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Follow the Court: Examining Judicial Homestyle Through Extrajudicial Communications on State Court Twitter

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THROUGH EXTRAJUDICIAL COMMUNICATIONS

ON STATE COURT TWITTER

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Dedication

I dedicate this thesis to my colleagues, loved ones, and faculty mentors who have supported and

guided me while at UTEP, I thank you all for your contributions in getting me this far.

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by

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Abstract

While institutional legitimacy can arise from multiple sources, much of the theorizing about courts has been developed for the federal judiciary, often specifically the US Supreme Court. My research recognizes that the connection between the public and judges on state courts is significantly more nuanced, and in many instances, direct. Notably, social networking sites like Twitter have quickly become a favored communication platform for fostering personal connections between political elites and their intended audiences. It is within these parasocial relationships I argue that favorable perceptions can be reinforced, bolstering the legitimacy of political actors and the institutions they represent. This work utilizes data gathered through Twitter's public API to ascertain if (and how) judges utilize "homestyle" in their tweets, and if they experience increased engagement as a result. Tweets are classified into one of two groups based on whether they are meant to convey a judges' personal homestyle to their respective audience. Through this dichotomy we can understand the tweet as either one with the goal of enhancing legitimacy or primarily being for election purposes. My findings indicate that tweet engagement was positively impacted with the most strength when judges use neutral tones with their homestyle. The central contribution of this work is to better our understanding of the degree to which judges may be able to utilize both political and apolitical campaign strategies to increase their individual and institutional support.

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Introduction

The study of the political communication strategies of judges is a significantly undertheorized field that has largely been dominated by work on the US Supreme Court, while state courts, and specifically state supreme courts, have often been left as an afterthought. The traditional view of the American judiciary is one that places symbology above political reality. This view tends to source the court's legitimacy from an innate loyalty to the symbol of the court, or what the court stands for, rather than the court as it actually exists. Judges have historically welcomed this perspective and played an active role in this depoliticization, often sticking to this mantra even when facing labels of "judicial activism". This work will help fill a gap in the literature by providing insight into the extrajudicial communications strategies of state high court judges.

Scholars have long asked whether public response affects how the judiciary behaves. For state court scholars, the answer is simultaneously yes, no, and maybe. Public responsiveness and judicial legitimacy are strongly affected by a judges' audience, and at the state level, their audience is a function of how the judge is selected and retained (Romano and Curry 2019). Whereas federal judges serve with life tenure, judges on state courts typically have terms of service which must be renewed. Thus, judges on state courts should be expected to be more deliberate with how they maintain their public-facing persona. These judges are in an unenviable position, as they are expected to strike a balance between politicization and symbolic institutionalism to maintain their legitimacy in a highly polarized body politic. My interest is primarily in how judges use social media to straddle this balance, creating what amounts to a judicial "homestyle" (Fenno 1978), developing a persona for public consumption designed to facilitate a parasocial relationship. Ultimately, this means judges are behaving more like a social media influencer than the idealized version of a judge.

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In the opening chapter of my analysis, I will first establish a theoretical base in institutional legitimacy and communication framing as state court judges interact with contemporary social media communication tools, namely Twitter. A key theoretical concept from this section upon which the novel theory is built is framing, or a judge's conscious efforts involved in writing for a specific intended audience. Where this concept typically refers to the idea that judges write their opinions for other judges, or executives in charge of appointing them to higher positions, I argue it may be applied to their extrajudicial communications as well. From here I will introduce concepts borrowed from social media influencer marketing to draw comparisons between the behaviors of these judges and those of social media influencers. Chapter two will then expand on what it means for a judge to craft an online persona for social media with real world examples from two judges. Chapter three lays out the process by which my independent variable, *homestyle*, was determined and coded for the analysis. Chapter four describes the models utilized and their results and the degrees to which my hypotheses were supported. Finally, the concluding chapter will discuss takeaways, limitations, and future research paths in this and adjacent topics.

Chapter 1: Social Media and its Role in Contemporary Judicial Politics

To understand judges' social media use and why it matters to the courts they occupy, it is important to first understand how the judiciary itself is unique from the other two branches of American government. Easton (1965) explains that the legislature holds the "purse," that is the constitutional authority over funding the implementation of policy and the executive holds constitutional authority over the execution of the law often referred to as the "sword." When it came to the judiciary, Easton argued its legitimacy was vital to its functioning as he argued institutions required a "reservoir of goodwill" (1965).[1]

Dougherty et al. (2006) found support for the idea that increased contact with state courts positively impacted public trust. To this end, we typically see influencers, celebrities, and traditional politicians often turning to social media as a means of blurring the line between direct and indirect contact. With the present pervasiveness of social media, the line between direct and indirect contact has become blurred with scholars pondering the case for Twitter becoming a true digital public square (Hack, 2020, Hemsley, J. J. and Eckert, J., 2014, and Roberts, 2019). While simply following someone online is not a form of direct contact, that line becomes blurred when that person responds or interacts with a post you made. This forms a parasocial relationship, certainly an indirect form of contact, but one that feels much more personal than just reading an article in the newspaper about them. Curry and Fix (2019) examine this form of indirect contact, specifically the use of Twitter by state supreme court justices to personalize themselves. In this context, personalization refers to the demystification of the court in favor of fostering a more personal, parasocial relationship between an individual judge/court and the public. This indirect parasocial relationship may have legitimizing effects on those that consume the judge's feed.

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[1] This was not a new understanding, as Alexander Hamilton said something quite similar in Federalist 78, though Easton drew a more complete connection between legitimacy and the people.

Legitimacy of elected courts is generally thought of in a formulaic way where "… (1) the presence of an election system increases legitimacy, and (2) legitimacy perceptions decrease as an election system becomes more active and involves more campaign activity, (Gibson et al., 2003, as cited in Woodson, 2017, p. 26)" but the role of social media could possibly change this calculation.

STATE COURTS

The perception of courts by the public has traditionally been based on the appeal of the symbology and the unique trappings of the institution which exist to reinforce the myth of the judiciary as an apolitical arm of the government. However, the public has become increasingly cognizant of the undemocratic nature of the federal judiciary, especially the U.S. Supreme Court. This serves to highlight one of the factors that make state courts different: the majority of judges at the state level are elected. Of the myriad ways used to select and retain state high courts, elections, both contested and uncontested, partisan and non-partisan dominate. Only eleven states do not employ some form of elections for either the selection or retention phase of staffing their courts. Because the federal judiciary is comprised entirely of non-elected appointees, unpopular decisions are more likely to be met with accusations of democratic subversion. The same is not true among elected courts because even unpopular decisions are the result of a democratic process and the solution for changing the court's interpretation is more democracy.[2] Another sharp distinction between the federal judiciary and that of the states lies in a judge's length of term. Judges in the federal judiciary serve with life tenure under good behavior. This means when a judge makes an unpopular decision, there exists only one way to remove them, impeachment, an exceedingly rare occurrence. At the state level, only four courts do not have subscribed term

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2 More democracy could mean voting the judges out of office, or the judges becoming more attuned to the public desires in order to protect their seat

lengths[3], meaning most justices serving on state supreme courts must be retained after a period ranging from six to fourteen years. This means justices at the state level answer for their decisions, either to the public, governor, or state legislature. This electoral connection (direct and indirect) to the public means state court judges are attached to the public in a way their federal counterparts in the federal judiciary are not. State judges are representatives and will behave like representatives.

FRAMING AND STATE JUDGES USE OF TWITTER

Romano and Curry (2020) argue that judges select the linguistic frame of their opinions depending upon the level of insulation they have from the voting public and based upon the outcome of the case. Judges therefore view opinions as campaign tools at least in part because judicial canons and traditions prevent them from campaigning in the same way other elected officials would.[4] An opinion's framing both helps determine its contents and the aspects of law that will be central in future precedent through the establishment of discourse. In connecting this idea with discourse theory, they argue judges engage in a form of communicative action by attempting to coordinate the decision with the shared goals of the audiences in question. Romano and Curry's argument should also be applied to indirect forms of contact as well. Specifically, I argue that an examination into a judge's use of social media platforms, specifically Twitter, will improve our understanding of judicial framing, especially as it pertains to extrajudicial communication.

Social media is increasingly important for judges to utilize both as a means of being an active participant in the digital public square, in addition to its near necessity as a campaign tool (Browning 2017). Dillard & McCormack, both judges themselves, follow in this thinking arguing

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3 We refrain from calling what justices in Massachusetts, New Hampshire, and New Jersey have as "life tenure" because judges must retire at age 70. Only Rhode Island truly grants it justices life tenure.

4 While *Republican Party of Minnesota v. White (2002)* eliminated the legal enforcement of these canons, they largely still condition judicial candidates today

that judges should engage with the public as "digital citizens" (2019). They write, "Social-media platforms are an effective way to educate the public—in our cases primarily Georgians and Michiganders—about the judiciary…The boost to transparency and public education is reason enough to engage those we serve, but we have been surprised and delighted by the tremendous additional benefits we derive from our online presences (p. 185)." Twitter, and indeed most social media, carries a subtext of informality. There is a stark contrast in the symbology of courts and social media usage. Whereas judges symbolically occupy a position of prominence in the courtroom, social media makes judges much more approachable (Meyer 2014). Social media interaction with judges takes them off their raised dais and strips off their robes. Twitter also provides its users with a larger mass audience than can be reached with physical speaking engagements or personally managed blogs or websites. Thornburg (2018, p. 259) summarizes this thought process stating, "Tweeting, then, provides judges with a higher profile, allows outreach to voters, helps make judges (and thus courts) seem more accessible, and (if desired) allows judges to announce their positions on legal issues." I posit then, that Twitter is an apt platform for judges who want to both inform constituents into the goings on of themselves and the court while passively engaging in campaigning.

INFLUENCER MARKETING AND PERSONALIZATION ON SOCIAL MEDIA PLATFORMS

As judges were late movers into the sphere of social media, at least in an official capacity, there was much to learn from those who had come before, and they could model their behavior on these platforms from observed experience. While judges could have modeled their behavior on social media after politicians that came before them, as I noted above, judicial canons, and the general perception that "judges are different," would limit how judges could behave. Judges on social media will not likely be engaging in debates about policy positions or attacking rivals. To

this end, we should expect judges to craft a non-partisan persona that is both likeable and memorable. I argue that their judicial homestyle will be modeled after the behavior of social media influencers and the development of influencer marketing.

An influencer can be conceptualized as a subset of mainstream celebrity that garners a following on social media, many times based on parasocial relationships with their followers (Jerslev and Mortensen 2016, Nouri 2018). Influencers can also be categorized based on their motivations, content goals, and audience contact (Gross and Wangenheim, 2018). Influencer marketing capitalizes on a micro-celebrity or influencer's personality as a brand and the parasocial relationship they form with their fan base. Jimmy Donaldson, alternatively known by his YouTube moniker Mr. Beast, exemplifies the contemporary social media influencer. During his interview on the *Joe Rogan Experience* podcast, Donaldson described his upbringing as "below average" in his criticism of material possessions as a driving motivator in life. Three central components of Mr. Beast's brand are his everyman relatability, philanthropy, and the apolitical tone of his philanthropic endeavors exemplified in figure 1.1. This relatability in turn is archetypical in influencer behavior, and also, a cornerstone of judicial homestyle. Mr. Beast has also spent the majority of his online career crafting a sterile inoffensive persona akin to the apolitical branding the judiciary attempts to maintain as an institution. An implication of this inoffensive persona being the most effective one though is that we should expect a distinct lack of polar emotions.

Figure 1.1: Example of a Mr. Beast tweet

Judicial influencers best fit into the "infotainer" archetype (Gross and Wangenheim, 2018), as they are expected to share legal knowledge and expertise in addition to providing other content that may entertain their audience. A prime example of this would be Judge Jeffrey V. Brown. Before his appointment to the Southern District of Texas, Judge Brown maintained two Twitter accounts, @judgejeffbrown and @CamryofJustice. With the former, Judge Brown did little out of the ordinary, providing informational updates both regarding himself and the court, however, the same was not true for the latter. As the name suggests, @CamryofJustice was a "gimmick" account from which Judge Brown would tweet from the perspective of his Toyota Camry. The motivation behind this type of behavior is to personalize oneself as a brand and then connect said brand to a product or other brand. Influencer marketing is a viable alternative to traditional advertising because it helps personalize brands by connecting their identity to that of an influencer's online persona (Vangelov 2019). Furthermore, Appel et al. (2019) expands upon this idea by arguing the omnipresent nature of social media dramatically increases accessibility of a marketing approach centered on thought leaders and celebrities. In cultivating a parasocial relationship between themselves and their audience influencers and brands can create an artificial close friend or family

member as a focal point for marketing. To this end, interactivity, sociability, and personalization are key (Jung and Im, 2021).

SOCIAL MEDIA INFLUENCERS AND PERSONA CRAFTING

Effective influencer marketing relies heavily upon the persona an influencer attains through personalization, authenticity, and credibility (Centeno, 2016, Cunningham, 2012, Lee and Johnson, 2022). At the core of judicial homestyle is personalization and authenticity. It is important for the influencer, or in this case, the judge, to avoid treating its target audience as a customer base, instead they aim to make them feel as if they are part of a community (Zhang et al., 2014). Credibility in turn manifests in the judge's ability to demonstrate their own competence at their job. For judges, the importance of maintaining a social media presence is multifaceted. Curry, Fix, and Romano (2022) write, "social media offers a low-cost way for individual judges to raise the institutional legitimacy of the judicial system, as well as their personal legitimacy and the legitimacy of their court. Additionally, social media allows participating judges to magnify and promote other public outreach activities" (p. 5). Curry and Fix (2019) noted how judges tend to avoid the more divisive aspects of politics on Twitter, opting instead to engage in apolitical network building. This practice of network and persona building is precisely how influencers behave. Further, a judges' online presence may often come with it a sense of their character or persona.

Chapter 2: Crafting a Judicial Homestyle Persona

In this chapter, I assess the theory laid out thus far through a qualitative examination of a selection of tweets from judges exhibiting influencer behaviors. This should also serve to expand on and clarify what judicial homestyle looks like in practice. Within the judicial Twitterverse, judges Stephen Dillard and Don Willett stand out as examples for their influencer-like behavior. Appointed to fill a vacant seat in 2010 and winning subsequent reelections in 2012 and 2018, Dillard currently serves on Georgia's court of appeals. In addition to his judicial duties, Dillard stays active in his community serving as a consultant for the state's high school mock trial committee. Until a good portion of this thesis was written, Don Willett had been on a Twitter hiatus, but has since returned to reclaim his title as the chief example of a judge who uses Twitter. Offline, Willett served on the Texas state Supreme Court for 13 years until his appointment to the Fifth Circuit Court of Appeals in 2017. The two provide an insightful example not just for their tweets, but also because they are within the same interconnected network results in them frequent interactions.

STEPHEN DILLARD

One of the more eye-catching aspects of Judge Dillard's brand is his enthusiasm for bowties as seen in figure 2.1. Bowties are a staple of Dillard's personal brand as he is often pictured with one both in and out of his robes. Dillard's branding is not contained just to bowties however, as he often tweets about physical fitness, college sports, and the music he plays in his chambers. An interesting facet of Dillard's personal homestyle is the sort of crossover in specific things he tweets about such as his "chambers music" tweets where he shares what music he is listening to, or his fitness updates posted at Orange Theory. With the former, Dillard gives off an image of somewhat in touch with younger people with artists like The 1975 and Taylor Swift regularly being

in the judge's playlists. Orange Theory stands out to me due to the brand's online presence making it somewhat akin to an "influencer gym." Because of his efforts, Stephen Dillard has a distinct, identifiable brand inspired by, yet separate from his work on the bench. He is a family man invested in the sporting endeavors both of the University of Georgia Bulldogs and his alma mater, the Samford University Bulldogs. Unfortunately, Dillard did not go the extra mile and adopt a bulldog of his own, but his dog Sirius does see regular appearances on the Twitter feed.

Figure 2.1: Homestyle tweet featuring one of his bowties

Figure 2.2: Dillard homestyle tweet featuring both Mississippi College and Orange Theory

Figure 2.3: Dillard homestyle tweet showing his support for his alma mater's football team
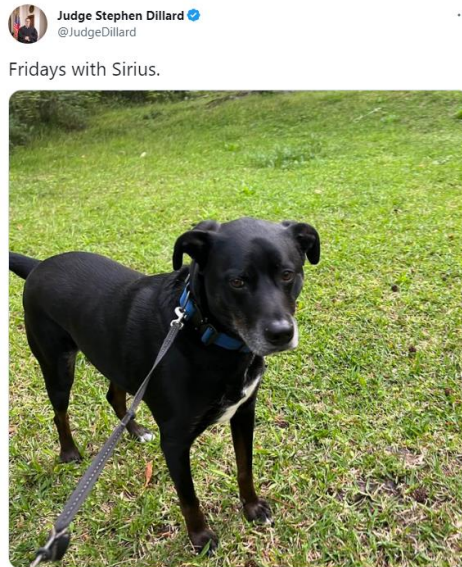
Figure 2.4: Dillard homestyle tweet featuring his dog, Sirius

DON WILLETT

Don Willett has similarly crafted a distinct personal brand on twitter akin to that of an infotainer (Gross and Wangenheim, 2018). This concept is most exemplified when he would regularly share "OTD" or "on-this-day" posts about various historical events, typically with significance in American history. Willett occasionally used his platform to raise awareness of social issues such as adoption by sharing his personal experience as an adoptee. In addition to this, Willett would regularly make his adoration for his family, history, and Chick-Fil-A known. In fact, Willett tweets about Chick-Fil-A often enough to be considered an unpaid spokesperson for the brand. Beyond the family man archetype, Willett makes it a point to acknowledge the efforts of his mother and cites said efforts as the primary reason for his own success as a lawyer and judge. With his historical, "on this day" posts, Willett often opts to include a related meme or humorous gif alongside the notable event as a means of making the tweet stand out and be more memorable. Ultimately, these efforts show that these judges are in touch with popular culture and the types of

humor their audiences resonate with. More broadly, this is good for the judicial influencers as it further endears them to their audience.

Figure 2.5: Willett homestyle tweet, Willett often personalizes his history posts

Figure 2.6: Willett homestyle tweet referencing the popular "Rick Roll" meme

Figure 2.7: Willett homestyle tweet about his mother

Figure 2.8: Willett homestyle tweet combining his faith and adoration of Chick-fil-A

WHY CRAFT A PERSONA ON TWITTER?

For social media influencers, the importance of a strong personal brand is emphasized as it is tied directly to their ability to sell a product. Judicial influencers have a similar motivation; with the key distinction being that the product being sold by these judges is not an actual product,

but themselves. This would Because Twitter has long been a platform that enables our elected officials to better connect with their constituency it is increasingly important for scholars to examine the ways in which extrajudicial communication can resemble contemporary electoral campaigning practices. In May of 2015, the Texas Legislature awarded then Justice Don Willett the title of *Tweeter Laureate of the 84th Texas Legislature*. When asked why he took to Twitter and how he acquired the laureate title, Willett explained:

> So, it began just sort of in a utilitarian way because I better run for re-election or had to in a State of 28 million people spread across 254 counties and a couple of time zones and it just was apparent to me that it's really political malpractice not to engage voters smartly through social media…So, if you're an obscure, non-judicial candidate running for re-election and you're trying to build awareness and raise visibility, it's really sort of foolhardy not to try and take advantage of this low-cost but potentially high-yield way to put yourself in front of voters. (Dihr, 2019)

What Willett neglects to go into detail about however, is the personal nature of judicial homestyle. As I will explain more in the next chapter, homestyle is less of a concrete communication style, and more of a showcase of a figure's personality through their online persona. For judges attempting to approach homestyle as an electoral strategy, they must develop a persona that is somehow curated yet appearing authentic. Additionally, it is worth noting that there may be multiple motivations behind a judge's decision to use Twitter and to develop a homestyle. While the more straightforward explanation is the potential electoral gains, it is not an explanation exclusive from alternatives. Instead I urge readers to consider it a piece of the larger picture. Willett and Dillard make it apparent that their Twitter use is also personally fulfilling, in addition to the potential gains their institution may benefit from as a result of their humanization efforts.

After his confirmation to the Fifth Circuit of Appeals, Willett stopped using Twitter citing the weight and subsequent attention the new position demands being the reason (Dihr, 2019). Both Willett and Dillard's twitter feeds are not dissimilar from the average twitter user's, which, in the context of mapping an influencer model of behavior for a judge, is intentional. Through cultivating a keen sense of branding that their audiences would better be able to identify with, Willett argues, the judicial influencer is able to demystify and humanize the judiciary as a whole (Dihr, 2019). Put simply, Twitter provides judges with a means of creating points of contact for a judge and their audience. While Twitter engagement alone is not proof positive of homestyle efforts boosting the reputation of the judge or judiciary, it does show contact. This increased contact in turn should increase a judge's notoriety leading to increased chance at gaining both likability and electability. From this theory, I hypothesize that *H1 homestyle tweets should see more engagement than non-homestyle ones*.

CONCLUSIONS

In this chapter, I present a more detailed look at judicial homestyle, highlighting how personal it is to each judge. I also presented multiple potential motivating factors behind a judge's Twitter use. A crucial point of clarification with these motivations, however, is that they are not mutually inclusive, rather they work in conjunction to better construct an analytical framework. I argue that through their personalization efforts on social media, judges are better equipped to make connections with their audience and thus bolster their personal brand. Furthermore, personalization is a staple of judicial homestyle. Judicial influencers are comparable to social media influencers insofar that they both attempt to put out a curated version of themselves. Where they differ is that where an influencer's brand may be used to sell a product or service, judicial influencers are instead selling themselves as an electable candidate.

Chapter 3: Data and Methods

As discussed in the previous chapter, judicial homestyle is personal by nature, meaning every judge's homestyle will be specific to them, meaning the criteria for classifying homestyle will be more fluid. This work utilizes a dataset consisting of Twitter data scraped in 2017 utilizing the site's API and is sourced from Curry and Fix (2019). This dataset consists of accounts of judges who were on their state's courts of last resort as well as accounts for the court as a whole. A vast majority of these judges were not regularly active on Twitter. However, in addition to Don Willett, three more judges proved to be viable observations. These being: Barbara Jackson of North Carolina, Bridget McCormack of Michigan, and Jeff Brown of the Texas Supreme Court. I generated my independent variable, *homestyle*. As previously stated, because a judges' homestyle was specific to them, a manual review of the judges' twitter feeds was conducted in order to determine what constituted homestyle. The formal definition for homestyle tweets in this work are those that clearly demonstrate a judge's personal branding or attempts to connect with their audience on a personal level. Chapter two paints a clearer picture for the former, while the latter refers to the more general personalization efforts such as commenting on local and college sports, current events, and pop culture references. *Homestyle* was coded by hand and indicates whether a tweet was homestyle, one, or not, zero. The more general homestyle tweets made by the selected judges featured local sports, especially from their alma maters.

My dependent variable for this analysis is *engagement*, measured both in likes, retweets, and an aggregate of both. Engagement metrics are one of the most direct measurements of how engaged an audience is with an influencer's content. The primary independent variable, *homestyle*, is a discrete variable where zero indicated non-homestyle tweet and one indicated homestyle tweet. Additionally, with one notable exception for Jeff Brown and the Camry of Justice, all retweets not

originating from the judges' accounts were coded as a two and excluded for the analysis. This was because the engagement metrics scraped from retweets failed to distinguish between engagements directly stemming from the judges' retweets and preexisting ones. Meaning it was not possible to determine how much engagement the judges themselves generated from these retweets. Another potentially problematic aspect with the *engagement* metric is that individual engagements, i.e. likes and retweets are not independent of each other. Put another way, Twitter's recommendation algorithm is designed to push "engaging" content to the top of feeds meaning likes and retweets should inspire further engagement. This algorithmic boosting would be doubly problematic with retweets as it increases exposure to tweets both algorithmically and organically as a main function of the Twitter feed. Retweets also pose the theoretical problem of not exactly being original expressions from the judges, but rather, they could at best be considered passive endorsements. Additionally, my models generate estimates for the judges individually meaning comparisons are drawn exclusively between their own tweets and to quell concerns regarding differences in size of the judges' following. Without a means of truly assessing these organic and artificial boosts to engagement, the results of my models will ultimately be met with a grain of salt.

To ensure homestyle is driving engagement I control for emotions, as both positive and negative tones in tweets have been found to bolster overall engagement (Kivran-Swaine, 2011). For judges, neutrality is a well-engrained communication style, leading me to therefore expect to see greater success when neutral language is most prominent. This control variable is represented by three variables: *positive, neutral, and negative*. The three emotional tones were determined using VADER, a tool for sentiment analysis in textual data. VADER includes a compound score which is calculated by summing the valence scores of each word and then normalized so that they fall somewhere between negative one and positive one representing the most negative and positive

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extremes, respectively. For each emotional tone however, the range will fall between zero and one where zero depicts the absence of this tone and one would mean it is the only tone pleasant. For the strongest amount of support for my hypothesis then, either neutral tones must have the strongest effect on engagement among the tones, or polar tones, positive or negative, must fail to meet significance. My analysis utilizes two models, both bivariate regressions. *Model one* only uses the *homestyle* IV while *Model 2* includes controls for the emotional content of the tweets.[5] In the sections that follow, I will explain in further depth what constituted homestyle for each judge.

BARBARA JACKSON

Barbara Jackson's homestyle is one of the most straightforward at first glance as one could easily forget she was a judge. Her homestyle resembles something of a cultural critic. A generous portion of Jackson's twitter feed consisted of pop culture commentary presented via live tweeting. Two subjects Jackson focused on primarily were the latest *Game of Thrones* episodes and the various award ceremonies and their attendees' red carpet looks. Jackson also had more generic homestyle tweets which took the form of praising the University of North Carolina (UNC) Tar Heels and Carolina Panthers of the National Football League (NFL). Interestingly, there was no mention of North Carolina's National Basketball Association (NBA) team, the Charlotte Hornets. Jackson had 3,178 tweets in total with 891 being retweets, 721 non-homestyle tweets, and 1,564 homestyle tweets. For emotional tones, Jackson had mean scores of 0.036, 0.223, and 0.741 for with standard deviations of 0.097, 0.225, and 0.226 negative positive and neutral tweets, respectively. This means that Jackson's tweets skewed heavily towards neutrality, moderately for positivity, and sparingly towards negative emotional tones.[6]

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5 For each judge I have also included tables, 3.1 - 3.4, depicting the descriptive statistics, mean, range, and standard deviations for each tone.
6 With my implementation of VADER, scores can range from total absence to exclusive presence of the measured tone represented by zero and one respectively.

Figure 3.1: Jackson's homestyle showing one of her live-tweeted red carpets

BRIDGET MCCORMACK

McCormack's retweets vastly outnumber her original tweets with 2,300 of the 2,651 being retweets. McCormack's homestyle is less distinct than the other judges. Her homestyle tweets are more generic with most being about local college sports, her kids, and sharing more personal anecdotes about her experience on the bench and as a lawyer. In a sense, it wouldn't be too inaccurate to describe her twitter feed as reminiscent of the average person or influencer. She ultimately had 135 homestyle tweets and 216 non-homestyle tweets. Mean scores for McCormack's emotional tones were 0.026, 0.156, 0.818 for negative, positive, and neutral tones with 0.064, 0.155, and 0.158 standard deviations. This means McCormack's emotional tones are almost exclusively neutral. The lower amount of observations may be cause for concern, however, I would argue that McCormack still has additional value in the analysis as what she does chose to share is more personal in nature. This I believe is what would make her approach to homestyle effective.

Figure 3.2: McCormack's Homestyle showing her two sons

JEFF BROWN & THE CAMRY OF JUSTICE

Jeff Brown is an interesting subject for this analysis for a multitude of reasons, chief among them being that he also operated a gimmick account dedicated to his personal vehicle, "The Camry of Justice" shown in figure 3.3. For simplicity, the accounts will be discussed separately when appropriate, but will be collectively identified as "Brown and Camry." Coding Brown and Camry's accounts was more troublesome as they had both been deleted since the data was collected. Brown and Camry had a combined 3,526 tweets with 1,530 being retweets. Brown and Camry's homestyle was similar to Willett's, but with notable exceptions. Where most tweets discussing SCOTUS and their state's politics would not be considered homestyle, Brown's personal account homestyle could. This is because Brown's personal twitter persona was that of a proud Texan making it natural for him to also tweet out his support for the UT (University of Texas) Austin Longhorns. Additionally, Brown would often tweet praising his fellow Texas Republicans such as former and current Governors Rick Perry and Greg Abbott respectively, Senators Ted Cruz and John Cornyn, and Supreme Court Justices Thomas and Alito. Brown would also often tweet about his personal relationship with the late Justice Antonin Scalia. By virtue of it being a gimmick account, most of the tweets from the "Camry of Justice" account were coded as homestyle, and additional

considerations were taken for the interactions between the two accounts. As discussed in the introduction to this section, Brown and Camry had a unique interaction to be accounted for in the analysis, as almost all tweets from the Camry account were homestyle. Additionally, interactions between the two accounts are also homestyle which resulted in my coding every tweet that was retweet of the other account as homestyle. Just 491 of the accounts' tweets were non-homestyle and more than triple that, 1,505 tweets, were homestyle. Emotional tones had mean scores of 0.033, 0.157, 0.828, with standard deviations of 0.076, 0.160, 0.164 for negative, positive, and neutral tones. These scores again fall in line with the previous two judges granting increased credence for judges' propensity for neutral language.

Figure 3.3: Brown/Camry homestyle tweet introducing the new Camry of Justice

DON WILLETT

Willet's homestyle was mostly characterized in chapter 2, but to recap, he fits the archetype of the "infotainer" influencer with personalized "on-this-day" historical tweets in addition to tweets about his family and love for Chick-Fil-A. Willett's homestyle was certainly the most visible as he went as far as to post a picture of himself in full American Revolution cosplay from

his "office" in a Chick-Fil-A. As one would expect from Texas' so-called "Tweeter Laureate," Don Willett proved to be the most prolific homestyle practitioner with 1,800 homestyle tweets, 971 non-homestyle tweets, and 429 retweets. For emotional tones, Willett had mean scores of 0.045, 0.127, and 0.828 for positive, negative, and neutral language with respective standard deviations of 0.094, 0.158, and 0.173. Looking at all four judges' emotional mean scores, it is clear that they overwhelmingly skew towards neutrality as I expected. A crucial note though, is that these scores only tell us the volume of the measured emotional tones, not the effects. In the following chapter, I will explain my modelling process and the results of my analysis.

Figure 3.4: Willett's best homestyle tweet

Chapter 4: Modeling Judicial Homestyle and Results

As we arrive at the culmination of a few chapters of theory building and research design, I will first recap the key points that led us here. In the opening chapter I laid out the theoretical basis for this work which blended elements of traditional and influencer marketing with that of judicial electoral politics. A key point of this highlighted the importance of direct and indirect contact between brands/influencers with their audience. This meshed with previous work in audience theory culminated with an emerging theory centered on the intentionality behind extrajudicial communication styles being applied to how they present themselves online. Chapter two expands on this concept with a more specific examination of this behavior as exemplified with judges Stephen Dillard and Don Willett of Georgia and Texas, respectively. From this examination we are given a clearer example of what judicial homestyle looks like in action and how it mirrors the behaviors of social media influencers via persona crafting. The hybridization of both fields gave way to concept I coin "judicial influencers." Based on this judicial influencer behavioral model, I then proceeded to explain the process by which the scrapped tweets of the judges included in this analysis were determined to be coded as homestyle. This process was highly specific to the individual judges as homestyle is personal by nature, yet there were still considerations for the more generic forms of judicial homestyle such as nods to local professional and collegiate sports. In this section, I will discuss the key details and results of the empirical analysis.

ESTABLISHING A BASELINE FOR JUDICIAL HOMESTYLE

My analysis began with running a series of bivariate regression models to establish a baseline. With this model, the IV *homestyle*, was logged as it was nonlinear before transformation, ultimately making direct comparisons impossible because of the different scales of the variable. Within this initial model, *homestyle* met statistical significance at the 0.001 level for Willett,

Brown, and McCormack. Jackson failed to meet statistical significance in the homestyle-only model or show substantial effect with her homestyle only seeing just a 0.085-point increase in engagement with a constant of 0.985 (Table 4.1). This result was not surprising as Jackson consistently received low engagement on her tweets across the board which could explain the lack of variance. I expected Justice Willett's homestyle to have the strongest effect on his engagement, but this was not shown by the model. For Willett, homestyle corresponded with an increase of 0.382-point in engagement with a constant of 5.572 (Table 4.2). This means for Willett, homestyle had an effect, but not a sizable one. Willett's constant was significantly higher than all the other judges' leading me to re-examine his tweet dataset for errors in my coding scheme. This did not seem to be an issue, however, as engagement was consistently high for almost all tweets, meaning this is likely not a modeling issue. Justice Brown's homestyle had a significant and strong effect with a 0.601-point increase in engagement and constant of 1.348 (Table 4.3). McCormack's homestyle was also significant and strong with a 0.767-point increase in engagement and constant of 1.000 (Table 4.4). Despite demonstrating it the least, McCormack saw the greatest increase in engagement when using homestyle. This contrasts Willett who demonstrated homestyle the most, Willett saw the smallest gains. With a baseline established, the second model builds upon the first and includes an added dimension, emotional tone derived from the VADER sentiment analysis mentioned in chapter three. With this second model, most of the judges' homestyle coefficients were comparable to the baseline established with the initial model.

FINAL RESULTS

Like in the initial model, judge Jackson is the outlier with homestyle coefficients varying the most drastically and inconsistently. A positive tone corresponded with a 1.241-point decrease in engagement with homestyle accounting for a 0.139-point increase. Tweets with a neutral tone

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had a 1.371-point increase in engagement while homestyle corresponded with a 0.150 increase and constant of -0.073. Both emotions narrowly met statistical significance with strong effects, but only neutral tweets saw strong effects from homestyle (Tables 4.6 & 4.8). Jackson's negative tweets corresponded with a 0.771-point decrease in engagement and no statistical significance for homestyle (Table 4.7). While positive and negative tweets had similar constants of 1.227 and 1.011 respectively, neutral tweets were a significant outlier with a constant of -0.073. Thus, homestyle tweets with a neutral emotional tone were the most effective at garnering engagement from Jackson's audience.

As with the previous model, Willett's homestyle effects are significant but weak in positive and neutral tweets having 0.383- and 0.389-point increases in engagement (Tables 4.11 and 12). Neutral tones corresponded with a 0.278-point decrease in engagement and positive tones did not reach statistical significance. Negative emotional tones corresponded with a 0.793-point increase in engagement and homestyle accounting for a 0.384-point increase, both meeting statistical significance (Table 4.10). This model retained Willett's high constants with negative, positive, and neutral tweets corresponding with constants of 5.534, 5.567, and 5.797, respectively. From this, we can draw a secondary conclusion that negative homestyle tweets had the greatest measurable effect, though this effect was only marginal.

None of the emotional tones met statistical significance for Justice Brown though homestyle did. Negative, neutral, and positive homestyle tweets had effects of 0.601-, 0.601-, and 0.600-point increases on engagement respectively (Tables 4.14-16). With respective constants of 1.348, 1.168, and 1.386, homestyle was determined to have effects of medium strength with neutral tones being the most effective.

For McCormack, neutral homestyle tweets were statistically significant and corresponded with a respective 0.714- and 0.750-point increase in engagement and constant of 0.452 (Table 4.18). Negative tones did not meet statistical significance but homestyle did with a 0.767-point increase in engagement over a constant of 1.021 (Table 4.19). Finally, positive homestyle tweets were statistically significant and strong with homestyle accounting for an increase of 0.767 points and positive tones a 0.641-point decrease in engagement (Table 4.20). Positive homestyle tweets had the highest constant for McCormack, 1.155 meaning neutral tones again were the most effective for her homestyle.

DISCUSSION

To recap, this analysis consisted of two bivariate regression models that saw an initial baseline-setting analysis followed by the primary analysis testing both the effects of homestyle and emotional tones on engagement. Zooming out to view the bigger picture, a few broader conclusions can be drawn. First, it appears that neutral homestyle tweets drew the highest levels of relative engagement across most of the judges with Willett being a slight exception. Additionally, both positive and negative emotions mostly either failed to meet statistical significance or decrease engagement bolstering the case for judicial influencers wanting to avoid polar emotional tones. These combined findings fall in line with the theory built out in chapter one leading me to conclude that the results supporting *H1 homestyle tweets should see more engagement than non-homestyle ones*. Homestyle in general was found to have positive effects with only the strength of the effect for Willett being weak.

Chapter 5: Why Should We Study Judicial Homestyle?

On May 26, 2023, Don Willett ended his self-imposed exile since ascending to the circuit court with a tweet congratulating his firstborn son for graduating high school.
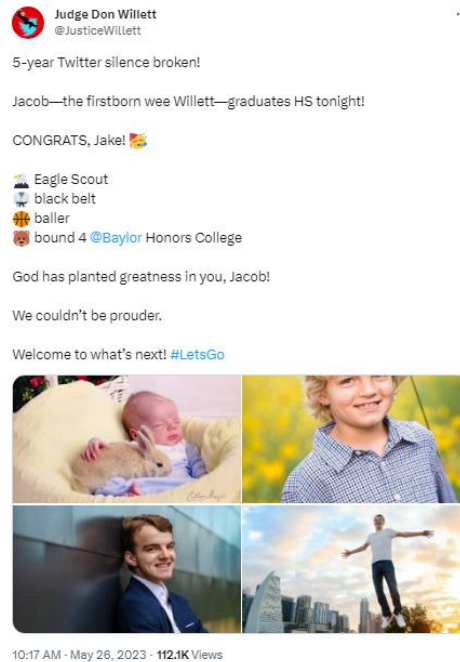
Figure 5.1: Willett's return to Twitter

Prior to his return, an argument could have been made in this section that once judges are elevated past the point of retention elections, their need for the continued use of Twitter ceased. Instead, Willett's return hints at alternative motivations behind a judge's decision to use Twitter. For many Twitter users, the platform acts as a personal micro-blog to share a curated slice of their lives. This did seem to be the case for judges Dillard and Willett which was a partial motivation for my dedicating a chapter to detailing their Twitter use. In March 2023, Dillard shared a tweet thread on his broader thoughts on the platforms and the ways it has changed since it was acquired by Elon Musk in October of 2022. In this thread Dillard wrote:

> Twitter—like any other social-media platform—is a mixed bag. There are large swaths of Twitter that are particularly toxic, but others are undoubtedly a net positive…

Transparency, accessibility, listening to different viewpoints, & building communities of people w/ shared values or interests are all things that should be encouraged (indeed celebrated), & Twitter—for all its faults—is an established platform that allows folks to do just that.

Twitter has also provided a space for sub-spaces, such as the judicial Twitterverse, Black Twitter, and Academic Twitter to name a few. Within these spaces a sense of digital community may form around shared interests and experiences. Within the judicial Twitterverse for example, outsiders and insiders alike may observe the personal/professional networks judges engage with in addition to the bits of their lives and careers they share.

LIMITATIONS

In recent months, researchers including myself have had to contend with additional barriers such as the growing trend of social media sites like Twitter and Reddit locking API access behind paywalls. For Twitter, this paywall brought on limitations for expanding upon this and future work on the platform as the dataset was limited to those whose accounts were already scraped for (Curry and Fix 2019). This paywall then prevented the scraping of Judge Dillard's Twitter account which is why his was not included in my empirical analysis. The number of tweets and time period they capture was also limited by the paywall. The broader effects of social media monetizing previously publicly available APIs is that it drastically reduces the accessibility of these platforms for researchers.

CONCLUSION

In this work, I identified a gap in both the judicial politics and political communications literatures regarding extrajudicial communications on the online social networking site Twitter. Through my work combining communications, marketing, and judicial politics literature, my goal was to provide an introductory framework future work can be built on. By combining my

conceptualization of the judicial influencer with existing theory on judicial homestyle, I offer an expanded understanding of why an elected judge would want to maintain a personalized presence on Twitter. Regardless of the intent behind it, by using homestyle, judges are position themselves, and the judiciary by extension, as legitimate in the eyes of their followers. This is important to note as Gibson et al., (1998) argued, elections are legitimizing events and for judges, their elections serve as a chance to educate the public into the goings on of the courts. This means homestyle is important not just for electoral purposes, but because it is an opportunity for judges to legitimize their institution as well. Finally, raising a judge's profile has multiple potential positive outcomes as to know the court is to love the court (Gibson et al., 1998). Among these is the aforementioned legitimizing effect, but for the judges' career advancement goals, raising their notoriety may see potential benefits when considerations are made for promotions to the federal circuit as well.

My central contribution to the political communications and judicial politics literatures, the judicial influencer concept, provides may also be expanded on by considering the other two branches of American government. Through this I believe, researchers may be better suited to understand the communication strategies behind politicians' use of emerging social media platforms. To this end, I point future researchers to the emerging trend of representatives taking to livestream platforms like Twitch, TikTok, and YouTube as it serves a potentially greater point of contact between themselves and their potential constituents. A prime example of this would be the multiple Twitch streams New York House Representative Alexandria Ocasio-Cortez (AOC) and Minnesota Representative Ilhan Ohmar have participated in alongside some of the platforms most popular streamers including Hasan "Hasanabi" Piker and Imane "Pokimane" Anys. Beyond potentially increasing her own notoriety, Cortez used her streams to spread political messaging with her October 2020 stream to urge viewers to develop a voting plan and urge voters in her constituency to vote for then former Vice-President Joe Biden via the Working Families Party while playing the then mega popular game *Among Us*. Representative Cortez has since had multiple follow up gaming-centric streams with her most recent taking place in July 2023 again in collaboration with Hasanabi and Pokimane. This time, instead of explicitly directing viewers

towards electoral causes, Cortez used the stream to promote worker's rights by bringing attention to the multitude of strikes across the country. Before the stream, Representative Cortez Tweeted about a recent report put out by the Twitter Safety account boasting their efforts to detoxify the platform.

Figure 5.2: Representative Cortez Tweet regarding Harassment on Twitter

Cortez's comments are significant in discussions surrounding how our elected officials are expected to not only engage with the public, but how the public may engage with them. While platforms like Twitter have shown themselves to be an invaluable resource for political communication, it is important to consider the very real disadvantages that may come with it. Thus, an elected official's continued use remains a valuable resource for scholars and the public alike. Ultimately, this more personalized, influencer-inspired approach to politics may soon become normalized, making foundational work such as mine increasingly salient.

Tables

Table 3.1: Jackson Emotions Descriptive Statistics

Tone	Mean	Range	Standard Deviations
Negative	0.036	0.000 – 0.750	0.097
Positive	0.223	0.000 – 0.928	0.225
Neutral	0.741	0.072 – 1.000	0.226

Table 3.2: Willett Emotions Descriptive Statistics

Tone	Mean	Range	Standard Deviations
Negative	0.045	0.000 – 0.815	0.094
Positive	0.127	0.000 – 0.851	0.158
Neutral	0.828	0.149 – 1.000	0.173

Table 3.3: Brown & Camry Emotions Descriptive Statistics

Tone	Mean	Range	Standard Deviations
Negative	0.033	0.000 – 0.750	0.076
Positive	0.157	0.000 – 0.857	0.160
Neutral	0.810	0.143 – 1.000	0.164

Table 3.4: McCormack Emotions Descriptive Statistics

Tone	Mean	Range	Standard Deviations
Negative	0.026	0.000 – 0.612	0.064
Positive	0.156	0.000 – 0.761	0.156
Neutral	0.818	0.239 – 1.000	0.158

Table 4.1: Jackson Baseline[7]

Engagelog	Coefficient	Std. Error	T score	P value	95% Conf. Interval	
Homestyle	0.085	0.065	1.31	0.190	-0.042	0.212
Constant	0.985	0.054	18.37	0.000	0.879	1.090

Table 4.2: Willett Baseline

Engagelog	Coefficient	Std. Error	T score	P value	95% Conf. Interval	
Homestyle	0.382***	0.045	8.46	0.000	0.294	0.470
Constant	5.572	0.036	153.17	0.000	5.501	5.644

Table 4.3: Brown & Camry Baseline

Engagelog	Coefficient	Std. Error	T score	P value	95% Conf. Interval	
Homestyle	0.601***	0.050	11.93	0.000	0.503	0.700
Constant	1.348	0.044	30.80	0.000	1.262	1.434

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7 * significance at 0.05 ** significance at 0.005 *** significance at 0.001

Table 4.4: McCormack Baseline

Engagelog	Coefficient	Std. Error	T score	P value	95% Conf. Interval	
Homestyle	0.767***	0.098	7.82	0.000	0.574	0.960
Constant	1.000	0.061	16.43	0.000	0.880	1.120

Table 4.5: Jackson compound emotion

Engagelog	Coefficient	Std. Error	T score	P value	95% Conf. Interval	
Homestyle	0.075	0.065	1.17	0.243	-0.051	0.202
Compound	-0.328***	0.075	-4.37	0.000	-0.475	-0.181
Constant	1.098	0.059	18.50	0.000	0.981	1.214

Table 4.6: Jackson w/ positive emotion

Engagelog	Coefficient	Std. Error	T score	P value	95% Conf. Interval	
Homestyle	0.139*	0.064	2.18	0.030	0.014	0.264
Positive	-1.241***	0.133	-9.34	0.000	-1.502	-0.981
Constant	1.227	0.059	20.92	0.000	1.112	1.342

Table 4.7: Jackson w/ negative emotion

Engagelog	Coefficient	Std. Error	T score	P value	95% Conf. Interval	
Homestyle	0.088	0.065	1.36	0.174	-0.039	0.215
Negative	-0.771**	0.311	-2.48	0.013	-1.382	-0.160
Constant	1.011	0.055	18.53	0.000	0.904	1.118

Table 4.8: Jackson w/ neutral emotion

Engagelog	Coefficient	Std. Error	T score	P value	95% Conf. Interval	
Homestyle	0.150*	0.064	2.36	0.018	0.026	0.275
Neutral	1.371***	0.132	10.42	0.000	1.113	1.629
Constant	-0.073	0.114	-0.64	1.525	-0.296	0.151

Table 4.9: Willett compound emotion

Engagelog	Coefficient	Std. Error	T score	P value	95% Conf. Interval	
Homestyle	0.382***	0.045	8.43	0.000	0.293	0.471
Compound	0.000	0.054	0.00	0.998	-0.105	0.106
Constant	5.572	0.038	145.44	0.000	5.497	5.647

Table 4.10: Willett w/ negative emotion

Engagelog	Coefficient	Std. Error	T score	P value	95% Conf. Interval	
Homestyle	0.384***	0.045	8.52	0.000	0.295	0.472
Negative	0.793***	0.219	3.61	0.000	0.362	1.223
Constant	5.534	0.038	146.38	0.000	5.460	5.608

Table 4.11: Willett w/ positive emotion

Engagelog	Coefficient	Std. Error	T score	P value	95% Conf. Interval	
Homestyle	0.383***	0.045	8.46	0.000	0.294	0.472
Positive	0.040	0.135	0.30	0.766	-0.224	0.304
Constant	5.567	0.041	135.58	0.000	5.486	5.647

Table 4.12: Willett w/ neutral emotion

Engagelog	Coefficient	Std. Error	T score	P value	95% Conf. Interval	
Homestyle	0.389***	0.045	8.60	0.000	0.300	0.477
Neutral	-0.278*	0.122	-2.28	0.023	-0.517	-0.038
Constant	5.797	0.105	55.00	0.000	5.591	6.004

Table 4.13: Brown & Camry compound emotion

Engagelog	Coefficient	Std. Error	T score	P value	95% Conf. Interval	
Homestyle	0.599***	0.050	11.88	0.000	0.500	0.698
Compound	-0.100	0.053	-1.88	0.060	-0.204	0.004
Constant	1.379	0.047	29.50	0.000	1.288	1.471

Table 4.14: Brown & Camry w/ negative emotion

Engagelog	Coefficient	Std. Error	T score	P value	95% Conf. Interval	
Homestyle	0.601***	0.050	11.92	0.000	0.502	0.700
Negative	0.015	0.296	0.05	0.959	-0.565	0.596
Constant	1.348	0.045	30.26	0.000	1.261	1.435

Table 4.15: Brown & Camry w/ neutral emotion

Engagelog	Coefficient	Std. Error	T score	P value	95% Conf. Interval	
Homestyle	0.601***	0.050	11.94	0.000	0.503	0.700
Neutral	0.222	0.133	1.67	0.095	-0.039	0.484
Constant	1.168	0.117	10.00	0.000	0.939	1.397

Table 4.16: Brown & Camry w/ positive emotion

Engagelog	Coefficient	Std. Error	T score	P value	95% Conf. Interval	
Homestyle	0.600***	0.050	11.92	0.000	0.502	0.699
Positive	-0.239	0.137	-1.74	0.082	-0.508	0.030
Constant	1.386	0.049	28.23	0.000	1.291	1.482

Table 4.17: McCormack compound emotion

Engagelog	Coefficient	Std. Error	T score	P value	95% Conf. Interval	
Homestyle	0.781***	0.099	7.92	0.000	0.587	0.974
Compound	0.179	0.135	1.33	0.186	-0.087	0.445
Constant	0.943	0.075	12.64	0.000	0.796	1.089

Table 4.18: McCormack w/ neutral emotion

Engagelog	Coefficient	Std. Error	T score	P value	95% Conf. Interval	
Homestyle	0.714***	0.098	7.27	0.000	0.521	0.907
Neutral	0.750***	0.230	3.26	0.001	0.297	1.203
Constant	0.452	0.179	2.53	0.012	0.100	0.803

Table 4.19: McCormack w/ negative emotion

Engagelog	Coefficient	Std. Error	T score	P value	95% Conf. Interval	
Homestyle	0.767***	0.098	7.83	0.000	0.575	0.960
Negative	-0.800	0.672	-1.19	0.235	-2.122	0.522
Constant	1.021	0.063	16.11	0.000	0.897	1.146

Table 4.20: McCormack w/ positive emotion

Engagelog	Coefficient	Std. Error	T score	P value	95% Conf. Interval	
Homestyle	0.722***	0.099	7.33	0.000	0.528	0.916
Positive	-0.641**	0.229	-2.80	0.005	-1.091	-0.191
Constant	1.155	0.082	14.10	0.000	0.994	1.316

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Vita

Born into a military family, Cayleb Bryant Stives spent most of his early childhood moving from place to place before settling in El Paso in 2008. Cayleb completed his Bachelor of Arts degree in communication studies at the University of Texas at El Paso (UTEP) in May of 2020. At the University, he stepped into a student leadership role serving as parliamentarian and vice president of the Black Student Union where he worked in collaboration with the university to further efforts to celebrate the history and cultures of the university's diverse student body. During his graduate studies, he served as a teaching and research assistant having begun work on two currently pending publications.

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