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Understanding Oral Arguments of the U.S. Supreme Court

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The purpose of this study was to determine whether or not there is a statistically significant pattern to the questions posed by justices of the U.S. Supreme Court when hearing oral arguments before the court.

Oral arguments are considered by many to be merely a formality of the court that has little to do with the final decisions offered by the justices. However, the oral argument represents an opportunity for the justices to ask questions of the parties that are not readily available in the petitions and other documents that have been submitted.

The oral argument has time constraints. During the time allotted, representatives for the parties before the court have an opportunity to present their case. However, any of the nine justices can interject with a question or concern at any time during their presentation. These interjections were the focus of the study. As it evolved, the project eventually encompassed the following components (and cross analysis of each respectively): Which justice initiates the prompt, whether the prompt is an interrogatory a statement or both, whether the prompt is asked of the petitioner or respondent, and finally, whether the prompt directed towards a governmental entity or not. After deciding on these categories for analysis, 777 prompts were coded and a number of research questions were posited. Due to the need for an abbreviated version of the results, only three of the questions will be discussed here.

Research Question 1: Was there any imbalance concerning the number of questions posed on the part of each individual justice between governmental or non-governmental organizations?

We wanted to determine whether or not there was any kind of amplified interest in a party bringing a suit against the government by the court to ensure their arguments were sound.

Results: In general, the justices prompted the government party more often than they prompted the non-governmental party. Another interesting, but more anecdotal bit of data, was that the justices seemed to have more of a rapport with governmental parties. This may have led to more prompts, but the cause remains unknown.

Using a cross-tab analysis table, on the individual justice level, Justice Scalia seemed most interested (proportionally) with non-governmental issues, while Justice Stevens was most interested (proportionally) in governmental entities. Of the eight justices who initiated prompts, three had less prompts for governmental orgs than non-governmental. However, a few others were very close (proportionally).

Research Question 2: Was there any imbalance concerning the number of questions posed on the part of each individual justice between the petitioner and respondent?

The petitioner is the party bringing the suit before the court. This is the party that has made the appeal. Normally the petitioner is the first to address the court. Also, the petitioner customarily concludes the oral argument by reserving time to rebut the argument of the respondent. These were factors that potentially had an impact on our results.

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	65.217(a)	7	.000
Likelihood Ratio	66.690	7	.000
Linear-by-Linear Association	6.390	1	.011
N of Valid Cases	777		

Results: There were more prompts for the petitioner. It is possible that this results from the format of the oral argument itself. However, as shown by the chi square table to the left, there is a statistically significant difference between the number of prompts for petitioners vs. respondents (see bold number). This

means that the higher number of prompts for the petitioner could not be due to chance alone. On an individual justice level, it appears Justice Scalia asked the most questions (proportionally) of the petitioner. Conversely, Justice Stevens appears to have asked the most questions of the respondent (proportionally).

Research Question 3: Does whether the prompt is aimed at the petitioner or respondent effect the likelihood it will be a leading question/statement.

	Value	df	Asymp. Sig. (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	.253(b)	1	.615		
Continuity Correction(a)	.168	1	.682		
Likelihood Ratio	.254	1	.615		
Fisher's Exact Test				.643	.341
Linear-by-Linear Association	.253	1	.615		
N of Valid Cases	777				

Results: It appears, as shown by the chi-square table to the left, that the recipient of the prompt (petitioner or respondent) has little, if any, impact on the likelihood the prompt will be leading in nature. This is an encouraging result. It was the result we anticipated when

beginning our research.

Conclusion:

There are further plans to analyze oral arguments to determine if any correlation with the written exists. Overall, the results of this research were very encouraging.