Class and Courts: An Analysis of Class Attributes and Judicial Decision-Making

Brenden Higashi
School of Politics, Philosophy, and Public Affairs
Washington State University
Johnson Tower 623
PO Box 644880
Pullman, WA 99164-4880

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Abstract

Recent work on democracy and economic inequality in the United States has suggested that elected officials from lower class backgrounds behave differently from their upper class peers. But what about judges? If personal socio-economic status is as significant as recent scholarly work on the legislature suggests, then it would stand to reason similar effects may be found in the behavior of judges. While many scholars have discarded the use of personal attribute models as explanations of judicial decision-making, recent studies focused on gender and race, suggest judges with differing personal characteristics decide cases differently, at least in certain areas of law. Using data drawn from the *Supreme Court Database*, I investigate the effect of various measures of class on judicial voting behavior at the Supreme Court level. I find, that unlike gender and race, there is no significant effect of socio-economic status on judicial behavior, at least at the Supreme Court level. While more research is necessary, particularly at the lower court levels, the findings of this paper suggest the process of judging may be different enough from lawmaking that the effects of personal considerations are minimized by some aspect of the legal and judicial processes.

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As both a United States Senator and President of the United States, Barack Obama has repeatedly stated the importance the capacity of judges to empathize with the parties before the court. In his remarks on the retirement of Justice David Souter from the Supreme Court, Obama said, "I view that quality of empathy, of understanding and identifying with people's hopes and struggles, as an essential ingredient for arriving as just decisions and outcomes" (Obama 2009a). When announcing the nomination of then-Judge Sonia Sotomayor to the Supreme Court of the Untied States, Obama doubled-down on the importance of personal experiences, compassion, and empathy:

> [A]s Supreme Court Justice Oliver Wendell Holmes once said, "The life of the law has not been logic; it has been experience." Experience being tested by obstacles and barriers, by hardship and misfortune; experience insisting, persisting, and ultimately overcoming those barriers. It is experience that can give a person a common touch and a sense of compassion; an understanding of how the world works and how ordinary people live. And that is why it is a necessary ingredient in the kind of justice we need on the Supreme Court (Obama 2009b).

It was remarks like these that led conservatives on and off the Senate Judiciary Committee to criticize the idea of empathetic judges, preferring instead Chief Justice John Roberts, Jr.'s "umpire" metaphor (Colby 2012). These critiques were so successful that Sotomayor sought to distance herself from Obama's views of judging at her confirmation hearings, despite having hoped "that a wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white male who hasn't lived that life" (Sotomayor 2002).

Discussions of Sotomayor's infamous remarks from her Berkeley lecture often left out the context of her remarks. In fact, Sotomayor argued that judges, regardless of their backgrounds, ought to take the time and give the effort to try and understand the values and needs of groups of people who are different from their own backgrounds. Most interesting for

this project, is Sotomayor's claim that, in some instances, individuals' backgrounds "limit their ability to understand the experiences of others" (Sotomayor 2002). Taken together, it becomes clear that Sotomayor, like Obama and many other legal scholars, believes individual experiences shape the ways in which judges approach the law and decide cases.

Foundations: The case for considering judicial attributes

Recent scholarly work on American Democracy and economic inequality has devoted significant space to the study of the role of class and legislative decision-making (Carnes 2012, 2013), the influence of monied interests (Skocpol 2004, Hacker and Pierson 2010, Gilens 2012), or the polarization of social class groups in the American electorate (Stonecash 2000). Despite the fact many scholars have taken up the call by the American Political Science Association's Taskforce on Inequality and American Democracy to study the effects of increased inequality in American politics, little research has looked to the role of economic inequality in the American judiciary. Scholars have studied other inequalities, particularly racial and gender differences in the criminal justice process. In these studies, the focus remains primarily on the parties before a case, and often on the roles of race or gender in criminal sentencing proceedings. More recently scholarly attention has turned to study how the personal attributes of judges, especially their gender, might affect the disposition of sexual harassment cases. Despite this shift, scholars have yet to focus on the socioeconomic status of judges themselves, and, when socioeconomic status does enter into considerations of the judiciary, the scholarly work tends to focus more on the wealth and resources of the parties involved in the case (Epstein, Landes, and Posner 2013). In this project, I will examine whether socioeconomic backgrounds of judges effects judges' decision-making.

An early survey of work on judges, their backgrounds, and their decision-making suggests that a relationship exists between a judge's party identification before joining courts and their voting behavior (Grossman 1966). This early body of literature did not argue that party identification resulted in certain decisions, but rather, that Democratic and Republican judges "when placed on a continuum" were more likely to vote in certain ways on certain types of cases, especially economic cases (Grossman 1966). Furthermore, when these early works found that other differences in a judge's background, such as religious identification, effected their ideology, the differences disappeared when controlled for partisan identification (Grossman 1966).[1]

Wold (1974) found a connection between judges' social backgrounds and their views on judging. In a survey of judges on four state Supreme Courts (New York, Virginia, Maryland, and Delaware), Wold found correlations between a judge's areal, religious, educational, and career backgrounds and their ideologies and views on the roles of judges. In particular, he found Protestants were more likely to be strict interpreters of the law while Catholic or Jewish judges were more willing to make policy (Wold 1974). Weak connections were also found based on educational background, with judges who graduated from colleges and law schools considered "schools of high standing" slightly more likely to favor policy-making approaches (Wold 1974). Finally, Wold found that judges who practiced law in rural areas were more likely to favor a strict interpretative role than their counterparts from urban areas. Despite his findings, however, Wold argued that a judge's other personal characteristics, chiefly their ideologies, was the best indicator of whether or not judge was likely to favor a strict interpreter role, a law-making role,

[1] The realignment and redistribution of Catholics across party lines in the late 20th Century, however, makes it unlikely that religious identification as studied by these early researchers, in terms of a Catholic/Protestant binary, will still result in markedly more liberal decisions from Catholic judges than from Protestant judges.

or an “eclectic” mix of the two roles. The effect of social background characteristics were weak compared to a judge’s self-described ideology from the time before they became a judge.

While early studies suggest that judge’s social background characteristics have minimal effects on their views on the proper judicial role, more recent scholarly work on judges background characteristics have found a pattern of effects on the behavior of not only on the judges who hold those characteristics, but also on the colleagues they serve with. Peresie’s (2005) study of sexual harassment and sex discrimination cases between 1999 and 2001 found that plaintiffs were much more likely to have female judges rule in their favor than male judges. Furthermore, male judges on a federal appellate court panel were more likely to vote for a plaintiff if a female judge was also on the panel, than in cases where the panel consisted of male judges alone (Peresie 2005). Thus, Peresie’s (2005) study not only shows that other personal characteristics beyond ideology, such as gender, can effect on a judge’s decisions in certain types of cases, but they might also influence the behavior of colleagues she serves with.

A similar study of employment discrimination cases and minority judges yielded similar results. Farhang and Wawro (2004) compared both gender and racial characteristics of federal appellate judges and how their presence effects the decisions of other judges on their panels. In this instance, support for collegial effects of gender were found, however the effects of race were insignificant (Farhang and Wawro 2004). In particular, they found male judges with a female panelist were more likely to decide cases liberally, measured as siding with the plaintiff in discrimination cases, even if they were not the opinion writers in the case, suggesting that the liberality of a decision does not hinge on whether a female judge his authoring the opinion. In contrast, however, they found little support for such an effect on white judges by the presence of a racial minority judge on the panel, leading the researchers to conclude that, at least in the

period surveyed for their study, racial minority judges did not have significantly different views in discrimination cases, as measured by the outcome of the case (Farhang and Wawro 2004). Thus, in an area of law where gender and racial characteristics would theoretically be likely to have an effect on judicial decision-making, only partial support for such attribute effects were found.

In a separate study of sexual harassment cases, this time at the district court level, researchers found that, when controlling for party of the appointing president and other factors, female judges and judges who are racial minorities are no more likely to decide sexual harassment cases in favor of plaintiffs than their white male counterparts (Kulik, Perry, and Pepper 2003). Kulik, Perry, and Pepper (2003) did find however, that judges' ages and political affiliations had a significant effect on the outcomes of sexual harassment cases, with Democratic appointees and younger judges more likely to find for plaintiffs in such cases. Nonetheless, Kulik, Perry and Pepper point out that their findings are at odds with the larger body of sexual harassment literature, which finds that when the third-party arbitrator is a legal layperson, older arbitrators are usually less tolerant of sexual harassment. For some reason, arguably the professionalization and institutional normative contexts of judges, their working knowledge of the law, or views of their role as judges, judges behave differently than the legal laity.

Other studies of judicial characteristics have argued that a judge's personal characteristics effect their decisions to some extent, though social backgrounds and other personal attributes were moderated through intervening attitudinal variables, such as professional training and associations, values, and role perceptions (Goldman and Sarat 1974; Segal and Spaeth 2002). Still others argue that attribute models may not be as bad of theoretical models as many have argued. Tate (1981) contends that if personal attributes, including judges' upbringings,

educations, career characteristics, age, and tenure, have as much explanatory power as he finds, then perhaps the socio-political factors, such as ideology and role perceptions, are too closely related to these attributes that it becomes unclear whether or not existing studies could either adequate control for these characteristics or separate out their individual influences on judicial behaviors.

With the political science literature divided on the effects of personal attributes on judicial decision-making, scholarly literature on other institutions of American government might provide some additional insight. One such study on members of Congress and their social class, as measured by their type of professional background (blue-collar or white-collar), shows that, even while controlling for party identification, a link between legislators' class and their policy decision-making exists (Carnes 2013). Members of Congress who worked in blue-collar professions prior to joining Congress not only voted differently than their colleagues on economic issues, but also utilized different policy prescriptions for economic issues. Carnes (2013) also found these blue-collar Congress members had to work harder to get cosponsors for their legislation, usually needing twice as many as their white-collar peers to secure passage of their legislation. Carnes also found that if Congress' composition were rebalanced to reflect the occupational backgrounds of Americans at large, votes on many major economic policies, including George W. Bush's tax cuts and the Wall Street Bailouts would likely have failed to win passage. If Members of Congress' occupational backgrounds, truly effect their voting decisions as much as Carnes suggests, then arguably judges' decision-making should be effected in similar ways.

In the first study to provide support for the effect of such relationships on judicial decision-making, Glynn and Sen (2015) use a personal attribute model focusing on judges' status

as parents. Glynn and Sen found that federal appeals court judges with daughters were, as a group, more sympathetic to, and more likely to support women's rights and women's issues than their counterparts without daughters. Glynn and Sen's work provides significant theoretical support for personal attribute models more generally, arguing that judges may learn from the experiences of their daughters and their daughter's peers, seek to protect their children and others like their daughters, and that their actions on the bench might lead to "lobbying" or preference realignment due to the social cost of votes that contradict the views of close family members (Glynn and Sen 2015). While Glynn and Sen specifically refer to their model as a "personal experience" model, rather than a personal characteristic or personal attribute model, the theories they articulate should still apply, and perhaps apply even more strongly, in other areas of judicial backgrounds.

Glynn and Sen contend that judges with daughters may be more likely to support women's issues because they learn from the experiences of their daughters, because they seek to protect their daughters, and fear social costs or punishments imposed by family members. Much like considerations of their daughters and their daughter's peers may enter into the minds of judges, so might considerations of those from the same social backgrounds as judges deliberate. Indeed, if family relational experiences effects judicial behavior in the ways suggested by Glynn and Sen, then it is reasonable to conclude that the directionality of those effects may also be reversed. Specifically, just as judges learn from the experiences of their daughters, so should judges learn from the experiences of their parents.

The call for "empathetic" judges

The 2009 retirement of Justice Souter resulted in a clear statement by President Obama that Souter's replacement should be empathetic to, and able to identify with, the parties before

the Court. Obama's statement gives credence to the theory presented by Glynn and Sen that judges' personal experiences, and the experiences of those around them, impact their behavior on courts. Indeed, if judges seek to protect their daughters, judges may also seek to ensure the law protects those they regard as their own social peers, both in their families and from their youth, as well as later in life.

If President Obama's claim that judges should be empathetic is to have weight, then judicial identities and personal background characteristics like race, gender, and class must have a role in their decision-making process independent of other factors such as ideology, partisanship, or legal and professional training. That is to say, judges and non-law-school-educated Americans must have shared identities, otherwise, such empathy would be beyond the reach of any jurist. It is through the operationalization of these identities that researchers may construct personal attribute models to study whether judges with particular backgrounds behave differently from each other. While recent literatures have focused on gender and race as two potential characteristics that might influence judicial behavior, socioeconomic status has not been similarly studied.

Carnes' study of Congressional voting behavior hinged on the personal class characteristics of individual members of Congress. Judges personal class characteristics are much harder to determine, and Carnes' use of prior occupation is extremely limiting when applied to the Judiciary, for the simple reason that judges are often appointed from the ranks of lawyers and law professors, or have other legal or political experience. Thus, in order to solve the issue posed by the more uniform professionalization background of judges, an alternate model of class is required.

I propose studies focusing on the effects of judges' childhood environments and environments prior to entering the legal profession. Where Carnes was able to use prior occupation, judges have similar occupational backgrounds, requiring a different measure and conceptualization of class. Thus, I argue that focusing on judges' parents' occupations may provide the most analogous measure of class to Carnes' use of pre-Congressional careers. Focusing on parents' occupations accounts for the effect of judges' socio-economic class during their formative years. Other approximations of class may include judges' family class status and whether the head of household worked in blue collar environments.

Another key socialization factor for judges is the environment they were educated in. Wold found only weak connections between the pedigree of a judge's educational institutions and her views on the perceptions of a judge's role. Despite this, I argue that educational background must be considered in any model of judicial decision-making and class given the importance of pedigree in judicial appointments. No current Supreme Court Justice was educated at a law school besides Harvard or Yale, and a majority of those currently sitting attended Ivy-League schools for their undergraduate educations as well. At the very least, an elite legal education has become a threshold requirement for a position on the Supreme Court, so it is reasonable to consider whether or not there is an effect of this education on judicial voting behavior.

While a judges' class backgrounds is an important factor to consider, it is also important to provide a means of categorizing parties to a case based on their class status. In order to test the effects of class on judge's judicial voting behavior, the litigants must be distinguishable from each other. While it is possible to model whether or not a judge's class background makes her more likely to vote for a petitioner or respondent, there is little informative value to such a

model. Instead, by considering the litigants in a dispute in terms of their relative access to legal resources, we can model whether or not judges from lower class backgrounds might be more likely to vote for legal underdogs, or as Galanter conceptualizes them "have nots" (Galanter 1974).

For Galanter, legal "haves" are more likely to be "repeat players" in the legal arena, where "have nots" are most likely "one-shotters," or litigants with limited, if any, experience in court (Galanter 1974). Furthermore, the "haves" are less likely to care about the actual outcome of any single case as they are to care about establishing judicial rules that might help them in future litigation since they are repeat-players. "Have nots," on the other hand, are more concerned with the outcome of their case, as they are unlikely to have future encounters with the legal system. As a result of the resource and experience disparities between Galanter's "haves" and "have nots," I argue that judges with lower-class backgrounds may be more sensitive to the situation of legal "have nots" than judges with upper-class backgrounds.

Hypothesis

Based on the literature on Congress and class, I expect Judges' class backgrounds are likely to affect their decision-making behavior on economic issues. In particular, I expect judges from lower class backgrounds to be more willing to vote in favor of Galanter's legal "have nots" than their middle and upper-class peers. In order to test this hypothesis, I focus this study on the United States Supreme Court, and utilize cases coded by the Spaeth *Supreme Court Database* as economic in nature. I utilize cases coded for issue areas pertaining to economic activity and unions, as the later are economic in nature. Additionally, I excluded cases coded for government corruption issues because, as the codebook for the Spaeth dataset admits, government corruption is only tangentially related to economic issues (Spaeth, et al, 2013). This resulted in an initial

dataset with 26662 votes (including recusals) by 36 Supreme Court Justices spanning the time period between the 1946 term and the 2012 term.

Methods and Data

In order to test the hypothesis that lower class judges (those who come from a background of Galanter's legal "have nots") are more likely to side with a legal "have not" litigant, I recoded the *Supreme Court Database's* petitioner and respondent variables according to the scheme utilized by Sheehan and Songer (1989), Sheehan, Mishler, and Songer (1992) and Songer, Sheehan and Brodie Haire (1999). Petitioners and respondents in cases were coded as (1) poor individuals, (2) minorities and women,[2] (3) individuals, (4) unions, (5) small business, (6) business, (7) corporations, (8) local government, (9) state government, (10) federal government.[3] These categories, following the Sheehan and Songer method, were treated as representative of the litigant's resource status and the degree to which they are considered repeat players (Sheehan, Mishler, Songer, 1992). In order to calculate a proxy for the resource status of the litigants, I calculated the absolute value of the resource differential. Then, after creating a dummy variable for the direction of a justice's vote in each case, for or against the petitioner, I calculated a resource differential vote score for each justice's vote in a case. These resource differential vote score were created by multiplying the absolute value of the parties' resource differential by -1 if the justice voted for the "have not" (the party with the lower resource score) and by 1 if the justice voted for the "have" (party with the higher resource score) in a case. I then

[2] Female litigants were coded as minorities rather than individuals (where male litigants were categorized) due to the body of critical legal scholarship suggesting women as a class are legal "have nots" relative to men, see Becker (1989).

[3] Government subdivisions were grouped with the corresponding level of government most appropriate to their geographic constituencies. Municipal and county governments, and other governmental bodies representing particular geographic areas within a state (including public school districts and public utility districts) were coded as local government. Statewide governmental bodies, including state executive agencies, legislative agencies, legislatures, etc. were grouped with state government, and all federal level governmental litigants, including executive agencies independent of the executive office of the president, were considered federal government.

collapsed these 26662 observations by justice to come up with their average resource differential vote score (table 1). Finally, in order to test the hypothesis that justices from lower class backgrounds are more likely to vote for legal "have nots," I augmented these resource differential vote scores with personal characteristic data on the 36 justices in my dataset from Epstein, et al's, *Supreme Court Compendium.*

The *Compendium* provides information on the backgrounds of Supreme Court Justices, including their class backgrounds measured by justices' fathers' occupations.[4] While ideally I would be able to code for both father and mothers' occupations, it is unlikely that incorporating both parents' occupations will add that much more explanatory power, as both measures are likely to be heavily correlated. Coding for Justices' father's occupations follows the coding scheme used by Nicholas Carnes, who grouped Congressmembers' pre-congressional careers into ten categories: (1) lawyers, (2) farm owners or managers, (3) business owners or executives, (4) business employees, (5) technical professionals, such as doctors and architects, (6) service-based professionals, such as teachers and social workers, (7) military and law enforcement personnel, (8) political officeholders and staffers, (9) workers (manual laborers, service industry workers, farm laborers, and union officials), and (10) other workers (too vague to classify) (Carnes 2013). Carnes collapsed these categories into three, broader categories, profit-oriented professions (farm owners and managers, business owners, executives and employees, and technical professionals), non-profit-oriented professions (service-based professionals, military and law enforcement, political officeholders and staffers, and lawyers) and working-class professions (Carnes 2013). I deviate from Carnes' three broad categories, separating the non-profit-oriented category into a white-collar category, encompassing the profit-oriented

[4] Clarence Thomas' father abandoned the family at a young age, resulting in his grandparents playing a significant role in his upbringing. Thomas' mother worked as a farm laborer, and as such, for his case, his mother's occupation was coded and not his father's.

professions, lawyers, and political officeholders and staffers, and a blue-collar category, covering workers, military and law enforcement officers, and service-based professionals.

I have also included the "family status" data from *The Supreme Court Compendium* as a separate measure of class. This measure specifies whether or not the justice comes from an upper, upper-middle, middle, lower middle, or lower socioeconomic class. Epstein, Segal, Spaeth, and Walker code for the class status that the justices spent most of their childhood in, since some fluctuation occurred for multiple justices depending on the fluctuations in the American economy throughout history. In coding Justice's educational backgrounds, I coded the Justice's place of both undergraduate college education and law school educations, based on the institution granting a degree, using a coding scheme of (1) public colleges and universities, (2) private colleges and universities, and (3) Ivy League colleges and universities. While this scheme is flawed (it is highly unlikely that top tier non-Ivy private schools like Stanford or Chicago, or public ones for that matter, are that much less elite than Harvard or Yale), it is the most feasible classification scheme. Trying to code for rankings of schools is problematic due to the fact ratings change over time (resulting in having to decide whether to code for rank at time of attendance or time of appointment), ratings agencies differ in their ranks, results, and methodologies, and rankings of colleges and universities have not existed throughout the entirety of American history.

One potential critique of the focus on the Supreme Court and the theoretical measures of class I have outlined is that, as I mentioned above, very little variation exists in the education background of current Supreme Court Justices. Nonetheless, given the weak effect of education on judges' views on their role found by Wold, I expect to find minimal or insignificant effects of education compared to other measures of class. Furthermore, by expanding this survey beyond a

single term, I can span multiple "natural courts," incorporating greater variation in law school and educational backgrounds among Supreme Court Justices.

Once this data is compiled, I ran multivariate OLS regression models to control for personal attributes of the judges, including their party identification (measured by that of their appointing president), and ideology (measured by a justice's Segal-Cover score) and test the ability of class background factors to explain judicial voting behavior.

Results

Overall, variation in the justices' Average Differential Resource Scores (see Table 1) is small, with most justices clustering between 0 and 1. Only three justices, Jackson, Kagan and Sotomayor, voted for the petitioner with a lower resource score more often than for those with higher resource scores. In comparison, Fortas, Rehnquist, O'Connor, Burger and White were the most likely to vote for litigants with greater resources, in economic cases. Justices appointed by Democratic presidents also tend to be lower in the table, suggesting that they, generally speaking, vote for litigants with lower resources more often than their colleagues appointed by Republican presidents do, though they still tend to favor legal "haves" over "have nots," if even only slightly.

The regression models (see Table 2) indicate that no variable representing justices' class backgrounds is statistically significant in the models. Instead, the only statistically significant characteristic is the party of the appointing president, indicating that justices appointed by Republican presidents are more likely to vote for legal "haves" than their colleagues whom were appointed by Democratic presidents. Because none of the class variables are significant, my models fail to show an effect of class on the voting behavior of justices. This finding is supported by the previous literature on the effects of personal attribute models on judicial behavior. In fact,

the models included in Table 3, which treat the measures of class with the partisan and ideological markers of each justice separately, support the attitudinal argument of Segal and Spaeth. Partisan identification and ideology are better at explaining judicial voting behavior than personal characteristics are at doing so. In fact, these models indicate that the party of the appointing president is the most significant predictor of whether or not a judge will vote for litigants with fewer resources in economic cases more often or as often as they will vote for litigants with the resource advantage.

Discussion

The notion that personal characteristic models are bad at predicting judicial vote choice when partisan identification or ideology are included in the model is not new (Grossman 1996, Tate 1981, Segal and Spaeth 2002). In fact, a "substantial consensus" emerged among students of judicial politics by the 1980s that these models were unsatisfactory explanations of judicial voting behavior due in large part to the (Tate 1981). My findings do not deviate from these previous studies. While I cannot show there is no effect of justices' childhood socio-economic class background on their judicial voting behavior, my models, as specified, cannot show there is a correlation between votes for parties and the judges' backgrounds. Thus, future research in personal characteristic models ought to focus on the conditions which judges might favor legal "have nots." Perhaps other issue areas will lend themselves more to class based models of judicial voting behavior. Alternatively, condensing the Sheehan-Songer resource categories into fewer categories (such as individuals, businesses, state and local government, and federal government) and using pairwise analyses to compare how justices vote in case subsets (such as individuals versus business or individuals versus federal government, etc.) may allow for better models to explain the effect of personal class backgrounds on judges' decisions.

This study began because of recent work by Carnes' and others, which show that personal characteristic models have explanatory power when considering how members of Congress vote on economic and fiscal legislation. This study suggests that personal characteristic models may not work as well when attempting to describe judicial behavior. If this is the case, I would posit that there are at least two explanations for why personal characteristics might work for legislators but not for judges. The first is that the legal socialization of judges in law schools ameliorates the effects of class on their decisions. This amelioration could be due to judges' internal desires to be impartial and set aside as many of their personal preferences as possible, but it is also possible that other factors, such as ideology or partisan identification aggregate the effects of personal characteristics into something more measurable. A second potential explanation for the limited effectiveness of personal characteristic models is that the legal institution and judicial system minimize the ability of judges to apply their own preferences in a case. Instead, judges of lower-class or minority backgrounds may find themselves unable to shift or change the law, but instead find themselves conforming to the precedent set by judges before them or to decisions of their peers. As the black jurist Bruce M. Wright said, "No matter how 'liberal' black judges may believe themselves to be, the law remains essentially a conservative doctrine, and those who practice it conform" (Wright 1973).

Table 1: Justices' Average Resource Differential Vote Score, Supreme Court Terms 1946-2012

Justice	**Justice's Average Resource Differential Vote Score**	
Abe Fortas	1.226744	(0.262984)
William Rehnquist	1.076559	(0.10454)
Sandra Day O'Connor	1.027741	(0.140719)
Warren Burger	1.004802	(0.127588)
Byron White	0.963211	(0.095225)
Charles Whittaker	0.858132	(0.232137)
Clarence Thomas	0.839034	(0.17495)
John Marshall Harlan II	0.817422	(0.130871)
Antonin Scalia	0.78602	(0.147667)
Anthony Kennedy	0.773016	(0.155878)
Lewis Powell	0.746077	(0.140603)
David Souter	0.708241	(0.185032)
John G. Roberts, Jr.	0.692771	(0.299039)
Arthur Goldberg	0.670732	(0.280696)
Stanley Reed	0.650794	(0.159183)
Tom Clark	0.633909	(0.129231)
Henry Blackmun	0.606199	(0.114932)
Harold Burton	0.602703	(0.146465)
Wiley Ruteledge	0.597744	(0.250576)
Potter Stewart	0.589565	(0.112112)
William Brennan	0.572261	(0.092238)
Felix Frankfurter	0.542316	(0.133913)
Earl Warren	0.505051	(0.128091)
Frank Murphy	0.490421	(0.190626)
Samuel Alito	0.484472	(0.302051)
Hugo Black	0.470756	(0.105397)
Stephen Breyer	0.435115	(0.200103)
Fred Vinson	0.414317	(0.25357)
Thurgood Marshall	0.381356	(0.117008)
Ruth Bader Ginsburg	0.273563	(0.190239)
Sherman Minton	0.144476	(0.210114)
John Paul Stevens	0.104515	(0.110882)
William O. Douglas	0.058747	(0.10122)
Robert Jackson	-0.32906	(0.186959)
Sonia Sotomayor	-0.44872	(0.450939)
Elena Kagan	-0.60377	(0.530178)

Justices are arranged from highest average resource differential score to lowest average resource differential score. The higher the value the more often a given justice voted for a litigant with a higher Sheehan-Songer Resource Score.

Table 2: Explaining Justice Voting Behavior with Personal Class Characteristics

	Model I	Model II	Model III	Model IV
Father's Occupation	.0442 (.043)	.018 (.022)		
Blue Collar Father	-.307 (.278)		.0398 (.149)	
Family Status	.002 (.072)			-.021 (.061)
Undergraduate College/University	-.112 (.114)	-.101 (.098)	-.105 (.100)	-.091 (.110)
Law School	.038 (.128)	.023 (.112)	.031 (.115)	.018 (.124)
Segal Cover	-.105 (.304)	-.176 (.268)	-.168 (.280)	-.183 (.267)
Republican President	.368† (.183)	.325† (.169)	.322† (.318)	.327† (.171)
Constant	.394 (.509)	.519 (.317)	.597† (.319)	.680 (.418)
N	36	36	36	36
r^2	.265	.251	.236	.237
Adj r^2	.0814	.126	.108	.110
Df	7	5	5	5

†= significant at .10

Table 3: Explaining Justice Voting Behavior with Partisan ID and Ideology

	ModeI IX	Model X
Father's Occupation	.023 (.044)	.048 (.041)
Blue Collar Father	-.327 (.278)	-.234 (.263)
Family Status	-.004 (.075)	.010 (.067)
Undergraduate College/University	-.031 (.112)	-.127 (.104)
Law School	-.038 (.129)	.060 (.111)
Segal Cover	-.500† (.245)	
Republican President		.410** (.138)
Constant	.876 (.472)	.262 (.332)
N	36	36
r^2	.159	.226
Adj r^2	.0152	.109
Df	6	5

†= significant at .10
**= significant at .01

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