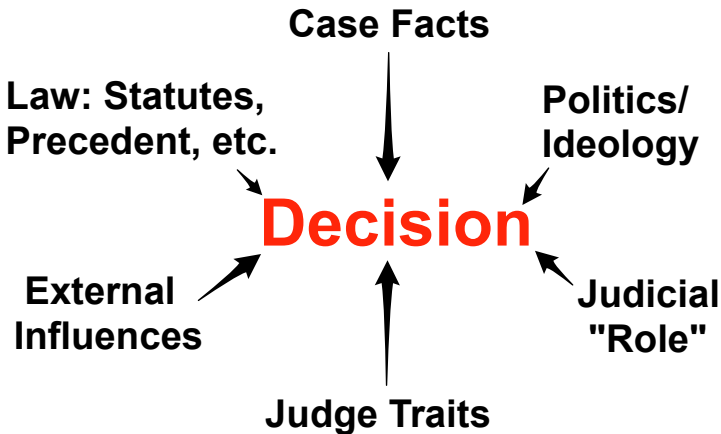


PLSC 476: Empirical Legal Studies

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Influences on Judicial Decisions



“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, Schiavoni, and Merritt (1999) “Judicial Hostility Towards Labor Unions? Applying the Social Background Model to a Celebrated Concern.” Ohio State Law Journal 60:1675-1765.

Why Personal Attributes?

- “Direct” Effects
- *Socialization* (values \rightarrow policy positions)
- Measurement Challenge: Circularity

Personal Attributes: Mechanism



- 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*

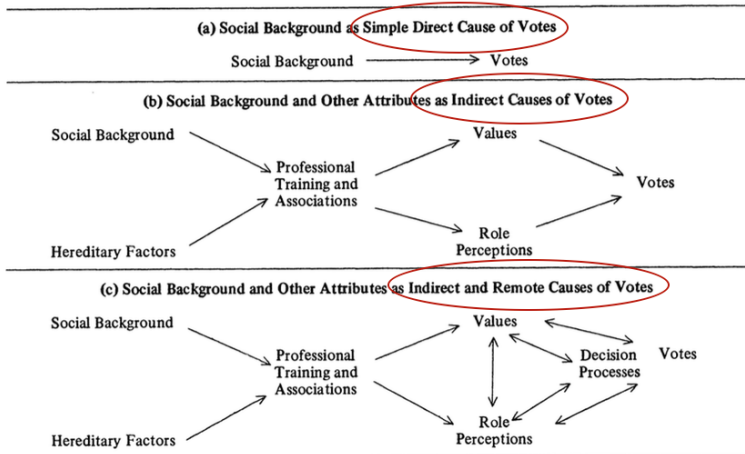
Tate (1981, Table 3)

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
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	

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.

Tate (1981, Figure 1)



Source: Slightly adapted from Walter F. Murphy and Joseph Tanenhaus, *The Study of Public Law*, New York, Random House, 1972, p. 109.

Figure 1. Potential Models of Judges' Voting Behavior

Frame: “Empathy” → Personal Relationships

Four theories:

- **Learning**
- **Protectionism**
- **Lobbying**
- **Preference Realignment**

Glynn and Sen (2015) (continued)

Analytical approach:

- U.S. Court of Appeals Judges, 1996-2002.
- Data = Decisions in cases involving discrimination against women or women's rights ($N = 990$).
- Outcome = proportion of votes in a feminist-leaning direction.
- Methods: regression ("weighted least squares") on judges' aggregate records + individual votes.

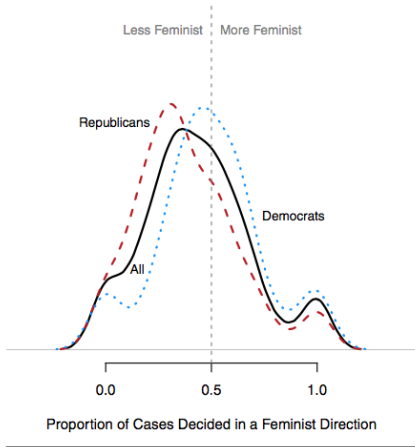
Glynn and Sen (2015) (continued)

TABLE 1 Number of Children and Girls for U.S. Courts of Appeals Judges Participating in Gender-Related Cases, 1996-2002

Number of Children	0	1	2	3	4	5	6	7	8	9	N
Democrat	12	13	33	24	15	4	–	1	–	1	103
Republican	13	8	44	30	15	7	3	–	1	–	121
Number of Girls	0	1	2	3	4	5	6	7	8	9	
Democrats	26	35	29	10	1	2	–	–	–	–	
Republicans	36	43	31	9	2	0	–	–	–	–	

Glynn and Sen (2015) (continued)

FIGURE 1 Distribution of the Proportion of Cases Decided in a Feminist Direction out of All Gender-Related Cases Decided, 1996-2002



Glynn and Sen (2015) (continued)

TABLE 4 Weighted Least Squares Results, Gender-Related Cases Only

	Voting Record in a Feminist Direction, Gender-Related Cases Only							
	All Judges				Judges with 1–4 Children			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
At Least 1 Girl		0.07** (0.03)	0.09** (0.04)	0.07* (0.04)		0.07** (0.04)	0.09** (0.04)	0.07* (0.04)
1 Girl	0.09** (0.04)				0.09** (0.04)			
2 Girls	0.05 (0.04)				0.05 (0.04)			
3 Girls	0.06 (0.06)				0.08 (0.07)			
4 Girls	−0.35 (0.46)							
5 Girls	0.27 (0.17)							
Republican			−0.15*** (0.04)	−0.17*** (0.03)			−0.15*** (0.04)	−0.17*** (0.04)

Glynn and Sen (2015) (continued)

Findings:

- Effect of one or more daughters is about 7 percent
- Only an effect for gendered civil cases (not criminal)
- No “daughter effect” in *all* cases (only cases involving gender discrimination / rights)
- Results “driven primarily by GOP men” (Table 7)