**Supporting Information**

Table A-1 demonstrates the results of a partially constrained generalized ordered logit. This models allows the effects of independent variables to vary across the choices if the parallel odds assumption is not met. Standard tests for whether or not the parallel odds assumption is appropriate suggest only three of our variables might violate this assumption. We estimate the model without imposing this restriction, and doing so does not change any of our conclusions. Further, the differences are substantively small for the variables that do not meet the assumption.

Table A-2 presents the results of a multinomial logit model. The findings are broadly consistent with Table 4. Negative treatment is the baseline category, which means that the interpretation of the signs on the coefficient is consistent with Table 3. The neutral vs negative is where the differences occur. The number of concurring opinions in the precedent is not significant, but the number of dissents is. The expected direction is also correct here (more dissenting opinions, neutral treatment less likely than negative treatment). Also, the sitting-enacting distance is significant at conventional levels in the neutral v negative category with a one-tail test.

Table A-3 presents the results if we assume the precedent was set at the enacting court’s median, not the majority coalition median. The substantive effect of the variable isn’t that different than the coalition median (3-5% differences in predicted probabilities), and the general conclusions hold.

Table A-4 contains a model with a dichotomous dependent variable, 1 = positive, 0 otherwise. The only difference with Table 3 is the number of + Supreme Court treatments is not significant with a two-tail test at the .05 level (p = .06), but it is significant with a one-tail test.

Table A-5 includes the preferences of the circuit. It includes a model with the distance between the panel and the circuit median, the distance between the circuit median and the enacting Supreme Court, and a distance between the circuit median and contemporary Supreme Court median. Panels that diverge from the circuit median are more likely to treat Supreme Court precedent positively (positive treatments 6% more likely from min to max), but as the circuit diverges from the contemporary Supreme Court, negative treatments are more likely (negative treatment about 5% more likely as distance goes from min to max). Most importantly, the circuit’s preferences over the precedent are not a significant predictor of how the panel will treat the precedent.

To test for the possibility that the preferences of a panel may depend on the alignment of the Contemporary-Enacting Supreme Courts, we created a series of interactions between the distance measures. Table A-6 demonstrates that there is no conditional relationship in our data for the distance measures. Further, our results hold when those interactions are included in the model.

|  |  |  |
| --- | --- | --- |
|  | Positive vs. Negative Treatment | Neutral vs. Negative Treatment |
| Case Complexity |  -.010 (.028) |  -.010 (.028) |
| Concurring Opinions |  .065\* (.032) |  .065\* (.032) |
| **Dissenting Opinions** |  **.025** **(.032)** |  **-.036** **(.035)** |
| Positive SC treatments |  .013\* (.007) |  .013\* (.007) |
| Negative SC treatments |  -.005 (.011) |  -.005 (.011) |
| Positive Circuit treatments |  .088\* (.006) |  .088\* (.007) |
| **Negative Circuit treatments** |  **-.058\*** **(.007)** |  **-.043\*** **(.007)** |
| Contemporary SC-Enacting SC Distance |  -.631\* (.140)  |  -.631\* (.140)  |
| Panel-Enacting SC Distance |  -.070 (.098) |  -.070 (.098) |
| Panel-Contemporary SC Distance |  .015 (.125) |  .015 (.125) |
| **Age of SC precedent** |  **-.006\*** **(.003)** |  **-.017\*** **(.003)** |
| Constant |  1.096\* (.080) |  .024 (.080) |
| N |  10198 |   |

Table A-1: Partially constrained generalized ordered logit model. Baseline category is negative treatment. Negative (positive) coefficients correspond to an increase (reduction) in the likelihood of a negative treatment relative to the non-baseline category. Wald tests suggest that the parallel odds assumption does not hold for three variables, and thus this restriction is not imposed for the variables in bold. Robust standard errors in parenthesis. \* p < .05. LC= lower court; SC=Supreme Court. For more information about the variables, see Table 2.

|  |  |  |
| --- | --- | --- |
|  | Positive vs. Negative Treatment | Neutral vs. Negative Treatment |
| Case Complexity |  .002 (.035) |  .049 (.039) |
| Concurring Opinions |  .078\* (.040) |  .016 (.047) |
| Dissenting Opinions |  -.016 (.037) |  -.094\* (.045) |
| Positive SC treatments |  .017\* (.009) |  .008 (.011) |
| Negative SC treatments |  -.002 (.014) |  .016 (.016) |
| Positive Circuit treatments |  .106\* (.008) |  .038\* (.009) |
| Negative Circuit treatments |  -.063\* (.008) |  -.007 (.008) |
| Contemporary SC-Enacting SC Distance |  -.776\* (.172)  |  -.382 (.204)  |
| Panel-Enacting SC Distance |  -.127 (.120) |  -.224 (.144) |
| Panel-Contemporary SC Distance |  -.004 (.155) |  -.156 (.188) |
| Age of SC precedent |  -.015\* (.003) |  -.023\* (.004) |
| Constant |  -.686\* (.097) |  -.029\* (.111) |
| N |  10198 |   |
| AIC |  2.023 |   |
| BIC |  -73322.153 |   |

Table A-2: Multinomial logit model. Baseline category is negative treatment. Negative (positive) coefficients correspond to a increase (reduction) in the likelihood of a negative treatment relative to the non-baseline category. Robust standard errors in parenthesis.\* p < .05. LC= lower court; SC=Supreme Court. For more information about the variables, see Table 2.

|  |  |
| --- | --- |
|  | Coefficient(Standard Error) |
| Case Complexity |  -.001 (.028) |
| Concurring Opinions |  .061\* (.032) |
| Dissenting Opinions |  -.031 (.030) |
| Positive SC treatments |  .020\* (.007) |
| Negative SC treatments |  -.009 (.011) |
| Positive LC treatments |  .087\* (.006) |
| Negative LC treatments |  -.043\* (.006) |
| Contemporary SC-Enacting SC Distance |  -1.489\* (.180) |
| Panel-Enacting SC Distance |  .015 (.133) |
| Panel-Contemporary SC Distance |  -.005 (.144) |
| Age of SC precedent |  -.011\* (.003) |
| Tau1 |  -.989 (.079) |
| Tau2 |  -.052 (.079) |
| N |  10198 |
| AIC |  2.021 |
| BIC |  -73424.070 |

Table A-3: Ordered logit model assuming precedent is set at the median of the enacting Court. Robust standard errors in parenthesis. \* p < .05. LC= lower court; SC=Supreme Court. For more information about the variables, see Table 2.

|  |  |
| --- | --- |
|  | Coefficient(Standard Error) |
| Case Complexity |  .015 (.032) |
| Concurring Opinions |  .056 (.038) |
| Dissenting Opinions |  -.039 (.035) |
| Positive SC treatments |  .015 (.009) |
| Negative SC treatments |  .001 (.013) |
| Positive LC treatments |  .087\* (.007) |
| Negative LC treatments |  -.043\* (.007) |
| Contemporary SC-Enacting SC Distance |  -.649\* (.160) |
| Panel-Enacting SC Distance |  -.156 (.112) |
| Panel-Contemporary SC Distance |  -.055 (.145) |
| Age of SC precedent |  -.018\* (.003) |
| Constant |  1.090\* (.090) |
| N |  10198 |
| AIC |  1.176 |
| BIC |  -82052.086 |

Table A-4: Logit model with dichotomous dependent variable that equals 1 if positive or neutral treatment, 0 otherwise. Positive (negative) coefficients indicate positive and neutral treatment more (less) likely than a negative treatment. Robust standard errors in parenthesis. \* p < .05. LC=Lower Court; SC=Supreme Court. For more information about the variables, see Table 2.

|  |  |
| --- | --- |
|  | Coefficient(Standard Error) |
| Case Complexity |  -.007 (.028) |
| Concurring Opinions |  .065\* (.032) |
| Dissenting Opinions |  -.003 (.031) |
| Positive SC treatments |  .014\* (.007) |
| Negative SC treatments |  -.005 (.011) |
| Positive LC treatments |  .088\* (.006) |
| Negative LC treatments |  -.052\* (.006) |
| Contemporary SC-Enacting SC Distance |  -.685\* (.152) |
| Panel-Enacting SC Distance |  -.109 (.107) |
| Panel-Contemporary SC Distance |  -.002 (.145) |
| Circuit-Contemporary SC Distance |  -.355\* (.166) |
| Circuit-Enacting Distance |  .111 (.123) |
| Panel-Circuit Distance |  .231\* (.105) |
| Age of SC precedent |  -.011\* (.003) |
| Tau1 |  -1.032 (.082) |
| Tau2 |  -.097 (.081) |
| N |  10196 |
| AIC |  2.025 |
| BIC |  -73346.696 |

Table A-5. Inclusion of the panel-circuit distance, circuit-enacting court distance, and circuit-contemporary SC distance. Ordered logit estimates, robust standard errors in parenthesis. \* p < .05. LC= lower court; SC=Supreme Court. For more information about the variables, see Table 2.

|  |  |
| --- | --- |
|  | Coefficient(Standard Error) |
| Case Complexity |  -.008 (.028) |
| Concurring Opinions |  .065\* (.032) |
| Dissenting Opinions |  -.001 (.031) |
| Positive SC treatments |  .014\* (.007) |
| Negative SC treatments |  -.006 (.011) |
| Positive LC treatments |  .088\* (.006) |
| Negative LC treatments |  -.051\* (.006) |
| Contemporary SC-Enacting SC Distance |  -.639\* (.318) |
| Panel-Enacting SC Distance |  -.001 (.315) |
| Panel-Contemporary SC Distance |  .091 (.326) |
| Enacting SC-Cont SC Dist. \* Panel-Cont. SC Distance |  -.058 (.894) |
| Enacting SC-Cont SC Dist. \* Panel-Enacting Distance |  -.013 (.580) |
| Panel-Enacting Dist \* Panel-Cont. Distance |  -.207 (.660) |
| Age of SC precedent |  -.011\* (.003) |
| Tau1 |  -.996 (.096) |
| Tau2 |  -.062 (.096) |
| N |  10196 |
| AIC |  2.026 |
| BIC |  -73351.364 |

Table A-6. Inclusion of distance interactions. Ordered logit estimates, robust standard errors in parenthesis. \* p < .05. LC= lower court; SC=Supreme Court. For more information about the variables, see Table 2.