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Appendix

A. Descriptive Statistics Before and After the Inclusion of Sampling Weights

	Before Sampling Weights		After Sampling Weights	
Variable	Mean	SD	Mean	SD
Legal Treatment	0.50	0.82	0.59	0.76
Reliance upon foreign law	0.62	0.48	0.08	0.27
Constitutional Case	0.43	0.50	0.31	0.46
Readability	2.18	3.68	1.40	3.37
Certainty	1.17	0.41	1.09	0.45
Age	7.87	5.76	7.98	5.65
Dissent	0.22	0.41	0.32	0.47
Precedent Vitality	0.61	1.75	0.67	1.78
Complexity	7.88	9.58	5.66	5.11
New York Times Salience	0.31	0.46	0.16	0.37
Congressional Quarterly Salience	0.23	0.43	0.05	0.22
Legal Importance	0.12	0.33	0.04	0.19
Ideological Consistency	0.39	0.29	0.39	0.28
Ideological Change	0.23	0.18	0.22	0.17

B. Full description of Control Variables

In this section I provide additional details concerning the control variables that are briefly summarized in Table 2. I chose factors shown to consistently influence lower court treatment of Supreme Court opinions. The age of a precedent has been shown to affect its level of influence on future Courts and lower courts (Hitt 2016; Hansford and Spriggs 2006; Benesh and Reddick 2002). The variable *Age of precedent* at the time of the court of appeals' decision, measured in years, accounts for this factor. Unanimity, which expresses a clear legal answer to a question, increases the likelihood that lower courts will follow a case (Hitt 2016; Corley, Steigerwalt, and Ward 2013, Benesh and Reddick 2002). I define a unanimous decision as one in which no justices dissented, even if there were concurring opinions (Epstein, Landes and Posner 2012). The variable *Dissent* is coded 1 if any justices dissented in the case, and 0 if otherwise. I include the variable *Precedent vitality*, employing the Hansford and Spriggs (2006) methodology for accounting for the treatment of the precedent by the Supreme Court. I identified all subsequent Supreme Court cases that positively or negatively treated the precedent at the time of the lower court citation, counted the number of positive and negative treatments, and subtracted the latter from the former. Positive values of *Precedent vitality* indicate that the Supreme Court has treated the precedent more positively than negatively. Such scores are associated with an increased likelihood that a lower court will also treat the precedent positively (Hansford and Spriggs 2006).

Increases in the complexity of a case may be associated with either positive or negative treatment, as they may induce compliance because they instigate a closer reading, or may be so confusing as to lead to negative treatment (Hitt 2016; Hansford and Spriggs 2006; Benesh and Reddick 2002, Wasby 1970). I employ the number of amicus briefs submitted from Collins (2008) to measure *Complexity*. The importance of a case may also affect the treatment of an

opinion because such cases may be more controversial. As it is particularly likely that justices will employ foreign law in such cases, it is essential that I control for this factor. I follow Corley and Wedeking (2014) and include variables to account for both legal and policy importance. Because I provided greater detail on these variables in the paper, I only list them here. *New York Time Salience* and *CQ Salience* measure the salience or the controversial nature of the case (Epstein and Segal 2000, Epstein et al. 2007); and *Legal importance*, identifying cases striking down a law as unconstitutional or overturning existing precedent (Spaeth et al. 2019).

Prior studies also found significant the ideological composition of the Supreme Court majority deciding the precedent, the lower appellate court panel, and the Supreme Court sitting at the time of the lower court's treatment (Corley and Wedeking 2014; Westerland et al. 2010; Luse et al. 2009; Benesh and Reddick 2002). These measures address the effects of the lower court judges' policy goals and their fear of reversal (Luse et al. 2009; Benesh and Reddick 2002). I include two variables to account for these factors. The first, *Ideological consistency*, measures the absolute value of the difference between the median ideology of the Supreme Court precedent's majority and the median ideology of the appeals court panel treating the precedent. I employ Judicial Common Space scores to ensure that the judges at different levels of the hierarchy are on the same policy space (Epstein et al. 2007; Corley and Wedeking 2014). As the ideological distance between the precedent's majority and the appeals court grows, the likelihood of a positive treatment should decrease. The second variable, *Ideological change,* is the absolute value of the difference between the median ideology of the precedent's majority and the median of the Court sitting at the time of the lower court treatment. As this variable increases, indicating the present court has moved away from the ideology of the precedent, I expect that lower courts will be less likely to positively treat a precedent. Finally, I include dummy variables for each circuit, using the First Circuit as a baseline, to control for factors unique to each circuit (Corley and Wedeking 2014). I exclude the results for these circuit dummies in the table of my results to save space. As noted in the main text, I also employ measures of certainty of the language used in the opinion (Corley and Wedeking 2014) and the readability of the opinion (Black et al. 2016).

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C. Effect of Reliance upon Foreign Law on Probability of a Negative Lower Court Treatment (Central Findings)

	Base Model			Interaction Model		
	All salience measures	NY Times Salience	CQ Salience	All salience measures	NY Times Salience	CQ Salience
Reliance Upon Foreign Law	0.55 ***	0.64***	0.55***	0.01	0.17	0.01
	(0.17)	(0.17)	(0.17)	(0.23)	(0.22)	(0.23)
Const.Case	---	---	---	-1.21***	-1.17***	-1.21***
				(0.33)	(0.34)	(0.34)
Reliance Upon Foreign Law *Const.Case	---	---	---	1.27**	1.29**	1.27**
				(0.44)	(0.44)	(0.44)
Readability	0.00	0.00	0.00	-0.03	-0.03	-0.03
	(0.03)	(0.03)	(0.17)	(0.04)	(0.04)	(0.04)
Certainty	-0.14	-0.15	-0.13	-0.26	-0.27	-0.25
	(0.28)	(0.28)	(0.28)	(0.29)	(0.29)	(0.29)
Age	0.00	0.00	0.00	0.00	0.00	0.00
	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)
Dissent	0.55*	0.56*	0.54*	0.34	0.38	0.33
	(0.25)	(0.25)	(0.25)	(0.27)	(0.27)	(0.27)
Precedent	-0.16 †	-0.17*	-0.16*	-0.11	-0.15*	-0.11
Vitality	(0.08)	(0.08)	(0.08)	(0.08)	(0.08)	(0.07)
Complexity	-0.04†	-0.04†	-0.04*	-0.07**	-0.07*	-0.07**
	(0.02)	(0.02)	(0.02)	(0.03)	(0.03)	(0.02)
NYT Salience	0.04	0.17	---	0.10	0.35	---
	(0.43)	(0.33)		(0.43)	(0.33)	
CQ Salience	0.48	---	0.51*	0.87*	---	0.93***
	(0.43)		(0.26)	(0.44)		(0.29)
Legal Imp	0.31	0.61	0.28	1.03*	1.51***	0.97**
	(0.37)	(0.40)	(0.34)	(0.43)	(0.45)	(0.39)
Ideol. Consist	-0.16	-0.17	-0.16	-0.39	-0.40	-0.38
	(0.34)	(0.34)	(0.33)	(0.37)	(0.36)	(0.36)
Ideol Change	-0.03	-0.02	0.00	-0.86	-0.81	-0.79
	(0.78)	(0.78)	(0.75)	(0.78)	(0.78)	(0.76)
	N=1, 064 Prob. $\chi2$= 0.0000	N=1, 064 Prob $\chi2$= 0.0000	N=1, 064 Prob $\chi2$= 0.0000	N=1, 000 Prob $\chi2$= 0.0000	N=1, 000 Prob $\chi2$= 0.0000	N=1, 000 Prob $\chi2$= 0.0000

***p < 0.001; **p < 0.01; *p < 0.05; †p < 0.10

D. Effect of Reliance upon Foreign Law on Probability of a Neutral Lower Court Treatment

	Base model			Interaction Model		
	All salience measures	NY Times Salience	CQ Salience	All salience measures	NY Times Salience	CQ Salience
Reliance upon. Foreign Law	-0.11 (0.28)	-0.05 (0.27)	-0.10 (0.27)	-0.67* (0.34)	-0.63* (0.32)	-0.68* (0.33)
Const.Case	---	---	---	-0.32 (0.33)	-0.30 (0.32)	-0.31 (0.33)
Reliance upon. Foreign Law *Const.Case	---	---	---	1.11** (0.43)	1.13** (0.43)	1.12** (0.43)
Readability	-0.12** (0.05)	-0.12** (0.05)	-0.08† (0.05)	-0.13** (0.04)	-0.13** (0.04)	-0.09* (0.05)
Certainty	-0.11 (0.38)	-0.12 (0.38)	-0.07 (0.39)	0.04 (0.42)	0.04** (0.42)	0.05 (0.44)
Age	-0.05* (0.02)	-0.05* (0.02)	-0.06* (0.02)	-0.04 (0.42)	-0.04† (0.03)	-0.05† (0.02)
Dissent	-0.04† (0.02)	0.03 (0.28)	-0.17 (0.29)	-0.09 (0.30)	-0.08 (0.30)	0.33 (0.31)
Precedent Vitality	-0.42*** (0.12)	-0.43*** (0.12)	-0.33** (0.13)	-0.47*** (0.14)	-0.48 (0.13)	-0.36 (0.31)
Complexity	-0.04† (0.02)	-0.04† (0.02)	-0.04† (0.02)	-0.06* (0.03)	-0.06* (0.03)	-0.06* (0.02)
NYT Salience	0.96 (0.52)	1.02* (0.46)	---	0.98† (0.53)	1.05* (0.46)	---
CQ Salience	0.31 (0.48)	---	0.94** (0.35)	0.32 (0.50)	---	0.96 (0.34)**
Legal Imp	0.49 (0.52)	0.71 (0.56)	0.16 (0.47)	0.64 (0.52)	0.85 (0.57)	0.32 (0.49)
Ideol. Consist	-0.29 (0.44)	-0.30 (0.44)	-0.20 (0.45)	-0.25 (0.47)	-0.25 (0.47)	-0.16 (0.49)
Ideol Change	2.61 (0.68)	2.61** (0.95)	3.10*** (0.88)	2.91** (1.01)	2.92** (1.01)	3.35*** (0.93)
	N=1,064 Prob $\chi2$= 0.0000	N=1,064 Prob $\chi2$= 0.0000	N=1,064 Prob $\chi2$= 0.0000	N=1,000 Prob $\chi2$= 0.0000	N=1,000 Prob $\chi2$= 0.0000	N=1,000 Prob $\chi2$= 0.0000

***p < 0.001; ** p<0.01; *p < 0.05; †p<0.10

E. Effect of Reliance upon Foreign Law on Probability of Lower Court Negative and Neutral Treatment, Non-Salient Cases Subset

	Negative Treatment		Neutral Treatment	
	Base Model	Interaction Model	Base Model	Interaction Model
Reliance upon Foreign Law	0.42*	0.16	0.31	0.14
	(0.20)	(0.24)	(0.27)	(0.34)
Const.Case	---	-1.31***	---	-0.49
		(0.36)		(0.35)
Reliance Upon Foreign Law * Const.Case	---	0.99†	---	0.53
		(0.57)		(0.61)
Readability	0.01	-0.02	-0.14**	-0.18***
	(0.04)	(0.05)	(0.56)	(0.05)
Certainty	-0.08	-0.29	0.13	-0.18***
	(0.31)	(0.33)	(0.44)	(0.05)
Age	-0.01	0.00	-0.11***	-0.10**
	(0.02)	(0.02)	(0.03)	(0.03)
Dissent	0.64	0.33	-0.10	-0.22
	(0.28)	(0.32)	(0.34)	(0.39)
Precedent Vitality	-0.02	0.05	0.00	-0.12
	(0.12)	(0.12)	(0.19)	(0.20)
Complexity	-0.02	-0.08†	-0.05	-0.06
	(0.04)	(0.04)	(0.04)	(0.05)
NYT Salience	---	---	---	---
CQ Salience	---	---	---	---
Legal Imp	---	---	---	---
Ideol. Consist	-0.11	0.38	-0.89†	-0.86
	(0.40)	(0.44)	(0.54)	(0.59)
Ideol Change	0.38	-0.69	4.56***	5.12***
	(0.95)	(0.97)	(1.28)	(1.25)
	N=670	N=606	N=670	N=606
	Prob $\chi2$=0.0000	Prob $\chi2$=0.0000	Prob $\chi2$=0.0000	Prob $\chi2$=0.0000

***p < 0.001; ** p<0.01; *p < 0.05; †p<0.10

F. Predicted Probabilities for Non-Salient Cases Subset

	Reliance Upon Foreign Law	
Constitutional Case	Yes	No
Yes	(Negative) 0.20 [0.07, 0.32] (Neutral) 0.10 [0.01, 0.18] (Positive) 0.71 [0.57, 0.85]	(Negative) 0.06 [0.01, 0.11] (Neutral) 0.06 [0.02, 0.10] (Positive) 0.88 [0.82, 0.95]
No	(Negative) 0.26 [0.19, 0.34] (Neutral) 0.08 [0.03, 0.13] (Positive) 0.66 [0.58, 0.74]	(Negative) 0.23 [0.17, 0.29] (Neutral) 0.07 [0.04, 0.11] (Positive) 0.69 [0.63. 0.76]

G. Effect of Reliance upon Foreign Law on Probability of Lower Court Negative and Neutral Treatment, Conservative Lower Court Outcome Cases Subset

	Negative Treatment		Neutral Treatment	
	Base Model	Interaction Model	Base Model	Interaction Model
Reliance Upon Foreign Law	0.72**	-0.18	0.06	-0.89†
	(0.25)	(0.35)	(0.26)	(0.53)
Const.Case	---	-1.37***	---	-0.89*
		(0.42)		(0.43)
Reliance Upon Foreign Law* Const.Case	---	1.66**	---	1.71**
		(0.54)		(0.63)
Readability	-0.01	0.00	0.08	-0.10
	(0.05)	(0.05)	(0.06)	(0.06)
Certainty	-0.43	-0.73†	0.37	-0.38
	(0.43)	(0.44)	(0.55)	(0.55)
Age	-0.01	-0.01	-0.11***	-0.10***
	(0.02)	(0.03)	(0.03)	(0.03)
Dissent	0.59†	0.26	-0.23	-0.04
	(0.33)	(0.38)	(0.38)	(0.03)
Precedent	-0.07	-0.01	-0.46**	-0.46**
Vitality	(0.09)	(0.09)	(0.15)	(0.16)
Complexity	-0.04	-0.07*	-0.02	-0.04
	(0.02)	(0.03)	(0.02)	(0.03)
NYT	-0.86*	-0.93*	-0.39	-0.55
Salience	(0.44)	(0.45)	(0.71)	(0.69)
CQ Salience	1.55***	2.06 ***	1.02	1.57*
	(0.49)	(0.50)	(0.75)	(0.80)
Legal Imp	-0.20	0.50	0.07	0.40
	(0.51)	(0.56)	(0.48)	(0.50)
Ideol. Consist	-0.61	-0.73	-0.20	-0.25
	(0.45)	(0.50)	(0.59)	(0.65)
Ideol Change	0.71	-0.31	3.09**	3.16**
	(1.03)	(0.98)	(1.07)	(1.13)
	N=608	N=573	N=608	N=573
	Prob $\chi2$=0.0000	Prob $\chi2$=0.0000	Prob $\chi2$=0.0000	Prob $\chi2$=0.0000

***p < 0.001; **p < 0.01; *p < 0.05; †p < 0.10

H. Predicted Probabilities in Conservative Lower Court Outcome Subset

	Reliance Upon Foreign Law in Conservative Lower Court Outcome Subset	
Constitutional Case	Yes	No
Yes	(Negative) 0.26 [0.14, 0.37] (Neutral) 0.09 [0.02, 0.16] (Positive) 0.65 [0.52, 0.77]	(Negative) 0.07 [0.01, 0.12] (Neutral) 0.05 [0.01, 0.09] (Positive) 0.88 [0.81, 0.95]
No	(Negative) 0.22 [0.12, 0.32] (Neutral) 0.04 [0.01, 0.07] (Positive) 0.74 [0.64, 0.83]	(Negative) 0.24 [0.17, 0.31] (Neutral) 0.09 [0.05, 0.15] (Positive) 0.66 [0.59, 0.74]

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I. Effect of Lower Court Judge's Ideology on the Probability of Lower Court Negative Treatment, Foreign Law Cases Subset

	Giles, Hettinger and Pepper Scores		Judicial Common Space Scores	
	Base Model	Interaction Model	Base Model	Interaction Model
Judicial ideology	0.08	-0.12	-0.04	-0.24
	(0.13)	(0.18)	(0.13)	(0.17)
Const.Case	--	-0.32**	--	0.34**
		(0.12)		(0.12)
Judicial ideology *Const.Case	--	0.36	--	0.34
		(0.24)		(0.23)
Readability	0.01	-0.02	0.01	-0.01
	(0.01)	(0.01)	(0.01)	(0.01)
Certainty	0.07	0.29*	0.02	0.26†
	(014)	(0.15)	(0.15)	(0.15)
Age	-0.01	0.00	-0.01	0.00
	(0.01)	(0.01)	(0.01)	(0.01)
Dissent	0.27	-0.13	0.27	-0.18
	(0.15)	(0.16)	(0.15)	(0.17)
Precedent	-0.04	-0.02	-0.04	-0.03
Vitality	(0.03)	(0.03)	(0.03)	(0.03)
Complexity	-0.02***	-0.02***	-0.03***	-0.03***
	(0.00)	(0.00)	(0.00)	(0.00)
NYT Salience	-0.08	-0.16	0.00	-0.10
	(0.15)	(0.15)	(0.16)	(0.16)
CQ Salience	0.65***	0.91***	0.56***	0.83***
	(0.15)	(0.16)	(0.16)	(0.16)
Legal Imp	0.43**	0.49***	0.50***	0.57***
	(0.15)	(0.15)	(0.15)	(0.15)
Ideol. Consist	0.09	-0.04	0.05	-0.08
	(0.16)	(0.16)	(0.17)	(0.17)
Ideol Change	-0.51†	-0.93	-0.73*	-1.15***
	(0.29)	(0.16)	(0.30)	(0.32)
	N= 2038	N= 2002	N=1901	N=1865
	Prob $\chi 2$=0.0000	Prob $\chi 2$=0.0000	Prob $\chi 2$=0.0000	Prob $\chi 2$=0.0000

***p < 0.001; **p < 0.01; *p < 0.05; †p < 0.10

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J. Effect of Lower Court Judge's Ideology on the Probability of Lower Court Neutral Treatment, Foreign Law Cases Subset

	Giles, Hettinger and Peppers Scores		Judicial Common Space Scores	
	Base Model	Interaction Model	Base Model	Interaction Model
Judicial ideology	0.03 (0.16)	0.41† 0.24	-0.06 (0.16)	0.21 (0.23)
Const.Case	---	0.37** (014)	---	0.39** (0.15)
Judicial ideology *Const.Case	---	-0.65* (0.31)	---	-0.47 (0.30)
Readability	0.01 (0.01)	0.00 (0.01)	0.02 (0.02)	0.00 (0.02)
Certainty	-0.32† (0.18)	-0.29 (0.19)	-0.34† (0.19)	-0.30 (0.20)
Age	-0.04*** (0.01)	-0.04*** (0.01)	-0.04*** (0.01)	-0.04*** (0.01)
Dissent	-0.09 (0.19)	-0.03 (0.23)	-0.18 (0.21)	-0.12 (0.25)
Precedent Vitality	-0.07† (0.04)	-0.10)** (0.04)	-0.07 (0.04)	-0.10* (0.04)
Complexity	-0.01** (0.00)	-0.02*** (0.00)	-0.01* (0.00)	-0.02*** (0.00)
NYT Salience	0.23 (0.20)	0.25 (0.20)	0.27 (0.20)	0.29 (0.21)
CQ Salience	0.54** (0.18)	0.49** (0.19)	0.48** (0.19)	0.44* (0.20)
Legal Imp	0.29† (0.18)	0.24 (0.18)	0.36* (0.18)	0.30† (0.18)
Ideol. Consist	0.48** (0.19)	0.55** (0.19)	0.47** (0.19)	0.53** (0.19)
Ideol Change	-0.77* (0.34)	-0.59* (0.37)	-0.80* (0.35)	-0.61 (0.38)
	N= 2038 Prob $\chi 2$=0.0000	N= 2002 Prob $\chi 2$=0.0000	N=1901 Prob $\chi 2$=0.0000	N=1865 Prob $\chi 2$=0.0000

***p < 0.001; **p < 0.01; *p < 0.05; †p < 0.10