

# Researchers find saying 'I'm sorry' influences jurors

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Apologizing for negative outcomes -- a practice common even with children -- may lead to more favorable verdicts for auditors in court, according to researchers at George Mason University and Oklahoma State University. The results of the study will be available in a forthcoming issue of *Contemporary Accounting Research*, published by the Canadian Academic Accounting Association.

Assistant accounting professors Rick Warne of Mason and Robert Cornell of OSU found that remedial tactics such as apologizing or first-person justification can result in lower frequencies of negligence verdicts in cases against auditors when compared to a control group receiving no remedial tactic. Apologies allow the accused wrongdoer to express sorrow or regret about a situation without admitting guilt. Alternatively, a first-person justification allows the accused to indicate the appropriateness of decisions given the information available when decisions were made.

"We found that apologies reduce the jurors' need to assign blame to the auditor for any negative outcomes to the client," says Warne. "It also appears that a first-person justification influences the [jurors](#) impression that the auditor's actions were reasonable and in accordance with professional standards."

The researchers administered several versions of a mock trial involving a lawsuit against an auditor whose actions had negative consequences on a client. In the scenario utilized by the researchers, the auditor performed

an appropriate audit, yet the audited company eventually went into bankruptcy. The researchers examined whether a defendant making an apology, offering a justification, utilizing both techniques or remaining silent led to the most favorable verdicts.

Research in psychology, management and medicine concludes that remedial tactics are effective when expressed directly to injured parties. However, Cornell and Warne's research expands upon prior findings by examining the effects remedial tactics have on jurors who are indirectly involved and cannot directly forgive the accused.

"We know victims often respond favorably to an apology, but our findings suggest that even unharmed jurors react in a similar manner," says Cornell. "Offering an apology though is not synonymous with admitting guilt."

Approximately 30 states have some form of 'apology law' that prevents an apology from being used against a defendant as evidence in court. According to the researchers these laws encourage the use of apologies when disputes arise.

"Defense attorneys must consider several factors before having their client testify in court," says Warne. "However, we believe that most innocent parties could benefit from utilizing the apology and justification strategies when legal conflicts arise."

Source: George Mason University

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