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GENDER, EXPERT ADVICE, AND JUDICIAL GATEKEEPING IN THE UNITED STATES

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ABSTRACT

This article investigates the role of gender in decision-making by examining trial judges' decisions to admit or exclude expert witness testimony. An analysis of civil rights cases in United States district courts (n=198) reveals that male judges are substantially more likely than females to exclude expert evidence. Importantly, this pattern cannot be attributed to other characteristics of judges, experts, or courts that may influence judges' rulings. These findings are consistent with theories of gender, organizations, and science that suggest that women are more likely than men to consider expert advice. These results also indicate that the organizational role of trial judge may not be enough to offset the wider effects of the gender system on perceptions of experts.

KEYWORDS

Gender, law, expertise, decision-making

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