

Gender, Race, and Ambition in the New York State Supreme Court

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Abstract

Scholars of political ambition have significantly advanced our understanding of both the wellsprings of political ambition and the effects of political ambition on electoral politics and governing. Gender-based differences in political ambition have been the subject of considerable research; race-based differences have been explored much less often. To date, analyses of the intersection of political ambition, gender, and race in the context of the judiciary have been limited. We seek to remedy this deficiency with the use of data from a recent survey of justices of the New York State Supreme Court, the major trial court in the State of New York. We find that female and nonwhite justices have a greater desire to move up in a judicial career than do their white male counterparts. Controlling for other effects, we find that nonwhite men are more ambitious than white men; that white women are slightly more ambitious than nonwhite men; and that nonwhite women are substantially more ambitious than the other three groups. We also identify several attitudes and beliefs that influence progressive judicial ambition.

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I. Introduction

The political ambitions of actual and aspiring office holders serve an important function in the democratic process: “Ambition for office is the raw material of politics, the grist whereby electoral competition and office holders’ accountability is assured. It lies at the heart of our understanding of democratic theory, explaining when, why, and how political elites respond to citizen interests” (Maestas et al. 2006, 195). Much of the extant literature regarding political ambition has focused on the federal and state legislative arenas,¹ though some analyses of political ambition have focused on other state-wide offices (e.g., Schlesinger 1966; Swinerton 1968), local offices (e.g., Black 1972), and political activists (e.g., Costantini 1990; Costantini and King 1984). By comparison, there are few investigations of political ambition in the context of the judiciary, with the notable exception of recent work by Williams (2004, 2006, n.d.). This is a regrettable deficiency. Courts are not legislatures and judges are not legislators. Each is intended to fulfill different social and political functions. As a consequence, what we know about legislative ambition might not apply to the judicial arena.

Political ambition is likewise important for understanding descriptive representation in the courts.² Politicians and legal reformers have become increasingly sensitive to issues of gender and racial diversity in the courts (Esterling and Andersen 1999; Gottschall 1983; Slotnick 1984; Solberg 2005). Debates about whether descriptive representation is a prerequisite for substantive representation notwithstanding,³ there remain ample reasons to be concerned about the numeric underrepresentation of women and minorities in public office, including threats to institutional legitimacy (Thomas 1998) and the effect of nontraditional candidates and officeholders on political interest and political activism (Abney

¹ Examples are too numerous to catalogue here but a representative sample includes the following: Brace (1984), Bullock (1972), Copeland (1989), Hain, Roeder, and Avalos (1981), Loomis (1984a, 1984b), Maestas et al. (2006), Palmer and Simon (2003), Rohde (1979), and Squire (1988).

² Descriptive representation requires that a representative body look like the individuals that the representative body is intended to represent. Substantive representation requires that a representative body reflect the interests of those individuals that the representative body is intended to represent (Pitkin 1967).

³ For example, compare and contrast the findings of Bratton and Haynie (1999), Krislov (1974), and Mansbridge (1999).

1974; Bobo and Gilliam 1990; Campbell and Wolbrecht 2006; Hansen 1977; but see Lawless 2004).⁴

Some scholars have investigated how institutional structures such as term limits might influence diversification of the bench (Alozie 1996; Bratton and Spill 2002; Hurwitz and Lanier 2001, 2003; Slotnick 1984; Williams 2004). However, institutional structure is only one part of what structures ambition. If there are systematic differences between traditional (i.e., white men) and nontraditional (i.e., women and minorities) officeholders in their career aspirations, these too could enhance or diminish diversity on the bench. Thus there are important policy implications of any gender- and race-based differences in judicial ambition.

In this study, we seek to make two contributions. First, we hope to enlarge the scope of scholarship on political ambition by examining the attitudes of a set of state trial court judges: New York State Supreme Court justices.⁵ Second, we hope to further scholarly understanding of staffing of the bench by exploring how race and gender manifest themselves in the judicial ambitions of those jurists serving as Supreme Court justices in New York. What factors lead justices to desire to advance to other positions, and what roles do gender and race play in this process? To pursue these dual goals, we rely on original data from a survey administered to regularly sitting, appointed or elected New York Supreme Court justices.

II. Political Ambition, Gender, Race, and Courts

Writing in 1972, Black lamented the paucity of accumulated knowledge about political ambition while singling out Schlesinger's work as "[t]he most significant exception to the general neglect of political ambition" (1972, 144). Over thirty years later, a host of scholars—virtually all of whom have drawn on Schlesinger (especially 1966, 1994)—have greatly expanded our understanding of the nature and effects of political ambition. For example, we know that static ambition—i.e., “the aspiration to make

⁴ Further, as Williams observes, the “perception of bias” may generate a vicious circle in which the fact that there are few minorities and women on the bench “signal[s] would-be judges within the state, making those in the pool of potential judges less likely to seek a seat on the state bench” (n.d., 2). See also Welch (1978).

⁵ The states vary in terms of the nomenclature they have adopted for the various courts in their respective judicial systems. The majority of states have reserved the use of “supreme court” to refer to their court of last resort. New York differs, however, in that its court of last resort is the New York Court of Appeals while the New York Supreme Court is the major (though not exclusive) trial court in the state.

a long-term career out of a particular office” (Schlesinger 1994, 40)—is associated with higher salaries (Squire 1988), while age generally dampens progressive ambition, or the desire to advance to higher positions (Hall and van Houweling 1995; Loomis 1984b; but see Schlesinger and Schlesinger 1981). We also know that prior experience in politics and partisan ties structure the decision to run for office initially (Costantini 1990; Fox n.d.; Fox and Lawless 2004) as well as the decision to run for higher office (Copeland 1989; Hibbing 1986; Rohde 1979).

One especially fecund line of research has examined differences between men and women vis-à-vis political ambition. Some argue that the incumbency advantage has historically accrued to men, given that women had traditionally been excluded from office (e.g., Darcy, Welch, and Clark 1987; Jacobson 2000). Another complementary explanation is the very different eligibility pools for men and women, given that few women previously occupied the kinds of professional positions that traditionally served as stepping stones for political careers (e.g., Conway, Steuernagel, and Ahern 1997; Thomas 1998).

Still more research on gender and political ambition suggests a different reason for the lack of descriptive representation for women, a reason potentially less amenable to institutional remediation: women may be less ambitious for public office to begin with and less inclined to seek higher office once they have entered public life. Considered collectively, the major (though not uncontested) thrust of this scholarship suggests that women may be less ambitious in terms of aspiring to higher offices than men (Bernstein 1986; Bledsoe and Herring 1990; Carroll 1994; Costantini 1990; Fox and Lawless 2004; Fulton et al. 2006; but see Carroll 1985, Diamond 1977).

These differences in ambition might stem from a variety of sources. For example, Sapiro (1982) found that both men and women were increasingly likely to feel conflict between their family lives and political lives as their level of commitment to holding public office increased. However, she also found that “women reduce conflict by avoiding taking on public commitments. Men, on the other hand, appear to increase conflict by committing themselves to office seeking despite the demands and responsibilities of their family lives” (1982, 274). More recent work by Fox, Lawless, and Feeley (2001), Jamieson (1995), and Witt, Paget, and Matthews (1995) further corroborates the premise that women in politics are

more likely than their male colleagues to worry about balancing family lives and professional careers and structure their behavior accordingly. Other research reveals that there are appreciable differences in how men and women assess their qualifications for office, with women more concerned about their qualifications for office (Bledsoe and Herring 1990; Carroll 1994) and less likely than men to see themselves as qualified (Fox and Lawless 2004).

There is much less scholarship devoted to understanding the juxtaposition of race and political ambition. Research has probably been limited to at least some extent because of a lack of officials to study: most literature has focused on ambition for elective office, and the number of racial minorities holding elective office in America has been historically tiny and is even now quite scant. For example, in 1970 there were only 1,469 black elected officials of any kind nationwide, and in 2001 there were only 9,101 (Bositis 2003). The research that has addressed race and ambition includes Stone (1980), Fox and Lawless (2005a), and Moore (2005).⁶

Stone's (1980) research is particularly relevant, as she examines black judges as a part of her sample. In 1974, she surveyed a sample of black elective officeholders in Michigan from all branches and levels of government. Her analysis of these survey data led her to conclude that ambition among black elected officials is not "randomly distributed. Rather, they are a function to a large extent of the social and political backgrounds which unite and divide them" (1980, 107). Stone also noted that when it came to higher judicial office, "The amount of interest in a seat on the bench is ... congruent with past successes in the judicial realm: about 13 percent of the officeholders in the sample hold one of these positions and about 15 percent are seeking election to them" (1980, 98). These black elected officials either wanted to move up the judicial system if they were already judges, or move to a judgeship if they were holding a less prestigious office. At the same time, Stone found that black judicial officeholders were more likely to hold static ambition than progressive or discrete ambition. As Stone surveyed only black officeholders,

⁶ Much earlier work by Busch and Abravanei (1976) examined the opportunity structure of urban political party organizations vis-à-vis race but did not examine race-based differences in political ambition per se. Similarly, Moncrief, Squire, and Jewell (2001) consider race, among other factors, in their examination of legislative candidacies but their focus is on the recruitment process of minority and nonminority candidates as opposed to differences in the political ambitions of the two.

her research informs us only about differences among black officeholders; unfortunately, we cannot extrapolate from these data about political ambition *across* different racial or ethnic groups. Furthermore, none of the women in her study were judges or aspired to be judges. Stone posited that women officeholders might not have held the requisite law degree to pursue this path.

Much more recently, Fox and Lawless examined nascent political ambition—that is, “the embryonic or potential interest in office seeking that precedes the actual decision to enter a specific political contest” (2005b, 643)—and found that it was structured primarily by candidate efficacy and politicized upbringings. Intrigued by their finding that race was negatively related to nascent ambition,⁷ Fox and Lawless (2005a) subsequently focused more directly on the intersection of race and ambition. What they found in their preliminary analysis was that the context—in particular, the racial demographics of electoral districts and the population more generally—mattered a great deal:

[B]oth the racial composition of electoral districts and the partisan distribution of the Black population may serve as structural impediments that seriously hinder where and when Black potential candidates can run for office. Accordingly, without role models and a track record, other Black potential candidates might not feel like the political system is open to them (Fox and Lawless 2005a, 17).

Moore’s (2005) particular interest was in understanding the gender gap in the political ambitions of local civil and political activists. But, in examining the political ambitions of these individuals at the “earliest stages of community involvement” (2005, 578), Moore also sought to understand how religion might condition the relationship between gender and ambition. And, indeed, he found that it did in the following way: white women with conservative religious views manifested lower levels of political ambition while minority women with conservative religious views manifested higher levels of political ambition.

If our most relevant research on political ambition and race in the courts comes from Stone (1980), what we know about political ambition and gender in the courts comes almost exclusively from

⁷ More specifically, using data from the Citizen Political Ambition Study, Fox and Lawless found that blacks were less likely to have ever considered running for office, though there was no difference between white and Latino/a individuals. Further neither blacks nor Latinos/as who had considered a candidacy (but not actually run for office) differed from whites who had considered a candidacy in terms of their interest in securing a high-level office.

the work of Williams (n.d., 2004, 2006).⁸ At the heart of Williams's research is an ambitious survey of attorneys in Texas.⁹ Williams surveyed a random sample of male and female attorneys in Texas, including both those who occupied a seat on the state bench and those who did not. Relying primarily on her original survey data, Williams concluded that both formal rules and informal requirements structure women's representation on the courts (2004, chapters 3 and 4). Of particular relevance for this paper, however, is Williams's analysis of gender and political ambition among attorneys in the state who had not attained a judicial office. Again relying on data gleaned from her survey, many of Williams's findings were consistent with previous work that examined political ambition vis-à-vis the legislature. However, contrary to expectations and research in the legislative arena (e.g., Fox and Lawless 2004), Williams found that women were more likely to express ambition for judicial office than men (2004, 133; see also Williams n.d., 2006). Williams attributed this finding to the role of perceptual barriers, with women's ambition for the judiciary dampened when they perceive women as facing greater barriers than their male colleagues, despite the fact that they are more ambitious for judicial office than men (see also Briscoe 1989). In other words, though women may be more desirous of a judicial office, pursuit of their judicial ambitions is inhibited in the presence of obstacles, perceived or actual.

III. The New York State Supreme Court

To empirically evaluate how race and gender manifest themselves on levels judicial ambition, we turn to a state trial court that has a fairly diverse bench. In 2001, 17 percent of the justices on the New York State Supreme Court were women (The New York State Judicial Committee on Women in the Courts 2002), and New York State had more black jurists than any other state (Bositis 2001).¹⁰ The New York State Supreme Court is part of the New York State Unified Court System, which is one of the most

⁸ There is an enormous and well-developed body of literature that examines gender and the courts (see Palmer 2001 for an excellent review) and a somewhat smaller but by no means paltry set of scholarship on race and the courts (e.g., Alozie 1988, 1990; Graham 1990a, 1990b; Gryski, Zuk, and Barrow 1994; Hurwitz and Lanier 2001, 2003; Uhlman 1977, 1978). Except as noted, however, virtually none of it explicitly considers political ambition.

⁹ See Williams (2004, 77-81) for complete details.

¹⁰ The figure for black jurists excludes magistrates, constables, and justices of the peace; Southern states tend to have a large number of African Americans in these positions. Excluding these categories, New York State had 82 black jurists. By comparison, California had 65; Michigan had 51; Mississippi had 50; and North Carolina had 24 (Bositis 2001). Unfortunately, the total number of jurists across all races was not included in the report, so we cannot report percentages.

complex judicial systems among the fifty American states (League of Women Voters 1990; Rottman and Strickland 2006). The Supreme Court is the major trial court of general jurisdiction in the New York system.¹¹ It has both civil and criminal jurisdiction, though the latter is limited in that most criminal prosecutions outside of major metropolitan areas are handled by the county courts. Jurists sitting on this bench are called justices, and should not be confused with the jurists with this title who sit on the court of last resort in many states.

New York Supreme Court justices in a given district are elected by the voters of that district in partisan elections for terms of 14 years.¹² Elections are a common selection method; nine other states (Indiana, Louisiana, Missouri, New Mexico, Ohio, Pennsylvania, Tennessee, Texas, and West Virginia) also select the judges serving on their major trial courts of general jurisdiction through partisan elections, while 13 others use nonpartisan elections, with virtually all of the rest using some variant of gubernatorial appointment (Rottman and Strickland 2006, Table 6).¹³ Vacancies that result in unexpired terms are filled through gubernatorial appointment with confirmation by the New York State Senate. Justices serving by appointment must stand for election at the next general election and, if successful, they then begin serving a full 14-year term. As is the case for jurists serving on the major trial courts in most of the states in the Union, New York Supreme Court justices must be a member of the state bar association. Specifically, New York requires that, to serve as a justice on the Supreme Court, an individual must have been a member of the New York State Bar for a minimum of 10 years.

There are 323 authorized positions for state Supreme Court justices in New York. These justices serve in one of twelve judicial districts, each of which consists of one or more counties (New York Legal Publishing Corporation 2005). Should court caseloads demand additional justices, however, certificated

¹¹ There are eleven other trial courts (i.e., courts of original jurisdiction) in the New York Unified Court System, including county courts (one per county in every county outside of New York City), family court (one per county with the exception of the five counties of New York City, which share one family court), surrogate's court (one per county), and district courts (which are local courts created by request of a local government with voter approval).

¹² Justices who turn 70 before their 14-year term has expired must retire at the end of the year that they turn 70, or undergo the process to become a certificated justice.

¹³ The one exception is the state of Virginia, the only state that uses legislative appointment to select the jurists who sit on the major trial courts of general jurisdiction.

and acting justices may serve on the Supreme Court bench.¹⁴ Growing caseloads in the 1970s led to the use of acting Supreme Court justices, particularly in Supreme Courts within New York City. Originally viewed as a stopgap measure to help manage the backlog of cases, they are still in use today. Acting justices have been elected to another judgeship on the New York Court of Claims, New York City Criminal, Civil and Family Courts, or one of the county courts in upstate New York (New York Unified Court System 2002). At the apex of the State's court system is the New York Court of Appeals. This court hears both civil and criminal appeals, most of which are discretionary appeals from decisions of the Appellate Division or Appellate Term of the Supreme Court. The Court of Appeals is the ultimate authority on issues of New York state law, including the interpretation of the New York Constitution.¹⁵ Thus Supreme Court justices sit in the middle of the judicial hierarchy in New York. The position is less prestigious than appellate judgeships, but more prestigious than that of other trial court judgeships, with the likely exception of the Court of Claims.¹⁶

This intermediate position makes justices of the New York State Supreme Court especially suitable for an examination of judicial ambition. Justices who serve on the Supreme Court have already displayed at least some ambition. In Schlesinger's terms, they certainly display either discrete ambition—meaning that they seek to hold a position for a limited amount of time—or static ambition—meaning that they desire to hold a position indefinitely, and without seeking advancement. We expect that some, but not all, justices have progressive ambition, or the desire to advance to higher positions as their careers progress. What factors might influence differences in levels of progressive ambition? Do gender or race matter? It is these questions we hope to answer.

¹⁴ A certificated justice is one who has reached the mandatory retirement age of 70 but has been certified as physically and mentally fit by the Administrative Board of the Courts. Certificated justices may receive three two-year certifications, serving until age 76. Such justices are comparable to senior status judges in the federal District Courts and Courts of Appeals. The Administrative Board of the Courts is responsible for developing administrative policies to govern the court system and consists of the Chief Judge of the Court of Appeals and the Presiding Justice of each of the four Appellate Divisions.

¹⁵ Of course, if the interpretation or application of a state statute or state constitutional provision implicates a federal statute or the United States Constitution, then the United States Supreme Court becomes the final authority.

¹⁶ One concrete measure of their place in the hierarchy is salary; Supreme Court and Court of Claims jurists lead the pack in trial court salaries in the state.

IV. The New York State Supreme Court Justices Study

In the fall of 2006, we conducted a mail survey of New York State Supreme Court justices.¹⁷ The survey asked a wide range of questions, including items concerning justices' work history, demographic characteristics, political activities, satisfaction with various job characteristics, motivations for becoming a jurist, professional ambitions, and expected reasons for leaving the bench. Our data enable us to examine both the factors that helped these justices reach their current positions and their motivations for future positions.

We excluded certificated Supreme Court justices from our study because they are reaching the end of their professional careers and are likely to have different motivations than their more junior colleagues. We also excluded acting justices. Given that they are appointed and not elected, and do not hold a permanent position on the Supreme Court, we expect that their career patterns and motivations may be quite different from regularly sitting justices.¹⁸ To obtain the most accurate list of Supreme Court justices, we contacted the offices of each Supreme Court district in the state for a list of elected justices. We were able to obtain current lists from 10 of the 12 districts. We also used the judicial directory available on the New York State Unified Court System web site to augment and crosscheck these lists. Ultimately, we were able to locate 292 justices.¹⁹

We began the mailings related to the survey immediately after Labor Day of 2006. Consistent with past research demonstrating that prenotification enhances response rates (Fox, Crask, and Kim 1988), we sent the justices an introductory letter along with a question-and-answer sheet about the survey. We mailed the survey itself one week later. We subsequently mailed two additional waves of surveys to nonrespondents, a practice also found to enhance response rates (Fox, Crask, and Kim 1988).²⁰ As a small

¹⁷ The complete survey is reproduced in Appendix A.

¹⁸ See Higgins and Rubin (1980) regarding changing motivations over judicial careers and Baum (1994, 1997), more generally, on judicial goals.

¹⁹ We expect, but cannot confirm, that at any given point in time there are fewer than the authorized 323 justices across the state.

²⁰ We generally followed the widely recognized survey techniques of Dillman (2000). The survey was professionally typeset and printed. To further establish credibility, the cover included a statement indicating survey approval by the Binghamton University Human Subjects Research Review Committee. We also used first-class

incentive, we included two pieces of chocolate with each survey.²¹ The survey response rate was 40 percent, a very respectable response rate for an elite population (Maestas, Neeley, and Richardson 2001). Approximately 44 percent of respondents reside in one of the five counties that comprise New York City. Nineteen percent reside in the Tenth Judicial District, which covers Long Island. Just over one-third of the respondents reside in upstate judicial districts. The geographic distribution of our respondents mirrors very closely the distribution of the entire population of justices across the state. For informational purposes, demographic information for our survey respondents is reported in Appendix B, with prior legal experiences summarized in Appendix C.

The survey included a series of questions intended to tap career ambition. These questions were based on the Career Advancement Ambition Scale (DesRochers and Dahir 2000), which consists of a set of items that measure career ambition and commitment. The scale includes response items such as “It is important that I succeed in my current position” and “It is important that I move up in my chosen career.” Using this scale, we tailored a set of survey response items to suit the situation of jurists. For the purposes of this paper, we rely on a question that was intended to give us insight into progressive judicial ambition.²² The question asked respondents to indicate on a five-point scale their level of agreement or disagreement with the following statement: “It is important that I move up in a judicial career.” Respondents were asked to rank their agreement using the following scale: strongly disagree, disagree, neutral, agree, and strongly agree. The result is an ordered response set (i.e., a set of ordered responses running from strongly agree to strongly disagree). For purposes of analysis, we converted it into a three-point ordered scale: 1 = disagree/strongly disagree, 2 = neutral, 3 = agree/strongly agree.²³ We can think

postage stamps rather than metered postage for each mailing. Fox, Crask, and Kim (1988) found that both the type of postage and university sponsorship were systematically related to response rates.

²¹ Church (1993) found that monetary incentives are more effective at inducing responses from survey respondents than nonmonetary incentives (such as the chocolates we included); however, we decided that a monetary incentive was inappropriate for use in a survey of judges.

²² Static and discrete ambition are also worthy of analysis and our survey did include questions that will permit us to gain some leverage on static and discrete ambition. Our present focus is, however, on progressive ambition.

²³ Analyzing progressive judicial ambition using the original five-point scale yielded substantively similar results to those reported below.

of this as the observational manifestation of a continuous latent variable (McKelvey and Zavoina 1975): progressive judicial ambition.

V. Modeling Progressive Judicial Ambition

We examine four clusters of independent variables that we believe are likely to influence justices' ambition. These include descriptive characteristics, comfort with the more general demands of public office, beliefs about what personal traits lead to advancement, and motivations for initially becoming a justice.

Descriptive Characteristics

We consider four descriptive characteristics that we anticipate will influence progressive ambition. First, to evaluate if men and women differed in their progressive ambitions (the first of our two primary hypotheses), we include the gender of each survey respondent (0 = male, 1 = female). Existing research is divided on whether women jurists would be more progressively ambitious than men. Most research indicates that women are less ambitious. Despite “a long history of political activism in social movements and civic organizations where they often have held leadership positions and wielded considerable clout ...” (Githens 2003, 34), women (as well as men) have historically been socialized to see politics as more of a masculine rather than a feminine pursuit (e.g., Diamond 1977; Githens and Prestage 1977; Lee 1977; Welch 1978). The judiciary, like many other political institutions, has also had a history of discrimination against women attorneys and judges (Cortina et al. 2002; Resnik 1996; Stepnick and Orcutt 1996).

As previously discussed, however, Williams' research on Texas judges (2004, 2006, n.d.) finds women more ambitious than men. This finding may be a function of several causes. The fact that our study examines current jurists could also lead to our finding greater ambition among women, because our justices have already demonstrated some judicial ambition—and if women were to be dissuaded from the bench due to issues such as discrimination or a hostile environment, they likely would not have risen to this level. In this case we would be left with a sample of especially ambitious women justices.

In addition, broader research on ambition indicates that the opportunity structure influences ambition (Schlesinger 1966). In other words, if a given political opportunity is more attainable, one's ambition for it will increase. Martin and Pyle (2002) note that women's representation on state lower courts has increased fairly rapidly in recent years, providing for an increasingly large eligible pool of potential appointees to higher courts. At the same time, women's representation has increased more slowly on state high courts, creating an opportunity structure that might favor women justices. Martin and Pyle argue,

If appointment is beneficial for women and African-Americans, it may be because governors, like presidents, usually have more than one judicial slot to fill and take the opportunity to please a number of different factions within their constituency. It is certainly true that in the case of women appointments, a number of interest groups, organizations and individuals have pushed for an increase in women judges (47).

Moving up the judicial hierarchy means being appointed to a higher bench—all appellate state courts in New York, and all federal courts, require appointment rather than election. Appointments remove some traditional difficulties that women face in elections, such as fundraising (Burrell 1998; Darcy, Welch, and Clark 1994), and might replace them with advantages due to gender.

Our second descriptive characteristic is the race of the justice. We control for race by including a dichotomous variable coded as 1 if the respondent indicated he or she was white, and 0 otherwise.²⁴ As with gender, we have no a priori expectations about race. Many of our conjectures about the influence of gender could also apply to the influence of race. It is possible that nonwhite justices are less ambitious; they have few role models, must grapple with racial discrimination, and, if Stone (1980) is correct, office aspirations are influenced by past levels of attainment by a particular group. On the other hand, racial minorities might express greater ambition for the judiciary than nonminorities. First, these justices might feel a particular desire to move up the judicial ladder because of a commitment to descriptive and substantive representation on the bench (Uhlman 1977). Second, as we argued with regard to women justices, nonwhite justices might be more ambitious than average; if they were less ambitious, there is the

²⁴ Sixteen percent of survey respondents identified themselves as non-white. Eight percent identified themselves as African American/Black, six percent identified themselves as Hispanic/Latino/a, and two percent identified themselves as "other." No respondents identified themselves as Asian/Asian American.

possibility that discrimination would have taken its toll and they would be less likely to reach the bench in the first place. Third, the opportunity structure might be particularly beneficial to justices of color in states where the state population is diverse (Gryski, Zuk, and Barrow 1994), as in New York State. While Martin and Pyle did not find that women were more likely to be appointed to state supreme courts than men, their review of state court of last resort jurists holding seats on the bench in 1999 indicated that nonwhite justices are more likely than white justices to have reached the bench by gubernatorial appointment:

It is clear that appointment processes advantage African-Americans, male and female... Only one African-American male and no African-American females in elective states initially reached the bench through election. White females fare somewhat better than white males (45.5% versus 39.3%) (2002, 48).

The third descriptive characteristic we consider is age (in years) of the respondent. In light of past research on political ambition, which demonstrates that age is inversely related to progressive ambition (e.g., Fox and Lawless 2004; Fulton et al. 2006), we hypothesize that advancing age decreases ambition.

Finally, we consider the effect of an initial appointment versus election to the Supreme Court. We expect that justices who were initially appointed to the Supreme Court will be more likely than their colleagues who were initially elected to have political connections that could help them advance. Political connections provide an advantage in making an appointment short list. Even if an appointed justice did not receive an appointment due to political contacts, receiving such an appointment would forge those connections—and, as many responses to several open-ended questions on the survey indicated, political contacts play a significant role in judicial appointments in New York. We expect that those who have benefited from political champions will feel more confident about their future prospects, and be more likely to demonstrate progressive judicial ambition. Accordingly, we include an indicator of whether a justice was initially elected or appointed. This variable is coded as 1 if the justice was originally elected and 0 otherwise.

General Demands of Public Life

Public officials—including state court judges—must be accessible to two constituencies: the political party elite and the general public. This public side of adjudication can affect both a justice and his or her family. We include two variables that are intended to capture justices' comfort with the demands of holding public office. First, we expect ambitious justices to be more comfortable with interacting with party leaders. Parties recruit candidates (Schlesinger 1994) and individual party leaders can play crucial role in furthering the political career of a protégé (Prewitt 1970). While party politics undoubtedly play a role in judicial elections in many states, political parties play an especially sizeable role in New York. Though the state constitution mandates elected justices, primary voters vote not for candidates but for delegates to party nominating conventions, and aspiring delegates must gather 12,000 signatures to be placed on the ballot. This is 4,500 more signatures than New York City's mayoral candidates must gather, and only 3,000 less than the number required to run for statewide offices such as governor or U.S. senator (Brennan Center n.d.). In fact, in September 2006 the United States Court of Appeals for the Second Circuit upheld a lower court ruling that New York's election system violated the state constitutional requirement for elected Supreme Court justices.²⁵ Given such a system—even one that will be weakened by changes made by the state legislature—we expect that ambitious justices will be more likely to indicate they feel positive or very positive about dealing with party officials. The variable we include is coded from 1 (very negative) to 5 (very positive).

Our second variable relating to broader aspects of public life is the willingness to put one's family in the public spotlight. While a substantial number of justices have children at home, only a few are women, who are more likely to alter their careers due to childrearing (Fox and Lawless 2003; Hochschild 1989; Sapiro 1982). As such, we do not include a variable for women who are currently raising children, but instead choose to measure the broader effects of family needs on political ambition (Fox, Lawless, and Feeley 2001; Jamieson 1995; and Witt, Paget, and Matthews 1995). Our expectation is that ambitious justices will be less likely to see having their name and family in the public spotlight in negative terms.

²⁵ Lopez Torres v. NYS Board of Elections, 462 F.3d 161 (2nd Cir. 2006).

As with the question about dealing with party officials discussed above, the variable we include is coded from 1 (very negative) to 5 (very positive).

Perceptions of Requirements for Success

Schlesinger (1966) argues that public officials are rational and consider their odds of success as they make personal career choices. A reasonable supposition is that justices' career goals will vary according to how much they believe that advancement depends on talent and/or on political contacts. To examine the effect of these perceptions, we use two survey response items. Respondents were asked to indicate on a five-point scale (1 = strongly disagree to 5 = strongly agree) whether they agreed or disagreed that their opportunity for advancement depends on, first, their overall talent, intelligence and skills and, second, on their political contacts.²⁶

Personal Motivations

Finally, we include a set of variables representing what we consider respondents' personal motivations. We do not expect these motivations to vary by race or gender; instead, we include them as additional explanatory variables. Specifically, we asked respondents to rate the extent to which their decision to seek a judgeship was influenced by each of the following five factors:

- An interest in enhancing prestige in the legal community,
- A desire to enhance the clarity and consistency of the law,
- Enjoyment in the activity of judging,
- An interest in enhancing prestige with political elites,
- An interest in political affairs.

Respondents were asked to rate the importance of each of these factors on a five-point scale running from 1 (strongly disagree) to 5 (strongly agree). Our expectations with regard to prestige in the legal

²⁶ This same survey item also asked respondents to indicate their level of agreement/disagreement with the following statement: "I believe my opportunity for advancement depends upon my ability to be a hard worker." Responses to this item correlated with responses to "I believe my opportunity for advancement depends upon my overall talent, intelligence, and skills" at 0.94, indicating that these two response items are tapping into the same underlying attitude. Accordingly, we opted to include the latter ("I believe my opportunity for advancement depends upon my overall talent, intelligence, and skills") but the analyses we present below do not differ if we instead use the former ("I believe my opportunity for advancement depends upon my ability to be a hard worker").

community and prestige with political elites is that the more important these considerations were in a justice's initial decision to seek judicial office, the greater the level of progressive judicial ambition that will be manifested since moving higher in the judicial hierarchy will most likely serve to enhance both types of prestige even further.

We have two alternate hypotheses about the effect of a justice's interest in political affairs. On the one hand, ambitious people care about politics, and those who are most interested in politics might be more ambitious. On the other hand, there are several reasons we might find a negative effect. First, an interest in political affairs could dampen progressive judicial ambition because such individuals are more likely to be interested in more traditionally "political" offices, such as a legislative seat, than in higher judgeships. Second, many people who work in government might have a broad interest in political affairs, but not be particularly ambitious to move up in any arena. A general interest in politics might have led them to the law, but not motivate them to be upwardly mobile in their judicial careers. Last, perhaps those who are most ambitious have a distaste for the political aspect of their positions and career goals, even if they realize that they must contend with these aspects. In other words, they might want to move up in a judicial career, but hate the politics involved.

We do not have clear a priori expectations with regard to the effect of a justice's desire to enhance legal clarity or consistency, or with regard to enjoyment in the activity of judging. Justices serving on the New York State Supreme Court do contribute to the clarity and consistency of the law by the rulings they issue every day.²⁷ Hence, it may be that there is no relationship between the desire to enhance legal clarity or consistency and the desire to move to a higher judicial office. However, trial court judges, including New York State Supreme Court justices, do not possess the same influence on the development of the law as their colleagues on the appellate bench. This suggests that, if enhancing legal clarity or consistency is important to a justice, then he might be more interested in moving up the judicial hierarchy and onto an appellate court bench. With regard to enjoyment in the activity of judging, it is likewise difficult to hypothesize as to the directionality of the expected relationship. If a justice sought

²⁷ See Carp and Rowland (1983), generally, regarding the policymaking contributions made by trial courts.

judicial office to begin with because of the expected enjoyment in the activity of judging, she may well find that desire fully satisfied by her service as a justice on the New York Supreme Court. Alternatively, she may feel drawn to higher judicial office because she anticipates even greater enjoyment in the activity of engaging in appellate adjudication.

Finally, we included a measure of progressive political ambition. Respondents were asked to rate their level of agreement (from 1 = strongly disagree to 5 = strong agree) with the following statement: “It is important that I move up in a political career.” Notwithstanding the conventional (and unrealistic) view of judging as non- or apolitical activity, judges are part of a political system and courts are political institutions. Accordingly, it is reasonable to expect a positive association between levels of political ambition and judicial ambition.

[INSERT TABLES 1 & 2 ABOUT HERE]

Given that our dependent variable is ordered but that we cannot necessarily infer that the adjacent values are equidistant, we opted to estimate our model using ordered logit.²⁸ Summary descriptive statistics are reported in Table 1²⁹ with the results of our statistical analyses presented in Table 2.³⁰

²⁸ For useful treatments of ordered logit, see King (1989) and Long (1997). Hutchings (2001) illustrates the use of ordered logit in the law and courts literature. A key assumption when using ordered logit is the proportional odds assumption, which is comparable to the parallel regression assumption in the context of ordered probit. The proportional odds assumption is the assumption that the effect of a change in a variable on the odds of observing one outcome in the choice set is the same as the effect of a change in that variable on the odds of observing a different outcome in the choice set. To illustrate in the present case, the proportional odds assumption implies that the effect of gender, for example, is the same on the odds of a respondent indicating agree/strongly agree to the progressive judicial ambition response item as on the odds of a respondent indicating disagree/strongly disagree to the progressive judicial ambition response item. When we use the five-item scale for progressive judicial ambition, the likelihood ratio for the proportionality of odds assumption indicates that this assumption is violated. The same ordered logit model using a condensed three-item scale for progressive judicial ambition did not indicate a violation of this assumption. However, the Wald test (also known as the Brant test), which permits us to evaluate whether individual independent variables violate the proportional odds assumption, indicated that the proportional odds assumption is violated for three independent variables: dealing with party officials, the value of political contacts, and the clarity of the law. Two alternatives when the proportional odds assumption is violated are ordinary least squares (OLS) and multinomial logit (MNL). Neither imposes the proportional odds requirement (though multinomial logit obviously loses information from the ranking of the choice set). Auxiliary regressions using OLS and MNL suggest that the ordered logit results we report in Table 2 are robust.

²⁹ The variable inflation factors do not indicate problematic multicollinearity among any of the independent variables.

³⁰ We recognize that some caution is warranted given the number of survey respondents but note that our sample size generally meets the guidelines proffered by Long (1997, 53-54).

VI. Analysis and Discussion

The model indicates that judicial ambition is influenced by a mix of demographic factors, beliefs about what matters for advancement, and motivations for becoming a judge (see Table 2). The most striking finding reported in Table 2 is that both women justices and justices of color are more likely to manifest progressive judicial ambition than are their male, white counterparts (although the statistical significance of the variable for race is a more generous $p < 0.055$). Likewise, those justices who believe that their opportunity for advancement relies on their political contacts are also more ambitious for higher judicial office. Also linked to increased judicial ambition are factors related to why the justice first sought a judgeship: prestige in the legal community; prestige with political elites; a desire to enhance the clarity and consistency of the law; and, a desire to move up in a political career (as opposed to a judicial career). Interestingly, the one variable that is negatively associated with the level of judicial ambition is an interest in political affairs.

[INSERT TABLE 3 ABOUT HERE]

Because of the nonlinearity of logistic regression, it is important to interpret substantive effects by looking at a variable's marginal effect—how much a change in the level of a given variable influences the probability of a particular outcome, in this case having progressive judicial ambition (Long 1997; Hoetker forthcoming). To facilitate substantive interpretation, Table 3 reports a set of predicted probabilities for progressive judicial ambition for white men, white women, nonwhite men, and nonwhite women, holding all other variables constant. The effects of both race and gender are substantial. To illustrate, consider how these factors would influence the progressive judicial ambitions of a typical 55 year-old justice whose survey responses match the median respondent. If this justice were a white man, he would be most likely to disagree with the statement, “It is important that I move up in a judicial career.” He would have only an eight percent likelihood of wanting to move up. If this justice were a white woman, however, she would be more than three times as likely to want to move up in her judicial career. Justices of color are also more likely to believe it is important to advance in their judicial careers. A male justice who is a racial or ethnic minority is slightly less likely to be progressively ambitious than a white

woman—he has a 22 percent likelihood of wanting to move up, compared to her 26.5 percent likelihood of wanting to move up—but the probability of his being ambitious is still nearly three times as great as his white male counterpart. Furthermore, the effect is compounded when a justice is both nonwhite and a woman. Minority justices who are women have a 53.9 percent likelihood of expressing progressive judicial ambition. This is six times greater than her white male counterpart.

Putting race and gender considerations aside briefly, we now turn to the other factors included in our multivariate model. The general patterns we observe match our expectations. It is not surprising that justices' progressive judicial ambitions are positively associated with their desire to enhance the clarity and consistency of the law. We should bear in mind that only a handful of justices disagreed that this was a reason they became a judge; the variation exists primarily within the “strongly agree” to “neutral” categories. Justices who were motivated to seek the bench in part because of legal prestige are also more likely to be progressively ambitious, although this variable is statistically significant only at the very generous $p < 0.09$. Our variable for the desire for prestige with political elites is also positively related to ambition ($p < 0.05$). Here again, few justices indicated that they agreed they sought to become a judge because of this desire, but there was considerable variation between the “strongly disagree” and “neutral” categories.

Though most judges do not acknowledge a desire for prestige among political elites, they do acknowledge the importance of political contacts in career advancement. Approximately 80 percent of respondents indicated that they agreed or strongly agreed that political contacts played an important role in their opportunities for advancement. Perhaps not surprisingly, believing that contacts matter is linked to progressive political ambition ($p < 0.05$). Appellate judgeships in both New York and the federal court system are appointive positions, and ambitious judges are likely to be sensitive to the political connections necessary to attain one of these seats.

We find that being motivated by an interest in political affairs is negatively related to progressive judicial ambition. Recall that we had no a priori beliefs about the direction of this variable, and had multiple reasons why the variable might be negative. Is this because ambitious judges hate the politics

associated with their career? Or because even judges who are not progressively ambitious might be motivated by a broader political interest when first seeking the bench? Our survey data do not allow us to explore the possible causes of this relationship, but there are rich possibilities for future research.

Finally, our variable for progressive political ambition is linked to progressive judicial ambition. We believe these variables, which are only moderately correlated at 0.40, tap different desires. The first response item—“It is important that I move up in a political career”—speaks broadly to one’s place in the world of political professionals. The second response item—“It is important that I move up in a judicial career”—speaks to the narrower world of law and courts. More justices indicate that they are judicially ambitious than politically ambitious. Since moving up on the bench would involve a political appointment, perhaps those that are most judicially ambitious recognize that, if they are going to succeed in their judicial ambitions, they must also be politically ambitious.

[INSERT FIGURES 1-3 ABOUT HERE]

Returning to the intersection of gender, race, and ambition, Figures 1-3 provide an intuitive way to interpret a nonlinear effect, and provides the added benefit of letting us consider the differing effects of key variables, depending on a justice’s race and gender. Figure 1 demonstrates that justices who believe that political contacts play a large role in advancement are more likely to be ambitious—and this effect is strongest for women and justices of color. In fact, a white male justice’s desire to move up in politics is barely influenced by his perception of the importance of political contacts. On the other hand, women of color manifest the most powerful relationship between judicial ambition and views of the importance of political contacts. Only eight percent of respondents disagreed or strongly disagreed that contacts were important; twelve percent were neutral, 32 percent agreed, and 49 percent strongly agreed. These top two response categories are also where we see the greatest impact of race and gender. Nonwhite male justices are more likely than their white counterparts to be influenced by their perceptions about political contacts, white women are more influenced, and nonwhite women are most influenced by their beliefs about the importance of political contacts. These results seem substantively fitting. If indeed there is racial and gender discrimination within the legal and political spheres that control political appointments to higher

judicial posts, then political contacts would be even more crucial to success for women and justices of color.

Increases in the desire to enhance the clarity and consistency of the law are associated with increasing judicial ambition. As only a few justices indicated that they disagreed or strongly disagreed that legal clarity and consistency was important to them, the variation in this response exists across the range of response categories from neutral to strongly agree. Since appellate jurists have the most power to influence the clarity and consistency of the law, this result is not unexpected. As with the other variables, the strength of the association varies by race and gender. White males who were indicated neutrality in their motivation for clarity and consistency of the law had a three percent likelihood of being ambitious, controlling for all other variables; if they strongly agreed that they were motivated by a desire for legal clarity and consistency, they had a 17 percent likelihood of being ambitious. Nonwhite females, on the other hand, had a 33 percent likelihood of being ambitious if they were neutral regarding legal clarity, but a 73 percent likelihood of ambition if they strongly agreed that they were motivated by a desire for legal clarity.

The results also met our expectations regarding the effect of the desire for prestige in the legal community and the desire for prestige among political elites. While justices did not indicate much desire for prestige among political elites—indeed no justice indicated strong agreement that desire for prestige among political elites influenced their seeking the bench—there was considerable variation in a justice’s desire for prestige within the legal community. Thirty-five percent of respondents agreed or strongly agreed that they were motivated by a desire for legal prestige, whereas 38 percent of respondents disagreed or strongly disagreed with this statement. Twenty-seven percent were neutral. The size of the association varies with the race and gender of the respondent in the same patterns demonstrated by the other motivation variables.

Justices who strongly agree that they want to move up in a political career have an extremely high likelihood of wanting to move up in a judicial career, regardless of race or gender (see Figure 3). The effect is most modest for women of color. Even women of color who do not desire to move up in a

political career have a 54 percent chance of having judicial ambition; white men, on the other hand, have only an eight percent chance of having judicial ambition if they are not at all politically ambitious. For white men, then, a desire to move up in politics has the greater effect.

The substantive effects of having an interest in politics (Figure 2) and the importance of moving up in a political career (Figure 3) are both sizeable—but in the opposite directions. These two variables are correlated at 0.51, which does not suggest a degree of collinearity that should result in flipped signs. The possible explanations here are intriguing. Do women and people of color see the judiciary as less political? Or might they like the political aspect of their careers less, and thus express judicial ambition without as much corresponding political ambition or interest in politics? Perhaps women and people of color without broad political experience or contacts are more likely to be recruited to run for a Supreme Court seat than the typical white man who is not involved in politics. If this is the case, and Black (1972) is correct in that political ambition is shaped by opportunities, women justices and justices of color could be judicially ambitious without the same level of political ambition—or initial interest in politics—than their white male counterparts have. Certainly there is considerable research to be done in this area.

Before concluding, we think a caveat is warranted regarding race and gender. Though we are very pleased that we were able to survey 40 percent of the sitting justices on the New York State Supreme Court, most of those justices are white men. Our sample contains only 27 percent women and 17 percent people of color. Replicating this study in other states or court systems would strengthen our confidence in findings that are based on a small population.

VII. Conclusion

The legitimacy of the law, whether crafted in the halls of justice or through the legislative process, depends on citizens viewing the lawmakers as legitimate. Though it is not the only source of legitimacy (Benesh 2006; Franklin and Kosaki 1995), descriptive representation (or the lack thereof) can fundamentally shape citizens' views as to the legitimacy of any political institution. Accordingly, to the extent that there are meaningful differences in political ambition across discrete groups of people (whether defined by gender, race, or some other politically relevant characteristic), differences that

contribute to the career choices of public officials, then understanding political ambition is a prerequisite for understanding representation. We think it promising that there is a robust contemporary scholarship that examines gender differences in political ambition, and a small but growing scholarship on racial differences. Given that there are ample reasons to suspect that political ambition in the judicial context differs from political ambition in the legislative context (Williams 2004, 2006, n.d.), it is unfortunate that there is anything but a surfeit of scholarship that examines those differences in the context of the courts. We embarked on this project with the express goal of contributing to the remediation of this deficiency.

We believe our most striking findings are the effect that race and gender have on judicial ambition. As Williams found in her study of attorneys and judges in the State of Texas, we found women occupying a place on the New York State Supreme Court to be more judicially ambitious than male Supreme Court jurists. Though barely missing the discipline's standard of $p < 0.05$ for statistical significance, we believe that our finding that justices of color are more ambitious than their white counterparts is equally substantively significant. Based on our survey results, it is difficult to discern precisely whether this is a function of women and minorities seeing the judicial branch as simply more promising in terms of affording them a venue within which to pursue their progressive ambitions or a matter of women and minorities especially drawn to the judiciary. We do hope that our findings will spur research to help answer such remaining questions.

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Table 1: Summary Descriptive Statistics

Variable	Mean	St. Deviation	Minimum	Maximum
Dependent Variable				
Progressive Judicial Ambition	1.888	0.842	1	3
Demographics				
Age	57.560	6.289	42	70
Gender	0.274	0.448	0	1
Race	0.171	0.378	0	1
Initially Elected	0.872	0.336	0	1
Demands of Public Life				
Dealing with Party Officials	2.982	1.289	1	5
Public Spotlight	2.513	1.150	1	5
Requirements for Success				
Talent	3.743	1.213	1	5
Political Contacts	4.180	1.020	1	5
Personal Motivations				
Prestige in the Legal Community	2.853	1.189	1	5
Desire to Enhance Legal Clarity/Consistency	4.043	0.999	1	5
Enjoyment in Activity of Judging	4.371	0.919	1	5
Prestige with Political Elites	1.845	0.910	1	4
Interest in Political Affairs	2.517	1.268	1	5
Progressive Political Ambition	1.638	0.917	1	5

Table 2: Factors Influencing Progressive Judicial Ambition

Dependent variable: "It is important that I move up in a judicial career."
(1 = disagree/strongly disagree, 2 = neutral, 3 = agree/strongly agree)

Demographics		
Age	0.016 (.040)	
Gender	1.408 (.582)	**
Race	1.175 (.613)	*
Initially Elected	-0.666 (.764)	
Demands of Public Life		
Dealing with Party Officials	0.178 (.239)	
Public Spotlight	-0.286 (.271)	
Requirements for Success		
Talent	0.155 (.197)	
Political Contacts	0.583 (.294)	**
Personal Motivations		
Prestige in the Legal Community	0.407 (.241)	*
Desire to Enhance Legal Clarity/ Consistency	0.830 (.277)	***
Enjoyment in Activity of Judging	0.058 (.264)	
Prestige with Political Elites	0.681 (.334)	**
Interest in Political Affairs	-0.791 (.239)	***
Progressive Political Ambition	1.260 (.373)	***
<hr/>		
τ_1	9.001 (3.333)	
τ_2	11.195 (3.421)	

*** = p<.01; ** = p<.05; * = p<.10; all two-tailed tests.

n=103; standard errors in parentheses.

LR Chi-square (14)=62.36 (p<.000); Pseudo R2=.2768

Table 3. Predicted Probabilities for Progressive Political Ambition

	Disagree	Neutral	Agree
White Men	55.8	36.1	8.1
White Women	23.6	49.9	26.5
Non-White Men	28.5	49.7	22.2
Non-White Women	8.7	37.4	53.9

Note: The values of other variables were set to describe a typical respondent: age = 55; elected to office = 1; dealing with party officials = 3; public spotlight = 2; talent = 4; contacts = 5; prestige among legal elite = 4; clarity and consistency of the law = 5; prestige with legal elites = 2; interest in politics = 3; desire to move up in politics = 1.

Your Professional Experiences . . .

1. What is the balance between civil and criminal cases that you hear?
 - All civil cases
 - Mostly civil cases
 - It's about equal
 - Mostly criminal cases
 - All criminal cases

2. Were you *initially* elected or appointed to serve in your current position?
 - Appointed to a full term
 - Appointed to an interim term
 - Elected

3. Rounding to the nearest year, how many years have you served in your current position?
 _____ (please use digits; example 5 years)

4. If you ran for election for your current seat, what percent of the vote did you receive *during your last election*? _____

5. I consider my judicial district to be predominantly:
 - Urban
 - Suburban
 - Rural

6. Please complete the following to indicate the *number of years* you have worked in different capacities in government:

	Federal	State	Local
a) Years as a judge	_____	_____	_____
b) Years as a lawyer (excluding years as prosecuting attorney or public defender)	_____	_____	_____
c) Years in other capacity	_____	_____	_____

7. How many years have you worked *as an attorney* in the following settings:
 - a) Solo practice _____
 - b) Private firm, 2 to 9 lawyers _____
 - c) Private firm, 10 to 30 lawyers _____
 - d) Private firm, 31 to 50 lawyers _____
 - e) Private firm, more than 50 lawyers _____
 - f) In-house counsel _____
 - g) Public interest law firm or interest group (e.g., NAACP, NRA) _____
 - h) District Attorney's office _____
 - i) Public Defender's office _____

8. How many years (if at all) have you worked *as a law professor*? _____

Demographic Characteristics . . .

9. What is your age? _____

10. What is your gender?
 - Female Male

11. Which race/ethnicity best describes you?
 - White, not of Hispanic origin
 - African-American/Black
 - Asian
 - Hispanic/Latino/a
 - Other _____

12. What is your current marital status?
 - Married/Life partner
 - Never married
 - Divorced
 - Widowed

13. If you are married or have a life partner, does this person work outside the home?
 - Yes No
 - I do not have a spouse/life partner.

14. a) Do you have children?
 - Yes No
 - If no, continue to question 15.*
 b) If yes, do you have children who are under your daily care (i.e., children who live with you)?
 - Yes No

- c) If yes, who is the primary caretaker of your children?
 - Me
 - My spouse
 - It's about equal

15. Please check the box provided for EACH advanced academic degree you have earned.
 - None
 - JD
 - LLM
 - MPA or MPP (policy or administration)
 - MBA
 - Other MA or MS
 - PhD
 - Other _____

16. Have you ever clerked for a judge? (Please check all that apply.)
 - I have clerked for a local government judge.
 - I have clerked for a state judge.
 - I have clerked for a federal district court judge.
 - I have clerked for a U.S. Court of Appeals judge or Supreme Court justice.
 - I have not clerked for a judge.

17. Do you currently earn income from another occupation(s)?
 - Yes No
 - If yes, please list occupation(s):

Your Political Activities . . .

18. How active are you in your political party at each of the following levels?

	<i>Not at all active</i>	<i>Not very active</i>	<i>Somewhat active</i>	<i>Very active</i>
a) Local party	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) State party	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) National party	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

19. *Before* you became a judge, how often did you give money to . . .

	<i>Never</i>	<i>During some election cycles</i>	<i>During most election cycles</i>	<i>Every election cycle</i>
a) Your political party?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Individual political candidates?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

20. *After* you became a judge, how often did you give money to . . .

	<i>Never</i>	<i>During some election cycles</i>	<i>During most election cycles</i>	<i>Every election cycle</i>
a) Your political party?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Individual political candidates?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

21. Please use the following scale to indicate how you feel about engaging in these campaign activities:

	<i>Very negative</i>	<i>Negative</i>	<i>Neutral</i>	<i>Positive</i>	<i>Very positive</i>
a) Attending fundraisers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Asking people for campaign contributions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Going door-to-door to meet constituents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Asking people to vote for you	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Interacting with journalists and the media	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Participating in a negative campaign	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Committing your time	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Asking people to volunteer for the campaign	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Dealing with party officials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Having name and family in the public spotlight	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

22. What is your political party affiliation?

- Democrat Republican Unaffiliated (independent)
 Other (please list) _____

23. Please rate your satisfaction with the following aspects of your job (1 to 5 scale; 5 = best):

	1	2	3	4	5
a) Salary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Regularity of pay raise	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Pension benefits	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Being in a political environment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Opportunities for advancement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Work hours	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Amenability to family responsibilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Substantively interesting work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Caseload	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

24. I am content with the current responsibilities of my job.

- Strongly disagree Disagree Neutral Agree Strongly agree

25. Do you believe that your gender helped you, hurt you, or made no difference in your *campaign* for judge?

- Hurt a lot Hurt some No difference Helped some Helped a lot
 I did not run for office

26. Since becoming a judge, have you ever been treated *more* favorably by your colleagues because of your gender?

- No Yes, but rarely Yes, sometimes Yes, often

27. Since becoming a judge, have you ever been treated *less* favorably by your colleagues because of your gender?

- No Yes, but rarely Yes, sometimes Yes, often

28. Generally speaking, who do you think has a more difficult time *becoming a judge*?

- Women Neither women nor men Men

29. Generally speaking, who do you think faces more barriers in their *judicial careers*?

- Women Neither women nor men Men

30. Could you provide additional comments about how you believe your gender has affected you in your position as a judge?

About the New York State Court System . . .

31. On the whole, what sort of job do you think the elected judges in New York State are doing?

- A poor job A fair job A good job An excellent job

32. How much do you think that the following people influence *who becomes a judge* in New York State?

	<i>Not at all</i>	<i>Just a little</i>	<i>Some</i>	<i>A great deal</i>
a) Voters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Party leaders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Campaign contributors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Special interest groups	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

33. How much do you think that the following items influence *the decisions of elected judges* in New York State?

	<i>Not at all</i>	<i>Just a little</i>	<i>Some</i>	<i>A great deal</i>
a) Public opinion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Media coverage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) People judges know personally	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Political parties	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Campaign contributions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Having to run for reelection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Considering Your Work and Career Goals . . .

34. People are interested in becoming a judge for a variety of reasons. People become active in politics for a variety of different reasons. Please indicate whether you *agree* or *disagree* that these factors influenced your decision to first seek a judgeship:

	<i>Strongly disagree</i>	<i>Disagree</i>	<i>Neutral</i>	<i>Agree</i>	<i>Strongly agree</i>
a) An interest in enhancing my prestige in the local community	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) An interest in enhancing my prestige in the legal community	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) An interest in enhancing my prestige with political elites	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) An interest in being appointed to another judicial office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) An interest in being appointed to a non-judicial office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) An interest in running for another judicial office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) An interest in running for a non-judicial office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) An interest in legal affairs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) An interest in political affairs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) A desire to enhance the clarity and consistency of the law	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k) A desire to enhance the legitimacy of the state court system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l) A desire to influence politics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m) The desire for power and influence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n) A desire to be close to influential people	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o) Party loyalty					
p) A sense of community obligation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
q) The influence of friends and/or family	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
r) Enjoyment in the activity of judging	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
s) Making social contacts and friends	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

About Your Current Position . . .

35. Please tell us whether you agree with the following statements:

	<i>Strongly disagree</i>	<i>Disagree</i>	<i>Neutral</i>	<i>Agree</i>	<i>Strongly agree</i>
a) It is important that I succeed in my present job	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) It is important that I succeed in a judicial career	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) It is important that I succeed in a political career	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) It is important that I move up in a judicial career	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) It is important that I move up in a political career	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

36. If you knew you could attain any political or judicial position you wanted, what would you like to be at the peak of your career?

37. How likely is it that you would achieve this position?

- Very unlikely Unlikely Possible Likely Very likely

38. **Given your current situation**, what elected or appointed political office at any level of government would you eventually like to reach?

39. How likely is it that you would achieve this position?

- Very unlikely Unlikely Possible Likely Very likely

40. Someday I would like to serve as:

	<i>Strongly disagree</i>	<i>Disagree</i>	<i>Neutral</i>	<i>Agree</i>	<i>Strongly agree</i>
a) State intermediate appellate court judge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) State court of last resort judge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Federal district court judge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) U.S. Court of Appeals judge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) U.S. Supreme Court justice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Other federal court judge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

41. I believe my opportunity for advancement depends on:

	<i>Strongly disagree</i>	<i>Disagree</i>	<i>Neutral</i>	<i>Agree</i>	<i>Strongly agree</i>
a) My overall talent, intelligence and skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) My ability to be a hard worker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) My political contacts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

42. In about how many years do you believe you will leave your current position?

- | | |
|--------------------------------|-------------------------------------|
| <input type="checkbox"/> 1-2 | <input type="checkbox"/> 15-19 |
| <input type="checkbox"/> 3-4 | <input type="checkbox"/> 20-24 |
| <input type="checkbox"/> 5-9 | <input type="checkbox"/> 25-29 |
| <input type="checkbox"/> 10-14 | <input type="checkbox"/> 30 or more |

43. Judges leave office for a variety of reasons. Under what circumstances are you likely to leave this judgeship?

	<i>Very unlikely</i>	<i>Unlikely</i>	<i>Neutral</i>	<i>Likely</i>	<i>Very likely</i>
a) Retirement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) To take senior status	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Elected to a different judicial position	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Appointed to a different judicial position	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) To take a non-judicial office or position in government	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) To take a position in the private sector	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

44. If you decided to seek a different position, how much would the following factors influence your decision?

	<i>Does not matter</i>	<i>Matters a little</i>	<i>Matters some</i>	<i>Matters a lot</i>
a) To seek a more prestigious position	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) To seek a higher salary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) To improve my current level of physical health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) To have a less stressful job	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) To seek a position that is not involved with the law	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) To seek a position involved with the law that is more substantively interesting to me	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) To seek a position that is not involved in politics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) To seek a position involved in politics that is more substantively interesting to me	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) To seek a more sociable work environment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) To have fewer work hours	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k) Because my family is unhappy with my work hours	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l) Because I will be 65	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m) Because I will be 70	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

45. Some judges serve for relatively short periods, while others serve for many years. In about how many years do you think you will retire from office, and why are you likely to leave?

46. Have you had a mentor(s) in your judicial or political career? If so, could you tell us a bit about this person (e.g., another judge or lawyer, previous officeholder, family member) and what is important in your relationship(s)?

Campaigning for Your Current Position . . .

47. a) Did you run for election for your current seat?

Yes No *If no, continue to question 49.*

b) About how much money did your committee *raise* for your last election campaign? \$ _____

c) About how much money did your committee *spend* for your last election campaign? \$ _____

d) About how much money did your *opponent(s)* *raise* in your last election campaign? \$ _____

e) About how much money did your *opponent(s)* *spend* in your last election campaign? \$ _____

48. My last campaign was . . .

against an elected incumbent against an interim/appointed incumbent
 as an incumbent for an open seat

Final Thoughts . . .

49. We are interested in any comments you might have about your career choices and your satisfaction with your current position. These responses are very helpful to us as we seek to determine what influences judges' career decisions.

If additional space is needed for your response, attach a sheet of paper, indicating "number 49 continued."

50. Would you be willing to participate in a confidential phone or in-person interview about your decisions regarding your career path? If so, please provide your name and phone number.

Name _____

Phone number _____

Appendix B. Demographic Characteristics of Survey Respondents

Characteristic	Number	Percent
Age		
40-49	12	10.34
50-59	58	50.00
60-70	46	39.66
Gender		
Male	85	72.65
Female	32	27.35
Race		
White	97	82.91
Non-White	20	17.09
Marital Status		
Married/Life Partner	98	85.22
Not Married	17	14.78
Parenthood		
Have Children	102	88.70
Children at Home	44	43.14
Children No Longer at Home	58	56.86
No Children	13	11.30
Party Affiliation		
Democrat	64	56.14
Republican	45	39.47
Other ^a	5	4.38

^a Conservative Party or no partisan affiliation

Appendix C. Legal Experience of Survey Respondents

Experience	Number	Percent ^a
Private Practice		
Solo Law Firm	51	43.6
Small Law Firm (2-9 lawyers)	53	45.3
Medium Law Firm (10-30 lawyers)	15	12.8
Large Law Firm (31-50 lawyers)	5	4.3
Extra Large Law Firm (More than 50 lawyers)	6	5.1
Public Service		
District Attorney's Office	35	29.9
Public Defender's Office	11	9.4
Other Experience		
In-House Counsel	12	10.3
Public Interest Law Firm or Interest Group	8	6.8
Law Clerk (for local, state or federal jurist)	47	40.2
Law Professor (including adjunct status)	23	19.7

^aResponses in categories do not sum to 100.

Figure 1: The Impact of Perceived Importance of Contacts on the Probability of Judicial Ambition

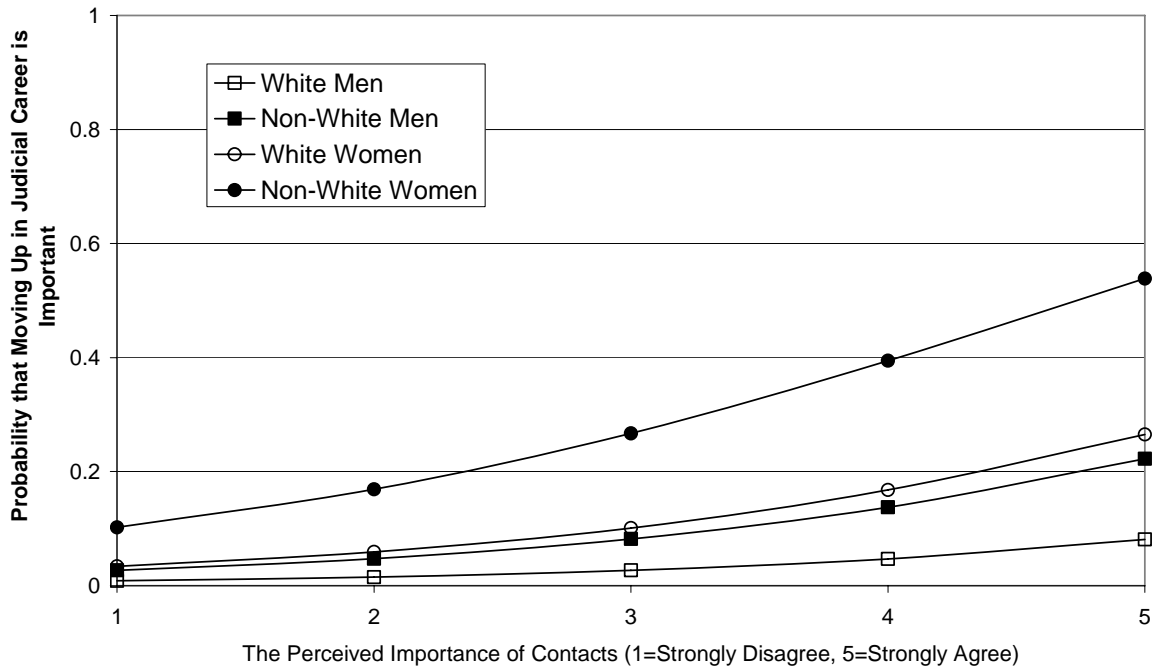


Figure 2: The Impact of Political Ambition on the Probability of Judicial Ambition

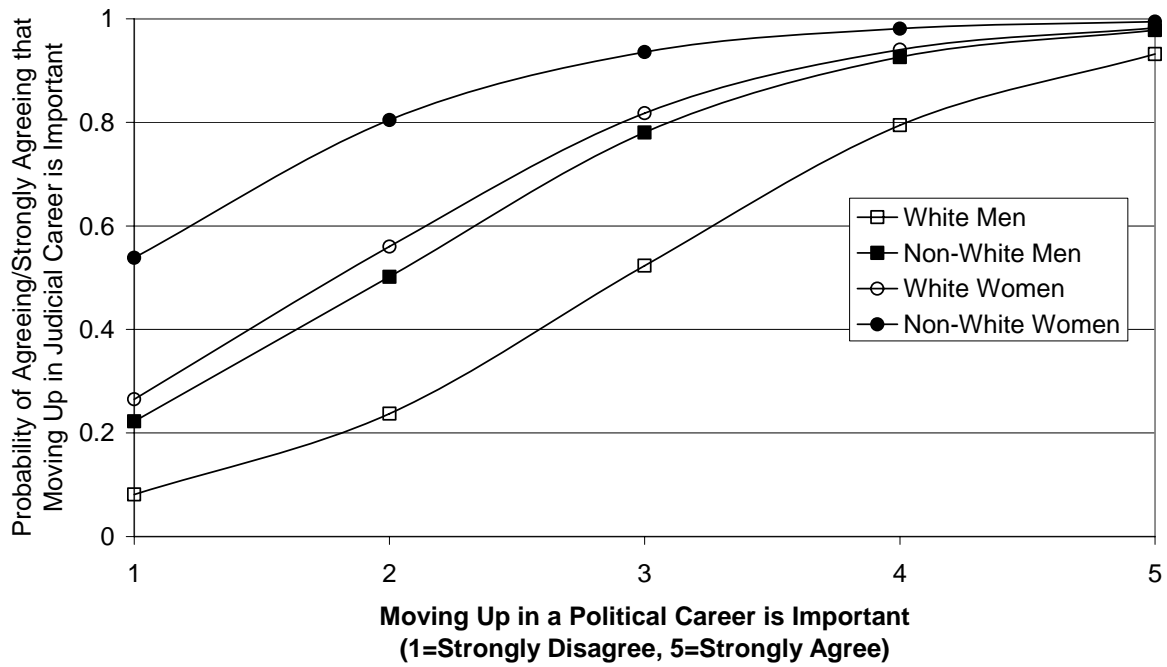


Figure 3: The Impact of Interest in Politics on the Probability of Judicial Ambition

