

# The Value of Information in the Court.

## Get it Right, Keep it Tight: Online Appendix

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### 1 Separation of Powers

In the presentation of results in the paper, we fixed both Plaintiffs and Defendants to be private parties. Here we focus on whether having the US Government or a Local Government as a Plaintiff affects the value of information in the court, and if so, how. We then also consider here whether cases involving the constitutionality of government acts have important differences from cases of interpretation of laws enacted by Congress.

Having the Government as Plaintiff changes the results in two ways. The first is by changing justices' common prior beliefs: across all issues, justices attach a higher probability to the government being right than they do a private party. The difference is substantial in Criminal Procedure (0.54) and Basic Rights (0.21), and more modest in Economics and Federalism (0.03).<sup>1</sup> Recall however that not only the prior, but also the bias and quality of information are functions of justice-specific and case-specific characteristics. As a result, a change as the one we are considering here, in the identity of the Plaintiff, also leads to a change in the bias and precision of each justice. For example, within Basic Rights cases (all) justices require more evidence to rule in favor of the Government than what they would require in the case of a private party.

In Figure 1 we generalize this comparison. In order to summarize this information efficiently, we proceed as follows. We first compute, for each justice and issue class, the differential bias and FLEX scores when the Plaintiff is the US Government (or a Local Government) and when the

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<sup>1</sup>This is also true for Local Government In Basic Rights (0.16), Economics (0.17), and Criminal Procedure (0.53). In Federalism, however, having a Local Government as plaintiff reduces  $\rho$  by 0.15.

Plaintiff is a private party. We then report in the top two panels of Figure 1 the median and 25-75 percentiles of the distribution of these changes at the individual justice level.

[Figure 1 about here]

The figure shows that in some issue areas, the change in type of Plaintiff has a large effect on justices' preferences. In particular, changing the Plaintiff from a private party to the US (local) Government leads to a median increase of 0.29 (0.41) in  $\pi^{exp}$  in Basic Rights, and to a median increase of 0.72 (0.73) in  $\pi^{exp}$  in Criminal cases. Recall that our measure of ideological bias ( $\pi_i$ ) is the parameter in justices' preferences that quantifies the relative cost of ruling incorrectly against the defendant ( $\pi_i$ ) vis a vis ruling incorrectly against the plaintiff ( $1 - \pi_i$ ).  $\pi_i$  also has a second direct interpretation: it is the cutpoint such that justice  $i$  will rule in favor of the plaintiff whenever the probability that the law favors the plaintiff is above  $\pi_i$ . Thus justices appear to have more stringent requirements for the Government, in particular within Criminal Procedure.

In the lower panels of Figure 1, we focus on whether judicial review cases have important differences from cases of statutory interpretation. It is important to keep in mind here that most cases of judicial review are in the Basic Rights and Criminal issues. The change appears to have no effect on either bias or FLEX scores within Criminal Procedure. Within Basic Rights cases, however, justices do appear to be more open-minded in cases that merit judicial review.

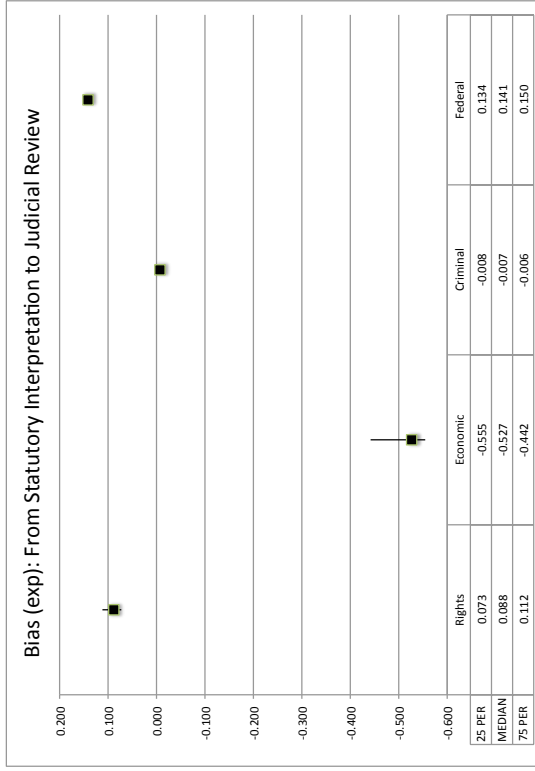
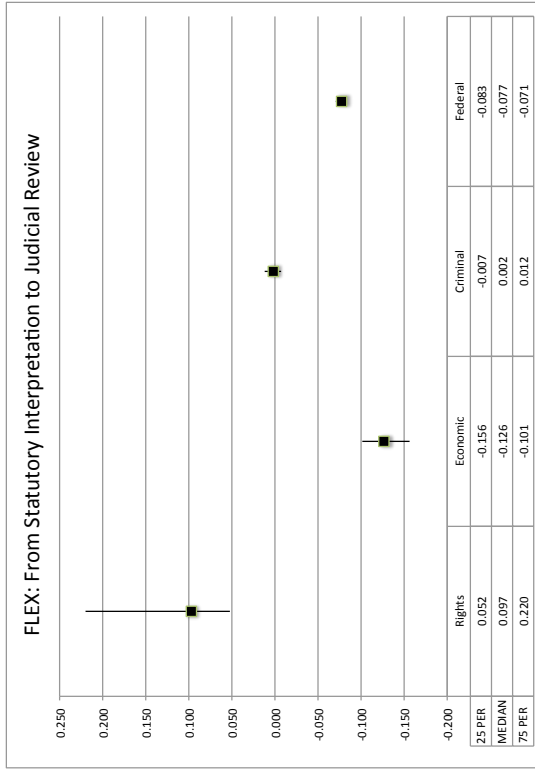
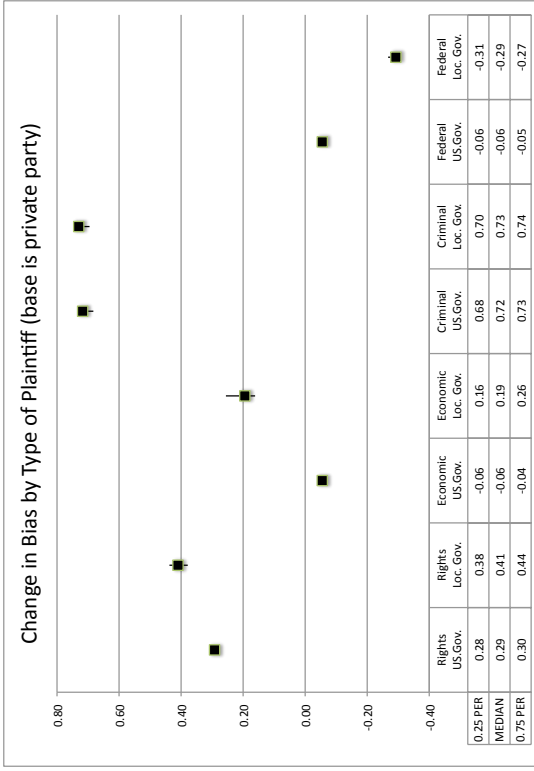
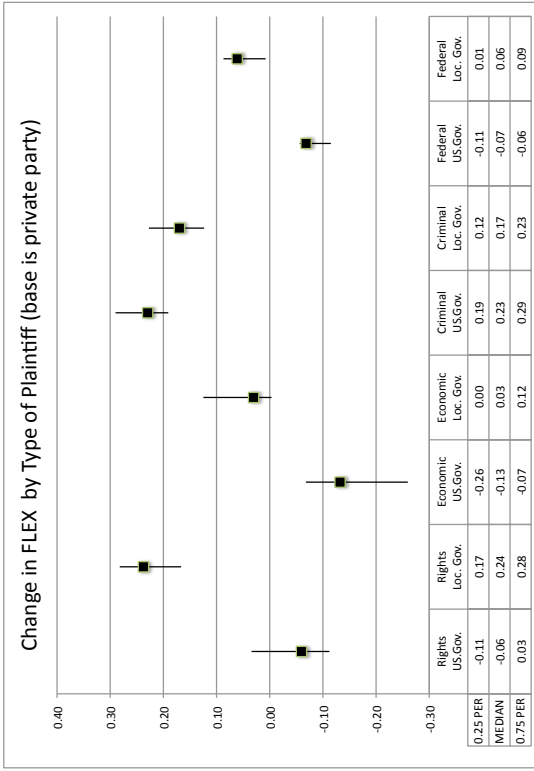


Figure 1: Comparative Statics