

A Matched Case Analysis of Supreme Court Behavior Under Mandatory and Discretionary Jurisdiction

Benjamin C. Soltoff (ben@bensoltoff.com)

Christopher Zorn (zorn@psu.edu)

Pennsylvania State University

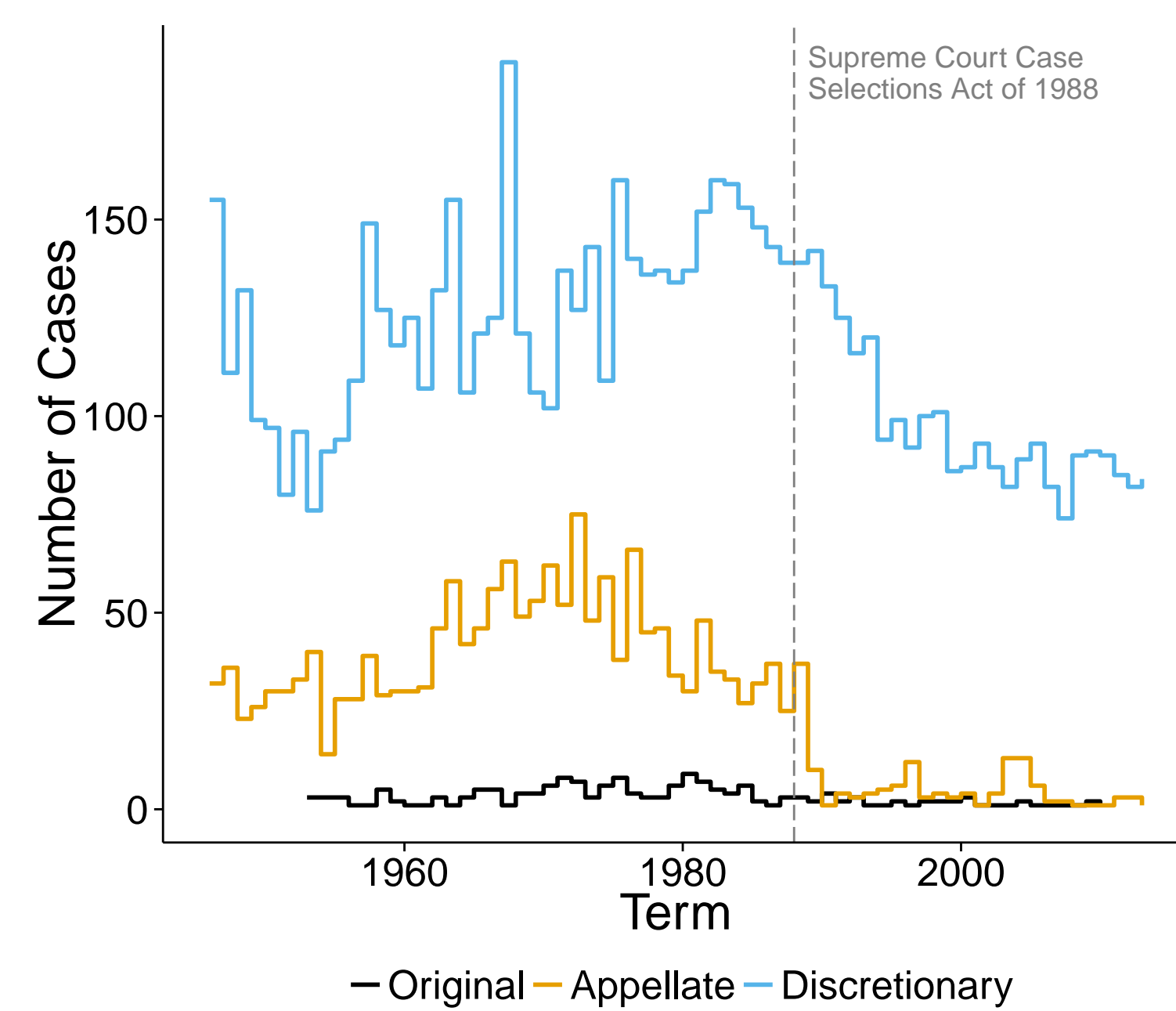
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ABSTRACT

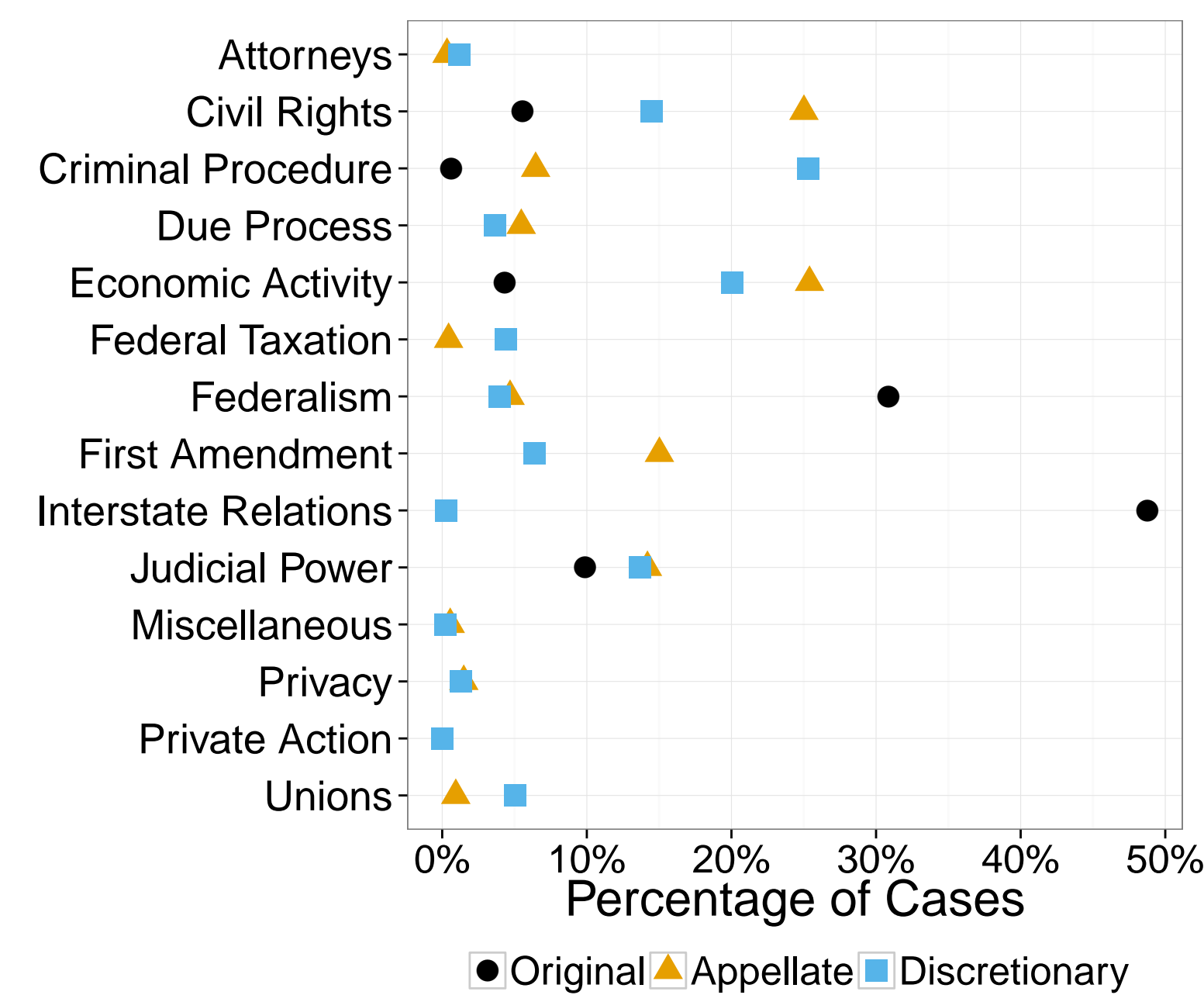
Scholars have long understood that the process by which the U.S. Supreme Court sets its agenda has important implications for its decision making. Since 1925, however, nearly all of the Court's cases have come to the Court via its discretionary jurisdiction. This lack of institutional variation makes inferences about the influence of the Court's agenda-setting process on its subsequent decisions difficult. An important exception, however, are cases arising under the Court's *original jurisdiction* (where the Court is required to hear the case and render a decision) or via its *appellate jurisdiction* ("appeals," which the Court must decide if they note probably jurisdiction). Examining more than six decades of the Court's decisions, we leverage this variation in cases using a matched case design to evaluate how the Court's agenda-setting process shapes a host of Court behavior: votes on the merits, aggregate outcomes, opinion writing, and concurring and dissenting behavior. Our findings offer important insights into how courts' jurisdictional rules shape subsequent decision making.

U.S. SUPREME COURT CASES, BY TYPE OF JURISDICTION

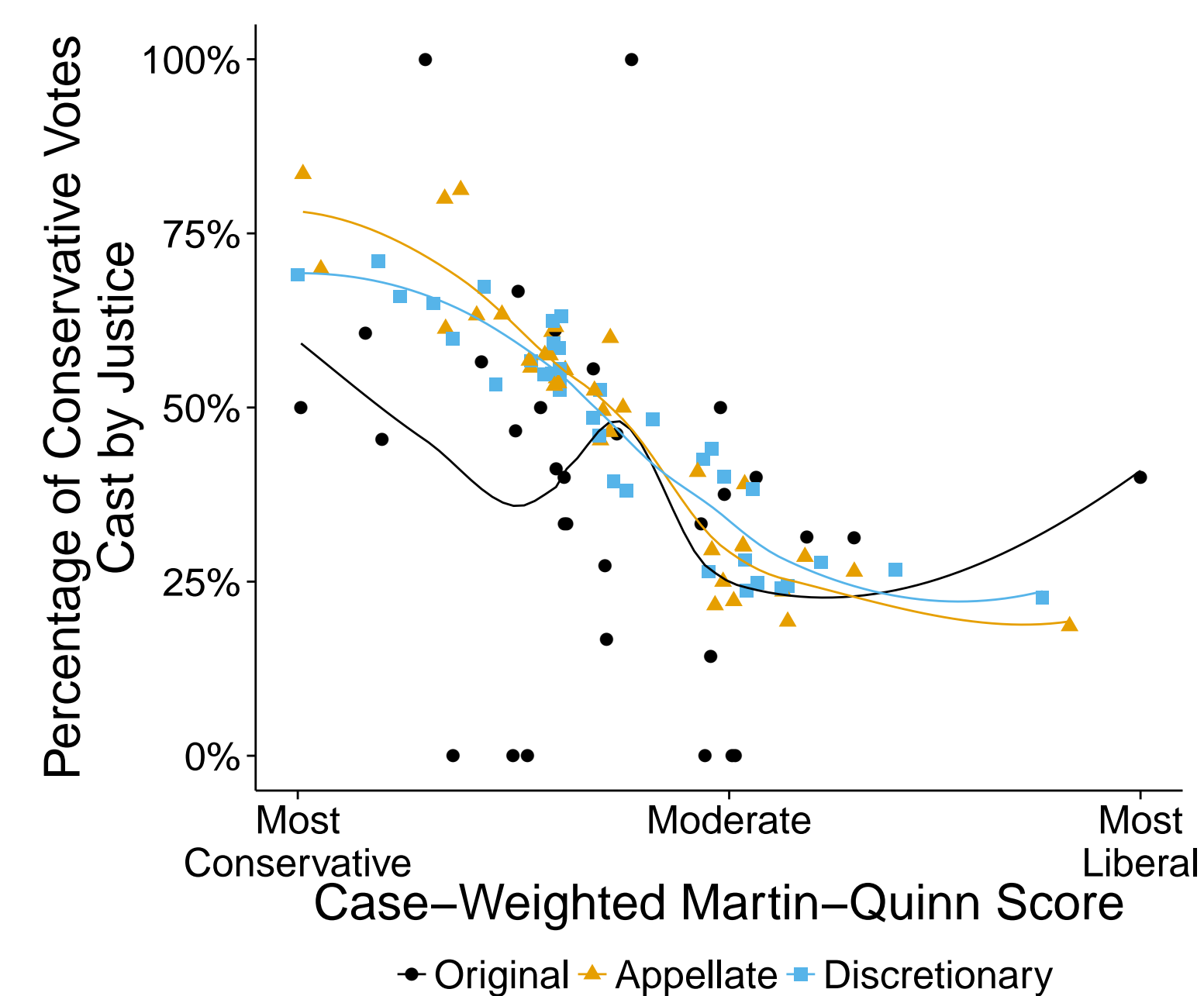


Source: Supreme Court Judicial Database (2015).

ORIGINAL AND APPELLATE CASES DIFFER SUBSTANTIALLY FROM DISCRETIONARY CASES



HOW DOES THE AGENDA-SETTING PROCESS INFLUENCE DECISIONS?



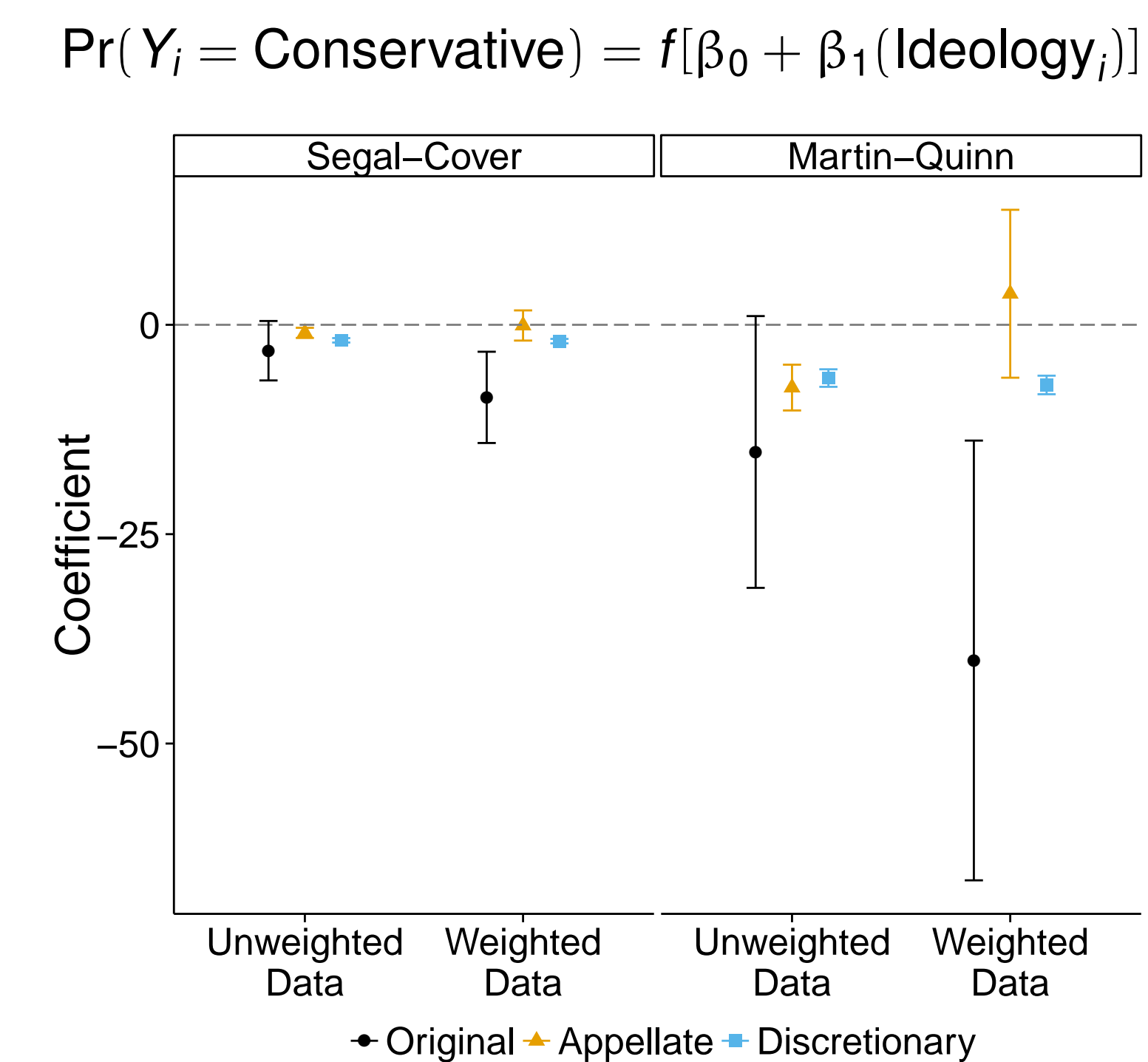
ADDRESSING JURISDICTION: PROPENSITY SCORE WEIGHTING FOR MULTIPLE TREATMENT TYPES

- Let T_i be one of three jurisdiction-types – original, appeal, or discretionary – that we index $1, 2, \dots, j$.
- Let π_{ij} be the propensity score, which is the conditional probability that the i -th case has a specific jurisdiction type given pre-treatment factors: $\pi_{ij}(X) = \Pr(T_i = j | X)$.
- Here, we estimate π_{ij} using a generalized boosted regression model, specified as:
$$\Pr(T_i = j | X) = f[\beta_0 + \beta_1(\text{Term}_i) + \beta_2(\text{Natural Court}_i) + (\beta_a | \text{Issue}_{ia})]$$
- Next, we generate propensity score weights for each case given their pre-treatment conditions and use them as case weights in a series of logistic regression models.

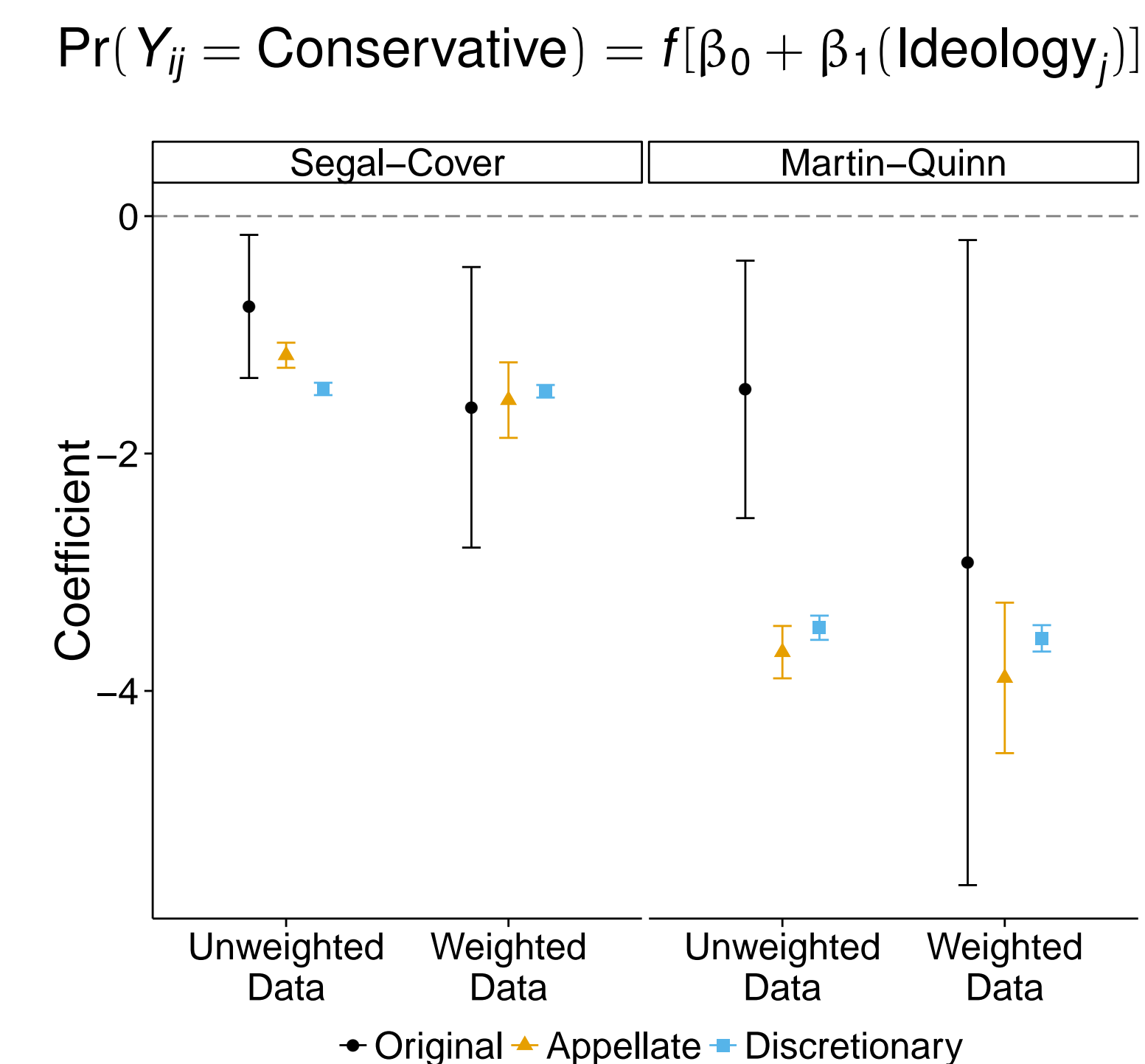
BALANCE STATISTICS: KOLMOGOROV-SMIRNOV TESTS



IDEOLOGICAL DECISIONMAKING - DECISION-LEVEL

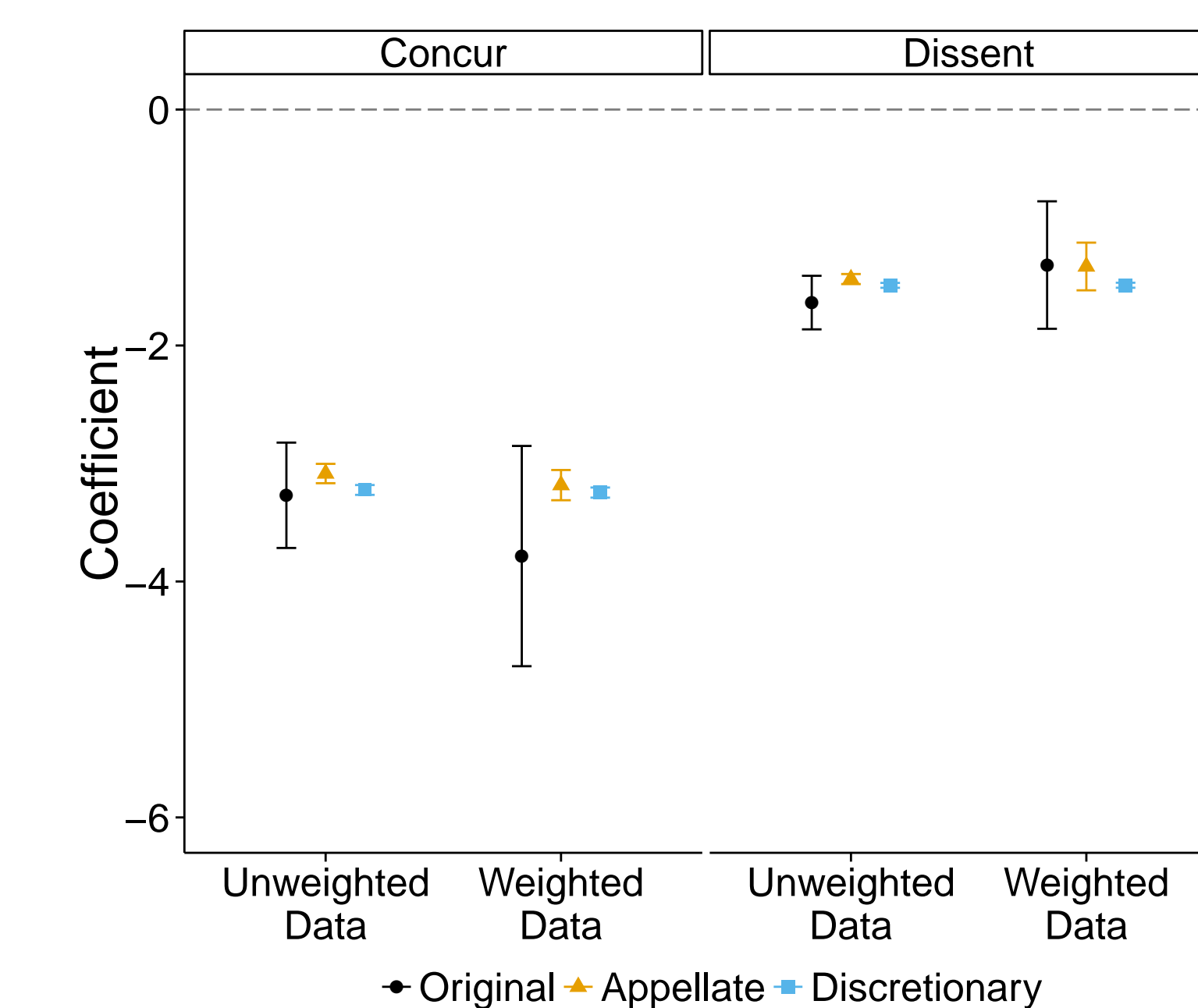


IDEOLOGICAL DECISIONMAKING - VOTE-LEVEL



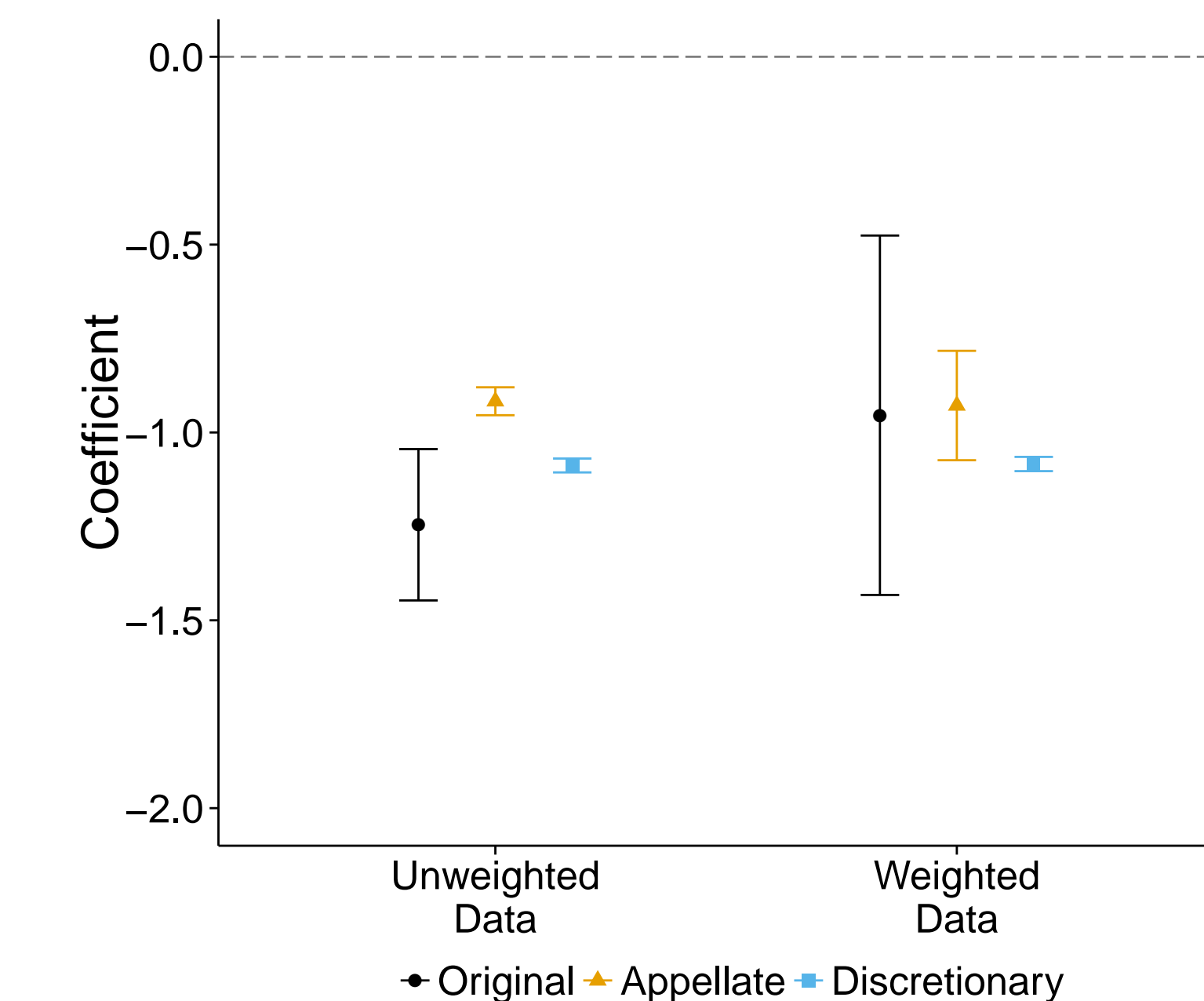
CONCURRING/DISSENTING BEHAVIOR

$$\Pr(Y_{ij} = \text{Concur}) = f[\beta_1(\text{Original}_i) + \beta_2(\text{Appellate}_i) + \beta_3(\text{Discretionary}_i)]$$
$$\Pr(Y_{ij} = \text{Dissent}) = f[\beta_1(\text{Original}_i) + \beta_2(\text{Appellate}_i) + \beta_3(\text{Discretionary}_i)]$$



OPINION-WRITING BEHAVIOR

$$\Pr(Y_{ij} = \text{Write Opinion}) = f[\beta_1(\text{Original}_i) + \beta_2(\text{Appellate}_i) + \beta_3(\text{Discretionary}_i)]$$



CONCLUSIONS DRAWN FROM MATCHED DATA ANALYSIS

- Decisions in original jurisdiction cases are ideologically motivated
- Decisions in appellate jurisdiction cases are not ideologically motivated
- Judicial votes are ideologically motivated across all jurisdiction-types, but the strength of these relationships is not significantly different between jurisdiction-types
- Justices are less likely to concur in original jurisdiction cases relative to appeals or discretionary cases
- Justices are equally likely to dissent across jurisdictional sources
- Justices are equally likely to write opinions across jurisdictional sources