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Appendix

The following sections present the regression models and various control models on which our results in the articles are based. To achieve transparency and to account for bias as a result of adding independent variables to the model specification, we follow Lenz and Sahn's (2018) suggestion and report the results from the bivariate specifications. The tables were created using the *stargazer* (Hlavac 2018), and *texreg* (Leifeld 2013) packages for R software.

Control variables

With the exception of docket type, the Norwegian and Danish Supreme Courts are similar in institutional design, and they operate in similar legal, political and cultural environments. However, some institutional features are different and operate in ways that can influence the outcomes that we are examining. Based on the existing literature on dissent and government deference, we have identified relevant control variables from three different sources of variation in the data: justices, justice panels and cases. Table A1 shows the control variables that we have included in our study.

Table A1: Descriptive statistics control variables

Variable	N	Mean	Sd	Min	Max
Court of appeals discretion	537	0.01	0.12	0	1
Eu	536	0.12	0.33	0	1
Echr	536	0.04	0.19	0	1
Government appellant	536	0.13	0.34	0	1
Enlarged panel	537	0.05	0.21	0	1
Government_majority	537	0.22	0.42	0	1
High government majority	537	0.04	0.19	0	1
One academic	537	0.46	0.50	0	1
Minority academics	537	0.13	0.33	0	1
Career: attorney	422	0.24	0.43	0	1
Career: academic	422	0.18	0.39	0	1
Career: judge	422	0.16	0.37	0	1
Gender	422	0.40	0.49	0	1
Centre born	422	0.43	0.50	0	1
Seniority	422	8.46	6.09	0	28
Appointing government	285	0.66	0.47	0	1
Independent appointment	285	0.20	0.40	0	1
Interim	285	0.04	0.19	0	1

Regression models: Effects of docket type on dissent and reversal

In the nonunanimous and dissent models (Table A2 and A3), we added the following control variables: international law (ECHR, EU); panel size; and panel diversity. We tested each set of these independent variables by themselves (models 2 through 5) and in a complete model (model 6). Looking across the various models in Table A2 and A3, we see that the docket type coefficients and standard errors are similar across the different model specifications.

In 2014, an institutional change occurred on the Danish Supreme Court that enabled the appeals court to decide whether or not a tax case should start in the appeals court or the district

court. We might expect a higher level of dissent following this institutional change because of this additional check on whether the case is of a principled character or not. However, only 8 cases in our sample were decided under this new rule; therefore, we excluded the variable from all of the models.

We added two control variables for international law because we expect cases concerning international law to increase the probability that justices dissent (Bentsen 2018). To control for the influence of international law, we follow Bentsen's (2018) lead and include two dummy variables. The first (ECHR cite) variable measures whether the case contains a reference to the European Court of Human Rights law or to ECtHR case law (coded 1) or not (coded 0). The second variable measures whether a case contains a reference to either European Union (EU/EEA) laws or ECJ/EFTA case law (coded 1) or not (coded 0).

We add a control for panel size because our data only include decisions from five-justice panels on the Norwegian court, as well as seven- and nine-justice panels on the Danish court. Research on dissent has established that the probability of dissent increases based on the number of justices on the panel (Epstein et al. 2011). Additionally, when Danish cases involve more than five justices, it is more likely that the case raises a principled legal question, which we expect increases the probability of dissent.

Although the judicial appointment processes in the Norwegian and Danish courts are fairly similar, justices with different judicial careers can still be appointed with different frequencies in the two countries. Research has suggested that the Norwegian court has recruited more diverse justices than the Danish court (compare Shaffer et al. 2015; Gøtze 2010). Recruitment might influence dissent rates through diversity on the decisional panel. Specifically, Bentsen (2018) found that decisional panels with one and two legal academics are more likely to produce dissenting outcomes than other panels. Following Bentsen's study (2018), we added two variables that measure whether one or two and more legal academics are

present and in the minority on the panel. The one-academic variable is dichotomous and takes the value of 1 if one justice on the panel has experience from legal academia and 0 otherwise. The minority academics variable is dichotomous and takes the value of 1 if two justices or more are in minority and have experience from legal academia and 0 otherwise.

Table A2. Logistic regression models: non-unanimous decisions

	Non-unanimity					
	Model 1	**Model 2**	**Model 3**	**Model 4**	**Model 5**	**Model 6**
Docket type: mandatory principled		0.60	0.58	0.59	0.64	0.60
		(0.42)	(0.42)	(0.42)	(0.42)	(0.43)
Docket type: discretionary		1.79***	1.93***	1.87***	1.79***	2.00***
		(0.34)	(0.35)	(0.35)	(0.34)	(0.36)
Enlarged panels			1.20**			1.06*
			(0.55)			(0.56)
Eu				0.73**		0.66*
				(0.37)		(0.37)
Echr				0.05		0.07
				(0.56)		(0.56)
One academic					0.05	0.03
					(0.28)	(0.28)
Minority academics					0.28	0.18
					(0.39)	(0.39)
Constant	-1.67***	-2.73***	-2.87***	-2.88***	-2.80***	-3.03***
	(0.12)	(0.30)	(0.31)	(0.31)	(0.34)	(0.37)
N	525	525	525	524	525	524
AIC	460.32	424.62	422.67	424.71	428.12	427.24

***p < .01; **p < .05; *p < .1

Coefficients are logits. Standard errors in parentheses.

Table A3. Logistic regression models: dissent decisions

	Dissent					
	Model 1	**Model 2**	**Model 3**	**Model 4**	**Model 5**	**Model 6**
Docket type: mandatory principled		0.60	0.58	0.59	0.59	0.54
		(0.42)	(0.42)	(0.42)	(0.42)	(0.43)
Docket type: discretionary		1.45***	1.59***	1.54***	1.45***	1.66***
		(0.34)	(0.36)	(0.35)	(0.34)	(0.36)
Enlarged panels			1.20**			1.14**
			(0.55)			(0.57)
Eu				0.63*		0.56
				(0.38)		(0.38)
Echr				-0.32		-0.29
				(0.66)		(0.66)
One academic					-0.06	-0.09
					(0.29)	(0.29)
Minority academics					-0.07	-0.18
					(0.43)	(0.43)
Constant	-1.87***	-2.73***	-2.87***	-2.85***	-2.69***	-2.90***
	(0.13)	(0.30)	(0.31)	(0.31)	(0.34)	(0.37)
N	525	525	525	524	525	524
AIC	414.31	395.83	393.88	397.02	399.77	399.48

***p < .01; **p < .05; *p < .1

Coefficients are logits. Standard errors in parentheses.

In the reversal model, we added the following control variables: international law (ECHR, EU); panel size, government appellant; and individual litigants. We have tested each set of these independent variables by themselves (models 2 through 5) and in a complete model (model 6). The various models in Table A4 show that the docket type coefficients and standard errors are similar across the different model specifications.

We have included international law, and panel size for similar reasons as in the dissent model. We believe that these variables are characteristics that can influence the difficulty of the

cases and thus the probability of reversal. We have also included a dichotomous variable that takes the value of 1 if the government party is the appellant and 0 if not. The government party is a high-status litigant, and we might expect that the government party is a more successful appellant than other parties. In tax cases in both countries, the government party only appeals principled cases (Zimmer 2015; Stokholm 2011). However, the proportion of cases in which the government party is the appellant in the two countries varies. The Norwegian court decides a higher proportion of cases in which the government party is the appellant than the Danish court. Accordingly, the Norwegian court might reverse a larger number of lower court decisions because the government party is the appellant in a higher proportion of cases. In addition, we have also added a control variable for whether the government party faces an individual litigant or a corporation/association to account for resource effects.

Table A4. Logistic regression models: reversal

	Reversal					
	Model 1	**Model 2**	**Model 3**	**Model 4**	**Model 5**	**Model 6**
Docket type: mandatory principled		0.58*	0.56*	0.63*	0.49	0.55
		(0.32)	(0.33)	(0.32)	(0.33)	(0.34)
Docket type: external appeals board		0.41	0.40	0.42	0.17	0.09
		(0.81)	(0.82)	(0.81)	(0.84)	(0.87)
Docket type: discretionary		1.49***	1.63***	1.51***	1.16***	1.29***
		(0.26)	(0.27)	(0.27)	(0.28)	(0.30)
Enlarged panels			1.25***			1.10**
			(0.45)			(0.47)
Eu				-0.01		-0.13
				(0.35)		(0.36)
Echr				0.43		0.76
				(0.49)		(0.50)
Government appellant					1.29***	1.29***
					(0.28)	(0.28)
Individuals					-0.28	-0.23
					(0.24)	(0.25)
Constant	-1.19***	-2.02***	-2.15***	-2.07***	-1.97***	-2.16***
	(0.10)	(0.22)	(0.23)	(0.23)	(0.25)	(0.28)
N	535	535	535	534	535	534
AIC	583.70	551.07	546.20	550.00	532.05	526.64

***p < .01; **p < .05; *p < .1

Coefficients are logits. Standard errors in parentheses.

Regression models: Effects of docket type on the success of individual private litigants

For the parties' model, we controlled for international law, government appellant, and panels on which a majority of the justices have their experience from the executive branch. We have tested each set of these independent variables by themselves (models 2 through 5) and in a complete model (model 6). Looking across the various models in Table A5, we see that the docket type * individual coefficients and standard errors are relatively similar across the different model specifications.

We might expect cases involving international law issues to increase the likelihood that a private party wins against the government. International law largely consists of legal safeguards that protect individuals and corporations from government encroachment. Additionally, in cases involving international law, national courts run the risk of being overruled by supranational courts. Justices who might prefer to vote for the government party might abstain from voting for their sincere preferences.

We control for government appellants to account for the advantage of being a respondent. We control for panels on which a majority of justices have government careers. Such panels might provide the government party with a higher probability of winning. The executive-branch panel variable is a dichotomy that takes the value of 1 if the case is decided by a majority of justices with the majority of their careers in government administration, compared to other panels.

Table A5. Logistic regression models: government win

	Government win					
	Model 1	**Model 2**	**Model 3**	**Model 4**	**Model 5**	**Model 6**
Docket type: mandatory principled		-0.25	-0.23	-0.33	-0.25	-0.32
		(0.39)	(0.39)	(0.39)	(0.39)	(0.39)
Docket type: discretionary		-1.17***	-1.01***	-1.26***	-1.09***	-1.03***
		(0.32)	(0.33)	(0.34)	(0.33)	(0.35)
Individuals		1.84***	1.81***	1.74***	1.83***	1.70***
		(0.65)	(0.65)	(0.65)	(0.65)	(0.65)
Government appellant			-0.75***			-0.78***
			(0.29)			(0.29)
Eu				-0.26		-0.23
				(0.34)		(0.35)
Echr				-0.21		-0.50
				(0.52)		(0.54)
Government majority					-0.41	-0.33
					(0.27)	(0.28)
High Government majority					0.62	0.66
					(0.54)	(0.56)
Docket type: mandatory principled * individuals		-0.38	-0.39	-0.28	-0.39	-0.30
		(1.01)	(1.01)	(1.01)	(1.01)	(1.02)
Docket type: discretionary * individuals		-1.88***	-1.90***	-1.78**	-1.85**	-1.79**
		(0.72)	(0.73)	(0.73)	(0.73)	(0.73)
Constant	1.23***	1.62***	1.68***	1.75***	1.67***	1.85***
	(0.10)	(0.27)	(0.28)	(0.30)	(0.28)	(0.30)
N	522	521	521	520	521	520
AIC	559.98	500.05	495.37	499.64	501.27	496.29

***p < .01; **p < .05; *p < .1

Coefficients are logits. Standard errors in parentheses.

Regression models: Effects of docket type on attitudinal behavior

For the attitudinal models, we included the following control variables: international law (EU, ECHR); individuals (as opposed to corporations); government appellant; seniority; gender; center born; and academic.

For the discretionary docket models, we also included the following control variables for reasons specified below: appointing government, independent appointment and interim justice.

We control for international law, government appellants, and individuals for similar reasons as in the parties' model.

At the individual level, we control for two primary socialization effect variables – place of birth (*center born*) and gender (*female*) that can affect justices' propensity to pursue different judicial careers. That is, female justices and center-born justices might be more likely to pursue careers in the executive branch than other justices (Shaffer et al. 2015). The executive branch offers women legal careers of no lesser quality but cushioned with more welfare perks than the cut-throat competition of private law firms. The executive branch also provides center-born lawyers with lower entry-level costs when buoyed through the socialization of legal networks and legal families (Grendstad et al. 2015). Both variables are dichotomous and take the value of 1 if the justice has the respective attribute and 0 if not. We add a count variable (*seniority*) measuring the number of years that a justice has been on the court during the year when the case is decided. We might expect more senior justices to become less deferential to the government as a result of socialization processes on the court (see Robinson 2012 for a similar argument). We add a binary variable (*Academic*) that takes the value of 1 if a justice has spent the majority of his or her career in academia and 0 otherwise. We add this variable because an earlier study found that academics on the Norwegian court are more likely to vote for the private party in economic cases (Skiple et al. 2016)

Moreover, tax cases can have an ideological left-right dimension, as well as a deference dimension (Grendstad et al. 2015). Research on the Norwegian high court has relied on justices' appointing governments as a proxy for their ideological preferences (Skiple et al. 2016; Grendstad et al. 2015). However, the validity of this measure is weak, especially following a 2002 judicial appointment reform (Skiple 2015). We run a robustness test in which we include a dichotomous variable (*Social democratic appointee*) that takes the value of 1 if the justice is appointed by a social democratic government and 0 if the justice is appointed by a conservative government. In addition, we add a dichotomous variable (*independent appointee*) that takes the value 1 if the justice was appointed after the institutional reform in 2002 and 0 if the justice is appointed before the reform. Additionally, from time to time, the Norwegian court appoints interim justices to serve on the court in situations of short-term vacancies or heavy workloads (Grendstad et al. 2015, 147). We add a dichotomous variable that takes the value 1 if the justice serve as interim justice and 0 if the justice serve as associate justice.

Since we only have appointment data for the Norwegian court, we are only able to control for appointing government, independent appointments and interim justices in the discretionary docket model. Since we included a longer time series for the Norwegian court than for the Danish court and because there is a higher level of dissent in the Norwegian court, there is a greater number of observations in the analysis of the Norwegian court. To test whether the statistically significant effect of government career in the Norwegian court holds in a similar time series as we have on the Danish court, we run the discretionary attitudinal models on a data from 2006-2016. The results do not change.

Table A6 shows the results from the discretionary docket models. Table A7 shows the results from the discretionary docket models from 2006-2016. Finally, table A8 shows the result from the mandatory dockets models.

Table A6. Logistic regression models: government vote discretionary docket

	Government vote						
	Model 1	**Model 2**	**Model 3**	**Model 4**	**Model 5**	**Model 6**	**Model 7**
Government career		0.93***	0.92***	0.99***	0.96***	0.85***	0.82**
		(0.25)	(0.25)	(0.25)	(0.27)	(0.26)	(0.35)
Eu			0.33				0.10
			(0.67)				(0.71)
Echr			-0.53				-0.57
			(0.71)				(0.77)
Individuals				0.33			0.25
				(0.27)			(0.33)
Government appellant				-0.53			-0.61
				(0.39)			(0.39)
Seniority					-0.02		-0.02
					(0.02)		(0.02)
Gender					-0.06		-0.12
					(0.35)		(0.31)
Centre born					0.20		0.32
					(0.30)		(0.32)
Academic					0.02		-0.23
					(0.39)		(0.44)
Appointing government						0.45*	0.55*
						(0.26)	(0.29)
Independent appointment						-0.03	-0.32
						(0.30)	(0.36)
Interim						0.80	0.78
						(0.78)	(0.85)
Constant	-0.05	-0.48***	-0.47**	-0.43*	-0.39	-0.77***	-0.44
	(0.15)	(0.18)	(0.19)	(0.26)	(0.25)	(0.20)	(0.34)
N	285	285	285	285	285	285	285
AIC	396.92	384.13	387.42	382.25	390.40	386.24	393.27

***p < 0.01; **p < 0.05; *p < 0.1

Standard errors clustered on justice. Coefficients are logits. Standard errors in parentheses.

Table A7. Logistic regression models: government vote discretionary docket, 2006-2016

	Government vote						
	Model 1	**Model 2**	**Model 3**	**Model 4**	**Model 5**	**Model 6**	**Model 7**
Government career		1.15***	1.16***	1.18***	1.35**	1.07**	1.37**
		(0.39)	(0.40)	(0.40)	(0.56)	(0.44)	(0.65)
Eu			0.84				0.78
			(0.87)				(1.04)
Echr			-0.99				-1.29
			(0.73)				(0.94)
Individuals				0.17			0.08
				(0.37)			(0.48)
Government appellant				-0.72			-0.84
				(0.66)			(0.75)
Seniority					0.01		-0.02
					(0.03)		(0.05)
Gender					-0.21		-0.38
					(0.79)		(0.69)
Centre born					0.43		0.49
					(0.77)		(0.75)
Academic					0.66		0.71
					(0.51)		(0.66)
Appointing government						0.59	0.60
						(0.52)	(0.55)
Independent appointment						-0.19	-0.56
						(0.45)	(0.64)
Interim						0.45	0.06
						(1.11)	(1.17)
Constant	0.00	-0.51*	-0.49	-0.42	-0.92***	-0.85**	-0.64
	(0.21)	(0.29)	(0.31)	(0.36)	(0.35)	(0.38)	(0.90)
Num. obs.	130	130	130	130	130	130	130
AIC	182.22	173.99	176.15	175.27	179.58	178.02	186.78

***p < 0.01; **p < 0.05; *p < 0.1

Standard errors clustered on justice. Coefficients are logits. Standard errors in parentheses.

Table A8. Logistic regression models: government vote mandatory dockets

	Government vote					
	Model 1	**Model 2**	**Model 3**	**Model 4**	**Model 5**	**Model 6**
Government career		0.15	0.18	0.24	0.20	0.41
		(0.73)	(0.74)	(0.77)	(0.77)	(0.82)
Docket type: mandatory principled		-0.79**	-0.76**	-0.66*	-0.98***	-0.75*
		(0.35)	(0.36)	(0.37)	(0.37)	(0.43)
Docket type: mandatory principled * government career		0.82	0.75	0.90	0.68	0.58
		(0.75)	(0.72)	(0.74)	(0.60)	(0.59)
Eu			0.19			0.43
			(0.29)			(0.39)
Individuals				0.58		0.68
				(0.37)		(0.43)
Seniority					-0.02	-0.02
					(0.05)	(0.06)
Gender					0.32	0.26
					(0.81)	(0.81)
Centre born					-1.18*	-1.20*
					(0.71)	(0.71)
Academic					-0.82	-0.73
					(0.66)	(0.70)
Constant	0.04	0.25	0.17	-0.06	1.20	0.68
	(0.27)	(0.42)	(0.45)	(0.53)	(0.95)	(1.04)
Num. obs.	137	137	137	137	137	137
AIC	191.86	192.10	193.83	191.92	189.83	190.92

***p < 0.01; **p < 0.05; *p < 0.1

Standard errors clustered on justice. Coefficients are logits. Standard errors in parentheses.

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