Judicial Diversity, Equity, and Inclusion:
How Do Diverse Judges Affect Sentencing Guidelines in the State of Minnesota

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Abstract

Equal representation within the judicial system is very important. The state of Minnesota has four-hundred-forty-one judges, all different. When the legal system was created, the stereotypical judge was a white male. The legal system that represents the country should grow and diversify along with society. The issue of diversified judicial representation, with a focus on the race and gender of such judges, is a contentious debate across the country. Prior research has studied judges at the federal level and showed that diversity matters, but there have been no studies done at the state level, specifically in Minnesota. I gather data on the judges in Minnesota by Judicial District and the states sentencing guidelines. I use of different statistical tests to evaluate if there is a connection between the gender and/or race of a judge, what district they are practicing in, and if they rule above or below the sentencing guidelines of the state. Preliminary analysis shows correlation between the independent and dependent variables of the study. Initial conclusion is that gender and race do affect a judge's decision on court cases.

Introduction

The court systems throughout the United States are made up of Judges, all different. When the judicial system was created, the stereotypical judge was a white male. As the country continues to expand and diversify, so should the individuals representing the country. The topic of diverse judge representation, focusing on the race and gender of such judges, is a contentious issue that is generating a lot of controversy throughout the United States. Individuals of the nation look to those in a role of power in the judiciary system to make fair and concise rulings on the cases that occur in their courtrooms. However, does the way a judge looks, feels, or thinks; affect the way that they rule on cases?

According to Harris & Sen (2019), there is a connection between the judiciary and individual judges: the lack of diversity and the issue of bias should be looked at holistically. More specifically, in the state of Minnesota, research is lacking regarding the judges in the state and how they rule on cases in their jurisdiction. Therefore, a need has become apparent to study this area. The research question that will be proposed is: "how do diverse judges affect trial court outcomes in the state of Minnesota?" And the hypotheses are: "do judges, regardless of their background or life experiences, rule on cases similarly?" And "what would it mean for judges of different backgrounds to be biased?"

Literature Review

Federal Court Judges

The Federal Court System includes the U.S. Supreme Court and the lower federal courts. The types of cases that are usually dealt with at this level include the constitutionality of a law, cases involving the laws and treaties of the U.S., cases involving ambassadors and public ministers, disputes between two or more states, admiralty law, bankruptcy, and habeas corpus

issues (Comparing, n.d.). At this level, there are two different sorts of courts: trial courts and appellate courts. Every federal law-related case must start here. Federal judges must be impartial, equal, and properly qualified to serve American citizens because they are appointed for life and have a great deal of influence over the nation.

For more than 50 years, the ABA has assessed the credentials of judicial nominees. However, political controversies have raised suspicions about the procedure. Given these concerns, Smelcer, et. al, (2012), investigated the potential bias in these assessments. To do this, factors like ideology were studied. The tested two theories: *professional theory and political theory*. The professional theory asserts that potential judges are evaluated by considering only qualifications related to past employment and experience, without regard for partisan affiliation or ideology. Alternatively, the political theory suggests political factors influence ratings received by prospective judges. These two options aid in the selection of judges for appointment.

Judges' diversity in terms of ideology and appearance can have an impact on both elections and case decisions. The relationship between ideology and judicial decision-making is long-standing. Fischman & Law, (2009), explains that ideology is a concept that cannot be perceived with the naked eye is ideology. There are many ways to understand judicial behavior. However, because judicial ideology can take many different forms, it is possible for a judge to identify as liberal in one circumstance but moderate or conservative in another. In certain cases, the labels "liberal," "moderate," and "conservative" may not even seem to apply. Appearance can also affect the way people vote and how a certain individual, if in a judgeship position, could potentially rule on a case. The way someone looks, whether that be the color of their skin or their gender identity, can influence if they stay within the states sentencing guidelines or fall outside of the recommend sentencing.

"It was not until the Carter Administration in the 1970s that American courts became more diverse, with greater numbers of women, blacks, Latina/os, Asian Americans, and LGBT judges named to the courts, not to mention judges of other backgrounds (such as religious minorities)" (Harris & Sen, 2019, p. 247).

Minority groups have taken notice of these meanings, which are also utilized as a point of reference in comparisons. It leads to the discovery of prejudice in courts operating at the federal level. When considering how these minority groups differ from the stereotypical judge, assumptions are often made. But through diversity in the legal system, the bench is given a distinct voice, unique expertise and experience, and substantive representation.

There is a small percentage of racial minorities on the Federal Bench. Who is sitting on the bench when a case is heard can affect the outcome of the case. Black judges are significantly more likely than nonblack judges to support different programs (Kastellec, 2013). Since diversification began, racial minorities have tended to dominate in ways different from those of white men. For instance, racial minorities typically vote more freely in civil rights disputes. The bench now has a fresh judicial viewpoint as a result. If a black judge sits with two non-black judges in an appellate court, it is almost a given that the racial minority will have an influence on the decision. Judiciary members with various ideologies and backgrounds frequently approach particular cases in a distinctive way. Understanding these changes is essential because the processes may change. These components could include participation, voting, and discussion.

It is believed that the mechanisms, background, and worldview of judges, influence the decisions that they make. Ashenfelter, et al., (1995), were able to perform research on how judge experience affects case results. Political party affiliation or the judge's traits, however, are not indicators of bias. In this study, they "avoid problems of selection bias … by taking advantage of

the fact that in the federal courts' cases are usually assigned randomly … to judges"
(Ashenfelter, et al., 1995, p. 259). This demonstrates that the judge's action, rather than hidden
personal traits, is to account for case ruling discrepancies. Their aim was to determine whether
the judge assigned to the case had an impact on the proceedings and outcomes of the numerous
civil rights cases that were filed in the federal district courts.

Legal judgments are influenced by gender as well. Given that they are now the most
gender-diverse courts, the U.S. federal district courts make for a simple study in this regard.
Collins, et al., (2010), aimed to find out if there is a difference in change between male and
female jurists. In social movements, the term "critical mass theory" can apply broadly to any
formal theory on how interdependent choices add up to collective action or, more specifically, to
work in the tradition. In a loose metaphorical sense, it refers to the initial gathering of activists or
individuals who are significant enough to bring about societal change (Oliver, 2013). Social
movements that utilize critical mass theory helped to bring awareness of a lack of representation
in the judicial system for minorities. The differences in legislative politics and decision-making
practices show a sustained increase in gender diversity. It concentrated on how having women on
the bench might lead to substantial differences in terms of how decisions are made. The results
demonstrated that the American judicial system might undergo considerable changes if more
women are serving on federal benches (Collins et al., 2010). Even though results may vary, it is
critical to start promoting more diversity on the bench.

State Court Judges

The constitution and state legislature of each state establish each state's court system.
Judges for state courts can be chosen in a variety of ways, including election, appointment, or a
mix of the two. At these levels, most of the cases include criminal, probate, contract, tort, and

family law issues (Comparing, n.d.). State court judges have significant authority over a particular area of a state. The constitution and statutes are eventually decided upon at this level of the legal system. State courts are established in accordance with the state's constitution and statutes. All other state courts must abide by the rulings of the state Supreme Court, which is the state's highest court. There are intermediate Court of Appeals divisions in a number of states. The state trial courts are located below them. There are other state courts that handle just legal matters. A party may appeal a trial court's decision to the appellate court of the relevant state if they don't agree with it.

An article from New York University Law addresses how a lack of diversity on the bench harms the judicial system. Brennan Center for Justice found that there was an "Extreme lack of racial, ethnic, and gender diversity of state supreme courts across the county, with 24 states having an all-white supreme court bench, and 17 states having only one female justice" (NYU, n.d.). Credibility could be harmed by a less diverse bench and judicial homogeneity. The link between diversity and public confidence in the legal system might undermine the confidence of the people being represented. Trust will increase if the public can perceive that the state justice systems are serious about valuing diversity. Yet, creating diversity is made difficult by the fact that those who are presently seated on the bench do not want to move. Judgeships are earned, appointed positions, therefore it makes reasonable that people would hold them until retirement or end of life.

People may have more faith in the legal system if they see judges who "look like them" more frequently. It's critical to represent the bench's broad user base. The court must be able to reflect changes in the higher power for the purpose of the integrity of justice and public confidence by hiring judges who are varied in terms of race, sex, ethnicity, gender identity,

sexual orientation, and experience. The focus of the study was the lack of diversity on the State Court Bench. Ten distinct states' worth of data were shown, and their variety was contrasted. "While people of color make up more than 40% of the population in 13 states, judges of color account for only 21% or less of the state judiciaries" (The stunning lack of diversity…, n.d.). This highlights the need for greater diversity across the country's legal systems. The study goes in-depth on the traits of judges who preside over state courts and their roles within the state structure. The results are then compared to those of the general population. It offers a baseline for state judges. The lack of diversity must be viewed as a preliminary step for increasing the diversity of judges.

Racial and gender diversity in the district court system has a substantial impact on how cases turn out. By having these representations in the court system, minority populations in the United States have a voice and the general public is more confident in the validity of the judicial system. Since these judges will approach matters differently and more fairly represent all parts of the community, the judiciary earns trust by having a varied representation. Boyd, (2016) conducted a study that researched the representation of the courts. The three key factors that are taken into account are the judge's decision-making unit, the high number of unnecessary trial court cases, and the scarcity of data in diversity-centric issue areas. Several factors were considered to ensure the validity of the study's findings. This is crucial because it focuses on the investigation of the representation of judges in terms of things like sex and race and how these can affect trial court rulings.

The individual and panel effects of how male and female judges reach different decisions in cases can be used to study gendered judgment at the state court level. These findings support gendered judging and will be used to support further studies that examine how various judges

render different judgments. The judicial system will benefit from a wider range of perspectives the more judges with various backgrounds and experiences participate on the bench. It's crucial to continue because more diverse judges will enable legislators to represent the interests of various groups more effectively. According to Boyd et al., (2010),

> "Consistent and statistically significant individual and panel effects in sex discrimination disputes: not only do males and females bring distinct approaches to these cases, but the presence of a female on a panel actually causes male judges to vote in a way they otherwise would not – in favor of plaintiffs". (pg. 406)

This demonstrates sex-based judging accounts and suggests that male and female judges behave differently while also considering the empirical implications. Male and female judges approach these cases differently, and the presence of a female judge on a panel influences male judges to vote differently than they otherwise would—in favor of plaintiffs—in sex discrimination cases.

Minnesota Judges

The state of Minnesota has 10 judicial districts and around 500 judges. Each of these judges is distinct in terms of their gender, race, or ethnicity. Judges are selected in many ways. It is an exclusive procedure because there is a natural conflict between the democratic process and the need to shield the judiciary from political interference. The state's method of selecting the judiciary reflects "a need to balance judicial accountability with judicial impartiality" (Benson, 1993, p. 768). Judges are meant to be totally neutral and accessible to the people of the state. The judiciary is subject to elections to maintain democratic responsibility to the people. Yet, if voters have little interest in it, the electoral process won't go well. The bench's honor must be protected even if voter knowledge is gained. The Minnesota Judicial system's procedure should adjust to keep up with these advances since the legal system is constantly changing.

The first Black woman to serve in Minnesota's Tenth Judicial District was featured in a news article from Minnesota Lawyer, titled Diversity, and Inclusion. Her name is *Judge Juanita C. Freeman*. She is the "co-chair of the Tenth Judicial District's Equal Justice Committee, which works to eliminate bias from court operations, promote equal access to the court, and inspire a high level of trust and public confidence in the Minnesota Judicial Branch" (Nolan, 2022). This shows that Minnesota is attempting to address a more significant problem with its court system. The community may gain from increased court system participation as the judicial branch becomes more inclusive and diverse. A quote from the Judge states, "I used to be them – a young person of color making my way through a world that has had historical discrimination and numerous examples of racism," (Nolan, 2022). Freeman is acknowledging that she once saw a problem in the eyes of a community member. She understands what it is like to be on the other side of the system. Judge Freeman goes on to say, "if we can break down barriers between the justice system and our young people, hopefully, that will make future generations more trusting of the system …" (Nolan, 2022). This is crucial for enhancing state court systems and data analysis. It acknowledges that when there are issues, solutions are possible if enough people want change.

Women are a component of the judiciary in the state of Minnesota. Even though there is a lot of interest in female legislators, they are still underrepresented. A comparison between male and female genders has been done in the different levels of court throughout the state. Judges in District Courts are 69.6% male and 30.4% female. This indicates that only 88 of the 289 judges are not stereotypically men. However, there is at least one female judge in each of Minnesota's ten judicial districts. Moving on to the Court of Appeals, there are 52.7% of male judges and 47.3% of female judges. This gender representation is more evenly distributed. There are nine

female judges out of the total nineteen. Finally, two of the seven judges of the Minnesota Supreme Court are female (28.6%). The first female judge was not appointed until 1877, 20 years after Minnesota became a state when the state assembly passed a measure (MN Legislature, 2010). This demonstrates how gender representation has varied over the state of Minnesota's existence. It also demonstrates the differences between the courts at various levels.

Minnesota Sentencing Guidelines

"Minnesota was the first jurisdiction to implement legally binding sentencing guidelines developed by an independent sentencing commission" (Frase, 2005, p. 131). Since 1980, there have been guidelines in place to prevent racial, gender, or constitutional rights from having an impact on sentencing. It offers fair and consistent sentencing that considers both the severity of the criminal behavior and the criminal history of the defendant. Frase, (2005), states "the guidelines specify the sentence that is presumed to be correct for each combination of offense severity and criminal history. Judges may depart from the presumptive sentence only if they cite substantial and compelling circumstances" (p. 138). This is significant because judges have the authority to rule on dispositional departures from the sentencing guidelines that are either aggravated or mitigated and may be influenced by judge ideology.

Diversity can lead to tougher sentences. It is hard to prove that the way a judge looks really effects the way they rule on a case. If a Black Judge were to rule on a White defendant, they would most likely rule over the guidelines, but if the defendant were to be Black, they would likely rule within or below the guidelines. This goes for White Judges and Black defendants as well. People are more likely to follow the law and collaborate when they believe the system and its actors are legitimate, which is the principle behind procedural fairness, that the judicial system must prove its legitimacy to the public it serves.

Summary and Question

Increasing representation on the bench can benefit impartiality in the courtroom not just because of the judges' looks but also because their presence can affect how other judges behave. This can alter judicial behavior and enhance the court's capacity to administer just judgment to everyone who shows up in courtrooms around the country (Harris, 2018). Diversity in the judiciary is a divisive political topic and is far from ideal. In general, studies have discovered that it is difficult to study the American legal system. The foundations of many court systems are found in one another. The goal of judges at all levels of government, especially those in Minnesota, is diversity. It is possible to leverage federal, state, and Minnesota-specific data for upcoming research. I'll be looking into the ethnicity, racial makeup, and gender of judges around the state. Following the discovery of this information, I will examine the sentencing guideline data for aggravated and mitigated dispositional departures that judges decide on in felony level cases and investigate how this differs depending on race and gender. I'll utilize independent, dependent, and control variables to learn more about this topic.

Methods and Analysis

Data for this analysis is compiled from information from the Minnesota Judicial Officer Directory, the 2019 Sentencing Departures by Judicial District, and the counties of Minnesota. The data set is made up of 411 judges. To do this, I sorted the judges by judicial district using the filter function on the Minnesota Court website. I created a list of their names in an excel file. From there, I indicated the county they practiced in to establish a unit of analysis. Next, I found the race and gender of each judge. For each of these variables, it was coded as a "1" for the majority (male or white) and a "0" for the minority (female or non-white). Last, I discovered how many prison cases each judge had potentially ruled on and which of those cases had

dispositional departures that were either mitigated or aggravated. In this study, the judge's race and gender are the independent variables. The aggravated sentences and mitigated sentences of cases are the dependent variables. The variables in this study are both nominal and scale measurements. Due to the types of variables and the low number of cases I was analyzing, I was unable to perform certain tests. However, of the tests I did run, I was able to evaluate the variables and get straightforward results.

Below, in Table 1, you can see that I put all my data into after I had gathered it. While the judge names are not inserted, that is not the most important variable that was used. From left to right, this chart shows the counties of Minnesota categorized in colors by judicial district and region of the state. Along with that, it shows the total number of prison cases per district and if any cases had aggravated or mitigated sentences. Finally, it has the total number of judges per district, and then the count of female judges, non-white male judges, and non-white female judges. This gives the basic set-up for what this study is about.

<div align="center">(Table 1 about here)</div>

With support from previous research and analyses, I hypothesize the following:

1. Among Minnesota Judicial Districts, those with a higher percentage of female judges, will have a higher percentage of aggravated sentences.

2. Among Minnesota Judicial Districts, those with a higher number of male judges, will have a higher percentage of mitigated sentences.

3. Among Minnesota Judicial Districts, those with a higher percentage of nonwhite judges, will have a higher percentage of aggravated sentences.

4. Among Minnesota Judicial Districts, those with a higher number of white judges, will have a higher percentage of mitigated sentences.

In order to assess these hypotheses, I utilized the pivot table function from excel to create a baseline of my variable analysis. This helped me to see the information I was starting with and where I should move next.

(Figures 1 and 2 about here)

Figure one summarizes the independent variables, and figure two summarizes the dependent variables. The key on both tables is the sum of all the data for each variable. Once these were made, I did face a few struggles. Since there were no previous data sets that I was able to use, I faced the issue of having to use different years – for example, the judges in the state are current whereas the numbers for cases are from 2019, causing about a three-year gap. This is due to the fact that court systems have high rates of backlog due to COVID so there was not accurate data to use. However, this issue was fixed by putting the unavailable data in as "missing" cases. After I had these pivot tables complete, I was able to change the unit of analysis from judicial district to Minnesota county. To do this, I found what counties were in each judicial district and added the 87 counties to my data set. This allowed for further analysis of data.

For a relationship to be calculated as significant, it must be caused by something other than mere random chance. The chi-square test is used to determine how two variables interact with each other and if this association is statistically significate. It shows whether or not the degree of association between the two variables is greater than what would be expected from chance alone. In my analysis, I had to take into consideration that my results are not going to have significance because I was unable to perform cross-tabulations therefore I did not do the chi-square test.

Hypothesis One: Among Minnesota Judicial Districts, those with a higher percentage of female judges, will have a higher percentage of aggravated sentences.

I found that in the literature, it explains that if a female judge were to sentence a defendant based solely on their looks, they would rule higher if they didn't look like them. In my analysis, I was not able to gather data on defendants. However, with the data that I have, I was able to see a relationship between female judges and aggravated sentences. I created a scatter plot with a linear regression line that showed the relationship between the percent of female judges and the percent of aggravated dispositional departures.

(Figure 3 about here)

The cases of this scatter plot are labeled by judicial district. The highest percent of aggravated sentences come from districts one and four while the lowest district is five. There are also four districts clumped together towards the middle of the line. From this figure, it is clear that the regression line does not support my hypothesis. However, each district does have at least a thirty percent rate of female judges, and all districts have a greater than zero percent of aggravated dispositional departures. Therefore, in all districts, at some point, a female judge has ruled above the sentencing guidelines in the state of Minnesota.

For a counter comparison analysis of this hypothesis, I created a scatter plot with a linear regression line that showed the relationship between the percent of female judges and the percent of mitigated dispositional departures.

(Figure 4 about here)

Instead of refuting the hypothesis as a counter argument would, this scatter plot demonstrates that female judges are less likely to err on the side of leniency with a mitigated dispositional

departure. It was important to analyze this because, if I had ceased this hypothesis when I saw

that the first scatter plot, I created comparing aggravated sentencing and female judges

contradicted my assumption, I would not have discovered that female judges are less likely to

impose a mitigated sentence, indicating that they either concur with the sentencing guidelines or

have higher rulings. This backs up my hypothesis.

Hypothesis Two: Among Minnesota Judicial Districts, those with a higher

number of male judges, will have a higher percentage of mitigated sentences.

From my gathering of data, it is proven that there are more male judges in the state of

Minnesota than there are female judges. I created a scatter plot that shows the relationship

between the percent of mitigated sentences and the percent of male judges in the state of

Minnesota.

(Figure 5 about here)

This figure shows that the more males that are in a judicial district, the higher the percentage of

mitigated dispositional departures that are ruled on. The scatter plot supports my hypothesis

because it shows a positive regression line. For example, district four has twenty-five male

judges, and almost a forty percent rate of lower sentences than the guideline of the state calls for.

It is important to see that the stereotypical gender of the courts rule below what is recommended

for prison sentences. This proves what previous literature says about the importance of diversity.

Hypothesis Three: Among Minnesota Judicial Districts, those with a higher

percentage of nonwhite judges, will have a higher percentage of aggravated

sentences.

I added two more variables to test, percent of non-white female judges and percent of

non-white male judges, to test this hypothesis. Because I believed it would be crucial to delve

deeper than simply examining race and gender separately, I included them for analysis. I have produced four scatter plots using various combinations of the two new variables, and the two dependent variables from my study, to test this hypothesis.

(Figure 6 about here)

The total percent of non-white female judges and the percentage of sentences with aggravated penalties are the variables being measured in figure six. This scatter plot displays a rising regression line, demonstrating the validity of my theory. There are five districts with no non-white female judges, but districts one and four have a high number of non-white female judges and a high proportion of aggravated sentences. These two districts are in counties with a larger ratio of judges overall, because they are in the south central and metro regions of the state.

(Figure 7 about here)

Figure seven depicts the opposing association between the percentage of sentences that are mitigated and non-white female judges. The linear regression line does not favor my theory. There are certain exceptions that demonstrate that non-white female judges occasionally make decisions that fall below the sentencing standards, despite the fact that five districts have low rates of sentences that are mitigated and no non-white female judges. It was crucial to develop a graph that illustrates mitigating sentencing as well because it contributed to the development of a defense for my hypothesis. There were more court districts that did not impose reduced penalties, so just because the regression line was positive does not mean that it is significant.

(Figure 8 about here)

Figure 8 compares the percentage of cases with harsh punishments and judges who are not white men. In Minnesota, there are substantially fewer non-White male judges than non-White female judges. Yet, there are notable decisions of harsh punishments from non-white male

judges in four of the ten districts across the state. Three of the seventy-two judges in district four are non-White, according to the scatter plot. Around 5% of decisions made by these three judges deviate from the sentence recommendations. This alone demonstrates that judges of color indeed impose harsher sentences than judges of white skin.

(Figure 9 about here)

Figure 9's regression line, which depicts the association between reduced sentences and non-white male judges, contradicts my theory. This, however, does not adequately examine the comparison because there are so few male judges who are not white. Once more, the positive regression line is caused by four districts, largely in the metro area, where the number of nonwhite judges is not zero. My theory is not supported by this scatter plot.

To illustrate how non-white male and female judges make decisions in court cases, I included all four of these scatter plots. It's vital to look beyond the statistics that proved my theory. Each court district, non-white female, and male judges, and aggravated and mitigated penalties could all be seen in the graphs. The study of all four scatter plots and earlier studies from the literature review have shown that this theory is accurate. A judge who is not white will probably sentence a white defendant more harshly than the guidelines; however, if the defendant is also of their race, they will probably sentence them less harshly to give their minority group the benefit of the doubt. While this can't necessarily be seen in the scatter plots, the literature can show this to be true, therefore, it can be applied to the graphs I have created.

Hypothesis Four: Among Minnesota Judicial Districts, those with a higher number of white judges, will have a higher percentage of mitigated sentences.

It can be concluded from that there are more stereotypical white judges that practice in Minnesota than do minority, nonwhite judges. In places where there is a higher percentage of white judges, there is more of a chance that a mitigated sentencings occur.

(Figure 10 about here)

Figure ten is a scatter plot with an upward regression line in this image demonstrates a positive connection between the two variables used. This indicates that there is a larger likelihood of a judge finding below the sentencing guidelines with a mitigated dispositional departure in districts where there are more white judges, according to data. The graph demonstrates that Ramsey and Hennepin counties', metro districts' two and four, have large proportions of sentences that have been reduced. District eight, in the southwest region of the state, has almost no sentences that have been reduced, in contrast. The theory is backed by a positive association between the total number of white judges and lower sentencing rates.

Discussion

Since my analysis was still unclear from previous tests, I wanted to look at the overall comparison of how all judges in the state of Minnesota rule on court cases, so I made two maps defined by the counties in the state. These figures represent percent of different types of dispositional departures by Minnesota counties. Figure eleven represents the aggravated sentences from Minnesota judges and figure twelve represents the mitigated sentences from Minnesota judges. To better understand the similarities and differences in each map, it is easier to compare them side by side.

(Figure 11 about here)

Figure eleven shows a map of aggravated sentences by Minnesota counties. On the right, there is a key that has categorized the map into four colors. These are:

1. Purple – 0 to 1 percent aggravated sentences

2. Green – 1 to 7 percent aggravated sentences

3. Tan – 7 to 14 percent aggravated sentences

4. Blue – over 14 percent aggravated sentences

Each county is filled in by a specific color that represents how many aggravated sentences judges have ruled on in their county. Purple dominates the map with one percent or less of cases in the county being above the sentencing guidelines. However, Carlton and Winona counties have the highest percentages in the state of aggravated sentences. In Carlton County there is a total of 18 judges, half of them being female, and all being white. In Winona County there is 23 judges, 61 percent being female, and again, all being white. This map allowed for the other figures in this analysis that analyzed aggravated sentences to be combined in to one analysis of the entire state instead of by judicial districts.

<center>(Figure 12 about here)</center>

A map of mitigated sentences by Minnesota counties is displayed in figure twelve. On the right, there is a key that has categorized the map into five colors. These are:

1. Blue – 0 percent mitigated sentences

2. Pink – 1 to 20 percent mitigated sentences

3. Tan – 21 to 40 percent mitigated sentences

4. Green – 41 to 60 percent mitigated sentences

5. Brown – over 60 percent mitigated sentences

In this map there are more categories that have a broader range because there is a significantly a greater number of cases that have mitigated rulings. Each county is filled in by a specific color that represents how many mitigated sentences judges have ruled on in their county. Pink

dominates the map with one percent to twenty percent of cases in the county being above the sentencing guidelines. However, only two counties, Jackson and Martin counties have the highest percentages in the state of mitigated sentences. This is the opposite of figure eleven. In Jackson and Martin County there is a total of 18 judges, half of them being female, and all being white. This would make sense as to why there is over half of the cases being ruled below the sentencing guidelines – because there are no judges of color.

My data has showed interesting trends about judges and the sentencing guidelines in the state of Minnesota regarding aggravated and mitigated dispositional departure rates and the influence of race and gender. Thus far, none of the previous tests fully support my hypotheses. With the interpretation of my data and literature, there are still several unanswered questions about this study that might be investigated further with more data and years of information integrated in future studies. Overall, I believe there is a correlation between a judge's appearance and the decisions they make in court proceedings. Yet it is difficult to get statistical significance with my data because of my small sample size. Therefore, I lack the ability to definitively prove anything. Without speaking with the judge, it can be difficult to understand why they make the decisions they do in judicial hearings. I continue to think that judges other than the stereotypical white male will sometimes deviate from the state's sentencing guidelines.

Appendix

Figure 1: Independent Variables per Judicial District
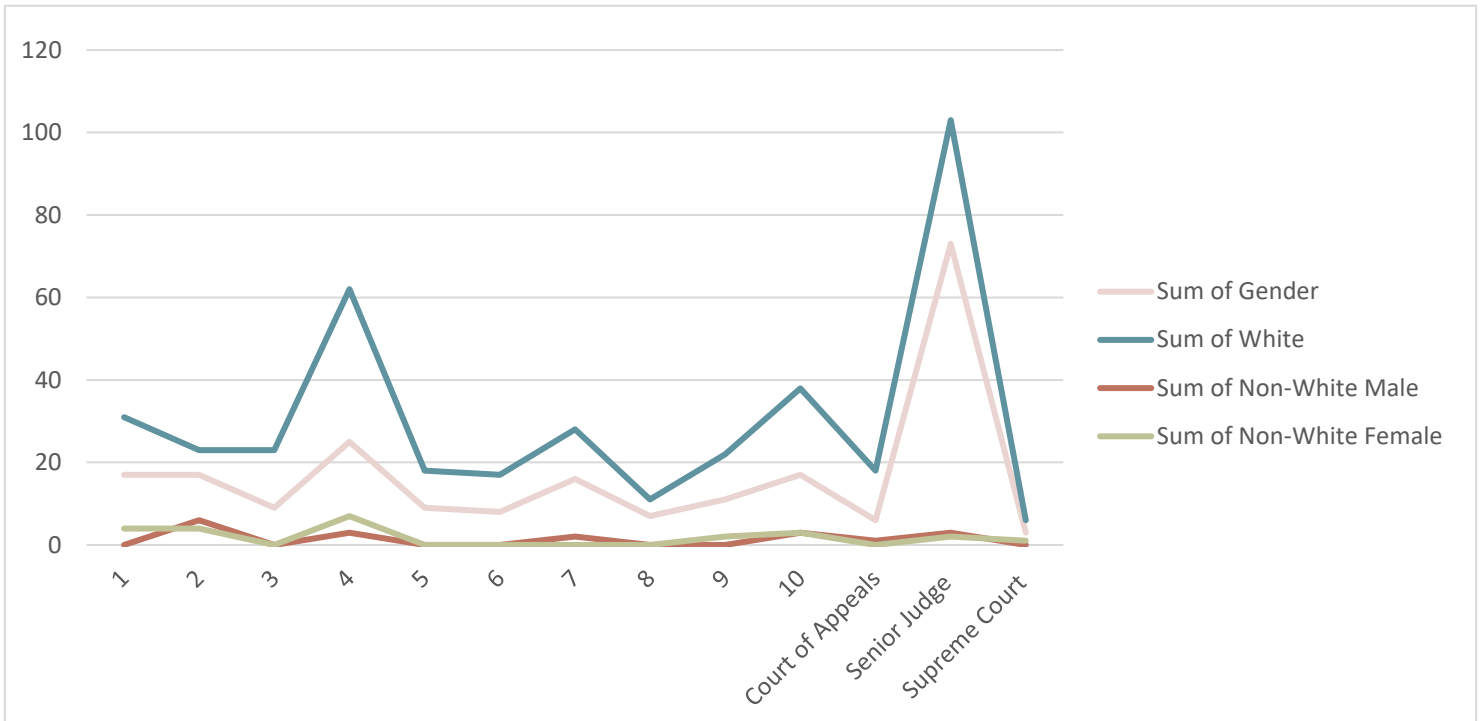

Figure 2: Dependent Variables per Judicial District
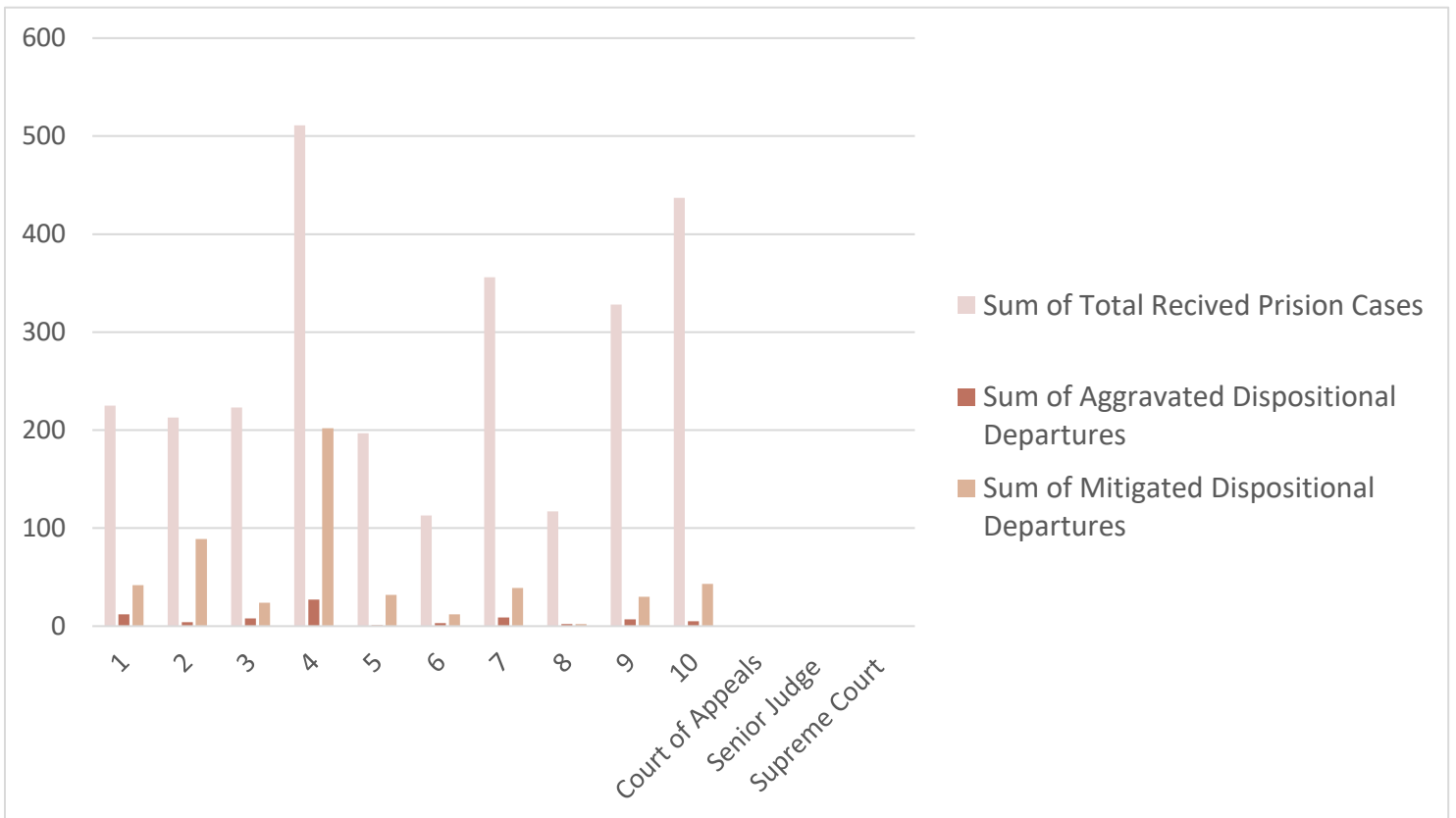
**Demographic and Ruling Case Data on Minnesota Judicial Districts:**

|	District	County	Region	Cased Ruled on by Minnesota Judges			Number of Judges	Number of Female Judges	Number of Non-White Males	Number of Non-White Females
				Total Received Prision Cases	Aggravated Dispositional Departures	Mitigated Dispositional Departures				
Judicial District	1	Scott Dakota Goodhue Carver Sibley Le Sueur McLeod	South Central	225	12	42	35	18	0	4
	2	Ramsey	Metro	213	4	89	33	15	6	4
	3	Steele Rice Olmsted Winona Fillmore Waseca Freeborn Mower Wabasha Houston	Southeast	223	8	24	23	14	0	0
	4	Hennepin	Metro	511	27	202	72	47	3	7
	5	Blue Earth Jackson Lyon Brown Watonwan Nobles Nicollet Redwood Faribault Martin Rock Cottonwood	Southwest	197	1	32	18	9	0	0
	6	St. Louis Lake Carlton	Northeast	113	3	12	17	9	0	0
	7	Otter Tail Stearns Becker Todd Douglas Wadena Clay Mille Lacs Benton Morrison	Central	356	9	39	30	14	2	0
	8	Meeker Kandiyohi Grant Yellow Medicine Pope Swift Renville Chippewa Stevens	Southwest	117	2	2	11	4	0	0
	9	Pennington Cass Crow Wing Beltrami Itasca Roseau Marshall Aitkin Polk Clearwater Koochiching Hubbard Mahnomen	Northwest	328	7	30	24	13	0	2
	10	Anoka Washington Chisago Kanabec Wright Isanti Pine Sherburne	Metro	437	5	43	44	27	3	3

Figure 3: Scatter plot of percent aggravated sentences and female judges
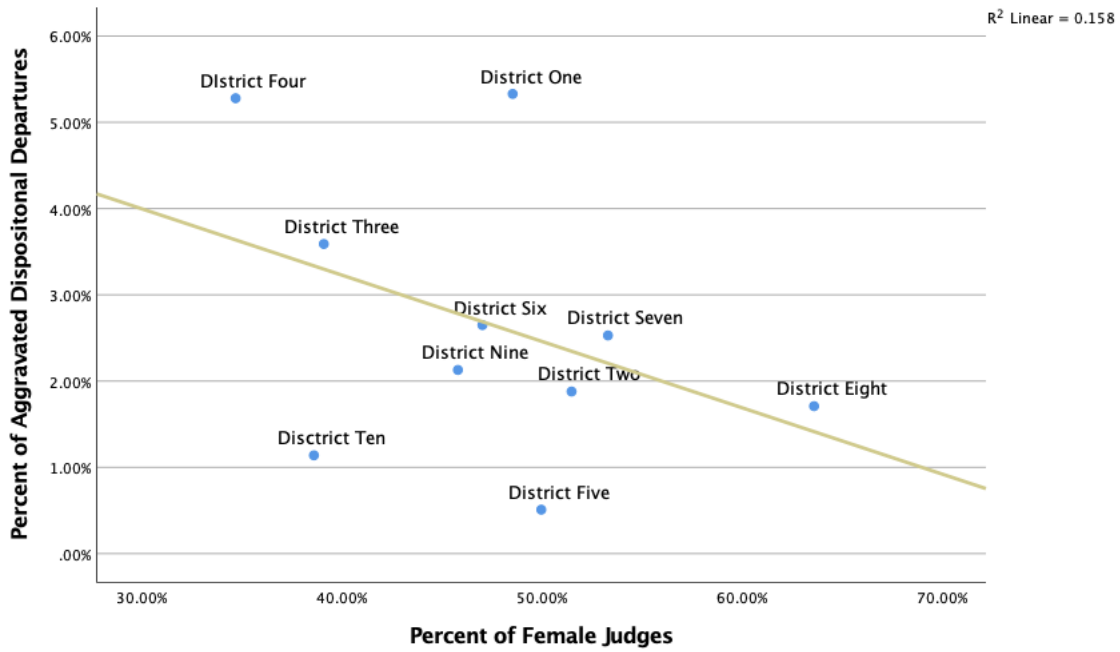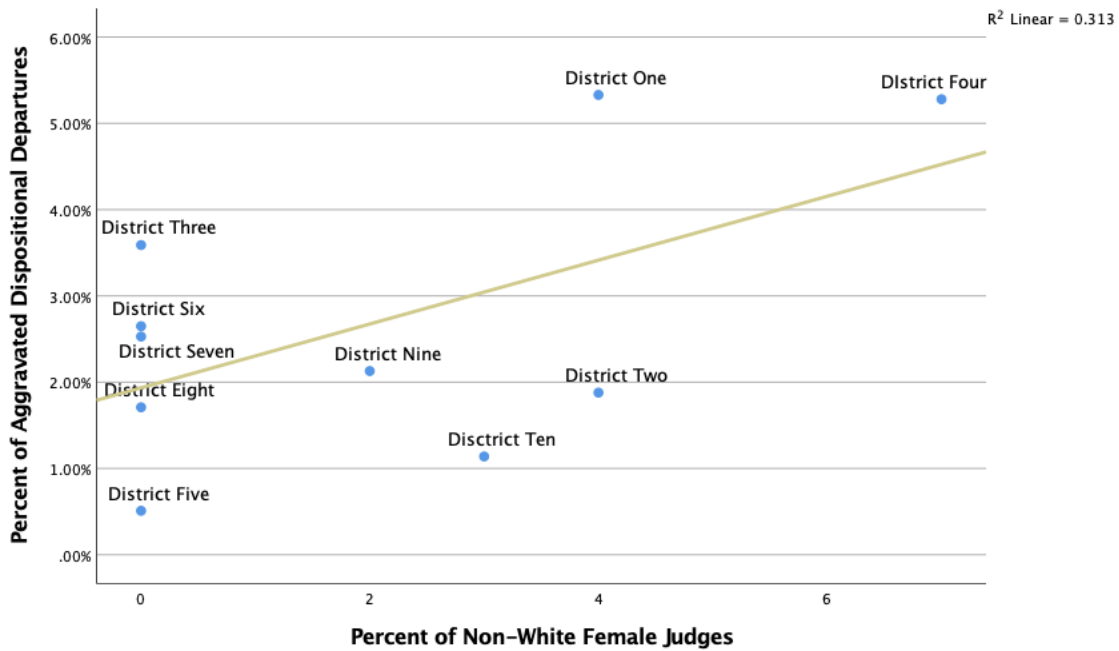

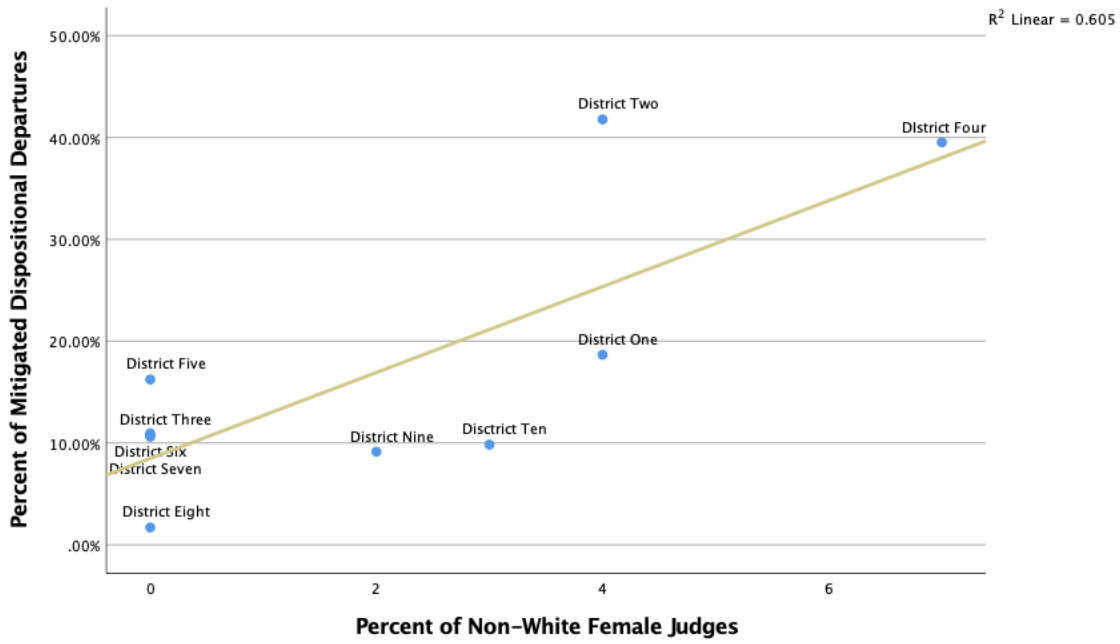**Figure 4:** Scatter plot of percent mitigated sentences and female judges
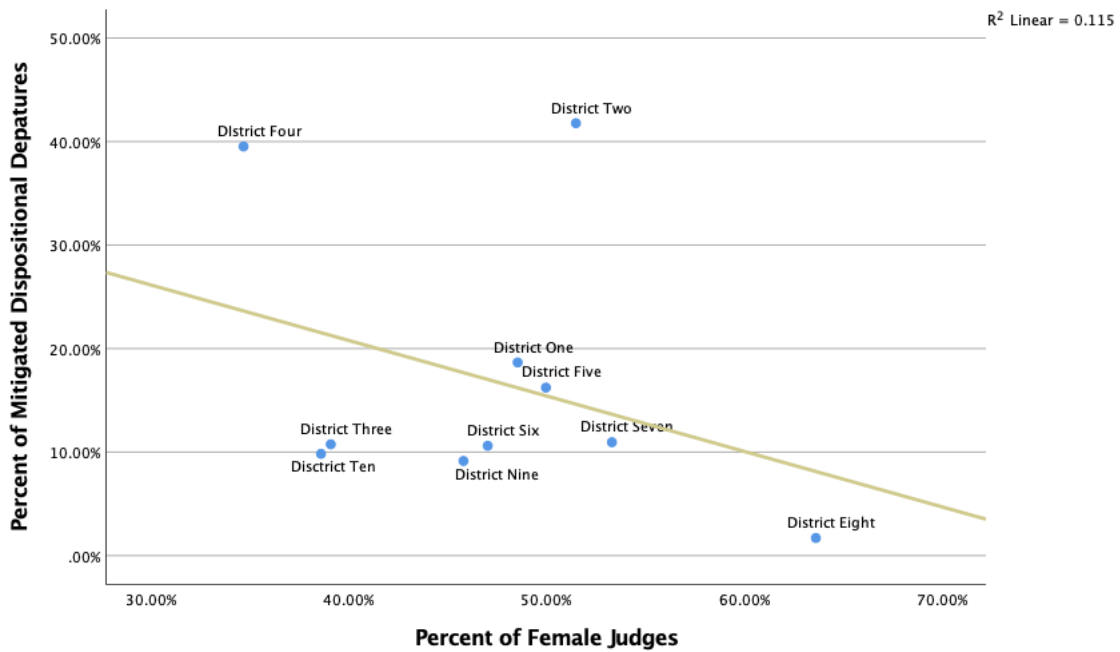
Figure 5: Scatter plot of percent mitigated sentence and male judges
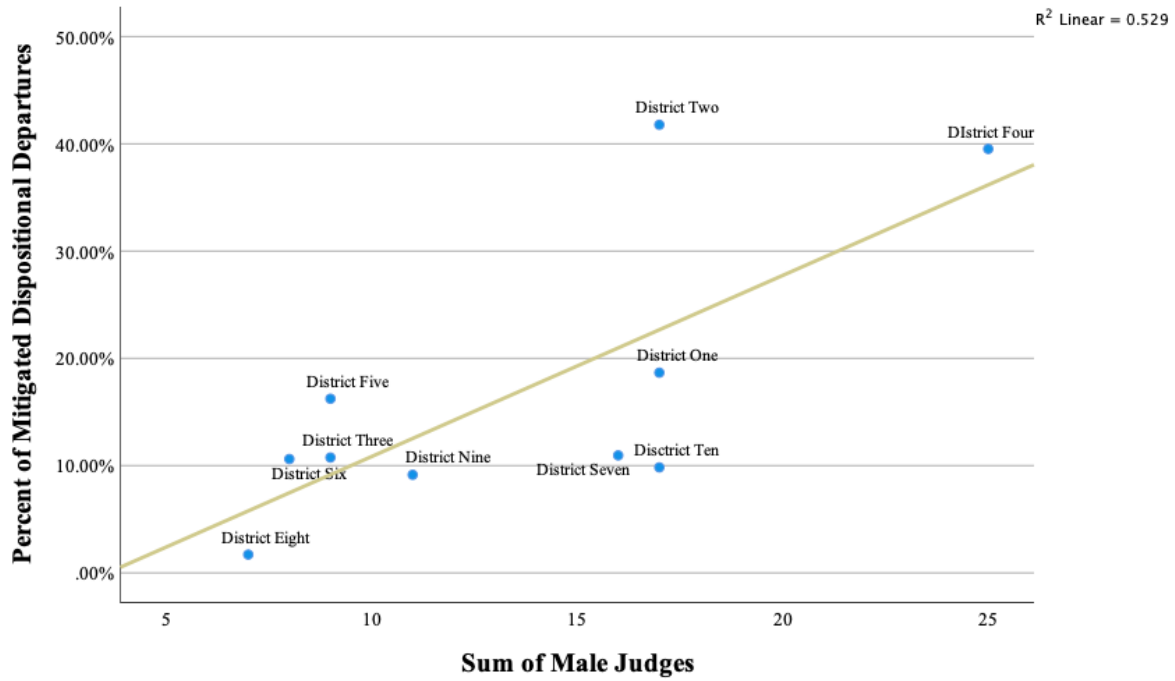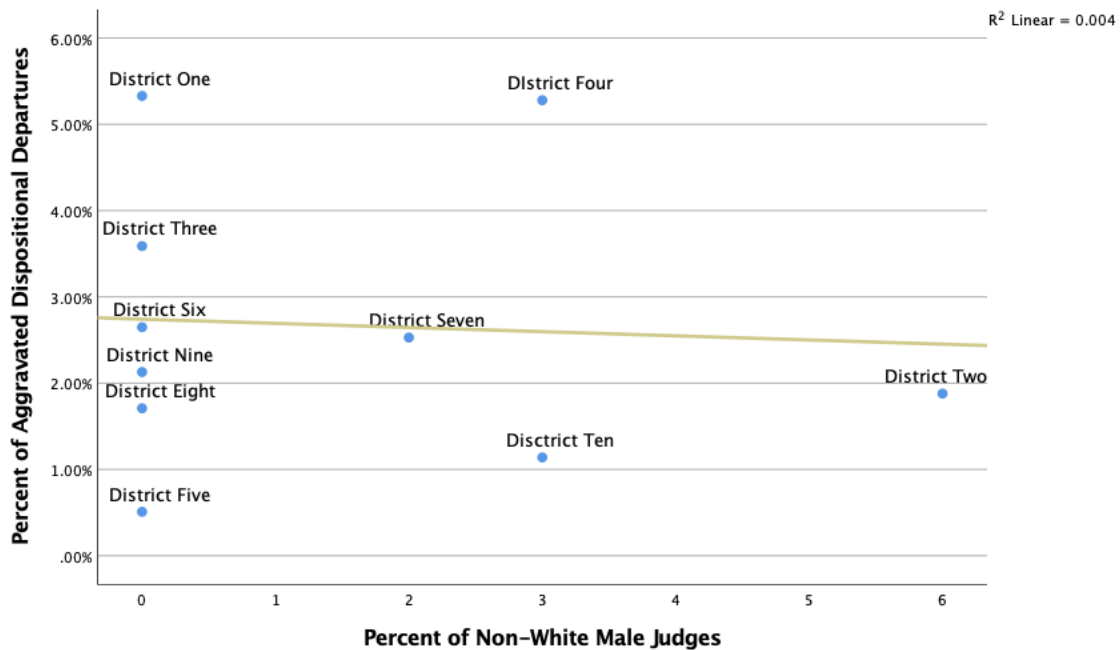

Figure 6: Scatter plot of percent aggravated sentences and non-white female judges
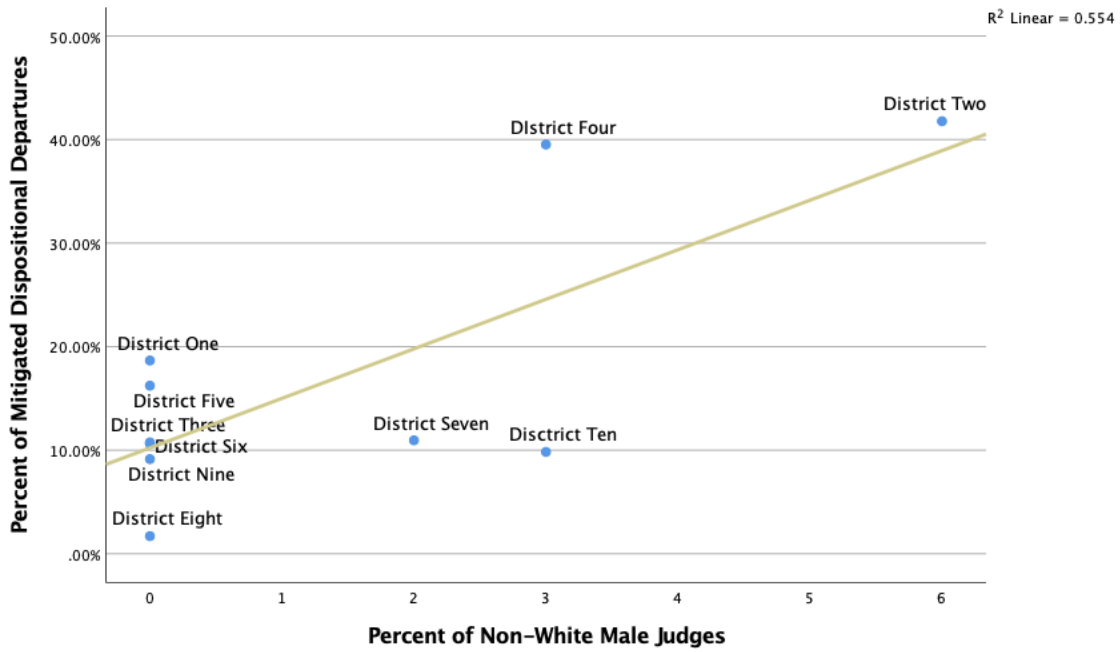
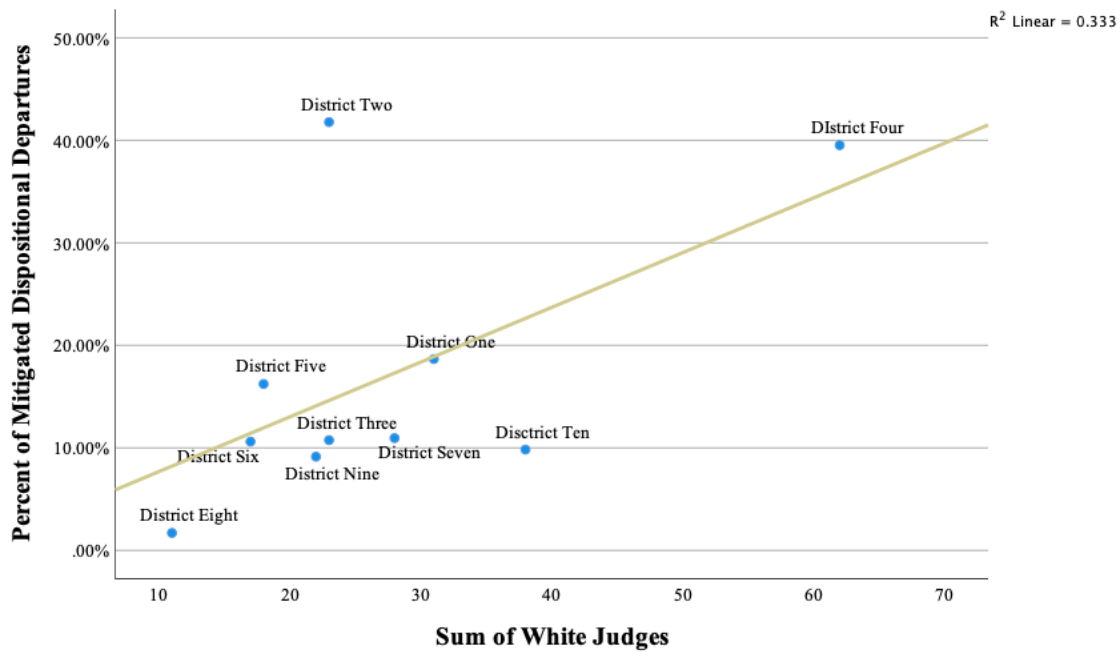**Figure 7:** Scatter plot of percent mitigated sentences and non-white female judges

Figure 8: Scatter plot of percent aggravated sentences and non-white male judges

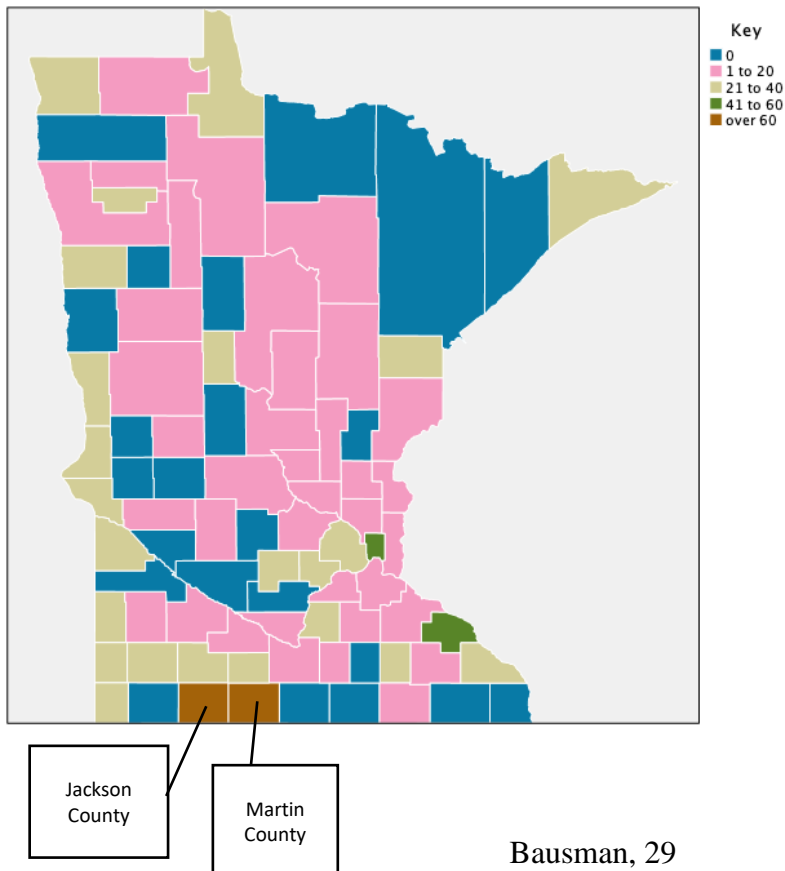**Figure 9:** Scatter plot of percent mitigated sentences and non-white male judges

Figure 10: Scatter plot of percent mitigated sentence and white judges

Figure 11: Map of Aggravated Sentences by Minnesota Counties
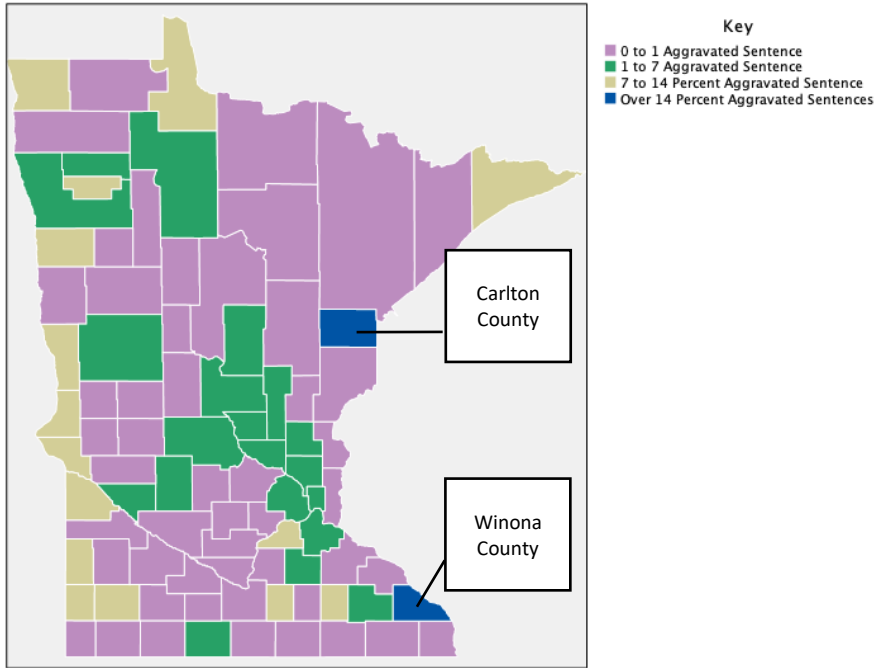
Figure 12: Map of Mitigated Sentence by Minnesota Counties

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