Supreme Court business friendliness

Sima Biondi

10/6/2021

Summary mean of overall business friendliness score (bf) and business friendliness score of business-related cases appearing in the NYT (nyt)

All statistics only include justices appointed post-1945.

Inclusive of all cases:

Party	bf_mean	nyt_mean
D	0.3561818	0.3600000
R	0.4674706	0.4812353

Grouped by era:

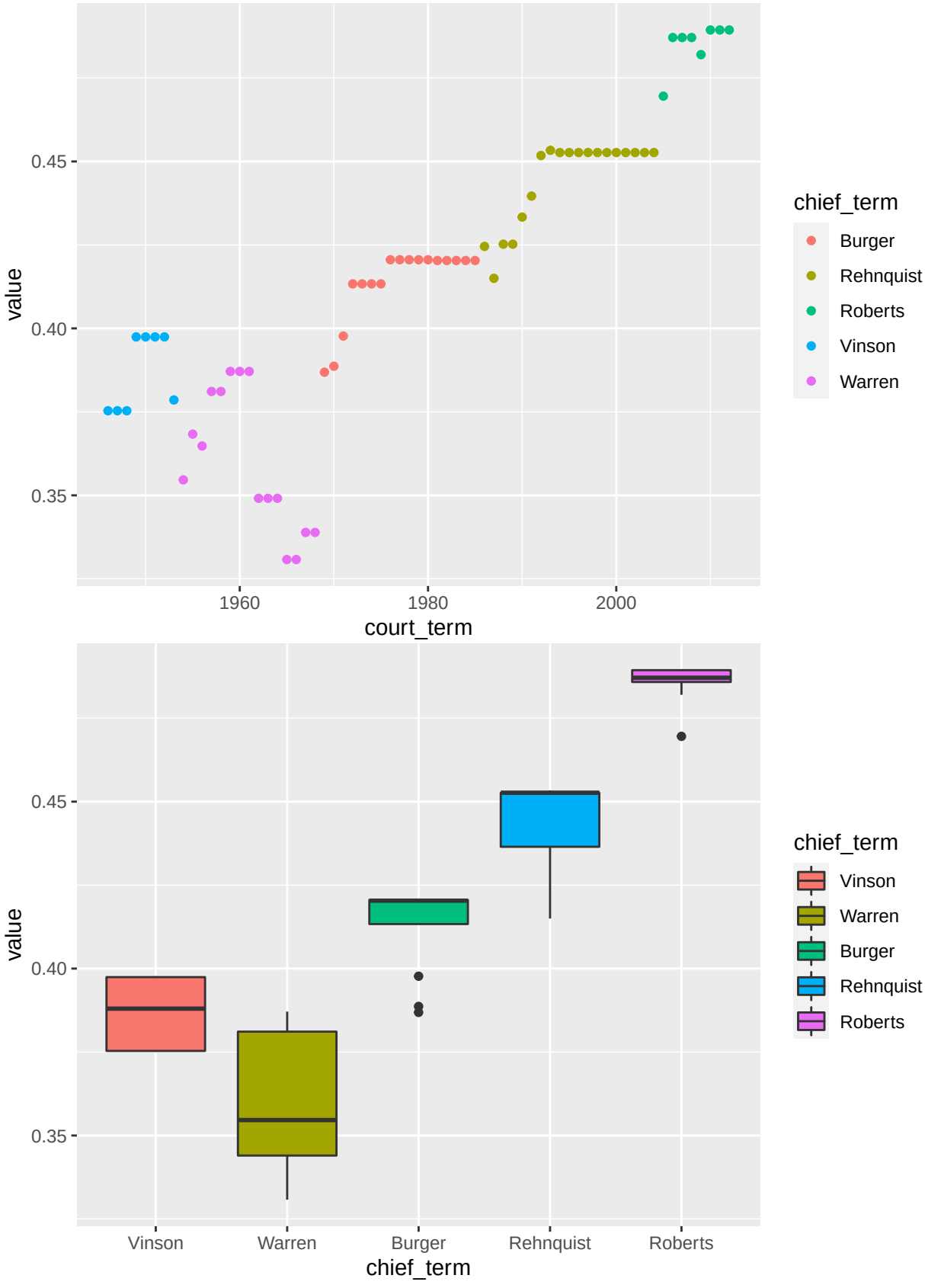
High enforcement: 1945-1975. Low enforcement: 1976-2009

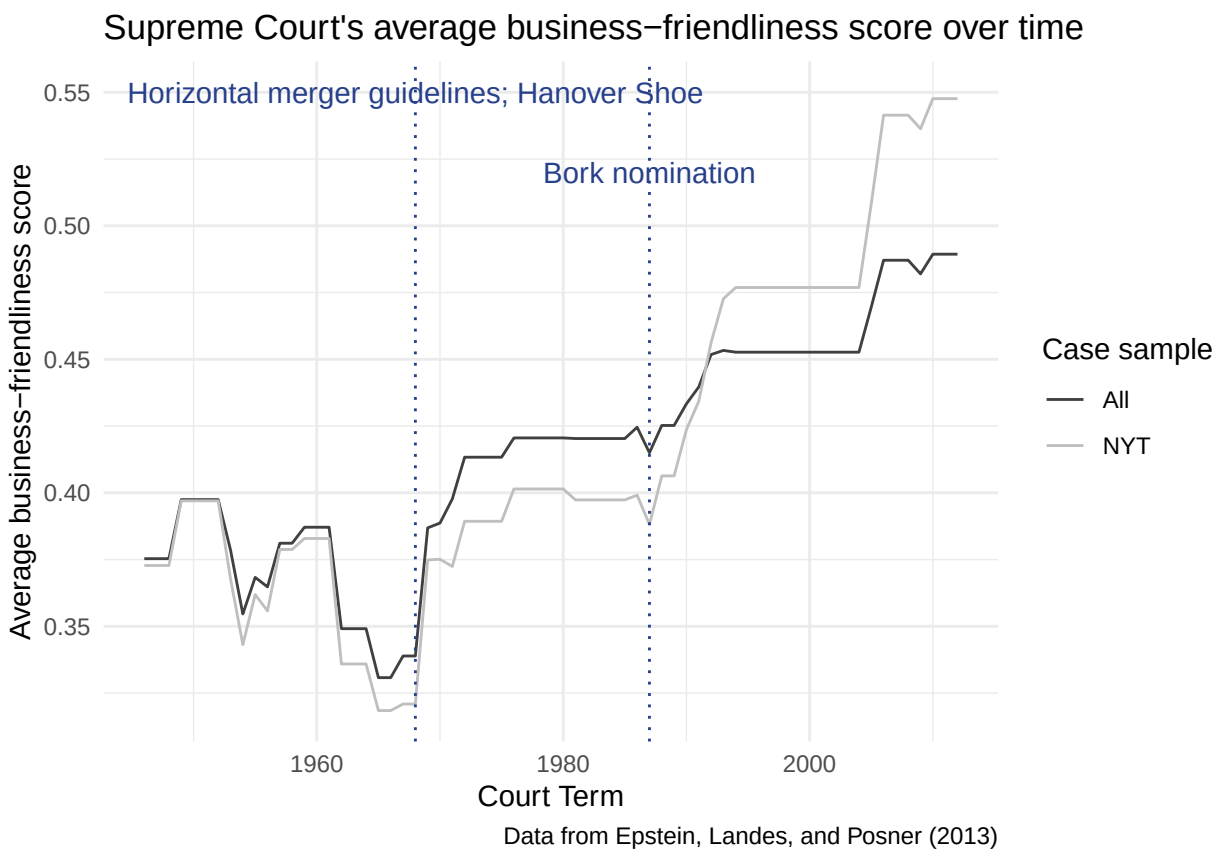
era	bf_mean	nyt_mean
high enforcement	0.3931667	0.3812778
low enforcement	0.4788000	0.5278000

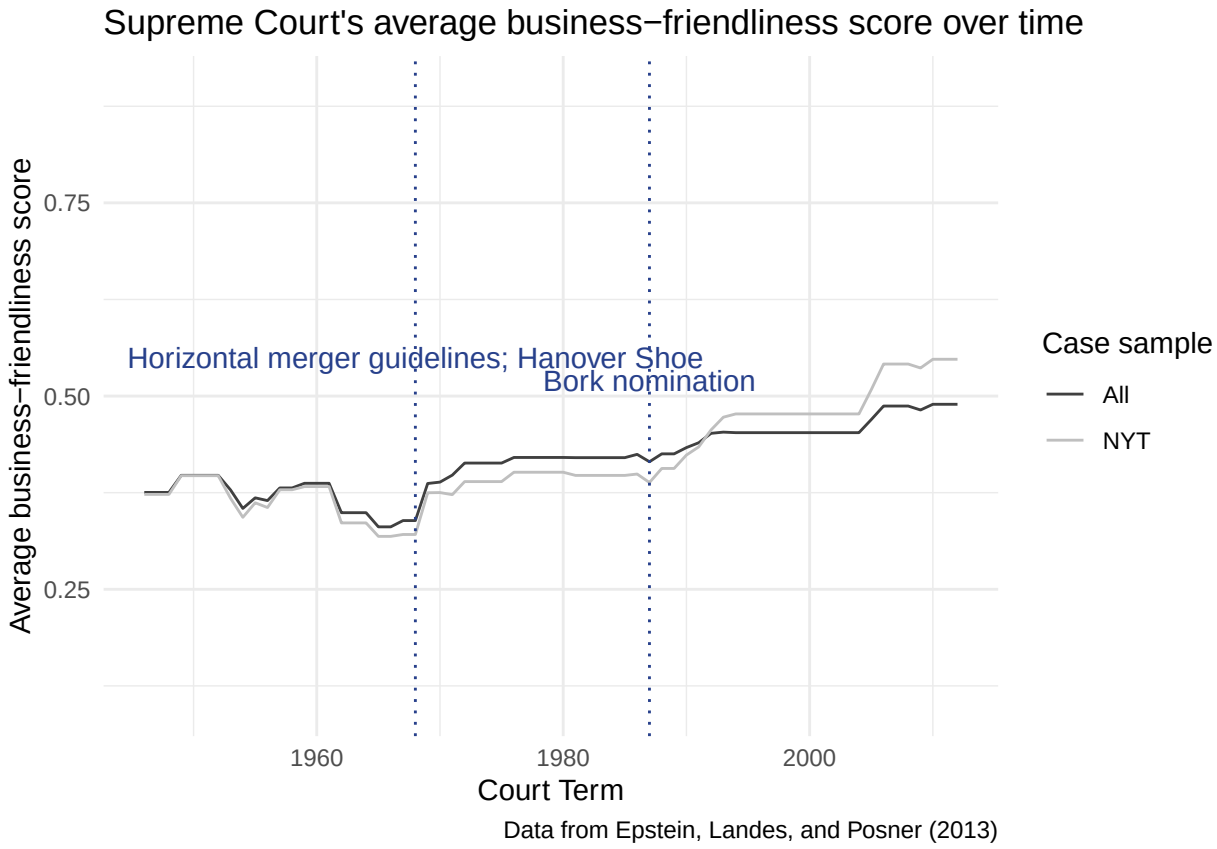
Grouped by era and party:

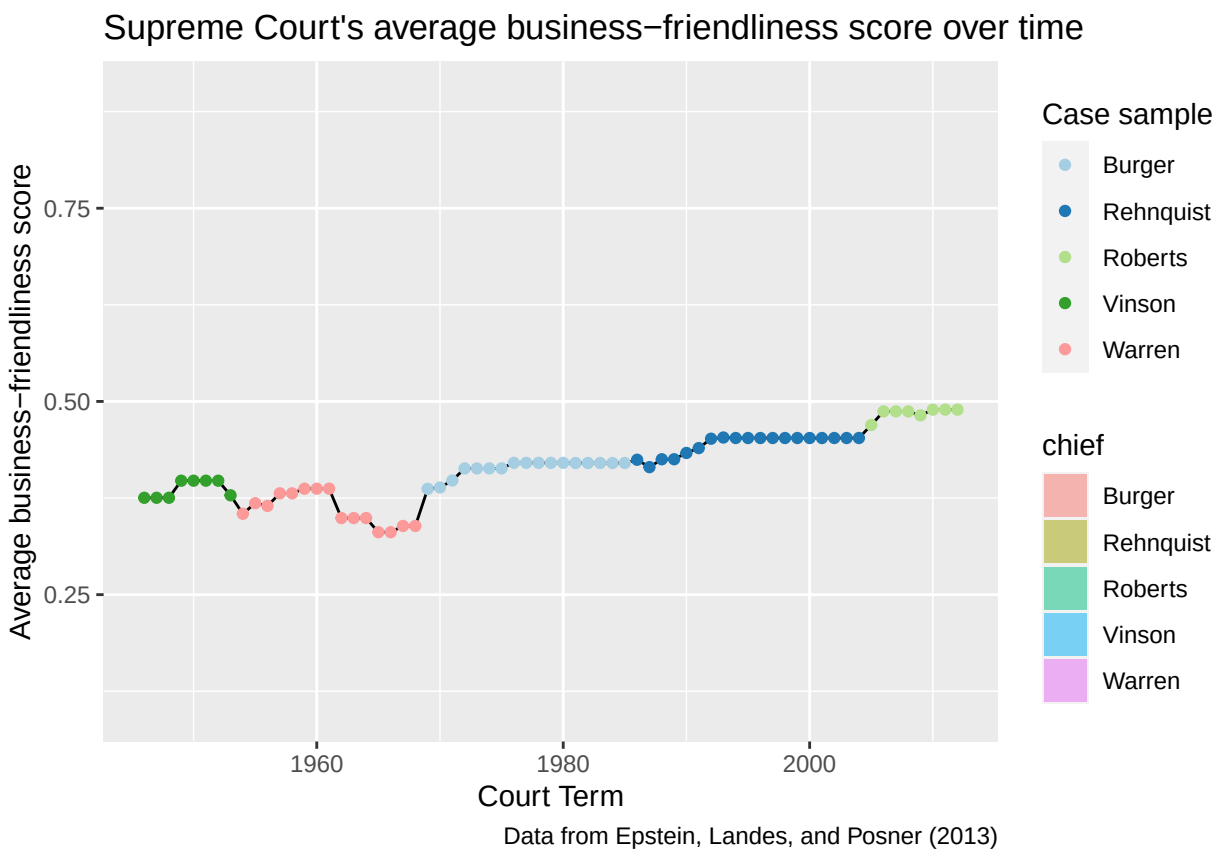
Party	era	bf_mean	nyt_mean
D	high enforcement	0.3468750	0.3337500
D	low enforcement	0.3810000	0.4300000
R	high enforcement	0.4302000	0.4193000
R	low enforcement	0.5207143	0.5697143

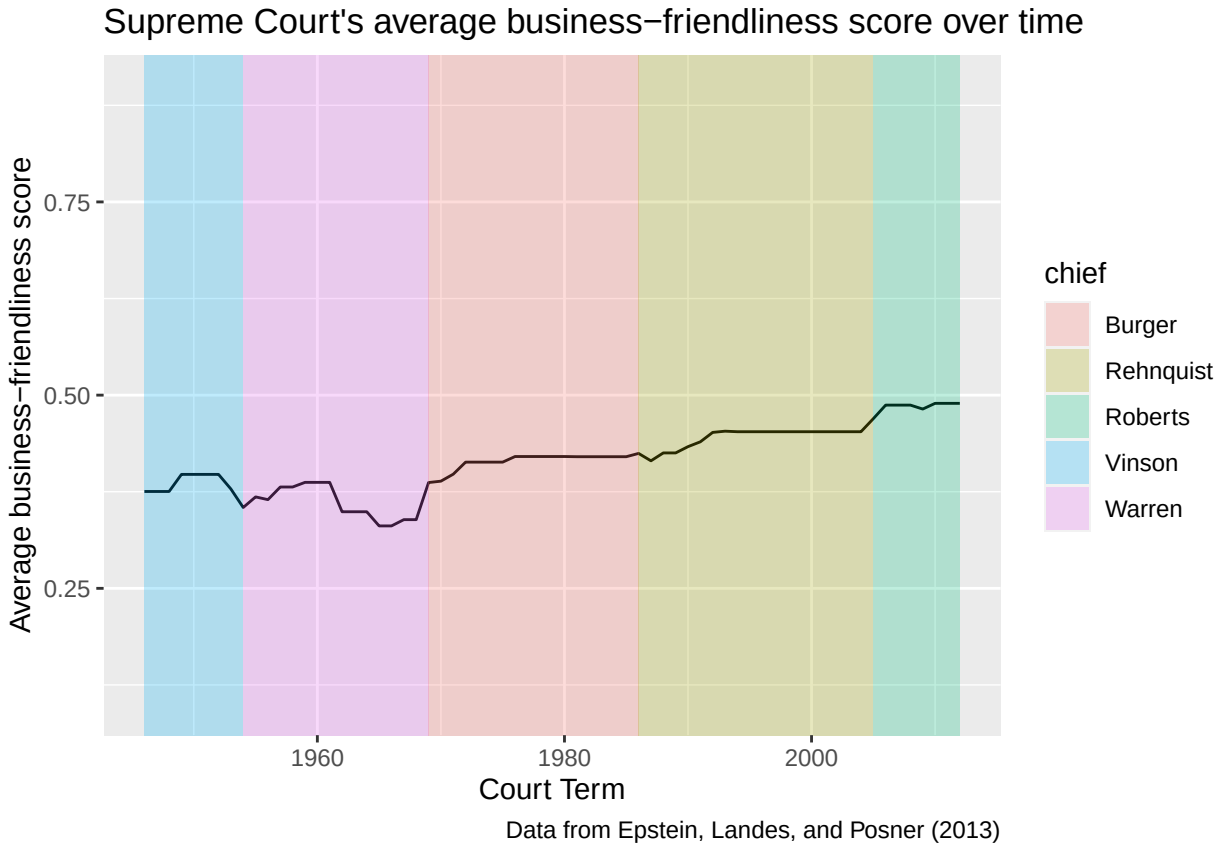
Business-friendliness of court over time over all and NYT cases

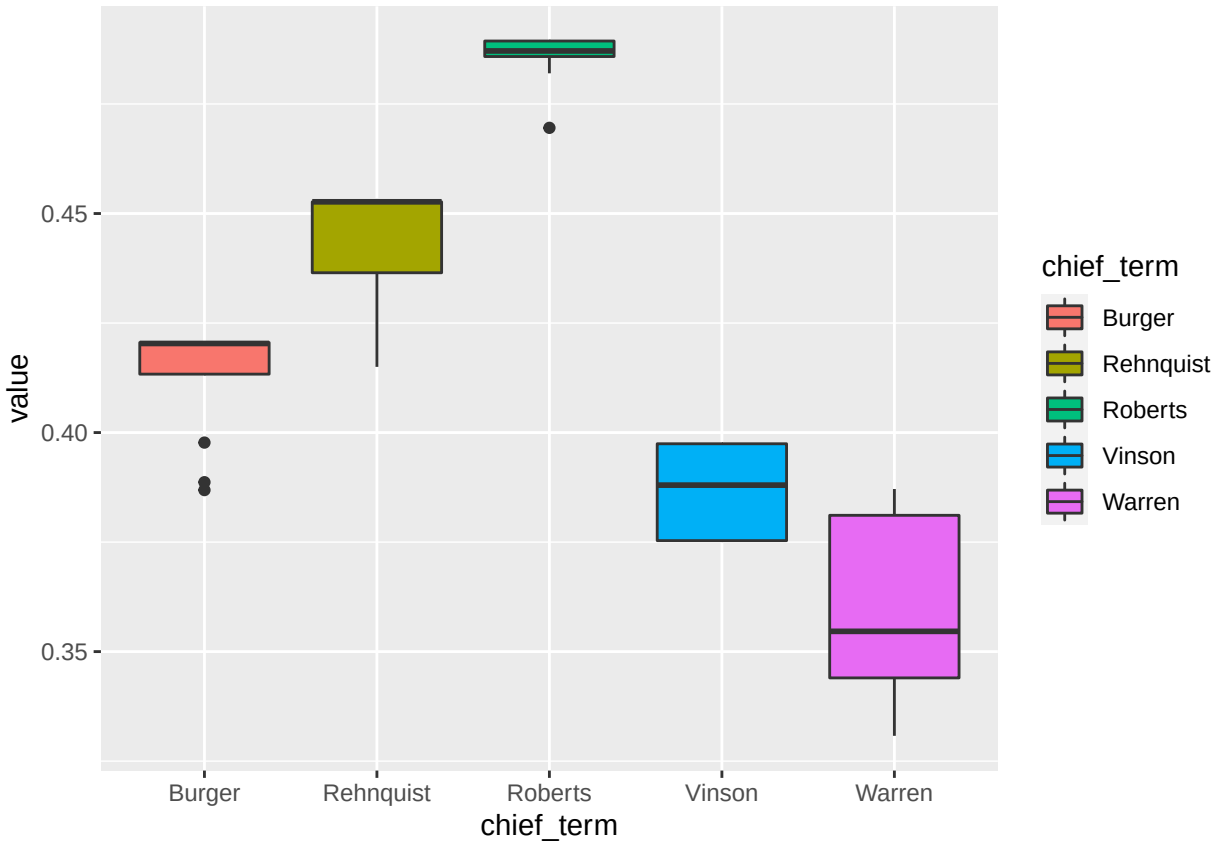



Supreme Court's average business−friendliness score over time
Horizontal merger guidelines; Hanover Shoe
Bork nomination
0.55
0.50
0.45
0.40
0.35
Average business−friendliness score
1960
1980
2000
Court Term
Case sample
All
NYT
Data from Epstein, Landes, and Posner (2013)

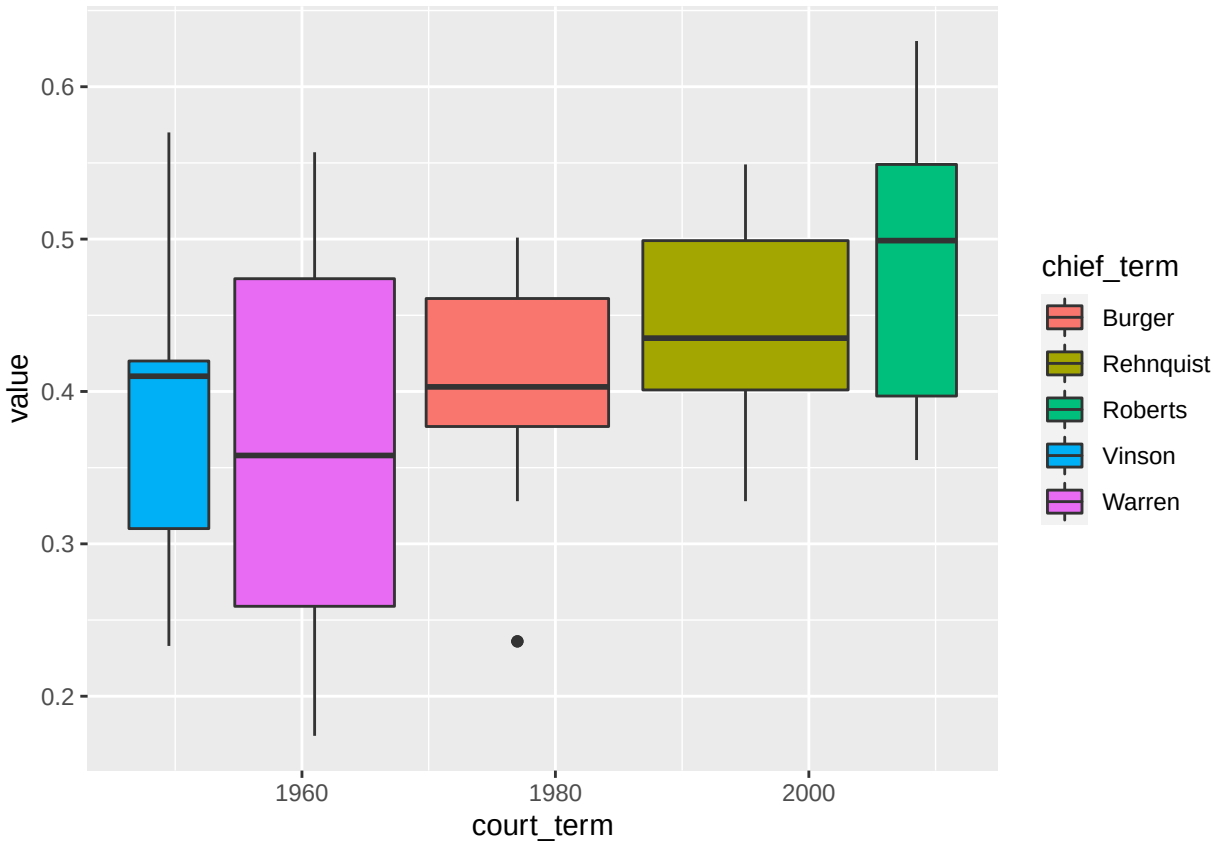

Supreme Court's average business−friendliness score over time
Horizontal merger guidelines; Hanover Shoe
Bork nomination
0.75
0.50
0.25
Average business−friendliness score
1960
1980
2000
Court Term
Case sample
All
NYT
Data from Epstein, Landes, and Posner (2013)


Supreme Court's average business−friendliness score over time
Average business−friendliness score
0.75
0.50
0.25
1960
1980
2000
Court Term
Data from Epstein, Landes, and Posner (2013)
Case sample
Burger
Rehnquist
Roberts
Vinson
Warren
chief
Burger
Rehnquist
Roberts
Vinson
Warren


Supreme Court's average business−friendliness score over time
Average business−friendliness score
0.75
0.50
0.25
1960
1980
2000
Court Term
Data from Epstein, Landes, and Posner (2013)
chief
Burger
Rehnquist
Roberts
Vinson
Warren

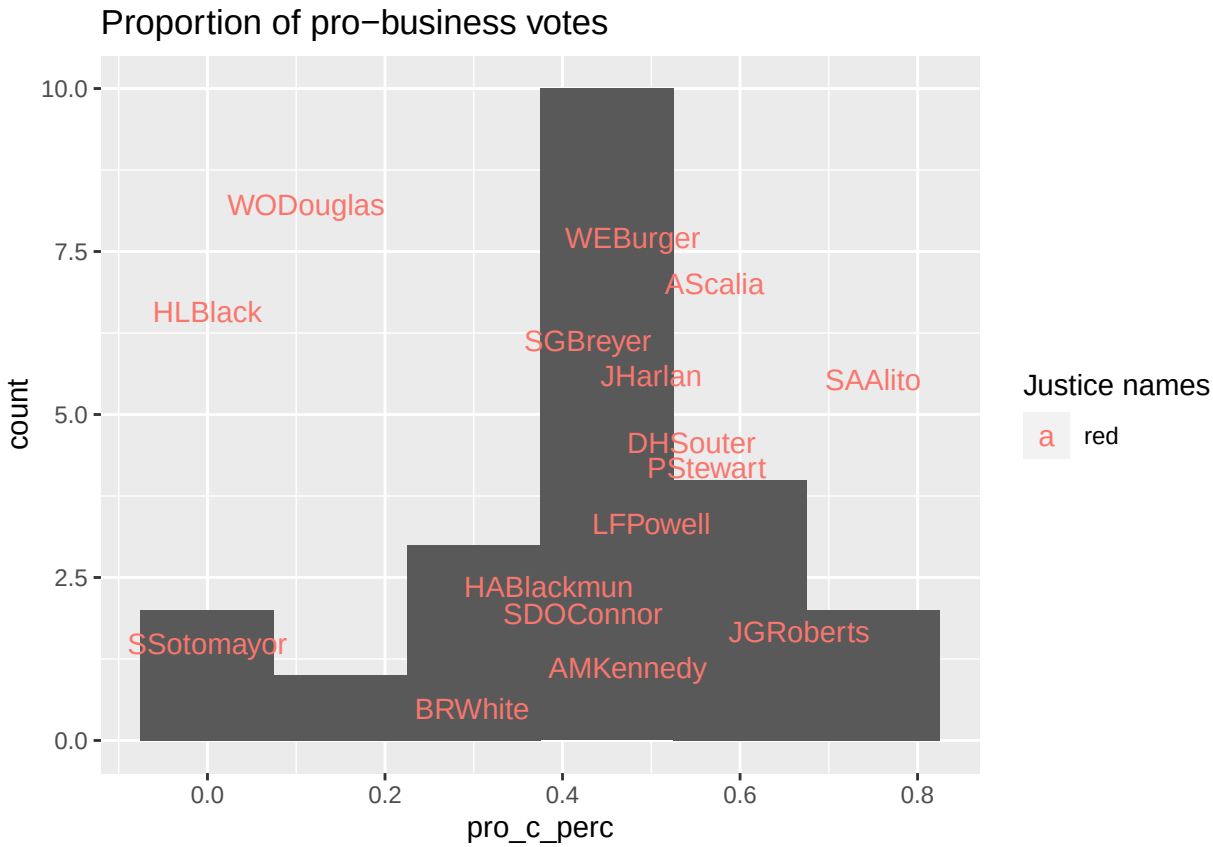


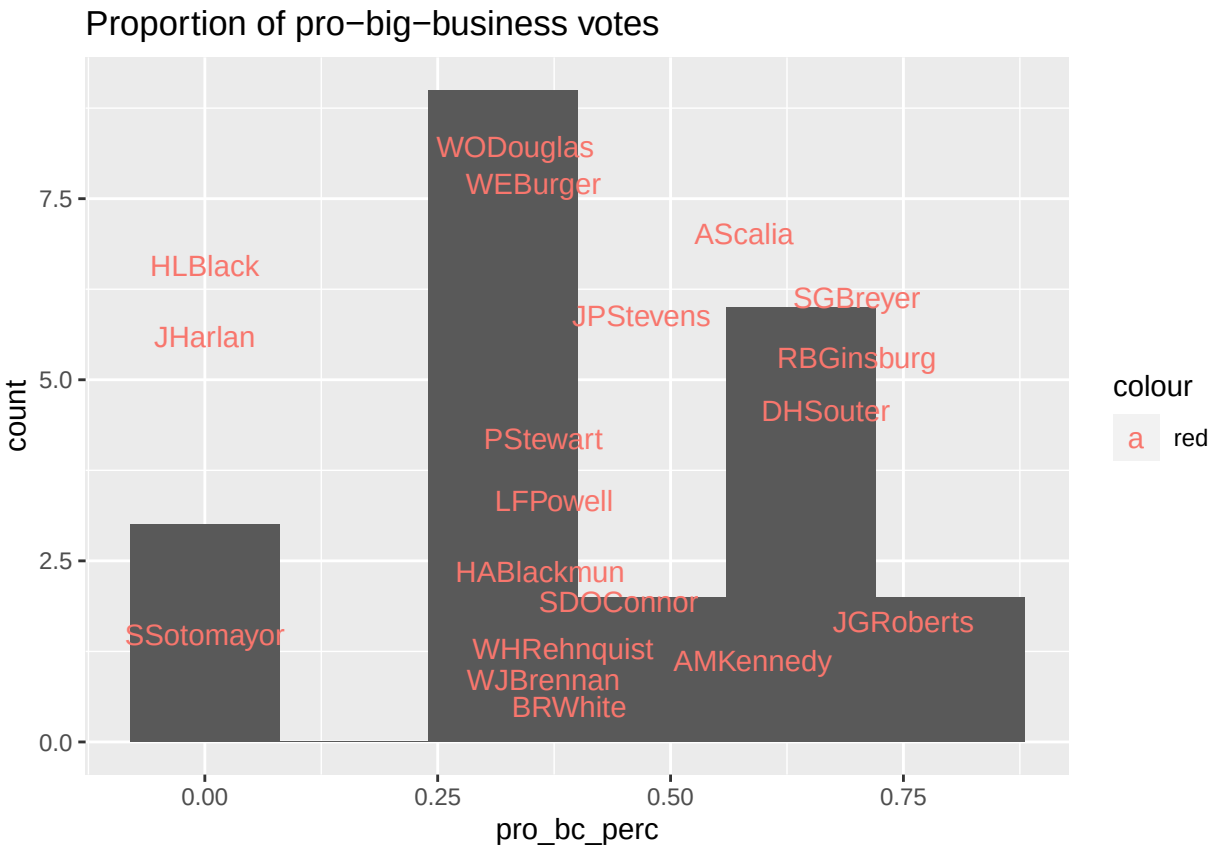

```
## # A tibble: 8 x 4
##   name    value court_term chief_term
##   <chr>   <dbl>      <dbl> <chr>
## 1 2005_bf 0.470       2005 Roberts
## 2 2006_bf 0.487       2006 Roberts
## 3 2007_bf 0.487       2007 Roberts
## 4 2008_bf 0.487       2008 Roberts
## 5 2009_bf 0.482       2009 Roberts
## 6 2010_bf 0.489       2010 Roberts
## 7 2011_bf 0.489       2011 Roberts
## 8 2012_bf 0.489       2012 Roberts
```

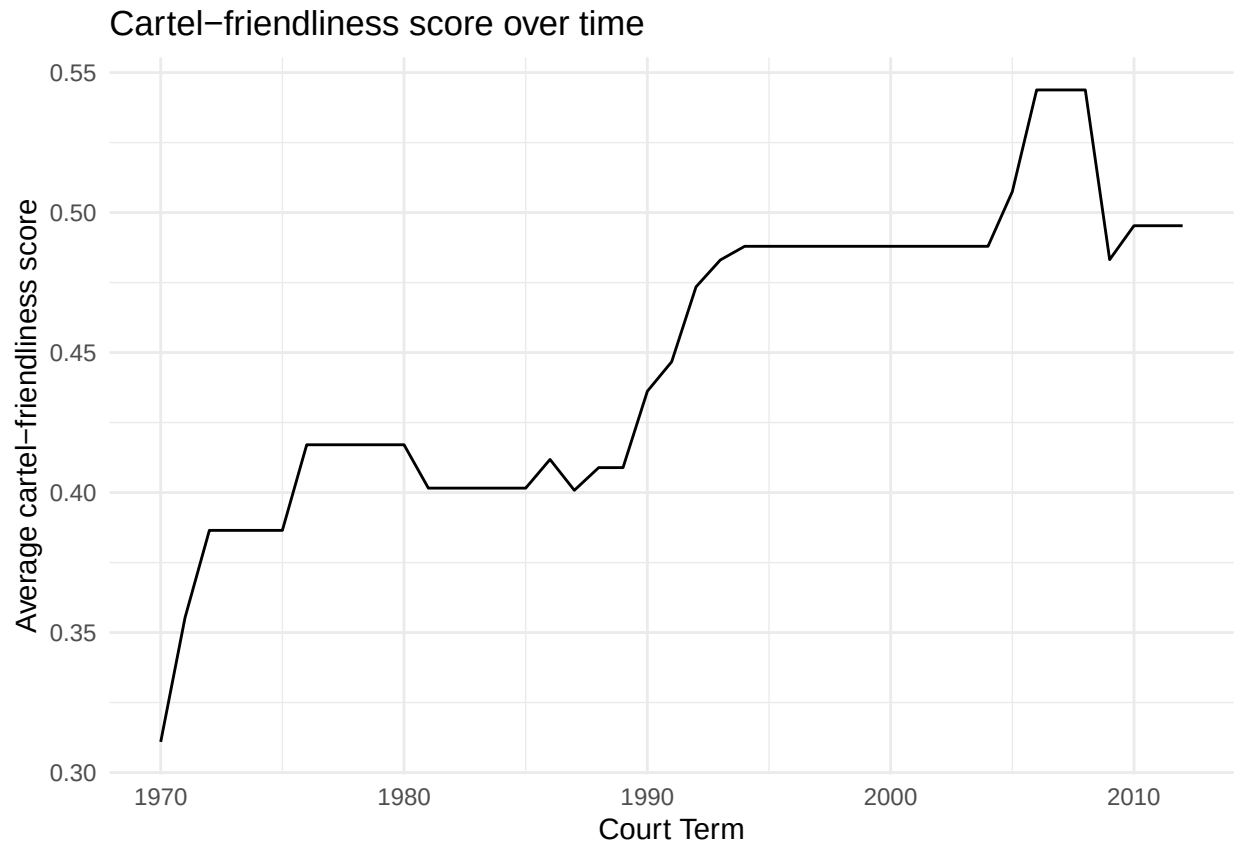


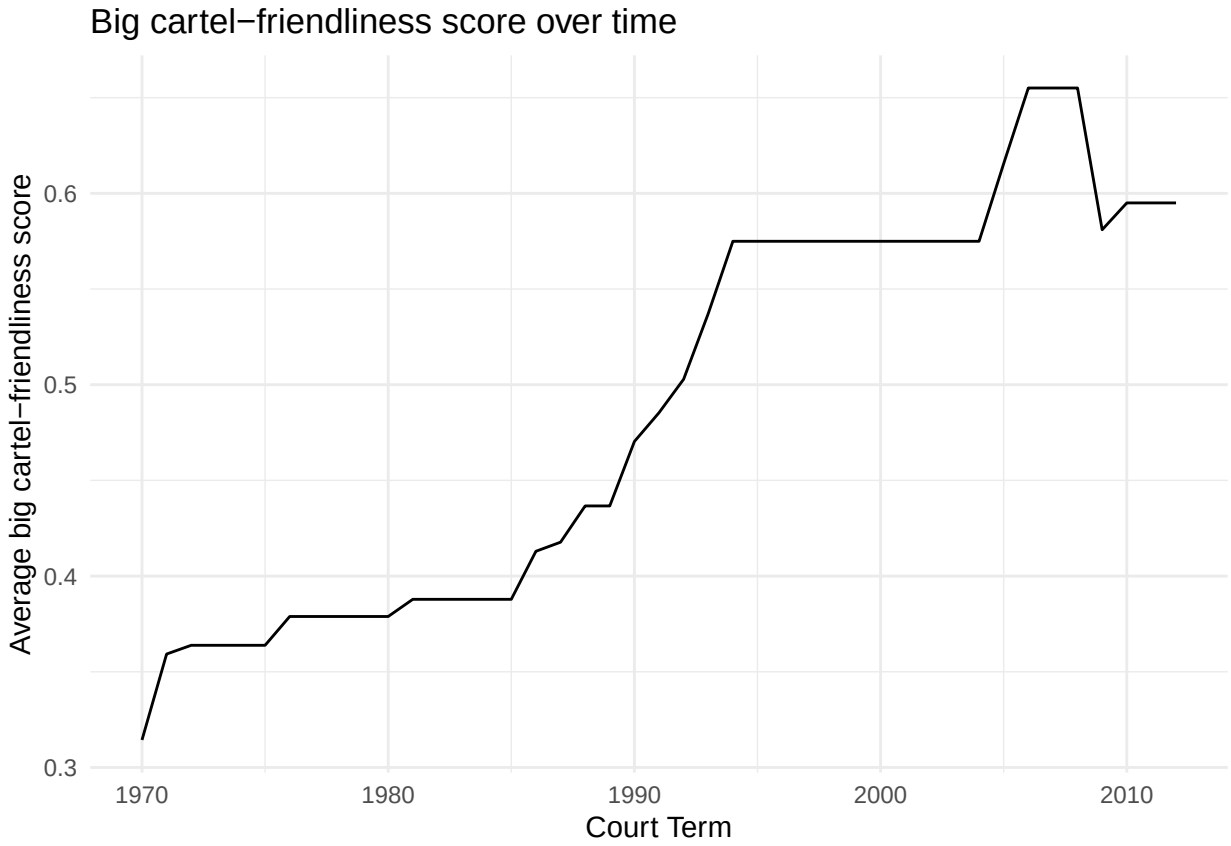

```
## mapping: x = ~court_term, y = ~value, colour = ~Party
## geom_point: na.rm = FALSE
## stat_identity: na.rm = FALSE
## position_identity
```

Merging list of antitrust cases with justice votes cases

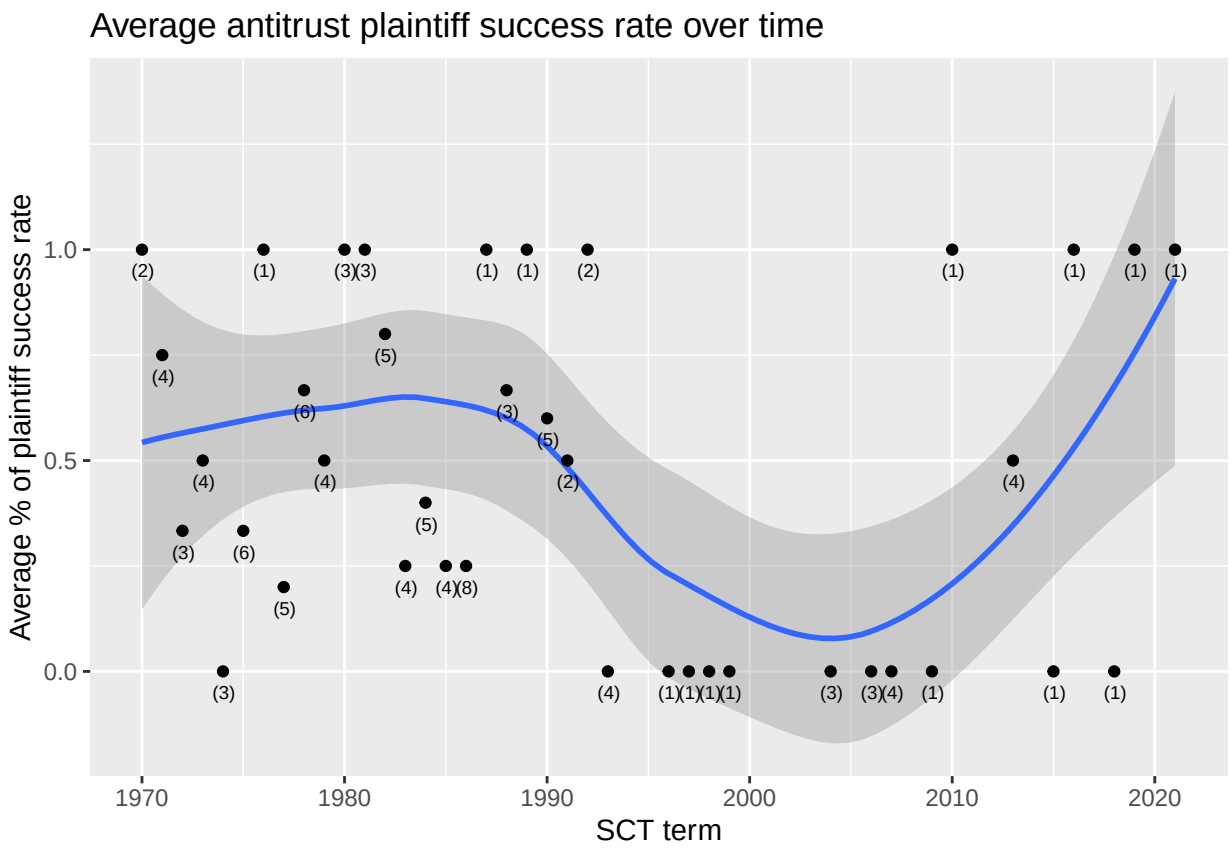


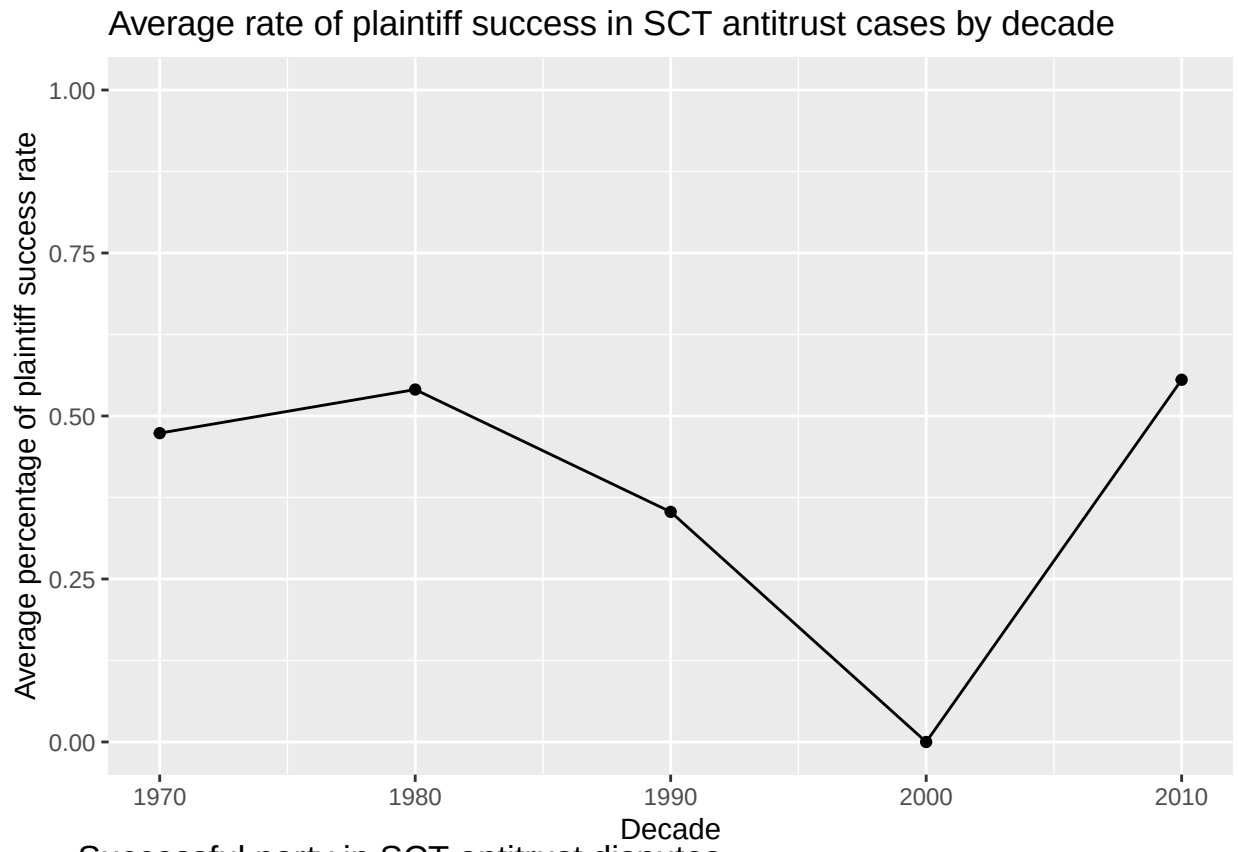

Proportion of pro−big−business votes
count
pro_bc_perc
0.0
2.5
5.0
7.5
0.00
0.25
0.50
0.75
WODouglas
WEBurger
AScalia
HLBlack
SGBreyer
JPStevens
JHarlan
RBGinsburg
DHSouter
PStewart
LFPowell
HABlackmun
SDOConnor
JGRoberts
SSotomayor
WHRehnquist
AMKennedy
WJBrennan
BRWhite
colour
a
red

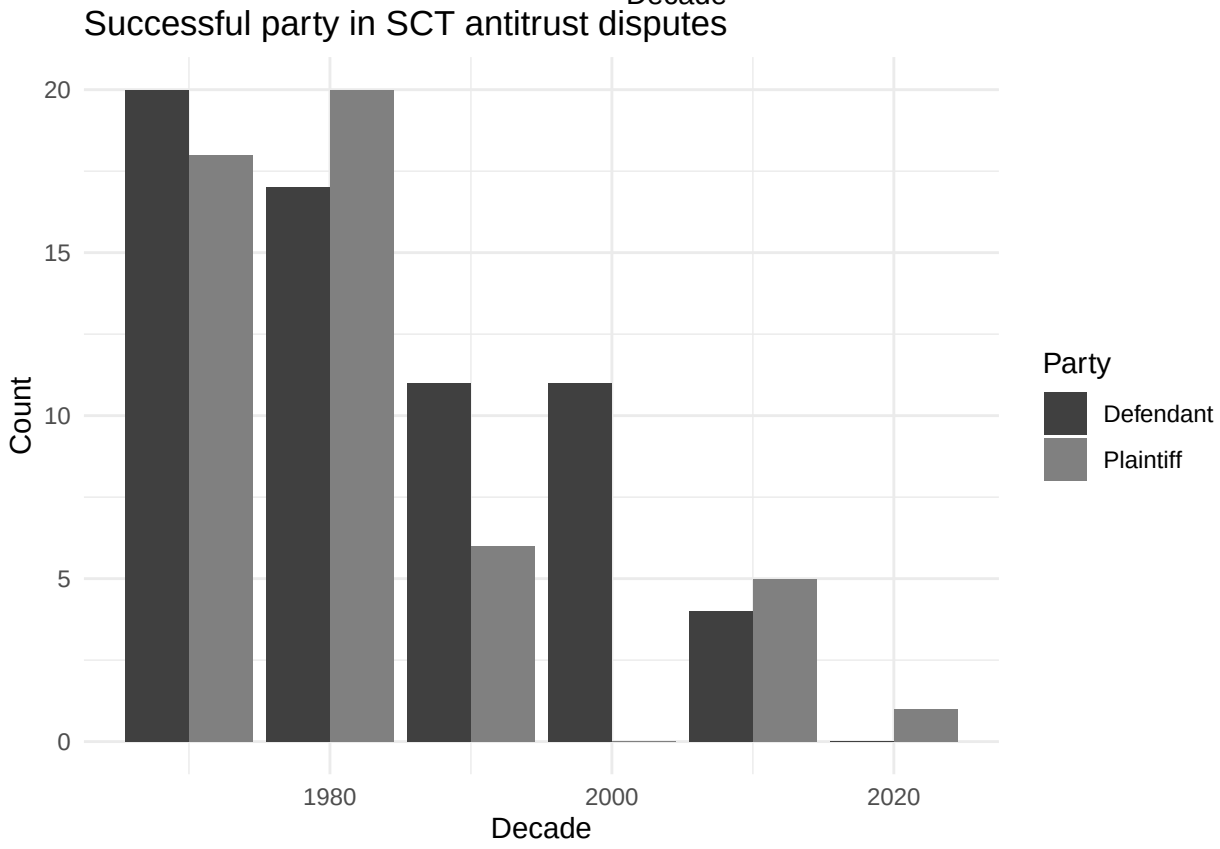

Cartel−friendliness score over time
Average cartel−friendliness score
Court Term
0.30
0.35
0.40
0.45
0.50
0.55
1970
1980
1990
2000
2010

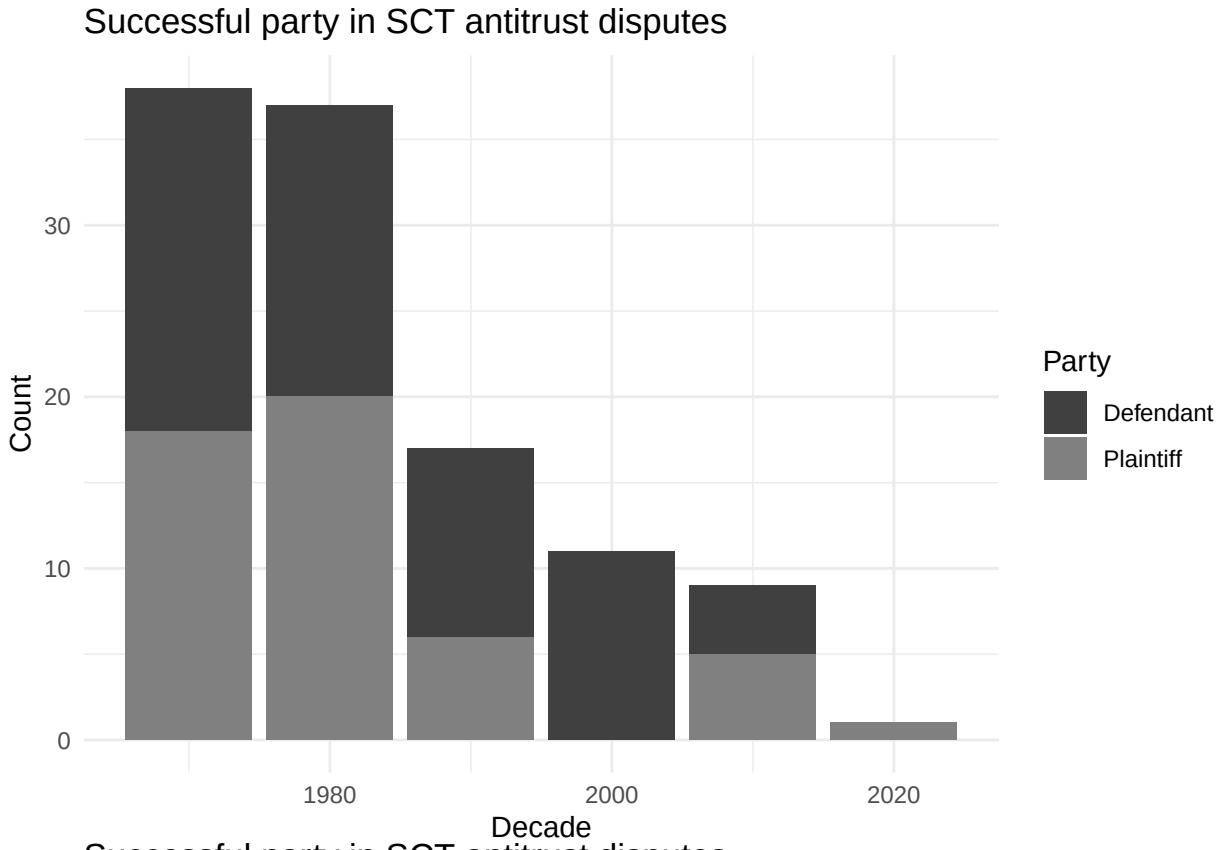

Big cartel−friendliness score over time
Average big cartel−friendliness score
0.6
0.5
0.4
0.3
1970
1980
1990
2000
2010
Court Term

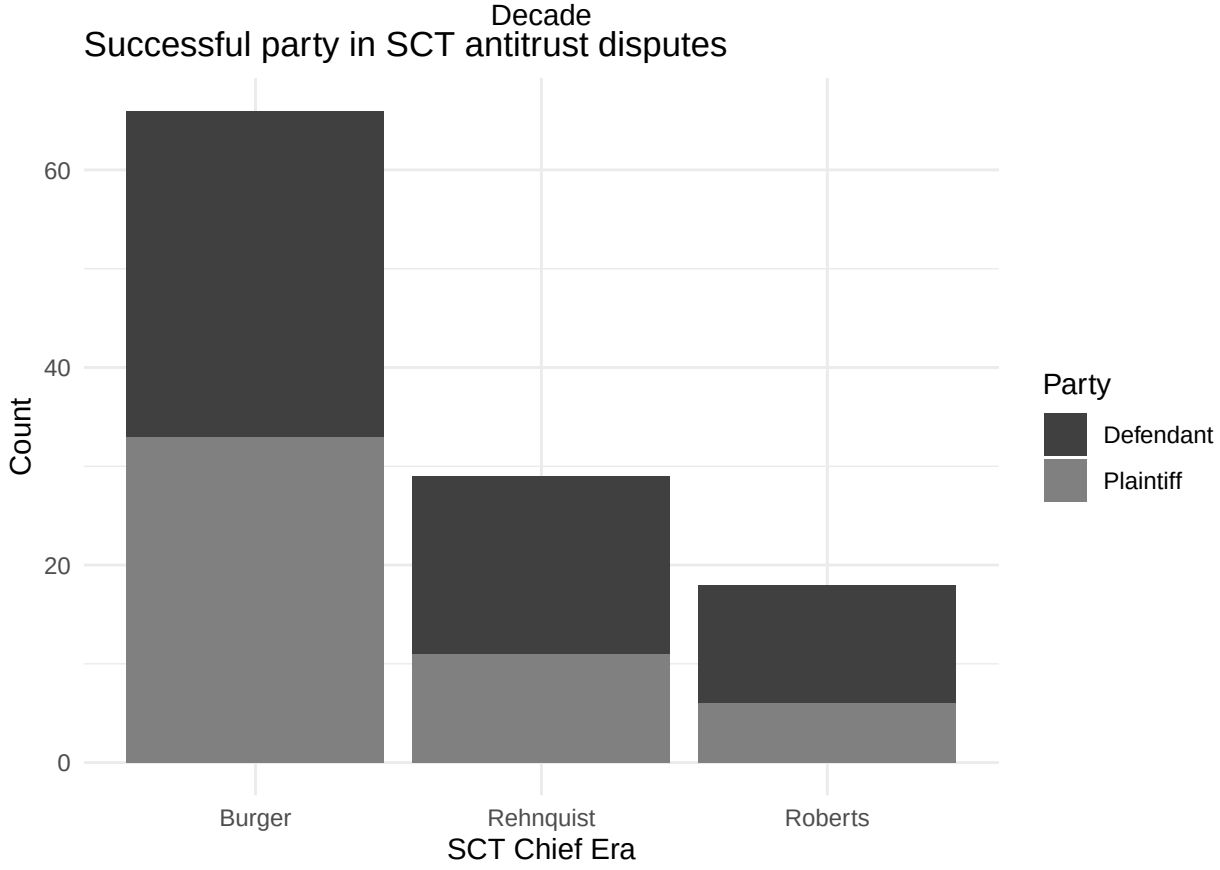
Antitrust enforcement wins over time

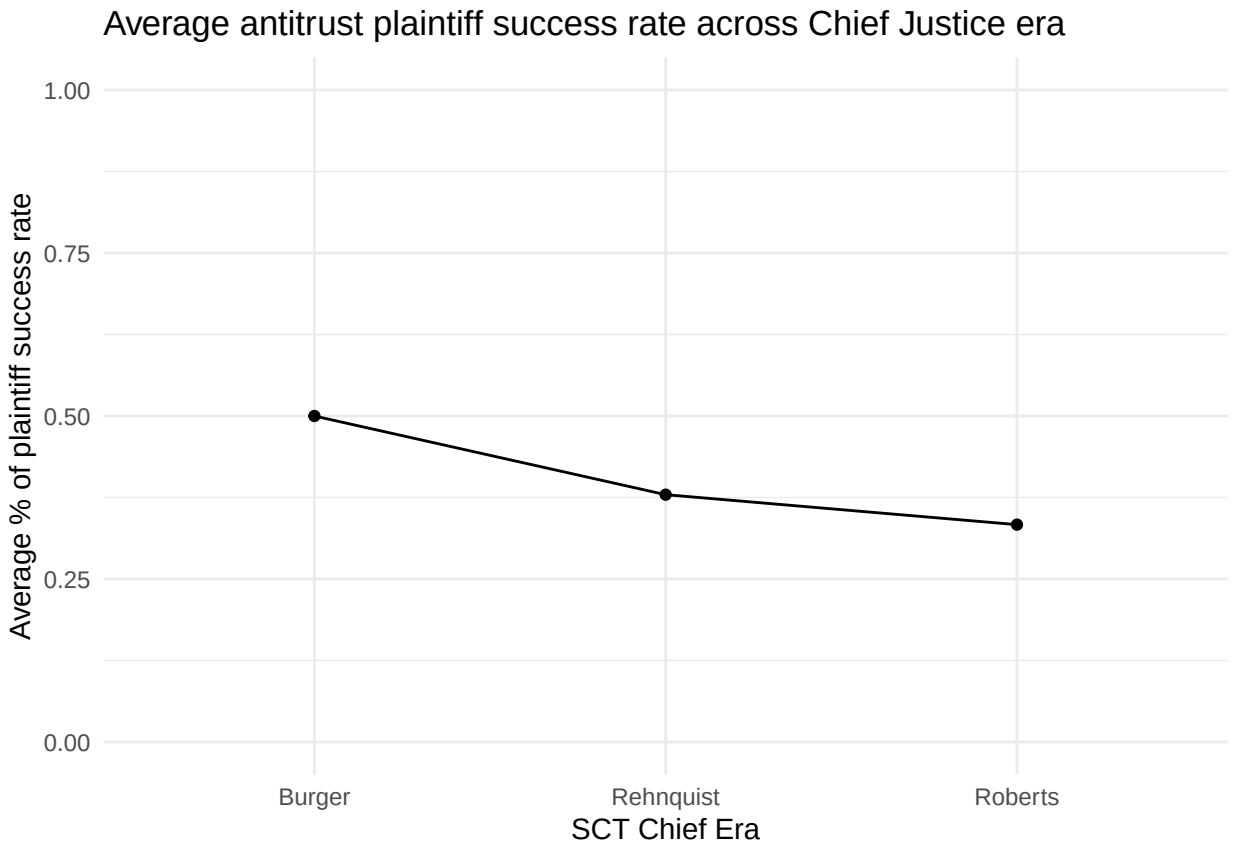



Average rate of plaintiff success in SCT antitrust cases by decade
Average percentage of plaintiff success rate
1.00
0.75
0.50
0.25
0.00
1970
1980
1990
2000
2010
Decade

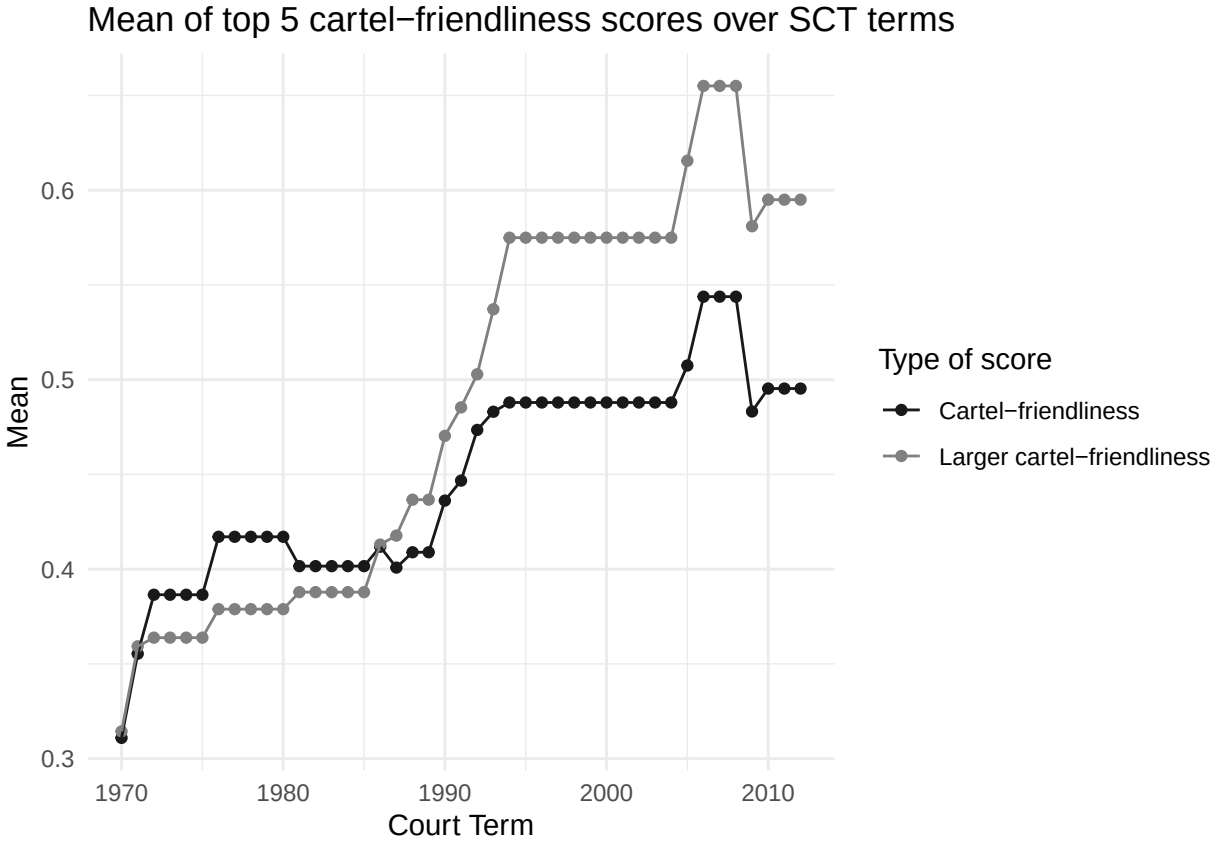

Successful party in SCT antitrust disputes
Count
20
15
10
5
0
1980
2000
2020
Decade
Party
Defendant
Plaintiff

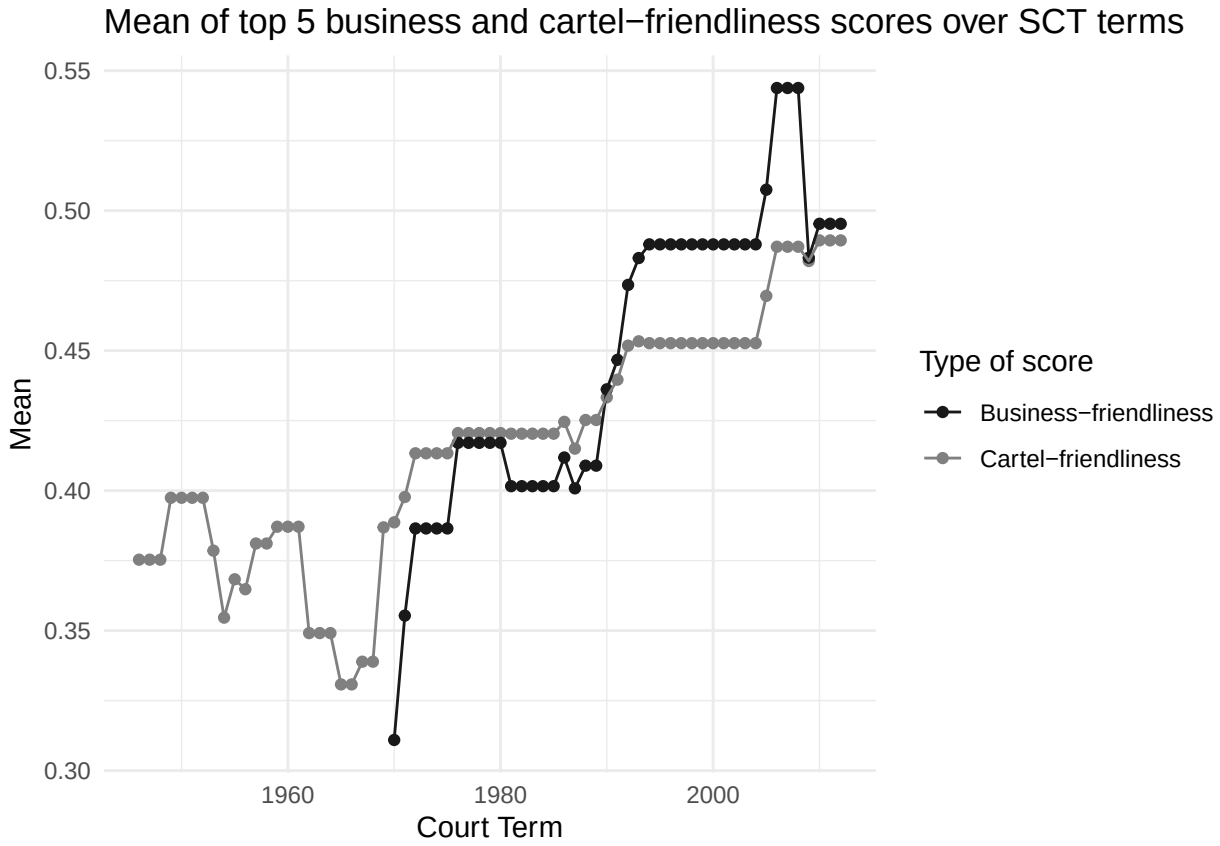

Successful party in SCT antitrust disputes
Count
30
20
10
0
1980
2000
2020
Decade
Party
Defendant
Plaintiff


Successful party in SCT antitrust disputes
Count
60
40
20
0
Burger
Rehnquist
Roberts
SCT Chief Era
Party
Defendant
Plaintiff

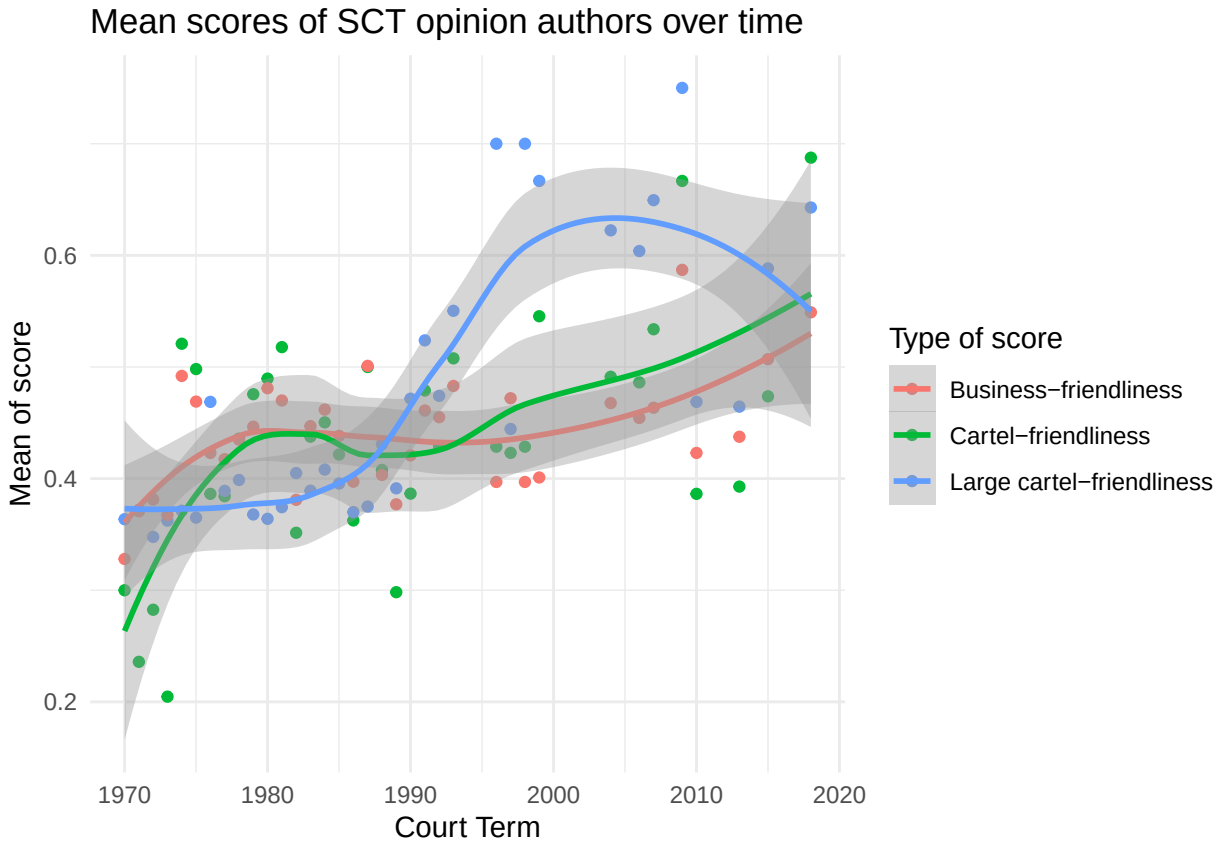

Average antitrust plaintiff success rate across Chief Justice era
1.00
0.75
0.50
0.25
0.00
Average % of plaintiff success rate
Burger
Rehnquist
Roberts
SCT Chief Era

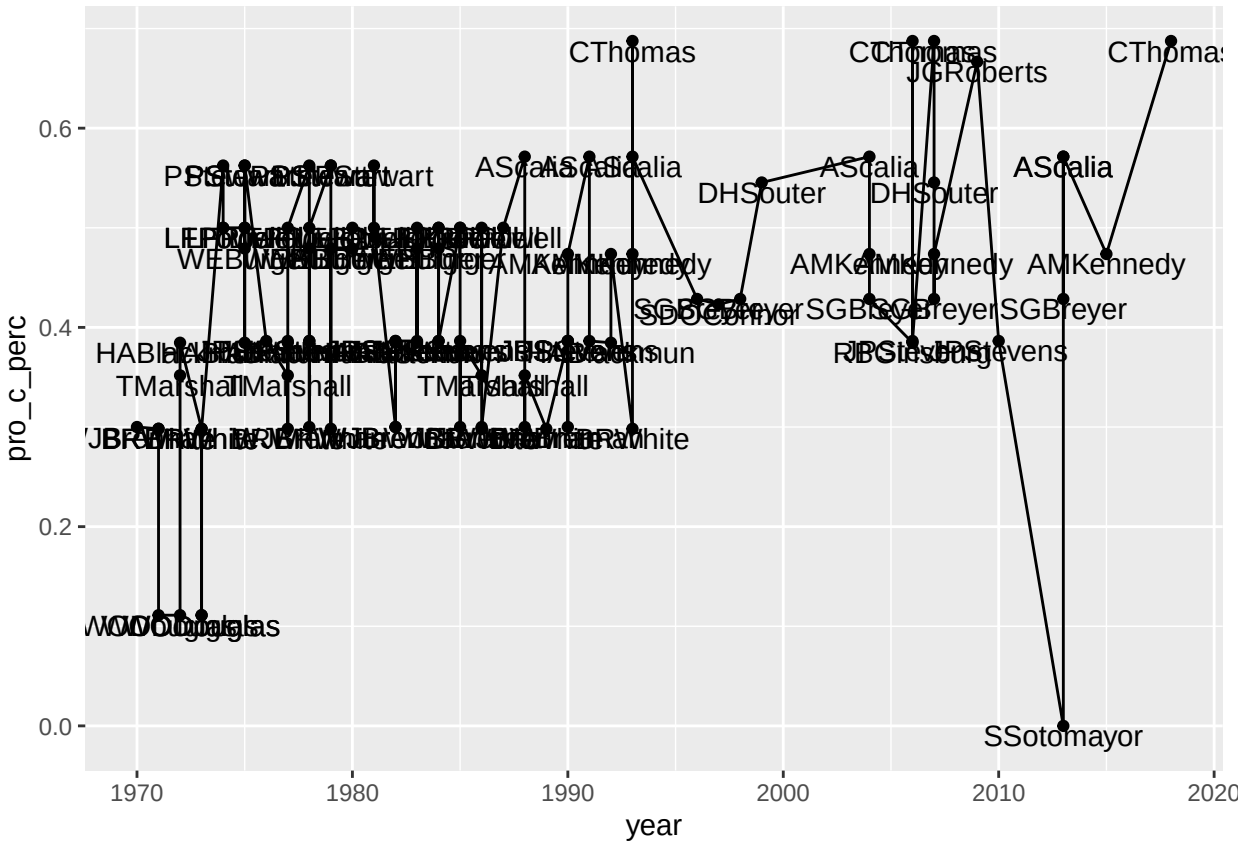
Avg bf and cf of top 5 by year



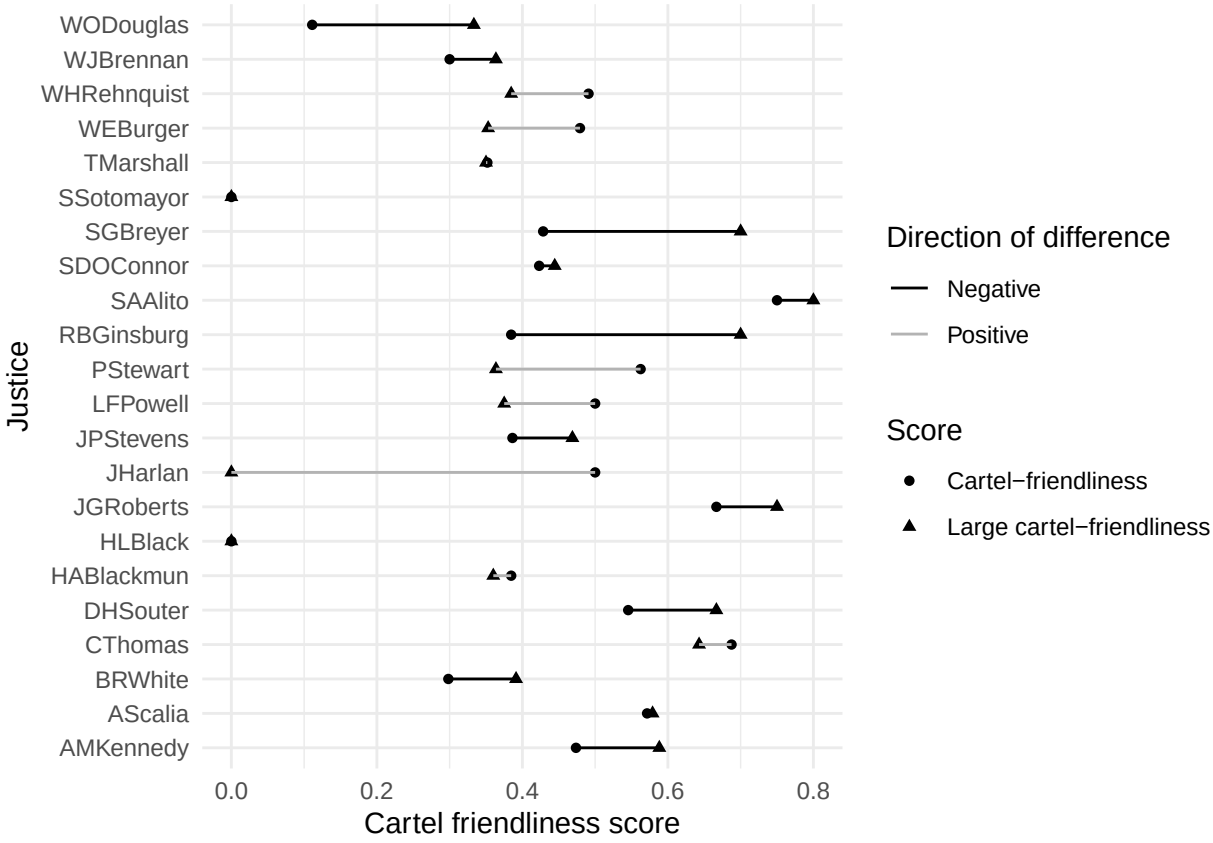

Mean of top 5 business and cartel−friendliness scores over SCT terms
0.55
0.50
0.45
0.40
0.35
0.30
Mean
1960
1980
2000
Court Term
Type of score
Business−friendliness
Cartel−friendliness

Cartel-friendliness of majOpinWriter



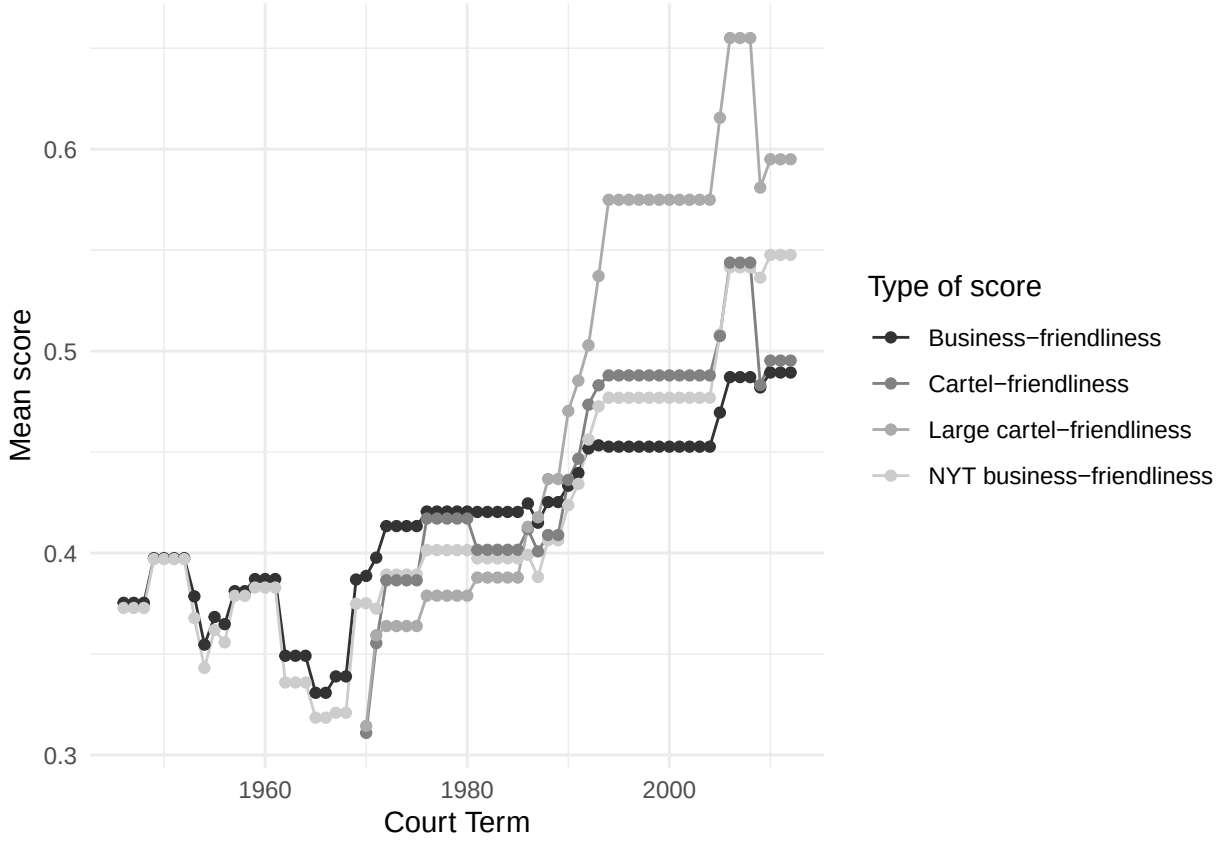

CThomas
JGRoberts
ASCalia
DHSouter
AMKennedy
SGBreyer
JPStevens
TMarshall
SSotomayor
pro_c_perc
0.6
0.4
0.2
0.0
1970
1980
1990
2000
2010
2020
year

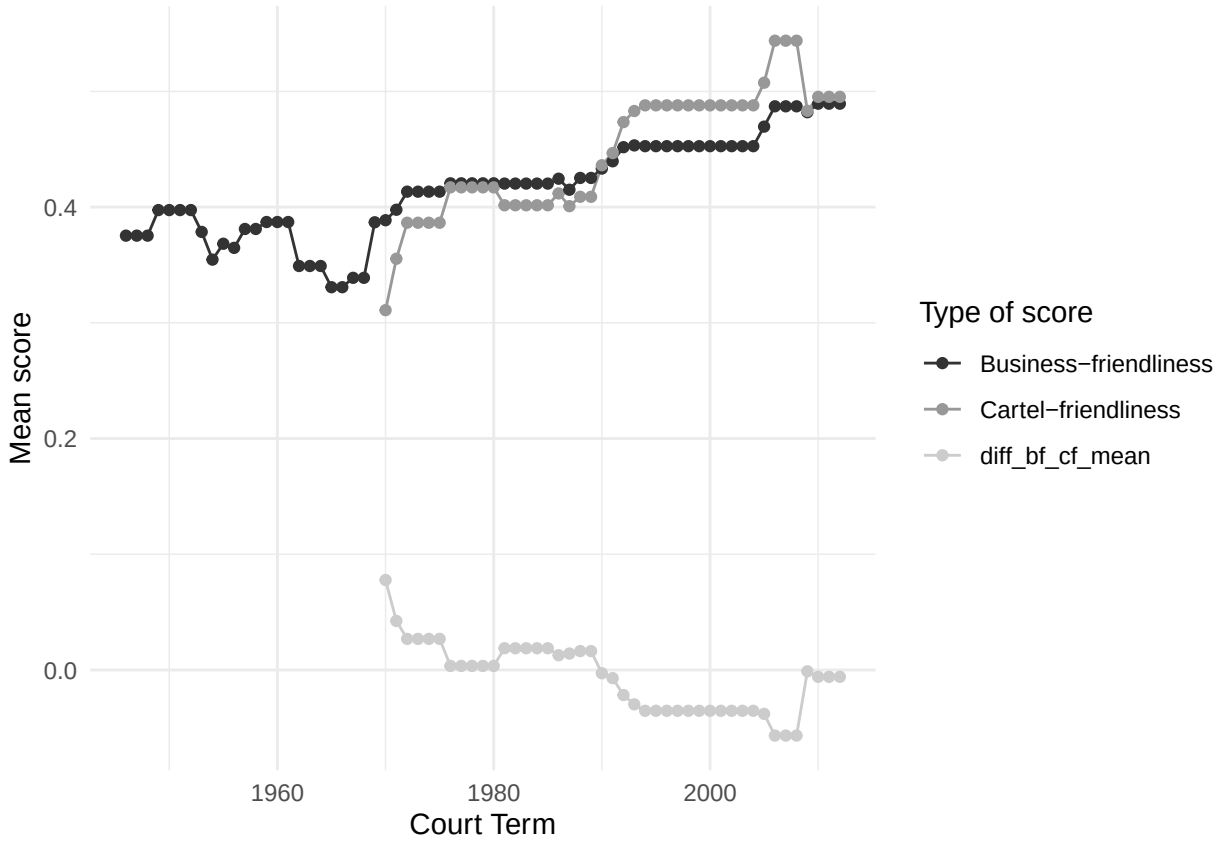
Cartel friendliness score per justice

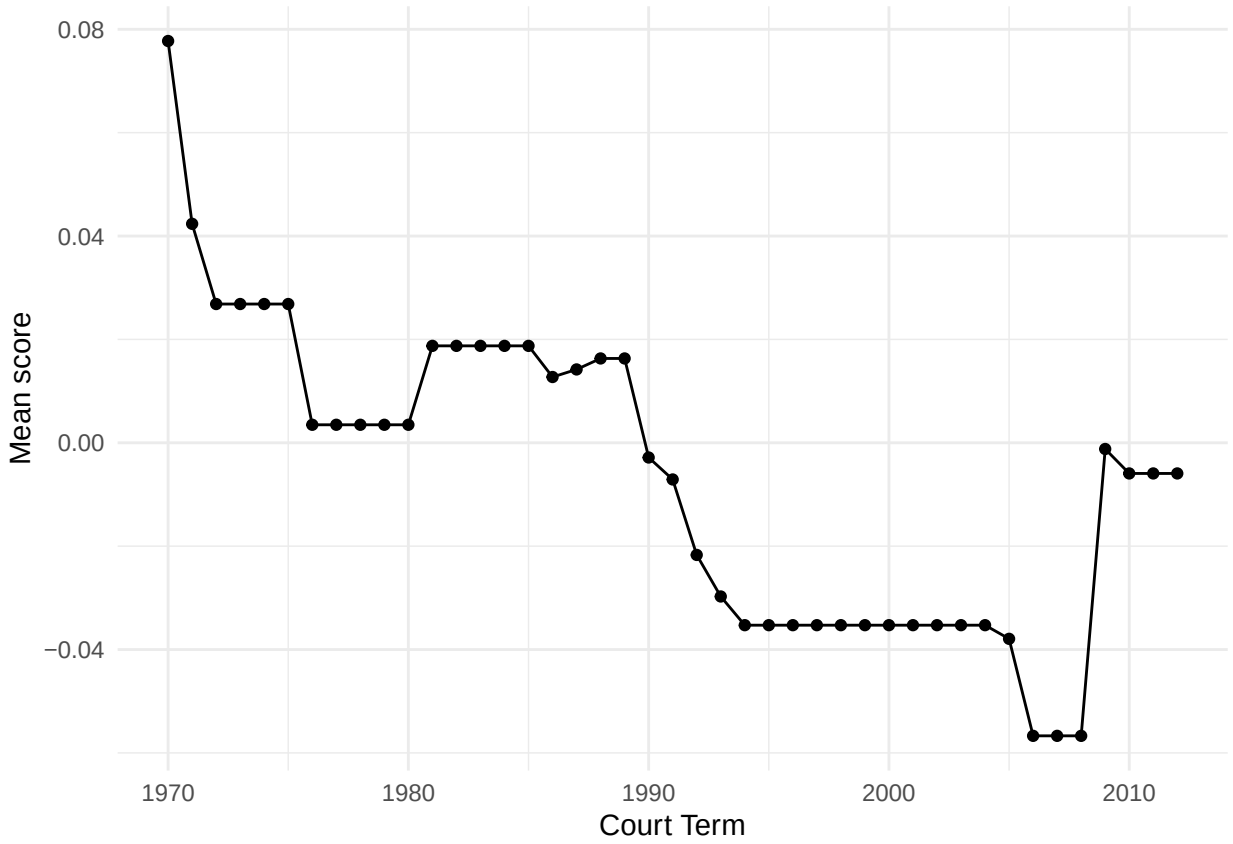


Comparing cartel-friendliness and business-friendliness

```
## # A tibble: 43 x 6
##    court_term cf_mean bcf_mean bf_mean chief_term bf_nyt_mean
##         <dbl>   <dbl>    <dbl>   <dbl> <chr>            <dbl>
##  1       1970   0.311    0.314   0.389 Burger           0.375
##  2       1971   0.355    0.359   0.398 Burger           0.372
##  3       1972   0.386    0.364   0.413 Burger           0.389
##  4       1973   0.386    0.364   0.413 Burger           0.389
##  5       1974   0.386    0.364   0.413 Burger           0.389
##  6       1975   0.386    0.364   0.413 Burger           0.389
##  7       1976   0.417    0.379   0.421 Burger           0.401
##  8       1977   0.417    0.379   0.421 Burger           0.401
##  9       1978   0.417    0.379   0.421 Burger           0.401
## 10       1979   0.417    0.379   0.421 Burger           0.401
## # ... with 33 more rows
```


Mean score
0.6
0.5
0.4
0.3
1960
1980
2000
Court Term
Type of score
Business−friendliness
Cartel−friendliness
Large cartel−friendliness
NYT business−friendliness


Mean score
0.4
0.2
0.0
1960
1980
2000
Court Term
Type of score
Business−friendliness
Cartel−friendliness
diff_bf_cf_mean


0.08
0.04
0.00
−0.04
Mean score
1970
1980
1990
2000
2010
Court Term