



JUDGES, PARTIES, GENDER, AND CAMPAIGNS: EXPLORING ATTITUDES, ACTIVITIES AND IMPLICATIONS

Jennifer M. Jensen

Lehigh University

jjensen@lehigh.edu

Wendy L. Martinek

Binghamton University (SUNY)

martinek@binghamton.edu

Presented at the annual State Politics and Policy Conference, University Park, Pennsylvania, June 7-9, 2018. This paper is very much a work in progress; the authors welcome comments, criticism and suggestions, and ask that you notify us before citing or quoting its content.

"Vote for Our GOP Judges." Direct mail flyer. Image source: *Campaigns and Elections* website.

(<https://www.campaignsandelections.com/campaign-insider/2016-reed-award-winners#Directmail>). Paid for by the Republican Party of Pennsylvania. Accessed May 10, 2018.

"Gifts and big money" homepage. Image source: <https://greedygoodson.com/>, a website on Arkansas Supreme Court justice Courtney Goodson. Paid for by the Judicial Crisis Network, Washington, DC. Accessed June 1, 2018.

[This page left intentionally blank.]

Introduction

Eighteen states use partisan elections to select at least one level of trial court judge (Council of State Governments 2017, Table 5.7).¹ This means that aspiring jurists must participate in the electoral process and, further, that they are dependent on a political party for their place on a ticket.² Yet partisan elections set in place a judicial selection process that can complicate the typical vision of justice as blind; i.e., impartial and independent of outside influence or considerations.³ Given the importance of this arrangement, it is important that we understand exactly how judges consider, pursue, and succeed in judicial elections; and, in particular, partisan judicial elections. This paper presents an initial exploration of an important set of trial court judges: their backgrounds before reaching the bench, their attitudes toward campaigning, their interaction with their political parties, and their patterns of political contributions. Using original data from a survey of New York State trial court judges, we explore three sets of questions. How do judges interact with their respective political parties before they reach the bench? With what types of campaign activities are judges most and least comfortable? And, what levels of participation in political activities – such as being active in their political party, or contributing to political campaign – do judges have?

¹ Of these 18, seven also use partisan elections to staff their court of last resort benches. In addition, though neither New Mexico nor Ohio rely on partisan elections to staff any of their trial courts, they do use them for the selection of their courts of last resort (Council of State Governments 2017, Table 5.6). For an important note regarding the classification of judicial elections (particularly those of Michigan and Ohio), see Nelson, Caufield, and Martin (2013). More generally on the classification of judicial selection systems, see Goelzhauser (2018).

² A particularly stark example is the process by which candidates for the New York Supreme Court (the primary general jurisdiction trial court in the state) are selected. Though the state constitution requires the direct election of Supreme Court judges, candidates get on the general election ballot via party conventions that privilege candidates favored by party leaders, a process that was challenged on constitutional grounds but withstood scrutiny by the U.S. Supreme Court (*New York State Board of Elections v. Lopez Torres*, 552 U.S. 196, 2008). Parties may not serve as gate keepers in the same way when it comes to other judicial selection mechanisms (i.e., nonpartisan election, gubernatorial appointment, or legislative appointment), but the evidence suggests that partisan politics matters for understanding judicial selection even when staffing the bench does not involve partisan elections (see, e.g., McLeod 2012).

³ For informative discussions about the tension between accountability and independence, see Dubois (1980, Chapter 1) and Bonneau and Hall (2009, Chapter 1). Virtually all of the public policy debate about how best to select judges is directed at navigating between the Scylla of too much accountability and the Charybdis of too little independence.

As we seek to answer these questions, we pay particular attention to differences between Democrats and Republicans, and between men and women. We expect to see fewer differences across party, but expect to find differences in certain areas, such as fundraising.

As previous research has found that male and female judges have different ambitions for higher judicial office (Williams 2008; Jensen and Martinek 2009), we seek to determine if there are also gender differences in comfort with various aspects of campaigning, as well as in political involvement before becoming a judge. After exploring these patterns, we investigate how the two lenses of party and gender explain paths to the bench, comfort with the activities on that path, and electoral success at the end of the journey. Finally, we explore the implications of our findings. What effects might these differences have on judicial selection and, as a consequence, the functioning of the judiciary?

Judicial Campaigns

Our founding fathers were not thrilled with the idea of electing judges (see, e.g., Streb 2007b, 8-9).⁴ *Federalist 78* says only, “As to the mode of appointing the judges; this is the same with that of appointing the officers of the Union in general, and has been so fully discussed in the two last numbers [i.e., *Federalist 76* and *Federalist 77*], that nothing can be said here which would not be useless repetition.” But the discussion in *Federalist 76* and *Federalist 77* addresses not appointment versus election but, rather, how the appointment process should take place; i.e., should the president nominate and the Senate confirm? Indeed, no judges are elected at the federal level.⁵ As state

⁴ Thomas Jefferson is a notable exception. He opined, “The exemption of ... judges from ... [election] is quite dangerous enough. I know no safe depository of the ultimate powers of the society but the people themselves, and if we think ... [the people] not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take ... [control] from them, but to inform their discretion by education” (quoted in Karier 1991, 31).

⁵ The Constitution requires that Article III judges be selected via presidential nomination with senatorial confirmation. Article I judges can be selected as Congress sees fit, though the default has usually been to use the same mechanism as required for Article III judges.

governments grew, however, and the Jacksonian revolution unfolded in the early nineteenth century, popular election of judges became common (Hall 1984; Streb 2007b, 8-11). As Baum notes, “since then the option of excluding the public altogether has had little support” (1995, 19). The election of judges, even if often maligned,⁶ has become much ingrained in our political system.

For most of the nearly 200 years since the Jacksonian era, judicial elections have been characterized by low voter information and low voter turnout. Writing a half century ago, Landinsky and Silver declared, “What is most obviously interesting about judicial elections ... is that they seem so very uninteresting. They are typically placid affairs of low salience, involving men usually obscure to the public” (1967, 132). In more recent decades, judicial elections have become livelier, for many reasons. Interest group involvement (Goldberg 2007; Sample, Hall, and Casey 2010), the increasing role of money (Bonneau 2007b, 2017), the changing ethics rules for judicial candidates and judges (Hall and Bonneau 2013), the evolving roles of political parties (Streb 2007a), and the alteration of campaign finance rules and law (Geyh and Thrapp 2017) have all had an impact.⁷ Also playing a role is the changing role of the judges and courts themselves. Judges used to adjudicate behind a veil of sorts; now, televisions in some courtrooms and significant increases in media coverage (e.g., specialized cable television networks, online media, social media⁸) have made the courts more visible (Vining et al. 2010; Yanus 2009). The overall result of these changes is that “[t]oday’s judicial elections are unlikely to be low-profile, quiet, or dignified affairs” (Caufield 2007, 37).

All campaigns need messages, including campaigns for elective judicial office. “In their most basic of forms, political campaigns are all about generating messages that in turn generate discourse among voters, hopefully leading to electoral victory for a certain candidate or cause” (Tuman 2008, 39).

⁶ For example, former Justice Sandra Day O’Connor, a staunch opponent of judicial elections, said, “They’re awful. I hate them” (quoted in Podgers 2009).

⁷ We hasten to note that livelier does not necessarily mean decisively more competitive. See Kritzer (2011, 2017).

⁸ See Janoski-Haehlen (2011) for an interesting analysis of social media use and the courts.

Those messages may focus positively on a candidate's background, experience, and general record or negatively on deficiencies in the opponent's background, experience, and general record. In the case of campaigns for judicial office, a common emphasis is on judicial orientation towards crime. Candidates (and their supporters) may position themselves as "tough on crime" and their opponents as "soft on crime" (Swisher 2010, 327-331). Another common emphasis is on the partisanship of the candidate. For example, the campaign mailer depicted in Illustration 1 positions the candidates for judicial office as part of a slate of like-minded partisans. Further, many campaign materials for judicial candidates, as for candidates for so many other offices, present a family-oriented candidate (Champagne 2002, 679-680).

Today, many judicial candidates hire professional campaign managers and campaign consultants to assist with their campaigns (see, e.g., Suppelsa 2013). One reason these consultants may flourish is because "modern campaigns demand specialized, technical services that are simply beyond the political parties' *institutional capacity* to deliver" (italics in the original) (Kolody 2000, 110). That is, consultants have skills and technical abilities that political parties do not. Though still a niche category among campaign consulting, some consultants specialize in judicial races.⁹ These election consultants can utilize hard-hitting election advertising to secure "free" media:

In fact, a common ploy used by consultants is to use their advertisements as the "bait" with which to attract the attention of reporters. A particularly hard-hitting attack on the opponent is generally worth a news report or two, thus gaining the candidate additional "free" exposure. Due to the strong position of incumbents, challengers in judicial elections have special reasons to seek this type of consultation. Incumbents must then respond in turn with equal media coverage (Iyengar 2002, 692).

⁹ A search of the American Association of Political Consultants consultant directory provides no firm that identifies itself as specializing only in judicial candidates. However, a simple Google search identified firms that focus, if not exclusively, heavily on judicial campaigns; e.g., Whitestar Strategies (<http://whitestarstrategies.com/Judicial-Campaign-Management.html>).

Parenthetically, the extant evidence suggests that the use of hard-hitting attacks (specifically, attack ads) diminishes the legitimacy of state courts in the eyes of the public (Gibson 2008a, 2008b; Gibson, Gottfried, and Delli Carpini 2011).

The need for judicial campaigns has led to a concomitant need for campaign funding, leading to considerable concern in many quarters. As one story in a Chicago-area news outlet put it, “Watchdogs who have long lamented the political nature of judicial elections fear that the growing influence of money will taint campaigns that ... are supposed to focus on legal experience instead of partisan political issues” (Suppelsa 2013). The American Bar Association (ABA),¹⁰ the Brennan Center for Justice,¹¹ and Justice at Stake,¹² for example, have all pressed hard against the election of judges largely because of concerns about the effects of campaign money on the real and perceived impartiality of the judiciary.¹³ The social science literature on point has found that patterns of fundraising and expenditures in judicial elections vary in systematic ways with characteristics of the candidates and the positions (e.g., open seats and competitive elections involve more campaign dollars) (Bonneau 2005, 2007b). Scholar have also found, however, that campaign spending enhances voter participation (Hall and Bonneau 2008; but see Streb and Frederick 2011).

White v. Minnesota

Almost a hundred years ago, the American Bar Association (ABA) devised the Canons of Judicial Ethics, which included the following admonition in §30:

A candidate for judicial position should not make or suffer others to make for him, promises of conduct in office which appeal to the cupidity or prejudices of the appointing or electing power; he should not announce in advance his conclusions of law

¹⁰ See, for example, *Justice in Jeopardy: A Report of the American Bar Association Commission on the 21st Century Judiciary* (<https://static.prisonpolicy.org/scans/aba/justiceinjeopardy.pdf>).

¹¹ See, for example, Bannon (2016).

¹² See, for example, http://www.justiceatstake.org/issues/state_court_issues/money-and-elections/.

¹³ Indeed, there is at least some evidence that campaign contributions do influence the decisions judges make (see, for example, Cann 2007, Kang and Shepherd 2013).

on disputed issues to secure class support, and he should do nothing while a candidate to create the impression that if chosen, he will administer his office with bias, partiality or improper discrimination.¹⁴

The so-called Announce Clause (“he should not announce in advance his conclusions of law on disputed issues to secure class support”) was modified in 1972 when the ABA replaced the Canons of Judicial Ethics with the Code of Judicial Conduct. The then-new Code urged candidates for judicial office to refrain from “announc[ing] ... [their] views on disputed legal or political issues”¹⁵ Subsequent revision of the Code in 1990 jettisoned the Announce Clause, replacing it with the Commit or Appear to Commit Clause prohibiting “statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court.”¹⁶ Though the ABA had no authority to require states to adopt its model ethical rules, by the turn of the twenty-first century, the vast majority of states regulated judicial speech in line with the ABA’s model codes. Half of them did so on the basis of language included in the 1990 Code, with others relying primarily on language included in the 1924 Canons or in the 1972 Code (Schultz 2006, 989).¹⁷

Minnesota’s Code of Judicial Conduct prohibited “a candidate for judicial office, including an incumbent judge” from “announc[ing] his or her views on disputed legal or political issues.”¹⁸ The Announce Clause was the basis for an ethics complaint filed against Gregory Wersal, an attorney running for the position of associate justice of the Minnesota Supreme Court in 1996. The complaint arose in response to Wersal’s distribution of campaign materials critical of a number of decisions issued by the Court. Ultimately, the ethics complaint was dismissed, with the Minnesota Lawyers Professional

¹⁴ American Bar Association, Canons of Judicial Ethics (1924).

¹⁵ American Bar Association, Code of Judicial Conduct (1972).

¹⁶ American Bar Association, Code of Judicial Conduct (1990).

¹⁷ Other elements of the ABA Judicial Code that directly regulate the speech of judicial candidates include the Pledges or Promises Clause (prohibiting candidates from making “pledges or promises of conduct in office other than the faithful and impartial performance of the duties of office”) and the Misrepresentation Clause (prohibiting candidates from knowingly misrepresenting themselves or their opponents) (Hasen 2007, 17-18).

¹⁸ Minn. Code of Conduct, Canon 5(A)(3)(d)(i) (2000).

Responsibility Board expressing doubts about the constitutional soundness of the Announce Clause.¹⁹

However, because the Announce Clause remained officially in effect, Wersal filed suit against the chair of the Minnesota Board on Judicial Standards, Suzanne White, when he ran again in 1998.²⁰

When the case arrived at the U.S. Supreme Court in *Republican Party of Minnesota v. White* (536 U.S. 765, 2002), the justices split 5-4. The majority opinion, written by Justice Antonin Scalia, found the Announce Clause to be in violation of First Amendment free speech protections. Specifically, the Court found that Minnesota's Announce Clause represents a content-based restriction on speech (i.e., the qualifications of candidates for office), which is speech at the heart of the First Amendment. Writing for the majority, Justice Scalia said, "[T]he notion that the special context of electioneering justifies an abridgement of the right to speak out on disputed issues sets our First Amendment jurisprudence on its head" (536 U.S. 765, 781). As one scholar has said, *White* represents "fundamental revisions in the rules of campaign engagement ... Although state supreme court elections have been competitive for decades [citations omitted] and in some states always have been 'political' in tone [citations omitted], judicial campaigns in other states prior to *White* were issue-free, low information events by design. However, *White* changed the electoral game by opening the door in all states to issue-based discourse, including attack advertising that can be part of aggressive, well-financed campaigns" (Hall 2014, 2).

If we have seen this sort of campaigning enter judicial elections, it is because there is evidence that they work. Attack ads may make particular sense in races that are typically low visibility. Hillygus and Shields point out that "[c]ontrary to expectations that candidates will avoid divisive policy positions or target policy messages to core participants alone, candidates deliberately attempt to prime wedge issues in order to win over persuadable voters" (2008, 184). Between changing ethics laws and the

¹⁹ Nonetheless, Wersal withdrew from the race because he was concerned that additional ethical complaints would interfere with his ability to practice law.

²⁰ Wersal first sought out an advisory opinion from the Lawyers Professional Responsibility Board, which again expressed concerns about the constitutionality of the Announce Clause but declined to advise whether it would enforce it in the absence of a list of the announcements Wersal intended to make.

rapidly expanding ability to target messages through social media today, the effectiveness of aggressive advertising helps explain the growing use of wedge issues in all types of campaigns, and also helps explain why interest groups, and perhaps judicial candidates themselves (Francia and Herrnson 2007), might be increasingly likely to use wedge issues as a campaign tactic.

In addition, we have seen campaign contributions to judicial races increase over time – most of the money still comes from political parties, lawyers, major business trade associations and unions – and we have seen attack ads from outside groups become more common.

In recent years, scholars have learned much about the role of judicial election campaigns. Scholars have explored the implications of *White*, the role of advertising in campaigns, the role of campaign contributions and outside spending on campaigns, and the role of interest groups and unaffiliated groups on campaigns. Scholars have yet to explore how judges participate in certain types of political activities – such as interactions with their political parties – or how they actually feel about the electoral process. Particularly in a post-*White* era, this gap is worth filling. There is considerable literature that suggests quality potential candidates may be hesitant to enter an electoral race for many other types of public office.²¹ As campaigns become more expensive and contentious, it becomes ever more important for us to understand judges' attitudes about and comfort with campaigning. This is particularly true if attitudes vary in some systematic way, such as by gender or party. Yet we know of no research that has gathered information on any set of jurists (or potential jurists). We know about judicial campaigns. But we do not know about judges and their attitudes and activities relating to campaigns.

²¹ In recent years in particular, there has been much exploration on nascent political ambition, and the factors that influence whether or not an individual might choose to pursue an elective office. See, for example, Fox and Lawless's investigations of potential candidates (Lawless 2012; Fox and Lawless 2014a, 2014b). See, also, Johnson, Oppenheimer, and Selin (2012) and Shah (2014) for analyses focused on both the nascent and progressive ambitions of African Americans.

Hypotheses

This paper is a modest effort at a preliminary exploration of judges and political activities and campaigns. We seek to answer basic questions that might help inform further analysis on the effects of judges' (and judicial candidates') backgrounds and attitudes. Our line of inquiry focuses on five hypotheses.

- H₁. We expect candidates to dislike campaigning generally. This is not surprising, but we do hope that by investigating this question, we can better understand the nuances of exactly what parts of campaigning they dislike, and how much they dislike them.
- H₂. We expect judges who are elected in partisan elections to have contributed to their political parties and other candidates before they became judges. We expect this for two reasons. First, as judges who have been elected to office, we expect that they would have had interest in parties and elections before they reached the bench, and would be likely to have contributed. Second, we expect that nomination processes would favor those judges who had made contributions – both because they would have cast a signal that they were interested in politics, and because they had also acted in ways to support their political party.
- H₃. Related to this, we expect we expect them to remain active in their parties after assuming the bench, to the extent possible given ethics guidelines and limitations.
- H₄. We expect to find gender differences for each of the first three hypotheses. We expect this based on the extensive evidence that gender plays a large role in electoral politics. For example, Women are less likely to want to run for office (Fox and Lawless 2005, Kanthak and Woon 2015).²² In addition, historically there has been at least the perception that women have greater difficulty raising money for their political campaigns – something that led to the development of

²² It is notable, though, that Jensen and Martinek (2009) found that women judges and judges of color were actually more ambitious for a higher bench than their white male counterparts.

organizations focused on helping women raise funds (e.g., EMILY's List).²³ While some literature demonstrates that if qualified, well-financed women run for office they are no less likely than men to win (Darcy, Welch, and Clark 1994), other literature demonstrates that women are, at best, evaluated differently than men (Dolan 2004; Ditonto, Hamilton, and Redlawsk 2014) and, at worst, disadvantaged relative to their male counterparts (Huddy and Terkildsen 1993, Carroll and Dittmar 2010). Furthermore, perhaps because women are more likely to be the primary caretaker of children, women may be more sensitive to the effects of political involvement on families.²⁴

- H₅. We expect to find party differences in judges' feelings about fundraising as well as their campaign contribution histories. We expect not to find party differences for H₁ and H₃. Our thinking is thus. To say that party identification plays a large role in electoral politics is to state the obvious. Business and trade associations more likely to contribute to Republican candidates, and labor unions more likely to contribute to Democratic candidates. Republicans tend to gather fewer campaign contributions that are larger in size; Democrats typically gather more contributions that are smaller offerings. We do not expect to see partisan differences in comfort with aspects of campaigning that are not related to fundraising.

The New York Supreme Court Justices Study

To pursue our hypotheses, we use responses from a mail survey of trial court judges in New York, specifically New York Supreme Court justices. Contrary to what one would expect from the title,

²³ As Jenkins (2007) demonstrates, whether women candidates really do have a harder time raising funds, it is their perception that matters for shaping their behavior. Interestingly, Crespin and Deitz (2010) find that women candidates have a fundraising advantage conditional on ideological leanings, with Democratic women supported by female donor networks benefiting compared to their male counterparts (as well as women not connected to female donor networks).

²⁴ With regard to the intersection of gender, family, and ambition, generally see Conway, Ahern, and Steuernagel 2004; Dolan, Deckman, and Swers 2010; but see Fox and Lawless 2014a.

this position is not on a court of last resort. And, contrary to what one would expect from watching many episodes of television's *Law and Order*, in most counties the Supreme Court hears primarily civil cases that are outside the jurisdiction of other trial courts. Only in the five boroughs (counties) that comprise New York City does the Supreme Court exercise jurisdiction over felony criminal cases which might result in a sentence in excess of one year.²⁵ The jurists who sit as justices on the New York Supreme Court are elected in partisan elections as required by the state constitution. Sitting Supreme Court justices may be appointed by the governor to serve on the Appellate Division of the Supreme Court, which serves as the intermediate appellate court in New York.²⁶

Using responses from a survey sent to all sitting NYS Supreme Court justices, we are able to learn about justices' characteristics and experiences, initial motivations for seeking the bench, and their attitudes toward campaigning. As the survey was conducted following the *White* decision, this survey gives us especially useful purchase on an important matter in changing times. Furthermore, we are able to examine how characteristics and experiences – specifically here gender and party involvement – might color these thoughts and attitudes.

In conducting the survey, we contacted the offices of each Supreme Court district in the state to obtain the most accurate list of elected justices. We were able to obtain current lists from ten of the twelve districts. We also used the judicial directory available on the New York State Unified Court System Web site to augment and cross-check these lists. Ultimately, we were able to locate 292 justices. Because there is a legislative cap on the number of judges that does not keep up with caseloads, there are many acting Supreme Court justices who are appointed, and many certificated justices who are permitted to serve for several years beyond the mandatory retirement age of 70. For the purposes of

²⁵ Though as a matter of law the Supreme Court has both criminal and civil jurisdiction regardless of geography, by tradition it is the County Court that typically hears criminal cases in counties aside from the five boroughs that comprise New York City.

²⁶ The Appellate Division is organized geographically into four Departments. Appeals from the Appellate Division go to the Court of Appeal, New York's court of last resort.

this study, both acting and certificated justices have been removed from our sample. The remaining sample yields a 40 percent response rate from the population of the more than 300 regularly elected justices.²⁷ This response rate is very respectable for a survey of an elite population (Maestas, Neeley, and Richardson 2003). The geographic distribution of respondents matches the distribution of Supreme Court justices very closely. The percentage of women respondents mirrors that of the population of New York Supreme Court justices. Because information on race and ethnicity is not available for all justices, we are unable to determine with complete confidence whether the racial distribution of our respondents matches that of the larger population, but taken as a whole, our sample gives us no reason to believe that the sample reflects any response bias.

We recognize that our sample includes only those who have been elected to the bench – we are not using a survey of all candidates. While we recognize that this may make it difficult to generalize beyond those who actually won campaigns, we do believe that our sample gives us significant purchase on our hypotheses.

Exploring Judges' Routes to the Supreme Court Bench

Just as there is no single route to serving in a city council or in Congress, there is no single route to the bench. Those who become judges presumably have an interest in serving the government and the law, and a willingness to at least stomach the politics – both in running for office and sitting on the bench – that comes with the position. Setting the stage for our investigation, here we present information on the backgrounds of judges before they reach the bench, and the motivations of judges for seeking the bench, because we expect that these may inform us on how judges may react to campaigning and how they may view any effects that the electoral process has on the judiciary.

²⁷ Because a few justices were appointed to the court following a vacancy, and had not yet gone through a reelection process, the precise number of elected justices in the population at the time of the survey is unknown, but is almost assuredly a bit under 323.

Our respondents were similar across political party and gender in the proportion with experience serving on a local court; the route to the current bench; experience working in government in a capacity beyond law; and clerkship experience.

- One-third of justices in the sample – nearly 69 percent of men and more than 63 percent of women – have served as jurists on a local court before serving on the Supreme Court. This is not a statistically significant difference, and among those who had served on a local court, there is not a statistically significant difference in the number of years served. Nor is there a statistically significant difference by political party, though 38 percent of Democrats and only 28.5 percent of Republicans had served on a local bench.
- Ninety percent of male justices and 93 percent of female justices reached their Supreme Court position by being elected in a regular election, rather than by being appointed or by winning a special election. There is no statistically significant difference here. Likewise, there is no statistically significant difference between the two parties' initial route to their current seat; 88 percent of Republicans and 94 percent of Democrats reached their position via regular election.
- There is no difference in whether male and female justices, or Democrats and Republicans, worked in the federal, state or local government in some capacity other than law.
- More than half of these judges – 58.75 percent of men and 55.17 percent of women; and 67.50 percent of Republicans and 54.84 percent of Democrats – have previously clerked for a judge. These differences are also not statistically significant.

We do see two important differences in backgrounds and activities. First, we see differences in certain demographic and descriptive characteristics. Women justice are less likely to have children. This may not come as a great surprise, given that women are more often the primary caretakers of children, and the professional demands of a very active legal and then judicial career might keep one from seeking the bench. Both Democrats and Republicans, however, are equally likely to have children.

Women are more likely to serve in urban districts than men, and men more likely than women to serve in suburban districts. (There was no difference between justices who identified their districts as primarily rural.) Democrats are more likely to serve in urban districts, and Republicans are more likely to serve in suburban and rural districts. Democrats are also more likely to hear criminal cases – an artifact of the partisan composition of New York City and the caseload of that city’s Supreme Court.²⁸

Second, and perhaps more interestingly, we see distinct differences in what factors initially influenced a justice’s decision to first seek a judgeship. **Table 1** presents the differences in mean responses that male and female justices give regarding their motivations for becoming a judge. This item stated, “People are interested in becoming a judge for a variety of reasons. People become active in politics for a variety of reasons. Please indicate whether you *agree* or *disagree* that these factors influenced your decision to first seek a judgeship” (emphasis in the original).

Table 1. Personal Motivations for Initially Seeking a Judgeship

<i>5-point scale; 1 = Strongly disagree; 5 = Strongly agree.</i>			
Variables	Male Judges	Female Judges	Mean Difference
<i>An interest in...</i>			
...enhancing my prestige in the local community	2.85	2.14	0.71***
...enhancing my prestige in the legal community	3.01	2.48	0.53**
...enhancing my prestige with political elites	1.89	1.52	0.37**
...being appointed to another judicial office	2.36	2.33	.029
...being appointed to a non-judicial office	1.58	1.38	.196
...running for another judicial office	2.23	2.29	-.061
...running for a non-judicial office	1.59	1.52	.07
...legal affairs	4.13	4.29	-.161
...political affairs	2.53	2.21	.318

²⁸ While there is no statutory limit on the types of cases that may be heard before the Supreme Court, in practice it is only in New York City where this type of court hears substantial criminal cases. In practice, criminal cases in New York’s upstate counties are heard in county courts.

<i>A desire...</i>			
...to enhance the clarity and consistence of the law	3.90	4.52	-0.62***
...to enhance the legitimacy of the state court system	3.75	4.00	-.25
...to influence politics.	1.80	1.52	.283
...for power and influence	1.97	1.55	0.42**
...to be close to influential people	1.68	1.17	0.50***
Party loyalty ¹	1.70	1.30	.402
A sense of community obligation	3.58	3.31	.272
The influence of friends and/or family	2.66	2.79	-.123
Enjoyment in the activity of judging	4.29	4.48	-.195
Making social contacts and friends	2.06	2.17	-.11

¹ Due to a formatting error on the survey booklet, the response rate for this item was approximately one-third lower than to the rest of the survey.

*** = $p < .01$; ** = $p < .05$; * = $p < .10$.

We find that female justices are less likely than their male counterparts to be motivated by “an interest in enhancing my prestige... in the local community/in the legal community/with political elites” (the first three item rows). Women are also less likely to be motivated by “the desire for power and influence” and “a desire to be close to influential people.”

One might point out that perhaps women justices are simply less likely to indicate on a survey that they are motivated by prestige or power, not that they actually are less motivated – and it is important to note that the highest mean response is a 3.01 on a 5-point scale where a 3 signifies “neutral,” not agreement that a desire to enhance local prestige influenced the decision to seek a judgeship. Yet there are reasons to believe that these responses are tapping substantively meaningful differences. First, the responses vary across the survey items for local community, legal community, and political elites. Both men and women are least motivated by elite prestige, for example—reasonable, given that most state judges are not widely known in elite circles, and most judges are likely to be more tightly tied to the legal community than the political community. Second, the distances between men’s and women’s means for each survey item vary across items as well. This variation would seem to indicate that the survey responses are valid constructs.

Women are more likely than men to agree that they were motivated by “a desire to enhance the clarity and consistence of the law” when they first sought the bench. Among male justices, the mean response was 3.90, or just shy of “agree;” among women justices the mean response was 4.50, or between “agree” and “strongly agree.” This the second largest difference in responses, one that is highly statistically significant. It is interesting to note that the one measure where women are more motivated than men is one central to procedural justice.

It is interesting to note that there were no differences between Democratic and Republican justices in their likelihood to agree that any of the listed factors influenced their decisions to first seek a judgeship.

Third, we see differences in work experience before coming to the bench. Men are more likely than women to have worked in private practice; 63 percent of men, but only 43 percent of women, had done so. This difference is largely accounted for by male judges’ experience as an attorney in solo practice or a small (two to nine attorneys) private firm; 45.83 percent of men but only 20.69 percent of women have worked in solo practice, and 48.05 percent of men but only 26.67 percent of women have worked in a small private practice. In larger practices, there is no statistically significant difference between men’s and women’s participation; relatively few numbers of justices have had experience in this setting. For their part, women are more likely than men to have worked as a law professor (30 percent versus 15 percent respectively – though this difference is statistically significant only at $p < .10$).

There are also differences in work experience by political party. Republicans are much more likely to have experience in a small private firm; 62 percent of Republican judges, but only 28 percent of Democratic judges, have such experience. As with gender, there were no statistically significant differences in experience as an attorney in a larger private firm.

The most notable difference by party in work experience prior to the bench is service in a district attorney's office. Fully half of the Republican judges have served as an attorney in a DA's office, while only 16 percent of Democratic judges have done so.

Measuring support for H₁: Do judges dislike campaigning?

We do not find as much support for our first hypothesis as we had expected. Judges are generally lukewarm about campaigning, as the frequency distributions and mean responses in **Table 2** demonstrate. More than half of the respondents were positive or very positive about three campaign activities that are grounded in retail politics – going door to door, committing time to the campaign, and asking for votes. Unsurprisingly, though, more than 80 percent felt negative or very negative about asking for campaign contributions, and more than 90 percent felt negative or very negative about participating in a negative campaign.

While we should be cautious presuming that judicial candidates who do not win elections have the same distribution of feelings, and certainly we recognize that we need to be cautious to extrapolating to potential candidates, those who have not yet run for a judgeship, we believe that this evidence gives us fruitful information. Survey or other large-n data on how officials feel about campaigning – for any type of office – is relatively rare. Here we see that judges are less skittish about campaigning than we initially expected. Most respondents do not recoil in response to every part of campaigning. There is a small portion who do not feel positive about things as basic as asking someone to vote for them, but these judges are in the minority.

Table 2. Feelings about engaging in the various campaign activities

Variable	Response Frequencies (Percentages)					Mean Response
	Very Negative	Negative	Neutral	Positive	Very Positive	
Attending fundraisers	26.7	19.1	22.9	21.9	9.5	2.7
Asking for campaign contributions	51.9	27.4	11.3	4.7	4.7	1.8
Going door-to-door to meet constituents	17.8	8.4	22.4	27.1	24.3	3.3
Asking people to vote for you	11.2	7.5	15.1	36.5	29.0	3.6
Interacting with journalists and the media	13.3	12.4	32.4	25.7	16.2	3.2
Participating in a negative campaign	80.2	13.2	4.7	0.9	0.9	1.3
Committing your time	11.5	9.6	25.0	27.9	26.0	3.5
Asking people to volunteer for the campaign	16.8	15.9	29.9	23.4	14.0	3.0
Dealing with party officials	16.8	18.7	26.2	27.1	11.2	3.0
Having your name and family in the public spotlight	25.2	23.4	33.6	14.0	3.7	2.5

As **Table 3** demonstrates, four of the 11 measures, there are statistically significant differences between the distributions of Republican judges' and Democratic judges' feelings about campaigning. (For seven of the 11 measures, there are statistically significant differences in the mean responses of these two groups.) In each of these cases, Republicans are more comfortable with campaigning.

Table 3. Feelings about campaign activities, by political party

Variable	Mean for Republican Judges	Mean for Democratic Judges	Difference of Means	Pearson χ^2 Test (4)
Attending fundraisers	3.00	2.46	0.541*	7.04
Asking for campaign contributions	2.13	1.65	0.486**	11.74**
Going door-to-door to meet constituents	3.82	2.94	0.885***	14.63***
Asking people to vote for you	4.10	3.34	0.764***	8.78*
Interacting with journalists and the media	3.44	3.00	0.436*	7.62
Participating in a negative campaign	1.46	1.18	0.281**	7.25
Committing your time	3.67	3.27	0.395	5.97
Asking people to volunteer for the campaign	3.08	2.92	0.158	5.87
Dealing with party officials	3.00	2.89	0.113	1.43
Having your name and family in the public spotlight	2.82	2.29	0.530**	11.40**

We also find that male and female judges have different feelings about certain aspects of campaigning, though the differences are less extensive. (See **Table 4.**) In both cases with statistically significant differences in the distribution of responses, and in all four cases where there are statistically significant differences of mean responses, men are more comfortable with the particular type of campaign activity. Men have more positive feelings than women when it comes to going door-to-door and interacting with the media. Men have less negative feelings than women when it comes to participating in a negative campaign and having their name and family in the public spotlight. This last difference is particularly intriguing as male judges are more likely to have children than their female counterparts.

Table 4. Feelings about campaign activities, by gender

Variable	Mean for Male Judges	Mean for Female Judges	Difference of Means	Pearson χ^2 Test (4)
Attending fundraisers	2.711	2.621	0.090	0.99
Asking for campaign contributions	1.922	1.586	0.336	3.04
Going door-to-door to meet constituents	3.474	2.897	0.578*	6.76
Asking people to vote for you	3.692	3.517	0.175	4.33
Interacting with journalists and the media	3.338	2.786	0.552**	9.55**
Participating in a negative campaign	1.377	1.069	0.308**	4.67
Committing your time	3.566	3.214	0.352	3.57
Asking people to volunteer for the campaign	3.051	2.931	0.120	0.6
Dealing with party officials	3.077	2.69	0.387	7.78
Having your name and family in the public spotlight	2.603	2.138	0.465*	10.24**

Measuring support for H₂ and H₃: Are judges active with their political parties and in political campaigns?

Given that these judges seek the bench via partisan elections, we expected that many would be somewhat active in their local political parties. To determine support for our hypotheses, we use three items regarding political party activity – local party involvement, state party involvement, and national party involvement. For each level of party structure, judges could identify themselves as “not at all active,” “somewhat active,” or “very active.”

As it turns out, judges are decidedly inactive in their political parties. Over 97 percent indicate that they are not active in their local party; for the state and national party, that number rises to 99 percent. With three or fewer respondents indicating that they have any activity with their political parties, discussion of differences across gender or political party are not meaningful.

It is possible that once reaching the bench, judges curtail their party activity. To try to get a

sense of party activity before they become jurists, we look at campaign contribution history. Do judges have a history of contributing to their political parties or to individual candidates for office? We expected that they would. In fact, judges have a modest contribution record. (See **Table 5.**) Nearly 15 percent never contributed to political parties and 11 percent never contributed to individual candidates before becoming a judge. Only 27 percent contributed to their political party and only 22 percent contributed to individual candidates in every election cycle. Compared to the voting population, of course, these are very high participation rates in electoral giving – but then, those who later run for judge are not typical voters.

Table 5. Patterns of political contributions to political parties and candidates

<i>Before becoming a judge, how often did you give money to your political party?</i>						
	Never	During some elections	During most elections	During every election cycle	Mean Response	Pearson Test (4) X ²
All Respondents	14.95	40.19	17.76	27.10	2.57	
Republicans	5.00	37.50	20.00	37.50	2.90***	7.67*
Democrats	22.95	40.98	14.75	21.31	2.34***	7.67*
Men	16.77	28.57	22.08	32.47	2.70**	15.71***
Women	10.00	70.00	6.67	13.33	2.23**	15.71***
<i>Before becoming a judge, how often did you give money to individual candidates?</i>						
	Never	During some elections	During most elections	During every election cycle	Mean Response	Pearson Test (4) X ²
All Respondents	11.32	49.06	17.92	21.70	2.50	
Republicans	7.89	36.84	23.68	31.58	2.79**	6.11
Democrats	14.52	54.84	14.52	16.13	2.32**	6.11
Men	10.53	42.11	21.05	26.32	2.63**	6.90*
Women	13.33	66.67	10.00	10.00	2.23**	6.90*

Here we see substantively important differences in giving by both gender and political party. Women are substantially less likely than men to have given to either their political party or to individual candidates. Only 21 percent of women gave to their political parties in most or all election cycles, compared to 54 percent of their male counterparts. The same percentage of women gave to individual candidates during most or all election cycles, compared to 47 percent of men.

The differences across political party are not as stark as they are across gender, but nonetheless they are substantively and significantly significant. Only thirty-six percent of Democrats gave money to their political party during most or every election cycle, compared to 59 percent of Republicans; 29 percent and 55 percent of Democrats and Republicans, respectively, contributed to individual candidate campaigns during most or every election cycle.

There are many possible explanations for these differences in giving, and unfortunately our survey data do not allow us to explore those that are most promising. It is possible that men give more because they had higher incomes. Unfortunately we do not have salary information for respondents' careers before the bench, for example, though we do know that men were more likely to work in private practice. It is possible that men are asked more frequently; if so, this could be an artifact of political, professional or social networks or of social tradition. Nonetheless – and particularly since we are examining simply whether a person contributed, and not how much -- it is notable that nearly 80 percent of women, and approximately two-thirds of Democrats, either did not contribute to political parties or candidate campaigns, or contributed in only some election cycles, before they took their seats on the bench. This strikes us as unusual, given that these justices faced an elective rather than appointive path to the bench.

Reviewing support for H₄: Do we see different patterns of attitudes and activities by gender?

To recap our investigation of gender, we found some important differences, but not in all areas. Men and women differ in some of their motivations for initially seeking the bench, yet they had similar feelings about many activities that comprise campaigning today. The different feelings about campaigning raise interesting questions, and unfortunately many are ones that our data do not allow us to answer. Did these differences exist before the judges actually ran for office? And if so, do the differences exist among potential candidates as well? Do these differences have any impact on the desire to run for reelection to the bench? If the answers to any of these questions is yes, then there are wide implications to these different comfort levels with campaigning. Furthermore, while we earlier explained that judicial races are becoming more competitive and more heated – in other words, more typical of electoral campaigns for other offices – we also recognize that judicial campaigns are still lower key than many of those for city and county councils, state legislatures, congressional seats, and governorships. It is difficult to say whether these findings provide any useful insight into candidates for positions beyond judgeships. If the differences that we find here are common across the candidate pools for other offices, then the impact of these gender differences could be very broad and very deep.

Measuring support for H₅: Do we see different patterns of attitudes and activities by political party?

Recall that we expected to see political party affecting factors related to fundraising and contributing to political parties and others' campaigns. We did not find evidence to support our hypothesis that Republican justices would be more comfortable with fundraising than their Democratic counterparts, but we did find differences in the regularity of making political contributions before joining the bench. One of the most significant differences, we believe, is the fact that fewer Democrats than Republicans have a history of making political contributions. As we discussed earlier, this leads us

to questions we can ask but not answer with these data – specifically, what forces might be leading to these differences in contribution patterns.

Implications and Questions for the Future

In a post-*White* era, judicial campaigns are becoming more similar to other types of campaigns. We hope that this paper has provided a useful initial inquiry into judges' attitudes and activities surrounding political campaigns, and we hope that the unanswered questions that we have raised help to clarify that which we do not yet know. Future research might have significant impact on our understanding of which potential candidates choose to run for judicial office, on which candidates might be skilled at campaigning and thus have an advantage. (Different contribution patterns could also indicate a potential difference in candidate recruitment patterns.) Future research might also investigate whether the differences we have found might influence the functioning or decisionmaking of the court.

One potential criticism of the evidence we have provided stems from our use of difference of means tests and chi-square tests, which of course do not control for other factors as they measure the relationships between two variables. This is certainly true. That said, we believe that these findings are significant even without addressing causality. For example, we might wonder if male judges are more likely than female judges to have contributed to political parties because they have larger incomes or greater assets. This is an important question. Yet regardless of what causes there might be for this difference, the difference exists. Likewise, while we can use regression to investigate a relationship while controlling for the effects of other variables, we cannot unbundle sets of characteristics in an actual population. If men, collectively, contribute to political parties more frequently because their collective financial situations are better, that is still a real effect with real implications.

We have not taken up a set of questions about whether these findings are specific to judges. This is in part because of lack of comparison data, but a lack of data does not negate the importance of these questions. We have not taken up a set of questions tying changes in codes of judicial conduct to our findings, and we have not explored the ways in which circumstances specific to this particular court, or this particular state, might affect our results. Data on other types of jurists, from other states, and on candidates for other types of offices completely would provide rich opportunities to answer the questions we have only begun to ask.

Works Cited

- American Bar Association Commission on the 21st Century Judiciary. 2003. *Justice in Jeopardy: A Report of the American Bar Association Commission on the 21st Century Judiciary*. Chaired by Edward W. Madeira, Jr. Available at <https://static.prisonpolicy.org/scans/aba/justiceinjeopardy.pdf>. Most recently accessed May 30, 2018.
- Bannon, Alicia. 2016. *Rethinking Judicial Selection in State Courts*. Brennan Center for Justice (<https://www.brennancenter.org/publication/rethinking-judicial-selection-state-courts>).
- Baum, Lawrence. 1995. "Electing Judges." In *Contemplating Courts*, ed. Lee Epstein. Washington, DC: Sage.
- Bonneau, Chris W. 2005. "What Price Justice(s)? Understanding Campaign Spending in State Supreme Court Elections." *State Politics & Policy Quarterly* 5(2): 107-125.
- Bonneau, Chris W. 2007a. "Campaign Fundraising in State Supreme Court Elections." *Social Science Quarterly* 88(1): 68-85.
- Bonneau, Chris W. 2007b. "The Dynamics of Campaign Spending in State Supreme Court Elections." In *Running for Judge: The Rising Political, Financial, and Legal Stakes of Judicial Elections*, ed. Matthew J. Streb. New York, NY: New York University Press.
- Bonneau, Chris W. 2017. "Fundraising and Spending in State Supreme Court Elections." In *Judicial Elections in the 21st Century*, ed. Chris W. Bonneau and Melinda Gann Hall. New York, NY: Routledge.
- Bonneau, Chris W. and Melinda Gann Hall. 2009. *In Defense of Judicial Elections*. New York, NY: Routledge.
- Cann, Damon. 2007. "Justice for Sale? Campaign Contributions and Judicial Decisionmaking." *State Politics and Policy Quarterly* 7(3): 281-297.
- Carroll, Susan J. and Kelly Dittmar. 2010. "The 2008 Candidates of Hilary Clinton and Sarah Palin: Cracking the 'Highest, Hardest Glass Ceiling'." In *Gender and Elections: Shaping the Future of American Politics*, 2nd Edition, ed. Susan J. Carroll and Richard L. Fox. New York, NY: Cambridge University Press.
- Caufield, Rachel P. 2007. "The Changing Tone of Judicial Election Campaigns as a Result of *White*." In *Running for Judge: The Rising Political, Financial, and Legal Stakes of Judicial Elections*, ed. Matthew J. Streb. New York, NY: New York University Press.
- Champagne, Anthony. 2002. "Television Ads in Judicial Campaigns." *Indiana Law Review* 35(2002): 669-689.
- Conway, M. Margaret, David W. Ahern, and Gertrude A. Steuernagel. 2004. *Women and Political Participation: Cultural Change in the Political Arena*, 2nd Edition. Washington, D.C.: Congressional Quarterly.
- Council of State Governments. 2017. *Book of the States*. Lexington, KY: Council of State Governments.

- Crespin, Michael H. and Janna L. Deitz. 2010. "If You Can't Join 'Em, Beat 'Em: The Gender Gap in Individual Donations to Congressional Candidates." *Political Research Quarterly* 63(3): 581-593.
- Darcy, Robert, Susan Welch, and Janet Clark. 1994. *Women, Elections, and Representation*, 2nd Edition. Lincoln, NE: University of Nebraska Press.
- Ditonto, Tessa M., Allison J. Hamilton, and David P. Redlawsk. 2014. "Gender Stereotypes, Information Search, and Voting Behavior in Political Campaigns." *Political Behavior* 36(2): 335-358.
- Dolan, Julie, Melissa M. Deckman, and Michele L. Swers. 2010. *Women and Politics: Paths to Power and Political Influence*, 2nd Edition. New York, NY: Pearson.
- Dolan, Kathleen. 2004. *Voting For Women: How the Public Evaluates Women Candidates*. Boulder, CO: Westview Press.
- Dubois, Philip L. 1980. *From Ballot to Bench: Judicial Elections and the Quest for Accountability*. Austin, TX: University of Texas Press.
- Fox, Richard L. and Jennifer L. Lawless. 2005. "To Run or Not to Run for Office: Explaining Nascent Political Ambition." *American Journal of Political Science* 49(3): 642-659.
- Fox, Richard L. and Jennifer L. Lawless. 2014a. "Reconciling Family Roles with Political Ambition: The New Normal for Women in the 21st Century U.S. Politics." *Journal of Politics* 76(2): 398-414.
- Fox, Richard L. and Jennifer L. Lawless. 2014b. "Uncovering the Origins of the Gender Gap in Political Ambition." *American Political Science Review* 108(3): 499-519.
- Francia, Peter L. and Paul S. Herrnson. 2007. "Keeping It Professional: The Influence of Political Consultants on Candidate Attitudes toward Negative Campaigning." *Politics & Policy* 35(2): 246-272.
- Geyh, Charles Gardner and Katherine Thrapp. 2017. "The Changing Legal Landscape of Judicial Elections." In *Judicial Elections in the 21st Century*, ed. Chris W. Bonneau and Melinda Gann Hall. New York, NY: Routledge.
- Gibson, James L. 2008a. "Campaigning for the Bench: The Corrosive Effects of Campaign Speech?" *Law & Society Review* 42(4): 899-928.
- Gibson, James L. 2008b. "Challenges to the Impartiality of State Supreme Courts: Legitimacy Theory and 'New-Style' Judicial Campaigns." *American Political Science Review* 102(1): 59-75.
- Gibson, James L., Jeffrey A. Gottfried, and Michael X. Delli Carpini. 2011. "The Effects of Judicial Campaign Activity on the Legitimacy of Courts." *Political Research Quarterly* 64(3): 545-558.
- Goelzhauser, Greg. 2018. "Classifying Judicial Selection Institutions." *State Politics and Policy Quarterly* 18(2): 174-192.
- Goldberg, Deborah. 2007. "Interest Group Participation in Judicial Elections." In *Running for Judge: The Rising Political, Financial, and Legal Stakes of Judicial Elections*, ed. Matthew J. Streb. New York, NY: New York University Press.

- Hall, Melinda Gann. 2014. *Attacking Judges: How Campaign Advertising Influences State Supreme Court Elections*. Palo Alto, CA: Stanford University Press.
- Hall, Kermit L. 1984. "Progressive Reform and the Decline of Democratic Accountability: The Popular Election of State Supreme Court Judges, 1850-1920." *Law & Social Inquiry* 9(2): 345-369.
- Hall, Melinda Gann and Chris W. Bonneau. 2008. "Mobilizing Interest: The Effects of Money on Citizen Participation in State Supreme Court Elections." *American Journal of Political Science* 52(3): 457-470.
- Hall, Melinda Gann and Chris W. Bonneau. 2013. "Attack Advertising, the White Decision, and Voter Participation in State Supreme Court Elections." *Political Research Quarterly* 66(1): 115-126.
- Hasen, Richard L. 2007. "First Amendment Limits on Regulating Judicial Campaigns." In *Running for Judge: The Rising Political, Financial, and Legal Stakes of Judicial Elections*, ed. Matthew J. Streb. New York, NY: New York University Press.
- Hillygus, D. Sunshine and Todd G. Shields. 2008. *The Persuadable Voter: Wedge Issues in Presidential Campaigns*. Princeton, NJ: Princeton University Press.
- Huddy, Leonie and Nayda Terkildsen. 1993. "The Consequences of Gender Stereotypes for Women Candidates at Different Levels and Types of Office." *Political Research Quarterly* 46(3): 503-525.
- Iyengar, Shanto. 2002. "The Effects of Media-Based Campaigns on Candidate and Voter Behavior: Implications for Judicial Elections." *Indiana Law Review* 35(2002): 691-699.
- Janoski-Haehlen, Emily M. 2011. "The Courts Are All A 'Twitter': The Implications of Social Media Use in the Courts." *Valparaiso University Law Review* 46(1): 43-68.
- Jenkins, Shannon. 2007. "A Woman's Work Is Never Done?: Fund-Raising Perception and Effort among Female State Legislative Candidates." *Political Research Quarterly* 60(2): 230-239.
- Jensen, Jennifer M. and Wendy L. Martinek. 2009. "The Effects of Race and Gender on the Judicial Ambitions of State Trial Court Judges." *Political Research Quarterly* 62(2): 379-392.
- Johnson, Gbemende, Bruce I. Oppenheimer, and Jennifer L. Selin. 2012. "The House as a Stepping Stone to the Senate: Why Do So Few African American House Members Run?" *American Journal of Political Science* 56(2): 387-399.
- Kang, Michael S. and Joanna M. Shepherd. 2013. "The Partisan Foundations of Judicial Campaign Finance." *Southern California Law Review* 86(6): 1239-1308.
- Kanthak, Kristin and Jonathan Woon. 2015. "Women Don't Run? Election Aversion and Candidate Entry." *American Journal of Political Science* 59(3): 595-612.
- Karier, Clarence J. 1991. *The Individual, Society, and Education: A History of American Educational Ideas*, Second Edition. University of Illinois Press.
- Kolody, David. 2000. "Electoral Partnerships: Political Consultants and Political Parties." In *Campaign Warriors: The Role of Political Consultants in Elections*, ed. James A. Thurber and Candice J. Nelson. Washington, DC: Brookings Institution Press.

- Kritzer, Herbert M. 2011. "Competitiveness in State Supreme Court Elections, 1946-2009." *Journal of Empirical Legal Studies* 8(2): 237-259.
- Kritzer, Herbert M. 2017. "Contestation and Competitiveness in State Supreme Court Elections, 1946-2015: A State-Level Analysis." In *Judicial Elections in the 21st Century*, ed. Chris W. Bonneau and Melinda Gann Hall. New York, NY: Routledge.
- Landinsky, Jack and Allan Silver. 1967. "Popular Democracy and Judicial Independence: Electorate and Elite Reactions to Two Supreme Court Elections." *Wisconsin Law Journal* 1967(1): 128-169.
- Lawless, Jennifer L. 2012. *Becoming a Candidate: Political Ambition and the Decision to Run for Office*. New York, NY: Cambridge University Press.
- Maestas, Cherie, and Grant W. Neeley, and Lilliard E. Richardson, Jr. 2003. "The State of Surveying Legislators: Dilemmas and Suggestions." *State Politics & Policy Quarterly* 3(1): 90-108.
- McLeod, Aman. 2012. "The Party on the Bench: Partisanship, Judicial Selection Commissions, and State High-Court Appointments." *Justice System Journal* 33(3): 262-274.
- Nelson, Michael J., Rachel Paine Caufield, and Andrew D. Martin. 2013. "OH, MI: A Note on Empirical Examinations of Judicial Elections." *State Politics & Policy Quarterly* 13(4): 495-511.
- Podgers, James. 2009. "O'Connor on Judicial Elections: 'They're Awful. I Hate Them.'" *ABA Journal* May 9, 2009.
- Sample, James J., Charles Hall, and Linda Casey. 2010. "The New Politics of Judicial Elections." *Judicature* 94(2): 50-57.
- Schultz, David. 2006. "*Minnesota Republican Party v. White* and the Future of State Judicial Selection." *Albany Law Review* 69(4): 985-1011.
- Shah, Paru. 2014. "It Takes a Black Candidate: A Supply-Side Theory of Minority Representation." *Political Research Quarterly* 67(2): 266-279.
- Streb, Matthew J. 2007a. "Partisan Involvement in Partisan and Nonpartisan Trial Court Elections." In *Running for Judge: The Rising Political, Financial, and Legal Stakes of Judicial Elections*, ed. Matthew J. Streb. New York, NY: New York University Press.
- Streb, Matthew J. 2007b. "The Study of Judicial Elections." In *Running for Judge: The Rising Political, Financial, and Legal Stakes of Judicial Elections*, ed. Matthew J. Streb. New York, NY: NYU Press.
- Streb, Matthew J. and Brian Frederick. 2011. "When Money Cannot Encourage Participation: Campaign Spending and Rolloff in Low Visibility Judicial Elections." *Political Behavior* 44(4): 665-684.
- Suppelsa, Mark. 2013. "Judicial Hopefuls Rely on Campaign Consultants." WGNTV.com (<http://wgntv.com/2013/05/21/judicial-hopefuls-rely-on-political-consultants/>).
- Swisher, Keith. 2010. "Pro-Prosecution Judges: 'Tough on Crime,' Soft on Strategy, Ripe for Disqualification." *Arizona Law Review* 52(2): 317-393.
- Tuman, Joseph S. 2008. *Political Communication in American Campaigns*. Thousand Oaks, CA: Sage.

- Vining, Richard L., Jr. Teena Wilhelm, Sara E. Hiers, and Phil Marcin. 2010. "Patterns of Newspaper Reporting on State Supreme Courts." *Justice System Journal* 31(3): 273-290.
- Williams, Margaret S. 2008. "Ambition, Gender, and the Judiciary." *Political Research Quarterly* 61(1): 68-78.
- Yanus, Alixandra B. 2009. "Full-Court Press: An Examination of Media Coverage of State Supreme Courts." *Justice System Journal* 30(2): 180-195.