Codebook

**Term:**

This variable was copied from EB’s dataset. According to EB’s codebook, this column notes “the term in which the case was decided and the chronological order of cases within that term (e.g., the first relevant case for the 1985 term is 85.1, the second is 85.2, etc.).”[[1]](#footnote-1)

**U.S. Reporter:**

The case’s U.S. Reporter citation.

**Name:**

This variable was copied from EB’s dataset and reflects a short form of one of the parties’ names.

**EB Deference:**

This variable was copied from EB’s dataset. Each value represents the deference regime invoked by the Supreme Court, according to EB’s coding scheme.[[2]](#footnote-2)

No Regime Indicated, Directly or Indirectly = 0

Anti-Deference (Lenity) = 1

Consultative (*Skidmore*-Lite) Deference = 2

*Skidmore* or Similar = 3

*Beth Israel* et al. = 4

*Chevron =* 5

*Seminole Rock =* 6

*Curtiss-Wright =* 7

**EB Chevron Citation:**

This variable was copied from EB’s dataset and notes whether the Court cited *Chevron* in its opinion.

No (*Chevron* not cited) = 0

Yes (*Chevron* cited) = 1

**Party that Should Be Arguing for Deference**:

The name of the party who would benefit from any form of deference (based on the arguments presented in the parties’ briefs).

**Pet\_Brief\_Chevron:**

Whether the petitioner cited *Chevron* in either its opening or reply brief.

No (*Chevron* not cited) = 0

Yes (*Chevron* cited) = 1

*Note:* When cases involved multiple petitioners, briefs were coded in separate columns if they diverged with respect to either *Chevron* citations or deference arguments. For instance, if two petitioner briefs were available and neither cited *Chevron* but one argued for deference, the information in these briefs would be reflected in separate columns (e.g., Pet\_Brief\_Chevron = 0, Pet\_Brief\_Deference = 0, Pet\_Brief\_Chevron\_2 = 0, Pet\_Brief\_Deference\_2 = 1). For cases with separately coded briefs, the federal petitioner’s brief (if available) was represented in the first set of columns (Pet\_Brief\_Chevron and Pet\_Brief\_Deference), whereas the non-federal petitioner’s brief was reflected in the second set of columns.

**Pet\_Brief\_Deference:**

Whether the petitioner’s brief included any argument for or against deference.

Argument against deference = -1

No deference argument = 0

Argument in favor of deference = 1

**Pet\_Brief\_Chevron\_2**:

When one petitioner’s brief made a different *Chevron* or deference argument than the briefs represented in Pet\_Brief\_Chevron (and Pet\_Brief\_Deference), whether the additional petitioner cited *Chevron* in either its opening or reply brief.

No (*Chevron* not cited) = 0

Yes (*Chevron* cited) = 1

Only one petitioner filed a brief = N/a

Multiple petitioners filed a brief, but *Chevron* citations and/or deference arguments did not differ between them = N/a

**Pet\_Brief\_Deference\_2:**

When one petitioner’s brief made a different *Chevron* or deference argument than the briefs represented in Pet\_Brief\_Chevron (and Pet\_Brief\_Deference), whether the additional petitioner argued for or against deference.

Argument against deference = -1

No deference argument = 0

Argument in favor of deference = 1

Only one petitioner filed a brief = N/a

Multiple petitioners filed a brief, but *Chevron* citations and/or deference arguments did not differ between them = N/a

**Resp\_Brief\_Chevron**:

Whether the respondent cited *Chevron* in its brief.

No (*Chevron* not cited) = 0

Yes (*Chevron* cited) = 1

*Note:* Cases with multiple respondent briefs were coded according to the same system noted above for multiple petitioner briefs.

**Resp\_Brief\_Deference:**

Whether the respondent’s brief included any argument for or against deference.

Argument against deference = -1

No deference argument = 0

Argument in favor of deference = 1

**Resp\_Brief\_Chevron\_2**:

When one respondent’s brief made a different *Chevron* or deference argument than the briefs represented in Resp\_Brief\_Chevron (and Resp\_Brief\_Deference), whether the additional respondent cited *Chevron* in its brief.

No (*Chevron* not cited) = 0

Yes (*Chevron* cited) = 1

Only one respondent filed a brief = N/a

Multiple respondents filed a brief, but *Chevron* citations and/or deference arguments did not differ between them = N/a

**Resp\_Brief\_Deference\_2:**

When one respondent’s brief made a different *Chevron* or deference argument than the brief represented in Resp\_Brief\_Chevron (and Resp\_Brief\_Deference), whether the additional respondent argued for or against deference.

Argument against deference = -1

No deference argument = 0

Argument in favor of deference = 1

Only one respondent filed a brief = N/a

Multiple respondents filed a brief, but *Chevron* citations and/or deference arguments did not differ between them = N/a

**Resp\_Brief\_Chevron\_3:**

When one respondent’s brief made a different *Chevron* or deference argument than the briefs represented in both Resp\_Brief\_Chevron and Resp\_Brief\_Chevron\_2 (and, accordingly, Resp\_Brief\_Deference and Resp\_Brief\_Deference\_2), whether the additional respondent cited *Chevron* in its brief.

No (*Chevron* not cited) = 0

Yes (*Chevron* cited) = 1

Only one or two respondents filed a brief = N/a

Multiple respondents filed a brief, but *Chevron* citations and/or deference arguments did not differ between them = N/a

**Resp\_Brief\_Deference\_3:**

When one respondent’s brief made a different *Chevron* or deference argument than the briefs represented in both Resp\_Brief\_Chevron and Resp\_Brief\_Chevron\_2 (and, accordingly, Resp\_Brief\_Deference and Resp\_Brief\_Deference\_2), whether the additional respondent argued for or against deference.

Argument against deference = -1

No deference argument = 0

Argument in favor of deference = 1

Only one or two respondents filed a brief = N/a

Multiple respondents filed a brief, but *Chevron* citations and/or deference arguments did not differ between them = N/a

**SG\_Brief\_Available:**

Whether the Solicitor General (SG) filed a brief in the case, and if so, whether the SG filed an independent amicus brief or alternatively authored one of the parties’ briefs.

No SG brief available = 0

SG filed an amicus brief = 1

SG authored the petitioner’s brief = 2

SG authored the respondent’s brief = 3

**SG\_Brief\_Independent:**

Whether the SG filed an independent amicus brief (this variable is a condensed version of SG\_Brief\_Available).

No = 0

Yes = 1

**SG\_Brief\_Chevron**:

Whether the SG’s independent amicus brief cited *Chevron*.

No (*Chevron* not cited) = 0

Yes (*Chevron* cited) = 1

SG did not file an independent amicus brief = N/a

**SG\_Brief\_Deference:**

Whether the SG’s independent amicus brief made any argument for or against deference.

Argument against deference = -1

No deference argument = 0

Argument in favor of deference = 1

SG did not file an independent amicus brief = N/a

1. William Eskridge & Lauren Baer, *Replication Data for: The Continuum of Deference: Supreme Court Treatment of Agency Statutory Interpretations from* Chevron *to* Hamdan*,* Harvard Dataverse (Aug. 17, 2011), https://dataverse.harvard.edu/dataset.xhtml?persistentId=hdl:1902.1/16562. [↑](#footnote-ref-1)
2. *Id.* [↑](#footnote-ref-2)