

# Emergent Leadership: Case Study of a Jury Foreperson

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Emergent leadership, how a group member emerges and maintains a leadership position, has been studied for over 80 years since J.B. Rieffert, the director of German military psychology originated the "leaderless group discussion (LGD)" research tool in 1920 (Bass, 1954). Since then various phenomena, theories, and techniques of emergent leadership have been identified, developed, and advocated.

The author, hereinafter referred to as the leader, was summoned and selected for jury duty in a civil trial in 2001. Due to the knowledge and experience he had gained designing and delivering leadership-development programs to over 200 executives, managers, and supervisors in 12 companies, it was a natural progression that the leader would take note of the emergent leadership behaviors he observed occurring during the trial after he had been selected for jury duty. At some time during the trial before jury deliberations began, the leader decided to attempt to emerge as the leader of the jury as a means of helping the jury arrive at the most just verdicts possible.

Identities of the other jurors were protected. Because the leader as jury foreperson was obligated to sign both of the verdicts, his name was the only name that appeared in the public record. This paper reports the history leading up to the trial, the field observations made by the leader during the trial, and a brief follow-up on events after the trial. In addition, portions of various theories are reviewed and cited throughout the paper.

## Review of the Literature

According to Pescosolido (2002), research has increased recently on the role of emergent leadership and emergent leaders in groups. This has resulted partially because of the recent rise of the prevalence of self-managing work teams (Lawler, 1998).

Based generally on Tuckman's (1965) group-development sequence: 1) testing/dependence; 2) conflict; 3) cohesion, and 4) functional maturity, Stein, Hoffman, Cooley, & Pearse (1979) proposed a "valence model of emergent leadership" that proposed that the process of emergent leadership passed through three distinct stages. Those stages were identified as: 1) orientation; 2) conflict; and 3) emergence. During the orientation stage, potential leaders are believed to announce their "candidacies" for the emergent-leadership position. During the conflict stage, two or more leaders pass the "candidacy threshold" causing leadership conflict. Finally, in the emergence stage, group members willingly subordinate themselves to the leader who has passed the "emergence threshold."

Stein, et al.'s valence model of emergent leadership was designed to incorporate aspects of the most prominent emergent-leadership theory, the theory of "idiosyncrasy credit" developed by Hollander (1958, 1961). Hollander theorized that the group member who emerges as the leader is perceived by other group members as contributing to the task accomplishment of the group in meeting expectations that the group has for the leader. The more leaders are believed to meet the groups' expectations, the more leaders accumulate credits. Thus, leaders both assert their influence and have their influence accepted as a result of the credits they earn.

Hollander (1961) made it clear that emergent leaders had to be both innovators which set themselves apart from groups while at the same time being conformists who fit in with the common social norms of groups (Hollander, 1961). If the leader does not innovate and does not conform in accordance with the group's expectations, the leader will lose credits. If enough credits are lost, Hollander theorized that the leader can be replaced by another group member.

Based on their findings, Carter, Haythorn, Shriver, and Lanzetta (1951) theorized that people who are involved in "reasoning" tasks should ask for information in an attempt to obtain a solution to the reasoning problem, dominate by taking energetic action, and try to convince the other group members to accept their initiations if they are to emerge as leaders. Indeed, Carter, et al. advocated that emergent leaders had to be forceful in establishing their position of leadership and had to strongly support their own proposals against other potential-leader competitors in the group.

Over forty years later De Souza and Klein (1995) supported Carter, et al. by finding that emergent leaders are more likely to direct other group members' activities. More specifically, emergent leaders were believed to initiate different strategies and approaches to try in completing tasks, encourage slower-working members, try to split up tasks to be performed by the group, and try to divide the group into subgroups.

## **The Situation**

In 1999 an ex-spouse had filed a legal-malpractice complaint for damages against her divorce attorney. The ex-spouse claimed that her divorce attorney had failed to exercise reasonable care and skill during the ex-spouse's two-year divorce case which had begun in 1994 and ended in 1996. One day after the ex-spouse filed suit against her divorce attorney, the divorce attorney had filed a breach-of-contract counter-complaint against the ex-spouse with a demand that the ex-spouse pay over \$35,000, dismiss the malpractice suit, pay prejudgment interest, pay for attorney's fees, and pay the divorce attorney's costs of the lawsuit. In 2001 --- nearly 27 months after the original filing of the lawsuit by the ex-spouse --- the case had come to trial. Two verdicts were to be rendered in the case --- one on the ex-spouse's malpractice complaint and the other on the divorce attorney's breach-of-contract counter-complaint.

## **The Group**

Legal counsel for the ex-spouse and divorce-attorney selected twelve jurors and two alternate-jurors. By the time the case went to the jury for deliberation after eight and one-half days of jury selection, testimony, and statements and deliberations by the judge and legal counsel, two alternates had been promoted to the jury.

The twelve jurors who began and concluded deliberations were as follows: 1) a male prosecuting attorney believed to be in his 40s (attorney); 2) a female marketing executive with a Masters Degree in Business Administration believed to be in her 30s (marketing executive); 3) A retired male engineer believed to be in his 60s or 70s (engineer); 4) a retired male executive believed to be in his 70s with experience on four prior juries (referred to as Juror A because his occupation is unknown and based upon where he sat in the jury-deliberation room); 5) a woman believed to be in her 30s (referred to as Juror B because her occupation is unknown and based upon where she sat in the jury-deliberation room); 6) a male elementary schoolteacher believed to be in his 30s (teacher); 7) a female paralegal believed to be in her 40s (paralegal); 8) a female writer believed to be in her 40s (writer); 9) a female in the medical field believed to be in her 20s; 10) a male professional believed to be in his 40s; 11) a female believed to be in her 40s; and 12) the male author/leader.

## **The Leader**

The leader was a 51-year-old, white, Euro-American male who had researched, designed and delivered leadership-development programs to over 200 executives, managers, and supervisors in 12 companies. After being selected for the jury, but before jury-deliberations began and during Stein, et al.'s (1979) "orientation stage," the leader decided to attempt to become the emergent leader of the jury. As a teacher and consultant in leadership, he began to take note of certain emergent-leadership behaviors which were a natural progression of his professional experience. The leader believed that he could help the jury reach the most just verdicts by actively acquiring and fulfilling the role of jury foreperson.

## The Orientation Stage

Based on Berger, Cohen, & Zelditch (1972), Stein et al. (1979) proposed that during the first orientation stage of emergent leadership, different status characteristics as perceived by the group are attributed initially to different members. These age-, sex-, and other status-related-characteristics are used by individuals to assess others' leadership potential because of the members' lack of knowledge about each other.

Hollander (1961) believed that for leaders to emerge, they had to be viewed as competent and either trustworthy or esteemed. Before the jury-deliberation began, the leader attempted to earn competence- and trust/esteem-credits with the jury and alternates while the jury took lunch breaks and waited in the deliberation room while the court conducted other business.

The leader attempted to earn credits by learning the first names of all of the jurors and the two alternates, addressing the jurors and alternates by their first names, asking them for their opinions, learning their backgrounds, apologizing when he made errors, and telling humorous stories. The attorney also told humorous stories to the group, but mostly he recounted his own personal experiences within the legal system and educated the jury on many aspects of the law. The teacher and the writer told a few stories as well. The engineer almost never spoke.

The leader also reminded group members not to discuss the case per the judge's instructions, reassured concerned and experienced jurors that the deliberation process didn't have to be acrimonious if handled correctly, and brought reference material to the group related to previous discussions. The presentation of the reference material appeared to impress the engineer who asked the leader how he had been able to do so much research. At that point in time, the leader believed that he had proved his competence to the engineer and had earned credits with the engineer.

Although the leader did not record specific leadership-initiations during the orientation stage, the leader believed he accumulated a substantial amount of positive credits in accordance with Hollander's (1961) model. The leader also believed that he performed a number of actions that announced his candidacy as leader resulting in the jury members' and alternates' willingness to stop discussing the trial before deliberation, laughing most of the time after the leader's humorous stories, and generally being talkative as a group.

After eight and one-half days of jury selection, testimony, and statements and deliberations by the judge and counsel, the judge read aloud 70 to 80 pages of jury instructions to the jury. The judge then ordered the jury to follow the jury instructions and adjourn to the jury-deliberation room. All of the jurors adjourned to the jury-deliberation room and sat around one large table.

Per procedure, one juror had to become the jury foreperson. The Court Officer recommended to the jury that one person volunteer to be the jury foreperson. However, before anyone volunteered, one of the jurors recommended that the attorney on the jury become the jury foreperson.

## The Conflict Stage

In accordance with the conflict stage of Stein et al.'s (1979) model, the leader immediately volunteered to be the jury foreperson. The engineer, who had appeared to respond positively to the leader's submission of reference material to the group, stated that he thought the leader would be a good jury foreperson. No juror dissented and the leader became the jury foreperson.

Leadership can be exercised both formally and informally. The engineer immediately attempted to become the informal leader and to pass the candidacy threshold by proposing that the jury vote on the negligence or non-negligence of the divorce attorney without looking at the three-ring binder of evidence and 12 to 15 charts of data that had been prepared by counsel. The engineer's rationale was that by voting immediately, the jury could end the trial as quickly as possible and go home. According to Stein, et. al's (1979) model, the candidacy threshold is the degree to which a group member is considered seriously for adoption as the leader. When one member passes the candidacy threshold at about the same time as one or more candidates, leadership conflict results.

The first conflict occurred when the leader challenged the nomination of the attorney as jury foreperson. The second conflict occurred when the leader gave a negative response to the engineer's initiation by stating that the jury should decide first on the process of how to arrive at a verdict prior to taking a vote. The group responded positively to the engineer's initiation, rejected the leader's initiation, and began to vote.

The leader attempted to gain control of the process. He moved from his sitting position at the deliberation table and walked to a chart pad in the corner of the jury-deliberation room. He stood beside the chart pad and attempted to establish control of the group by using the chart pad as a communication tool with respect to the jury.

The engineer then announced his vote to the jury. He stated that the divorce attorney was negligent when she represented the ex-spouse because the divorce attorney had done nothing for the ex-spouse. The leader wrote the engineer's negligent vote and the reason for his vote on the chart pad. The teacher objected to the recording of votes on the chart pad stating that writing all of the votes on the pad would delay the process too much.

Before the vote had been completed, however, the engineer initiated a discussion on the business-goodwill component of the case. The leader responded negatively to the engineer's initiation and told the engineer that the voting had not been completed yet. The engineer disregarded the leader and again initiated his proposal of discussing goodwill before the vote had been completed. The leader raised his voice and told the engineer that he was out of order and that the vote was going to be completed before anything else would be done. The engineer responded positively to the leader's initiation and the vote was completed.

Even though the teacher had not wanted the votes recorded, the marketing executive had recorded the votes on her own tally sheet. Ironically, after the voting was completed, it was the teacher who asked for a tally on the votes.

The marketing executive reported that the vote was split between six jurors who had either voted that the divorce attorney was "negligent" or that they were "leaning towards negligence." The other six jurors voted that either the divorce attorney was "not negligent" or that they were "undecided." The marketing executive and attorney were "leaning towards negligence." The leader voted "undecided."

The leader then made an initiation to have the definition of negligence read aloud to the jury so that the jury would know what they were voting on. This initiation was received positively. After the attorney read the definition aloud, the leader wrote the definition on the chart pad for all of the jurors to see. Again, a vote was taken based upon the definition of the negligence and again the vote was split.

The leader initiated again by attempting to get the jury to adopt a verdict-decisionmaking process. Again the leader's initiation was responded to negatively. Hemphill (1961) offered insight into why people attempt to lead and defined attempted leadership as the process of initiating structure to group interaction so that the group can solve a mutual problem. He also contended that leadership is "successful" if the leader's initiation gets the group to take a new course of action and "effective" if the leader's initiation is both successful in getting the group to take a new course of action and the new course of action contributes to problem resolution.

It was apparent that both the leader's and the engineer's leadership had been successful at times, but that neither the leader's leadership nor the engineer's leadership had been effective during the conflict stage by Hemphill's (1961) definitions. The leader sat back down at the table with the other jurors in an attempt to appear less leader-like and more group-member-like in accordance with Hollander (1961).

The engineer made other leadership initiations by attempting to get the jury to agree with him that the divorce attorney had been negligent because she had not included goodwill within the divorce settlement. The engineer attempted to get the jury to vote on that point. The leader responded negatively to the engineer's initiation by reading aloud the definition of goodwill as stated in the jury instructions. The leader's initiation was responded to negatively. A vote was taken in respect to goodwill and for the fourth time out of five votes, the jurors split their votes.

At this point, the attorney made an initiation of reading the jury instructions aloud to the jury. This initiation was responded to positively. However, the attorney read only those portions of the jury instructions that he wanted to communicate to the jury before the jury recessed without a verdict at the end of the first half-day of deliberations. The leader believed that the attorney's unilateral decision to restrict communication-flow of jury instructions to the jury was detrimental to the goal of achieving the most-just verdicts.

On the following morning of jury deliberation before the other jurors arrived at the trial, the leader posted a list of issues on the wall of the jury-deliberation room that the leader believed merited discussion. The list included: 1) Juror B's concern that she would not be reimbursed by her company for lost wages if she served longer than ten days on jury duty; 2) a suggestion that the jury break up into committees to analyze different categories of the case; and 3) a suggestion that the jury adhere to some form of parliamentary procedure during the deliberation. The leader

also requested and received 12 copies of jury instructions from the judge for each juror so that all of the jurors could read everything in the jury instructions that they wanted to read when they wanted to read it. This reduced the degree of control the attorney had over jury-instruction information disseminated to the jury.

After all of the jurors were present, the leader began initiating to the jury the three items that were listed on the wall. First, the leader initiated that he was offering to reimburse Juror B for any lost wages suffered by her if the trial lasted more than ten days. The leader reasoned that it appeared that there was much evidence that needed to be analyzed before two verdicts could be reached and that he believed that the jury might need to deliberate longer than the tenth day of the trial. The leader asked if anyone else on the jury would like to help him reimburse Juror B.

The attorney immediately responded negatively to the initiation stating that it was illegal for anyone to reimburse a juror for lost wages. Since there were no other attorneys on the jury to challenge the attorney's claim, all jurors agreed not to reimburse Juror B.

Next, the leader initiated that the jury break up into committees to analyze the documented evidence by categories of evidence and that the jury follow some form of parliamentary procedure. The attorney and other jurors responded negatively to both of the leader's initiations, but the attorney then began to read aloud from the ex-wife's evidence binder. Consistent with one of the leader's goals, the jury began to review the documented evidence albeit in a different manner than the leader had initiated.

Even though the attorney had only attempted two initiations, both were responded to positively. In addition, the attorney had responded negatively to many of the leader's initiations including the last four leader initiations before the attorney began to read the ex-wife's evidence binder. Because the attorney, the engineer, and other members of the jury were not yet conforming to or yielding to his suggestions or control --- part of Stein et al.'s definition of the "conflict stage" of their 1979 model --- , the leader quit initiating again and sat back down at the table with the other jurors in an effort to reduce conflict related to his suggestions and control of the leadership process. When jurors posed questions about what the divorce attorney had done during the 1994-1996 divorce case as the attorney read aloud from the ex-wife's evidence binder, the leader told the jury three or four times that the answers to their questions could be found in the divorce-attorney's binder. Finally, the paralegal who sat at the table between the attorney and the marketing executive and across the table from the engineer grabbed the divorce-attorney binder and began reading it silently.

After reading the divorce-attorney's binder in silence for a time, the paralegal began giving the jury information about what the divorce attorney had done throughout the 1994-1996 divorce-settlement process. The marketing executive then began to read the divorce-attorney's binder, too, and helped the paralegal sift through the documents. Soon, the engineer began asking the paralegal questions about what the divorce attorney had done and when. The attorney then followed suit and began reading the divorce-attorney binder as well. The marketing executive, the attorney, and the engineer appeared to become more and more convinced of the innocence of the divorce attorney.

Juror B seemed to read the shifting mood of the "negligent"-voting and "leaning-towards-negligent"-voting jurors. She initiated a vote in the afternoon and after a positive response from the jury, the vote was taken. Eleven jurors voted that the divorce attorney was "not negligent." Juror A voted "negligent."

Some jurors became frustrated and began talking at the same time initiating attempts to convince Juror A to change his mind. At that point, the leader raised his voice over the others and asked Juror A why he had voted "negligent." Juror A stated that the issue of goodwill had not been resolved.

### **The Emergence Stage**

Stein et al. (1979) defined the emergence stage of emergent leadership as that stage in which a single member emerges as the leader after persisting in initiating and controlling during the conflict stage where other members conform to or yield to the leader's suggestions or control and no other member passes the leader-candidacy threshold. After Juror A gave his answer, jurors again began to initiate attempts to convince Juror A to change his mind. The leader initiated that the other jurors cease talking. All of the jurors responded to positively.

This is the point at which the leader believed the group entered the emergence leadership stage. The engineer, the attorney, and teacher had responded positively to the leader's initiations and a number of jurors were now responding positively to the leader's initiation of silence in respect to Juror A.

The leader asked Juror A to express his concerns about goodwill. Juror A answered the leader's question. After hearing the answer, the leader encouraged Juror A to read the definition of goodwill listed in the jury instructions and then asked Juror A if he still thought goodwill should be included in the verdict.

Two or more jurors again initiated attempts to try to influence Juror A's answer, but the leader initiated to the jurors to be quiet and to let Juror A think about his answer. The jurors responded positively to the leader and so did Juror A. Juror A changed his mind. The result was a unanimous non-negligent verdict on behalf of the divorce attorney at some time between 3:00 and 3:45 PM.

The jury had been ordered to render a second verdict in respect to the divorce-attorney's counter-complaint for breach of contract. Before beginning deliberations on the breach-of-contract verdict, though, two events took place. First, despite the fact that a unanimous verdict had already been reached, the teacher initiated twice that he wanted to continue deliberating on the malpractice suit because he thought it would be a good thing to do. Negative responses were given to the teacher by the leader with the teacher finally responding positively.

Second, the attorney refused to begin deliberating on the breach of contract suit because he said that he wanted to finish reading the ex-spouse binder. The leader initiated that the attorney was delaying the process and the attorney responded positively.



The engineer initiated that the divorce attorney should receive nothing from the ex-spouse for breach of contract. Juror A stated that the divorce attorney should receive \$10,000. Reasons given for those two amounts included the assumption that the divorce attorney probably didn't expect to win the countersuit and that attorneys always overbill. The leader initiated that the divorce attorney should receive \$25,000 in damages because the ex-spouse had forfeited her right to a \$15,000-reduction in fees when the ex-spouse had reneged on her agreement to pay \$10,000 to the divorce attorney in 1996. The leader initiated that the billing records in the divorce attorney could be analyzed for verification and that the judge could be asked if the jury could award more than \$10,000 to the divorce attorney. Both initiations were responded to negatively.

Four votes were taken on the damage award. Finally, on the fourth vote, nine people (the minimum number necessary for the civil-trial verdict) voted for a \$10,000 award and three people voted for \$25,000. The three people voting for the \$25,000 award included the teacher, Juror A, and the leader. The leader signed the second verdict sheet at approximately 4:00 PM. By 4:10 PM both of the verdicts had been checked for correctness and the Court had been informed that the jury had reached their verdicts.

### **The Results**

The results of leadership-attempt initiations in the conflict and emergence stages are listed in the tables that follow.

**Conflict Stage Table**

<b>Juror</b>	<b>Initiation (What Person Wanted from Group or Individuals in Group)</b>	<b>Response</b>
Leader	To become jury-foreperson	Positive
Engineer	For leader to become jury foreperson	Positive
Engineer	An immediate verdict vote on whether divorce attorney was negligent or not negligent	Positive
Engineer	For at least nine members of jury to agree that divorce attorney was negligent	Negative
Leader	For jury to determine a negligent-or-not-negligent verdict-deliberation process	Negative
Leader	For jury to consider written evidence before negligent-or-not-negligent verdict vote	Negative
Leader	To record juror votes and reasons on chart pad	Negative
Engineer	For jury to agree that business-goodwill should have been included within the divorce settlement	Negative
Engineer	For jury to discuss goodwill before negligent-or-not-negligent verdict vote completed	Negative

Leader	For engineer to refrain from discussing goodwill before negligent-or-not-negligent vote was completed	Negative
Engineer	For jury to discuss goodwill before negligent-or-not-negligent verdict vote completed	Negative
Leader	For engineer to refrain from discussing goodwill before negligent-or-not-negligent vote was completed	Positive
Leader	For jury to see definition of negligence on chart pad as defined by jury instructions	Positive
Engineer	For jury to vote again on whether divorce attorney was negligent or not negligent	Positive
Engineer	For jury to vote if goodwill should have been included within the divorce settlement	Positive
Leader	For jury to hear the definition of goodwill as defined by the jury instructions	Positive
Engineer	For at least nine members of jury to agree that divorce attorney was negligent	Negative
Leader	For jury to determine a negligent-or-not-negligent verdict-deliberation process	Negative
Attorney	For jury to hear jury instructions as read aloud by him	Positive
Leader	For Juror B to be reimbursed from his own financial resources for wages she would lose for serving more than ten days of jury duty	Negative
Leader	For other jurors to reimburse Juror B from their own financial resources, also	Negative
Leader	For jury members to break up into committees to analyze the written evidence	Negative
Leader	For jury members to follow some form of parliamentary procedure	Negative
Attorney	For jury to hear portions of the ex-spouse's written evidence as read aloud by him	Positive
Leader	For jury to look at divorce-attorney written evidence	Negative
Leader	For jury to look at divorce-attorney written evidence	Negative
Leader	For jury to look at divorce-attorney written evidence	Positive
Juror B	For the jury to vote again on whether divorce attorney was negligent or not negligent	Positive
Some Jurors	For Juror A to change his vote from negligent to not negligent	Negative

The leadership-attempt- and response-totals in the conflict stage were:

Person	Initiation Attempts	Positive Responses	Negative Responses
Leader	16	5	11
Engineer	9	4	5
Attorney	2	2	0
Juror B	1	1	0
Some Jurors	1	0	1

**Emergence Stage Table**

<b>Juror</b>	<b>Initiation (What Person Wanted from Group or Individuals in Group)</b>	<b>Response</b>
Leader	For jurors to be silent who were attempting to influence Juror A to change his vote	Positive
Leader	For Juror A to give his reason for voting negligent	Positive
Some Jurors	For Juror A to change his vote from negligent to not negligent	Negative
Leader	For jurors to be silent who tried to influence Juror A to change vote	Positive
Leader	For Juror A to read the definition of goodwill in the jury instructions	Positive
Leader	For Juror A to decide again if he thought goodwill should be a factor in his vote on whether divorce attorney was negligent or not negligent	Positive
Some Jurors	For Juror A to change his vote from negligent to not negligent	Negative
Leader	For jurors to be silent who tried to influence Juror A to change vote	Positive
Leader	For Juror A to vote again on whether divorce attorney was negligent or not negligent	Positive
Teacher	For the jury to continue deliberation on whether the divorce attorney was negligent or not-negligent after unanimous not-negligent verdict had been reached	Negative
Leader	For the schoolteacher to give his reason for discussing the issue of whether the divorce attorney was negligent or not-negligent after the verdict had been reached	Positive
Teacher	For the jury to continue deliberating on whether the divorce attorney was negligent-or-not-negligent after not-negligent verdict reached	Negative
Leader	For the schoolteacher to refrain from discussing the issue of whether the divorce attorney was negligent or not-negligent	Negative
Leader	For the schoolteacher to refrain from discussing the issue of whether the divorce attorney was negligent or not-negligent	Positive

Leader	For the attorney to quit reading the ex-spouse's written evidence	Positive
Engineer	For the jury to award the divorce attorney nothing in damages on the breach-of-contract countersuit	Negative
Juror A	For the jury to award the divorce attorney \$10,000 in damages on the breach-of-contract countersuit	Positive
Paralegal	For the jury to award the divorce attorney \$10,000 plus interest in damages on the breach-of-contract countersuit	Negative
Leader	For the jury to award the divorce attorney \$25,000 in damages on the breach-of-contract countersuit	Negative
Leader	For the judge to rule on whether the jury could award more than \$10,000 in damages to the divorce attorney	Positive
Leader	For the judge to rule on whether the jury could award more than \$10,000 in damages to the divorce attorney	Negative
Juror B	For the leader to sign the breach-of-contract verdict	Positive

The leadership-attempt- and response-scores in the emergence stage were:

Person	Initiation Attempts	Positive Responses	Negative Responses
Leader	14	11	3
Juror A	1	1	0
Juror B	1	1	0
Engineer	1	0	1
Paralegal	1	0	1
Some Jurors	2	0	2
Teacher	2	0	2

### Conclusion

Hollander's (1961) idiosyncrasy-credit theory appeared to be validated by the leader's experience during the orientation stage. The leader believed that he earned credits with most of the jurors and especially with the engineer who supported the leader's request to be jury foreperson. In addition, Hollander's theory might also explain the engineer's many attempts to lead the jury informally despite his support for the leader initially. Leadership can be formal or informal. Possibly the engineer believed that by supporting the leader's acquisition of the jury-foreperson position, the leader would allow the engineer to lead the jury informally without any opposition from the leader.

Carter, et al.'s (1951) observation that "leaders of emergent groups had to establish their positions of leadership by being forceful and strongly supporting their own proposals in competition with other potential leaders" appeared to be validated because during the few times that the leader was forceful with the engineer, the teacher, and the attorney, the leader's

emergent-leader position was either maintained or solidified. The leader's 30 initiation-attempts in the conflict and emergence stages compared with a combined total of 21 attempts by all of the other jurors would appear to confirm Carter, et al. also.

De Souza and Klein's (1995) findings that emergent leaders are more likely to direct other group members' activities appeared to be supported. The leader initiated more different strategies and approaches in an attempt to reach a just verdict, attempted to understand Juror A's point of view in an attempt to complete the unanimous non-negligent verdict within a reasonable time frame, attempted to split up tasks to be performed by the group, and to divide the group into subgroups. In short, the leader attempt to facilitate group goal-achievement by recommending and enforcing processes and clarifying and facilitating communication.

Finally, Stein, et al.'s (1979) stages of leadership appeared to be validated by the leader's experience. The leader believed that he earned enough positive responses during the orientation stage of group development which resulted in his acquisition of the jury-foreperson position, was challenged eleven times by the engineer and attorney during the conflict stage, and did finally enter the emergence stage as the emergent leader.

Based on the leader's experience future research might address the question of initiation-quality in respect to Stein et. al's (1979) model. When looking at the totals of the conflict stage, it appears that the engineer's leadership-initiation-attempts-to-positive-response ratio was almost identical to that of the leader's --- 9:4 as compared to 11:5. However, the engineer decreased his leadership-initiation-attempts by 88.9% during the emergence stage while the leader decreased his attempts in the emergence stage by only 12.5%. A possible explanation could be the leader's persistence. Bass (1990) identified "persistence" as "one of the factors associated with leadership."

The leader achieved the goal of becoming the emergent leader, achieved the goal of having the jury review the written evidence, achieved a unanimous non-negligent verdict, achieved a damage award for the divorce-attorney, but failed to achieve a \$25,000 damage award.

Emergent leadership --- like any kind of leadership --- is difficult to quantify. Perhaps emergent leadership and its effectiveness could be measured more accurately by quantifying the following factors: 1) whether or not one acquires a formal or informal position as emergent leader; 2) to what extent the emergent leader achieves the outcome(s) for the group that the leader desired as determined by the leader's perception; and 3) to what extent the members of the group perceived that the leader helped the group to achieve the outcome(s) that the group members desired.

### **Postscript**

About three months after the trial ended in 2001, the divorce attorney filed an order taxing costs in an attempt to recover nearly \$15,000 she claimed she had spent for depositions, witness fees, attorney's fees, and other costs associated with defending herself during the malpractice suit. Six months later the divorce attorney was notified that she would collect neither those costs nor the \$10,000 the jury had awarded her because the ex-spouse had filed for bankruptcy.

## References

- Bass, B.M. (1954). The leaderless group discussion. *Psychological Bulletin*, 51 (5), 465-492.
- Bass, B. M. (1990). *Bass & Stogdill's handbook of leadership: Theory, research, & managerial applications*. (3rd Edition). New York: The Free Press.
- Berger, J., Cohen, B. F., & Zelditch, M., Jr. (1972). Status characteristics and social interaction. *American Sociological Review* 37, 241-255.
- Carter, L., Haythorn, W., Shriver, B., & Lanzetta, J. (1951). The behavior of leaders and other group members. *Journal of Abnormal and Social Psychology*, 46, 589-595.
- De Souza, G., & Klein, H.J. (1995). Emergent leadership in the group goal-setting process. *Small Group Research*, 26, 475-496.
- Hemphill, J. K. (1961). Why people attempt to lead. In L. Petruccio & B. M. Bass (Eds.), *Leadership and interpersonal behavior* (pp. 201 – 215). New York: Holt, Rinehart, and Winston.
- Hollander, E. P. (1958). Conformity, status, and idiosyncrasy credit. *Psychological Review*, 65, 117-127.
- Hollander, E. P. (1961). Emergent leadership and social influence. In L. Petruccio & B. M. Bass (Eds.), *Leadership and interpersonal behavior* (pp. 30 – 47). New York: Holt, Rinehart, and Winston.
- Lawler, III, E. E. (1998). *Strategies for high performance organizations*. San Francisco: Jossey Bass.
- Pescosolido, A. T. (2002). Emergent leaders as managers of group emotion. *The Leadership Quarterly* 13, 583-599.
- Stein, R. T., Hoffman, L. R., Cooley, S. J. & Pearse, R. W. (1979). Leadership valence: Modeling and measuring the process of emergent leadership. In J. G. Hunt & L. L. Larson (Eds.), *Crosscurrents in leadership*. Carbondale, IL: Southern Illinois University Press.
- Tuckman, B. W. (1965). Developmental sequence in small groups, *Psychological Bulletin*, 63 (6), 384-399.