

The Attorneys' Gender:
Exploring Counsel Success Before the United States Supreme Court

Online Appendix

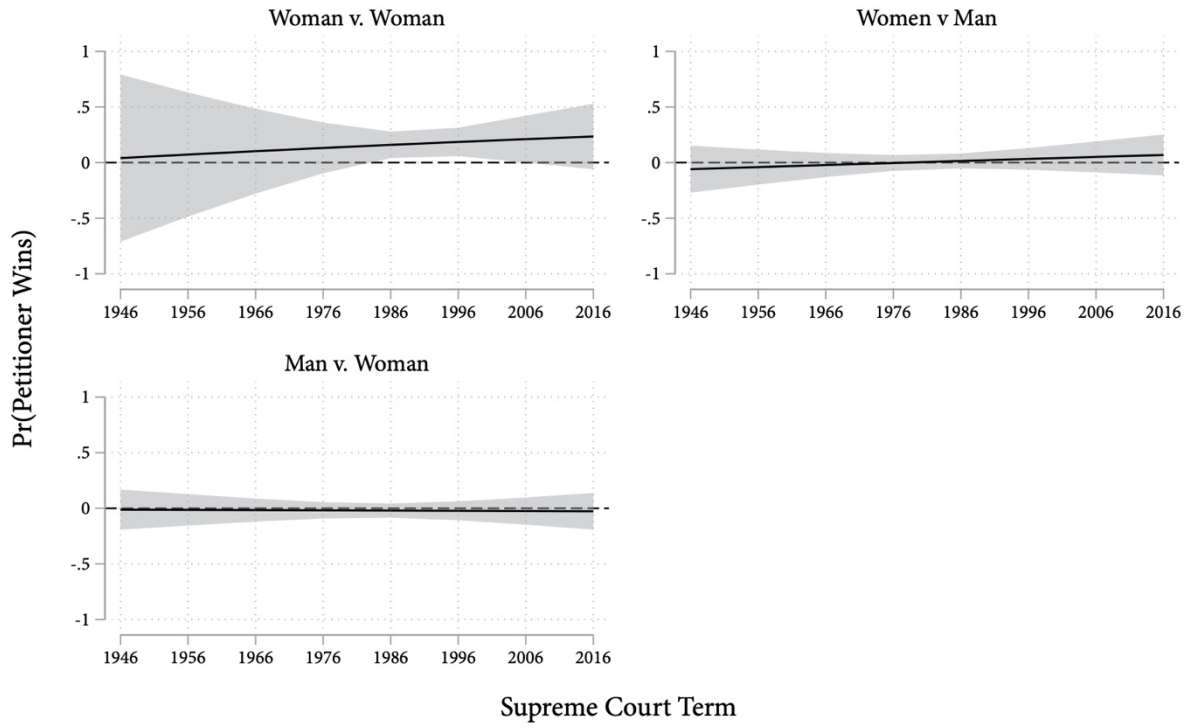
Table A1. Cross-Tabulation of Attorney Gender and Party Represented

Gender	Petitioner	Respondent	Total
Man	4,786 (50.3%)	4,728 (49.7%)	9,514 (100.0%)
Woman	326 (45.9%)	384 (54.1%)	710 (100.0%)
Total	5,112	5,112	10,224

Table A2. Petitioner Success by Gender of Attorneys

	Petitioner Wins	Petitioner Loses	Total
Woman v. Woman	36 (78.3%)	10 (21.7%)	46 (100.0%)
Woman v. Man	185 (66.1%)	95 (33.9%)	280 (100.0%)
Man v. Woman	212 (64.2%)	126 (35.9%)	338 (100.0%)
Man v. Man	2,836 (63.8%)	1,612 (36.2%)	4,448 (100.0%)
Total	3,269	1,843	5,112
			Chi ² = 4.9; p = 0.2

Figure A1. Contrast Plot for Interaction between Attorneys' Gender and Term



Case Salience Measures:

For reasons discussed in the paper, we use Collins and Cooper (2016) to control for case salience. As a robustness check, we present the results from models that control for case salience using the measure developed by Epstein and Segal (2000) as well as whether the case was listed by Congressional Quarterly as a “landmark” case, and political salience measures developed by Clark, Lax and Rice (2015). In all models the dependent variable is whether the petitioner wins.

Table A3. Comparing Measures of Case Salience

	NYTimes Model 1	NYTimes Model 2	CQ Model 1	CQ Model 2	Clark Model 1	Clark Model 2
Gender Effects						
Woman v. Woman	0.82*	3.85	0.83*	5.15	0.89*	-22.41
	(0.36)	(103.87)	(0.36)	(103.37)	(0.36)	(102.68)
Woman v. Man	0.04	18.89	0.05	18.72	0.04	-0.50
	(0.15)	(22.94)	(0.15)	(22.95)	(0.15)	(27.06)
Man v. Woman	-0.08	-12.98	-0.08	-12.98	-0.01	-10.74
	(0.14)	(18.43)	(0.14)	(18.49)	(0.15)	(25.50)
Supreme Court Term	0.00	0.00	0.00	0.00	-0.01*	-0.01*
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
Court Congruence with Petitioner	0.19*	0.21*	0.19*	0.21*	0.19*	0.21*
	(0.07)	(0.08)	(0.07)	(0.08)	(0.08)	(0.08)
Interaction Terms						
Woman v. Woman x Supreme Court Term	-	-0.00	-	-0.00	-	0.01
		(0.05)		(0.05)		(0.05)

Woman v. Man x Supreme Court Term	-0.01	-	-0.01	-	0.00	
	(0.01)		(0.01)		(0.01)	
Man v. Woman x Supreme Court Term	0.01	-	0.01	-	0.01	
	(0.01)		(0.01)		(0.01)	
Woman v. Woman x Court Congruence with Petitioner	0.08	-	0.09	-	0.08	
	(0.60)		(0.61)		(0.60)	
Woman v. Man x Court Congruence with Petitioner	-0.23	-	-0.23	-	-0.18	
	(0.18)		(0.18)		(0.18)	
Man v. Woman x Court Congruence with Petitioner	-0.17	-	-0.17	-	-0.11	
	(0.14)		(0.14)		(0.15)	
Attorney Status						
State Attorney	-0.09	-0.07	-0.09	-0.07	-0.10	-0.08
	(0.13)	(0.13)	(0.13)	(0.13)	(0.13)	(0.13)
US Government Attorney	0.59*	0.60*	0.59*	0.60*	0.63*	0.63*
	(0.09)	(0.10)	(0.09)	(0.09)	(0.11)	(0.11)
Previously in SG's Office	-0.58*	-0.58*	-0.58*	-0.58*	-0.60*	-0.60*

	(0.23)	(0.23)	(0.23)	(0.23)	(0.25)	(0.25)
Law Clerk	-0.11	-0.11	-0.11	-0.10	-0.20	-0.20
	(0.23)	(0.23)	(0.23)	(0.23)	(0.29)	(0.29)
Repeat Status						
Difference in Appearances before the Court	0.02*	0.02*	0.02*	0.02*	0.02*	0.02*
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
Controls						
Appointed by Supreme Court	0.03	0.04	0.03	0.04	-0.05	-0.05
	(0.19)	(0.19)	(0.19)	(0.19)	(0.19)	(0.19)
Difference in Amici Support	0.11*	0.11*	0.11*	0.11*	0.11*	0.11*
	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)
<i>Type of Amici Support</i>						
State Government	0.08	0.08	0.10	0.10	-0.04	-0.04
	(0.42)	(0.42)	(0.41)	(0.41)	(0.41)	(0.42)
United States	0.83*	0.85*	0.84*	0.86*	0.85*	0.85*
	(0.18)	(0.17)	(0.18)	(0.17)	(0.19)	(0.19)

Other	-0.10	-0.10	-0.10	-0.09	-0.00	-0.00
	(0.10)	(0.10)	(0.10)	(0.09)	(0.09)	(0.09)
<i>Saliency Measures</i>						
Case Saliency Measures	0.03	0.03	-0.04	-0.04	0.11*	0.11*
	(0.10)	(0.10)	(0.17)	(0.17)	(0.06)	(0.06)
Legal Saliency	0.24*	0.24*	0.25*	0.25*	0.07	0.07
	(0.11)	(0.11)	(0.11)	(0.11)	(0.11)	(0.11)
Constant	-6.27	-6.05	-6.22	-6.00	16.95*	17.79*
	(7.24)	(7.39)	(7.17)	(7.32)	(8.28)	(8.61)
Observations	4571	4571	4571	4571	3920	3920

Note: Logit coefficients clustered by Supreme Court Term with standard errors in parentheses. *p < 0.05

Table A4. Controlling for Issue Area

	Coefficients
Woman v. Woman	0.77 (0.57)
Woman v. Man	-0.17 (0.28)
Man v. Woman	0.16 (0.23)
Civil Rights	-0.06 (0.13)
First Amendment	0.09 (0.14)
Due Process	0.09 (0.20)
Privacy	-0.10 (0.34)
Attorneys	-0.12 (0.34)
Unions	-0.10 (0.19)
Economic Activity	-0.06 (0.12)
Judicial Power	0.06 (0.12)
Federalism	0.05 (0.19)
Fed. Taxation	-0.80* (0.18)
Miscellaneous	-
Woman v. Woman x Civil Rights	1.06 (1.29)
Woman v. Woman x First Amendment	-
Woman v. Woman x Due Process	-0.54 (1.32)
Woman v. Woman x Privacy	-1.47 (1.75)
Woman v. Woman x Attorneys	-
Woman v. Woman x Unions	-
Woman v. Woman x Economic Activity	-
Woman v. Woman x Judicial Power	-1.07

	(1.48)
Woman v. Woman x Federalism	-
Woman v. Woman x Fed. Taxation	-
Woman v. Woman x Miscellaneous	-
Woman v. Man x Civil Rights	0.16 (0.43)
Woman v. Man x First Amendment	-0.51 (0.52)
Woman v. Man x Due Process	0.68 (0.56)
Woman v. Man x Privacy	-0.68 (0.98)
Woman v. Man x Attorneys	-
Woman v. Man x Unions	-
Woman v. Man x Economic Activity	1.31 (0.75)
Woman v. Man x Judicial Power	0.26 (0.52)
Woman v. Man x Federalism	0.49 (0.79)
Woman v. Man x Fed. Taxation	0.87 (0.87)
Woman v. Man x Miscellaneous	-
Man v. Woman x Civil Rights	-1.06* (0.43)
Man v. Woman x First Amendment	0.03 (0.54)
Man v. Woman x Due Process	-0.13 (0.52)
Man v. Woman x Privacy	-0.04 (0.83)
Man v. Woman x Attorneys	-0.73 (1.11)
Man v. Woman x Unions	-1.25 (0.92)
Man v. Woman x Economic Activity	-0.28 (0.45)
Man v. Woman x Judicial Power	0.13 (0.74)
Man v. Woman x Federalism	0.04

	(0.62)
Man v. Woman x Fed. Taxation	0.22
	(0.76)
Man v. Woman x Miscellaneous	-
State Attorney	-0.09
	(0.13)
US Government Attorney	0.67*
	(0.10)
Difference in Appearances before the Court	0.02*
	(0.00)
Appointed by Supreme Court	-0.10
	(0.20)
Difference in Amici Submitted	0.11*
	(0.02)
State Support	-0.01
	(0.44)
United States	0.84*
	(0.18)
Other	-0.05
	(0.09)
Previously in SG's Office	-0.52*
	(0.23)
Law Clerk	-0.19
	(0.28)
Case Salience Index	0.00
	(0.02)
Legal Salience	0.08
	(0.11)
Court Congruence with Petitioner	0.20*
	(0.08)
Supreme Court Term	-0.00
	(0.00)
Constant	8.35
	(7.47)
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Observations	4135

Note: Logit coefficients clustered by Supreme Court Term with standard errors in parentheses. *p < 0.05

Table A5. Controlling for Law Clerk Status

	Coefficients
Woman v. Woman	0.88* (0.36)
Woman v. Man	0.06 (0.15)
Man v. Woman	-0.08 (0.15)
Law Clerk	-0.10 (0.27)
Woman v. Woman x Law Clerk	0.00 (.)
Woman v. Man x Law Clerk	0.00 (.)
Man v. Woman x Law Clerk	-1.34* (0.62)
State Attorney	-0.08 (0.13)
US Government Attorney	0.58* (0.10)
Difference in Appearances before the Court	0.02* (0.00)
Appointed by Supreme Court	-0.06 (0.18)
Difference in Amici Submitted	0.11* (0.02)
State Support	0.02 (0.41)
United States	0.84* (0.19)
Other	-0.04 (0.09)
Previously in SG's Office	-0.54* (0.23)
Case Salience Index	0.01 (0.02)
Legal Salience	0.09 (0.11)
Court Congruence with Petitioner	0.20* (0.08)
Supreme Court Term	-0.00 (0.00)
Constant	6.06 (7.24)
Observations	4147

Note: Logit coefficients clustered by Supreme Court Term with standard errors in parentheses. *p < 0.05

Table A6. Controlling for Women's Issues

	Coefficients
Woman v. Woman	0.96** (0.37)
Woman v. Man	0.10 (0.16)
Man v. Woman	-0.03 (0.15)
Women's Issue	-0.37 (0.22)
Woman v. Woman x Women's Issue	-0.65 (1.44)
Woman v. Man x Women's Issue	-0.46 (0.61)
Man v. Woman x Women's Issue	-1.39 (0.81)
State Attorney	-0.08 (0.13)
US Government Attorney	0.58*** (0.10)
Difference in Appearances before the Court	0.02*** (0.00)
Appointed by Supreme Court	-0.07 (0.18)
Difference in Amici Submitted	0.10*** (0.02)
State Government Support	0.02 (0.42)
United States	0.89*** (0.18)
Other	-0.03 (0.09)
Previously in SG's Office	-0.54* (0.22)
Case Salience Index	0.02 (0.02)
Legal Salience	0.11 (0.11)
Court Congruence with Petitioner	0.20** (0.08)
Supreme Court Term	-0.00 (0.00)
Constant	6.09 (7.24)
Observations	4147

Note: Logit coefficients clustered by Supreme Court Term with standard errors in parentheses. *p < 0.05

Justice-level Model:

We run a justice-level model to ascertain whether arguing attorneys' gender influences individual justice votes. There are two noticeable differences between this model and those presented in the paper, regarding variables. First, we include a measure of ideological congruence with the argument of the petitioner. We create this variable similarly for each justice as we did for the Court in the main manuscript. Second, we interact ideological congruence with the petitioner with both the variable indicating the parties' attorneys' gender and attorney government status.

In general, the results are similar to those presented in our main model. The exception is at the individual justice level, it appears that an interaction exists between ideological congruence with the petitioner and the attorney gender variable, although it is substantively small. In particular when a woman attorney argues against another woman, the petitioner is slightly more likely to receive a Justice's vote when the justice is highly ideologically congruent relative to a case in which a man is arguing against a man. The same is true when a woman is arguing for the petitioner in the face of a man arguing for the respondent. When a man is arguing for the petitioner against a woman, the petitioner is less slightly less likely to receive a vote in their favor when the Justice's ideology is incongruent relative to a man arguing against another man. There is little difference in the likelihood of a petitioner winning when a man is arguing for the petitioner against a woman when the Justice's views are congruent with that of the petitioner, relative to that of when a man is facing man. Figure A2 presents the contrasts plots demonstrating this interaction. Together, these interactive effects, while statistically significant under some conditions, are substantively small, resulting in only small changes in the likelihood of a Justice's vote in favor of the petitioner.

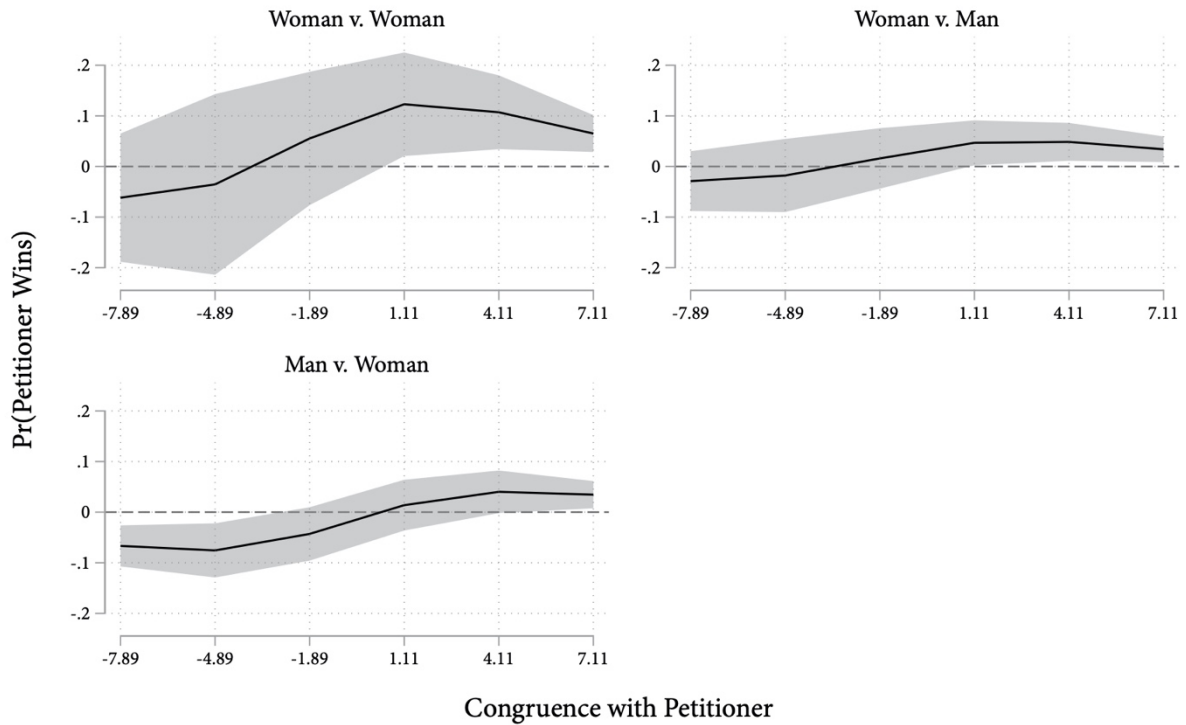
Table A7. Justice-level model testing influences on voting for Petitioner Success

	Coefficients
Woman v. Woman	0.49 (0.27)
Woman v. Man	0.17 (0.11)
Man v. Woman	-0.03 (0.11)
Justice Congruence with Petitioner	0.27* (0.01)
Woman v. Woman x Justice Congruence with Petitioner	0.14 (0.11)
Woman v. Man x Justice Congruence with Petitioner	0.05 (0.03)
Man v. Woman x Justice Congruence with Petitioner	0.08* (0.03)
State Attorney	-0.21* (0.08)
US Government Attorney	0.42* (0.07)
State Attorney x Justice Congruence with Petitioner	0.16* (0.04)
US Government Attorney x Justice Congruence with Petitioner	-0.01 (0.03)
Difference in Appearances before the Court	0.01* (0.00)
Appointed by the Court	0.06 (0.12)
Difference in Amici Submitted	0.08* (0.01)
Other	0.06 (0.06)
State Support	-0.16 (0.24)
United States	0.66* (0.13)
Previously in SG's Office	-0.51* (0.19)
Case Salience Index	-0.00 (0.01)
Legal Salience	0.12

	(0.08)
Supreme Court Term	-0.00
	(0.00)
Constant	6.01
	(6.11)
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Observations	35140

Note: Logit coefficients clustered by Supreme Court Term with standard errors in parentheses. *p < 0.05

Figure A2. Contrasts of Interaction of Gender with Justice's Ideological Congruence with Petitioner



Reference Category is Man v Man

Vote Count Model:

As an alternative, we present models that look at the number of votes in favor of the petitioner. The DV in this case runs from 0 (the petitioner unanimously lost) to 9 (the petitioner unanimously won). Researchers could conceptualize votes in favor of the petitioner as either a count or a continuous variable - as such we model this DV using both a negative binomial and OLS approach. In both cases our variables of interest point in the same direction and are at similar statistical significance levels.

Table A8. Votes in-Favor of Petitioner

	OLS	Negative Binomial
Woman v. Woman	0.82*	0.15*
	(0.41)	(0.07)
Woman v. Man	0.36	0.07
	(0.20)	(0.04)
Man v. Woman	-0.17	-0.03
	(0.21)	(0.04)
State Attorney	-0.43*	-0.08*
	(0.19)	(0.04)
US Government Attorney	0.73*	0.14*
	(0.14)	(0.03)
Difference in Appearances before the Court	0.02*	0.00*
	(0.00)	(0.00)
Appointed by Supreme Court	0.12	0.02
	(0.26)	(0.05)
Difference in Amici Submitted	0.13*	0.03*
	(0.03)	(0.01)
State Support	-0.18	-0.05
	(0.51)	(0.11)
United States	1.22*	0.21*
	(0.20)	(0.03)
Other	0.03	0.00
	(0.10)	(0.02)
Previously in SG's Office	-0.95*	-0.19*
	(0.32)	(0.07)
Law Clerk	0.07	0.01
	(0.37)	(0.07)
Case Salience Index	-0.00	-0.00
	(0.03)	(0.01)
Legal Salience	0.21	0.04
	(0.15)	(0.03)
Court Congruence with Petitioner	0.04	0.01
	(0.13)	(0.03)
Supreme Court Term	-0.00	-0.00
	(0.01)	(0.00)
Constant	5.36	1.75
	(10.28)	(1.97)
lnalpha	-	-1.59*
		(0.10)
Observations	4147	4147

Note: Logit coefficients clustered by Supreme Court Term with standard errors in parentheses. *p < 0.05

