Analysis 1 Codebook for Lane and Schoenherr, "Cite and Sway? Attorneys, Briefs, and Persuasion at the U.S. Supreme Court"

Description: This codebook provides definitions for all variables contained in Analysis 1 in "Cite and Sway?" Variables used in analysis directly are colored green; variables used in supplemental analyses are colored blue; all other variables are colored black and are for reference but not directly used in our analysis.

Sources: Variables stemming from other sources (e.g., the Supreme Court Database, Martin and Quinn Scores) are marked as such.

- Supreme Court Database (SCDB):
  - Harold J. Spaeth, Lee Epstein, Michael J. Nelson, Andrew D. Martin, Jeffrey A. Segal, Theodore J. Ruger, and Sara C. Benesh. 2024. Supreme Court Database, Version 2024 Release 01. URL: https://scdb.psu.edu
  - Note that many of these variables have hundreds of different options. Unless we used the variables in our analysis, we give a brief explanation here and direct readers to the SCDB codebook for more information
    - https://scdb.la.psu.edu/online-codebook/
- Martin and Quinn Scores (2002):
  - http://mqscores.wustl.edu/
- Collins and Cooper Case Salience Index
  - https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/UR2KYE
  - Authors updated through the 2018 term, see also Cota et al. (ND)
- Black and Owens (2021):
  - https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/JOCRPU

Analysis1Data:

- caseId: from SCDB, unique identifier for each Supreme Court case based on term and order within term

- docketId: from SCDB, unique identifier for each Supreme Court case based on its docket number

- usCite: from SCDB, citation to each case from the United States Reports (U.S.)

- sctCite: from SCDB, citation to each case from the Supreme Court Reporter (S. Ct.)

- term: from SCDB, term in which the Supreme Court decided the case
  - Terms run from October to June and are identified by the year they start (e.g., a case decided in June 2018 was decided in the 2017 term).

- docket: from SCDB, unique identifier for each Supreme Court case based on term and order within term

- caseName: from SCDB, name of case

- justice: from SCDB, unique identifier assigned to each Supreme Court justice based on the order in which they joined the Court; used to identify the sitting justice cited

- justiceName: from SCDB, cited sitting justice's name

- unnamedCiteCount: total number of times the party's merits brief cited the identified sitting justice's majority opinions without mentioning that justice's name (i.e., total number of passive majority citations to a sitting justice)

- majCallOutCount: total number of times the party's merits brief cited the identified sitting justice's majority opinions by mentioning that justice's name (i.e., total number of active majority citations to a sitting justice)

- notMajOpinCount: total number of times the party's merit's brief cited the identified sitting justice's separate opinions by that justice's name (i.e., total number of active separate citations to a sitting justice)

- totalCount: total number of times the party's merit's brief cited the identified sitting justice
    - Sum of *unnamedCiteCount*, *majCallOutCount*, and *notMajOpinCount*

- pet: identifies the petitioner (1) or the respondent (0)
    - We separate the data between petitioner and respondent for our analyses in this section

- median: from Martin and Quinn (2002), identifies whether the justice was the median (1) or not (0)

- caseIssuesId: from SCDB, unique identifier for each Supreme Court case based on the issue area into which each case falls

- voteId: from SCDB, unique identifier for each Supreme Court case based on the final vote in the case

- dateDecision: from SCDB, date the Supreme Court released the opinion in the case

- decisionType: from SCDB, type of decision the Court issued (e.g., "opinion of the court," "seriatim," etc.).
    - Because we only look at orally-argued cases, our analysis is restricted to *decisionType* == 1 (opinion of the court, orally argued), == 6 (per curiam, orally argued), or == 7 (judgement of the court, orally argued)

- ledCite: from SCDB, citation to each case from the Lawyer's Edition of the United States Reports (L. Ed.)

- lexisCite: from SCDB, citation to each case from LEXIS (U.S. LEXIS)

- naturalCourt: from SCDB, identifies each natural Court by its Chief Justice and the number of new justices within (e.g., "1709 Roberts 9" for era where Amy Coney Barrett was junior justice, as Roberts is the seventeenth Chief and Barrett was the ninth new justice to join the Court during his Chiefhood)

- chief: from SCDB, identifies the Chief Justice at the time the case got decided

- dateArgument: from SCDB, date of oral argument

- dateRearg: from SCDB, date of second oral argument, if applicable

- petitioner: from SCDB, petitioner's categorization category (e.g., U.S. Attorney General; wife; Bureau of Indian Affairs)

- petitionerState: from SCDB, state from which petitioner's case comes

- respondent: from SCDB, respondent's categorization category (e.g., U.S. Attorney General; wife; Bureau of Indian Affairs)

- respondentState: from SCDB, state from which respondent's case comes

- jurisdiction: from SCDB, explanation of how the justices came to hear the case

- adminAction: from SCDB, identifies whether administrative agency activity was involved before litigation and, if yes, from which agency

- adminActionState: from SCDB, identifies the location (federal or state) of the administrative agency activity if it existed

- threeJudgeFdc: from SCDB, identifies if a three-judge federal district court heard the case (1) or not (0)

- caseOrigin: from SCDB, the court where the case originated

- caseOriginState: from SCDB, identifies the state in which the case originated, for state court cases only

- caseSource: from SCDB, mirrors the caseOrigin variable if the case originated in the same court the Court is reviewing; otherwise it provides the source

- caseSourceState: from SCDB, mirrors the caseOriginState variable if the case originated in the same court the Court is reviewing; otherwise it provides the source's state

- lcDisagreement: from SCDB, indicates whether the Supreme Court mentioned that one or more of the lower court judges dissented in the lower court decision (1) or not (0)

- certReason: from SCDB, the reason (if any) the Court gave for granting cert

- lcDisposition: from SCDB, identifies the type of decision the lower court issued (e.g., "affirmed," "reversed")

- lcDispositionDirection: from SCDB, specifies the ideological direction of the lower court's decision; can be conservative (1), liberal (2), or unspecifiable (3)

- declarationUncon: from SCDB, indicates whether the Court declared an act of Congress (2); a state or territorial law or constitutional provision (3), or a municipal/local ordinance (4) unconstitutional, as opposed to not doing so (1)

- caseDisposition: from SCDB, identifies the type of decision the Supreme Court issued (e.g., "affirmed," "reversed")

- caseDispositionUnusual: from SCDB, identifies situations in which the Court's disposition does not fall into one of the caseDisposition options

- partyWinning: from SCDB, identifies whether the respondent (0) or petitioner (1) won the case, or if it was unclear if either won (2)

- precedentAlteration: from SCDB, identifies cases in which the Supreme Court overturned its own precedent (1), as opposed to following it (0)

- voteUnclear: from SCDB, identifies cases in which the Supreme Court's vote was clear (0) or unclear (1)

- issue: from SCDB, identifies the issue discussed for each decision

- issueArea: from SCDB, identifies into which of fourteen different issue areas the decision falls

- decisionDirection: from SCDB, specifies the ideological direction of the Supreme Court's decision; can be conservative (1), liberal (2), or unspecified (3)

- decisionDirectionDissent: from SCDB, identifies rare occasions in which the majority and dissenting opinions end up going in the same ideological direction (1), as opposed to more typically pointing in opposite directions (0)

- authorityDecision1: from SCDB, basis on which the Supreme Court rested its authority to review and rule

- authorityDecision2: from SCDB, secondary basis on which the Supreme Court rested its authority to review and rule

- lawType: from SCDB, identifies the broad constitutional provisions, statutes, or court rules the Court considered in the case

- lawSupp: from SCDB, identifies the specific law, constitutional provision, or rule at issue according to the summary in the Lawyers' Edition

- lawMinor: from SCDB, identifies the specific law, constitutional provision, or rule at issue according to the summary in the Lawyers' Edition

- majOpinWriter: from SCDB, identifies the justice who wrote the Court's opinion or judgement; follows conventions established with the *justice* variable

- majOpinAssigner: from SCDB, identifies the justice who should have selected the opinion writer, based on the justices in the majority coalition; follows conventions established with the *justice* variable

- splitVote: from SCDB, identifies whether the *majVotes* and *minVotes* variables pertain to the second or first issue

- majVotes: from SCDB, identifies number of justices voting in the majority

- minVotes: from SCDB, identifies number of justices voting in the minority

- issueMedian: issue-specific median calculated following Martin and Quinn (2002) process

- post_mn: from Martin and Quinn (2002), Martin and Quinn score for judicial ideology for that term (posterior mean)

- post_sd: from Martin and Quinn (2002), Martin and Quinn score posterior standard deviation

- post_med: from Martin and Quinn (2002), Martin and Quinn score posterior median

- post_025: from Martin and Quinn (2002), Martin and Quinn score 2.5 percentile

- post_975: from Martin and Quinn (2002), Martin and Quinn score 97.5 percentile

- partyLiberal: uses *pet* and *partyWinning* variables to identify whether the party under analysis provided a liberal (1) or conservative (0) argument

- ideoAlign: uses *partyLiberal* and *post_mn* to create a measure of ideological alignment between the party and the justice
    - Takes the value of *post_mn* when the party is conservative, takes the inverse of *post_mn* (or *post_mn* * -1)when the party is liberal, so that larger values indicate higher alignment between the justice and the party

- dcFirm: indicates whether the firm associated with the counsel of record on the brief is located in Washington, D.C. (1) or not (0)

- totalAttorneys: count of the total number of attorneys who worked on the brief

- corMatch: name of the counsel of record on that party's brief

- attorneyBriefExperience: number of times the counsel of record worked on a merits brief in any named capacity

    - logAttorneyBriefExperience: logged value of *attorneyBriefExperience*

- sgPet: from Black and Owens (2021), identifies cases in which the Solicitor General was the petitioner

- sgResp: from Black and Owens (2021), identifies cases in which the Solicitor General was the respondent

- partySG: from Black and Owens (2021), identifies whether the party presenting the brief was the Solicitor General

- petStatString: following Collins (2007) and Black and Boyd (2012), uses *petitioner* variable to categorize petitioners into one of eleven different status categories
    - "Business," "Corporation," "ForeignGovt," "Individual," "LocalGovt," "MinorityIndividual," "PoorIndividual," "SmallBusiness," "StateGovt," "UnionsIntGrp," "USGovt"

- petStatNum: following Collins (2007) and Black and Boyd (2012), converts *petStatString* variable into an ordinal scale ranging from 1 (poor individual) to 10 (US government) to represent petitioner status
    - 1: PoorIndividual
    - 2: MinorityIndividual
    - 3: Individual
    - 4: UnionsIntGrp
    - 5: SmallBusiness
    - 6: Business
    - 7: Corporation
    - 8: LocalGovt
    - 9: StateGovt + ForeignGovt
    - 10: USGovt

- petStatTitle: from SCDB, *petitioner* variable

- respStatString: following Collins (2007) and Black and Boyd (2012), uses *respondent* variable to categorize respondents into one of eleven different status categories
    - "Business," "Corporation," "ForeignGovt," "Individual," "LocalGovt," "MinorityIndividual," "PoorIndividual," "SmallBusiness," "StateGovt," "UnionsIntGrp," "USGovt"

- respStatNum: following Collins (2007) and Black and Boyd (2012), converts *respStatString* variable into an ordinal scale ranging from 1 (poor individual) to 10 (US government) to represent respondent status
    - 1: PoorIndividual
    - 2: MinorityIndividual
    - 3: Individual
    - 4: UnionsIntGrp
    - 5: SmallBusiness

    - 6: Business
    - 7: Corporation
    - 8: LocalGovt
    - 9: StateGovt + ForeignGovt
    - 10: USGovt

- respStatTitle: from SCDB, *respondent* variable

- partyStatus: uses *pet*, *petStatNum,* and *respStatNum* to identify the status of the party presenting the brief

- opinionsWrittenThatTerm: running tally of the number of opinions the justices have written that term through the current case

- tallyExpertise: total number of cases justice wrote in that issue area through the current case

- pastExpertise: total number of cases justice write in that issue area through the past term

- CSI: from Collins and Cooper, the salience of each case as measured by newspaper coverage of decisions in four major outlets (*New York Times*, *Washington Post*, *Chicago Tribune*, and *Los Angeles Times*).
    - Values range from 0 (case was not covered in any of the four papers) to 8 (case was covered in all four papers on the front page)
    - Composite of the values of *laScore*, *chScore*, *washScore*, and *nyScore*

- laScore: from Collins and Cooper, indicator of case coverage in the *Los Angeles Times*
    - Can take the value of 0 (no coverage), 1 (coverage on inside of paper), or 2 (front-page coverage)

- chScore: from Collins and Cooper, indicator of case coverage in the *Chicago Tribune*
    - Can take the value of 0 (no coverage), 1 (coverage on inside of paper), or 2 (front-page coverage)

- washScore: from Collins and Cooper, indicator of case coverage in the *Washington Post*
    - Can take the value of 0 (no coverage), 1 (coverage on inside of paper), or 2 (front-page coverage)

- nyScore: from Collins and Cooper, indicator of case coverage in the *New York Times*
    - Can take the value of 0 (no coverage), 1 (coverage on inside of paper), or 2 (front-page coverage)

- totalNumCites: total number of cites contained in the party's brief
    - logTotalNumCites: log of the *totalNumCites* variable [ln(x) + 1]

- formerClerk: from Black and Owens (2021), indicator for whether the counsel of record was a Supreme Court clerk (1) or not (0)

- clerkFor: from Black and Owens (2021), identifies the justice for which the counsel of record who clerked worked; follows conventions of *justice* variable

- clerkPeriod: from Black and Owens (2021), identifies whether the counsel of record was a Supreme Court clerk (1) or not (0)

- clerkedForThisJustice: identifies whether the counsel of record clerked for the justice involved in the analysis; uses *clerkFor* and *justice* to identify

- totalOtherCitesUnnamed: *totalNumCites – unnamedCiteCount*
    - logTotalOtherCitesUnnamed: *totalOtherCitesUnnamed* logged [ln(x) + 1]

- totalOtherCitesMajCallOut: *totalNumCites – majCallOutCount*
    - logTotalOtherCitesMajCallout: *totalOtherCitesMajCallOut* logged [ln(x) + 1]

- totalOtherCitesNotMaj: *totalNumCites – notMajOpinCount*
    - logTotalOtherCitesNotMaj: *totalOtherCitesNotMaj* logged [ln(x) + 1]

Analysis1IssueAreaData:

All variables from Analysis1Data PLUS

- issueMean: issue area Martin and Quinn score for that term, mean

- issueSD: issue area Martin and Quinn score, posterior median

- issue025: issue area Martin and Quinn score, 2.5 percentile

- issueMed: issue area Martin and Quinn score, posterior median

- issue975: issue area Martin and Quinn score, 97.5 percentile

- mqIssueLag: *issueMean* lagged by one term

- issueIdeoAlign uses *partyLiberal* and *issueMean* to create an issue area-specific measure of ideological alignment between the party and the justice
    - Takes the value of *issueMean* when the party is conservative, takes the inverse of *issueMean* (or *issueMean* * -1) when the party is liberal, so that larger values indicate higher alignment between the justice and the party

Analysis1PetitionerData:

All variables from Analysis1Data

Analysis2RespondentData:

All variables from Analysis1Data