Online Appendix to Accompany

Peer Effects on the United States Supreme Court

Richard Holden, Michael Keane and Matthew Lilley

January 27, 2021

1 Robustness Tests

Here we report several robustness tests where we re-estimate our headline exogenous peer effect specification (Table 4, Model 1) with additional controls and/or sample restrictions.

First, our main results utilize *mean* peer ideology as our measure of the peer effect. However, it is possible that some justices are especially influential upon peers by virtue of their bargaining power. To examine this issue, we add a variable capturing the median (active) justice's ideology, to see if this is what drives peer effects. The results are shown in Table 1. Consistent with the role previously found for the *mean* active peer, the median active justice's ideology appears to have an effect when horse-raced against the mean of *all* peers in Column A. However, in our preferred Column B specification, the ideology of the median justice appears to have no meaningful role and the importance of the mean active peer remains. The placebo specification in Column C yields similar insights. Thus, the mean ideology specification is preferred.

Table 1 – Exogenous Peer Effects: Controlling for Median Justice Ideology

	(1) (A)	(2) (B)	(3) (C)
All Peer Justices	-1.401 (1.159)		
Active Peer Justices		1.056 (0.397)	1.145 (0.476)
Absent Peer Justices			0.042 (0.105)
Median Active Justice	0.570 (0.225)	0.070 (0.203)	0.124 (0.206)
R-squared	0.5529	0.5531	0.5531

Note: This table replicates Table 4 Model 1, adding a control for the ideology of the median active justice in a case. N=110,729 votes.

Second, peer effects may be time-varying. To check that they remain relevant in the modern era, we restrict the sample to the post-Warren era (that is, from the Burger Court onward, beginning with the 1969 term). The results are shown in Figure 2. Unsurprisingly the estimates are somewhat less precise, but the peer effect point estimates are remarkably similar to those from the full sample (in Table 4, Model 1 of the paper).

Table 2 – Exogenous Peer Effects: Post-Warren Era

	(1) (A)	(2) (B)	(3) (C)
All Peer Justices	-0.646 (1.116)		
Active Peer Justices		1.032 (0.382)	1.410 (0.531)
Absent Peer Justices			0.113 (0.131)
R-squared	0.5858	0.5862	0.5862

Note: This table replicates Table 4 Model 1 from the paper limiting the sample to the Burger Court onwards. N=69,911 votes.

Finally, permanent changes in court personnel such as the death or unexpected retirement of a justice may cause the set of cases the Court hears to be subject to specific forms of selection bias. For example, the continuing justices may delay hearing controversial cases until the replacement justice is seated, to avoid the possibility of ties. To verify that this does not contaminate the results, we restrict the sample to terms situated within a single *natural court* (i.e., terms with fixed court composition), and re-estimate our main specification. The results, shown in Table 3 are very similar to those from the full sample.

Table 3 – Exogenous Peer Effects: Terms with Fixed Court Composition

	(1) (A)	(2) (B)	(3) (C)
All Peer Justices	-5.068 (6.164)		
Active Peer Justices		1.451 (0.373)	1.933 (0.501)
Absent Peer Justices			0.134 (0.114)
R-squared	0.5585	0.5592	0.5593

Note: This table replicates Table 4 Model 1 from the paper limiting the sample to Court terms in which there was no mid-term deaths, retirements or confirmations to the Court. These are terms containing a single *natural court*. N=94,255 votes.