Diversifying the Bench:

Applying Social Cognitive Theories to Enhance Judicial Diversity

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Abstract

White men remain overrepresented in the American judiciary (i.e., the bench) despite increasing demographic diversity among law students and lawyers. Augmenting efforts to tackle systemic barriers, we propose a social cognitive process model integrating Goal Congruity and Cultural Mismatch Theories to partially explain why women, first-generation, and underrepresented racial minority (URM) lawyers are less likely to pursue and thrive in judicial roles. We address the unexplored misalignment between the goals and values typically endorsed by eligible underrepresented judicial candidates and their perceptions of judgeship. Specifically, women, first-generation, and URMs tend to endorse primarily communal/interdependent goals and values, while judgeship is viewed as a stereotypically agentic/independent profession. Thus, judicial diversity could be enhanced by (1) highlighting role attributes that are aligned with communal/interdependent values and (2) increasing appreciation for existing judicial communality/interdependence. We conclude by providing hypothesized interventions to target key psychological mechanisms along the “leaky pipeline” to the judiciary.

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Women, first-generation, and underrepresented racial minority (URM) students are attaining law degrees in the United States at higher rates than ever before (Law School Admission Council, 2020). In 2019, 54% of law school matriculants self-identified as female and 33.1% of matriculants self-identified as non-White (Law School Admission Council, 2020). The pool of practicing lawyers also reflects this increased diversity (in terms of both race and gender; National Association for Law Placement, 2019); however, these gains do not extend to the judicial level. Most notably, upper-middle class White men remain overrepresented in judicial roles as evidenced by data showing that White women and URMs held approximately 29% and 15% of state supreme court seats as of early 2020, respectively (Bannon & Adelstein, 2020).

The pattern of attrition among underrepresented lawyers (we define “underrepresented” as including women, first-generation students, and URMs) along the route to the judiciary indicates a “leaky pipeline” mirroring the well-documented barriers on the STEM pathway or the path to organizational leadership (see Dasgupta & Stout, 2014). Given these parallels across contexts, we reason that some of the same psychological barriers to advancement could be affecting underrepresented lawyers. This is not to say that the experiences of all women, first-generation, and URM lawyers are identical; we instead suggest that commonalities between relevant psychological processes might create similar barriers to underrepresented lawyers’ adoption of and success in judicial roles. Additionally, we argue that these important psychological processes are underexamined and underappreciated as factors that can contribute to a multi-pronged effort to diversify the judiciary (alongside efforts to address structural barriers faced by underrepresented judges, such as institutional bias and discrimination). In the current
paper, we propose one unexplored barrier to diversifying the judiciary is a perceived “lack of fit” between stereotypical attributes of judicial roles and what underrepresented candidates value in terms of goals and workstyle. Specifically, underrepresented candidates may not see their primarily communal goals and values aligning with salient agentic conceptions of the judicial role. Further, if they do adopt the role, underrepresented judges may experience an actual mismatch between the prevalent workplace culture and their own internalized motives, which might cause disproportionate amounts of stress, burnout, and role disengagement.

Drawing on theory and research from other occupational contexts, we harness key social cognitive perspectives to explain why eligible self-identified women, first-generation, and URM lawyers might be less likely to pursue and retain judicial appointments: Goal Congruity Theory (Diekman et al., 2010; 2017) and Cultural Mismatch Theory (Stephens et al., 2011; Stephens, Fryberg, et al., 2012). Scholars have shown that, on average, women, first-generation, and URM students (as well as working-class individuals) tend to hold communal/interdependent goals and values, whereas men and Whites hold agentic/independent goals and values (Block et al., 2018; Covarrubias et al., 2016; Diekman et al., 2010; Diekman et al., 2017; Diekman & Steinberg, 2013; Dittmann et al., 2020; Evans & Diekman, 2009; Fryberg et al., 2013; Fryberg & Markus, 2007; Stephens et al., 2011; Stephens, Fryberg, et al., 2012; Stephens, Townsend, et al., 2012). In contrast to the goals and values endorsed by women, first-generation, and URM students, prominent cultural stereotypes about the judiciary reflect agency and independence (Carroll et al., 2020; Sen, 2014). Therefore, we posit that one way to promote diverse perspectives on the bench is to better align the goals and values likely to be endorsed by underrepresented judicial candidates with the goals and values of the judiciary. We focus on women, first-generation, and URM judges due to their scarcity (relative to White men) in the judiciary, as well as substantial
parallels in existing theory about their respective goal/value internalization processes. We conclude with hypothesized interventions to increase the presence of underrepresented group members in the judiciary.

**Why Diversify the Bench?**

The moniker of “judge” refers to several types of people within legal systems at the federal, state, and local level. Within state and local systems, judges may preside over municipal hearings, decide outcomes in small claims courts, and preside over trial courts of general jurisdiction, among other duties. Few roles and titles connote such a degree of power and influence. Perhaps because of this power, prominent characterizations of judgeship highlight the agentic qualities (i.e., authority and independence) associated with the title. Picturing a courtroom illuminates this point: The judge sits at the front of the courtroom behind a raised desk (the bench), wears distinguishing robes, and is announced before a standing audience. The judge is unmistakably given more contextual power than the attorneys and other courtroom participants, who are both literally and figuratively placed under the judge.

The homogeneity of the bench is problematic for several reasons, including a lack of perspectives that would reflect the makeup of citizens who are affected by judicial decisions. In many instances, judges apply their own discretion when interpreting the facts related to a case (i.e., judicial decision-making is not as objective as citizens assume). This opportunity for subjective application of the law may result in systematic bias when only one perspective is responsible for the majority of judicial decisions (e.g., differential sentencing; Abrams et al., 2012; Boyd, 2016; Johnson, 2006; Welch et al., 1988). Importantly, rather than being “objective officers of the court,” judges are influenced by their own backgrounds, experiences, and biases (Kang et al., 2012) when interpreting facts and applying the law. By increasing the diversity of
those who hold judicial power, communities can be more confident that the courts’ decisions are not rooted in the biases of a select few.

To be clear, we are not arguing that simply adding more women, first-generation, and URM lawyers to the judicial applicant pool would resolve judicial homogeneity. Indeed, courtrooms should reflect the basic demographic composition of their communities, but this would only address one facet of the problem (Ifill, 2000). Agentic judicial stereotypes manifest as both an overrepresentation of White men and an underrepresentation of communal perspectives (including a lack of empathy) — perspectives that are more likely to be internalized by women, first-generation students, and URMs (Diekman et al., 2010; Diekman et al., 2017; Stephens et al., 2011; Stephens, Fryberg, et al., 2012). Thus, the judiciary’s lack of gender, socioeconomic, and racial diversity also reflects a lack of diverse perspectives.

Although we limit our discussion to how these social cognitive frameworks may be harnessed to increase the representation of women, first-generation lawyers, and URMs in judicial positions, we acknowledge that the same goal and value internalization processes likely inhibit role pursuit at other levels of the legal pipeline, such as becoming a lawyer. These roles may also be viewed as affording more agentic rather than communal attributes, and such perceptions may similarly misalign with the goals and values of underrepresented candidates. However, we find it important to center our discussion on how goal and role misalignment may inhibit diversity at the judicial level for three key reasons: (1) Judges are currently the most homogeneous stage of the legal pipeline (Bannon & Adelstein, 2020; Law School Admission Council, 2020) and thus would benefit most from empirical investigation using our proposed framework. (2) Judges hold a high degree of power and influence in their respective communities compared to earlier stages of the legal pipeline. Given this power, the backgrounds
of judges should reflect the makeup of citizens who are affected by judicial decisions, and there are demonstrated consequences that accompany a lack of judicial diversity (see p. 5). (3) Finally, because judgesship is viewed as the “pinnacle” of the legal pipeline, we posit that successful interventions at the judicial level can be readily applied at earlier stages of the legal career. Roles at the “top” of an occupational field may be stereotyped as affording more agentic goals, given the inherent power and status wielded by those who occupy senior positions. Preliminary findings indicate that the judicial role is viewed as affording more agency than the role of lawyer (i.e., perceptions of agency were more pronounced at the higher career stage; Carroll et al., 2020). Accordingly, interventions that effectively highlight judicial communality will combat heightened perceptions of judicial agency. By starting with the most difficult role to reframe, a parallel rationale should generalize to all career stages.

**A Social Cognitive Approach to Increasing Judicial Diversity**

Independent of other institutional and systematic biases within the legal context, the power and status conveyed by judicial roles may discourage candidates who hold primarily communal values (e.g., prosociality and interdependence) — who are more likely to be from underrepresented social groups — either through disinterest or intimidation. Closer examination of judicial roles, however, reveals many opportunities to demonstrate communality; the communal attributes of judgeship are simply obscured by more salient perceptions of the position’s agentic stereotypes (Koenig & Eagly, 2014; Nelson, 2015). For example, group-based decision-making occurs at the appellate level, where judges determine whether the law was applied correctly in lower courts. In particular, cases are not heard by the U.S. Supreme Court unless four of the nine justices vote to grant a *writ of certiorari*. Likewise, judges must make key decisions that impact individuals, families, and their communities. A family court judge
overseeing a case involving child custody is required by law to consider the best interests of the child, which includes evaluating factors relevant to the child’s physical and emotional wellbeing. Furthermore, established judges play an important role in mentoring new and prospective judges (Brittain & Chandler, 2009). Thus, communal attributes of judgeship are often overshadowed by the role’s more agentic characteristics. With the communal characteristics of judicial roles in mind, we must consider how a perceived disconnect between stereotypical attributes of the role and the values of underrepresented candidates could hinder interest in pursuing judicial roles, thereby perpetuating a homogenous judiciary.

Social Roles Influence Goal Internalization

Both Goal Congruity Theory (GCT; Diekman et al., 2010; 2017) and Cultural Mismatch Theory (CMT; Stephens, Fryberg, et al., 2012) posit that goals and values are cultivated and internalized early in life based on socialization processes, albeit through two different modes depending on one’s social group. According to the theoretical foundation of GCT, Social Role Theory (Eagly, 1987; Eagly & Wood, 2012), the goals and values internalized by men and women differ based on gendered upbringings resulting from a biologically-based division of labor (Eagly & Wood, 2012). Specifically, as people observe members of certain social groups overrepresented in certain social roles, they ascribe the characteristics associated with those roles to the performing group members. Children frequently witness men perform roles that emphasize status and power, while women perform roles that demonstrate domesticity and interdependence (Eagly, 1987; Eagly & Wood, 2012). Based on these early observations (paired with others’ reinforcement of stereotyped expectations), children internalize gender roles and make inferences about the characteristics and skills needed to succeed in such roles, thereby connecting them with their own gender identities. As a result of these processes, both Social
Role Theory and GCT assert that boys/men are more likely to adopt and internalize values that reflect agency/independence, whereas girls/women are more likely to adopt and internalize values that reflect communality/interdependence (Diekman et al., 2010; Diekman et al., 2017; Eagly, 1987; Eagly & Wood, 2012).

CMT (Stephens, Fryberg, et al., 2012) proposes an analogous internalization process for first-generation/working-class students and URMs. Whereas children from middle-class families are taught to value self-expression and personal importance through “concerted cultivation,” it is suggested that working-class children (who are more likely to be first-generation students) are socialized to value the needs of others’ before their own (Lareau, 2002). CMT was initially developed to describe the role of internalized goals on the experience of first-generation/working-class students within a North American university system (Covarrubias et al., 2016; Fryberg et al., 2013; Fryberg & Markus, 2007), though the same psychological processes apply to URM students (Harackiewicz et al., 2016; Sladek et al., 2020). As such, research from the CMT lens consistently reveals that first-generation and URM students come from backgrounds that are more collectivist/relational, and have interdependent self-concepts (constructs that mirror the notion of communality as posited by GCT; Stephens, Fryberg, et al., 2012; Stephens, Townsend, et al., 2012). Specifically, both communal and interdependent goals reflect the desire to work with others and serve one’s community. In the current paper, we primarily use the term “communal” to describe the goals of underrepresented potential judicial candidates, though consider the term to be interchangeable with “interdependence.” Taken together, these theories suggest that the socialization of women, URMs, and first-generation students are more likely to result in the internalization of communal (vs. agentic) goals and values.
Internalized Goals Influence Role Pursuit

GCT suggests that the motivation to pursue a given role or occupation is tied to the perception that it will satisfy internalized goals, such that internalized goals and values directly influence future career motivations (Diekman et al., 2010; Diekman et al., 2017; Diekman & Steinberg, 2013). Thus, goal congruity occurs when an individual’s internalized goals match those afforded by a role (i.e., a professional occupation), while goal incongruity occurs when an individual’s internalized goals do not match those of a particular role (Diekman et al., 2017). For example, a person with primarily prosocial goals choosing between a career in engineering or nursing will likely pursue nursing due to its perceived prosociality (e.g., caring for patients) and greater goal congruity relative to engineering. Goal (in)congruity and the consequential pursuit (or avoidance) of certain roles can result from the actual or perceived qualities of an occupation (Block et al., 2018; Diekman et al., 2017). Meaning, if a role possesses both agentic and communal attributes but is perceived as a primarily agentic career, the perceived agency may deter communal candidates who would otherwise excel in these roles. Although CMT (Stephens et al., 2012) does not explicitly connect goal congruity to role adoption, we suggest that a parallel process is implied by CMT, stressing the importance of aligning personal and contextual values.

Congruity between one’s personal goals and the attributes of an occupation can explain the lack of women in certain fields. For instance, male-stereotypic careers (e.g., STEM, politics, business, and law) are perceived as less likely to satisfy communal values when compared to female-stereotypic fields (Diekman et al., 2010; McCarty et al., 2014; Schneider et al., 2016). Findings consistently reveal that women endorse more communal values than men (Block et al., 2018; Diekman et al., 2010; Diekman et al., 2017; Diekman & Steinberg, 2013; Evans &
Diekman, 2009), and to the degree that women primarily endorse communal values, they are less interested in pursuing male-dominated fields because they expect that such careers will not afford their communal goals (Diekman et al., 2010; Diekman et al., 2017; Evans & Diekman, 2009). Given the similarity between the goals and values that are likely to be endorsed by women, first-generation students, and URMs, we propose that GCT’s goal-based role pursuit process be extended to CMT’s focal groups (i.e., first-generation students and URMs).

**Consequences of Goal and Role Misalignment**

Whereas GCT illustrates the influence of internalized goals on occupational role pursuit, CMT explores the consequences of (mis)alignment that occur when an individual holds goals and values that conflict with those of the pursued context. First-generation and URM students are more likely to internalize communal/interdependent goals, which are fundamentally at odds with the agency/independence-oriented culture of universities (Covarrubias et al., 2016; Fryberg et al., 2013; Fryberg & Markus, 2007). This mismatch between cultural values, self-concept, and context leads to underperformance and stress among first-generation and URM students (Phillips et al., 2020; Stephens, Fryberg, et al., 2012; Stephens, Townsend, et al., 2012). Furthermore, individuals from working-class backgrounds often exhibit similar patterns of stress and underperformance when working in independence-oriented environments (see Stephens et al., 2019).

Importantly, evidence suggests that interdependent values endure in mismatched environments: Comparisons of first-generation students’ endorsement of interdependent values from the beginning of university to graduation revealed no change over time (Phillips et al., 2020). Thus, the goals and values we internalize based on our cultural upbringings are deeply rooted and unlikely to change across time in a culture with contrasting values. Parallel to first-
generation students and URMs, we posit that the consequences of goal and role misalignment are similarly likely impact women who find themselves in agentic/independence-oriented institutions, and thereby argue that cultural mismatch may perpetuate judicial homogeneity.

**Applying Goal Congruity and Cultural Mismatch Theories to the Judiciary**

To our knowledge, scholars have not yet extended social cognitive frameworks focused on internalized values to the area of judicial diversity, though it is reasonable to expect the empirical findings of GCT and CMT to generalize to the judicial setting. Supporting our argument, patterns consistent with GCT and CMT have been found in other stereotypically agentic career fields (Dittmann et al., 2020; McCarty et al., 2014; Schneider et al., 2016; Stephens et al., 2019), including the legal field (Diekman et al., 2010). Thus, we propose that similar social cognitive processes contribute to a lack of diversity in the judiciary. By integrating existing perspectives (see Figure 1), we illuminate psychological pathways through which judicial homogeneity is created and maintained: (1) women, first-generation, and URM lawyers do not pursue judicial roles due to *anticipated* goal incongruity; and (2) a “lack of fit” leads to *experienced* goal incongruity, thereby increasing the likelihood that underrepresented judges will exit the role. These factors may interact with institutional bias and discrimination within the legal field to amplify the adverse experiences of women, URMs, and first-generation lawyers in these roles.
Figure 1


Note. Potential intervention points are highlighted. Squares represent model aspects drawn primarily from Goal Congruity Theory while circles represent aspects primarily drawn from Cultural Mismatch Theory.
We propose that the internalized goals and values of women, first-generation, and URM lawyers are likely incongruent with stereotypic judicial traits. Judges are perceived as authoritarian, decisive, and commanding — traits that are stereotypically agentic and aligned with goals and values of upper-middle class White men (Diekman et al., 2010; Diekman et al., 2017; Stephens et al., 2011; Stephens, Fryberg, et al., 2012). Extending GCT and CMT, women, first-generation, and URM lawyers are motivated to pursue roles that are congruent with their internalized values (Figure 1, Path A). Due to agentic judicial stereotypes, women, first-generation, and URM lawyers may perceive that the role would not satisfy (and perhaps be at odds with) their internalized communal values, and will subsequently come to see judgeship as unappealing or unattainable (Figure 1, Path B). In initial support of this process, new data suggest that judgeship is indeed viewed as a role that will afford more agentic than communal values (Carroll et al., 2020).

At this point in the process model, two potential pathways emerge. In what we theorize is the most common pathway, women, first-generation, and URM lawyers pursue non-judicial roles within the legal pipeline because judgeship is perceived as predominately agentic (Figure 1, Path C). Given a lack of diverse candidates, White men continue to occupy the majority of judicial positions and the bench lacks communality, thereby diminishing the representativeness and perceived legitimacy of the system (Figure 1, Path D). Alternatively, another branch may be followed if underrepresented candidates perceive opportunities for alignment between their internalized goals and the judicial role. Should a woman, first-generation, or URM lawyer focus on communal (rather than agentic) aspects of the judicial role early in their career trajectory, they may pursue judgeship as a result of greater perceived role-goal congruity (Figure 1, Path E). This proposed pathway is supported by experimental evidence showing that simply highlighting the
aspects of STEM that are more communal (e.g., collaboration, altruistic uses for scientific discoveries) increases women’s interest in STEM majors (Diekman et al., 2011). Thus, addressing agentic judicial stereotypes represents a critical target for intervention (Figure 1, Paths B & E).

Though Path E has the potential to increase the numbers of women, first-generation, and URM lawyers who consider and are appointed to judicial positions, this may be unsustainable to the extent that the broader institutional environment conflicts with communal goals and values (Figure 1, Paths E, F, G, & H). Once in the judicial role, underrepresented judges with primarily communal goals and values may experience the harmful effects of cultural mismatch, such as underperformance (Stephens, Fryberg, et al., 2012), stress (Stephens, Townsend, et al., 2012), and negative emotions associated with the workplace (Stephens, Townsend, et al., 2012). Indeed, models of judicial stress assert that judges with greater compassion and empathy are at higher risk for heightened anxiety and burnout due to experiencing vicarious trauma and compassion fatigue (Miller & Richardson, 2006).

Given that professional stress is associated with greater intention to leave one’s professional role (e.g., Mosadeghrad, 2013), the negative experiences facilitated by cultural mismatch may lead underrepresented judges to resign from office, thus undoing the progress toward diversity that was produced by early exposure to communal judicial attributes. Although there is an absence of clear data indicating that these lawyers are more likely to leave the judiciary than White men, we reason that the leaky pipeline problem in judicial roles is due, in part, to the underlying psychological processes at play for members of these underrepresented groups. Moreover, disengagement statistics at earlier stages of the legal pipeline suggest that women and certain URM groups have higher attrition rates in the lawyer role (Chung et al.,
Despite outlining our rationale here, we acknowledge the need for available data on systematic disengagement from judicial roles, specifically.

Nevertheless, Paths E-H underscore the importance of an institutional shift toward valuing communality in the judiciary, particularly if underrepresented judges are to be retained. Legal institutions should examine why underrepresented lawyers do not pursue and remain in judicial roles to the same extent as White men and how the agentic professional culture adversely impacts underrepresented lawyers and judges. If a cultural shift toward valuing communality is achieved among legal institutions, underrepresented judges may experience less of a cultural mismatch and greater career satisfaction.

**Proposed Interventions to Increase Diversity in Judicial Roles**

Our model provides a framework from which interventions to increase the diversity of the judiciary can be derived. We argue that potential judicial candidates from underrepresented backgrounds (i.e., those who are not White men) are more likely to endorse communal (vs. agentic) goals/values. Because communal values are incongruent with the agentic goals thought to encompass judicial roles, the extent to which underrepresented candidates espouse communal goals and values should predict reduced interest and persistence in the judiciary. Considering these social cognitive processes, we propose interventions for successfully recruiting and retaining underrepresented judges.

**Increasing Interest**

In service of repairing the “leaky pipeline,” social scientists and legal entities should examine methods of increasing interest in judicial roles among potential underrepresented candidates. It is often said that attorneys from underrepresented groups do not step forward as
judicial candidates because they do not believe that they will be chosen, selected, appointed, or elected (e.g., Brown, 2001). To address barriers associated with a lack of transparency, many affiliate legal organizations produce, organize, and distribute information to demystify the judicial selection process.

Given that judicial roles are stereotypically associated with status and power, we believe that a costless, straightforward, and effective method of increasing interest in judgeship among women, first-generation, and URM lawyers would be to simply highlight the aspects of judgeship that are more communal in nature. Research using similar methodology has been successful in increasing women’s interest in majoring in STEM (Brown et al., 2015; Diekman et al., 2011; Steinberg & Diekman, 2017). After exposing a group of high school students (the majority of whom were young women) to a collaborative lab exercise and communally-oriented lecture, students believed science careers afforded greater communality and reported greater interest in entering a STEM career (Steinberg & Diekman, 2017). As such, a suitable intervention at the application level involves highlighting the communal attributes of judgeship (e.g., making important decisions that enhance the smooth functioning of local/relevant communities). Furthermore, such interventions could target earlier stages of the pipeline by showing high school, undergraduate, and law students the communal attributes of judgeship by implementing hands-on experiences similar to the intervention by Steinberg and Diekman (2017).

**Bolstering Success**

Once instilled in judicial roles, it will be helpful to provide structural support for underrepresented judges to ensure their continued success. We would be remiss to not acknowledge the structural barriers that women, first-generation law students, and URMs
experience in judicial roles. Common judicial selection processes, such as elections, disadvantage women, first-generation, and URM candidates through requiring extensive networking and monetary investment (Kenney, 2012; Sen, 2014). Moreover, women and URM judges receive disproportionately lower performance evaluation scores relative to White male judges, suggesting that primary information used by the public to vote in judicial elections is inherently biased (Gill et al., 2011). While systemic barriers are certainly pervasive, we argue that the disconnect between the perceived goal affordances of judicial roles and the values of underrepresented lawyers present an equally detrimental, yet less conspicuous, barrier to diversifying the bench.

Underrepresented group members bring fresh perspectives to institutions, though misalignment between their personal values and the stereotypical culture of the institution can trigger excessive stress and burnout (Phillips et al., 2020; Stephens, Fryberg, et al., 2012; Stephens, Townsend, et al., 2012). Consistent with previous research in other domains, we posit that role-goal misalignment creates a particularly stressful and challenging experience for judges from underrepresented backgrounds – particularly when this misalignment interacts with other systemic barriers and biased treatment. For instance, women in judicial roles report experiencing more gender discrimination in the workplace compared to men in the same roles (Ludewig & Lalleave, 2013), and when coupled with the judicial role’s agentic emphasis, communally-oriented women may experience greater occupational stress. Attempting to navigate the barriers to advancement in a professional field may be increasingly difficult when the institutional culture also misaligns with one’s core goals and values.

Fortunately, experimental evidence suggests ways of ameliorating these mismatches and preventing negative outcomes for those from underrepresented backgrounds. For example,
instructing Hispanic-identified students to reflect on their interdependent values (i.e., what values are important to you and your family) led to increased performance on a cognitive task compared to instructing them to reflect on their independent values (i.e., what values are important to you as an individual; Covarrubias, et al., 2016). Additionally, mirroring existing interventions with first-generation students, another approach would be to help underrepresented judges understand why and how their backgrounds contribute to enhancing the judiciary while informing them of resources for social support and coping with professional stress (Stephens et al., 2014). While such interventions show success in the way of ameliorating cultural mismatch between the individual and the institution, systemic bias and discrimination should also be addressed to facilitate success and career satisfaction for underrepresented judges.

**Mentoring the Next Generation**

To sustain judicial diversity, legal institutions should also provide opportunities for experienced underrepresented judges to mentor early career judges from similar backgrounds. Existing mentorship models, such as those developed by the California Judicial Branch as part of the Pathways to Judicial Diversity Initiative (Judicial Council of California, 2019), can be adapted in order to provide experienced underrepresented judges with the opportunity to engage in communal tasks while supplying support and representation for underrepresented lawyers and early career judges. Additionally, judicial mentoring programs could extend to earlier stages of the legal career pathway. Lawyers spend a significant amount of time interacting with judges and may subsequently make inferences about the qualities needed to succeed as a judge. If lawyers primarily interact with judges who espouse agency (i.e., White men), underrepresented lawyers may infer that judgeship would not afford their internalized goals. However, with greater judicial
diversity, underrepresented lawyers would have the opportunity to interact with and be mentored by judges who espouse more communal goals.

Mentorship considerations also underscore a key distinction between the legal and STEM fields: early-stage STEM candidates typically do not have the same degree of facetime with those at the “top” of their career pathway that lawyers have with judges. The frequent interaction between lawyers and judges may be detrimental when judgeships are dominated by White men, but interacting with counter-stereotypical judges may increase the likelihood that women, first-generation, and URM lawyers view themselves as capable of fulfilling these roles. Thus, mentoring programs could promote greater judicial diversity early in the pipeline by allowing for interactions between underrepresented lawyers and judges that facilitate perceived role-goal alignment and belonging in the judiciary (Brown et al., 2015; Dasgupta & Stout, 2014; Steinberg & Diekman, 2017). Moreover, the social support scaffolded by mentorship could reduce the attrition of women, first-generation, and URM judges by modeling additional ways to navigate this ostensibly agentic role and alleviating the stress and general career dissatisfaction they may experience due to cultural mismatch (Stephens, Fryberg, et al., 2012; Stephens, Townsend, et al., 2012).

**Institutional Reform**

Changing how judgeship is perceived and experienced is an important first step toward increasing judicial diversity, but it does not address the legal institution’s independent cultural emphasis, which prizes power and status over prosociality and interdependence. Our integrative process model tackles the “lack of fit” between underrepresented potential candidates and the immediate experience of holding incongruent or mismatched values with the judicial role. However, institutional and structural changes are needed to create environments that directly
facilitate an authentic sense of belonging for underrepresented judges. Although an in-depth
discussion of potential institutional reform is beyond the scope of this paper, we offer the thought
that, to the extent the legal field remains incongruent with the goals and values of
underrepresented judges, women, first-generation, and URM lawyers will likely not remain in
these roles to the same extent as White men. To this end, legal entities should consider how their
cultural practices devalue communal attributes and amplify the goal incongruity and cultural
mismatch experienced by underrepresented judges (Stephens, Townsend, et al., 2012). As legal
institutions begin to appreciate and emphasize the communal attributes of judicial roles,
underrepresented group members may be increasingly drawn to (and succeed in) such positions.

Conclusions

Social cognitive perspectives provide crucial insight into why members of
underrepresented social groups may not pursue judicial roles. Extending existing frameworks to
understand this important problem, we propose that the judiciary is stereotyped as being
predominantly agentic (vs. communal) while underrepresented candidates are more likely to
espouse communal (vs. agentic) goals, which results in a “lack of fit” between these judicial
candidates and the role itself. Our model offers promising future directions for interventions to
diversify the bench. Instead of focusing on and prioritizing the agentic attributes of judicial roles,
perceptions and experiences may be easily reshaped by highlighting and appreciating the equally
important communal aspects of judgship. By reconceptualizing the judicial role in this manner,
we suggest that women, first-generation, and URM lawyers could become increasingly interested
in pursuing judicial roles and thereby diversify the bench alongside broader efforts to tackle
systemic bias in the legal profession.
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