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Celebrity Adjudication: Comparative Analyses of United States Verdict Rates for Celebrity Defendants

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Abstract

The effect of outside influences on judicial decision-making has a long and storied history. However, the impact of celebrity status as an outside influence on judicial decision-making has received very little attention in the literature. I examine 303 celebrity verdicts from 1998 to 2010 to shed light on whether celebrities are adjudicated in the same or a similar manner as non-celebrities. My findings suggest that celebrities do not receive any special treatment at trial, but in fact are convicted at a 12.1% higher rate than non-celebrity defendants.

Introduction

Examinations of celebrity adjudication are in their infancy (Carroll and Scime' 2012). Prior work 1 in the general area of judicial decision-making has shown that the concept of traditional judicial decision-making founded on the doctrine of stare decisis and legal reasoning as the main factors leading to adjudication decisions has been recognized as an incomplete model. Other analyses have shown that judicial behavior may be understood in part as strategic interactions with other institutions (Stimson, MacKuen, & Erikson 1995), intra institutional effects (Carroll 2004), or the public (Flemming & Wood 1997; Mishler & Sheehan 1996, 1993). Some prior studies have also endorsed the attitudinal model, which asserts that judicial behavior may be influenced by personal attributes or policy preferences (Segal & Spaeth 1993; Tate & Handberg 1991). Factors such as jurist age, gender, and party identification have been established as some of the useful tools to explain judicial decision-making. However, with the exception of the 2012 work by Carroll and Scime,' one area missing from prior quantitative analyses is the impact of celebrity status on judicial decisions.

Literature Review

The literature has described the impact various exogenous factors may have on the judiciary 2 over various periods of time (Carp & Rowland 1983; Manning, Carroll, & Carp 2004; Songer & Davis 1990; Tate 1981; Ulmer 1962). Popular culture supports this extra judicial model with the vivid and often caustic discussions regarding United States Supreme Court nominees that inundate the talk shows and the televising of the Senate Judiciary Committee's confirmation hearings. If judges only applied the law, personal attributes such as ideology, age, religion, and gender would not be issues. Even former Chief Justice William Rehnquist acknowledged that jurists could not escape being influenced by those who surround them.[i]

When juries render verdicts on defendants, extra judicial factors can also influence their 3 decision-making (Diamond 2006; Mitchell et al. 2005). Though these effects are subservient to the legal factors in the case, juries do not decide cases on the legal factors alone. The media can capitalize on an already celebrity defendant, such as O.J. Simpson, or turn a non-celebrity defendant, such as Casey Anthony, into a celebrity and thrust the case into the spotlight. This combination of a susceptible jury, a strong media influence, and celebrity presence can cause

the jury to render a judgment that is biased by the media at the expense of a fair judicial proceeding Sheppard v. Maxwell, 384 U.S. 333 (1966).

This discussion leads to the question of how having limited or pure celebrity status can influence 4 adjudication. If one accepts that many celebrities who are public figures have a fair amount of economic resources to draw upon to stay out of jail and many limited public figure celebrities can attain counsel through their own resources or through an interest group the issue becomes much clearer. Songer and Keuersten showed that at least at the appellate level wealthier interests are more likely to prevail (1995). At the state Supreme Court level, wealth is the most important factor used to predict decision-making (Bruschke 1994). Adjudicators are susceptible to extra judicial influences; wealth matters and famous people are frequently wealthy or have a higher level of disposable income than the average person. Being a celebrity can influence adjudication. If celebrity status is being used as a factor in making adjudication decisions our judicial system has a significant flaw.

Celebrity status is a hallmark in modern culture. As a populace we emulate celebrities in our 5 behaviors such as dress, speech, and activities. On a more pedestrian note, it is common to hear that celebrities are treated differently than non-celebrities. People suggest that celebrities will get a slap on the wrist for a crime that others will pay dearly for or that they will pay their way out of it. Celebrity, with its endogenous attribute of wealth, is an area prime for adjudication analyses.

The preceding literature review gives rise to the following two hypotheses. 6

H0 – There will be no differences between the adjudication outcomes for celebrity versus non-celebrity defendants.

H1 – There will be differences between the adjudication outcomes for celebrity versus non-celebrity defendants.

Data and Methods

Dependent Variable

The data used for this analysis come from a contextual analysis of United States state and 7 federal criminal judicial decisions. Contextual analysis is the process of analyzing and then coding qualitative data in a uniform manner to provide a basis for quantitative analyses (Remler & Van Ryzin 2011). The gathering of data through contextual analysis for this work has been condensed into one database. The dataset used for this study contains over 300 observations from 1998 to 2010. The period from 1998 to 2010 is analyzed because the database includes the entire population for that period relegating the use of hypothesis testing irrelevant while still maintaining high explanatory value. As mentioned in more detail *infra*, to be considered a celebrity for this analysis, one must either be an individual with a fairly high threshold of public activity or those who reach a high threshold of public activity due solely to their role as defendant. This results in some very well-known celebrities like Paris Hilton being in the same database as some lesser know celebrities such as Albert Haynesworth.

Each observation consists of a jury or judge criminal verdict, coded as either convicted or not 8 convicted. In accordance with the United States Bureau of Justice Statistics coding, decisions were coded as convicted when the defendant plead or was found guilty at trial and not convicted when the defendant was acquitted or had the charges against them dropped.^b Though celebrity status can possibly influence pretrial procedure and probably does influence sentencing, this analysis focuses solely on verdicts rendered by juries or judges. Adjudication decisions were chosen for this analysis because the information was readily available and definitive.

The sources for the contextual analysis come from the Internet. The main sources of 9 information were TMZ, Celebrity Justice, Yahoo Sports, and Celebrity Mugshots.^c In addition to these sites being publically available, these sources allowed for breadth of coverage, contain information over time, and provide reliability.

Adjudication outcomes from the United States Bureau of Justice Statistics taken from the 1 nation’s 75 largest counties were used to compare adjudication outcomes between celebrities 0 and non-celebrities. The fact that these bi-annual studies do not encompass the entire population makes them particularly appropriate for comparison in this context because most celebrity incidents come from urban areas as opposed to rural areas. Across the studies, the reported Bureau of Justice Statistics adjudication rate for convicted defendants has hovered around 68%.^d

Independent Variables

The *Type* variable refers to type of crime that was committed. For purposes of this work, Type is 1 coded as 0 – Drugs and alcohol, 1 – Homicide, 2 – Rape and other sexual offenses, 3 – Offenses 1 against the person excluding homicide, 4 – White collar and organized crime, 5 – Public order and National security, 6 – Vice (excluding alcohol), 7 – Property offenses, and 8 – Other offenses.

The *Notoriety* variable refers to the attribute that makes the individual famous or infamous. It 1 has been coded as 0 – Movie, 1 – Television, 2 – Sports, 3 – Government, 4 – Crime Figure, 5 – 2 Music or Comedy, 6 – White Collar, and 7 – Other. This coding scheme allows for delineation between foundations for fame while also grouping infamous individuals.

The *Race* variable refers to the race of the defendant. It has been coded as 0 for whites and 1 1 for non-whites (Asian, Black, Hispanic, and Other). 3

The *Public Figure* variable refers to whether the defendant is a limited public figure or a public 1 figure. It has been coded as 0 for limited public figures and 1 for public figures. Following the 4 Gertz Brown framework, public figure for this work has been defined as an individual with a fairly high threshold of public activity while limited public figure has been defined as those individuals who reach a high threshold of public activity only because of their role as defendant.^e

Analyses

These analyses will begin with the laying of a solid foundation for the rest of this work and the 1 pillar of it. Contrary to expectations based on the literature, for this period of analysis celebrity 5 defendants are convicted at a higher rate than non-celebrity defendants.^f

Table 1: Percentage of Convictions for Celebrities

Adjudicatee	Convicted	Not convicted
Non-celebrities	68.0%	32.0%
All celebrities	80.1%	19.9%
Public figure celebrities	76.8%	23.2%
Limited public figure celebrities	94.6%	5.4%

Table 1 presents data on decision making in criminal justice cases over roughly 12 years. With16 the penumbra of celebrity combined with the wealth at the disposal of celebrity defendants one may expect that they would be treated more favorably then non-celebrities. However, something appears to be happening during the adjudication process that is affecting celebrity adjudication. Why do wealth and fame not only not work to their advantage, but also in fact serve as a disadvantage? It is important to examine whether the difference is attributable to the adjudicator (judge or jury) as opposed to the celebrity status of the defendant alone.

Overall, judges and juries adjudicate in similar manners (Kalven & Zeisel 1966). When juries17

and judges do differ in their decision-making, past studies show that judges render more convictions than juries (Eisenberg et al. 2004). The following table supports these findings.

Table 2: Percentage of Celebrity Convictions by Adjudicator, 1998-2010

T Value = .735		Two tailed significance .463	
<i>Judge</i> (n=196)		<i>Jury</i> (n=107)	
Convicted	Not convicted	Convicted	Not convicted
81.1 %	18.9%	77.6%	22.4%

In accordance with the literature, for celebrity cases judges render more convictions than juries¹⁸ but not at a rate that is statistically significant (T=.735). The findings do not support the idea that the higher level of overall convictions is attributable to the adjudicator. Being the adjudicator decisions remain consistent with the expectation of an unbiased judiciary it is important to explore other aspects of the defendant that could affect adjudication decisions. While only roughly 20.4 percent of the people in the general United States population are non-white, 36.6 percent of the people in the dataset are non-white.⁹ With the history of racism in our country it is conceivable that not all celebrities are judged harshly, but minority celebrities, those that have made it, are the group judged harsher.

Table 3: Percentage of Celebrity Convictions by race, 1998-2010

T Value = .792		Two tailed significance .429	
<i>White</i> (n=194)		<i>Non-white</i> (n=112)	
Convicted	Not convicted	Convicted	Not convicted
81.4 %	18.6%	77.7%	22.3%

Table three suggests the exact opposite. White celebrity defendants are convicted at a higher¹⁹ rate than non-white celebrity defendants but there is no meaningful statistical significance between the rates (T=.792).ⁿ Two other areas of examination may help to provide greater insight into this issue. The type of crime alleged could be driving these findings. Instead of the higher conviction rate being due to celebrity status celebrities may commit more crimes that by their nature result in defendants being found guilty. The issue may also be explained by the notoriety of the accused celebrity. Instead of all celebrities being convicted at a higher rate, it could be that only certain types of celebrities are held to a higher standard.

Figure 1: Percentage of Convictions by Type of Offense, 1998-2010

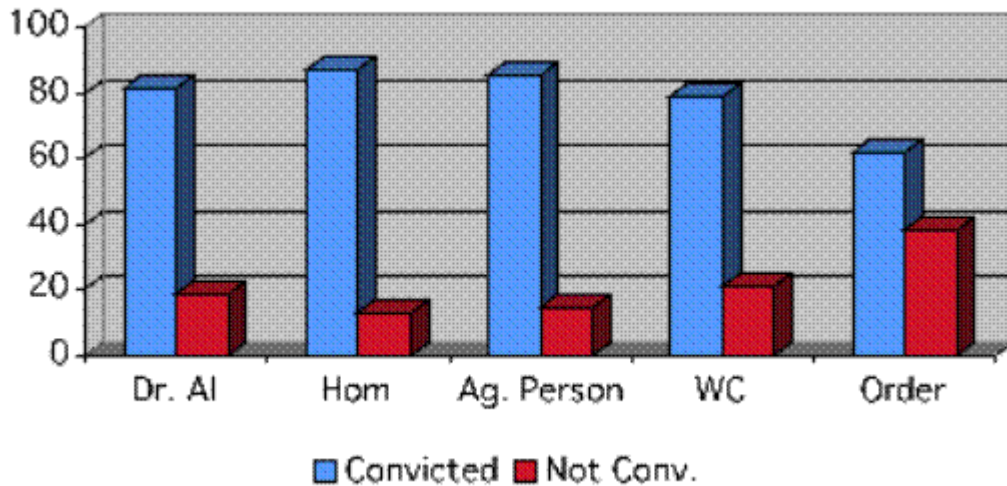


Figure One displays five different types of crimes. In essence, there is not an outlier within these 20 types of crimes. Homicide convictions are the highest and public order convictions are at the lowest, but there is not a real outlier. In fact, the homicide conviction rate of 87 percent (n=47), though higher, compares favorably with the United States Bureau of Justice Statistics homicide rate for 2006 of 81 percent.¹

Figure 2: Percentage of Convictions by Notoriety, 1998-2010

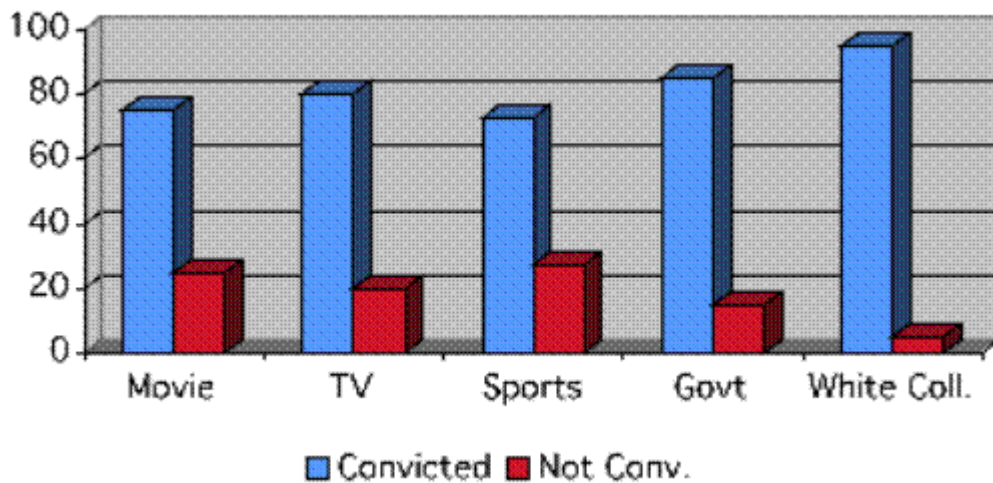


Figure Two displays five different types of celebrity notoriety. Within these five areas one can see very consistent conviction rates with white collar offenders (n=62) being convicted at the highest rate and sports figures (n=73) being convicted at the lowest rate. These results suggest that neither the type of offense nor the notoriety of the defendant helps explain the difference in adjudication decisions.

Conclusion

Though one study cannot provide any definitive answers to the hypotheses presented *supra*, my 22 investigation of celebrity adjudication indicates that contrary to conventional wisdom celebrity defendants are found guilty more often than non-celebrities. Though the limited public figures bear the brunt of these findings, pure public figures are convicted at an 8.8% higher rate than non-celebrities. Moreover, adjudicator or race of the defendant cannot explain this difference.

One possible explanation for this outcome is the idea of betrayal. We put our faith in these 23 people, we emulate them in many sociological ways; we dress like them, we eat what they eat,

and we tend to admire them. When they fail to live up to our lofty ideals for their behavior we feel betrayed and take our revenge. This may be especially true for governmental offenders. Governmental offenders are convicted at the highest rate of any group in this study and also the only group that owes us a certain form of behavior. We place them into office and trust them to do good works. When they fail that feeling of representation is betrayed in a way that a sports hero cannot duplicate with even the most offensive acts.

Another possible explanation is envy. In the spirit of the parable of Cain and Able, envy is real.²⁴ Children and adults alike have had to come to terms with the idea that others will have things we want, but will never have. So, though we admire celebrities we may secretly want them to fail because they frequently have the status, wealth, and attention we do not. When given the opportunity, we punish them. It is not being suggested that anytime a celebrity is on trial people simply look for a reason to convict them, but it may account for some of the explanation as to why celebrities are convicted at a higher rate than non-celebrities especially in borderline cases.

A final possible explanation is wealth. With a significant amount of money to spend on the trial²⁵ process, the questionable celebrity cases are settled more often than non-celebrity cases that may not have the same amount of funds to spend on discovery, expert witnesses, and other pretrial elements. Therefore, the celebrity cases that go forward are the ones that are difficult to win, but have a low risk of heightened punishment when moving from pleading guilty to an adverse verdict.

In closing, these are three of a possible myriad of explanations. One area for future research²⁶ would be to have a large enough database to compare Uniform Crime Report crimes in a dyadic manner between celebrities and non-celebrities. This would allow the researcher to pinpoint if the interactions between adjudicator and defendant localized to a particular crime or a particular area of offenses.

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[i] As quoted by Mishler & Sheehan (1993), Rehnquist stated: "Judges, so long as they are relatively normal human beings, can no more escape being influenced by public opinion in the long run than can people working at other jobs. And, if a judge on coming to the bench were to decide to hermetically seal himself off from all manifestations of public opinion, he would accomplish very little; he would not be influenced by current public opinion, but instead would be influenced by the state of public opinion at the time he came to the bench."

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