**ONLINE APPENDIX**

Appendix A.0: The Relationship between Prjor Appellate Clerkships, Law School Success, and Subsequent Career Experiences

As discussed in Footnote 3, Supreme Court and U.S. Courts of Appeals clerks tend to share other characteristics with elite appellate litigators, due to the selection criteria for the clerkships and the career advantages afforded to former clerks. These skills and experiences are also likely correlated with the success of Supreme Court oral advocates. As such, it is important to understand the nature of these relationships.

First, the rigorous selection process virtually ensures former clerks have excellent reading and writing skills—all necessary, if not sufficient, characteristics of a successful appellate advocate. For example, most Supreme Court clerks attended highly selective, elite law schools, where they almost always ranked near the top of the class and served on the law review editorial board (Peppers 2006).[[1]](#footnote-1) Both characteristics should (imperfectly) reflect characteristics like intellect and writing ability—and both criteria should correlate with the ability to construct and present persuasive legal arguments. Graduates of elite law schools, for example, tend to deliver higher quality oral arguments (Johnson, Wahlbeck, and Spriggs 2006).

Former Supreme Court clerks also typically follow the career path of elite litigators. They often work for large firms in appellate litigation divisions, or they work for the OSG (Ward, Dwyer, and Gill 2014). Additionally, in part due to these career paths, former clerks are far more likely to subsequently argue before the Supreme Court (O’Connor and Hermann 1995). A study on the Roberts Court’s 2015 Supreme Court Term finds that 18% of the Supreme Court cases with oral arguments and published opinions include an appearance from a former Roberts Court clerk (Feldman 2017).

**Figure A.0.1: Bar Graphs of Prior Law Clerkship and other Attorney Characteristics**

A graph of a number of people

Description automatically generated with medium confidence

Overall, while the specific clerk experiences should yield some relevant litigation advantages (e.g., enhanced credibility and an insider’s understanding of the process), the selection process and subsequent employment trajectory also ensure that most former clerks share additional advantages with other top Supreme Court litigators. We illustrate different experiences of former clerks in bar graphs. Each diagram contains three panels of bar graphs—for former Supreme Court clerks, former Court of Appeals clerks, and attorneys who had neither clerkship—that all sum to 100 percent. The total percentage represents the total population of attorney oral arguments in our dataset from the 1993-2014 terms. Each diagram also contains bars representing the proportion of arguments delivered by former Supreme Court clerks whose highest clerkship was at the Supreme Court level (filled with a very dark grey color), U.S. Court of Appeals clerks whose highest clerkship was at the Court of Appeals level (filled with a medium grey color), and those who have never clerked for either court (filled with a light grey color). Note that the overwhelming majority of former SCOTUS clerks first clerked for a U.S. Court of Appeals judge; former SCOTUS clerks deliver close to 30 percent of all arguments, while former U.S. Courts of Appeals clerks present more than 45 percent of the arguments.

Each bar graph reflects the proportion of oral arguments delivered by attorneys sharing a distinct characteristic (reflected in the titles of the corresponding subfigure). For example, in the upper left corner, the stacked bar graph shows that elite law school alumni delivered just over 60 percent of the arguments. And while graduates of elite schools presented a little under half of the non-clerk arguments, it is clear that an overwhelming majority of the clerks had degrees from elite law schools. The pattern is most striking in the Honors/Law Review diagram. The stacked bar graph on the left indicates the proportion of oral arguments declaimed by lawyers that served on law review and/or graduated with honors. Almost 95 percent of the Supreme Court clerks and 85 percent of the U.S. Courts of Appeals clerks performed well enough to satisfy at least one of those criteria while in law school.

Overall, the bar graphs suggest that any attempt to isolate the effects of prior appellate clerkships on Supreme Court advocacy must control for those additional advantages the clerks share with other influential members of the Supreme Court bar.

Appendix A.1: Descriptive Statistics of Estimation Sample

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | mean | sd | min | max |
| Justice Vote for Petitioner: 1 if yes, 0 if no | 0.607 | 0.488 | 0 | 1 |
|  |  |  |  |  |
| Pet. Clerk for SCOTUS Justice | 0.0138 | 0.117 | 0 | 1 |
|  |  |  |  |  |
| Pet. Clerk for Diff. SCOTUS Justice | 0.289 | 0.453 | 0 | 1 |
|  |  |  |  |  |
| Pet. Clerk for USCA Highest | 0.170 | 0.376 | 0 | 1 |
|  |  |  |  |  |
| Resp. Clerk for SCOTUS Justice | 0.0133 | 0.114 | 0 | 1 |
|  |  |  |  |  |
| Resp. Clerk for Diff. SCOTUS Justice | 0.268 | 0.443 | 0 | 1 |
|  |  |  |  |  |
| Resp. Clerk for USCA Highest | 0.162 | 0.368 | 0 | 1 |
|  |  |  |  |  |
| Pet. Attorney Law School | 0.621 | 0.485 | 0 | 1 |
|  |  |  |  |  |
| Pet. Attorney Honors | 0.690 | 0.462 | 0 | 1 |
|  |  |  |  |  |
| Pet. DC Firm | 0.292 | 0.455 | 0 | 1 |
|  |  |  |  |  |
| Log Pet. Attorney Experience | 1.221 | 1.422 | 0 | 4.984 |
|  |  |  |  |  |
| Pet. Attorney Gender | 0.111 | 0.315 | 0 | 1 |
|  |  |  |  |  |
| Pet. Former OSG | 0.170 | 0.376 | 0 | 1 |
|  |  |  |  |  |
| OSG Amicus for Pet. | 0.263 | 0.440 | 0 | 1 |
|  |  |  |  |  |
| Resp. Attorney Law School | 0.584 | 0.493 | 0 | 1 |
|  |  |  |  |  |
| Resp. Attorney Honors | 0.645 | 0.478 | 0 | 1 |
|  |  |  |  |  |
| Resp. DC Firm | 0.250 | 0.433 | 0 | 1 |
|  |  |  |  |  |
| Log Resp. Attorney Experience | 1.156 | 1.410 | 0 | 5.004 |
|  |  |  |  |  |
| Resp. Attorney Gender | 0.149 | 0.357 | 0 | 1 |
|  |  |  |  |  |
| Resp. Former OSG | 0.115 | 0.319 | 0 | 1 |
|  |  |  |  |  |
| OSG Amicus for Resp. | 0.146 | 0.353 | 0 | 1 |
|  |  |  |  |  |
| Pet. Party Capability | 5.849 | 2.725 | 1 | 10 |
|  |  |  |  |  |
| Resp. Party Capability | 6.149 | 2.830 | 2 | 10 |
|  |  |  |  |  |
| Amicus Brief Difference | 0.218 | 4.566 | -52 | 40 |
|  |  |  |  |  |
| Pet. Amicus Oral Argument | 0.276 | 0.447 | 0 | 1 |
|  |  |  |  |  |
| Resp. Amicus Oral Argument | 0.175 | 0.380 | 0 | 1 |
|  |  |  |  |  |
| Ideological Congruence (S-C) | 0.499 | 0.294 | 0 | 1 |
|  |  |  |  |  |
| Case Criminal Issue | 0.253 | 0.435 | 0 | 1 |
|  |  |  |  |  |
| Case Economic Issue | 0.257 | 0.437 | 0 | 1 |
|  |  |  |  |  |
| Case Salience | 0.142 | 0.349 | 0 | 1 |
|  |  |  |  |  |
| Case Legal Importance | 0.0209 | 0.143 | 0 | 1 |
|  |  |  |  |  |
| Case Complexity | -0.0493 | 0.795 | -0.937 | 4.731 |
|  |  |  |  |  |
| Case Lack of Legal Dissensus | 0.742 | 0.437 | 0 | 1 |
| Observations | 11898 |  |  |  |

Appendix A.2: Table of Main Logistic Regression Model Results (t statistics in parentheses)

|  |  |
| --- | --- |
| Independent Variables | Coefficients |
|  |  |
| Pet. Clerk for SCOTUS Justice | 0.399\*\* |
|  | (3.17) |
|  |  |
| Pet. Clerk for Diff. SCOTUS Justice | 0.141\*\*\* |
|  | (3.98) |
|  |  |
| Pet. Clerk for USCA Highest | 0.077\*\* |
|  | (1.98) |
|  |  |
| Resp. Clerk for SCOTUS Justice | -0.265\*\*\* |
|  | (-3.44) |
|  |  |
| Resp. Clerk for Diff. SCOTUS Justice | -0.134\*\* |
|  | (-2.57) |
|  |  |
| Resp. Clerk for USCA Highest | -0.406\*\*\* |
|  | (-8.48) |
|  |  |
| Pet. Attorney Law School | 0.248\*\*\* |
|  | (4.72) |
|  |  |
| Pet. Attorney Honors | 0.069\*\* |
|  | (2.08) |
|  |  |
| Pet. DC Firm | 0.137\*\* |
|  | (3.27) |
|  |  |
| Log Pet. Attorney Experience | 0.051\*\* |
|  | (2.55) |
|  |  |
| Pet. Attorney Gender | 0.086 |
|  | (1.30) |
|  |  |
| Pet. Former OSG | -0.131 |
|  | (-1.19) |
|  |  |
| OSG Amicus for Pet. | 0.165\*\* |
|  | (1.98) |
|  |  |
| Resp. Attorney Law School | -0.080\*\* |
|  | (-2.10) |
|  |  |
| Resp. Attorney Honors | 0.162\*\*\* |
|  | (3.99) |
|  |  |
| Resp. DC Firm | -0.149\*\* |
|  | (-2.42) |
|  |  |
| Log Resp. Attorney Experience | -0.027 |
|  | (-1.57) |
|  |  |
| Resp. Attorney Gender | -0.010 |
|  | (-0.21) |
|  |  |
| Resp. Former OSG | -0.005 |
|  | (-0.07) |
|  |  |
| OSG Amicus for Resp. | -0.402\*\*\* |
|  | (-8.08) |
|  |  |
| Pet. Party Capability | 0.002 |
|  | (0.13) |
|  |  |
| Resp. Party Capability | -0.004 |
|  | (-0.21) |
|  |  |
| Amicus Brief Difference | 0.034\*\*\* |
|  | (6.72) |
|  |  |
| Pet. Amicus Oral Argument | 0.388\*\*\* |
|  | (9.05) |
|  |  |
| Resp. Amicus Oral Argument | -0.315\*\*\* |
|  | (-4.40) |
|  |  |
| Ideological Congruence (S-C) | 1.184\*\*\* |
|  | (3.93) |
|  |  |
| Case Criminal Issue | 0.110\*\* |
|  | (2.26) |
|  |  |
| Case Economic Issue | -0.130\*\*\* |
|  | (-3.58) |
|  |  |
| Case Salience | -0.107\*\* |
|  | (-1.97) |
|  |  |
| Case Legal Importance | 0.183\* |
|  | (1.84) |
|  |  |
| Case Complexity | -0.128\*\*\* |
|  | (-3.91) |
|  |  |
| Case Lack of Legal Dissensus | -0.162\*\*\* |
|  | (-4.34) |
|  |  |
| Constant | -0.248 |
|  | (-1.29) |
| Observations | 11898 |

\* *p* < 0.1, \*\* *p* < 0.05, \*\*\* *p* < 0.001

Appendix A.3: Table of Robustness Check Using Martin-Quinn Scores for Ideological Congruence Instead of Segal-Cover Scores (t statistics in parentheses)

|  |  |
| --- | --- |
| Independent Variables | Coefficients |
|  |  |
| Pet. Clerk for SCOTUS Justice | 0.309\*\* |
|  | (2.45) |
|  |  |
| Pet. Clerk for Diff. SCOTUS Justice | 0.140\*\*\* |
|  | (3.57) |
|  |  |
| Pet. Clerk for USCA Highest | 0.069\* |
|  | (1.77) |
|  |  |
| Resp. Clerk for SCOTUS Justice | -0.174\*\* |
|  | (-2.00) |
|  |  |
| Resp. Clerk for Diff. SCOTUS Justice | -0.139\*\* |
|  | (-2.63) |
|  |  |
| Resp. Clerk for USCA Highest | -0.427\*\*\* |
|  | (-8.72) |
|  |  |
| Pet. Attorney Law School | 0.255\*\*\* |
|  | (4.71) |
|  |  |
| Pet. Attorney Honors | 0.076\*\* |
|  | (2.44) |
|  |  |
| Pet. DC Firm | 0.143\*\* |
|  | (3.17) |
|  |  |
| Log Pet. Attorney Experience | 0.043\*\* |
|  | (2.44) |
|  |  |
| Pet. Attorney Gender | 0.083 |
|  | (1.24) |
|  |  |
| Pet. Former OSG | -0.069 |
|  | (-0.74) |
|  |  |
| OSG Amicus for Pet. | 0.164\* |
|  | (1.93) |
|  |  |
| Resp. Attorney Law School | -0.067\*\* |
|  | (-2.09) |
|  |  |
| Resp. Attorney Honors | 0.172\*\*\* |
|  | (4.51) |
|  |  |
| Resp. DC Firm | -0.172\*\* |
|  | (-2.96) |
|  |  |
| Log Resp. Attorney Experience | -0.024 |
|  | (-1.35) |
|  |  |
| Resp. Attorney Gender | -0.009 |
|  | (-0.20) |
|  |  |
| Resp. Former OSG | -0.026 |
|  | (-0.28) |
|  |  |
| OSG Amicus for Resp. | -0.388\*\*\* |
|  | (-8.88) |
|  |  |
| Pet. Party Capability | 0.022\*\* |
|  | (2.12) |
|  |  |
| Resp. Party Capability | -0.019 |
|  | (-1.56) |
|  |  |
| Amicus Brief Difference | 0.033\*\*\* |
|  | (6.60) |
|  |  |
| Pet. Amicus Oral Argument | 0.429\*\*\* |
|  | (12.06) |
|  |  |
| Resp. Amicus Oral Argument | -0.339\*\*\* |
|  | (-4.90) |
|  |  |
| Ideological Congruence (M-Q) | 0.267\*\*\* |
|  | (9.26) |
|  |  |
| Case Criminal Issue | 0.104\*\* |
|  | (2.18) |
|  |  |
| Case Economic Issue | -0.109\*\* |
|  | (-2.61) |
|  |  |
| Case Salience | -0.103\* |
|  | (-1.77) |
|  |  |
| Case Legal Importance | 0.219\*\* |
|  | (2.28) |
|  |  |
| Case Complexity | -0.122\*\*\* |
|  | (-3.83) |
|  |  |
| Case Lack of Legal Dissensus | -0.187\*\*\* |
|  | (-4.40) |
|  |  |
| Constant | 0.334\*\*\* |
|  | (3.32) |
| Observations | 11898 |

\* *p* < 0.1, \*\* *p* < 0.05, \*\*\* *p* < 0.001

Appendix A.4: Table of Robustness Check Using a Scale of the Controls of the Attorney Capability Variables (t statistics in parentheses)

|  |  |
| --- | --- |
| Independent Variables | Coefficients |
|  |  |
| Pet. Clerk for SCOTUS Justice | 0.459\*\*\* |
|  | (3.67) |
|  |  |
| Pet. Clerk for Diff. SCOTUS Justice | 0.185\*\*\* |
|  | (4.15) |
|  |  |
| Pet. Clerk for USCA Highest | 0.132\*\* |
|  | (2.89) |
|  |  |
| Resp. Clerk for SCOTUS Justice | -0.222\*\* |
|  | (-2.85) |
|  |  |
| Resp. Clerk for Diff. SCOTUS Justice | -0.094\* |
|  | (-1.89) |
|  |  |
| Resp. Clerk for USCA Highest | -0.369\*\*\* |
|  | (-7.53) |
|  |  |
| Pet. Attorney Gender | 0.077 |
|  | (1.27) |
|  |  |
| Pet. Attorney Capability | 0.138\*\*\* |
|  | (5.67) |
|  |  |
| OSG Amicus for Pet. | 0.133\* |
|  | (1.75) |
|  |  |
| Resp. Attorney Gender | -0.013 |
|  | (-0.29) |
|  |  |
| Resp. Attorney Capability | -0.066\*\* |
|  | (-3.04) |
|  |  |
| OSG Amicus for Resp. | -0.410\*\*\* |
|  | (-8.04) |
|  |  |
| Pet. Party Capability | 0.006 |
|  | (0.38) |
|  |  |
| Resp. Party Capability | -0.001 |
|  | (-0.05) |
|  |  |
| Amicus Brief Difference | 0.034\*\*\* |
|  | (6.97) |
|  |  |
| Pet. Amicus Oral Argument | 0.389\*\*\* |
|  | (8.85) |
|  |  |
| Resp. Amicus Oral Argument | -0.328\*\*\* |
|  | (-4.92) |
|  |  |
| Ideological Congruence (S-C) | 1.160\*\*\* |
|  | (3.81) |
|  |  |
| Case Criminal Issue | 0.104\*\* |
|  | (2.32) |
|  |  |
| Case Economic Issue | -0.126\*\*\* |
|  | (-3.53) |
|  |  |
| Case Salience | -0.100\* |
|  | (-1.82) |
|  |  |
| Case Legal Importance | 0.180\* |
|  | (1.89) |
|  |  |
| Case Complexity | -0.134\*\*\* |
|  | (-4.15) |
|  |  |
| Case Lack of Legal Dissensus | -0.159\*\*\* |
|  | (-4.07) |
|  |  |
| Constant | -0.043 |
|  | (-0.21) |
| Observations | 11898 |

\* *p* < 0.1, \*\* *p* < 0.05, \*\*\* *p* < 0.001

Appendix A.5: Table of Robustness Check of Attorneys who were SCOTUS Clerks but not USCA Clerks (t statistics in parentheses)

|  |  |
| --- | --- |
| Independent Variables | Coefficients |
|  |  |
| Pet. Clerk for Diff. SCOTUS Justice, not USCA | 0.183 |
|  | (1.47) |
|  |  |
| Pet. Clerk for SCOTUS Justice, not USCA | -0.201 |
|  | (-0.40) |
|  |  |
| Pet. Clerk for Diff. SCOTUS Justice & USCA | 0.129\*\*\* |
|  | (4.11) |
|  |  |
| Pet. Clerk for SCOTUS Justice, & USCA | 0.412\*\* |
|  | (2.96) |
|  |  |
| Pet. Clerk for USCA Highest | 0.078\*\* |
|  | (1.98) |
|  |  |
| Resp. Clerk for Diff. SCOTUS Justice, not USCA | -0.373\*\*\* |
|  | (-4.93) |
|  |  |
| Resp. Clerk for SCOTUS Justice, not USCA | -0.352\* |
|  | (-1.75) |
|  |  |
| Resp. Clerk for Diff. SCOTUS Justice & USCA | -0.101\* |
|  | (-1.92) |
|  |  |
| Resp. Clerk for SCOTUS Justice, & USCA | -0.254\*\* |
|  | (-3.13) |
|  |  |
| Resp. Clerk for USCA Highest | -0.408\*\*\* |
|  | (-8.45) |
|  |  |
| Pet. Attorney Law School | 0.247\*\*\* |
|  | (4.60) |
|  |  |
| Pet. Attorney Honors | 0.069\*\* |
|  | (2.06) |
|  |  |
| Pet. DC Firm | 0.135\*\* |
|  | (3.22) |
|  |  |
| Log Pet. Attorney Experience | 0.050\*\* |
|  | (2.47) |
|  |  |
| Pet. Attorney Gender | 0.081 |
|  | (1.24) |
|  |  |
| Pet. Party Capability | 0.004 |
|  | (0.24) |
|  |  |
| Pet. Former OSG | -0.122 |
|  | (-1.12) |
|  |  |
| OSG Amicus for Pet. | 0.162\* |
|  | (1.93) |
|  |  |
| Resp. Attorney Law School | -0.083\*\* |
|  | (-2.26) |
|  |  |
| Resp. Attorney Honors | 0.159\*\*\* |
|  | (3.96) |
|  |  |
| Resp. DC Firm | -0.154\*\* |
|  | (-2.50) |
|  |  |
| Log Resp. Attorney Experience | -0.020 |
|  | (-1.12) |
|  |  |
| Resp. Attorney Gender | 0.000 |
|  | (0.00) |
|  |  |
| Resp. Party Capability | -0.005 |
|  | (-0.26) |
|  |  |
| Resp. Former OSG | -0.033 |
|  | (-0.40) |
|  |  |
| OSG Amicus for Resp. | -0.398\*\*\* |
|  | (-8.36) |
|  |  |
| Ideological Congruence (S-C) | 1.184\*\*\* |
|  | (3.94) |
|  |  |
| Amicus Brief Difference | 0.034\*\*\* |
|  | (6.63) |
|  |  |
| Pet. Amicus Oral Argument | 0.390\*\*\* |
|  | (8.88) |
|  |  |
| Resp. Amicus Oral Argument | -0.315\*\*\* |
|  | (-4.44) |
|  |  |
| Case Criminal Issue | 0.104\*\* |
|  | (2.06) |
|  |  |
| Case Economic Issue | -0.126\*\*\* |
|  | (-3.53) |
|  |  |
| Case Salience | -0.105\* |
|  | (-1.95) |
|  |  |
| Case Legal Importance | 0.178\* |
|  | (1.79) |
|  |  |
| Case Complexity | -0.127\*\*\* |
|  | (-3.88) |
|  |  |
| Case Lack of Legal Dissensus | -0.162\*\*\* |
|  | (-4.30) |
|  |  |
| Constant | -0.255 |
|  | (-1.34) |
| Observations | 11898 |

\* *p* < 0.1, \*\* *p* < 0.05, \*\*\* *p* < 0.001

Appendix A.6: Table of Robustness Check of Exclusion of Cases where an Attorney Clerked for the SCOTUS but not the USCA for At Least One Side of the Case (t statistics in parentheses)

|  |  |
| --- | --- |
| Independent Variables | Coefficients |
|  |  |
| Pet. Clerk for SCOTUS Justice | 0.488\*\*\* |
|  | (3.33) |
|  |  |
| Pet. Clerk for Diff. SCOTUS Justice | 0.161\*\*\* |
|  | (4.41) |
|  |  |
| Pet. Clerk for USCA Highest | 0.124\*\* |
|  | (2.99) |
|  |  |
| Resp. Clerk for SCOTUS Justice | -0.264\*\* |
|  | (-2.56) |
|  |  |
| Resp. Clerk for Diff. SCOTUS Justice | -0.101\* |
|  | (-1.92) |
|  |  |
| Resp. Clerk for USCA Highest | -0.422\*\*\* |
|  | (-9.50) |
|  |  |
| Pet. Attorney Law School | 0.259\*\*\* |
|  | (4.38) |
|  |  |
| Pet. Attorney Honors | 0.030 |
|  | (1.11) |
|  |  |
| Pet. DC Firm | 0.007 |
|  | (0.17) |
|  |  |
| Log Pet. Attorney Experience | 0.060\*\* |
|  | (2.62) |
|  |  |
| Pet. Attorney Gender | 0.117\* |
|  | (1.96) |
|  |  |
| Pet. Party Capability | 0.005 |
|  | (0.27) |
|  |  |
| Pet. Former OSG | -0.050 |
|  | (-0.43) |
|  |  |
| OSG Amicus for Pet. | 0.201\*\* |
|  | (2.50) |
|  |  |
| Resp. Attorney Law School | -0.056 |
|  | (-1.51) |
|  |  |
| Resp. Attorney Honors | 0.167\*\*\* |
|  | (4.28) |
|  |  |
| Resp. DC Firm | -0.167\*\* |
|  | (-2.77) |
|  |  |
| Log Resp. Attorney Experience | -0.021 |
|  | (-1.12) |
|  |  |
| Resp. Attorney Gender | -0.032 |
|  | (-0.77) |
|  |  |
| Resp. Party Capability | -0.004 |
|  | (-0.22) |
|  |  |
| Resp. Former OSG | -0.021 |
|  | (-0.24) |
|  |  |
| OSG Amicus for Resp. | -0.369\*\*\* |
|  | (-6.99) |
|  |  |
| Ideological Congruence (S-C) | 1.187\*\*\* |
|  | (3.83) |
|  |  |
| Amicus Brief Difference | 0.043\*\*\* |
|  | (7.99) |
|  |  |
| Pet. Amicus Oral Argument | 0.370\*\*\* |
|  | (8.02) |
|  |  |
| Resp. Amicus Oral Argument | -0.299\*\*\* |
|  | (-4.28) |
|  |  |
| Case Criminal Issue | 0.113\*\* |
|  | (2.98) |
|  |  |
| Case Economic Issue | -0.108\*\* |
|  | (-2.97) |
|  |  |
| Case Salience | -0.083 |
|  | (-1.47) |
|  |  |
| Case Legal Importance | 0.179\* |
|  | (1.78) |
|  |  |
| Case Complexity | -0.120\*\*\* |
|  | (-3.51) |
|  |  |
| Case Lack of Legal Dissensus | -0.187\*\*\* |
|  | (-4.69) |
|  |  |
| Constant | -0.264 |
|  | (-1.43) |
| Observations | 11080 |

\* *p* < 0.1, \*\* *p* < 0.05, \*\*\* *p* < 0.001

Appendix A.7: Table of Model Estimates without Control Variables (t statistics in parentheses)

|  |  |
| --- | --- |
| Independent Variables | Coefficients |
|  |  |
| Pet. Clerk for SCOTUS Justice | 0.649\*\*\* |
|  | (5.20) |
|  |  |
| Pet. Clerk for Diff. SCOTUS Justice | 0.377\*\*\* |
|  | (10.47) |
|  |  |
| Pet. Clerk for USCA Highest | 0.262\*\*\* |
|  | (8.95) |
|  |  |
| Resp. Clerk for SCOTUS Justice | -0.411\*\*\* |
|  | (-3.32) |
|  |  |
| Resp. Clerk for Diff. SCOTUS Justice | -0.222\*\*\* |
|  | (-3.88) |
|  |  |
| Resp. Clerk for USCA Highest | -0.438\*\*\* |
|  | (-5.83) |
|  |  |
| Constant | 0.414\*\*\* |
|  | (11.69) |
| Observations | 11898 |

\* *p* < 0.05, \*\* *p* < 0.01, \*\*\* *p* < 0.001

Appendix A.8: Table of Robustness Check Excluding Case Variables

|  |  |
| --- | --- |
| Independent Variables | Coefficients |
|  |  |
| Pet. Clerk for SCOTUS Justice | 0.428\*\* |
|  | (3.28) |
|  |  |
| Pet. Clerk for Diff. SCOTUS Justice | 0.165\*\*\* |
|  | (4.19) |
|  |  |
| Pet. Clerk for USCA Highest | 0.114\*\* |
|  | (2.96) |
|  |  |
| Resp. Clerk for SCOTUS Justice | -0.236\*\* |
|  | (-3.02) |
|  |  |
| Resp. Clerk for Diff. SCOTUS Justice | -0.119\*\* |
|  | (-2.38) |
|  |  |
| Resp. Clerk for USCA Highest | -0.373\*\*\* |
|  | (-7.58) |
|  |  |
| Pet. Attorney Law School | 0.232\*\*\* |
|  | (4.71) |
|  |  |
| Pet. Attorney Honors | 0.055 |
|  | (1.58) |
|  |  |
| Pet. DC Firm | 0.120\*\* |
|  | (2.84) |
|  |  |
| Log Pet. Attorney Experience | 0.044\*\* |
|  | (2.21) |
|  |  |
| Pet. Attorney Gender | 0.110 |
|  | (1.64) |
|  |  |
| Pet. Former OSG | -0.136 |
|  | (-1.23) |
|  |  |
| OSG Amicus for Pet. | 0.142\* |
|  | (1.80) |
|  |  |
| Resp. Attorney Law School | -0.099\*\* |
|  | (-2.42) |
|  |  |
| Resp. Attorney Honors | 0.157\*\*\* |
|  | (3.95) |
|  |  |
| Resp. DC Firm | -0.159\*\* |
|  | (-2.62) |
|  |  |
| Log Resp. Attorney Experience | -0.037\*\* |
|  | (-2.28) |
|  |  |
| Resp. Attorney Gender | 0.003 |
|  | (0.08) |
|  |  |
| Resp. Former OSG | 0.005 |
|  | (0.07) |
|  |  |
| OSG Amicus for Resp. | -0.426\*\*\* |
|  | (-8.32) |
|  |  |
| Pet. Party Capability | -0.001 |
|  | (-0.05) |
|  |  |
| Resp. Party Capability | -0.005 |
|  | (-0.28) |
|  |  |
| Amicus Brief Difference | 0.035\*\*\* |
|  | (6.93) |
|  |  |
| Pet. Amicus Oral Argument | 0.386\*\*\* |
|  | (9.94) |
|  |  |
| Resp. Amicus Oral Argument | -0.330\*\*\* |
|  | (-4.47) |
|  |  |
| Ideological Congruence (S-C) | 1.158\*\*\* |
|  | (3.82) |
|  |  |
| Constant | -0.296 |
|  | (-1.62) |
| Observations | 11898 |

*t* statistics in parentheses

\* *p* < 0.1, \*\* *p* < 0.05, \*\*\* *p* < 0.001

Appendix A.9: Table of Robustness Check with Interaction Terms for Gender and Women’s Issues

|  |  |
| --- | --- |
| Independent Variables | Coefficients |
|  |  |
| Pet. Clerk for SCOTUS Justice | 0.394\*\* |
|  | (3.13) |
|  |  |
| Pet. Clerk for Diff. SCOTUS Justice | 0.136\*\*\* |
|  | (3.62) |
|  |  |
| Pet. Clerk for USCA Highest | 0.072\* |
|  | (1.83) |
|  |  |
| Resp. Clerk for SCOTUS Justice | -0.264\*\*\* |
|  | (-3.40) |
|  |  |
| Resp. Clerk for Diff. SCOTUS Justice | -0.133\*\* |
|  | (-2.55) |
|  |  |
| Resp. Clerk for USCA Highest | -0.403\*\*\* |
|  | (-8.53) |
|  |  |
| Pet. Attorney Law School | 0.251\*\*\* |
|  | (4.86) |
|  |  |
| Pet. Attorney Honors | 0.067\* |
|  | (1.94) |
|  |  |
| Pet. DC Firm | 0.137\*\*\* |
|  | (3.33) |
|  |  |
| Log Pet. Attorney Experience | 0.051\*\* |
|  | (2.58) |
|  |  |
| Women's Issue | 0.153\*\* |
|  | (2.43) |
|  |  |
| Female Petitioner | 0.081 |
|  | (1.23) |
|  |  |
| Women's Issue x Female Petitioner | 0.110 |
|  | (0.43) |
|  |  |
| Pet. Former OSG | -0.130 |
|  | (-1.20) |
|  |  |
| OSG Amicus for Pet. | 0.166\*\* |
|  | (2.02) |
|  |  |
| Resp. Attorney Law School | -0.079\*\* |
|  | (-2.02) |
|  |  |
| Resp. Attorney Honors | 0.159\*\*\* |
|  | (3.91) |
|  |  |
| Resp. DC Firm | -0.142\*\* |
|  | (-2.29) |
|  |  |
| Log Resp. Attorney Experience | -0.028 |
|  | (-1.60) |
|  |  |
| Female Respondent | -0.031 |
|  | (-0.73) |
|  |  |
| Women's Issue x Female Respondent | 0.268 |
|  | (1.56) |
|  |  |
| Resp. Former OSG | -0.002 |
|  | (-0.03) |
|  |  |
| OSG Amicus for Resp. | -0.407\*\*\* |
|  | (-8.27) |
|  |  |
| Pet. Party Capability | 0.004 |
|  | (0.23) |
|  |  |
| Resp. Party Capability | -0.002 |
|  | (-0.13) |
|  |  |
| Amicus Brief Difference | 0.033\*\*\* |
|  | (6.43) |
|  |  |
| Pet. Amicus Oral Argument | 0.383\*\*\* |
|  | (8.96) |
|  |  |
| Resp. Amicus Oral Argument | -0.310\*\*\* |
|  | (-4.31) |
|  |  |
| Ideological Congruence (S-C) | 1.181\*\*\* |
|  | (3.92) |
|  |  |
| Case Criminal Issue | 0.126\*\* |
|  | (2.63) |
|  |  |
| Case Economic Issue | -0.120\*\* |
|  | (-3.21) |
|  |  |
| Case Salience | -0.140\*\* |
|  | (-2.59) |
|  |  |
| Case Legal Importance | 0.186\* |
|  | (1.87) |
|  |  |
| Case Complexity | -0.129\*\*\* |
|  | (-3.97) |
|  |  |
| Case Lack of Legal Dissensus | -0.161\*\*\* |
|  | (-4.29) |
|  |  |
| Constant | -0.272 |
|  | (-1.42) |
| Observations | 11898 |

*t* statistics in parentheses

\* *p* < 0.1, \*\* *p* < 0.05, \*\*\* *p* < 0.001

Appendix References

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1. For example, in our own dataset of all Supreme Court orally arguing attorneys from 1993-2014, 88 percent of the former clerks attended elite law schools, compared to only 38% of the non-clerks. Similarly, over 95 percent of the former clerks graduated with honors and/or served on law review—more than double the rate for non-clerks (just under 47% percent). [↑](#footnote-ref-1)