



Beyond Consensus: Gender, Chief Justices, and Leadership on State Supreme Courts

Mikel Norris

To cite this article: Mikel Norris (2021): Beyond Consensus: Gender, Chief Justices, and Leadership on State Supreme Courts, Journal of Women, Politics & Policy, DOI: [10.1080/1554477X.2021.1976593](https://doi.org/10.1080/1554477X.2021.1976593)

To link to this article: <https://doi.org/10.1080/1554477X.2021.1976593>



Published online: 28 Sep 2021.



Submit your article to this journal [↗](#)



View related articles [↗](#)



View Crossmark data [↗](#)



Beyond Consensus: Gender, Chief Justices, and Leadership on State Supreme Courts

Mikel Norris

Political Science, Coastal Carolina University, Conway, South Carolina, USA

ABSTRACT

Previous research on differences in male and female leadership attribute consensus formation to female leadership styles. However, I argue that consensus in the context of chief justice leadership is more akin to male forms of leadership. Proceeding from Meier and O'Toole's theory of public management, I argue in this article that female chief justices should value consensus less than other duties and responsibilities. I test hypotheses using a survey of current and former state high court justices. The results show that female justices greatly devalue consensus and are more likely to place importance on interactions with state legislatures.

KEYWORDS

State supreme courts; chief justice; leadership; consensus

This article calls into question the theoretical utility of using consensus to measure gender differences in chief justice leadership on state supreme courts. There is a growing body of research examining the roles, duties, and responsibilities of chief justices in American governance. While most of this research is focused on the Chief Justice of the United States Supreme Court, a good deal of scholarship has shifted its attention to state supreme court chief justices and takes advantage of the great variation among the states in order to understand how state chief justices are chosen (Langer et al. 2003; Norris and Tankersley 2018; Vining, Wilhelm, and Wanless 2019), how they administer their courts (Christensen, Szmer, and Stritch 2012; Hall 1990; Hughes, Wilhlem, and Vining 2015; Norris and Whittington 2018; Wilhelm et al. 2019), and how they may affect the decisions those courts make (Boyea and Farrar-Myers 2011; Hall and Windett 2016; Langer 2003). A great deal of this literature looks at whether state chief justices are capable of generating consensual court decisions given the different arrays of institutional tools state chief justices have at their disposal (Boyea and Farrar-Myers 2011; Brace and Hall 1990; Hall and Brace 1989, 1992; Hall and Windett 2016; Leonard and Ross 2014, 2020; Sheldon 1999).

One line of research emerging from this scholarship is whether male and female state chief justices lead their courts in different ways. This research also focuses on whether male and female chief justices are better able to generate consensus on their courts (Leonard and Ross 2020; Norris and Whittington 2018). This is not surprising. There is a great deal of literature on gender and leadership more generally stating that female leaders emphasize consensus formation more so than male leaders (Bart and McQueen 2013; Bear et al. 2017; Bligh and Kohles 2008; Eagly and Johnson 1990; Kathlene 1994; Mendelberg and Karpowitz 2016; Rosener 1990; Rosenthal 1998).¹ Yet, to date, the results of female chief justice leadership generating consensus on state supreme courts is mixed, at best (Leonard and Ross 2020).

In this article I argue that research examining gender's effects on chief justice leadership in state supreme courts needs to move away from this line of inquiry and explore gendered leadership in other contexts. Theoretically, I ground this explanation in O'Toole and Meier's (1999) public management theory to show that the institutional context of consensus formation on state supreme courts requires

chief justices to be more autocratic to generate consensus. This aligns more with leadership styles attributed to male leaders compared to female leaders. I also theorize that female chief justices may be more attuned to networking opportunities and chances to control a court's external political environment – particularly relations with state legislatures.

I test these theoretical propositions by asking current and former state supreme court justices what they consider to be the most important functions and job responsibilities of their state chief justice. Justices were asked to identify what they believed to be the most important responsibilities of their court's chief justice. The results of several multinomial regressions show that female justices in this survey are more likely to consider fostering relations with the state legislature to be a more important responsibility of the chief justice than fostering consensus on their courts. Male justices, on the other hand, are more likely than female justices to consider consensus formation to be a more important responsibility of their chief justice.

Chief justice leadership and consensus

Much of what we know about chief justice leadership comes from our wealth of knowledge about the Chief Justice of the United States Supreme Court. For example, much research shows that while the Chief Justice can use the power of opinion assignment to achieve ideological goals (Cross and Lindquist 2006; Maltzman, Spriggs, and Wahlbeck 2000) – especially when he assigns opinions to himself (Brenner 1993; Lax and Cameron 2007) – the Chief Justice is more apt to assign opinions to meet institutional demands and fulfill organizational needs like demonstrating even-handedness or exploiting the expertise of associate justices (Maltzman, Spriggs, and Wahlbeck 2000; Maltzman and Wahlbeck 1996, 2004; Wood et al. 2000).

Other research examines the managerial and administrative role of the Chief Justice. Danelski's (1968) research focused on the task and social leadership responsibilities of the Chief Justice and argued that successful Chief Justices need to simultaneously make sure the Court is efficiently administered while maintaining the social and personal bonds between the justices to ensure the Court's orderly operation. More recent research has focused on the Chief's administrative role as the head of the Judicial Conference (Chutkow 2014; Nixon 2003; Staszak 2018), as well as his role in maintaining good institutional relationships with Congress in order to promote the Court and the federal judiciary's interests (Crowe 2007; Vining, Wilhelm, and Hughes 2019). Still, this line of research commonly reverts to analyzing consensus as a manifestation of evidence that the Chief is successfully administering the Court and effectively executing both his task and social leadership functions (Corley, Steigerwalt, and Ward 2013; Haynie 1992; Hendershot et al. 2012; Ura and Flink 2016; Walker, Epstein, and Dixon 1988). Understanding the role the Chief Justice plays in consensus formation is certainly worth the effort, as Chief Justices play an integral role in maintaining the Court's legitimacy (Ura and Flink 2016), and consensual decision making can augment that legitimacy (Zink, Spriggs, and Scott 2009; but see Salmone 2014).

Much of what we know about the Chief Justice's leadership translates to our understanding of state chief justice leadership, but with some very important caveats. Like the Chief Justice, most state chief justices serve as the face of their courts and represent the interests of the state courts before the legislature and the public (Boyea and Farrar-Myers 2011; Douglas and Hartley 2003; Langer et al. 2003; Langer and Wilhelm 2005; Savchak and Edwards 2016; Wilhelm et al. 2019). State chief justices also must demonstrate task and social leadership on their courts and, in some cases, over the entire state court system. States with unified court systems place the state chief justice as the administrative leader of the entire state judiciary, and frequently give the state chief justice authority to make a number of administrative and personnel decisions to further a state court system's efficient operations (Holewa 2009; Raftery 2013).² However, different state high courts operate under different deliberation procedures such as the order of case deliberation, the order in which justices vote on the merits of each case, and at which stage of the deliberative process justices must disclose their votes (Hughes, Wilhelm, and Vining 2015). These differences in deliberation procedure, along with other institutional

features that may make a state high court more beholden to the public or the other branches of state government, can strengthen or weaken the ability of state chief justices to effectively lead their respective courts (Langer 2003).

The most important factor that influences a state chief justice's ability to lead the decision outcomes of his or her court, however, is whether or not the state chief justice has the power of opinion assignment (Hughes, Wilhlem, and Vining 2015). Langer et al. (2003) find that justices on state high courts who can choose their chief justice pursue their own policy interests when their chief can assign opinions and will choose chief justices who will further those personal goals. They choose chief justices whose preferences reflect the preferences of other political state actors in order to pursue institutional goals if the chief justice does not have the power of opinion assignment. Other research finds that state chief justices who have formal opinion assignment authority are better able to pursue their own policy goals, as well as pursue other institutional concerns (Boyea and Farrar-Myers 2011; Langer et al. 2003; Vining and Wilhelm 2011).

Like research on the United States Supreme Court, a great deal of state supreme court research is interested in understanding consensual norms on those courts and how state chief justices may shape consensus on those courts. Consensus is vital for the court's institutional maintenance (Boyea and Farrar-Myers 2011; Swanson 2007). Dissensus can undermine the authority of law and generate dissatisfaction among the justices on a court (Sheldon 1999). The state context, however, provides a more varied testing ground for understanding the mechanisms shaping consensus and dissensus on appellate courts. This line of research shows that consensus is usually greater on state supreme courts where chief justices have the power of opinion assignment (Boyea and Farrar-Myers 2011; Brace and Hall 1990, 1993; Langer 2003). However, the chief's power to compel consensus wanes as the level of institutional resources available to associate justices on those courts increases (Hall and Windett 2016), and also when a state popularly elects justices to the state supreme court, as electoral pressure may cause justices to vote in ways that protect a justice's individual interests (Leonard and Ross 2014).

Gendered leadership and the disconnect between female chief justices and consensus

On the surface, it would appear that analyzing consensus formation on state supreme courts would be a natural launch point for understanding differences between the leadership styles of male and female state chief justices, as research generally finds that men and women exhibit different leadership styles. Women in leadership positions tend to have a more interactive approach to leadership that is characterized by *consideration* (Eagly and Johannesen-Schmidt 2001; Eagly and Johnson 1990).³ This type of leadership is democratic in nature and emphasizes participation, collaboration, and consensus formation. Female leaders, more so than male leaders, tend to exhibit transformational leadership traits, where leaders promote democratic and consensual decision making in order to develop subordinates' full potential so they may more fully contribute to the organization (Bass 1998; Eagly and Johannesen-Schmidt 2001; Eagly, Johannesen-Schmidt, and van Engen 2003).

Male leadership, on the other hand, is characterized by task-orientation, where leaders seek out opportunities to exert influence over organizational outcomes. Eagly and Johannesen-Schmidt label this type of leadership *initiation of structure*, where leaders encourage subordinates "to follow rules and procedures, maintaining high standards for performance and making leader and subordinate roles explicit" (Eagly and Johannesen-Schmidt 2001, 786). This type of leadership is viewed as being autocratic in nature and is often associated with transactional forms of leadership. The core of a transactional leadership style is establishing relationships where supervisors can oversee subordinates in order to monitor and correct subordinate performance, and also reward subordinates for the successful completion and execution of required tasks (Bass, Avolio, and Atwater 1996; Eagly and Johannesen-Schmidt 2001; Eagly, Johannesen-Schmidt, and van Engen 2003). This type of leadership has proven to be most effective in hierarchical and performance-oriented organizations, whereas transformational leadership is more effective in entrepreneurial organizations that emphasize empowerment (Yoder 2001).

Based on what we know about gender and leadership styles, it would make sense to assume female chief justices may be more likely to generate consensus than their male counterparts. Courts are not hierarchical, and state chief justices are generally considered to be “leaders over peers rather than subordinates” (Boyd 2013, 97). As noted earlier, justices on state supreme courts can make decisions in ways to promote their personal goals and objectives over that of a chief justice (Hall and Windett 2016; Langer 2003; Langer et al. 2003). We also observe this type of leadership in other political contexts. For example, women in state legislatures adopt leadership styles favoring collaboration and consensus building that is not observed among their male counterparts (Carey, Niemi, and Powell 1998; Flammang 1985; Kathlene 1994; Rosenthal 1998; Volden, Wiseman, and Wittner 2013), and female district court judges are more likely to strive for consensual settlements between litigants compared to male judges (Boyd 2013). Experimental tests of gendered political decision making also support these differences. For example, Hannagan and Larimer (2010) find that decisions made by all-male groups were based on interests in not losing the game at hand, while females were more concerned with equitable outcomes for both those who they were bargaining with and also for those within their group, regardless of whether that group was an all-female or mixed-female group. Mendelberg and Karpowitz (2016) research on gender and decision making also concludes that gender inequality in group discussion can be ameliorated by establishing consensus-seeking rules and procedures.⁴

But while we may expect female chief justices to be better able to generate consensus, and empirical evidence shows that women leaders do shape political decisions in different ways compared to male leaders, we do not see this type of behavior on state supreme courts. First, while Norris and Tankersley (2018) hypothesize that justices on state courts where justices choose their chief justice may choose a female chief when dissensus on the court is high, they find that female justices are more likely be chosen on courts where the chief does not assign opinions, thus eliminating a key tool a chief justice may have to foster consensus. While Leonard and Ross (2020) find that female opinion writers are able to shape consensual decisions, female chief justices exert barely any influence on consensual case outcomes. Finally, Norris and Whittington (2018) find that, when asked, female state supreme court justices do not even consider consensus formation to be an important task of the state chief justice. Given the wealth of literature demonstrating that women leaders are better at generating consensus compared to their male counterparts, it is important to understand why this same outcome does not appear to happen on state supreme courts. I will contend that an organizational theory of judicial administration that puts consensus in proper context will help to explain this disparity.

Gender, chief justices, and public management theory

Here I will contend that looking at consensus on state courts may not be the best analytical approach to understanding whether male and female state chief justices lead their courts in different ways. First, I provide a theoretical foundation for doing so, as well as some conceptual clarification regarding consensus. To begin, I ground this explanation theoretically by drawing upon O’Toole and Meier’s (1999) well-known model of public management:

$$O_t = \beta_1(S + M_1)O_{t-1} + \beta_2 \left(\frac{X_t}{S} \right) \left(\frac{M_3}{M_4} \right) + \epsilon, \text{ where:}$$

O = organizational outcome,

S = organizational stability,

M_1 = internal management,

M_3 = management efforts to exploit organizational environment,

M_4 = management efforts to buffer the organization from environmental shocks,

X = vector of environmental forces,

ϵ = error term,

t subscripts = time periods, and

β_1 and β_2 = estimable parameters.

The ratio of M_3 and M_4 are further defined as M_2 , where M_2 represents management's efforts to maximize benefits and minimize costs affecting the organization from its environment.

The O term in this equation represents organizational output in terms of the quality of outputs. In the judicial decision context, quality outputs are represented by court opinions that produce diffuse support for a court among the other branches of government and among the public (Ura and Flink 2016). Diffuse support is fundamental for a court to have in order to protect its legitimacy (Christenson and Glick 2015; Gibson, Caldeira, and Baird 1998). Courts that have diffuse support can insulate themselves from harm produced from noncompliance with an unpopular decision, or from legislative efforts to punish a court through jurisdiction stripping, budget cutting, or other means (Clark 2009). For the purposes of this theoretical explanation, the O term represents the legitimacy and diffuse support it receives from the other branches of state government and from the public.

One of the ways to achieve this outcome is through consensual decision making. Consistent and consensual decision making are among the factors believed to enhance judicial legitimacy and diffuse support for a court (Salmone 2014; Ura and Flink 2016; Zink, Spriggs, and Scott 2009). However, consensual decision making is not the only way a court can maintain legitimacy and diffuse support for its decisions. Courts – and the justices on those courts – can also be proactive in shaping their legitimacy and developing diffuse support for courts as institutions by speaking publicly about the decisions they make, actively engaging citizens so that citizens can better understand what courts do and why, and directly interacting with the other branches of government – particularly the state legislature – to foster good interbranch relations (Glennon and Strother 2019; Hartley and Douglas 2003; Savchak and Edwards 2016; Wilhelm et al. 2019).

According to O'Toole and Meier, public managers can improve organizational performance by creating internal management structures that induce stability and organizational consistency (M_1), and by buffering and exploiting shocks in an organization's environment (M_2).⁵ Consensus formation, and the chief justices' actions to create consensus, clearly align with an internal management style represented by M_1 (Ura and Flink 2016). Other activities like networking and interacting with political principals in other branches of government, or interacting with the public, represent management functions associated with a M_2 management style.⁶

It is at this point where we need to reconsider the use of consensus as a defining feature of male or female chief justice leadership. While internal management processes are not as well understood theoretically and empirically as managerial efforts to exploit the organizational environment, and are more likely to suffer from operational inconsistencies, it is accepted that internal management contains two key attributes: (1) promotion of stability through the development and use of hierarchical structures, and (2) promotion of stability through the development and use of day-to-day operations (Jacobson, Palus, and Bowling 2010). What stands out about these internal management features are that they rely on the ability of managers to use structure and hierarchy to accomplish organizational tasks. These management activities are the opposite of what the literature reviewed above would posit that female leaders would do – or want to do – in order to meet organizational objectives.

The literature on chief justices' ability to shape court opinions also points to a hierarchical and authoritative approach to consensus formation, where a chief justice can use the opinion assignment power to achieve a consensual outcome among associate justices. "[I]t has long been noted by students of, and participants in, the judicial process that the power to assign the majority opinion is an important resource available to the Chief Justice in his efforts to *exert influence over his colleagues* (Rohde 1972, 653) (emphasis added). "In theory, the Chief Justice may . . . use her position to *punish or reward* justices for whatever reason she chooses" (Cross and Lindquist 2006, 1673) (emphasis added). The same has been found in research on state chief justices who have the power of opinion assignment. State chiefs can "*reward* the loyal and *punish* the recalcitrant" (Hall and Brace 1989, 397) (emphasis added). "[T]he chief can *punish* recalcitrant judges with undesirable assignments on the 'easy' cases, and *reward* team players with assignments on the few important cases" (Hall and Windett 2016, 685)

(emphasis added). “The preferences of the chief justice can provide a cue to justices as to the likelihood (or willingness) that the chief justice will *penalize a judge for objectionable decisions*” (Langer 2003, 59) (emphasis added).

On the other hand, a transformational leadership style, which is frequently associated with female leadership, might actually encourage dissensus on courts, because transformational leaders should want justices on their courts to express their own points of view without fear of reprisal. As Hall and Windett pointedly phrase it, “Although chiefs usually value consensus, other judges often do not” (Hall and Windett 2016, 683). Moreover, justices on state supreme courts themselves support this viewpoint and may believe it is the responsibility of the chief justice to encourage different points of view. Several state supreme court justices surveyed for this analysis expressed this same sentiment when asked to elaborate on whether the leadership styles of their chief justices generated more or less consensual decision making on their courts:

Justice 17: Our current chief is very open to considering all points of view and changing her mind if she is persuaded her initial view is incorrect. This is a tremendously important characteristic of a good leader.

Justice 41: All chief justices I served with . . . allowed everyone to express their opinion on each issue to be decided.

Justice 48: Always see that the opinions of others are fairly considered and that full discussion of all views is aired before any decision.

Justice 54: [Consensus] emerges through ongoing debate. When you’re respected and a good listener it will eventually come your way. Recognize that people are entitled to their own opinion and work to get them next time.

While these justices and others saw consensus as an important aim for their courts, many were very clear that chief justices should not stifle individual opinion in their attempts to achieve consensus.

So where may we see female leadership styles manifest themselves if not in efforts to achieve consensus? I argue here that it can be found in efforts to exploit a court’s environment and buffer a court from environmental shocks (M_2). Most research using Meier and O’Toole’s public management model examines the M_2 term in terms of networking behavior.⁷ Organizations work in networked settings where organizational success is often contingent on that organization’s relationship with another party over whom they have little or no control (Meier and O’Toole 2001, 2003). They must be able to exploit that environment in order to secure resources, gather information, and buffer the organization from environmental shocks (Rho and Lee 2018).

What research there is on gender and networking provides mixed results as to whether male and female managers network differently, and whether their networking behaviors actually have differential effects on organizational outcomes. While there is evidence that female managers devote less time to networking, the time actually spent does appear to pay dividends – particularly when female managers network up to political principals, rather than outward to external stakeholders, or downward to subordinates (Meier, O’Toole, and Goerdel 2006). This result aligns with Bass, Avolio, and Atwater’s assessment of how men and women view power: “[W]omen think of power in terms of resource-building whereas men think of power as a means of securing rather than developing control” (Bass, Avolio, and Atwater 1996, 11). Research also finds that gendered differences in networking behavior are contingent on situational and structural variables. For example, Rho and Lee (2018) find that female leaders are more likely to actively network when their organization exists in a highly turbulent environment. This aligns with conclusions reached by Langer et al. (2003) and Norris and Tankersley (2018) regarding chief justice selection. Langer et al. (2003) find that state justices choose chief justices who align with government and citizen preferences when the chief justice does not have opinion assignment power in order to pursue institutional goals – namely, institutional maintenance. Norris and Tankersley (2018) find that these state high courts are the most likely to choose female chief justices. It is possible that female leadership manifests itself more in how female chief justices care for

their courts in an environmental context rather than how they utilize internal structures and processes to foster consensus in decision making. The following theoretical insights lead me to test two hypotheses:

Hypothesis 1: Male justices on state supreme courts will consider consensus-building to be a more important task for the chief justice to accomplish than female justices on state supreme courts.

Hypothesis 2: Female justices on state supreme courts will consider networking with political principals to be a more important task for the chief justice to accomplish than male justices on state supreme courts.

Note, however, that networking with political principals is only one form of networking. State high courts may also have to network with the public in order to maintain their legitimacy and diffuse support. The literature on this type of networking does not provide clear evidence that gender plays a significant role, which prevents making a theory-based research hypothesis (Meier, O'Toole, and Goerdel 2006; Rho and Lee 2018). I will examine this type of networking as well, but will follow previous research and not hypothesize about whether there is any difference in importance in this type of networking.

Data and method

State supreme court justice survey

In order to analyze the preferences males and females on state supreme courts have toward consensus formation and networking activities, this paper utilizes a survey questionnaire that was mailed to a total of 587 current and former state supreme court justices in all 50 states.⁸ Surveys were mailed over the summer of 2016. Mailed surveys were followed up with telephone calls to each court approximately two weeks after the surveys were received. Justices were assured complete confidentiality and anonymity in their responses, and they were instructed to not answer any questions on the survey they thought would breach confidentiality. Those justices who were interviewed by telephone were asked the same questions that were on the mail survey, and were also given the opportunity to answer follow-up, open-ended questions related to the questions on the survey. These conversations were transcribed after each interview. Calls on average lasted between 35 minutes to an hour in length. Fifty-eight responses were gathered from the survey, a 9.7% response rate.⁹ Justices from 31 different states responded to the survey. Table 1 presents a list of the states from where the justices participating in the survey are from. Forty of the respondents were male and 18 were female. Twenty-three of the respondents were either current chief justices, or had previously served as chief justice of their court, for a total of 117 years of chief justice service.¹⁰

Table 1. States Responding to the Survey.

Arizona	Maryland	Pennsylvania
Arkansas	Michigan	Rhode Island
California	Minnesota	South Carolina
Florida	Mississippi	Tennessee
Georgia	Missouri	Texas
Hawaii	New Hampshire	Utah
Idaho	New York	Vermont
Indiana	North Dakota	Washington
Iowa	Ohio	West Virginia
Kentucky	Oregon	Wyoming
Maine		

Source: Author's Data

The justices were asked several questions on a variety of subjects about chief justice leadership. The question specifically used in this paper was the following: *In your opinion, what are the three most important duties/responsibilities of being your court's chief justice?* Justices were then given an open-ended question regarding chief justice leadership and consensus: *In your opinion, do the leadership styles of different chief justices lead to greater consensus/dissensus on your court? What type of styles are they? Give a brief description if you can.*¹¹ The first question was used to construct the dependent variable for this analysis.

Dependent variable

Respondents gave 157 answers to the first question that were subsequently broken into eleven categories.¹² The eleven categories were determined by the survey administrators. Inter-coder reliability of the placement of each statement into each category was quite high ($r = 0.92$).¹³ A list of the eleven types of duties and responsibilities the justices identified as being the most important for the chief justice to accomplish, along with the frequencies in which they were identified, are listed in Table 2. Table 2 shows that court administration is considered to be the most important function of the chief justice; however, other activities such as legislative interaction, court leadership, and symbolic representation (i.e., representing the court in the state through meetings, speeches, and conferences, for example) are also viewed as being important.

The number of categories in this measure is rather large given the number of observations in the data. Given these constraints, and also to ease interpretation, eight of the categories have been combined into a general “administration” category. The resulting dependent variable for this paper is a four-alternative nominal variable. The four categories are “administration,” “legislative interaction,” “consensus,” and “symbolic representation.”¹⁴

Independent variables and methods

Several descriptive variables were gathered about each justice who participated in the survey. The most important variable for the purposes of this paper is *justice gender*. This variable is coded as 0 if the justice is male, and 1 if the justice is female. The next variable – *chief justice tenure* – counts the number of years of service as chief justice for every justice interviewed.¹⁵ *Current justice* is a dichotomous variable measuring whether the justice giving the response is a current or former state justice.

Other institutional information about the court a justice served on was also gathered. I measure whether the justices serve, or previously served, on courts where the chief justice has the power of opinion assignment. Additionally, I accounted for whether or not the court's chief justice was chosen by peer vote. I create four variables by combining these two institutional features. *Non-peer/no assignment* measures justices on courts whose chief justice is not selected by peer vote and does not have opinion assignment. *Non-peer/assignment* measures justices on courts whose chief justice is not selected by peer vote but does have opinion assignment. *Peer/no assignment* measures justices on

Table 2. Most Important Duties/Responsibilities of State Chief Justices.

Court administration	28	Court leadership	18
Fostering collegiality	17	Legislative interactions	28
Demonstrate competence	5	Management	15
Fostering consensus	9	Oversight	8
Delegation	1	Symbolic representation	24
Correct judicial decision making	4		
Frequencies are listed next to each alternative			

Source: Author's Data

courts whose chief justice is chosen by peer vote but does not have opinion assignment. *Peer/assignment* measures justices on courts whose chief justice is chosen by peer vote and also has opinion assignment.¹⁶

I also gathered information on whether the chief justices of different courts presided over *unified courts*.¹⁷ Chief justices in unified court systems are responsible for the central administration of their state’s court system, whereas chief justices on state high courts in non-unified court systems are only responsible for the administration of the state’s high court. The distinction is important because unified court systems are hierarchical in form, whereas non-unified courts are not (Holewa 2009; Raftery 2013). Based on the extant literature, justices on state high courts should value a male leadership style more so than a female leadership style in their chief justices in unified court systems. I measured *court professionalism* using Squire’s (2008) measure of court professionalism to account for the resources available to justices on state supreme courts. I also use a dichotomous variable to measure whether a state has an *intermediate appellate court*, where states that do have intermediate appellate courts have a value of 1 and those that do not have a value of 0. States where justices are resource-rich are more likely to effectively counter chief justices’ efforts to generate consensus and pursue personal goals (Hall and Windett 2016), while states with a greater caseload burden are more likely to generate consensus due to the burden on each justice to write additional opinions (Brace and Hall 1990, 1993).¹⁸

Finally, I gathered information on how state supreme court judges are initially chosen to serve on their respective courts. State justices are chosen by partisan election, nonpartisan election, merit selection, gubernatorial appointment, and legislative appointment. Previous research shows that electoral pressures on justices who are elected to their positions encourage those justices to dissent more frequently than justices chosen through other means (Boyea and Farrar-Myers 2011; Brace and Hall 1990, 1993; Hall and Windett 2016). Descriptive statistics for these variables are presented in Table 3.

As discussed above the dependent variable consists of four alternatives: administration, symbolic representation, legislative interaction, and consensus. Since these alternatives are categorical and unordered, I use a multinomial logit model to estimate the effect that the different variables have on the likelihood a justice selects one of the four alternatives. Standard errors are clustered on each justice. Two multinomial logit models are presented here. The first model uses consensus as the baseline

Table 3. Descriptive Statistics.

Dependent Variable	Frequency	Percent		
Administration	97	61.78		
Consensus	24	15.29		
Legislative Interaction	28	17.83		
Symbolic Representation	8	5.10		
Independent Variables	Mean	St. Dev	Min	Max
Gender	0.242	0.430	0	1
Years as Chief Justice	2.03	3.14	0	12
Opinion Assignment	0.268	0.444	0	1
Unified Court	0.611	0.489	0	1
Court Professionalism	0.589	0.157	0.253	1.004
Intermediate Appellate Court	0.796	0.404	0	1
Current Justice	0.480	0.501	0	1
No-Peer/No Opinion	0.390	0.489	0	1
No-Peer/Opinion	0.119	0.324	0	1
Peer/No Opinion	0.334	0.473	0	1
Peer/Opinion	0.159	0.366	0	1
Partisan Election	0.038	0.192	0	1
Nonpartisan Election	0.389	0.489	0	1
Merit Selection	0.280	0.451	0	1
Legislative Selection	0.038	0.192	0	1
Gubernatorial Selection	0.236	0.426	0	1

Source: Author’s Data

category, so that the model estimates the likelihood a justice will choose another alternative, relative to the likelihood they will choose consensus, given the effect of the variables in the model. The second model uses administration as the baseline category, so that the model estimates the likelihood a justice will choose another alternative, relative to the likelihood they will choose administration.

Results

The results of the multinomial logit models are presented in [Table 4](#). The results of these models provide evidence for the argument that female state justices think state chief justices should be less concerned with building consensus, and more concerned with promoting the interests of the state supreme court to external actors (symbolic representation) and are especially concerned with interacting with the state legislature. The coefficient for gender is positive and statistically significant when we compare the likelihood of choosing legislative interaction compared to generating consensual outcomes. The same is also true for symbolic representation compared to generating consensual outcomes: gender's coefficient is positive and statistically significant. Justices on state high courts where the chief justice controls opinion assignment, regardless of how the chief justice is chosen, are statistically significantly more likely to favor legislative interaction and symbolic representation over consensus formation.

It is possible that justices on these courts see others, like the authors of majority opinions, to be more responsible for consensus formation (Leonard and Ross 2020). Others may want to verify this in future research. Those who served as chief justice were less likely to choose legislative interaction over consensus the longer they served as chief justice. This conclusion is in line with previous research (Ura and Flink 2016). Justices chosen by state legislatures and partisan elections are statistically significantly more likely than justices chosen by appointment to place more importance on symbolic representation than on consensus; however, justices chosen by partisan election are not statistically more likely than justices chosen by appointment to choose legislative interaction over consensus.

The last three columns of [Table 4](#) compare legislative interaction, symbolic representation, and consensus formation to court administration. While the first two columns of [Table 4](#) show stark changes in preferences between legislative interaction and symbolic representation to consensus formation, they do not tell us a lot about how these activities compare to the basic administrative functions of the chief justice. It is important to compare these alternatives to court administration because male and female justices alike point to effective administration as the most important duty of the state chief justice. Several of the duties and responsibilities reported in [Table 2](#) that are subsumed in the base administration alternative contain elements of task-oriented management, while others contain elements of transformational management. While the expectation is that gender will still play a significant role in these analyses, it is expected to be more muted.

These results in [Table 4](#) mostly bear out these expectations. The most notable result is that female justices continue to significantly devalue consensus as a duty of the chief justice when compared to the court administration alternative. Female justices are more likely to select legislative interaction to court administration, though much less so than when legislative interaction is compared to consensus. This result approaches but does not quite reach statistical significance ($p = 0.16$). This muted response is as predicted. Female justices are not any more likely to select symbolic representation as an alternative to court administration, however.

Justices on state supreme courts that choose their own chief justice and that have the power of opinion assignment are more likely to select consensus formation over administration compared to other courts. Like the first set of multinomial regressions, justices who are elected or chosen by their state legislatures are more likely to devalue consensus over court administration, and those chosen in partisan elections devalue legislative interaction and consensus over court administration. Justices are also likely to choose administration over legislative interaction when their state has an intermediate appellate court.¹⁹ Justices on more professionalized state courts are less likely to choose symbolic

Table 4. Duties and Responsibilities of State Chief Justices: Comparing Court Administration, Symbolic Representation, Legislative Interaction, and Consensus.

	Legislative Interaction (relative to consensus)	Symbolic Representation (relative to consensus)	Legislative Interaction (relative to administration)	Symbolic Representation (relative to administration)	Consensus (relative to administration)
Gender	15.75*** (0.712)	14.94*** (0.782)	0.610 (0.441)	-0.202 (0.410)	-15.14*** (0.730)
Years as Chief Justice	-507*** (0.133)	-0.307*** (0.117)	-0.199** (0.087)	0.001 (0.062)	0.309*** (0.105)
Unified Court	-1.18 (0.774)	-1.09 (0.871)	-0.530 (0.441)	-0.439 (0.384)	0.646 (0.868)
Court Professionalism	-0.537 (2.93)	-3.55 (3.07)	0.201 (1.26)	-2.80** (1.42)	0.738 (3.01)
Intermediate Appellate Court	-1.58 (1.47)	-0.580 (1.63)	-1.01** (0.455)	-0.016 (0.615)	0.563 (1.52)
Non-peer/No Assignment	-16.94*** (1.16)	-16.82*** (1.07)	-0.594 (0.453)	-0.475 (0.552)	16.34*** (1.05)
Non-peer/Assignment	0.876 (1.02)	0.304 (1.09)	-0.977 (0.647)	-1.55** (0.681)	-1.85** (0.941)
Peer/No Assignment	-14.76*** (0.869)	-15.25*** (0.877)	0.099 (0.560)	-0.392 (0.499)	14.86*** (0.869)
Partisan Election	0.254 (1.23)	15.64*** (1.75)	-15.77*** (0.872)	-0.389 (0.666)	-16.03*** (1.61)
Nonpartisan Election	0.584 (1.47)	-0.082 (1.73)	0.339 (0.489)	-0.327 (0.576)	-0.245 (1.62)
Merit Selection	-1.85 (1.55)	-1.48 (1.76)	-0.276 (0.545)	0.091 (0.583)	1.57 (1.61)
Legislative Selection	19.06*** (1.55)	18.60*** (1.83)	0.845 (0.609)	0.381 (0.841)	-18.21*** (1.69)
Current Justice	-1.26 (0.831)	-1.92** (0.845)	-0.686 (0.472)	-1.32*** (0.514)	0.576 (0.671)
Constant	20.51***	21.67***	0.464	1.68	-20.05***
Log-Likelihood	-143.15	-143.15	-143.15	-143.15	-143.15
N	157	157	157	157	157

*** $p \leq 0.01$; ** $p \leq 0.05$; * $p \leq 0.10$

Robust standard errors clustered on justice in parentheses

representation over court administration. Current justices are also statistically significantly less likely to select symbolic representation over court administration compared to justices who are no longer serving on their courts.

The coefficients of multinomial regressions are not easily interpretable, so [Figure 1](#) presents discrete changes in the likelihood of male and female justices choosing each of the four alternatives of the dependent variable. The top-left graph shows that male and female justices are both likely to choose court administration as a primary duty of the state chief justice. However, it should be pointed out that, as in other research on gender and internal operations, female justices are less likely to choose this alternative compared to male justices (Meier, O’Toole, and Goerdel 2006). Specifically, the likelihood a male justices chooses court administration as a primary duty of a chief justice is 0.62 [0.54, 0.70].²⁰ That likelihood drops to 0.61 [0.49, 0.73] for female justices. There is little difference in the likelihood male and female justices will choose the symbolic representation alternative. The likelihood of a male justice selecting this alternative is 0.16 [0.11, 0.21]. That likelihood decreases slightly to 0.13 [0.06, 0.20] for female justices.

The greatest changes in likelihood between male and female justices occur when we consider the likelihood of choosing consensus or legislative interaction as alternatives. The probability a male justice chooses consensus as an alternative is 0.06 [0.03, 0.10], while that likelihood drops to nearly

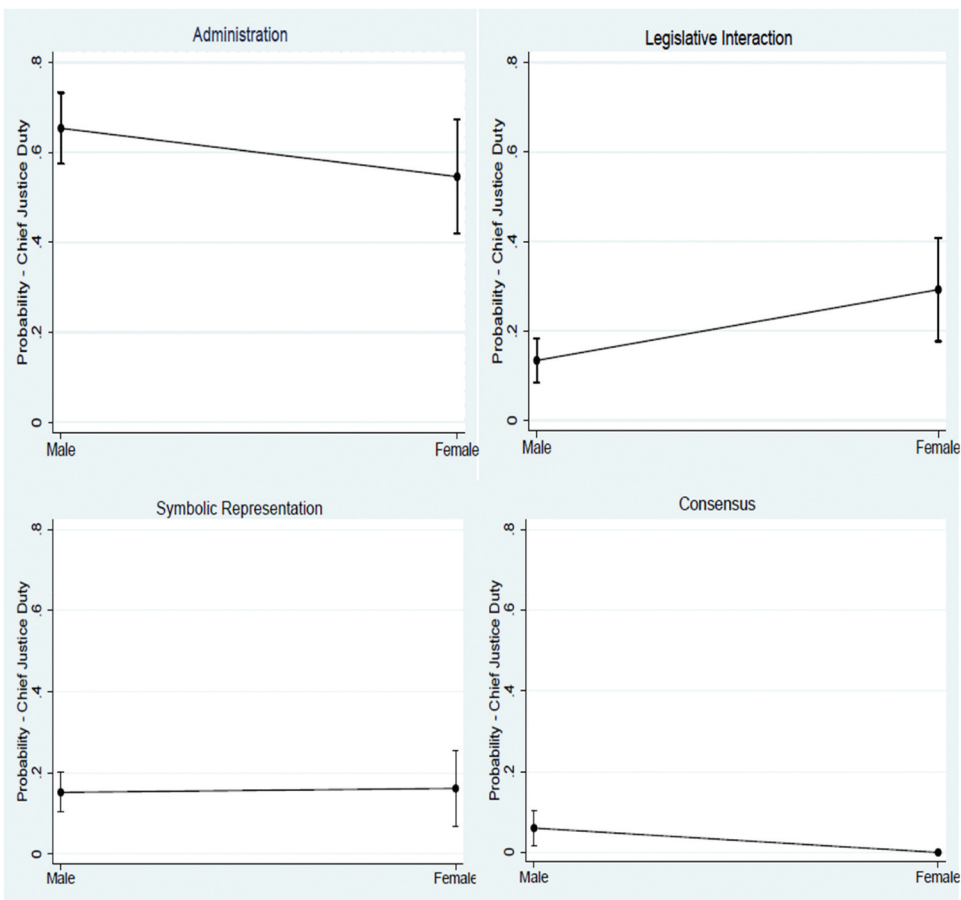


Figure 1. Change in Likelihood – Male and Female Justices Select Each Alternative as Important Chief Justice Duty/Responsibility.

zero for female justices [0.00, 0.00]. The likelihood a male justice chooses legislative interaction is 0.15 [0.10, 0.20]. In comparison, the likelihood a female justice chooses legislative interaction as an alternative jumps to 0.26 [0.14, 0.37].

Conclusion and discussion

This paper began by arguing that looking for differences in consensus rates between male and female chief justices on state supreme courts may not be the best way to discern whether male and female state chief justices lead their courts in different ways. Based on results from a survey administered to state supreme court justices, the results of this paper support this contention. When asked, female justices do not believe consensus formation is a primary responsibility of the state chief justice. Besides basic administrative tasks, the female justices in this survey believe that fruitful interaction with the state legislature is much more important. While male justices also believe legislative interaction is important, they do not appear to think it is as important as their female colleagues. These results are important, as the limited but growing literature on women and court leadership has continually emphasized how women more so than men may actively strive for consensual court decision making. The results of this paper show that these assumptions may be ill-founded.

It needs to be noted that the results of this paper are not meant to be directly compared with results from other observational studies of gender and consensus judicial decisions. Although the results from analyses derived from this survey are informative, the survey still only represents the opinions of a fraction of those surveyed for this project. The analytical results of this survey reflect the preferences of those in this sample, not necessarily the preferences of all current and former state court justices. Finally, this survey cannot account for how the actual process of judicial decision making accounts for consensus formation. While validity questions are a legitimate concern with survey research, it is still a more direct way to assess judges' perceptions of consensus formation on their courts. "In short, the simplest and best social science has to explore what justices think about the inner workings of their minds and their courts is to ask them" (Swanson 2007, 201).

Theoretically, I believe the solution to this puzzle lies in a deeper understanding of differences in the leadership styles often attributed to men and women. Consensus building may often be attributed to leadership styles associated with female leadership; however, the structure, routinization, oversight, and hierarchical relationships needed to achieve consensual outcomes is not. Rather, this type of management more resembles a task-oriented leadership style more commonly associated with male leadership. If female managers do exhibit signs of transformational leadership, we may observe less consensus when women are chief justices on state supreme courts. Scholars should determine if more or less consensus is generated when state supreme courts have female chief justices. Another important avenue for future research may be to see if there are systematic differences between male and female chief justices who have opinion assignment power as to how they distribute opinions among their colleagues. It could be that, while female chief justices themselves do not foster greater consensus, they may distribute opinions to those on their courts who do. Leonard and Ross (2020) conclusion that female opinion writers are better able to garner consensus compared to female chief justices hints at this possibility.

One aspect of organizational leadership this paper does not address is organizational performance, and whether male and female leaders are better able to translate management of state supreme courts into greater organizational performance. For example, based on this research, it would be worthwhile to examine more closely how different chief justices interact with their state legislatures. Some research has moved in this direction by examining chief justice's state-of-the-state addresses before state legislatures (see Wilhelm et al. 2019). Future research may want to examine such things as requests for larger budgets and other resources from the legislature. Relatedly, future research may also want to examine gender and managing downward and outward. Meier, O'Toole, and Goerdel (2006) research finds female leaders are better able to affect organizational performance when managing and

networking upward to political principals, but not so regarding managing and networking to organizational stakeholders or downward to subordinates. The results of this paper point to similar possibilities in the state court context.

Notes

1. This reference list is by no means exclusive. There is an incredible amount of research on this subject across a variety of disciplines, including political science, sociology, psychology, business administration, public administration, organizational management, and leadership studies, among others.
2. Unified state court systems attempt to bring all state courts under one organizational “roof” in order to achieve greater judicial consistency and efficiency. The process of unification often involves consolidating various courts into a single type of court across the state, which simplifies the organizational structure of the state court system. The state chief justice is regularly chosen to lead and administer these court systems. The distinction between unified and non-unified court systems is important for this study because organizationally, unified court systems are more hierarchical and rigid than are non-unified court systems. See Raftery (2013) for a good analysis of unified court systems.
3. It needs to be noted that none of the research examining male and female leadership states that there are essential differences in how men and women lead. Male leaders may exhibit female leadership traits, and vice versa. There is a consensus in the literature that, while these differences are not absolute, men and women in leadership sometimes act as if they are – especially if there are implicit or explicit gender role expectations for leaders in particular organizations (Eagly and Johannesen-Schmidt 2001; Eagly and Johnson 1990). This article eschews any analysis of whether the predictions of role expectations theory are or are not correct.
4. While there is a robust literature on gender and consensus formation in political contexts, there is also literature supporting the claim that female judges will readily dissent in decisions that may affect women as a group. See Szmer, Christensen, and Kaheny (2015).
5. M1 and M2 are not mutually exclusive. Managers can pursue both managerial objectives simultaneously.
6. These activities can be used to both exploit an organization’s environment or to buffer the organization from environmental shocks. This distinction is unimportant for this analysis, however.
7. See Meier and O’Toole (2001), Meier and O’Toole (2003) for comprehensive bibliographies on this subject. The number of research projects in this vein is too broad to comprehensively cite here.
8. This analysis includes analyses of all justices regardless of whether they served as a state chief justice or not. Although several of the respondents have not served as chief justice, these justices all believed they were in a position to understand what their chief justice does or does not need to do in order to be effective at their job. This is acceptable, as Eagly and Johannesen-Schmidt (2001) note that men and women internalize the needs of official roles (like the role of chief justice) *and the expected gender roles of that position* – if any – beforehand.
9. This response rate is in line with other surveys of state supreme court justices. See Savchak and Edwards (2016) and Swanson (2007).
10. Information on the distribution of chief justices surveyed across these states is excluded from this table and other tables in order to preserve justice confidentiality.
11. The earlier responses of state justices are responses to this last question.
12. Almost all of the answers to this question were straightforward. Given how the question was asked, almost all of the respondents provided simple, bullet-pointed answers to the question. While some respondents provided only one or two answers to the question, most provided three.
13. The two survey administrators determined the different categories by first identifying what they were. The eleven categories listed in Table 2 are the categories determined by the administrators. The administrators then classified each response to the question “*In your opinion, what are the three most important duties/responsibilities of being your court’s chief justice?*” into each of the eleven categories. Coding most of the answers was straightforward. Most of the survey responses were categorized the same by the administrators ($r = 0.92$). The administrators worked together to classify the few responses that were coded differently by each administrator. All differences were in categories that are subsumed in the “administration” alternative and should not substantially affect the results of this analysis.
14. A Wald test for combining alternatives shows that these eight groups are not statistically distinguishable from one another, and it should be acceptable to collapse these alternatives into a single alternative.
15. I also performed an analysis where I measured *chief justice* as a dichotomous variable, where justices who also served as chief justices were coded as 1 and those who have or had not served as chief were coded as 0. The results were not much different, and the model fit (as measured through the Bayesian Information Criterion) was better for the models presented here. There are also theoretical reasons to include the number of years as chief justice in

the model rather than a dichotomous variable of chief justice service. In their analysis of the Chief Justice's effect on consensus on the United States Supreme Court, Ura and Flink (2016) find Chief Justices become better at generating consensus the longer they serve as Chief Justice.

16. This classification scheme is based on Langer et al.'s (2003) theory of state justice goals and the power of chief justice opinion assignment. They found that justices on courts where justices choose their chief justice, and where the chief justice has opinion assignment, are more likely to pursue personal goals. They are more likely to pursue institutional goals when the chief justices do not assign opinions. Here, I exclude *peer/assignment* from the analysis, based on the theoretical assumption that there will be more dissent on courts where justices pursue personal goals rather than institutional goals.
17. This data was gathered from the National Center for State Courts (NCSC).
18. Factors like whether a state has an intermediate appellate court are included in the Squire Index. However, there is not a strong relationship between the Squire Index and whether a state has an appellate court in this model ($r = 0.26$).
19. It could be that those states with intermediate appellate courts favor administration over legislative interaction because those states have discretionary dockets, and their chief justices have to preside over the case selection stage, as well as case decisions on the merits. This should be explored in future research.
20. Bracketed numbers represent 95% confidence intervals.

Notes on contributor

Mikel Norris is an associate professor and associate chair of political science at Coastal Carolina University. He received his Ph.D. from the University of Tennessee in 2012. His research interests include judicial selection and gender diversity on state and federal courts. He is also interested in studying political efficacy and the causes and effects of income inequality in the United States.

References

- Bart, Chris, and Gregory McQueen. 2013. "Why Women Make Better Directors." *International Journal of Business Governance and Ethics* 8 (1):93–99. doi:10.1504/IJBGE.2013.052743.
- Bass, Bernard M. 1998. *Transformational Leadership: Industrial, Military, and Educational Impact*. Mahwah, NJ: Erlbaum.
- Bass, Bernard M., Bruce J. Avolio, and Leanne Atwater. 1996. "The Transformational and Transactional Leadership of Women and Men." *Applied Psychology* 45 (1):5–34. doi:10.1111/j.1464-0597.1996.tb00847.x.
- Bear, Julia B., Lily Cushenbery, Manuel London, and Gary D. Sherman. 2017. "Performance Feedback, Power Retention, and the Gender Gap in Leadership." *Leadership Quarterly* 28 (6):721–40. doi:10.1016/j.leaqua.2017.02.003.
- Bligh, Michelle C., and Jeffrey C. Kohles. 2008. "Negotiating Gender Role Expectations: Rhetorical Leadership and Women in the US Senate." *Leadership* 4 (4):381–402. doi:10.1177/1742715008095187.
- Boyd, Christina L. 2013. "She'll Settle It?" *Journal of Law & Courts* 1 (2):193–219. doi:10.1086/670723.
- Boyea, Brent D., and Victoria A. Farrar-Myers. 2011. "Leadership and Election Litigation in State Supreme Courts." *State & Local Government Review* 43 (1):17–31. doi:10.1177/0160323X10394801.
- Brace, Paul, and Melinda Gann Hall. 1990. "Neo-Institutionalism and Dissent in State Supreme Courts." *Journal of Politics* 52 (1):54–70. doi:10.2307/2131419.
- Brace, Paul, and Melinda Gann Hall. 1993. "Integrated Models of Judicial Dissent." *Journal of Politics* 55 (4): 914–35.
- Brenner, Saul. 1993. "The Chief Justices' Self Assignment of Majority Opinions in Salient Cases." *Social Science Journal* 30 (2):143–50. doi:10.1016/0362-3319(93)90030-Y.
- Carey, John, Richard Niemi, and Lynda Powell. 1998. "Are Women State Legislators Different?" In *Women in Elective Office: Past, Present, and Future*, eds. Sue Thomas and Clyde Wilcox. New York, NY: Oxford University Press, 87–102.
- Christensen, Robert K., John Szmer, and Justin M. Stritch. 2012. "Race and Gender Bias in Three Administrative Contexts: Impact on Work Assignments in State Supreme Courts." *Journal of Public Administration Research & Theory* 22 (4):625–48. doi:10.1093/jopart/mus020.
- Christenson, Dino P., and David M. Glick. 2015. "Chief Justice Roberts' Health Care Decision Disrobed: The Microfoundations of the Supreme Court's Legitimacy." *American Journal of Political Science* 59 (2):403–18. doi:10.1111/ajps.12150.
- Chutkow, Dawn M. 2014. "The Chief Justice as Executive: Judicial Conference Committee Appointments." *Journal of Law & Courts* 2 (2):301–25. doi:10.1086/677172.
- Clark, Tom S. 2009. "The Separation of Powers, Court Curbing, and Judicial Legitimacy." *American Journal of Political Science* 53 (4):971–89. doi:10.1111/j.1540-5907.2009.00411.x.

- Corley, Pamela C., Amy Steigerwalt, and Artemus Ward. 2013. "Revisiting the Roosevelt Court: The Critical Juncture from Consensus to Dissensus." *Journal of Supreme Court History* 38 (1):20–50. doi:10.1111/j.1540-5818.2013.12002.x.
- Cross, Frank B., and Stefanie Lindquist. 2006. "The Decisional Significance of the Chief Justice." *University of Pennsylvania Law Review* 154 (6):1665–707. doi:10.2307/40041349.
- Crowe, Justin. 2007. "The Forging of Judicial Autonomy: Political Entrepreneurship and the Reforms of William Howard Taft." *Journal of Politics* 69 (1):73–87. doi:10.1111/j.1468-2508.2007.00495.x.
- Danelski, David J. 1968. "The Influence of the Chief Justice in the Decisional Process of the Supreme Court." In *The Judicial System: Readings in Process and Behavior*, eds. Thomas P. Jahing and Sheldon Goldman. New York, NY: Holt, Rinehart & Winston, 147–60.
- Douglas, James W., and Roger E. Hartley. 2003. "The Politics of Court Budgeting in the States: Is Judicial Independence Threatened by the Budgetary Process?" *Public Administration Review* 63 (4):441–54. doi:10.1111/1540-6210.00307.
- Eagly, Alice H., and Mary C. Johannesen-Schmidt. 2001. "The Leadership Styles of Men and Women." *Journal of Social Issues* 57 (4):781–97. doi:10.1111/0022-4537.00241.
- Eagly, Alice H., Mary C. Johannesen-Schmidt, and Marloes L. van Engen. 2003. "Transformational, Transactional, and Laissez-Faire Leadership Styles: A Meta-Analysis Comparing Women and Men." *Psychological Bulletin* 129 (4):569–91. doi:10.1037/0033-2909.129.4.569.
- Eagly, Alice H., and Blair T. Johnson. 1990. "Gender and Leadership Style: A Meta-Analysis." *Psychological Bulletin* 108 (2):233–56. doi:10.1037/0033-2909.108.2.233.
- Flammang, Janet A. 1985. "Female Officials in the Feminist Capital: The Case of Santa Clara County." *Western Political Quarterly* 38 (2):94–118. doi:10.1177/106591298503800108.
- Gibson, James L., Gregory A. Caldeira, and Vanessa A. Baird. 1998. "On the Legitimacy of National High Courts." *American Political Science Review* 92 (2):343–58. doi:10.2307/2585668.
- Glennon, Colin, and Logan Strother. 2019. "The Maintenance of Institutional Legitimacy in Supreme Court Justices' Public Rhetoric." *Journal of Law & Courts* 7 (2):241–61. doi:10.1086/703065.
- Hall, Matthew E.K., and Jason Harold Windett. 2016. "Discouraging Dissent: The Chief Judge's Influence on State Supreme Courts." *American Politics Research* 44 (4):682–709. doi:10.1177/1532673X16640743.
- Hall, Melinda Gann. 1990. "Opinion Assignment Procedures and Conference Practices in State Supreme Courts." *Judicature* 73 (4): 209–14.
- Hall, Melinda Gann, and Paul Brace. 1989. "Order in the Courts: A Neo-Institutional Approach to Judicial Consensus." *Western Political Quarterly* 42 (3):391–407. doi:10.1177/106591298904200311.
- Hall, Melinda Gann, and Paul Brace. 1992. "Toward an Integrated Model of Judicial Voting Behavior." *American Politics Quarterly* 20 (2):147–68. doi:10.1177/1532673X9202000201.
- Hannagan, Rebecca J., and Christopher W. Larimer. 2010. "Does Gender Composition Affect Group Decision Outcomes? Evidence from a Laboratory Experiment." *Political Behavior* 32 (1):51–67. doi:10.1007/s11109-009-9087-z.
- Hartley, Roger E., and James W. Douglas. 2003. "Budgeting for State Courts: The Perceptions of Key Officials regarding the Determinants of Budget Success." *Justice System Journal* 24 (3): 251–63.
- Haynie, Stacia L. 1992. "Leadership and Consensus on the U.S. Supreme Court." *Journal of Politics* 54 (4):1158–69. doi:10.2307/2132113.
- Hendershot, Marcus E, Mark S. Hurwitz, Drew Noble Lanier, and Richard L. Pacelle Jr. 2012. "Dissensual Decision Making: Revisiting the Demise of Consensual Norms within the U.S. Supreme Court." *Political Research Quarterly* 66 (2):467–81. doi:10.1177/1065912912436880.
- Holewa, Sally. 2009. "Court Reform: The North Dakota Experience." *Justice System Journal* 30 (1): 91–110.
- Hughes, David A., Teena Wilhlem, and Richard L. Vining Jr. 2015. "Deliberation Rules and Opinion Assignments Procedures in State Supreme Courts: A Replication." *Justice System Journal* 36 (4):395–410. doi:10.1080/0098261X.2014.983283.
- Jacobson, Willow S., Christine Kelleher Palus, and Cynthia J. Bowling. 2010. "A Woman's Touch? Gendered Management and Performance in State Administration." *Journal of Public Administration Research & Theory* 20 (2):477–504. doi:10.1093/jopart/mup017.
- Kathlene, Lyn. 1994. "Power and Influence in State Legislative Policymaking: The Interaction of Gender and Position in Committee Hearing Debates." *American Political Science Review* 88 (3):560–76. doi:10.2307/2944795.
- Langer, Laura. 2003. "Strategic Considerations and Judicial Review: The Case of Workers' Compensation Laws in the American States." *Public Choice* 116 (1/2):55–78. doi:10.1023/A:1024263103610.
- 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." *Journal of Politics* 65 (3):656–75. doi:10.1111/1468-2508.00206.
- Langer, Laura, and Teena Wilhelm. 2005. "The Ideology of State Supreme Court Justices." *Judicature* 89 (2): 78–85.
- Lax, Jeffrey R., and Charles M. Cameron. 2007. "Bargaining and Opinion Assignment on the US Supreme Court." *Journal of Law, Economics & Organization* 23 (2):276–302. doi:10.1093/jleo/ewm023.
- Leonard, Meghan E., and Joseph V. Ross. 2014. "Consensus and Cooperation on State Supreme Courts." *State Politics & Policy Quarterly* 14 (1):3–28. doi:10.1177/1532440013503664.

- Leonard, Meghan E., and Joseph V. Ross. 2020. "Gender Diversity, Women's Leadership, and Consensus in State Supreme Courts." *Journal of Women, Politics & Policy* 41 (3):278–302. Forthcoming. doi:10.1080/1554477X.2019.1698213.
- Maltzman, Forrest, James F. Spriggs II, and Paul J. Wahlbeck. 2000. *Crafting Law on the Supreme Court: The Collegial Game*. Cambridge: Cambridge University Press.
- Maltzman, Forrest, and Paul J. Wahlbeck. 1996. "May It Please the Chief? Opinion Assignments in the Rehnquist Court." *American Journal of Political Science* 40 (2):421–43. doi:10.2307/2111631.
- Maltzman, Forrest, and Paul J. Wahlbeck. 2004. "A Conditional Model of Opinion Assignment on the Supreme Court." *Political Research Quarterly* 57 (4):551–63. doi:10.1177/106591290405700404.
- Meier, Jenneth J., and Laurence J. O'Toole Jr. 2003. "Public Management and Educational Performance: The Impact of Managerial Networking." *Public Administration Review* 63 (6):689–99. doi:10.1111/1540-6210.00332.
- Meier, Kenneth J., Laurence O'Toole Jr., and Holly T. Goerdel. 2006. "Management Activity and Program Performance: Gender as Management Capital." *Public Administration Review* 66 (1):24–36. doi:10.1111/j.1540-6210.2006.00553.x.
- Meier, Kenneth J., and Laurence J. O'Toole Jr. 2001. "Managerial Strategies and Behavior in Networks: A Model with Evidence from U.S. Public Education." *Journal of Public Administration Research & Theory* 11 (3):271–93. doi:10.1093/oxfordjournals.jpart.a003503.
- Mendelberg, Tali, and Christopher F. Karpowitz. 2016. "Women's Authority in Political Decision Making Groups." *Leadership Quarterly* 27 (3):487–503. doi:10.1016/j.leaqua.2015.11.005.
- Nixon, David C. 2003. "Policy-Making by Different Means: The Chief Justice's Attempts to Shape Policy through the Judicial Conference of the United States." *Rationality and Society* 15 (2):345–60. doi:10.1177/10434631030153003.
- Norris, Mikel, and Holley Tankersley. 2018. "Women Rule: Gendered Leadership and State Supreme Court Chief Justice Selection." *Journal of Women, Politics & Policy* 39 (1):104–25. doi:10.1080/1554477X.2017.1375789.
- Norris, Mikel, and Charlie Hollis Whittington. 2018. "A Matter of Style: Perceptions of Chief Justice Leadership on State Supreme Courts with an Eye toward Gendered Differences." *Judicature* 102 (2): 48–57.
- O'Toole, Laurence J., and Kenneth J. Meier. 1999. "Modeling the Impact of Public Management: The Implications of Structural Context." *Journal of Public Administration Research & Theory* 9 (4):505–26. doi:10.1093/oxfordjournals.jpart.a024421.
- Rafferty, William. 2013. "Unification and 'Bragency': A Century of Court Organization and Reorganization." *Judicature* 96 (1): 6–12.
- Rho, Eunju, and Kangbok Lee. 2018. "Gendered Networking: Gender, Environment, and Managerial Networking." *Public Administration Review* 78 (3):409–21. doi:10.1111/puar.12918.
- Rohde, David W. 1972. "Policy Goals, Strategic Choice, and Majority Opinion Assignments in the U.S. Supreme Court." *Midwest Journal of Political Science* 16 (4):652–82. doi:10.2307/2110381.
- Rosener, Judy B. 1990. "Ways Women Lead." *Harvard Business Review* 68: 119–25.
- Rosenthal, Cindy S. 1998. *When Women Lead: Integrative Leadership in States Legislatures*. New York, NY: Oxford University Press.
- Salmone, Michael F. 2014. "Judicial Consensus and Public Opinion: Conditional Response to Supreme Court Majority Size." *Political Research Quarterly* 67 (2):320–34. doi:10.1177/1065912913497840.
- Savchak, Elisha Carol, and Amanda Ross Edwards. 2016. "Why Are State Judges Among Us?" *Judicature* 100 (2): 21–29.
- Sheldon, Charles H. 1999. "The Incidence and Structure of Dissensus on a State Supreme Court." In *Supreme Court Decision Making: New Institutional Approaches*, eds. C.W. Clayton and H. Gilman. Chicago, IL: University of Chicago Press, 115–34.
- Squire, Peverill. 2008. "Measuring the Professionalization of U.S. State Courts of Last Resort." *State Politics & Policy Quarterly* 8 (3):223–38. doi:10.1177/153244000800800301.
- Staszak, Sarah. 2018. "The Administrative Role of the Chief Justice: Law, Politics, and Procedure in the Roberts Court Era." *Laws* 7 (2):15–32. doi:10.3390/laws7020015.
- Swanson, Rick. 2007. "Judicial Perceptions of Voting Fluidity on State Supreme Courts." *Justice System Journal* 28 (2): 199–218.
- Szmer, John, Robert K. Christensen, and Erin B. Kaheny. 2015. "Gender, Race, and Dissensus on State Supreme Courts." *Social Science Quarterly* 96 (2):553–75. doi:10.1111/ssqu.12133.
- Ura, Joseph Daniel, and Carla M. Flink. 2016. "Managing the Supreme Court: The Chief Justice, Management, and Consensus." *Journal of Public Administration Research & Theory* 26 (2):185–96. doi:10.1093/jpart/muv037.
- Vining, Richard L., Jr., and Teena Wilhelm. 2011. "Measuring Case Salience in State Courts of Last Resort." *Political Research Quarterly* 64 (3):559–72. doi:10.1177/1065912910361222.
- Vining, Richard L., Jr., Teena Wilhelm, and David A. Hughes. 2019. "The Chief Justices as Effective Administrative Leader: The Impact of Policy Scope and Interbranch Relations." *Social Science Quarterly* 100 (4):1358–68. doi:10.1111/ssqu.12637.
- Vining, Richard L., Jr., Teena Wilhelm, and Emily Wanless. 2019. "Succession, Opportunism, and Rebellion on State Supreme Courts: Decisions to Run for Chief Justice." *Justice System Journal* 40 (4):286–301. doi:10.1080/0098261X.2019.1654948.

- Volden, Craig, Alan Wiseman, and Dana Wittner. 2013. "When are Women Lawmakers More Effective than Men?" *American Journal of Political Science* 57 (2):326–41. doi:10.1111/ajps.12010.
- Walker, Thomas G., Lee Epstein, and William J. Dixon. 1988. "On the Mysterious Demise of Consensual Norms on the United States Supreme Court." *Journal of Politics* 50 (3):361–89. doi:10.2307/2131799.
- Wilhelm, Teena, Richard L. Vining, Ethan Boldt, and Allison Trochesset. 2019. "Examining State of the Judiciary Addresses: A Research Note." *Justice System Journal* 40 (2):158–69. doi:10.1080/0098261X.2019.1598902.
- Wood, Sandra L., Linda Camp Keith, Drew Noble Lanier, and Ayo Ogundele. 2000. "Opinion Assignment and the Chief Justice: 1888-1940." *Social Science Quarterly* 81 (3): 798–809.
- Yoder, Janice. 2001. "Making Leadership Work More Effectively for Women." *Journal of Social Issues* 57 (4):815–28. doi:10.1111/0022-4537.00243.
- Zink, James R., James F. Spriggs II, and James Scott. 2009. "Courting the Public: The Influence of Decision Attributes on Individuals' Views of Court Opinions." *Journal of Politics* 71 (3):909–25. doi:10.1017/S0022381609090793.