Theory
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Indicators
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Model
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Results
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Measuring Judicial Independence in the American States:

A Latent Variable Approach

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Defining Judicial Independence

"We all know what it means, yet frequently we advance arguments about 'judicial independence' without articulating precisely what it means." - Becker (1970)

Defining Judicial Independence

" Judicial independence is merely the other side of the coin from judicial accountability" – (Burbank, 2008)

The Judicial Independence Continuum

Judicial Independence Continuum

Accountable   Independent

Theory
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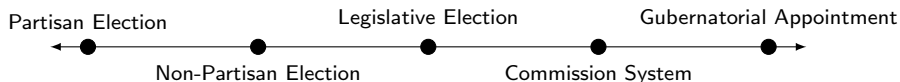Indicators
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Indicators of Judicial Independence

- Selection System
- Retention Election
- Term Length – Inital and Subsequent
- Docket Control

Selection System
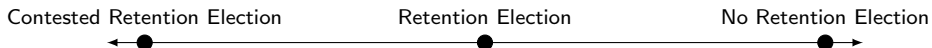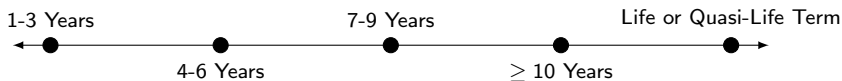
Selection Method Independence Continuum

Retention Elections

Retention Method Independence Continuum

Contested Retention Election   Retention Election   No Retention Election

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Term Length

Term Length Independence Continuum

1-3 Years

4-6 Years

7-9 Years

≥ 10 Years

Life or Quasi-Life Term

Docket Control

Docket Control Independence Continuum

Mandatory Docket   Mixed Discretion   Complete Discretion

Specification

- Bayesian IRT Model
- 4 or 5 Indicators

Model

Probability Distribution for a Given Response

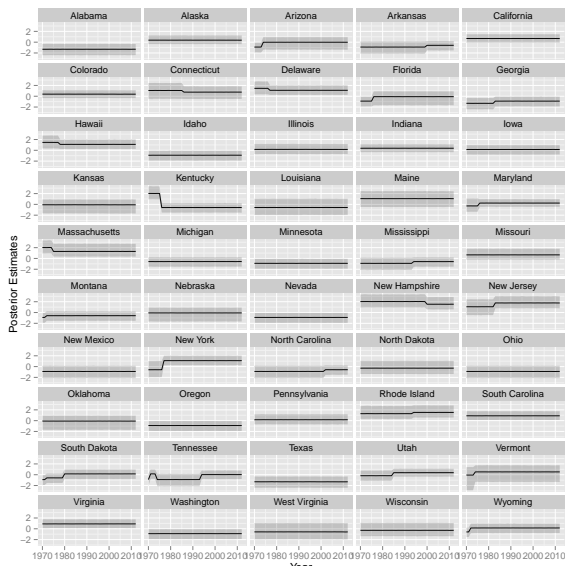$$P[y_{ij} = k] = F(\alpha_{jk} - \theta_{it}\beta_j) - F(\alpha_{jk-1} - \theta_{it}\beta_j)$$

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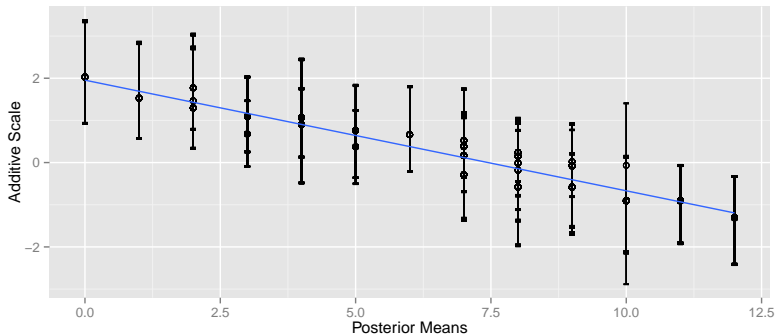
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Model

Liklihood for Logistic Distribution

$$\mathcal{L}(\beta, \alpha, \theta | y) = \prod_{i=1}^{N} \prod_{t=1}^{T} \prod_{j=1}^{J} [F(\alpha_{jy_{itj}} - \theta_{it}\beta_j) - F(\alpha_{jy_{itj}-1} - \theta_{it}\beta_j)]$$
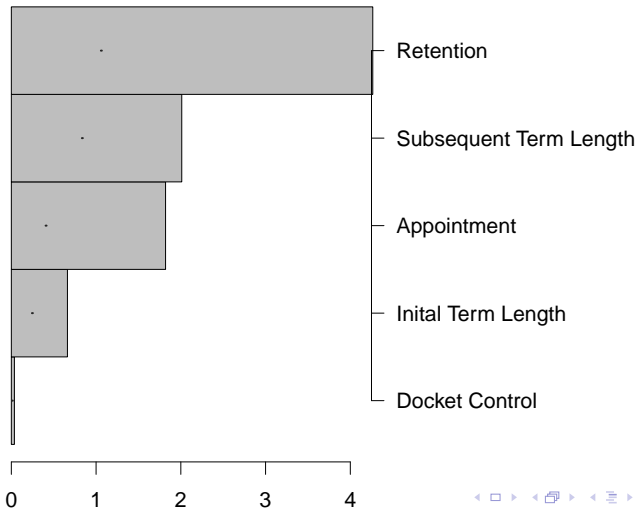
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Five Indicator Model Over Time

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Five Indicator Additive Model

Pearson's $R = -.9553$

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Five Indicator Beta Discrimination

Judicial Independence Over Time
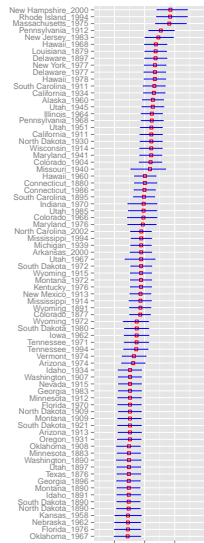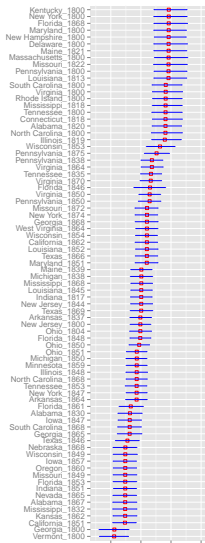
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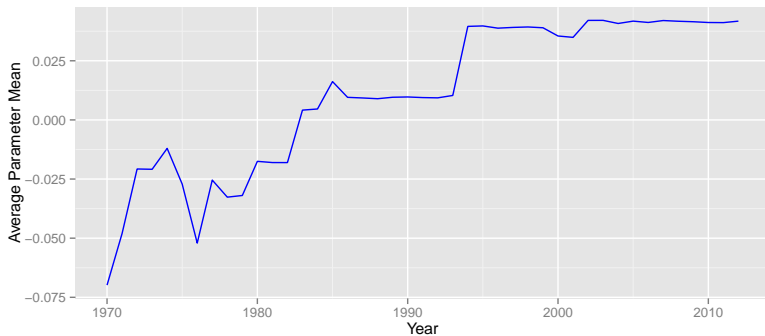
Regime Change Model Scores

Convergent Validity-Ginsburg and Melton Replicaton

Correlation of Measures

	Additive	IRT	Melton and Ginsburg
Additive	–	$-.95^{***}$	-0.45^{**}
IRT	-0.95^{***}	–	0.52^{***}
Melton and Ginsburg	-0.45^{**}	0.52^{***}	–

Note: $^*p<0.1$; $^{**}p<0.05$; $^{***}p<0.01$

Random Measures Replication

Table : Correlation of Estimates with Enns and Koch (2013)

	Mood	2 Dimension Mood	Posterior Estimates
Mood	–	0.58***	0.40**
2 Dimension Mood	0.58***	–	0.16
Posterior Estimates	0.40**	0.16	–
Additive	−0.40**	−0.15	−0.95***

Note: $^*p<0.1$; $^{**}p<0.05$; $^{***}p<0.01$

Questions?

References

Becker, Theodore Lewis. 1970. *Comparative judicial politics: The political functionings of courts*. Chicago: Rand McNally.

Burbank, Stephen B. 2008. "Judicial Independence, Judicial Accountability and Interbranch Relations." *Dadalus* 137(4):16–27.

Enns, Peter K and Julianna Koch. 2013. "Public Opinion in the US States 1956 to 2010." *State Politics & Policy Quarterly* 13(3):349–372.

Melton, James and Tom Ginsburg. 2014. "Does De Jure Judicial Independence Really Matter?: A Reevaluation of Explanations for Judicial Independence." *Journal of Law and Courts* 2(2):187–217.