

# State Judicial Appointments during Divided Government

Peter Bachman, Utah State University – [peter.j.bachman@gmail.com](mailto:peter.j.bachman@gmail.com)



## Introduction

### Background

States' institutional rules on judicial appointment vary. Notably, some states allow a governor to appoint judges independently, other states require the state legislature to confirm a judge (similar to federal judicial appointments).

### Question

How does divided government affect the appointment of state judges across different appointment methods?

### Theory

Divided government requires compromise from both political parties to pass policy. This policy would reflect less of both parties' stances on policy. Certain state judicial appointments would be no different, resulting in justices being ideologically in-between both a governor and legislature. Some state judicial appointment methods require this compromise while others do not.

### Hypothesis

H<sub>1</sub> – As a governor and legislature become more ideologically distant, an appointed judge will become more ideologically distant from the governor.  
H<sub>2</sub> – Do states which require legislative confirmation moderate judges more than those states which allow the governor to independently appoint judges?

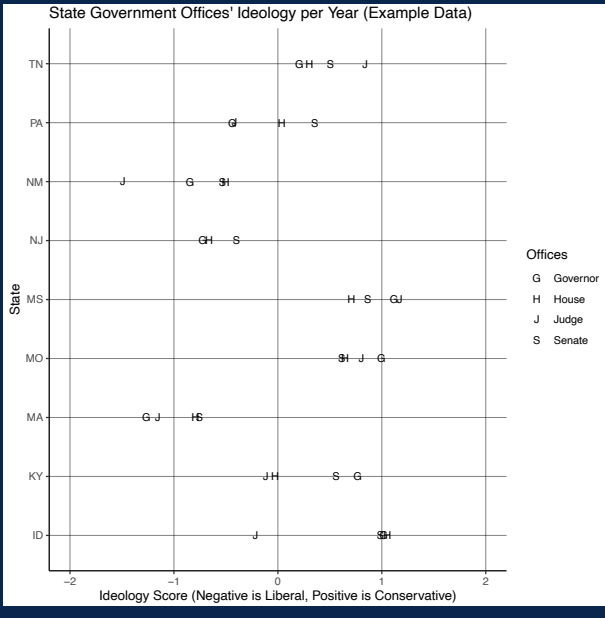
## Methodology

Data consists of judges from 1994 to 2016 across all states to control state-wide effects.

### Linear Regression Model

- Dependent Variable: Ideological distance between governor and justice
- Independent Variable: Ideological distance between governor and legislature
- Controls: State, Year

## Results



## Outcome

judge_cfscore		gov_cfscore	
Min. :-2.57000	Min. :-1.5751		
1st Qu.:-0.47000	1st Qu.: 0.1128		
Median : 0.05000	Median : 0.0600		
Mean : 0.09137	Mean : 0.5626		
3rd Qu.: 0.68000	3rd Qu.: 1.1280		
Max. : 4.22000	Max. : 1.5076		
NA's :222	NA's :117		

judge_seat		house_cfscore		senate_cfscore	
state:judicial:supremecourt: 268	Min. :-1.0880	Min. :-1.0530			
state:judicial:lower: 105	1st Qu.:-0.0260	1st Qu.: 0.0605			
state:judicial:other:CCJ : 36	Median : 0.6480	Median : 0.6420			
state:judicial:superior : 8	Mean : 0.3656	Mean : 0.4202			
	3rd Qu.: 0.8860	3rd Qu.: 0.7920			
	Max. : 1.0590	Max. : 0.9990			
	NA's :2	NA's :3			

## Data Notes

- CF Scores are the measurement of ideology based on donation data from the FEC
- Total number of judges: 2077
- Number of governor-appointed, legislature confirmed judges: 159
- House and Senate Ideology scores are based on the median member

## Conclusions

We are currently examining methods of getting more data on state judicial appointments. More information on state judges is required for accurate inferential statistics.