

Supplemental Appendix for "Anchoring or Expanding: Gender and Judicial Nominations" by Jonathan M. King, Jessica A. Schoenherr, and Ian Ostrander

A president's likelihood of nominating a woman to the federal bench has generally increased over the past 40 years within both parties. Democratic presidents dramatically outpace Republicans in the nomination of women to the lower federal courts. Additionally, while there is a noted increase in the propensity of Republican presidents nominating women to lower court seats during the George W. Bush administration, there is not a comparably significant shift in the propensity of President Trump to nominate women. By comparison, the Biden administration stands out as active in the nomination of women to lower court vacancies, with about 65% of his nominees being women.

Table A1: Female Nominations by Congress & Court Type

Congress (1st Year)	District Frequency	District Proportion	Circuit Frequency	Circuit Proportion	Total Frequency	Total Proportion
97 (1981)	3	4.48%	0	0.00%	3	3.45%
98 (1983)	10	12.99%	2	10.53%	12	2.50%
99 (1985)	9	8.57%	3	9.38%	12	8.76%
100 (1987)	4	5.19%	2	8.70%	6	6.00%
101 (1989)	4	7.84%	3	15.79%	7	10.00%
102 (1991)	29	20.14%	6	20.00%	35	20.11%
103 (1993)	35	30.17%	7	33.33%	42	30.66%
104 (1995)	26	30.95%	5	26.32%	31	30.10%
105 (1997)	23	24.73%	9	33.33%	32	26.67%
106 (1999)	25	30.86%	10	31.25%	35	30.97%
107 (2001)	24	20.34%	11	18.64%	35	19.77%
108 (2003)	17	18.09%	8	21.62%	25	19.08%
109 (2005)	14	22.58%	5	12.82%	19	18.81%
110 (2007)	17	21.79%	6	25.00%	23	22.55%
111 (2009)	37	44.05%	9	37.50%	46	42.59%
112 (2011)	47	38.21%	10	45.45%	57	39.31%
113 (2013)	66	39.76%	19	61.29%	85	43.51%
114 (2015)	27	45.76%	5	62.50%	32	47.76%
115 (2017)	30	23.81%	9	18.37%	39	22.29%
116 (2019)	42	25.00%	5	19.23%	47	24.23%
117 (2021)	76	64.96%	28	71.79%	104	66.67%

The number and proportion of women nominated to the circuit and district courts by Congress (1981-2022). This table provides a detailed, court-level, and over-time breakdown of Figures 2 and 3 in the text.

Table A2: Change in Number of Female Judges on
D.C. Courts by President

President	Circuit	District	Total
Reagan	+1	-2	-1
H.W. Bush	+1	0	+1
Clinton	0	+4	+4
W. Bush	-3	0	-3
Obama	+3	+1	+4
Trump	+1	0	+1
Biden	+1	0	+1
Democratic	+4	+9	+13
Republican	0	-2	-2

We exclude the D.C. courts from our analysis because D.C. is not currently a state and consequently does not have senatorial representation. Even so, we find similar trends in the nominating strategies of women to D.C. judgeships with Democratic presidents increasing the number of women at both the circuit and district levels. Furthermore, no Democratic president has reduced the number of women on a D.C. court. Conversely, Republican presidents overall have not increased the gender diversity on the D.C. courts. We do not find any evidence of anchoring, however, as since 1981, only four instances -- two circuit and two district nominations -- of women nominated to replace a female judge have occurred, all by Democratic presidents.

Table A3: Alternative Operationalizations of Control Variables

	<i>Dependent variable:</i>	
	Female	
	Circuit	District
Prev Judge Female	−0.192 (0.447)	−0.054 (0.201)
Republican President	28.435 (1,977.558)	1.594 (1.625)
Prev Judge Female × Republican President	1.229* (0.647)	0.932*** (0.316)
Opposed Delegation	0.024 (0.284)	0.082 (0.155)
Mixed Delegation	−0.023 (0.302)	0.077 (0.165)
Female Home State Senator	0.380 (0.312)	0.367** (0.186)
Prev Judge Party Switch	−0.015 (0.248)	0.223* (0.121)
Senate Maj Size	−7.875 (494.389)	−0.946** (0.383)
Proportion Bench Female	−1.224 (1.644)	−1.769*** (0.509)
Previous Nomination Failed	0.005 (0.273)	−0.063 (0.145)
Days Left in Congressional Session	0.0005 (0.001)	0.001* (0.0004)
Proportion Senators Female in Circuit	−1.671 (1.103)	
Presidential Approval	−0.008 (0.019)	−0.006 (0.010)
Nuclear Option	0.324 (0.860)	−0.031 (0.374)
Constant	1.556 (1.468)	1.664** (0.792)
Observations	480	1,809
Log Likelihood	−234.082	−940.894
Akaike Inf. Crit.	534.164	2,043.789

Note:

*p<0.1; **p<0.05; ***p<0.01

Note: Alternative Operationalizations of control variables for Table 1. Specifically, we use 1) "Senate Majority Size," which denotes the size advantage of number of senators allied with president (positive values indicating a unified president and Senate, negative values an opposition Senate from the president) and 2) controlling for the effects of the 2013 "Nuclear option."

Table A4: Nominating Female Judges: Year Fixed Effects

	<i>Dependent variable:</i>	
	Female Nominee	
	Circuit	District
Prev Judge Female	-0.235 (0.463)	-0.069 (0.203)
Republican President	-20.511 (2,463.256)	-4.239*** (1.123)
Prev Judge Female × Republican President	1.240* (0.664)	0.933*** (0.319)
Opposed Delegation	-0.041 (0.296)	0.053 (0.159)
Mixed Delegation	-0.057 (0.313)	0.074 (0.168)
Female Home State Senator	0.379 (0.320)	0.384** (0.189)
Prev Judge Party Switch	-0.013 (0.257)	0.217* (0.123)
Opposition Senate	-0.056 (0.828)	-0.117 (0.564)
Proportion Bench Female	-1.607 (1.708)	-1.615*** (0.519)
Previous Nomination Failed	-0.001 (0.293)	-0.059 (0.153)
Days Left in Congressional Session	0.001 (0.001)	0.001 (0.001)
Proportional Senators Female in Congress	-1.872* (1.127)	
Presidential Approval	-0.005 (0.024)	0.002 (0.015)
Constant	1.877 (1.336)	1.054 (0.769)
Observations	480	1,809
Log Likelihood	-227.508	-928.353
Akaike Inf. Crit.	563.016	2,058.706

Note:

*p<0.1; **p<0.05; ***p<0.01

Note: Year and state fixed effects are omitted for space considerations. This table provides evidence that our main substantive findings in Tables 1 and A6 hold when using yearly fixed effects instead of congressional term fixed effects. The variables "Republican President" has inflated standard errors as Reagan did not nominate women to the circuit courts until 1987.

Table A5: Nominating Female Judges: 1987–2022 (Circuit w/ State FEs)

	<i>Dependent variable:</i>
	Female Nominee
Prev Judge Female	−0.824 (0.591)
Republican President	−6.708*** (1.859)
Prev Judge Female × Republican President	1.642** (0.828)
Opposed Delegation	−0.275 (0.368)
Mixed Delegation	0.050 (0.424)
Female Home State Senator	−0.055 (0.494)
Prev Judge Party Switch	−0.068 (0.293)
Opposition Senate	0.310 (0.910)
Proportion Bench Female	−6.579** (2.556)
Previous Nomination Failed	−0.031 (0.314)
Days Left in Congressional Session	−0.00003 (0.001)
Proportion Senators Female in Circuit	−1.566 (2.059)
Presidential Approval	−0.005 (0.022)
Constant	−13.681 (1,816.235)
Observations	446
Log Likelihood	−193.685
Akaike Inf. Crit.	545.371
<i>Note:</i>	*p<0.1; **p<0.05; ***p<0.01

Note: This table replicates Table 1 but includes state fixed effects for circuit courts. While we do not believe state fixed effects are appropriate at the circuit level, particularly with the devolution of circuit blue slips (Dinan 2019), we provide this model to demonstrate our substantive findings still hold when accounting for state-level factors.

Table A6: Nominating Female Judges: 1987–2022 (Circuit)

	<i>Dependent variable:</i>
	Female Nominee
Prev Judge Female	–0.193 (0.447)
Republican President	–4.359*** (1.516)
Prev Judge Female × Republican President	1.231* (0.647)
Opposed Delegation	0.026 (0.285)
Mixed Delegation	–0.030 (0.301)
Female Home State Senator	0.384 (0.311)
Prev Judge Party Switch	–0.015 (0.248)
Opposition Senate	–0.108 (0.807)
Proportion Bench Female	–1.149 (1.640)
Previous Nomination Failed	0.024 (0.270)
Days Left in Congressional Session	0.0004 (0.001)
Proportion Senators Female in Circuit	–1.691 (1.102)
Presidential Approval	–0.009 (0.019)
Constant	1.907* (1.111)
Observations	446
Log Likelihood	–234.144
Akaike Inf. Crit.	528.289

Note:

*p<0.1; **p<0.05; ***p<0.01

Note: Circuit nominations from Table 1 beginning with the 100th Congress (1987-1989). Reagan did not nominate any women from the 97th-99th Congresses, which inflated the standard errors for the "Republican President" variable in Table 1.

Table A7: Confirmation Success

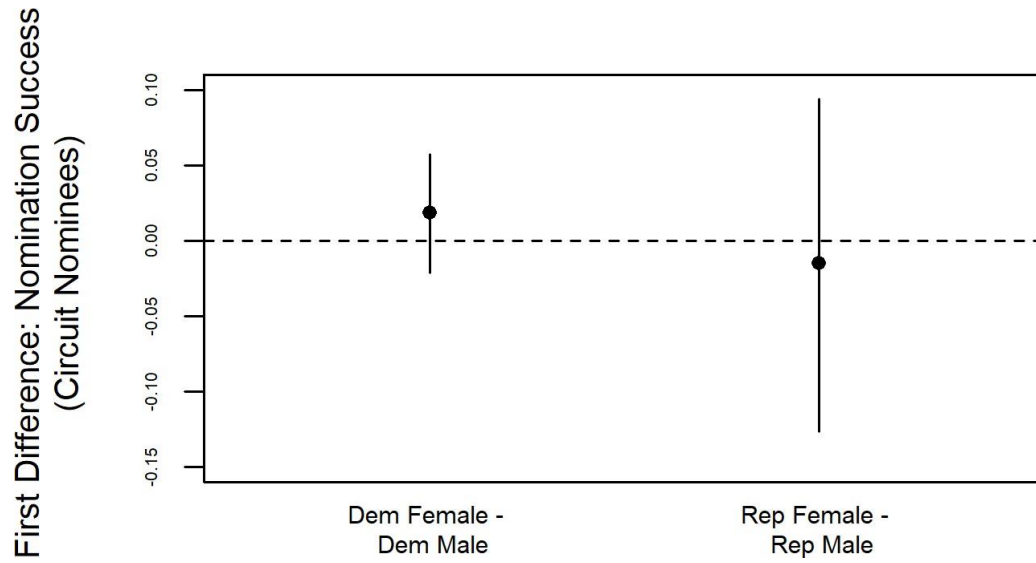
	<i>Dependent variable:</i>		
	Success		
	Circuit	Circuit (1987-2022)	District
Female Nominee	0.018 (0.268)	0.021 (0.268)	0.178 (0.150)
Prev Judge Female	-0.044 (0.461)	-0.053 (0.461)	-0.197 (0.229)
Republican President	16.030 (1,030.592)	-2.400 (1.566)	4.640*** (1.095)
Prev Judge Female × Republican President	0.039 (0.671)	0.043 (0.671)	0.252 (0.357)
Opposed Delegation	-0.069 (0.280)	-0.098 (0.281)	-0.923*** (0.175)
Mixed Delegation	-0.008 (0.306)	-0.060 (0.310)	-0.062 (0.194)
Female Home State Senator	-0.184 (0.317)	-0.172 (0.317)	0.071 (0.216)
Prev Judge Party Switch	-0.094 (0.255)	-0.067 (0.257)	-0.116 (0.139)
Opposition Senate	2.595** (1.120)	2.578** (1.120)	-1.792*** (0.448)
Qualified Nominee	-0.475* (0.264)	-0.449* (0.267)	-0.289** (0.144)
Not Qualified Nominee	0.026 (1.060)	0.023 (1.058)	-1.663*** (0.600)
Proportion Bench Female	-0.941 (1.654)	-0.917 (1.656)	0.173 (0.577)
Previous Nomination Failed	0.296 (0.268)	0.278 (0.269)	0.693*** (0.168)
Days Left in Congressional Session	0.003*** (0.001)	0.003*** (0.001)	0.004*** (0.001)
Proportion Senators Female in Circuit	-1.385 (1.118)	-1.435 (1.118)	
Presidential Approval	-0.010 (0.019)	-0.011 (0.019)	0.054*** (0.013)
Presidential Election Year	-0.884* (0.535)	-1.054* (0.558)	0.077 (0.262)
Constant	1.164 (1.160)	1.230 (1.164)	-3.581*** (0.749)
Observations	469	437	1,788
Log Likelihood	-236.699	-232.653	-761.099
Akaike Inf. Crit.	547.397	533.306	1,690.198

Note:

*p<0.1; **p<0.05; ***p<0.01

Note: The standard errors are inflated in the first column for "Republican President" because all of Reagan's circuit nominees were confirmed in the 97th Congress, our reference category. As such, and to replicate Table A6, we include circuit nominations from the 100th Congress onward to demonstrate our substantive findings hold.

(a) First Difference Estimates of Confirmation: Circuit Courts



(b) First Difference Estimates of Confirmation: District Courts

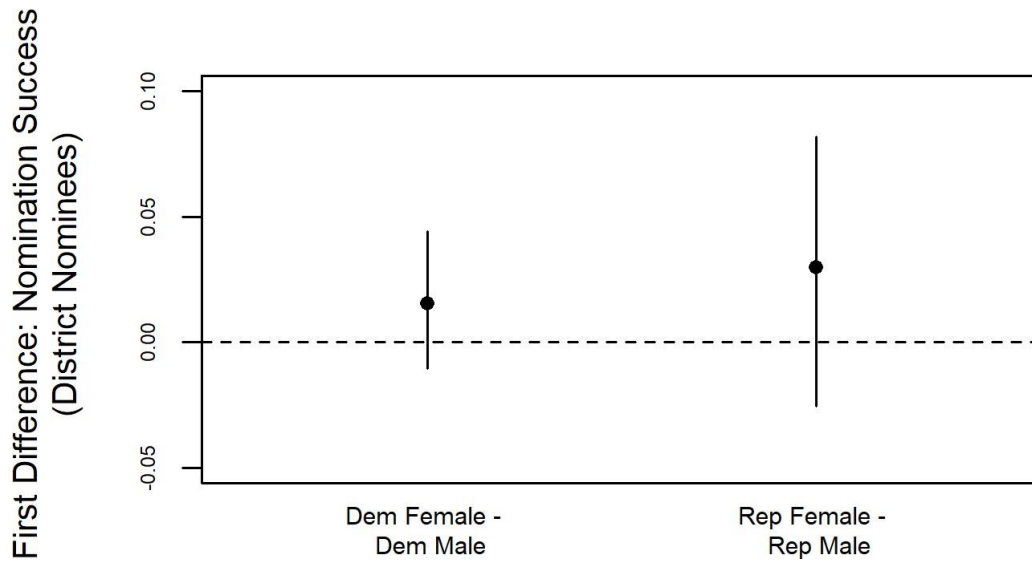
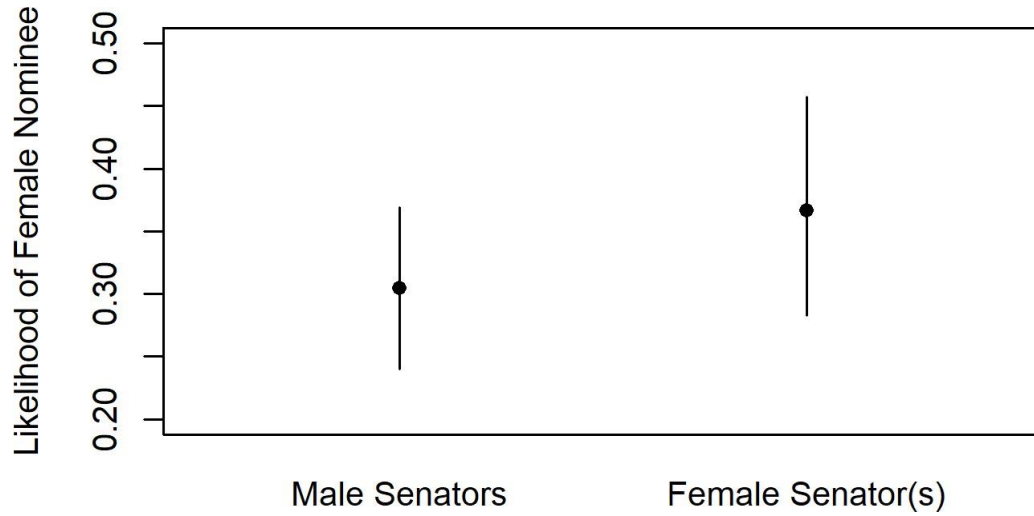


Figure A1: First differences of confirmation success by gender for a) circuit and b) district court nominations. Vertical bars represent 95% confidence intervals and vertical bars crossing the dotted line at zero do not significantly differ. Full regression results are included in columns 1 and 3, respectively, of Table A7.

(a) Likelihood of Female Nominee and Senator Gender: Circuit Courts



(b) Likelihood of Female Nominee and Senator Gender: District Courts

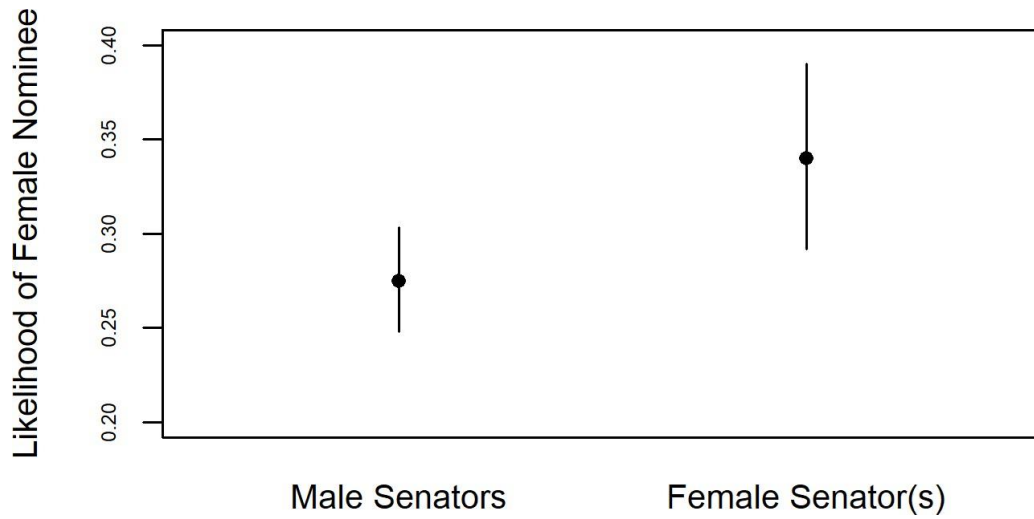


Figure A2: Predicted probability plots of Figure 5. Likelihood of female nominee for a) circuit courts and b) district courts by gender composition of Senate delegation. Vertical bars represent 95% confidence intervals. Full regression results are included in columns 1 and 2, respectively, of Table 1.