PLSC 473: American Judicial Behavior

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Case Facts

Law: Statutes, Precedent, etc.

Politics/ Ideology

Decision

External Influences

Judicial "Role"

Judge Traits
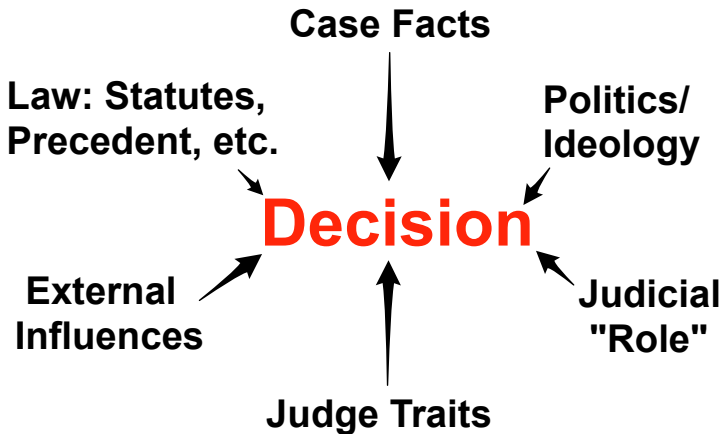
"Personal Attribute" Influences

The idea that "pre-court life experiences play a prominent role in shaping the personal values and policy preferences of judges, and that such biographical factors can be useful in predicting judicial decisions."

– Brudney et al. (1999, 1682)

Why Personal Attributes?

- "Direct" Effects

- *Socialization* (values $\rightarrow$ policy positions)

- Measurement Challenge: <u>Circularity</u>

Personal Attributes → **Ideology** → **Decision**

Tate (1981)

- Personal Attributes' effects on SCOTUS voting / behavior
- Aggregate data on 25 justices' (1946-1978) voting liberalism in *civil rights/liberties* & *economics* cases
- Personal attributes: 21 of them:
  1. Birth/upbringing
  2. Career
  3. Age and tenure
  4. Partisanship
- Methods: *Linear regression*

Table 3. Personal Attribute Models of Liberalism in Voting in Civil Rights and Liberties and Economics Cases for U.S. Supreme Court Justices, 1946-1978

Liberalism on Civil Rights and Liberties Cases (% LIBCL)				Liberalism on Economics Cases (% LIBECON)			
Independent Variable	Beta	B	t	Independent Variable	Beta	B	t
Party Identification	.48	29.1	4.58	Party Identification	.73	38.4	4.78
Appointing President:				Appointing President:			
Truman	−.54	−43.9	−5.65	Truman	−.26	−18.5	−1.92
Johnson	.14	14.9	1.45	Nixon	−.19	−13.4	−1.34
Nixon	−.24	−19.2	−2.27	Prestige of Prelaw			
Appointment Region	−.34	−22.2	−3.14	Education	.19	10.0	1.37
Extent of Judicial				Appointed from			
Experience	.17	6.3	1.89	Elective Office	.34	27.0	2.20
Type of Prosecutorial				Extent of Judicial			
Experience	.56	24.2	5.95	Experience	.31	9.9	2.33
				Type of Prosecutorial			
				Experience	.29	10.7	1.97

Association Between Attribute and Liberal Voting Record

Intercept	12.0	4.3
R^2	.87	.72
Adjusted R^2	.82	.61
Standard Error of Estimate	13.0	16.5
F (d.f.)	16.12 (7,17)	6.27 (7,17)
Probability of F	<.00005	<.00005
Determinant of Correlation		
Matrix of Predictors	.45	.44

"Variance in Votes Explained" by Attributes.

Source: Computed from data accompanying John Paul Ryan and C. Neal Tate, *The Supreme Court in American Politics: Policy Through Law*, 2nd ed., Washington, D.C., American Political Science Association, 1980.
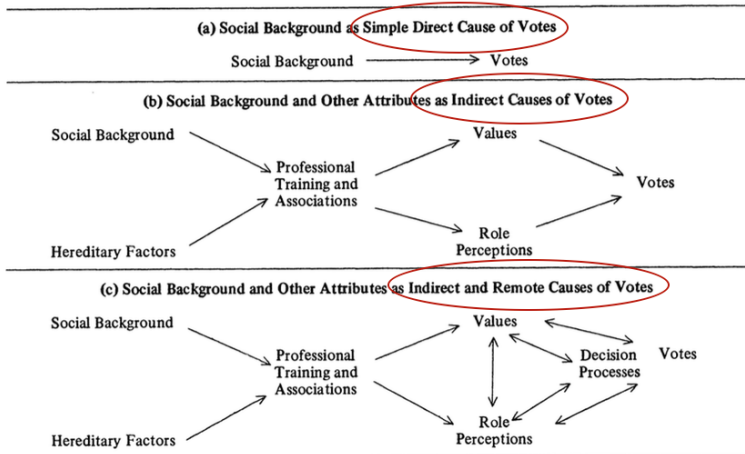
Figure 1. Potential Models of Judges' Voting Behavior