

Do Judges Flip A Coin

Judicial Inattention in the US Asylum Courts

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November 28, 2022

Outline

1 Impact Evaluation

Impact Evaluation

Shock of Surprising Reverses

	Predicted denial	Predicted success
Actual denial	10	10
Actual success	10	10

Shock of Surprising Reverses

	Predicted denial	Predicted success
Actual denial	affirm and predicted affirm	affirm but predicted reverse
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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

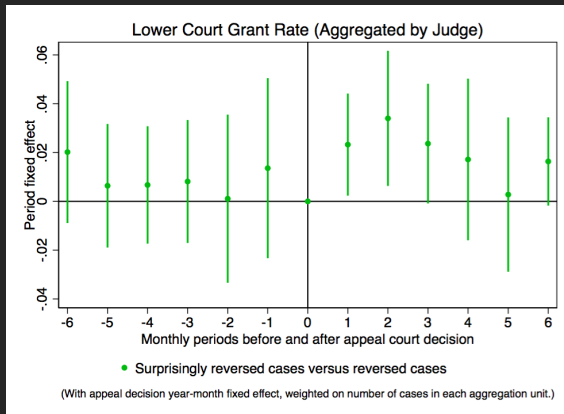
An event study design around the surprising reverse shock:

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

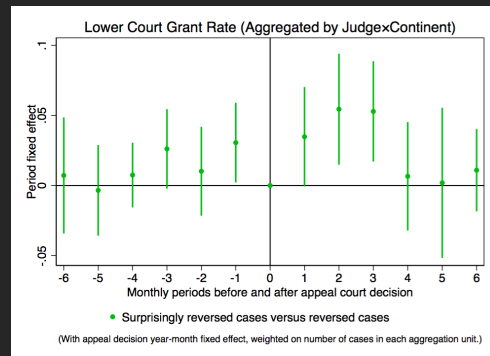
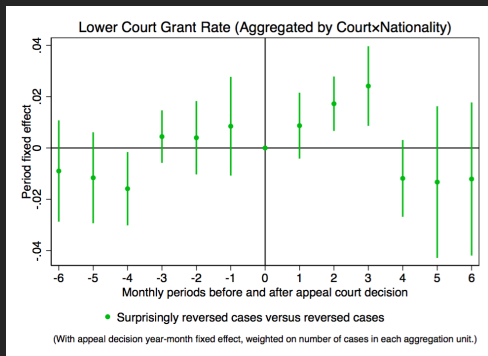
where:

- $\bar{y}_{i,s,t}$: 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.

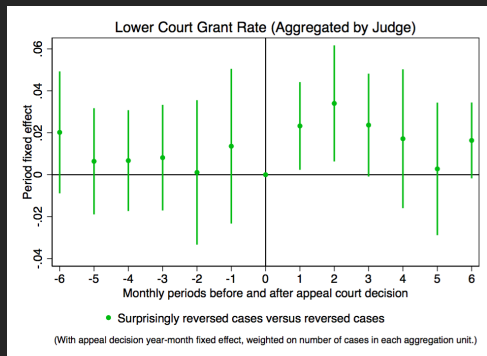
Event Study: Results



Event Study: Robustness to Granular Dependent Variable Construction

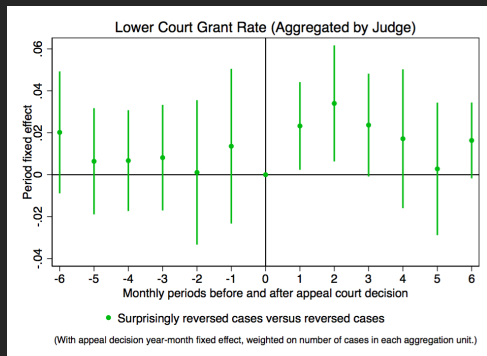


Event Study: Construct A Measure of Attentiveness



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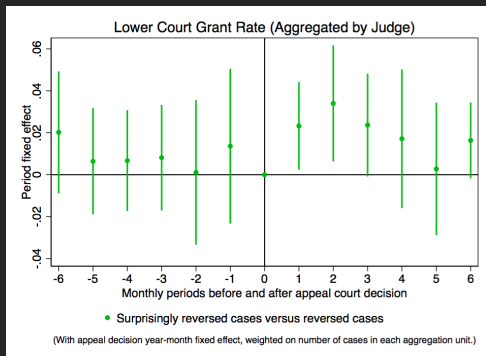
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Now, limit to a smaller window and re-pool data: $k \in \{T' - 1, T', T' + 1\}$, and extract γ as attentiveness of judges

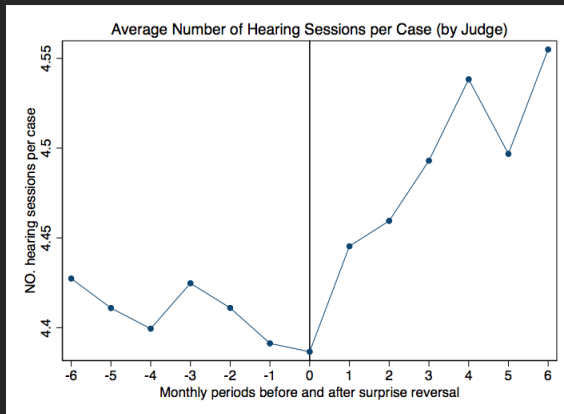
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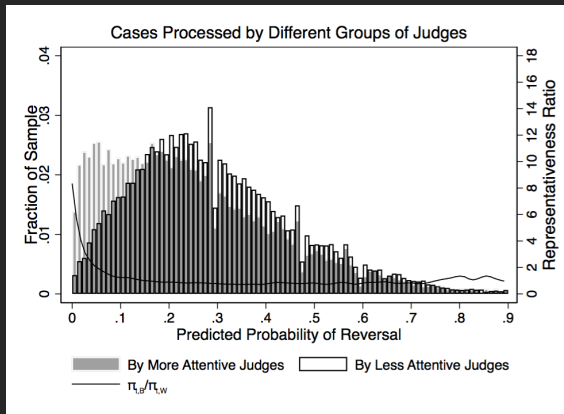
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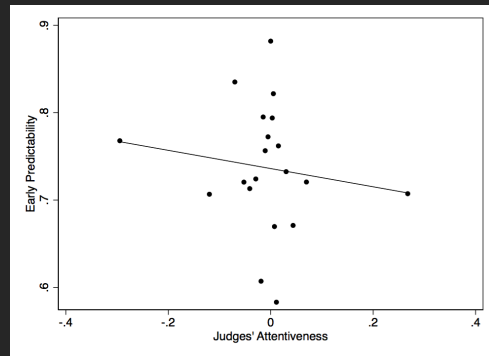
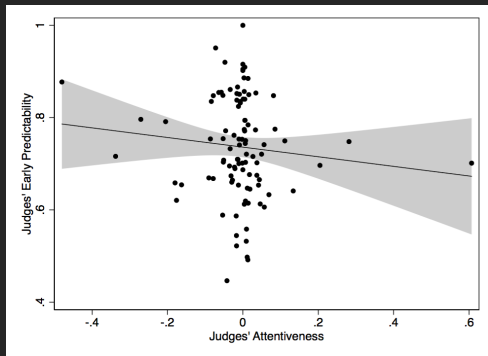
Validity of the Attentiveness Measure: Judges' Effort



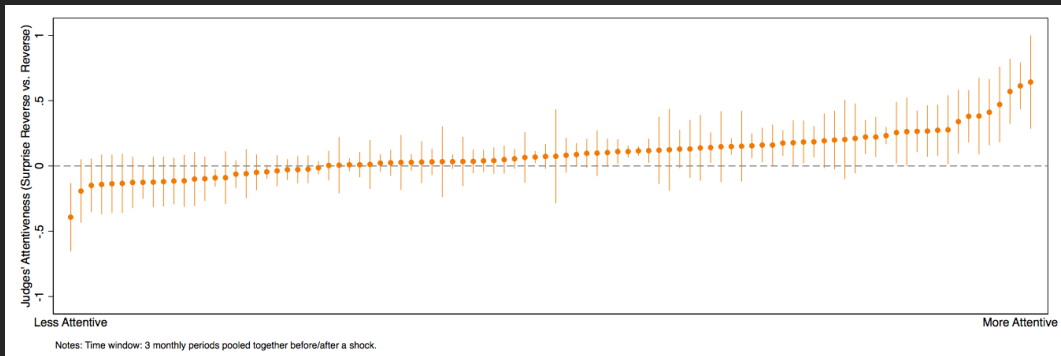
Validity of the Attentiveness Measure: Judges' Errors



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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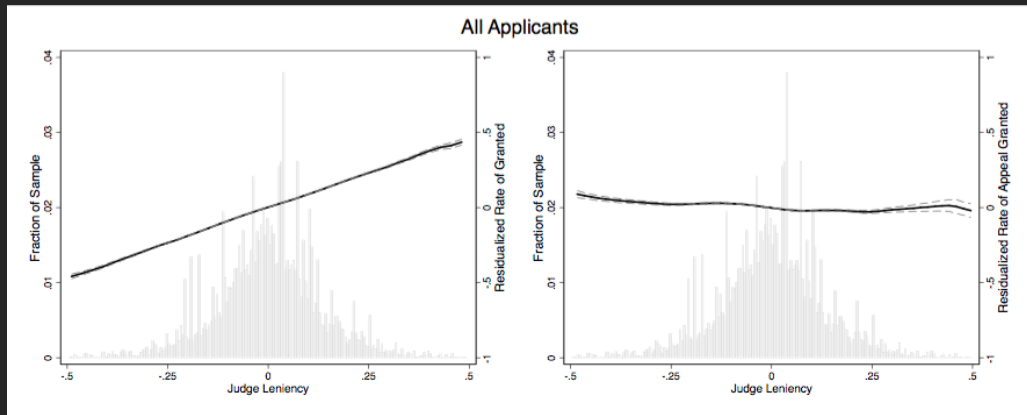
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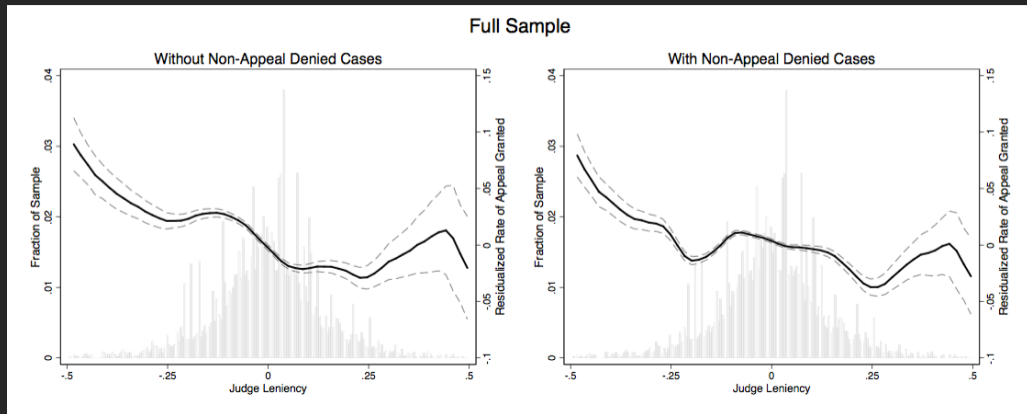
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This will give us a leniency measure

Risk Ranking of Judges

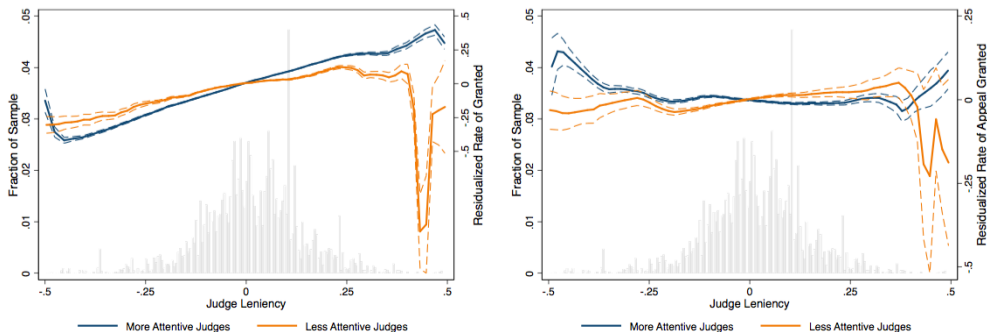


Risk Ranking of Judges: Appeal Courts



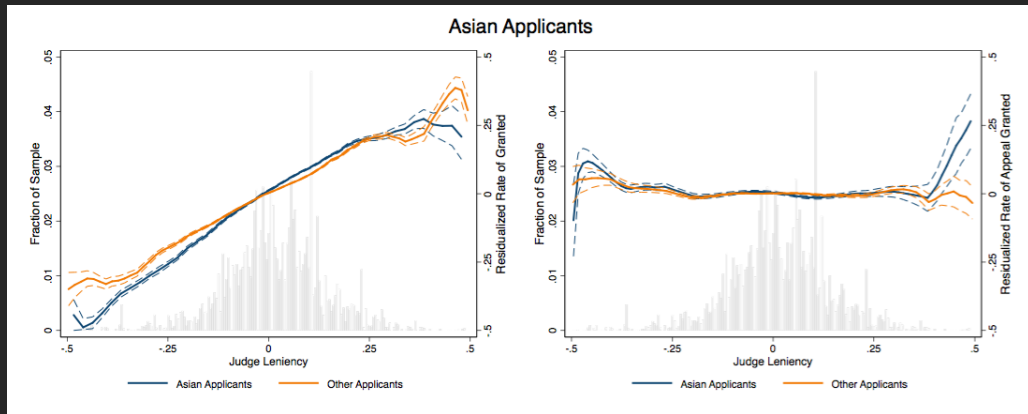
Implicit Risk Ranking and Inattention

Attentiveness of Judges: Surprisingly Reversed vs. Other Reversed



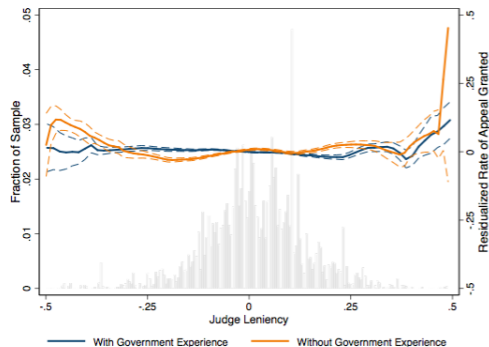
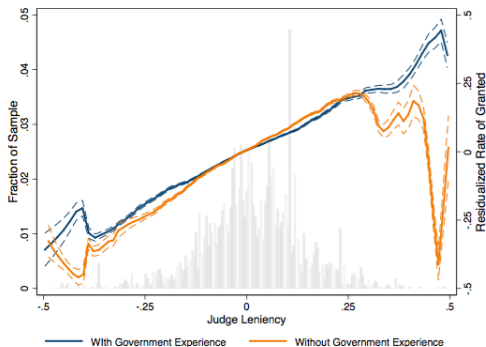
(Time window: 3 monthly periods pooled together before/after shock. More attentiveness: the coefficient of interaction of surprisingly reversed dummy and time-period dummy is bigger)

Risk Ranking of Judges: Asian Applicants

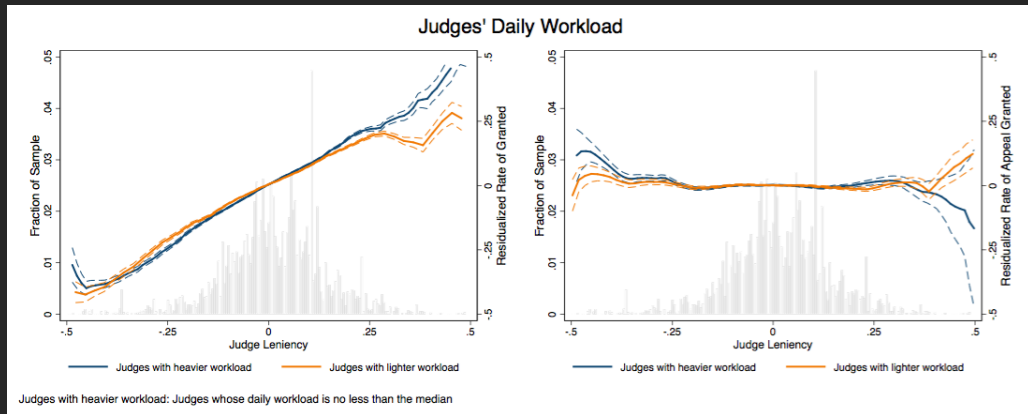


Risk Ranking of Judges: Government Experience

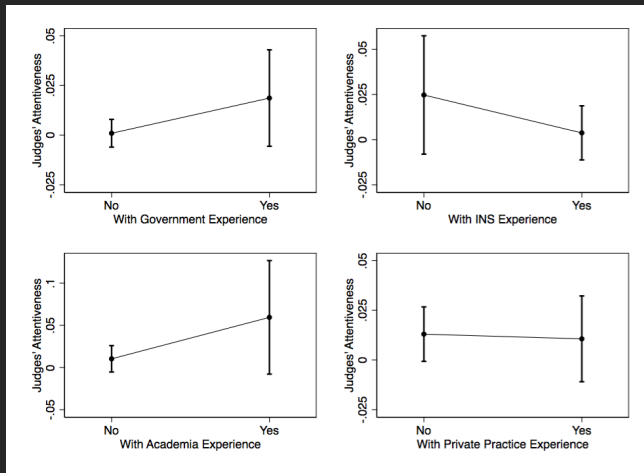
Judges with / without Government Experience



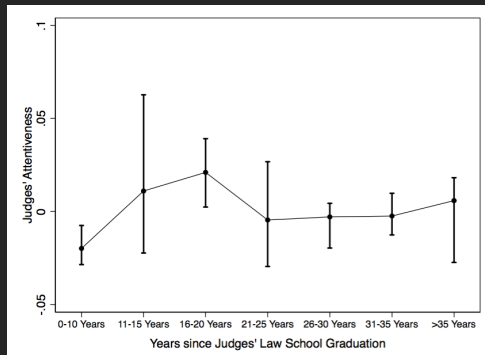
Risk Ranking of Judges: Workload



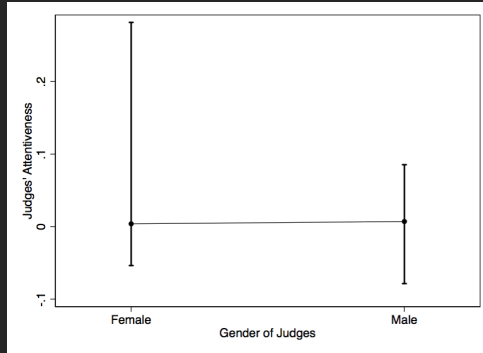
Judges' Inattention: Experience Heterogeneity



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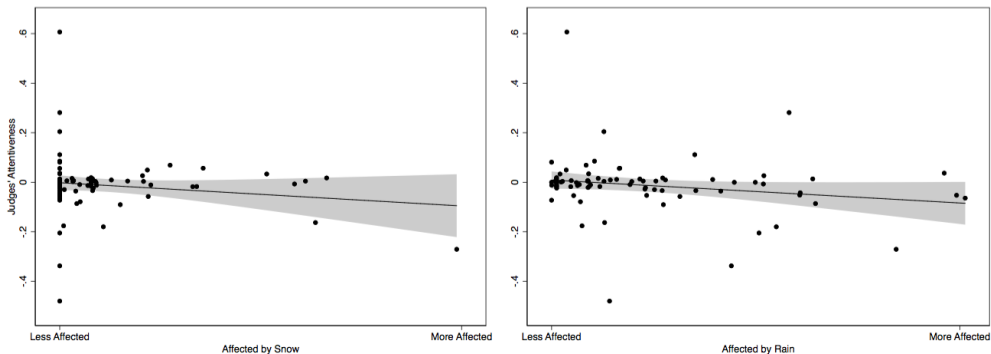


Judges' Inattention: Gender Heterogeneity

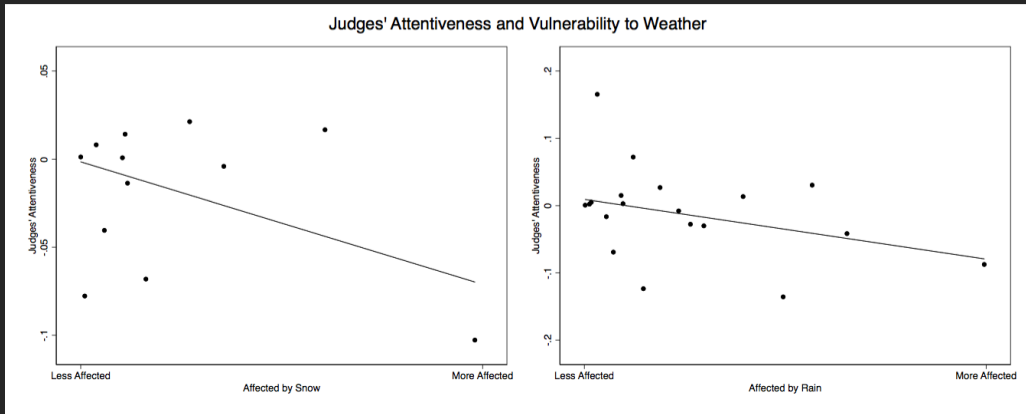


Judges' Inattention: The Influence of Weather

Judges' Attentiveness and Vulnerability to Weather

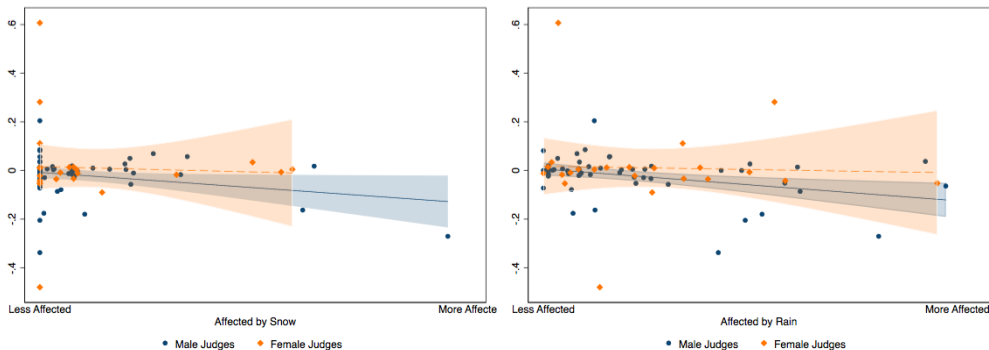


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References I

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

Thank you!