Agenda Setting on the Vinson Court

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The paper that follows is one of a series of papers I wrote regarding agenda setting on the Vinson Court. As each paper was completed updates and corrections may have changed some of the specific numbers presented in earlier papers, but the general results did not change. The papers were eventually combined into a book titled, *Supreme Court Agenda Setting: The Vinson Court* (available on Amazon.com). The individual papers became chapters in the book and the updated numbers were used for that version.

Again, the paper that follows is the original version. Some numbers may have been updated for the version included as a chapter in the book version, but the changes were usually minor and did not affect the overall results.

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Paper 12: Only a Single Lower Court as a Factor

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Abstract

Although thousands of petitions seeking review by the Supreme Court are filed each year, the justices only accept about 150 or fewer for plenary review, with perhaps a few hundred more disposed of summarily. Because of this low acceptance rate scholars have long thought that the justices must use some strategy or process to reduce their workload to manageable levels. Although the examination of agenda setting on the Supreme Court is of continuing interest to judicial scholars, previous studies have usually focused only on cert petitions, specific issues, particular terms, or sampling for their data collection. A more comprehensive examination of the cases filed before the Supreme Court will provide a clearer picture of how the justices set their agenda.

Drawing from an ongoing database project this study examines all cases filed before the Vinson Court (1946 to 1952 Terms) on its appellate docket. The specific question addressed in this paper is whether cases that were reviewed by only a single lower court were treated differently by the Court in terms of the review decision. The results show that although cases with the same source and origin courts had a higher acceptance rate than other cases, there were differences between state and federal courts, as well as differences between courts at both the state and federal levels.

Agenda Setting on the Vinson Court
Paper 12: Only a Single Lower Court as a Factor

This is the twelfth paper in a series examining agenda setting on the Vinson Court. The examinations are largely empirical, but with a general grounding in familiar aspects of behavioral judicial politics. Although part of a series, I would like each paper to stand on its own. Thus, some explanatory material will be repeated from one paper to the next to provide background or context.

The decisions on the merits of cases made by the justices of the United States Supreme Court may be the most important aspect of judicial policy making, but scholarly examination of other aspects of the judicial decision making process have contributed to our overall understanding of judicial behavior and politics. A few examples of such research includes examination of opinion writing of the Supreme Court justices (Maltzman, Spriggs, and Wahlbeck 2000), acclimation effects of new justices (Hagle 1993), the use of precedent on the Supreme Court (Segal and Spaeth 1999), and dealing with the lack of precedent in the federal courts of appeal (Klein 2002).

Of course, agenda setting and its attendant strategic considerations have also been the focus of many studies. *Marbury v. Madison* (1803) may have been the earliest and most famous example of strategic agenda setting or decision making by the Supreme Court. Despite a general view at the time that judges were not policy makers—at least not along the lines of executives and legislators (see, for example, Spaeth 1979, chapter 1)—histories of the Court have certainly recognized strategic aspects to the Court's

decision making (e.g., Rodell 1955). Walter Murphy's *Elements of Judicial Strategy* (1964) is one of the earliest and most important examinations of how strategic considerations may affect judicial decision making. Other scholars have expanded and refined Murphy's arguments (e.g., Epstein and Knight 1998). A related line of research focuses more specifically on the ideological preferences of judges (e.g., Segal and Spaeth 2002) and a book by Brenner and Whitmeyer (2009) compares various models of strategic judicial behavior.

One aspect of strategic judicial behavior lies in agenda setting, which means how the Supreme Court decides which cases it will take to decide on the merits. Although several thousand petitions seeking review by the Supreme Court are filed each year, the justices only accept about 150 or fewer for plenary review (i.e., full briefs submitted, oral arguments held, and opinions written), with maybe a few hundred more disposed of summarily (i.e., the Court simply affirms, reverses, or vacates in a very short per curiam opinion, sometimes as little as "Judgment affirmed."). Thus, scholars have long thought that the justices must use some strategy or process to reduce their workload to manageable levels (e.g., Hagle 1990).

In his book-length examination of Supreme Court agenda setting Perry (1991) notes that aspects of agenda setting have been of interest to judicial scholars at least since Schubert (1959). Perry also notes that a few years later Tanenhaus, Schick, Muraskin, and Rosen, (1963) formulated "cue theory" as a way of explaining how the justices were able to navigate the "sea of work that must be processed" (1991, 114). As Perry goes on to note, cue theory fell out of favor when later, more sophisticated,

studies failed to replicate the initial results (1991 116). Nevertheless, although a study by Ulmer, Hintze, and Kirklosky rejected two of the three cues Tanenhaus et al., found significant, a third—the federal government as a petitioning party—was significant and the authors concluded that cue theory retained some viability (1972, 642).

Regardless of how cue theory itself has developed, like these two early examinations of the Supreme Court's agenda setting many later studies focused on how the justices deal with the large number of petitions for writs of certiorari.[1] Caldeira and Wright (1988), for example, examined organized interests in agenda setting with respect to the cert petitions filed during the Court's 1982 Term. In a recent edition of his text on the Supreme Court, Baum (2013, 88) provides an example of recent work examining litigant status (Black and Boyd 2012). Thus, although the examination of agenda setting on the Supreme Court is of continuing interest to judicial scholars previous studies have usually focused only on cert petitions (Tanenhaus et al. 1963), specific issues (Caldeira and Wright 1988; Black and Boyd 2012), particular terms (Ulmer, Hintze, and Kirklosky 1972), or sampling for their data collection (Tanenhaus et al. 1963; Perry 1991). A more comprehensive examination of the cases filed before the Supreme Court will provide a

[1] Cases come before the Supreme Court via two basic methods: petitions for writs of certiorari and appeals. Because this study will not distinguish between "cert" petitions and appeals, I hesitate to wade too deeply into their differences. Briefly, however, cert petitions are discretionary, which means that the justices are free to grant or deny them as they see fit. No legal meaning is attached to a denial except that the Supreme Court chose not to hear the case. Technically, the Supreme Court must hear cases that come as appeals, but the justices may avoid review by indicating that a case was not properly presented as an appeal for one reason or another. The Court may then treat the appeal papers as a petition for a writ of certiorari and grant or deny the petition. See Perry (1991, Chapter 2) for more on the difference between cert petitions and appeals. See also Stern and Gressman (1978) for a more extended discussion of the topic. Of course, changes to the law in 1988 (Public Law No: 100-352) removed several categories of the Supreme Court's mandatory jurisdiction in appeals.

clearer picture of how the justices set their agenda. To that end, this study will examine all cases on the Vinson Court's appellate docket.[2]

Single Lower Court Review

In the sixth paper in this series I looked at whether the level of the immediate lower court was a factor in the Court's agenda setting.[3] The results indicated that the Court was more likely to accept cases coming from state supreme courts than those coming from either state courts of appeals or state trial courts (Tables 6-1 to 6-3).[4] One thought regarding this result was that cases coming from higher state courts had more "ripening" of a sort in that those cases had usually been heard by one or two lower state courts before reaching the state supreme court. Those lower courts would allow the issues to be clarified and provide additional judicial examination of them. Reaching the state supreme court would also mean a more authoritative holding regarding state law.

Of course, not all cases coming from the state supreme courts were reviewed by state intermediate appeals or trail courts. For example, cases involving attorney

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[2] Until the Court changed its numbering system for filed cases there were essentially three dockets: appellate, miscellaneous, and original. The appellate docket contained what are usually referred to as the "paid" cases, the miscellaneous docket contained the "unpaid" cases (also known as paupers, *in forma pauperis,* or *ifp* cases), and the original docket contained those cases coming to the Court via its limited original jurisdiction. Given my concern about excluding cases on appeal from prior analyses one might reasonably wonder why I do not examine all cases on the Court's three dockets. The original jurisdiction cases can be excluded because they are so few and are of a fundamentally different character. It is well documented that the *ifp* cases on the Court's miscellaneous docket are treated differently, on average, than cases on the appellate docket (e.g., Perry 1991, Chapter 2; Baum 2013, 96-100). Nevertheless, the Court sometimes grants review to unpaid cases (and sometimes grants *in forma pauperis* status to cases on the appellate docket). See below for more on how these cases are treated for this study.

[3] The paper is titled, "Agenda Setting on the Vinson Court, Paper 6, Court Level as a Factor."

[4] To make it easier to refer to the tables of the prior papers I will use the notation indicating the prior paper number and the table number. Thus, Table 6-1 refers to Table 1 of the sixth paper, and so on.

discipline generally start in a state supreme court and then are appealed to the United States Supreme Court. Even so, it is certainly true that cases coming from lower state courts would have fewer opportunities for additional judicial review.

Unfortunately, that notion of ripening did not seem to work for cases coming from the federal courts. The results presented in Table 6-4 showed that the Court was over five times more likely to accept cases for review that came directly from a United States District Court than from a United States Court of Appeal (88.0% versus 17.0%). The analysis in the sixth paper then went on to examine whether the number of judges involved in the district court was the reason for the surprising result. (I hope this is not a spoiler but it was not; see Table 6-7.)

What the sixth paper did not examine was whether it made a difference if the first court to hear a case, the origin court, was also the only court to hear the case before being appealed to the US Supreme Court, making it also the source court.[5] In other words if the first court was the only court to hear a case it would be both the origin and source court before being appealed to the Supreme Court.

The eleventh paper in the series focused on administrative action as a factor in Supreme Court agenda setting.[6] Toward the end of that paper I examine court level related to administrative action. The results presented in Tables 11-13 and 11-14 indicated that the Court was more likely to accept cases where the source and origin courts were the same. This was particular so when federal district courts were included

[5] "Origin" and "Source" are the field names used in Spaeth's database (see below) for these courts and I have used them as well.
[6] The paper is titled, "Agenda Setting on the Vinson Court, Paper 11, Administrative Action as a Factor."

(Table 11-13). Table 11-14 focused only on cases coming from US Courts of Appeal and then whether they were also the origin court. Even for this comparison the Court was more likely to accept cases where the source court was also the origin court.

As a result of these prior findings, and particularly given the different results for state and federal courts, it is worth taking a more specific look at court level as a factor to get a better sense of if, and perhaps when, it makes a difference for agenda setting for the source court to also be the origin court.

Data

Data for this study were drawn from an ongoing database project involving all cases on the Supreme Court's appellate docket from the 1946 Term on. Data are complete for the Vinson Court (1946 through 1952 Terms) and provide a relatively stable period in which to examine the Court's docket.

Information on the cases in the database was drawn from several sources including the *United States Law Week*, various reporters for the state and federal courts, LEXIS, and other online sources. Every case that received an appellate docket number during the 1946-1952 Terms is included in the database. This results in 5,905 cases. Included in this number are 156 cases originally filed before the 1946 Term (the first term of the Vinson Court). The review decision for 95 of these 156 cases was made prior to the 1946 Term and those cases are not included in the dataset for this study. At the end of the Vinson Court 121 cases eventually received a 1953 Term (the first term of the

Warren Court) or later docket number.[7] The review decisions for 72 of these 121 cases were made after the 1952 Term but are included in the dataset given that those cases were initially filed during the Vinson Court. Also, included in the dataset are 67 cases that originally appeared on the Court's miscellaneous docket and were moved to the appellate docket.[8] Not included in the dataset are 64 cases that were dismissed on the motion of the petitioner prior to the review decision, 18 cases that were dismissed by a Supreme Court rule (e.g., late filing, failure to pay fees), and one case where no review decision could be found.[9] This results in a dataset of 5,727 cases.

An additional note on the coding for this examination is worthwhile before proceeding. Coding for the source and origin courts is relatively straightforward. As noted above, the first court to hear a case, regardless of the level of that court (trial, intermediate appellate, or supreme) is designated the origin court. The court that reviews the case immediately before the case is appealed to the US Supreme Court, again regardless of level, is the source court.

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[7] Prior to the 1971 Term cases held over to the next term, before or after a review decision, were renumbered at the start of each term and there was no two-digit term indicator. For example, *Brown v. Board of Education* was initially filed during the Court's 1951 Term and given the docket number 436. It was held over to the 1952 Term with the new docket number 8, and again for the 1953 Term with the docket number 1.

[8] Through the Vinson and Warren Courts, cases originating on the miscellaneous docket (sometimes referred to as the "pauper's docket") that were granted review were usually moved to the appellate docket (sometimes referred to as the "paid docket") and given a new docket number. The Expanded United States Supreme Court Judicial Database, Harold J. Spaeth principal investigator, lists 26 cases with a miscellaneous docket number (with an "M" in the DOCKET field, meaning they were not transferred to the appellate docket) during the 1946-1952 Terms. Of these, 17 were granted review (with eight of those disposed of in a short per curiam), but are not included here. On the other hand, this dataset includes 19 cases initially filed on the appellate docket for which the Court granted *in forma pauperis* status to one of the parties (only one of which was granted review). (This is an older version of the Supreme Court Database before it was moved online, which, as of this writing, can be viewed at http://scdb.wustl.edu.)

[9] Without going into great detail, it appears that the case in question was withdrawn shortly after filing and refiled a month later with a new docket number. The latter case, *Deena Products Co. v. National Labor Relations Board* (1952) is included in the database and was denied review.

For example, a federal case involving action by the Interstate Commerce Commission would usually be heard by a three-judge panel in a US District Court and then be appealed directly to the Supreme Court. That would make the District Court both the source and origin court for that case. Another example noted in the sixth paper occurs when there is administrative action by federal agencies such as the National Labor Relations Board. The losing party to the administrative action can then bring suit in a US Court of Appeals. From there the case is appealed to the Supreme Court. That makes the Court of Appeals both the source and origin court for that case.

State cases may vary a bit more in terms of why a cases goes to one court rather than another, but the approach is the same in terms of identifying the source and origin courts.

Results

I begin by noting that of the 5,727 cases in the dataset the Court accepted 1,169 of them for review. That resulted in an overall acceptance rate of 20.4%

Table 1 shows the comparison of those cases when the source court was also the origin court with those cases when the source court was not the origin court. Combining state and federal cases and regardless of level there were 1,154 cases when the source court was also the origin court (which I will refer to as SO cases from here on). This is about 20% of all the cases, so a not insignificant amount. The Court granted review to 394 of these cases (34.1%). In comparison, of the 4,573 cases when the source and origin courts were not the same (non-SO cases) the Court granted review to 775

(16.9%). Using a two-tailed difference of means test this difference is significant at the $p < .001$ level.

TABLE 1 ABOUT HERE

That the Court was more likely to accept cases where only one court below had reviewed the cases seems to run counter to the notion that review by more than one lower court provides additional ripening, at least in this form. Even so, and as prior results suggest, we must drill down a bit to get a clearer picture of what was occurring for these types of cases. To that end, Table 2 shows the comparison between state SO cases with all cases when the two courts are different. Note that the numbers for cases when the source and origin courts are different are the same as in Table 1 and will be the same for all the remaining tables.

TABLE 2 ABOUT HERE

There were 344 SO cases from state courts. The Supreme Court granted review to only 29 of these cases (8.4%). This finding is more in line with the initial expectation that more courts reviewing a case as it works up the judicial ladder would increase the likelihood of acceptance by the Court and the difference is statistically significant. We know from the sixth paper in the series, however, that there was a difference in the acceptance rates for cases coming from state supreme courts versus lower state courts (Tables 6-1 and 6-2). Thus, the next step is to break out these state cases based on court level.

TABLE 3 ABOUT HERE

Table 3 shows the comparison of state supreme court SO cases with all non-SO cases. There were only 81 SO cases from state supreme courts of which the Court granted review to 18 (22.2%). This was above the 16.9% acceptance rate for all cases in which the source and origin courts were different but because of the small number of state cases involved the difference in rates does not reach statistical significance. Nevertheless, that the acceptance rate was higher may suggest that the Court viewed cases from state supreme courts as a bit more authoritative and therefore worthy of review than cases from lower state courts.

TABLE 4 ABOUT HERE

Given that the acceptance rate for state supreme court SO cases was much higher than for all such state cases, it should be no surprise that the acceptance rate for lower state court SO cases was even lower. This is shown in Table 4 where we see that although the number of cases was much higher than those from state supreme courts at 259, the Court only accepted 11 of them (4.2%). Not surprisingly, the difference between lower state court SO cases and all non-SO cases (4.2% versus 16.9%) is statistically significant.

One might reasonably wonder why the acceptance rate for lower state court SO cases would be so much lower than SO cases coming from the state supreme courts. Again, part of the reason likely has to do with the Court's view of the greater authority of the state high courts. It may also turn in large part on the types of cases coming from each court level. In particular, a large portion of the cases coming from a lower state courts involve criminal issues. The results presented in the eighth and ninth papers in

the series showed that the acceptance rates for certain types of cases involving criminal issues parties tended to be lower.[10] With those results in mind, it is worth comparing state SO cases while excluding those with criminal issues.

TABLE 5 ABOUT HERE

Table 5 shows the comparison of state SO cases of all levels with all non-SO cases. After excluding the state SO cases with criminal issues there were 69 remaining state SO cases of which the Court granted review to 22 (31.9%). Despite the small number of these cases the difference reaches a traditional level of statistical significance. The bulk of cases with criminal defendants, particularly those coming from lower state courts, were likely thought to be frivolous by the Court and denied review accordingly. This was likely true of the state supreme courts as well, which is why the cases came from lower state courts.

Having examined how the Court treats SO cases coming from the state courts we can now turn to an examination of SO cases coming from the federal courts.

TABLE 6 ABOUT HERE

Table 6 shows the comparison between SO cases coming from the federal courts and all non-SO cases. There were 810 federal SO cases and the Court granted review to 365 of them (45.1%). This acceptance rate was well over twice the rate for all non-SO cases and the difference reaches a high level of statistical significance. We know from prior examinations, Table 11-11 in particular, that the Court's acceptance rate for cases

[10] The eighth paper is titled, "Agenda Setting on the Vinson Court, Paper 8, Law Enforcement Parties as a Factor." The ninth paper is titled, "Agenda Setting on the Vinson Court, Paper 9, Criminal Defendants as a Factor."

coming from the US District Courts was significantly higher than the rate for cases coming from the US Courts of Appeals. Thus, as with the state SO cases, we must drill down to better understand this different treatment.

TABLE 7 ABOUT HERE

Table 7 shows the comparison of SO cases coming from US Courts of Appeals and all non-SO cases. There were only 331 SO cases from the Courts of Appeals and the Supreme Court granted review to 82 of them (24.8%). That acceptance rate was sufficiently higher than the acceptance rate for the non-SO cases to reach statistical significance. The acceptance rate for SO cases from the Courts of Appeals is consistent with the acceptance rate for SO cases from the Courts of Appeals that involved administrative action shown in Table 11-11.[11]

TABLE 8 ABOUT HERE

Having examined the acceptance rate for SO cases coming from the US Courts of Appeals the next step is to examine those SO cases from lower federal courts. I use the phrase "lower federal courts" here because this includes both the US District Courts as well as the US Court of Claims which also functions as a trial court. In Table 8 we see that there were 479 cases that came from lower federal courts and the Court granted review to 283 of them (59.1%). Again, given the findings from prior papers, and in particular the results presented in Tables 6-5 and 6-7, it is no surprise that the cases from the lower federal courts had such a high acceptance rate. Again, however, it is

[11] The comparison in Table 11-11 was with a much narrower set of non-SO cases (only those involving federal administrative action) so the difference there did not reach statistical significance.

worth drilling down a bit more. Given that SO cases from the Court of Claims were included in Table 8 it makes sense to examine those cases separately from those SO cases coming from US District Courts.

TABLE 9 ABOUT HERE

Beginning with the SO cases from the District Courts, Table 9 shows the comparison of those cases with all non-SO cases. There were 274 SO cases from the District Courts and the Court granted review to 241 of them (88.0%). The figures in the row for the SO District Court cases are the same as were presented in the second row of Table 6-5. In Table 6-5 the comparison focused on SO cases from District Courts versus cases from the Courts of Appeals and Court of Claims. Here, the focus is on SO versus non-SO cases but the very high acceptance rate for the single-judge District Courts is still several times higher than the comparison group.

Table 6-7 looked at the comparison of cases coming from single-judge and three-judge US District Courts. Although both types of courts had very high acceptance rates (86.7% and 88.6%, respectively), there was little difference between them. In the next two tables these rates are compared to the set of all non-SO cases.

TABLE 10 ABOUT HERE

Table 10 shows the comparison of SO cases coming from three-judge US District Courts with all non-SO cases. There were 176 of these cases and the Court granted review to 156 of them (88.6%). As expected, this difference is very large and highly significant.

TABLE 11 ABOUT HERE

Table 11 shows the comparison of SO cases coming from single-judge US District Courts with all non-SO cases. There were only 98 of these cases but the Court granted review to 85 of them (86.7%). Despite the smaller number of these cases the difference was still highly significant.

TABLE 12 ABOUT HERE

Finally, Table 12 examines the comparison between SO cases from the Court of Claims and all non-SO cases. There were 205 SO cases from the Court of Claims and the Court granted review to 42 of them (20.5%). Although this acceptance rate is above the rate for all non-SO cases, the difference does not reach a traditional level of statistical significance.

Concluding Comments

As we have seen in previous papers in this series, the results for this examination were more nuanced than a single factor might indicate. The notion that the justices of the Supreme Court prefer to let issues ripen in the lower courts may have validity, but the results presented in this paper do not seem to indicate that a factor in such ripening is simply whether more than one lower court ruled on the case before it was appealed to the Court.

As shown in Table 1, in looking at all the cases when there was only one lower court, meaning when the source and origin courts were the same, the Court was over twice as likely to accept cases for review when there was only one lower court compared with those with two or more lower courts. This result was certainly contrary

to the notion of a case being more ripe if more courts had heard it. Not surprisingly, however, a closer examination of the cases when the source and origin courts were the same—the SO cases—found that the Court's acceptance of these cases was more nuanced.

In particular, there was a distinct difference in the acceptance rates for SO cases from state and federal courts (Tables 2 and 6, respectively). Despite the difference in the acceptance rates for state and federal SO cases, more distinctions appeared when drilling down even further. Not surprisingly, the Court was more accepting of SO cases from state supreme courts (Table 3) than from lower state courts (Table 4). An additional influence here was the large number of state SO criminal cases which the Court apparently thought unworthy of review, if not outright frivolous. When those cases were excluded the acceptance rate for state SO cases jumped dramatically (Table 5) and was over nine percentage points higher than the acceptance rate for all SO cases from state supreme courts (31.9% compared to 22.2%; Tables 5 and 3).

Although SO cases from the federal courts had a much higher acceptance rate than SO cases from the state courts, there were also difference based on the type of federal court involved. One might reasonably guess that the Court would be more accepting of cases from the Courts of Appeals than the District Courts, but this was shown to not be the case. It was not surprising that the acceptance rate for SO cases from the Courts of Appeals (Table 7) was higher than the rate for SO cases from the state supreme courts (Table 3), but that rate was much lower than the acceptance rate for SO cases from all lower federal courts (Table 8) and in particular from the District Courts (Table 9).

Indications of the unusually high acceptance rate for SO cases coming from the federal District Courts were shown in the sixth and eleventh papers in the series. In the sixth paper, which examined the level of the source court as a factor, compared single- and three-judge federal district courts and found no difference between them (Table 6-7). Nevertheless, both types of court had exceptionally high acceptance rates and in this paper, Tables 10 and 11 compared those rates with the rate for non-SO cases and found the differences to be highly significant. It was not just a matter of the Court's willingness to hear cases from federal trial courts, however, as Table 12 examined the acceptance rate for SO cases coming from the Court of Claims and found the difference with non-SO cases to not be significant.

If SO cases can be seen as an indication of ripening that factor is influenced by the type of court (state or federal), the court level (supreme or lower at the state level) and the subject matter of the case (criminal or not, federal administrative action in three-judge federal courts). Thus, although SO cases may be worthy of examination, the fact that the source and origin courts are the same may be a proxy for other factors that are also if not more important.

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Table 1

Acceptance Rates for Cases With Source and Origin Courts the Same Compared With Cases With Different Source and Origin Courts on the Vinson Court's Appellate Docket

	Accepted	Denied	Row Total	Acceptance Rate (%)
SO Cases	394	760	1,154	34.1%*
Non-SO Cases	775	3,798	4,573	16.9%
Column Total	1,169	4,558	5,727	20.4%

* $p < .001$, two-tail difference of means test (see Wonnacott and Wonnacott 1972, 178).

Table 2

Acceptance Rates for State Cases With Source and Origin Courts the Same Compared With Cases With Different Source and Origin Courts on the Vinson Court's Appellate Docket

	Accepted	Denied	Row Total	Acceptance Rate (%)
State SO Cases	29	315	344	8.4%*
Non-SO Cases	775	3,798	4,573	16.9%
Column Total	804	4,113	4,917	16.4%

* $p < .001$, two-tail difference of means test (see Wonnacott and Wonnacott 1972, 178).

Table 3

Acceptance Rates for State Supreme Court Cases With Source and Origin Courts the Same Compared With Cases With Different Source and Origin Courts on the Vinson Court's Appellate Docket

	Accepted	Denied	Row Total	Acceptance Rate (%)
State Supreme Court SO Cases	18	63	81	22.2%
Non-SO Cases	775	3,798	4,573	16.9%
Column Total	793	3,861	4,654	17.0%

Table 4

Acceptance Rates for State Lower Court Cases With Source and Origin Courts the Same Compared With Cases With Different Source and Origin Courts on the Vinson Court's Appellate Docket

	Accepted	Denied	Row Total	Acceptance Rate (%)
State Lower Court SO Cases	11	248	259	4.2%*
Non-SO Cases	775	3,798	4,573	16.9%
Column Total	786	4,046	4,832	16.3%

* $p < .001$, two-tail difference of means test (see Wonnacott and Wonnacott 1972, 178).

Table 5

Acceptance Rates for State Non-Criminal Cases With Source and Origin Courts the Same Compared With Cases With Different Source and Origin Courts on the Vinson Court's Appellate Docket

	Accepted	Denied	Row Total	Acceptance Rate (%)
State Non-Criminal SO Cases	22	47	69	31.9%*
Non-SO Cases	775	3,798	4,573	16.9%
Column Total	797	3,845	4,642	17.2%

* $p < .01$, two-tail difference of means test (see Wonnacott and Wonnacott 1972, 178).

Table 6

Acceptance Rates for Federal Cases With Source and Origin Courts the Same Compared With Cases With Different Source and Origin Courts on the Vinson Court's Appellate Docket

	Accepted	Denied	Row Total	Acceptance Rate (%)
Federal SO Cases	365	445	810	45.1%*
Non-SO Cases	775	3,798	4,573	16.9%
Column Total	1,140	4,243	5,383	21.2%

* $p < .001$, two-tail difference of means test (see Wonnacott and Wonnacott 1972, 178).

Table 7

Acceptance Rates for Federal Courts of Appeals Cases With Source and Origin Courts the Same Compared With Cases With Different Source and Origin Courts on the Vinson Court's Appellate Docket

	Accepted	Denied	Row Total	Acceptance Rate (%)
Federal Court of Appeals SO Cases	82	249	331	24.8%*
Non-SO Cases	775	3,798	4,573	16.9%
Column Total	857	4,047	4,904	17.5%

* $p < .001$, two-tail difference of means test (see Wonnacott and Wonnacott 1972, 178).

Table 8

Acceptance Rates for Federal Lower Court Cases With Source and Origin Courts the Same Compared With Cases With Different Source and Origin Courts on the Vinson Court's Appellate Docket

	Accepted	Denied	Row Total	Acceptance Rate (%)
Federal Lower Court SO Cases	283	196	479	59.1%*
Non-SO Cases	775	3,798	4,573	16.9%
Column Total	1,058	3,994	5,052	20.9%

* $p < .001$, two-tail difference of means test (see Wonnacott and Wonnacott 1972, 178).

Table 9

Acceptance Rates for Federal District Court Cases With Source and Origin Courts the Same Compared With Cases With Different Source and Origin Courts on the Vinson Court's Appellate Docket

	Accepted	Denied	Row Total	Acceptance Rate (%)
Federal District Court SO Cases	241	33	274	88.0%*
Non-SO Cases	775	3,798	4,573	16.9%
Column Total	1,016	3,831	4,847	21.0%

* $p < .001$, two-tail difference of means test (see Wonnacott and Wonnacott 1972, 178).

Table 10

Acceptance Rates for Federal Three-Judge District Court Cases With Source and Origin Courts the Same Compared With Cases With Different Source and Origin Courts on the Vinson Court's Appellate Docket

	Accepted	Denied	Row Total	Acceptance Rate (%)
Federal Three-Judge District Court SO Cases	156	20	176	88.6%*
Non-SO Cases	775	3,798	4,573	16.9%
Column Total	931	3,818	4,749	19.6%

* $p < .001$, two-tail difference of means test (see Wonnacott and Wonnacott 1972, 178).

Table 11

Acceptance Rates for Federal Single-Judge District Court Cases With Source and Origin Courts the Same Compared With Cases With Different Source and Origin Courts on the Vinson Court's Appellate Docket

	Accepted	Denied	Row Total	Acceptance Rate (%)
Federal Single-Judge District Court SO Cases	85	13	98	86.7%*
Non-SO Cases	775	3,798	4,573	16.9%
Column Total	860	3,811	4,671	18.4%

* $p < .001$, two-tail difference of means test (see Wonnacott and Wonnacott 1972, 178).

Table 12

Acceptance Rates for Federal Court of Claims Cases With Source and Origin Courts the Same Compared With Cases With Different Source and Origin Courts on the Vinson Court's Appellate Docket

	Accepted	Denied	Row Total	Acceptance Rate (%)
Federal Court of Claims SO Cases	42	163	205	20.5%
Non-SO Cases	775	3,798	4,573	16.9%
Column Total	817	3,961	4,778	17.1%