

Women's Judiciary Access: The Case of Alabama

Abstract

What shapes women's access to the judiciary? Women remain underrepresented in American politics, and the judiciary is no exception. Yet, in some southern states, women have begun to access the judiciary at increasing rates despite institutional and public opinion barriers to women's political advancement. We argue that selector expectations for judges and their compatibility with feminine stereotypes could make the judicial branch uniquely accessible to women. We test this argument using data on Alabama circuit courts judges from 1970–2024 (the state's trial courts of general jurisdiction). We examine the roles of judicial selection methods, partisan dynamics, district characteristics, and judge qualifications in explaining women's increasing access to the Alabama circuit courts. While we find that selection method and judge qualification do not explain women's access, neither do we find that judicial elections hinder women's representation on these courts. Furthermore, we find that more nationally Democratic districts are more likely to see the rise of women circuit court judges, but during periods of partisan realignment in Alabama, we find that locally Democratic districts are less likely to see the selection of women judges. Finally, we find suggestive evidence that black representation on Alabama's trial courts has also boosted women's representation.

Keywords: Gender & politics, law & courts, representation, state politics, judicial elections

Introduction

In recent years, women’s descriptive representation in elected and appointed office has, at best, stagnated and, at worst, declined, with notable losses in both legislative and executive arenas globally and within the United States. However, the barriers to increasing women’s representation vary across both geographic and institutional contexts. Within the United States, western states are the most likely to approach gender parity in their legislatures and also stand out as leaders in electing women to statewide executive office. By contrast, southern states remain the most exclusionary, exhibiting persistently low levels of women’s representation in both executive and legislative roles. In 2024, eight of the ten states with the lowest women’s legislative representation were located in the South (CAWP 2024).¹

While their recent history with electing women to executive office is more varied, it is clear that elections in the southern United States remain a gendered endeavor (Cassese and Barnes 2019). Historically, the dearth of successful women candidates for national office from the South has been attributed to “reinforcing and cross-pressures that regional, racial, and gender identities bring to bear on political attitudes” (Ondercin 2013, p. 233). Research often emphasizes that the political environment of the South is uniquely challenging for the success of woman candidates and the construction of political careers for women (Palmer and Simon 2010), with support for women’s candidacies facing unique challenges from the women’s voting bloc. In recent elections, white women voters in the South have openly endorsed sexist attitudes and policies (Cassese and Barnes 2019), limiting increases in women’s elected representation that would pace along with other sections of the country.

However, evolving stereotypes towards women politicians overall, may be more compatible with some sectors of the southern electorate. As voters see women as more fair, ethical, and moral (Van Der Pas, Aaldering and Bos 2024), women may become more viable as candidates when voters, especially women, become increasingly distrustful of traditionally

¹The states are Alabama, Arkansas, Iowa, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, West Virginia, and Wyoming. Source: <https://cawpdata.rutgers.edu/women-elected-officials>.

preferred candidates (Ondercin and Lizotte 2021). In particular, some work has found voters in the United States prefer women candidates (Shorrocks, Ralph-Morrow and de Geus 2025), and this pattern may only get stronger as stereotypes about women politicians become more desirable in candidates for political office. In particular, judicial offices represent a distinct avenue for women’s political advancement. While the work of judges is often framed as professional and authoritative, it is also associated with stereotypically feminine qualities such as morality, ethics, and rationality. These traits can allow women to leverage evolving gendered stereotypes to their advantage, particularly in low-information judicial elections common at the state level (Bullock III et al. 2014; Frederick and Streb 2008; Kennedy, Nelson and Heidt-Forsythe 2025).

Building on these insights regarding women’s evolving viability for judicial office, this study explores the factors that shape women’s access to the bench. We expect the stereotype advantage to benefit women more in elections than in appointments, since voters are more likely to rely on stereotypes; whereas appointers—such as governors—tend to have greater knowledge and are less dependent on them. We also anticipate that when facing either election or appointment, women judges will benefit from these new stereotypes more in districts that are more friendly to the national Democratic agenda, as these voters and nominators are likely already more accepting of a woman candidate. Finally, we expect that, even if stereotypes are not quite enough for a woman’s successful campaign among selectors, her qualification may increase her chances uniquely when compared to similarly situated men. Thus, as we observe successful candidates, we expect women judges to have more prestigious education than men.

Leveraging a comprehensive dataset on Alabama circuit court judges from 1819 through 2024, we show that women are more likely to ascend to the bench in circuits aligned with national Democratic support. During the period of political realignment in Alabama, this correlation is strongest in districts resembling “woman-friendly” legislative electorates. Women’s representation is further shaped by selectorate characteristics, with larger circuits seeing

more women judges. These patterns suggest that access is not simply a function of favorable circuits or appointers but emerges from the interaction between political environments and selectorate traits.

Overall, we focus on how selection methods, partisan dynamics, and district characteristics influence women’s emergence and success. During the era of political realignment, these dynamics became particularly salient as shifting partisan coalitions created new opportunities for underrepresented groups. We find that women are no less likely than men to emerge via judicial elections, but district-level partisan composition is influential in where we see women win elections and reach the top of nomination lists. Circuits with higher Democratic support or electorates favorable to women candidates appear especially conducive to women’s judicial success. Additionally, we find suggestive evidence that increased racial diversity in the Alabama judiciary may have contributed to the increase in women’s access to the bench. These patterns suggests that women’s increasing access to the judiciary is intertwined with broader trends of political inclusion. Together, these findings underscore how gendered stereotypes, institutional pathways, and political context intersect to shape judicial representation.

Elections and Stereotypes: Explaining Women Judges

Despite persistent gender gaps in political representation, research shows that when women run for office, they typically win, especially when accounting for partisanship and incumbency (Dolan, Deckman and Swers 2021; Schwarz and Coppock 2022). Voter-level discrimination on the basis of candidate sex appears limited in most contexts. Recent experimental work has shown that voters in the United States uniquely prefer women candidates for the legislature (Shorrocks, Ralph-Morrow and de Geus 2025). However, the preference for women candidates has not yet translated into proportional representation in the national legislature or most state legislatures. Emerging research suggests that the gendered nature of political

institutions and offices may constrain the perceived legitimacy or acceptability of women candidates as a result of perceived gender rather than their sex (Anzia and Bernhard 2022; Armstrong and Taylor-Robinson 2024).

The disconnect between voter preferences and electoral outcomes points to the additional role of institutional and party-level dynamics in shaping women’s political emergence. While Shorrocks, Ralph-Morrow and de Geus (2025) find that abstention is part of the story, with sexist partisans abstaining when faced with a woman co-partisan candidate, voters are not solely responsible for women’s electoral woes. Parties can act as gatekeepers since their recruitment strategies play an important role in women’s electoral emergence (Carroll and Sanbonmatsu 2013; Thomsen and King 2020), with recruitment and support especially critical for women of color (Tolley 2023). Additionally, women candidates typically face a higher number of challengers—either via entrance in an open primary (Sanbonmatsu 2010) or increased primary challenges as incumbents (Atkinson and Windett 2019; Fulton and Dhima 2021). Even if nominated, women are more often selected in the most competitive elections (Robinson et al. 2021) with lower financial support than equally situated men (Barber et al. 2016). Taken together, these findings suggest that women’s underrepresentation is not simply a function of voter bias, but the product of multi-level constraints operating at the voter, party, and institutional levels. Understanding how these barriers interact is essential for explaining when and how women emerge as viable candidates and ultimately win office.

Although women continue to face institutional and strategic barriers to political representation, not all offices are equally resistant to their entry. Prior research highlights that women are more likely to emerge and succeed in roles associated with stereotypically feminine traits such as care, community, or moral authority (Dittmar 2015; Murray and Sénac 2018). When the office is aligned with more feminine stereotypes, women, even if they do not present as feminine, have a better shot at winning (Anzia and Bernhard 2022; Rohrbach 2025). The hyper-masculinity of executive office compared to legislative office is often cited as a reason why women have made larger strides towards parity in one branch over the other

(Sweet-Cushman 2022), and the largest advances in executive representation are often associated with more feminine policy areas (Franceschet, Annesley and Beckwith 2017). When looking at more local-level executive and legislative elections, the candidates' gender often serves as a heuristic for voters in the lower information environment, with women benefiting when a more feminine touch is preferred (Bauer 2020*b*; Kweon, Kang and You 2025). As such, when we move beyond the legislative and executive branches, we should expect women to do best when the office aligns with feminine stereotyped traits.

Given women have been able to leverage stereotypes and their higher than average qualifications (Bauer 2020*a*) to normalize their office access, the acceptability and flexibility of stereotypes for women politicians specifically have shifted. While women are still more associated with care, community and moral authority, a greater consensus of voters now view women politicians as more intelligent, analytical, moral, ambitious, rational, and ethical (Van Der Pas, Aaldering and Bos 2024). The shifting stereotype of women politicians is likely a result of exposure to women leaders, but it also opens up the stereotype advantage to new types of offices. Regardless of its origin, the stereotypes attributed to women candidates, both old and new, should benefit women candidates in the judicial branch.

Prior work finds some evidence that the arena of judicial elections is gendered in ways not dissimilar to the policy arenas of legislative and executive elections. For example, judicial candidates see their work as masculine, and they campaign on and emphasize masculine traits when running for office. On the other hand, unlike for other types of elections, judicial women candidates do not campaign in a way to strategically underemphasize feminine stereotypes (Walsh et al. 2016). As such, it is likely that women who run for judicial office strategize around stereotypes, but they are not faced with the same double-bind of personal and professional stereotypes found in many other electoral arenas (Teele, Kalla and Rosenbluth 2018).

Despite the lack of campaigns emphasizing the stereotypes, prior work posits that stereotype advantages have helped women access the bench at unprecedented rates in non-

partisan elections for trial courts (Bullock III et al. 2014) and state intermediate appellate courts (Frederick and Streb 2008). It is likely that women running for partisan trial courts will also leverage stereotypes to their advantage; whereas women hoping to access trial courts via appointment may be hindered by the same stereotypes, especially in states where governors adopt a tough on crime approach (Gunderson 2022). As such, we argue that women judges are more likely to access the bench via election², especially in a low-information local election. Women are more likely to win low-information elections, including higher level judicial elections (Frederick and Streb 2008). One mechanism for this advantage relates to stereotypes associated with women candidates, which are more especially in line with what most voters would want from a judicial candidate—ethical, moral, and rational (Kennedy, Nelson and Heidt-Forsythe 2025). As such, we formalize our first hypothesis:

- *Hypothesis 1*: Women judges are more likely to access the bench via election than appointment.

It is well documented, however, that not all women face the same barriers to entry. While individual characteristics shape a woman’s political emergence and success (Shah, Scott and Gonzalez Juenke 2019), the institutional context in which a woman candidate attempts to access the bench is also a critical component to explaining when and where we should expect these women to ascend. The characteristics of the electorate (the circuit) in which the woman runs also play an important role in determining which women succeed. The characteristics that define a “woman-friendly” electorate (Palmer and Simon 2010) are also associated with Democratic vote share (Goidel, MQ Moreira and Armstrong 2024; Hacker et al. 2024). In both Democratic and Republican districts, voters perceive women candidates to be more liberal than men (Dolan 2014). So even if the district typically elects Republicans, the presence of a more moderate Republican contingent or a large Democratic voting bloc

²While evidence at the national level is mixed (Barnes and O’Brien 2025), women selectors in appointments may play an important role in when women access the bench (Gill and Eugenis 2019; Valdinis 2019). However, some work finds that neither governor gender nor party determines women’s rate of appointment (Rhinehart, Geras and Hayden 2022). Regardless, we are limited here in examining selector gender due to the correlation between modernity and gender of included governorships.

signals greater viability for a woman candidate. In the realm of judicial campaigning, women of both parties are more likely to mention criminal justice reform in their ads than men, even controlling for party-appropriate platforms (Gunderson 2022). This could also contribute to better reception in more Democratic districts. Overall, we expect the expressed preferences and potential electoral reception of women candidates to combine to privilege women in more Democratic voting precincts.

Nevertheless, not all Democratic votes are created equal when examining Deep South politics. Between the end of World War II and until very recently, conservative white Democrats in the South frequently split their tickets such that they remained loyal to the Democratic Party in state and local elections when the party’s standard-bearer was frequently the conservative candidate (Black and Black 2002). But in national elections, particularly for president, these individuals often voted Republican or Independent given the national Democratic Party’s more liberal position on issues such as those touching upon civil rights. Over time, conservative whites in the South realigned into the Republican Party (Hood, Kidd and Morris 2014). In Alabama, Republicans have held the state supreme court since 2001, the governorship since 2003, and the legislature since 2010 such that today, there is very little ticket-splitting in Alabama amongst both white and black voters (Hughes 2022; McKee 2018). Taken together, we anticipate that as a circuit votes more Democratic at the presidential level, the likelihood a woman wins a circuit judgeship is increasing. But as the Democratic vote-share of gubernatorial candidates is increasing at the circuit-level, the likelihood a woman wins a circuit judgeship is decreasing. Finally, we suspect that the opposing directions in these hypothesized effects should decrease over time and disappear around the time partisan realignment ended—approximately in 2010. We formalize these expectations below:

- *Hypothesis 2*: As a circuit’s presidential Democratic vote-share is increasing, so too will the likelihood a woman wins a circuit judgeship.
- *Hypothesis 3*: As a circuit’s gubernatorial Democratic vote-share is increasing, the likelihood a woman wins a circuit judgeship will be decreasing, especially during periods

pre-realignment.

Even in the most woman-friendly electorate, the quality of the woman candidate is an important factor in increasing women’s representation. In both the appointment and election process, the quality of women is often higher than men (Escobar-Lemmon and Taylor-Robinson 2015; Lazarus and Steigerwalt 2018). When women are underrepresented, the successful women are often more qualified than equally successful men (Bauer 2020*a*). In experimental work on nonpartisan elections, this qualifications gap does not replicate, but it is possible that a judicial candidate’s qualifications can be an additional heuristic for voters in partisan, low-information elections. Alternatively, more qualified women candidates might not receive a boost from voters, but other selectors, such as the appointing unit or a campaign donor class, might find qualifications more relevant for women candidates. We expect that qualifications can be especially important for women who face additional barriers to entry via their race or for women who otherwise face more hostile voting pools (Sorensen and Chen 2024). We see some evidence that doubly disadvantaged women are often doing more to play the same game as their men competitors. Research on gendered judicial campaigns has found that women judges typically out-raise men challengers, but the effect is largely driven by Republican women (Smith and Kazungu 2025). Research on judicial appointments finds that women of color typically accrue more relevant experience prior to their ascension to the bench (Moyer, Harris and Solberg 2022).

So, while women and men candidates in hypothetical judicial elections are not held to different standards regarding their qualifications, it is possible that gendered qualification patterns may arise when we consider when and where women candidates emerge and win. Women may not consider themselves as possible candidates for an election or a vacancy appointment unless they feel relatively more qualified than potential challengers. In order for a woman judicial selection to occur, the selectorate must have women candidates from whom to choose. If women are unwilling to put themselves forth for consideration, whether for a partisan electoral endorsement or for inclusion on a short appointment list, then men

will continue to dominate both electoral and appointment access to the judiciary. Research has shown that, while women are typically found to be less ambitious than men, higher qualifications tend to close that gap (Bauer 2020*a*). Consequently, women with stronger credentials are more likely to emerge as viable candidates, shaping who is ultimately available for selection to judicial office.

As such, we expect women to access the bench more frequently when they have educational experience commensurate with the priorities of their selectorate. In the case of localized judicial politics, it may be that, as in experimental work, voters prefer candidates who attended in-state universities (Kennedy, Nelson and Heidt-Forsythe 2025). Alternatively, voters may prefer more elite education as a proxy for what they expect from a judge or competence (Gift and Lastra-Anadón 2018). Either way, we expect that these preferences matter more for the advancement of women candidates than men candidates. For judicial appointments, research on executive appointments has found that women and men who are appointed tend to have different backgrounds, giving them access to different networks, with men selectors often encountering more men in-network (Barnes and O’Brien 2025). Often this leads to the appointment of women with more expertise related to the position due to a more challenging time entering the network of key selectors. For judges, a key metric for their experience is where they attended law school, and that same law school may give them access to different political networks. Thus, we expect that members of nominating committees and the governor will be more likely to appoint more women with prestigious educational experience than men. So, for both elected and appointed judges, we expect to see more prestigious education among women judges than men judges. We formalize this expectation below.

- *Hypothesis 4*: We expect that greater judge educational attainment is associated with an increase in the likelihood of woman judge.

Case Selection

In order to test our expectations regarding judicial selection method, partisan context, and candidate qualifications, we turn to the state of Alabama. First, in order to explore selection methods and partisan effects, we need a state that has a combination of partisan elections and appointments. In Alabama, judges are elected via partisan elections as a rule, but the governor may appoint judges when an elected judge does not complete their term of office. The existence of a mix of elected and appointed judges at the same level allows us to test Hypothesis 1 regarding selection method. Additionally, while not requisite for testing our hypotheses, we find the presence of partisan labels on judicial candidates a useful feature for building on existing work. Shorrocks, Ralph-Morrow and de Geus (2025) finds that sexist voters abstain from co-partisan women in legislative elections, but we do not know how voters will react to co-partisan women in judicial elections. Further, previous work that explores the role of gender in nonpartisan trial court elections in Florida and Georgia (Bullock III et al. 2014). While Bullock III et al. (2014) finds women win more often than not, the presence of partisan labeling could alter these results in a way that improves women’s chances or harms them. Similarly, the test of these patterns across a wider time frame and in a different electoral context can provide more scientific evidence that gender matters in judicial elections.

Beyond the institutional features that make the Alabama case appropriate, Alabama is a unique context for understanding gendered patterns of judicial access over time. As previously highlighted, women face particularly hostile political environments as politicians in the South (Cassese and Barnes 2019; Ondercin 2013). Among southern states, Alabama provides a useful test case: It continues to rank among the lowest in women’s state legislative representation, and yet it has sent women to more prestigious offices relatively early. For example, of the ten states with the lowest women’s state legislative representation, seven have had at least one governor, and among those seven, Alabama is the only state to ever

have two women reach the governor’s mansion.³ Alabama was just the third state to elect a woman governor with the election of former first lady, Lurleen Wallace, in 1966. Women began accessing the executive branch in Alabama relatively early, with the first appointed woman secretary of state in 1944. Elected women ascended to the secretary of state and state treasury positions in 1951, later also accessing the positions of state auditor, public service commissioner and lieutenant governor. While not trailblazers in the national election of women historically as only six women have ever gone to Congress from Alabama, women also make up 22.2 percent of Alabama’s current congressional delegation. Given this history, Alabama is both institutionally appropriate and illustrative of a state with a challenging political climate for women, yet one in which they have achieved notable successes.

Data and Methods

To assess our hypotheses, we gather a unique dataset of every trial court judge of general jurisdiction in the state of Alabama following its admission to the Union in 1819 and through the end of 2024.⁴ Alabama’s circuit courts are the trial courts of general jurisdiction in the state. Presently, there are 41 circuit courts and a total of 146 authorized judgeships. Alabama’s circuit courts have jurisdiction over all felony criminal cases and all civil cases where the amount in dispute exceeds \$10,000. The state also provides for other, limited jurisdiction courts such as the district courts, which typically have jurisdiction over cases dealing with misdemeanor crimes and small-dollar civil disputes, along with municipal courts that primarily deal with traffic citations, probate courts that deal with issues like estates, small-claims courts, and juvenile courts. For the purposes of this study, however, we consider only the state’s trial courts of general jurisdiction—the circuit courts.

³Only five states have ever elected more than two women to the governorship, and one of those states is Texas, which elected the same woman non-consecutively in 1925 and 1933. Six states other than Alabama have had two women governors: Connecticut, Delaware, Massachusetts, Michigan, New Mexico, and Washington.

⁴To assemble this one-of-a-kind longitudinal dataset of every known circuit judge in state history, we relied upon data made available through the Alabama Supreme Court Law Library.

Table 1: Sex of circuit judges, by decade chosen

	1970-1979	1980-1989	1990-1999	2000-2009	2010-2019	2020-2024
Men	94 (99%)	77 (95%)	89 (89%)	67 (81%)	86 (73%)	22 (59%)
Women	1 (1%)	4 (5%)	11 (11%)	16 (19%)	32 (27%)	15 (41%)
Total	95	81	100	83	118	37

Dependent Variable: Women Judges

Of the 859 total individuals we identify as having served as a circuit judge between 1819 and 2024, 79 (9.2 percent) are women. The first woman, Inge Prytz Johnson, did not assume a circuit court judgeship until 1979.⁵ The pace of gender integration in Alabama’s circuit courts has been slow—as of December 31, 2024, only 26.0 percent of active circuit judges were women—but steadily increasing. In Table 1, we display the total number of circuit judges chosen per decade between 1970 and 2024, along with the percentage of these individuals who were men or women. Judge Johnson was the only woman selected circuit judge in the 1970s, among 95 total selection events. In the 1980s, five percent of all circuit judges chosen were women; in the 1990s that rate increased to 11 percent; by the 2000s, 19 percent; in the 2010s it increased to 27 percent; and through the end of 2024, 41 percent of all circuit judges chosen during the 2020s have been women. In the statistical analyses below, we measure our dependent variable dichotomously such that a selection event to an Alabama circuit court judgeship receives a “1” if a woman was chosen, “0” otherwise. For the purposes of our statistical regression models, we consider every selection event between 1970 and 2024, for a total sample size of 514 observations.

⁵Judge Johnson enjoyed a lengthy and distinguished career, not only as a jurist, but also as a trailblazer for women in the field of law. A native of Denmark, Johnson graduated from the University of Copenhagen School of Law in 1969 and earned a Fulbright grant to pursue a master’s degree in comparative law at the University of Alabama. In 1977, she formally took her oath to become a citizen of the United States. After a brief career in private practice, and only one year after becoming a citizen, Judge Johnson was elected to her position on the Alabama Thirty-First Judicial Circuit, located in the northwestern portion of the state in Colbert County in 1978. In 1998, Johnson was nominated by President Clinton to a position on the United States District Court for the Northern District of Alabama and was confirmed by the Senate that year. She assumed senior status in 2012. See Faulk (2012) for more on the career of Judge Johnson.

Independent Variables

We have argued that popular elections can help to speed the pace of gender integration on courts. While Alabama provides for partisan elections to choose judges at the end of a six-year term, governors can appoint circuit judges in the event that a vacancy arises during a term of office. Indeed, amongst our entire sample of circuit judges serving between 1819 and 2024, 51.5 percent were initially appointed by the governor to their circuit judgeship.⁶ We therefore code the method by which a circuit judge was initially chosen dichotomously, “1” if they were elected, “0” if they were appointed by the governor. Of the 684 men in our sample, 55.1 percent were appointed by the governor, while 60.8 percent of women ascended the bench via popular election.⁷

In addition to method of selection, we suspect that circuit-level factors are associated with the selection of women circuit judges. First, we anticipate that circuits that are more politically liberal will be more likely to select women. As we do not have public opinion data at the circuit-level in Alabama across the many decades in our dataset, we turn instead to proxy measures of ideology that rely upon aggregate rates of partisan voting behavior. In Alabama, like the rest of the Deep South, the Democratic Party enjoyed near-total hegemony during the Jim Crow Era, prior to federal intervention and the passage of the Voting Rights Act of 1965 (Bullock and Gaddie 2009; Key 1949). The Alabama Democratic Party, unlike its national counterpart for most of the post-war era, was deeply conservative, particularly on matters touching on race, and it was not uncommon to see counties and the state as a whole during this period splitting its ticket to vote Democratic for state and local offices and Republican or Independent for national ones (Hughes 2022).⁸

⁶Alabama, like other states at the time of its admission to the Union, provided for legislative appointments to courts. According to our research, 30 total circuit judges in state history were appointed by the legislature. In 1830, Alabama ratified Amendment I to its Constitution of 1819 to provide for popular elections of judges—a common reform during the Jacksonian Era in American state politics (Streb 2007).

⁷A simple cross-tabulation between judge sex and method of selection yields a $\chi^2 = 7.18$ ($p = 0.007$) and $\gamma = 0.31$.

⁸For example, between 1948 and 1968, Alabama frequently abstained from voting for the candidate from the national Democratic Party for president, instead supporting proxy-Democratic (the so-called “Dixiecrats”) or Independent, pro-segregation candidates. In 1948, Alabama cast approximately 80 percent of its vote for

In more nationally Democratic districts, women tend to be better received. To account for the disparity between voters’ affiliation with Democrats in state versus national office, we code two variables—one that measures the percent of the circuit that voted Democratic in the most recent election for governor, and another measured as the percent of the circuit that voted Democratic in the most recent presidential election. This approach allows us to directly assess Hypotheses 2 and 3. We suspect the Democratic presidential vote will be positively associated with a higher likelihood a woman is chosen during a circuit selection event and that the Democratic gubernatorial vote will be negatively associated with the selection of a woman circuit judge. For all selection events between 1970 and 2024, the average circuit voted Democratic in the most recent gubernatorial election at rate of 53.0 percent, compared to 39.2 percent in presidential elections.⁹

In order for women to access trial courts in Alabama, they either need to be on the nominating list or on the electoral ballot. Women are more likely to throw their hat in the ring for either a judicial candidacy or an appointment opportunity when they are more confident they will win (Kanthak and Woon 2015). Thus, we control for circuit-level characteristics that are likely associated with the likelihood a woman is chosen as circuit judge. First, the larger the number of available seats, the more likely we are to see women access the bench (Hurwitz and Lanier 2003; Wilhelm et al. 2024). So, we control for the size of the number of seats in the circuit. The largest circuit (the Tenth Judicial Circuit in Birmingham) has 27 seats, but the median circuit has only five authorized judgeships. Likewise, we control for the presence of a judicial nominating commission in a given circuit at the time of the selection. Eight of Alabama’s circuit courts employ nominating commissions to forward a slate of candidates to the governor in the event of an interim vacancy.¹⁰ Because these

Strom Thurmond, for president; in 1960, 57 percent of the vote went to Harry Byrd; and in 1968, native Alabamian George Wallace received 66 percent of the state’s vote for president.

⁹Of all of the circuit judges chosen between 1970 and 2024, selection events that resulted in a woman had a mean circuit vote-share for the Democratic nominee for president of 43.7 percent compared to 38.4 percent of events that resulted in a man ($t = 3.61$). Moreover, selection events that resulted in a woman circuit judge had a mean circuit vote-share for the Democratic nominee for governor of 46.9 percent, compared to 54.1 percent of events that resulted in a man ($t = -4.32$).

¹⁰These are the Sixth, Tenth, Eleventh, Thirteenth, Eighteenth, Twenty-Third, Twenty-Eighth, and

commissions tend to be in place for more urban portions of the state that are likely to be more liberal than the state at large, we suspect that commissioners might be more likely to constrain the governor’s selection by forwarding nominees who are women.¹¹

Next, research has established that, in elections for Congress, certain characteristics determine a “woman-friendly” district (Palmer and Simon 2010). Specifically, more educated, wealthier, more urban, and more racially diverse congressional districts yield more success for women candidates. Beyond the congressional level, these socio-economic characteristics shape where local women candidates emerge and win (Crowder-Meyer and Smith 2015). As such, we control for socio-economic status (SES) at the Alabama circuit-level. To avoid issues related to multi-collinearity, we perform factor analysis on a circuit’s median household income, percentage of the adult population with a bachelor’s degree, and population per square-mile at the time of a judicial selection event.¹²

We also assess whether qualifications matter more for women’s access to the bench compared to men’s. Kennedy, Nelson and Heidt-Forsythe (2025) finds that education matters for candidate success in hypothetical nonpartisan Supreme Court elections. While they find no difference between men and women, other work finds that men and women emphasize their qualifications differently in campaigns (Gunderson et al. 2025). In especially hostile districts, it is possible that women candidates may be able to leverage their acquisition of voter preferred qualifications differently than men. To this end, we control for the educational background of circuit judges. In line with similar studies on descriptive representation in courts, we measure whether a judge earned a law degree from a nationally or locally prestigious institution (Goelzhauser 2016). In the state of Alabama, there is only one prestigious

Twenty-Ninth Circuit Courts.

¹¹Since 1970, there have been a total of 267 circuit court vacancies that required gubernatorial appointment. In circuits using nominating commissions, women were ultimately appointed 83.9 percent of the time compared to 16.1 percent for circuits without these institutions ($\chi^2 = 15.22$ and $p \approx 0$).

¹²An analysis of the eigenvalues following factor analysis indicates that only one dimension is necessary for our socio-economic status variable. Furthermore, we do not include the percentage of the circuit that is black in this variable due to the large, rural black population in Alabama (the Black Belt), where income, population density, and rates of education are typically much lower than elsewhere in the state. Rather, we control for circuit race individually in our logistic regression models below.

Table 2: Descriptive statistics for quantitative data

Variable	Description	Mean (s.d.)
<i>Dependent Variable</i>		
Woman	Dichotomous (DV): “1” if individual chosen during selection event is a woman, “0” else	0.15 (0.36)
<i>Judge-Level Independent Variables</i>		
Elected	Dichotomous: “1” if individual chosen during selection event was initially elected, “0” if appointed	0.48 (0.50)
Prestigious Education	Dichotomous: “1” if judge earned law degree from locally or nationally prestigious school, “0” else	0.54 (0.50)
Democrat	Dichotomous: “1” if judge affiliates with the Democratic Party, “0” else	0.61 (0.49)
Black	Dichotomous: “1” if judge is black, “0” else	0.11 (0.31)
<i>Circuit-Level Independent Variables</i>		
Commission System	Dichotomous: “1” if a given circuit uses a nominating commission to constrain gubernatorial appointments, “0” else	0.47 (0.50)
Dem. Vote (POTUS)	Percentage of circuit voting Democratically in most recent presidential election	39.19 (13.12)
Dem. Vote (Gov.)	Percentage of circuit voting Democratically in most recent gubernatorial election	53.02 (17.33)
Circuit Seats	Count variable of the total number of authorized judgeships in a given circuit at the time of a selection event	8.78 (8.96)
Socio-Economic Status	Factor analysis variable of circuit-level rate of population with bachelor’s degree, median family income, and population per square-mile	0.00 (0.91)
Circuit Pct. Black	The percentage of a given circuit that is black at the time of a selection event	24.94 (13.78)

law school, and that is the University of Alabama School of Law.¹³ At the national level, we code law school prestige based upon a law school’s membership in the so-called “Top 14.” Consequently, we measure education prestige dichotomously such that it receives a “1” if a judge attended either a locally or nationally prestigious law school, “0” otherwise.¹⁴

Finally, we include control variables at the judge-level in our below regression models that could also influence the selection of a woman circuit judge. These include the judge’s partisanship and race. Between 1970 and 2024, only 26.0 percent of Democratic circuit judges were women, but in light of the ascent of Republicans in state government, 48.1 percent of all Republican judges between 1970 and 2024 have been women. Likewise, black candidates were systematically denied circuit court judgeships until the end of the 1970s. Since 1970, 93.2 percent of all white circuit judges in Alabama have been men, but 55.4 percent of all black circuit judges have been women. In Table 2, we present descriptive statistics for our quantitative variables.

Statistical Methodology

Given the dichotomous coding of our dependent variable, we employ logistic regression methods to assess the effect of our independent variables. To account for geographic heterogeneity, we cluster standard errors at the level of each circuit. Moreover, we include temporal controls in our regression models to account for over-time variance. Specifically, we include a mean-centered temporal count for each year in our dataset, t , along with a quadratic term, t^2 , in each of our regression models. Because we suspect that some independent variables’ effect on the likelihood a woman wins a judgeship change over time (e.g., circuit partisanship), in the regression analysis below, we present results subsetting into 20-year segments (1970-1989;

¹³According to at least one ranking system by U.S. News & World Report in 2025, the University of Alabama School of Law ranks 31st nationally amongst all law schools. The next best in-state law school, the Cumberland School of Law at Samford University, ranks 107th nationally. See <https://lsd.law/law-school-rankings>.

¹⁴Between 1970 and 2024, 41.8 percent of women circuit judges in Alabama earned a law degree from one of the institutions we define as prestigious, compared to 55.6 percent among men. A simple cross-tabulation between law school prestige and sex yields a $\chi^2 = 5.16$ ($p = 0.023$) and $\gamma = 0.27$.

1990-2009; and 2010-2024) to assess temporal heterogeneity of variable effects.¹⁵

Results

In this section, we consider the results from our logistic regression models, which we present in Table 3. Note that we have divided our results across four separate models. The first column of results focuses upon selection events between 1970 and 1989; the second examines selections between 1990 and 2009; the third considers selections between 2010 and 2024; and the last column of results pools all selection events between 1970 and 2024, thus allowing us not only to examine individual variable effects but also temporal variations in these effects.

First, note that we find support for Hypotheses 2 and 3 in our logistic regression results (see Figure 1). In three of the four models, we find a positive association between the Democratic presidential share of the vote in circuits and the likelihood of a woman winning a circuit court judgeship. We depict this effect across all years in our dataset (1970-2024) in the right-hand pane of Figure 1. Observe that when the Democratic nominee for president in a circuit receives one standard deviation less than what is average (26.1 percent of the vote), there is only an 8.0 percent chance a selection event results in a woman judge. At one standard deviation greater than what is average (52.3 percent of the vote), the likelihood a selection event results in a woman judge increases to 26.8 percent—a 235 percent increase. We also find a negative association between the Democratic gubernatorial share of the vote in circuits and the likelihood a woman is chosen as circuit judge. For selection events occurring between 1990 and 2009 (a key period of realignment in Alabama political history), a hypothetical Democratic nominee for governor receiving one standard deviation less than what is average (35.7 percent of the vote) is associated with a 20.1 percent chance of a woman winning a circuit judgeship. By comparison, a Democratic nominee for governor receiving one standard deviation more than what is average (70.3 percent of the vote) is associated

¹⁵Were we to subset our data by individual decades, earlier periods in the sample have too few women judges to estimate the logistic regression.

Table 3: Predicting the selection of women to Alabama’s circuit courts (1970-2024)

Variable	1970-1989	1990-2009	2010-2024	All
Elected	1.53 (1.47)	0.76 (0.54)	0.26 (0.47)	0.36 (0.35)
Prestigious Education	-0.99 (1.60)	0.25 (0.36)	0.15 (0.36)	0.05 (0.22)
Democrat	0.35 (1.99)	-0.55 (0.35)	-0.92 (0.70)	-0.36 (0.40)
Black	— ^a	0.88* (0.38)	1.02 (0.64)	0.57 (0.41)
Commission System	1.75 (2.08)	0.47 (0.59)	-0.49 (0.52)	-0.25 (0.38)
Dem. Vote (POTUS)	0.44* (0.15)	0.18* (0.05)	0.00 (0.09)	0.07* (0.03)
Dem. Vote (Gov.)	-0.20 (0.13)	-0.11 ⁺ (0.06)	0.01 (0.06)	-0.03 (0.03)
Circuit Seats	-0.23 (0.17)	0.02 (0.02)	0.10* (0.03)	0.05* (0.02)
Socio-Economic Status	4.72* (1.56)	0.74 (0.46)	0.19 (0.29)	0.38 (0.26)
Circuit Pct. Black	0.13 (0.08)	-0.06* (0.02)	-0.02 (0.05)	-0.03 ⁺ (0.02)
t	0.65 (0.41)	0.15* (0.06)	-0.85 ⁺ (0.52)	0.05* (0.02)
t^2	0.02 (0.02)	-0.01 (0.01)	0.02 ⁺ (0.01)	-0.00 (0.00)
Constant	-9.66 ⁺ (4.96)	-3.54 (2.63)	4.94 (4.48)	-2.93* (0.77)
Wald χ^2	132.83	53.85	143.51	154.45
% Predicted	97.5%	85.2%	79.7%	85.4%
N	161	182	153	500

Notes: The dependent variable is whether a woman was chosen during a given selection event. Table entries are logistic regression coefficients (standard errors clustered by circuit in parentheses). Entries marked with an asterisk (*) denote statistical significance at the $\alpha = 0.05$ level (two-tailed), while those marked with a plus-sign (+) denote statistical significance at the $\alpha = 0.10$ level (two-tailed).

^aomitted due to collinearity.

with only a 9.7 percent chance of a woman winning a circuit judgeship—a 51.7 percent decrease. All told, these relationships support our assertions above that circuits that are more liberal on national-level politics (as measured by support for the Democratic nominee for president) are more likely to result in greater descriptive representation for women, while circuits that are more conservative in state/local politics (as measured by support for the Democratic nominee for governor) tend to produce more male-dominant courts.

Note also that the temporal trends on display across these two political variables (Democratic vote-share for president and governor) are consistent with our theoretical account. Examining the results in Table 3, the estimated effect of a circuit’s Democratic vote-share for president is highest during earlier periods and tapers off before disappearing around 2010—the year Alabama politics scholars often identify as the end of partisan re-

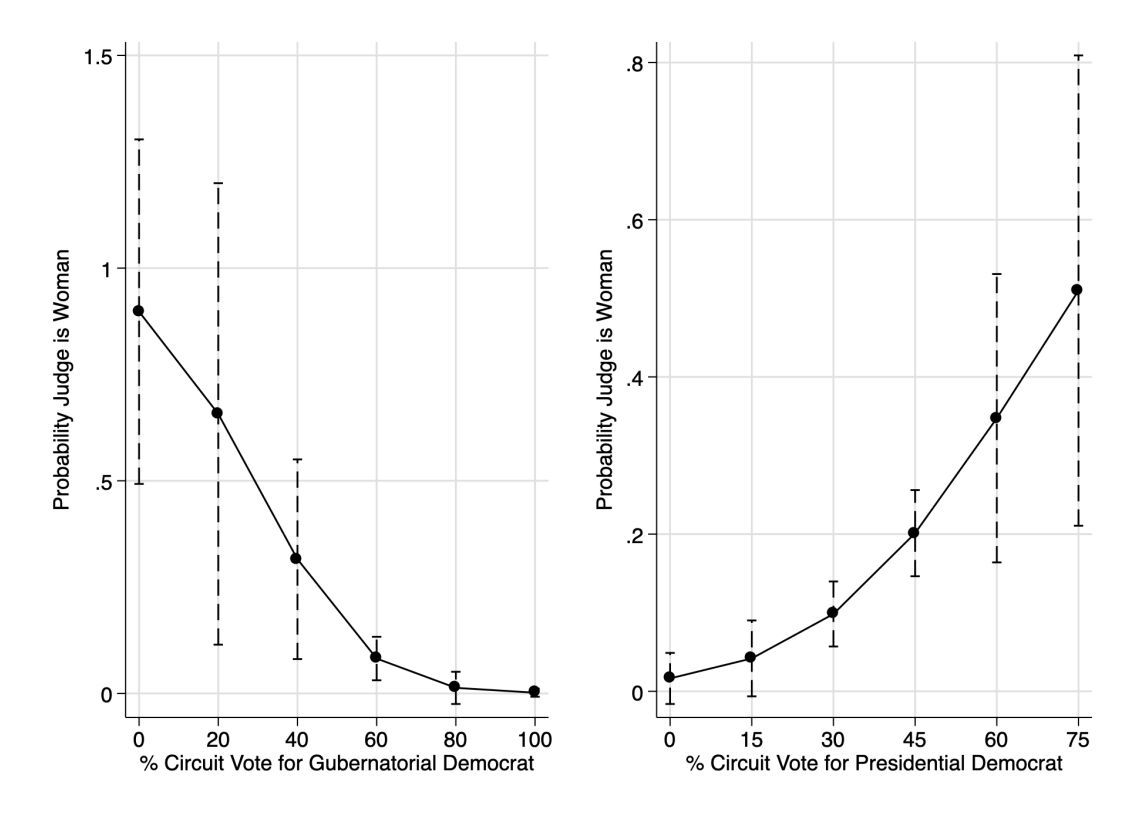


Figure 1: The left-hand pane depicts the probability that a woman wins a circuit judgeship across the percentage of the circuit vote the Democratic nominee for governor received (1990-2009). The right-hand pane depicts the probability that a woman wins a circuit judgeship across the percentage of the circuit vote the Democratic nominee for president received (1970-2024).

alignment in the state. Likewise, the estimated effect for a circuit's Democratic vote-share for governor attains statistical significance during earlier periods before itself disappearing around 2010. Following realignment, partisan effects no longer predict the emergence of a woman circuit judge. Indeed, as results in Table 4 make clear, Republican governors, who have monopolized the governorship since 2003, have appointed far more women circuit judges than have Democratic ones. Between 1970 and 2024, among the 262 total circuit judges appointed by governors, only 4.2 percent of Democratic appointees were women, compared to 18.2 percent of Republican appointees (a 333.3 percent difference). And while there is only one woman governor in our dataset (Kay Ivey), we would be remiss if we did not acknowledge that no governor has appointed a higher proportion of women circuit judges to the bench

Table 4: Sex of Alabama circuit judges, by appointing governor and party (1970-2024)

Democrats				Republicans			
Governor	Men	Women	Total	Governor	Men	Women	Total
George Wallace	70	1	71	Guy Hunt	23	3	6
Fob James I ^a	22	0	22	Fob James II ^a	24	3	27
Jim Folsom, Jr.	6	0	6	Bob Riley	26	7	33
Don Siegelman	16	4	20	Robert Bentley	25	5	30
				Kay Ivey	19	8	27
Totals	114	5	119	Totals	117	26	143
Percentages	(95.8%)	(4.2%)	(100.0%)	Percentages	(81.8%)	(18.2%)	(100.0%)

Notes: Governors from each party are listed in the order of their service.

^a Fob James served two, non-consecutive terms as governor, first as a Democrat, then as a Republican.

than she has (29.6 percent).

While our results in Table 3 provide good evidence in favor of Hypotheses 2 and 3, we find little-to-no support for Hypotheses 1 and 4. Though we found a bivariate effect above suggesting that elections benefit women’s representation on circuit courts, in no model in Table 3 does the effect for judges chosen via popular election reach conventional levels of statistical significance.¹⁶ We cannot, therefore, upon controlling for additional effects, conclude that women are any more likely to ascend the bench via election compared to appointments. These null results are important to the broader discussion in the academic literature about the effects of popular versus appointive methods for selecting judges, along with their implications for descriptive representation. Critics of judicial elections have long argued that popular methods of judicial selection can hinder descriptive representation, particularly for women and racial minorities (e.g., Henry et al. 1985). And while the literature has been at times mixed, taken on balance, it does not appear that judicial elections hinder women’s representation (c.f. Alozie 1990; Bratton and Spill 2002; Goelzhauser 2016; Hurwitz and Lanier 2003). In fact, in recent years, scholars have been more apt to ask whether popular elections *favor* women compared to other selection systems (Frederick and Streb 2008; Gill and Eugenis 2019; Nguyen 2019). While our results cannot corroborate that

¹⁶See *supra* note 7.

elections significantly boost women’s representation on courts, they do add to the growing evidence in the literature that elections, at least, do not appear to hinder women’s access to the bench. Our null result regarding the relationship between judge educational attainment and women’s access, while unexpected, corroborates findings from nonparitsan experimental work for higher profile judgeships (Kennedy, Nelson and Heidt-Forsythe 2025).

Other control variables from our regression models presented in Table 3 are also associated with a higher likelihood a woman is chosen during a circuit selection event. For example, between 1970 and 1989, circuits with a higher SES were more likely to produce women judges compared to lower SES circuits. According to model results, a circuit one standard deviation below the average SES level in the state is projected to select a woman circuit judge 1.5 percent of the time, compared to 27.9 for a circuit one standard deviation above the state average in SES (a staggering 1,760 percent increase in likelihood). Perhaps not coincidentally, the same circuits with higher SES also have additional circuit seats compared to other circuits, and these circuits are also associated with a higher likelihood for women to win circuit judgeships. Across all years of observation, circuits with one standard deviation less than the average number of seats (that is, one seat) are projected to select a woman 10.5 percent of the time, compared to 15.2 percent of the time (or a 44.8 percent increase) for circuits with one standard deviation more than the state average number of judgeships (10 seats).

Our models indicate that race might also be a factor in the selection of women judges to the state circuit courts. Between 1990 and 2009, black circuit judges were significantly more likely to be women compared to white circuit judges. This makes good sense. Across all years of observation, 88.2 percent of all white circuit judges were men, but 44.6 percent of all black judges were women. According to model results from this period, black circuit judges are predicted to be women 25.8 percent of the time, compared to 14.1 percent for whites (an 83.0 percent rate difference). Nevertheless, our results also indicate that, in at least two of the four models in Table 3, circuits with a higher rate of black residents are *negatively*

associated with the likelihood a woman is chosen during a selection event. This is somewhat puzzling. Using raw figures, the average circuit selecting a woman judge between 1970 and 2024 was 29.7 percent black compared to 24.1 percent for all selection events resulting in a man. It could be the case that multi-collinearity between this variable and related ones (such as the percentage of the circuit voting Democratic, the total number of judgeships in the circuit, and whether the circuit uses nominating commissions) are leading to this result. Even still, the effect observed across all years of analysis for circuit percent black is only marginally statistically significant. We conclude additional research will need to be conducted in this area before firm conclusions can be drawn.

Conclusion

Politics in the United States remain a deeply gendered arena, with voters, nominators, and donors viewing men and women divergently (Dolan, Deckman and Swers 2021; Sorensen and Chen 2024; Thomsen and King 2020). While women are not always disadvantaged in these evaluations, they more often than not face additional barriers due to their gender, and nowhere is that more prevalent than in the southern United States (Cassese and Barnes 2019). Previous work has been primarily focused on access to the legislative and executive branches, where masculine stereotypes often align more closely with the nature of the work. We extend this line of inquiry by examining the judicial branch, where the role of judges is often stereotyped as more “feminine” and therefore potentially more compatible with women candidates. Specifically, we assess women’s access to circuit courts in Alabama. We expect that women will be advantaged when they face voters rather than appointers, when they are drawn from more woman-friendly districts, and when they present stronger qualifications.

Our analysis shows that while the method of judicial selection does not affect women’s access to the bench, the characteristics of the selectorate strongly shape when and where women reach these positions. In particular, we find evidence that women judges are more

likely to emerge from circuits that resemble “woman-friendly” legislative districts (Palmer and Simon 2010). During the era of political realignment in Alabama (1990-2009), an increase in support for the Democratic nominee for president and a decrease in support for the Democratic nominee for governor are both associated with increased descriptive representation of women on the bench. Thus, circuits more aligned with the national Democratic Party were more likely to see the rise of woman judges. Although we cannot statistically evaluate the role of women appointers, qualitative evidence suggests that the gender of the appointing authority could also matter. Contrary to our expectations, we do not find that stronger qualifications increase women’s access, though there is some indication that other individual characteristics shape who ultimately reaches circuit judgeships.

More broadly, this analysis underscores that women’s access to power in the United States remains shaped by the interplay between gendered electoral environments, partisan dynamics, and institutional design. By focusing on state-level judicial politics, we highlight that women’s underrepresentation is not confined to legislatures and executives but extends into institutions often perceived as more neutral or meritocratic. The findings from Alabama remind us that even where women achieve descriptive representation, the pathways that bring them to the bench are conditioned by broader political realignments and partisan shifts. Recognizing these dynamics is essential for understanding not only when women reach positions of authority, but also how institutional contexts enable or constrain their ability to substantively represent women’s interests.

While we find that the method of judicial selection does not shape women’s descriptive representation on the bench, future research should interrogate whether selection mechanisms influence the substantive representation women judges provide once in office. Our analysis also reveals preliminary patterns suggesting that the role of partisanship in Alabama has shifted over time, which may indicate that the political orientations and policy preferences of judges have changed as well. Given the growing importance of state courts in determining policy implementation, understanding the priorities of both men and women judges remains

critical for evaluating how women’s interests are substantively represented. Future work should also assess whether judicial ideologies differ by gender and whether these differences vary across selection methods. In Alabama, in particular, further examination of the intersection between judicial ideology and partisanship offers a promising avenue for understanding women’s pathways to the bench and their impact once there.

Beyond the role of ideology and substantive representation, future research should also explore the appointments and elections of lower court judges by race, gender, and their intersections in other contexts. There may be something unique about a state that has experience with electing women to prominent executive branch positions beginning in 2003¹⁷ and whose party recruitment and nomination patterns may not extend to other settings. Future work could also investigate the role of judicial pipelines and their possible gendered nature, particularly in access to feeder positions. If women are more likely to take on less lucrative, public positions, they may be more familiar to both voters and appointers when judgeships become available.

Taken together, these avenues for future work highlight the importance of situating women’s judicial representation within broader partisan, institutional, and social dynamics. Our findings from Alabama suggest that access to the bench is shaped less by formal rules of selection than by the political environments and pipelines that structure opportunity. More broadly, this case underscores that the judiciary is deeply embedded in the gendered and partisan patterns that characterize American politics. Recognizing these dynamics is essential for understanding when women access judicial office and for assessing the broader consequences of their presence on the bench.

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¹⁷Current Governor Kay Ivey has served in the executive branch of Alabama since 2003.

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