

# Beyond the glass ceiling, more ‘housework’? Womens’ work assignment, performance and influence in political institutions

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Women remain under-represented in many political institutions. To what extent does the under-representation of women impact their performance, and the amount influence they have within political institutions? I argue that women have a harder time getting (s)elected because of gender-based selection bias and that those women who are (s)elected perform, on average, better than their male counterparts. Yet, women have less influence because gender-based selection bias may also exist within the institutions to which women have been (s)elected to serve. I empirically assess my argument in the context of the Court of Justice of the European Union. I find that women judges are assigned the judicial “housework”, while male judges are assigned the groundbreaking cases, resulting in a gender gap in influence. Yet, my results also show that women perform on average better than their male counterparts and complete their cases faster.

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# Introduction

Women remain underrepresented in many political bodies. For example, data shows that on average, women held 21% of cabinet posts worldwide in 2021 (Nyrup and Bramwell 2020). Data from the European Institute of Gender Equality (EIGE)<sup>1</sup> shows that women held on average 33% of seats in national parliaments in Europe in the first quarter of 2024. Data from the same source shows that women made up 41% of seats on national high courts in Europe in 2023. European courts are closer to achieving gender parity compared to national legislatures and governments. However, data from international courts paints quite a different picture. For example, in the European Union’s “de facto” supreme court, the Court of Justice of the European Union (CJEU) (e.g. Alter 2008), women held only 22% of the seats in 2023.

A lot of research investigates what hinders women’s (s)election (e.g. Ashworth, Berry, and Bueno de Mesquita 2024; Escobar-Lemmon et al. 2021; Valdini and Shortell 2016). This paper turns the attention to what happens to women who have been (s)elected. Recent work in legislative politics claims that because of gender bias among voters, women perform on average better than their male counterparts once elected to office (Anzia and Berry 2011; Fulton 2012; Volden, Wiseman, and Wittmer 2013; Hermansen 2022; Ashworth, Berry, and Bueno de Mesquita 2024, 2021). The main argument presented in this literature is that in order for women to get elected, they have to be exceptionally good to overcome the gender biases of the electorate. Research from courts suggests that female judges who are appointed tend to argue better for their positions and cite more when writing opinions (Moyer et al. 2021), but receive less recognition for their work (Szmer et al. 2024). How can such gender differences be explained, and to what extent are gender biases in (s)election processes linked to downstream gender differences in performance and influence? While on the one

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<sup>1</sup>The Gender Statistics Database is a comprehensive knowledge center for gender statistics and information on various aspects of (in)equality between women and men. The Database is provided by the European Institute of Gender Equality (EIGE). See more here: <https://eige.europa.eu/gender-statistics/dgs>

hand, representation matters for democratic institutions (e.g. Kenney 2012), on the other hand, how that representation translates into real power and influence is also important to investigate (Smith 2014; Reingold and Smith 2014), to ensure that women, once selected, are not faced with yet another glass ceiling.

Contributing to this literature, this paper investigates what happens to women once (s)elected and whether they are more likely to perform, on average, better than their male counterparts, and whether this ‘overperformance’ translates into influence. This will depend on whether gender bias in selection procedures also exists within the institutions to which women are (s)elected. For example, if work is assigned through discretionary mechanisms rather than gender-neutral procedures such as random assignment (Christensen, Szmer, and Stritch 2012), we may expect conscious or unconscious gender bias to continue to undermine women even after they have succeeded in getting (s)elected. In particular, there is a risk of efficient and high-performing women being assigned a disproportionate share of routine and relatively ‘low-stakes’ work, without being allocated their fair share of the prestigious and ‘important’ work. This may ultimately impact the amount of influence and power women have within political institutions and may make them ‘less visible’ to those who are in charge of re(s)election.

I empirically test the observable implications of these expectations in the context of the Court of Justice of the European Union (CJEU). I show that female judges complete more cases than their male counterparts and also complete their cases more quickly. However, being efficient does not translate into more influence on the bench. Since cases are allocated through discretionary mechanisms, important and groundbreaking cases are more likely to be distributed to male judges, leaving women to do the judicial “housework.” My results suggest that female judges do more work but have less influence. In contrast, male judges are more likely to have the opportunity to distinguish themselves by being systematically selected to work on more important cases. This ultimately has consequences for the career prospects of female judges and implies that even after breaking the glass ceiling, women continue to

face unfair biases and barriers. Furthermore, courts are regularly called to dispense justice, safeguard equality and sanction discrimination in the cases that they adjudicate. If they cannot uphold those standards internally, it begs the question of whether they can uphold those standards externally.

My results have important implications for female judges, as well as more broadly for women in other political institutions and beyond. First, women at the height of their careers still face unfair biases and are held back from reaching the same potential as their male counterparts. Women who have been (s)elected to important political institutions may have less power compared to their male colleagues. My results suggest that there is a particular risk of this gender-bias in institutions with discretionary selection mechanisms. Secondly, this may impact the career prospects of women. Being selected for many important positions within an institution signals both trust and influence (Krenn 2022), and holding women back from such roles may affect their chances of being (s)elected again (Hermansen and Naurin 2019). Third, women's ability to influence important outcomes is limited compared to that of men. Women make up 50% of the population but remain highly under-represented in important political institutions and decision-making bodies. This is to the detriment of society as a whole, because when women are excluded, both the decision-making process and the policy result will lack legitimacy (Kenney 2012, 175).

The literature is quite consistent in reporting gender-based selection bias as a barrier to women's entry into political institutions and women's overperformance as a consequence. In courts, research reports that women do overcompensate (Moyer et al. 2021) and that their decisions are less cited (Szmer et al. 2024), suggesting that female judges have less influence compared to their male counterparts. However, this study is the first to link judicial assignments with judicial performance and influence, as well as to shift the focus to beyond U.S. courts and towards international courts. Although this study uses data from the CJEU to empirically test whether female judges experience gender-based selection bias when they have been selected to court, and how under-representation of women affects

their performance, my findings may be generalizable to other court settings and non-court settings. In particular, my findings may be generalizable to institutions where women are underrepresented and that have discretion in work assignment. If institutions implement more transparent procedures for how work is assigned it may have an enormous effect on limiting inherent prejudices and biases in selection. This may improve legitimacy of the institution both internally and externally. Furthermore, limiting inherent prejudices and biases in work assignment, may benefit everyone within the institution as biased and self-interested selection can be detrimental to everyone that is (s)elected to serve, not just the women.

## Female under-representation and overperformance

Women judges are still a minority in most judiciaries. Data from EIGE shows that in 2023 a majority of countries still have far less than 50% women on their national high courts (figure 1). For instance, Denmark, which ranks very high on gender equality measures, has less than 20% women on its highest court.<sup>2</sup> Women are also underrepresented among chief justices (figure 2). Nevertheless, equal gender representation seems to be an even larger problem in international courts (figure 2). Out of all the international courts covered in the database, the CJEU reports the worst numbers in terms of gender representation. This under-representation persists and scholars continue to question why courts still fail to mirror the diversity of society and what justifies women's exclusion (Kenney 2012, 178).

One common argument, the “limited pool” argument, suggests there are not enough qualified women (Fox and Lawless 2004; Lijnzaad 2020). However, this claim is not substantiated by evidence. In fact, data on trained lawyers indicate a surplus of qualified women for judicial appointments (Grossman 2016).<sup>3</sup> This would suggest that women either refrain from seeking

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<sup>2</sup>According to EIGE's country score, Denmark is ranked second in the EU in terms of gender equality.

<sup>3</sup>Grossman (2016) gives many anecdotal examples: For example, in 2006, 30.2% of all American lawyers

out judicial appointments or that gender-based selection bias may influence selection to court. Research from legislatures reports that the under-representation of women may be due to two factors: On the one hand, women's own low self-assessment, a perception gap in qualifications between men and women, may lead them to opt out of running for office (Fox and Lawless 2004, 2011; Ashworth, Berry, and Bueno de Mesquita 2021, 9; 2024). On the other hand, research also points to gender-based selection bias in the electorate as a reason to why there are so few women office-holders (Anzia and Berry 2011; Ashworth, Berry, and Bueno de Mesquita 2021, 19; 2024). Research on courts suggests that aspiring female judges are more risk-averse and underestimate their own abilities (Nguyen 2019; Moyer et al. 2021) and that they experience gender bias in the appointment process (Collins Jr, Ringhand, and Boyd 2023). Gender-based selection bias and women's own low self-assessment create a dual challenge for women. Consequently, women who navigate these hurdles and persevere are often exceptionally skilled. As men do not encounter the same obstacles, a gender gap in representation and performance arises, with women being underrepresented and performing, on average, better than their male colleagues (Anzia and Berry 2011; Fulton 2012; Volden, Wiseman, and Wittmer 2013; Hermansen 2022).

Nevertheless, what remains more uncertain is whether women face barriers outside of the judicial selection process — barriers that present themselves once women have been appointed. Smith (2014) highlight the importance to study how descriptive representation within political bodies translate into leadership and policy-making power. Furthermore, Reingold and Smith (2014) find that increased representation does not directly translate into increased power for underrepresented groups, and that there are significant barriers for

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were women, yet women occupied less than a quarter of U.S. district court of appeals seats, with only one woman on the Supreme Court and only 20% of law school deans being women. Similar disparities also exist elsewhere; for instance, in France, despite an estimated 50% of lawyers being women, no French female judge has been appointed to the CJEU. In the UK, 50% of lawyers are female, but only one British woman has served on the CJEU, the International Criminal Court, the International Court of Justice, and the European Court of Human Rights, while 24 British men held positions on these courts.

women and minorities within institutional structures in legislatures. Institutional structures within courts, may present female and minority judges with similar hurdles. Importantly, this may limit the power and influence of women and minority judges once appointed. Female judges may ultimately experience hurdles within the institution they have been (s)elected to serve, resulting in an observable gender difference in influence, where women struggle to obtain the same amount of power as their male colleagues.

In courts, influence is often attributed to writing opinions on many salient cases (e.g. Christensen, Szmer, and Stritch 2012) or being assigned as the reporting judge/case-manager on many important cases (e.g. Hermansen and Naurin 2019; Krenn 2022). Christensen, Szmer, and Stritch (2012) find that women and minority judges are less likely to be selected for opinion writing compared to their white male counterparts. Their study probes the different mechanisms by which opinion writing is assigned. Some courts use rotation mechanisms, another proportion of courts assign opinion writing randomly, while a third set of courts assign opinion writing discretionary. Their findings reveal that discretionary assignment is to the detriment of minority judges. Another set of studies reports that other factors, such as case characteristics, affect case assignment (Epstein and Knight 1997; Maltzman and Wahlbeck 1996; Hermansen 2020). Research also find that case characteristics and gender may be linked as cues for case assignment(Christensen, Szmer, and Stritch 2012; Farhang, Kastellec, and Wawro 2015).

How cases are assigned within a court affects the amount of influence judges have. This is particularly important in courts without docket control, where some cases may be considered more important than others. In such courts, discretionary work assignment may be more pronounced, as the assigner can directly impact the type of work judges do — not just in terms of what kind of case judges are assigned to, but also in terms of the cases' importance. Research suggests that in courts like these, judges may distinguish themselves by being favored by the assigner (Krenn 2022). This may give some judges better career trajectories and better opportunities for reappointment (Hermansen and Naurin 2019).

Yet, in courts with discretionary assignment procedures, it becomes increasingly difficult to measure performance. This is because judges have no control over the tasks they are asked to do. Therefore, estimating judicial performance as number of written opinions or as the number of judgments individual judges produce does not automatically tell us whether a judge performs better compared to her colleagues. However, research does report that judges from the most selective universities, who pass the bar more quickly, who have superior intellectual ability and exert more effort tend to write more opinions per year (Ramseyer 2012). The same study also shows that case duration is correlated with ability and effort. In a court where work assignment is discretionary, a better option for investigating judicial performance could be judicial efficiency measured as case duration. Research reports several factors that may affect judicial efficiency, such as judges' backgrounds, burnout, expertise, and other case-specific and institutional variables (Christensen and Szmer 2012). Studies also highlight the importance of judicial staffing and how judicial efficiency is effected by a courts' caseload (Dimitrova-Grajzl et al. 2012). However, I contend that the gender of the judge may also impact judicial efficiency, especially if there is gender bias in the appointment process and only the exceptionally skilled women self-select into the pool of potential candidates and are subsequently appointed. The women who end up in an overtly male-dominated career trajectory may exert additional efforts (Moyer et al. 2021). Thus, in courts, where women are under-represented, we may expect to see a gender gap in judicial efficiency.



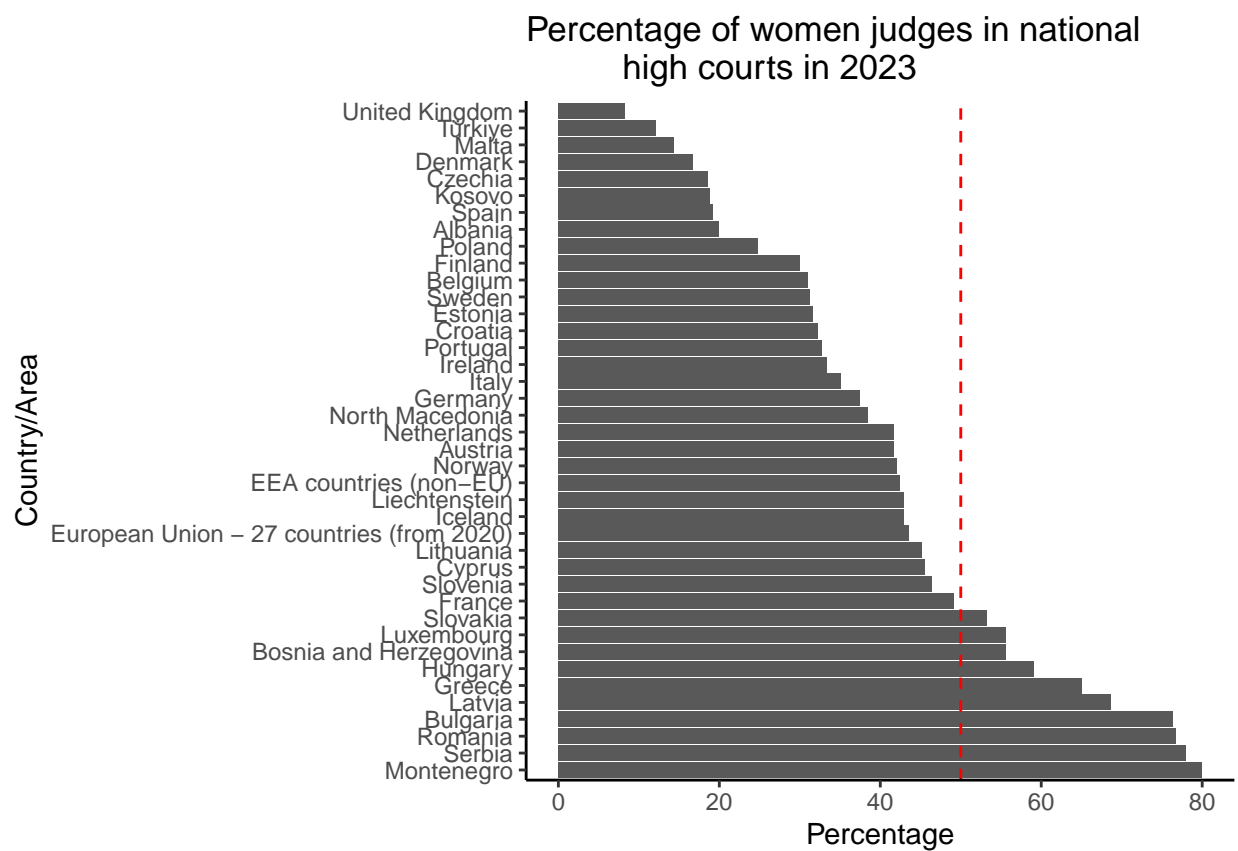


Figure 1: Percentage of women serving on national high courts in 2023, in the EU and beyond. Data from the European Institute of Gender Equality (EIGE).

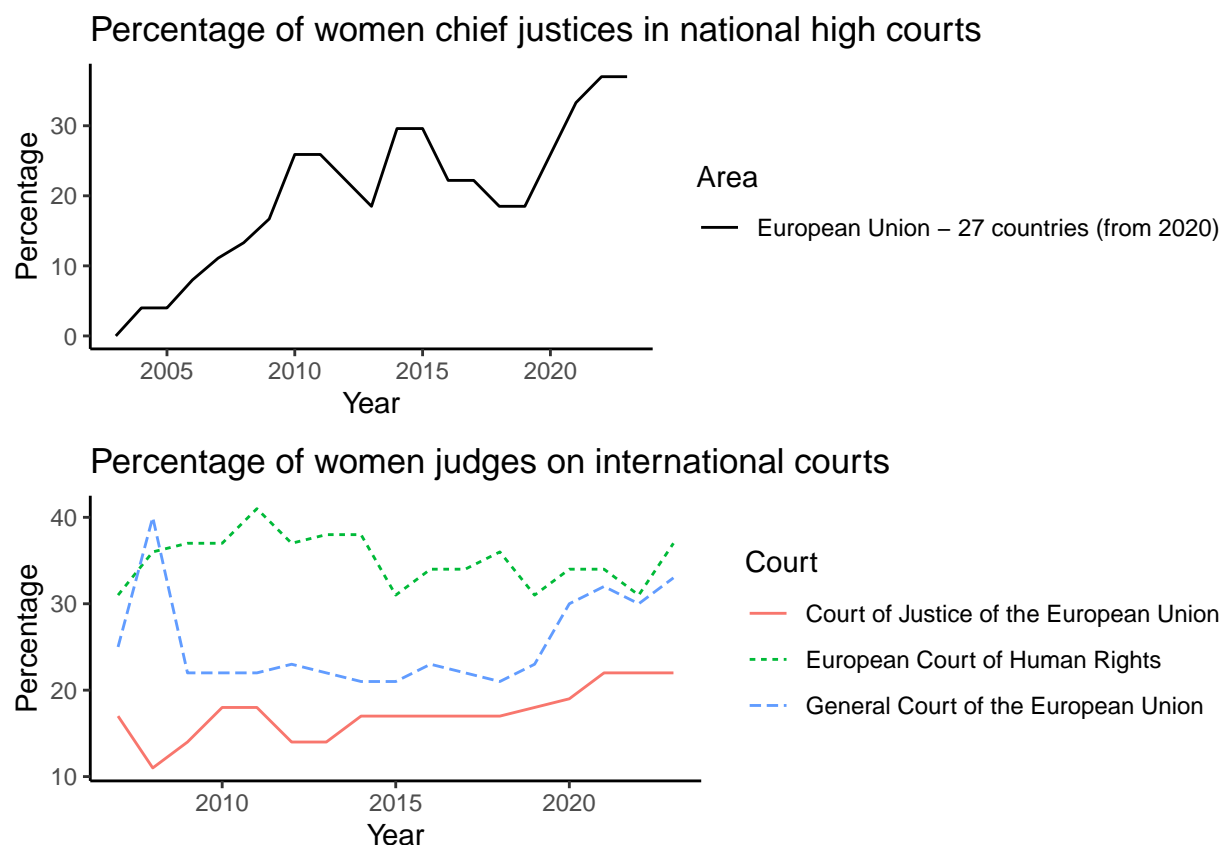


Figure 2: Top figure shows the percentage of women serving as chief justice on national high courts in the EU and beyond. Bottom figure shows the percentage of women serving on international courts. Data from EIGE.

## Theory

### Women's disadvantage in work assignment and its effects

The extent of gender bias in the appointment process can significantly hinder women's chances of being selected. This implies that only exceptionally talented women, if selected at all, make it to the court. Conversely, a more gender-biased selection process may make it easier for men to secure appointments. As a consequence, a gender gap in performance may emerge, where women, once appointed to the court, might, on average, outperform their male counterparts. However, gender disparities in performance can also arise due to

incentive structures both within and outside the court. For instance, women judges may exert more effort than their male colleagues due to reappointment pressures. If women face a harder time initially getting appointed to court because of gender-based selection bias, they may also experience difficulties when seeking reappointment.

Judicial performance is typically contingent on the types of cases and roles assigned to a judge within the court. Various mechanisms exist for distributing work, as discussed by Christensen, Szmer, and Stritch (2012). For example, in a discretionary assignment system, the court's leader (usually the chief justice or the president of the court, hereafter the assigner) matches judges to cases and allocates work. When distributing cases to individual judges, the assigner may consider factors such as case origin, judges' nationality/background, judges' preferences, political leanings or ideology, the issue area the case pertains to, the workload of the judges, the importance of the case, the gender and/or age of the judge, and the judges' experience in court. In the United States Supreme Court, for instance, the chief justice is more likely to assign opinion writing to judges whose preferences align with his own (Rohde and Spaeth 1976; Maltzman, Spriggs, and Wahlbeck 2000; Segal and Spaeth 2002). Research also indicates that status characteristics, such as gender and race, may influence the assigner's decisions (Christensen, Szmer, and Stritch 2012; Farhang, Kastellec, and Wawro 2015).

Status characteristics refer to attributes that individuals possess and are used by society or groups to determine social status. These characteristics encompass factors like age, gender, race, education, and income. They are crucial to consider because they can affect how individuals are perceived, evaluated, and treated by others in various settings. Specific status characteristics often carry stereotypes, expectations, and assumptions that can influence how individuals are treated or the opportunities and resources they can access. People with particular status characteristics may be granted more authority or privilege, while those with different characteristics may face discrimination or marginalization. For instance, research has found that state legislators in the United States perceive their African American col-

leagues as less effective (Haynie 2002). Furthermore, research suggests that the competence of women candidates and officeholders is questioned when salient issues are involved, such as national security (Lawless 2004). In courts with discretionary work assignment procedures, research indicates that (white) male judges are more likely to be chosen to write opinions on important cases, compared to female and minority judges (Christensen, Szmer, and Stritch 2012).

In international courts, like in national courts, the assigner may consciously or subconsciously utilize status characteristics as cues in the assignment process, and I expect this discretion to systematically disadvantage female judges. The assigner has a certain workload to distribute among the judges on the bench. If status characteristics influence work distribution, I expect that women judges will be assigned less important cases – the “judicial housework” – while male judges are assigned more important cases. This could ultimately lead female judges to produce more output than their male counterparts but have less influence.

However, this hypothesis is contingent on the distribution of important and routine cases in a court. I expect that gender bias will be more pronounced in courts without docket control. In courts with docket control, less important cases are often sifted out, suggesting that all cases the court rules on are deemed important. On the contrary, in courts without docket control, all cases that are registered are subsequently ruled on. In courts with no docket control, some cases are less important and some cases are more important. However, all cases need to be assigned, which means that if work is assigned discretionary, there is room to impact how much influence individual judges have, in particular if some judges are favored for more important cases.

Research suggests that judges who are selected for many important cases have more influence (Krenn 2022; Hermansen and Naurin 2019), as these judgments often go on to receive press releases and are more often cited in law journals (Hermansen, Pavone, and Boulaziz 2023). In a court with discretionary assignment procedures, I expect that female judges will be

disadvantaged and take on the less important cases, whereas male judges will be favored by the assigner and go on to take on the more important cases. This leads me to my first two hypotheses.

**Hypothesis 1:** *Female judges, on average, complete more cases compared to their male counterparts*

**Hypothesis 2:** *Male judges are assigned more important cases, compared to female judges*

Even though women may complete more cases than their male counterparts, they may not have the same amount of influence in court. This is because in a court setting where some cases are deemed more important, and women are held back from being assigned to such cases, they effectively end up doing the judicial ‘housework,’ while male judges take on the more groundbreaking work. Being assigned to many important cases distinguishes judges from one another and creates a hierarchy of judges where some judges are described as being part of the ‘elite group’ (Krenn 2022). Being assigned to many influential judgments may also increase individual judges’ re-appointment opportunities, as governments in charge of appointing judges favor influential judges (Hermansen and Naurin 2019).

## Gender gap in judicial efficiency

The implication of women writing more judgments than their male counterparts may be interpreted as women indeed performing better than men. Yet, in a court where the assigner distributes work to individual judges, using the number of produced judgments as a measure of performance does not tell us how well judges perform, since performance is conflated with the assigner’s preferences. Politicians’ performance in legislatures has been measured as the number of high-impact pieces of legislation a politician handles during her term (Hermansen 2022), a politician’s success in delivering federal program spending to her home district (Anzia and Berry 2011), and a politician’s success in sponsorship of new legislation (Volden, Wiseman, and Wittmer 2013). Judges’ performance in court has previously been measured

as length, quality of arguments and citations in opinion writing (Moyer et al. 2021), the number of assignments to the position of reporting judge (Hermansen 2022), and the number of annual written opinions a judge produces (Ramseyer 2012; Choi, Gulati, and Posner 2008).

In terms of measuring judicial performance, the length of arguments can be a double-edged sword, as longer judgments may be seen as overly lengthy and potentially imprecise. The number of citations can indicate how many sources a judge considered and whether the field of law in question is well-developed. Yet, extensive citations may also imply that the judgment offers little room for independent judicial interpretation.

Using the number of assignments to reporting judge as a performance measure has its drawbacks, as many courts have an assigner who distributes work. Consequently, individual judges do not control whether they are assigned this role. Therefore, women may appear to produce more output due to work assignment rather than superior performance. Thus, the role of reporting judge may reflect the assigner's preferences rather than a judge's performance. Nevertheless, even if assignments reflect the assigner's preferences, judges can distinguish themselves in the eyes of governments. Governments might use case assignments, especially for important cases, to decide on reappointment (Hermansen and Naurin 2019).

Given potential biases in work distribution, I propose an alternative measure of performance that is independent of a case assigner's preferences: the time judges spend completing cases. Scholars have measured judicial efficiency as case duration in the context of Japanese courts (Ramseyer 2012), U.S. (e.g. Christensen and Szmer 2012) and international courts (Fjelstul, Gabel, and Carrubba 2023). Judicial efficiency is an important aspect of justice, as delayed justice is frequently understood as justice denied (Fjelstul, Gabel, and Carrubba 2023).

In this study, I am interested in whether gender may impact judicial efficiency. I expect that women will be more expeditious in completing their cases and, consequently, may be more efficient than their male counterparts. This expectation is based on three theoretical underpinnings. First, because women often underestimate their own qualifications, those who

become judges in international courts may have self-selected into a group of ‘over-qualified’ women. The pool of female candidates for such roles is expected to have a higher average quality than that of male candidates, who tend to overestimate their own qualifications. Research from courts suggests that female lawyers who aspire to become state supreme court justices underestimate their own merits and wait until they know they are the most qualified before they seek office (Nguyen 2019). Consequently, the result may be that when women do in fact decide to seek office, they may be better performers, on average, compared to their other colleagues on the bench.

Secondly, gender-based selection bias in the appointment process may play a role. Women may not be selected at the same rate as men. The greater the gender-based selection bias, the more challenging it is for women to get appointed. This suggests that in the presence of significant gender-based selection bias, only exceptionally skilled women are likely to be selected, making it more difficult for women compared to men to get appointed. Research suggests that women face discrimination in the appointment process (Collins Jr, Ringhand, and Boyd 2023).

Third, research suggests that women (and minority judges) overcompensate. On the one hand, women judges are more commonly in the minority on the bench. Being one of a few women in a high-profile and prestigious institution can be pressure inducing for women (Haire and Moyer 2015; Moyer et al. 2021). For example, women may feel inclined that they have to prove themselves and prove that they deserve a place at the table. This could translate into women, for example, writing ‘better’ opinions (Moyer et al. 2021). These pressures could also induce women to be more efficient on the bench, resulting in an observable gender gap in judicial efficiency, where women, on the one hand, may be more efficient than their male counterparts. This may be especially pertinent in a court without docket control, where there is a constant flow of cases that subsequently need to be handled.

**Hypothesis 3:** *Female case-managers complete their cases faster, compared to male case-*

Each of these individual factors may contribute to observable gender differences in judicial efficiency. Although I cannot distinguish between these potential factors, this study adopts an alternative measure — beyond case assignment, case citations, case arguments, and the length of cases — to investigate whether a gender gap in judicial performance exists. Furthermore, research on judicial efficiency often focuses on various case and court-related factors that might impact efficiency. In this study, I aim to control for these characteristics to isolate the effect of gender on judicial efficiency.

## The case of the CJEU

The Court of Justice of the European Union (CJEU) consists of one judge from each member state, serving six-year terms with the possibility of renewal. The Court is mandated with deciding cases that are referred from all member states through the preliminary reference procedure (Article 267). Cases can be referred from all courts within the judicial hierarchy of a member state, although references vary depending on the judicial system (see Pavone and Kelemen 2019). Preliminary references make up the main bulk of cases that the Court rules on (see appendix A7). The Court furthermore decides on cases that the European Commission opens against member states (direct actions) (Article 258, 259, and 108), cases against EU institutions (Article 265), and reviews legislative acts (Article 263). The Court has no docket control, which ultimately means that all cases that land before it will receive a ruling (Fjelstul, Gabel, and Carrubba 2023).

When a case is registered at the Court, the President assigns it to a case manager (judge rapporteur). First, there is a written procedure, where the parties to the case, along with EU institutions and EU member state governments, can file written briefs. The case manager summarizes these arguments in a short memo along with suggestions for how the case should proceed. The case manager presents this at the Court's general meeting, where all judges,



by majority, decide on whether there should be an oral hearing and which chamber the case should be allocated to<sup>4</sup>. The deliberations are private. During the deliberations, the case manager presents a first draft of the judgment. Decisions are reached by majority vote and votes are secret. All judges write their name on the decision, whether they agree or not, and concurring or dissenting opinions are not allowed. The case manager writes the final judgment, regardless of whether he or she was in the minority (Hermansen 2020).

The CJEU is an interesting case for my study, given that the court is tasked with eliminating gender bias in the fields covered under EU law. Scholars have shown how important the CJEU has been in advancing women's rights in the cases brought before it (Cichowski 2004, 2013). Yet, as shown in Figure 2, the CJEU has around 22% female judges, far fewer compared to other comparable international courts, and while some international courts actively strive for gender-balanced representation through non-binding and binding rules, the CJEU has not implemented similar measures (Petkova 2015).

There are no clear rules on how national governments should appoint new judges to the Court; however, governments do need to state whether it was an open or a closed call for judges (Petkova 2015). New data<sup>5</sup> shows that between 1952 and 2021, 73% of the judges were appointed through closed calls. Out of the 12 female judges appointed to the CJEU, 7 were appointed through open calls and 5 through closed calls.

The Court ensures geographical representation by having one member state appoint one judge every 6 years. However, there is no authority that ensures or advocates for equal gender representation on the Court. This can be understood as a coordination problem among member states. Nevertheless, research is not consistent on whether a centralized appointing body or a diffused number of actors drives diversification of courts (Arrington et al. 2021). Furthermore, since each member state only gets to select one judge at a

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<sup>4</sup>See Rules of the Procedure Article 15, 25, and 28

<sup>5</sup>Daniel Naurin and Olof Larsson have collected data on how member states appoint judges to the CJEU. I was given access to this data and combined it with data on judicial appointments from the IUROPA project.

time, instead of a group of judges, the gender of the judge may be less disputed (Arrington 2020). Nevertheless, international court appointments rarely spark public debates (Voeten 2007) and the public may not hold governments accountable for their candidate choice for international courts. Consequently, governments may be unable to claim any credit for appointing a female judge, removing their incentive for doing so (Valdini and Shortell 2016). Since 2010, the national appointment procedure has been followed up by an additional fit-for-the-job test involving a panel consisting of former CJEU and national judges — the so-called 255-Panel. The panel considers 20 years of high-level duties as sufficient experience to serve on the CJEU, along with independence and impartiality, language skills, and the aptitude to work with various legal systems (Petkova 2015). Regardless of the strict criteria laid down by the panel, it is still considered a mere formality in the appointment procedure (Dunoff and Pollack 2017).

Based on the descriptive statistics (Figure 2), it seems like governments prefer to appoint male judges. Nevertheless, how governments decide whom to appoint, replace, and reappoint remains to some extent uncertain. This is first and foremost because the votes of individual judges are secret, making it difficult for appointing governments to hold judges accountable (Dunoff and Pollack 2017). Nevertheless, this does not mean that governments do not appoint judges they believe will be beneficial to their policy goals. Hermansen and Naurin (2019) argues that governments appoint judges and reappoint those they believe are likely to influence case law in line with the interests of the appointing governments. They further argue that judges who can credibly signal that they have and will continue to have influential positions within the Court are more likely to get reappointment. A credible signal is understood as having one's name tied to many influential judgments (Krenn 2022). Important cases are those decided in larger chambers, consisting of more than 5 judges (Fjelstul 2023; Kelemen 2014, 2015; Carrubba, Gabel, and Hankla 2008; Dederke and Naurin 2018; Larsson and Naurin 2016; Larsson et al. 2017; Ovádek, Wijnvliet, and Glavina 2020). These cases are usually heard by the Grand Chamber (15 judges) and eventually attract more attention

from the legal community (Hermansen, Pavone, and Boulaziz 2023). Although judges' votes remain secret, the case manager's name is on the document, allowing insight into which judge was in charge of the ruling. Thus, judges whose names are on many influential decisions are distinguishable from other judges on the Court. The reporting judge is considered to be an agenda setter (Saurugger and Terpan 2017, 53), and collects information, advises on procedural steps (for example, whether or not there should be an oral hearing), writes the first draft of the judgment, which is the starting point of the deliberations in the chamber, and subsequently writes the final judgment (Hermansen and Naurin 2019).

It is the President of the Court who selects individual judges for the role of case manager. The President therefore effectively decides who gets to conclude the important cases and who concludes the less important cases. In other words, the President has full discretion in terms of assigning work. The President assigns all cases registered at the Court, and the Court has no docket control. This means that the Court rules on all cases it receives. This creates a hierarchy of cases, where some are considered more important than others.

There is a rich literature that considers what criteria the President uses when distributing work. For example, Kelemen (2014; 2015) argues that the President of the Court is strategic in matching cases and judges, "so as to put together chambers that reflect a balance of attitudes." Hermansen (2020) finds that the President of the Court assigns judges from moderate member states to cases that may be politicized, suggesting that the assigner considers the case in question and the political leanings of the individual judges when matching judges and cases. Krenn (2022) explains how the assignment process has led to the formation of an "‘elite’ group of judges who writes the bulk of the most important CJEU decisions." Research from other courts suggests that the assigner prefers judges whose policy preferences are closer to his own (Rohde and Spaeth 1976; Maltzman, Spriggs, and Wahlbeck 2000; Segal and Spaeth 2002). Missing from the literature on the CJEU, is whether status characteristics matter in work assignment, as discussed by Christensen, Szmer, and Stritch (2012). Considering that the President assigns work discretionary, gender bias may influence

his decision. Note that all presidents at the court have been men and the current president of the court is also a man.

## Data and results

### Are women disadvantaged in discretionary assignment procedures?

In international courts, as in national courts, the assigner may consciously or subconsciously utilize status characteristics as cues in the assignment process. This is expected to disadvantage female judges. If status characteristics influence work distribution, I expect that women judges will be assigned less important cases – the “judicial housework” – while male judges are assigned more salient cases. This could ultimately lead female judges to produce more output than their male counterparts but have less influence. In order to estimate gender-based selection bias in work assignments, I rely on data from the IUROPA project on case assignments and judges’ gender and background (Brekke et al. 2023; Fjølseth et al. 2024).<sup>6</sup> I look at case assignments between 2004 and 2022. The dependent variable measures work assignment and is estimated as the number of cases assigned to each judge.

Due to the nature of the dependent variable, I estimate a conditional logistic regression model, also known as a conditional logit or fixed effects logit model. The dataset is structured as a choice set, giving me 146,098 observations distributed across 5,248 choice sets. One choice set consists of all the judges in court at the time a case was registered and flags the judge who was assigned the role of case manager. The model performs within-choice set comparisons, where for each choice set the model estimates a judge’s likelihood of being selected for that case. The benefit of this model is that all stable characteristics between cases are controlled for, even if they are not measured (Farhang, Kastellec, and Wawro 2015). For example, since it is one President who decides to assign case X among all his judges,

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<sup>6</sup>Data can be found here: <https://www.iuropa.pol.gu.se/>.

the President is the same for all judges within that choice set; thus, I do not need to include a dummy variable controlling for the President at the time. However, variables that vary between judges, such as individual judge level characteristics, need to be controlled for.

The main independent variable is gender and is a binary measure flagging female judges in the dataset. Between 2004 and 2022, women made up 18% of the judges on the bench and were assigned as reporting judge in 17% of the cases. Although this seems to indicate parity based on representation and output, we need to go beyond simple descriptive statistics to determine the relationship between judges' characteristics and work assignment.

The second main independent variable is case importance, which is measured as the number of judges on the panel, or chamber size. Within the CJEU, larger chambers are reserved for more important cases, whereas most commonly the Court decides cases in panels consisting of 3 or 5 judges (Fjølseth 2023). Chamber size is also used as a measure of case importance in many other studies on the CJEU (e.g. Carrubba, Gabel, and Hankla 2008; Larsson and Naurin 2016; Dederke and Naurin 2018; Hermansen and Naurin 2019; Ovádek, Wijnvliet, and Glavina 2020). Furthermore, the court is more likely to issue a press release for a case that was heard in a larger chamber, and these cases are also more likely to receive comments in law journals (Hermansen, Pavone, and Boulaziz 2023). I measure case importance as a binary measure and flag cases that are decided by a panel consisting of more than 5 judges as important (=1) and cases that are decided by 5 or fewer judges as less important (=0). This binary coding of the variable results in approximately 12% of the cases being flagged as important and 88% being flagged as less important.

In my estimation, I control for judge-specific variables such as professional background, their appointing member state, the age of the judge when the case was assigned, and the number of years each judge has spent in court when the case was assigned. I further control for previous work experience within the CJEU system. Judges appointed to the CJEU may have previously been judges at the General Court (GC), which is considered to be the

EU's court of first instance. Cases heard at the GC can be appealed to the CJEU. Judges appointed to the CJEU may also have served in different roles within the CJEU system, such as serving as an advocate general (AG). The AGs are tasked with presenting an 'opinion' on cases they are assigned to. Bear in mind that judges may have been both a former GC judge and a former AG. Furthermore, one judge may also have work experience from, for instance, a domestic court and private practice. Thus, the different background "categories" are not mutually exclusive. I also include a variable capturing each judge's workload. The variable measures the number of yearly deliberations a judge is part of. All the background variables are binary-coded (see Appendix A8).

The main independent variable is gender, and I expect the estimated coefficient for this variable to be positive, indicating that women are more likely to be selected as case manager to a case and therefore complete more cases on average compared to male judges, in line with Hypothesis 1. To include interaction effects in my model between variables at different levels (judge level vs. case level), I run a mixed conditional logit model. In this model, I include an interaction effect between case importance and gender to capture the number of important cases female judges are assigned to. This model looks at both case importance and gender as cues for work assignment. The results are reported in Table 1.

In model 1 the unit of observation is a judge at the time of case registration (N=146098). In model 2 the unit of observation is the number of choice-sets (N=5248) – the number of case assignments (or simply the number of cases in the data). In both models the coefficient for gender is significant at the 0.01 level and positive. This suggests that female judges are more likely to be assigned the role of case manager compared to their male counterparts, supporting hypothesis 1 (model 1). The coefficients are listed as log-odds. In my interpretation of the results, I transform the coefficients from log-odds to percentage differences. Model 1 reports that women judges are approximately 26% more likely to be selected as the case manager, controlling for the other variables in the model. This suggests that women complete more cases, on average, than their male counterparts, while in court, in line with hypothesis 1.

Table 1: Effect of gender and case importance on case assignments in the CJEU

	Likelihood of case assignment	
	set	
	<i>conditional logistic</i>	<i>mixed conditional logit</i>
	(1)	(2)
Female judge	0.233*** (0.075)	0.227*** (0.076)
Case importance		0.054 (0.047)
Years in court	−0.056*** (0.008)	−0.049*** (0.008)
Age	0.025*** (0.006)	0.025*** (0.006)
Work load	0.005*** (0.001)	0.002** (0.001)
Former GC judge	0.008 (0.073)	0.071 (0.071)
Former AG	−0.511*** (0.114)	−0.605*** (0.113)
Former judge	0.134* (0.069)	0.100 (0.068)
Former academic	0.187*** (0.063)	0.185*** (0.063)
Former civil servant	−0.097 (0.067)	−0.114* (0.066)
Former lawyer	0.473*** (0.081)	0.447*** (0.080)
Former politician	−0.380*** (0.081)	−0.324*** (0.080)
Female x Case importance		−0.264** (0.125)
Member state fixed effects	YES	YES
Observations	146,098	5,248
<i>Note:</i> *p<0.1; **p<0.05; ***p<0.01		

The analysis further indicates that judges with more experience in court are less likely to receive work assignments, with a 5% reduction in likelihood for each additional year in court. However, older judges are more likely to get work assignments, with a 2% increase in likelihood for each additional year of age. Judges involved in more cases per year exhibit a slight increase in the likelihood of being selected as case manager, approximately 0.5%. I find that, across both models, being a former AG is negatively associated with being assigned as case manager. The coefficient for former GC judge is not significant in the model. Turning to professional experience outside of the CJEU-system, it seems like the President of the Court favors judges that have previous work experience from academia, as lawyers and judges, compared to judges with no such experience. On the other hand, the President of the Court is less likely to select judges with a professional background from politics as case managers. This is maybe not so surprising, considering that the President tries to select moderate judges to these positions (Hermansen 2020).

Turning to Model 2, it reveals that female judges are approximately 30% less likely to be assigned to an important cases, compared to male judges. In contrast male judges are approximately 30% more likely to be selected as reporting judge on an important case,

compared to female judges, but that male judges are 25% less likely to be selected as a reporting judge on ‘ordinary’ cases. My results suggests that male judges are more likely to be selected to important cases, compared to their female counterparts. Judges that are assigned as case managers on many important cases are distinguished from the other judges and described as having more influence (Krenn 2022). These judges are also more likely to be reappointed when their term is up (Hermansen and Naurin 2019). The consequences of this bias in work assignment, may reinforce a male dominated international bench. Previous research have highlighted that the more discretion there is in work assignment, the more room there is for conscious or subconscious bias (Christensen, Szmer, and Stritch 2012). My findings support this claim. All in all, my results seem to suggest that routine cases are given to female judges, whereas the more prestigious cases are given to male judges.<sup>7</sup>

## **Are female judges more efficient, on average, than their male counterparts?**

In a court setting where work assignment is discretionary, it is challenging to determine whether women indeed work harder than men in terms of numeric output. This is because the assigner decides who handles what tasks. Consequently, women may appear to produce more output due to work assignment, not necessarily because they are more competent or efficient than their male counterparts. My results from the previous section does indeed show

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<sup>7</sup>In Appendix A6 I also control for policy area of the case. I show that there seems to be no clear policy areas reserved for women judges and no clear policy areas reserved for male judges. The results suggests that although women are more likely be selected to certain policy areas, policy area is not driving the effect of work assignment in the CJEU, suggesting that status characteristics does matter as well. In Appendix A4 I also look at whether time in court matters. Although there seems to be no relationship between gender, time in court and being assigned important cases, there is a positive and significant relationship between time spent in court and being selected to an important case. Nevertheless, female and male judges in the CJEU spend almost an equal amount of time in court.



that women complete more judgments, on average, compared to their male counterparts. This suggests that the assigner is more likely to assign women judges as case managers. Yet, my results also indicate a gender disparity in terms of assignment to important cases. I find that male judges are more likely to be assigned as case manager on cases considered to be important. Nevertheless, in order to measure performance, I investigate the time each judge spends on completing a case – how efficient they are – which can be described as a component of performance. If women judges are indeed better performers than men, then I expect them to completing their cases faster on average, compared to their male counterparts, holding everything else equal. In order to estimate the time each judge spends completing a case I further rely on data from the IUROPA project on case assignments and case duration (Brekke et al. 2023; Fjelstul et al. 2024).<sup>8</sup>

The dependent variable is the number of days from a case is registered til it receives a decision. These dates are reported in the IUROPA database (Brekke et al. 2023; Fjelstul et al. 2024).<sup>9</sup> The average time spent on a case in the CJEU between 2004 and 2022 is 567 days. This is more than one year per case and approximately 81 weeks. The data is at the case level, giving me 4475 cases<sup>10</sup> between the time period of 2004 and 2022. For each case,

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<sup>8</sup>Data can be found here: <https://www.iuropa.pol.gu.se/>.

<sup>9</sup>Between registration and decision date, the case manager has written a brief for the General meeting, the General meeting has taken place, the parties have submitted their written and oral arguments (if there was a hearing), the judges on the panel, including the case-manager have discussed the case and voted, and the case-manager have written the judgment. There are some aspect of the time from registration until a judgment is produced, which may be outside of the case-managers control. This could for example be the time of the hearing, which ultimately affects when a judgement can be finalized. Thus, this measure of efficiency, can be said to be imperfect, as I am not able to distinguish between what aspect of efficiency judges' can control when they are case-managers and what aspect of efficiency lies outside individual judges' control. Nevertheless, I do not believe this to be a problem in the estimation, because it is the same for all the judges. For detailed discussion about procedural sources of delay within the CJEU see (Fjelstul, Gabel, and Carrubba 2023).

<sup>10</sup>Note that in this dataset there are fewer cases than in the dataset used in the previous analysis. This is because I added a variable flagging cases with a hearing. This variable has missing on some observations, and these observations were not included in this analysis.

I also have information on case-specific variables, who was the case-manager and different background variables on the case-manager.

Since the dependent variable, case duration is a count, I estimate a negative binomial model. Due to over-dispersion in the dependent variable, a negative binomial model is more suitable, than a Poisson model (Ward and Ahlquist 2018, 202). As the data is not right-censored, a negative binomial model is better, compared to event history models, like for example proportional hazard models.<sup>11</sup> To avoid autocorrelation, I cluster the standard errors at each individual case and the year.

The main independent variables are gender and case importance, and these variables are constructed the same way as described in the previous section. I also include different control variables, both at the level of the judge and case-specific variables. In order to try and single out the effect of gender, I have to on the one hand, show that female judges, regardless of their experience and professional background, as well as their time in court, workload and age, still are more efficient than their male counterparts. On the other hand, it is also important to control for case specific characteristics, in order to show that it is not something about the cases that are distributed to women that makes them more efficient. I present each of the independent variables below and how they are measured.

The judge specific variables included in the model are previous work experience, age when the case was decided, time in court when the case was decided and workload. All of these variables are estimated in the same way as described above for the conditional logit model. Turning to the case-specific variables, I capture the complexity of the case by including a variable that counts the number of policy areas the case pertains to. Cases that are related to more policy areas are considered to be more complex. I also include a variable that counts the number of citations in the judgment. I expect that when judges cite more documents in their judgments, the disposition time of the case increases. I further include dummy variables for each policy area in the model, as some policy areas might be more complex to rule on

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<sup>11</sup>For an overall discussion of model choice, see Christensen and Szmer (2012).

and may be considered politically more salient. In the data, there are 25 unique policy areas and one single case can pertain to several different policy areas. In the appendix (Appendix A6) I show how cases are distributed across policy areas. The policy areas are set by the Court itself and reported in the IUROPA data (Fjølseth et al. 2024). I also control for the type of court procedure. In the dataset, I only have two types of procedure: direct actions and preliminary rulings. This variable is categorical, and direct actions are the reference category. See Appendix A7 for the distribution of this variable. I also include a variable that flags whether or not the case had an oral hearing.<sup>12</sup> I also control for the member state that appointed the judge. Hermansen (2020) shows that the President of the court tries to select judges from more moderate member states as case-manager on cases that is considered to be salient. The results are reported in Table 2.

Table 2: Effect of gender and case importance on case duration, where case duration is measured as the number of days from the last day of the hearing until decision date.

	Duration days			
	(1)	(2)	(3)	(4)
Female judge	−0.085*** (0.022)	−0.067*** (0.022)	−0.063*** (0.022)	−0.050** (0.022)
Case importance		0.287*** (0.017)	0.155*** (0.013)	0.170*** (0.014)
Case with oral hearing			0.346*** (0.010)	0.347*** (0.010)
Former GC judge			0.077*** (0.022)	0.075*** (0.022)
Former AG			0.064** (0.031)	0.065** (0.031)
Former judge			−0.025 (0.019)	−0.024 (0.019)
Former academic			0.010 (0.018)	0.010 (0.018)
Former civil servant			−0.026 (0.019)	−0.027 (0.019)
Former lawyer			−0.082*** (0.023)	−0.082*** (0.023)
Former politician			−0.050** (0.022)	−0.051** (0.022)
Age			0.004*** (0.001)	0.004*** (0.001)
Workload			0.0001 (0.0002)	0.0001 (0.0002)
Count cited documents			0.007*** (0.001)	0.007*** (0.001)
Preliminary ruling			−0.172*** (0.010)	−0.171*** (0.010)
Female x Case importance		−0.109*** (0.042)		−0.103*** (0.034)
Constant	6.504*** (0.029)	6.474*** (0.028)	6.157*** (0.081)	6.153*** (0.081)
Member state fixed effects	Yes	Yes	Yes	Yes
Policy areas dummies	No	No	Yes	Yes
Observations	4,475	4,475	4,475	4,475
$\theta$	9.415*** (0.199)	10.130*** (0.215)	16.197*** (0.350)	16.231*** (0.351)
Akaike Inf. Crit.	59,197.060	58,869.440	56,840.170	56,833.000

Note:

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01

<sup>12</sup>In the appendix I include additional models where duration is measured as the days it takes for a judge to complete a judgment from the last day of the hearing until a judgment is produced (Appendix B4). Although the time it takes for judges to finish a case after the hearing is substantially smaller, there is still a significant gender effect on judicial efficiency, where female case managers are quicker in completing their judgments, compared to their male counterparts.

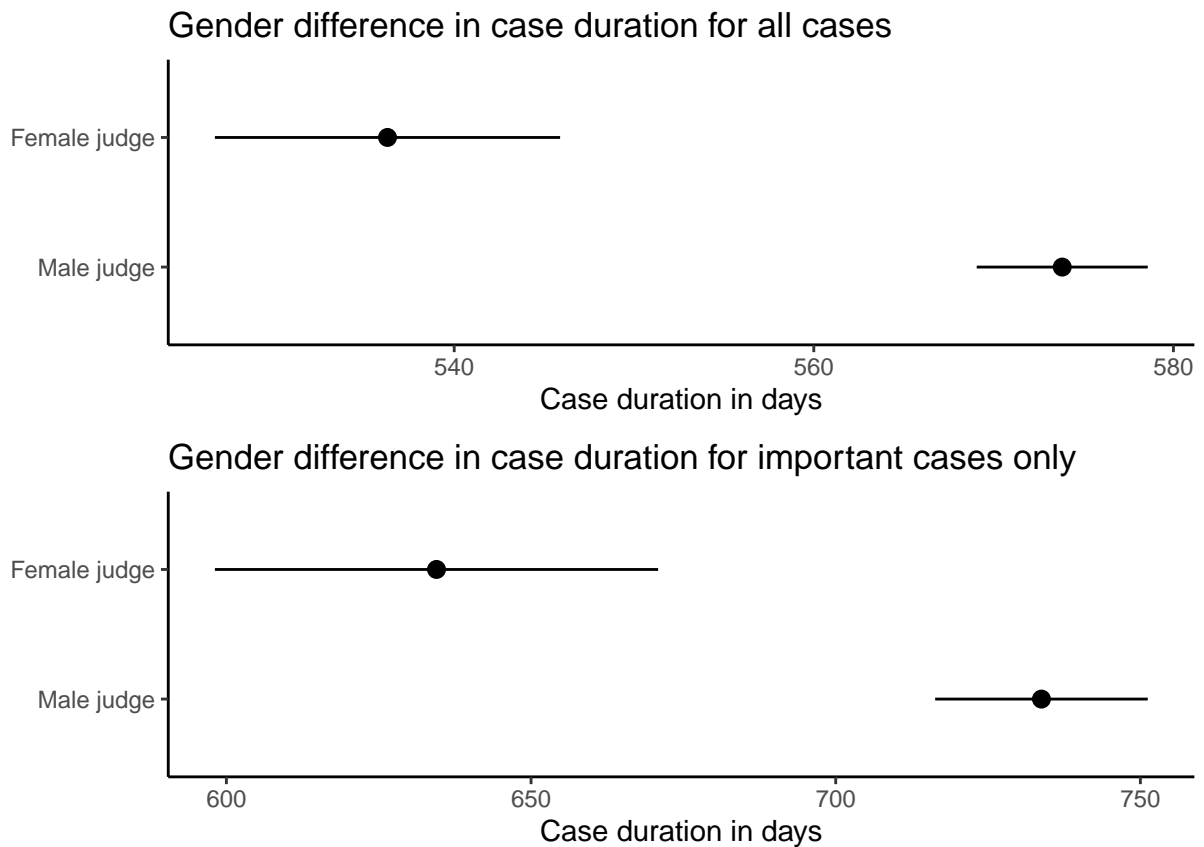


Figure 3: Top figure shows the marginal effects of gender on case duration for all cases as estimated in model 3 in (Table 2) . Bottom figure shows the marginal effects of gender on case duration for important cases, as estimates in model 4 in (Table 2).

I run four different models, to show how the two main independent variables (gender and case importance) are affected by adding more variables into the model. Across all the models, I find that women complete their cases quicker compared to male judges. In model 1 and 3, the coefficient ‘Female judge’ shows that female judges complete their cases quicker compared to their male counterparts. According to the third model in table 2, the average time a female judge spends on completing a case is estimated to be 522 days, whilst male judges are estimated to spend 569 days (see Figure 3). This suggests that male judges spend almost 7 weeks more to complete a case on average, compared to female judges. Model 2 and 4 includes an interaction term between gender and case importance. Both of these models show that female judges complete cases that the court considers important more quickly than their male counterparts. More specifically, according to model 4, the average time a female judge spends on completing an important case is estimated to 627 days. In contrast, male judges are estimated to spend, on average, 723 days completing an important case (see Figure 3). The results show that male judges spend almost 13 weeks more to complete and important case, compared to female judges. My results indicate that women are more efficient than their male counterparts, and that women are especially more efficient than their male counterparts when they are assigned important cases.

Looking at the other coefficients across models 2, 3 and 4, I find that when a case is considered to be important, the average time it takes to complete the case increases. Turning to the other coefficients in models 3 and 4, my results show that when the case has an oral hearing, case-managers spend on average longer time completing the case. The model further reports that being a former GC and former AG is associated with spending longer time completing cases. Being a former politician, academic, civil servant and lawyer is associated with spending less time on a case, although former politicians seems to be more efficient, than judges with other backgrounds. Furthermore, my results indicate that being older is associated with spending more time to complete a case. My results also seem to indicate that being part of an additional deliberation per year is associated with an increase in time it takes to

complete a case. Citing more documents in the judgments is also associated with spending more time on completing a case. Furthermore, it seems that the number of policy areas the case pertains to is not associated with case duration. The results also seem to suggest that case-managers spends on average more time writing judgments for appeal cases and for direct actions, compared to preliminary rulings (the baseline category in the variable).

Overall, my results support hypothesis 3. I find that female judges complete their cases quicker, compared to male judges. My results further shows that, when women are assigned to work on important cases, they spend on average, approximately 100 days less to complete the case, compared to male judges (627 days vs 723 days). Thus, I find that women, on average, are more efficient than their male counterparts, which suggests that women are better performers. This finding, suggests that women may feel pressured to overcompensate in male dominated institutions, as suggested by (Moyer et al. 2021).

## Discussion

In this paper, I investigate whether women are more efficient than men and whether women face gender-based selection bias after having been (s)elected to serve. Studies report that gender-based selection bias hinders women's (s)election to legislative bodies (e.g. Anzia and Berry 2011) and to courts (Collins Jr, Ringhand, and Boyd 2023). Additionally, women often self-select out due to low self-assessment (Fox and Lawless 2004, 2011; Ashworth, Berry, and Bueno de Mesquita 2021, 9; 2024; Nguyen 2019). Those women who navigate these hurdles may feel additional pressure to succeed in environments dominated by men (Moyer et al. 2021).

This pressure may lead women to, on average, perform better than their male counterparts. In this paper, I report that female judges are more efficient than their male counterparts. I show that female judges spend less time completing a case compared to their male counterparts, while holding case and judge characteristics constant. This echoes findings from

legislatures and shows how selection bias in (s)election procedures and low self-assessment may lead the women who end up in these positions to be on average, better performers.

However, knowing that gender-based selection bias may influence the initial selection of women, I examine whether this bias extends to women's career trajectories after they have broken the 'glass ceiling' (Cammisa and Reingold 2004; Smith 2014; Reingold and Smith 2014). Specifically, I investigate whether there is gender-based selection bias in work assignments. In the CJEU, the President of the Court, discretionary, assigns judges to cases. My findings reveal that in discretionary assignment procedures, female judges are more likely to be selected as case managers but not on important cases. In contrast, male judges are favored as case managers on important cases. These important cases are typically decided in larger chambers (e.g. Fjølseth 2023), receive press releases, and are commented on in law journals (Hermansen, Pavone, and Boulaziz 2023). Being selected as a case manager on many important cases thus enhances individual judges' visibility and influence (Krenn 2022). Consequently, because male judges are more likely to be selected as case managers on important cases, they may be perceived as more influential and are expected to have an easier time securing reappointment, as governments tend to favor judges whose names are tied to many influential cases within the court (Hermansen and Naurin 2019).

Research underscores the crucial importance of gender balance in political bodies, stressing its potential to influence the overall legitimacy of the institution (Kenney 2012), as well as the (policy/judicial) output (see e.g. Smith 2014). Within courts, there are specific instances where gender diversity has led to groundbreaking developments, such as the prosecution of sexual violence as war crimes (Doherty 2020) and increased support for discrimination claims (Boyd, Epstein, and Martin 2010). Examination of voting patterns in the European Court of Human Rights finds that women judges are more likely to identify government violations of human rights (Voeten 2021). However, this article raises concerns about potential gender bias in case assignments within the CJEU. Despite women judges being more efficient, on average, this study suggests that biases in work assignments may limit their influence and

perpetuate male dominance in international courts. Furthermore, courts are called upon to dispense justice, safeguard equality and sanction discrimination in the cases they adjudicate. If courts cannot uphold these standards internally, we should question how effective they are in upholding these standards externally.

My results have important implications for female judges, as well as for women in other political institutions and beyond. Women, at the height of their careers, still face unfair biases and are held back from reaching the same potential as their male counterparts. Women who have been (s)elected to important positions may have less power compared to their male colleagues (Reingold and Smith 2014). This should lead us to think more critically about what we mean by gender representation (Smith 2014). On the one hand, securing gender representation in political institutions is important; on the other, if women continue to be underrepresented in important decision-making roles within those institutions, securing a balanced number of men and women within those very institutions may not be enough. Research from U.S. legislatures point out that with time, women officeholder will gain more experience, and may potentially gradually take on more leadership roles and fill powerful positions (Reingold and Smith 2014). However, future research should investigate how different levels representation and experience may translate into women wielding the same amount of power and influence as their male colleagues in other political settings, and how different levels of representation and experience influence re(s)election.

The literature is quite consistent in reporting gender-based selection bias as a barrier to women's entry into political institutions and women's overperformance as a consequence. However, we know less about how different levels of gender representation influence performance. In more gender-balanced institutions, do women still feel pressure to prove themselves and overcompensate, or does this pressure mitigate as more women are (s)elected to serve?

I report that female judges are less likely to be assigned to important cases in the CJEU, a court with no docket control. Future research could investigate whether this finding carries



over to courts with docket control. Although I acknowledge the difficulties in measuring case importance in courts with docket control, as these courts usually sift out the less important cases and ultimately only rule on cases deemed important. Nevertheless, considering the effect of docket control on how cases are distributed among male and female judges is an interesting avenue for future research.

In my theory section, I outline three different mechanisms which may make female judges more efficient. However, in a quantitative approach it is difficult to pinpoint which of these mechanisms are driving the results. More qualitative research, for example an interview-based approach or participant observations could be an appropriate method to help trace which mechanisms are at work in a given institutional context. Future research could investigate why female judges are more efficient using a qualitative approach, complimenting empirical studies and aiding in developing more specific theories about which mechanisms are at work.

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