Supplementary Appendix for “Updating PAJID Scores for State Supreme Court

Justices (1970-2019).”

This supplementary appendix contains full regression results for the models we presented in Table 2 of the main text of the paper. These complete statistical results appear in Table A1. The table contains results from four logistic regression models. The dependent variable in each is the directionality of a state supreme court justice’s vote in death penalty and abortion cases, “1” if a liberal vote in support of abortion or opposition to capital punishment, “0” otherwise. Hence, a code of “1” is a liberal vote, and a code of “0” is a conservative vote.

Each column of results in Table A1 differs only with respect to the measure of a state supreme court justice’s ideological preferences. The first column contains results using updated PAJID scores as defined by Equations (1) through (3) in the main text of the paper (Brace, Langer, and Hall 2000). The second column of results simply uses a justice’s partisanship as a measure of their ideological preferences (“1” if Democrat, “0” otherwise). The third column of results uses ideological measures as estimated by Bonica and Woodruff (2015). And the fourth and final column of results uses Windett, Harden, and Hall’s (2015) dynamic measure of state supreme court justice ideology.

Across each of the four models in Table A1, we control for a number of relevant variables that might condition a justice’s vote in a given case. First, we control for a justice’s electoral proximity, which we code as “1” if a justice is to stand for reelection within two years of a case

decision, “0” otherwise. Approximately 26.3 percent of all justices in our sample face the prospect of a partisan, nonpartisan, or retention election within two years of a case’s outcome. Nevertheless,

because electoral pressures within each state might condition justices toward different voting behaviors, we also account for state citizens’ ideology at the time a decision is made, measured conservative-to-liberal (Berry et al. 2010). Finally, we include an interaction effect for electoral proximity and citizen ideology to capture the specific electoral pressures justices face during the two years leading up to a reelection effort. If these electoral pressures affect judicial behavior, we would anticipate that during the two years before an election, justices would be more likely to cast a liberal vote as their state’s citizens become more liberal.

Next, we control for justice demographics. Specifically, we include a dichotomous variable that measures whether a justice is white (“1” if yes, “0” otherwise) or male (“1” if yes, “0” otherwise). In our sample, 93.3 percent of justices are white, and 85.8 percent are male. Should these factors affect judicial decision-making, we anticipate that white jurists will be less likely to cast liberal votes compared to nonwhite justices, and male justices should be less likely to cast liberal votes compared to female justices.

Next, we consider institutional effects on judicial behavior in death penalty and abortion cases. We include a dichotomous variable that takes the value of “1” if a justice was appointed to a state supreme court, “0” otherwise. Approximately 40.2 percent of justices in our sample of votes were appointed. We expect appointed justices who lack an electoral connection to exhibit greater independent and vote more liberally compared to elected ones. We also account for the length of a justice’s term in office. Justices with longer terms of office should also be less likely to tailor their decision-making to voter or elite preferences and, we expect, should also be more likely to cast liberal decisions. The shortest term in our sample is 6 years. Some states, however, afford

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| Table A1: Construct validity analysis of justice voting across four preference measures | | | | |
|  | PAJID | Democrat | BW (’15) | WHH (’15) |
| Preferences | 0.005\*  (0.003) | 0.345\*  (0.145) | -0.385\*  (0.122) | -1.445\*  (0.442) |
| Electoral Proximity | 0.687  (0.590) | 0.640  (0.590) | 0.321  (0.889) | -0.873  (1.895) |
| Citizen Ideology | 0.027  (0.016) | 0.028  (0.016) | 0.014  (0.021) | -0.126\*  (0.060) |
| Proximity Ideology | -0.017  (0.013) | -0.016  (0.013) | -0.006  (0.019) | 0.012  (0.042) |
| White | -0.520\*  (0.262) | -0.517\*  (0.261) | -0.484  (0.278) | -0.789\*  (0.394) |
| Male | -0.297  (0.186) | -0.292  (0.186) | -0.235  (0.195) | -0.499  (0.287) |
| Appointed | 0.391  (0.357) | 0.444  (0.357) | 0.814  (0.601) | -0.293  (1.196) |
| Term Length | 0.085  (0.457) | 0.110  (0.457) | 0.007  (0.748) | 0.263  (0.488) |
| Death Case | -1.292\*  (0.214) | -1.287\*  (0.214) | -1.428\*  (0.276) | -0.440  (0.751) |
| Intercept | -0.785  (3.090) | -1.014  (3.096) | 2.235  (5.018) | 6.686\*  (3.229) |
| Fixed Effects | *Included in every model* | | | |
| N | 1,437 | 1,437 | 1,037 | 383 |
|  | 392.95\* | 394.55\* | 308.66\* | 127.74\* |
| PRE | 0.408 | 0.408 | 0.399 | 0.432 |
| Notes: Table entries represent logistic regression coefficients (standard errors in parentheses). The dependent variable is whether a justice cast a liberal vote in a given decision (“1” if yes, “0” otherwise). Asterisks denote statistical significance (). | | | | |

their justices tenure in office. We code these terms of office equal to 100. While this is clearly unrealistic, given the null effect term length has across all four models, no shorter coding decision would change this null result.

Finally, we account for the legal issue area of a given case. We have data for death penalty and abortion cases. We therefore code the issue area of a case as “1” if it is a death penalty case and “0” if it is an abortion case. Approximately 33.8 percent of all observations in our sample are death cases. Because death penalty cases are typically more salient to the electorate and potential fodder for challengers in judicial elections, we expect that justices should be less likely to cast liberal votes in these cases compared to abortion cases.

Turning now to the results from the models in Table A1, note straight-away that each measure of a state supreme court justice’s ideology, across all four model, is a statistically significant predictor of their votes in death penalty and abortion cases. Because we discuss these findings within the main text of the paper, we proceed to discuss the remaining statistical controls.

Observe that we find no effect for electoral proximity, citizen ideology, or their multiplicative effect on judicial decision-making across most of the models in Table A1. The sole exception is in the fourth column of results. There, we see that among justices who are *not* facing reelection within two years, they are *less* likely to cast liberal votes as voters become more liberal, all things being equal.

Judicial demographics and case issue area provides somewhat more consistent results, by comparison. We see that across three of the four models that white jurists are predicted to be less likely to cast liberal votes compared to nonwhite ones, all things being equal. For example, using the first column of results from Table A1, we find that nonwhite jurists are approximately 21.3 percent more likely to cast a liberal vote compared to white jurists, all things being equal. In none of our four models do we find statistically compelling evidence that male and female voting significantly differs. Nevertheless, we do find that justices are significantly less likely to cast liberal votes in death penalty cases compared to abortion cases in three of the four models. Again, using results from the first column, we find that justices are approximately 79.8 percent more likely to cast liberal votes in abortion cases compared to death penalty ones, all things being equal. And finally, we find no statistically significant evidence that term lengths affect judicial behavior in these two salient issue areas of state supreme court case-law.