

The Effects of Institutional Design on State Supreme Court Ideologies

NAME

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Introduction

Institutional arrangements for the 52 state supreme courts vary from direct elections to gubernatorial appointments to so called "merit" plans that lie somewhere in between. A novel measurement of judicial ideology, the State Court Ideal Point (SCIP) score was compared with the Berry et al. state citizen ideology score to obtain a new metric: the ideological deviation between a state court and its respective citizen ideology.



Measures of Ideology

Citizen Ideology:

Berry et al. score

- Based on interest group rankings of members of Congress, election results for congressional races, and party affiliations

Judicial Ideology:

PAJID (Party Adjusted Surrogate Judge Ideology)

- Based on party affiliation of judge, then adjusted by method of selection with either citizen or elite ideology
- Makes the assumption that elected judges are aligned to citizen ideology while appointed courts are less so
- Methodologically limited in terms of analyzing preference change over time

New Measure of Judicial Ideology

State Court Ideal Point (SCIP) Score

- Based on Clinton, Jackman, and Rivers (2004) methodology
- Created by Hudak and Lukasik (2007)
- Has the advantage of using how judges actually voted in cases to estimate their ideological position
- Results based on 1995-1998

Selection Method Overview

State Supreme Court Justices in the United States are selected in one of three ways:

Elections:

These can be either partisan or non-partisan and are very similar to elections for any other office, with eligible citizens voting for a justice.



Appointment:

In states with appointed justices, an already elected official like a governor or state House of Representatives chooses the Justices.

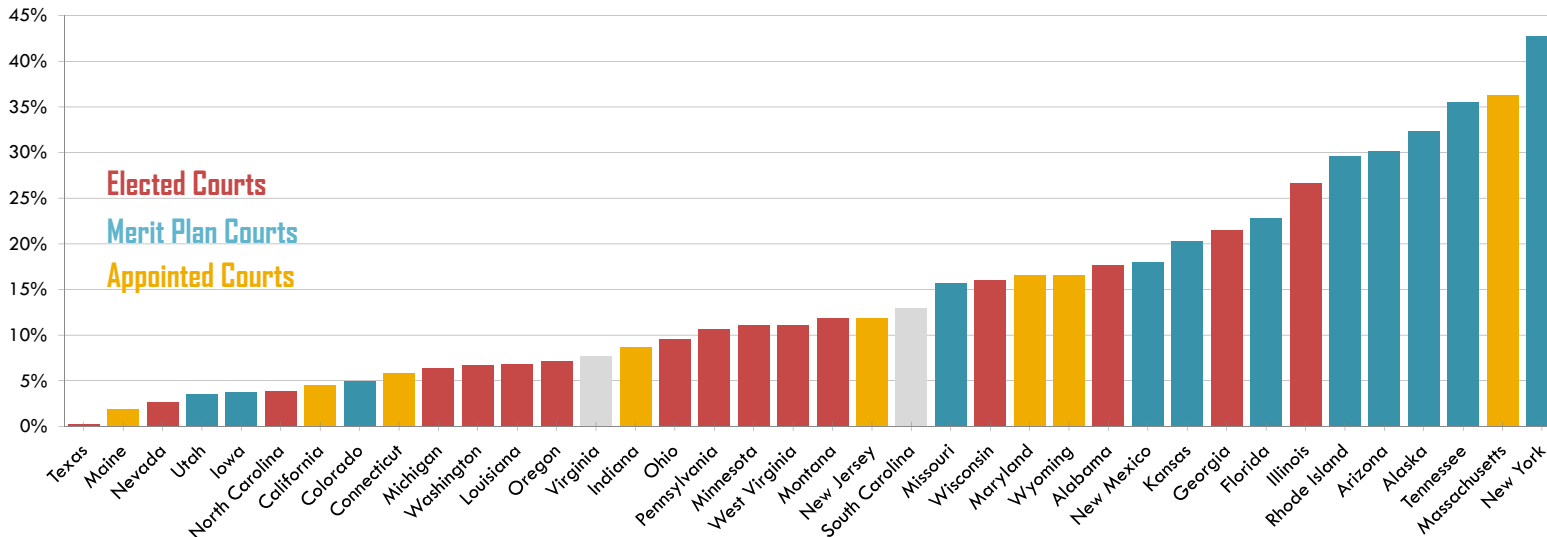


Merit Plan/Missouri Plan

In a "merit plan" system, justices are selected by a hybrid system that usually contains nomination by a panel, initial appointment by a governor, and a retention election after a few years.



State Court Deviations



Each bar indicates the ideological difference between state citizen ideology and state court ideology in absolute terms: $Abs(Berry et al. - SCIP)$

Conclusions:

- (1) A confirmation that elected state courts have the lowest rate of deviation from citizen ideology.
- (2) States with elected judiciaries had a statistically significant lower amount of deviation than did those states with merit plans
- (3) Elected courts and appointed courts were indistinguishable from each other in terms of citizen/court ideological deviation.

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