too lenient with defendants by allowing them to plead insanity.

Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(37) I don't like things to be uncertain and unpredictable.

Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(38) The defendant's degree of insanity is irrelevant; if he commits a crime then he should do the time.

Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

(39) There is a distinct connection between how careful I am and the number of accidents I have.

Strongly Agree 1
Agree 2
Disagree 3
Strongly Disagree 4

The next few questions are about your background.

(40) How long have you lived in South Florida?
Less than 2 yrs 1
2 to 5 yrs 2
6 to 10 yrs 3
Over 10 yrs 4

(41) Did you favor Florida's Amendment 10 to put a cap on lawyers' fees in civil cases?
Yes 1
No 2

(42) Have you ever had a lawyer work for you other than for preparing a will or buying/selling property?
Yes 1
No 2

(43) (If Yes) Were you satisfied with your representation?
Yes 1
No 2

(44) Do you read Consumer Reports or the like?
Yes 1
No 2

(45) Did you complete your own tax return?
Yes 1
No 2

(46) Do you use a budget in handling your money?
Yes 1
No 2

(47) What is your sex?
Male 1
Female 2

(48) Into which of the following age categories do you fall?
18 to 24 years 1
25 to 34 years 2
35 to 44 years 3
45 to 54 years 4
55 to 64 years 5
65+ 6

(49) What is the highest year of education you have completed?

- Less than high school 1
- Attended some high school 2
- High school diploma 3
- Partial college or junior college 4
- College degree 5
- Postgraduate professional degree 6

(50) Aside from the political party you identify with, if any, would you describe your current political views as:

- Liberal 1
- Slightly liberal 2
- Slightly conservative 3
- Conservative 4

(51) Are you a registered democrat or republican?

- Democrat 1
- Republican 2
- Independent 3

(52) Which of the following best characterize your background?

- White, non-Hispanic 1
- Hispanic 2
- Black, non-Hispanic 3
- Asian 4
- Other 5

(53) What is your current marital status?

- Married 1
- Remarried 2
- Divorced 3
- Separated 4
- Widowed 5
- Single 6

(54) Do you have a child below the age of 15?

- Yes 1
- No 2

(55) Which of the following best describes your total annual household income for 1991, before taxes?

- Less than \$20,000 1
- Between 20 & 30,000 2
- Between 30 & 45,000 3
- Between 45 & 60,000 4
- Between 60 & 75,000 5
- More than 75,000 6

(56) Which of the following best describes your current employment status?

Employed full time	1
Employed part time	2
Employed occasionally	3
Retired	4

(57) What is your occupation?

Homemaker	1
Professional/Technical	2
Salesperson	3
Manager	4
Clerical/Secretary	5
Craftsman	6
Laborer	7
Service Worker	8
Teacher	9
Student	10
Self-Employed	11
Not Working/Unemployed	12
Refused/DK-NA	13

(58) Have you or anyone close to you ever suffered a major personal injury as the result of an accident?

Yes	1
No	2

(59) How often do you use your seatbelts?

Always	1
Sometimes	2
Rarely	3
Never	4

(60) If you are or were previously married, please describe your spouse's occupation _____

(61) Do you belong to any social organizations? Yes 1
No 2

(62) (If Yes) To which organizations do you belong? _____

THIS CONCLUDES THE SURVEY. THANK YOU VERY MUCH FOR YOUR TIME AND COOPERATION.

VITA

Title of Thesis:

Attitudinal Predictors in a Negligence Case

Full Name:

Therese Ann Astolfo

Place and Date of Birth:

Houston, Texas

May 22, 1964

Secondary Education:

Northwest Academy

Houston, Texas

Colleges and Universities - Degrees

Southwest Texas State University

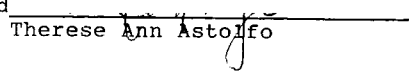
1982-1986, B.S.

Major Department:

Psychology

Date: July 19, 1991

Signed


Therese Ann Astolfo