Supreme Court Decision-Making:
An Empirical Analysis of 2013 Certiorari-Granting

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Introduction

In 1788, Alexander Hamilton laid out a vision for the Supreme Court of the United States in Federalist Paper #78. Hamilton wrote that in order for justices "to avoid an arbitrary discretion in the courts, it is indispensable that they should be bound down by strict rules and precedents, which serve to define and point out their duty in every particular case that comes before them."[1] Indeed, non-arbitrary selection of cases by the Supreme Court was seen as a foundational necessity for the Court if it was to succeed in its role as the highest judicial body in a new democracy. Accordingly, Rule 10 of the most current Supreme Court Rules dictates that the Supreme Court should pick which cases it hears based on a variety of non-arbitrary qualifications which fall into two general characteristics: previous tension over the case among judicial entities and dealing with "an important federal question".[2] [Admittedly, Rule 10 itself mentions that its own content neither "control[s] nor fully measur[es] the Court's discretion" but does speak to the "character" of the type of cases the Supreme Court should hear.]

This paper seeks to analyze which types of cases are more likely to be heard by the Supreme Court in hopes of understanding what constitutes an important federal question in the eyes of the Court. Through a focused empirical analysis of the cases chosen and not chosen to be heard by the Court, I set out to gain valuable information on the nature of what the Court views as a salient judicial concern. By determining the characteristics that make a case important on a federal level, it is possible to glean knowledge on an array of fronts.

The first of these fronts is that the Supreme Court has long been viewed as an institution that reflects national opinion and as such, an increased willingness by the Supreme Court to hear a specific type of case could be indicative of the contemporary relevance of that particular issue in public discourse. Second, to analyze the relationship between the Court and public opinion in the opposite direction, a Supreme Court tendency to grant a writ of certiorari more frequently to cases of a certain typology may indicate that the Court is trying to influence the public discourse itself around an issue that the justices (or at least the requisite four justices needed for a case to be granted cert) find particularly relevant. It is this second perspective that was paramount in my mind when initially thinking about which hypotheses regarding Supreme Court behavior to propose.

Third, and building off the previous point, the Court has a significant amount of flexibility under Rule 10 in choosing which cases it hears, with essentially no accountability structure governing its granting of certiorari. As such, there is tremendous room for issue bias in the cert-granting process. Accordingly, this empirical study can also help uncover potential issues that justices lean towards favoring or disfavoring – findings which could even question the credibility of the 2013 Supreme Court living up to the Hamiltonian ideal of a "non-arbitrary court".

Overall, the ability for the Court to choose which cases it hears is a powerful agenda-setting tool which could be highly indicative of the priorities of the public and the Court. In this light, it is of academic and public import to be aware of the types of cases which the Court views as significant – both in recognizing national judicial concerns and in guiding the legal system on how to best approach Supreme Court procedures in the future.

State of Previous Literature

While much academic energy has been expended on analyzing the processes of the Supreme Court, the composition of the Court changes quite frequently, as do issues of public importance. The purpose of this paper is to empirically explore the decision-making process of the Supreme Court in 2013 through scrutinizing cert-granting patterns (for the reasons listed above) in the hopes of updating the literature on the subject as well as testing the theories of previous Supreme Court scholarship.

To briefly explore the academic background on the topic, the classical tradition of scholarship on Supreme Court cert-granting is best typified by Stuart Teger and Douglas Kosinski in their 1980 study of the Court's certiorari-giving tendencies.[3] Teger and Kosinski present and refine the groundbreaking work on "Cue Theory" first articulated by Joseph Tanenhaus in 1960. Cue Theory holds that the Supreme Court grants writs of certiorari primarily based on certain indicators present in cases. Teger and Kosinski's study describes how Tanenhaus found statistical significance between the Court granting a writ of certiorari to a case and the cues of 1) the federal government as a petitioning party, 2) dissent between lower courts, and 3) civil liberties as an issue in the case. Among other findings, the authors demonstrate that Tanenhaus's theory about the relevance of the federal government as a petitioning party is sustained across the decades.

Nonetheless, the true starting point for my research was H.W. Perry's seminal 1994 work, *Deciding to Decide*. In this book, Perry summarizes the myriad interviews he conducted with Supreme Court justices and clerks at the time. Most important for our purposes, he argues explicitly that specific signals guide Supreme Court decision-making. However, Perry asserts that these indicators are necessary but do not suffice – they are only components in a larger process model whereby judges and their clerks seek cases fitting a confined set of interdependent criteria.[4] Perry does a spectacular job of navigating through each of these individual signals then ultimately formulating a final process model. Despite the more holistic approach emphasized by Perry, I test many of Perry's hypotheses in an isolated, more Tanenhaus-ian fashion. I do so in an

effort to simply draw statistically significant findings and correlations that would give credence to some of the additional signals that Perry theorizes as affecting the Court's deliberative process.

Most recently, in their study of federal judicial behavior around the country, Lee Epstein, William Landes and Richard Posner argue that two sets of factors shape judicial decision-making: ex-ante factors – pre-existing beliefs held by the justice, and ex-post factors – post-appointment decisions. This paper focuses on the latter – external factors about cases that affect or appeal to the sentiments of judges.[5] Critical in the context of this paper's study, Epstein, Landes and Posner emphasize that the ideological inclinations of judges are very much apparent in courts today, reinvigorating the empirical search for issue bias in judicial actions.[6]

Theory and Hypotheses

There are a variety of hypotheses suggested by academics in the field as to what affects the thinking of Supreme Court justices in granting cert. The overarching goal of testing for certain variables, in the context of my project, is to determine whether each of these specific hypotheses about Supreme Court decision-making is supported by the evidence at hand. The associated variables are merely proxies for larger hypothetical questions.

The hypotheses I outline below were chosen for a variety of reasons, but mostly because of their mention in previous scholarship or their relationship with other relevant hypotheses. Some were included because of more recent trends in public and legislative discourse that seemed salient and others because of personal notions of what factors seemed relevant to the discussion of "important federal questions". There were also some hypotheses that I intentionally did not explore, including the possible biases of the Court in favor of certain individual circuit court judges who wrote the opinions on appeals or the potential proclivities towards particular counsels / litigants involved in the case. I overlooked these factors because I was unable to reliably construct metrics for these hypotheses using the data on the Supreme Court that was currently available.[7]

The central factor that this project focuses on as a barometer of Supreme Court support for viewing a case as important is whether or not the Court granted a writ of certiorari to a case. Analysis of cert-granting technique could demonstrate a proclivity towards particular types of cases and shed empirical light on much of the theoretical work conducted in the field. Sensibly, the variable used to measure differences in this category is simply whether the case received cert or not.

Dependent Variable: Was the case granted a writ of certiorari? [Cert]

A Supreme Court that prefers federal stakeholders in the cases it takes could be well-understood, especially given the guidelines set forth in Rule 10. Academics have contended that the Supreme Court has shown a proclivity towards cases involving federal government entities and it is clear that the hypothesis that the Supreme Court believes federal government involvement to be a signal of an important case ought to

at least be explored.[8] Whether a federal government entity is the petitioner in the case is a viable proxy for determining an answer to this question.
Independent Variable: Did a federal government entity (federal agency or Attorney General) petition the case? [FedPet]

Whether or not a case involved a state or local-level government entity could help us control for whether the effect of a federal government entity is related to it simply being a government entity or it being federal in nature. There have also been suggestions that a state/local petitioner could itself increase the likelihood of a case being granted cert and be an indicator of a significant decision in the eyes of the Court for similar reasons as a federal petitioner would.[9] *Independent Variable: Did a state/local government entity (state agency or Attorney General) petition the case? [StatePet]*

The preference of the Court towards federal entities, theorized about above, could play out elsewhere as well. Scholars have noted that there is an increased likelihood of a case coming from a federal court of appeals rather than a state/district-level court because of the increased likelihood of a federal question arising from federal courts.[10] *Independent Variable: Was the case appealed from a federal or state/district-level court? [FedApp]*

One of the most compelling strands of cases with which one would think the Court would have to engage, especially given Rule 10, is a genuine legal conflict between government entities themselves – as this would be indicative of a problem of intrinsically broader public importance than settling a conflict between two private entities.
Independent Variable: Was there a perceivable conflict between government entities at hand in the case? [GovConf]

Similar to wanting to resolve potential intergovernmental disputes, the Court could view its role as being an arbiter among lower courts that disagree, as explicitly suggested by Rule 10. A variety of scholars have pointed out that the Supreme Court is far more likely to hear a case that has already been disputed among the lower courts.[11] The rationale is rooted in the supposed relationship between a case percolating among lower courts and it having national significance, consequently being necessary for the Supreme Court to settle.[12] [Stern and Gressman do note the differential treatment given to different types of disagreement between lower courts, and specifically note that a conflict between a court of appeals and district court will not pique the interest of the Court as much. Accordingly, any cases that were identified as ones of disagreement between courts included notes in the dataset describing the Courts in disagreement.[13] Ultimately, this point could not be explored further because of a shortage of data on these types of cases. (See Appendix E)] Since the data of previous court disagreements was extremely difficult to gather, as a metric for conflict between courts, I measured the impact of such cases on cert-granting by utilizing the imperfect proxy of a case being grouped together with other cases during proceedings (i.e. one measure of a conflict among lower courts) on the likelihood that the Court would grant cert.
Independent Variable: Was there a perceivable conflict between courts over this issue?

[CourtConf]

Continuing the investigation of the hypothesis of whether the Court views involvement of certain governmental entities as particularly important, I examined the role of the Solicitor General in Supreme Court decision-making. Espoused as perhaps the greatest indicator of whether a case will be taken up by the Supreme Court, whether the Solicitor General recommends a case or not is an obvious variable to include if we wish to understand how the Court views the participation of different government entities and the executive branch in particular.[14] Solicitor General argument of a case could send a strong signal to the Court of the importance of a case to the government of the United States. It is important to note that how prominently this variable features could be affected by the presence of Justice Kagan, a former Solicitor General, among the Court's deliberations. Nonetheless, recent scholarship has hinted at the diminishing number of cases and even a reduced importance of the Solicitor General in cert-granting.[15]

Independent Variable: Did the Solicitor General petition the case? [SG]

The Supreme Court may be more inclined to think that cases involving a question about the United States Constitution are more important in nature. Stern and Gressman specifically note that certain Constitutional issues which seem distinctly important to the Court are more likely to be heard.[16] A Constitutional issue could reasonably be seen by the justices as a fundamental federal question in need of resolution by the Supreme Court.

Independent Variable: Was the case Constitutional in nature? [Const]

In line with the thinking expressed above, testing for the specific Constitutional Amendment in question in a case could help hone in on potential issue bias in the Supreme Court – where justices may have specific proclivities towards certain Amendments.[17] Perry notes that nearly every judge favors First Amendment cases and there is a tendency among some justices towards Fourth Amendment cases. Stern and Gressman similarly note that certain types of Constitutional cases were more likely to receive cert.[18] I included data on any Amendment that appeared in the cases for which I ultimately used as a random sample.

Independent Variables: Did the case involve the:

- *First Amendment [First]*
- *Fourth Amendment [Fourth]*
- *Fifth Amendment [Fifth]*
- *Sixth Amendment[Sixth]*
- *Seventh Amendment [Seventh]*
- *Eighth Amendment [Eighth]*
- *Tenth Amendment [Tenth]*
- *Eleventh Amendment [Eleventh]*
- *Fourteenth Amendment [Fourteenth]*

Previous testing has shown increased rates of Supreme Court acceptance for cases where an amicus brief was filed, which is sensible, as amicus briefs could lend

support to the increased relevance of a case, much as the Solicitor General advocating for the case would.[19] Furthermore, testing for amicus briefs is particularly relevant because it allows us to explore a federally-neutral device (unlike a Solicitor General or government agency-related issue) that is still ostensibly impactful to those outside of the parties arguing the claims themselves.

Independent Variable: Was an amicus brief filed? [Amic]

Testing for whether a case is criminal or civil in nature, could hone in on the macro-level priorities of the Court – whether it prefers more criminal justice-oriented cases or those which end civil disputes. It has been suggested that there is a significant relationship between ideology and judicial voting in criminal cases, among other categories. Perhaps this ideology translates into the cert-granting process as well.

Independent Variable: Was the case criminal in nature? [Crim]

As Perry mentions, the justices at least discuss the potential of granting cert to any case involving a death penalty, automatically moving the case one step further in the cert-granting process.[20] As such, it is practical to test whether the justices in fact do grant writs of certiorari to capital cases more frequently, given this "bump" in the process model. The severity of a capital offense case could justify its closer scrutiny by the Court in cert-granting and provide evidence for a slightly more empathetic Court.

Independent Variable: Did the case involve a capital offense? [CapOff]

In the context of criminal cases, we ought to be especially concerned with issue bias, as these cases often involve deep violations of interpersonal rights in instances where individuals may have emotional reactions. After reading through hundreds of case summaries brought before the Supreme Court, it became evident that many of them involved each of the below issues. Some of these issues were even cited by Perry as areas where individual justices in the past have had intense interest. Testing empirically for whether there is a difference in likelihood of these criminal cases being heard could reveal potential issue biases on the Supreme Court.[21] It is also worthy to note there could be a negative correlation between some of these types of cases and receiving a writ. A negative relationship could be due to these relatively frequently-occurring criminal acts having few national-level consequences.

Independent Variables: Did the case involve an issue related to:

- *Murder? [Murder]*
- *Robbery? [Theft]*
- *Narcotics? [Narc]*
- *Sexual offenses? [Sex]*
- *Immigration / deportation? [Immig]*

Health care in particular has become an increasingly important issue on the national agenda, especially with the recent passage of the Affordable Care Act. In this context, it is sensible to test for whether the 2013 Court felt compelled to grant more writs of certiorari to cases which dealt with health care related issues.

Independent Variable: Did the case involve an issue related to health care [Health]

The Court may seek to avoid tax-related issues because of a lack of expertise or

interest.[22] Testing for whether the Court is hesitant to hear a tax-related issue could help us uncover issue bias in this regard.

Independent Variable: Did the case pertain to tax-related issues? [Tax]

Perry mentions that the Supreme Court is less likely to hear cases that it considers intractable – a situation where there is clear difficulty in coming to any clean resolution that adds a concrete value beyond previous decisions.[23] He offers child custody cases as an example of such disputes. A negative correlation between child custody cases could help us reveal Supreme Court discrimination in this regard.

Independent Variable: Did the case involve a child custody dispute? [ChCust]

Whether or not a case is related to Native American-centric issues has been suggested as being of specific concern to particular justices on the bench and yet another domain where issue bias may be present.[24] It has been noted that judges from western regions in the United States have historically favored hearing cases related to Native American issues, with the rest of the Court mostly indifferent. On the Court today, Justices Kennedy and Breyer hail from California, albeit from more urban areas that may not have affected their views on Native American-related issues.[25]

Independent Variable: Did the case involve Native American-related issues? [NatAmer]

Cases involving water rights may also be of specific concern to particular justices on the bench. Like Native American-related issues, water rights tend to be of greater interest to those from the West and could show the prevalence of issue preference on the Court.[26]

Independent Variable: Did the case involve water rights? [Water]

As mentioned, the Court may be *less* willing to hear cases that involve "specialized" issues, like taxation. Perry lists intellectual property / patent rights cases among those that the Court may shun because of the intensely specialized nature, leaving it up to lower courts with more experience in the matters at hand to rule on this line of cases.[27]

Independent Variable: Did the case involve intellectual property / patent rights? [Patent]

I also deduced that the Court may be more interested in race-related issues, which justices have played a particularly significant role in over the past 60 years in shaping. To test for this possibility, I tested for this using the medium of whether or not the case seeking cert surrounded issues of affirmative action.

Independent Variable: Did the case involve affirmative action? [AffiAct]

Models

The levels of importance of each of the hypotheses and associated variables to the thinking of the Court are not viewed equally by scholarship. As such, before exploring the bivariate relationship between each variable and obtainment of cert, I sectioned the variables into different groups or models based on the centrality I thought each would play throughout the cert-granting process.

From the outset I expected to see very strong relationships between a federal government entity being involved in the case, a conflict between courts and the Solicitor General petitioning the case. Based on Perry's arguments, I thought two broad categories would indicate areas of great national importance: 1) having a federal actor involved in the case – either a federal government agency or the Solicitor General, or 2) having conflicts between lower courts or between government entities. I also expected to see strong relationships as well among cases involving an appeal from a federal court, a state government entity as a petitioner and the case involving a Constitutional issue. I was less confident about the strength of impact of an amicus brief, but still included it as a potentially weighty concern because the level of investment that interested parties show through issuing an amicus brief may be indicative of a seminal type of case. Finally, I expected to see a strong negative relationship between the case involving a criminal issue and being granted cert, as many criminal cases contest the conviction of a defendant rather than truly present a case of national importance in the eyes of the Court. Model "A" consisted of what I believed to be the core factors – the most important characteristics of a case in influencing the Court's decision to grant cert or not. The variables included in Model "A" were:

- *Did a federal government entity (federal agency or Attorney General) petition the case?*
- *Did a state/local government entity (state agency or Attorney General) petition the case?*
- *Was the case appealed from a federal or state/district-level court?*
- *Was there a perceivable conflict between government entities at hand in the case?*
- *Was there a perceivable conflict between courts over this issue?*
- *Did the Solicitor General petition the case?*
- *Was the case Constitutional in nature?*
- *Was an amicus brief filed?*
- *Was the case criminal in nature?*

In Model "B", I analyzed new variables, which honed in on subsections of constitutionality and criminal activity being present in the case, serving essentially as control variables. I chose to include any Amendment which appeared while entering the data. Of these Amendments, I expected the First, Fourth and Fourteenth Amendments to have significant connections with positive cert-granting because of their fundamental roles in protecting the rights of citizens historically and the rich tradition of the Court ruling on these issues. Because of some of the reasoning mentioned in the "Theory and Hypotheses" section, I thought capital offenses may have been correlated with higher rates of cert, as they receive an "extra step" in the judicial deliberative process. Contrastingly, in more frequently occurring crime categories like sex offenses, theft and narcotics, I expected negative correlations between the three variables and the Court issuing certiorari. The variables tested in Model B were whether the case was one involving a First, Fourth, Fifth, Sixth, Seventh, Eighth, Tenth, Eleventh or Fourteenth

Amendment controversy (individually and then collectively) *or* which pertained to a criminal activity that involved a capital offense, a murder, a theft, narcotics, a sex offense, or immigration/deportation.

In Model C, I added on variables which I thought would be less conclusive and have potentially less impact on cert-granting than those analyzed in Model A. I did initially speculate that cases involving health care would be more likely to be heard by the Court because of the importance of the 2010 Patient Protection and Affordable Care Act (also known as "Obamacare") in civil and political discourse at the time. I also expected to see a slightly higher acceptance rate for cases involving affirmative action because of the widespread and controversial impacts that those decisions could have on the American public. I thought the remaining variables would be viewed by the Court as particularistic issues that were far from intrinsic national importance but still as variables that may affect decision-making because of reasons outlined in the "Theory and Hypotheses" section.

The variables included in Model C were:

- *Did the case involve a health care-related issue?*
- *Did the case involve a tax-related issue?*
- *Did the case involve a child custody dispute?*
- *Did the case involve a Native American-related issue?*
- *Did the case involve a water rights-related issue?*
- *Did the case involve an intellectual property / patent rights-related issue?*
- *Did the case involve an affirmative action-related issue?*

Only after conducting analyses on the original three models put forth was I able to utilize those findings and construct a "Final Model" of likely factors to consider when analyzing the cert-granting process, which will all be discussed later on in the paper. The variables initially included in this Final Model were:

- *Did a federal government entity (federal agency or Attorney General) petition the case?*
- *Was the case appealed from a federal or state/district-level court?*
- *Did the Solicitor General petition the case?*
- *Was the case Constitutional in nature?*
- *Was the case criminal in nature?*
- *Did the case involve a theft-related issue?*
- *Did the case involve a narcotics-related issue?*
- *Did the case involve a sexual offense-related issue?*

On a whole, this Final Model seemed to yield conclusive results – showing that the above factors were salient and the directional bivariate relationships held even after controlling for the other characteristics that were deemed important. A lengthier discussion of the findings will be provided later in the "Analysis of Results" section of the paper.

Data Sources

In order to conduct the empirical analysis of evaluating each of these variables and their effects on cert-granting, a multi-layered analytical design was necessary. This design was geared towards ultimately comparing a random sampling of the many thousands of cases denied cert, to a nearly equal amount of cases granted cert, vis-à-vis their respective characteristics and those characteristics' subsequent effects on cert-granting. The first step in setting up the design was conducting a random sample of the 7000+ cases denied writs of certiorari in 2013. To do so I downloaded the individual PDF files of the order lists published and readily available online by the Supreme Court between January 1st and December 31st 2013.[28] Next, I individually extracted all the data in the PDF files (i.e. case names and numbers) from each spreadsheet using cut and paste methods and combining the data into Excel spreadsheets. I had one spreadsheet for the data on cases granted cert, and one for the data on cases denied. As I copied and pasted, I made sure not to include the portions of the order lists that dealt with habeas corpus, writs of mandamus, re-hearings, attorney disciplines and other procedures that were largely unimportant to cert-granting proceedings.

Using the statistical analysis program, STATA, I extracted a random sample of 150 cases from the 7376 cert-denied cases (STATA code is available in Appendix A). For the cases positively granted cert I simply used all of the 122 cases available from that year. In the process of conducting the random samples I often had to cut and paste the case names into a single column, and frequently manipulated STATA code techniques to formalize data input and appearance (see Appendix A for specific techniques).

The next step in the experimental design was the data entry portion, for which I utilized the LexisNexis Legal Research database. Using LexisNexis I searched for summaries of the 150 randomly sampled cert-denied cases and the 122 cert-granted cases. With these summaries in hand, I went through the tedious process of coding in the answers to each of the variable questions outlined above for each of the cases. All the data on the above variables was compiled manually using Microsoft Excel. A "0" was coded if the case answered no to the hypothetical question posed by the variable and a "1" was coded if it answered yes. In cases where the questions concerned whether a case fell into a "federal" category or "state / local / district" category, a "1" signified a federal category and a "0" the non-federal category.

After entering the data on all the variables for all the cases, I was left with a small but sizeable amount of cases for which data was unavailable, and a final count of 115 cert-granted cases and 109 cert-denied cases for which complete amounts of data were available. Utilizing these final collections of data on variables, I was then able to put forth a comprehensive analysis of the data and test for potential factors that contributed to the granting or denial of writs of certiorari by the Supreme Court.

Analysis of Results

To conduct the actual data analysis I once again utilized STATA tools (see Appendix B for code). On a macro-level, in each of Models A, B and C, I regressed each independent variable against whether or not the case had successfully been granted cert. One of the critical tools used in conducting the analysis, outside of the basic regression tools available through STATA, was STATA's "p-weight" function. This function allowed me to proportionally aggrandize all of the findings/data for the sample of cases denied certiorari. In doing so, the p-weight function allowed me to account for the fact that the cases denied cert were only a random sampling that was reflective of a larger population. I also utilized the "outreg" function on STATA to transfer the information neatly into more aesthetically appealing Microsoft Excel tables.

At a base level, the following findings based on testing for a simple bivariate relationship, visible in Appendix C, emerged:

Having a federal government entity as a petitioner in the case and having Solicitor General involvement, were by far the most determinative factors in leading to a case successfully receiving a writ of certiorari – respectively, each of these factors being present in a case indicates an over 98.5% probability that the case will be granted cert. Even moving dozens of standard deviations (which are .198% and .192% respectively) outward in our analysis would still yield results that show at minimum a 95% likelihood that such a case is heard if the variables are present. Either of those criteria virtually guarantees the case will be heard by the Court. These findings are sensible given the stated intuition about the Court's prioritization of the involvement of federal players in determining a case's significance.

Similarly, cases originating from a federal court were shown to be statistically significant to a case's likelihood of being chosen by the Court (a 1.39% increase in probability of being heard). Even at a 99%+ confidence interval, we are still virtually guaranteed some relatively small impact from a federal appeal case on the Court's thinking. This finding could be approached as intuitive, given that federal courts may be more likely to be hearing "important federal questions" but still have little say in the types of cases they hear, with many "unimportant" cases inevitably clouding out the higher proportion of salient ones.

Cases involving Constitutional issues had a similar relationship with receiving cert, although the impact is also relatively small (less than 2% increase in probability with standard deviations that kept a positive relationship within the 95% confidence interval). The true importance of the Constitutional issue being present in the case may have been clouded by more liberal Constitutional claims that I noticed while coding the cases, including one case that was denied cert which involved a troubled woman who made claims that were simply unintelligible by the lower courts. Additionally, as expected, cases that pertained to a criminal lawsuit had a small but negative impact on the case being taken up by the Court (a -2.23% effect). At a minimum, small effects of Constitutional and criminal characteristics should be expected even at 95% and 99% confidence intervals respectively. Overall these findings, compared with the above findings on federal actors, seem to be in line with Tanenhaus's findings nearly 50 years

ago about federal agents having a sizeable impact on the Court's decision-making processes.

Conversely, whether or not the case involved a state or local government petitioner accounted for over 18% of the likelihood of those cases receiving cert, although the standard deviation of nearly 17% renders technically renders this factor not significant. The reality is that the data is unclear about the effect of state/local government entities on cert-granting. If we choose to analyze the relationship at two standard deviations out in each direction, the effect of a state/local petitioner alone could contribute as much as a 50% increase in the probability a case being granted cert, although the chance of a serious negative relationship exists as well. I suspect that a genuine relationship between state/local government petitioners and a case successfully receiving cert is not showing because of the p-weight maneuver that I used to more heavily weight the cases which were denied cert (i.e. because of the random sample) created too large of a standard deviation for the relationship to be deemed statistically significant. Nonetheless, a state or local government petitioner should still be deemed at-large as a relevant factor. There was a similar effect with a conflict between government entities being present in the case – a sizeable effect with a wide confidence interval.

Conflicts among the lower courts, shockingly, seem to have little discernable influence on the decision for the Supreme Court to grant cert. Conflicts among lower courts appeared to contribute to only a 1.8% uptick in cert-granting, with a 1.76% standard deviation – even at relevant confidence levels a relationship of the significance originally suspected is unlikely to emerge. Admittedly, this finding is likely be a function of the proxy used in the modeling, which only recognized those cases which were noticeably coupled with other cases. The proxy variable used in this case was simply not successful and in future analyses must be changed.

Model B yielded few significant relationships other than the negative correlations between the case involving a sex, narcotics or theft-related offense and cert being granted (-.77%, -1.01%, 1.4%). Nonetheless, the significance of theft and narcotics-related cases ostensibly vanished in the Final Model, which lends credence to the idea that the effect of the case being criminal in nature was the true cause of that relationship. At the same time the negative relationship between a sex offense case and the case receiving cert withstood the "criminal" control, albeit at the $p<.05$ level and not at the $p<.01$ level. This small-in-effect, but significant relationship could be due to a relatively unexplored area of the way the Supreme Court sees sex crimes as germane to the Court's priorities in evaluating issues of national concern.

Surprisingly, certain Constitutional Amendments and capital offenses did not show strong or significant relationships with being granted cert. This is particularly surprising given the structurally-imposed extra scrutiny that the Court gives to capital offenses early on. One theory for explaining the empirical results despite the known boost given to such cases is that although the Court considers every capital offense, its barrier to entry for being heard still must pass the same strict guidelines of every other case, even if it involves a capital offense.

The apparent statistical significance of child custody and affirmative action cases

(98.4% probability of each being heard, with tiny standard deviations) should be regarded skeptically because the occurrence of these cases were exceedingly rare, as evident in the cross-tabulations in Appendix E. Only three child custody cases and only one affirmative action-related case were involved in this study. Health care as a part of the case seems to have some impact (a 7.06% jump), but the wide confidence interval of over 8% clouds its statistical profundity – the numbers bear some relation to that of the impact of a state/local government entity. The lack of health care cases identified (only 7 total) again may have been the reason for the wide standard deviations.

The results of Models A, B and C yielded interesting results that corroborate some of my initial thoughts about how the variables would connect with cert-granting and demonstrate some larger insights to the general hypotheses that the variables were originally geared towards exploring.

In an effort to fully capture and incorporate the results of my findings, I compiled the above variables that were shown to have statistically significant effects on Supreme Court decision-making in relation to certiorari-granting into an aforementioned "Final Model". This Final Model, as described in my "Theory and Hypotheses" section, controlled for each of the significant variables for the effects of the others. The emergent findings confirmed that all the relationships held, except for those previously shown between theft and narcotics and cert-granting. As mentioned, it is likely that controlling for the negative effects of a criminal case took away the statistical significance of those relationships.

Other Confounding Factors

Any complete discussion of the relationship between these variables and corroboration of the hypotheses must note the significant amount of confounding and problematic factors that arose throughout the course of the analysis.

First and foremost, the usage of cert-granting as a medium for determining that the Court views a case as dealing with "an important federal question" may be flawed. Perry spends at least a chapter discussing the details of strategic cert-granting, which could result in cases favored by certain justices still not being granted for tactical considerations (or vice versa, theoretically). Moreover, the Supreme Court often does not hear a case simply because a similar case may be, for example, settled in the Court of Appeals or another lower court, or a similar case is before the Supreme Court itself.[29] In such a situation, cases containing statistically significant characteristics would still have virtually no chance of being heard by the Court. An additional factor – whether a case involves an important statutory issue – which is difficult to test for given the data being used, has also been noted as a factor which could be important in affecting the Court's decision to hear a case. It was nearly impossible to discern whether a case was dealing with a high-profile statutory concern from the data at hand.

An additional issue in this study was that there was missing data on 7 cases that were granted cert and 41 cases that were denied cert because of an inability to locate full summaries on LexisNexis. Perhaps cases with missing data, in and of themselves

have characteristics which may have affected the data analysis and its results.

Simple human error should also be noted – coding thousands of zeroes and ones in a relatively short time frame into Microsoft Excel is bound to produce mistakes of a sort. It is important to note that I cleaned up datasets after doing random sampling – standardizing format and often decoupling case names and numbers from the same cells, which undoubtedly increased the possibility of human error as well.

Another central limitation in any study of cert-granting technique is bound to be the dearth of cases successfully granted writ, which inhibits larger sample sizes to test for types of cases like affirmative action and health care.

In analyzing the retinue of cases before me, I also did not combine situations of multiple cases heard one after the other (but not in tandem) by the Court, which involved nearly the identical conflict as another case (somewhere between 2 and 15 cases total in the samples were affected) – this may have affected the integrity of the findings as well.

Looking specifically at the results that a case coming from a federal court is more likely to be heard, state court cases are often denied for jurisdictional reasons, too.[30] As such, if there were an efficient way of controlling for cases denied based on strictly jurisdictional grounds, the effect of a federal court on the cert-granting process may be diminished.

In the particular case of *Cline v. Oklahoma Coalition for Reproductive Justice*, cert was granted then dismissed as improvidently granted. I did not take into account the subsequent dismissal of the case. Because the Court found reason enough to grant it cert in the first place I thought it to be relevant for our empirical analysis of the thought that goes into the Supreme Court cert-granting process.

Conclusion

After considering the results in totality from the four models utilized to test my initial hypotheses, I think it is possible to draw a few general conclusions. First, we see little indication of substantial issue bias within the Supreme Court. In virtually every area where a feasible concern was brought that could cloud judicial non-arbitrariness, no statistical bias was observed. From tax-related cases and those involving health care to the slew of individual Amendments and rights-related cases in Model C, the Court showed, overall, no discernable or quantifiable preference for a distinct type of case. These findings on specific issues seem to present a Court that, in general, lives up to the ideal of Hamiltonian non-arbitrariness in its actions. The only potential specific issue biases that emerged were against criminal cases overall, with a slight favoritism against cases that involved sex offenses, albeit with tiny effect sizes.

Putting the *content* of the cases aside though, the Court seems to prioritize cases that involve certain "federal brand names" – i.e. federal government agencies, federal courts, the Solicitor General and the United States Constitution. All these indicators point to the idea that the Supreme Court believes important federal questions are present in cases that involve easily identifiable federal features. In comparison to the

inconclusive results on cases involving state government entities, conflict between government entities and lower court conflicts, the presence of federal subject matter seems to lead to the case being held in higher regard by the Court. Furthermore, fascinatingly, no single Constitutional Amendment appeared to pique the interest of the Court, but rather the fact that a case alone was generally Constitutional warranted its closer scrutiny. This phenomenon lends us to believe that a case bearing federal branding, such as Constitutionality or Solicitor General involvement is pivotal to the Court's thinking – rather than the actual content matter of the case. This implication has been explored by academics since Tanenhaus, who have recognized that identifiably federal signals exist and that the Court utilizes them heavily.

Nonetheless, the findings on connections between national-level indicators and cert-granting is most interesting in the context of the lack of a clear relationship between so many other factors – like the case containing an amicus brief, the case dealing with a capital offense or the case involving a murder. In these above situations, the case most likely bears serious consequences for a party or outside entity, but has not been given a similar type of priority as federal factors have been given.

Combining these conclusions together, a central mindset on the Court appears to emerge – it seems to strive, in the cert-granting process, to deal with cases that *prima facie* deal with national precedent rather than actually prioritize the potential injustice within the content matter of the case. The lack of priority given for capital offenses, murders, amicus briefs and even state governments in the context of the priority given to federal factors indicates, as scholars have noted over time, that the Court is less concerned with justice and more concerned with wider precedent.

The question remains if this is the true role that the Court should be playing. Should favoritism be given to a face-value definition of what consists of an "important federal question", or could the interpretation of that clause perhaps be opened up, as well, to include personal complaints of large-caliber injustice to specific parties? Will we see a day when the Court views a case involving federal agencies with the same scrutiny that they do one involving a capital offense? Do cases that involve a federal indicator actually imply that a case is dealing with an "important federal question"? Would we prefer a Court that is more geared towards a content-based analysis, even if that entails some issue bias in the process?

These questions are important in thinking about the role of the Court even outside the certiorari-granting maneuvers discussed in the paper. Envisioning a Court that is more focused on retail justice than wholesale precedent could encourage lower courts, especially in criminal cases, to approach each criminal situation with a greater level of scrutiny. In an age of mandated sentences and mass incarceration, a Court that gives at least an equal level of attention to the cases of individuals could encourage an increased focus on justice throughout the United States judicial system.

Simultaneously, it is understandably quite difficult for the Court to balance the manifold priorities it has. The potential imbalance in cert-granting could be indicative of a larger need to reform the current structure of the Supreme Court and its processes. The current state of hearing approximately 100+ out of 7000+ cases presented each

year may simply not be sustainable to fill the role that the Court needs to serve in the American public – especially with the number of cases petitioned rapidly increasing. A re-evaluation of the structure, process and time allocations of the Supreme Court could be an important next step in rethinking the role of the Supreme Court in modern American government and society.

Endnotes

1 James Madison, Alexander Hamilton and John Jay, *The Federalist Papers* (London: Penguin Books, 1987), 442.
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5 Lee Epstein, William M. Landes and Richard A. Posner, *The Behavior of Federal Judges: A Theoretical & Empirical Study of Rational Choice*, (Cambridge, MA: Harvard University Press, 2013), 70.
6 Epstein, Landes and Posner 77-85
7 Perry 126-7
8 Joseph Tanenhaus, "Supreme Court Attitudes Toward Federal Administrative Agencies." *Journal of Politics* (1960).
9 Robert L. Stern and Eugene Gressman, *Supreme Court Practice, Fifth Edition* (Washington: BNA Books, 1978), 288.
10 Stern and Gressman 262
11 Perry 127-8, Stern and Gressman 264-5
12 Stern and Gressman 230-4
13 Stern and Gressman 278 [See the entirety of Chapter 4]
14 Perry 128-32
15 Margaret Meriwether Cordray and Richard Cordray, "The Solicitor General's Changing Role in Supreme Court Litigation", 51 B.C.L. Rev. 1323 (2010). Available at: http://lawdigitalcommons.bc.edu/bclr/vol51/iss5/1
16 Stern and Gressman 285-6
17 Perry 260-5
18 Stern and Gressman 287
19 Perry 137
20 Perry 125
21 Perry 262
22 Perry 229-30
23 Perry 240

24 Perry 261-2
25 "Biographies of Current Justices of the Supreme Court". Last modified: April 28, 2014 Available at: http://www.supremecourt.gov/about/biographies.aspx
26 Perry 261-2
27 Perry 229
28 "The Supreme Court of the United States." Last modified: April 23, 2014 Available at: www.supremecourt.gov
29 Stern and Gressman 266, 297
30 Stern and Gressman 314

Appendix A – STATA Code for Random Sample

Cert-Denied Cases

```
clear all

import excel "C:\Users\krb-user73\Desktop\010413.xls", clear sheet("Table 1")
label var A "case"
label var B "other1"
label var C "other2"
label var D "other3"
tostring A B C D, force replace
save "Cert2013.dta", replace

import excel "C:\Users\krb-user73\Desktop\010713.xls", clear sheet("Table 1")
label var A "case"
label var B "other1"
label var C "other2"
label var D "other3"
tostring A B C D, force replace
append using "Cert2013", force
save "Cert2013.dta", replace

…

gen goodline = 0
replace goodline = 1 if substr(A, 3, 1) == "-"
order goodline
edit
replace goodline = 4 in 1981
keep if goodline == 1
edit
gen casename = B + C + D
order casename
set seed 123456
sample 150, count

save "C:\Users\krb-user73\Desktop\FinalSampleCertDenied2013.dta", replace
export excel using "C:\Users\krb-user73\Desktop\FinalSampleCertDenied2013.xls",
replace
```

Cert-Granted Cases

```
clear all
import excel "C:\Users\krb-user73\Desktop\CertGranted2013.xls", clear sheet("Sheet1")
label var A "case"
label var B "other1"
label var C "other2"
save "CertGranted2013.dta", replace

gen goodline = 0
replace goodline = 1 if substr(A, 3, 1) == "-"
order goodline
edit
keep if goodline == 1
edit
gen casename = B + C + E
order casename

save "C:\Users\krb-user73\Desktop\FinalSampleCertGranted2013.dta", replace
export excel using "C:\Users\krb-user73\Desktop\FinalSampleCertGranted2013.xls"
```

Appendix B – STATA Code for Models A, B, C and Final

Model A

```
clear all
//ssc install outreg2
import excel "C:\Users\krb-user73\Desktop\FinalData.xls", sheet("Sheet1") firstrow
gen sampleprob = 1 / 1 if Cert == 1
replace sampleprob = 7376 / 116 if Cert == 0
//116(denied cases sampled)/7376(total denied cases in 2013)

regress Cert  FedPet [pweight = sampleprob], robust
outreg2 using RegressionTableA.xls, replace

regress Cert  StatePet [pweight = sampleprob], robust
outreg2 using RegressionTableA.xls, append

regress Cert  FedApp [pweight = sampleprob], robust
outreg2 using RegressionTableA.xls, append
```

```
regress Cert  GovConf [pweight = sampleprob], robust
outreg2 using RegressionTableA.xls, append

regress Cert  CourtConf [pweight = sampleprob], robust
outreg2 using RegressionTableA.xls, append

regress Cert  SG [pweight = sampleprob], robust
outreg2 using RegressionTableA.xls, append

regress Cert  Const [pweight = sampleprob], robust
outreg2 using RegressionTableA.xls, append

regress Cert  Amic [pweight = sampleprob], robust
outreg2 using RegressionTableA.xls, append

regress Cert  Crim [pweight = sampleprob], robust
outreg2 using RegressionTableA.xls, append

save "C:\Users\krb-user73\Desktop\FinalRegressionsModelA.dta", replace
```

Model B

```
clear all
//ssc install outreg2
import excel "C:\Users\krb-user73\Desktop\FinalData.xls", sheet("Sheet1") firstrow
gen sampleprob = 1 / 1 if Cert == 1
replace sampleprob = 7376 / 116 if Cert == 0
//116(denied cases sampled)/7376(total denied cases in 2013)

regress Cert  First [pweight = sampleprob], robust
outreg2 using RegressionTableB.xls, replace

regress Cert  Fourth [pweight = sampleprob], robust
outreg2 using RegressionTableB.xls, append

regress Cert  Eighth [pweight = sampleprob], robust
outreg2 using RegressionTableB.xls, append

regress Cert  Fourteenth [pweight = sampleprob], robust
outreg2 using RegressionTableB.xls, append

regress Cert  First Fourth Fifth Sixth Seventh Eighth Tenth Eleventh Fourteenth
```

```
[pweight = sampleprob], robust
outreg2 using RegressionTableB.xls, append

regress Cert  CapOff [pweight = sampleprob], robust
outreg2 using RegressionTableB.xls, append

regress Cert  Murder [pweight = sampleprob], robust
outreg2 using RegressionTableB.xls, append

regress Cert  Theft [pweight = sampleprob], robust
outreg2 using RegressionTableB.xls, append

regress Cert  Narc [pweight = sampleprob], robust
outreg2 using RegressionTableB.xls, append

regress Cert  Sex [pweight = sampleprob], robust
outreg2 using RegressionTableB.xls, append

regress Cert  Immig [pweight = sampleprob], robust
outreg2 using RegressionTableB.xls, append

save "C:\Users\krb-user73\Desktop\FinalRegressionsModelB.dta", replace
```

Model C

```
clear all
//ssc install outreg2
import excel "C:\Users\krb-user73\Desktop\FinalData.xls", sheet("Sheet1") firstrow
gen sampleprob = 1 / 1 if Cert == 1
replace sampleprob = 7376 / 116 if Cert == 0
//116(denied cases sampled)/7376(total denied cases in 2013)

regress Cert  Health [pweight = sampleprob], robust
outreg2 using RegressionTableC.xls, replace

regress Cert  Tax [pweight = sampleprob], robust
outreg2 using RegressionTableC.xls, append

regress Cert  ChCust [pweight = sampleprob], robust
outreg2 using RegressionTableC.xls, append

regress Cert  NatAmer [pweight = sampleprob], robust
```

```
outreg2 using RegressionTableC.xls, append

regress Cert  Water [pweight = sampleprob], robust
outreg2 using RegressionTableC.xls, append

regress Cert  Patent [pweight = sampleprob], robust
outreg2 using RegressionTableC.xls, append

regress Cert  AffiAct [pweight = sampleprob], robust
outreg2 using RegressionTableC.xls, append

save "C:\Users\krb-user73\Desktop\FinalRegressionsModelC.dta", replace
```

Final Model

```
clear all
//ssc install outreg2
import excel "C:\Users\krb-user73\Desktop\FinalData.xls", sheet("Sheet1") firstrow
gen sampleprob = 1 / 1 if Cert == 1
replace sampleprob = 7376 / 116 if Cert == 0
//116(denied cases sampled)/7376(total denied cases in 2013)

regress Cert  FedPet FedApp SG Const Crim Theft Narc Sex[pweight = sampleprob],
robust
outreg2 using FinalRegressionTable.xls, replace

save "C:\Users\krb-user73\Desktop\FinalRegressionsFinalModel.dta", replace
```

Appendix C – Regression tables for Models A, B, C and Final

Model A

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
VARIABLES	Cert	Cert	Cert	Cert	Cert	Cert	Cert	Cert	Cert
FedPet	0.985***								
	(0.00198)								
StatePet		0.187							
		(0.166)							
FedApp			0.0139***						
			(0.00358)						
GovConf				0.0837					
				(0.0960)					
CourtConf					0.0180				
					(0.0176)				
SG						0.986***			
						(0.00192)			
Const							0.0122**		
							(0.00589)		
Amic								0.184	
								(0.115)	
Crim									-0.0223***
									(0.00805)
Constant	0.0145***	0.0142***	0.00579***	0.0155***	0.0155***	0.0139***	0.0127***	0.0122***	0.0334***
	(0.00198)	(0.00196)	(0.00214)	(0.00208)	(0.00212)	(0.00192)	(0.00214)	(0.00176)	(0.00783)
Observations	224	224	224	224	224	224	224	224	224
R-squared	0.111	0.024	0.002	0.004	0.001	0.146	0.002	0.046	0.006
Robust standard errors in parentheses									
*** p<0.01, ** p<0.05, * p<0.1									

Model B

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
VARIABLES	Cert	Cert	Cert	Cert	Cert	Cert	Cert	Cert	Cert	Cert	Cert
First	0.00231				0.00964						
	(0.0113)				(0.0199)						
Fourth		0.00862			0.00859						
		(0.0139)			(0.0142)						
Fifth					0.0138						
					(0.0209)						
Sixth					-0.000802						
					(0.00901)						
Seventh					-0.0121						
					(0.0421)						
Eighth			0.0143		0.0264						
			(0.0364)		(0.0410)						
Tenth					-0.000403						
					(0.0222)						
Eleventh					-0.0135						
					(0.0236)						
Fourteenth				-0.00711	-0.0120						
				(0.00598)	(0.0110)						
CapOff						0.00604					
						(0.0109)					
Murder							0.00430				
							(0.00674)				
Theft								-0.00771*			
								(0.00461)			
Narc									-0.0101**		
									(0.00400)		
Sex										-0.0140***	
										(0.00361)	
Immig											-0.00884
											(0.00709)
Constant	0.0162***	0.0159***	0.0162***	0.0168***	0.0159***	0.0159***	0.0156***	0.0174***	0.0182***	0.0175***	0.0166***
	(0.00220)	(0.00217)	(0.00215)	(0.00229)	(0.00246)	(0.00219)	(0.00228)	(0.00245)	(0.00261)	(0.00237)	(0.00223)
Observations	224	224	224	224	224	224	224	224	224	224	224
R-squared	0.000	0.000	0.000	0.000	0.001	0.000	0.000	0.000	0.001	0.001	0.000

Robust standard errors in parentheses

*** p<0.01, ** p<0.05, * p<0.1

Model C

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
VARIABLES	Cert	Cert	Cert	Cert	Cert	Cert	Cert
Health	0.0706						
	(0.0855)						
Tax		0.0571					
		(0.0744)					
ChCust			0.984***				
			(0.00212)				
NatAmer				0.0143			
				(0.0364)			
Water					-0.000846		
					(0.0218)		
Patent						0.0646	
						(0.0566)	
AffiAct							0.984***
							(0.00214)
Constant	0.0156***	0.0158***	0.0159***	0.0162***	0.0163***	0.0151***	0.0162***
	(0.00210)	(0.00211)	(0.00212)	(0.00215)	(0.00217)	(0.00205)	(0.00214)
Observations	224	224	224	224	224	224	224
R-squared	0.003	0.002	0.026	0.000	0.000	0.005	0.009
Robust standard errors in parentheses							
*** p<0.01, ** p<0.05, * p<0.1							

Final Model

	(1)
VARIABLES	Cert
FedPet	0.845***
	(0.0817)
FedApp	0.0124***
	(0.00372)
SG	0.878***
	(0.0592)
Const	0.00923*
	(0.00534)
Crim	-0.0138**
	(0.00695)
Theft	-0.00168
	(0.00524)
Narc	-0.00455
	(0.00491)
Sex	-0.00942**
	(0.00399)
Constant	0.0130**
	(0.00564)
Observations	224
R-squared	0.233
Robust standard errors in parentheses	
*** p<0.01, ** p<0.05, * p<0.1	

Appendix D – Code for cross-tabulations of cert for each variable

```
clear all
import excel “C:\Users\krb-user74\Desktop\FinalData.xls”, sheet(“Sheet1”) firstrow
//ssc install logout
logout, clear: tab Cert FedPet
logout, save(CrossTab.xml) clear excel replace

clear all
import excel “C:\Users\krb-user74\Desktop\FinalData.xls”, sheet(“Sheet1”) firstrow
//ssc install logout
logout, clear: tab Cert StatePet
logout, save(CrossTab.xml) clear excel replace

…
```

Appendix E – Cross-tabulations of cert for each variable

"1" indicates that a case tested positively for the variable; "0" indicates that it tested negatively.

FedPet			
Cert	0	1	Total
0	109	0	109
1	102	13	115
Total	211	13	224

StatePet			
Cert	0	1	Total
0	108	1	109
1	99	16	115
Total	207	17	224

FedApp			
Cert	0	1	Total
0	27	82	109
1	10	105	115
Total	37	187	224

GovConf			
Cert	0	1	Total
0	108	1	109
1	108	7	115
Total	216	8	224

CourtConf			
Cert	0	1	Total
0	104	5	109
1	104	11	115
Total	208	16	224

SG			
Cert	0	1	Total
0	109	0	109
1	98	17	115
Total	207	17	224

Const			
Cert	0	1	Total
0	77	32	109
1	63	52	115
Total	140	84	224

First			
Cert	0	1	Total
0	104	5	109
1	109	6	115
Total	213	11	224

Fourth			
Cert	0	1	Total
0	104	5	109
1	107	8	115
Total	211	13	224

Fifth			
Cert	0	1	Total
0	105	4	109
1	109	6	115
Total	214	10	224

Sixth			
Cert	0	1	Total
0	102	7	109
1	108	7	115
Total	210	14	224

Seventh			
Cert	0	1	Total
0	108	1	109
1	114	1	115
Total	222	2	224

Eighth			
Cert	0	1	Total
0	108	1	109
1	113	2	115
Total	221	3	224

Tenth			
Cert	0	1	Total
0	108	1	109
1	114	1	115
Total	222	2	224

Eleventh			
Cert	0	1	Total
0	108	1	109
1	115	0	115
Total	223	1	224

Fourteenth			
Cert	0	1	Total
0	101	8	109
1	110	5	115
Total	211	13	224

Amic			
Cert	0	1	Total
0	107	2	109
1	84	31	115
Total	191	33	224

Crim			
Cert	0	1	Total
0	25	84	109
1	55	60	115
Total	80	144	224

CapOff			
Cert	0	1	Total
0	102	7	109
1	105	10	115
Total	207	17	224

Murder			
Cert	0	1	Total
0	92	17	109
1	93	22	115
Total	185	39	224

Theft			
Cert	0	1	Total
0	93	16	109
1	105	10	115
Total	198	26	224

Narc			
Cert	0	1	Total
0	88	21	109
1	104	11	115
Total	192	32	224

Sex			
Cert	0	1	Total
0	100	9	109
1	113	2	115
Total	213	11	224

Immig			
Cert	0	1	Total
0	105	4	109
1	113	2	115
Total	218	6	224

Health			
Cert	0	1	Total
0	108	1	109
1	109	6	115
Total	217	7	224

Tax			
Cert	0	1	Total
0	108	1	109
1	110	5	115
Total	218	6	224

ChCust			
Cert	0	1	Total
0	109	0	109
1	112	3	115
Total	221	3	224

NatAmer			
Cert	0	1	Total
0	108	1	109
1	113	2	115
Total	221	3	224

Water			
Cert	0	1	Total
0	108	1	109
1	114	1	115
Total	222	2	224

Patent			
Cert	0	1	Total
0	107	2	109
1	104	11	115
Total	211	13	224

AffiAct			
Cert	0	1	Total
0	109	0	109
1	114	1	115
Total	223	1	224