

VILNIUS UNIVERSITY

DOVILĖ PETKEVIČIŪTĖ-BARYSIENĖ

**THE FACTORS OF THE JUDGMENT OF JUDICIAL BEHAVIOR FAIRNESS
IN CIVIL JUSTICE**

Summary of doctoral dissertation
Social Sciences, Psychology (06 S)

Vilnius, 2016

The dissertation was prepared during the period of 2012 – 2016 at Vilnius University

Scientific supervisor Prof. Dr. Gintautas Valickas (Vilnius University, Social Sciences, Psychology – 06 S)

The dissertation will be defended at the Vilnius University Council of the Scientific Field of Psychology:

Chairman:

Prof. Dr. Albinas Bagdonas (Vilnius University, Social Sciences, Psychology – 06 S).

Members:

Prof. Dr. Rita Bandzevičienė (Mykolas Romeris University, Social Sciences, Psychology – 06 S);

Prof. Dr. Linas Bieliauskas (University of Michigan, Social Sciences, Psychology – 06 S);

Prof. Dr. Laima Bulotaitė (Vilnius University, Social Sciences, Psychology – 06 S);

Prof. Dr. Jonas Prapiestis (Vilnius University, Social Sciences, Law – 01 S).

The dissertation will be defended at a public meeting of the Council of the Scientific Field of Psychology and Law on the 16th of December, 2016, at 15 p.m. in auditorium No. 201, Faculty of Philosophy.

Address: Universiteto g. 9/1, Vilnius, Lithuania.

The summary of the dissertation was sent out on the 16th of November, 2016.

The dissertation is available at the library of Vilnius University and on the website of Vilnius University: www.vu.lt/lt/naujienos/ivykiu-kalendorius

VILNIAUS UNIVERSITETAS

DOVILĖ PETKEVIČIŪTĖ-BARYSIENĖ

**TEISĖJŲ ELGESIO TEISINGUMO VERTINIMO VEIKSNIAI CIVILINĖJE
JUSTICIJOJE**

Daktaro disertacijos santrauka
Socialiniai mokslai, Psichologija (06 S)

Vilnius, 2016

Disertacija rengta 2012 – 2016 metais Vilniaus universitete

Mokslinis vadovas – prof. dr. Gintautas Valickas (Vilniaus universitetas, socialiniai mokslai, psichologija – 06 S)

Disertacija ginama Vilniaus universiteto Psichologijos ir teisės mokslo krypties taryboje:

Pirmininkas:

prof. dr. Albinas Bagdonas (Vilniaus universitetas; socialiniai mokslai, psichologija – 06 S).

Nariai:

prof. dr. Rita Bandzevičienė (Mykolo Romerio universitetas, socialiniai mokslai, psichologija – 06 S);

prof. dr. Linas Bieliauskas (Mičigano universitetas, JAV, socialiniai mokslai, psichologija – 06 S);

prof. dr. Laima Bulotaitė (Vilniaus universitetas; socialiniai mokslai, psichologija – 06 S);

prof. dr. Jonas Prapiestis (Vilniaus universitetas; socialiniai mokslai, teisė – 01 S).

Disertacija bus ginama viešame Psichologijos ir teisės mokslo krypties tarybos posėdyje 2016 m. gruodžio mėn. 16 d. 15 val. Filosofijos fakulteto 201 auditorijoje.

Adresas: Universiteto g. 9/1, Vilnius, Lietuva.

Disertacijos santrauka išsiuntinėta 2016 m. lapkričio mėn. 16 d.

Disertaciją galima peržiūrėti Vilniaus universiteto bibliotekoje ir VU interneto svetainėje adresu: www.vu.lt/lt/naujienos/ivykiu-kalendorius

INTRODUCTION

Relevance of the research

Traditional aim of laws and law enforcement officers – to ensure public compliance with the law – cannot be taken for granted (Tyler, 2004; 2007c). Power-based attempts to regulate public life require huge resources for monitoring members of the public and punishing the transgressors, as well as for providing incentives for desired behavior (which is useful to group) (Tyler, 1990; 1997; Tyler & Sevier, 2014). Studies show that control strategies based on deterrence from unwanted behavior can be useful, but are very expensive and their effects are minimal (Tyler, 1990; 2006). Voluntary cooperation with law enforcement institutions is associated with the perceived legitimacy of those institutions (Mazerolle, Bennett, Davis, Sargeant, & Manning, 2013; Tyler, 2007a; 2007c; van den Bos, van der Velden, & Lind, 2014). Perceived legitimacy, in turn, depends on subjective fairness evaluations (Jackson et al., 2012; Tyler & Jackson, 2014; Tyler & Sevier, 2014). Public cooperation and perceived legitimacy of courts, obedience to court rulings and satisfaction with them depend on perceived fairness of court actions (Benesh, 2006; Jackson et al., 2011; 2012; Ohbuchi, Sugawara, Teshigara, & Imazai, 2005; Sprott & Greene, 2010; Sunshine & Tyler, 2003; Rottman, 2005; Rottman & Tyler, 2014; Tyler, 1990; 1997; 2003; 2004; 2006; 2007a; 2007b; 2011; 2016; Tyler & Fagan, 2008; Tyler & Huo, 2002; Tyler & Jackson, 2014; Tyler & Jost, 2007; Tyler & Wakslak, 2004; Wales, Hiday, & Ray, 2010). Thus, to function successfully, law enforcement institutions need to be perceived as fair by members of the public.

People who have participated in the court proceedings are less satisfied with their work and trust courts less (Benesh, 2006; Buckler, Cullen, & Unnever, 2007; Higgins, Wolfe, & Walters, 2009; Longazel, Parker, & Sun, 2011; Sun & Wu, 2006; Wenzel, Bowler & Lanoue, 2003), thus it is necessary to understand what determines these judgments. Judgments about court experience and judgments of courts' fairness may be more influenced by the perceived fairness of judicial behavior, not duration of the court proceedings or ruling in the case (Frazer, 2007; Lind et al., 1989; Mahoney, 2014; Tyler, 2001). Judge has the power and the duty to ensure that the participants of the court

proceedings are treated fairly. Therefore, the main subject of perceived fairness research should be perceived fairness of judicial behavior.

Factors of judicial behavior fairness have to be examined to ensure that participants of the court proceedings perceive behavior of the judges as fair. Ethicality and neutrality of judicial behavior, opportunity to express ones' position (voice) and other factors were analyzed in procedural fairness research (e.g. Čunichina, 2014; Longazel et al., 2011; Mahoney, 2014; Rottman & Tyler, 2014; Valickas, Justickis, Vanagaitė, & Voropaj, 2013; Valickas & Vanagaitė, 2013). However, overall fairness judgment of judicial behavior, which would include judicial behavior as well as their decision making fairness, have not been studied. Further, studies are usually limited to perceived fairness judgments of a specific judge who handled the case (e.g. Frazer, 2007; Mahoney, 2014; Ohbuchi et al., 2005). Hence there is a lack of studies, in which behavior fairness of a particular judge (who deliberated the case) would be linked to the judgments of fairness of all the judges after the end of court proceedings.

Moreover, insufficient attention is paid to formation and change of fairness judgments – fairness judgments are mostly recorded at one point in time (Jones & Skarlicki, 2013). Therefore, preliminary judgments of fairness (formed before the court proceedings) have not been considered. Judging from public surveys (e.g. Vileikienė, 2015), most people have an opinion about judicial behavior fairness although only a small part of the sample could have been involved in legal proceedings (Lind et al., 1989; Vileikienė, 2015). Likewise, majority of research studies fairness judgments of participants in criminal proceedings (Beier, Eib, Oehmann, Fiedler, & Fiedler, 2014; Čunichina, 2014; Frazer, 2007; Justickis & Valickas, 2006; Valickas et al., 2013), although possibly many more people encounter courts because of civil, not criminal legal issues. Courts in Lithuania, for example, receive about ten times more civil cases than criminal ones (in 2015 first instance courts in Lithuania received 19358 criminal and 206127 civil cases, in 2014 – 18963 criminal and 198639 civil cases; National courts administration, 2016). Accordingly, a study of the factors of the judgment of judicial behavior fairness in civil justice is needed.

For determining factors of the judgment of judicial behavior fairness in civil justice it is important to understand that fairness judgments are subjective. This means that judgments of judicial fairness by participants of civil court proceedings are not

necessarily an accurate representation of the judges' behavior. Consequently, judicial behavior observation studies are needed: if litigants' fairness judgments depend on certain factors, such as the ethicality and neutrality of the judge, it is important to record, whether judges' behavior is ethical and neutral (Beier et al. 2014; Rottman & Tyler, 2014). Nevertheless, judicial behavior observation is rarely conducted and very little is known about the judicial behavior compliance with the requirements of procedural fairness as well as factors of this compliance.

Scientific novelty

Taking into account other researchers published data on the factors of the judgments of judicial behavior fairness, following aspects of scientific novelty of this research can be distinguished.

While the perceived fairness of judicial behavior is extremely important for the successful functioning of the judiciary system (Rottman & Tyler, 2014), research in the civil justice mainly covered perceived fairness of the particular judge (or a court-appointed arbitrator) (Lind, 1990; Lind, Ambrose, de Vera Park & Kulik, 1990a; Lind et al., 1989; 1990c; MacCoun, Lind, Hensler, Bryant, & Ebener, 1988; O'Barr & Conley, 1988; Ohbuchi et al., 2005). In addition, the studies in the legal context were limited to analyzing only the judgments of procedural fairness, although it is likely that the concept of overall fairness may reflect peoples' opinion about the judicial behavior fairness more accurately (Colquitt & Rodell 2015, Holtz & Harold, 2009). Hence the first aspect of novelty of this work relates to the fact that the present research analyses construct of overall judicial behavior fairness. In this paper, assumptions of the dynamic model of justice (Jones & Skarlicki, 2013) were specified and complemented and the model of the judgment of judicial behavior fairness was created. The model was verified empirically.

Previous studies paid little attention to the relations between the experiences during the court proceedings and judgments of fairness at the end of the court proceedings. Studies of the experiences during the court proceedings do not differentiate the nature of court proceedings (civil, criminal) or the role of the participant of court proceedings (plaintiff, observer) (Higgins et al., 2009; Longazel et al., 2011; Valickas & Vanagaitė 2013). Studies which analyze connections between the experience of the court

proceedings and various consequences of perceived fairness, such as trust in the courts or court support, examine only the perceived fairness of the behavior of particular judge who handled the case (Benesh, 2006; Tyler, 1984; Wenzel et al., 2003). Finally, only consequences of perceived fairness related to the court system as a whole, not to the judges, were considered (Benesh, 2006; Ohbuchi et al., 2005; Wenzel et al., 2003). Thus, the second aspect of novelty of this work is establishment of a strong link between the judgment of fairness of the judge (deliberating the case) and the judgment of fairness of behavior of all judges (after the court proceedings).

Perceived fairness studies exploring the experience of encounter with the law enforcement institutions, mainly analyzed only experience during the court proceedings or the fairness judgments after court proceedings (with a few exceptions, namely Farley, Jensen & Rempel, 2014; Sprott & Green, 2010; Tyler, 1990). For example, research in the civil justice only dealt with fairness judgments of procedures, experienced during the court proceedings (Lind, 1990; Lind et al., 1989; Lind, Kulik, Ambrose, de Vera Park, 1993; Ohbuchi et al., 2005). Thus, no account was taken of the fact that the civil parties of the dispute have an opinion about how fairly judges behave already before the start of the proceedings. Therefore, the third aspect of scientific novelty concerns analysis of prior judgments of judicial behavior fairness and identification of significant relations between prior judgments of judicial behavior fairness and judgments of fairness after the end of court proceedings.

Finally, it is known that individual justice expectations can affect how the individual will judge the fairness of the particular experience (e.g. Bell, Wiechmann, & Ryan, 2006; Rodell & Colquitt, 2009; van den Bos, Vermunt, & Wilke, 1996). Construct of justice expectations was analyzed in organizational justice studies, however, there is only a few of them (Bell et al., 2006; Geenen et al., 2012; Jones & Martens, 2009; Kim & Leung, 2007; Rodell & Colquitt, 2009). The examination of the perceived fairness of the law enforcement officials have not taken into account justice expectations. Hence the fourth of aspect of scientific novelty considers the relation between justice expectations and prior judgments of judicial behavior fairness while predicting judgment of the behavior of the judge (deliberating the case).

Practical significance

Results obtained in this study may serve in practice. Firstly, results of this study can be used to foster positive litigants' judgments of judicial behavior fairness. For example, analysis of the factors of the civil parties' judgments of judicial behavior fairness revealed that the prior judgments of judicial behavior fairness predict judgments of judicial behavior fairness (after the court proceedings) via judgments of the fairness of the judge, who handled the case. Therefore, be civil parties' perceived fairness of the judge who deliberates the case should be stimulated. The study showed that the perceived fairness of the behavior of the particular judge who has handled the case is predicted by his or her ethicality, neutrality and opportunity given to the litigants to express their views (voice). Thus, it is important to ensure that the parties of the dispute would perceive behavior of the judge who handles the case as ethical, neutral, that they would have been given the opportunity to express their views during the court proceedings.

Second, the results of the study can be used in the development of the judicial training programs, implementing the programs for their behavior observation. The evaluation of the judicial behavior compliance with the requirements of the procedural fairness and the establishment of the factors of this compliance allow revealing aspects of judicial conduct which need additional attention. For example, it was established that litigants value opportunity to express their views (voice) – it is important in determining perceived fairness of judicial behavior. However, judicial behavior compliance with this procedural fairness requirement is the least satisfactory in comparison with other requirements considered. This implies the need for extra attention to the opportunity to express their views given to the litigants during the court proceedings.

The aims of the research

1. Establish the factors of the civil parties' judgment of the judicial behavior fairness.
2. Evaluate the judicial conduct compliance with the requirements of procedural fairness and its factors in civil cases.

Objectives of the research

Objectives for the first aim of the study:

1. Evaluate the relationship between civil parties' judgments of the judge's (who deliberated the case) behavior fairness and judgments of judicial behavior fairness (after the court proceedings).
2. Evaluate the relationship between civil parties' prior judgments of judicial behavior fairness and judgments of judicial behavior fairness (after the court proceedings).
3. Evaluate the relationship between civil parties' judgments of the judge's (who deliberated the case) behavior fairness and their perceived procedural fairness.
4. Identify other possible factors of civil parties' judgments of judicial behavior fairness (after the court proceedings).

Objectives for the second aim of the study:

1. Evaluate the judicial conduct compliance with the requirements of ethicality, neutrality and opportunity to express opinion (voice) in civil cases.
2. Establish the factors of the judicial conduct compliance with the requirements of ethicality, neutrality and opportunity to express opinion (voice) in civil cases.
3. Compare judicial conduct compliance with the procedural fairness requirements in situations, where the behavior is regulated by the Code of Civil Procedure of Republic of Lithuania, and unregulated situations.

Propositions to be defended

1. Civil parties' judgments of judicial behavior fairness (after the court proceedings) are related not only to their judgments of judges' (who deliberated the case) behavior fairness, but also to civil parties' prior judgments of judicial behavior fairness.
2. Civil parties' justice expectations are an important factor of their judgment of judge's (who deliberated the case) behavior fairness: as justice expectations grow, the relationship between prior judgment of judicial behavior fairness and judgment of judge's (who deliberated the case) behavior fairness strengthens.

3. An important factor of overall fairness judgment – civil parties' perceived fairness of judge's (who deliberated the case) behavior – is their perceived procedural fairness.

METHODOLOGY

The study of the factors of the judgment of judicial behavior fairness in civil justice consists of two parts: the study of civil parties' perceived judicial behavior fairness and the study of judicial behavior conduct compliance with the requirements of procedural fairness.

Part one: the study of civil parties' perceived judicial behavior fairness

Participants and procedures

151 civil parties were surveyed (age $M = 39$ years, $SD = 11.7$, range: 19-73, 39.7% male, 77.6% plaintiffs). The study was carried out in 2014-2015: participants were invited to participate in the study firstly, by distributing invitation within the Lithuanian courts (by National courts administration), secondly, invitations were placed in the Vilnius District court (with permission); thirdly, participants were recruited applying non-probability convenience sampling technique.

Instruments

A 110-item questionnaire of litigants' perceived judicial behavior fairness was constructed. Because the main part of the questionnaire was created for the research project "Social Perception of Judges' Behavior and Image" (funded by a grant (*No. MIP-13288*) from the Research Council of Lithuania), not all items were used in the doctoral dissertation. Only items relating to the construct used in model of the judgment of judicial behavior fairness (see Fig. 1) were used.

Overall fairness constructs, each consisting of 2 items, which reflect procedural fairness judgment (judicial behavior fairness¹) and distributive fairness judgment

¹ Overall and procedural fairness judgments are named "judicial behavior fairness", because of the peculiarities language usage. This is a known problem (Colquitt & Zipay, 2015): items used for overall fairness (e.g. "Overall, I'm treated fairly by [my supervisor]" (Kim & Leung, 2007); „Overall, I'm treated fairly by [my supervisor]" (Ambrose & Schminke, 2009)) can reflect both overall and procedural fairness judgments.

(judicial decision making fairness), rated on a 5 point scale from *completely unfair* (0) to *completely fair* (4) were used (internal consistency coefficients Cronbach's alpha are shown in brackets): **prior judgment of judicial behavior fairness** ($\alpha = .655$), **justice expectations** ($\alpha = .554$), **judgment of the judge's (who deliberated the case) behavior fairness** ($\alpha = .680$), **judgment of judicial behavior fairness (after the court proceedings)** ($\alpha = .880$). correlations between procedural and distributive fairness judgments ranged from .427 to .808 (in all cases $p < 0.01$), reassuring, that usage of overall fairness judgments are justified not only theoretically (Ambrose & Schminke, 2009; Ambrose, Wo, & Griffith, 2015; Lind, 2001; Törnblom & Vermunt, 1999), but also empirically (correlations between procedural and distributive fairness judgments depending on the context range from .50 to .84 (Hauenstein, McGonigle & Flinder, 2001)).

Procedural fairness components (Blader & Tyler, 2015) were measured: **perceived ethicality of the judge** (4 items, participants had to specify whether the judge (who deliberated the case) displayed particular behaviors (e.g. "Did the judge interrupt your explanations?" – *yes* (0), *no* (1)), $\alpha = .710$); **perceived neutrality of the judge** (7 items, rated the same way as perceived ethicality of the judge (e.g. "Did the judge show personal prior opinion on the outcome of the case anytime during court proceedings?" – *yes* (0), *no* (1)), $\alpha = .718$); perceived opportunity to express opinion (5 items, rated the same way as perceived ethicality and neutrality of the judge (e.g. "Did your opinions were heard?" – *yes* (1), *no* (0)), $\alpha = .604$). **Perceived competence of the lawyer** was also measured (5 items, rated the same way as perceived procedural fairness components (e.g. "Did your lawyer listened to you carefully?" – *yes* (1), *no* (0)), $\alpha = .812$).

Additionally, constructs, measured with on item each, were assessed: **favorability of the case ruling** (*favorable / not favorable*), **satisfaction with the case ruling** (5-point scale from *completely unsatisfied* (0) to *completely satisfied* (4)), **satisfaction with the organization of court proceedings** (*satisfied / not satisfied*). **Emotions experienced during court proceedings** were measured by asking participants to enlist all emotions they experienced during court proceedings (the list of all mentioned emotions were created). Information on **socio-demographic characteristics** of civil parties was collected: participants of the study reported their procedural status (plaintiff or

defendant), nature of the case, age, sex, level of education, marital status, the area they lived for the most part of their lives (city, center of the district, small town, village).

Data analysis

The descriptive statistics of the variables are presented by indicating means (*M*) and standard deviations (*SD*), minimal and maximal values. *First stage of statistical analysis* consisted of the model of the judgment of judicial behavior fairness assessment. Structural equation modelling was conducted, the fit criteria used: *RMSEA* < .05 (*Root Mean Square Error of Approximation*; Pakalniškienė, 2012; Schumacker & Lomax, 2010); *CFI* > .90 (*Comparative Fit Index*), *TLI* > .90 (*Tucker-Lewis Index*) (Brown, 2015; Jackson, Gillaspay, & Purc-Stephenson, 2009; Schumacker & Lomax, 2010). *WLSMW* (*Weighted Least Squares Means and Variance Adjusted*) estimation method was used (Beauducel & Herzberg, 2006), therefore $\chi^2/df < 2$ (Hooper, Coughlan, & Mullen, 2008) was applied, and $\Delta\chi^2$ was used for estimation of alternative models. Using structural equation modelling, mediation analysis (Hayes, 2013) was also conducted. Moderation analysis was conducted with macro command PROCESS (Hayes, 2013), separately from structural equation modelling. In the *second stage of statistical analysis* ANOVA, Student t-test, Pearson correlation, regression. Statistical analysis was conducted using IBM SPSS 23, SPSS macro command PROCESS (Hayes, 2013) and Mplus 6.12 (Munthén & Munthén, 1998-2010).

Part two: the study of judicial behavior conduct compliance with the requirements of procedural fairness

Participants and procedures

Sample consists of audio recordings of 181 court hearings of civil cases (59.7% were handled in regional courts, 45.8% in Vilnius, 55.8% was contract cases, 18.2% - family law cases). 106 judges deliberated cases (84% female, age *M* = 50.29 years, *SD* = 8.74, range: 34-66; work experience *M* = 15.25 years, *SD* = 7.45, range: 3-34).

In 2010, a novelty was introduced to the Lithuanian court system - audio recordings of proceedings. From then on all - administrative, civil and criminal – proceedings are being recorded. With permissions from relevant institutions (National Courts Administration and Judicial Council), these recordings were used in the present research. Recordings of the hearings of the civil cases were analyzed in 2014-2015. Each case had a different number of hearings (ranging from 1 to 15), their duration varied from 10 to 120 minutes. Recordings were analyzed using the constructed analysis protocol of audio recordings of civil court hearings. 6 researchers coded audio recordings. Four trials of joint coding were conducted to train researchers: overlap of response to protocol questions was 98.01%, 72.09%, 87.4%, and 82.7% accordingly (the percentage after the first coding dropped because of added items on overall impression about judicial behavior with the civil parties). After this procedure, having in mind that protocol consisted of 320 items, the decision that researchers are ready to code the trials independently was made.

Instruments

Analysis protocol of audio recordings of civil court hearings was constructed. Items in the protocol were based primarily on Code of Civil Procedure of the Republic of Lithuania and the Code of Judicial Ethics. Therefore, specific and mandatory (for judges) actions were included in the protocol. In order to be clear about what actions and how a judge must take, the protocol was reviewed by two experts (judge and professor of law). The analysis protocol of civil court hearings initially consisted of 320 items, so that all relevant (e.g. announcement of the court ruling) and possible (e.g. presence of third parties of dispute, witness expert examination) parts of Lithuanian civil hearings would be covered. Main items of the analysis protocol were ought to include all process with all possible participants (additional to claimant and defendant): at least one witness, expert, specialist, child protection authority representative, three third parties of dispute; all possible actions in a case (additional to clarification of rights and responsibilities, submission of requests, and explanations of parties): renewal of proceedings, postponement of proceedings, closing speeches, announcement of court ruling, conclusion of peace settlement. Furthermore, factual information about cases was

gathered: how many hearings were in a case file, brief content of dispute, gender of the judge, amount of witnesses and third parties, city and court where the case was handled, presence of attorneys (plaintiff's and defendant's).

Items in the analysis protocol are criteria situations, which, in turn, reflect procedural fairness requirements – **voice (opportunity to express opinion), ethicality and neutrality of the judge**. The requirement of voice reflects ability to participate in a case by expressing ones' views and arguments, ethicality measures courtesy and politeness, neutrality requirement reflects consistency in judicial behavior and absence of biases and preconceptions. Due to the differences of the cases, only those criteria situations, which occurred in not less than 65% of the cases², were used in analysis, therefore requirement of voice is measured in 14 situations, ethicality – in 11, neutrality – in 8 situations.

Furthermore, some of the criteria situations are clearly stated in the Code of Civil Procedure and others are implied – follows from the legal dogma. Accordingly, all criteria situations, attributed to voice requirement, reflect regulations of the Code of Civil Procedure, and situations of ethicality and neutrality requirements behaviors, which are not clearly stated in this law. For the comparison of the judicial behavior compliance with the procedural fairness requirements in regulated and not regulated situations, 5 additional situations (reflecting requirement of informing civil parties about important moments in the case) were added to the voice requirement, because they are regulated by the law. However, informing requirement is not analyzed separately in this study. Thus 19 criteria situations are regulated by the law, and 19 are not.

Every item in the analysis protocol has 2 to 7 options: every item had an option “the judge fulfilled the requirement” and “the judge did not fulfill the requirement”; intermediate options reflected the partial fulfillment of the requirement. For example, options to question “did the judge ask whether persons involved in a case have any requests” were: “asked everyone individually”, “asked a general question for everyone”; “asked only one party of the dispute (if others are present)”; “did not ask”. All options of all items were transformed onto scale from -1 to 1, where 1 means that behavior of a

² Except 5 criteria situations, which were used despite this requirement due to their relevance to court proceedings (are reflected in the Code of Civil Procedure of Republic of Lithuania and the Code of Judicial Ethics).

judge *fully complied with the requirement*, -1 – *did not comply with the requirement at all*.

All criteria situations, attributed to the requirements of the procedural fairness, were combined into a scales of procedural fairness requirements by calculating the means of ratings in each situation. These estimates were the transformed into percentages so that 100% estimate would mean that behavior of the judge fully complied with the requirements of procedural fairness in all situations, which have occurred in the case and were analyzed; 0% would mean that behavior of the judge did not comply with the requirements at all – in all of the situations it received rating of -1. Despite the fact that all items in the protocol were generated using Code of Civil Procedure of the Republic of Lithuania, the Code of Judicial Ethics, and procedural fairness research (e.g. Beier et al., 2014; Justickis & Valickas, 2006; Valickas et al., 2013), three researchers reviewed the criteria situations, confirmed their attribution to the requirements, and thus strengthened content validity of the procedural fairness scales (Anastasi, 1985).

Since in the sample of the study 106 judges deliberated 181 cases, factors of judicial conduct compliance with the requirements of procedural fairness were evaluated twice: a) analyzing all cases in the sample (181 cases); b) analyzing 106 cases: one case was randomly selected for each judge, who dealt with more than one case (generating random numbers). Therefore, internal consistency coefficients are calculated in the two samples. In the sample of 181 cases internal consistency of ethicality scale is $\alpha = .887$, neutrality – $\alpha = .764$, voice – $\alpha = .698$; in the sample of 106 cases ethicality $\alpha = .821$, neutrality – $\alpha = .700$, voice – $\alpha = .701$.

Data analysis

The descriptive statistics of the variables are presented by indicating means (M) and standard deviations (SD), minimal and maximal values. *First stage of statistical analysis.* Firstly, factors in 181 case sample were analyzed. These are factors, related to the civil cases: nature of the case, city, where the case was handled, court (district/regional), and attorney's presence in the hearing. Since all scales in this sample were not distributed normally, non-parametric statistics were applied: Mann-Whitney U test, Kruskal-Wallis test. Also in the first stage of analysis criteria situations' regulation by the law was

analyzed. In the *second stage of statistical analysis* examination of factors, related to the judges, was conducted: judges' age, work experience, and sex; as well as relations of judicial behavior compliance with different procedural fairness requirements. Non-parametric statistics were applied: Spearman correlation, Mann-Whitney U test.

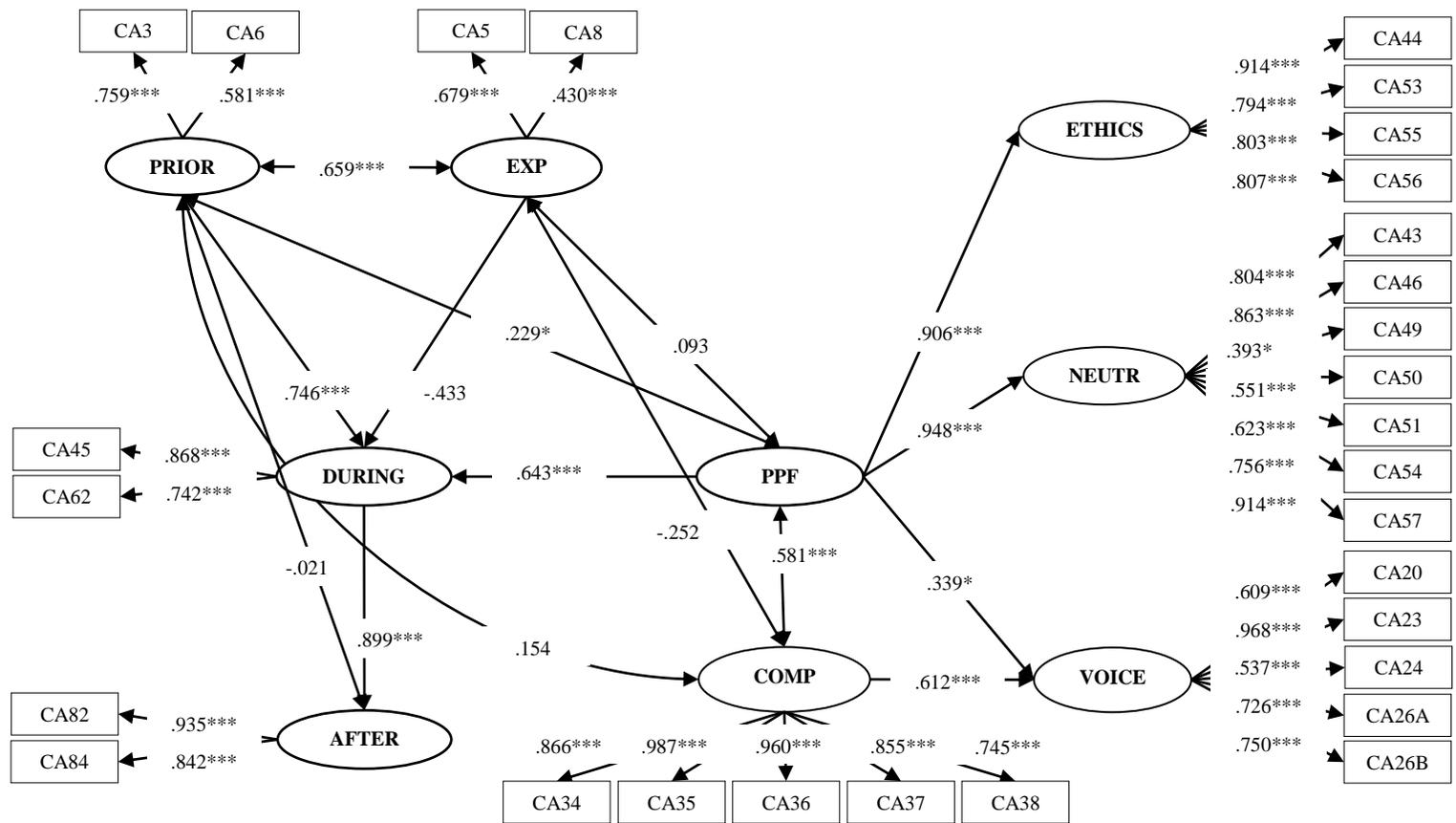
THE MAIN RESULTS

Part one: the study of civil parties' perceived judicial behavior fairness

Analysis of fairness literature reveals that overall judgments of judicial behavior fairness may depend on: prior judgment of judicial behavior fairness, judgment of the judge's (who deliberated the case) behavior fairness (Jones & Skarlicki, 2013), justice expectations (Bell et al., 2006; Shapiro & Kirkman, 2001; Woolard, Harvell, & Graham, 2008), perceived procedural fairness (with ethicality, neutrality and voice as its' components; Blader & Tyler, 2015; Colquitt & Zipay, 2015; Čunichina, 2014; Tyler, 1988; Tyler & Jackson, 2014), and perceived competence of the lawyer (Farley et al., 2014; Lind et al., 1989; 1990c; O'Barr & Conley, 1988; Sprott & Greene, 2010). These constructs were included in model of the judgment of judicial behavior fairness and the it is presented first. Consequently, other potential factors of judgment of judicial behavior fairness are examined: favorability of the case ruling (MacCoun et al., 1988; Lind, 1990; Ohbuchi et al., 2005; Skitka et al., 2003), satisfaction with the organization of court proceedings (Buckler et al., 2007), emotions experienced during court proceedings (De Cremer & Ruiters, 2003; Pretsch et al., 2016; Krehbiel & Cropanzano, 2000), and socio-demographic characteristics (Higgins et al., 2009; Valickas et al., 2013).

The model of the judgment of judicial behavior fairness

The model of judicial behavior fairness fits the data well: $\chi^2 = 417.5$, $df = 362$, $p = .023$; $\chi^2 / df = 1.15$, $RMSEA = .032$, $CFI = .955$, $TLI = .950$ (Hooper et al., 2008; Pakalniškienė, 2012; Schumacker & Lomax, 2010). Factor loadings of all items range from .393 to .987. After comparing this model with alternative models, no modifications were made. The model is presented in Figure 1.



Note. CA20-84 – item numbers in the questionnaire of civil parties' perceived judicial behavior fairness, PRIOR – prior judgment of judicial behavior fairness, EXP – justice expectations, DURING – judgment of the judge's (who deliberated the case) behavior fairness, AFTER – judgment of judicial behavior fairness (after court proceedings), PPF – perceived procedural fairness, ETHICS – perceived ethicality of the judge, NEUTR – perceived neutrality of the judge, VOICE – perceived opportunity to express opinion, COMP – perceived competence of the lawyer. *- p < .05, **- p < .01, ***- p < .001.

Figure 1. Model of the judgment of judicial behavior fairness.

Using structural equation modelling mediation hypothesis was also assessed: judgment of judge's (who deliberated the case) behavior fairness mediates the relationship between prior judgment of judicial behavior fairness and judgment of judicial behavior fairness (after court proceedings). This hypothesis was confirmed (indirect effect $\beta = .592$ $p = .006$).

Thus, judgment of judge's (who deliberated the case) behavior fairness mediates the between **prior judgment of judicial behavior fairness** and judgment of judicial behavior fairness (after court proceedings). Taking into account prior judgment of judicial behavior fairness is important because it is very likely that civil parties, even those who happen to be in court for the first time, already have opinion about how fairly judges behave. Although there are studies, which have analyzed perceptions of fairness, formed during court proceedings (e.g. Ohbuchi et al., 2005), they only analyzed impact of this one judgment on satisfaction with court system or its perceived effectiveness. That is, dynamics of fairness judgments were not investigated. Also, these results show that judgment of judicial behavior fairness depends not only on the judge who deliberates the case, but also on the individual opinion about fairness of all the judges in general.

Some studies have shown that higher **justice expectations** can be related to more favorable judgments of experienced fairness (e.g. Bell et al., 2006). The results of this study revealed that justice expectations are significantly related to the prior judgment of judicial behavior fairness. Consequently, higher opinion about judicial behavior fairness in general is related to higher expectations of fairness of individual judge, who is going to deliberate the case. Moreover, justice expectations appear to be a moderator of a relationship between prior judgments of judicial behavior fairness and judgment of judge's (who deliberated the case) behavior fairness ($\beta = .41$ [.01; .80], $\Delta R^2 = .025$, $F = 4.221$, $df = 1$, $p = .041$) (see Fig. 2).

As it can be seen from the Fig 2., the higher justice expectations, the stronger the relationship between prior judgment of judge's (who deliberated the case) behavior fairness (when expectations are low (2.92 out of 4), prior judgment of judicial behavior fairness predicts judgment of judge's (who deliberated the case) behavior fairness less strongly $\beta = .346$, $p = .032$; when expectations are medium (3.42 out of 4), $\beta = .552$, $p < .001$, when expectations are high (3.92 out of 4), $\beta = .758$, $p < .001$).

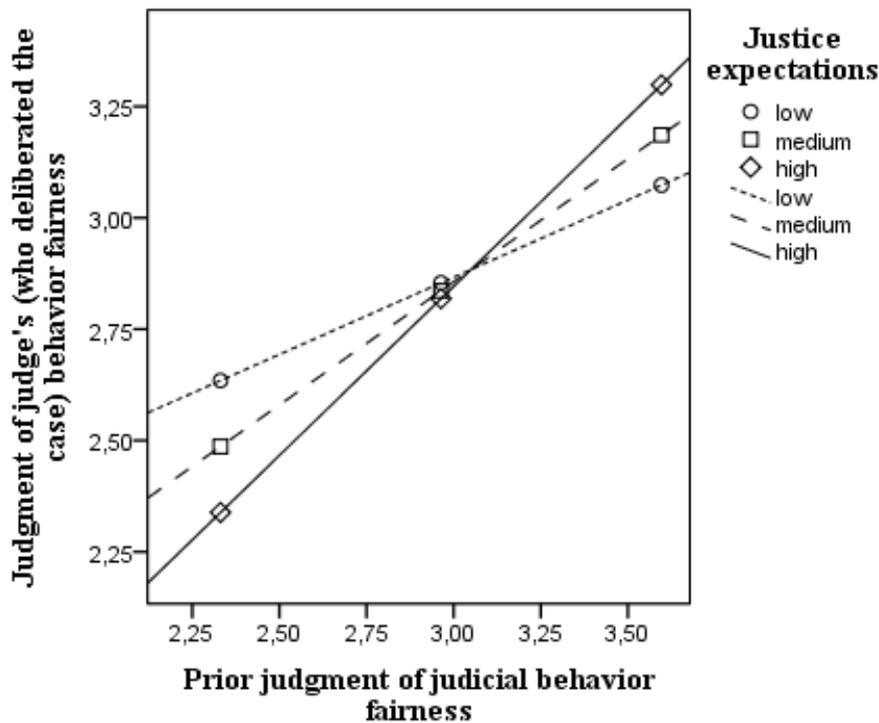


Figure 2. Interaction between prior judgment of judicial behavior fairness and justice expectations in predicting judgment of judge's (who deliberated the case) behavior fairness.

Therefore, not only prior judgment of judicial behavior fairness, but also justice expectations may have an impact on judgment of judge's (who deliberated the case) behavior fairness.

The study also allowed to confirm the importance of the fairness of the individual **judge, who deliberates the case** (Lind et al., 1989; Ohbuchi et al., 2005; Rottman & Tyler, 2014; Tyler, Goff, & MacCoun, 2015). Moreover, we adopted and confirmed the hypotheses of the dynamic model of justice (Jones & Skarlicki, 2013): fairness judgments change depending on the experienced justice, prior judgments influence judgments after the justice-related events via experienced justice.

The hypothesis of the model of the judgment of judicial behavior fairness that **perceived procedural fairness** predicts judgment of judge's (who deliberated the case) overall behavior fairness was verified, as was the prediction that perceived ethicality, neutrality and perceived opportunity to express opinion will form the second-level factor of perceived procedural fairness. These results imply that judges, who deliberate civil cases, would stimulate perceived fairness of their actions if they would behave ethically, neutrally and would allow opportunities to express litigants' opinions. The established

relationship between procedural fairness and overall fairness highlights the importance of procedural fairness in legal settings (Beier et al., 2013; Justickis & Valickas, 2006; Ohbuchi et al., 2005; Tyler, 1984; Valickas et al., 2013; Verburg & Schueler, 2014).

Perceived competence of the lawyer significantly predicts perceived opportunity to express opinion (voice). Such result is in accord with results of Lind et al (1990c) study, where it was shown that judgment of lawyers' behavior is related to perceived procedural fairness. Yet results of this study specifies this relationship: so it can be assumed (as it was speculated) that lawyers contribute significantly to the expressing civil parties' position in court.

Favorability of the case ruling. 27.2% of participants received unfavorable decision, 69.5% – favorable (5 did not indicate). Litigants, who received unfavorable decision in comparison with those, who received favorable decision, made significantly worse judgments of judge's (who deliberated the case) behavior fairness (litigants, who received favorable decision $M = 3.33$, $SD = .67$, those, who received unfavorable decision $M = 1.71$, $SD = .88$; $t = 10.606$, $df = 144$, $p < .001$, $d = 2.07$) and judgments of judicial behavior fairness (after court proceedings) (litigants, who received favorable decision $M = 3.13$, $SD = .71$; those, who received unfavorable decision, $M = 1.97$, $SD = .90$; $t = 7.326$, $df = 144$, $p < .001$, $d = 1.43$). These results are in accord with the results of other studies (e.g. MacCoun et al., 1988; Lind, 1990).

Of all the **emotions experienced during court proceedings** (anxiety, fear, tension, helplessness), anger was the only one related to the judgments of fairness: litigants, who enlisted anger, in comparison with those, who have not mentioned anger, made significantly worse judgments of judge's (who deliberated the case) behavior fairness (litigants, who enlisted anger $M = 2.35$, $SD = 1.12$; those who did not $M = 3.09$, $SD = .89$; $t = -4.312$, $df = 149$, $p < .001$, $d = .73$) and judgments of judicial behavior fairness (after court proceedings) (litigants, who enlisted anger $M = 2.27$, $SD = .97$; those who did not $M = 3.02$, $SD = .80$; $t = -4.312$, $df = 149$, $d = .84$, $p < .001$). Anger is often related to perceived injustice (Barsky, Kaplan, & Beal, 2011; Vermunt, Wit, van den Bos, & Lind, 1996). Therefore, we have found that litigants, who have experienced anger, rated ethicality (litigants, who enlisted anger $M = .74$, $SD = .31$, *mean rank* 67.62; those who did not $M = .86$, $SD = .24$, *mean rank* 78.67; $U = 1779.5$, $Z = -2.70$, $p = .007$, $d = .43$) and neutrality (litigants, who enlisted anger $M = .68$, $SD = .28$; those who did not $M = .82$,

$SD = .20$; $t = -3.448$, $df = 149$, $p = .001$, $d = .57$) of the judge worse (however, these litigants did not receive more unfavorable case rulings). These results would suggest that litigants have experienced some injustice during court proceedings.

Satisfaction with the organization of court proceedings is also significantly related to the judgments of fairness: litigants, who were dissatisfied, in comparison with those, who were satisfied, made significantly worse judgments of judge's (who deliberated the case) behavior fairness (litigants, who were satisfied $M = 3.07$, $SD = .87$; those who were not $M = 2.17$, $SD = 1.14$; $t = 4.639$, $df = 147$, $p < .001$, $d = .88$) and judgments of judicial behavior fairness (after court proceedings) (litigants, who were satisfied $M = 2.97$, $SD = .78$; those who were not $M = 2.12$, $SD = 1.09$; $t = 4.868$, $df = 147$, $p < .001$, $d = .89$). Therefore, it is important to ensure that case hearings begin on time, the process is not being delayed.

Socio-demographic characteristics. Only age of litigants was related to fairness judgments. Correlations between age and prior judgments of judicial behavior fairness, judgment of judge's (who deliberated the case) behavior fairness, and judgment of judicial behavior fairness (after court proceedings) varied from $-.169$ to $-.228$ (with prior judgment of judicial behavior fairness $r = -.169$, $p = .045$, with judgment of judge's (who deliberated the case) behavior fairness $r = -.228$, $p = .007$, judgment of judicial behavior fairness (after court proceedings) $r = -.195$, $p = .02$), indicating that the relationships are negative, although weak. However, these results mirror other data in Lithuania and other countries (Lind et al., 1990c; Valickas & Vanagaitė, 2013).

Procedural status. Defendants submitted less favorable prior judgments of judicial behavior fairness (plaintiffs' $M = 3.02$, $SD = .63$; defendants' $M = 2.75$, $SD = .60$; $t = 2.251$, $df = 147$, $p = .026$, $d = .43$), judgment of judge's (who deliberated the case) behavior fairness (plaintiffs' $M = 2.98$, $SD = .95$; defendants' $M = 2.50$, $SD = 1.18$; $t = 2.689$, $t = 2.184$, $df = 147$, $p = .034$, $d = .44$), and judgment of judicial behavior fairness (after court proceedings) (plaintiffs' $M = 2.90$, $SD = .87$; defendants' $M = 2.42$, $SD = 1.00$; $t = 2.689$, $df = 147$, $p = .008$, $d = .51$) than plaintiffs. One could think that procedurally equal, these positions – plaintiff and defendant – can differ psychologically. It is important to note, however, that procedural status had no relation to justice expectations, which means that they all expect to be treated fairly, in spite of their

position. In this study plaintiffs are possibly overrepresented; thus, further studies are needed to clarify the relationship of procedural status and perceptions of fairness.

Part two: the study of judicial behavior conduct compliance with the requirements of procedural fairness

Descriptive statistics of procedural fairness scales in sample of 181 cases are presented in the Table 1.

Table 1. *Descriptive statistics of procedural fairness scales (%)*

| Procedural fairness scale | <i>N</i> | <i>M</i> | <i>SD</i> | <i>Min</i> | <i>Max</i> |
|---------------------------|----------|----------|-----------|------------|------------|
| Ethicality | 180 | 77,42 | 23,79 | 0 | 100 |
| Neutrality | 176 | 83,44 | 22,72 | 0 | 100 |
| Voice | 181 | 72,24 | 18,99 | 0 | 100 |

Note. *N* – number of cases, *M* – mean, *SD* – standard deviation, *Min* – minimal value, *Max* – maximal value.

If behavior of all judges in all analyzed criteria situations would comply with the requirement, average compliance with the requirement would be 100%. It can be seen that judicial behavior complies with the requirement of neutrality the most, and the least – to the requirement of voice. Considering the results of the first part of the study it can be said that judges should devote more attention to how they allow voice during court proceedings, as it is important for civil parties. It should be noted that there were cases, during which judicial behavior did not at all comply with the procedural fairness requirements (all the scales have 0% as minimal values). Therefore, for the judicial behavior compliance with the requirements judicial behavior observation programs as well as feedback for judges so that they could monitor behavior would be recommended.

Only regulation of the criteria situations was identified as a factor of the judicial behavior compliance with the procedural fairness requirements in a sample of 181 cases. Judicial behavior compliance with the requirements in regulated situations ($M = 80.06\%$, $SD = 18.88\%$, *mean rank* 97.95) was better than in not regulated situations ($M = 71.11\%$, $SD = 14.82\%$, *mean rank* 73.20; $Z = -4.675$, $p < .001$, $d = .36$). This finding is not surprising as it was a significant factor of judicial behavior compliance with procedural fairness requirements in other studies in Lithuania (Justickis & Valickas, 2006; Valickas

et al., 2013). However, those studies were conducted in criminal justice. The gap of compliance between regulated and not regulated situations was wider in those studies, but in those studies more procedural fairness scales were used (e.g. empathy scale), which could potentially widen the gap.

Nature of the case, city, where the case was handled, court (district/regional), and presence of attorney in the hearing did not relate to judicial behavior compliance as it should be expected. However, there is a possibility of limited statistical power as non-parametric statistics were used. Thus further research is needed.

In the sample of randomly selected 106 cases, it was found that females ($M = 80.67\%$, $SD = 24.66\%$, *mean rank* 72.09), comply with the requirement of neutrality worse than males ($M = 98.17\%$, $SD = 5.15\%$, *mean rank* 49.31; $U = 423.5$, $Z = -.3114$, $p = .002$, $d = .98$). This result should be interpreted with caution, as there were much more female than male judges in this sample. However, age and work experience of judges did not relate to their compliance with the procedural fairness requirements. Additionally, relations among judicial behavior compliance with different procedural fairness requirement were assessed. Compliance with the ethicality requirement is related to compliance with the neutrality requirement ($rs = .260$, $p < .01$), not no significant relations with compliance with the voice requirement was found. These results reflect the contrast between relational and instrumental factors of procedural fairness (Blader & Tyler, 2015; Lind, Kanfer & Earley, 1990b).

CONCLUSIONS

1. Civil parties' judgment of judge's (who deliberated the case) behavior fairness predicts judgment of judicial behavior fairness (after the court proceedings).
2. Civil parties' prior judgment of judicial behavior fairness is related to the judgment of judicial behavior fairness (after the court proceedings) via judgment of judge's (who deliberated the case) behavior fairness.
3. Civil parties' justice expectations interact with the prior judgment of judicial behavior fairness predicting judgment of judgment of judge's (who deliberated the case) behavior fairness: the higher justice expectations, the stronger the relation between prior judgment of judicial behavior fairness and judgment of judge's (who deliberated the case) behavior fairness.
4. Civil parties' judgment of judge's (who deliberated the case) behavior fairness is predicted by perceived procedural fairness, which is reflected in perceived ethicality and neutrality of the judge and perceived opportunity to express opinion.
5. Civil parties' judgment of judicial behavior fairness (after court proceedings) is related to:
 - 5.1. Favorability of the case ruling. Civil parties, who have received unfavorable ruling judged judicial behavior fairness (after court proceedings) to be worse than in litigants who received favorable ruling.
 - 5.2. Civil parties' anger experienced during court proceedings. Civil parties, who have experienced anger judged judicial behavior fairness (after court proceedings) to be worse than those who did not mention, that they have experienced anger.
 - 5.3. Satisfaction with the organization of court proceedings. Civil parties, who were dissatisfied with the organization of court proceedings judged judicial behavior fairness (after court proceedings) to be worse than whose, who were satisfied with the organization of proceedings.
 - 5.4. Civil parties' age. The older litigants, the worse their judgments of judicial behavior fairness (after court proceedings) are.
 - 5.5. Civil parties' procedural status. Defendants' proceedings judged judicial behavior fairness (after court proceedings) to be worse than plaintiffs'.

6. Average judicial behavior compliance with procedural fairness requirements of neutrality, ethicality and voice is more than 70 percent. Judicial behavior complied with the requirement of neutrality best, less – with the requirement of ethicality, the least – with the requirement of voice.
7. Judicial behavior compliance with the requirements of procedural fairness is related to these factors:
 - 7.1. Sex of the judges: behavior of male judges complies with the requirement of neutrality better than behavior of female judges.
 - 7.2. Regulation of the criteria situations, used to analyzed judicial behavior, in the Code of Civil Procedure of Republic of Lithuania: judicial behavior compliance with the requirements in regulated situations was better than in unregulated situations.

REFERENCES

- Ambrose, L. M., & Schminke, M. (2009). The role of overall justice judgments in organizational justice research: A test of mediation. *Journal of Applied Psychology, 94*(2), 491–500. doi: 10.1037/a0013203
- Ambrose, M. L., Wo, D. X. H, & Griffith, M. D. (2015). Overall Justice: Past, Present, and Future. In R. S. Cropanzano, M. L. Ambrose (Eds.) *The Oxford Handbook of Justice in Workplace*. New York: Oxford University Press. doi: 10.1093/oxfordhb/9780199981410.013.5
- Anastasi, A. (1985). Psychological Testing: Basic Concepts and Common Misconceptions. In A. M. Rogers, C. J. Scheirer (Eds.), *The G. Stanley Hall Lecture Series* (Vol. 5, (pp. 87–120). Washington, DC, US: American Psychological Association. doi: 10.1037/10052-003
- Barsky, A., Kaplan, S. A., & Beal, D. J. (2011). Just feelings? The role of affect in the formation of organizational fairness judgments. *Journal of Management, 37*(1), 248–279. doi: 10.1177/0149206310376325
- Beier, S., Eib, C., Oehmann, V., Fiedler, P., & Fiedler, K. (2014). Influence of judges behaviors on perceived procedural justice. *Journal of Applied Social Psychology, 44*, 46–59. doi: 10.1111/jasp.12199
- Bell, B. S., Wiechmann, D., & Ryan, A. M. (2006). Consequences of organizational justice expectations in a selection system. *Journal of Applied Psychology, 91*(2), 455–466. doi: 10.1037/0021-9010.91.2.455
- Benesh, S. C. (2006). Understanding public confidence in American courts. *The Journal of Politics, 68*(3), 697–707. doi: 10.1111/j.1468-2508.2006.00455.x
- Blader, S. L., & Tyler, T. R. (2015). Relational Models of Procedural Justice. In R. S. Cropanzano, M. L. Ambrose (Eds.) *The Oxford Handbook of Justice in Workplace* (p. 351–370). New York: Oxford University Press. doi: 10.1093/oxfordhb/9780199981410.013.16
- Buckler, K., Cullen, F. T., & Unnever, J. D. (2007). Citizen assessment of local criminal courts: Does fairness matter? *Journal of Criminal Justice, 35*, 524–536. doi: 10.1016/j.jcrimjus.2007.07.005
- Civil Code of the Republic of Lithuania (2000). *Valstybės žinios*, No. 74-2262.

- Code of Civil Procedure of the Republic of Lithuania (2002). *Valstybės žinios*, No. 36-1340.
- Code of Judicial Ethics of Republic of Lithuania.
- Colquitt, J. A., & Rodell, J. B. (2015). Measuring justice and fairness. In R. S. Cropanzano, M. L. Ambrose (Eds.), *The Oxford Handbook of Justice in Workplace*. New York: Oxford University Press. doi: 10.1093/oxfordhb/9780199981410.013.8
- Colquitt, J. A., & Zipay, K. P. (2015). Justice, fairness, and employee reactions. *Annual Review of Organizational Psychology and Organizational Behavior*, 2(1), 75–99. doi: 10.1146/annurev-orgpsych-032414-111457
- Čunichina, K. (2014). Nusikaltimo aukų suvoktas teisėjų elgesio teisingumas. Doctoral dissertation. Vilnius: Vilnius University.
- De Cremer, D., & Ruiter, R. A. C. (2003). Emotional reactions toward procedural fairness as a function of negative information. *The Journal of Social Psychology*, 143(6), 793–795. doi: 10.1080/00224540309600433
- Farley, R. J., Jensen, E., & Rempel, M. (2014). Improving courtroom communication: A procedural justice experiment in Milwaukee. Evaluation of pilot project. Center for Court Innovation.
- Frazer, M. S. (2007). Examining defendant perceptions of fairness in the courtroom. *Judicature*, 91(1), 36–37.
- Geenen, B., Proost, K., Schreurs, B., van Dijke, M., Derous, E., De Witte, K., & von Grumbkow, J. (2012). The influence of general beliefs on the formation of justice expectations: The moderating role of direct experiences. *Career Development International*, 17(1), 67–82. doi:10.1108/13620431211201337
- Hauenstein, N. M. A., McGonigle, T., & Flinder, S. W. (2001). A meta-analysis of the relationship between procedural justice and distributive justice: Implications for justice research. *Employee Responsibilities and Rights Journal*, 13(1), 39–56. doi:10.1023/A:1014482124497
- Hayes, A. F. (2013). *Introduction to Mediation, Moderation, and Conditional Process Analysis. A Regression-based Approach*. New York, London: The Guilford Press.
- Higgins, G. E., Wolfe, S. C., & Walters, N. (2009). Sex and experience: Modeling the public's perceptions of justice, satisfaction, and attitude toward the courts. *American Journal of Criminal Justice*, 34, 116–130. doi: 10.1007/s12103-008-9058-7

- Holtz, B. C., & Harold, C. M. (2009). Fair today, fair tomorrow? A longitudinal investigation of overall justice perceptions. *Journal of Applied Psychology, 94*(5), 1185–1199. doi: 10.1037/a0015900
- Hooper, D., Coughlan, J., & Mullen, M. R. (2008). Structural equation modelling: Guidelines for determining model fit. *The Electronic Journal of Business Research Methods, 6*(1), 53–60.
- Jackson, J., Bradford, B., Hough, M., Myhill, A., Quinton, P., & Tyler, T. R. (2012). Why do people comply with the law? *British Journal of Criminology, 52*(6), 1051–1071. doi: 10.1093/bjc/azs032
- Jackson, J., Pooler, T., Hohl, K., Kuha, J., Bradford, B., & Hough, M. (2011). Trust in justice: Topline results from round 5 of the European Social Survey. European Social Survey, 2011.
- Jones, D. A., & Martens, M. L. (2009). The mediating role of overall fairness and the moderating role of trust certainty in justice-criteria relationships: The formation and use of fairness heuristics in the workplace. *Journal of Organizational Behavior, 30*, 1025–1051. doi: 10.1002/job.577
- Jones, D. A., & Skarlicki, D. P. (2013). How perceptions of fairness can change: A dynamic model of organizational justice. *Organizational Psychology Review, 3*(2), 138–160. doi: 10.1177/2041386612461665
- Justickis, V., & Valickas, G. (2006). *Procedūrinis teisingumas Lietuvos kriminalinėje justicijoje: monografija*. Vilnius: Mykolo Romerio universiteto Leidybos centras.
- Kim, T.-Y., Leung, K. (2007). Forming and reacting to overall fairness: A cross-cultural comparison. *Organizational Behavior and Human Decision Processes, 104*, 83–95. doi: 10.1016/j.obhdp.2007.01.004
- Krehbiel, P. J., & Cropanzano, R. (2000). Procedural justice, outcome favorability and emotion. *Social Justice Research, 13*(4), 339–360. doi: 10.1023/A:1007670909889
- Lind, E. A. (1990). *Arbitrating High Stakes Cases: An Evaluation of Court Annexed Arbitration in a United States District Court*. Santa Monica: RAND.
- Lind, E. A. (2001). Fairness Heuristic Theory: Justice Judgments as Pivotal Cognitions in Organizational Relations. In J. Greenberg, R. Cropanzano (Eds.), *Advances in Organizational Justice* (pp. 56–88). Stanford: Stanford University

- Lind, E. A., Ambrose, M., de Vera Park, M., & Kulik, C. T. (1990a). Perspective and procedural justice: Attorney and litigant evaluations of court procedures. *Social Justice Research*, 4(4), 325–336. doi:10.1007/BF01126779
- Lind, E. A., Kanfer, R., & Earley, P. C. (1990b). Voice, control, and procedural justice: Instrumental and noninstrumental concerns in fairness judgments. *Journal of Personality and Social Psychology*, 59(5), 952–959. doi: 10.1037/0022-3514.59.5.952
- Lind, E. A., Kulik, C. T., Ambrose, M., & de Vera Park, M. (1993). Individual and corporate dispute resolution: Using procedural fairness as a decision heuristic. *Administrative Science Quarterly*, 38, 224–251. doi: 10.2307/2393412
- Lind, E. A., MacCoun, R. J., Ebener, P. A., Felstiner, W. L. F., Hensler, D. R., Resnik, J., & Tyler, T. R. (1990c). In the eye of the beholder: Litigants' evaluations of their experiences in the civil justice system. *Law & Society Review*, 24(4), 953–996.
- Lind, E. A., MacCoun, R. J., Ebener, P. A., Felstiner, W. L. F., Hensler, D. R., Resnik, J., & Tyler, T. R. (1989). *The Perception of Justice: Tort Litigants' Views of Trial, Court-annexed Arbitration, and Judicial Settlement Conferences*. Santa Monica: RAND.
- Longazel, J. G., Parker, L. S., & Sun, I. Y. (2011). Experiencing court, experiencing race: Perceived procedural injustice among court users. *Race and Justice*, 1(2), 202–227. doi: 10.1177/2153368710388292
- MacCoun, R. J., Lind, E. A., Hensler, D. R., Bryant, D. L., & Ebener, P. A. (1988). *Alternative Adjudication: An Evaluation of the New Jersey Automobile Arbitration Program*. Santa Monica: RAND.
- Mahoney, M. K. (2014). Procedural justice and the judge–probationer relationship in a co-occurring disorders court. *International Journal of Law and Psychiatry*, 37(3), 260–266. doi: 10.1016/j.ijlp.2013.11.022
- Mazerolle, L., Bennett, S., Davis, J., Sargeant, E., & Manning, M. (2013). Procedural justice and police legitimacy: A systematic review of the research evidence. *Journal of Experimental Criminology*, 9 (3), 245–274. doi 10.1007/s11292-013-9175-2
- National Courts administration (2016). Statistics report. <http://www.teismai.lt/lt/visuomenei-ir-ziniasklaidai/statistika/106>

- O'Barr, W. M., & Conley, J. M. (1988). Lay expectations of the civil justice system. *Law & Society Review*, 22(1), 137–162. doi: 10.2307/3053564
- Ohbuchi, K.-I., Sugawara, I., Teshigara, K., & Imazai, K.-I. (2005). Procedural justice and the assessment of civil justice in Japan. *Law & Society Review*, 39(4), 875–892. doi: 10.1111/j.1540-5893.2005.00247.x
- Pakalniškienė, V. (2012). *Tyrimo ir įvertinimo priemonių patikimumo ir validumo nustatymas*. Vilnius: Vilniaus universiteto leidykla.
- Pretsch, J., Ehrhardt, N., Engl, L., Risch, N., Roth, J., Schumacher, S., & Schmitt, M. (2016). Injustice in school and students' emotions, well-being, and behavior: A longitudinal study. *Social Justice Research*, 29(1), 119–138. doi: 10.1007/s11211-015-0234-x
- Rodell, J. B., & Colquitt, J. A. (2009). Looking ahead in times of uncertainty: The role of anticipatory justice in an organizational change context. *Journal of Applied Psychology*, 94(4), 989–1002. doi: 10.1037/a0015351
- Rottman, D. B. (2005). *Trust and confidence in the California Courts: A Survey of the Public and Attorneys*. National Center for State Courts.
- Rottman, D. B., & Tyler, T. R. (2014). Thinking about judges and judicial performance: Perspective of the public and court users. *Oñati Socio-legal Series*, 2014, 4(5), 1046–1070.
- Schumacker, R. E., & Lomax, R. G. (2010). *A Beginner's Guide to Structural Equation Modeling: Third Edition*. New York, London: Routledge, Taylor and Francis Group.
- Shapiro, D. L., & Kirkman, B. L. (2001). Anticipatory Injustice: The Consequences of Expecting Injustice in the Workplace. In J. Greenberg, R. Cropanzano (Eds.), *Advances in Organizational Justice* (pp. 152–178). Lexington, MA: New Lexington.
- Sprott, J. B., & Greene, C. (2010). Trust and confidence in the courts: Does the quality of treatment young offenders receive affect their views of the courts? *Crime & Delinquency*, 56(2), 269–289. doi: 10.1177/0011128707308176
- Sun, I. Y., & Wu, Y. (2006). Citizens' perceptions of the courts: The impact of race, gender, and recent experience. *Journal of Criminal Justice*, 34, 457–467. doi: 10.1016/j.jcrimjus.2006.09.001

- Sunshine, J., & Tyler, T. R. (2003). The Role of procedural justice and legitimacy in shaping public support for policing. *Law & Society Review*, 37(3), 513–548. doi: 10.1111/1540-5893.3703002
- Törnblom, K. Y., & Vermunt, R. (1999). An integrative perspective on social justice: Distributive and procedural fairness evaluations of positive and negative outcome allocations. *Social Justice Research*, 12(1), 39–64. doi:10.1023/A:1023226307252
- Tyler, T. R. (1984). The role of perceived injustice in defendants' evaluations of their courtroom experience. *Law & Society Review*, 18(1), 51–74. doi: 10.2307/3053480
- Tyler, T. R. (1988). What is procedural justice? Criteria used by citizens to assess the fairness of legal procedures. *Law & Society Review*, 22(1), 103–136. doi: 10.2307/3053563
- Tyler, T. R. (1990). *Why People obey the Law*. New Haven, London: Yale University Press.
- Tyler, T. R. (1997). Procedural fairness and compliance with the law. *Swiss Journal of Economics and Statistics*, 133(2/2), 219–240.
- Tyler, T. R. (2001). Public trust and confidence in legal authorities: What do majority and minority group members want from the law and legal institutions? *Behavioral Sciences and the Law*, 19, 215–235. doi: 10.1002/bsl.438
- Tyler, T. R. (2003). Procedural justice, legitimacy and the effective rule of law. *Crime and Justice*, 30, 283–357. doi: 10.1086/652233
- Tyler, T. R. (2004). Enhancing police legitimacy. *The ANNALS of the American Academy of Political and Social Science*, 593(1), 84–99. doi: 10.1177/0002716203262627
- Tyler, T. R. (2006). Psychological perspectives on legitimacy and legitimation. *Annual Review of Psychology*, 57, 375–400. doi: 10.1146/annurev.psych.57.102904.190038
- Tyler, T. R. (2007a). Does the American public accept the rule of law? The findings of psychological research on deference to authority. *56 DePaul Law Review*, 661–694.
- Tyler, T. R. (2007b). Procedural justice and the courts. *Court Review*, 44 (1/2), 26–31.
- Tyler, T. R. (2007c). *Psychology and the Design of Legal Institutions*. Nijmegen: Wolf Legal Publishers.
- Tyler, T. R. (2011). *Why People Cooperate*. Princeton: Princeton University Press.

- Tyler, T. R. (2016, July). *Trust in law*. Paper presented at the 16th Biennial Meeting of the International Society for Justice Research (ISJR), Canterbury, England.
- Tyler, T. R., & Fagan, J. (2008). Legitimacy and cooperation: Why do people help the police fight crime in their communities? *Ohio State Journal of Criminal Law*, 6, 231–275.
- Tyler, T. R., & Huo, Y. J. (2002). *Trust in the Law: Encouraging Public Cooperation with the Police and Courts*. New York: Russel Sage Foundation.
- Tyler, T. R., & Jackson, J. (2014). Popular legitimacy and the exercise of legal authority motivating compliance cooperation and engagement. *Psychology, Public Policy, and Law*, 20(1), 78–95. <http://dx.doi.org/10.1037/a0034514>
- Tyler, T. R., & Jost, J. T. (2007). Psychology and the law: Reconciling normative and descriptive accounts of social justice and system legitimacy. In A. W. Kruglanski, E. T. Higgins (Eds.), *Social Psychology: Handbook of Basic Principles* (2nd ed., pp. 807–825). New York: Guilford Press.
- Tyler, T. R., & Wakslak, C. J. (2004). Profiling and police legitimacy: Procedural justice, attributions of motive, and acceptance of police authority. *Criminology*, 42(2), 253–281. doi: 10.1111/j.1745–9125.2004.tb00520.x
- Tyler, T. R., Goff, A. P., & MacCoun, R. J. (2015). The impact of psychological science on policing in the United States. Procedural justice, legitimacy and effective law enforcement. *Psychological Science in the Public Interest*, 16 (3), 75–109. doi: 10.1177/1529100615617791
- Tyler, T. R., Sevier, J. (2014). How do the courts create popular legitimacy? The role of establishing the truth, punishing justly and/or acting through just procedures. *Faculty Scholarship Series*, Paper 4991, 1095–1137.
- Valickas, G. ir Vanagaitė, K. (2013). Teismo posėdžių dalyvių įstatymų, teisėsaugos institucijų ir pareigūnų elgesio vertinimai. *Teisė*, 88, 53–72.
- Valickas, G., Justickis, V., Vanagaitė, K. ir Voropaj, K. (2013). *Procedūrinis teisingumas ir žmonių pasitikėjimas teisėsaugos pareigūnais bei institucijomis: kolektyvinė monografija*. Vilnius: Vilniaus universiteto leidykla.
- Van den Bos, K., van der Velden, L., & Lind, E. A. (2014). On the role of perceived procedural justice in citizens' reactions to government decisions and the handling of conflicts. *Utrecht Law Review*, 10(4), 1–6. doi: 10.18352/ulr.287

- Van den Bos, K., Vermunt, R., & Wilke, H. A. M. (1996). The consistency rule and the voice effect: The influence on expectations on procedural fairness judgments and performance. *European Journal of Social Psychology*, 26, 411–428. doi :10.1002/(SICI)1099-0992(199605)26:3<411::AID-EJSP766>3.0.CO;2-2
- Verburg, A., & Schueler, B. (2014). Procedural justice in Dutch Administrative Court proceedings. *Utrecht Law Review*, 10(4), 56–72. doi: <http://doi.org/10.18352/ulr.290>
- Vermunt, R., Wit, A., van den Bos, K., & Lind, E. A. (1996). The effects of unfair procedure on negative affect and protest. *Social Justice Research*, 9(2), 109–119. doi:10.1007/BF02198075
- Vileikienė, E. (2015). *Lietuvos gyventojų požiūris į teisėsaugos institucijas ir teismus bei viešojo saugumo situacijos suvokimas.*
- Wales, H. W., Hiday, V. A., & Ray, B. (2010). Procedural justice and mental health court judge's role in reducing recidivism. *International Journal of Law and Psychiatry*, 33(4), 265–271. doi: 10.1016/j.ijlp.2010.06.009
- Wenzel, J. P., Bowler, S., & Lanoue, D. J. (2003). The sources of public confidence in state courts: Experience and institutions. *American Politics Research*, 31(2), 191–211. doi: 10.1177/1532673X02250295
- Woolard, J. L., Harvell, S., & Graham, S. (2008). Anticipatory injustice among adolescents: Age and racial / ethnic differences in perceived unfairness of the justice system. *Behavioral Sciences and the Law*, 26, 207–226. doi: 10.1002/bsl.805

ABOUT THE AUTHOR

Dovilė Petkevičiūtė-Barysienė has been studying Psychology at Vilnius University since 2006. In 2010 she has received her bachelor's degree in Psychology, in 2012 – master's degree in Law Psychology. From 2012 till 2016 she has been a doctoral student at Vilnius University Faculty of Philosophy (Department of General Psychology). During doctoral studies, Dovilė Petkevičiūtė-Barysienė was involved in teaching and research activities. In particular, in 2013-2015 she worked in a research project “Social Perception of Judges' Behavior and Image” (funded by a grant (No. MIP-13288) from the Research Council of Lithuania). The author of the dissertation is a member of International Society for Justice Research (*ISJR*).

Research interests: procedural justice, (judicial) decision making, heuristics & biases, behavioral economics.

Contact e-mail: dovile.petkeviciute.barysiene@fsf.vu.lt

Publications in scientific journals

Petkevičiūtė-Barysienė, D., & Valickas, G. (2016). Civilinio ginčo šalių suvoktas teisėjų elgesio teisingumas. *Teisė*, 99, 25–42. doi: 10.15388/Teise.2016.99.10111

Petkevičiūtė-Barysienė, D., & Valickas, G. (2016). Teisėjų elgesio atitiktis procedūrinio teisingumo reikalavimams civilinėje justicijoje. *Teisė*, 100. (paper accepted for publication)

Presentations at international conferences

Petkeviciute-Barysiene, D., & Valickas, G. (2016). *Perceptions of fairness by angry plaintiffs*. Paper presented at the 16th Biennial Meeting of the International Society for Justice Research (ISJR), Canterbury, England.

Petkeviciute-Barysiene, D., & Valickas, G. (2015). *Procedural Justice in Civil Court Hearings*. Paper presented at the Linking technology and psychology: Feeding the mind, energy for life, The 14th European congress of psychology, Milan, Italy.

Presentations at national conferences

Petkevičiūtė-Barysienė D., Valickas G., Stupnianek K., Čunichina K., Mikuličiūtė V., & Vanagaitė K. (2015). *Teisėjų elgesys su civilinio ginčo šalimis*. Paper presented at the Lithuanian Congress of Psychology: *Ieškoti, atrasti, dalintis*. Congress Abstract Book (p. 67). Vilnius: Vilniaus universiteto leidykla.