

# The Seminal Contributions of the Institutum Iurisprudentiae Academia Sinica to the Study of Judicial Behavior\*

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The analysis of judicial behavior is thriving. Once the sole province of US scholars—and mostly political scientists at that—researchers throughout the world are drawing on economics, history, law, psychology, and sociology to analyze how and why judges make the choices they do. This is welcome news because studies of judicial behavior are valuable in more ways than one. Not only do they add to the store of knowledge on law and legal institutions; they also provide guidance to policymakers about the possible effects of institutional change on judges and their decisions, educate the public about

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how their courts work, help practicing lawyers develop winning strategies, and even prompt judges to rethink their choices in light of unearthed biases.<sup>1</sup>

The global growth in the study of judicial behavior traces, in no small part, to researchers at the Institutum Iurisprudentiae Academia Sinica (IIAS). By moving Taiwanese courts and judges to the fore, IIAS scholars have put to the test ideas that had been assessed (mostly) in the USA and a handful of other common law countries. Even more consequentially, IIAS research on Taiwan has generated new insights that have proved illuminating for studies on judging throughout the world.

The upshot is that when it comes to the analysis of judicial behavior, the IIAS has more than lived up to its founding goals of “breaking new ground with the spirit of creativity” and “yielding first-rate, internationally recognized scholarship”;<sup>2</sup> it has surpassed them.

No one essay could do justice to the many contributions of IIAS scholars. For this reason, I limit my commentary to but a few of the theoretical, substantive, and methodological breakthroughs that relate directly to the study of judicial behavior.<sup>3</sup>

## 1. Theoretical Contributions

Guiding work on judicial behavior is a range of theories, reflecting different disciplinary traditions, as Table 1 shows.

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<sup>1</sup> See generally RICHARD A. POSNER, *HOW JUDGES THINK* (2008); LEE EPSTEIN ET AL., *THE BEHAVIOR OF FEDERAL JUDGES: A THEORETICAL AND EMPIRICAL STUDY OF RATIONAL CHOICE* (2013); Andrew J. Wistrich et al., *Heart Versus Head: Do Judges Follow the Law or Follow Their Feelings*, 93 *TEX L. REV.* 855 (2015) (all listing the benefits of studying judicial behavior).

<sup>2</sup> INSTITUTUM IURISPRUDENTIAE ACADEMIA SINICA, <https://www.iias.sinica.edu.tw/en/introduction> (last visited Jun. 15, 2021).

<sup>3</sup> For the sake of inclusiveness, I also discuss relevant works by scholars from other institutes of Academia Sinica.

Approach (Disciplinary Origin(s))	Description
Attitudinal Model (Political Science, Psychology)	Judges' votes reflect their ideological attitudes toward case facts <sup>4</sup>
Legalism (strong version) (Law)	Judges "find" the meaning of legal rules through politically neutral methods <sup>5</sup>
"Thinking-Fast" Judging (Psychology, Behavioral Economics)	Judges rely on heuristics, intuitions, and the like to make fast decisions without much effort <sup>6</sup>
Identity Accounts (Psychology, Sociology)	Judges' biographies, personal characteristics, and identities affect their choices <sup>7</sup>
Labor Market Model (Economics)	Judges are motivated and constrained by (mostly) non-pecuniary costs (e.g., effort, criticism) and benefits (e.g., esteem, influence, self-expression) <sup>8</sup>
Strategic Accounts (Economics, Political Science)	Judges are strategic actors who realize that their ability to achieve their goals depends on the preferences of other actors, the choices they expect others to make, and the institutional context in which they interact <sup>9</sup>

TABLE 1. Six Approaches to the Study of Judicial Behavior<sup>10</sup>

Source: See *supra* note 10.

<sup>4</sup> Best articulated in JEFFREY A. SEGAL & HAROLD J. SPAETH, *THE SUPREME COURT AND THE ATTITUDINAL MODEL REVISITED* (2002), especially Chapters 3 and 8.

<sup>5</sup> Under a weaker version of legalism, "law" (broadly defined) constrains judges from acting on their personal preferences, intuitions, biases, and emotions.

<sup>6</sup> See generally DANIEL KAHNEMAN, *THINKING, FAST AND SLOW* (2011); RICHARD H. THALER, *MISBEHAVING: THE MAKING OF BEHAVIORAL ECONOMICS* (2015).

<sup>7</sup> Examples include national identity (e.g., Eric A. Posner & Miguel F. P. de Figueiredo, *Is the International Court of Justice Biased?*, 34 J. LEGAL STUD. 599 (2005)); race (e.g., Adam Cox & Thomas J. Miles, *Judging the Voting Rights Act*, 108 COLUM L. REV. 1 (2008)), gender (e.g., Christina L. Boyd et al., *Untangling the Causal Effects of Sex on Judging*, 54 AM. J. POL. SCI. 389 (2010)); and religion (Moses Shayo & Asaf Zussman, *Judicial Ingroup Bias in the Shadow of Terrorism*, 126 Q. J. ECON. 1447 (2011)).

<sup>8</sup> See, e.g., BENJAMIN ALARIE & ANDREW J. GREEN, *COMMITMENT AND COOPERATION ON HIGH COURTS: A CROSS-COUNTRY EXAMINATION OF INSTITUTIONAL CONSTRAINTS ON JUDGES* (2017); Richard A. Posner, *What Do Judges and Justices Maximize? (The Same Thing Everybody Else Does)*, 3 SUP. CT. ECON. REV. 1 (1993).

<sup>9</sup> LEE EPSTEIN & JACK KNIGHT, *THE CHOICES JUSTICES MAKE* (1998).

<sup>10</sup> See Adopted from LEE EPSTEIN & KEREN WEINSHALL, *THE STRATEGIC ANALYSIS OF JUDICIAL BEHAVIOR: A COMPARATIVE PERSPECTIVE* (2021).

IIAS scholars have made important contributions to each. Suffice it here to highlight studies pertaining to three: the attitudinal model, thinking-fast judging, and strategic accounts.<sup>11</sup>

### 1.1 The Attitudinal Model

Under the “attitudinal model,” judges’ votes reflect their political preferences toward the facts raised in cases—with political preferences usually defined by the judges’ ideology or partisan identity.<sup>12</sup> Although various versions of this model have been around in the USA for nearly a century, the model continues to hold sway because political preferences, no matter how measured, remain drivers of judicial decisions—and not just in US courts. In *virtually all* studies that measure it, partisanship or ideology affects judging on apex courts, whether in Chile,<sup>13</sup> Norway,<sup>14</sup> France,<sup>15</sup> and Spain,<sup>16</sup> among many others.<sup>17</sup>

I emphasize “virtually all” because several early studies suggested that

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<sup>11</sup> For work relating to identity judging, see Yun-Chien Chang & Geoffrey Miller, *Do Judges Matter?*, J. INST. & THEORETICAL ECON. (forthcoming) (finding that, among U.S. state justices, social identities (e.g., race, gender) have little effect on whether justices dissent and which kinds of authorities they reference, among other decisions). For work related to legalism, see Yun-Chien Chang et al., *Non-Pecuniary Damages for Defamation, Personal Injury, and Wrongful Death: An Empirical Analysis of Court Cases in Taiwan*, 4 CHINESE J. COMP. L. 69 (2016) (showing that in Taiwanese courts “in concordance with the Supreme Court precedents, plaintiffs’ and defendants’ annual incomes are highly relevant to court-adjudicated pain and suffering damages for defamation”).

<sup>12</sup> See SEGAL & SPAETH, *supra* note 4.

<sup>13</sup> Lydia B. Tiede, *The Political Determinants of Judicial Dissent: Evidence from the Chilean Constitutional Tribunal*, 8 EUR. POL. SCI. REV. 377 (2016).

<sup>14</sup> See GUNNAR GRENSTAD ET AL., *POLICY MAKING IN AN INDEPENDENT JUDICIARY: THE NORWEGIAN SUPREME COURT* (2015).

<sup>15</sup> See Christoph Hönnige, *The Electoral Connection: How the Pivotal Judge Affects Oppositional Success at European Constitutional Courts*, 32 W. EUR. POL. 963 (2009).

<sup>16</sup> See Chris Hanretty, *Dissent in Iberia: The Ideal Points of Justices on the Spanish and Portuguese Constitutional Tribunals*, 51 EUR. J. POL. RES. 671 (2012).

<sup>17</sup> For a review, see Lee Epstein et al., *The Role of Comparative Law in the Analysis of Judicial Behavior*, AM. J. COMP. L. (forthcoming).

Taiwan Constitutional Court (TCC) justices were the exception to this general finding; that they were not ideological or political in their decision making.<sup>18</sup> IAS researchers, Su, Ho, and Lin, however, conclusively demonstrate that this initial finding was illusory.<sup>19</sup> Deploying a clever research strategy, which focused on the justices' opinion alignments in constitutional cases, the researchers unearthed clear evidence of ideological voting. As they succinctly summarize their findings: "All judges are political, and the TCC Justices are no exceptions."

This is a very important study because it both builds on *and* adds to the existing literature. Su and his colleagues considered not only the justices' ideology—as suggested by the attitudinal model—but also the justices' philosophy: whether or not they were restraintists, generally deferring to the political branches. So defined, restraintism turned out to be a consequential factor in certain kinds of TCC cases. I suspect the same holds in the US Supreme Court, but that is an empirical matter worthy of assessment using the approach proposed by the IAS team.

The Taiwan Constitutional Court study is hardly the only one that researchers at Academia Sinica have conducted on the role of politics in judicial decisions.<sup>20</sup> Especially noteworthy is Wu's research in an area where political factors might expect to play a role—in vote-buying litigation (cases in which someone has been accused of exchanging money or gifts for votes).<sup>21</sup>

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<sup>18</sup> See Nuno Garoupa et al., *Explaining Constitutional Review in New Democracies: The Case of Taiwan*, 20 PAC. RIM L. & POL. J. 1 (2011); Lucia Dalla Pellegrina et al., *Judicial Ideal Points in New Democracies: The Case of Taiwan*, 7 NATIONAL TAIWAN U. L. REV. 123 (2012).

<sup>19</sup> Yen-Tu Su et al., *Are Taiwan Constitutional Court Justices Political?* (2020) (Working paper) (on file with the authors).

<sup>20</sup> See, e.g., Chang & Miller, *supra* note 11, at 14 (finding that "that greater ideological spread between judges on a panel generates more dissents, which in turn generate longer opinions with more citations").

<sup>21</sup> See Chung-Li Wu, *Charge Me If You Can: Assessing Political Biases in Vote-buying Verdicts in Democratic Taiwan (2000-2010)*, 2012 CHINA Q. 786 (2012).

Focusing on Taiwanese district courts, high courts, and the Supreme Court, Wu found that political considerations, such as the partisanship of the defendant and whether the candidate was elected, play less of a role than expected in the disputes' outcomes.

Whether Wu's findings transport to other societies is an interesting question that Wu himself commends to other researchers. I concur with his recommendation.

## 1.2 Strategic Accounts

As Table 1 suggests, strategic accounts of judging contain three essential components: (1) judges' actions are directed toward the attainment of goals; (2) judges are strategic or interdependent decision makers, meaning they realize that to achieve their goals, they must consider the preferences and likely actions of other relevant actors; and (3) institutions (formal and informal rules) structure the judges' interactions with these other actors.

Some studies investigating strategic behavior center on the judges' relations with their colleagues and judicial superiors.<sup>22</sup> Nonetheless the bulk of modern-day strategic work worldwide, I daresay, has focused on relations between courts and external actors. This focus may reflect concerns among judges, lawyers, and scholars alike about threats posed by governments to courts in many societies.<sup>23</sup> These days, politicians have not been reluctant to take to social media to deride court decisions or even threaten particular judges.<sup>24</sup> The rise of populism also has led to backlashes against both international and domestic courts.<sup>25</sup>

External strategic accounts speak to these concerns. They suggest that

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<sup>22</sup> For a review of this literature, see EPSTEIN & WEINSHALL, *supra* note 10.

<sup>23</sup> See Bojan Bugarcic & Tom Ginsburg, *The Assault on Postcommunist Courts*, 27 J. DEMOCRACY 69 (2016); Erik Voeten, *Populism and Backlashes Against International Courts*, 18 PERSP. ON POL. 407 (2020).

<sup>24</sup> E.g., Chris Krewson et al., *Twitter and the Supreme Court: An Examination of Congressional Tweets about the Supreme Court*, 39 JUST. SYS. J. 322 (2018).

<sup>25</sup> See Voeten, *supra* note 23.

judges must render efficacious rulings (those that members of their society will respect and with which they will comply) if they are to achieve their goals, whatever those goals may be. The accounts further identify various methods available to judges to maximize the efficacy of their decisions<sup>26</sup>—including strategically timing them. The basic idea is that judges can adjust when they issue decisions with an eye toward staving off attacks and controversy, as well as building their institution’s legitimacy.<sup>27</sup>

Although this idea seems plausible, large-scale empirical evidence in its support is quite limited.<sup>28</sup> For this reason, a study by IIAS scholars Su and Ho on the timing of decisions in the Taiwan Constitutional Court (TCC) is a very welcome addition.<sup>29</sup> Using a sophisticated statistical strategy, Su and Ho show that the TCC tends to give priority to governmental petitions and to high-profile cases—findings that refute the assumption that the “TCC usually organizes its plenary docket on a first-come, first-serve.”

Su and Ho conclude their study with these words:

We suspect that strategic decision timing is not unique to the TCC; every Constitutional Court that has a rolling docket may just have to accept the fact that all cases are not created equal, and prioritize its plenary docket

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<sup>26</sup> For a review, see Lee Epstein & Jack Knight, *Efficacious Judging on Apex Courts*, in *COMPARATIVE JUDICIAL REVIEW* 272 (Erin F. Delaney & Rosalind Dixon eds., 2018).

<sup>27</sup> See David Fontana, *Docket Control and the Success of Constitutional Courts*, in *COMPARATIVE CONSTITUTIONAL LAW* 624 (Tom Ginsburg & Rosalind Dixon eds., 2011); Erin F. Delaney, *Analyzing Avoidance: Judicial Strategy in Comparative Perspective*, 66 *DUKE L.J.* 1 (2016).

<sup>28</sup> For exceptions, see Diego Werneck Arguelhes & Ivar A. Hartmann, *Timing Control Without Docket Control: How Individual Justices Shape the Brazilian Supreme Court’s Agenda*, 5 *J.L. & CTS.* 105 (2017) (establishing that Brazilian Supreme Court justices delay hearing a case or announcing a decision until the justices believe there is a more favorable political climate or a court more inclined to rule their way); and Lee Epstein et al., *The Best for Last: The Timing of U.S. Supreme Court Decisions*, 64 *DUKE L.J.* 991 (2015) (showing that the US Supreme Court issues its most important, controversial, and divisive decisions at the end of its term for “public-relations reasons”).

<sup>29</sup> Yen-Tu Su & Han-Wei Ho, *Judging, Sooner or Later: A Study of Decision Timing in Taiwan’s Constitutional Court* (2014) (Working paper) (on file with the authors).

on the basis of case importance—if it wants to do the right thing at the right time.

Again, I agree; and again I trust that other scholars will build on Su and Ho's excellent work.

### 1.3 “Thinking-Fast” Judging

Strategic accounts assume that the judge “is a rational maximizer of his ends in life, his satisfactions...his ‘self-interest’.”<sup>30</sup> This is a reasonable assumption, or at least one that gets us pretty far in understanding the choices judges make. But it will not get us all the way there. It is just too late in the day to question the “thinking-fast” approach to judging (see Table 1), which amounts to decades' worth of studies showing that in many situations, people rely heavily on heuristics, intuitions, and the like to make fast decisions without much effort.<sup>31</sup> These responses are not invariably wrong or even unhelpful.<sup>32</sup> But in many circumstances fast thinking, unchecked by deliberative assessments, can lead to mistakes and biased decisions,<sup>33</sup> enticing people “away from making optimal decisions in terms of utility maximization.”<sup>34</sup>

Although judges seem to believe that they are the exceptions to the rule—that they can “suppress or convert” their biases, prejudices, and sympathies, and the like into rational decisions<sup>35</sup>—experiments conducted on thousands of judges demonstrate otherwise. What the experiments show is that judges respond more favorably to litigants they like or with whom they sympathize,<sup>36</sup>

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<sup>30</sup> RICHARD A. POSNER, *ECONOMIC ANALYSIS OF LAW* 3 (8th ed. 2011).

<sup>31</sup> See KAHNEMAN, *supra* note 6; THALER, *supra* note 6.

<sup>32</sup> See Wistrich et al., *supra* note 1.

<sup>33</sup> See KAHNEMAN, *supra* note 6; THALER, *supra* note 6.

<sup>34</sup> T.K. Das & Bing-Sheng Teng, *Cognitive Biases and Strategic Decision Processes: An Integrative Perspective*, 36 *J. MGMT. STUD.* 757 (1999).

<sup>35</sup> See Wistrich et al., *supra* note 1.

<sup>36</sup> See Wistrich et al., *supra* note 1.



fall prey to hindsight bias when assessing probable cause,<sup>37</sup> “find” evidence to confirm their beliefs,<sup>38</sup> and favor insiders and disfavor outgroups.<sup>39</sup>

Most scholars take the experimental evidence quite seriously, but members of the legal community (especially judges) do not; they complain that the experiments are artificial and so do not capture the real courtroom environment. This critique counsels for observational studies—that is, studies making use of data generated by judges in their workaday world, not by researchers in their labs.

Observational studies are not easy to do, but neither are they impossible, as demonstrated by Chang, Chen, and Lin’s first-rate paper on the anchoring effect (“a cognitive bias in which human decisions rely too much on the first piece of information encountered, or other conspicuous, but irrelevant, information in their consciousness”).<sup>40</sup> Experiments establish that judges, like most humans, fall prey to this bias; and Chang and his colleagues show the experimental findings transport to the real world. In a clever analysis of Taiwanese court decisions relating to compensation to landowners in trespass disputes, the researchers find that the judges’ awards “are influenced by the requests of the plaintiffs, that is, plaintiffs’ claims regarding the annual yield rate of their land are an anchor for the judgment in an actual civil litigation setting.”

Because this finding meshes with experimental results, it is important in its own right, for when the experimental and the observational converge, we can have more confidence in the underlying theory. But the Chang, Chen, and Lin study is consequential in another way: It shows that the anchoring

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<sup>37</sup> See Jeffrey J. Rachlinski et al., *Probable Cause, Probability, and Hindsight*, 8 J. EMPIRICAL LEGAL STUD. 72 (2011).

<sup>38</sup> See Jeffrey J. Rachlinski et al., *Contrition in the Courtroom: Do Apologies Affect Adjudication?*, 98 CORNELL L. REV. 1189 (2013).

<sup>39</sup> See Wistrich et al., *supra* note 1.

<sup>40</sup> Yun-Chien Chang et al., *Empirical Evidence of Anchoring Effect in Real Litigation* (2019) (Working paper) (on file with the authors).

effect can be offset if defendants “explicitly counter the claim rates, rather than being silent about this issue.” In other words, when defendants counter, it can serve as a “powerful debiaser”—a result that carries implications both for lawyering and judging.

## 2. Substantive Contributions

Falling under the rubric of “judicial behavior” are perhaps a dozen substantive topics, including judicial independence, the selection and retention of judges, access to judicial power, public opinion, and the role of attorneys and litigants.<sup>41</sup> IIAS scholars have contributed to many of these literatures but worthy of special emphasis is their research on attorneys and litigants.

In addition to their study on anchoring effects, Chang, Chen, and Lin have produced important work on whether attorney experience affects pain and suffering damages in cases litigated in Taiwanese courts.<sup>42</sup> Their finding that experienced plaintiff attorneys tend to claim higher damages (thereby setting the anchor higher than novice attorneys) fits compatibly with literature showing that experience matters in litigation.<sup>43</sup> But Chang, Chen, and Lin go further and attempt to identify the mechanism—that is, why does attorney experience matter? Their answer is that “senior and junior attorneys have

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<sup>41</sup> For a review of work on these and other topics, see Lee Epstein, *Some Thoughts on the Study of Judicial Behavior*, 57 WM. & MARY L. REV. 2017 (2016).

<sup>42</sup> Yun-Chien Chang, Kong-Pin Chen, & Chang-Ching Lin, *Knowledge in Youth is Wisdom in Age: An Empirical Study of Attorney Experience in Torts Litigation*, 63(105913) INT’L REV. L. & ECON. 1, 1-12 (2020).

<sup>43</sup> E.g., David S. Abrams & Albert H. Yoon, *The Luck of the Draw: Using Random Case Assignment to Investigate Attorney Ability*, 74 U. CHI. L. REV. 1145 (2007); Catherine T. Harris et al., *Does Being a Repeat Player Make a Difference? The Impact of Attorney Experience and Case-Picking on the Outcome of Medical Malpractice Lawsuits*, 8 YALE J. HEALTH POL’Y L. & ETHICS 253 (2008); Michael Nelson & Lee Epstein, *Human Capital in Court: The Role of Attorney Experience in U.S. Supreme Court Litigation*, J.L. & CTS (forthcoming).

different business models”:

Experienced attorneys are more likely to have a firmer client base. With a longer track record and reputation, their business is to a lesser extent influenced by an increase in average court fee percentage. Senior attorneys thus are more willing to make bolder claims than junior colleagues. If this explanation holds, attorney experience is better understood as a proxy for practice stability. Attorneys make bolder claims because their practice is less likely to be affected by a few losses.<sup>44</sup>

In an equally terrific study, Huang, Chin, and Lin explore the relative effectiveness of criminal defense counsel by taking advantage of a 2003 reform in Taiwan.<sup>45</sup> Under that reform defendants who could not afford a lawyer were randomly assigned to one of two types of counsel: public defenders or legal aid attorneys. The study’s findings are fascinating. It turns out that both attorney types are “equally effective,” but they “adopt different litigation strategies” that affect the fate of their clients: “the defendants represented by public defenders tend to have higher conviction rates, but shorter sentences if they are convicted.”

Moving to litigants, IIAS researchers have contributed mightily to the rather large literature that derives from Galanter’s famous article, “Why the ‘Haves’ Come Out Ahead.”<sup>46</sup> The basic idea is that well-resourced litigants (the “haves”) are more successful in court than the “have-nots” (or “one-shotters”) by virtue of their experience and expertise.

Research coming out of Academia Sinica on Taiwanese courts has mostly supported this hypothesis, while offering some interesting twists. Chen, Huang, and Lin, for example, find that some haves—especially the government—do, in fact, come out ahead of lower-status litigants in civil cases in the Taiwan

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<sup>44</sup> See Chang et al., *supra* note 42.

<sup>45</sup> See Kuo-Chang Huang et al., *Does the Type of Criminal Defense Counsel Affect Case Outcomes?: A Natural Experiment in Taiwan*, 30 INT’L REV. L. & ECON. 113 (2010).

<sup>46</sup> See Marc Galanter, *Why the “Haves” Come Out Ahead: Speculations on the Limits of Legal Change*, 9 LAW & SOC’Y REV. 95 (1974).

Supreme Court (TSC).<sup>47</sup> The reason, though, may have less to do with resources than with the TSC judges' predisposition to view themselves as part of the government. Then, in an article that explores public-land usurpation trial decisions in Taiwan's district courts, Wu finds that the Galanter hypothesis mostly holds in civil cases but not for probationary verdicts in criminal cases, in which "the effects of resource factors on trial outcomes are considerably less than expected."<sup>48</sup>

### 3. Methodological Contributions

Many of the IIAS studies referenced so far contribute to the scientific advancement of the analysis of judicial behavior. Especially impressive is the attention IIAS researchers have drawn to the obstacles of making causal inferences with observational data, as well as the clever designs they have devised to overcome them.<sup>49</sup>

Almost needless to write, implementing those designs requires high-quality data and, on this score, IIAS scholars have truly proved their mettle. In study after study, they have compiled original and remarkably rich datasets of litigation in Taiwan, at all court levels. Noteworthy, in particular, is the IIAS Taiwan Constitutional Court (TCC) Database, which houses all kinds of interesting data on decisions of the TCC. Not only have IIAS scholars put this

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<sup>47</sup> See Kong-Pin Chen et al., *Party Capability versus Court Preference: Why do the "Haves" Come Out Ahead?—An Empirical Lesson from the Taiwan Supreme Court*, 31 J.L. ECON. & ORG. 93 (2015).

<sup>48</sup> See Chung-Li Wu, *Do the "Haves" Come Out Ahead? Resource Disparity in Public-Land Usurpation Litigation in Taiwan*, 100 SOC. SCI. Q. 1215 (2019). See also Chung-Li Wu, *Assessing the Effects of Political Factors on Court Decisions in Corruption Litigation in Taiwan*, 59 ASIAN SURV. 295 (2019).

<sup>49</sup> See, e.g., Huang et al., *supra* note 45 (exploiting a Taiwan reform to study criminal defense lawyers, as described in the text); and Chang, Chen & Lin., *supra* note 42 (using cutting-edge methods to ensure balance on observed covariates between experienced and novice attorneys).

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Database to great use, producing many excellent papers;<sup>50</sup> but the Database itself is a valuable product, joining only a handful of others worldwide. With these kinds of foundational datasets in hand, scholars can truly meet the promise of the study of judicial behavior—whether educating the public, informing policy making and lawyers, and prompting judges to consider how various biases seep into their decisions.

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At the outset I noted that IAS researchers have played a large role in spurring the worldwide growth of the analysis of judicial behavior. Their contributions over the last decade have been creative, powerful, and consequential. No doubt their work over the next ten years and beyond will be equally as important; and equally without doubt IAS research will help ensure that the best days for the analysis of judicial behavior are yet to come.

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<sup>50</sup> See, e.g., Su et al., *supra* note 19; Su & Ho, *supra* note 29.

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