Codebook For:
Attorney.dta

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General Information

1. The idea is to include every case in which the OSG represented one of the parties.
2. We start with Justice-Centered version of the U.S. Supreme Court Database (organized by citation). We used only orally argued cases with signed opinions (decisionType=1, 7) decided between the 1980-2017 terms.
3. To identify OSG cases, we started with Paul Collins' Database—*sgpet* and *sgresp* variables—which he has for the 1980-2001 terms. (These variables are now *SGPet, SGResp*)
    - I checked his database against Spaeth US categories. There were a few mistakes that I corrected.
4. For 2001-2017 terms, we went through each case (using docket sheets on https://www.supremecourt.gov) to see if the SG filed a brief and on what side he filed (checked the briefs on scotusblog/Lexis/Westlaw).
5. We excluded cases that were not "pure" OSG cases:
    - Where OSG argued as an amicus. Focus is on parties.
    - Where OSG was on the second docket
    - Where, on the first docket, there was more than one attorney arguing on the OSG side (e.g., federal respondent and state respondent or federal respondent and private respondent)[1]
    - Where the OSG argued for the other side (e.g., Federal Respondent in Favor of the Petitioner). In these cases, the Court appoints an amicus to argue for the OSG's "side" and so two attorneys end up on the OSG's side. These aren't pure cases.
    - We also purged federal cases in which the OSG didn't represent the federal party. E.g., early FEC and SEC cases.
    - Appendix A to this document has all excluded cases.
6. We checked the off diagonals on partyWinning (e.g., affirmed and petitioner won)
7. We deleted rows with majority==.

[1] Nebraska v. Parker, No. 14-1406, is an example. Paul Clement represented private respondents and OSG represented federal respondent

Identification Variables

ct_level =1 for ct_level analyses

SGOrals last name of the SG at time of oral argument. (If reargument, name of SG at reargument.)[2]

SGOralsCollapse last name of the SG at time of oral argument but collapses Fried, Clement, Garre, and Francisco as SG (they were all acting before SG appointment). (If reargument, name of SG at reargument.)

ActingSGOrals Indicates whether Acting SG at time of orals. Here Fried, Clement, Garre, and Francisco are all counted as acting before they became SG.

SGDecision last Name of SG at Date of Decision[3]

OSGArgue Last, First, Name Attorney Representing the Government at Oral Argument

LawyerArgue Last, First, Middle Name of Opposing Counsel. Note: This may be different from the Counsel of Record. See below.

Carter	McCree	March 1977-August 1, 1981
Reagan	Lee	August 2, 1981 – June 1, 1985
Reagan	Fried (acting)	June 2, 1985-October 23, 1985
Reagan	Fried	October 24, 1985 – January 20, 1989
Bush 1	Bryson (acting)	January 21, 1989 – May 26, 1989
Bush 1	Starr	May 26, 1989 – January 20, 1993
Clinton	Bryson (acting)	January 21, 1993 – May 27, 1993
Clinton	Days	May 28, 1993 – June 30, 1996
Clinton	Dellinger (acting)	July 1, 1996 – November 13, 1997
Clinton	Waxman	November 14, 1997 – January 20, 2001
Bush 2	Underwood (acting)	January 21, 2001 – June 11, 2001
Bush 2	Olson	June 12, 2001 – July 10, 2004
Bush 2	Clement (acting)	July 11, 2004 – June 12, 2005
Bush 2	Clement	June 13, 2005-June 19, 2008
Bush 2	Garre (acting)	June 20, 2008 – October 5, 2008
Bush 2	Garre	October 6, 2008-January 16, 2009
Obama	Kneedler (acting)	January 17, 2009 – March 19, 2009
Obama	Kagan	March 20, 2009 – May 17, 2010
Obama	Katyal (acting)	May 18, 2010 – June 9, 2011
Obama	Verrilli	June 10, 2011 – June 25, 2016
Obama	Gershengorn (acting)	June 26, 2016 – January 20, 2017
Trump	Francisco (acting)	January 21, 2017 – March 10, 2017
Trump	Wall (acting)	March 11, 2017 – September 19, 2017
Trump	Francisco	September 20, 2017 – present

Sources: Wikipedia, Black/Owens, OSG website. There are discrepancies among these sources.

Outcome Variables

WhoWon 0= SG; 1=Opposing Counsel (when using **always** use *ct_level*=1

JVote 0=SG; 1=Opposing Counsel

minWinning 0=not minimum-winning decision coaliation; 1=minimum winning decision coalition (5-4, 5-3, 4-3, 4-2)

[2]See Table below and AttorneySG.do

[3]See Table below and AttorneySG.do

1. Variant is: *unan* 0=non-unanimous decision; 1=unanimous
2. Another variant is: *nearUnan* 0=not near unanimous decision; 1=unanimous or one dissent

Treatments

PriorOral = 1 if opposing counsel had argued at least one prior case; =0 otherwise[4]

LawyerArguePriorExp For *LawyerArgue*, number of prior experiences as **counsel of record**. The number grows as appearances grown. This could be 0 if *LawyerArgue* was not the *CounselRecord* in the case. If also *CounselRecord*, it will always be 1 or greater.[5]

WestLawCountArgue This is the straight count of the number of *distinct* cases that come up in a WestLaw search on *LawyerArgue*(merits cases only, not cert denies). It is never < 1 because always includes the case in the Database.

1. Search (done by Lee) ends in December 2017. So if we want to use this, need to update. Also no counts for the 2017 term lawyers.
2. This is not perfect. Many years list all the lawyers on the brief; some only list the main lawyer.

Covariates

Lawyers: OSG

See above, under identification variables. These are the same.

SGOrals last name of the SG at time of oral argument. (If reargument, name of SG at reargument.)[6]

SGOralsCollapse last name of the SG at time of oral argument but collapses Fried, Clement, Garre, and Francisco as SG (they were all acting before SG appointment) . (If reargument, name of SG at reargument.)

ActingSGOrals Indicates whether Acting SG at time of orals. Here Fried, Clement, Garre, and Francisco are all counted as acting before they became SG.

demPres . Indicated Democratic President appointed SG at the time of orals (See Table above)

[4]Coded "yes" even if case argued in the same term as long as it was before the case of interest.

[5]Mostly from Adam Feldman. There are some caveats here:

1. His data start with the 1946 term. So if there are appearances as counsel of record before then, they are not included.
2. His data only count cases in his dataset, and he excludes cases with more than one main brief on each side. So if experience as counsel of record in those cases, excluded.

[6]See Table above

Lawyers: Opposing Counsel

hysLaw =1 if *LawyerArgue* went to law school at Harvard, Yale, Stanford, Chicago or Columbia.

TopLawSchool =1 if *LawyerArgue* went to Harvard or Yale Law School. (Name of law school is in *SchoolLawyerArgue*). We're missing law school for 89 votes, 10 cases. My guess is not Harvard or Yale

DCFirm =1 if *LawyerArgue* worked in a DC firm.[7] (Law Firm location is *LocationLawFirm*; for the name of the firm, see *LawFirmArgue*.)

1. Related variable is *Acela*, which =1 if law firm location is on Acela Express line. (See AttorneyVar.do.)
2. Related variable is *BigLaw*, which =1 if law firm in "big law" city. (See AttorneyVar.do.)

ClerkDummy = 1 if *LawyerArgue* clerked for a justice=1, if not=0. (The name of the justice for whom the lawyer clerked is in *LawyerArgueClerk*.)

In addition to these, we also coded:

LawyerArgueOSG =1 if *LawyerArgue* had worked in the OSG.

GenderLawyerArgue Gender of *LawyerArgue*. 0=male, 1=female[8]

RaceLawyerArgue Race/ethnicity of *LawyerArgue*. 0=white, 1=black, 2=hispanic, 3=other[9]. Missing for 5 cases

YrsFromLawSchool *LawyerArgue* years from law school at year of argument or reargument. Missing 8 cases because don't have graduation year

Court/Justices

IdeologyOppCounsel Whether opposing counsel representing liberal (=1) or conservative (=0) side. missing 9 cases where direction is coded as unspecifiable

MQTerm Martin-Quinn term-by-term justice scores (post_mn)

MQmed Martin-Quinn term-by-term median scores (med)

Chief Justice Indicators *Burger, Rehnquist, Roberts* dummies

Case/Party

OppPetOrResp Whether opposing counsel represented petitioner/appellant (=1) or respondent appellee (=0). Variants on this are *Petitioner*, which is whether opposing counsel is petitioner/appellant (=1) or not (=0); and *Respondent*, which is whether opposing counsel is respondent/appellee (=1) or not (=0)

Issue Dummies
1. *CriminalDummy*. 1=criminal case, 0=all others
2. *CivLibDummy*. 1=civil liberties case, 0=all others

[7] See below. I could check this against Adam's firm coding.
[8] Collected by Nick
[9] Collected by Nick

3. *EconDummy.* 1=economic case, 0=all others
4. *JudPowDummy.* 1=judicial power case, 0=all others
5. *TaxDummy.* 1= federal tax case, 0=all others
6. *AllOthersDummy.* 1=all other areas, 0=all others that have dummies

Legal Provision Dummies. 1. *ConLawDummy.* 1=con law case, 0=all others
2. *FedLawDummy.* 1=federal statutory case, 0=all others
3. *RestLawDummy.* 1=all others, 0=all others that have dummies

Variables from Adam Feldman

CounselRecord name of counsel of record of lawyer opposed to SG. This is from Adam Feldman and indicates the name of the counsel of record. His data end with the 2013 term. So data are missing for these terms. Data are also missing for 244 cases that were not in his dataset for various reasons.[10]

DifferenceCounsel =1 if *CounselRecord* is different from *LawyerArgue*. **But, note, I didn't check this for cases in which *CounselRecord* was missing.**

CounselRecordPriorExp . This is the growing count of appearances as counsel of record (from Feldman). It differs from *LawyerArguePriorExp* because *LawyerArguePriorExp* focuses on the lawyer arguing the case; this focuses on the counsel of record, though they are mostly the same. See *DifferenceCounsel*.

CounselRecordAllExp This is the total of all appearances as counsel of record for *CounselRecord*. This doesn't exist for *LawyerArgue* but I could use Adam's data to create. But I'd need him to send me the all the data.

CounselRecordFirmName name of firm of *CounselRecord*.

CounselRecordPriorFirmExp . Growing count of the prior experience of the firm of the *CounselRecord*.

CounselRecordAllFirmExp This is the total of all appearances of the firm of the emphCounselRecord.

Miscellaneous Variables

Some information but not checked carefully. Could check against Adam's data.

SupportLawyerFirm Was a Major Law Firm Listed on the Brief?

- Law firm involved in at least 5 prior cases. Mostly DC/NY firms

SupportLawyerOrg Was an Organization Listed on the Brief?

SupportLawyerLawProf: Was Law Professor Listed on the Brief?

SupportDetail My coding notes.

[10] see also *DifferenceCounsel*.

Appendix A. Dropped SG Cases, 2001-2017 terms

(Doesn't include cases dropped from Paul Collins' Dataset)

1. 2006-027: multiple attys
2. 2010-024: SG wanted GVR so appt amicus to argue for US
3. 2012 U.S. LEXIS 577: multiple attys
4. 2012 U.S. LEXIS 2318: multiple attys
5. 2011-041: OSG argued the cause for respondent, supporting petitioner.
6. 1996 U.S. LEXIS 3391. SG wanted GVR so appt amicus to argue for US
7. 1982-130: multiple attys
8. 1986 U.S. LEXIS 141: : multiple attys
9. 2015-055. SG argued to v&r; had to appt ct appt atty.
10. 2015-021 SG won't defend rational but judgment so a/c appointed
11. 14-185: SG argued to r&r; had to appt ct appt atty
12. 14-46: multiple attys
13. 11-10362: SG argued to r&r; had to appt ct appt atty
14. 11-1231: don't include. C appt amicus also reverse
15. 12-307: don't include. Want affirm
16. 10-553: federal and private respondents
17. 11-5683: wanted reverse. C appt amicus
18. 10-174: respondent in support of petitioners
19. 09-1227: respondent in support of petitioners
20. 09-1403: multiple petitioner attys
21. 10-5400: respondent in support of vacating
22. 08-861: 2 Respondents
23. "08-911: respondent in support of petitioner
24. 09-475: respondent in support of petitioner
25. 07-984: federal respondents in support of petitioners
26. 07-588: respondent in support of petitioner
27. 07-330: reverse in part; ct appt amicus

28. 06-1457: respondent in support of petitioner
29. 07-371: federal and private respondents
30. 06-984: US amicus but of concern to the president
31. 2001-045: multiple attys
32. 2001-053: multiple attys
33. 2001-074: multiple attys
34. 2002-026: v&r; ct appt amicus
35. 2002-081:two Respondents
36. 2004-072: multiple attys
37. 2006-024: multiple attys
38. 2006-030: multiple attys
39. 15-1248. Ct appointed amicus to argue in favor of judgment below even though SG argued for affirm too.
40. 1990 U.S. LEXIS 6113: federal respondent supporting petitioner but petitioner also had his own attorney.
41. 1988 U.S. LEXIS 5533: federal petitioners, private petitioners
42. 1998 U.S. LEXIS 3886: OSG respondent supports petitioner; amicus curiae appointed.
43. 1987 U.S. LEXIS 5190: federal respondents argue for petitioners
44. 1991 U.S. LEXIS 3486: federal respondents argue for petitioners
45. 1989 U.S. LEXIS 3138: state and federal respondents
46. 1995 U.S. LEXIS 3183: private and federal respondents
47. 16-1454: respondent in support of petitioners
48. 17-130: respondent in support of petitioners
49. 17-586: appellee in support of appellants.
50. 16-498: for federal respondents
51. 16-712: for federal respondents