



## **PERSONALITY TYPE AND JUDICIAL DECISION MAKING**

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Until about ten years ago, judicial education in most states consisted primarily of substantive courses dealing with discrete areas of law. The main goal of most judicial education was, and continues to be, to teach “the law”. In a departure from traditional judicial education programs, in 1984, the California Center for Judicial Education (CJER) established a small committee of judges to design a course dealing with judicial fact finding and decision making. The goal of the course was to help judges examine their individual fact finding and decision-making styles and, as a result of subjecting them to objective examination, improve upon them. In designing the course, the faculty sought a psychological measuring device that would be nonthreatening to judges, inexpensive, relatively easy to administer, and focused on cognitive and judgment processes.

The Myers-Briggs Type Inventory (MBTI) was identified as the most appropriate psychometric tool for this purpose, and several CJER faculty members, including the author of this article, completed the Association for Psychological Type’s (APT) certification process to administer and interpret the MBTI. The MBTI is administered worldwide to several million people a year has been translated into numerous foreign languages. It is widely used throughout industry, government, education, and religion.

The MBTI has long been considered useful in team building, management, marriage counselling, and job

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placement. Within the judicial context, it has been found to have unique application to judges handling family and juvenile law, and has been used specifically in judicial education programs targeted to those groups. During the past ten years, I have administered the MBTI to more than 1,300 judges across the United States in the dozens of judicial training programs that I have taught. For my purposes, I have found it to be extremely helpful in my course work on judicial fact finding and decision making. However, its use in California judicial education has even expanded beyond fact finding and decision making, to include faculty training, collegiality, court management, stress and time management.

In this article, I will share my experience in using the MBTI to assess the impact of personality type on judicial fact finding and decision making.

#### I. THE MEASUREMENT TOOL

The MBTI is a pencil-to-paper self-administered inventory. It is an “inventory” in that it counts the number of responses in various areas of cognitive and judgmental functioning. It is not a “test” because there are no right or wrong answers. The MBTI consists of a total of 126 items. It is divided into three parts. The first and third parts are multiple choice, and the second part requires the subject to choose from a pair of words. It can be administered in either a self-scoring form, or scored by template. The inventory takes approximately 30-45 minutes to administer.

The results of the MBTI are scored on four scales that identify and quantify preferences between (1) extroversion and introversion; (2) sensing and intuition; (3) thinking and feeling; and (4) judging and perceiving. It is important to note that the MBTI measures *preference*, not skill or competence. I will not provide a detailed description or explanation of these scales here, as there are dozens of books and other resources that provide such information with more

thoroughness than I could achieve in an article of this length.<sup>1</sup> Instead, I will focus on what the four scales mean within the context of judging.

## II. EXTROVERSION AND INTROVERSION

The MBTI refers to the terms “extroversion” and “introversion” in the Jungian sense. That is, it differentiates between those who focus on the external – on other people and things – and those who focus on the internal – on their own thoughts and values.

According to most data, approximately two-thirds of the adult public are extroverts who tend to be concerned with the opinions of others.<sup>2</sup> When we refer to certain people as “keeping up with the Joneses,” we are generally speaking of extroverts. Data also indicate that children are typically more extroverted than adults, and accordingly, they are more likely to have their tastes; clothing; music; and behaviour influenced by their peers, and by what they see on television. Mass media advertising appeals to extroverts by using the lure of popularity to sell products.

The other one-third of the population is introverted. Introverts tend to be quiet and introspective. They are typically shy and keep to themselves. Their shyness is often misperceived as arrogance. As children, when we described other children as “stuck-up”, more often than not those children were not “stuck-up”, but merely shy. Contrary to the extrovert, who is generally identified as popular and

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<sup>1</sup> For those readers interested in a greater understanding of the MBTI, I would suggest any or all of the following books: *Gifts Differing*, Isabel Briggs Myers (Consulting Psychologists Press, 1980); *Please Understand Me*, David Keirsey and Marilyn Bates (Prometheus Nemesis Book Company, 1984); *People Types and Tiger Stripes*, Gordon Lawrence (Center for Applications of Psychological Type, 2<sup>nd</sup> Ed., 1987); *Type Talk*, Otto Kroeger and Janet M. Thuesen (Dell Publishing, 1988). Most of the statistical information about the distribution of type in the general population comes from these sources.

<sup>2</sup> *Id.*

outgoing, the introvert is often characterised as being bookish and reserved. Introverts prefer individual activities and many times require strong encouragement to join in group activities.

#### *A. The Extroverted Judge*

Extroverted judges can be characterized as the diplomats of the judiciary. These judges go to meetings and join groups. They tend to juggle busy schedules and oversee heavy calendars. Often, they can be found debating with lawyers on points of law. They tend to think out loud and can be the bane of appellate justices who frequently wish they hadn't cluttered the record with meandering and confusing musings. Extroverts want to know how others go about solving problems, and can be keenly aware of public opinion – often to the point of becoming stressed when charged with making unpopular decisions. Some surround themselves with a network of friends and associates to whom they look for emotional strength and support when required to make unpopular rulings.

Extroverted judges are the “doers” of the judiciary and tackle problems with zest and enthusiasm. They make popular administrative and presiding judges, and are normally well liked by staff. They manage the court's business by meeting with others and getting everyone's input, in contrast to their introverted colleagues who often “manage by memo,” without consulting with anyone before making a decision.

#### *B. The Introverted Judge*

In the judiciary, it is clear from my studies that a majority of judges are introverts. This should be no surprise, as the law, by definition, is an introvert's design. It deals with core values and principles, and resists change based on transitory shifts in the tide of popular public opinion. Moreover, the judiciary calls to service those who are willing to apply legal values and principles even when the results are highly unpopular. Service as a judge is the antithesis of

popular democracy; a judge acts alone and is expected to decide, not on the basis of which side he or she likes, but on the basis of which side is supported by legal principle.

Introverted judges share many common characteristics. They prefer written presentations over oral; are likely to make their decisions based on private reflection in advance of a hearing; and are unlikely to be significantly influenced by oral argument. Introverted judges are not likely to be swayed by popular opinion or public pressure. In fact, they are often genuinely astonished when they are criticized for following the law in cases that produce unpopular results. To introverts, there is no reasonable excuse for failing to follow the law. Introverts are likely to be brief and to the point, often to the point of abruptness. They become impatient with lawyers, litigants, or witnesses who ramble on, and often see extroverts as shallow chatterboxes. In addition, they dislike intrusions and interruptions. They disdain meetings and feel that few productive results ever come from a committee. They may be characterized as stubborn and independent-minded.

In our society, most introverted characteristics are disfavoured. This may partially explain why the public tends to entertain negative opinions about judges, believing them cold and aloof.

### *C. Gender*

The relationship between judicial service and extroversion and introversion breaks down somewhat when we consider gender. The statistics from my studies indicate that approximately 60 percent of male judges express a preference for introversion.<sup>3</sup> For women judges, the results

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<sup>3</sup> One of the concerns I have with the comprehensiveness of my data is whether the pool of judges whose MBTIs I have scored is representative of judges generally. In California, there is no mandatory continuing judicial education requirement. As a result, about one-third of California judges never attend judicial education programmes. My best guess is that 75 percent of the judges whose MBTIs I have scored are from California. Most of the rest are from Hawaii, Washington, Arizona, Kentucky,

are opposite. Of the 338 women judges I have tested 57 percent scored as extroverts. This squares with data reported by researchers regarding other occupations that have been historically male-dominated.<sup>4</sup> Women doctors, CPAs, and business managers also tend to score much more heavily extroverted than their male counterparts. In explanation of this distinction between male and female judges, researchers have posited that for women to get ahead and succeed in traditionally male-dominated fields, they have to be much more visible and assertive than men, hence the tendency towards extroversion.

### III. SENSING AND INTUITION

The sensing-intuition scale is the most important of the MBTI scales related to fact finding and decision making. This scale measures an individual's preference in processing

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Alabama and Florida, where I have also used the MBTI in judicial educational programmes. A second concern I have with the representativeness of my data is that most judicial education programmes that I have used the MBTI have been electives. Because of these two variables, I strongly suspect that far more than 60 percent of the male judiciary is introverted. First, I suspect that a high percentage of judges who do not attend judicial education programmes stay away because they believe they can learn more by reading than by attending large interactive conferences. As a result, I believe introverts are undercounted. Second, given the choice of other electives, I suspect that a high percentage of introverts choose less threatening courses than mine. To an introvert, the prospect of personal disclosure in a group of colleagues is not a pleasant one. I suspect this may be a second reason that introverts are undercounted in my data. I have always wanted to teach a course in which all the judges of a state would be required to participate in order to determine the accuracy of my sampling. In 1996, such an opportunity arose in Florida, when I taught a program for all of Florida's appellate justices. In that setting, 51 of 67 judges scored as introverts, a whopping 76 percent. It may be that appellate justices are even more introverted than trial judges, but I think the figures lend credence to the notion that more than 60 percent of male judges are introverts.

<sup>4</sup> Gail Cabral and Martin Joyce, *Managers and Psychological Type in an Industrial Setting: Sex Differences and Similarities, Managerial Level, and Age*, 21 *J. Psychol.Type* (1991).

information. It offers important explanations for how different people can see or experience the same event but report extremely different versions of what they saw or experienced.

Individuals with a sensing preference take away concrete, literal impressions of what transpires in a situation. Police officers, for instance, are trained to be sensing observers and are normally accurate at reporting time, distance, type and colour of clothing, and all the other details connected with an event. Intuitives, on the other hand, look for “meaning” in what they see. In other words, they see connections in events. They look for patterns and report conclusions. Intuitives see the “big picture”, whereas sensing individuals sometimes “cannot see the forest for the trees” and may get bogged down in details. In the general public, it is believed that about two-thirds of adults are sensing and one-third are intuitive.<sup>5</sup>

#### *A. The Sensing Judge*

Sensing judges pay attention to detail and give careful consideration to the facts of a case. These judges are traditional and have a deep respect for rules. When they institute rules and procedures for their courtrooms, they expect them to be followed. Judges with the sensing trait work systematically and realistically. These judges run into problems when they are confronted with new issues in areas where the rules are vague, inconsistent, or in transition. Sensing judges are resistant to change. They often see theoretical or philosophical discussions as impractical and irrelevant timewasters. Finally, sensing judges are aware of

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<sup>5</sup> See *Gifts Differing*, Isabel Briggs Myers (Consulting Psychologists Press, 1980); *Please Understand Me*, David Keirsey and Marilyn Bates (Prometheus Nemesis Book Company, 1984); *People Types and Tiger Stripes*, Gordon Lawrence (Center for Applications of Psychological Type, 2d. ed., 1987); *Type Talk*, Otto Kroeger and Janet M. Thuesen (Dell Publishing, 1988). Most of the statistical information about the distribution of type in the general population comes from these sources.

their work environment and will often complain about imperfections in their surroundings or inadequacies in their courtrooms and chambers. Approximately 60 percent of male judges report a sensing preference.<sup>6</sup>

### *B. The Intuitive Judge*

Intuitive judges like change and view it as challenging. They rapidly process volumes of data by searching out those pieces they regard as relevant in understanding the total picture. Intuitives look for themes and patterns, sometimes when they don't exist. These judges are bored by detail and, as a result, may not take many notes during trial. Intuitive judges are very concerned with the future. As we approach the millennium, it is the intuitive judges who have the tendency to contemplate the twenty-first century and what it will bring. Intuitives form (and join) committees that examine the future. They ponder the implications of new technology, and enjoy anticipating the future and attempting to divine future trends. However, intuitives can be unrealistic in planning, often failing to consider practical considerations, such as cost, necessary resources, and the amount of time and energy required to implement change.

Contrary to male judges, women on the bench are predominantly intuitives. Fifty-seven percent of the women judges in my data demonstrate a preference for intuition. They report they are drawn to judicial leadership by the challenge of influencing change in a system that traditionally has undervalued women. This desire to effect change has

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<sup>6</sup> I have always suspected that my data were skewed by overreporting the number of intuitives. I have assumed that intuitives would be drawn to the type of class I teach, one that deals with the "meaning" of judging and which is concerned with the "big picture", while sensing judges would be more drawn to practical courses that deal with concrete topics, such as the rules of law and procedure. My suspicions were confirmed by the Florida appellate justices; 70 percent scored a preference for sensing. It appears then, that male judges probably prefer sensing with the same frequency as the public in general.

been reported by other researchers who have also found that intuitive women are attracted to traditionally male fields of endeavour by the opportunity to change traditional systems.<sup>7</sup>

The clash between intuitives and sensing judges can be unpleasant. Because sensing judges see the need for rules and for all judges to follow the rules, they are concerned about seniority and its prerogatives. They care what time everyone gets to work, and how late everyone stays. They are sensitive to the issue of each person taking responsibility for his or her own share of the work. To intuitives, sensing judges can be seen as dogmatic, unimaginative, and preoccupied with rules and details. To sensing judges, intuitives can be seen as impractical rebels who refuse to follow the rules. In addition, intuitives tend to resist authority, whereas sensing judges are very aware of who has authority and are deferential to those who exercise it.

In the court management and collegiality programs I have conducted, the most common form of interjudge contention relates to the sensing-intuitive difference.

A telling example of the distinction between sensing and intuitive judges can be found in the way they interpret and use data. Most states now collect extensive statistical caseload data. Sensing judges are likely to use this type of information as a basis for a standard of performance. Intuitives, however, are more likely to use the same data, either as evidence in support of change or in the identification of patterns that need improvement.

#### IV. THINKING AND FEELING

In MBTI terms, the thinking-feeling scale measures how people prefer to make decisions. In general, thinkers prefer to make decisions based on the impersonal application

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<sup>7</sup> Gail Cabral and Martin Joyce, *Managers and Psychological Type in an Industrial Setting: Sex Differences and Similarities, Managerial Level, and Age*, 21 *J. Psychol.Type* (1991).

of objective rules. Feelers prefer to make decisions based on the human needs of the parties involved.

In society at large, there is a significant gender-based difference between thinking and feeling decision makers. It is believed that about 60 percent of men prefer “thinking” decision making, and about 65 percent of women prefer “feeling” decision making.<sup>8</sup> Accordingly, men are expected to be the unemotional decision makers; women are expected to be harmonizers who are sensitive to the needs of all people, no matter how differently situated they are. It is perhaps based on these statistics that certain stereotypic male and female traits have developed (e.g., that men are tough-minded and women are tender-hearted; that men are concerned with truth and women are concerned with relationships; that men decide with their heads and women with their hearts).

#### *A. A “Thinking” Judiciary*

The vast majority of judges are “thinking” decision makers, whatever their gender. In my sampling of nearly 1,000 male judges, 84 percent expressed a “thinking” preference; 72 percent of women judges preferred “thinking”. It appears that judges generally are more comfortable functioning in a system of uniform rules, applied objectively. The rule of law by definition, is a formula for making “thinking” decisions. It insists that rules be enforced objectively without regard to bias or favoritism. Predictability is an important value in our legal system, and

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<sup>8</sup> See *Gifts Differing*, Isabel Briggs Myers (Consulting Psychologists Press, 1980); *Please Understand Me*, David Keirse and Marilyn Bates (Prometheus Nemesis Book Company, 1984); *People Types and Tiger Stripes*, Gordon Lawrence (Center for Applications of Psychological Type, 2d ed., 1987); *Type Talk*, Otto Kroeger and Janet M. Thuesen (Dell Publishing, 1988). Most of the statistical information about the distribution of type in the general population comes from these sources.

adherence to the rule of law is important in ensuring predictable outcomes in similar cases.

One of the consequences of our thinking-centred system is that “feeling” issues tend to be devalued. For instance, juvenile and family court assignments which could be said to concern some of the most humanistic “feeling” issues that come before the court, are routinely disfavoured by judges and perhaps by the court system as a whole. These cases are often conducted in spare surroundings, and are typically plagued with massive and unmanageable caseloads. In addition, the court system is notoriously *user-unfriendly*; litigants and jurors routinely report being treated with rudeness and impatience by the legal system. Great attention is devoted to developing objective, impersonal data in evaluating judicial performance. But little, if any, effort is expended in measuring whether we effectively address the human needs of our clients.

I have always suspected that my data, if anything, err on the side of undercounting “thinkers” in the judicial system. My expectation is that the “touchy-feely” nature of the courses I teach appeal to the “feelers” on the bench more so than the thinkers. My work with the Florida appellate justices bears this out. In a group of judges, comprising both men and women, I found that 84 percent expressed a preference for thinking, which is a bit higher than the 81 percent of judges who score as “thinkers” in the rest of my data.

#### V. JUDGING AND PERCEIVING

The fourth MBTI scale measures preferences for judging and perceiving. Within this context, a “judging” individual prefers to live an organised, managed lifestyle. “Judgers” seek resolution and closure. They are decisive and punctual. “Perceptives”, on the other hand, are “go with the flow” people. They prefer to take life as it comes, adapting to external circumstances. Judgers are typically “Type A” personalities. They are more likely to suffer from stress,

which makes them more prone to heart attack. Perceptives enjoy life's surprises and live for each day's new challenge.

In society, it is believed that about 55 percent of adults are judges.<sup>9</sup> Based on a growing body of data, I believe there is abundant evidence that children are predominantly perceptives, but through trial and error and the hard knocks that result from a lack of planning, most children eventually develop into judges by the time they reach adulthood.<sup>10</sup> Our educational system favours judges. Their ability to organise their time and meet deadlines gives them a great advantage over perceptives.

#### *A. Judges and Perceptives in the Legal System*

Seventy-two percent of the judges in my data score as judges. There is, incidentally, no significant difference between men and women judges on this scale, according to my data. Some common characteristics of "judging" judges are punctuality (and a demand that all court users be equally punctual), decisiveness (sometimes to the point of closed-mindedness), effective time management (sometimes to the point of unbending rigidity), and impatience with lawyers or witnesses who are nonresponsive or take too long to get to the point.

Perceptive judges, due to their naturally curious and questioning minds, can be extremely patient with lawyers' arguments, tolerant of rambling witnesses, and open to reconsideration of rulings. They can be perceived as indecisive, and they often prefer to take matters under submission in order to give them more time for thought and research. Perceptive judges are normally open to new assignments and changes in surroundings.

It is not surprising that most criminal defendants who get caught are perceptives. That is not to say that most criminals are perceptives, just those who get caught. The

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<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

criminal defendants who are judges, plan ahead and have a much higher success rate in committing crime. The perceptives, who frequently fall into criminal behaviour without prearrangement, tend to take unreasonable risks and may leave behind a trail of clues and witnesses that makes their apprehension inevitable. Judges should be aware that perceptive criminal defendants are frequently late to court, miss appointments with their probation officers, forget drug testing appointments, and oversleep when they should be at work. “Judging” judges assume that if they can provide structure to a perceptive defendant’s lifestyle, he or she will discontinue their life of crime. Sadly, the prospect of a judge transforming a “perceptive” into a “judge” is virtually nonexistent. Based on my experience, however, this does not discourage judges; we keep trying to structure defendants’ lifestyles, generally with no discernable effect.

#### VI. COMBINED PREFERENCES

Thus far, I have discussed each of the MBTI scales independently of the others. However, many times, a person’s personality will be comprised of a combination of certain scales. In fact, there are sixteen four-letter combinations of the four preference scales. Certain combinations of the four scales appear among the judiciary with greater frequency than others and are worthy of discussion separately.

No one type represents a majority of judges. The most obvious judicial pattern is that nearly 62 percent of judges are “thinking judges” (represented in the four corners of Table 1). This is more than double the percentage of thinking-judges in society at large. Thinking-judges are variously described as controlling personalities, executive types, and organizational leaders. They run things. The difference between the four types of “thinking-judges” is not in *whether*, but in *how* they run things.

**Table 1**

The following is a type table showing the sixteen types. In each of the boxes, the number appearing represents the number of judges of that type included among the 1,302 judges to whom I have administered the MBTI.

**N - 1302 JUDGES**

<b>ISTJ</b> <b>305</b>	<b>ISFJ</b> <b>42</b>	<b>INFJ</b> <b>26</b>	<b>INTJ</b> <b>142</b>
<b>ISTP</b> <b>64</b>	<b>ISFP</b> <b>9</b>	<b>INFP</b> <b>42</b>	<b>INTP</b> <b>90</b>
<b>ESTP</b> <b>28</b>	<b>ESFP</b> <b>12</b>	<b>ENFP</b> <b>48</b>	<b>ENTP</b> <b>66</b>
<b>ESTJ</b> <b>227</b>	<b>ESFJ</b> <b>30</b>	<b>ENFJ</b> <b>40</b>	<b>ENTJ</b> <b>131</b>

<b>E</b>	<b>582 - 45%</b>	<b>I</b>	<b>720 - 55%</b>
<b>S</b>	<b>717 - 55%</b>	<b>N</b>	<b>585 - 45%</b>
<b>T</b>	<b>1053 - 81%</b>	<b>F</b>	<b>249 - 19%</b>
<b>J</b>	<b>943 - 72%</b>	<b>P</b>	<b>359 - 28%</b>

#### A. ISTJ

ISTJs, the most common “thinking-judging” type among judges,<sup>11</sup> tend to manage by memo or fiat. They dislike meetings and feel that committee activities are unproductive. Most ISTJs are happy running their own courtrooms, but do not aspire to oversee their colleagues or their local judiciary. They prefer to be left alone and can be highly resistant to outside interference. They follow the rules, and insist that everyone else do the same. They can be

<sup>11</sup> Of the 1,302 judges in my data, 23.4 percent score as ISTJs. Of the 67 Florida appellate judges, 43.3 percent scored as ISTJs. One might surmise that the Florida results show that ISTJs predominate over the other sixteen types, more than my overall data suggest.

distrustful of others and often want everything written out so that everyone is aware of the rules.

ISTJs are dutiful and hardworking. Of all the judge types, they are the most susceptible to stress. When the rules don't work to solve a problem, they have a hard time finding alternative solutions. They are aware of their surroundings and distracted by environmental imperfections such as heat, cold, and bad lighting. They expect a lot from others because they expect a lot from themselves. They can be harsh with others who fail to meet expectations, as they are harsh on themselves when they themselves fall short of a goal. They will rarely volunteer for an assignment, but if given one will execute it competently. They are impatient with procrastination and can be harsh in imposing penalties for such procrastination. Their word is their bond. Heaven help the lawyer or defendant who does not take them seriously.

#### *B. ESTJ*

ESTJs are the second most common of the thinking-judgers. Even though they share three preferences with ISTJs, they differ in their style of management. ESTJs are our favourite people managers and presiding judges. They are decisive, do not play favourites, and follow the rules. Like their ISTJ cousins, they are hardworking and responsible. Their extroversion distinguishes them from ISTJs, however. Where ISTJs resist meetings, ESTJs possess a willingness to meet and consult with others. They respect the opinions of others in decision making. On the bench, they listen and, even though they can be as tough as ISTJs, it never seems that way because they communicate concern and consideration for others.

#### *C. INTJ*

Even though they share three preferences with ISTJs, INTJs<sup>12</sup> are very different. Where ISTJs use power, control,

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<sup>12</sup> "N" stands for intuitive. "I" isn't used to denote intuitive, because "I" was used to represent introvert.

and rules to maintain existing systems, INTJs have never seen a system that cannot stand some improvement. As intuitives, they believe everything can be changed for the better and, as introverts, they often believe that they alone have the knowledge and inspiration to bring about that change. They share the ISTJs' suspicion of meetings and committees, but for the INTJ, the concern is that meetings and committees might interfere with change and progress. In positions of power, INTJs must work hard to resist the urge to rifle off memos detailing impractical and unrealistic ideas. These judges can be productive contributors to change within the judicial system, especially when paired with ISTJs, who can provide a realistic perspective to their inspirations.

#### *D. ENTJ*

ENTJs differ from INTJs in a few important ways, despite the fact that they share three preferences. INTJs want to change systems; ENTJs (as extroverts) want to change people. ENTJs are the leaders of mass movements. Where INTJs write books and draft memos in order to effectuate change, ENTJs form committees and hold meetings in order to inspire others to join their quest. ENTJs need sensing judges as balance to provide a practical, concrete dimension to their ideas.

### VII. CONCLUSION

In this article, I have painted broad caricatures of judges based on their preferences. In reality, no one fits neatly into any one preference category – most of us can see a little of ourselves in each of the preference types. The majority of well-adjusted adults fall somewhere along these typological continuums; very few judges can be found at the extremes. All types can be excellent judges; there is no “best” type for the judiciary.

My goal in this article is to assist judges in identifying and recognizing certain broad personality traits, and to provide some insight on how those traits can impact their

judicial decision making. We all prefer people who are like us. For example, introverted judges strongly prefer introverted lawyers who are succinct and to the point. Introverted judges can be extremely impatient with extroverted lawyers who, in their eyes, ramble on incessantly. Extroverted judges often think out loud; they often use debate with attorneys as a process for sharpening their thinking. To introverts, this can seem shallow and indecisive. If judges are tuned into their own personality type, and understand that lawyers are just being true to their own type, they can minimize the extent to which their own biases affect their evaluation of the lawyer and, ultimately, the way they evaluate the lawyer's case. All judges guard against allowing their decisions to be influenced by race and gender. That's easy to do because we can look at a person and see their race and gender. Most judges, however, are unaware of typological differences. Thus, they are unable to guard against the type biases that influence their decisions. The purpose of sensitizing judges to type differences is to help them achieve greater fairness in areas where, historically, they have been unaware of their possible unfairness.

Unconscious biases exist with respect to each of the four type characteristics measured by the MBTI. Sensing judges value rules and stability and disapprove of their intuitive colleagues who frequently want to change traditions and procedures. Thinking judges disapprove of feeling parties, who in their minds act emotionally and illogically. Judging types dislike perceptive litigants who they feel cannot make up their minds to settle a case until the jury walks into the courtroom.

By consciously using all of the personality functions, judges can maximize the quality of their decisions. The best decision making takes place when judges force themselves to go through an eight-step process:

- *Step 1:* Extroversion: Find out how other judges are handling a similar problem.

- *Step 2: Introversion:* Take time for private reflection.
- *Step 3: Sensing:* Find out what the traditional way of handling the problem is; learn what all the applicable rules and procedures are.
- *Step 4: Intuitive:* Consider whether there is a different way of handling the problem that better achieves the bottom line; identify what goals are being sought.
- *Step 5: Thinking:* Take an impartial, objective look at the situation.
- *Step 6: Feeling:* Consider the circumstances of the parties; does a given result seem to take into account their personal situation?
- *Step 7: Judging:* Make a decision; *some* decision is better than no decision.
- *Step 8: Perception:* Keep an open mind, give the problem more thought, sleep on it, and perhaps come up with a better solution.

This article is by no means intended as an indictment on any particular type of judge. However, if you have seen yourself in some of the caricatures, and wish to modify some of the identified traits, you might try tempering your behaviour by adopting the behaviour of your typological opposite.

The educational programmes I conduct are designed to help judges better understand themselves. But more importantly, they are aimed at helping judges understand and respect those who are different. Ultimately, I hope that arming judges with this type of information will result in a more enlightened and compassionate judiciary.