

**OREGON SUPREME COURT/OREGON STATE BAR
TASK FORCE ON GENDER FAIRNESS
GENDER EQUITY SURVEY OF JUDGES**

Survey Results

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INTRODUCTION

The Gender Equity Survey of Judges was administered in Spring 1997 to assess the attitudes, opinions and experiences of judges practicing in Oregon state courts regarding gender equity in Oregon's judicial system. This report begins with a methodological summary and precautionary comments on the sample; a general discussion and commentary on interpretation of findings; and a summary of the survey respondents' demographic characteristics. The analysis that follows is organized into four sections: gender fairness in criminal law, domestic relations, litigation, and law practice in general.

METHODOLOGY

Self-administered anonymous questionnaires designed by the Oregon Survey Research Laboratory (OSRL) were sent by the Gender Equity Task Force to 262 judges practicing in the state of Oregon. Completed questionnaires were returned to OSRL for data processing and analysis. Although the original deadline date of June 3rd was extended to July 3rd to allow greater response, only a little over one-third of all questionnaires were returned. The total number of the completed questionnaires is 95, resulting in a 36.2% response rate.

Because of the low response rate, the results of this survey of judges must be interpreted with caution. One of the more serious non-random or systematic biases that can cause a low response rate is self-selection: that is, people who are interested in, or have strong opinions on, the survey topic are more likely to complete and return questionnaires than people who do not have such opinions or interests. Such self-selection can potentially skew survey results in unpredictable ways.

Thus, the survey results should not be considered necessarily generalizable to all Oregon judges. The scope of the analysis presented here is limited to a descriptive study of the current sample of judges who responded. The survey results may indicate some meaningful trends, but they cannot be used to make conclusive statements about Oregon judges in general.

COMMENTS ON A FRAMEWORK FOR INTERPRETING FINDINGS

Gender fairness is a complicated issue, and the findings from survey questions regarding such an issue require careful interpretation. Depending on a question’s nature, a seemingly straight-forward interpretation may not be the best interpretation; it may even be misleading. Below, the responses to a general question regarding gender bias in Oregon courts are used as a framework to illustrate the difficulty of interpreting survey results and as a way to assist readers in assessing the seriousness of gender-bias problems in Oregon courts.

In the questionnaire, judges were presented with the statement: "There is no significant gender bias in the courtroom today." They evaluated their experience on a four-point Likert scale ranging from “strongly agree” to “strongly disagree.” The percentages of judges who selected "strongly disagree" and "somewhat disagree" are 7.4% and 27.4%, respectively. Thus, about one-third of judges claimed to see or experience gender-bias problems in the courtroom today.

A straight-forward interpretation of this result is that just one-third of judges perceive a gender-bias problem; this is a minority of the total sample; and therefore gender bias is not a serious problem. However, this interpretation may not be very realistic. First, even though one-third of a sample is a minority, it is a non-trivial percentage. It is large enough to assume that gender-bias problems exist in Oregon courts. With this assumption, moreover, the same result can be seen from an alternative framework, described below, which highlights the seriousness of gender-bias problems in Oregon courts and potential difficulties in resolving them.

The simple contingency table below provides a hypothetical framework for interpreting the one-third result. It breaks judges into four distinct categories, based upon whether they perceive gender bias and whether they engage in gender-biased conducts. The un-shaded cell, B1, represents judges who are aware of gender-bias problems, but do not engage in such conducts themselves. With respect to resolving gender-bias problems, these judges pose little problem. Judges represented by the shaded cells, however, pose different degrees of problems with regard to resolving gender bias.

		<i>Perceive gender bias</i>	
		Yes (34.8%)	No (65.2%)
<i>Engage in gender-biased conducts</i>	Yes	A1	A2
	No	B1	B2

The cell A1 represents survey respondents who are aware of gender-bias problems, yet engage in gender-biased conducts. This combination may seem unlikely, but it is possible. For example, judges in A1 may recognize serious gender-biased conducts, particularly those committed by others, but fail to recognize subtler ones, particularly those committed by themselves.

The cell A2 represents respondents who are unaware of gender-bias problems and who engage in gender-biased conducts. That is, these judges engage in gender-biased conducts but they may have no conception of themselves or others in the courtroom behaving inappropriately. Judges represented by the cells A1 and A2 are problematic because they are likely to perpetuate gender bias in the courtroom.

The cell B2 represents respondents who do not engage in gender-biased conducts and are unaware of gender bias as a problem. Some of these judges may truly have never observed gender-biased courtroom conduct. Others may have been in situations where gender-biased conduct occurred, but failed to recognize the conduct as such. Judges represented by this cell are problematic in regard to

resolving gender-bias problems because they must be made aware of the problem, and this may be a non-trivial task.

The present survey does not allow us to pinpoint the percentage of judges in each of the table cells above. However, it is probable that the percentage of judges who can help resolve gender-bias problems is less than one-third of the sample, and the majority do not even recognize a problem.

The framework presented above provides a considerably different outlook on the seriousness of gender-bias problems in Oregon courts than the straight-forward interpretation of topline percentages. One may question the validity of the assumption that the problem exists. However, it seems only reasonable to make this assumption since there are no compelling reasons to refute the experiences of one-third of the sample. In addition, as seen below, the results of other questions in the survey suggest that there are various gender-bias problems in Oregon courts, making this viewpoint the more realistic one.

In the analysis that follows, please note that in survey questions focused on specific instances of gender bias, the issue of judges' problem recognition is less of a factor in interpretation of the results. When survey questions are more general, however, it is important to keep in mind that problem recognition becomes more of a factor.

DEMOGRAPHIC SUMMARY OF JUDGE RESPONDENTS

Sex: The sex distribution of judge respondents is: 77% men, 20% women, and 3% did not specify their sex.

Age: Roughly 60% of judge respondents are ages 45 to 54. Younger judges comprise about 10% of the sample, and older judges comprise 24%. The remaining 6% did not answer.

Race/Ethnicity: Non-Hispanic Whites constitute 85% of judge respondents. Other races and ethnicities are Blacks 2% and American Indians 1%. Those who selected Other and who did not reply constitute 12% of the sample.

Sexual Orientation: Heterosexual respondents constitute 92% of the sample. Only one judge indicated that s/he is gay/lesbian (1%), and 7% did not specify their sexual orientation.

Disabilities: Judges with physical disabilities are 8% of the sample, those without disabilities are 86%, and 5% did not respond to this question.

Location and size of court: About one-third (31%) of judges practice in urban areas, 22% practice in rural areas, while those practicing in mixed rural/urban areas comprise 45%. A plurality of respondents practice with 10 or more other judges (47%), followed by those who practice with 1 to 5 other judges (38%), 6 to 9 other judges (11%), and solo (2%).

SECTION 1: CRIMINAL LAW PRACTICE

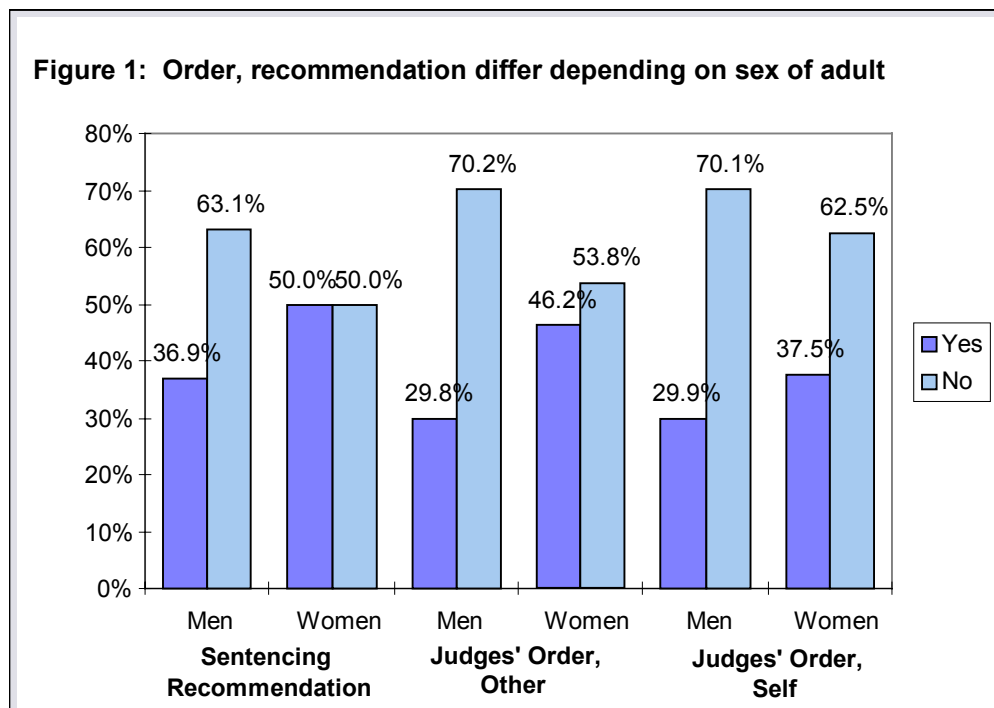
ADULT OFFENDERS

In criminal law practice, the survey results suggest that judges perceive differences in how men and women adult offenders are treated, particularly in prosecutors' sentencing recommendations and, to a lesser extent, in judges' final orders. Overall, a little over one-third (34.7%) of judges observed differences in prosecutors' sentencing recommendation, while 51.6% experienced no such difference,

and 13.7% did not answer this question. Regarding judges' final orders, roughly one-quarter of the respondents observed gender differences (in other judges, 24.2%; in themselves, 28.4%), and over half experienced no such differences (in other judges, 51.6%; in themselves, 62.1%); the remaining respondents did not answer this question (other judges 24.2%; self 9.5%).

More women judges than men reported observing gender differences in sentencing recommendations and judges' final orders (see Figure 1). Excluding judges who did not answer the question, 50.0% of women judges compared to 36.9% of men said they have observed gender differences in sentencing recommendations. Similarly, 48.2% of women compared to 29.8% of men responded that they have observed other judges' final orders differ depending on sex. The difference between men and women judges is smallest regarding their own behavior: 37.5% of women compared to 29.9% of men said that their orders have differed depending on the offender's sex. These sex differences in judges' answers indicate that women judges more often give different orders depending on adult offenders' sex, and they observe more differences in prosecutors' sentencing recommendations and other judges' final orders. However, this comparison between men and women judges may be unreliable due to the small number of women judges in the sample.

Those judges who have observed gender differences in sentencing recommendations and judges' final orders were asked to describe how men and women offenders are treated differently. The majority indicated that women offenders receive more lenient sentencing recommendations or final orders than men. Relatively few judges said that gender differences in sentencing recommendations or final orders are due solely to offenders' sex. Also, only a small number of judges cited structural explanations, such as differences in the availability of facilities or programs for men and women offenders.



Parenting responsibilities was most often cited by judges as the primary reason influencing gender differences in sentencing recommendations and final orders. This suggests that women offenders' parenting responsibilities are more often considered in sentencing recommendations or judges' final orders than men offenders'. The responses to the question "In sentencing, judges take into account the parenting responsibilities of women and men equally" confirm this observation. Fully 50.5% of the judges said that under similar circumstances, judges take women's parenting responsibilities into

account "more often" than they do the parenting responsibilities of men; only 27.4% said "to the same extent" and 2.1% chose "more often for men." This suggests that women's parenting responsibilities are taken for granted, while men's are not. However, it is possible that judges are also influenced by observing a greater frequency of women's direct parenting responsibilities, i.e., being pregnant or being a single mother.

JUVENILE OFFENDERS

Compared to adult offenders, fewer judges have observed gender difference in prosecutors' sentencing recommendations and judges' final orders for juvenile offenders. However, since only 22 respondents answered these questions, it is difficult to make meaningful comparisons between judges' experiences with adult and the juvenile offenders.

SECTION SUMMARY

In criminal law practice, apparently women offenders are treated more leniently than men offenders. This observation is consistent among both men and women judges. One of the dominant reasons for gender differences in the treatment is that women's parenting responsibilities are more often taken into consideration than men's, and this is likely due to the fact that women more often have direct parenting responsibilities than men.

SECTION 2: DOMESTIC RELATIONS

GENDER BIAS IN FAMILY LAW PRACTICE

Judges were asked to respond to a series of questions regarding gender fairness in family law practice, if they have any involvement with family law cases. The demographic characteristics of this group of judges closely resembles the demographic characteristics of the whole sample. Fewer judges in this section, however, practice in urban areas (21%, compared to 30% of the whole sample) and, likewise, more practice in mixed rural/urban areas (53%, compared to 45%).

One of the main sets of questions in this section concern gender fairness for litigants in trial court, appellate court, and Oregon statutes and regulations. Within the three areas, judges were asked about gender bias in child custody, child support, spousal support, and property distribution.

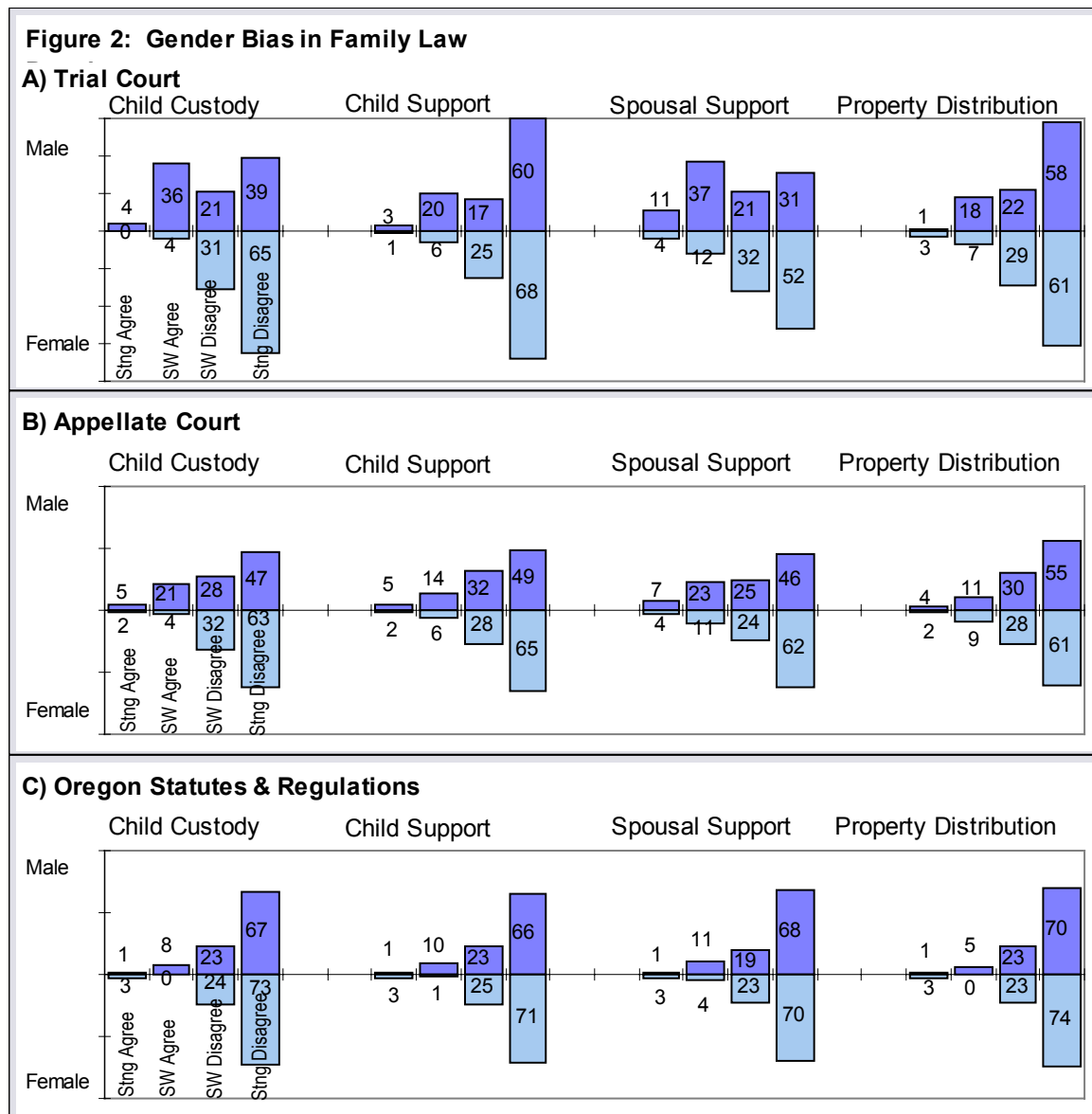
The graphs in Figure 2 summarize the respondents' observations of gender bias in each of these three areas (trial court, appellate court, and Oregon statutes and regulations). The bars above the horizontal axis represent judges' observations of gender bias against men; the bars below the horizontal axis represent judges' observations of gender bias against women. If there is no systematic bias against one gender, the shape of each bar graph should be symmetrical around the horizontal axis. If few judges observe gender bias, the shape of the bar graph also should be taller on the right hand side (the side representing "somewhat disagree" and "strongly disagree"), resulting in a triangle shape.

TRIAL COURT

Overall, judges observe gender bias against men more often than against women, and more often in trial court than in appellate court (see Figure 2). Gender bias is observed particularly frequently in child custody and spousal support awards.

To the statement "There is bias against awarding child custody" for women litigants, only 4% of judges chose "strongly agree" and "somewhat agree," while 40% agreed for men. The shape of the graph for child custody in trial court is quite asymmetrical.

Although not as pronounced as in child custody, award of spousal support has a similar asymmetrical pattern favorable to women litigants. In spousal support awards, 48% of judges responded "strongly agree" and "somewhat agree" to the statement that there is a bias against men litigants, while only 16% agreed that there is a bias against women litigants.



In child support awards and property distribution, judges similarly reported higher levels of bias against men than women. In child support, 23% of judges chose "strongly agree" and "somewhat agree" to the statement that there is a bias against men litigants, compared to 7% who agreed that there is bias against women. In property distribution, 21% of judges agreed that there is a bias against men litigants, compared to 10% for women. However, the graphs' overall shape is more or less symmetrical, suggesting that neither gender is disproportionately favored in this process.

APPELLATE COURT

Compared to the graphs for trial court, the graphs for appellate court are closer to the ideal triangular shape. This suggests that, overall, judges observe less gender bias in appellate court than trial court. The graphs are taller on the right-hand side and more symmetrical around the horizontal axis. However there is still tendency for judges to observe more gender bias toward men than women.

Regarding child custody, child support and spousal support, 6%, 8% and 15% of judges chose "strongly agree" and "somewhat agree" that there is bias against women, while 26%, 19% and 30% agreed that there is a bias against men, respectively. In regard to property distribution, the observations of bias are somewhat more skewed toward men, but the overall shape of the graph is quite symmetrical, suggesting no systematic gender bias.

It should be noted that the percentage of judges who selected "don't know" is relatively high for questions regarding appellate court. While the percentage of the "don't know" responses regarding trial court and Oregon statutes and regulation is around 10%, the percentage of "don't know" responses for appellate court is around 30%.

OREGON STATUTES AND REGULATIONS

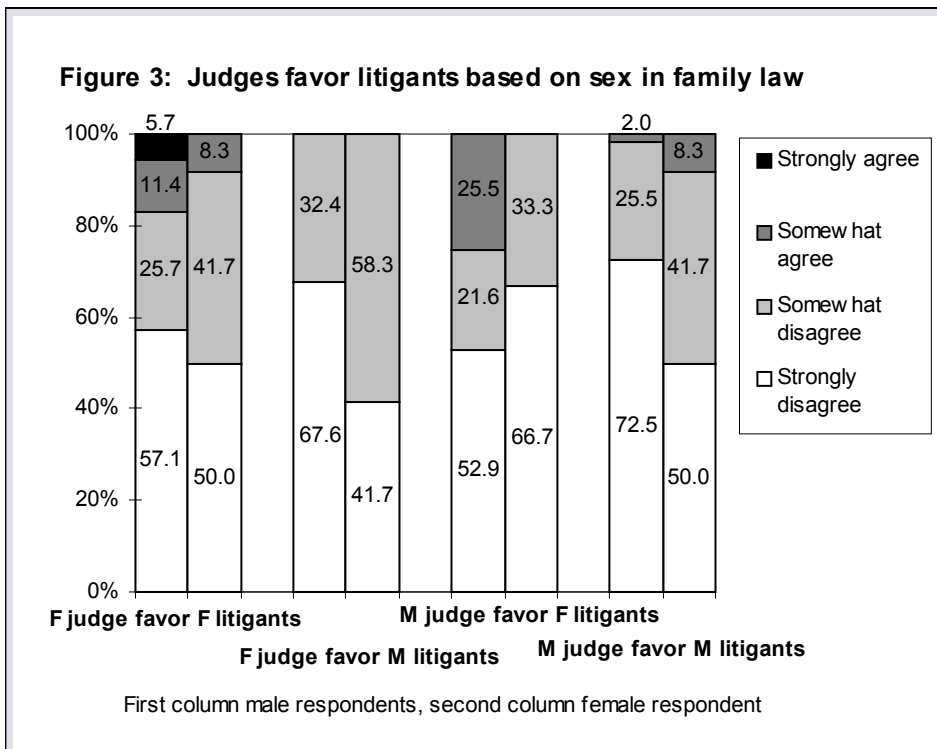
The graphs' shapes for Oregon statutes and regulations are very close to the ideal triangular shape. Moreover, the graphs are symmetrical in all four areas (child custody, child support, spousal support, and property distribution), suggesting that judges see no systematic bias against one sex. Also in all four areas, the percentage of judges who chose "somewhat disagree" and "strongly disagree" is considerably higher than the percentage of judges who agreed, indicating that most judges do not see serious gender-bias problems in Oregon's family law statutes and regulations.

JUDGES' FAVORITISM

Judges were asked to rate their observation of judges' favoritism based on litigants' sex. The percentage of judges who selected "strongly agree" and "somewhat agree" that women litigants are favored is 14.9% for women judges and 24.1% for men judges. Only 3.2% of the respondents believe men litigants are favored by men judges, and no respondent said men litigants are favored by women judges. Thus, it is these judges' experience that both men and women judges favor women litigants more than men litigants.

DIFFERENCES IN MEN AND WOMEN JUDGES RESPONSES

With regard to judges' favoritism, men and women respondents exhibit somewhat different responses (see Figure 3). In particular, it appears that respondents tend to be more sensitive to favoritism toward opposite-sex litigants.



In responses to the statement "women judges favor women litigants," 17.1% of the men judges selected "strongly agree" and "somewhat agree," while only 8.3% of women judges selected "somewhat agree." Similarly, while no women judges selected affirmative responses to men judges favoring women litigants, 25.5% of men respondents selected affirmative responses to men judges favoring women litigants. In contrast, regarding favoritism toward men litigants, 8.3% of women judges selected affirmative response to men judges favoring men litigants, while 2.0% of men judges gave affirmative responses. Another difference between the responses of men and women judges is that the percentage who "strongly disagree" is noticeably higher for men, indicating that when the respondents disagree that judges favor one sex or the other, men judges tend to be more certain about the disagreement than women judges. However, these differences are relatively small, and with the small number of women judges in the sample, these comparisons may be unreliable.

SECTION SUMMARY

Judges view Oregon family laws as applied more favorably toward women than men. While they view Oregon statutes and regulations as unbiased, they view family law practiced in trial and appellate courts as favoring women. This view is strongest regarding trial court. Moreover, judges tend to feel that women litigants are more often favored by both men and women judges in family law practice.

SECTION 3: LITIGATION

GENDER BIAS IN THE LITIGATION PROCESS

This section consists of several broad questions regarding gender bias in the litigation process. Judges were asked if they have ever experienced litigants' gender affecting the litigation process and outcome, and if they have ever observed or experienced gender bias in the courtroom and in the pretrial stage of the litigation process. For those who had witnessed gender bias, open-ended questions followed,

asking judges to describe their observations and experiences. It should be noted that because of the questions' broadness, some respondents indicated experiences from several years ago; therefore not all incidents reported here may be current problems.

About one fourth (26.3%) of judges have observed or experienced a litigating party's gender affect the litigation process. About half that many (12.6%) have experienced an attorney's gender affecting the litigation process. Also about one fourth (26.3%) of judges experienced gender bias in the pretrial stage of the litigation process.

Strikingly, 57.9% of judges have observed gender bias in the courtroom. Compared with the results of other questions, this question's result is exceptionally high.¹

The descriptions most often given by judges about the observed gender biases concern women courtroom participants being treated differently by men courtroom participants, particularly by men attorneys. Women participants are addressed by their first names, addressed by terms of endearment, treated in a patronizing manner, and acted upon in a more aggressive, harsh manner.

SECTION SUMMARY

Questions in this section were worded very generally. Because of this, it is difficult to assess the seriousness of the problem (*cf.* footnote 1). Fortunately, the questions in this section are supplemented by open-ended, narrative responses of the problems judges have experienced or observed. Although the analysis here did not explore these descriptive responses in a detail, studying the open-end responses may be helpful in determining the nature, as well as the seriousness of gender-bias problems in the litigation process.

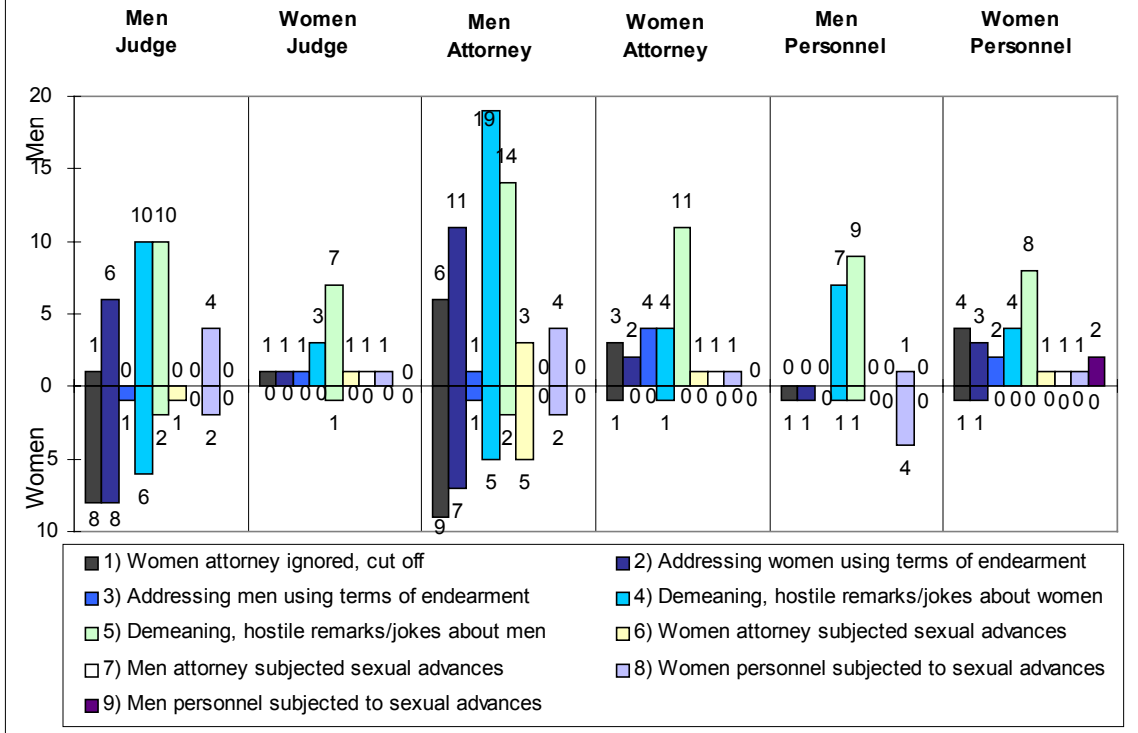
SECTION 4: GENERAL LAW PRACTICE

GENDER-BIASED CONDUCT AND SEXUAL ADVANCES

The first series of questions in this section asked respondents if they had observed gender-biased conduct and sexual advances by men and women judges, attorneys and court personnel. Figure 4 summarizes the results from this series of questions. Each section of the chart represents who has engaged in gender-biased conducts or sexual advances (men and women judges, attorneys and court personnel). Within each section, each bar represents the number of responses to one question. Bars above the horizontal axis represent men's responses; bars below the horizontal axis represent women's responses. Note that each bar is a simple count of responses, not a percentage.

¹ Note the contrast to the result presented in the introduction (p. 2) in which 34.8% disagreed that "there is no significant gender bias in the courtroom today." The difference may be due to the difference in the timeframe of the question ("today" versus an open timeframe) or the answer categories (yes/no versus a four-point scale). It is also possible that the difference is caused by the fact that the question refers specifically to the litigation process and not the courtroom in general. However, it seems more reasonable to attribute the difference to the way the questions are worded. While the question discussed in the introduction specifically asks for "significant gender bias," this question is worded "behavior that indicates a gender bias," which allow a wider range of behaviors to be included as a gender-biased behavior.

Figure 4: Gender-Biased Conduct and Sexual Advances



One of the most apparent characteristics of the chart is that men attorneys are most often observed engaging in sexually biased conducts and sexual advances, followed by men judges. The section of the chart representing men attorneys is the largest. The other four sections of the chart do not differ in any considerable degree.

Another noticeable characteristic of the chart is its asymmetry around the horizontal axis, indicating that the experiences of men and women judges differ considerably. Men judges reported experiencing or observing hostile or demeaning remarks about men and women more often than women judges. In contrast, women judges reported observing or experiencing incidents of gender-biased conducts or sexual advances more frequently than men judges in the following four areas: women attorneys are ignored or cut off; women are addressed by terms of endearment; women attorneys are subjected to sexual advances; and women court personnel are subjected to sexual advances

The differences between men and women judges become more pronounced when the sex ratio of respondents is taken into consideration. Despite being just one-fifth of total sample, women judges still report more of the total observations of gender-biased conduct than men judges.

Judges were further asked if the observed gender-biased conduct or sexual advances affected cases' outcomes. A majority of judges (52.1%) responded that observed conduct did not affect case outcomes, and only 3.2% indicated that the observed incident affected the case outcome. The percentage of judges who indicated "don't know" is 13.8%, and the percentage of judges who did not answer this question is 30.9%. This high percentage of respondents who did not give a definite answer suggests a degree of uncertainty among judges about the effects of gender-biased conduct on case outcomes.

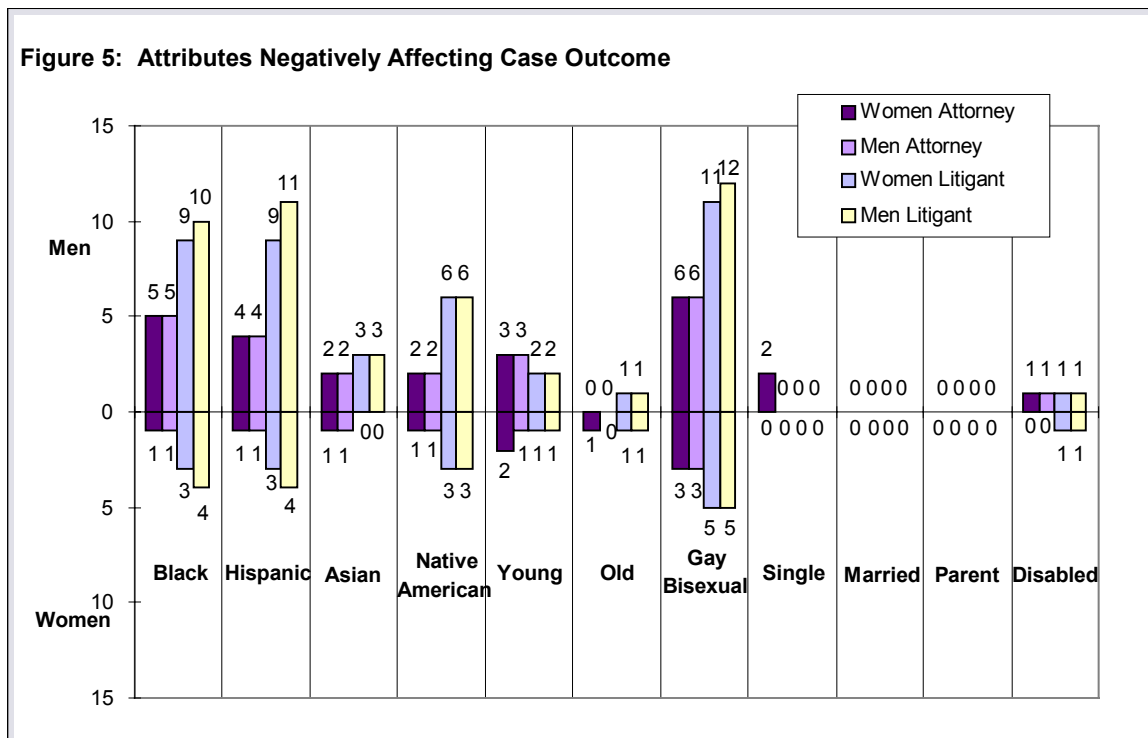
ATTRIBUTES AFFECTING CASE OUTCOME IN ADDITION TO SEX

While the focus of the Gender Equity Survey for Judges was gender, an additional set of questions asked judges to assess whether other ascribed personal attributes negatively affect case outcomes, including race, age, sexual orientation, marital/parental status and disability. These questions' results are summarized in Figure 5.

Each section of the chart represents responses about a particular ascribed personal attribute. Within each section, each bar represents a combination of attributes. For example, the first bar of the chart's first section represents black women attorneys, the second bar represents black men attorneys, etc. The bars above the horizontal axis represent the number of responses from men judges; the bars below the horizontal axis represent the number of responses from women judges. Each bar is a simple count of respondents who observed the particular combination of ascribed personal attributes negatively affect case outcomes. Note that these are simple counts, not percentages.

One readily noticeable characteristic of the chart is that it is relatively symmetrical around the horizontal axis. This symmetry indicates relative consistency between the observations made by men and women judges on what combination of attributes negatively affects case outcomes. If responses were adjusted or weighted from the observed 80:20 sex ratio in the sample to a 50:50 sex ratio, the bars on the chart's bottom half would become somewhat longer, but the chart's symmetry would stay intact.

The negative effects of ascribed personal attributes on case outcomes is greater for litigants and witnesses than for attorneys. But these effects are generally independent of the effect of gender, for within each group, the number of observations is relatively similar for men and women litigants/witnesses and attorneys.



Race and sexual orientation strongly influence case outcomes for both men and women litigants and witnesses. On average, 11.6% of judges have experiences and observations that lead them to believe

that race and sexual orientation affects case outcomes negatively for litigants and witnesses, although there is some variation among the different races.

Being young (less than 40 years old) is the only factor that negatively affects case outcomes more for attorneys than for litigants/witnesses, but the difference is very small. Being young affects both men and women attorneys. Sexual orientation and race of an attorney are other strong influencing factors, and they apply more or less equally to men and women attorneys. One out of ten judges believe that being gay or bisexual negatively affects case outcomes. Race is not as strong an influencing factor for attorneys as it for litigants and witnesses; nonetheless, it is still observed.

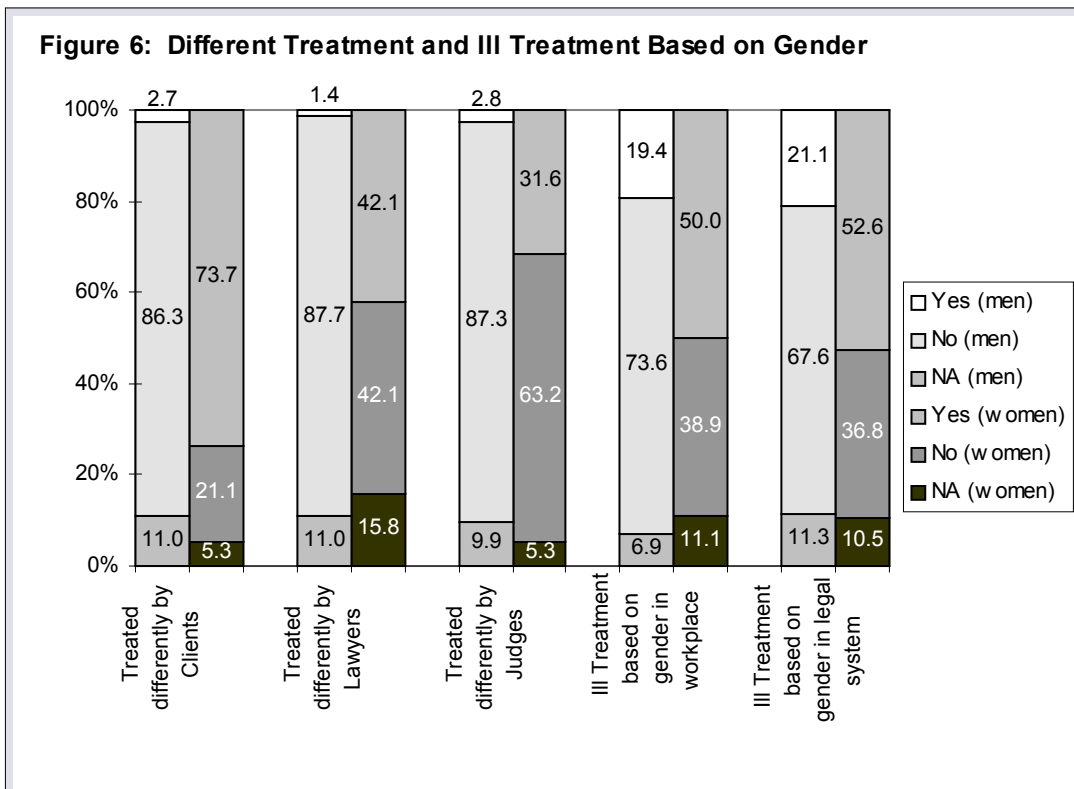
NON-EXPERT WITNESSES

Judges also were asked a set of questions regarding how often women non-expert witnesses' testimonies are given less weight than men non-expert witnesses' testimonies, by men judges, women judges, men jurors and women jurors. Respondents answered similarly to all four questions. No judge selected "often" in any question. "Sometimes" was selected 7.4% for men judges, 3.2% for women judges, 21.1% for men jurors and 15.8% for women jurors. Roughly 35% selected "rarely" for all four questions. Respondents were more likely to select "never" for judges (around 45%) than jurors (around 25%).

It should be noted that this set of questions only asks about how women's testimonies are treated. Without questions about men's testimonies, it is impossible to determine whether men's or women's testimonies are given less weight more often.

PERSONAL EXPERIENCE OF DIFFERENTIAL TREATMENT BASED ON GENDER

Men and women judges gave are noticeably different responses to questions regarding personal experiences of receiving different treatment because of gender, and observing or experiencing ill treatment based on gender. Women judges consistently reported experiencing or observing gender-biased conducts at higher rates than men judges. Figure 6 summarizes the responses to five questions regarding different treatment and ill treatment based on gender. For each question, the left-hand column reports men's experiences and the right-hand column reports women's.



Nearly three-fourths (73.7%) of women judges have been treated differently by clients because of gender, compared with 2.7% of men. Similarly, 42.1% of women (1.4% of men) have experienced being treated differently by lawyers, and 31.6% of women (2.8% men) have experienced being treated differently by judges, because of their gender. About one-fifth of men judges reported experiencing or personally observing ill treatment based upon gender in workplace (19.4%) and in the legal system (21.1%). But over twice as many women judges reported the same: 50.0% and 52.6% respectively.

SECTION SUMMARY

It is apparent that judges believe women in the legal system are more often subjected to gender-biased conducts than men. Men attorneys, followed by men judges, are most often cited as perpetrators of gender-biased conducts by both men and women judges. Judges also report that ascribed personal attributes, such as race and sexual orientation, have negative impacts on case outcomes, independently of gender effects, for litigants/witnesses and to a lesser degree for attorneys. Women judges report experiencing and personally observing differential treatment by clients, attorneys and judges in the workplace and legal system at far higher rates than men judges.

CONCLUDING REMARKS

This analysis began by identifying the difficulty of interpreting the survey results because of the subject matter's complex nature. Some judges recognize gender-bias problems, while others, including those who engage in gender-biased conducts, do not. Consequently, a general question, in particular observation of the frequency of gender bias, does not directly translate into a measure of the problem's seriousness.

Despite the difficulty of interpretation, the survey results identified several important trends. Although judges perceive Oregon laws and regulations to be largely gender neutral, they perceive gender bias when these laws are practiced. Judges perceive men participants in the court system treated unfairly, especially men as criminal offenders and litigants. Judges also perceive case outcomes for men offenders and litigants sometimes unfavorably influenced by their gender.

But judges also perceive women participants treated unfairly. Women participants are more often subjected to verbal abuse and physical sexual advances than men. Women participants are more often treated in a less respectful manner, i.e., cut off or interrupted, addressed by their first name, and addressed in an aggressive, harsh manner. Men attorneys, followed by men judges, are most often cited as perpetrators of gender-biased conducts.

In addition, the preceding analysis has shown that men and women judges have considerably different experiences and observations regarding some issues. Although men judges more often than women recognize some gender-biased conduct, such as hostile or demeaning jokes and remarks, women judges more often recognize other gender-biased conducts than men. Aside from the disfavor for men offenders and litigants, a wider range of gender-biased conducts are directed against women more often than men in the legal system. Although it is possible that this observation is influenced by the fact that the questionnaire provided more examples of gender bias against women than against men, careful examination of the survey results, especially some of the open-ended answers, confirms that this is the case and not merely an impression.

The results of this survey provide important insight into gender bias problems in Oregon's judicial and legal system, but the survey is not comprehensive, and often the survey results lead to other questions, some of which are discussed in the body of the analysis. One particularly important question that is left unanswered is how the survey results would be different if a representative sample of Oregon judges had responded. An estimation can be made by interpreting the lack of responses as disinterest in the issue of gender bias in Oregon's judicial system. If this is the case, the magnitude of the gender-bias problem multiplies, because people who are not interested in gender-bias issues are less likely to see gender-bias as a serious problem. However, this is merely a speculation, and an accurate answer to this question can be found only in a study based on a representative sample of Oregon judges.