

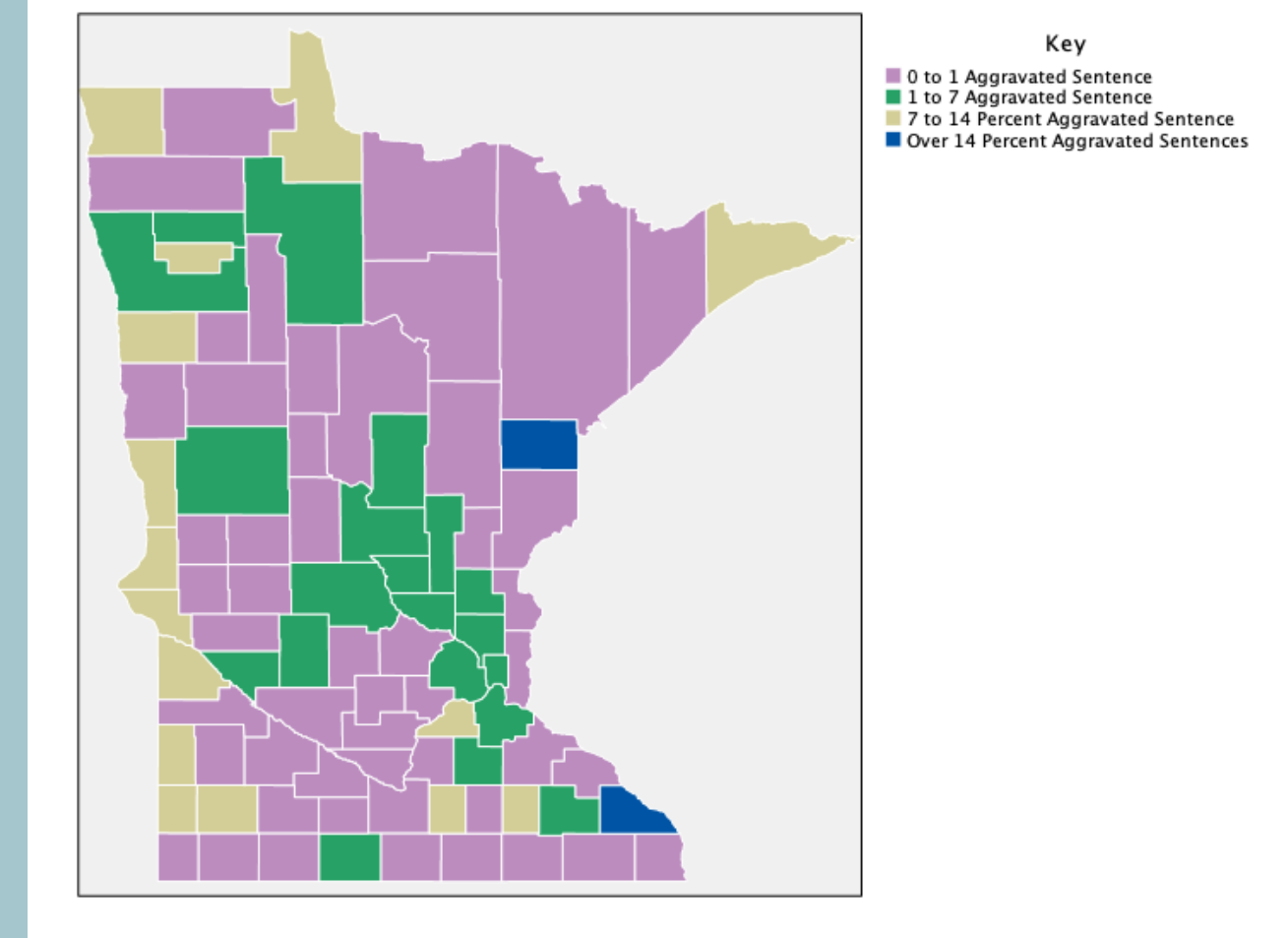
Introduction

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.

“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)

Methods & 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. 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.

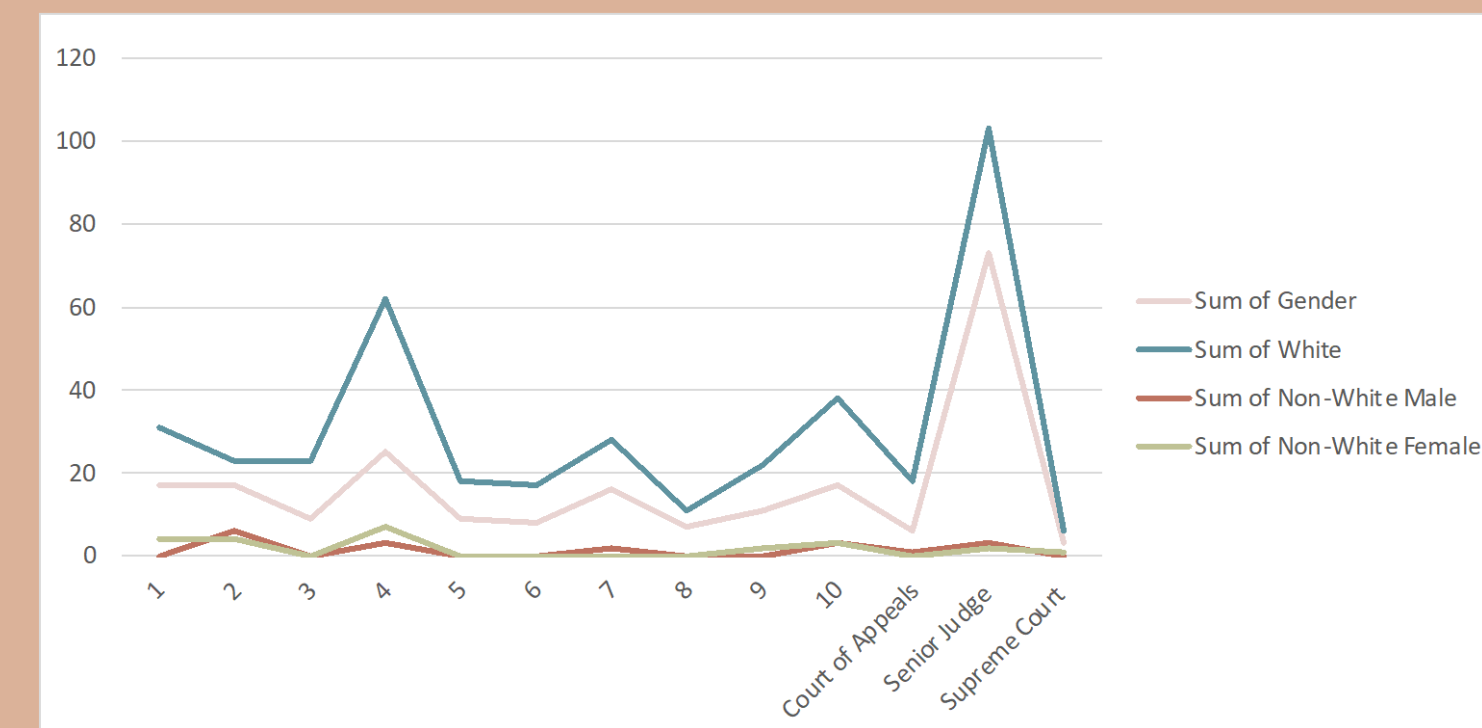


Each county is filled in by a specific color that represents how many aggravated sentences judges have ruled on in their county. Purple dominates the map with one percent or less of cases in the county being above the sentencing guidelines. However, Carlton and Winona counties have the highest percentages in the state of aggravated sentences.

Literature Review

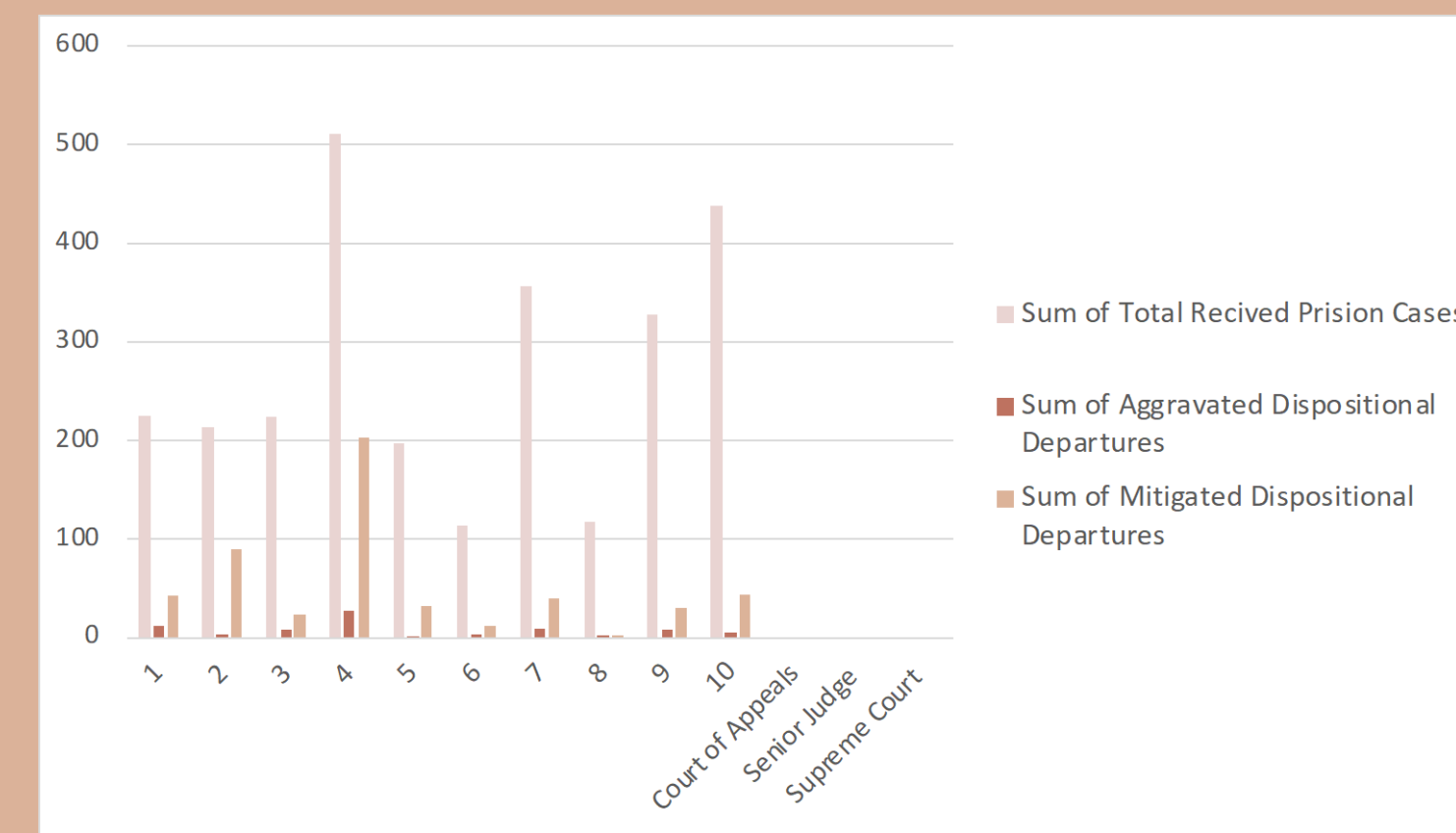
- Professional theory asserts that potential judges are evaluated by considering only qualifications related to past employment and experience (Smelcer, et. al, 2012)
- Political theory suggests that political factors influence ratings received by prospective judges (Smelcer, et. al, 2012)
- Appearance can affect the way people vote and how a judge rules on a case (Fischman & Law, 2009)
- Judges of color account for only 21% or less of the state judiciaries (The stunning lack of diversity, n.d)
- “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” (Boyd, et. al, 2010, pg. 406)
- Since 1980, there have been guidelines in place to prevent racial, gender, or constitutional rights from having an impact on sentencing (Frase, 2005)

Independent Variable



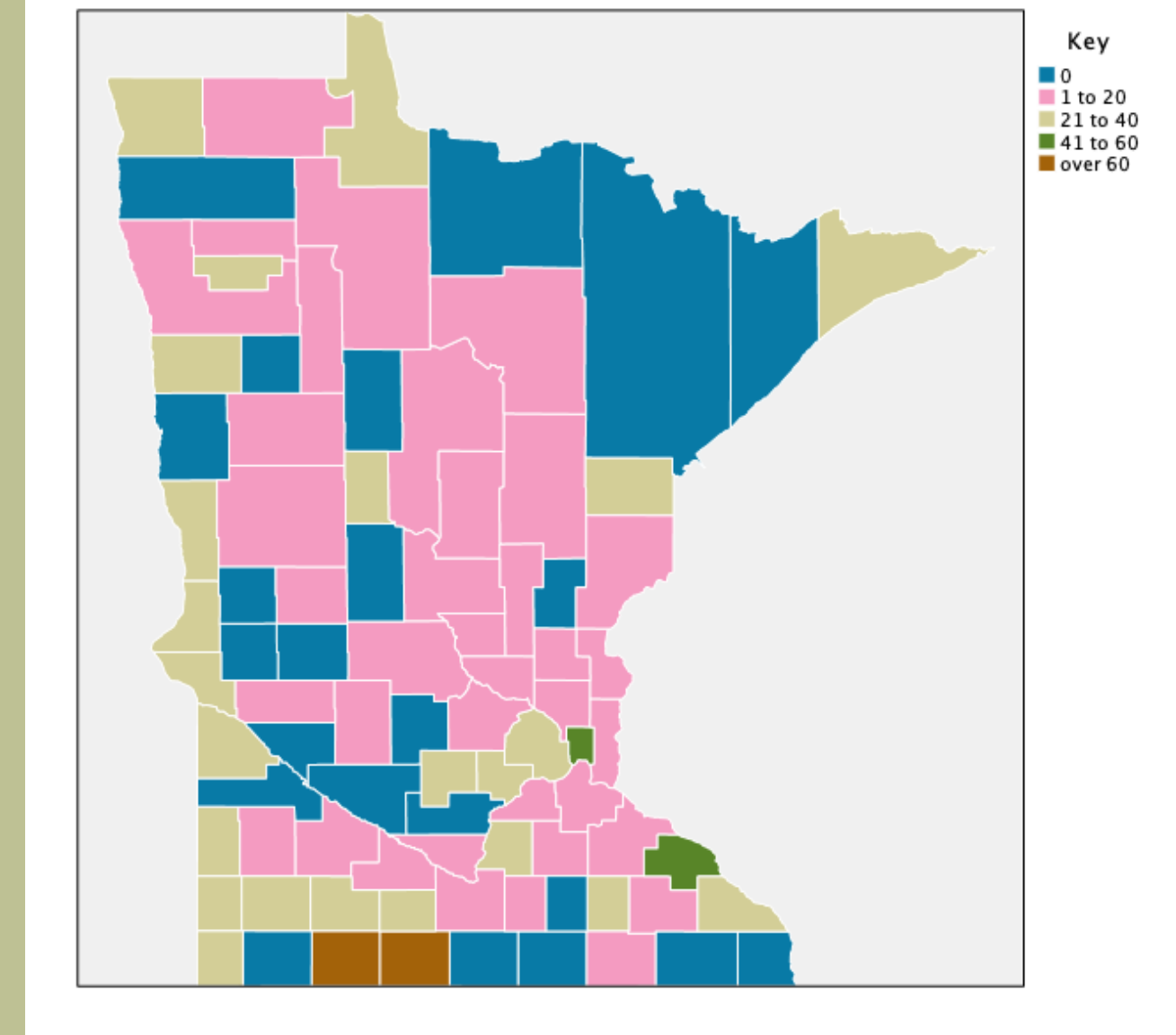
In order to assess my hypotheses, I utilized the pivot table function from excel to create a baseline of my variable analysis. This helped me to see the information I was starting with and where I should move next. The independent and dependent variables are measured by the judicial district.

Dependent Variable



Hypotheses

- Among Minnesota counties, those with a higher percentage of female judges, will have a higher percentage of aggravated sentences.
- Among Minnesota counties, those with a higher percentage of male judges, will have a higher percentage of mitigated sentences.
- Among Minnesota counties, those with a higher percentage of white judges, will have a higher percentage of mitigated sentences.
- Among Minnesota counties, those with a higher percentage of nonwhite judges, will have a higher percentage of aggravated 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.

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. 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.

Morgan Bausman
Political Science Senior Thesis
Bemidji State University
Dr. Patrick Donnay; Advisor

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

