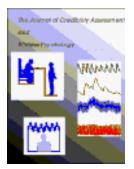
The Journal of Credibility Assessment and Witness Psychology

1999, Vol. 2, No. 1,

Published by the Department of Psychology of Boise State University

The Effect of Attorneys' Nonverbal Communication on Perceived Credibility

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ABSTRACT: This study examined how attorneys' nonverbal communication relates to perceptions of credibility. Types of nonverbal communication considered included vocalic (fluency, pausing, variety), kinesic (facial expressiveness, number of illustrative gestures and dynamic quality of gestures), and physical appearance (grooming, age, facial hair, height, weight, and attractiveness). Four dimensions of credibility were considered--competence, trustworthiness, friendliness, and dynamism. Attorneys with greater facial expression and greater pitch variety were perceived as less competent. Those with greater facial expression, pitch variety, and tempo variety were perceived as less trustworthy. However, attorneys with greater pitch and tempo variety were perceived as more friendly. These findings highlight the dilemma that attorneys experience when attempting to improve their perceived credibility. They must be aware that credibility has multiple dimensions and that behaviors that enhance one aspect may detract from other aspects.

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The Effect of Attorneys' Nonverbal Communication on Perceived Credibility

Introduction

Although a courtroom trial is typically thought to be a verbal exercise in debate and argumentation, nonverbal cues also play an important role (Barge, Schleuter, & Pritchard, 1989). That is, jurors form impressions of lawyers' credibility based on what lawyers do as well as what they say (Goldberg, 1982; Haynes, 1984;; LeVan, 1984).

An especially relevant point at which jurors form their first impression of an attorney occurs at the beginning of the trial during opening statements (Wrightsman, 1987). These initial impressions formed of the attorney may impact all judgments made by jury members throughout the trial in regards to the quality of the evidence presented and the arguments given.

Some researchers argue that nonverbal behaviors are more influential than verbal behaviors in determining first impressions (Berger & Calabrese, 1975; Sunnafrank 1986). Burgoon, Buller, and Woodall (1996) suggest that physical appearance is the most influential because it is the first cue one experiences when meeting someone for the first time. Indeed, jurors can observe attorneys' physical appearance before the attorneys begin to speak. In addition to physical appearance, vocal and kinesic (or body movement) cues also impact first impressions.

The present investigation examined the association between attorneys' nonverbal behaviors and credibility evaluations made of them by potential jurors during opening statements when it is most likely that jurors will form first impressions.

Dimensions of Credibility

Credibility is a construct that consists of all the judgments made by receivers regarding a speaker's believability. Researchers propose that credibility is composed of various dimensions such as competence, trustworthiness, friendliness, dynamism, character, and sociability (McCroskey, Jensen, & Valencia, 1973; Miller & Hewgill, 1964; Smith, 1982). A variety of different combinations of these dimensions have been examined with most researchers noting that competence and character seem to be the most important to perceptions of credibility (e.g., Burgoon, Birk, & Pfau, 1990; McCroskey & Young, 1981).

Researchers have investigated the relationship between these six dimensions of credibility and various nonverbal behaviors during courtroom proceedings (Miller & Hewgill, 1964; Pearce & Brommel, 1972, Pearce & Conklin, 1971, Sereno & Hawkins, 1967). However, most of these studies have only investigated the perceived credibility of witnesses (Bradac, Hemphill, & Tardy, 1981; Erickson, Lind, Johnson, & O'Barr, 1978; Hemsley & Doob, 1978; Lindsay, Wells, & O'Connor, 1989; O'Barr, 1982) rather than those formed of attorneys. As lawyers are central figures in any trial, it is likely that their perceived credibility is as pertinent as witnesses' perceived credibility.

Furthermore, most studies that have examined the effects of various behaviors on perceived credibility have focused primarily on verbal behaviors or nonverbal behaviors closely related to verbal behavior such as fluency and pausing (Addington, 1971; O'Barr, 1982; Schweitzer, 1970) and have ignored other influential nonverbal factors such as gestures, facial expression, and physical appearance. The current study explored the relationships between a greater array of nonverbal behaviors such as vocalics, kinesics, and physical appearance with the perceived credibility of attorneys as they presented actual opening statements in the courtroom.

Vocalic Cues of Credibility

Most researchers have concentrated on only a few vocal cues and their relationship to credibility (Bradac, Hemphill, & Tardy, 1981; Erickson, Lind, Johnson, & O'Barr, 1978; Hosman & Wright, 1987; O'Barr, 1982). Vocalic behaviors generally investigated in credibility are those of fluency and pausing (Addington, 1971; O'Barr, 1982; Schweitzer, 1970). Fluency is generally defined as speech that is free of long pauses, hesitations, repetitions, and extraneous vocal sounds such as "um" or "hmm."

For example, Burgoon, Birk, and Pfau (1990) trained students to evaluate nonverbal communication and asked them to evaluate the credibility of classmates giving speeches. They found that greater fluency was associated with higher ratings on the competence, sociability, and composure dimensions of credibility. In another study, Barge, Schleuter, and Pritchard (1989) examined the influence of lawyers' vocal delivery on judgments of lawyer credibility made by receivers. These researchers found that a fluent style, in contrast to a nonfluent style, was associated with perceptions of lawyers as more competent and more dynamic, and that a nonfluent style, rather than a fluent style, was associated with perceiving lawyers as more friendly. Other research supports the notion that fluency is positively correlated with competence and dynamism (McCroskey & Mehrley, 1969; Miller & Hewgill, 1984; Sereno & Hawkins, 1967) and persuasiveness (Mehrabian & Williams, 1969). Thus, the following hypotheses are offered:

H1: Lawyers' vocal fluency will be positively correlated with participants' perceptions of lawyers' competence, trustworthiness, and dynamism.

H2: Lawyers' vocal fluency will be negatively correlated with participants' perceptions of lawyers' friendliness.

Fluency is a major vocal cue that has been shown to affect credibility, but other elements of the voice may also impact perceptions of credibility. For example, variations in tempo, pitch, and volume may contribute to vocal expressiveness., and vocal expressiveness may enhance assessments of lawyers' credibility. Burgoon and her colleagues (1990) found that greater pitch variety was positively correlated with perceptions of competence, sociability, and character. Scherer (1979) found a significant positive correlation between pitch range and perceived influence. However, Barge and his colleagues (1989) found that, although varied pitch was associated with perceptions of speakers as more dynamic, it was also associated with perceiving speakers as less friendly and trustworthy. Taken together, these findings indicate that variations in tempo and pitch may have a positive impact on certain dimensions of credibility. Furthermore, variations in the vocal feature of volume may also impact perceptions of lawyer credibility, but it is uncertain exactly what that effect might be. Thus, the following hypotheses and research question are offered:

H3: Lawyers' vocal expressiveness (e.g., varied tempo and pitch) will be positively correlated with perceptions of lawyers' competence, trustworthiness, and dynamism.

H4: Lawyers' vocal expressiveness will be negatively correlated with perceptions of lawyers' friendliness.

RQ1: What effect will increased volume variety have on participants' perceptions of lawyers' competence, trustworthiness, dynamism, and friendliness?

Kinesic Cues of Credibility

Live face-to-face interaction in the courtroom yields a host of other nonverbal cues that provide additional information upon which jurors may form impressions of attorneys credibility. Indeed, nonverbal researchers emphasize the primacy of the visual channel in affecting perceived credibility (Ekman, Friesen, O'Sullivan, & Scherer, 1980; Krauss, Apple, Morency, Wenzel, & Winton, 1981; Zaidel & Mehrabian, 1969). Jurors may be just as likely (if

not more likely) to rely on what they see as what they hear when judging attorneys' initial credibility.

Thus, in addition to vocal expressiveness, "kinesic expressiveness" may also be positvely associated with judgments of attorney credibility. Kinesics includes body movements such as gestures and facial expressions. Researchers generally distinguish between illustrative (or meaningful) gestures and adaptor (or nervous) gestures. Various kinesic behaviors have been shown to be relevant to assessments of credibility. For example, when evaluating public speakers, competency judgments were increased by the use of kinesic behaviors such as facial pleasantness (Burgoon et al., 1990). LaCrosse (1975) found that counselors who smiled, made eye contact, and gestured more often were perceived as more competent than counselors who did these things less often. Thus, the following hypothesis is offered:

H5: Kinesic expressiveness (e.g., facial expressiveness, illustrative gestures, use of dynamic gestures) will be positively correlated with perceptions of lawyers' competence, trustworthiness, friendliness, and dynamism.

Physical Appearance Cues of Credibility

In an actual courtroom, jurors have access to the entire spectrum of a lawyer's nonverbal behaviors. For example, jurors have access to physical appearance cues, such as grooming, age, facial hair, height, weight, and attractiveness. In a related vein, Burgoon and her colleagues (1989) speculated that clothing, for instance, may affect perceived client credibility in a legal setting. Several studies have indicated that adherence to conventional attire and good grooming can increase compliance (Crassweller, Gordon, & Tedford, 1972; Darley & Cooper, 1972). In one study, women with short hair, conservatively dressed, with earrings and a necklace were perceived as more competent than those without these features (Rosenberg, Kahn, & Tran, 1991). Bickman's (1971) classic study found that compliance was greater for experimenters dressed in suits and ties than for those wearing work clothes. Brownlow (1992) found that people with mature faces were more persuasive than people who had more childlike faces. Yet, few of these physical appearance cues have been considered in the context of jurors' perceptions of lawyer credibility. Thus, the following research question is posed:

RQ2: How do physical appearance cues relate to perceptions of lawyers' competence, trustworthiness, friendliness, and dynamism?

In summary, this research sought to determine what effects, if any, the nonverbal communication behaviors of vocalics, kinesics, and physical appearance had on participants' perceptions of attorneys' credibility. Specifically, the effects of these behaviors on the credibility dimensions of competence, trustworthiness, friendliness, and dynamism were considered.

Method

Participants

Forty-eight undergraduate students (18 males and 30 females) were recruited from communication classes and offered extra credit for participation in this study. Participants were gathered in five groups that ranged in size from seven to 12 per group.

Stimulus Manipulation

Eight lawyers (three male and one female prosecuting attorneys and four male defense attorneys) presenting opening statements were recorded on videotape from "The Court Channel." This cable channel broadcasts live trials 24 hours a day. Five different trials were videotaped. Four of these trials were used in the primary analyses of this study and one was used for practice purposes. The four trials used in the experiment consisted of (a) Art

Buchwald's suit against Paramount Studios concerning claims that the movie <u>Coming to</u> <u>America</u> was illegally based on his work, (b) an appeals case presented before the Arizona Supreme Court in which defense attorneys argued that hair evidence in the murder trial of Charles Treadway, Jr., had been improperly handled by police officers, (c), a Florida murder case against Virginia Larzelere of Daytona Beach, who was accused of plotting to kill her husband with the assistance of multiple male accomplices, and (d) the Rodney King police brutality case.

The eight original opening statements ranged in length from ten to twenty minutes. To keep length equivalent, one two-minute segment was extracted from approximately the middle of each opening statement. Thus, each master videotape consisted of two, two-minute segments from each trial--one of the prosecuting attorney and one of the defense attorney. Lawyers seen on the videotapes were presented in partial profile with only their upper torsos visible. In addition, each lawyer was either situated behind a podium or seated at a table.

Nonverbal Measures

Two researchers and two research assistants served as coders for this project. The researchers developed a coding form (Appendix A) designed to measure a variety of nonverbal behaviors that might be used in forming impressions of credibility. All variables were measured on a 9-point scale on which higher scores reflected more fluency, more vocal expressiveness, and more kinesic expressiveness. Higher scores for the physical appearance cues represented attorneys rated as better groomed, older, having less facial hair, taller, heavier, and more attractive.

The nonverbal behaviors included in the analysis along with their inter-item alpha reliabilities were (a) vocal fluency (.31), (b) vocal expressiveness--tempo variety, pitch variety, and volume variety (.70), (c) kinesic expressiveness--facial expressiveness, number of illustrators, and dynamic illustrators (.84), and (d) physical appearance cues--grooming, age, facial hair, height, weight, and attractiveness (.65). In addition, the four coders independently rated the nonverbal behaviors of the lawyers. Inter-rater alpha reliabilities for the each of the eight attorneys were .96, .93, .96, .94, .95, .90, .91, and .94, respectively.

Credibility Measures

Credibility was assessed by combining Miller and Hewgill's (1964) speaker credibility scale and Williams, Farmer, Lee, Cundie, Howell, and Rooker's (1975) scale of global perceptions of attorneys (Appendix B). The resulting credibility measure was originally factor analyzed by Barge and his colleagues (1989) and yielded four dimensions of credibility: <u>competence</u>, which was measured by bipolar anchors of knowledgeable/uninformed, precise/vague, accurate/inaccurate, certain/uncertain, expert/ignorant, trained/untrained, and competent/incompetent (interitem alpha reliability = .92); <u>trustworthiness</u>, which was measured by bipolar anchors of fair/unfair, telling the truth/not telling the truth, sincere/insincere, just/unjust, kind/cruel, and admirable/contemptible (interitem alpha reliability = .79); <u>dynamism</u>, which was measured by bipolar anchors of aggressive/meek, bold/timid, energetic/tired, and extraverted/introverted (interitem alpha reliability = .86); and <u>friendliness</u>, which was measured by the bipolar anchors of warm/cold and open/defensive (interitem alpha reliability = .47). Items were rated on 9-point scales with higher scores representing more competence, more trustworthiness, more dynamism, and more friendliness.

Procedure

Upon arriving to the communication laboratory, participants were seated around a large table. A videocassette recorder was placed within clear view of all participants at the table. The research assistants explained the procedures to be followed and distributed the credibility questionnaires to each participant.

Next, participants were given the opportunity to view a practice videotape in order to familiarize themselves with the type of video they would see and the use of the credibility questionnaire. Following the practice tape, the researchers answered any procedural questions that participants had. Next, participants were shown one of the four master tapes. Presentation

of tapes was counterbalanced to prevent order effects so that each group viewed the four tapes in a different order. Each tape consisted of two opening statements by two different lawyers. After participants viewed a particular lawyer's opening statement on the tape (in the order of prosecution then defense for each tape), the researchers stopped the tape so that participants could complete the questionnaire devoted to the evaluation of that particular lawyer. After participants viewed all four tapes and completed questionnaires on all eight lawyers' credibility, they were thanked for their efforts, debriefed regarding the nature of the study, and dismissed.

Results

Pearson product-moment correlational analyses were used to examine the associations between the various nonverbal cues and the four dimensions of credibility (i.e., competence, trustworthiness, dynamism, and friendliness). Although more sophisticated statistical tests could be used, correlational analysis appeared to represent an appropriate test for naturalistic data (Scherer, 1979). Also, because of the small sample size and the likelihood of reduced power, it may be appropriate to demand more stringent alphas from the resulting correlation coefficients.

In order to conduct the analyses, several scores were computed from both the nonverbal and the credibility measures. First, means scores were obtained for each of the four credibility dimensions using the scores for the individual credibility items. Correlations were then computed between the each of means for the nonverbal behaviors and the means for the four credibility dimensions (Table 1).

Hypothesis 1 and 2

Results indicated no support for Hypothesis 1 or 2. Fluency was not significantly correlated with competence, trustworthiness, friendliness, or dynamism.

Hypothesis 3 and 4 and RQ1

Contrary to expectations stated in H3 that greater pitch and tempo variety would be positively associated with perceptions of credibility, increases in pitch variety were negatively correlated with judgments of competence, r = -.86, p < .01, and trustworthiness, r = -.96, p < .01. Likewise, tempo variety was negatively correlated with judgments of trustworthiness, r = -.80, p < .05. Contrary to Hypothesis 4, which posited that greater tempo variety would be negatively associated with ratings on friendliness, tempo variety was found to be positively correlated with ratings of friendliness, r = .71, p < .05. In response to RQ1, increased volume variety was positively correlated with ratings of friendliness, r = .73, p < .05.

Hypothesis 5

No support was obtained for Hypothesis 5. Kinesic expressiveness was not positively correlated with any of the dimensions of credibility. Indeed, facial expressiveness was negatively correlated with competence and trustworthiness assessments. Lawyers who were more facially expressive were rated as significantly lower in competence, r = -.75, p < .05, and trustworthiness, r = -.78, p < .05.

Tahla 1	Correla	tion Coefficien	te
Table 1.	Correla	tion coefficien	LS

	Credibility Dimension								
Variable	Competent	Trust- worthy	Friendly	Dynamic					
Vocal Fluency	.45	.12	.11	.16					
Tempo Variety	65	80*	.71*	31					
Pitch Variety	87**	97**	.66	54					
Volume	32	54	.73	61					
Facial Expressiveness	75*	78*	61	13					
# of Gestures	30	34	.46	.30					
# of Dynamic Gestures	35	42	.60	.17					
Grooming	15	04	55	.17					
Age	.56	.45	60	04					
Height	.57	.49	40	03					
Weight	.36	.31	31	.26					
Facial Hair	21	20	.43	.44					
Attractiveness	40	11	29	04					
* <i>p</i> < .05 ** <i>p</i> < .01 all tests 2-tailed									

Research Question 2

Analyses pertinent to research question 2 did not yield any significant correlations. None of the physical appearance cues (grooming, age, facial hair, height, weight, and attractiveness) significantly associated with assessments of competence, trustworthiness, friendliness, or dynamism.

Discussion

Although none of the hypotheses were fully supported, the present study's results suggest that some nonverbal behaviors may affect some dimensions of perceived credibility. Results indicated that four of the nonverbal behaviors investigated were significantly correlated with some of the dimensions of credibility. Pitch variety and facial expressiveness showed a negative correlation with competency ratings. Pitch variety, tempo variety, and facial

expressiveness were also negatively correlated with judgments of trustworthiness. Tempo variety and volume variety were positively associated with friendliness assessments. No significant correlations were obtained with dynamism.

That variety in pitch and tempo had such diametrically opposite effects on ratings of competence and trustworthiness does not support previous research findings. Also, if one views facial expressiveness as an indicator of variety, then it appears that, in general, jurors may view competent and trustworthy lawyers as those who exhibit <u>little</u> expressiveness in their nonverbal behavior. Possibly, the reason for these lower ratings on competency and trustworthiness is that attorneys' expressive behaviors may have been perceived as artificial or "actor-like." Perhaps expressiveness is not viewed as an appropriate behavior in courtroom settings and thus, lawyers who exhibit these behaviors may be seen as less competent. However, just the opposite appears to be true for attributions of friendliness, which were enhanced by increased variety in vocal behavior.

Limitations

Several limitations qualify the conclusions that can be drawn from this study. First, low interitem alpha reliability for friendliness make interpretation of its positive correlation with tempo and volume variety tentative. Second, because attorneys were seen standing behind a podium in a medium television shot, some nonverbal behaviors such as height and weight were difficult to determine. Third, fluency was not significantly correlated with credibility in this study, although many researchers have consistently found fluency a major contributing factor to credibility. Possibly, this finding was due to the low reliability scores for fluency or the fact that a lawyer experienced enough to argue a case noteworthy enough to be televised can be assumed to have a sufficiently fluent delivery.

Fourth, there was some lack of experimental control because naturalistic stimulus materials were used. However, Scherer (1979) suggests that there is a tradeoff between control and ecological validity when using naturalistic data. He argues that although lack of experimental control may present problems for analysis, it may ultimately lead to more generalizable data.

Fifth, there may have been insufficient variation between the nonverbal behaviors of the eight lawyers viewed. The sample of attorneys was small and probably not truly representative of the average lawyer arguing before a local jury.

Finally, although gender was not an issue considered in this study, one of the eight lawyers presented on the tapes was female. This may have influenced participants. Certainly, both the nonverbal and credibility scores obtained for the female attorney were not noticeably divergent from those of her male counterparts. Even so, this factor may be useful to consider in future studies.

Future Directions

Although previous research did not attempt to replicate natural courtroom interactions (Miller, Fontes, Boster, & Sunnafrank, 1983), future researchers can do so more easily. Past research has had participants silently <u>read</u> hypothetical transcripts of trials and then make evaluations (e.g., Hosman & Wright, 1987; Pearce & Brommel, 1972). More recently, Barge and his colleagues (1989) simulated a "real" courtroom with undergraduate students acting as jurors/participants (e.g., a judge giving directions, and the voices of law students on audiotape presenting opening statements which were derived from a transcript of an actual trial). The advent of videotape may offer even more realism (Scherer, 1982). With television networks such as "The Court Channel," now available, using videotapes of actual courtroom interactions to study attorneys is now feasible.

Future researchers might also consider the issue of when judgments or assessments of attorneys are made and test impressions at those critical junctures, instead of waiting until the end of the trial. Frequently, researchers have used client guilt--an end factor measure--as the sole measure of attorney credibility. However, other courtroom factors may impinge upon determinants of credibility besides ultimate determinations of client guilt. Further, credibility

assessments can change as a trial progresses--even during presentation of opening statements when, as we have argued, initial impressions of lawyer credibility are formed. Thus, the present investigation assessed credibility sequentially, with credibility being judged after the prosecuting attorney's opening statement, and then after the defense attorney's opening statement.

In addition, future researchers might investigate other vocalic, kinesic, and physical appearance cues and their association with attorney credibility in the courtroom. The current study is unique in that it incorporated vocal variety features into the analysis whereas most studies have generally examined a fairly small set of vocal behavior, such as pitch, tempo, and fluency.

Some researchers (e.g., Scherer, 1979) contend that visual cues are not as influential as their auditory counterparts in perceptions of credibility. However, although no significant correlations were found between credibility and physical appearance in the present study, it is possible that this may have been due to the lawyers investigated. Lawyers drawn from "The Court Channel" may represent a relatively homogeneous group, at least as far as outward appearance goes, in that these lawyers knew they would be televised nationally and thus were particularly careful in their dress and grooming.

Attorneys presenting opening statements represent a rich source of nonverbal behaviors with which to investigate jurors' perceptions of lawyers' credibility. The credibility impressions of lawyers that are formed and assessed throughout a trial may substantially impact courtroom interaction, and ultimately client guilt or innocence. Clearly, this is an important area that deserves more research attention. It is hoped that future researchers will benefit from this early tentative work on credibility judgments of more naturalistic courtroom behavior.

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Article submitted for publication:25 April 1999Article accepted for publication:8 November 1999

The Journal of Credibility Assessment and Witness Psychology 1999, Vol. 2, No. 1, 1-13 Appendix A Nonverbal Coding Form Lawyer # _____ Coder # _____ Fluency Not fluent 1 2 3 4 5 6 7 8 9 Fluent *Vocalic Behavior* Little Pitch Variety 1 2 3 4 5 6 7 8 9 Great Pitch Variety Little Tempo Variety 1 2 3 4 5 6 7 8 9 Great Tempo Variety Little Volume Variety 1 2 3 4 5 6 7 8 9 Great Volume Variety Kinesic Behavior Unexpressive Face 1 2 3 4 5 6 7 8 9 Expressive Face Few Illustrative Gestures 1 2 3 4 5 6 7 8 9 Many Illustrative Gestures Restrained Gestures 1 2 3 4 5 6 7 8 9 Dynamic Gestures Physical Appearance Poorly Groomed 1 2 3 4 5 6 7 8 9 Well Groomed 1 2 3 4 5 6 7 8 9 Old Young 1 2 3 4 5 6 7 8 9 Short Tall Slender 1 2 3 4 5 6 7 8 9 Heavy Facial Hair 1 2 3 4 5 6 7 8 9 No Facial Hair 1 2 3 4 5 6 7 8 9 Unattractive Attractive

Appendix B

Credibility Scale

Complete this form for each attorney you view.

Incompetent	1	2	3	4	5	б	7	8	9	Competent
Cruel	1	2	3	4	5	6	7	8	9	Kind
Telling Truth	1	2	3	4	5	6	7	8	9	Not Telling Truth
Aggressive	1	2	3	4	5	6	7	8	9	Meek
Tired	1	2	3	4	5	6	7	8	9	Energetic
Introvert	1	2	3	4	5	6	7	8	9	Extravert
Warm	1	2	3	4	5	6	7	8	9	Cold
Accurate	1	2	3	4	5	6	7	8	9	Inaccurate
Certain	1	2	3	4	5	6	7	8	9	Uncertain
Expert	1	2	3	4	5	6	7	8	9	Ignorant
Knowledgeable	1	2	3	4	5	6	7	8	9	Uninformed
Vague	1	2	3	4	5	6	7	8	9	Precise
Open	1	2	3	4	5	6	7	8	9	Defensive
Untrained	1	2	3	4	5	6	7	8	9	Trained
Unjust	1	2	3	4	5	6	7	8	9	Just
Admirable	1	2	3	4	5	6	7	8	9	Contemptible
Timid	1	2	3	4	5	6	7	8	9	Bold
Unfair	1	2	3	4	5	б	7	8	9	Fair
Insincere	1	2	3	4	5	б	7	8	9	Sincere