

## Judicial Personality: Observing the Acceptable Limits

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**Abstract :** In many ways, judges can express their personality within and beyond their role as a judge. Judges can use their unique backgrounds and life experiences to inform their legal reasons and can also participate in certain extrajudicial activities outside of their role on the bench. For many judges, the line between the expression of this judicial personality, on the one hand, and the consequence of jeopardizing the public's perception of their impartiality, on the other, is ambiguous if not wholly unclear. In the famous Canadian decision *R v RDS*, for instance, a Black judge who was hearing a case about police violence against a Black person was accused of being biased after she acknowledged that her community's racial dynamics may have impacted the police's conduct. Many within the legal community might find comfort in the belief that judges do not need to bring their 'personality' to the bench in order to uncover the law's truths and impartially apply it. Indeed, and for a good reason, judges are often discouraged from allowing their personality to shine through in their role as a judge - because the expression of judicial personality can compromise the public perception of the impartiality of the administration of justice. This paper evaluates the theoretical constraints on the expression of judicial personality as a tool for legal decision-making and argues that judges from minority groups are held to a higher level of impartiality. Specifically, minority judges are disproportionately constrained from 1) using life experience to apply the law and 2) engaging in certain extrajudicial activities.

**Keywords :** judging, legal decision making, judicial personality, extrajudicial activities

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