

Judicial Favoritism of Politicians: Evidence from Small Court Claims

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Abstract

TBU.

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1 Introduction

Suppose a court case involving a politician is brought before an independent, high-quality judicial system. Judges make their decision uniquely based on case merits. Assume further that lawyer skills and case merits are randomly distributed across plaintiffs and defendants. Under these simplifying conditions, politicians should not expect a higher win rate at trial than ordinary citizens. Surprisingly, however, there is not much evidence on judicial independence in cases involving politicians. This paper is one of the first attempts at measuring judicial impartiality and predicting court outcomes when politicians are before judges.

There is comprehensive evidence for other discrimination effects. Shayo and Zussman (2011) document a positive in-group bias, or the preferential treatment, of 17 to 20 percentage points when judge and litigants have the same ethnicity. Abrams et al. (2012) find that African American defendants are 18 percentage points more likely to be incarcerated than white defendants. Lu et al. (2015) show that politically connected firms are more likely to have favorable judicial rulings in property rights cases. There are a number of additional cases reported in Rachlinski and Wistrich (2017).

Judicial favoritism is not easily identifiable. Court cases are filled with sources of heterogeneity. Judges, plaintiffs, and claimants have individual traits that could influence a court outcome, such as their gender, ethnicity, religion, wealth, and so on. Second, litigants might also have access to heterogeneous pools of lawyers; any minimal discrepancy in skills might be the deciding factor driving the outcome of a case. Third, case circumstances and merits change substantially and can determine how any single judge will rule. Lim et al. (2015) evaluate whether judicial decisions are influenced by media coverage and find that nonpartisan U.S. State Court judges increases sentence length in violent crimes by 3.4 percent (equivalent to six months of extra jail time).

2 Institutional Background

3 Data

Table 1: Descriptive Statistics

	N	Mean	St. Dev.	Min	Max
Age	15,232	45.384	10.638	18	89
Male	15,232	.882	.322	0	1
Political Experience	15,232	.139	.346	0	1
Campaign Expenditures (ln)	15,232	9.232	4.099	0	16
Politician is Plaintiff	15,232	.504	.500	0	1
Probability of Favorable Ruling	15,232	.509	.500	0	1

- 4 Empirical Strategy
- 5 Preliminary Results
- 6 Further Development

References

- Abrams, D. S., Bertrand, M., and Mullainathan, S. (2012). Do Judges Vary in Their Treatment of Race? *The Journal of Legal Studies*, 41(2):347–383.
- Lim, C. S. H., Snyder, J. M., and Strömberg, D. (2015). The Judge, the Politician, and the Press: Newspaper Coverage and Criminal Sentencing across Electoral Systems. *American Economic Journal: Applied Economics*, 7(4):103–135.
- Lu, H., Pan, H., and Zhang, C. (2015). Political Connectedness and Court Outcomes: Evidence from Chinese Corporate Lawsuits. *The Journal of Law and Economics*, 58(4):829–861.
- Rachlinski, J. J. and Wistrich, A. J. (2017). Judging the Judiciary by the Numbers: Empirical Research on Judges. *Annual Review of Law and Social Science*, 13(1):203–229.
- Shayo, M. and Zussman, A. (2011). Judicial Ingroup Bias in the Shadow of Terrorism. *The Quarterly Journal of Economics*, 126(3):1447–1484.