

Do Judges Flip A Coin

Judicial Inattention in the US Asylum Courts

Sai Zhang

November 28, 2022

Outline

1 Impact Evaluation

Shock of Surprising Reverses

| | Predicted denial | Predicted success |
|----------------|------------------|-------------------|
| Actual denial | 10 | 10 |
| Actual success | 10 | 10 |

Shock of Surprising Reverses

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- reverse: denial asylum in the lower court, but grant asylum in the appeal court
- **surprising reverse**: predicted affirm, but actually reversed

Event Study: around Surprising Reverses

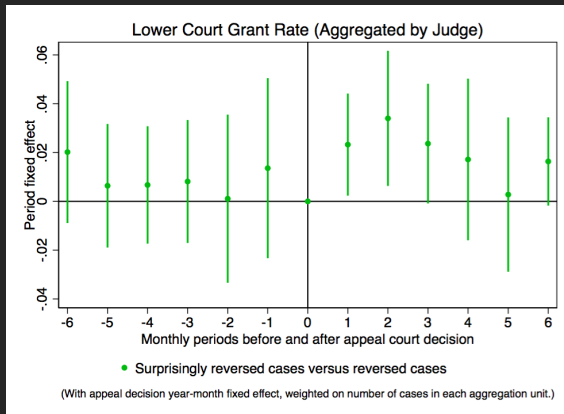
An event study design around the surprising reverse shock:

$$\bar{y}_{i,s,t} = \alpha D_{s,k} + \beta \mathbf{1}(\text{Surprising Reverse})_s + \gamma D_{s,k} \times \mathbf{1}(\text{Surprising Reverse})_s + \mu_t + \nu_c + \varepsilon_{i,s,t}$$

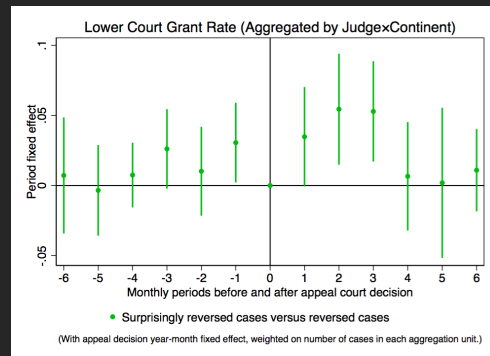
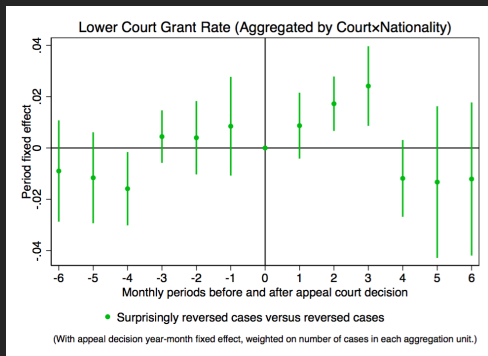
where:

- $\bar{y}_{i,s,t}$: the leave-out average grant rate of judge i , for case s
- μ_t : appeal decision year and month fixed effects
- ν_c : court fixed effects
- $k \in \{T-6, T-5, T-4, T-3, T-2, T-1, T, T+1, T+2, T+3, T+4, T+5, T+6\}$, where T is the time when the appeal decision is made.

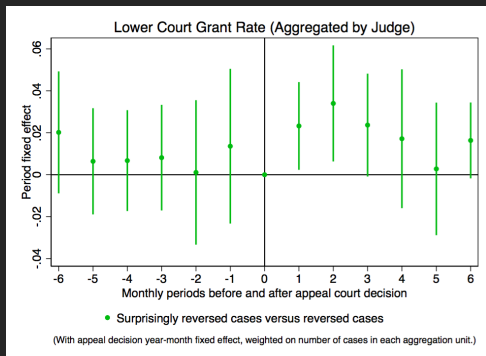
Event Study: Results



Event Study: Robustness to Granular Dependent Variable Construction

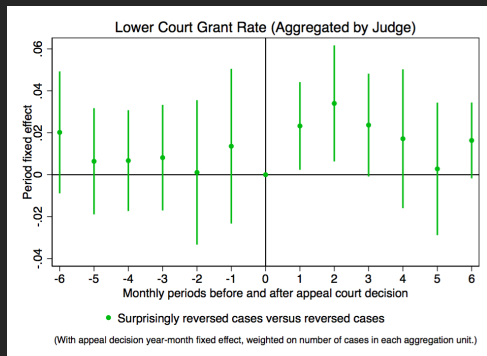


Event Study: Construct A Measure of Attentiveness



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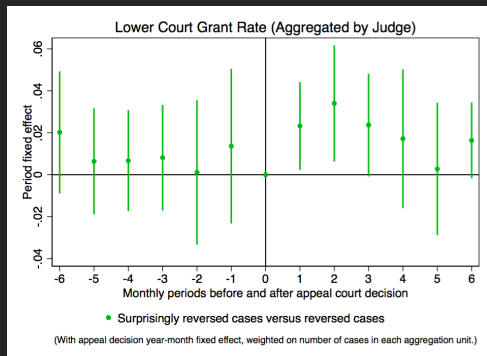
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Now, limit to a smaller window and re-pool data: $k \in \{T' - 1, T', T' + 1\}$, and extract γ as attentiveness of judges

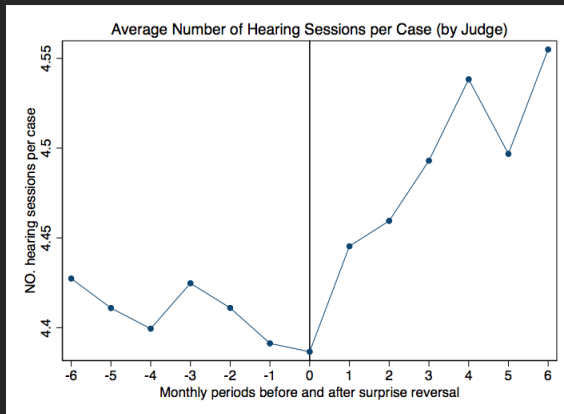
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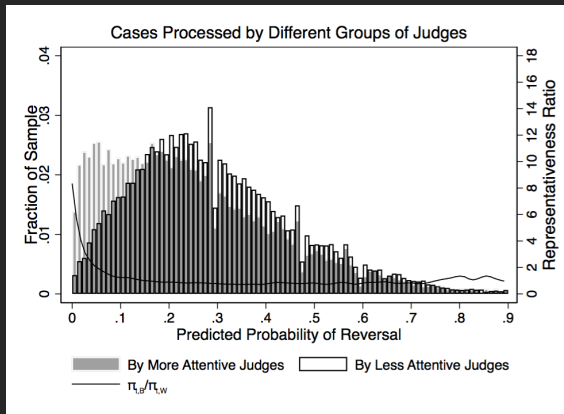
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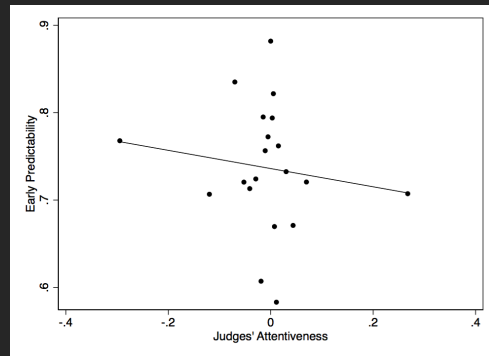
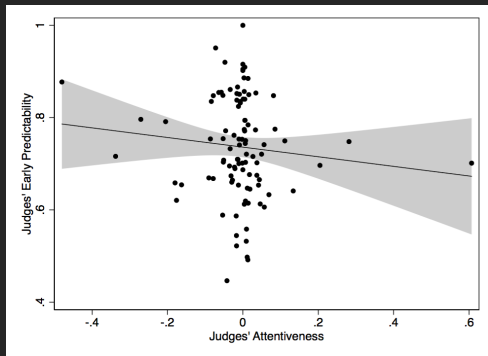
Validity of the Attentiveness Measure: Judges' Effort



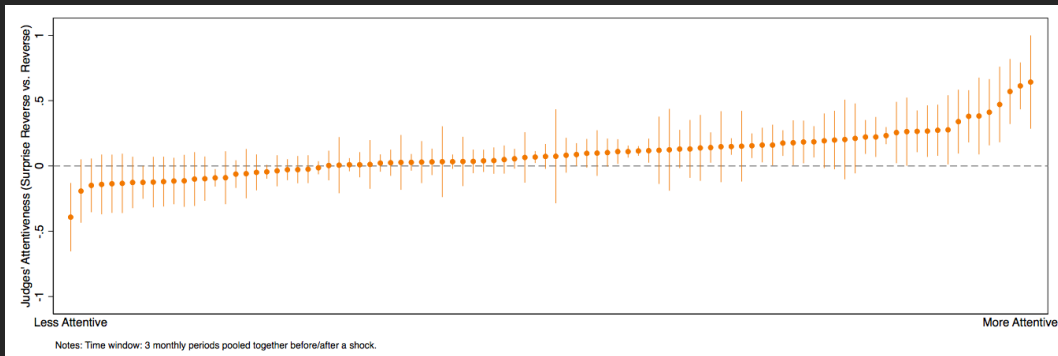
Validity of the Attentiveness Measure: Judges' Errors



Validity of the Attentiveness Measure: Early Predictability



Variation in Attentiveness of Judges



The Impact of Judicial Inattention: Implicit Risk Ranking

Generate a residualized, leave-out judge leniency measure following Arnold et al. (2018):

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The Impact of Judicial Inattention: Implicit Risk Ranking

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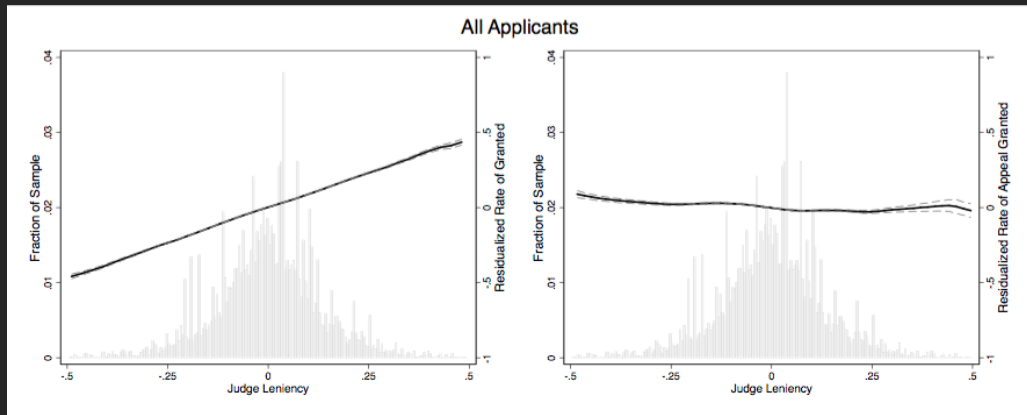
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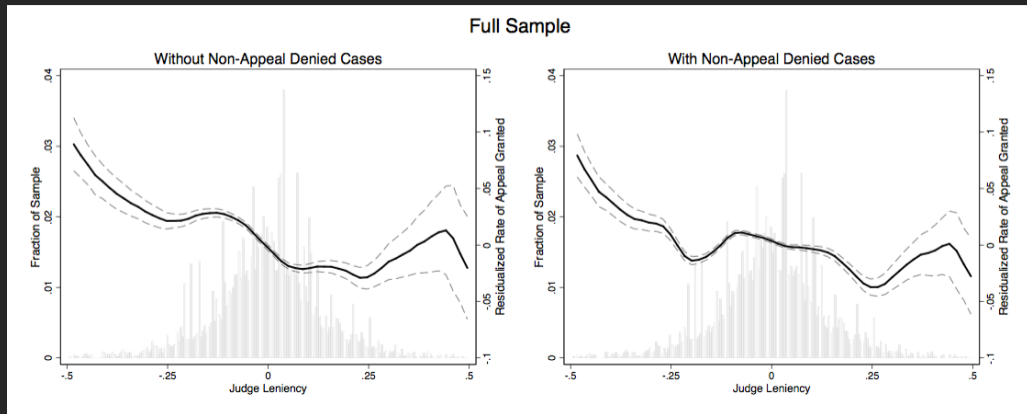
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This will give us a leniency measure

Risk Ranking of Judges

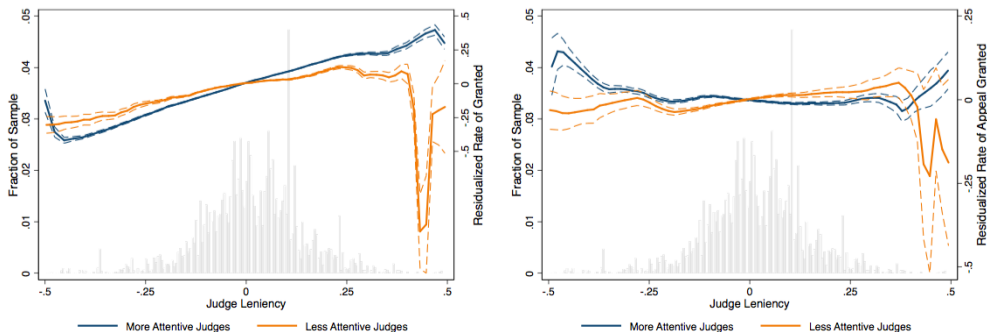


Risk Ranking of Judges: Appeal Courts



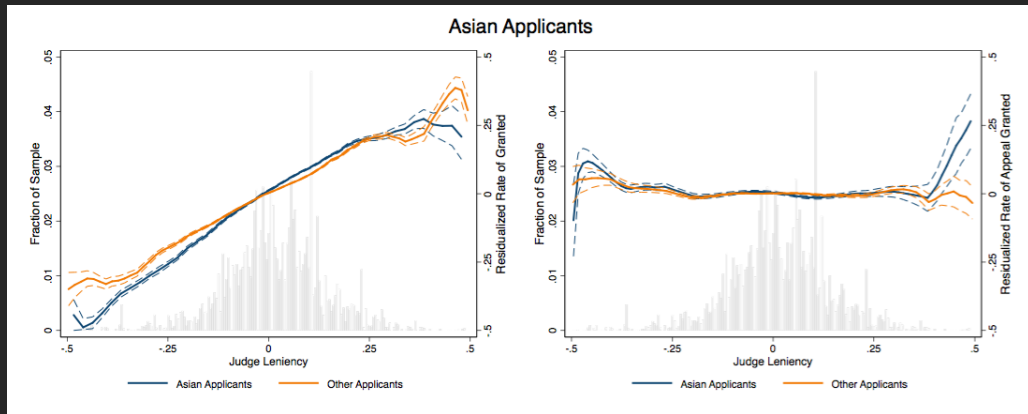
Implicit Risk Ranking and Inattention

Attentiveness of Judges: Surprisingly Reversed vs. Other Reversed



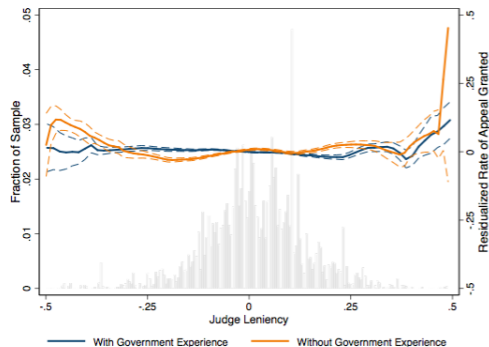
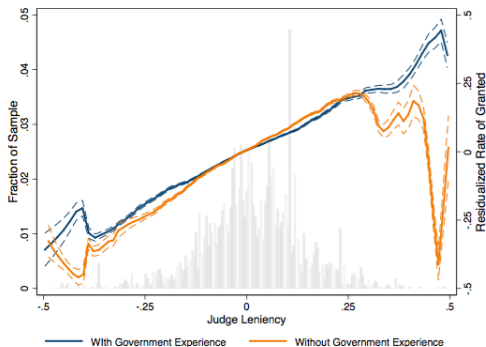
(Time window: 3 monthly periods pooled together before/after shock. More attentiveness: the coefficient of interaction of surprisingly reversed dummy and time-period dummy is bigger)

Risk Ranking of Judges: Asian Applicants

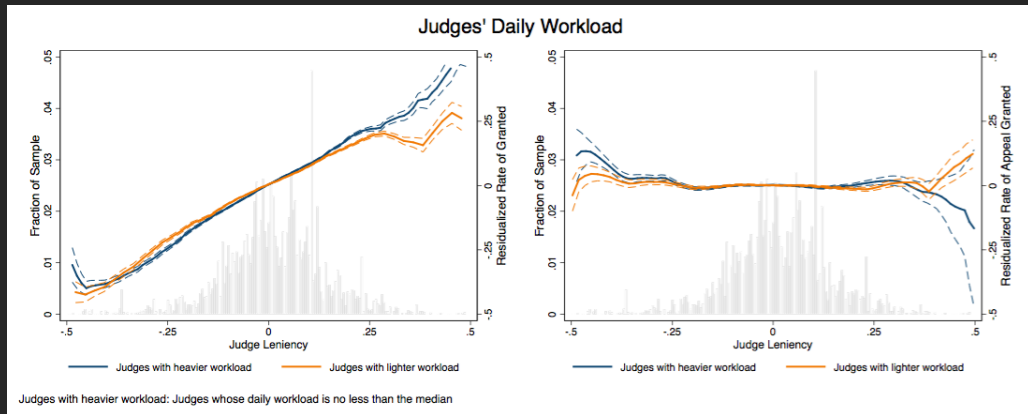


Risk Ranking of Judges: Government Experience

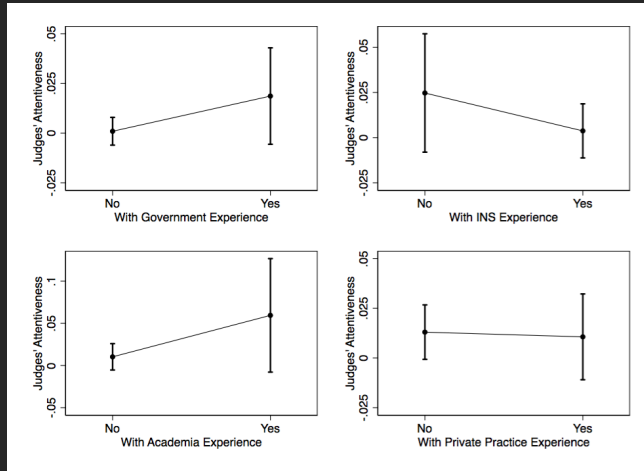
Judges with / without Government Experience



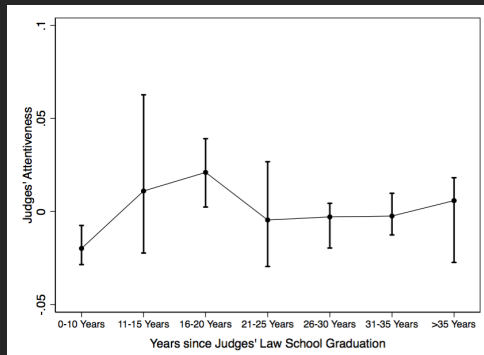
Risk Ranking of Judges: Workload



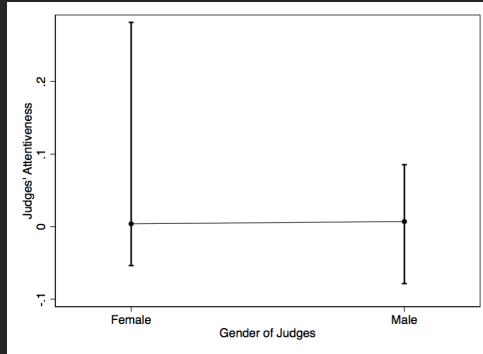
Judges' Inattention: Experience Heterogeneity



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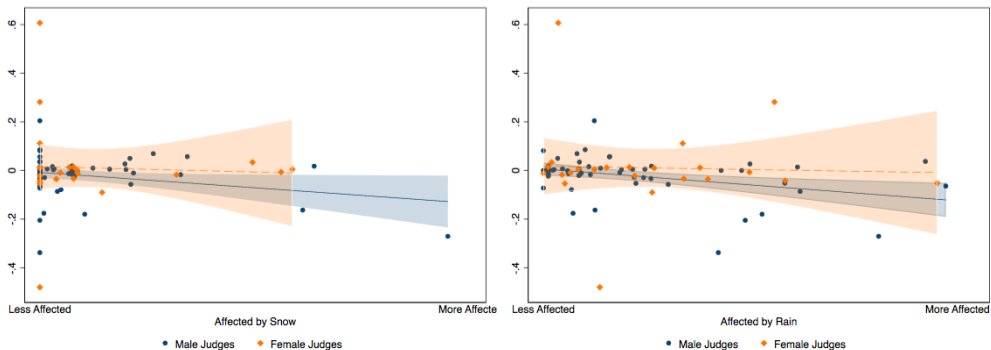


Judges' Inattention: Gender Heterogeneity

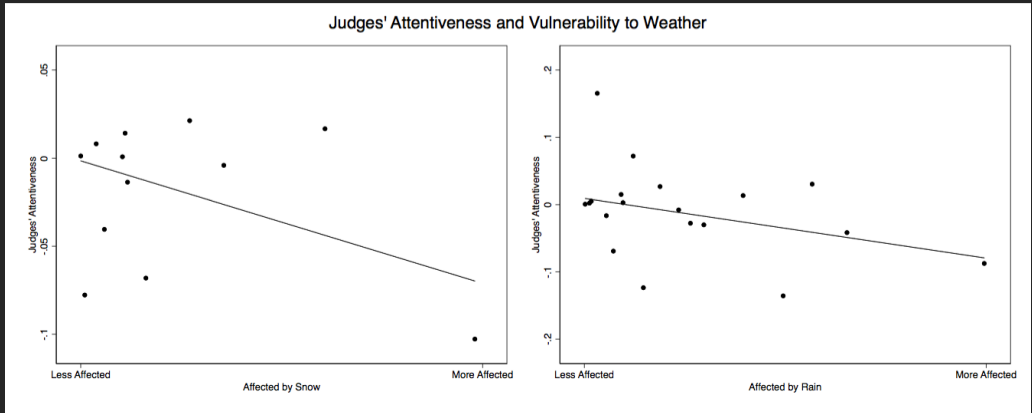


Judges' Inattention: The Influence of Weather

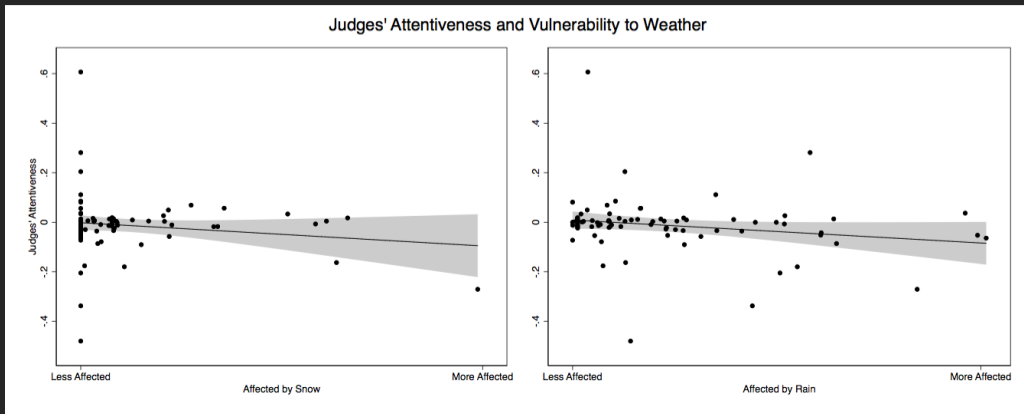
Judges' Attentiveness and Vulnerability to Weather



Judges' Inattention: The Influence of Weather



Judges' Inattention: The Influence of Weather



References I

Arnold, D., Dobbie, W., & Yang, C. S. (2018). Racial bias in bail decisions. *The Quarterly Journal of Economics*, 133(4), 1885–1932.

Thank you!