

## **Examining Consumers' Attitudes toward Personal Injury Litigation**

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### **Abstract**

*This study examines attitudes toward personal injury litigation and whether plaintiff's attorney advertising, income, gender and desire for vengeance play a significant role in attitude formation. The study measured adults aged 18+, the same population targeted by this form of advertising. The results demonstrate a statistically significant relationship between this form of television advertising and positive attitudes about the act of filing a personal injury lawsuit. The results further detail the contribution of vengeance, advertising, and income on attitudes toward personal injury litigation. Previous studies have separately examined legal services advertising and vengeance; however, none has examined how a desire for vengeance factors into the manner in which consumers receive and/or react to plaintiff's attorney advertising. These findings add to the literature related to legal services advertising and help expand the understanding of consumers' desire for vengeance and how marketing communication strategies may or may not affect their resulting behavior.*

**Keywords:** Attorney Advertising, Vengeance, Attitudes toward Advertising, Attitudes Toward Personal Injury Litigation.

### **Introduction**

Americans file approximately 13 million lawsuits per year, of which 15% are considered tort or personal injury cases (National Center for State Courts 2005). According to research from the Pacific Research Institute, tort lawsuits cost American businesses \$865 billion per year (Wells, 2008). Globally, America dramatically outspends its industrial competitors in personal injury disputes, with per capita malpractice claims running thirty to forty times higher than those in Britain (Johnston, 2007). While the number of cases reaching trial in federal and state courts decreased from 1962 to 2002-- having reached its peak in the mid-1980s, the overall number of filings increased five times during the same period (Galanter, 2004).

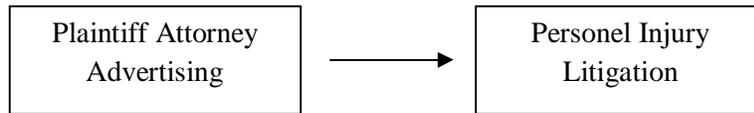
As a result, tort reform is a high profile issue which has been taken up by both state and federal legislative bodies. This has led to several efforts to limit damage award amounts or restrict the types of suits which may be filed.

With respect to tort reform, research by Van Hoy (2006) suggests that the competitive culture created by such efforts has resulted in the increase in plaintiff's attorney advertising. While legal advertising was first permitted following the 1977 U. S. Supreme Court ruling in the *Bates v. State Bar of Arizona* case, legal advertising on, specifically, local television, has mushroomed in recent years. Currently it is estimated that, nationally, annual expenditures by plaintiff's attorney advertisers run between \$276 million and \$750 million (Davis, 2001; Paxson, 2002). It should be stressed that the idea of assertive television advertising is not universally supported by members of the legal community. At one end of the spectrum are lawyers who view litigation advertising as degrading to the entire profession; at the other end are those who argue that direct advertising is often the only way to reach individuals from low-income populations who lack the resources necessary to find an attorney or are otherwise intimidated by the process. Those in the former group favor heavy restrictions on both message content and media channels. Within the latter group are found a range of advertisers, including the more aggressive—those who have used bold, attention-grabbing tactics to promote their services, and the more restrained--practitioners who have implemented subtle appeals.

Further complicating the nature of the messages communicated in legal services advertising are the regulations placed on attorneys who advertise. Though such regulations differ by state, they generally prohibit the use of false, fraudulent, misleading, deceptive, self-laudatory or unfair claims.

This includes use of information such as statistical data related to past performance, endorsements from other lawyers, references to the quality of legal services, or appeals to an individual’s fear, greed, or desire for revenge.

Regulations aside, those who support tort reform claim that aggressive advertising by attorneys factors significantly into the increase in litigation in the United States (Johnston, 2007; Edward, 2001). Public sentiment appears to echo this claim. A poll conducted by the California chapter of Citizens Against Lawsuit Abuse indicated that 75% of respondents believed that the personal injury lawyer ads themselves actually encourage people to sue, even if they have not been injured (Sick of Lawsuits, 2005). However, as this research shows, such a relationship—as depicted in Figure 1—is too simplistic.



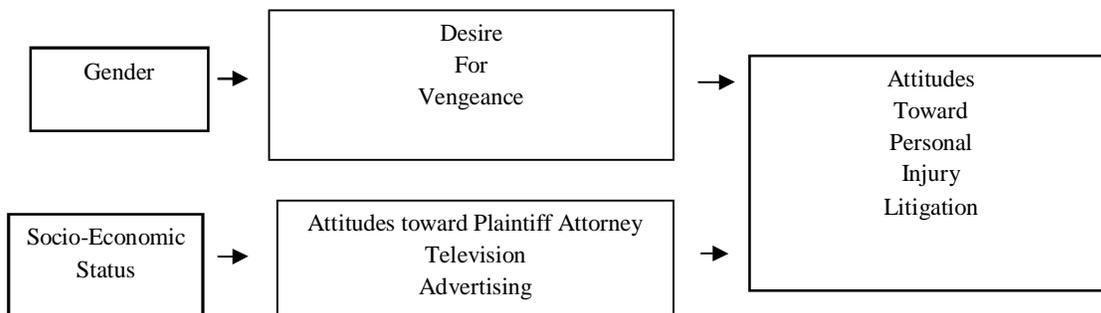
**Figure 1: Relationship between Attorney Advertising and Personal Injury Litigation.**

Beyond the emphasis on advertising, additional insights into the urgency of the “litigation explosion” (Laycock, 2002 as cited in Johnston, 2007, 179) can be found in the growing interest in the psychology of litigation. Research into the psychological reasons why people file lawsuits has focused on a number of possible responses. Lindberg (2002) examined the personality characteristics related to an individual’s desire to sue a responsible party; the results indicated that those with high anger reactivity were most likely to sue. In their investigation into possible actions to be taken following an incident resulting in personal injury, Thimsen, Robbennolt, and Bornstein (2007) used a Vengeance Scale and measured reactions to various scenarios. Factoring out a number of other causes, such as nature of the injury or familiarity with the parties, the research team concluded that individuals’ propensity to sue may be related to their desire for vengeance.

Stuckless and Goranson (1992) define revenge as “the infliction of harm in return for perceived wrong” (p. 25). Their research on the topic of vengeance has indicated that men have higher tendencies than women toward both vengeance and trait anger. In addition, Cota-McKinley, Woody, and Bell (2001) demonstrated that age was also a significant predictor of Vengeance Scale scores, with younger populations more likely to hold vengeful attitudes. Additional research used brain scans to examine gender differences in the neural reactions to people who have behaved fairly or unfairly (Singer, Seymour, O’Doherty, Stephan, Dolan, & Firth, 2006). The results identified men as being more likely to punish opponents who had behaved unfairly. Investigating individuals’ predisposition toward vengeance and forgiveness, Brown (2004) determined that the most vengeful people not only measured low in forgiveness but high in narcissism.

Professional services advertising was the subject of a 1987 study which showed that advertisements for professional services seem to be perceived as less detrimental to the credibility of lawyers than to other professionals, such as doctors or accountants (Bush, Moncrief, & Ziethaml, 1987). Other studies have demonstrated the link between advertising and new business for attorneys, especially from the middle-to-lower income brackets. One study found that the return on the advertising investment was as much as four to six times the cost (Moser, 2005).

Recognizing the media, socio-economic, demographic and personality variables that have been implicated in the formation of individuals’ attitudes toward personal injury litigation, the focus of this research is to suggest a model to explain this relationship. The model in Figure 2 expresses the variables that play a role in the formation of attitudes toward personal injury litigation.



**Figure 2: Factors influencing attitudes toward personal injury litigation.**

As members of the legal services industry seek to address the litigation explosion, the results of this research provide insights into the significant variables which affect attitudes toward personal injury litigation and may serve to direct the efforts necessary to curb this growing problem.

### **Literature Review**

To date, research on plaintiff's attorney advertising has focused heavily on the descriptive characteristics of the target segment for these advertisers. For example, 1993 research conducted by the American Bar Association (ABA), determined that women make up 60%-70% of the people who make the first call to inquire about legal services pertaining to automobile accident injuries (Paxson, 2002). The same study reported that those with the most favorable opinions of attorneys were female, of either African American or Hispanic heritage, between the ages of 18 and 29. However, demographic variables may not be the sole contributing factor where advertising attitudes and a willingness to pursue a personal injury lawsuit are concerned. Dispositional factors, such as a desire for vengeance, could also serve to influence consumers' attitudes.

Vengeful behavior is a little studied phenomenon, though Bechwati and Morrin (2003) note that vengeance can impact consumer behavior. Factors influencing a person's desire for vengeance can be both internal and external. From an internal perspective, research by McKee and Feather (2008) provides insights into the values and beliefs believed to be important by vengeful people. They determined that vengeance attitudes reflect "a focus on power values, emphasizing social power, authority, and a concern with the preservation of one's public image, while at the same time de-emphasizing values associated with understanding and tolerance" (p. 158). From an external perspective, an increase in societal hostility and belligerence can also affect vengeful attitudes and behaviors. Berry's (1999) *Social Rage* reviews the levels of anger and aggression which have become so prevalent in American society. Berry defines social rage as an "emotion, a cognition, or behavior" (p. 8), the source of which is social--meaning that it is caused by social forces and expressed through social actions. Social rage describes the aggressive or vengeful actions of individuals, motivated by irrational thoughts based more on beliefs rather than empirical observations and manifesting itself in a number of ways, including "rampant lawsuits" (Berry, 1999, p. 30). According to Berry (1999), the increase in aggressive social behaviors in the United States is influenced by a number of factors, including economic conditions, a narcissistic attitude, and the media. Montada (2002) further notes that people have a justice motive that is driven by self-interest and the desire to maximize their own individual interests and benefits.

Other research has studied a possible connection between vengeance and media, by examining means and ends motivations and sensitivity theory. Reiss and Havercamp (1998) identified 16 root factors to basic motivation, of which vengeance (defined as the desire to get even or win) is one. Applying sensitivity theory to the concept of basic motivations and media behaviors, Reiss and Wiltz (2004) suggest that aggressive people watch violent programs because such shows arouse feelings of vindication, which satisfies their basic desire for vengeance.

Beyond personality factors, such as a desire for vengeance, attitudes and behaviors also result from exposure to persuasive advertising. Hovland, Sherif and Harvey (1957) argued that attitude change was not a single response but rather a function of multiple sub-responses; these include attention, comprehension, learning, acceptance, and retention of the persuasive message and its conclusion. Extending this work, McGuire presented a framework for persuasion that recognizes that some variables can have the opposite effect on message reception and yielding (McGuire, 1969; Ajzen&Fishbein, 1980). McGuire's probabilistic model helps explain the cognitive processes which support a person's response to the probable truthfulness of a logically formatted argument (McGuire, 1969; Eagly&Chaiken, 1993). In other words, more intelligent or experienced audiences may possess greater capacity for evaluating the truthfulness or legitimacy of an advertised claim than those with limited knowledge or experience. Hence, those possessing greater mental faculties or social resources may feel more confident in their ability to successfully negotiate a claim with an insurance adjuster after an accident and might be more likely to conclude they do not need to file a lawsuit in order to recover any damages or losses. Conversely, those who lack such resources-- like those in the target audience-- may be less apt to consider other alternatives and would, therefore, be more likely to accept the assertion of the advertising-- that filing a personal injury lawsuit is the best or only feasible solution.

Since the results of Stuckless and Goranson (1992) and Singer, et al. (2006) suggest men exhibit greater tendencies toward punishment, trait anger, and vengeance, it is useful to distinguish the ways men and women respond to relevant advertising.

Hogg and Garrow (2003) demonstrated that the level of processing by either men or women was tied to the level of interest attached to the category of the advertised product. Perhaps the differences between male and female attitudes toward the act of filing a lawsuit can be better explained by each gender's assessment of a wrongful act by another. Males, for example, may be more cut-and-dry in their evaluation that they have been wronged and that the responsible party must pay the consequences. Conversely, women may be more likely to evaluate a wider range of objective or subjective evidence before making a determination about whether or not to file suit. If this is the case, the advice provided by a legal counsel may factor greatly into a female's decision to sue, in which case the positive attitudes of women toward plaintiff's attorney advertising may be a function of their appreciation for the role attorneys play in helping them make decisions about their legal rights and options. With these thoughts in mind, any differences in the results of this research between men and women will provide useful insights into how advertising factors into the decision-making process for deciding whether or not to file a personal injury lawsuit.

### **Methodology**

This research investigated the following question: *“What advertising, socio-economic, demographic and personality traits are positively correlated with attitudes toward personal injury litigation?”* Specifically, the study focused on legal services advertising communicated through the medium of local television advertising. According to the national legal think tank Lawyers Inner Circle, television provides a competitive advantage for those legal services advertisers who use the medium, over those who do not (Armbruster, 2007). Further, television has been found to be the most efficient medium, based on a cost-per-lead and cost-per-case measurement.

The investigation sought to determine whether there are certain factors, such as gender and socio-economic status on the one hand, and personality traits such as a desire for vengeance on the other, that help shape a person's receptivity to attorney advertising encouraging people to pursue personal injury litigation. With that in mind, the following hypotheses were posited:

**H1:** Male gender will be positively correlated with the desire for vengeance.

**H2:** The desire for vengeance will be positively correlated with favorable attitudes toward personal injury litigation.

**H3:** Lower household income, younger age, and female gender will be positively correlated with favorable attitudes toward plaintiff's attorney television advertising.

**H4:** Favorable attitudes toward plaintiff's attorney television advertising will be positively correlated with favorable attitudes toward personal injury litigation.

To verify the hypotheses, a quantitative study was undertaken. A total of 285 surveys were distributed to adults, age 18+ in a large Midwestern metropolis; 200 completed surveys were collected, for a participation rate of 70%. Participants were recruited from a variety of local community-service organizations, adult learning centers, churches, exercise centers, neighborhood associations, volunteer groups, and a variety of small and medium-size employers. In contrast to the college student populations which have been surveyed by previous researchers, this study sought to focus on an adult population, as this is the segment which better represents the target of personal injury law-firm advertisers.

The data collection instrument included a survey designed to measure attitudes toward television advertising by plaintiffs' attorneys, as well as attitudes toward this type of legal action. Two separate attitude scales were used. The first was the Consumers Attitudes Toward Advertising Lawyers' Services Scale (Moser, 2005). The items on this 5-point Likert scale explore attitudes related to the information function of lawyer advertising. In order to focus specifically on television advertising, the scale was revised and is subsequently referred to as the Attitudes Toward Plaintiff's Attorney Television Advertising Scale (ATPATAS).

To measure attitudes toward personal injury litigation, the second scale utilized in the research was the Attitude Toward the Act Scale (ATAS). The purpose of the ATAS is to measure the favorableness of a person's attitude toward some specified behavior. This scale was first referenced by Maheswaran and (1991) in their study of attitudes toward behaviors related to undertaking a particular act. The 7-point Likert scale was reported to have an alpha of 0.82, with no statements offered on the validity of the scale. The use of the ATAS was considered applicable for this proposed research, as it was originally developed to investigate favorable attitudes toward a potential future behavior following persuasive communication.

In addition to the attitude scales, the Vengeance Scale (VS) (Stuckless & Goranson, 1992) was used to measure participants' desire for vengeance. This scale uses a 7-point Likert scale allowing participants to express their opinions on 20 statements, which have demonstrated agreement with other research on vengeance-related constructs. The VS was reported to have internal consistency estimates of 0.92 and 0.90, across two separate samples, as well as a 5-week test-retest reliability of 0.90. Evidence of validity was related to a significant negative correlation with empathy and a significant positive correlation with trait anger.

### Discussion of Results

Descriptive statistics were calculated for the demographic variables, including gender, age, and income. The majority of the participants were female (112, 56.0%) and many were between the ages of 46–55 (51, 25.5%). Many participants reported their income to be between \$40,000–\$59,999 (44, 22.4%). The majority (137, 68.5%) of participants were White. Frequencies and percentages for the categorical research characteristics of participants are presented in Table 1.

**Table 1: Frequencies and Percentages for Demographic Variables and Research Characteristics**

Research variable	<i>n</i>	%
Gender		
Male	88	44.0
Female	112	56.0
Age		
18–25	28	14.0
26–35	34	17.0
36–45	40	20.0
46–55	51	25.5
56–65	30	15.0
66 or older	17	8.5
Income		
Under \$15,000	19	9.7
\$15,000-\$24,999	16	8.2
\$25,000-\$39,999	30	15.3
\$40,000-\$59,999	44	22.4
\$60,000-\$79,999	33	16.8
\$80,000-\$99,999	21	10.7
Above \$100,000	33	16.8

Total scores were calculated for each of the three main scales used in the survey: ATPATAS, ATAS, and the VS. The ATPATAS was composed of 14 questions and scores could range from 14 to 70 points; higher scores indicate a more positive attitude toward this form of television advertising. The ATAS was composed of four questions and scores could range from 4 to 28 points; higher scores indicate more favorable opinions toward personal injury litigation. The VS was composed of 20 questions and scores could range from 20 to 140 points; higher scores indicate a higher desire for vengeance among participants. On the ATPATAS, participants' scores ranged from 14.00–65.00 ( $M = 40.53$ ,  $SD = 8.99$ ). On the ATAS, participants' scores ranged from 4.00–28.00 ( $M = 16.72$ ,  $SD = 5.77$ ). On the VS, participants' scores ranged from 24.00–120.00 ( $M = 58.67$ ,  $SD = 19.27$ ). Means and standard deviations for the three scales are presented in Table 2. Cronbach's alphas were conducted to examine the reliability and internal consistency of the following scales: ATPATAS, ATAS, and the VS. The alpha coefficients are presented in Table 2, where the scales are shown to range from good to excellent according to the rules of thumb suggested by George and Mallery (2003), where  $> .9$  – Excellent,  $> .8$  – Good,  $> .7$  – Acceptable,  $> .6$  – Questionable,  $> .5$  – Poor,  $< .5$  – Unacceptable. The results are presented in Table 2.

**Table 2: Reliability, Internal Consistency, Means, Standard Deviation, and Ranges for ATPATAS, ATAS, and the VS**

Scale	Items	<i>N</i>	<i>M</i>	<i>SD</i>	Observed range	Potential range	$\alpha$
ATPATAS	14	193	40.53	8.99	14-65	14-70	.891
ATAS	4	199	16.72	5.77	4-28	4-28	.910
VS	20	194	58.67	19.27	20-140	24-120	.931

To assess Hypothesis 1, an independent sample *t* test (one tailed) was conducted to determine if males have a statistically significantly higher desire for vengeance than females. The assumption of normality was assessed with a Kolmogorov Smirnov test. The result of the test was not significant, indicating the assumption of normality was met. The assumption of equality of variance was assessed with a Levene's test. The result of the test was significant, indicating the assumption of equality of variance was not met. Equality of variance of desire for vengeance by gender is not assumed. Table 3 presents the descriptive statistics and t-test results examining the relationship between gender and mean scores on the Desire for Vengeance Scale. As predicted, males had significantly higher mean scores than females 63.86 vs. 54.62,  $t(153.72) = -3.29, p = .001$ . The value of Cohen's *d* was .48, suggesting a medium effect size. This finding is in keeping with the vengeance findings of Stuckless and Goranson (1992), and with Singer et al. (2006), who determined that men were more likely to want to punish opponents who had behaved unfairly.

**Table 3: Results of the t Test for Desire for Vengeance by Gender (Male vs. Female)**

Group	<i>N</i>	<i>M</i>	<i>SD</i>	Cohen's <i>d</i>	<i>t</i>	<i>p</i>
Males	85	63.86	21.39			
				.48	-3.29	.001
Females	109	54.62	16.42			

*Note.* Equal variances not assumed.

To assess Hypothesis 2, a Pearson product moment correlation was conducted to determine if a desire for vengeance was positively, statistically correlated with attitudes toward the act of filing a personal injury lawsuit. The correlation was statistically significant,  $r_s(194) = 0.26, p < .001$ , suggesting a desire for vengeance is positively, statistically correlated with favorable attitudes toward the act of filing a personal injury lawsuit. According to Cohen (1988), the effect size of 0.26 indicates the strength of the relationship is weak. The statistically significant results reinforce the research of Lindberg (2002), which revealed that those with (2007) higher trait anger were more likely to sue. They also support the assumptions of Thimsen, Robbennolt and Bornstein (2007) that the desire to sue has little to do with the details surrounding an accident scenario and more to do with an individual's desire for vengeance.

To assess Hypothesis 3, a hierarchical multiple regression was conducted to determine if lower household income, younger age, and female gender will predict favorable attitudes toward plaintiff's attorney television advertising. The assumptions of linearity, normality, and homoscedasticity were assessed with the examination of scatterplots; the assumptions were verified. The assumption of absence of multicollinearity was assessed by examining the Variance Inflation Factors. No VIF was above 10, meeting the assumption for the absence of multicollinearity (Stevens, 2009). A correlation analysis was also conducted to further assess for multicollinearity and  $r < .80$  was observed between variables; the assumption was met (Stevens, 2009). The results of the correlation analysis are presented in Table 4.

**Table 4: Correlation Analyses Among Gender, Age, Income, and Attitudes Toward Plaintiff's Attorney Television Advertising**

Variable	Attitudes	Gender	Age
Gender	-.10		
Age	.06	.02	
Income	-.20**	.17**	.10

*Note.* \* $p < .05$ , \*\* $p < .01$ .

The first block of the hierarchical regression included gender (male vs. female) as a predictor. The second block of the regression added age (18–45 vs. 46 and over) to the regression. Age was re-coded into a dichotomous variable for this analysis because one assumption of a hierarchical multiple regression is that data either be continuous or dichotomous. The literature supported splitting the data into these two groups. The third block of the regression added household income (\$0.00-\$39,999 vs. \$40,000 and over). As was done with Age in the second block, Income was also recoded into a dichotomous variable. The regression examined the impact of the three predictor variables, in three steps, on attitudes toward plaintiff's attorney television advertising. All predictor variables were dichotomized to assess this research question.

The first block was not statistically significant,  $F(1, 188) = 1.85, p = .176$ , suggesting that the overall model with gender was not a statistically significant predictor of attitudes toward plaintiff's attorney television advertising. The second block was not statistically significant,  $F(2, 187) = 1.29, p = .278$ , suggesting that the overall model with gender and age is not a statistically significant predictor of attitudes toward plaintiff's attorney television advertising. The third block was statistically significant,  $F(3, 186) = 3.22, p = .024$ , suggesting that the overall model with gender, age, and household income accounted for ( $R^2$ ) 4.9% of the variance in attitudes toward plaintiff's attorney television advertising, indicating that an additional 3.5% of the variance can be attributed to the addition of household income to the model. The dichotomous variable, income (\$0.00-\$39,999 vs. \$40,000 and over), was the only independent variable that offered a significant contribution to the model,  $B = -3.67, p = .009$ . The participants in the lower income bracket tended to score 3.67 units higher on the attitudes toward plaintiff's attorney television advertising than those in the high-income bracket. The results of the regression are summarized in Table 5.

**Table 5: Hierarchical Multiple Regression with Gender, Age, and Household Income Predicting Attitudes toward Plaintiff's Attorney Television Advertising**

Source	<i>B</i>	<i>SE</i>	$\beta$	<i>t</i>	<i>p</i>	$R^2$	$\Delta R^2$	$\Delta F$
Block 1						.01	.01	.176
Gender	-1.78	1.31	-0.10	-1.36	.176			
Block 2						.01	.00	.392
Age	1.12	1.30	0.06	0.86	.392			
Block 3						.05	.04	.009
Income	-3.67	1.39	-0.19	-2.64	.009			

To explain the results of H3, it is valuable to make some comparisons to Moser's (2005) longitudinal study examining attitudes toward attorney advertising. The results of the present study demonstrate that particular demographic variables may no longer be useful in distinguishing individuals' attitudes toward attorney advertising. In addition, there is an overall downward trend in consumers' attitudes toward this advertising category. Since household income remains a statistically significant variable, this trend will be examined more closely in the following. Specifically, Moser (2005) found in 1988 that the majority of all income groups agreed strongly with the statement that they would like to see more advertising by lawyers. In the low-income group, 46.2% strongly agreed they would like to see more of this type of advertising. However, in 2003, Moser noted that opinions had shifted. The majority of all income groups either strongly disagreed or disagreed that they would like to see more advertising by attorneys; by contrast, those in the lower income group were the least likely to disagree (50%). In the present study, the majority of both low- and high-income groups either disagreed or strongly disagreed with the statement that they would like to see more advertising by attorneys, 74% among the higher income group and 60% of the lower income group.

To assess Hypothesis 4, a Pearson product moment correlation was conducted to determine if favorable attitudes toward plaintiff's attorney television advertising will be positively, statistically correlated with attitudes toward the act of filing a personal injury lawsuit. Normality was assessed with a Kolmogorov Smirnov (KS) test and was significant for both variables, violating the assumption of normality. Homoscedasticity assumes that scores are normally distributed about the regression line and linearity assumes a straight line relationship between the independent and dependent variables (Stevens, 2009). Homoscedasticity was assessed by examination of scatter plots and did not meet the assumptions. Due to the assumption violations, the non-parametric equivalent, Spearman rho, was used to analyze the data. The correlation was statistically significant,  $r_s(193) = 0.46, p < .001$ , suggesting favorable attitudes toward plaintiff's attorney television advertising are positively, statistically correlated with favorable attitudes toward the act of filing a personal injury lawsuit. According to Cohen (1988), the effect size of 0.46 is approaching a medium or typical effect size, indicating a small to medium strength of the relationship. This finding supports the work of Eagly and Chaiken (1993) related to advertising relevance, indicating that attitudes toward advertising will serve as a strong predictor of behavior only if the individual recognizes the relevance of the advertising to the particular behavior. In other words, with respect to the present study, those who hold favorable attitudes toward plaintiff's attorney television advertising are more likely to hold the belief that suing another party in response to being injured or wronged is an appropriate and justifiable behavior.

### ***Limitations and Suggestions for Future Research***

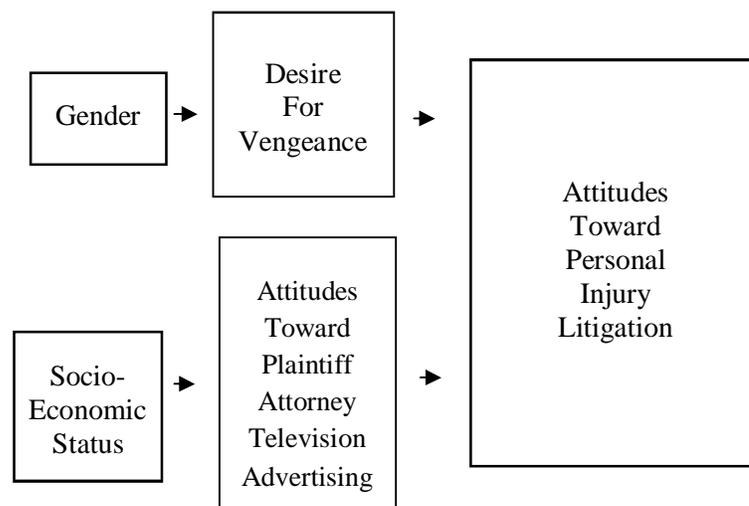
Several limitations related to the design of this research project exist. The primary limitation to this research can be found in the use of the Attitude Toward the Act Scale. The instructions on the survey instrument were intentionally vague, in that they did not provide respondents with any particular details related to a specific accident or wrong-doing which could result in a decision to file a lawsuit against another party. Based on a number of comments written in the margins of the completed surveys, it is clear that the participants in this study may have needed to consider the circumstances associated with the accident or injury before rendering their responses on the Attitude Toward the Act Scale. Upon further consideration of research which has incorporated the Attitude Toward the Act Scale, the previous use by Maheswaren and Meryers-Levy (1990) called for respondents to read a persuasive document related to the reasons for taking a diagnostic blood test, prior to completing the questions on the scale. However, the present research used as its reference point the existing body of plaintiff's attorney television advertising as its persuasive documentation, forgoing the details of any particular scenario which may motivate a person to file a lawsuit.

In addition to the effects the lack of a detailed injurious scenario may have had on respondents' responses to the Attitude Toward the Act Scale, there may also have been a carry-over effect related to the sensitive nature (McCosker, Barnard & Gerber, 2001) of the Vengeance Scale, which immediately followed the Attitude Toward the Act Scale in the layout of the survey document. It is possible that respondents may have required some external frame of reference against which to consider their reactions to acts of vengeance. In other words, even though the results of Thimsen, Robbennolt, and Bornstein (2007) found no significant correlation to the type of accident, apology, or degree of familiarity among the parties involved, use of a reference scenario could have served to put the respondents in the mindset that they were not necessarily commenting on their own potential vengeful behavior, but rather that of some fictitious third party.

Future research on this topic could explore any differences in attitudes based on an individual's prior experience with personal injury litigation. It could further investigate the variables that contribute to positive attitudes toward plaintiff attorney advertising. For example, an examination of the effects of various advertising copy styles and persuasive techniques used by plaintiffs' attorneys would have tremendous value in determining whether these variables are more appealing to vengeful individuals or exert greater influence on an individual's attitude toward the act of filing a law suit.

### ***Conclusion***

This research explains the relationship between the attorney advertising, social, demographic and personality variables that contribute to the formation of attitudes toward personal injury litigation as presented in the model below.



The statistically significant results revealed that these variables account for 33% of the variance in attitudes toward the act of filing a personal injury lawsuit. Two variables played a major role in predicting attitudes toward personal injury litigation. The first is desire for vengeance, which accounted for a .11-point increase in attitudes toward personal injury litigation.

The second is attitudes toward plaintiff's attorney advertising, which successfully predicted a .31-point increase in attitudes toward the act of filing personal injury lawsuits. The correlation between both vengeance and plaintiff's attorney television advertising and attitudes toward personal injury litigation is important given Berry's (1999) discussion of social rage. These findings reinforce Berry's (1999) claim that the factors that contribute to social rage--one of which is media--also figure prominently in attitudes toward personal injury litigation.

The model supported by this research expresses the variables that play a significant role in the formation of attitudes toward personal injury litigation, detailing the role that desire for vengeance and favorable attitudes toward this form of advertising play in predicting positive attitudes toward personal injury litigation. In other words, vengeful individuals and people who like this type of advertising are both likely to hold favorable attitudes about suing others. In addition, this research reinforces the body of evidence that details the relationship between lower socio-economic status and favorable attitudes toward plaintiff's attorney advertising--- which is particularly important, given the history of legal services advertising and the *Bates* decision. This is in no way to suggest a repeal of *Bates*. Rather, the research attempts to address the conclusions of public opinion polls, such as the one referenced earlier by the California chapter of Citizens Against Lawsuit Abuse, indicating that personal injury lawyer ads themselves encourage people to sue, even if they have not been injured (Sick of Lawsuits, 2005). While this form of advertising does create positive attitudes among the population it was intended to serve, that relationship alone is not solely responsible for the litigation explosion. The role that vengeance plays in forming attitudes toward personal injury litigation is also significant. Placing this in a wider context, to the extent that the cultural forces that exacerbate social rage and vengefulness persist or grow---combined with the factors that undermine economic well-being--- it is likely to think that people will continue to hold positive attitudes about the act of suing others and that the social problem of frivolous lawsuits in this country will remain and the litigation explosion will continue to grow.

This research project sought to further the body of knowledge related to plaintiff's attorney advertising practices and the impact on the number of personal injury lawsuits filed. It was designed to shed light on the combination of media, demographic, social and personality variables responsible for the formation of attitudes toward personal injury litigation. Prior research had focused on consumers' attitudes toward attorney advertising, as well as the personality make-up of vengeful people. However, none had examined the correlation between attorney advertising and personal injury litigation, and whether or not a desire for vengeance factors into the manner in which consumers respond to plaintiff's attorney advertising. These findings not only add to the literature on legal services advertising but expand the understanding of a desire for vengeance and how exposure to this form of advertising affects consumer behavior.

As the legal services industry struggles to find solutions to the growing problem of litigation, a number of solutions have been suggested (Johnston, 2007). These include changes to the contingency fee arrangement, imposing caps on damages, establishing affidavit of merit requirements, and placing tighter regulations on the manner in which attorneys may solicit clients--- including advertising. With respect to the latter, this research provides those responsible for regulating legal services advertising with greater insights into the psychological, media, and social variables which influence consumer decision behavior related to the act of filing of personal injury lawsuits.

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