

Who should be selected to the highest courts?

Evidence from Survey Experiments in France, Germany and the United States*

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Abstract. What are the characteristics that the public is looking for in judicial nominees to highest courts? To answer this question we employ choice-based conjoint survey experiments. Respondents are asked to choose from among hypothetical judicial nominees to the French *Conseil Constitutionnel*, the German *Bundesverfassungsgericht*, and the United States Supreme Court. Our findings show that the different political environments seem not to matter when respondents make choices. Instead, we find common patterns of which attributes the public is looking for in judicial nominees across the three countries. Respondents prefer legal experts over former politicians. Justices should not lean towards a party let alone an extreme party. Respondents rather choose a highly qualified justice than a justice in line with their political leaning. There seems to exist a normative image of an "ideal" justice which is stable across the three democracies.

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1 Introduction

What are the characteristics that the public is looking for in judicial nominees to highest courts? Existing scholarship suggests that in addition to legal qualifications political factors motivate individual support for nominees (e.g., [Kastellec, Lax and Phillips, 2010](#); [Bartels and Johnston, 2012](#); [Hoekstra and LaRowe, 2013](#); [Sen, 2017](#); [Chen and Bryan, 2018](#); [Krewson, 2019](#); [Rogowski and Stone, 2021](#); [Krewson and Owens, 2021](#)). This scholarship mostly focuses on the United States. It is plausible that citizens evaluating judicial nominees are influenced by the institutional context and polarized political culture in the US. The confirmation process for justices to the US Supreme Court is politicized and contested. Citizens evaluating nominees are exposed to this selection process.

The selection of justices in Europe is often less politicized than in the US. For example, political actors in Europe rarely publish shortlists of nominees and it is often unknown when justices are scouted. Moreover, some justices require legislative supermajorities to become elected (e.g. to the German *Bundesverfassungsgericht* or the Belgian *Grondwettelijk Hof*). This leads to political consensus rather than contestation. Finally, some justices are chosen by non-partisan committees (e.g., justices to the Danish *Højesteret*, the Norwegian *Høyesterett*, or the Supreme Court of the United Kingdom). These procedures are less politicized and also less transparent to the public than in the US. Thus, the extent to which findings on the public evaluation of judicial nominees in the US are generalizable to citizens living in other political settings is open to debate.¹

We use this letter to address this debate presenting findings from similar choice-based conjoint survey experiments administered in France and Germany. Respondents are asked to choose between two hypothetical judicial nominees described by a number of characteristics with attributes randomly assigned. The characteristics entail a judicial nominee's previous work experience, political leaning, and socio-demographic characteristics. The random composition of the nominees' profiles allows to identify the attributes of the characteristics that are of relevance to respondents when evaluating nominees. In addition, we evaluate data on the US collected by [Sen \(2017\)](#) in a survey experiment relatable to ours.

The comparison between France, Germany and the US provides for a most difference system design ([Przeworski and Teune, 1970](#)). The three countries vary in how politically contested the selection of judicial nominees is. Moreover judicial term length and nominees' professional requirements vary as well ([Epstein,](#)

¹For information on the judicial selection in different countries refer to the CIA World Factbook <https://www.cia.gov/the-world-factbook/field/judicial-branch/> (last accessed April 20, 2022).

[Knight and Shvetsova, 2001b,a](#)). Finally, the French political system is semi-presidential, unitary and majoritarian, Germany's system is parliamentary, federal and consensual, while the United States are federal and majoritarian having a presidential political system ([Shugart and Carey, 1992](#); [Lijphart, 2012](#)).

We argue that, if we find common response patterns by survey participants across the three countries then the evaluation of judicial nominees is less dependent on a political context. Instead, there is a common cross-country perception of what defines an "ideal" judicial nominee. Indeed, the findings support the argument showing common cross-country patterns in citizens' evaluation of judicial nominees.

An understanding of how citizens evaluate nominees has major implications for the public support of judicial decision making and how well courts can defend democracy ([Staton, Reenock and Holsinger, 2022](#)), especially when there is political tension.

2 Judicial selection in France, Germany and the US

In essence we identify how survey respondents in France, Germany and the US select hypothetical judicial nominees to the French *Conseil Constitutionnel*, the German *Bundesverfassungsgericht* and the US Supreme Court in order to infer the attributes they care about. The nominees are described with different attributes randomly assigned while respondents are exposed to their different political environments when evaluating nominees. In this section we describe the different environments.

The French Constitutional Council (FCC) comprises nine justices serving nine years plus all former French Presidents as life time members. The latter usually do not attend sessions. The nine justices are selected and not elected: three by the French President, three by the President of the National Assembly and three by the President of the Senate ([Brouard and Hönnige, 2017, 537](#)). There are no hearings. The relevant standing committees in the National Assembly or the Senate are able to submit an opinion regarding nominees by their chambers' presidents but this is a formality (Art. 56 French Constitution). Justices do not require any specific training. Instead, the selection by a few political actors leads to a court composed mostly of conservative, white, male, former civil servants ([Perroud, 2022](#)). The selection process receives low public attention. This maybe due to the fact that until 2008 the FCC only knew abstract review initiated by the political branches ([Hönnige, 2009](#)). Concrete judicial review – initiated only by the highest federal courts – is possible since the constitutional reform of 2008. Neither procedure allows citizens to directly address the FCC. Therefore, while justices are selected politically, there is no open debate and procedures

are only moderately politicised. The public attention payed to nominees is low (Perroud, 2022).

Germany's two parliamentary chambers take turns in selecting justices to the German Federal Constitutional (GFCC) with a two-thirds majority vote. Justices serve a nonrenewable term of 12 years. While German justices have to be between 40 and 67 years old there are no age constraints in France and the US. German nominees have to fulfil professional requirements; e.g., a state examination to practice law and a certain number of justices must have served on one of the highest federal courts (Vanberg 2001; Krehbiel 2016; Engst 2021). However, nominees are chosen by political actors. In the first chamber the judicial selection committee scouts nominees and the largest parliamentary parties dominate the committee engaging in confidential background talks. In the second chamber – representing the sixteen German states – a few state governments scout nominees who are also kept confidential. Indeed, only one nominee is presented to either parliamentary floor. The media criticise the nontransparent process arguing that political ideology plays a role in selecting nominees (Engst, Gschwend and Sternberg, 2020, 42-44). The court accepts the intransparency arguing that the process ensures judicial independence (see decision *BVerfGE* 131, 230 [236]). Thus, political and legal factors play a role in selecting nominees. However, the majority requirement and the presentation of only one nominee requires consensus among political actors. Germans evaluating nominees do so in an environment less politicized. Due to the secrecy of the process nominees are not well known to the public.

Justices to the Supreme Court of the United States (SCOTUS) are selected and nominated by the president for life tenure but require a simple majority vote by the senate. The senate's committee on the judiciary holds hearings even permitting interest groups to provide testimony prior to a vote (Epstein and Segal, 2005). Moreover, as Segal and Cover (1989, 560) point out, hearings "often have ideological content." Answers maybe biased as justices may refuse to answer ideological questions (Segal and Cover, 1989) but the fact that such questions are posed highlights the political nature of hearings. Hearings cause public and political debates as exemplified by developments surrounding recent selections of Brett Kavanaugh, Amy Coney Barrett, or Ketanji Brown Jackson. The US Constitution does *not* specify professional legal requirements for nominees, albeit all but two justices selected since the 20th century held law degrees.² Thus, US citizens who evaluate judicial nominees do so in a transparent environment which is highly politicised.

In sum, assessing respondents' choices between different hypothetical judicial nominees in France, Ger-

²For further details see information by the SCOTUS at https://www.supremecourt.gov/about/faq_general.aspx (last accessed April 26, 2022).

many and the US provides for a most difference system design ([Przeworski and Teune, 1970](#)). The three countries vary in how politicised the selection of judicial nominees is and in how significant legal qualifications are. If those environments matter to citizens evaluating judicial nominees then we should find cross-country differences in the choices citizens make. However, if we find common patterns when citizens choose among nominees then this speaks in favor of some shared preference for an “ideal” justice in democracies. In the next section we present the survey experiments used to identify the attributes of judicial nominees that drive public choices in France, Germany and the US.

3 Research design and data

Judicial nominees are generally not well known to the public, perhaps with the exception of nominees to the SCOTUS. Rather than asking respondents to state their preferences for something they potentially never thought about we identify public attitudes leveraging choice-based conjoint survey experiments. Respondents are repeatedly asked to choose their preferred justice from among two hypothetical nominees. The nominees are described through the same number of characteristics while the different attributes are randomly assigned within each characteristic. Randomization allows that for each characteristic we are able to estimate how strong the public prefers each attribute in a nominee’s profile relative to a chosen reference attribute (see [Green, Krieger and Wind 2001](#), [Hainmueller, Hopkins and Yamamoto 2013](#) and [Hainmueller, Hangartner and Yamamoto 2015](#) on choice-based conjoint survey experiments).

Our experiments were embedded in high-quality, large-scale representative panel surveys in Germany (German Internet Panel, Wave 26, November 2016) and France (French National Election Study 2017, Wave 16 and 17). The 2,660 respondents in France saw two times two hypothetical nominees evaluating 9,624 different judicial profiles. In Germany 2,749 respondents saw six times two nominees evaluating 32,988 judicial profiles. The profiles were defined by assigning attributes to seven characteristics: Socio-demographics (age, gender, marital status, origin/identity), legal qualifications (work experience), political characteristics (partisan leaning) as well as institutional characteristics (type of confirming institution). Respondents report who they prefer most choosing from each pair of nominees. To compare our findings to existing ones in the US, we identify [Sen \(2017\)](#) as a nearest-neighbor study to our chosen profile characteristics. Specifically, we reanalyze the partisan subsample of her conjoint experiment. She uses eight characteristics that include socio-demographics (age, gender, marital status, origin/identity), legal qualifi-

cations (work experience, clerkship, education) and political characteristics (partisan leaning) to describe hypothetical nominees to the SCOTUS. To allow for clean comparisons across the data sources we use the same analytical strategy across the three countries. Hence, we recode the US data across the six different profiles [Sen \(2017\)](#) presented, as if it were generated by a choice-based conjoint design across three trials.³ In the US 654 respondents evaluated 3,036 hypothetical judicial nominees across the three hypothetical trials.

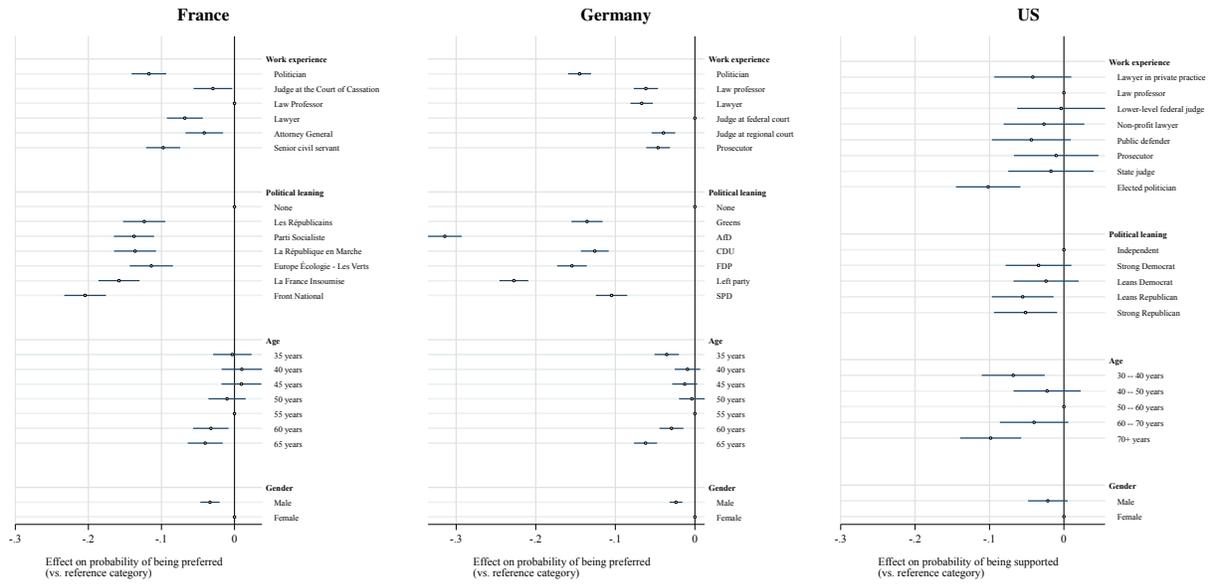
The complete randomization of the hypothetical judicial profiles allows to infer respondents latent preferences for nominees from the respondents observed choice behavior. To analyze the data of these choices we estimate a conditional logit model (see [Franchino and Zucchini \(2014\)](#) for a similar strategy regarding voters preferences when choosing among political candidates) and cluster the standard errors at the respondents level. The systematic component consists of indicator variables for each attribute on a characteristic minus a baseline attribute. Thus, for the French and German data our systematic component consists of 31 ($= [6-1] + [7-1] + [7-1] + [7-1] + [4-1] + [2-1] + [5-1]$) variables, while we have 28 indicator variables in the US data. The estimated raw coefficients of the respective baseline models are presented in the first column in table [App.1 - App.3](#) in the Appendix. In reality characteristics of nominees are bundled together and the importance of different attributes might be correlated. To evaluate the relative importance of single characteristics and their attributes we present average marginal component effect (AMCE) for each attribute ([Hainmueller, Hopkins and Yamamoto, 2013](#)). The quantity of interest describes how much the probability of choosing a nominee would change on average if the reference category of a characteristic were switched to a particular attribute.

In the next section we present our comparative findings for France, Germany and the US. First, we present particular AMCEs of comparable attributes relative to equivalent reference attributes to facilitate a causal perspective based on the entire samples.⁴ Second, we compare the magnitude of the predicted probabilities of hypothetical combinations of attributes among candidates to see whether and to what extent citizens prioritize legal qualifications over political characteristics across the different environments in

³Specifically, we compare for each respondent profiles 1 and 2 in trial 1, profiles 3 and 4 in trial 2, and profiles 5 and 6 in trial 3. We identify the chosen profile within each hypothetical trial as the one who gets overall evaluated higher. We employ Sen's (2017) first dependent variable "where would you place your level of support for this potential candidate" measured as a 5-point Likert scale for that purpose because it best reflects the revealed overall support for a nominee. If both nominees were tied or one respective support value is missing, we imputed average values for these profiles across her two other dependent variables ("where would you place your assessment of this candidate's qualifications", and "how much would you trust that this potential candidate would reach the right decisions", also measured on 5-point Likert scales).

⁴Given the comparable reference attributes we use AMCEs rather than marginal means for subgroups ([Leeper, Hobolt and Tilley, 2020](#)).

Figure 1: Estimated Effects across attributes in France, Germany and US



Note: Figure 1 plots estimated AMCEs and their respective 95% confidence intervals in order to describe how much the probability of choosing a nominee would change on average if the reference category of a given characteristic were switched to that particular attribute. For each characteristic one attribute is chosen as reference category (whose AMCE is 0).

France, Germany and the US.

4 Results

4.1 Characteristics of Judicial Nominees

Do respondents who are exposed to a different institutional environment in France, Germany and the US evaluate judicial nominees differently? To address this question we assess our findings across the countries focusing on the interpretation of comparable attributes on characteristics such as WORK EXPERIENCE, POLITICAL LEANING, AGE, and GENDER of the hypothetical nominees. Some attributes across the studies differ slightly to address minor contextual aspects. Figure 1 provides an overview over the estimated AMCEs and their respective 95% confidence intervals for each attribute for France, Germany and the US. The reference category is the respective attribute with an AMCE fixed at 0.

A first and important observation is that responses are not random. Some attributes systematically decrease the likelihood that a given nominee is on average chosen in our experiments (and, hence preferred) when comparing respective attributes to the reference attribute. Our findings show that citizens have on

average a rather clear image of which attributes an ideal judicial nominee should possess.

Previous “work experience” of a nominee (or “current occupation” as it was worded in France and Germany) allows us to compare the effect of cues about the nominee’s legal qualification. Particularly interesting is the work experience considered the most and least preferred qualification. Citizens in all three countries agree that (former) elected politicians are least preferred in terms of legal qualifications.⁵ Having work experience as a law professor seems to be generally well regarded in all three samples. In France and the US it is even the most preferred attribute signaling a nominee’s legal qualification. German citizens most prefer a nominee to have work experience as federal judge which is similarly preferred by US citizens (at least not systematically less preferred), and only slightly less preferred in France (here the functional equivalent attribute is to have work experience as judge at the court of last resort for civil and criminal matters, i.e., the *Cour de cassation*).

Expectations regarding legal qualification show a common cross-country pattern. Citizens in the three different systems prefer nominees with work experience at prestigious courts of last resort over nominees that have been elected politicians. Such justices exist currently in France and Germany or existed in the US, although not within the last 50 years (Godfrey, 2022). Even the magnitude of the effect of being a politician as least preferred attribute is comparable across the three different samples. Figure 1 shows that a former politician as a nominee is about 10 percentage points less likely preferred to an otherwise identical nominee with a work experience that signals highest legal qualification.

Evaluating the importance of political factors, the findings are also consistent across the countries. Citizens similarly prefer political independent nominees that do not lean towards a particular party. In France and Germany as multi-party systems we find the tendency that nominees leaning towards extremist parties are systematically less preferred than nominees leaning towards more mainstream parties. This applies to the extreme-right parties *AfD* in Germany and *Front National* in France, and to the extreme-left parties *Left Party* in Germany and to some degree to *La France Insoumise* in France.

The environment in which respondents evaluate the age of nominees is very different across countries considering the different term limits. Nevertheless, we find comparable U-shaped patterns in France, Germany and the US. Nominees that are either rather young (i.e., in their thirties) or rather old (i.e., in their

⁵We keep the same model specification as Sen (2017). She also employs attributes that might function as refined measures of legal qualifications but they are not available comparatively. Moreover, while we keep them still in the systematic component of the US model, the estimated AMCEs we present in figure 1 are independent of the values on other attributes in the model because of randomization.

sixties or older) are less preferred than nominees in their forties and fifties. Interestingly the magnitudes of the age effects are strongest among US respondents. It seems plausible that the relative importance of the nominee's age we find in the US data compared to the other two countries is due to the fact that justices at the SCOTUS have life-tenure whereas justices at the FCC and GFCC have fixed terms.

Finally, also the estimated gender effects are similar in our different samples. Female justices are more preferred than male justices. The estimated gender effect is of similar magnitude and statistically significant in France and Germany, while not precisely enough estimated to be significant at conventional levels in the US.

In sum, despite the fact that respondents in France, Germany and the US are exposed to a different institutional and political environment when asked to evaluate judicial nominees we find that citizens share a philosophy in the composition of highest courts in democracies. The ideal justices should be female, possess high legal qualities signaled through her work experience and be politically independent, while neither too old nor too young.

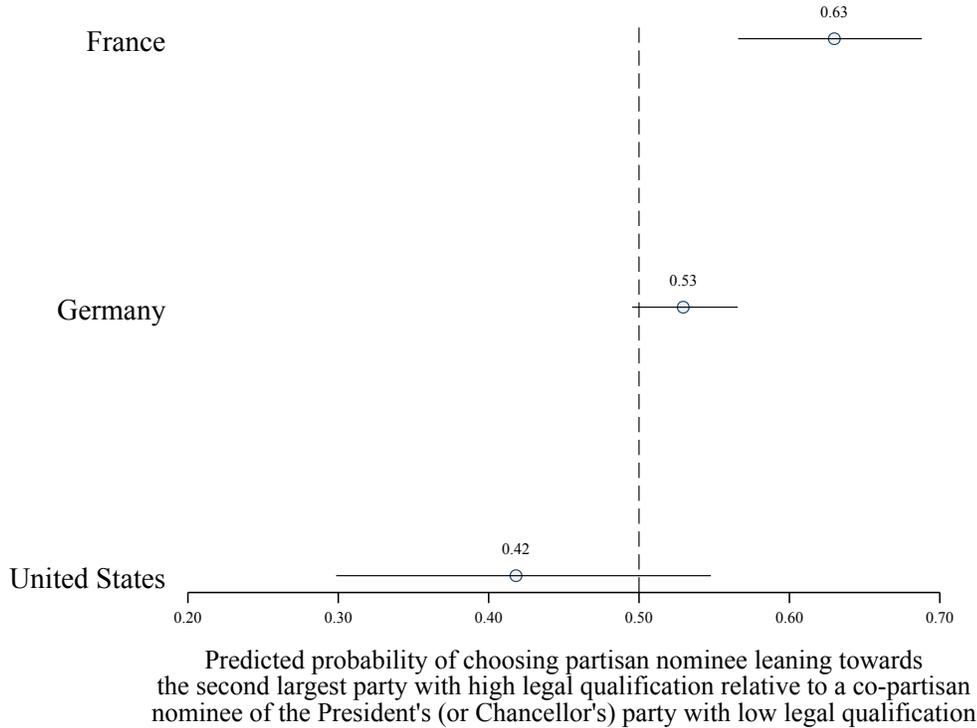
4.2 Trade-offs between legal quality and political factors

In the second step of our analysis we like to compare how citizens make trade-offs between legal qualification of nominees and political factors. Does the public in countries where the selection process is less politicized – such as France or Germany compared to the US – give more weight to legal qualities of judicial nominees than to political factors? In order to test this we build on the conditional logit model from before and add a variable that measures the respondent's perceived IDEOLOGICAL DISTANCE to the party a nominee is leaning to. The estimated raw coefficients of the respective extended models are presented in the second column in table [App.1](#) - [App.3](#) in the Appendix. In France and Germany, respondents' left-right self-placement and the perceived party positions are measured using a common left-right 1–11 scale. In the US data we can only leverage respondents' partisan information (scoring '–1' Republican, '0' Independent, '1' Democrat) and the party of the president that nominates this candidate (using the same scale) in order to construct the ideological distance as absolute difference between the two values.

NEW

In [Figure 2](#) we compare the predicted probabilities based on our extended conditional logit models in France, Germany and the US. We simulate that a respondent who supports the President's party (for Germany, the

Figure 2: How Respondents make Trade-offs between Legal Quality and Political Factors in France, Germany and the US



Note: Figure 2 plots predicted probabilities based on our models in France, Germany and the US, respectively, of a respondent choosing a nominee leaning towards the second largest party with high legal qualification (as law professor) rather than a co-partisan judicial nominee of the President's (France and US) or the Chancellor's (Germany) party who signals low legal qualification (as elected politician). The nominees are females, between 50 and 60 years old (respectively 55 years) and possess otherwise attributes for the remaining characteristics that are most preferred in the respective data sets.

chancellor's party) at time of the interview is choosing a judicial nominee leaning towards the second largest party but signaled high legal qualification (as law professor) relative to a co-partisan judicial nominee (i.e., the perceived ideological distance to the nominee is '0') of the President's (or the Chancellor's) party who signals low legal qualification (as elected politician). All other profile characteristics are held constant and are fixed⁶ to the same attributes between the two nominees so that they cannot account for the different choice probabilities.⁷

We find for France that even typical supporters of the President's party (*La République en Marche*) would choose a better qualified nominee who leans to the second largest party (*Les Républicains*) over a nominee

⁶We use only female nominees that are between 50 and 60 years old (respectively 55 years) and possess otherwise attributes that are most preferred in the respective data sets.

⁷The confidence intervals of the predicted probabilities are generated using a parametric bootstrap procedure (King, Tomz and Wittenberg, 2000). To obtain the respective percentiles of the distribution of predicted probabilities, we draw repeatedly from a multivariate normal distribution where the mean is represented by the estimated coefficients of respective conditional logit models, and the variance is the estimated variance-covariance matrix of our extended conditional logit models in the respective countries.

of the own party that is less well legally qualified. For typical supporters of the CDU Germany and the Democrats in the US the comparable decisions is less clear as the respective confidence interval intersect the dashed line indicating that typical supporters are not systematically different from 50:50 decision given the two nominees. However, typical CDU supporters are on average more likely to support the more qualified nominee even if she leans toward the second largest party in the *Bundestag* (SPD) while a typical supporter of the Democrats is more likely to choose the co-partisan nominee rather than the better qualified nominee that leans towards the Republicans.

To sum up, the public in countries where the selection process is less political, such as France or Germany seems to place more weight on the legal qualities in the sense that supporters of the President's (or Chancellor's) party would be more likely to choose the better qualified candidate even if she is not a co-partisan nominee over a less qualified co-partisan nominee. Nevertheless, our general findings show that citizens seem to have a similar understanding of the attributes of a preferred nominee to highest courts. This understanding is independent of the respective legal and political environment respondents are exposed to.

5 Conclusion

What are the characteristics that the public is looking for in judicial nominees to highest courts? Our cross-country comparison shows that citizens exposed to different political environments have nevertheless a similar picture in mind considering an "ideal" justice. Nominees should be highly legally qualified, either having gained experience as law professors or judges. They should not lean towards a political party and especially not towards extremist parties. When forced to choose between a co-partisan with low legal qualifications and a nominee leaning towards the second largest party with high legal qualification, respondents are more likely to prefer the latter in France and Germany where the selection process is less politically salient.

The findings have implications for the selection processes of highest justices in order to protect them against court curbing. Justices are dependent on public support to build the legitimacy they require to defend themselves against court curbing efforts. The mechanisms to build such legitimacy are still not fully understood. Some scholars suggest that Easton's (1975) model of developing diffuse support through specific support is essential to build such legitimacy (Baird and Javeline, 2007; Bartels and Johnston, 2013; Bartels and Mutz, 2009; Caldeira, Gibson and Caldeira and James L., Gibson, 1992; Gibson and Nelson,

2015; Gonzalez-Ocantos and Dinas, 2019; Sternberg, Brouard and Hönnige, 2021; Stoutenborough, Haider-Markel and Allen, 2006), while others argue that procedures matter (Becher and Brouard, 2022; Christenson and Kriner, 2017; Reeves and Rogowski, 2018). Our findings contribute to the ongoing debate in four ways:

First, there is a common cross-country normative understanding of an “ideal” justice. Following Almond and Verba (1963) we find common patterns of orientation towards the design of the judiciary to the extent that citizens value similar attributes in justices. This shared culture is surprising, considering that the survey respondents are exposed to different political environments.

Second, the choice of nominees matters. Recent research focuses on descriptive representation (Badas and Simas, 2022; Kaslovsky, Rogowski and Stone, 2021; Krewson and Owens, 2021) while our results suggest that certain types of justices are more preferred than others. Thus, an over-representation of “old-white men” might weaken the perceived legitimacy of highest court.

Third, the results suggest that scholars of judicial politics need to more strongly leverage comparative designs. Findings on the SCOTUS need to be assessed in other settings. Comparative reassessments can lead to different findings (Sternberg, Brouard and Hönnige, 2021) or – as in our case – reveal general patterns. Comparative studies are especially important as unobserved variables at the system level might influence outcomes.

Finally, the presented findings speak in favor of Kelsen’s (2008 [1931]) argument that constitutional courts are never a purely judicial nor political institutions. Instead, they provide a link between the political and legal sphere.

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Table App.1: Baseline Conditional Logit Results for France

	(1)		(2)	
	Baseline Coef.	Std.Err.	Extended Coef.	Std.Err.
WORK EXPERIENCE:				
Politician	-0.73***	0.08	-0.83***	0.09
Judge at Court of Cassation	-0.16**	0.08	-0.18**	0.09
Lawyer	-0.39***	0.08	-0.43***	0.09
Attorney General	-0.23***	0.08	-0.19**	0.09
Senior civil servant	-0.59***	0.07	-0.61***	0.09
POLITICAL LEANING:				
Les Républicains	-0.64***	0.08	-0.01	0.10
Parti Socialiste	-0.73***	0.08	-0.05	0.10
La République en Marche	-0.72***	0.08	-0.22**	0.10
Europe Écologie - Les Verts	-0.58***	0.08	0.08	0.10
La France Insoumise	-0.86***	0.08	-0.00	0.11
Front National	-1.22***	0.09	-0.38***	0.11
CONFIRMING INSTITUTION:				
Speaker of the Senate	0.04	0.08	0.02	0.10
President of the National Assembly	0.10	0.08	0.08	0.10
Parliamentary Committee	0.28***	0.08	0.29***	0.09
Prime Minister	0.01	0.08	-0.02	0.10
Government	0.15*	0.08	0.16*	0.10
A Commission Composed of Judges	0.30***	0.08	0.30***	0.10
AGE:				
35 years	-0.02	0.08	-0.06	0.10
40 years	0.06	0.08	0.05	0.10
45 years	0.06	0.08	0.12	0.09
50 years	-0.06	0.08	-0.09	0.09
60 years	-0.20**	0.08	-0.22**	0.09
65 years	-0.26***	0.08	-0.26***	0.10
ORIGIN/IDENTITY:				
Born and raised in Paris	-0.28***	0.06	-0.25***	0.07
Born and raised in a small country village	-0.63***	0.07	-0.63***	0.08
Born and raised in Maghreb	-0.17***	0.07	-0.17**	0.08
GENDER:				
Male	-0.21***	0.04	-0.26***	0.05
MARITAL STATUS:				
Single	-0.02	0.07	-0.01	0.08
Married	-0.01	0.07	-0.03	0.08
Widowed	-0.05	0.07	-0.01	0.08
Divorced	-0.03	0.07	0.01	0.08
IDEOLOGICAL DISTANCE:				
Ideological Distance to party of judge			-0.22***	0.01
Observations	9624		7746	
Log-Likelihood	-3067		-2320	
No. of choices	4812		3873	
No. of Respondents	2660		1986	

Reference categories omitted; * p < 0.10; ** p < 0.05; *** p < 0.01.

Table App.2: Baseline Conditional Logit Results for Germany

	(1)		(2)	
	Baseline Coef.	Std.Err.	Extended Coef.	Std.Err.
WORK EXPERIENCE:				
Politician	-0.89***	0.05	-0.99***	0.05
Law professor	-0.33***	0.04	-0.36***	0.05
Lawyer	-0.36***	0.04	-0.41***	0.05
Judge at regional court	-0.21***	0.04	-0.22***	0.05
Prosecutor	-0.25***	0.04	-0.28***	0.05
POLITICAL LEANING:				
Greens	-0.65***	0.05	-0.02	0.06
AfD	-2.11***	0.07	-1.11***	0.08
CDU	-0.59***	0.05	-0.03	0.05
FDP	-0.75***	0.05	-0.16***	0.06
Left party	-1.23***	0.05	-0.20***	0.07
SPD	-0.49***	0.05	0.07	0.06
CONFIRMING INSTITUTION:				
Upper House	0.27***	0.05	0.33***	0.05
Bundestag without public hearings	0.20***	0.05	0.25***	0.05
Bundestag with public hearings	0.45***	0.05	0.51***	0.05
Selection Committee of Bundestag	0.43***	0.05	0.47***	0.05
Government	0.14***	0.05	0.17***	0.05
Non-partisan Expert Committee	0.45***	0.05	0.55***	0.05
AGE:				
35 years	-0.20***	0.05	-0.24***	0.05
40 years	-0.05	0.05	-0.04	0.05
45 years	-0.07	0.05	-0.08	0.05
50 years	-0.02	0.05	0.01	0.05
60 years	-0.17***	0.05	-0.19***	0.05
65 years	-0.37***	0.05	-0.38***	0.05
ORIGIN/IDENTITY:				
East German	-0.06	0.04	-0.06	0.04
East German with migration background	-0.28***	0.04	-0.28***	0.04
West German with migration background	-0.20***	0.03	-0.20***	0.04
GENDER:				
Male	-0.14***	0.02	-0.18***	0.03
MARITAL STATUS:				
Same-sex marriage	-0.11***	0.04	-0.13***	0.04
Divorced	-0.10***	0.04	-0.11**	0.04
Single	-0.15***	0.04	-0.15***	0.04
Widowed	-0.03	0.04	-0.04	0.04
IDEOLOGICAL DISTANCE:				
Ideological Distance to party of judge			-0.30***	0.01
Observations	32988		28612	
Log-Likelihood	-9975		-8054	
No. of choices	16494		14306	
No. of Respondents	2749		2466	

Reference categories omitted; * p < 0.10; ** p < 0.05; *** p < 0.01.

Table App.3: Baseline Conditional Logit Results for US

	(1)		(2)	
	Baseline Coef.	Std.Err.	Extended Coef.	Std.Err.
POLITICAL LEANING:				
Strong Democrat	-0.18	0.12	-0.16	0.15
Leans Democrat	-0.13	0.12	-0.17	0.14
Leans Republican	-0.30**	0.12	-0.06	0.15
Strong Republican	-0.28**	0.12	0.03	0.15
RELIGION:				
Catholic	-0.16	0.12	-0.12	0.14
Jewish	-0.07	0.12	0.01	0.15
Evangelical Protestant	-0.14	0.12	-0.02	0.15
Mormon	-0.37***	0.12	-0.25*	0.15
CLERKSHIP EXPERIENCE:				
Did not serve as a law clerk	-0.19**	0.08	-0.15*	0.09
GENDER:				
Male	-0.12	0.08	-0.19**	0.09
EDUCATION:				
Law School Ranked in Top 15-25	-0.14	0.12	-0.17	0.14
Law School Ranked in Top 25-50	0.02	0.12	-0.02	0.14
Law School Ranked in Top 50-100	-0.19	0.12	-0.22	0.14
Law School Not Ranked in Top 100	-0.56***	0.13	-0.68***	0.15
WORK EXPERIENCE:				
Lawyer in private practice	-0.23	0.15	-0.23	0.18
Lower-level federal judge	-0.02	0.16	0.12	0.19
Non-profit lawyer	-0.14	0.15	-0.16	0.17
Public defender	-0.24	0.16	-0.17	0.18
Prosecutor	-0.05	0.15	0.05	0.18
State judge	-0.09	0.16	-0.02	0.18
Politician	-0.61***	0.15	-0.49***	0.18
AGE:				
Aged between 30 and 40 years	-0.37***	0.12	-0.36**	0.14
Aged between 40 and 50 years	-0.11	0.12	-0.10	0.14
Aged between 60 and 70 years	-0.21*	0.12	-0.22	0.15
Aged over 70 years	-0.56***	0.12	-0.55***	0.14
ORIGIN/IDENTITY:				
White	-0.16	0.11	-0.11	0.12
Black	-0.05	0.11	-0.09	0.12
Hispanic or Latino/a	-0.16	0.11	-0.21	0.12
IDEOLOGICAL DISTANCE:				
Ideological Distance to party of judge			-0.46***	0.06
Observations	3036		2308	
Log-Likelihood	-998		-736	
No. of choices	1518		1154	
No. of Respondents	654		501	

Reference categories omitted; * p < 0.10; ** p < 0.05; *** p < 0.01.