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Aliya J. Birnbaum

CUNY John Jay College, aliyabirnbaum@gmail.com

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PARENTAL PLEA BARGAIN RECOMMENDATIONS

Parental Plea Bargain Recommendations to Their Child in a Juvenile Court Setting

Aliya J. Birnbaum, M.A.

A Thesis Submitted to the Faculty of John Jay College of Criminal Justice in partial fulfillment
of the requirements for the degree of Master of Arts in Forensic Mental Health Counseling

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PARENTAL PLEA BARGAIN RECOMMENDATIONS

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Abstract

This study examined parent acquiescence to attorney recommendations pertaining to plea bargain decisions, as well as whether this differed based on the racial similarity between an attorney and their juvenile client's parent. Past research has shown that youth are vulnerable to the influence of perceived authority figures in a plea-bargain setting, leading them to rely heavily on the input of their parents and attorneys for how to plead. This study expands the literature to include how attorney race impacts parents' plea decisions. A sample of parents of youth aged 11-17 read a vignette, in which attorney race was manipulated, imagining a scenario in which they are participating in a plea-bargaining process and their attorney is giving them a recommendation regarding whether or not to accept a plea offer. Results showed that White parents overall were more likely to take the plea bargain and had more trust in the attorneys. Black attorneys were found to be the most trustworthy, which was especially true for White parents. The race of the parent had more of a significant impact on plea advice acquiescence than did attorney/parent racial similarity.

Keywords: plea bargaining, juvenile justice, parents, defense attorney, race

Parental Plea Bargain Recommendations to Their Child in a Juvenile Court Setting

Plea-bargaining is a procedure in which the prosecution offers a reduced sentence to a defendant in exchange for a guilty plea (Zottoli, et al., 2016). This practice is used to settle the vast majority of criminal and juvenile cases in the United States (Durose & Langan, 2005). Even though plea-bargaining is the most common method of juvenile adjudication, only recently has research begun to examine the plea bargain process for justice-involved youth.

Juveniles in the justice system present a special challenge because they may lack the understanding of legal concepts and the basic decision-making skills necessary to functioning effectively in legal contexts (Daftary-Kapur & Zottoli, 2014; Kaban & Quinlan, 2004). To proceed with a plea deal or with an adjudicatory hearing, a defendant must have adjudicative competence: “a sufficient present ability to consult with his attorney with a reasonable degree of rational understanding and a rational, as well as factual understanding of proceedings against him” (*Dusky v. United States*, 1960). This standard also requires that plea deals be entered into knowingly, intelligently, and voluntarily (*Brady v. United States*, 1970). However, juveniles as a class lack the accumulated intelligence that comes with age and experience in the legal system (Daftary-Kapur & Zottoli, 2014; Grisso et al., 2003; Kaban & Quinlan, 2004). Juveniles also are more likely to make risky decisions—and their decisions mainly focus on short-term gain, with less emphasis placed on long-term consequences (Fountain & Woolard, 2017). Perhaps because of youths’ developmental immaturity, research suggests they may overly weight the opinions of others in making decisions regarding plea deals (Fountain & Woolard, 2017; Viljoen et al., 2005).

Since juveniles may be less likely to make plea decisions on their own, it is important to understand how they may be influenced by the recommendations of their attorneys—and

whether this differs based on the racial similarity between an attorney and their juvenile client. Additionally, because parents likely play a big role in determining youth plea decisions, research is needed on factors influencing parent plea recommendations. This study will assess these factors, which could provide useful information for how attorneys could approach discussion of the plea bargain process with juvenile clients and their parents to increase the likelihood that youth will make independent plea decisions. Additionally, results of this study will provide initial information on the impact of attorney race—and attorney/client racial similarity—on decisions to accept or discount attorney recommendations.

How Youth Make Plea Decisions

Juveniles faced with making a plea decision may not have all of the pertinent information they should have amassed in order to make a knowing, intelligent and voluntary decision (e.g. Fountain & Woolard, 2017; Viljoen & Roesch, 2005). Defense attorneys discuss the plea offer with their juvenile clients for only a short period of time—an average of forty minutes, in one study (Fountain & Woolard, 2018)—essentially meaning that the youth have little opportunity to develop a full understanding of the plea bargain process before making a decision. On top of this, juveniles are prone to making risky and impulsive decisions (Blakemore & Robbins, 2012; Chein et al., 2011), which likely means they pay less attention to the actual implications that accepting a plea bargain will have for their future. Furthermore, the reasoning behind the juveniles' plea decisions is not specifically dependent on the legal proceedings, but instead focuses more on the pressures felt from peers, parents, and their attorneys (Viljoen et al., 2005).

Younger youth, especially, are more likely to acquiesce to the suggestion of authority figures (i.e., attorneys). (Grisso et al., 2003). This could be attributed to the youths' assumption of an authority figure pointing them in the correct direction and wanting to please said authority

figure (Riggs et al., 2010), despite the attorneys, in some cases, not having adequate time to fully assess the evidence and specifics of the case (e.g., when a plea deal is offered the morning of trial; Fountain & Woolard, 2018). These attorneys, while meaning well, may not comprehend the full influence their opinion might have on the decision of a youth. This has been studied in adults, however, with no significant impact found from attorney recommendation (Zimmerman & Hunter, 2017). Since youth tend to be more susceptible to influence from authority figures, an effect might be more likely in this population. Data on how likely youth are to follow their attorney's advice regardless of external factors (e.g., amount of evidence) is important to informing attorney practices and may help attorneys better safeguard the rights of their juvenile clients.

Client/Juvenile-Attorney Relationships

The relationship established with attorneys can have a large influence on the pleading of juveniles. Certain juveniles—younger youth, those from lower socioeconomic backgrounds, and youth who scored lower on assessments of legal and cognitive skills—were more likely than others to be compliant with their attorneys despite not necessarily agreeing with their recommendations (Viljoen et al., 2005). Juveniles' satisfaction with their attorneys is significantly related to their perceptions about the attorney's involvement, objectivity, trustworthiness, and treatment of the youth with dignity and respect, but is not related to youths' perceptions of the level of control they had over the attorney-client relationship (Peterson-Badali et al., 2007). Interestingly, youth satisfaction with their attorneys is not dependent on the outcome of their case (Peterson-Badali et al., 2007).

Youths' response to attorney recommendations may also be impacted by a distrusting relationship between the juvenile and the attorney. Juveniles that have less knowledge about the

adjudicative process had less trust in their attorneys overall (Pierce & Brodsky, 2002). This could be due to a misunderstanding regarding the role of the attorney in these cases; some juveniles think the attorney is not necessarily an advocate for them, but rather an advocate for the court (Grisso, 1980, 1997). If the defendant has an inherent distrust for the attorney, they are likely to show that through the interpersonal relationship the two establish (Pierce & Brodsky, 2002).

The relationship between a client/juvenile and their attorney could also be hindered or helped by inevitable parental involvement. Their engagement in the proceedings adds another facet to the factors influencing the adolescent's plea decision (Pinard, 2006), just as peer involvement does. In fact, this could, for certain youths, be one of the first decisions they are required to make independent of their parents' discretion that could have such a lasting negative impact on their lives. Research and scholarship to date provide some information regarding the impact of parental presence during and participation in the juvenile justice process. Since parents are more aware of the cognitive faculties their child possesses, they may be helpful in explaining the proceedings and assisting in the youths' decision-making process (Henning, 2006).

Alternatively, they themselves might not be aware of their own lack of adjudicative knowledge and therefore might pressure the child into taking a plea or giving up rights based on a notion of presumed guilt (Fountain & Woolard, 2017). Although they are trying to teach the child to take responsibility, they might be overlooking the legal implications this could have on the future of the child. In fact, in a study interviewing parents of youth, 65% of the parents believed that the attorney's main duty was adhering to the wishes of the parent (Fountain & Woolard, 2017). Additionally, 52% of the parents believed the attorney had a responsibility to listen to the parent if a familial dispute took place, which essentially means the parent believes their judgment and opinion should trump that of the actual client: the juvenile (Fountain &

Woolard, 2017). Having justice-involved children or having adjudicative experience were not related to parental understanding of the concepts of privilege and confidentiality (Fountain & Woolard, 2017). Since parents have such a large role in participating in their child's defense, figuring out the factors that influence their reaction to attorney recommendations could aide in understanding how youth make plea decisions.

Race and the Plea Bargain Process

Scholarship and research on juvenile-attorney relationships has largely failed to address the impact of race in these relationships. The justice system's racial disparities have a large effect given the disproportionate involvement of youth of color in the justice system with 52% of the youth arrested for violent juvenile crime in 2016 being Black (U.S. Department of Justice, Federal Bureau of Investigation [FBI], 2016), even though the Black community only makes up about 13% of the United States population (U.S. Census Bureau, 2017). However, although justice-involved youth are often youth of color, their defense attorneys are overwhelmingly likely to be White. For example, one study of juvenile defense attorneys reported that 78% of attorney participants were White (Fountain & Woolard, 2018). Additionally, in a self-report study using 163 juveniles in correctional facilities, 70% of the youth were Black, while they reported that 90% of the attorneys representing them were White (Pierce & Brodsky, 2002), which further exemplifies the racial disparity.

The limited research available suggests a complex impact of race on juvenile-attorney relationships. In one study on juvenile trust of defense attorneys, when White defendants were less knowledgeable, they showed a larger distrust of their attorneys, whereas when Black defendants were *more* knowledgeable, they showed a larger distrust in their attorneys (Pierce & Brodsky, 2002). This could be attributed to the stigma of the legal system and its overt racial

disparities. Since Black people are more likely to be profiled by law enforcement (Staples, 2011), and receive harsher punishments (Smith & Hattery, 2010), the more knowledgeable Black individuals would be right in their caution with the legal system. White individuals also tend to be blind to the privilege they receive in the justice system and are more likely to think that the system is “working” due to said blindness (Quickel & Zimmerman, 2019). Race may also more directly impact juveniles’ experiences of the plea bargain process. Research in one jurisdiction illustrated that Black juvenile were less likely to be offered a plea bargain in general; this inequity is even more pronounced when coupled with being a female and committing a violent crime, compared to their white female counterparts (Lowery, 2019). Since these youth are less likely to receive plea deals, they have higher instances of being transferred to adult court, as well as being subjected to detention facilities and confinement (Burrow & Lowery, 2015; Cheesman et al., 2010). Although the impact of juvenile race on the plea-bargaining process has been studied, literature on the impact of attorney race or the interaction between attorney and juvenile race on juvenile plea decisions has not been examined yet.

Racial impact on adult plea-bargaining decisions has also not been widely studied. Pretrial discrimination may be impacting the plea bargain process in general, due to the differences in multiple factors that lead to individuals ending up in the justice system (Johnson & Richardson, 2019). For instance, the decisions to arrest an individual could shape the pool of applicants for a plea bargain, because those disparities in arrest will lead to disparities in cases referred to prosecutors. There are certain variables that influence plea making decisions that appear to differ by race, as well. A higher number of prior felonies, a greater number of witnesses, greater statutory severity, involvement of a weapon, are all negatively associated with likelihood of pleading guilty, whereas presence of physical evidence and of a confession are both

associated with a greater likelihood of pleading guilty—and these variables are present at differential rates for Black compared to White defendants (Albonetti, 1990). Additionally, some variables are significantly associated with probability of pleading guilty for Black, but not for White, defendants; being married, being represented by court-appointed counsel, and presence of physical evidence are associated with a greater likelihood of pleading guilty for Black defendants and using a weapon and a record of felony convictions are associated with a lesser likelihood of pleading guilty for Black defendants (Albonetti, 1990). Overall, limited available research suggests that Black defendants are less likely than White defendants to plead guilty (Albonetti, 1990; Frenzel & Ball, 2008), although a vignette-based study of adult plea decisions reported that the decision to plead did not significantly differ by race (Quickel & Zimmerman, 2019).

Current Study

The study of juvenile plea bargains is a relatively new area of research, with most current studies focusing on juvenile competency and their decision-making procedures. Since plea bargaining is used in almost all juvenile cases, it is imperative to expand the literature on it. There are many factors that may influence a juvenile's decision to take or reject a plea bargain, as exemplified above, however one aspect yet to be studied is whether an attorney's race influences this decision. Beyond this, it is also crucial to determine, regardless of race, how likely youth are to acquiesce to their attorneys' recommendation. This study explored juveniles' and parents' acquiescence to attorney plea recommendations, as well as whether this decision is affected by the attorney-participant racial interaction.

Hypotheses

H1: Due to the novelty of this study on parental plea recommendations, it was theorized that parents may consider different factors when giving plea advice to their child than they

themselves might consider if they were being offered a plea deal. The valid cynicism of the justice system that Black parents hold might cause them to assume that if their child were to go to trial, they would be less likely to win and would risk having to serve time in a juvenile detention facility. Therefore, it was thought that Black parents may be more fearful of advising their child to go to trial. We hypothesized that Black youth and parents would be significantly more likely to take the plea bargain than white youth and parents, regardless of the race of the attorney.

H2: Studies on advice from other professionals have shown that people are more likely to follow the advice for treatment of racially similar doctors (Mangione et al., 2010) and therapists (Kang & Kim, 2018). Accordingly with this trend, youth and parents might be more likely to follow the advice of a racially similar defense attorney. Therefore, we hypothesized that youth and parents would be significantly more likely to follow the advice of a racially similar attorney than of a racially different attorney.

H3: Trust and perception of the attorney being on their side has been shown to impact the juvenile/attorney relationship (Peterson-Badali et al., 2007). Additionally, as discussed previously, racial similarity also impacts adherence to treatment (Kang & Kim, 2018), which may be due to having higher levels of trust and perception that the treating professional is on the side of the client. Thus, if the juvenile/attorney relationship includes a feeling of alliance and trust, the youth and parents might be more likely to follow a racially similar attorney. Accordingly, we hypothesized that trust and perception of attorney alliance would mediate the relationship between racial similarity and acquiescence to the attorney's advice.

Method

Participants

Parent sample. Two hundred and nine participants were recruited for this study through the Prolific website. To be eligible, participants were required to reside in the United States, be over the age of 18, and have at least one child between the ages of 11-17. Participants were only able to see the survey in Prolific if they were an adult parent in the United States; participants then answered screening questions regarding the age(s) of their child(ren).

Two participants were excluded from data analysis due to an inconsistency in their reported race on the Prolific platform compared to what they reported in the demographics survey. One participant was excluded from data analysis due to their reported age, making them unable to have a child within the necessary age range. One participant was excluded from the data analysis due to failing of a manipulation check question pertaining to the race manipulation within the vignette. The final sample for analysis consisted of 205 participants (65.4% female, 34.1% male, 0.5% nonbinary/genderqueer/other; two participants declined to report their gender). Participants' ages ranged from 28 to 59 years ($M = 42.10$, $SD = 6.60$); five participants failed to report their age. Participants reported the age of the child about whom they answered study questions; eighty-seven (42.4%) were between the ages of 11-13, sixty-seven (32.7%) were between the ages of 14-15, and fifty-one (24.9%) were between the ages of 16-17. See Table 1 for sample demographics and number of participants in each condition. Participants were mostly European American/White (63.9%), with four (or 3.1%) of those participants also identifying as Latinx/Hispanic; 36.1% identified as African American/Black. Participants self-reported annual household income level bracket; 25.4% of participants reported earning less than or equal to \$39,999; 34.1% reported that their income was in the range of \$40,000-\$84,999; and 39.9% of participants had an income level of more than or equal to \$85,000; one participant did not report their income. Forty-six (22.4%) participants reported that they had been arrested at

some point prior to the study. Two (1%) of the participants reported that the child about whom they answered study questions had been arrested previously.

Adolescent sample. A second planned sample of 260 adolescent participants was expected to be recruited, however, due to the COVID-19 pandemic, the recruitment process for this sample was disrupted. Since participants for the adolescent sample needed to be individually recruited, they were offered compensation of \$5.00 to provide incentive, while not being overly coercive. To accommodate the social distancing limits of the pandemic, a Zoom consent process with both parents and adolescent participants was adopted. Several recruitment methods were utilized including community flyers in several different neighborhoods in the larger New York City metropolitan area, Craigslist ads, social media posts (Twitter, Reddit, Facebook), Facebook advertisements, and a snowballing recruitment method. After four months of active recruitment, the sample size was too low to be able to analyze the data. At the time of the thesis defense there were only seven youth participants recruited for the study. Because an appropriate sample size could not be achieved, the adolescent sample will continue recruitment, but results will not be reported in this thesis.

Procedures

Participants were recruited to participate in a study examining the factors impacting parents of youths' acquiescence to attorney recommendations about plea-bargaining. Participants were randomly assigned to one of four conditions—Black attorney/crime of theft, Black attorney/crime of assault, White attorney/crime of theft, White attorney/crime of assault—and asked to read a vignette in which they imagined their child on trial. The randomization to crime type was not part of the hypotheses for the present study and therefore data related to charge condition was not included in analyses. After reading the vignette, they were then asked a series

of questions pertaining to their perception of the attorney, whether they would take the plea bargain or not, reasons behind their plea decision, their perception of the equality of the justice system and their understanding about how plea bargains work. Participants were also asked manipulation and attention check questions, which are unrelated to the outcomes of this study, designed to confirm that participants read the full vignette and attended to the independent variable (i.e., attorney race).

Finally, participants were asked demographic questions to gain basic descriptive information about the sample. Following completion of survey questions, participants received more detailed information regarding the study purpose, thanked for their participation, and provided with the study team's contact information for any follow up questions. The sample received compensation for their time with \$1.10 via Prolific. Once data collection was completed, statistical analyses was conducted to assess the primary study hypotheses.

Measures

Case vignette. Participants were randomly assigned to one of four conditions using a 2 (attorney race: *White/Black*) x 2 (crime committed: *theft/assault*) between-subjects design. Participants read a vignette, in which they imagined a scenario of their child being charged with a crime, and a prosecutor offering a plea-bargain deal to their child. The vignette (see Appendix A for full vignette text) described the meeting with the youth's attorney, who presents the plea offer. Participants saw a photo of their child's attorney, which primed the participant with the attorney's race. Photos are from the Chicago Face Database (Ma et al., 2015), a free research database comprised of approximately 600 female and male faces from varying ethnic and racial backgrounds. The Chicago Face Database provides average ratings for each photo on several dimensions, with each participant rating each dimension on a scale from 1-7 (Ma et al., 2015).

Two photographs of Black males (i.e., BM-250, BM-032) and two photographs of White males (i.e., WM-204, WM-225) were selected because of their similarity on the following variables: age, dominance, attractiveness, masculinity, trustworthiness, perceived threat level and anger; see Table 2. Two photos for the Black attorneys and Two photos for the White attorneys were used to reduce the likelihood that individual differences in the photos were driving responses rather than the independent variable of race. Prior to conducting the main analyses, we examined if participant responses differed within race based on the photo seen. The two photographs of Black males were compared, and the two photographs of White males were compared. Using Qualtrics randomization tool the vignette randomized the attorney's recommendation that either the youth should take the deal or that the youth should not take the deal; each participant answered all survey questions twice, once for each prompt. The structure of the vignette was intentionally vague in the different factors that typically influence a plea decision (e.g., amount of evidence the prosecution has obtained).

Plea decision survey. Following the vignette, participants completed a brief survey. The survey began with a randomized attorney recommendation either advising the participant to take the plea deal or not take the plea deal. They then answered questions about the likelihood of the participant advising their child on taking the plea deal, a forced choice of advising their child to take the deal or go to trial, their confidence in their advice, how trustworthy the attorney seemed, and the reasoning behind their chosen advice. After this preliminary survey, the participants saw text stating that the attorney gave the opposite advice as previously stated and then the participants were asked the same set of questions again.

Questions were either multiple choice or utilized a Likert scale of 1 (“not at all likely”) to 7 (“extremely likely”).

Demographic questionnaire. Participants completed a demographics questionnaire reporting age, race, gender, any past interaction with the justice system, and annual income.

Method of Analysis

Alpha was set to .05 for all analyses and power was set to .80. Since this study is the first of its kind, priority was given to reducing type 1 error and therefore a correction for the number of analyses was not utilized. A power analysis was conducted for the independent samples *t*-test utilizing G * Power 3 (Faul et al., 2007). It was determined that, to detect a small to medium effect ($d = .35$), a minimum of 260 participants per sample would be needed.

Chi-square tests of independence were used to explore hypotheses one and two, whether parent/attorney racial pairing was associated with parental plea recommendations. An independent samples *t*-test was used to explore the impact of the participant's child's age on their acquiescence to attorney advice. Chi-square tests of independence were used to examine whether parent gender and parent arrest history were associated with parental plea advice to their child.

A nonparametric bootstrapping approach to parallel mediation (Hayes' PROCESS 3.0; Hayes, 2018) was used, with 10,000 resamples specified, to examine hypothesis three, whether trust and perception of attorney alliance mediated the relationship between racial similarity and acquiescence to the attorney's advice. See Figure 1. An exploratory post-hoc analysis was added because parent race—rather than racial similarity—appeared to be driving parental plea recommendation. For this unplanned analysis, parallel mediation was used to examine whether trust and perception of attorney alliance mediated the relationship between parent race and acquiescence to attorney advice. Significance of mediated effects was determined by the 95% percentile bootstrap confidence interval (CI). An indirect effect was considered significant if the CI did not include zero. Two hundred and five participants were included in mediation analyses.

Chi-square tests of independence were used to explore whether parent race was associated with acquiescing to the attorney's recommendation in both, one, or neither of the two conditions. A one-way ANOVA was utilized to examine whether attorney trustworthiness was significantly related to number of times acquiescing to attorney recommendation and parent race.

A two-way ANOVA was utilized to examine whether attorney trustworthiness was significantly related to attorney and participant race. An independent samples *t*-test was used to examine the impact of attorney advice on parental perceptions of their child being found guilty if they were to go to trial. Descriptive statistics were used to examine the parents' perceptions of their role in their child's plea decision process. Additionally, descriptive statistics were used to explore the reasoning given behind the participants' plea recommendation advice.

Assumptions for all analyses were tested. For the independent *t*-test examining parental perceptions of the likelihood their child is found guilty at trial, perceptions of the participant's child being found guilty exhibited kurtosis, so the assumption of normality was violated. This reduces the power and efficiency but, given the significant results, is not problematic. For the two-way ANOVA, there was skewness in White parents' scores of attorney trustworthiness. These violations of normality may reduce efficiency but will not bias the results found. Given that the results were still significant, results of these analyses are still meaningful.

Results

Preliminary Analyses

Prior to running analyses to test hypotheses, responses from participants who saw each of the two photos within each racial category were compared to ensure the photo seen did not impact responses beyond the racial manipulation. No significant differences were found between

participants who saw the White Attorney photos (WM-204 or WM-225), nor between participants who saw the Black Attorney photos (BM-250 or BM-032). See Table 3.

Predictors of Parental Plea Bargain Recommendations

Parent and attorney race effects.

For hypotheses one and two, parental plea bargain recommendations differed significantly by participant/attorney race pairing when the attorney recommended taking the deal, $\chi^2(3, N = 205) = 20.72, p < .001$, Cramer's $V = .32$; 65.2% of White parents with Black attorneys indicated they would follow attorney advice, compared to 44.6% of White parents with White attorneys, 29.7% of Black parents with Black attorneys, and 24.3% of Black parents with White attorneys. See Figure 2.

When the attorney advised going to trial, plea bargain recommendations did not differ significantly by participant/attorney race pairing, $\chi^2(3, N = 205) = 6.98, p = .072$, Cramer's $V = .19$; 86.5% of Black parents with White attorneys acquiesced to the attorney's recommendation compared to 78.4% of Black parents with Black attorneys, 70.8% of White parents with White attorneys, and 63.6% of White parents with Black attorneys. See Figure 2.

Parent race was significantly associated with the number of times acquiescing to attorney recommendation, $\chi^2(2, N = 205) = 6.47, p = .039$, Cramer's $V = .18$; 22.9% of White parents acquiesced to the attorney's recommendation in both conditions compared to 9.5% of the Black parents, 76.3% of White parents acquiesced in only one condition compared to 90.5% of Black parents, and 0.8% of White parents did not acquiesce in either condition compared to 0.0% of Black parents.

Because of the association between parent race and number of times acquiescing, two separate one-way ANOVAs—one for the White sample and one for the Black sample—were

conducted examining the relationship between attorney trustworthiness and number of times acquiescing to attorney recommendation. The relationship was significant for White parents, $F(2, 128) = 3.40, p = .037$, but not for the Black parents, $F(1, 72) = 2.52, p = .117$.

Other demographic factors and parental plea recommendations.

Parental plea bargain recommendations did not differ significantly based on their child's age when the attorney recommended taking the plea deal, $t(203) = -1.08, p = .115, d = -1.52$, 95% CI of d [-.43, .12], or going to trial, $t(203) = -.82, p = .077, d = -1.28$, 95% CI of d [-.44, .18]. Additionally, parental plea bargain recommendations did not differ significantly by participant gender when the attorney recommended taking the plea deal, $\chi^2(1, N = 204) = 1.25, p = .263, \phi = .08$ (50% of males and 41.8% of females acquiesced to attorney recommendation) or going to trial $\chi^2(1, N = 204) = 2.5, p = .114, \phi = .11$ (65.7% of males and 76.1% of females acquiesced to attorney recommendation).

Parental arrest history was independent of parental plea bargain recommendations $\chi^2(1, N = 203) = 2.20, p = .138, \phi = .10$ (34.8% with arrest history acquiesced, 47.1% without arrest history acquiesced), when the attorney recommended taking the plea deal. When the attorney recommended going to trial, parental plea bargain recommendations were also not significantly associated with by parent arrest history $\chi^2(1, N = 203) = 1.71, p = .191, \phi = .09$ (80.4% with arrest history acquiesced, 70.7% without arrest history acquiesced).

Mediators between race and acquiescence to attorney advice.

For hypothesis three, results from the parallel mediation analysis indicated that parental trust in the attorney and perception of attorney alliance did not mediate the relationship between parent/attorney racial similarity and acquiescence to attorney advice, when the attorney advised taking the plea deal or going to trial. For both attorney recommendations, trust in the attorney

and perception of attorney alliance significantly predicted parental advice, but parent/attorney racial similarity did not significantly predict trust, attorney alliance, or parental advice. See Table 4 for results.

Results from the parallel mediation analysis indicated that parent race is indirectly related to acquiescence to attorney advice through its relationship with trust in the attorney when the attorney advised taking the plea deal, $p < .001$, but not when the attorney advised going to trial. When the attorney advised taking the plea deal, the full mediation model explained between 23.8% (Cox and Snell R^2) and 31.9% (Nagelkerke R^2) of the variance in parent advice. White parents reported more trust in their attorney than Black parents ($a^1 = 1.59, p < .001$), and trust in the attorney was subsequently related to following the attorney's advice that the child take the plea deal ($b^1 = -.622, p < .001$). A 95% bias-corrected confidence interval indicated that the indirect effect through trust in the attorney ($a^1 b^1 = -.989$), holding all other mediators constant was entirely below zero (-1.661 to -.519). Similarly, results indicated that parent race was indirectly related to acquiescence to attorney advice through its relationship with perception of attorney alliance, as White parents reported feeling more of a perception of attorney alliance than Black parents ($a^1 = 1.39, p < .001$). The indirect effect through perception of attorney alliance ($a^1 b^1 = .324$), while holding all other mediators constant was entirely above zero (.051 to .731). See Table 5 for results.

Predictors of Parental Perceptions of Attorney

Perceived trustworthiness of the attorney.

A two-way ANOVA was conducted that examined the relationship between parent and attorney race and perceived trustworthiness of the attorney. When the attorney recommended pleading, the interaction between parent and attorney race was not significantly associated with

perceived trustworthiness of the attorney, $F(1, 201) = .02, p = .878, \eta^2_p < .001$. There was a main effect of parent race, $F(1, 201) = 22.41, p < .001, \eta^2_p = .100$, and of attorney race, $F(1, 201) = 7.11, p = .008, \eta^2_p = .034$, on parental perception of attorney trustworthiness. Attorney trustworthiness was significantly higher for White parents ($M = 6.79$) than for Black parents ($M = 5.20$). Additionally, Black attorneys ($M = 6.44$) were significantly more trustworthy than White attorneys ($M = 5.55$). See Table 6.

When the attorney recommended going to trial, the interaction between parent and attorney race, again, was not significantly associated with perceived trustworthiness of the attorney, $F(1, 201) = 3.61, p = .059, \eta^2_p = .018$. There was a main effect of parent race, $F(1, 201) = 4.45, p = .036, \eta^2_p = .022$, and attorney race, $F(1, 201) = 8.70, p = .004, \eta^2_p = .041$. Again, attorney trustworthiness was significantly higher for White parents ($M = 6.93$), than for Black parents ($M = 6.28$); and Black attorneys ($M = 7.06$) were perceived as more trustworthy than White attorneys ($M = 6.16$). See Table 7.

Perceptions of fairness and parent's role in the plea bargain process.

White parents ($M = 5.18, SD = 2.18$) and Black parents ($M = 4.46, SD = 2.60$) reported significantly different perceptions of the likelihood of their child being found guilty at trial when the attorney recommended pleading, $t(130.9) = -2.01, p = .047, d = -.31, 95\% \text{ CI of } d [-.59, -.02]$. When the attorney recommended going to trial, parental perceptions of likelihood of guilt at trial again differed significantly for White parents ($M = 4.31, SD = 2.20$) compared to Black parents ($M = 3.65, SD = 2.77$), $t(125.5) = -1.75, p = .013, d = -.27, 95\% \text{ CI of } d [-.56, .02]$.

Most participants (57.1%) indicated that, if they disagreed with their child about taking the offer, the child would ultimately make the decision; 33.2% reported they would decide

themselves, 6.3% reported the judge decides, and 3.4% reported the attorney decides. Less than half of parents (48.8%) recognized their child's legal right to make the final decision.

When parents acquiesced to the attorney's advice of their child taking the plea deal, parents indicated they did so for a multitude of reasons, most commonly because they thought it would be a lower sentence than if their child were found guilty at trial (79.3%). The parents who did not acquiesce when the attorney advised their child to take the plea deal most often reported that they did so due to not wanting their child to have a criminal record (83.2%). When advised to have their child go to trial, the majority of parents who acquiesced cited the same reasons: not wanting their child to have a criminal record (79.2%). Similarly, those who did not follow their attorney's advice reported their reasoning for taking the plea deal of getting a lower sentence than if found guilty at trial (75%), and not wanting their child to go to a juvenile detention facility (75%). Parents who choose 'other', wrote in responses such as "I'm going to get a different attorney to handle the case. My son would not steal. He always has his own money to pay for things. My son does not need to start his life off with a criminal record", and "The legal system is [broken]. As long as she feels bad about her actions, she's learning something." See Table 8 for frequencies for all responses.

In addition to the 'other' response, an open-ended response was also included in the vignette for all participants, asking parents to describe their reasoning for a plea recommendation in their own words. Many parents reported reasons consistent with those provided in the multiple-choice format; however, some parents provided different reasoning, such as racial bias in the justice system. Racial bias reasoning was almost exclusively in favor of going to trial, with parents explaining, for example, "I think making deals is how many innocent people of color end up with records. The fear motivates them to take the deal and their lives are possibly ruined;" and

“The criminal justice system profits from convincing innocent black kids to plead guilty.” One White participant even pointed out the advantage they receive in the justice system by stating, “Because on the surface my daughter is a beautiful sweet charming 13 year old White girl in America and I believe her chances at trial are pretty good given she doesn't let her disguise down even for a second I think she could convince a few strangers for a day.” Further, there was one participant who used the racial bias of the justice system to justify their reasoning for taking the plea deal, explaining, “In the justice system if you're black and go to trial they often prosecute you to the highest extent.”

Discussion

This study assessed parental plea bargain recommendations based on attorney advice and expands the literature to include how attorney race may shape this juvenile plea bargain process. Contrary to expectations, trust and perception of attorney alliance did not mediate the relationship between racial similarity of the parent and attorney and acquiescence to the attorney's advice. However, trust in the attorney and perception of attorney alliance did mediate the relationship between parent race and attorney acquiescence, but only when the attorney was advising that the juvenile take the plea deal. It seems that when the attorney encourages taking the plea deal, White parents who have a higher trust in the attorney and higher perceptions of attorney alliance, which made parents more likely to acquiesce to the attorney's recommendation. White parents, with this high level of trust and the feeling that the attorney is on their side, may believe that the attorney would only be recommending them to take the plea deal because he does not think they would win at trial. Going to trial is risky in and of itself, therefore if the attorney they trust is feeling it is too big of a risk, the parents may think the odds of winning the trial are miniscule.

The finding that White parents overall were more likely to take the plea-bargain offered, regardless of attorney race, contradicted our initial hypotheses. Past research has been inconsistent with findings on how adults plead in their own adjudicative cases with some research pointing to Black people as being less likely to accept a plea offer, due to the less favorable plea agreements they are likely to receive (Frenzel & Ball, 2008; Subramanian et al., 2020), and others finding no difference when comparing by race (Quickel & Zimmerman, 2019). This finding would be consistent with research that points to White people in general to be more likely to plead guilty.

Because this study was the first to directly explore parental plea recommendations, we considered that parents may advise their children in different ways than they themselves would plead, as they would likely want their child to avoid jail time at all costs. It was thought that, as a result of the validated cynicism of the justice system, Black parents would be more fearful of advising their child to go to trial, as they might view their child as being less likely to win. Contrary to these expectations, Black parents were more likely to advise their child to go to trial regardless of attorney race and attorney plea recommendation.

Black parents have the onerous responsibility of teaching their children how to survive in a society built upon racist structures and institutions, while also teaching them to thrive in this society through development of a positive racial identity (Thomas & Speight, 1999). The Black parents in this study may have seen the vignette scenario as a way to racially socialize their children to the oppressive justice system. Furthermore, since Black parents were more likely to advise their child to go to trial, they may have been attempting to teach their child about confronting and challenging the racism of the legal system, and not giving up their rights without a fight.

White people are, in general, more trusting in the justice system, due to a blindness of the privilege their race allots them (Quickel & Zimmerman, 2019), whereas Black people tend to be less trusting in the legal system due to awareness of the harsher punishments they are more likely to receive (Smith & Hattery, 2010). Thus, the finding that White parents overall viewed the attorneys to be significantly more trustworthy than Black parents is consistent with past research. Interestingly, Black attorneys were viewed as more trustworthy than White attorneys no matter how the attorney recommended pleading. White attorneys may be seen as being part of “the system” (King, 2008), while Black attorneys may be perceived as trying to fight the system from within.

White parents randomly assigned to Black attorneys were more likely to follow advice when encouraged to take the plea deal, but less likely to follow advice when urged to go to trial, compared to other racial parent/attorney dyads. One possible explanation for this finding could be that White parents may assume Black attorneys to be more skeptical of the legal system, and therefore assume a Black attorney would not be encouraging the parent to recommend the plea deal, unless they knew that the deal was especially favorable.

Past research has shown parents often believe that they have the final say on their child’s legal case even if that opinion differs from the juvenile’s decisions (Fountain & Woolard, 2017). This perception can impact how youth make plea decisions if they are of a similar misunderstanding on who gets the last word, despite the youth ultimately having the legal right to make the decision and having to endure the consequences of this decision. The results of this study found that while many of our participants believed they or other legal actors (i.e., judge, attorney) made the final plea decision, a small majority of participants declared they would allow their child to make the decision. In accordance with the current literature (Fountain & Woolard,

2017), less than half of the parent participants understood that legally this decision is ultimately up to the child. Parents who have this assumption may end up pressuring their child to make a plea decision the youth does not want, making their plea decision involuntary. Therefore, this study provides further support that parents misinterpret their role in the juvenile plea bargain process.

However, research has shown that children's developmental immaturity leads them to have deficits in their adjudicative competency (Viljoen & Roesch, 2005). The expectation of youth, especially younger youth, to make a plea decision in the absence of their parents' advice is unrealistic and incongruent with developmental literature (e.g., Daftary-Kapur & Zottoli, 2014; Grisso et al., 2003). Despite parent assumptions that the final decision is theirs to make, they do have a heavy influence over their child during plea bargain decision making. Laws on juvenile plea bargaining should reflect the limits of youths' cognitive capacities and consider including parents or guardians in the pleading process. Presently legal requirements fail to consider norms of collectivist cultures, including Black American cultures, as it is customary to seek advice from family members (Guess, 2004), and instead favor White cultural norms, which are typically individualistic in nature. Revising laws to including collectivist cultural norms could provide an alternative and superior approach that would allow for youth to have decisional support to help mitigate against their developmental disadvantages.

The questionnaire used in this study allowed for an open-ended response for the participants to explain in their own words their reasoning for their plea recommendation choice. Many participants cited reasoning for taking the plea deal as not wanting their child to go to jail, trusting the attorney's recommendation, and feeling that one year of probation, as offered in the vignette, would not be too bad. When the participants choose to not take the plea deal, they

discussed choosing this option because they did not want their child to have a felony conviction, they believed their child to be innocent, and feeling that justice will prevail. When discussing race, several Black participants pointed out that plea deals are commonly used as a way to coerce Black people into falsely admitting guilt. These participants discuss the justice system profiting off of these scare tactics, especially with Black youth, and not wanting their child to become a victim of this racist structure.

Implications and Directions for Future Research

Parents, undeniably, play a heavy role in their child's plea decision making, which is why it imperative to study their reasoning behind their plea recommendations. Because both White and Black parents found Black attorneys to be more trustworthy, White attorneys should work to rectify this gap in trust. Earning their client's trust may be done with a variety of different approaches; one possibility is that White attorneys should try to not directly recommend a plea decision, but instead should discuss the advantages and disadvantages of either taking or rejecting a plea offer. Additionally, White attorneys should not be timid when discussing the racial disparities of the justice system, as the recognition can help earn a Black client's trust (Henning, 2017). Acknowledging the racial bias of the justice system not only with the client, but also as an argument within the courtroom can help other legal actors account for this prejudice in their own legal decision making and will in turn increase the feeling of loyalty and alliance with Black clients (Henning, 2017). Black parents tended to not trust attorneys in general; thus when an attorney has a Black juvenile client, they should work rigorously to prove their alliance to their client by not pressuring the plea decision and advocating for trial when the client is innocent.

Parents have been shown to have distorted perceptions of their role in their child's plea decision (Fountain & Woolard, 2017), which this study supported. It is essential for defense attorneys to explain the legal requirements of a knowing and voluntary plea for a youth's plea decision to both the youth and the parent, to avoid the parent pressuring the child into a specific plea decision. Explaining to the parent that their child can, but does not have to, consider the parent's opinions can help resolve this misunderstanding. Supplementary resources for parents, such as pamphlets explaining the plea process, may help attorneys juggle their time restraints with their obligation to their clients.

Future research should replicate the study methods with a larger and more statistically powered sample size to determine if the results are valid, accurate, and generalizable. Moving forward, researchers should attempt to run a similar study in person with both parents and children in attendance, so that simulated plea discussions between parents and children can be studied and compared to this hypothetical vignette research. Additionally, future research should utilize a more diverse sample, to examine the consistency and differences of how other parents in different racial and ethnic groups advise their children to plead. Finally, the public is barred from observing juvenile court in many states (Office of Juvenile Justice and Delinquency Prevention [OJJDP], 2013), however, future researchers could partner with defense attorneys to survey parents as they exit courtrooms regarding their participation in their child's plea decision. This would create real-world data on how parents perceive their actual interaction and influence in their child's plea decision, and their level of trust in their child's actual attorney.

Limitations

The results of this study should be interpreted in the context of several limitations. First, a majority of participants in this study choose to go to trial instead of taking the plea deal, no

matter the advice or race of the attorney. This is in contrast to the reality that about 95% of criminal and juvenile court cases are pled out (Bureau of Justice Statistics, 2013), meaning the participants in this study may not be able to take into account the real-world implications that come with going to trial in a criminal court case.

The primary limitation of this experimental study is that asking participants to imagine themselves and their child in a scenario, might be missing some of the other key factors that influence a plea-bargain decision, like risk of pretrial detention, peer influence, and the “hot” context of a plea decision (Fountain & Woolard, 2018). Vignette-based experiments are common practice in plea research (Helm et al., 2017; Fountain & Woolard, 2017; Schneider & Zottoli, 2019), as these designs allow for manipulation of specific variables that would be challenging to isolate in a laboratory setting. Because youth living in poverty are more likely to be justice involved (Rekker., et al., 2015), our sample is likely not representative of actual parents of justice-involved youth, as almost three quarters of our participants had an annual household income of more than \$40,000. With more income comes more resources and options, thus most of our sample likely could not accurately imagine themselves in the shoes of parents of justice-involved youth, as these parents may be more likely to hire a private attorney, rather than the public defender used in this study. Moreover, the large number of participants answering questions about a child in the 11-13 age group poses a limitation to generalizability given that youth in the justice system are, on average, older than this group.

Additionally, another limitation to this study is that the reduced sample size did not meet the power requirements to detect a small to medium effect. Significant effects of the primary analyses may have not been detected due to this limited sample. Lastly, the main, and perhaps most important limitation for this study is that we were unable to collect an adequately sized

adolescent sample. Due to this we were not able to run any analyses on this sample and will need to continue data collection for this sample into the foreseeable future. This data would have allowed for examination into juvenile's plea decision-making considerations, and whether attorney race impacts acquiescence to attorney plea recommendations. Additionally, this data would have explored adolescent trust in attorneys, perception of attorney alliance, perception of fairness in the justice system, reasoning behind plea decisions, and perception of attorney and parent roles in the plea process.

Conclusion

Research has shown that justice-involved youth tend to rely heavily on input from their parents and attorneys regarding how to plead (Viljoen et al., 2005). However, current literature has yet to explore parents' reasoning behind their plea recommendations and whether this is impacted by attorney race. The current study examined parental acquiescence to attorney recommendations on plea bargain decisions, and whether this differed based on racial similarity between an attorney and their juvenile client's parent. Findings indicate that White parents seem to form a special trust in Black attorneys, which could be due to White parents assuming a Black attorney would have special knowledge about if a plea offer was exceptionally good. Black parents were less likely to take the plea in general, and overall found attorneys to be less trustworthy than White parents did. Lastly, less than half of the parent participants acknowledged that the legal right to make the plea decision was ultimately up to the child, which is consistent with past research findings (Fountain & Woolard, 2017). These findings can help inform defense attorneys on best practices when dealing with the parents of their juvenile clients.

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Table 1.

Frequency of Participant Demographics and Participant Condition Placement.

Variable	White Sample		White Parent/Black Attorney		White Parent/White Attorney		Black Sample		Black Parent/Black Attorney		Black Parent/White Attorney		Total	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
Child's Age														
11-13	50	38.2	23	34.8	27	41.5	37	50	18	48.6	19	51.4	87	42.4
14-15	44	33.6	23	34.8	21	32.3	23	31.1	11	29.7	12	32.4	67	32.7
16-17	37	28.2	20	30.3	17	26.2	14	18.9	8	21.6	6	16.2	51	24.9
Child's Gender														
Male	76	58	39	59.1	37	56.9	36	48.6	20	54.1	16	43.2	112	54.6
Female	54	41.2	27	40.9	27	41.5	38	51.4	17	45.9	21	56.8	92	44.9
Non-Binary	1	0.8	-	-	1	1.5	-	-	-	-	-	-	1	0.5
Participant Gender														
Male	49	37.4	23	34.8	26	40	21	28.4	9	24.3	12	32.4	70	34.1
Female	81	61.8	42	63.6	39	60	53	71.6	28	75.7	25	67.6	134	65.4
Non-Binary	1	0.8	1	1.5	-	-	-	-	-	-	-	-	1	0.5
Charge														
Theft	64	48.9	32	48.5	32	49.2	36	48.6	17	45.9	19	51.4	100	48.8
Assault	67	51.1	34	51.5	33	50.8	38	51.4	20	54.1	18	48.6	105	51.2

Table 2.*Chicago Face Database Average Ratings of Attorney Photos on a 1-7 Scale.*

Ratings of Attributes	White Attorney		Black Attorney	
	(WM-204)	(WM-225)	(BM-250)	(BM-032)
Age	35	37	35	35
Dominant	3.5	3.1	3.7	3.3
Attractiveness	3.2	3.0	3.5	3.3
Masculinity	5.4	4.6	5.1	5.2
Trustworthiness	3.3	3.7	3.6	3.7
Threatening	2.5	2	1.7	2.4
Angry	1.9	1.9	1.5	2.4

PARENTAL PLEA BARGAIN RECOMMENDATIONS

Table 3.

Within Racial Category Attorney Photo Comparison Using Independent Samples T-Test and Chi-Square Analyses.

	Black Attorney Photos					White Attorney Photos				
	Test Statistic		Significance Level	Effect Size		Test Statistic		Significance Level	Effect Size	
	<i>t</i>	χ^2	<i>p</i>	<i>d</i>	ϕ	<i>t</i>	χ^2	<i>p</i>	<i>d</i>	ϕ
<u>Participant advised to take plea</u>										
Confidence	1.41		.668	.28		.30		.303	.06	
Trustworthiness	-1.00		.113	-.20		.30		.206	.06	
Alliance	-.97		.969	-.19		.81		.829	.16	
Plea Decision		2.90	.089		.17		.04	.840		.02
<u>Participant advised to go to trial</u>										
Confidence	1.34		.520	.28		.64		.683	.13	
Trustworthiness	-1.23		.316	-.24		1.38		.320	.27	
Alliance	-1.39		.834	-.28		.83		.576	.16	
Plea Decision		.11	.741		.03		.25	.620		-.05

Table 4.

Direct, Indirect, and Total Effects of Participant and Attorney Racial Similarity on Acquiescence to Attorney Recommendation Through Trustworthiness of the Attorney and Perception Of Attorney Alliance.

	Direct Effect			Indirect Effect	
	<i>b</i> (SE _{<i>b</i>})	<i>p</i>	95% CI	<i>b</i> (SE _{<i>b</i>})	95% CI
<u>Participant advised to take plea</u>					
Racial Similarity → Acquiescence	-.46(.32)	.152	[-1.09, .17]		
Racial Similarity → Trustworthiness	.20(.34)	.556	[-.47, .88]		
Racial Similarity → Alliance	.27(.35)	.444	[-.42, .96]		
Trustworthiness → Acquiescence	-.66(.13)	<.001*	[-.91, -.40]		
Alliance → Acquiescence	.23(.11)	.040*	[.01,.44]		
Racial Similarity → Trustworthiness → Acquiescence				-.13(.24)	[-.62, .32]
Racial Similarity → Alliance → Acquiescence				.06(.10)	[-.09, .31]
<u>Participant advised to go to trial</u>					
Racial Similarity → Acquiescence	-.05(.32)	.881	[-.67, -.57]		
Racial Similarity → Trustworthiness	-.33(.30)	.278	[-.93, .27]		
Racial Similarity → Alliance	-.22(.31)	.480	[-.83, .39]		
Trustworthiness → Acquiescence	.14(.11)	.208	[-.08, .35]		
Alliance → Acquiescence	-.04(.10)	.682	[-.24, .16]		
Racial Similarity → Trustworthiness → Acquiescence				-.04(.07)	[-.22, .07]
Racial Similarity → Alliance → Acquiescence				.01(.05)	[-.08, .13]

*Significant

Table 5.

Direct, Indirect, and Total Effects of Participant Race on Acquiescence to Attorney Recommendation Through Trustworthiness of the Attorney and Perception of Attorney Alliance.

	Direct Effect			Indirect Effect	
	<i>b</i> (<i>SE_b</i>)	<i>p</i>	95% CI	<i>b</i> (<i>SE_b</i>)	95% CI
<u>Participant advised to take plea</u>					
Parent Race → Acquiescence	-.78(.36)	.030*	[-1.48, -.08]		
Parent Race → Trustworthiness	1.59(.34)	<.001*	[.92, 2.26]		
Parent Race → Alliance	1.39(.35)	<.001*	[.70, 2.09]		
Trustworthiness → Acquiescence	-.62(.13)	<.001*	[-.87, -.37]		
Alliance → Acquiescence	.23(.11)	.040*	[.02, .45]		
Parent Race → Trustworthiness → Acquiescence				-.99(.29)	[-1.66, -.52]
Parent Race → Alliance → Acquiescence				.32(.17)	[.05, .73]
<u>Participant advised to go to trial</u>					
Parent Race → Acquiescence	-.95(.37)	.011*	[-1.68, -.22]		
Parent Race → Trustworthiness	.65(.31)	.040*	[.03, 1.26]		
Parent Race → Alliance	.87(.32)	.007*	[.24, 1.49]		
Trustworthiness → Acquiescence	.15(.11)	.171	[-.07, .37]		
Alliance → Acquiescence	-.01(.11)	.930	[-.22, .20]		
Parent Race → Trustworthiness → Acquiescence				.10(.11)	[-.08, .37]
Parent Race → Alliance → Acquiescence				-.01(.12)	[-.25, .23]

*Significant

PARENTAL PLEA BARGAIN RECOMMENDATIONS

Table 6.

Two-Way ANOVA Results on the Relationship Between Parent & Attorney Race and Perceived Trustworthiness of the Attorney When the Attorney Advises the Parent to Take the Plea Deal.

Predictor	Sum of Squares	<i>df</i>	Mean Square	<i>F</i>	<i>p</i>	η^2_p
(Intercept)	6801.79	1	6801.79	1278.23	<.001	.864
Parent Race	119.24	1	119.24	22.41	<.001	.100
Attorney Race	37.83	1	31.83	7.11	.008	.034
Parent Race * Attorney Race	.13	1	.13	.02	.878	<.001

Table 7.

Two-Way ANOVA Results on the Relationship Between Parent & Attorney Race and Perceived Trustworthiness of the Attorney When the Attorney Advises the Parent to Go to Trial.

Predictor	Sum of Squares	<i>df</i>	Mean Square	<i>F</i>	<i>p</i>	η^2_p
(Intercept)	8256.56	1	8256.56	1858.10	<.001	.902
Parent Race	19.75	1	19.75	4.45	.036	.022
Attorney Race	38.65	1	38.65	8.70	.004	.041
Parent Race * Attorney Race	16.04	1	16.04	3.61	.059	.018

PARENTAL PLEA BARGAIN RECOMMENDATIONS

Table 8.

Frequency of Participants Closed-Ended Reasoning Choices Behind Their Plea Recommendation to Their Child.

Participant Reasoning for Recommendation	Participant Advised to Take the Plea Participant Advised to Go to Trial	
	<u>Participant Chose to Take the Plea</u>	
I would want my child to take responsibility for their actions.	44.6%	44.6%
I think it would teach my child a lesson.	21.7%	19.6%
I don't want to risk my child going to a juvenile detention facility.	67.4%	75%
I trust Mr. James' advice.	50%	-
I do not trust Mr. James' advice.	-	8.9%
I want my child to get a lower sentence than would be offered if they were found guilty at trial.	79.3%	75%
I want to be done fighting the system with my child.	21.7%	35.7%
I think my child deserves to get a second chance.	33.7%	30.4%
I want to be done with the entire legal process.	37%	44.6%
Other	2.2%	1.8%
	<u>Participant Chose to Go to Trial</u>	
I do not want my child to have a criminal record.	83.2%	79.2%

PARENTAL PLEA BARGAIN RECOMMENDATIONS

I think the system is treating my child unfairly.	22.1%	17.4%
I think my child’s chances of winning at trial are better than accepting time on probation.	66.4%	58.4%
I trust Mr. James’ advice.	-	46.3%
I do not trust Mr. James’ advice.	18.6%	-
I want to protect my child’s rights.	71.7%	62.4%
I don’t want my child to have a hard time getting a job in the future.	75.2%	75.8%
I don’t want my child to have a hard time getting into a college or applying for financial aid.	63.7%	58.4%
I don’t want my child to have a hard time getting public housing.	6.2%	6.7%
I want to see if rejecting the deal could lead to a better offer.	23.9%	22.8%
Other	3.5%	2%

PARENTAL PLEA BARGAIN RECOMMENDATIONS

Figure 1.

Proposed Mediation Model with Trustworthiness and Perception of Attorney Alliance Mediating the Relationship Between Racial Similarity and Acquiescence to Attorney Advice.

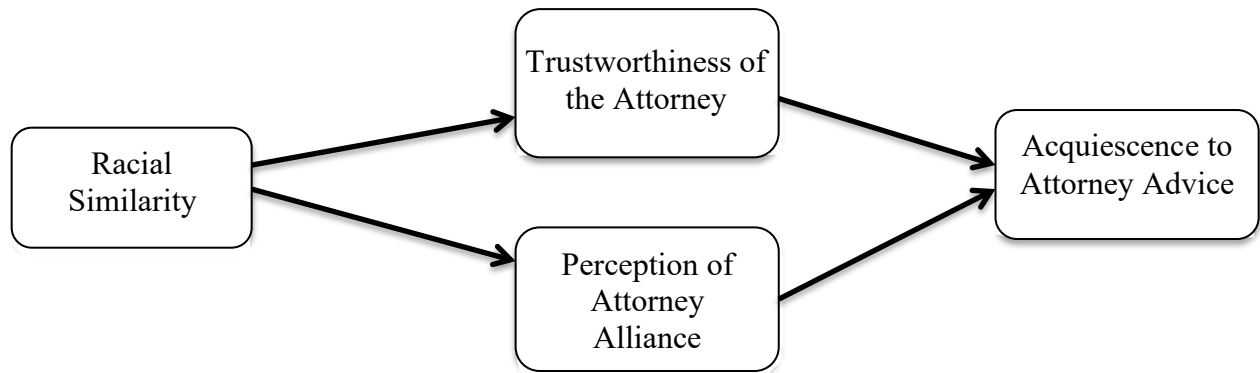
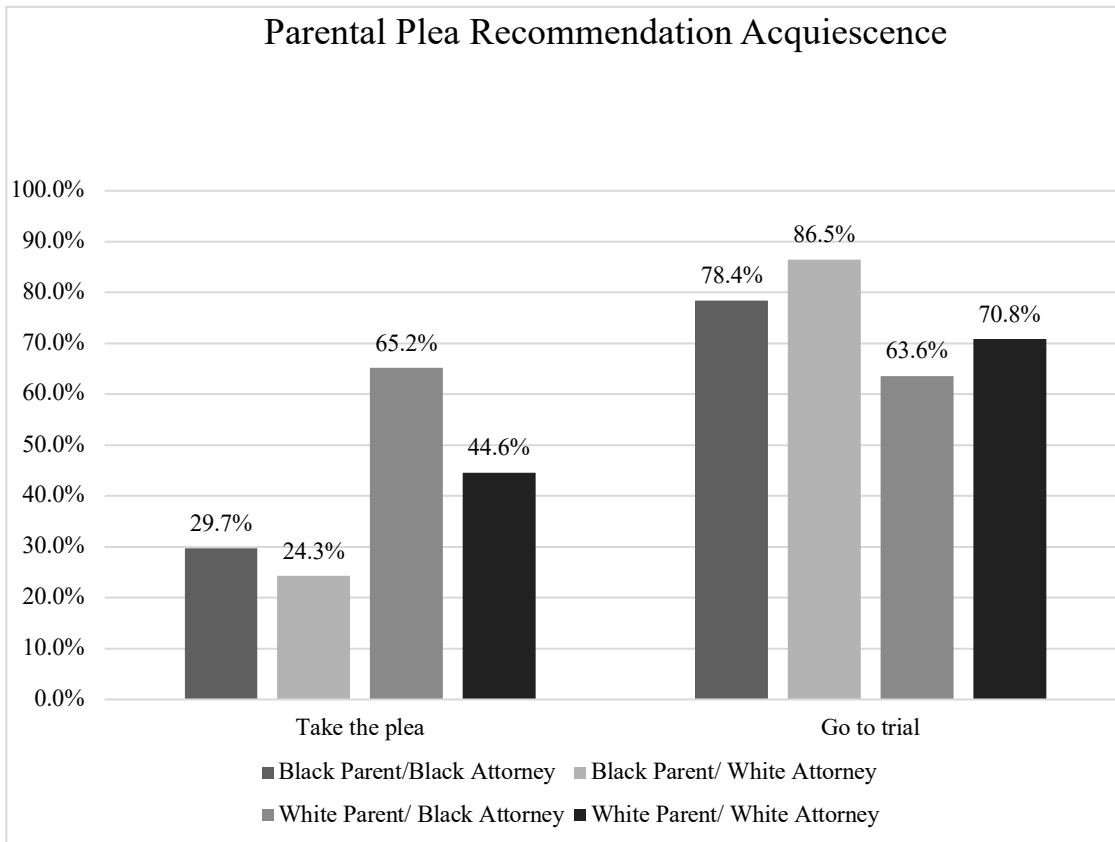


Figure 2.

Parental Plea Decision Recommendations Acquiescence's to Attorney Plea Bargain

Recommendations by Parent/Attorney Race Pairing



Appendix

Adolescent Sample Vignette & Plea Decision Survey

Imagine that you are on trial for (theft/assault). You appear at your court date and meet your defense attorney, Anthony James. Mr. James is a [Black/White] man of average height who looks about 35 years old. He tells you he has been a defense attorney for about five years. He is friendly but serious when you meet and asks how you are doing. You can see Mr. James below.

Before you go in front of the judge, Mr. James tells you the prosecutor would like to offer you a plea deal. This means that you would plead guilty rather than go to trial. In exchange, the prosecutor will give you a less serious punishment than you could get if you were found guilty after going to trial. Mr. James tells you the prosecutor will ask for a year on probation if you take the plea deal. He says that if you were found guilty after a trial, you could receive anything from 15 months of probation to time in a juvenile detention facility. Mr. James tells you that he is unable to predict whether you would win at trial, because the prosecution has a medium amount of evidence, but that he will take the case to trial if you want. He tells you that there are some consequences to taking a plea deal such as having a felony on your record and maybe having a hard time getting a job in the future.

He tells you that the decision is ultimately up to you, not him or your parents. However, he recommends that you [*take the deal/go to trial*].

Imagine that you actually did the (theft/assault).

- 1) How likely are you to take the plea deal? [0-10]
- 2) If you had to decide right now, would you go to trial or take the plea deal? [go to trial/take plea]
- 3) Why would you choose to [take the plea deal/go to trial]
- 4) How confident are you in this decision? [0-10]
- 5) Right now, how trustworthy do you think Mr. James is? [0-10]
- 6) Do you think that you could be honest with Mr. James? [Yes/Maybe/No]
- 7) What do you think Mr. James believes regarding your guilt or innocence in this case? [0 (definitely guilty) – 10 (definitely innocent)]
- 8) Do you think Mr. James would fight for you if you went to trial? [0 (definitely no) -10 (definitely yes)]
- 9) If you decided to go to trial, how likely is it that you would be found guilty? [1 (definitely unlikely) -10 (definitely likely)]
- 10) Below are some reasons a person might have for taking a plea deal. Please select the answers that are applicable to your reasoning on taking the deal.
 - a. I don't want to risk being sent to a juvenile detention facility
 - b. I trust Mr. James' advice.
 - c. I want to be done with the entire legal process.
 - d. I want to take responsibility for my actions.
 - e. I want to get a lower sentence than what I would get if I was found guilty.
 - f. I don't want to fight the system anymore.

- g. I think it would offer me a second chance to improve my behavior.
 - h. I don't want to lose any friends because of spending time in a detention center.
 - i. I don't want to ruin my chances at future relationships by being in a detention center.
- 11) Below are some reasons a person might have for going to trial. Please select the answers that are applicable to your reasoning on going to trial.
- a. I think my chances of winning at trial are better than accepting time on probation.
 - b. I don't trust Mr. James' advice.
 - c. I don't want a criminal record.
 - d. I think the system is treating me unfairly.
 - e. I want to protect my rights.
 - f. I don't want to have a difficult time getting jobs when I am older.
 - g. I don't want it to be harder to get into college or receive financial aid.
 - h. I don't want it to be harder to get public housing.
 - i. I want to see if rejecting the deal could lead to a better offer.

Now imagine Mr. James recommends that you [*take the deal/do not take the deal*].

- 1) How likely are you to take the plea deal? [0-10]
- 2) If you had to decide right now, would you go to trial or take the plea deal? [go to trial/take plea]
- 3) Why would you choose to [take the plea deal/go to trial]
- 4) How confident are you in this decision? [0-10]
- 5) Right now, how trustworthy do you think Mr. James is? [0-10]
- 6) Do you think that you could be honest with Mr. James? [Yes/Maybe/No]
- 7) What do you think Mr. James believes regarding your guilt or innocence in this case? [0 (definitely guilty) – 10 (definitely innocent)]
- 8) Do you think Mr. James would fight for you if you went to trial? [0 (definitely no) - 10 (definitely yes)]
- 9) If you decided to go to trial, how likely is it that you would be found guilty? [1 (definitely would not be) -7 (definitely would be)]
- 10) Below are some reasons a person might have for taking a plea deal. Please select the answers that are applicable to your reasoning on taking the deal.
 - a. I don't want to risk being sent to a juvenile detention facility
 - b. I don't trust Mr. James' advice.
 - c. I want to be done with the entire legal process.
 - d. I want to take responsibility for my actions.
 - e. I want to get a lower sentence than what I would get if I was found guilty.
 - f. I don't want to fight the system anymore.
 - g. I think it would offer me a second chance to improve my behavior by using community programs.
 - h. I don't want to lose any friends because of spending time in a detention center.
 - i. I don't want to ruin my chances at future relationships by being in a detention center.
- 11) Below are some reasons a person might have for going to trial. Please select the answers that are applicable to your reasoning on going to trial.

- a. I think my chances of winning at trial are better than accepting time on probation.
 - b. I trust Mr. James' advice.
 - c. I don't want a criminal record.
 - d. I think the system is treating me unfairly.
 - e. I want to protect my rights.
 - f. I don't want to have a difficult time getting jobs when I am older.
 - g. I don't want it to be harder to get into college or receive financial aid.
 - h. I don't want it to be harder to get public housing.
 - i. I want to see if rejecting the deal could lead to a better offer.
- 12) What is Mr. James' most important role? [To do what my parent(s) want him to do/ To do what I want him to do/ To do what the judge wants him to do]
- 13) If there is a disagreement about how you should plead, who has the legal right to make the final decision? [Me/My parent(s)/Mr. James/The judge]
- 14) If there is a disagreement about how you should plead, who actually would make the final decision? [The judge/Me/My parent(s)/Mr. James]
- 15) What do you think your parents would want you to do? [Take the deal/ Go to trial/Not sure]

Manipulation Check

1. What was Mr. James' race in the scenario?
 - a. White
 - b. Black
 - c. Asian
2. How old was Mr. James according to the scenario?
 - a. 25
 - b. 35
 - c. 45
3. With what crime did the scenario say you were charged?
 - a. Theft
 - b. Assault
 - c. Property Damage

Demographics Questionnaire

1. Your Gender (choose one):
 - a. Male
 - b. Female
 - c. Nonbinary/Genderqueer/Other
2. How would you describe your race/ethnicity? (Select all that apply):
 - a. Latina/o/x or Hispanic or heritage from a Latin American country
 - b. African American/Black
 - c. Native American/American Indian/Indigenous
 - d. Middle Eastern/Arab/Turkish/Iranian
 - e. Asian/Asian American/Pacific Islander
 - f. White/European American
 - g. Biracial/Multiracial

- h. Other/Please specify, if not captured above: _____
3. Please indicate your age:
 - a. 13
 - b. 14
 - c. 15
 - d. 16
 - e. 17
 - f. 18
 - g. Over 18
 4. Have you ever been arrested?
 - a. Yes
 - b. No
 5. Have any of your close friends or family members been arrested?
 - a. Yes
 - b. No
 - c. I don't know
 6. Do you receive free or reduced lunch at school?
 - a. Yes
 - b. No
 7. What is the highest education level of your parents/guardians?
 - a. No degree
 - b. High school diploma
 - c. Some college
 - d. Graduated from college
 - e. Some graduate school
 - f. Masters degree
 - g. Doctoral degree

Parent Sample Vignette & Plea Decision Survey

Imagine that your child is on trial for (theft/assault). You appear at the court date with your child and meet your child's defense attorney, Anthony James. Mr. James is a [Black/White] man of average height who looks about 35 years old. He tells you that he has been a defense attorney for about five years. He is friendly but serious when you meet and asks how you and your child are doing. Mr. James can be seen below.

Before your child goes in front of the judge, Mr. James tells both of you the prosecutor would like to offer your child a plea deal. This means that your child would plead guilty rather than go to trial. In exchange, the prosecutor will give your child a less serious punishment than they could get if they were found guilty after going to trial. Mr. James tells both of you the prosecutor will ask for a year on probation if your child takes the plea deal. He says that if your child were found guilty after a trial, your child could receive anything from 15 months of probation to time in a juvenile detention facility. Mr. James tells you that he is unable to predict whether your child would win at trial, because the prosecution has a medium amount of evidence, but that he will

take the case to trial if you both want. He tells you that there are some consequences to taking a plea deal such as having a felony on your child's record and that your child might have a more difficult time getting a job in the future.

He tells you that the decision is ultimately up to your child, not him or you. However, he recommends that your child [*take the deal/does not take the deal*].

1. How likely are you to advise your child to take the plea deal? [0-10]
2. If your child requested your advice, what would you tell them? [take plea/go to trial]
3. How confident are you in your advice to your child? [0-10]
4. Right now, how trustworthy do you think Mr. James is? [0-10]
5. Do you think you and your child can be honest with Mr. James? [Yes/No]
6. What do you think Mr. James believes regarding your child's guilt or innocence in this case? [0 (definitely guilty) – 10 (definitely innocent)]
7. Do you think Mr. James would fight for your child in a trial? [0 (definitely no) -10 (definitely yes)]
8. If you decided to go to trial, how likely is it that your child would be found guilty? [0 (definitely unlikely) -10 (definitely likely)]
9. What do you believe is the likelihood that a judge would convict your child in this case? [0 (I think I would certainly be found not guilty) – 10 (I think I would certainly be found guilty)]
10. Below are some reasons a parent might have for advising their child to taking a plea deal. Please select the answers that are applicable to your reasoning on advising your child to take the deal.
 - a. I would want my child to take responsibility for their actions.
 - b. I think it would teach my child a lesson.
 - c. I don't want to risk my child going to a juvenile detention facility.
 - d. I trust Mr. James' advice
 - e. I want my child to get a lower sentence than would be offered if found guilty at trial.
 - f. I want to be done fighting the system with my child.
 - g. I think my child deserves to get a second chance.
11. Below are some reasons a parent might have for advising their child to go to trial. Please select the answers that are applicable to your reasoning on advising your child to go to trial.
 - a. I want my child to not have a criminal record.
 - b. I think the system is treating my child unfairly.
 - c. I think my child has a good chance at winning if going to trial
 - d. I do not trust Mr. James' advice
 - e. I want to protect my child's rights
 - f. I don't want my child to have a hard time getting a job in the future.
 - g. I don't want my child to have a hard time getting into a college or applying for financial aid.
 - h. I don't want my child to have a hard time getting public housing.
 - i. I want to see if rejecting the prosecutors offer could lead to a better one.

12. The color test is simple, when asked for your favorite color you must enter the word puce in the text box below. Based on the text you read above, what color have you been asked to enter?

Now imagine Mr. James recommends that your child [*take the deal/does not take the deal*].

1. How likely are you to advise your child to take the plea deal? [0-10]
2. If your child requested your advice, what would you tell them? [take plea/go to trial]
3. How confident are you in your advice to your child? [0-10]
4. Right now, how trustworthy do you think Mr. James is? [0-10]
5. Do you think you and your child can be honest with Mr. James? [Yes/No]
6. What do you think Mr. James believes regarding your child's guilt or innocence in this case? [0 (definitely guilty) – 10 (definitely innocent)]
7. Do you think Mr. James would fight for your child in a trial? [0 (definitely no) -10 (definitely yes)]
8. If you decided to go to trial, how likely is it that your child would be found guilty? [0 (definitely unlikely) -10 (definitely likely)]
9. What do you believe is the likelihood that a judge would convict your child in this case? [0 (I think I would certainly be found not guilty) – 10 (I think I would certainly be found guilty)]
10. Below are some reasons a parent might have for advising their child to taking a plea deal. Please select the answers that are applicable to your reasoning on advising your child to take the deal.
 - a. I would want my child to take responsibility for their actions.
 - b. I think it would teach my child a lesson.
 - c. I don't want to risk my child going to a juvenile detention facility.
 - d. I do not trust Mr. James' advice
 - e. I want my child to get a lower sentence than would be offered if found guilty at trial.
 - f. I want to be done fighting the system with my child.
 - g. I think my child deserves to get a second chance.
11. Below are some reasons a parent might have for advising their child to go to trial. Please select the answers that are applicable to your reasoning on advising your child to go to trial.
 - a. I want my child to not have a criminal record.
 - b. I think the system is treating my child unfairly.
 - c. I think my child has a good chance at winning if going to trial
 - d. I trust Mr. James' advice
 - e. I want to protect my child's rights
 - f. I don't want my child to have a hard time getting a job in the future.
 - g. I don't want my child to have a hard time getting into a college or applying for financial aid.
 - h. I don't want my child to have a hard time getting public housing.
 - i. I want to see if rejecting the prosecutors offer could lead to a better one.

12. What is Mr. James' most important role? [To do what my child wants him to do/ To do what I want him to do/ To do what the judge wants him to do]
13. If you and your child disagree about how your child should plead, who gets to make the final decision about whether your child pleads guilty or not guilty? [The judge/Mr. James/ Me/ My child]
14. Who has the legal right to make the final decision? [Me/My child/Mr. James]

Manipulation Check

The following questions are intended to test your memory about facts of the case. Please answer the following questions as accurately as you can.

1. What was Mr. James' race in the scenario?
 - a. White
 - b. Black
 - c. Asian
2. How old was Mr. James according to the scenario?
 - a. 25
 - b. 35
 - c. 45
3. With what crime did the scenario say your child was charged with?
 - a. Theft
 - b. Assault
 - c. Property Damage

Demographics Questionnaire

1. Your Gender (choose one) :
 - a. Male
 - b. Female
 - c. Nonbinary/Genderqueer/Other
2. How would you describe your race/ethnicity? (Select all that apply):
 - a. Latina/o/x or Hispanic or heritage from a Latin American country
 - b. African American/Black
 - c. Native American/American Indian/Indigenous
 - d. Middle Eastern/Arab/Turkish/Iranian
 - e. Asian/Asian American/Pacific Islander
 - f. White/European American
 - g. Biracial/Multiracial
 - h. Other: _____
3. Please indicate your age:
4. Has your child ever been arrested?
 - a. Yes
 - i. In what capacity has your child interacted with law enforcement? Select all that apply:
 1. Been questioned by police
 2. Been arrested for a crime
 3. Been charged with a crime

4. Other: _____

- b. No
- 5. Have any of your close friends or family members been arrested?
- 6. Do you work within the legal system? (e.g., lawyer, police officer, probation officer)
- 7. Do you have any close friends or family members who work within the legal system? (e.g., lawyer, police officer, probation officer)

What is your annual household income?

- a. Less than \$25,000
- b. \$25,000-\$49,999
- c. \$50,000-\$74,999
- d. \$75,000-\$99,999
- e. \$100,000-\$149,999
- f. \$150,000-\$199,999
- g. \$200,000 or more