

# Political ideology influences management decisions such as mask wearing in federal judiciary, study finds

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Federal district judges appointed by Republican presidents were found to be less likely to require mask wearing in the courtroom during the COVID-19 pandemic, finds a new study from the School of Law at Washington University in St. Louis. The results are published in the *SSRN Electronic Journal*.

"We find strong evidence that political ideology influenced management of the judiciary during the [pandemic](#): Republican-appointed chief judges were less likely to require masks to be worn but more likely to suspend in-person trials," wrote the authors of the study, "Political Ideology and Judicial Administration: Evidence from the COVID-19 Pandemic." The study was published online June 9 in the Northwestern University Pritzker School of Law Public Law and Legal Theory Research Paper series.

"The main takeaway is that we find strong evidence that [political ideology](#) influenced management of the judiciary during the pandemic," said Kyle Rozema, associate professor of law and one of four co-authors on the paper. "The results suggest that chief judges made different choices about how to trade off concerns over health and the procedural rights of litigants during the pandemic."

The researchers focused on the 24 states that have multiple districts as a way to parse out the impact of a judges' ideology from requirements issued by state governments. The study looked at data from March 2020 to July 2021.

"Most [empirical research](#) on judicial ideology examines the role that ideology plays in case outcomes," Rozema said. "The purpose of the project is to use one setting—the policies adopted in response to the COVID-19 pandemic—as an opportunity to study whether the political preferences of judges influence their management choices. This is a broad question about the role that ideology plays in the judiciary beyond

just case outcomes that has not been studied much empirically. Our findings thus provide some of the first evidence that ideology may be an important force in the administration of the federal judiciary."

Some key findings:

- The ideology of the chief [judge](#) has a 24-percentage point impact on issuances of mask requirements. These estimates suggest that switching a chief judge appointed by a Democratic president with a chief judge appointed by a Republican president would have decreased the probability that a courthouse has a mask requirement from 52% to 28%.
- The ideology of chief judges' effects whether in-person criminal and civil trials were halted. Switching a chief judge appointed by a Democratic president with a chief judge appointed by a Republican president would have increased the probability that in-person [criminal trials](#) were halted from 47% to 54% (or by 15%) and the probability that in-person civil trials were halted from 44% to 54% (or by 23%).

"Our results suggest that, on average, Republican-appointed and Democratic-appointed chief judges adopted different strategies in response to the COVID-19 pandemic," the authors wrote. "Republican-appointed chief judges decided to not require masks to be worn in courthouse as frequently, but they were also less likely to hold in-person trials.

"Democratic-appointed chief judges placed greater importance on holding in-person trials, but they did so while requiring masks to be worn in courthouses. In short, based on their ideology, chief judges made different choices about how to trade off concerns over health and the procedural rights of litigants in the judicial system."

**More information:** Adam Chilton et al, Political Ideology and Judicial Administration: Evidence from the COVID-19 Pandemic, *SSRN Electronic Journal* (2022). [DOI: 10.2139/ssrn.4124690](https://doi.org/10.2139/ssrn.4124690)

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