

Does Having Daughters Affect How Judges Interpret Law?

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Daughters and Opinion Content

Recent work in Judicial Politics focuses on how the personal characteristics of judges affect decision-making [4]. Yet little work has focused on the impact personal characteristics have on the content of opinions. How do personal characteristics and legal constraints affect the arguments judges use?

Hypothesis

Empathy, being the ability to identify or understand people’s feelings, would result in judges placing a higher focus on describing first-hand accounts and experiences in case rulings.

- H_1 : First-hand accounts and experiences will take a higher proportion of a case when written by judges with daughters than judges without daughters.

Causal Assumptions

- U.S. Court of Appeals cases are "as-if" randomly assigned to judges
- The gender of kids is also "as-if" randomly assigned here

Possible Concerns

- Possible confounding due to circuits hearing cases at different rates [2]
- Judges are not assigned to circuits randomly

Court of Appeals Opinions and Structural Topic Model

Data

- Data on 224 U.S. Court of Appeals Justices [3]
- Case Opinions were pulled using Caselaw Access Project’s API [5]
- After filtering for opinions with a designated author, I was left with 874 opinions, assigned to test and training data as follows:

	Training Data	Test Data	Totals
Gender Issue	382	410	792
Non-Gender Issue	36	46	82
Totals	418	456	874

Table 1. Training and Test Data Breakdown

Empathy Estimation

- Structural Topic Model estimated at the paragraph level [6]
 - Case Level covariates were used to help create topics
 - Resulted in 60 topics, 5 of which cover first-hand accounts
- Empathy here is measured as the proportion of a case labelled as a first-hand account

Matching

- Matching was done at the author-case level on personal characteristics using generalized full matching to achieve high balance [7]

Results

- OLS, controlling for case and personal characteristics, and issue area
 - **Personal Characteristics:** Race, Religion, Political Affiliation, Has a Son, Vote on Case, and if the vote was a "progressive" vote or not.
 - **Case Characteristics:** Issue Area, En Banc Review, Female Plaintiff, If the Case is an Issue Area

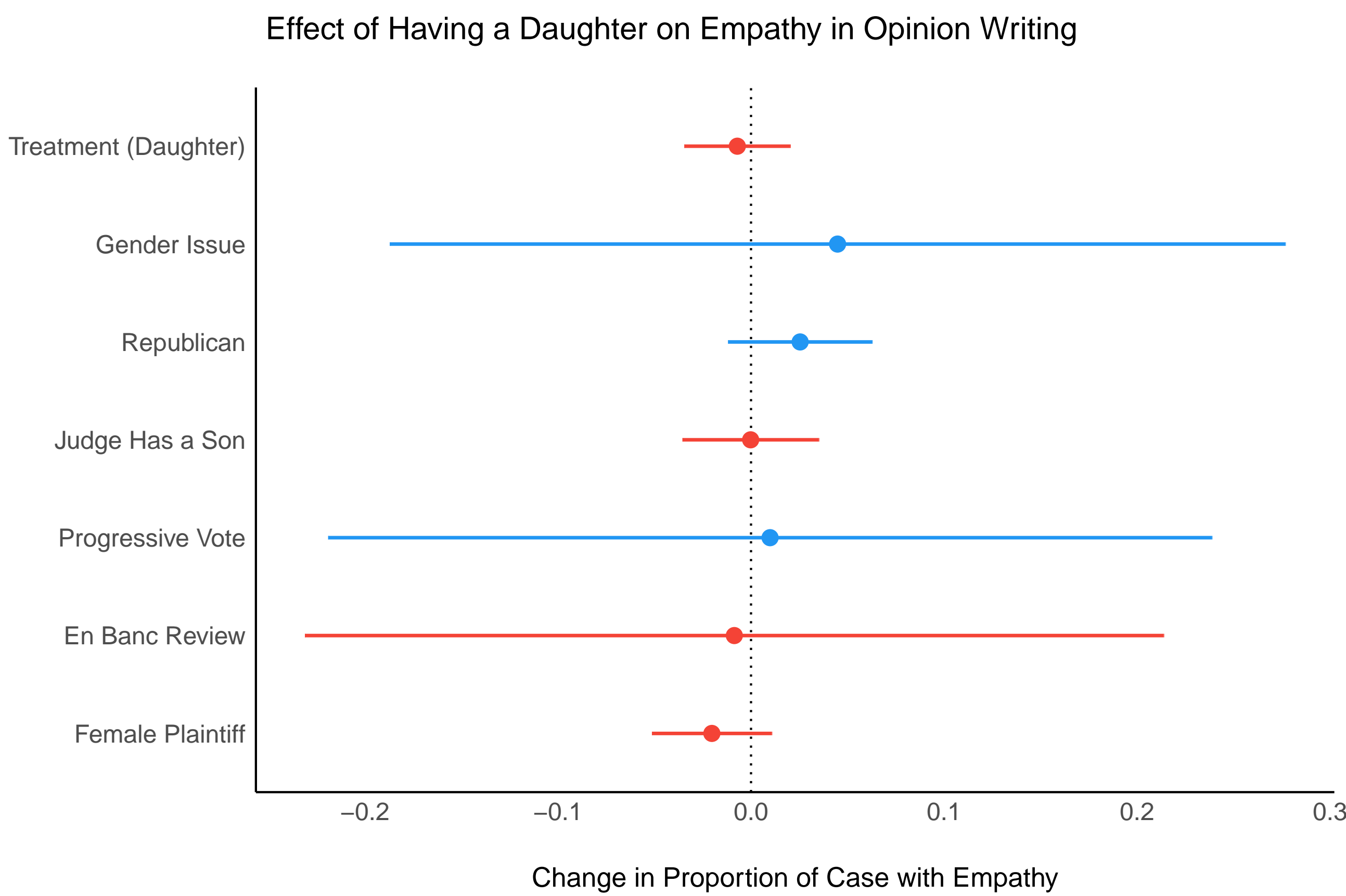


Figure 1. Regression Results on Matched Test Data

Topics Sample

Personal Experience

- "The transfer to Goshen proved to be a hardship for Hostetler. The commute to and from the Goshen store consumed two and one-half hours of Hostetler’s day. At the outset, Hostetler was assigned to close the store nearly every evening, which meant that she worked until 4:00 a.m. This made it difficult for Hostetler, once she returned home, to rise with her daughters in the morning. She would also be assigned to work fourteen to sixteen-hour days and then be scheduled to return to the store after only six hours off."

First-Hand Account

- "The next day, another employee told Gray that Lynch had called her a b****. Gray informed her assistant supervisor, Jackie Harris, about Lynch’s derogatory statements, and asked what would happen to her if she hit Lynch. Ms. Harris advised against that course of action, and suggested that Gray simply ignore Lynch. Gray sought a second opinion from Joe Collins, the Plant Manager. Collins also advised against attacking Lynch, and warned Gray that she could be fired for such an act."

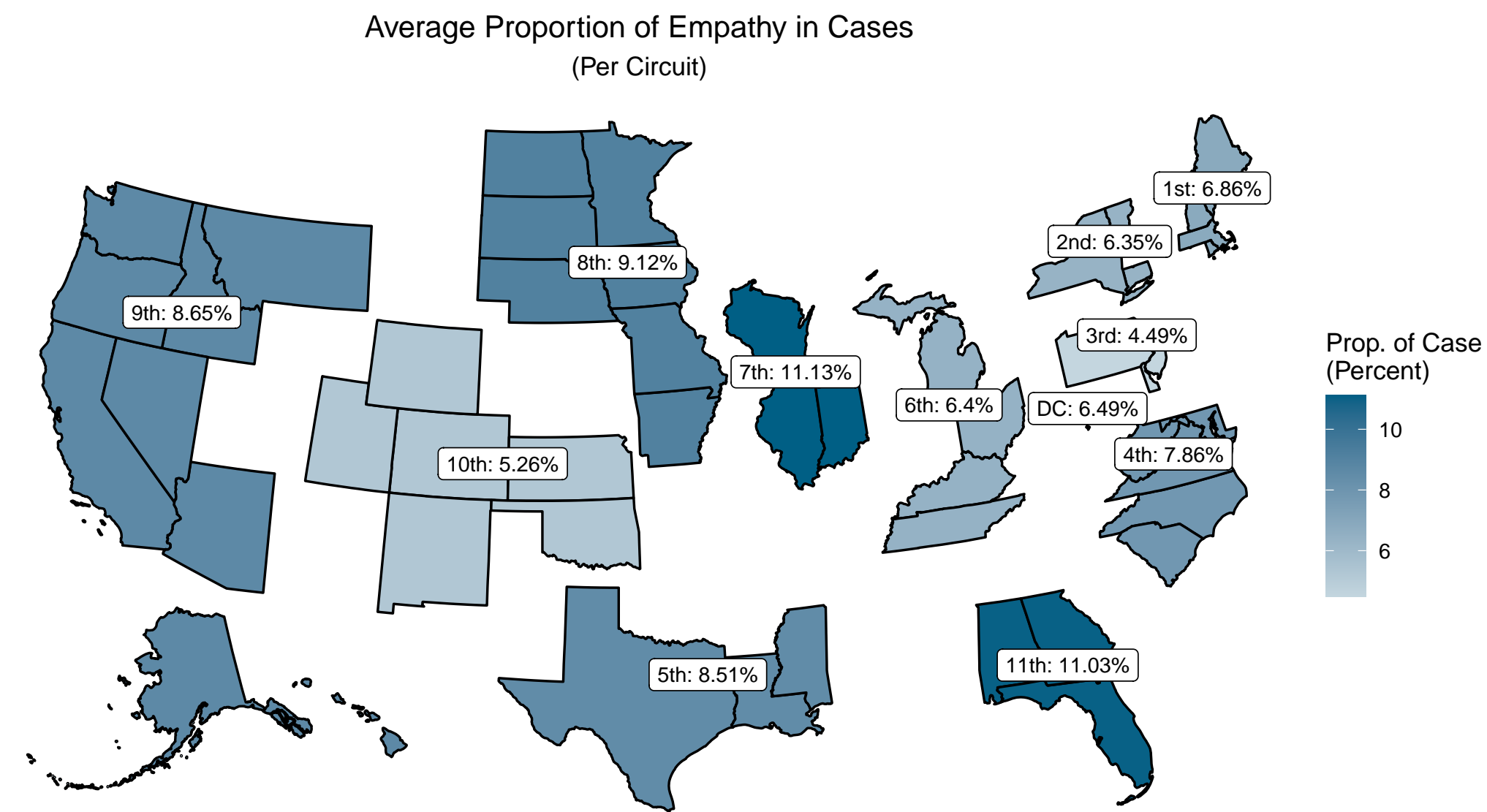


Figure 2. Empathy in Cases per Circuit

Conclusions

- Currently no evidence that personal characteristics affects the form of argument used in case opinions
- Topic Model needs to be tested more due to low hand-coded validity
 - A randomly sampled hand-coded sample was 28.57% accurate
 - While the hand-coded sample has low accuracy, most topics assigned by the topic model were similar to the hand-coded topic, possibly indicating topics could be simplified

Next Steps

- Expand the data used to possibly include:
 - Kuersten and Haire Court of Appeals Dataset [1]
 - District Court opinions
- Look at changes in the centrality of first-hand accounts before and after the #MeToo movement
- Sort out Structural Topic Model to get easy to understand topics

References

- [1] Kuersten Ashlyn and Haire Susan. Update to the Appeals Courts Database, 1997–2002. 2007.
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- [3] Adam N. Glynn and Maya Sen. Identifying Judicial Empathy: Does Having Daughters Cause Judges to Rule for Women’s Issues? *American Journal of Political Science*, 59(1):37–54, January 2015.
- [4] Allison P. Harris and Maya Sen. Bias and Judging. *Annual Review of Political Science*, 22(1):241–259, May 2019.
- [5] Caselaw Access Project. Caselaw Access Project, 2018.
- [6] Margaret E. Roberts, Brandon M. Stewart, Dustin Tingley, Christopher Lucas, Jetson Leder-Luis, Shana Kushner Gadarian, Bethany Albertson, and David G. Rand. Structural Topic Models for Open-Ended Survey Responses. *American Journal of Political Science*, 58(4):1064–1082, 2014.
- [7] Fredrik Sävje, Michael J. Higgins, and Jasjeet S. Sekhon. Generalized full matching and extrapolation of the results from a large-scale voter mobilization experiment, June 2019.