A Common-Space Scaling of the American Judiciary and Legal Profession *

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Abstract. We extend the scaling methodology previously used in Bonica (2014) to jointly scale the American judiciary and legal profession in a common-space with other political actors. The end result is the first consistently measured ideological scores across state and federal judiciaries and the legal profession, including 11,115 state and federal judges, 377,427 attorneys in private practice, 3,966 law professors, and 2,726 government attorneys. After discussing the technical details behind these data, we present three examples of their potential use.

Word Count: Text Count 3,671

* Comments and suggestions welcome. All data will be posted to a public repository at the conclusion of this project. Many thanks to Adam Chilton, Tom Clark, Andy Hall, Tom Miles, and Arthur Spirling for helpful conversations on this project. This project has also benefited from feedback garnered at workshops or conferences at Cornell Law School, Harvard Kennedy School, Harvard Law School, University of Rochester, and University of California-Berkeley.

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1 Introduction

In American politics, the power of the legal bar arguably exceeds that of all other industries and interest groups combined. The legal profession boasts near majorities in both chambers of the U.S. Congress and has counted in its ranks over half of all presidents (Bonica, Chilton, and Sen, In Press). Both of these are in addition to near-exclusive control over an entire branch of government, the judiciary. Powerful as it is, however, the political prowess of the legal bar has often been overlooked as an unremarkable fixture of American politics. Little is known about the preferences of this group or how they compare to politicians or to the public. This has resulted in gaps in the American politics literature more broadly, and in the literature on law and courts specifically.

In this paper, we extend scaling methodology developed in papers such as Bonica (2014) to jointly scale the legal profession and judiciary in a common-space with other political actors. We do so by linking together two sources of data. The first is a newly collected data set that includes nearly all of the nation’s attorneys, gathered from online legal directory Martindale Hubbell. The second is the Database on Ideology, Money in Politics, and Elections (DIME) (Bonica, 2013). Combined together, these data allow us to identify the campaign contributions—and corresponding ideological common-space scores—for 395,234 U.S. lawyers and judges. This data includes 377,427 attorneys in private practice, 3,966 law professors, 2,726 government attorneys, and 11,115 state and federal judges.

These data are appealing for two reasons. First, these data represent the first consistently measured ideal point estimates for judges across the judicial hierarchy—including state and federal judges—that do not rely on the identities of appointing actors. Indeed, while the Supreme Court has been a hotbed of innovation in scaling methods (e.g., Martin and Quinn, 2002; Clark and Lauderdale, 2010; Lauderdale and Clark, 2014; Bailey, 2007, 2013), measuring judicial preferences has proven difficult for state and lower federal
judges. In lieu of reliable data on revealed preferences, estimates of lower-court ideology have most often relied on the identity of the appointing president, or, where Senatorial courtesy may apply, the ideology of the senior home-state Senator, or some combination (e.g., Boyd, 2011; Epstein et al., 2007; Giles, Hettinger, and Peppers, 2001). As a result, judicial preferences are inconsistently measured across judicial tiers. Our measures, which are derived from revealed preferences, resolve these issues.

Second, these data place lawyers on the same scale as judges and other political actors. This opens up possibilities for future research. Indeed, many have argued that legal organizations may operate as veto players for judicial candidates (Smelcer, Steigerwalt, and Vining, 2012; Sen, 2014). In addition, others have observed that lawyers, who decide which cases to bring, are influential agenda setters for the courts (Barton, 2010). As for judges, insofar as they behave like other political elites, they are likely to form priors on the basis of the ideology of attorneys representing the parties (McGuire, 1995), perhaps even biasing decisionmaking in favor of like-minded attorneys. The data we introduce here enable these inquiries.

To illustrate the data, and to highlight the ideological integration of the bar and the judiciary, we provide three illustrations using the Supreme Court. First, we show that the ideologies of lawyers arguing cases before the Court closely track the directionality of case outcomes. Second, we show that the ideological proximity between lawyers predicts whether the Court ruling will be unanimous. Third, we show that lawyers’ ideologies map onto the ideologies of justices who cast votes in their favor, thus recovering Martin-Quinn rank ordering and providing evidence that justices rule in favor of those who are ideologically similar.
2 Data

We construct our measures of attorney ideology by linking data from two sources: (1) the Database on Ideology, Money, and Elections (DIME) and (2) the Martindale-Hubbell lawyers’ directory. A detailed discussion of the DIME is provided in Bonica (2014). The database reports DIME scores (also known as “common-space CFscores”) for all individuals and organizations making campaign contributions to state and federal candidates from 1979–2012. Crucially, the scores place donors in a common-space with other candidates and organizations spanning local, state, and federal politics. This allows for direct comparisons between attorneys, candidates, and judges.

Our next task is to identify individual lawyers and judges in the DIME data. As neither the federal government nor the ABA maintains a centralized national database of licensed attorneys, we rely on the Martindale-Hubbell Law Directory. Martindale-Hubbell is a comprehensive database of U.S. Attorneys that has been published continuously since 1931. The Martindale-Hubbell data draw on submitted entries, state bar directories, law firm listings, professional organizations, and other publicly available data sources to maintain its database. Although historical data are not available, the database used here represents a snapshot of the population of active legal professionals as of 2012. In total, the Martindale-Hubbell contains entries for 974,448 individuals. This includes 890,039 attorneys in private practice, 42,510 serving as in-house counsel at corporations and other private institutions, 10,527 government attorneys, 25,929 judges, and 5,444 law professors.

We utilized automated methods to link between DIME and the Martindale-Hubbell Directory. A probabilistic record-linkage algorithm conditioned on information on name, employer, address, geography, and other features. More details are provided in Bonica and Sen (2015), but, briefly, the algorithm queries DIME to look for words having a

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1 Some states maintain databases of lawyers admitted to the state’s bar; however, disclosure standards vary across states, making these unreliable for our present purposes.
legal connotation, and then finds potential matches in Martindale-Hubbell by comparing values for first, last and middle name, suffix, title, address, city, state and zip codes, firm/employer, and geographic proximity. To adjust for slight variations in reporting, the algorithm fuzzy-matched on both names and addresses using the Jaro-Winkler algorithm. Name matching was further conditioned on frequency of first and last names obtained from the Social Security Administration and the U.S. Census. We measured geographic proximity as the distance between geocoordinates of the address in the Martindale-Hubbell database and the geo-coordinates of records from DIME. To estimate gender, we used an automated coding procedure based on the gender ratios of first names based on census data or, when available, gender-specific titles (e.g., Mrs., Mr., Jr.) reported in the contribution records.\textsuperscript{2} In total, we identified 422,362 attorneys listed in the Martindale-Hubbell database, which covers 43.3 percent of attorneys listed.

We further augmented the information available on judges by merging our linked data with a biographical directory of federal judges made available by the Federal Judicial Center.\textsuperscript{3} We also used web-scraping methods to gather data on the Supreme Court docket,\textsuperscript{4} including listings of the petitioner and respondent attorneys in each case.

\section{Measure Validation}

The DIME scores are extensively validated in Bonica (2014) for donors in general and Bonica and Woodruff (2014) specifically in the context of state judges. Drawing on those papers, we note some of the more important validation results. First, the scores for individual donors and recipients have been shown to be robust to controlling for candidate

\textsuperscript{2} We do not assign labels to individuals for whom the automated coding scheme did not reach a threshold of being 95 percent confident of the person’s gender. In total, we were able to assign gender to 98.6 percent of the sample.

\textsuperscript{3} \url{http://www.fjc.gov/history/home.nsf/page/judges.html}

\textsuperscript{4} This was hosted by \url{http://supremecourt.gov}. 
characteristics related to theories of strategic giving, such as incumbency status. Second, there is a strong correspondence between contributor and recipient scores for candidates who have both fundraised and made donations to other candidates. Third, DIME scores for political actors strongly correlate with vote-based measures of ideology such as DW-NOMINATE scores. Lastly, estimated scores for candidates that have campaigned for judicial and non-judicial office are robust to changes in office type. In what follows, we extend the validation specifically in the context of judges and lawyers.

Comparison with candidate-based measures. We identified 2,876 individuals in our data that had run for elected office and raised funds from enough donors to be assigned an independent DIME score as a candidate. Of this group, 149 also have DW-NOMINATE scores. Figure 1 plots the relationship between contributor and candidate DIME scores. The overall correlation is $\rho = 0.93$. The within-party correlations are $\rho = 0.83$ for Democrats and $\rho = 0.76$ for Republicans. The corresponding correlations with DW-NOMINATE scores are $\rho = 0.90$ overall, $\rho = 0.52$ for Democrats, and $\rho = 0.53$ for Republicans.

Comparison with Existing Measures. In order to compare the DIME scores with existing measures judicial preferences, we calculated scores for judges appointed to federal courts between 1980 and 2014 using the methodology described in Giles, Hettinger, and Peppers (2001)—the same methodology that underlies the widely-used Judicial Common-Space (JCS) Scores (Epstein et al., 2007). The scores are assigned based on the common-space DW-NOMINATE scores of those involved in the nomination process. Using the technique described above, we extend the JCS scores through 2014. In constructing the

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5 If one or both home-state Senators are of the same party as the President, the nominee is assigned the NOMINATE score of the home-state Senator (or the average if both Senators are from the President’s party). If neither home-state Senator is from the President’s party, the nominee is assigned the NOMINATE score of the President.
Figure 1: Comparison of Recipient and Contributor Ideal Points for Lawyers Who Ran For Elected Office

scores, we use the most recent release of the common-space DW-NOMINATE scores with coverage through the 113th Congress.

The correlation between the DIME scores and JCS scores is $\rho = 0.70$ for federal court judges overall. The correlation is stronger when JCS scores are constructed from the
NOMINATE scores of Senators from a state ($\rho = 0.77$) as opposed to being based solely on the score of the appointing president ($\rho = 0.63$). The correlation is weaker than it was for with the candidate-based measures, but this to be expected: the JCS scores are indirect measures based on those involved in the appointment process (Presidents and Senators), and indirect measures tend to be less reliable compared to more measures based on revealed preferences (see Bonica and Woodruff, 2014). Examining the federal circuit judges with the largest residuals is illuminating. These are the Sixth Circuit’s Helene White (DIME $= −0.92$; JCS $= 0.72$), the Second Circuit’s Barrington Parker (DIME $= −0.60$; JCS $= 0.72$), and the Fourth Circuit’s William Traxler (DIME $= 1.17$; JCS $= −0.28$). In each case, the nominee had first been appointed to a federal district court by a president of one party before being elevated to a federal appeals courts by a president of the other party.

Moreover, unlike appointee based measures, the DIME scores are not prone to errors resulting from bipartisan negotiations over nominees, including packaged deals. A recent example was struck between the Obama Administration and Saxby Chambliss and Johnny Isakson, both Republican senators from Georgia, to move forward with packaged group of seven nominees. Ultimately, one of the Republican picks, Michael Boggs, was rejected by Senate Democrats. Our measures correctly identify Boggs as conservative.

**Strategy for dealing with missingness.** A limitation of the measuring judicial ideology from campaign contributions is that not all judges have made donations and thus are missing scores. Generally, the coverage rate for federal judges is high—as of 2012, nearly 65 percent of sitting U.S. Court of Appeals judges have DIME scores, with the share rising to 81 percent of those appointed since 2001. However, for some potential applications, even a slight amount of missingness can prove problematic—for example, calculating 3-judge panel medians.

To address this, we use political information in tandem other covariates that predict
ideology, such as race or gender, to multiply impute missing values. We include in the multiple imputation model (1) observed DIME and JCS scores, (2) the type of court, (3) whether the judge attended a law school ranked #1-14, 15-25, 26-50, 51-70, 71-100, or outside the top 100, (4) birth year, (5) gender, (6) race or ethnicity, (7) prosecutor experience, (8) public defender experience, (9) professorial or adjunct experience, (10) whether they were rated “Well Qualified” by the American Bar Association, and (11) whether the judge clerked for a liberal or conservative judge. We also include variables reflecting the political environment at time of nomination, including (12) whether the nomination arose during a divided government, and (13) dummy variables for identity of the President making the nomination. Lastly, we included (14) a variable that captures the average DW-NOMINATE score for members of the home-state congressional delegation. To evaluate the accuracy of the multiple imputation, we overimpute the DIME scores, which gives us predicted values from the multiple imputation model, both from missing and non-missing data.

Figure 2 displays a scatter plot matrix of pairwise comparisons of the (1) contributor DIME scores, (2) JCS scores, and (3) the imputed scores based on the multiple imputation strategy described above. The points for judges are color coded with respect to the partisanship of their appointing president. The upper-right panels report the Pearson correlation coefficients between measures overall and within party. A direct comparison between the observed DIME scores and the imputed DIME scores can be seen in the bottom-left panel. The overall correlation with the observed DIME scores is $\rho = 0.81$ for the imputed scores compared with $\rho = 0.70$ for the JCS scores. The JCS scores explain very little variation in the DIME scores for judges appointed by the same party. The imputed scores perform significantly better in this respect. The within party correlations

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6 The multiple imputation was done using the Amelia II package (Honaker, King, and Blackwell, 2011).

7 This was operationalized as whether the judge was (1) black or not or (2) Latino/Hispanic or not.

8 Clerkships were coded as conservative or liberal based on the signed valued of the computed NOMINATE-JCS score of the judge.
Figure 2: Pairwise Comparisons of Observed and Imputed DIME scores and Judicial Common-Space Scores for Federal Judges (1980-2014)

Note: The upper panels report the overall and within party correlation coefficients.

between the observed and imputed scores are around $\rho = 0.50$ for both parties.
Sensitivity to giving to judicial candidates. Lastly, we consider whether lawyers and judges differ meaningfully from other types of donors. For example, it may be the case that lawyers face pressure to contribute to the campaigns of sitting judges. When we re-estimate the DIME scores for lawyers with contributions to judicial candidates excluded, the resulting scores correlate with the original scores at $\rho = 0.99$. Moreover, re-estimating the scores with all contributions to state elections excluded (i.e., federal contributions only) produces scores for lawyers that correlate with the original score at $\rho = 0.97$. As a result, it seems unlikely that any analysis would be sensitive to these concerns.

4 Illustrations of the Data

We provide three illustrations of the dataset’s capabilities by examining (1) how Supreme Court lawyers ideologically align with case directionality, (2) how ideological proximity between opposing attorneys predicts unanimous Court rulings, and (3) how lawyers’ ideologies map onto the justices who vote in their favor.

4.1 Do Lawyers’ Ideologies Align with Case Directionality?

Compelling arguments have been made that lawyers are primarily “guns for hire” whose ideologies are orthogonal to either their clients’ ideology or of the directionality of the eventual case; an equally strong argument is that lawyers and law firms have strong ideological leanings (Bonica, Chilton, and Sen, In Press), which is reflected in their clients and cases. We investigate this using our measures. We first obtain the directionality of Supreme Court decisions from the Supreme Court Database\(^9\) for the 846 cases decided by the Robert’s Court between 2005 and 2013. This serves as a proxy (albeit an imperfect one) for the true directionality of the case. The case directions are recoded with respect to the direction assigned to votes in favor of the petitioner (1 if conservative, 0 if otherwise). We

\(^9\) [http://supremecourtdatabase.org](http://supremecourtdatabase.org)
Table 1: Predicting Liberal-Conservative Direction Codings From Attorney Ideal Points: Logit

<table>
<thead>
<tr>
<th></th>
<th>Model 1</th>
<th>Model 2</th>
<th>Model 3</th>
<th>Model 4</th>
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</thead>
<tbody>
<tr>
<td>(Intercept)</td>
<td>0.24**</td>
<td>0.14</td>
<td>0.04</td>
<td>−0.25</td>
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<td></td>
<td>(0.08)</td>
<td>(0.10)</td>
<td>(0.09)</td>
<td>(0.24)</td>
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<td>DIME score of Petitioning Atty.</td>
<td>0.46***</td>
<td>0.47***</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.08)</td>
<td>(0.09)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DIME score of Respondent Atty.</td>
<td></td>
<td>−0.25**</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(0.09)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(DIME score of Petitioning Atty. − DIME score of Respondent Atty.)</td>
<td>0.36***</td>
<td>0.34***</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(0.06)</td>
<td>(0.07)</td>
<td></td>
</tr>
<tr>
<td>Issue Area FEs</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIC</td>
<td>1002.45</td>
<td>760.67</td>
<td>761.55</td>
<td>729.67</td>
</tr>
<tr>
<td>Log Likelihood</td>
<td>-499.22</td>
<td>-377.33</td>
<td>-378.77</td>
<td>-351.84</td>
</tr>
<tr>
<td>Deviance</td>
<td>998.45</td>
<td>754.67</td>
<td>757.55</td>
<td>703.67</td>
</tr>
<tr>
<td>Num. obs.</td>
<td>745</td>
<td>571</td>
<td>571</td>
<td>571</td>
</tr>
</tbody>
</table>

Outcome Variable: Direction of case outcome associated with petitioner is conservative.

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

then match these cases with the CFscore of the lead attorney on the case, and regress case outcome on attorney ideology using a logit specification. The results from this analysis are presented in Table 1.

Model 1 includes the ideal point of the attorney arguing for the petitioner party. It reveals a robust relationship between the conservatism of the attorney representing the petitioner party and conservative decisions: the more conservative the petitioner attorney, the more likely a decision in favor of the petitioner will be in a conservative direction. Model 2 adds the ideal point of lawyer representing the respondent party. The coefficient on the DIME score for the respondent attorney is of similar magnitude but, as expected, negatively signed. This suggests a tendency for attorneys on opposing sides of a case to align on opposite sides of the ideological spectrum. In Model 3, the ideological variable calculated as the distance between the petitioner and respondent attorneys. Higher values indicate the petitioner attorney is to the right of the respondent attorney. In Model 4, we additional control for issue area. Again, we find a robust relationship between
attorney ideology and the liberal-conservative coding of case directionality.

To give additional substantive context, in Figure 3, we explore the relationship between issue areas cases and attorney ideology. The X-axis is the average difference in CFscores for the petitioner and respondent attorneys for all cases in a given issue area. The Y-axis is the proportion of case outcomes associated with the petitioner coded as conservative. It reveals a straightforward relationship between attorney ideology and direction codings. The issue area that stands out is First Amendment cases. The petitioner attorney is, on average, 0.80 units more conservative than respondent attorneys for these cases. At the same time, a vote cast in favor of the petitioner is coded to be in the conservative direction in 85 percent of the cases. At the other extreme, petitioner attorneys on cases related to Judicial Power are, on average, significantly to the left of the respondent attorneys in these cases. One interpretation of this result with respect to First Amendment, Federalism, and Economic Activity cases is that conservative interests are on the offensive and liberal interests are on the defensive.

We further consider whether the relation holds for the set of cases that were decided unanimously and hence would be uninformative in the context of MCMC-IRT estimation (Martin and Quinn, 2002). We re-estimate Model 3 from Table 1 separately for unanimous and non-unanimous votes and report the results in Table 2. The relationship between attorney ideology and the directionality of case-outcome is somewhat weaker in unanimous cases but remains positive and significant. This suggests that even unanimous cases are not devoid of ideological content, a finding that would be unrecoverable using standard ideal point estimation techniques.

4.2 Does Ideological Proximity Between Attorneys Predict Unanimous Decisions?

As we just noted, our approach offers additional purchase with respect to unanimous votes. Epstein, Landes, and Posner (2013) identify rates of unanimous voting as a useful
Figure 3:

Table 2: Unanimous and Non-unanimous Case Outcomes

<table>
<thead>
<tr>
<th></th>
<th>Non-unanimous</th>
<th>Unanimous</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Intercept)</td>
<td>0.25*</td>
<td>0.23</td>
</tr>
<tr>
<td></td>
<td>(0.11)</td>
<td>(0.12)</td>
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<tr>
<td>DIME score of Petitioning Atty.</td>
<td>0.57***</td>
<td>0.32**</td>
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<tr>
<td></td>
<td>(0.11)</td>
<td>(0.12)</td>
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<tr>
<td>AIC</td>
<td>540.68</td>
<td>463.06</td>
</tr>
<tr>
<td>BIC</td>
<td>548.70</td>
<td>470.70</td>
</tr>
<tr>
<td>Log Likelihood</td>
<td>-268.34</td>
<td>-229.53</td>
</tr>
<tr>
<td>Deviance</td>
<td>536.68</td>
<td>459.06</td>
</tr>
<tr>
<td>Num. obs.</td>
<td>408</td>
<td>337</td>
</tr>
</tbody>
</table>

***p < 0.001, **p < 0.01, *p < 0.05
signal about the ideological composition of a court. They argue that when the ideolog-
ical stakes of a decision are small, the court will be more likely to produce unanimous
decisions. They operationalize non-ideological cases as those in which the ideological
direction of a decision is unspecified.

Estimates of attorney ideology offer an alternative operationalization. Given that
lawyers align ideologically with case outcomes (see above), the distance between peti-
tioning and respondent attorneys could proxy for the ideological contentiousness of a
case. We test this claim by regressing a dichotomous outcome variable for unanimous
decisions (1 if unanimous, 0 otherwise) on the absolute distance between the ideal points
of petitioner and respondent attorneys. Following Epstein, Landes, and Posner (2013),
we additionally control for issue area. The results, presented in Table 3, show that the
probability of a unanimous decision is negatively related to the ideological distance be-
tween lawyers arguing the case. This suggests that ideological disagreement between the
lawyers arguing opposing sides of a case serves as proxy for ideological contentiousness
and, vice versa, that close proximity in the ideologies of the attorneys indicates lack of
ideological controversy. It also lends support to the conceptualization of the Court as
mixing ideological and legal considerations.

Table 3: Unanimous Decisions and Ideological Disagreement among Attorneys

<table>
<thead>
<tr>
<th></th>
<th>Model 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Intercept)</td>
<td>−0.11</td>
</tr>
<tr>
<td></td>
<td>(0.19)</td>
</tr>
<tr>
<td>Abs. Ideological Distance</td>
<td>−0.24∗</td>
</tr>
<tr>
<td></td>
<td>(0.10)</td>
</tr>
<tr>
<td>Issue Area FEs</td>
<td>✓</td>
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<td>AIC</td>
<td>812.27</td>
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<td>BIC</td>
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<tr>
<td>Log Likelihood</td>
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<td>Deviance</td>
<td>786.27</td>
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<tr>
<td>Num. obs.</td>
<td>592</td>
</tr>
</tbody>
</table>

***p < 0.001, **p < 0.01, *p < 0.05
4.3 Inferring Justice Ideology from Attorney Ideal Points

Lastly, we explore the possibility that the ideology of justices will align with the ideology of the lawyers for whom they vote. This would not only provide support for our findings with regard to attorney ideology, but also provide evidence of a broader congruence between lawyer ideology, case (and ultimate determination), and justice ideology.

We do so by constructing scores for justices as a simple average of the ideal points of petitioner attorneys with whom they sided. As shown in Table 1, the CFscores for petitioner attorneys appears to provide an informative signal about the directionality of case outcomes. The decision to focus more narrowly on petitioner attorneys—rather than both petitioner and respondent attorneys—reflects that respondent attorneys are disproportionately drawn from a relatively small set of governmental actors (e.g., the U.S. Solicitor General) that are assigned to cases by default. On the other hand, petitioner attorneys have greater discretion in bringing cases.

For our comparison set, we recover vote-based ideal points for Supreme Court justices with a one-dimensional MCMC-IRT model using the MCMCpack R package (Martin, Quinn, and Park, 2011). We acquired vote data for Supreme Court decisions from the U.S. Supreme Court Database (Spaeth et al., 2015). We restrict the sample of cases to those decided by the Roberts Court between 2005 and 2013. We further limit the set of cases to those for which ideal points are available for both the petitioner and respondent attorneys. This leaves us with 289 of the original 434 non unanimous cases decided since 2005.

Figure 4 plots the ideal point estimates recovered from each technique against the corresponding ideal points recovered from the MCMC IRT model. Both techniques are highly successfully in recovering the relative positioning of justices from the MCMC IRT model. In particular, the measures based on the average ideal points of petitioner attorneys with whom a justice has sided are nearly perfectly correlated with the MCMC-IRT estimates ($\rho = .99$). The correlation for reduced form IRT model is slightly weaker.
Figure 4: Comparison of MCMC IRT Estimates and Ideal Points Inferred from Attorneys.
(\(\rho = 0.96\)), owing largely to the a shift to the right in the estimate for Justice Stevens.

These results demonstrate that attorney ideology as revealed by contribution records provides an informative signal about the ideological content of case outcomes. While our approach succeeds in recovering the relative positions of justices, we note that it does not place the justices on the same scale as the common-space DIME scores and thus cannot be directly compared without adjustment. Attorney ideal points are a noisy signal of the yea and nay locations for cases. When aggregating over many cases, it successfully recovers estimates of judicial ideology but is unlikely to provide reliable estimates of case outcome on a case-by-case basis. The resulting measurement error introduces attenuation bias. Note also that Justice Thomas sides with attorneys with an average ideal point that is slightly left of center. This is due to an overall left-skew in the Supreme Court Bar. It is quite common for both the petitioner and respondent attorneys on a case to be left of center.\(^{10}\)

### 5 Conclusions and Future Research

Scaling lower court ideology from case decisions has proven challenging, owing to the fact that lower-court judges more infrequently sit together—which in turn makes relative scaling difficult. In addition, approaches that use the ideology of nominating actors introduces mismeasurement into ideological estimates, leaving room for improvement. We take a different approach in this paper by presenting the largest data set of consistently measured ideal points of state and federal judges and other kinds of legal actors. The estimation strategy here relies directly on revealed behavior, avoiding the problems associated with inferring ideology from nominating actors. The data also represent ideal

\(^{10}\) Indeed, supposing a justice always to side with the more conservative of the petitioner and respondent attorneys, the average would be 0.23, just slightly right of center. By comparison, were a justice always the side with the more liberal attorney, the average would be -0.95, near the average Democratic member of Congress.
points that are consistently measured, both for state and federal judges, and for trial and appeals court judges. In addition, the data include ideal point estimates for attorneys, which significantly broaden the range of possible research inquiries.

We presented here three illustrations of these measures, but applications may easily extend to other inquiries, in particular inquiries involving lower federal courts or state courts and the interactions between the bar and the judiciary. Finally, we note that these measures enable a serious inquiry into the one of the most important and politically influential groups within American politics, lawyers. Understanding the political inclinations of this politically important group is an essential inquiry to understanding the broader American political landscape. The data we provide in this article sets the stage for such inquiries.

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