

79TH JUDICIAL CONFERENCE OF THE FOURTH CIRCUIT
MAY 23-25, 2016

Summary of Polling Slides and Response Data

Hard-Wired for Justice: The Neuroscience of Persuasion and Punishment

Part I: Responsibility and Persuasion

Part II: Justice and Punishment

Untitled

Current run (last updated May 31, 2016 10:35am)

17

Polls

389

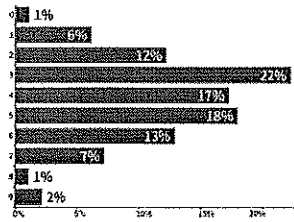
Participants

252

Average responses

PART I: RESPONSIBILITY and PERSUASION

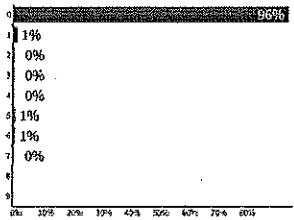
Scenario One



Response options	Count	Percentage
0	3	1%
1	17	6%
2	34	12%
3	62	22%
4	48	17%
5	50	18%
6	36	13%
7	20	7%
8	3	1%
9	6	2%

279
Responses

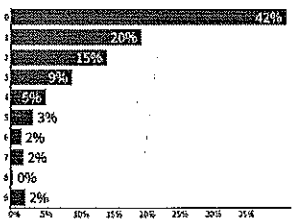
Scenario Two



Response options	Count	Percentage
0	287	96%
1	4	1%
2	1	0%
3	1	0%
4	1	0%
5	2	1%
6	2	1%
7	1	0%
8	0	0%
9	0	0%

299
Responses

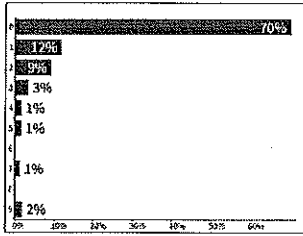
Scenario Three



Response options	Count	Percentage
0	135	42%
1	64	20%
2	47	15%
3	30	9%
4	17	5%
5	11	3%
6	5	2%
7	6	2%
8	1	0%
9	7	2%

323
Responses

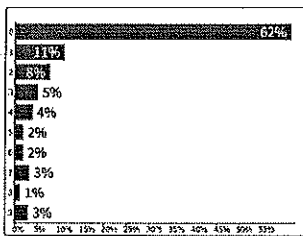
Scenario Four



Response options	Count	Percentage
0	239	70%
1	40	12%
2	31	9%
3	11	3%
4	5	1%
5	5	1%
6	0	0%
7	4	1%
8	0	0%
9	6	2%

341
Responses

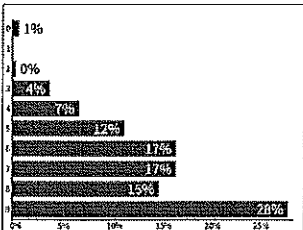
Scenario Five



Response options	Count	Percentage
0	208	62%
1	37	11%
2	26	8%
3	17	5%
4	13	4%
5	6	2%
6	6	2%
7	11	3%
8	4	1%
9	10	3%

338
Responses

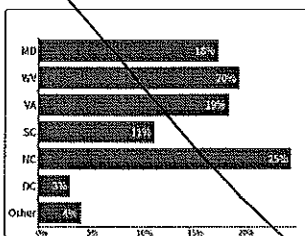
Scenario Six



Response options	Count	Percentage
0	2	1%
1	0	0%
2	1	0%
3	13	4%
4	23	7%
5	39	12%
6	57	17%
7	57	17%
8	51	15%
9	96	28%

339
Responses

What state are you from?

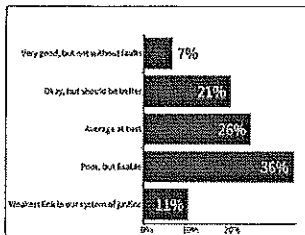


Response options	Count	Percentage
MD	17	18%
WV	19	20%
VA	18	19%
SC	11	11%
NC	24	25%
DC	3	3%
Other	4	4%

96
Responses

PART II: JUSTICE and PUNISHMENT

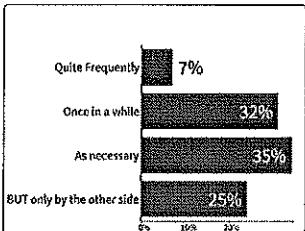
The performance of the U.S. legal system in imposing punishment is:



Response options	Count	Percentage
Very good, but not without faults	19	7%
Okay, but should be better	58	21%
Average at best	72	26%
Poor, but fixable	101	36%
Weakest link in our system of justice	30	11%

280
Responses

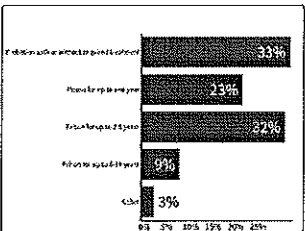
How often does this go on?



Response options	Count	Percentage
Quite Frequently	14	7%
Once in a while	62	32%
As necessary	68	35%
BUT only by the other side	48	25%

192
Responses

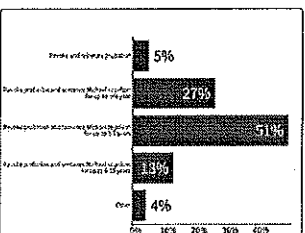
What sentence would you impose?



Response options	Count	Percentage
Probation with or without required treatment	97	33%
Prison for up to one year	66	23%
Prison for up to 2-5 years	94	32%
Prison for up to 6-10 years	25	9%
Other	8	3%

290
Responses

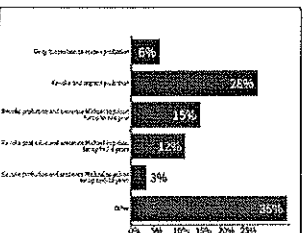
At this point, what action would you take?



Response options	Count	Percentage
Revoke and reinstate probation	14	5%
Revoke probation and sentence Michael to prison for up to one year	75	27%
Revoke probation and sentence Michael to prison for up to 2-5 years	142	51%
Revoke probation and sentence Michael to prison for up to 6-10 years	37	13%
Other	12	4%

280
Responses

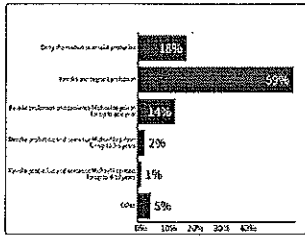
What action would you now take?



Response options	Count	Percentage
Deny the motion to revoke probation	15	6%
Revoke and regrant probation	68	28%
Revoke probation and sentence Michael to prison for up to one year	37	15%
Revoke probation and sentence Michael to prison for up to 2-5 years	29	12%
Revoke probation and sentence Michael to prison for up to 6-10 years	8	3%
Other	84	35%

241
Responses

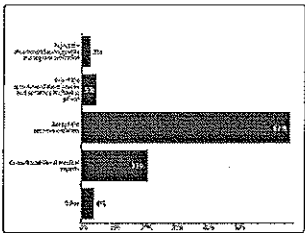
What action would you now take?



Response options	Count	Percentage
Deny the motion to revoke probation	45	18%
Revoke and regrant probation	146	59%
Revoke probation and sentence Michael to prison for up to one year	35	14%
Revoke probation and sentence Michael to prison for up to 2-5 years	6	2%
Revoke probation and sentence Michael to prison for up to 6-10 years	3	1%
Other	12	5%

247
Responses

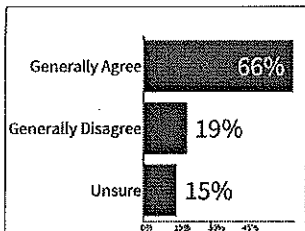
As the sentencing judge, what do you do in response to the recommendation?



Response options	Count	Percentage
Reject the recommendation, revoke and regrant probation	6	3%
Reject the recommendation, revoke and sentence Michael to prison	11	5%
Accept the recommendation	154	67%
Consult additional medical experts	49	21%
Other	9	4%

229
Responses

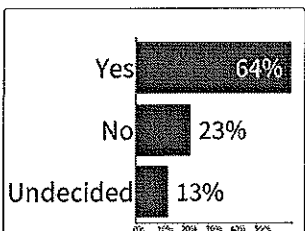
Do you agree or disagree with Judge Hoffman's position on the question?



Response options	Count	Percentage
Generally Agree	121	66%
Generally Disagree	35	19%
Unsure	27	15%

183
Responses

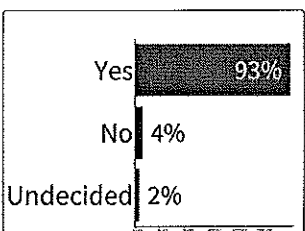
How do you answer that question?



Response options	Count	Percentage
Yes	102	64%
No	36	23%
Undecided	21	13%

159
Responses

Do you believe that Michael's response to his wrongdoing should affect the imposition of punishment?



Response options	Count	Percentage
Yes	154	93%
No	7	4%
Undecided	4	2%

165
Responses

Six scenarios follow. For each one, rate how much of a penalty the “John” (each a different person) deserved – not as a legal matter but as a moral or ethical one – on a scale going from “0,” no punishment, to “9,” extreme punishment.

#1 One day, John is in a crowded elevator of a local apartment building, and sees a man wearing a T-shirt with a political slogan John finds offensive. John pursues the man off the elevator, abuses him verbally, then pushes him hard against the wall. The man’s arm is bruised by the encounter.

#2 John and his best friend have played golf together for more than ten years. They used to be evenly matched, but recently John’s friend has consistently outplayed him. Growing frustrated, John responded by taking private golf lessons from the local pro. The next time John played against his friend, he soundly beat him.

#3 Hiking in the backcountry, John and his boy scouts get lost. Making matters substantially worse, one of the boys steps on a rattlesnake and is bitten. The troop then stumbles upon an abandoned house, which John sets on fire to draw rescuers. The plan works and the kid is saved, but the house is destroyed.

#4 On Halloween, John hangs a scary-looking plastic monster from the creepiest tree in the front yard of his home. Most of his evening’s visitors seem to enjoy it. However, several of the youngest children out trick-or-treating with their parents are so scared that their parents have to take them straight home.

#5 At a party, and unbeknownst to John, the host slips him some illegal drugs as a joke. John starts hallucinating wildly. He goes next door, breaks windows with rocks, knocks over a gas grill, throws a bicycle into the pool, and breaks a child's swing set. The next day, he has no recollection of this.

#6 One night John is bored. He decides it would be fun to vandalize a car. He finds one on the street in the neighborhood and attacks it. First, he kicks it and pelts it with rocks. Then he breaks bottles on it. Then he hurls bricks, and the like. The car is considerably damaged. After getting the wallet, John knocks the man unconscious, and the man later requires 5 stitches.



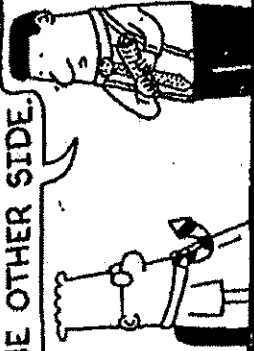
Q: The performance of the U.S. legal system in imposing punishment is:

- 1. Very good, but not without faults**
- 2. Okay, but should be better**
- 3. Average at best**
- 4. Poor, but fixable**
- 5. Weakest link in our system of justice**

DILBERT SCOTT ADAMS

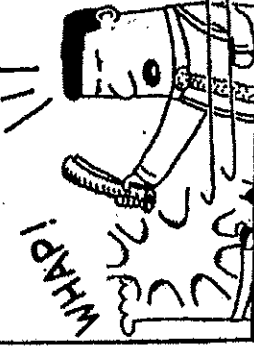
The Expert Witness

LET'S PREPARE FOR
YOUR COURT TESTIMONY.
I'LL PRETEND TO BE
THE OTHER SIDE.



www.dilbert.com
scottadams@aol.com

LIAR! WHY IS
YOUR ATTORNEY
SO HANDSOME?



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THEY
CAN
HIT
ME?



I DON'T
SEE WHY
NOT.




Q: How often does this go on?

1. Quite frequently
2. Once in awhile
3. As necessary
4. **BUT** only by the other side



Q: What sentence would you impose?

- 1. Probation with or without required treatment**
- 2. Prison for up to one year**
- 3. Prison for up to 2-5 years**
- 4. Prison for up to 6-10 years**
- 5. Other**



Q: At this point, what action would you take?

- 1. Revoke and reinstate probation**
- 2. Revoke probation and sentence Michael to prison for up to one year**
- 3. Revoke probation and sentence Michael to prison for up to 2-5 years**
- 4. Revoke probation and sentence Michael to prison for up to 6-10 years**
- 5. Other**



Q: What action would you now take?

- 1. Deny the motion to revoke probation**
- 2. Revoke and regrant probation**
- 3. Revoke probation and sentence Michael to prison for up to one year**
- 4. Revoke probation and sentence Michael to prison for up to 2-5 years**
- 5. Revoke probation and sentence Michael to prison for up to 6-10 years**
- 6. Other**




Q: What action would you now take?

- 1. Deny the motion to revoke probation**
- 2. Revoke and regrant probation**
- 3. Revoke probation and sentence Michael to prison for up to one year**
- 4. Revoke probation and sentence Michael to prison for up to 2-5 years**
- 5. Revoke probation and sentence Michael to prison for up to 6-10 years**
- 6. Other**




Q: As the sentencing judge, what do you do in response to the recommendation?

- 1. Reject the recommendation, revoke and regrant probation**
- 2. Reject the recommendation, revoke, and sentence Michael to prison**
- 3. Accept the recommendation**
- 4. Consult additional medical experts.**
- 5. Other**




Q: Do you agree or disagree with Judge Hoffman's position on the question?

- 1. Generally Agree**
- 2. Generally Disagree**
- 3. Unsure**




Q: How do you answer that question?

- 1. Yes**
- 2. No**
- 3. Undecided**



Q: Do you believe that Michael's response to his wrongdoing should affect the imposition of punishment?

- 1. Yes**
- 2. No**
- 3. Undecided**



Q: For whatever punishment you might impose in response to the last question, would it likely have been different if the surgery had produced no change in Michael's behavior?

- 1. Yes**
- 2. No**
- 3. Undecided**