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**To cite this article:** Teena Wilhelm, Richard L. Vining, Ethan Boldt & Allison Trochesset (2019) Examining State of the Judiciary Addresses: A Research Note, Justice System Journal, 40:2, 158-169, DOI: [10.1080/0098261X.2019.1598902](https://doi.org/10.1080/0098261X.2019.1598902)

**To link to this article:** <https://doi.org/10.1080/0098261X.2019.1598902>



Published online: 23 Apr 2019.



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RESEARCH NOTE



## Examining State of the Judiciary Addresses: A Research Note

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### ABSTRACT

In this research note, we provide the first detailed summary of State of the Judiciary (SOJ) addresses across the American states over time. Our analysis examines the political and administrative priorities of the states' chief justices as expressed in SOJ communications from 1999 to 2014. We include a historical overview of this practice throughout the states and descriptive information about their frequency and content. We also assess the types of judicial reform policies requested by chief justices in their messages. This research provides important information about the political agendas of state chief justices and how their priorities differ nationwide.

### KEYWORDS

State supreme courts; chief justice; state judiciary; judicial reform; judicial administration

In his 2017 address on the state of the judiciary to the Georgia General Assembly, Chief Justice P. Harris Hines of the Georgia Supreme Court explained that it was his duty to report “what the judicial branch has accomplished in the last year, the problems it still faces, and ... the steps it will take to solve them.” Hines explained that leadership by the state’s high court is required to provide a “sense of purpose and unity” to judicial reform efforts. He pressed the need to improve the efficiency of Georgia courts, continue criminal justice reform, improve access to legal representation, and provide law clerks to superior court judges. In his concluding remarks, Hines reminded legislators that the judiciary needs their assistance in matters of judicial administration: “I again thank all of you in the legislature for your support of the judiciary. We share the same mission of serving the citizens of this state. And we could not do our jobs without your help.”<sup>1</sup>

Chief Justice Hines’s remarks highlight an essential but rarely examined responsibility of many states’ chief justices: announcing the needs of state court systems so they can be tackled by lawmakers. This is done in many states using a regular address on the state of the judiciary. These statements are analogous to the State of the Union address given by the president (Cummins 2010; Eshbaugh-Soha 2005) and Year-end Report on the Federal Judiciary issued by the Chief Justice of the United States (Marion and Oliver 2017; Turner and Breslin 2006; Vining and Wilhelm 2012). Each address allows a state’s chief justice to comment on the judiciary’s accomplishments, challenges, and future plans. Given the lack of scholarly attention to this practice, little is known about the adoption, frequency, or substantive content of these addresses. Questions remain regarding what information chief justices provide in their commentary and what policy priorities they emphasize on behalf of the state’s judicial branch. As leader of the state judiciary and its most visible representative, the chief justice is an important administrator and the judiciary’s primary voice in public communications.

This research note analyzes state of the judiciary addresses delivered by chief justices across the American states. We begin our assessment by reviewing the responsibilities of states’ chief

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<sup>1</sup>P. Harris Hines, State of the Judiciary Address, January 25, 2017, available at <http://www.gasupreme.us/2017-state-of-the-judiciary-address/>.

justices as well as their roles in state politics. Next, we summarize the history of state of the judiciary addresses and describe recent trends in their delivery. Finally, we discuss the content of these addresses. We examine requests made by chief justices from 1999 to 2014 in order to assess the political and administrative agendas advanced in chief justices' state of the judiciary reports.

## The Chief Justices in the American States

Scholars have examined how states' chief justices are chosen (Langer et al. 2003) and the powers they wield (Hall 1990; Hughes, Wilhelm, and Vining 2015). These differences help explain ideological variation among chief justices (Langer and Wilhelm 2005) and which legal elites become chief justice (Langer et al. 2003). However, these studies reveal little about the administrative or leadership activities of states' chief justices. The result is a gap in our understanding of what chief justices do, particularly as their duties affect the regular operations of justice systems. They have important responsibilities beyond their leadership of the high court. As Chief Justice Hines explains, they "have administrative duties as head of the judicial branch that are apart from normal court administration." Survey research indicates that chief justices spend up to 80 percent of their time on administrative responsibilities (Smith and Feldman 2001). However, few political scientists or legal scholars have examined these activities.

The states' chief justices have extensive administrative duties. In her 2005 State of the Judiciary address, Chief Justice Mary J. Mullarkey of the Colorado Supreme Court explained that she led a judicial branch including "256 judges and justices, and more than 2,800 full and part-time employees."<sup>2</sup> Mullarkey emphasized the statewide reach of the courts and the needs of agencies that touch the justice system, including probation services, the Department of Corrections, and social service agencies. The circumstances she experienced are common among state supreme court chief justices. California's judiciary includes over 2,000 judicial officers and approximately 17,000 employees, with a budget of over 3.6 billion dollars for 2017–18. Even the least populated state, Wyoming, had a judicial budget over 45 million dollars for 2017–18. The administrative duties of chief justices usually require that they manage their court systems from the top, either alone or in cooperation with their colleagues on the high court (Rottman et al. 2000). Where the chief justice is relieved of some administrative tasks she remains responsible for choosing court administrators and leading a judicial council organized for administrative purposes (Turner and Breslin 2006).

Chief justices in the states manage initiatives related to the efficiency, equity, and accessibility of justice. They also advise policymakers about the needs or desires of the justice system in addition to overseeing budget requests for the courts, judicial salaries and staff, case management, judicial procedure, indigent legal services, and the treatment of the criminally accused, among other issues. These activities are associated with short-term and long-term needs, meeting the needs of both citizens and judges, achieving timely case dispositions, and maintaining a satisfied workforce.

Each state's chief justice is the most visible representative of the judiciary and therefore its leading advocate.<sup>3</sup> Given the administrative duties and visibility of chief justices, they are central to the development of the judiciary's agenda for judicial reform or improvements within their

<sup>2</sup>Mary J. Mullarkey, State of the Judiciary Address, January 14, 2005, available at <http://www2.cde.state.co.us/artemis/scserials/sc11internet/sc112005internet.pdf>.

<sup>3</sup>Research on the Chief Justice of the United States usually focuses on intracourt activities (i.e., agenda setting, opinion assignment, consensus building, etc.), but scholars have begun to investigate his administrative and advocacy efforts (Hughes et al. 2017; Resnik and Dilg 2006; Vining and Wilhelm 2012; Vining and Wilhelm 2016). The Chief Justice chairs the Judicial Conference of the United States and selects key appointees at the Administrative Office of the U.S. Courts and Federal Judicial Center. He performs statutory obligations including management, budgetary duties, and oversight. He is also the federal judiciary's most visible spokesperson.

respective states. For this reason, we focus on requests by the chief justice to understand the content of the judicial reform agenda across the American states. We assess this activity by chief justices by examining the delivery and content of State of the Judiciary addresses.

## The Judicial Agenda: The State of the Judiciary

Most chief justices deliver their administrative agendas directly to policymakers through regular remarks known as the State of the Judiciary address. These speeches or written reports allow chief justices to comment about the status of the justice system and how policymakers can maintain or improve it. They discuss the achievements, priorities, and needs of the judicial branch.<sup>4</sup> They are delivered most frequently through spoken addresses to the state legislature, often with the governor in attendance. The audience for this commentary is expanded by coverage in media outlets. This exposure may be valuable for chief justices wish to publicize courts' needs or influence elites. In addition, state of the judiciary messages provide chief justices with opportunities for position-taking and credit-claiming (Mayhew 1974); these efforts may be useful strategically for chief justices who must be reelected or reappointed.

State of the judiciary addresses also have symbolic significance. On rare occasions, state legislatures have rescinded invitations to their chief justices to deliver these reports under circumstances that suggest deteriorating interbranch relations. In 2011, the California legislature "indefinitely postponed" the address after budget cuts to the state judiciary (Girdner 2011). Kansas lawmakers informed Chief Justice Lawton Nuss in 2013 that their time "could be put to better use on other things" besides his speech (Carpenter 2013). This occurred simultaneously with rhetorical attacks on the Kansas Supreme Court and legislative consideration of a bill changing judicial selection procedures (Marso 2013). In 2014, the Washington state legislature also decided not to set aside time for the address. Press accounts reported this as a "slap at the Court for its finding the Legislature in contempt this year in a landmark school funding case" (Shannon and Schrader 2014). Limitations placed on these addresses indicate that lawmakers recognize that they are valuable to chief justices. Withdrawing the opportunity is meant to sanction courts when they shirk lawmakers' preferences.

Judicial scholars have analyzed the content of the Year-end Report on the Federal Judiciary (Hughes, Vining, and Wilhelm 2017; Vining and Wilhelm 2012), but very little attention is given to comparable reports by leaders of state courts (Turner and Breslin 2006). The examination of the messages presented here provides a first look at patterns related to their delivery and the requests made by the judiciary to other political elites.

Information about the delivery of State of the Judiciary messages is summarized in Table 1. The audiences for these communications vary. They are delivered to the governor, state bar association, state legislature, or some combination of these elites. The most common audience is the state legislature, and they are primarily delivered aloud as opposed to being written. Among the 44 states that have recently issued these communications, 31 used spoken addresses to deliver the judicial message directly to state legislatures or an audience including the governor.

Typically, statutory law or constitutional text structures delivery practices for these communications. Most of these messages began in the 1970s about when Chief Justice Burger initiated the

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<sup>4</sup>In six states, we find no evidence that the chief justice has issued a report of this kind. These include Florida, Illinois, Mississippi, Oklahoma, Vermont, and West Virginia. The North Carolina chief justice stopped in 2003, and the Maryland chief justice discontinued the practice in 2005. The North Carolina chief justice issues a biennial statistical report in conjunction with the state's administrative office of the courts, but it looks nothing like the previous addresses. The Tennessee chief justice issued a report during two years in our data, and no longer appear to do so. Thus there are currently nine state chief justices who do not deliver such a report. Our data include reports from chiefs in Maryland, North Carolina, and Tennessee before they discontinued the practice, so our analysis includes data from 44 states.

Year-end Report on the Federal Judiciary.<sup>5</sup> The Virginia practice dates back to the colonial era, and Chief Justice Arthur T. Vanderbilt, a midcentury leader in judicial reform, issued a written report to the New Jersey legislature during the 1940s. Some states established the practice in the last decade. Nebraska began this custom in 2008 and Arkansas did so in 2010.

While the Chief Justice of the United States issues his report on December 31, communications from the states' chief justices vary in their delivery dates. They are typically given early in the year sometime between January and March and occur annually, biennially, or irregularly. They happen yearly in 30 states, every other year in nine states, and less frequently (or not at all) in the remaining states.<sup>6</sup>

## Content Analysis of the Judicial Agenda

In our final section, we analyze the content of State of the Judiciary reports. Our data include information from 368 addresses in 42 states from 1999 to 2014, for a total of 863 requests suitable for analysis. We include the states and years listed in [Table 1](#) with the exceptions of Connecticut and Tennessee, where chief justices did not include explicit requests for reforms in their messages. We obtained many addresses from online sources, including state judicial branch websites.<sup>7</sup> Others were acquired from state judicial publications, via communication with court reporters, or through correspondence with state reference librarians. This compilation of states' annual judiciary reports, as well as the information obtained from them, is the first of its kind.<sup>8</sup>

## Policy Types

The content of the SOJ reports reflects the policy priorities of the chief justices and, by extension, the states' judiciaries. These priorities take the form of proposals or requests that the chief justice submits to state lawmakers. They typically call for judicial improvements or maintenance; they also address other issues related to the justice system. We adopt the set of categories for chief justice requests developed by Vining and Wilhelm (2012), adding additional classifications for issues more specific to the states (e.g., juvenile justice and specialty courts). The requests are sorted into the following categories:

*Budget.* The judiciary depends on the legislative branch to allocate most of its operating funds. Items in this category are related to modifications of the judicial budget. They mention specific dollar amounts or changes to the budget for judicial operations and urge lawmakers to increase the judiciary's budget or refrain from budget cuts. We limit this category to general budget

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<sup>5</sup>Chief Justice Burger began the practice of delivering yearly speeches similar to the Year-end Reports to the American Bar Association (ABA) in 1970, but the official Year-end Reports began in 1976.

<sup>6</sup>The 30 states with annual communications include North Dakota, which had a biennial report until 2009, at which point it became more frequent. North Carolina had a biennial practice from 1999 to 2003, but we consider this as irregular as the chief justice stopped in 2005.

<sup>7</sup>The National Center for State Courts provides a webpage that links to chief justice communications over many state-years. Generally, the link goes directly to a state judicial webpage source. See <http://www.ncsc.org/Topics/Court-Management/Interbranch-Relations/State-Links>.

<sup>8</sup>While Turner and Breslin (2006) performed content analysis on these communications in the 2001–2002 legislative session, this compilation is the first of its kind. The methodology used in our analysis is similar to that used to examine State of the Union speeches (Eshbaugh-Soha 2005), gubernatorial State of the State speeches (Coffey 2005), or Year-end Reports on the Federal Judiciary (Vining and Wilhelm 2012). Our content analysis consisted of a close reading of each communication and identification of any specific policy requests in each address. Notably, while the majority of these communications contain a number of specific requests, there are some that contain none. Requests that were nonspecific (e.g., improving interbranch relations) are excluded from this analysis. We defined specificity as the extent to which some measurable response could be obtained from lawmakers, given a request. Once a request was recorded, the substantive content of each request was identified and categorized according to parameters similar Vining and Wilhelm's (2012) analysis of requests made in the Year-end Reports on the Federal Judiciary. In all stages of data collection, for both content analysis of reports as well as efforts to measure whether policies were enacted, standard tests for intercoder reliability were used.

**Table 1.** Addresses/Reports from State Supreme Court Chief Justices.

State	Report	Frequency	Audience	Available
Alabama	State of the Judiciary	Annual	State legislature	2008–2011
Alaska	State of the Judiciary	Annual	State legislature	2001–2014
Arizona	State of the Judiciary	Annual	State legislature	2005–2011
Arkansas	State of the Judiciary	Annual	State bar association	2010–2014
California	State of the Judiciary	Annual	State legislature	1999–2010, 2012–2014
Colorado	State of the Judiciary	Biennial	State legislature	2005–2013
Connecticut	State of the Judiciary	Biennial	State legislature	2009–2011
Delaware	Annual report of the Delaware Judiciary; Message from the Chief Justice	Annual	State legislature (written)	2002–2013
Florida	None			NA
Georgia	State of the Judiciary	Annual	State legislature	2005–2014
Hawaii	State of the Judiciary	Annual	State legislature	2000, 2001, 2003, 2005, 2007, 2009, 2010, 2011, 2013
Idaho	Annual Report of the Idaho Supreme Court; Message from the Chief Justice <sup>1</sup>	Annual	State legislature, but previously written (2005–2011)	2005–2012, 2014
Illinois	None			NA
Indiana	Varies	Annual	State legislature	1999–2014
Iowa	State of the Judiciary	Annual	State legislature	2005–2014
Kansas	State of the Judiciary	Annual	State legislature and governor	2000–2014
Kentucky	State of the Judiciary	Annual	State legislature <sup>2</sup>	2011, 2013, 2014
Louisiana	State of the Judiciary	Biennial	State legislature	2001–2013
Maine	State of the Judiciary	Annual	State legislature	2003–2014
Maryland	State of the Judiciary (ended in 2005)	Irregular	State legislature and governor	2005
Massachusetts	Annual Address	Annual	State bar association (2006–2009); bar, legislature, and governor (2011–2013)	2006–2014
Michigan	Varies	Irregular	State legislature	2000, 2010
Minnesota	State of the Judiciary	Annual	State bar association	2005–2010
Mississippi	None			NA
Missouri	State of the Judiciary	Annual	State legislature	2000–2014
Montana	State of the Judiciary	Biennial	State legislature	2005–2013
Nebraska	State of the Judiciary	Annual	State legislature	2008–2014
Nevada	Annual Report of the Nevada Judiciary	Biennial	State legislature (written 2003, 2007)	2003–2013
New Hampshire	State of the Judiciary	Biennial	State legislature	

*(continued)*

Table 1. Continued.

State	Report	Frequency	Audience	Available
New Jersey	Varies	Irregular	State bar association	2005–2009
New Mexico	State of the Judiciary	Biennial	State legislature and governor	2006, 2012, 2014
New York	State of the Judiciary	Annual	State judicial conference (written)	2005–2013
North Carolina	State of the Judiciary (ended in 2003)	Irregular	State bar 1999 State legislature 2001, 2003	1999–2014
North Dakota	State of the Judiciary	Biennial	State legislature	1999–2003
Ohio	State of the Judiciary	Annual	State judicial conference <sup>3</sup>	1999–2013
Oklahoma	None			2001–2014
Oregon	State of the Oregon Courts	Annual	Salem City Club	NA
Pennsylvania	State of the Commonwealth's Courts	Annual	State judicial conference	2007, 2009–2014
Rhode Island	State of the Judiciary	Annual	State legislature	2006–2013
South Carolina	State of the Judiciary	Annual	State legislature	2006–2008
South Dakota	State of the Judiciary	Annual	State legislature and governor	2003–2014
Tennessee	State of the Judiciary (ended in 2011)	Irregular	State legislature 2010; TN press association 2011	2002–2014
Texas	State of the Judiciary	Biennial	State legislature and governor	2010, 2011
Utah	State of the Judiciary	Annual	State legislature	2003–2013
Vermont	None			1999–2014
Virginia	State of the Judiciary	Annual	State legislature (written)	NA
Washington	State of the Judiciary	Annual	State legislature and governor (written) <sup>4</sup>	2000–2014
West Virginia	None			2000–2014
Wisconsin	State of the Judiciary	Annual	State judicial conference	NA
Wyoming	State of the Judiciary	Annual	State legislature	2000–2013
				2005–2011, 2013–2014

<sup>1</sup> Except 2014, called State of the Judiciary.

<sup>2</sup> Delivered specifically to the Joint Committee on Judiciary.

<sup>3</sup> Delivered to state legislature in 2001, 2002, 2007.

<sup>4</sup> While the written report is done annually, the chief justice does a physical address to the state legislature biennially.

commentary. Requests related to a specific item or program, such as construction of a new courthouse or funding for interpreters, are classified according to the item requested.

*Regular Housekeeping.* Requests in this category relate to operations of the judicial branch. These include, for example, requests to adjust procedural rules that affect case processing, fees, juror pay, or upgrades in courthouse technology.

*Additional Judgeships/Staff.* Some requests advocate the creation of judgeships. These are often supported by claims of excessive caseloads and statistical evidence about congested dockets. Chief justices request additional staff with the same rationale. Requests in this category are related to excessive workload demands faced by state courts.

*Salaries and Benefits.* Judges often stress the need for pay increases for themselves or court personnel. These requests tend to appear when judicial salaries are stagnant or decline in value due to inflation.

**Table 2.** Issue Frequency in State of the Judiciary Addresses, 1999–2014.

Issue Type	Total Proposals
Housekeeping	248 (28.7%)
Additional judges/staff	126 (14.6%)
Salaries/benefits	115 (13.3%)
Budget	84 (9.7%)
Indigent counsel	64 (7.4%)
Statutory revision	51 (5.9%)
Specialty courts	49 (5.7%)
Judicial selection	42 (4.9%)
Structural change	24 (2.8%)
Juvenile justice	21 (2.4%)
Study requests	20 (2.3%)
General legislation	19 (2.2%)
<b>Total</b>	<b>863 (100%)</b>

*General Legislation.* Chief justices sometimes take positions regarding legislation that is not specifically related to the courts. These comments address the wisdom (legal, political, or otherwise) of pending legislation, usually with regard to its potential effects on courts or citizens.

*Study Requests.* Chief justices occasionally request that problems in the courts be studied before a remedy is articulated or proposed. Examples of study requests include workload assessments or best reform practices for particular areas of justice.

*Structural Change.* Chief justices sometimes ask for significant changes to the structural organization of state courts. These requests may include creation of a new court (e.g., an intermediate appellate court<sup>9</sup>), district reorganization, court consolidation, or jurisdiction changes for existing courts.

*Statutory Revision.* Some requests by chief justices are specific directives for lawmakers to make statutory revisions to the criminal or civil code. This may include requests with limited impact (e.g., reclassification of certain drug/property crimes) or a broad impact (e.g., sentence guideline reform or the repeal of mandatory minimum sentences).

*Juvenile Justice.* All states have juvenile court systems distinct from the criminal justice system. Chief justices consider the maintenance of this system as well. Requests regarding juvenile justice may be fairly routine (e.g., hiring additional personnel) or quite broad (e.g., sweeping juvenile code revision, sentence reform, or calls for greater access).<sup>10</sup>

*Indigent Counsel.* Chief justices sometimes request that lawmakers consider bolstering representation for indigent parties when they allocate state resources. These requests usually call for greater resources for public defenders, expansion of criminal rights for indigent defendants, and support for legal aid. Overall, this type of request concerns public access in the legal system and the expansion of judicial services.

*Judicial Selection.* The methods of judicial selection vary in the states, with each state free to choose its favored method of selection and retention. Most states use elections to select or retain some or all judges. Chief justices sometimes offer proposals related to judicial selection reform including merit selection committees, term limits, campaign financing, and the political speech rights of judicial candidates. Chief justices may be proponents or opponents of these changes.

*Specialty Courts.* Chief justices sometimes request the creation of specialty or problem-solving courts. These include drug courts, DUI courts, mental health courts, domestic violence courts, and other judicial processes developed to address social ills. Specialty courts have proliferated since the 1990s (Donoghue 2014), becoming popular alternatives to traditional criminal courts.

<sup>9</sup>Currently, and during the time period we examine, ten states lack such a court.

<sup>10</sup>The time period in our analysis follows the adoption of stricter laws related to juvenile justice in the 1990s. Commentary by chief justices may reflect support or pushback for these changes.



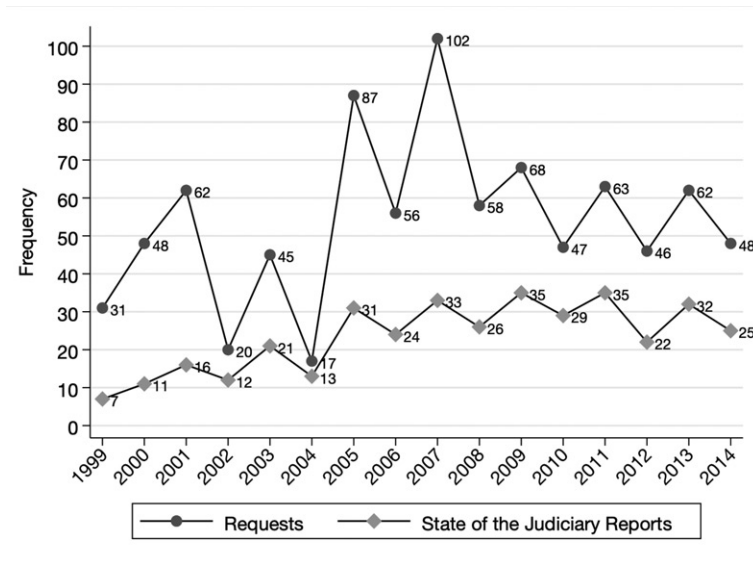


Figure 1. Frequency of Judicial Requests and SOJ Reports over Time, 1999–2014.

### Frequency of Policy Types

A summary of the frequency of policy types requested by the state chief justices appears in Table 2. Chief justices frequently focus on functional and operational issues regarding their branch of government. Housekeeping requests occur most frequently ( $N = 248$ ). The second ranked category is requests for additional judges/personnel ( $N = 126$ ). Requests related to salaries or benefits round out the top tier ( $N = 115$ ). This indicates that chief justices prioritize their administrative responsibilities and serve as advocates for judicial personnel.

The next tier of requests includes those related to the judicial budget ( $N = 84$ ), indigent counsel ( $N = 64$ ), statutory revisions ( $N = 51$ ), specialty courts ( $N = 49$ ), and judicial selection ( $N = 42$ ). This subset reflects concerns specific to the state and its justice system rather than the standard needs of judicial actors. Requests related to judicial selection are nearly as frequent as those directing code revision or advocating specialty courts. The lowest tier includes requests related to structural change ( $N = 24$ ), study requests ( $N = 20$ ), juvenile justice ( $N = 21$ ), and general legislation ( $N = 19$ ). With the exception of juvenile justice, these categories are focused on responses to outside initiatives or major reform projects. It is unsurprising that they occur less frequently than requests related to regular court activities and the people who perform them.

### Differences across Time and States

Our data allow us to compare the number and types of requests in 44 states with state of the judiciary reports since 1999. Figure 1 shows the total numbers of addresses and requests over time. By 2005, roughly two-thirds of state chief justices delivered an annual or biannual SOJ address. This number has remained fairly consistent. In terms of requests contained in the addresses, the total number of requests made by all chief justices spiked in 2005. The sharp increase makes sense given that an additional ten states are included in our data beginning in 2005 (more than double the year before). The highest number of requests occurred in 2007. After 2007, the total number of requests made by all chief justices levels off and mirrors the overall pattern seen in the total number of addresses across all states each year.

**Table 3.** Variations in Frequency and Most Common Type of Request by State.

State	# Addresses	# Requests	Request/Address Rate	Most Common Type	MCT Percent
AK	14	15	1.07	Housekeeping	46.67
AL	4	24	6.00	Law Revision	41.67
AR	5	6	1.20	Salary	66.67
AZ	6	7	1.17	Housekeeping	57.14
CA	15	47	3.13	Housekeeping	44.68
CO	5	13	2.60	Add. Pos./Housekeeping	30.77
CT	2	0	0.00	No Requests	NA
DE	13	12	0.92	Housekeeping	35.71
GA	10	15	1.50	Additional Positions	26.67
HI	9	24	2.67	Housekeeping	33.33
IA	10	38	3.80	Housekeeping	23.68
ID	9	8	0.89	Housekeeping	50.00
IN	16	26	1.63	Housekeeping	38.46
KS	15	70	4.67	Additional Positions	48.57
KY	3	12	4.00	Salary/Housekeeping	25.00
LA	7	12	1.71	Study Request	25.00
MA	8	5	0.63	General Legislation	40.00
MD	1	5	5.00	Tie <sup>a</sup>	20.00
ME	12	35	2.92	Housekeeping	34.29
MI	2	4	2.00	Tie <sup>b</sup>	25.00
MN	6	3	0.50	Budget	66.67
MO	15	22	1.47	Housekeeping	36.36
MT	5	15	3.00	Add. Pos./Housekeeping	26.67
NC	4	10	2.50	Housekeeping	60.00
ND	9	32	3.56	Housekeeping	34.38
NE	7	7	1.00	Spec. Courts/Housekeeping	28.57
NH	3	13	4.33	Housekeeping	38.46
NJ	3	6	2.00	Housekeeping	50.00
NM	4	7	1.75	Additional Positions	42.86
NV	6	17	2.83	Additional Positions	29.41
NY	15	80	5.33	Housekeeping	23.75
OH	14	22	1.57	Salary	31.82
OR	6	19	3.17	Housekeeping	35.00
PA	8	1	0.13	Budget	100.00
RI	3	14	4.67	Housekeeping	50.00
SC	12	27	2.25	Housekeeping	29.63
SD	13	17	1.31	Budget	35.29
TN	2	0	0.00	No Requests	NA
TX	8	40	5.00	Judicial Selection	22.50
UT	15	21	1.40	Indigent Counsel/Salary	19.05
VA	13	22	1.69	Housekeeping	31.82
WA	13	42	3.23	Housekeeping	38.10
WI	13	12	0.92	Jud. Selec./Salary	33.33
WY	9	33	3.67	Housekeeping	51.52

<sup>a</sup>Maryland's single address featured lone requests for additional positions, budget, legislation, law revisions, and salaries.

<sup>b</sup>Michigan's two addresses featured a four-way tie in the most frequent types of requests between topics related to legislation, housekeeping, salaries, and special courts.

Additional information describing differences between states is shown in Table 3. We summarize the following for each state: the total number of requests made, the average number of requests per address, the most common type of request, and the most common type of request as a percentage of total requests.

The absence of requests in Tennessee or Connecticut and one request in Pennsylvania reflect the lowest volumes of requests by chief justices. The 80 requests made by New York's chief justices reflects the high end of total items requested. Of course, the total number of requests is related to the quantity of addresses given by chief justices between 1999 and 2014. For this reason, a better point of comparison is the average number of requests per address. We provide a visual representation of variation among the states in Figure 2. The mean number of requests per address is 2.49, suggesting that chief justices assemble modest wish lists. States that have fewer

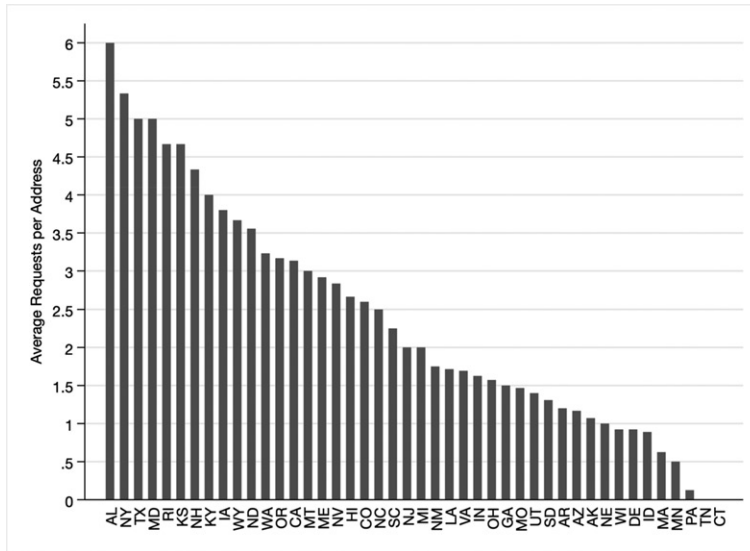


Figure 2. Average Number of Requests per Address, across States.

than one request per address include Connecticut (0), Tennessee (0), Pennsylvania (0.13), Minnesota (0.50), Massachusetts (0.63), Idaho (0.89), Wisconsin (0.92), and Delaware (0.92). States with the most “active” chief justice reform agendas, averaging five or more requests per address, include Alabama (6.0), New York (5.33), Maryland (5.0), and Texas (5.0).

Higher quantities of requests are likely related to both chief justices’ prerogatives and state-specific factors. For example, Chief Judge Judith S. Kaye of New York emphasized in her 1999 State of the Judiciary Address that her state’s justice system suffered from numerous administrative challenges including a “Byzantine trial court system” that required substantial restructuring.<sup>11</sup> Likewise, Chief Justice Thomas R. Phillips of Texas declared in his 2003 SOJ remarks that his state’s courts were in need of streamlining and reorganization. He also emphasized the declining public confidence in Texas courts due to an influx of partisanship and money into judicial elections.<sup>12</sup> Both the concerns of individual chief justices and the contexts in which they work are likely to influence the content of SOJ messages.

Beyond the frequency of requests, we also observe patterns in the top priorities of chief justices. To do so we identify the most common type of request made in each state. Concerns about housekeeping issues are widespread. Of the 44 states in our data, 26 requested action on housekeeping most often. Chief justices in seven states requested additional positions more than any other priority, and the same number asked for salary adjustments above other needs. This demonstrates that the majority of chief justices devote much of their agenda space to requests related to the regular business of the judiciary. Housekeeping, adequate personnel, and salary levels are relatively standard administrative concerns that affect the efficiency and quality of justice. Interestingly, some chief justices prioritize more “political” concerns above all others. Chief justices in Texas and Wisconsin prioritized requests related to judicial selection more than other types of requests. Chief Justices Phillips and Wallace B. Jefferson of Texas frequently called for their state’s partisan judicial elections to be replaced with another method or, at least, supported by public funding instead of campaign donations. Additionally, chief justices in Alabama and

<sup>11</sup>Judith S. Kaye, State of the Judiciary Address, February 8, 1999, available at <http://www.nycourts.gov/ctapps/news/soj/state99.htm>.

<sup>12</sup>Thomas R. Phillips, State of the Judiciary Address, March 4, 2003, available at <https://www.sll.texas.gov/assets/pdf/judiciary/state-of-the-judiciary-2003.pdf>.

Massachusetts addressed revisions to state law more than other reform items. In Massachusetts, Chief Justice Ralph D. Gants called for the repeal of mandatory minimum sentences in 2014. Chief Justice Sue Bell Cobb of Alabama frequently called on her state's legislature to revise statutes related to the juvenile code, treatment of drug offenders, the expungement of criminal records, sentencing guidelines, and other issues. Given that changing judicial selection methods or statutes is more likely than administrative issues to produce political winners and losers, it is understandable that these types of requests are seldom the most plentiful in a given state.

## New Resource for Research on State Politics

In this research note, we consider the activities of states' chief justices as the administrative leaders and primary advocates for state judicial systems. We describe the content of their administrative and political agendas as defined in state of the judiciary communications. We analyze messages from chief justices and the reform priorities included in them.

The plurality of agenda items requested by chief justices focus on housekeeping and procedural needs for the judiciary. This is understandable given that much of the work conducted by state court judges, while straightforward, requires institutional upkeep to remain effective. Presumably, such requests are related to a desire for administrative efficiency. Judges overwhelmed by caseloads or who feel underpaid are likely to process their dockets more slowly and have declining job satisfaction. Chief justices have both personal (i.e., retention and reputation) and institutional (i.e., quality and efficiency) reasons to use administrative leadership to address judges' problems.

We find that chief justices also advocate significant reforms to the justice system. Chief justices sometimes request structural reform for the judiciary, such as the adoption of an intermediate appellate court or creation of specialty courts. We even find that some chief justices waded into the political thickets of judicial selection or state law revision. Chief justices use their advocacy efforts to promote both the effective daily administration of justice and reforms to improve the size, scope, and accessibility of the justice system.

Our data also uncover interesting differences among the states. Some chief justices regularly use the SOJ as a practice of interbranch communication, while others do not. Some chief justices generate long wish lists, while others request very little (if anything) from policymakers. Anecdotal evidence suggests that these differences are driven by the individual priorities of chief justices, institutional needs, and state-level differences. While our limited analysis prevents us from drawing firm conclusions, we hope our data serve as a starting point for analyses of the administrative leadership of states' chief justices.

The compiled database of judicial reform requests can be used to answer a variety of questions about the administrative leadership of states' chief justices. While research focused on the federal level is constrained by a small number of chief justices and a single structure of government, research at the state level facilitates comparative analyses related to the characteristics of states, their judicial systems, and their chief justices. Accordingly, these data can be used to examine the conditions under which state policymakers adopt judicial policy requests. Future studies may also explore factors related to agenda size similar to previous research on the Chief Justice of the United States (Vining and Wilhelm 2016). Increased attention to the administrative leadership of chief justices can yield a better understanding of their role in the state political environment. This has broad implications for citizens, judges, and state efforts to provide efficient and fair justice.

## References

- Carpenter, Tim. 2013. "Chief Justice Seeks 'Adequate' Funding of Courts." *Topeka Capital-Journal* February 1.
- Coffey, Daniel. 2005. "Measuring Gubernatorial Ideology: A Content Analysis of State of the State Speeches." *State Politics & Policy Quarterly* 5:88–103. doi: [10.1177/153244000500500105](https://doi.org/10.1177/153244000500500105).

- Council of State Governments. *Book of the States. 1999 to 2014*. Lexington, KY: Council of State Governments.
- Cummins, Jeff. 2010. "State of the Union Addresses and the President's Legislative Success." *Congress & the Presidency* 37:176–99. doi: [10.1080/07343460903394234](https://doi.org/10.1080/07343460903394234).
- Donoghue, Jane. 2014. *Transforming Criminal Justice?*. New York, New York: Routledge.
- Eshbaugh-Soha, Matthew. 2005. "The Politics of Presidential Agendas." *Political Research Quarterly* 58:257–68. doi: [10.1177/106591290505800206](https://doi.org/10.1177/106591290505800206).
- Girdner, Bill. 2011. "State of the Judiciary Address put off Calendar." *Courthouse News Service*, February 24.
- Hall, Melinda Gann. 1990. "Opinion Assignment Procedures and Conference Practices in State Supreme Courts." *Judicature* 73:209–14.
- Hughes, David A., Teena Wilhelm, and Richard L. Vining, Jr. 2015. "Deliberation Rules and Opinion Assignment Procedures in State Supreme Courts: A Replication." *Justice System Journal* 36:395–410. doi: [10.1080/0098261X.2014.983283](https://doi.org/10.1080/0098261X.2014.983283).
- Hughes, David A., Richard L. Vining, Jr., and Teena Wilhelm. 2017. "The Politics of the U.S. Federal Judiciary's Requests for Institutional Reform." *Social Science Quarterly* 98:1277–95. doi: [10.1111/ssqu.12378](https://doi.org/10.1111/ssqu.12378).
- Langer, Laura, Jody McMullen, Nicholas P. Ray, and Daniel D. Stratton. 2003. "Recruitment of Chief Justices on State Supreme Courts: A Choice between Institutional and Personal Goals." *The Journal of Politics* 65: 1468–2508.
- Langer, Laura, and Teena Wilhelm. 2005. "The Ideology of State Supreme Court Chief Justices." *Judicature* 89: 78–86.
- Marion, Nancy E., and Willard M. Oliver. 2017. "The State of the Judiciary: Assessing the Crime Policy Agenda of the Federal Judiciary through the Year End Reports of the U.S. Supreme Court Chief Justice." *Criminal Law Bulletin* 53:85–109.
- Marso, Andy. 2013. "Chief Justice Denounces Pay-to-Play Reform Measure." *Topeka Capital-Journal* May 15.
- Mayhew, David R. 1974. *Congress: The Electoral Connection*. New Haven: Yale University Press.
- Resnik, Judith, and Lane Dilg. 2006. "Responding to a Democratic Deficit: Limiting the Powers and the Term of the Chief Justice of the United States." *University of Pennsylvania Law Review* 154:1575–664. doi: [10.2307/40041348](https://doi.org/10.2307/40041348).
- Rottman, David B., Carol R., Flango, Melissa T. Cantrell, Randall Hanse, and Neil LaFountain. 2000. *State Court Organization 1998*. Washington, DC: Bureau of Justice Statistics, U.S. Department of Justice.
- Shannon, Brad, and Jordan Schrader. 2014. "Legislature Won't Let State Supreme Court Chief Justice Give State of the Judiciary Speech." *The Olympian* December 29.
- Smith, Christopher E., and Heidi Feldman. 2001. "State Supreme Courts Non-Judicial Tasks." *Judicature* 84: 304–10.
- Turner, Robert C., and Beau Breslin. 2006. "An Integrated Model of State Chief Justices' Governance Agenda." Unpublished manuscript.
- Vining, Richard L., Jr, and Teena Wilhelm. 2012. "The Chief Justice as Advocate-in-Chief: Examining the Year-End Report on the Federal Judiciary." *Judicature* 95:267–74.
- Vining, Richard L., Jr, and Teena Wilhelm. 2016. "The Chief Justice as Administrative Leader: Explaining Agenda Size." In David J. Danelski and Artemus Ward, eds. *The Chief Justice: Appointment and Influence*. Ann Arbor, MI: University of Michigan Press.