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Teena Wilhelm¹, Richard L. Vining Jr.¹,
Ethan D. Boldt², and Bryan M. Black³

Abstract

The state courts of last resort are vital components of American judicial system, disposing of many important legal matters. The chief justices of these courts serve consequential roles in these institutions. Although scholars have examined the selection and duties of states' chief justices, their interactions with the elected branches are understudied. We focus on how chief justices on state high courts use their roles to encourage judicial reform. Specifically, we examine the determinants of chief justices' successes or failures as advocates for their justice systems. To analyze why chief justices succeed or fail as reform advocates, we analyze the fate of reform proposals offered in state of the judiciary addresses. Our results indicate that greater ideological similarity between the state legislature and chief justice or state supreme court median increases the odds of an agenda item being enacted. We also find that the scope of a policy request influences the likelihood it will be granted.

Keywords

judicial politics, chief justice, state courts, interbranch relations, state supreme courts

In early 2013, Chief Justice Tani Cantil-Sakauye of the California Supreme Court warned the California State Legislature that their state was facing “a civil

¹University of Georgia, Athens, GA, USA

²North Dakota State University, Fargo, ND, USA

³Fulton County District Attorney's Office, Atlanta, GA, USA

Corresponding Author:

Teena Wilhelm, Department of Political Science, University of Georgia, 180 Baldwin Hall, Athens, GA 30602, USA.

Email: twilhelm@uga.edu

rights crisis.” She emphasized the consequences of underfunding the judicial branch, including court closures and severe delay in processing cases. The chief justice also called for equity, reminding legislators of California’s leadership in social justice. Her remarks called for broad and urgent attention to California’s judicial system. They also offered a subtle scolding to the California legislature for its years of inattention to the state judiciary. Her televised address included this plea: “I submit to you that equal access to justice for 38 million Californians cannot be had for a penny on the dollar.”¹

Given her judiciary’s dependence on the same legislators she reprimanded, there was no guarantee that Chief Justice Cantil-Sakauye’s remarks would be well received. Yet, her pleas were probably well-timed because Democrats controlled both houses in the California legislature and the governor’s office. From a strategic perspective, this was an opportune political environment for the chief justice to advocate her preferred reforms. Coverage by the *Los Angeles Times* indicates that her warnings were taken seriously:

Assemblyman Bob Wieckowski (D-Fremont), head of the Judiciary Committee, said after the address that he agreed there was a “a serious threat to the public’s access to justice.” He said funding must be restored as the economy improves to keep courts open.

Assemblyman Roger Dickinson (D-Sacramento) said Cantil-Sakauye “issued a clear and compelling call” for legislative help to keep the courts open. Senator Lou Correa (D-Santa Ana) said he found the state of the court system “sobering.” (Dolan 2013)

Ultimately, the California legislature responded with a \$60 million increase in funding for state trial courts. It is important to understand whether the political environment affected the probability that the chief justice’s requests were given attention, especially given the critical impacts of the changes that she desired. In this research, we examine this question in the larger political context across the American states.

Here we scrutinize advocacy efforts by the states’ chief justices and the responsiveness of state policymakers to these efforts. Our analysis focuses on State of the Judiciary addresses composed by the states’ chief justices. These reports offer opportunities for chief justices to promote political and administrative agendas. Our data provide new information about the degree of success that chief justices find within their state political environments. We expect that lawmakers’ responses to requests for judicial reform or resources depend on the political environment within the state and the scope of the request made by the chief justice. Our inquiry facilitates a broader examination of the role of chief justices as administrative and political leaders of state courts.

The Chief Justices in the American States

Scholars have studied state chief justices in previous literature, primarily with regard to how they are selected (Langer et al. 2003), interstate variation in their institutional

powers (Hall 1990; Hughes, Wilhelm, and Vining 2015), or their voting behavior (Langer and Wilhelm 2005). The overwhelming tendency has been to focus on their intracourt activities. Unfortunately, this provides an incomplete view of the duties and roles of states' chief justices because they spend much of their time working on administrative duties.² Little scholarly attention is given to the extrajudicial responsibilities of states' chief justices or how they use their positions to accomplish political or organizational goals.

The key source of a chief justice's administrative responsibilities is her role as head of the state judiciary. Minnesota Supreme Court Chief Justice Eric Magnuson identified himself as "the head of a 3,000-person judicial branch led by a single policy making body, the Judicial Council, which I chair." He further elaborated that "[t]he duties of the chief justice go far beyond deciding cases; they encompass significant administrative responsibilities touching the whole range of Court functioning" (Magnuson 2008). As Magnuson explained, the position is tightly interwoven with the functioning of the state judicial system. The chief justice is solely responsible for administration of the state judiciary in 36 states, while the task falls to the state supreme court in the remainder. Even in states where sole authority does not lie with the chief justice, the chief typically appoints and oversees the state court administrator who has operational and functional authority over the judiciary (Turner and Breslin 2020). Most chief justices chair the state's judicial council, a policy making body that advises the state legislature on budgetary issues, new judgeships, performance standards, case management, procedural issues, and judicial salaries. Chief justices also approve administrative plans for the lower courts and most have the authority to assign state judges temporarily to positions where they are needed.³

The demanding administrative duties of states' chief justices are coupled with heightened visibility for judges in the office. The chief justice is the recognizable proxy and spokesperson for the state judiciary. Because of this unique position, the chief justice is central to the institutional maintenance of the state judiciary. This is achieved largely through the development and implementation of policy to reform or improve the judicial branch. These efforts tend to focus on improving the efficiency of case processing, the quality of the justice system, or the working conditions of court personnel. Judicial reform can include incremental adjustments such as technology upgrades or increases in court filing fees. Reforms also include sweeping changes such as the creation of an intermediate appellate court or alteration of the judicial selection process within a state.

Agenda Setting and Advocacy by the Chief Justice

To explore advocacy by chief justices and the conditions related to achieving their administrative and political goals, we consider chief justices' agenda-setting abilities and interactions with other political elites. A chief justice first determines what judicial reform policies to endorse. State policymakers subsequently choose whether to enact these policy recommendations.

In terms of setting the judiciary's administrative agenda, a chief justice's primary goal is the maintenance of the state courts. As the head administrator of the judicial branch, the chief justice is charged with securing institutional resources and preserving the integrity of the justice system. This means that a chief justice constructs the judicial agenda partially in response to the deficiencies of state courts. The chief justice must compose the judicial agenda and advocate its enactment by policymakers. Courts depend on the elected branches for their institutional upkeep and improvements. The judiciary competes with other political priorities for legislative attention like any other large governmental organization. As Downs (1966, 239) argued, "No bureau can survive unless it is continually able to demonstrate that its services are worthwhile to some group with influence over sufficient resources to keep it alive." The goal of attracting attention to the needs of the judiciary motivates the announcement and dissemination of the judiciary's reform agenda.⁴

Chief justices have the ability to promote judicial agenda items favored by themselves or other stakeholders in the state court system. This ability stems from the prestige of these positions as well as their formal and informal powers. Chief justices are familiar with the judiciary's well-being and how its needs may be addressed. No other official in the judiciary is similarly empowered to set and promote a reform agenda for the machinery of justice.

Agenda setting by the chief justice is necessary to inform state policymakers of the current priorities of the court system and promote their adoption. Most elected officials do not monitor the courts' activities and require information about the needs of the judiciary to pass necessary legislation. Courts are the least understood branch of government (Roberts 2007) and policymakers tend to lack information about what is important to the judiciary. A chief justice can offer credibility to existing projects or spur the creation of new initiatives.

Most chief justices have the opportunity to inform policymakers of the judiciary's reform agenda through regular public addresses known as State of the Judiciary reports. These are similar to the Year-End Report on the Federal Judiciary issued by the Chief Justice of the United States (Vining and Wilhelm 2012).⁵ State of the Judiciary reports are vehicles for public communication about the needs of the judiciary. The audience for this commentary is expanded beyond policymakers by coverage in media outlets. These reports provide news consumers with information about proposed reforms likely to have a broad impact on the state and its people.

The reports delivered by chief justices typically discuss current priorities of the judicial branch as well as recent achievements.⁶ These reports are identified as either the State of the Judiciary Address (if delivered orally) or the Judiciary Annual Report (if delivered in writing). Typically, statutory law or constitutional text structures the practice. The audiences vary between the governor, state bar association, and state legislature (which may include one or both houses). The most common audience is the state legislature, and these messages are primarily delivered aloud as opposed to being written.⁷ While the Chief Justice of the United States issues his report annually on December 31, reports from the state supreme court chief justices vary in their delivery dates. In general, they are given early in the calendar year sometime

Table 1. Addresses/Reports from State Supreme Court Chief Justices, 2000–13.

State	Report	Frequency	Audience	Available
Alabama	State of the Judiciary	Annual	State legislature	2008–11
Alaska	State of the Judiciary	Annual	State legislature	2001–13
Arizona	State of the Judiciary	Annual	State legislature	2005–11
Arkansas	State of the Judiciary	Annual	State bar association	2010–13
California	State of the Judiciary	Annual	State legislature	2000–10, 2012–13
Colorado	State of the Judiciary	Biennial	State legislature	2005–13
Connecticut	State of the Judiciary	Biennial	State legislature	2009–11
Delaware	Annual report of the Delaware Judiciary; Message from the Chief Justice	Annual	State legislature (written)	2002–13
Florida	None			NA
Georgia	State of the Judiciary	Annual	State legislature	2005–13
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 ^a	Annual	State legislature, but previously written (2005–11)	2005–12
Illinois	None			NA
Indiana	Varies	Annual	State legislature	1999–2013
Iowa	State of the Judiciary	Annual	State legislature	2005–13
Kansas	State of the Judiciary	Annual	State legislature and governor	2000–13
Kentucky	State of the Judiciary	Annual	State legislature ^b	2011, 2013, 2013
Louisiana	State of the Judiciary	Biennial	State legislature	2001–13
Maine	State of the Judiciary	Annual	State legislature	2003–13
Maryland	State of the Judiciary (ended in 2005)	Irregular	State legislature and governor	2005
Massachusetts	Annual Address	Annual	State bar association (2006–09); bar, legislature, and governor (2011–13)	2006–13
Michigan	Varies	Irregular	State legislature	2000, 2010
Minnesota	State of the Judiciary	Annual	State bar association	2005–10
Mississippi	None			NA
Missouri	State of the Judiciary	Annual	State legislature	2000–13
Montana	State of the Judiciary	Biennial	State legislature	2005–13
Nebraska	State of the Judiciary	Annual	State legislature	2008–13
Nevada	Annual Report of the Nevada Judiciary	Biennial	State legislature (written 2003, 2007)	2003–13
New Hampshire	State of the Judiciary	Biennial	State legislature	2005–09
New Jersey	Varies	Irregular	State bar association	2006, 2012

(continued)

Table 1. (continued)

State	Report	Frequency	Audience	Available
New Mexico	State of the Judiciary	Biennial	State legislature and governor	2005–13
New York	State of the Judiciary	Annual	State judicial conference (written)	1999–2013
North Carolina	State of the Judiciary (ended in 2003)	Irregular	State bar 1999; State legislature 2001, 2003	2000–03
North Dakota	State of the Judiciary	Biennial	State legislature	2000–13
Ohio	State of the Judiciary	Annual	State judicial conference ^c	2001–13
Oklahoma	None			NA
Oregon	State of the Oregon Courts	Annual	Salem City Club	2007, 2009–13
Pennsylvania	State of the Commonwealth's Courts	Annual	State judicial conference	2006–13
Rhode Island	State of the Judiciary	Annual	State legislature	2006–08
South Carolina	State of the Judiciary	Annual	State legislature	2003–13
South Dakota	State of the Judiciary	Annual	State legislature and governor	2002–13
Tennessee	State of the Judiciary (ended in 2011)	Irregular	State legislature 2010; TN press association 2011	2010, 2011
Texas	State of the Judiciary	Biennial	State legislature and governor	2003–13
Utah	State of the Judiciary	Annual	State legislature	2000–13
Vermont	None			NA
Virginia	State of the Judiciary	Annual	State legislature (written)	2000–13
Washington	State of the Judiciary	Annual	State legislature and governor (written) ^d	2000–13
West Virginia	None			NA
Wisconsin	State of the Judiciary	Annual	State judicial conference	2000–13
Wyoming	State of the Judiciary	Annual	State legislature	2005–11, 2013

a. Except 2014 called State of the Judiciary.

b. Delivered specifically to the Joint Committee on Judiciary.

c. Delivered to state legislature in 2001, 2002, and 2007.

d. While the written report is done annually, the chief justice does a physical address to the state legislature biennially.

between January and March. The communications may occur annually, biennially, or irregularly. They occur yearly in 30 states, every other year in nine states, and less frequently (or not at all) in the remaining states.⁸ This information is summarized in Table 1.

Success of the Judicial Reform Agenda

Chief justices are vital to the creation and promotion of the judiciary's agenda for institutional maintenance and reform. Once a chief justice makes a request, policymakers can enact or reject it. We examine the explanatory factors that influence the success of agenda items requested by the chief justice using a theory derived from studies that explain the legislative success of the American president (Eshbaugh-Soha 2005, 2010). The chief justice is consequential in creating the policy agenda for the state judiciary. She is the judiciary's most visible spokesperson and represents the courts in the larger political environment as an information source and reference point for state lawmakers as they consider judicial policy.

Based on the agenda-setting role of the chief justice, this theory suggests that success of policies requests made to lawmakers depends on favorable political conditions and the scope of a given request. Application and analysis of this theory in the context of a chief justice's administrative leadership improves our understanding of the complexities of judicial administration and interbranch relations in the states. Courts rely on legislators in several respects, but scholars rarely examine how this relationship yields resistance or acquiescence to the court leaders' requests for judicial maintenance or reform. This question is vital given the broad impact of state courts, which dispose of most criminal and civil cases in the United States.

The Impact of the Political Environment

The success of the judicial agenda requires consent from the other branches of government. A critical component of a policymaking environment in which one branch makes requests of another is the relationship between political institutions. This relationship may be either combative or cordial (Resnik 2000). Legislators have incentives to empower a chief justice or judiciary amenable to their political interests. Conversely, they have disincentives to help a hostile judiciary. Therefore, policymakers may treat the enactment (or denial) of the chief justice's requests as a type of reward (or sanction) to the judiciary.

What influences the political relationship between the legislative and judicial branches? There is substantial evidence that satisfaction (or dissatisfaction) with judicial behavior affects how the elected branches respond to courts. For instance, Congress sometimes overrides court rulings that do not match legislators' preferences (Barnes 2004). Furthermore, lawmakers sometimes respond to judicial activity by attempting to change courts' jurisdictions (Clark 2009; Geyh 2006). Dynamic judicial-legislative relations are not isolated to the federal government. For example, former California Supreme Court Chief Justice Ronald M. George observed that his attempts to lobby the California State Legislature in 2009 were thwarted by reaction to his court's 2008 decision in favor of gay marriage. He recalled that Republicans in the state legislature abandoned judicial legislation they had previously supported due to anger with the high court (Dolan 2013). In later years, he expressed how he had learned over time that certain political conditions were more conducive than others for the goals of the judiciary.

Ideological agreement is a key factor associated with interbranch comity. When state policymakers and state court jurists share political leanings, policy requests made by the chief justice on behalf of the courts are more likely to be viewed favorably. Conversely, if the branches are ideologically discordant, there is likely disagreement between the branches about proper legal outcomes and the needs of the justice system. Neither judges nor state lawmakers operate in a political vacuum, and legislative acquiescence to a chief justice's requests is less likely when the ideological distance is greater.

We analyze the impact of ideological distance between the median state legislator and state supreme court *chief justice*. Legislators have cause to reference the chief justice, who is the individual making requests of the legislative body, when considering whether to grant her requests for judicial reform or maintenance. Legislators are likely to identify these requests with the chief justice from whom they originate and to be influenced by personal perceptions.

Hypothesis 1: As ideological distance increases between the chief justice of the state high court and the state legislature, requests for judicial improvements are less likely to be approved.

We also consider two other factors related to the political environment. First, unified or divided government is also likely to affect the success of requests for judicial improvements made by the chief justice. Unified or divided control of the elected branches is a key determinant of *all* policy outputs (Edwards, Barrett, and Peake 1997). In terms of judicial reform, there is evidence in previous scholarship that single-party control of policymaking institutions affects expansion of the judiciary (de Figueiredo et al. 2000; de Figueiredo and Tiller 1996). We anticipate that the chief justice will be more successful achieving judicial improvements during periods of unified government.

Hypothesis 2: Requests for judicial improvements are more likely to be approved during periods of unified government than when control of the executive and legislative branches is divided.

Second, the success of requests for judicial maintenance or improvements is likely influenced by a state's economic status. Like unified government, economic conditions are a key determinant of policy outputs. There is no reason to expect that requests for judicial reform are immune to this tendency. We expect that positive economic conditions facilitate the passage of judicial reforms given the less crowded legislative agenda and availability of funds for court-related expenses. On the contrary, negative economic conditions result in resource scarcity that discourages legislative attention to the judicial branch rather than other core functions of government.

Hypothesis 3: As economic conditions in a state improve, requests for judicial improvements are more likely to be approved.

The Scope of the Policy Request

In addition to the contemporaneous political environment, we expect that the nature of a specific request made by the chief justice also will influence its success. Some proposals advocate incremental change or routine policy that will maintain the state judiciary, while others have broader significance. For example, a routine proposal that calls for an adjustment to the judicial budget for technology upgrades is less substantial than an “important” proposal that would change the state’s method of judicial selection. Important proposals suggest substantial change to the judiciary itself, citizens’ access to courts, or legal assistance. As explained by Eshbaugh-Soha (2005), important policy requests have greater impact, costs, and durability than other proposals. Because of their greater consequences, we expect that important proposals will prompt more deliberation and hesitation among state legislators.

Hypothesis 4: Important requests for judicial improvements are less likely to be approved than those that are routine in nature.

To distinguish between important and routine agenda items requested by chief justices in State of the Judiciary addresses, we develop a policy scope typology adapted from Eshbaugh-Soha’s (2005, 2010) research on the president’s agenda and Vining and Wilhelm’s (2012) research on the Chief Justice’s Year-End Reports on the Federal Judiciary. Eshbaugh-Soha categorized items on the president’s agenda based on two dimensions defined by time and importance. Vining and Wilhelm revealed an overwhelming focus on long-term goals by the Chief Justice of the United States. Rather than contemporary national problems, chief justices tend to focus on judicial procedure, structural reorganization, systemic social problems, the creation of judgeships, and jurisdiction change. We extend this framework to the agenda items advanced by state chief justices.

We designate agenda items as important if they would have major, long-term effects on the justice system. These include proposals to create or eliminate a judicial body, alter materially the relationship between state citizens and the judicial system, or increase substantially the number of judgeships on a given state court. We classify requests for judgeships as important if the number requested is equal to or greater than 10% of the existing number of judges on a given state court. For example, in 2007, Chief Justice Mary J. Mullarkey of Colorado requested 49 new district court judgeships in addition to the 144 already in place (as reported in her State of the Judiciary address in the following year). That same year, Chief Justice Randall T. Shepard of Indiana requested three courts of appeals judgeships be added to the existing 15—a 20% increase (also reported in his follow-up address). These events are rare, with chief justices typically requesting new judgeships singularly rather than in bundles.

The subset of important proposals also includes those that would broadly affect access to justice, such as expansive change in a state’s indigent defense system. We also label proposals as important if they are related to restructuring or preserving a state’s judicial selection system. Although judges would likely disagree, we do not

identify any requests that improve the salaries, benefits, or working conditions of individual judges as important. We regard these as routine matters with a limited impact on the American people. Based on our classification method, our data include 756 total requests with 94 labeled as important agenda items from 2000 to 2013.

Other Factors (Control Variables)

We consider additional explanations for the success or failure of agenda items favored by chief justices. Because our study deals with state-level judiciaries, institutional variation among these courts may influence outcomes. First, we examine whether the chief justice delivers the address directly to the state legislature versus some other political actor such as the governor or state bar association. Appeals to the legislature may be more effective than requests delivered elsewhere because legislators may pay more attention to direct communication.

Numerous studies indicate that the selection systems used to pick judges affect their behavior (Brace and Boyea 2008; Canes-Wrone, Clark, and Kelly 2014; Cann and Wilhelm 2011; Hall 1987). Here, we consider whether policymakers respond differently to elected judges than to those that are unelected. Twenty-three states use non-partisan or partisan judicial elections to select their high courts' justices. We include a binary variable that indicates whether a justice serves in a state with partisan or non-partisan elections. Consistent with this framework, we also examine whether chief justices prompt different responses from lawmakers when they are elected to that role rather than chosen via seniority or a vote of their colleagues (Langer et al. 2003). Chief justices in seven states are chosen in statewide elections rather than being elevated via rotation, seniority, or selection by their colleagues.⁹ While we control for types of judicial selection, we decline to offer directional hypotheses for their potential impacts. It is feasible that either connection to the people (via elections) or links to elites (via appointments) could have a positive effect on the adoption of reform initiatives wanted by chief justices. We have no particular expectation about the degree of difference between them, but control for potential differences.

To examine the potential impact of interstate variation in state court systems, we also control for the professionalism of each state's high court (Squire 2008). These professionalism scores consider judicial salaries, docket control, and staff resources available to the judiciary. There is notable variation between state high courts that are well paid, have large staffs, and control their workload (like California or Pennsylvania) and those with fewer resources (like North Dakota). States with more professionalized high courts have the capacity and ability to play a more active role in state policy (Brace and Hall 2001; Tarr and Porter 1988). As such, we anticipate greater success for judicial reform requests when state high courts are more professionalized.

We also consider whether legislative professionalism influences how state legislatures respond to judicial requests (Squire 2008). More professional legislatures spend more time in developing legislation, deliberating on policy, and interacting with other government branches on more equal footing (Rosenthal 1996; Thompson 1986). Furthermore, legislators in professional chambers enjoy more success in public policy

implementation (Karnig and Sigelman 1975; Roeder 1979). For this reason, we expect that greater legislative professionalism increases the likelihood that judicial requests will be granted.

Personal factors may also influence the success of judicial improvements requested by the chief justice. Accordingly, we control for the potential effects of a chief justice's gender and leadership experience. Scholars of state politics identify a relationship between female officials and leadership style. For example, female judges have distinct priorities from male judges (Martin 1993; Turner and Breslin 2006) and are more ambitious than male judges *ceteris paribus* (Jensen and Martinek 2009). Overall, 29 of the 83 chief justices in our data are female. They delivered nearly 40% of the communications we analyze.

Next, we control for the potential effect of a chief justice's experience on the success of requests in state of the judiciary reports. A longer tenure of office is associated with greater exposure to the deficiencies of the state judicial system and needed repairs. It is also likely that a chief justice with greater experience has interacted more with other political elites in the state and earned their trust. There is support for this idea in scholarship examining the Chief Justice of the United States—experience influences both the content and success of his agenda (Vining and Wilhelm 2016). The leadership experience of chief justices in our data ranges from 0 (a freshman chief justice) to 24 years.

We also consider whether request-specific factors other than policy scope influence the likelihood of adoption. We posit that a proposal's intended beneficiaries may influence how a state legislature will respond to it. Chief justices not only promote their states' court systems but also report the needs of the criminal justice system and citizens who engage with legal institutions. Many of these initiatives seek assistance for underrepresented groups including women, minorities, juveniles, disabled individuals, the poor, and prisoners whose needs may not otherwise be embraced political elites. We consider whether legislators are responsive to these appeals. On one hand, these reforms would provide benefits to constituents because they either satisfy policy goals or facilitate advertising, credit claiming, and position taking (Mayhew 1974). On the other hand, underrepresented groups tend to have less influence in the political system than powerful elites, organized interest groups, or business interests. We control for the potential impact of requests focused on underrepresented groups but do not have a priori prediction about their directional effects.

Finally, we control for the total size of the judicial reform agenda offered in each report. It is likely that a larger agenda is correlated negatively with the likelihood that a given proposal will be enacted.

Data

To identify the policy agendas of the state chief justices, we analyze the content of State of the Judiciary reports. Our data include information from 251 addresses in 42 states from 2000 to 2013. We obtained many addresses from web-based or electronic sources including state judicial branch websites.¹⁰ Others were acquired from state

Table 2. Issue Frequency in State of the Judiciary Addresses, 2000–13.

Issue type	Introduced proposals (percentage of all proposals)	Enacted proposals (percentage of issue type enacted)
Housekeeping	217 (28.70)	87 (40.09)
Additional judgeships/staff	117 (15.48)	33 (28.21)
Salary/benefits	93 (12.30)	34 (36.56)
Budget requests	75 (9.92)	26 (34.67)
Public defense	60 (7.94)	32 (53.33)
Statutory revision	44 (5.82)	16 (36.36)
Specialty courts	43 (5.69)	22 (51.16)
Judicial selection	35 (4.63)	8 (22.86)
Structural change	19 (2.51)	3 (15.79)
Juvenile justice	19 (2.51)	8 (42.11)
Study request	18 (2.38)	3 (16.67)
Legislation	16 (2.12)	9 (56.25)
Total	756 (100)	281 (37.17)

judicial publications, via communication with court reporters, or through correspondence with state reference librarians.¹¹

A total of 756 policy requests made by the state chief justices were identified. Each proposal was categorized based on Vining and Wilhelm's (2012) typology for proposals in the Year-End Reports on the Federal Judiciary, with the addition of some state-oriented issue types (juvenile justice, public defense, judicial selection methods, and specialty courts). The frequency of each category of requests made by chief justices is summarized in Table 2; we provide more detail in Supplemental Appendix A.

The information in Table 2 shows that chief justices frequently voice concerns with functional and operational issues regarding their branch of government. Housekeeping requests occur more frequently than any other type ($N = 217$). The (distant) second ranked category is requests for additional judges/personnel ($N = 117$). Requests related to salaries or benefits round out the top tier ($N = 93$). This grouping of proposal types 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 ($N = 75$), public defense ($N = 60$), statutory revisions ($N = 44$), specialty courts ($N = 43$), and judicial selection ($N = 35$). This subset reflects concerns specific to the state and its treatment of the justice system rather than the standard needs of judicial actors. Interestingly, 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 ($N = 19$), juvenile justice ($N = 19$), study requests ($N = 18$), and general legislation ($N = 16$).

Table 3 shows the frequency of important versus routine requests by policy type. Two thirds of the important proposals come from just four categories: judicial

Table 3. Policy Scope by Issue Type in State of the Judiciary Addresses, 2000–13.

Issue type	Important proposals	Routine proposals
Judicial selection	23 (24.47%)	12 (1.81%)
Specialty courts	16 (17.02%)	27 (4.08%)
Structural change	16 (17.02%)	3 (0.45%)
Public defense	11 (11.70%)	49 (7.40%)
Additional judgeships/staff	8 (8.51%)	109 (16.47%)
Budget requests	5 (5.32%)	70 (10.57%)
Statutory revision	5 (5.32%)	39 (5.89%)
Juvenile justice	4 (4.26%)	15 (2.27%)
Housekeeping	3 (3.19%)	214 (32.33%)
Legislation	2 (2.13%)	14 (2.11%)
Study request	1 (1.06%)	17 (2.57%)
Salary/benefits	0 (0%)	93 (14.05%)
Total	94 (100%)	662 (100%)

selection, specialty courts, structural change, and public defense. We expect that these requests were less likely to be adopted than routine proposals due to the acute and permanent nature of the reforms that would accompany their implementation.

Analysis and Results

We analyze the likelihood a chief justice's request will be enacted using a logistic regression model. The dependent variable is coded as 1 if the agenda item was adopted by policymakers prior to the next state of the judiciary report, and 0 otherwise.¹² We determined whether each request was enacted by reviewing (1) subsequent judicial reports, (2) Westlaw's state legislative tracking database (BILLTRK and BILLTRK-OLD),¹³ and (3) the legislative database maintained by the National Center for State Courts.¹⁴ Our model incorporates the ideological distance between the chief justice and the state legislature as the main independent variable. We rely on the common-space campaign finance (CF) scores released by Bonica and Woodruff (2015) and Bonica (2016) for the chief justice, which are derived from campaign contribution data. Descriptions and measurement of all of our independent variables are shown in Table 4.

To account for variation among the states we use clustered robust standard errors. We control for differences over time by including fixed effects for the year of the address. The data analyzed by our regression model include 706 requests from 2000 to 2013 in 40 states. We omit 50 of our 756 observations from the regression analysis due to missing values for various independent and control variables.¹⁵ Results from our analysis are shown in Table 5.

Our model's estimates support our hypothesis that the political environment has a substantial influence on the enactment of chief justices' requests for reform or

Table 4. Summary Statistics.

	M (SD)	Range	Hyp. effect	Data source
Dependent variable				
Request granted	0.37 (0.48)	0–1	NA	Computed by authors
Independent variables				
Chief justice-legislative ideological distance	0.58 (0.58)	0.01–2.26	–	Bonica and Woodruff (2015), Bonica (2016)
Court median-legislative ideological distance	0.45 (0.35)	0.01–1.76	–	
Divided government	0.47 (0.50)	0–1	–	National Conference for State Legislatures
State unemployment rate	5.82 (2.04)	2.60–12.70	–	Bureau of Labor Statistics
Important request	0.12 (0.33)	0–1	–	Computed by authors
Underrepresented group issue	0.21 (0.41)	0–1	NA	Computed by authors
Legislative audience	.80 (0.40)	0–1	+	State judicial websites
Judicial elections (1 = elections, 0 = other)	0.36 (0.48)	0–1	NA	American Judicature Society
Elected chief justice (1 = elected, 0 = other)	0.15 (0.35)	0–1	NA	American Judicature Society
Female chief justice	0.39 (0.49)	0–1	NA	State judicial websites
Chief justice tenure (years in office)	6.44 (4.98)	0–24	NA	State judicial websites
State court professionalization	0.57 (0.16)	0.25–1.00	+	Squire (2008)
State legislature professionalization	0.21 (0.16)	0.03–0.63	+	Squire (2007)
Total agenda size (proposals in year)	4.70 (2.65)	1–12	–	Computed by authors

Note. N = 706 agenda items, 2000–13.

Table 5. Logistic Regression Results for Judicial Requests Granted by the State Legislature.

Variable	Coefficient (SE)
Chief justice-legislative ideological distance	-0.45* (0.17)
Divided government	-0.05 (0.21)
State unemployment rate	-0.01 (0.08)
Important request	-0.64* (0.31)
Legislative audience	1.84* (0.22)
Judicial elections	0.62* (0.24)
Elected chief justice	-0.26 (0.37)
Female chief justice	-0.16 (0.20)
Chief justice tenure	-0.06* (0.02)
State court professionalism	-1.96* (0.99)
State legislative professionalism	5.01* (0.96)
Underrepresented group issue	1.06* (0.22)
Total agenda size	-0.15* (0.04)
Constant	-1.49* (0.51)
N	706
BIC	973.92
PRE	18.70%

Note. Robust standard errors clustered on states are in parentheses. BIC = Bayesian information criterion; PRE = proportional reduction in error.

* $p < .05$.

improvements. We measure the ideological difference between the state legislative median and chief justice to determine the political alignment between them.¹⁶ The greater the ideological distance between the chief justice and the state's average legislative chamber median, the less likely a given agenda item will be adopted ($p < .05$).

The impact of ideological concordance on the granting of judicial agenda items is substantial. Figure 1 displays the predicted probability that a request is granted over the range of the ideological distance measure with all other variables held at mean (for continuous variables) or modal values (for binary variables).

A one standard deviation increase from mean ideological distance results in a decrease in the predicted probability of a request being granted of roughly .06. As the distance from the chief justice moves from its minimum to its maximum value, the predicted probability that a request is granted decreases by nearly .25. The most ideologically distant chiefs were roughly 40% less likely to have their requests enacted compared with those that were most ideologically similar. This finding emphasizes the importance of ideological proximity between chief justices and legislators for implementing the judicial system's desired policy initiatives. Although courts are often characterized as existing outside the political realm, a chief justices' interactions with policymakers are more productive if they have similar ideological preferences.¹⁷

We do not find evidence that unified or divided government in the state affects the likelihood of enactment for an agenda item. This is contrary to most studies of policy

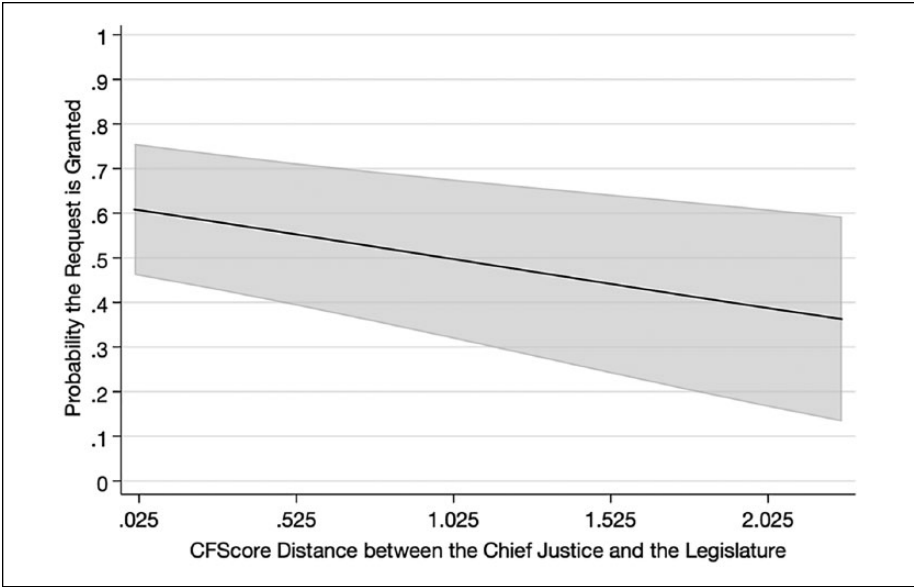


Figure 1. Impact of ideological proximity on passage of agenda items.

Note. CF = campaign finance.

making, suggesting that issues surrounding the justice system are treated differently than other categories of legislation. Our measurement of state economic health (the unemployment rate) fails to reach statistical significance, suggesting that economic conditions are not associated with the fate of the proposals in our data.

The scope of the policy request made by the chief justice has a significant impact on its likelihood of success ($p < .05$). Important requests, those having the most impact on the justice system and its clients, have approximately a .16 lower predicted probability of enactment than routine requests. This reflects the usual pattern in policy making, with changes at the margins being easier to achieve than major reforms.

The analysis of our control variables indicates that both institutional variation and chief justices' characteristics influence whether agenda items are enacted. Delivering the address directly to the legislature has a profound impact on the likelihood of enactment ($p < .001$). All else equal, when presented to state legislative audience, a request had a predicted probability of enactment of roughly .55. Yet, when the chief justice made the request to a nonlegislative audience, the predicted probability of enactment dropped to just .16 (a dramatic decrease of nearly .39). This is to be expected since legislators may not be aware of needs that were not articulated in their presence.

Our estimates also suggest that a state's judicial selection method influences the likelihood of adopting requests for judicial reform, as this variable reaches significance ($p < .05$). The predicted probability of a request being granted increases by .10 when a state's judges are elected versus when they are selected via other means.¹⁸

However, a state's mode of selecting the chief justice does not have a significant impact on the enactment of requests for judicial reform. The mandate associated with popular election does not provide chief justices with a stronger hand in their administrative roles, all else being equal. We find evidence that state court professionalism decreases the likelihood of success contrary to our expectations. We expected court professionalism would prompt the adoption of requests in line with prior positive treatment; instead, the evidence suggests that lawmakers perceive well-maintained courts as lacking immediate attention. State legislative professionalism is a significant, positive factor as anticipated ($p < .001$). For a one standard deviation increase from the mean legislative professionalism score, the predicted probability of agenda item enactment increases by approximately .18. Thus, state legislatures with increased staffing and other resources are substantially more likely to enact judicial reforms.

While gender differences are not apparent in our results, we find that more experienced chief justices are less likely to get what they request ($p < .01$). From the median of five years of experience in office, an additional five years of experience decreases the predicted probability of enactment by nearly .07, all else equal. This is counterintuitive when considering that chief justices may become more adept and established in their roles as their tenures increase. However, this result is consistent with a "honeymoon" characterization of a chief justice's earlier years in office where early success is followed by a period of declining effectiveness.

Requests designed to aid underrepresented constituent groups were more likely to be adopted than other agenda items ($p < .001$). They had an increase in the predicted probability of enactment of roughly .23. This indicates the high value that chief justices place on these agenda items concerned with promoting access and equality within the court system. Furthermore, they may advantage lawmakers as social policies beneficial to their electoral security. Not surprisingly, we also find that the more requests made in a given year, the lower the odds that a given agenda item will be enacted ($p < .01$). This suggests that chief justices are better served by presenting a narrow, focused, set of requests than a long list of agenda items.

Conclusion

This research began with a narrative about the chief justice of the California Supreme Court and her lobbying efforts for the state judiciary. It demonstrates the role of the chief justice as a political advocate that is neither well-known nor well-understood. Overall, we find that the political conditions under which Chief Justice Cantil-Sakauye advocated for judicial improvements were optimal for success, including the nature of her policy requests and the ideological tenor of the policy environment. The chief justice was likely aware of these dynamics. Any strategic calculation that she made in constructing her judicial reform agenda paid off in the end.

In this research, we analyze the content of chief justices' administrative and political agendas as defined in State of the Judiciary communications. We examine the factors driving the success of these agenda items with a focus on their political environments and the policy scope of each request. We find support for these

hypotheses indicating that the success of chief justices as advocates for administrative reforms depends on their political environments and the likely impacts of their proposals.

This research offers a novel analysis of communications relayed by states' chief justices and the reform priorities included in them. This is important because these individuals head the judicial branch in each state and are the most visible representatives of state judiciaries. Our analysis shows that the plurality of agenda items requested by chief justices are focused on housekeeping and the procedural needs for the judiciary. However, we also find that chief justices advocate significant reforms to the justice system. In this way, we see that the 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.

The findings also reveal that the political environments, policy scope, and other factors influence the success of a chief justice's agenda. The role of interbranch relations, measured via ideological concordance between the chief justice and average legislative chamber median, is interesting and sensible given previous research on agenda setting and policy success. This result strongly indicates that chief justices are constrained by their roles in state policymaking systems. Their most substantial reform ideas are much more likely to succeed when ideological allies lead the state legislature.

Factors absent from studies of federal judicial administration affect the leadership behavior of judges in previously undiscovered ways. All modern federal chief justices have had similar duties and occupied the position for lengthy tenures that limit our ability to test variation in administrative style. We believe this study is a starting point for expansive research concerning administrative leadership behavior in state high courts. We are certain other questions about the leadership of states' chief justices will emerge as we better understand their roles, duties, and extrajudicial activities.

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Supplemental Material

Supplemental material for this article is available online.

Notes

1. See Dolan (2013).
2. Smith and Feldman (2001) found that chief justices spent 20% to 80% of their work time on judicial tasks, with the remaining allotment spent on other official duties.

3. See Rottman et al. (2000) for these data and Turner and Breslin (2006) for a related discussion. Utah is an exception to the norm of oversight by the Chief Justice; it has a judicial council that oversees administration.
4. Beyond the institutional goals of chief justices, individuals in that position are also likely to have personal goals that influence the composition of the judicial agenda. Unlike general concerns about maintenance or upkeep of the judiciary, these are more specific to the individual who holds the office. Such goals may reflect a desire for historical recognition of accomplishments (i.e., a legacy concern), or possibly an individual's philosophy about the scope of the judiciary or the role of the chief justice position. Finally, they may also reflect a chief justice's career goals.
5. Judicial scholars have analyzed the content of the Year-End Report on the Federal Judiciary (Vining and Wilhelm 2012), but comparable reports offered by leaders of state courts have not received equivalent attention (see Turner and Breslin 2006 for a limited analysis). We describe these reports here to demonstrate the number and types of initiatives requested by chief justices.
6. In six states (Florida, Illinois, Mississippi, Oklahoma, Vermont, and West Virginia), we find no evidence that the chief justice has ever issued a summary report of this kind. The Maryland chief justice discontinued the practice in 2005, as did the North Carolina chief justice in 2003. The North Carolina chief justice issues a biennial statistical report in conjunction with the state's administrative office of the courts (AOC), but this report looks nothing like the personal addresses made by the chief in prior years. Finally, the Tennessee chief justice issued a report but only for two years in our data, and no longer do so. Thus, there are currently nine state chief justices that do not deliver such a report. Our data include reports from chiefs in Maryland, North Carolina, and Tennessee before they discontinued the practice, for a total of 44 states.
7. Of the 41 states that currently issue judiciary reports, the audience for the chief justice's report includes: 33 states in which the legislature is the primary audience (six of which also include the governor and one that includes the governor and the state bar association) and eight states in which audience is the state bar association, judicial conference, or some similar organization.
8. 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.
9. The states that hold statewide elections for their supreme court chief justice include Alabama, Arkansas, Minnesota, Montana, North Carolina, Ohio, and Texas.
10. 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>.
11. While Turner and Breslin (2006) performed content analysis on these communications in the 2001–02 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 to 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 and efforts to measure whether policies were enacted, standard tests for intercoder reliability were used.
12. Supplemental Appendix B contains information related to the suitability of a binary dependent variable.
 13. Westlaw's legislative tracking database can be narrowed by state and year. We identified substantive keywords for each proposal and searched for these terms in the bill-tracking database for each state/year. In example, a proposal that called for court interpreters would include search terms *interpreter*, *judicial*, and *court*. Westlaw's search results include all bills that contain the relevant search terms in the bill text or related contents.
 14. Information for this is available at <http://www.ncsc.org/sitecore/content/microsites/gavel-to-gavel/home>.
 15. The campaign finance (CF) scores we obtained for the court medians only extended as far as 2012. To accommodate the usage of state of the judiciary addresses given in 2013 in our analyses, the court median values for 2012 were carried forward one year.
 16. To approximate the ideological median of the state legislature overall, we utilize the average of each legislature's upper and lower chamber median ideology score.
 17. To determine whether the chief justice or another pivotal jurist is most closely associated with the success or failure of judicial reform efforts, we conduct an additional test examining the potential impact of the median justice. This justice represents the overall tenor of the state's high court, which is not necessarily true of the chief justice. The results of this supplemental model are shown in Supplemental Appendix C. The chief justice distance measure does a better job of explaining variation in the enactment of these requests than the court median distance as indicated by the proportional reduction in error (PRE) and Bayesian information criterion (BIC). The PRE improves from 14.50% to 18.70% when the chief justice distance measure is used instead of the court median distance. Similarly, the BIC is reduced from 975.61 to 973.92.
 18. We also examined finer categories to assess the impact of specific judicial selection methods. These included partisan elections, nonpartisan elections, gubernatorial appointment with legislators' approval, gubernatorial appointment with council approval, legislative selection, and merit selection. The results were consistent with the model estimates displayed in Table 5. Both partisan and nonpartisan elections reached statistical significance ($p < .05$), but no other selection method had a significant effect on the enactment of chief justices' requests.

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Author Biographies

Teena Wilhelm is an associate professor of Political Science at the University of Georgia. Her research focuses on courts as institutions, and interbranch relations.

Richard L. Vining Jr., is an associate professor of Political Science at the University of Georgia. He does research on interbranch relations, judicial selection, judicial administration, and the relationship between courts and the public.

Ethan D. Boldt is an assistant professor of Political Science and Public Policy at North Dakota State University. His research focuses on the criminal justice system, law and courts, and American political institutions.

Bryan M. Black completed his PhD in Political Science from the University of Georgia in 2018. He currently does criminal justice research and policy analysis for the Fulton County District Attorney's Office in Atlanta, Georgia.