



RESEARCH ROUNDUP JUDICIAL DIVERSITY

Here are consequences that racial- and gender-diversity have for the courts, the behavior of judges, and the rule of law in the United States – outlined by several nationally prominent scholars based in universities across the nation.

DIVERSITY AMONG JUDGES BRINGS DIFFERENT PERSPECTIVES TO COURT CASES, AND MAY MAKE COURT OPINIONS FAIRER.

Non-white and female judges typically rule more fairly for non-white and female litigants in cases that disproportionately affect non-white and female Americans. For instance, Black judges on U.S. courts of appeals are [more willing than white judges to accept claims of police misconduct](#). Similarly, in cases alleging sexual misconduct towards women, [female judges are more likely to rule in favor of women](#) bringing the case.

Having non-white and female judges on the bench can also change the behavior of white and male colleagues. Information exchanges and conversations among diverse colleagues affect how *all* judges think about race, gender, and the law. Analysis of two decades of data from Cook County, IL, finds that [when more Black judges are on the bench, criminal cases decided by both white and non-white judges are less likely to result in incarceration for Black defendants](#). Similarly, the [presence of female colleagues on federal court benches](#) results in [male judges being more likely to rule in favor of female litigants](#) alleging sexual misconduct.

Most of this research shows that these outcomes are not a matter of women and minorities blindly favoring their own demographic groups. Rather, these individuals understand more deeply the nuances of the lives of these groups and are able to bring that information to bear.

DIVERSITY ON THE BENCH HEIGHTENS DELIBERATION AND IMPROVES COURT OPINIONS.

More diverse and heterogeneous judicial panels result in [better deliberations and more well developed opinions rendered by a court](#). The presence of individuals with different life experiences allows for diverse viewpoints and understandings to be brought to the fore on a case and helps a court or a panel of judges avoid groupthink and consider more perspectives on the case and the underlying facts.

JUDICIAL DIVERSITY IMPROVES THE PUBLIC LEGITIMACY OF THE COURTS.

Courts that reflect the diversity of the public find more public legitimacy, especially among non-white Americans. A greater representation of Black judges on a court bench improves opinions of the courts among Black Americans. Specifically, Black survey respondents are [more likely to view the courts and court decisions as legitimate and worthy of respect](#) over the long-term when they are told more Black judges sit on the bench. Making sure the courts are viewed as legitimate by all Americans is important, especially in an era when some are willing to attack and undermine court decisions for partisan purposes.

RACE AND GENDER NEED EXPLICIT CONSIDERATION WITH JUDICIAL APPOINTMENTS TO ENSURE DIVERSITY.

Non-white and female judges and judicial candidates typically face challenges that white and male judges do not, even in systems of judicial selection that are supposed to emphasize merit. A study of state-sponsored Judicial Performance Evaluations in Utah, which are issued by the Utah Judicial Council and used to provide information to voters on judges ahead of retention elections, reveals meaningful gender bias with [female judges ranked lower on various categorical evaluations](#) including communication skills, administrative capacity, and professionalism and temperament.

While female judicial candidates appear to fare as well as male candidates in retention elections, biased evaluations and merit-based appointment systems like Utah's may discourage qualified female candidates from seeking an appointment in the first place. Women reached parity with men in law school decades ago, but there are far more male than female judges in the US because women are far less likely to run or seek appointment. By at least one measure, [Utah ranks 48th among the states in the diversity of its judges](#). A "blind" approach to judicial selection does not work. The reason there are fewer women and minorities on the bench is not that there are fewer qualified women and minorities.

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