Judicial Politics at the Privy Council: Empirical Evidence *

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Abstract

British judges in general, and British high court judges in particular, are perceived to be independent and isolated from political pressure and interference. Furthermore, the rate of unanimous decisions tends to be particularly high in English courts of last resort. This has led many scholars to consider that, contrarily to what holds for many other courts around the world (such as the US Supreme Court), the attitudinal model does not find support when British higher court judges are considered. In this paper we discuss one British court of last resort that has been less studied in the literature: the Judicial Committee of the Privy Council. This court is the highest judicial authority for a few cases in the United Kingdom and for many Commonwealth jurisdictions. Traditionally, this court deals with Commonwealth appeals as well as a limited number of domestic cases. Following the three Devolution Statutes in 1998 (from Scotland, Northern Ireland and Wales), the Judicial Committee of the Privy Council also decided appeals concerning devolution issues (that is, cases concerning the extent to which the devolved governments or legislatures went beyond their powers).

We study empirically the decisions of the Judicial Committee of the Privy Council and investigate the extent to which Commonwealth and devolution appeals induce different judicial behavior. We construct a dataset of 341 decisions ruled upon during the period from 1998 until 2011. Our results indicate a higher polarization of judicial behavior in the context of devolution (as measured by separate opinions) but no other consistent evidence of significant differences across types of cases (devolution, Commonwealth and domestic). We discuss these results in the context of the comparative judicial politics literature and the role of courts in the common law world.

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I Introduction

In comparative judicial politics, British higher court judges are considered to be independent and relatively insulated from political interference.[1] Contrarily to other common law jurisdictions, the attitudinal model does not find strong support when British judges are considered. In line with this approach, the rate of unanimous decisions seems considerably higher in British courts of last resort (such as the English Court of Appeal, the House of Lords Appellate Committee and the new UK Supreme Court).[2] So far, the decisions held by the British Law Lords are essentially those studied empirically and used in more detail to test different judicial behavior theories.

Our purpose is to contribute to the literature on judicial behavior by looking at another British court of last resort, the Judicial Committee of the Privy Council (hereafter, JCPC). There are three different types of decisions that can be appealed to the JCPC: i) domestic appeals; ii) Commonwealth appeals; and iii) devolution appeals. Domestic appeals can be from ecclesiastical courts and other ancient courts, from the Disciplinary Committee of the Royal College of Veterinary Surgeons, the Professional Conduct Committee of the General Medical Council, and the Professional Committee of the General Dental Council. Commonwealth appeals are appeals from commonwealth jurisdictions. Devolution appeals arose after the Scotland Act 1998, the Government of Wales Act 1998, and the Northern Ireland Act 1998. Since then, cases concerning the extent to which the devolved governments or legislatures went beyond their powers can be appealed to the JCPC.

In this paper, we study empirically the decisions of the JCPC and investigate the extent to which judicial politics and judicial preferences are more likely to interfere with the law in the area of devolution than other areas of the law. In order to test this hypothesis, we consider the individual votes of judges in the context of panel decisions. We are mainly interested in assessing whether or not judges are more likely to write separate opinions in devolution cases.

We construct a dataset of 341 decisions from 1998-2011, including all devolution and domestic appeals (23 and 96 cases, respectively), all Commonwealth appeals with separate opin-

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[1]See, among others, Salzberger and Fenn (1999), Hanretty (2013) and references herein.

[2]See Hanretty (2013). When considering some common law courts of last resort (UK, India, USA, Canada and Australia), only India has higher levels of consensus. Hanretty (2013) notes that the Indian Supreme Court judges face much higher caseload.

ions (63 cases), and a randomized sample of Commonwealth appeals without separate opinions (159 cases). Our sample represents 41% of court decisions in the considered period (of a total of 828 decisions). It includes all 84 cases with separate opinions and 257 decisions without separate opinions (out of a total of 744 cases).

From the population of cases, we can immediately see that, out of 828 decisions, only 10% have separate opinions. Out of the 84 cases with separate opinions, 63 cases are Commonwealth appeals (representing 75% of total cases with separate opinions), one case is a domestic appeal, and 20 cases are devolution appeals (approximately 24%). Clearly, devolution cases seem to be more prone to separate opinions, with 20 out of 23 cases having separate opinions (87%). The numbers for domestic and Commonwealth appeals are 1 out of 96 (1%) and 63 out of 222 (28%), respectively. Given the way we constructed the dataset, we know that separate opinions for Commonwealth appeals are over-represented, which makes the comparison more striking.

Our preliminary results indicate a higher polarization of judicial behavior in the context of devolution (as measured by separate opinions) but no other consistent evidence of significant differences across types of cases (devolution, Commonwealth, and domestic). We discuss these results in the context of the comparative judicial politics literature and the role of courts in the common law world.

The paper goes as follows. In Section II, we describe the JCPC. In Section III, we discuss judicial politics. In Section IV, we present the dataset and empirical strategy. In Section V, we address the main results. Lastly, Section VI concludes the paper.

II   The Judicial Committee of the Privy Council

The JCPC is a particular type of court of justice. Indeed, Le Sueur (2001) observes that *'[n]obody starting with afresh would design a court that looks like the Judicial Committee of the Privy Council'*. Even though the role of the Privy Council goes back to the time of the Tudors, the JCPC was formally created in 1833 (by the Judicial Committee Act 1833).

The JCPC does not really pronounce decisions but an advice to an appeal to the monarch who, as matter of convention, accepts it (a fiction to be removed when appeals are from Com-

monwealth republics, a principle reformed in 1957 to allow appeals from Malaysia).[3] However, in practice, the JCPC operates as a court of appeal. The advice provided by the JCPC is subject to standard appellate proceedings; there are formal legal and procedural rules, and the decision is binding on both parties. The JCPC deals with points of law, and facts are not formally reviewed. Since 2007, the JCPC has had the power to depart from precedent if needed. JCPC decisions were unanimous until 1966. Separate opinions have since then been possible, but they have been a rare occurrence.

There are different judges on the JCPC: the Law Lords, that is, the judicial members of the House of Lords before the 2009 changes that lead to the creation of the UK Supreme Court (known formally as Lords of Appeal in Ordinary; these are now the UK Supreme Court Justices); senior judges from the UK (other Lords of Appeal); privy counsellors with judicial background (judges from the Court of Appeal of England and Wales, the Inner House of the Court of Session in Scotland and the Court of Appeal in Northern Ireland); other privy counsellors who are senior judges abroad (usually judges from superior courts of Commonwealth members); and the Lord Chancellor (before the Constitutional Reform Act 2005).[4] The JCPC usually sits in panels of three or five judges, the general rule being that the board should have an odd number of judges.

There is no formal selection procedure for judges to be appointed to the JCPC. Essentially, judges of certain seniority who are appointed to other courts become eligible to sit on the JCPC, which works as a sort of part-time court. More than sixty judges are eligible to be called upon and decide cases at the JCPC. Voigt et al. (2007), citing Beth (1975), consider the process to be functionally apolitical since the privy counsellors do not rule extensively on domestic constitutional law in the UK. They also suggest that the potentially most politicized members, the Law Lords, might be in the minority given the composition of the JCPC (although recognizing they do most of the relevant work).[5]

The vast majority of cases disposed by the JCPC refer to Commonwealth appeals (including Crown dependencies and overseas territories). In particular, the JCPC decides on the basis of

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[3]They are appeals to His/Her Majesty in Council. In the case of Brunei, the JCPC formally reports an opinion to the Sultan.

[4]Therefore, the difference in the current composition of the JCPC is that the Law Lords are now Justices of the Supreme Court of the UK, and that the Lord Chancellor is no longer part of it.

[5]However, our dataset indicates the Law Lords dominate the court panels.

national (Commonwealth member) law. In fact, Voigt et al. (2007) do mention judicial activism in this context but suggest that it is unrelated to local politics, either of the UK (because of limited jurisdiction) or Commonwealth members (because of distance from local concerns). Furthermore, since the 1960s, Commonwealth appeals seem to be dominated by business law and protection of property rights.[6]

Concerning Commonwealth appeals, the JCPC has limited control over its docket. The JCPC enjoys some discretion in accepting a direct appeal only in situations where a potential appellant fails to be granted a leave of appeal from a lower court (the acceptance or rejection will be based on some general or important principle of law or wide interest standard).[7]

Devolution disputes make up a small number of cases decided by the JCPC. Le Sueur (2001) provides some reasons for why the JCPC was chosen to hear these appeals, namely its experience on constitutional matters for several Commonwealth dependencies and colonies. Moreover, the Appellate Committee of the House of Lords was regarded as inappropriate given that it was in fact part of the UK Parliament, which could raise some conflicts of interest (*i.e.*, it could lack the objective independence to deal with division of power disputes; and the same judges that previously decided the case could be also sitting on appeal).[8] Therefore, the JCPC was seen as the appropriate court to deal with division of powers in terms of constitutional adjudication. Following the three Devolution Statutes (Scotland Act 1998, the Government of Wales Act 1998, and the Northern Ireland Act 1998), the JCPC decided appeals concerning devolution conflicts (cases concerning the extent to which the devolved governments or legislatures went beyond their powers).[9] Decisions made by the JCPC on devolution cases were binding even on the House of Lords Appellate Committee.[10] Such jurisdiction was lost to the new UK Supreme Court in 2009.[11]

These cases are potentially of significant political importance. First, they address the balance of power between the central government at Westminster and the devolved administrations (al-

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[6] See Voigt et al. (2007).

[7] Voigt et al. (2007).

[8] Incidentally, this was one of the major arguments for the 2005 constitutional reform that created the Supreme Court of the United Kingdom.

[9] See Delaney (2013).

[10] O'Neill (2004).

[11] For a description of the process that lead to the creation of the UK Supreme Court, see Le Sueur (2009).

though mostly on human rights). Second, they effectively limit the competences of higher courts such as the High Court of Justiciary (the last court of appeal for criminal law in Scotland).[12] Third, they have also allowed the House of Lords to be bypassed in human rights appeals (when they are claimed within a devolution appeal; many appeals concern Article 6 of the European Convention on Human Rights - hereafter ECHR).[13] Finally, devolution appeals have, in practice, empowered English judges to influence Scottish law on human rights (not surprisingly, Scottish judges have dominated important panels at the JCPC[14] integrating and applying the ECHR under Scotland Act 1998). In practice, members of the JCPC will decide Scottish criminal cases as long as a human rights issues are raised.[15] Therefore, English judges are effectively allowed to influence Scottish criminal cases even though Scottish criminal law is perceived to be different from English criminal law.[16]

The composition of judicial panels that dispose cases at the JCPC differs between Commonwealth and devolution appeals. For the latter, only certain privy counsellors are eligible (those with a high judicial office under the Appellate Jurisdiction Act 1876 or House of Lords judicial members, that is, British senior judges only).[17] Inevitably, Commonwealth judges were excluded and, by default, devolution cases were largely disposed by a panel largely dominated by Law Lords.

In an earlier study of JCPC devolution cases, O'Neill (2001) observed that decisions seem to be unanimous, deferent to the Crown rather than to the lower court (in fact, reversing decisions if and when needed), and sensitive to the presence of influential jurists (mentioning the preponderance of Scottish judges).

While Voigt et al. (2007) praise the JCPC for delivering impartial, independent, and high quality decisions in the context of Commonwealth appeals, O'Neill (2001) identified a process of increasing judicial politics when the court addressed devolution cases.

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[12]See O'Neill (2001).

[13]O'Neill (2001). Moreover, notice that ECHR rights were "brought home" into domestic law (i) by the Human Rights Act 1998 for UK and English public authorities and (ii) by the Scotland Act 1998 for the Scottish Government and Scottish Parliament. See Le Sueur (2001) for more on this point.

[14]Le Sueur (2001).

[15]See Le Sueur (2001).

[16]See R. v. Manchester Stipendiary Magistrate, Ex Parte Granada Television Ltd. [1999] UKHL 51, where Lord of Craighead notes that "although there is now much common ground between England and Scotland in the field of civil law, their systems of criminal law are as distinct from each other as if they were two foreign countries".

[17]Le Sueur (2001).

III Judicial Politics

III.1 General Theory

There is vast literature on judicial politics. Different theories have been developed, mainly in the context of the United States, to explain judicial behavior. In this respect, there is an important ongoing debate over whether judges are guided solely by the law, solely by their personal ideology, or by a mixture of the two. Formalists or legalists argue that judges simply interpret and apply the law in a largely conformist view of precedents. In other words, judges are fundamentally guided by what the law says and abide by a strict legal authoritative interpretation. The so-called attitudinal model sees judicial preferences, with special emphasis on ideology, as the main explanatory model. Finally, agency theorists propose the strategic model. While recognizing the importance of judicial preferences, they also emphasize political and institutional realities.[18]

In general, judges have to weigh their individual preferences (their disposition towards a particular outcome) and their influence on the decisions of the court (their ability to shape the outcome in terms of public policy).[19] Individual policy preferences are associated with the court's opinion while dispositional preferences reflect an ideal position associated with an individual judge's opinion. In collegial courts, judges have to trade policy losses (whether or not an individual judge supports the court's opinion) against dispositional losses (whether or not an individual judge delivers an opinion consistent with the most preferred solution). Policy losses are determined by the interaction between judges while dispositional losses are independently determined by each individual judge. While the attitudinal model focuses on dispositional losses, the literature on strategic judicial decision-making takes into account both policy losses and dispositional losses.

These different theories of judicial behavior cannot be extensively addressed without an adequate empirical assessment and evaluation. Legal scholars and political scientists have naturally focused much empirical attention on the US Supreme Court.[20] Empirical debate about

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[18]For discussion, see Brenner and Spaeth (1988), Segal and Cover (1989), Gely and Spiller (1990), Epstein and Knight (1998), Segal and Spaeth (2002), and Hansford and Springgs II (2006), among others.

[19]See Cameron and Kornhauser (2010).

[20]See Brenner and Spaeth (1988), Segal and Cover (1989), George and Epstein (1992), Epstein and Knight (1998),

other higher courts is an emerging literature, with notable applications in Europe and North America[21], in Asia[22], and in Latin America.[23]

In Britain, the general view has always been that judges do not decide cases politically.[24] First, as Hanretty (2013) described, when compared to higher courts from different countries, the levels of dissent by British judges is relatively low (in comparison with Canada, Australia and US; only India presented higher rates of consensus than the UK). Second, the author argues that *'the British constitution offers few opportunities for policy-seeking judges'* than other common law jurisdictions. More interestingly, especially when studying decisions from the House of Lords Appellate Committee, Hanretty (2013) points to the fact that variations in ideal points can be better explained by differences between Scottish and non-Scottish judges rather than by political party. Arvind and Stirton (2012) noticed that the Law Lords are more polarized than the traditional account suggests, but not on ideological grounds. They find significant variations on the estimated ideal points when considering human rights cases, but the explanation seems more related to background and other cultural factors as opposed to political determinants.

III.2   Can Devolution cases induce different judicial behavior?

In a model of judicial politics, separate opinions are expected to the extent that they express different ideological or philosophical views of the world either merely attitudinal or strategic. However, there are significant limitations to systematic and generalized separate opinions. First, judges have a degree of dissent aversion for various reasons, including the additional work that dissenting requires, the difficulties of collegial relationships or their detrimental effects on

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Epstein et al. (2001), Segal and Spaeth (2002), Goff (2006), Hansford and Springgs II (2006), and Lax and Cameron (2007).

[21]On Canada, see Tate and Sittiwong (1989), Alarie and Green (2008), Green and Alarie (2009), and Songer et al. (2011). On Germany, see Schneider (2005) and Vanberg (2005). On Italy, see Breton and Fraschini (2003), Fiorino et al. (2007), Padovano (2009) and Dalla Pellegrina and Garoupa (2013). On Portugal, see Amaral Garcia et al. (2009). On France, see Franck (2009) and Franck (2010). On Spain, see Garoupa et al. (2012) and Garoupa et al. (2013). On Israel, see Shachar et al. (1997), Eisenberg et al. (2011) and Eisenberg et al. (2013). On Australia, see Smyth and Narayan (2004).

[22]On Japan, see Ramseyer and Rasmusen (2003), and in particular on the Japanese Supreme Court, see Ramseyer and Rasmusen (2006). On Taiwan, see Ginsburg (2003), Garoupa et al. (2011) and Dalla Pellegrina et al. (2012). On the Phillipines, see Escresa and Garoupa (2012).

[23]On Argentina, see Chávez (2004) and Helmke (2004) as well as Iaryczower et al. (2002) and Iaryczower et al. (2006). On Chile, see Hilbink (2007) and Carroll and Tiede (2011). More generally, see Kapiszewski and Taylor (2008).

[24]Hanretty (2013).

the workplace.[25] Concurring opinions are likely to be less costly but still require additional judicial resources. A second limitation is the nature of the case - the extent to which there is no discretion according to the law. Alternatively, not every case can generate creative and distinct legal arguments as to justify separate opinions. A third limitation is the tradition of the House of Lords Appellate Committee to avoid exhibiting differences across the bench;[26] in particular, the concern that any degree of politicization can be perceived by the general public. In fact, Arvind and Stirton (2012) argue that there is a strong norm for consensus and deflection of possible signs of division.[27]

Devolution cases are fundamentally cases that affect human rights (not conflict of executive powers) and can therefore raise two possible effects. On one hand, rulings in devolution cases are relatively more important because it is a new area of the law dealing with difficult issues of human rights. It could be argued that such cases require stronger precedent and therefore fewer separate opinions should be observed. On the other hand, since devolution appeals are the only cases of a political nature that are directly related to the members of the court (privy councillors have few opportunities to deal with UK constitutional law), we may expect more legal debate and enhanced expressive roles. At same time, judges could be more concerned with their performance and therefore develop more careful separate opinions in order to establish their individual legitimacy.

While dissents can be perceived as ideological polarization when it comes to constitutional law, concurring opinions should be regarded as individual contributions to the development of mature legal doctrines.[28] It is likely that devolution might deter dissents (in order to create strong precedent) while inducing additional concurring opinions (so that individual judges can be regarded as making significant legal contributions).

Devolution appeals to the JCPC can be regarded as a mechanism to bypass the absence of a right of appeal to the House of Lords Appellate Committee from the Scottish High Court of Justi-

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[25] See Epstein et al. (2011) and Edelman et al. (2012).

[26] Jones (1982) and Hanretty (2013).

[27] Lord Kerr of Tonaghmore (2012) describes that the small number of dissents among British judges may be attributed in part to the value placed on the oral tradition. He also adds that dissents do not affect the cordial relations that exist among his colleagues.

[28] For example, Hettinger et al. (2003) suggest concurring opinions *'serve important functions as they disclose inconsistencies in the law or highlight a legal doctrine ripe for overruling'*. They also argue that concurring opinions could be *'potential whistle-blowing devices'* when reflecting agreement over the outcome but not on the legal grounds.

ciary. As such, judges could feel pressured to provide more detailed and lengthy arguments so as to avoid a generalized appeal mechanism. Concurring opinions are likely to be the appropriate tool to balance two opposing goals: deciding important criminal cases while not undermining significantly constitutional design.

There could be a learning effect by which as judges see more devolution cases, they get used to deciding them and, as a result, they tend to decrease separate opinions over time. However, separate opinions are not decreasing statistically over time. Therefore, any such learning effect can be statistically disregarded.

To some extent, devolution cases at the JCPC can be understood as similar to human right appeals at the House of Lords Appellate Committee. They are of constitutional importance and, being quite new, demand the development of legal doctrines that inevitably shape British law. Arvind and Stirton (2012) already shown that the Law Lords are divided when it comes to ruling on human rights. A possible inference is that we should find a similar result with devolution cases in the Privy Council (furthermore, when many of the individual judges are the same).

Concerning domestic and Commonwealth cases, we expect fewer separate opinions. While domestic cases are relatively marginal (since they are appealed from a limited number of bodies), Commonwealth cases do not satisfy the conditions we have discussed. They are unrelated to UK human rights, British constitutional law or policy issues. At the same time, they require the application of Commonwealth law which is likely to demand less interest and concern by UK senior judges; the expressive role of the British judiciary in developing Commonwealth law is plausibly weak. In this setting, if a separate opinion is given in a Commonwealth case, it is more likely that it will be a dissent. Precisely because the judges deciding the case are less concerned about how the law will be applied in the country of origin, they may be less worried about sending a sign of possible divisions (in which dissent is a stronger sign of division than separate opinions).

IV Data and Empirical Analysis

We collected data from appeals to the JCPC from 1998-2011.[29] From a total of 828 decisions[30] during this time period, 23 correspond to devolution appeals, 96 to domestic appeals, and 709 to Commonwealth appeals. We include all devolution cases, all domestic cases, all Commonwealth cases with separate opinions, and a random sample of Commonwealth cases without separate opinions,[31] a total of 341 decisions. Our sample represents 41% of the court decisions in the considered period. Our empirical strategy consists of assessing whether or not different types of cases (in particular, devolution cases) can be associated with distinct judicial behavior as measured by separate opinions and by the length of decision (total number of words in the decision; the rationale is that the length of a decision can be seen as a proxy for case difficulty[32]). Therefore, we want to test the hypothesis that the likelihood of having separate opinions and the extension of the decision is higher in devolution cases when compared to domestic and Commonwealth cases. In order to test this hypothesis, we collected data concerning the judges taking part in the decision, the judge delivering the decision, whether or not the judge was a Law Lord, whether or not the judge had practiced in the Scottish jurisdiction, the type of case, the date of the decision, and if the court delivered a pro-appellant outcome.

Table 1 summarizes the variables we collected concerning different characteristics of the cases, the nature of the appellant and respondent, and attributes of the judges involved. Table 2 presents the summary statistics for these variables per decision (341 decisions), per judge (68 judges[33]), and per individual vote (1,517 votes).

As indicated in Table 3, our dataset consists of 23 devolution cases, 96 domestic cases, and 222 Commonwealth cases. With respect to devolution cases, 20 cases out of 23 had separate opinions (87%). If we consider the total of 96 domestic cases, the same took place in only

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[29]Although the JCPC lost jurisdiction concerning devolution cases to the UK Supreme Court in 2009, we include decisions until 2011 to make sure that there are no further differences between Commonwealth and domestic appeals. In the appendix, we include robustness checks in which we exclude cases decided in 2010 and 2011.

[30]We excluded two hearings, given that this type of decision was not relevant for our study.

[31]Notice that using all the commonwealth cases would not change our findings because the decisions not included in the econometrics are unanimous decisions only.

[32]See Epstein et al. (2011). In our case we want to assess if devolution cases can be more difficult and, because of that, have lengthier opinions.

[33]Information about all sixty-eight judges is presented in Appendix, including total votes, separate opinions in the dataset and other characteristics.

one case. As for Commonwealth cases, 63 decisions out of 222 had separate opinions (28%).[34] Clearly, devolution cases present the highest level of separate opinions. In domestic cases, separate opinions are virtually non-existent (only one case out of 96).

As summarized in Table 4, the dataset includes 1,517 individual votes, with 109 referring to devolution cases, 294 to domestic appeals, and 1,114 to Commonwealth appeals. There are 203 individual votes with separate opinions (around 13% of the dataset), and devolution cases have 78 votes with separate opinions (72%, overwhelmingly concurring opinions), domestic cases have one vote with a separate opinion, and Commonwealth appeals have 124 individual votes with separate opinions (11%, a majority of dissents and a minority of concurring opinions).

Two important observations are in order. First, panel composition is rarely repeated (from a total of 341 decisions, there were 296 different panel compositions).[35] Second, by looking at Table 5, there is no clear pro-appellant bias in Commonwealth cases as compared to domestic cases since the numbers are fairly similar.[36]

First, we run logit regressions with separate opinion as the dependent variable when using individual votes as our unit of analysis. Second, we run ordinary least square regressions where log of the number of words is the dependent variable. Concerning the number of words in a decision, our unit of analysis is cases. The average number of words per case is 6,315. Because we expect decisions with separate opinions to be longer, we include a dummy that controls for the existence of separate opinions. Moreover, in a second specification, we include the number of separate opinions.

V   Results

The first regression table (Table 6) presents the results when the dependent variable is *separate* and the Commonwealth appeals are the baseline. We can see that deciding a devolution case is associated with a higher probability of delivering a separate vote than Commonwealth appeals. Scottish judges are less likely to write a separate opinion, while Law Lords are more likely to

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[34]The 63 decisions with separate opinions are out of a population of 709 Commonwealth decisions (9%).

[35]Regressions with appropriate clustering are presented in the Appendix.

[36]These results seem to show that the analysis by O'Neill (2001) is not generalizable.

do so. Senior judges[37] (appointed at least ten years before the decision was taken) tend to be less prone to present separate opinions. Having a Scottish judge delivering the decision seems to have no effect. Due to the fact that devolution cases are fundamentally on human rights, we also control for all cases that address rights generally defined as well as criminal cases (being that in devolution or in Commonwealth appeals). Rights seem to have a positive impact on the dependent variable but it is not statistically significant in most specifications. The sign of the coefficient for criminal varies across regressions and it is generally not statistically significant (the same holds for business law).

Adding more control variable does not change the level of significance. We performed different specifications as robustness checks.[38] We also include a specification in which we attribute different weights according to the number of judges voting in each decision (Table 7), and a specification in which we cluster the standard errors by type of case (Table 8). The results are largely the same and consistent with devolution inducing more separate opinions.

The next regression table (Table 9) presents the results when the dependent variable is *Ln(Words)* and, again, the Commonwealth appeals are the baseline. We control for the existence of separate opinions which naturally has a significant positive effect. No strong result is found for devolution or domestic appeals (the coefficients are positive but not statistically significant). Rights and business law seem to have a positive impact while criminal has a negative impact on the dependent variable but all these variables are largely not statistically significant.

The last regression table (Table 10) presents the same analysis where we control for the number of separate opinions which, again, has a significant positive effect as expected. In this case, devolution decisions have a negative coefficient while domestic have a positive coefficient. However, none is statistically significant. The higher the number of Law Lords deciding the case, the higher the number of words in the decision. The total number of Scottish judges, the total number of senior judges, business law and rights do not have a statistically significant impact on words. The coefficient associated with criminal has a negative sign and it is statistically

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[37]Although it is not possible to have standard political control variables for judges due to the appointment process, '"tenure"' should be a good proxy for this. The reason is that older judges are likely to be Tory and younger judges are likely to be Labour party appointees. The results do not show that such political variable is very relevant.

[38]In the Appendix we present regression tables for clustering the standard errors by the judge delivering the decision and by the judge voting in the decision. We also present regression tables excluding 2010 and 2011 since devolution cases were assigned to the Supreme Court by then. As we can see, the results are essentially the same.

significant in most specifications.

The main conclusion is that, statistically, devolution cases have more separate opinions but they are not more extensive once we control for the inclusion of separate opinions. According to our theory, the explanation seems to be that judges are more concerned with making significant legal contributions rather than a manifestation of political differences. At the same time, there is little evidence that devolution cases require additional wording to reflect extensive drafting of rulings (that is, they do not seem more difficult than otherwise). In fact, our results show that the number of words seems to be statistically determined by the inclusion of separate opinions and no other variable.

At the same time, these statistical effects are not being driven by the fact that most devolution cases address human rights. Commonwealth appeals also address rights and criminal disputes. Since we control for these variables, it seems that it is the underlying constitutional nature of devolution cases rather than the particularity of rights and criminal disputes that justifies these observed differences.

These findings also seem to suggest that judges specialized in Scottish law are less likely to write separate opinions. One possible explanation is that judges specialized in English law are less deferent to precedent when it comes to human rights. In a sense, this is related to the findings by Hanretty (2013) which suggest that British Law Lords that specialize in English law 'are less likely to act deferentially towards English law in general and precedent in particular'. In general, Scottish law is different from English law and, at the same time, devolution appeals tend to reflect concerns over Scottish law. These two factors might explain why Scottish judges are less likely to write separate opinions. However, one should take into account that Scottish judges tend to deliver the court judgment in devolution cases and, consequently, it is their non-Scottish peers who tend to write separate opinions. In reality, this is in line with the fact that out of 23 devolution cases, 17 had a judgment delivered by a Scottish judge.

We also find that, on average, Law Lords are more likely to write separate opinions. This is an expected result if we consider that they are likely to be more predisposed and committed to expressing and developing legal argumentation. It is also possible that they face lower costs when it comes to writing a separate opinion (which might benefit from the resources available to them in the House of Lords Appellate Committee, in terms of time and disposition).

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VI Conclusion

We have used the decisions of the Judicial Committee of the Privy Council to study the extent to which potentially more politicized cases are disposed in ways different than other appeals. We constructed a dataset of 341 decisions in the period 1998-2011 and tested whether or not devolution cases (mostly on human rights) exhibit a statistically different pattern from Commonwealth and domestic appeals.

Our results show that devolution cases are likely to generate more legal argumentation in the form of separate opinions (mainly concurring opinions). However, we do not detect any statistically relevant difference in terms of number of words. Our interpretation is that additional separate opinions are induced by more division concerning legal doctrines than the need for more extensive drafting of rulings (due to potential legal difficulty).

Our findings are also largely consistent with current descriptive statistics for the UK Supreme Court (see Table 11 showing separate opinions for devolution cases adjudicated by the UK Supreme Court from 2010 to 2012). Same patterns in terms of separate opinions are detected, including the predominance of human rights cases, few dissents and a significant rate of concurring separate opinions. Our results suggest that the differences between devolution cases and others are more related to the novelty of the field and, possibly, the particular constitutional significance of human rights appeals in the context of Scottish criminal law. The differences have less to do with significant ideological variations or different public policy concerns.

The findings of our analysis have to be interpreted with some caution since the number of devolution cases is limited and these cases make up a small percentage of the workload of the JCPC (which is overwhelmingly dominated by the Commonwealth cases). Still, the nature of the results seems to be robust and exclude any major attitudinal polarization.

These results can be understood in line with previous empirical work about the Law Lords and, more generally, with the notion that UK high judges are averse to exhibiting political alignments. Separate opinions reflect asymmetric needs with respect to doctrinal developments rather than dispositional preferences.

Tables

Table 1: Variables Description

Variable Name	Definition
Appellant Individual	1 if the appellant is an individual
Appellant Company	1 if the appellant is a company
Appellant Public	1 if the appellant is public
Business Law	1 if the case is mainly related to business law
Commonwealth	1 if it is a commonwealth decision
Concurring	1 if the judge presented a concurring opinion
Criminal	1 if the case is mainly criminal
Delivered by Scottish Judge	1 if the judge delivering the decision practiced in Scottish jurisdiction
Delivering Judge	Name of the judge delivering the decision
Devolution	1 if it is a devolution decision
Dissenting	1 if the judge presented a dissenting opinion
Domestic	1 if it is a domestic decision (Disciplinary Committee of the Royal College of Veterinary Surgeons, General Medical Council, General Dental Council, ecclesiastical courts and other ancient courts)
Judge	Name of the judge voting
Law Lord	1 if the judge is/was a Law Lord
Ln(Words)	Log of the total number of words in the decision
Pro-Appellant	1 if the JCPC advised a pro-appellant outcome
Respondent Company	1 if the respondent is a company
Respondent Individual	1 if the respondent is an individual
Respondent Public	1 if the respondent is public
Rights	1 if the case is mainly about rights (human rights, constitutional rights or right to a fair trial)
Scottish	1 if the Judge practiced in Scottish jurisdiction
Seniority 10 years	1 if the judge is at the JCPC for at least 10 years
Separate	1 if the judge presented a separate opinion (concurring or dissenting)
Total Concurring	Total number of concurring votes in each decision
Total Dissenting	Total number of dissenting votes in each decision
Total Scottish	Total number of Scottish judges in each decision
Total Senior Judges	Total number of senior judges in each the decision
Total Separate	Total number of separate votes in each decision
Total Separate Per Judge	Total number of separate opinions per judge
Total Votes Per Judge	Total number of votes by each judge
Total Votes	Total number of judges voting in each the decision
Year	Year in which the decision was made

Table 2: Summary Statistics

Variable	Mean	StandardDev	Min.	Max.	N
Appellant Individual	0.79	0.40	0	1	341
Appellant Company	0.16	0.37	0	1	341
Appellant Public	0.08	0.27	0	1	341
Business Law	0.08	0.27	0	1	341
Commonwealth	0.65	0.48	0	1	341
Concurring	0.07	0.20	0	0.80	341
Delivered by Scottish Judge	0.19	0.39	0	1	341
Criminal	0.15	0.36	0.00	1	341
Devolution	0.07	0.25	0	1	341
Dissenting	0.05	0.13	0	0.44	341
Domestic	0.28	0.45	0	1	341
Law Lord	0.83	0.21	0.20	1	341
Ln(Words)	8.43	0.79	6.15	11.63	341
Pro-Appellant	0.44	0.50	0	1	341
Respondent Company	0.13	0.34	0	1	341
Respondent Individual	0.15	0.35	0	1	341
Respondent Public	0.74	0.44	0	1	341
Rights	0.21	0.41	0	1	341
Scottish	0.19	0.17	0	0.8	341
Seniority 10 Years	0.58	0.24	0	1	341
Separate	0.12	0.23	0	0.8	341
Total Senior Judges	2.64	1.37	0	8	341
Total Concurring	0.33	1.02	0	4	341
Total Dissenting	0.26	0.69	0	4	341
Total Separate	0.60	1.19	0	4	341
Total Votes	4.45	1.05	3	9	341
Year	2002.6	2.86	1998	2011	341

The unit of observation is: *decision*, if N is 341; *individual vote*, if N is 1,517; *judge*, if N is 68.

Table 2: Summary Statistics (cont.)

Variable	Mean	StandardDev	Min.	Max.	N
Appellant Individual	0.77	0.42	0	1	1,517
Appellant Company	0.18	0.38	0	1	1,517
Appellant Public	0.09	0.28	0	1	1,517
Commonwealth	0.73	0.44	0	1	1,517
Concurring	0.07	0.26	0	1	1,517
Devolution	0.07	0.26	0	1	1,517
Dissenting	0.06	0.24	0	1	1,517
Domestic	0.19	0.40	0	1	1,517
Law Lord	0.84	0.36	0	1	1,517
Pro-Appellant	0.46	0.50	0	1	1,517
Respondent Company	0.15	0.35	0	1	1,517
Respondent Individual	0.17	0.37	0	1	1,517
Respondent Public	0.71	0.46	0	1	1,517
Scottish	0.19	0.39	0	1	1,517
Seniority 10 Years	0.59	0.49	0	1	1,517
Separate	0.13	0.34	0	1	1,517
Total Senior Judges	2.85	1.45	0	8	1,517
Total Concurring	0.38	1.09	0	4	1,517
Total Dissenting	0.33	0.79	0	4	1,517
Total Separate	0.71	1.28	0	4	1,517
Delivered by Scottish Judge	0.14	0.16	0	1	68
Law Lord	0.5	0.5	0	1	68
Scottish	0.12	0.32	0	1	68
Seniority 10 Years	0.58	0.45	0	1	68
Total Votes Per Judge	22.31	30.88	1	123	68
Total Separate Per Judge	2.99	4.54	0	15	68

The unit of observation is: *decision*, if N is 341; *individual vote*, if N is 1,517; *judge*, if N is 68.

18

Table 3: Total Decisions by case type

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Total
Total Decisions															
Devolution	0	0	3	5	3	1	2	2	2	2	2	1	0	0	**23**
Domestic	3	12	10	17	16	30	3	0	1	1	2	0	0	1	**96**
Commonw.	13	19	17	30	29	39	22	14	15	5	5	5	3	6	**222**
Total	**16**	**31**	**30**	**52**	**48**	**70**	**27**	**16**	**18**	**8**	**9**	**6**	**3**	**7**	**341**
Total Decisions with at least a separate opinion															
Devolution	0	0	2	4	3	1	1	2	2	2	2	1	0	0	**20**
Domestic	0	1	0	0	0	0	0	0	0	0	0	0	0	0	**1**
Commonw.	5	3	2	4	5	4	9	6	6	4	5	4	3	3	**63**
Total	**5**	**4**	**4**	**8**	**8**	**5**	**10**	**8**	**8**	**6**	**7**	**5**	**3**	**3**	**84**
Total Decisions with at least a dissenting opinion															
Devolution	0	0	0	0	1	0	0	0	0	0	0	0	0	0	**1**
Domestic	0	1	0	0	0	0	0	0	0	0	0	0	0	0	**1**
Commonw.	5	3	2	4	5	4	7	6	2	3	2	2	1	2	**48**
Total	**5**	**4**	**2**	**4**	**6**	**4**	**7**	**6**	**2**	**3**	**2**	**2**	**1**	**2**	**50**
Total Decisions with at least a concurring opinion															
Devolution	0	0	2	4	3	1	1	2	2	2	2	1	0	0	**20**
Commonw.	0	0	0	0	0	0	2	0	4	1	4	3	2	3	**19**
Total	**0**	**0**	**2**	**4**	**3**	**1**	**3**	**2**	**6**	**3**	**6**	**4**	**2**	**3**	**39**

Table 4: Total Individual Votes by case type

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Total
Total Individual Votes															
Devolution	0	0	13	23	15	5	8	10	10	10	10	5	0	0	109
Domestic	9	38	30	51	50	90	9	0	3	3	8	0	0	3	294
Commonw.	64	93	81	150	144	189	122	74	75	27	25	25	15	30	1,114
Total	**73**	**131**	**124**	**224**	**209**	**284**	**139**	**84**	**88**	**40**	**43**	**30**	**15**	**33**	**1,517**
Total Individual Votes in which the judge presents a separate opinion															
Devolution	0	0	8	16	11	4	4	8	8	7	8	4	0	0	78
Domestic	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Commonw.	9	5	3	6	10	7	22	13	11	6	10	8	3	11	124
Total	**9**	**6**	**11**	**22**	**21**	**11**	**26**	**21**	**19**	**13**	**18**	**12**	**3**	**11**	**203**
Total Individual Votes in which the judge presents a concurring opinion															
Devolution	0	0	8	16	9	4	4	8	8	7	8	4	0	0	76
Commonw.	0	0	0	0	0	0	5	0	8	1	7	6	2	8	37
Total	**0**	**0**	**8**	**16**	**9**	**4**	**9**	**8**	**16**	**8**	**15**	**10**	**2**	**8**	**113**

Table 5: Pro-Appellant and Pro-Respondent Outcomes

Decision Type	Pro-Appellant	Pro-Respondent	Total	% Pro-Appellant
All Decisions				
Devolution	11	12	23	47.8
Domestic	26	70	96	27.1
Commonwealth	112	110	222	50.9
Total	149	192	341	43.9
Appellant is Public				
Devolution	5	1	6	83.3
Commonwealth	9	11	20	45.0
Total	14	12	26	53.8
Appellant is Company or Individual				
Devolution	6	11	17	35.3
Domestic	26	70	96	27.1
Commonwealth	103	99	202	51.5
Total	135	180	315	43.5
Respondent is Public				
Devolution	6	11	17	35.3
Domestic	26	70	96	27.1
Commonwealth	75	64	139	53.3
Total	107	145	252	42.6
Respondent is Company or Individual				
Devolution	5	1	6	83.3
Commonwealth	37	46	82	45.1
Total	42	47	88	47.7

Table 6: Regression Results for Separate Votes

	Reg 1	Reg 2	Reg3	Reg 4
Devolution	2.84***	3.29***	3.38***	3.38***
	(0.00)	(0.00)	(0.00)	(0.00)
Domestic	-3.02***	-2.31**	-2.69**	-2.82***
	(0.00)	(0.03)	(0.01)	(0.01)
Scottish	-0.75**	-0.75**	-0.75**	-0.74**
	(0.01)	(0.01)	(0.01)	(0.01)
Law Lord	1.00***	1.03***	1.03***	1.00**
	(0.01)	(0.01)	(0.01)	(0.01)
Seniority 10 years	-0.35*	-0.41*	-0.42**	-0.41*
	(0.09)	(0.05)	(0.05)	(0.05)
Delivered by Scottish Judge	0.05	0.02	0.02	0.00
	(0.86)	(0.95)	(0.94)	(1.00)
Business Law	-0.31	-0.25	0.02	0.28
	(0.37)	(0.46)	(0.96)	(0.52)
Criminal	0.14	-0.03	-0.46	-0.64*
	(0.65)	(0.92)	(0.18)	(0.07)
Rights	0.72***	0.39	0.04	-0.14
	(0.00)	(0.15)	(0.89)	(0.63)
Total Votes		0.52***	0.55***	0.57***
		(0.00)	(0.00)	(0.00)
Pro-Appellant		-0.14	-0.16	-0.22
		(0.50)	(0.44)	(0.28)
Appellant Public			0.75*	-13.87***
			(0.05)	(0.00)
Respondent Public			1.14***	1.56**
			(0.00)	(0.03)
Appellant Company				-14.48***
				(0.00)
Appellant Individual				-14.27***
				(0.00)
Respondent Company				-0.65
				(0.44)
Respondent Individual				0.99
				(0.17)
Constant	-2.79***	-5.13***	-5.91***	8.14***
	(0.00)	(0.00)	(0.00)	(0.00)
Number of Obs	1,517	1,517	1,517	1,517
Log Likelihood	-408.4	-396.2	-389.4	-379.3

Note: All regressions include year fixed effects.

Robust p-values in parentheses. * $p<0.1$, ** $p<0.05$, *** $p<0.01$.

Table 7: Regression Results for Separate Votes: with weights according to the number of judges voting

	Reg 1	Reg 2	Reg 3	Reg 4
Devolution	2.87***	3.34***	3.45***	3.44***
	(0.00)	(0.00)	(0.00)	(0.00)
Domestic	-3.09***	-2.57**	-2.96***	-3.08***
	(0.00)	(0.02)	(0.01)	(0.00)
Scottish	-0.88***	-0.88***	-0.89***	-0.88***
	(0.00)	(0.00)	(0.00)	(0.00)
Law Lord	1.11***	1.15***	1.15***	1.13***
	(0.00)	(0.00)	(0.00)	(0.01)
Seniority 10 years	-0.35*	-0.42**	-0.43**	-0.43**
	(0.09)	(0.05)	(0.04)	(0.05)
Delivered by Scottish Judge	0.13	0.08	0.08	0.06
	(0.65)	(0.79)	(0.80)	(0.83)
Business Law	-0.34	-0.27	0.02	0.27
	(0.33)	(0.44)	(0.96)	(0.53)
Criminal	0.22	-0.02	-0.44	-0.64*
	(0.46)	(0.95)	(0.19)	(0.08)
Rights	0.83***	0.43	0.06	-0.11
	(0.00)	(0.12)	(0.82)	(0.69)
Total Votes		0.46***	0.50***	0.52***
		(0.00)	(0.00)	(0.00)
Pro-Appellant		-0.14	-0.16	-0.23
		(0.48)	(0.42)	(0.27)
Appellant Public			0.75*	-15.38***
			(0.06)	(0.00)
Respondent Public			1.17***	1.57**
			(0.00)	(0.03)
Appellant Company				-16.01
				(.)
Appellant Individual				-15.78
				(.)
Respondent Company				-0.63
				(0.46)
Respondent Individual				0.97
				(0.18)
Constant	-2.97***	-4.97***	-5.80***	9.77***
	(0.00)	(0.00)	(0.00)	(0.00)
Number of Obs	1,517	1,517	1,517	1,517
Log Likelihood	-2108.2	-2046.2	-2010.7	-1961.9

Note: All regressions include year fixed effects.

Robust p-values in parentheses, * p<0.1, ** p<0.05, *** p<0.01.

Table 8: Regression Results for Separate Votes: clustering by type of case

	Reg 1	Reg 2	Reg 3	Reg 4
Devolution	2.84***	3.29***	3.38***	3.38***
	(0.00)	(0.00)	(0.00)	(0.00)
Domestic	-3.02***	-2.31***	-2.69***	-2.82***
	(0.00)	(0.00)	(0.00)	(0.00)
Scottish	-0.75*	-0.75*	-0.75*	-0.74*
	(0.08)	(0.09)	(0.09)	(0.09)
Law Lord	1.00***	1.03***	1.03***	1.00***
	(0.00)	(0.00)	(0.00)	(0.00)
Seniority 10 years	-0.35*	-0.41*	-0.42*	-0.41*
	(0.07)	(0.06)	(0.06)	(0.07)
Delivered by Scottish Judge	0.05	0.02	0.02	0.00
	(0.87)	(0.93)	(0.94)	(1.00)
Business Law	-0.31***	-0.25***	0.02	0.28***
	(0.00)	(0.00)	(0.85)	(0.00)
Criminal	0.14	-0.03	-0.46***	-0.64***
	(0.28)	(0.88)	(0.01)	(0.00)
Rights	0.72***	0.39**	0.04	-0.14
	(0.00)	(0.04)	(0.81)	(0.39)
Total Votes		0.52***	0.55***	0.57***
		(0.01)	(0.00)	(0.00)
Pro-Appellant		-0.14	-0.16	-0.22
		(0.44)	(0.49)	(0.29)
Appellant Public			0.75***	-13.87***
			(0.00)	(0.00)
Respondent Public			1.14***	1.56***
			(0.00)	(0.00)
Appellant Company				-14.48***
				(0.00)
Appellant Individual				-14.27***
				(0.00)
Respondent Company				-0.65***
				(0.00)
Respondent Individual				0.99***
				(0.00)
Constant	-2.79***	-5.13***	-5.91***	8.14***
	(0.00)	(0.00)	(0.00)	(0.00)
Number of Obs	1,517	1,517	1,517	1,517
Log Likelihood	-408.4	-396.2	-389.4	-379.3

Note: All regressions include year fixed effects.

Robust p-values in parentheses, * $p<0.1$, ** $p<0.05$, *** $p<0.01$.

Table 9: Regression Results for Ln(Words) (by case, dummy for separate)

	Reg 1	Reg 2	Reg 3	Reg 4
Devolution	-0.18	-0.16	-0.22	-0.23
	(0.31)	(0.36)	(0.22)	(0.20)
Domestic	-0.22*	-0.20	-0.29**	-0.23
	(0.10)	(0.12)	(0.04)	(0.10)
Total Scottish	0.08	0.07	0.06	0.06
	(0.10)	(0.19)	(0.21)	(0.20)
Total Law Lords	0.07*	0.06*	0.06	0.06
	(0.08)	(0.08)	(0.13)	(0.10)
Total Senior Judges	0.04	0.04	0.04	0.04
	(0.30)	(0.35)	(0.32)	(0.33)
Delivered by Scottish Judge	0.16*	0.18**	0.21**	0.23**
	(0.07)	(0.04)	(0.02)	(0.01)
Dummy Separate	0.92***	0.93***	0.90***	0.93***
	(0.00)	(0.00)	(0.00)	(0.00)
Business Law	0.12	0.12	0.20**	0.18
	(0.21)	(0.22)	(0.05)	(0.11)
Criminal	-0.09	-0.15*	-0.21**	-0.16*
	(0.29)	(0.09)	(0.02)	(0.08)
Rights	0.17*	0.15*	0.10	0.13
	(0.06)	(0.09)	(0.29)	(0.16)
Pro-Appellant		0.17***	0.17***	0.17***
		(0.01)	(0.00)	(0.00)
Appellant Public			0.40***	0.79***
			(0.00)	(0.00)
Respondent Public			0.21**	0.14
			(0.01)	(0.44)
Appellant Company				0.46**
				(0.01)
Appellant Individual				0.36**
				(0.04)
Respondent Company				-0.07
				(0.69)
Respondent Individual				-0.12
				(0.49)
Constant	7.40***	7.38***	7.30***	6.93***
	(0.00)	(0.00)	(0.00)	(0.00)
Number of Obs	341	341	341	341
R-Squared	0.52	0.53	0.54	0.55

Note: All regressions include year fixed effects.

Robust p-values in parentheses. * p<0.1, ** p<0.05, *** p<0.01.

Table 10: Regression Results for Ln(Words) (by case, with total separate)

	Reg 1	Reg 2	Reg 3	Reg 4
Devolution	-0.76***	-0.74***	-0.78***	-0.80***
	(0.00)	(0.00)	(0.00)	(0.00)
Domestic	-0.36***	-0.34***	-0.42***	-0.38***
	(0.01)	(0.01)	(0.00)	(0.01)
Total Scottish	0.09*	0.07	0.07	0.07
	(0.08)	(0.16)	(0.17)	(0.17)
Total Law Lords	0.05	0.05	0.04	0.04
	(0.21)	(0.20)	(0.30)	(0.24)
Total Senior Judges	0.00	-0.00	0.00	0.00
	(0.92)	(0.99)	(0.94)	(0.97)
Delivered by Scottish Judge	0.18**	0.20**	0.23***	0.24***
	(0.04)	(0.02)	(0.01)	(0.00)
Total Separate Votes	0.39***	0.39***	0.38***	0.39***
	(0.00)	(0.00)	(0.00)	(0.00)
Business Law	0.03	0.03	0.10	0.09
	(0.77)	(0.81)	(0.32)	(0.45)
Criminal	-0.11	-0.16*	-0.22**	-0.19*
	(0.23)	(0.08)	(0.03)	(0.06)
Rights	0.14	0.12	0.07	0.09
	(0.11)	(0.17)	(0.44)	(0.32)
Pro-Appellant		0.17***	0.17***	0.17***
		(0.01)	(0.01)	(0.01)
Appellant Public			0.38***	0.74***
			(0.00)	(0.00)
Respondent Public			0.20**	0.14
			(0.02)	(0.25)
Appellant Company				0.39**
				(0.04)
Appellant Individual				0.35**
				(0.05)
Respondent Company				-0.03
				(0.82)
Respondent Individual				-0.11
				(0.35)
Constant	7.64***	7.62***	7.53***	7.18***
	(0.00)	(0.00)	(0.00)	(0.00)
Number of Obs	341	341	341	341
R-Squared	0.51	0.52	0.54	0.54

Note: All regressions include year fixed effects.

Robust p-values in parentheses: * p<0.1, ** p<0.05, *** p<0.01.

Table 11: Devolution Cases decided by the UK Supreme Court

	2010	2011	2012
Total Devolution Cases	4	6	5
Total Devolution Cases with separate	4	6	3
Total Devolution Cases with dissent	1	1	0
Total Individual Votes	22	32	27
Total Individual Votes with separate	17	20	7
Total Individual Votes with dissent	2	1	0

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Appendix

Table 12: Correlation Matrix Individual Votes

	Separate	Devolution	Domestic	Scott	LawLord	Sen10	DelivScott	TotVotes	Pro-appellant	Year
Separate	1									
Devolution	0.4755*	1								
Domestic	-0.1878*	-0.1364*	1							
Scott	0.0016	0.1445*	-0.0043	1						
LawLord	0.1057*	0.0779*	-0.1966*	0.2000*	1					
Sen10	0.0225	0.0489	-0.0856*	0.1870*	0.037	1				
DelivScott	0.1696*	0.3844*	0.0178	0.1684*	0.0298	0.0837*	1			
TotVotes	0.2286*	0.0367	-0.7390*	-0.0111	0.1638*	0.1228*	-0.0253	1		
Pro-appellant	0.0261	0.0252	-0.1776*	0.0445	0.0376	0.0268	0.0033	0.1555*	1	
Year	0.2239*	0.0948*	-0.1502*	-0.0169	0.0625*	0.2709*	0.0417	0.1933*	0.0251	1
AppellantPublic	0.1028*	0.1832*	-0.1526*	0.0146	0.0449	0.017	-0.0596*	0.1688*	0.0580*	0.0361
AppellantCompany	-0.0602*	-0.1289*	-0.2271*	-0.0399	0.005	0.0428	-0.1331*	0.1236*	-0.0525*	0.0886*
AppellantInd	-0.0454	-0.0285	0.2695*	0.0201	-0.0525*	-0.0585*	0.1229*	-0.2027*	0.0148	-0.1022*
RespondentPublic	0.0486	0.0107	0.3154*	0.0169	-0.0385	-0.0468	0.0923*	-0.2127*	-0.0174	-0.0580*
RespondentCompany	-0.1304*	-0.1155*	-0.2035*	-0.0355	-0.0103	0.007	-0.1271*	0.1090*	-0.0914*	-0.0560*
RespondentInd	0.0803*	0.0822*	-0.2183*	0.0189	0.0604*	0.0587*	0.0054	0.1719*	0.1484*	0.1476*
BusinessLaw	-0.0412	-0.0870*	-0.1532*	-0.0337	0.0139	0	-0.1200*	0.0900*	-0.0326	0.0695*
Criminal	-0.0466	-0.1248*	-0.1931*	0.0027	0.0041	-0.0414	-0.0199	0.1392*	0.2455*	-0.1023*
Rights	0.3223*	0.4988*	-0.2735*	0.0648*	0.0958*	0.0336	0.2062*	0.2662*	0.0454	0.0772*
Other	-0.0765*	-0.1873*	-0.3192*	-0.0439	0.0517*	0.0773*	-0.1032*	0.1939*	-0.0723*	0.0921*

	AppellPubl	AppellCa.	AppellInd	RespPubl	RespCa.	RespInd	Busin	Crim	Rights	Other
AppellantPublic	1									
AppellantCompany	-0.1137*	1								
AppellantInd	-0.5113*	-0.6994*	1							
RespondentPublic	-0.4584*	-0.3402*	0.5285*	1						
RespondentCompany	0.1004*	0.4569*	-0.4245*	-0.6044*	1					
RespondentInd	0.4490*	0.0031	-0.2553*	-0.6337*	-0.1598*	1				
BusinessLaw	-0.0157	0.4319*	-0.3766*	-0.3332*	0.4587*	-0.0146	1			
Criminal	-0.0525*	-0.2077*	0.1879*	0.2147*	-0.1862*	-0.1094*	-0.1402*	1		
Rights	0.0994*	-0.2056*	0.0937*	0.1341*	-0.1966*	0.0143	-0.1743*	-0.2501*	1	
Other	0.0914*	0.2852*	-0.2368*	-0.3614*	0.2229*	0.2709*	-0.2104*	-0.3019*	-0.3755*	1

Table 13: Correlation Matrix Decision

	Ln(Words)	devolution	domestic	totscotts	totlawlords	totsen10	delivscott	dumtotsep	proappellant	year
Ln(Words)	1									
devolution	0.2913*	1								
domestic	-0.4331*	-0.1683*	1							
totscotts	0.2807*	0.3741*	-0.2340*	1						
totlawlords	0.4478*	0.1398*	-0.7225*	0.3196*	1					
totsen10	0.4090*	0.1142*	-0.4959*	0.3123*	0.5329*	1				
delivscott	0.1773*	0.3756*	0.0116	0.3853*	0.0064	0.1126*	1			
dumtotsep	0.6098*	0.3890*	-0.3427*	0.1835*	0.3936*	0.3359*	0.1211*	1		
proappellant	0.1858*	0.0224	-0.2096*	0.1587*	0.1654*	0.1304*	-0.0211	0.059	1	
year	0.2975*	0.0968	-0.1707*	0.0157	0.2058*	0.5373*	0.0268	0.3391*	0.0404	1
AppellPubl	0.1888*	0.1871*	-0.1798*	0.0897	0.1775*	0.1167*	-0.055	0.1178*	0.0588	0.0422
AppellantComp	0.0615	-0.1167*	-0.2715*	-0.0412	0.1404*	0.1680*	-0.1287*	-0.0802	-0.0258	0.1059
AppellantInd	-0.1561*	-0.037	0.3181*	-0.0264	-0.2410*	-0.2252*	0.1172*	-0.0465	-0.0061	-0.1179*
RespPubl	-0.0701	0.0001	0.3720*	-0.0416	-0.2395*	-0.2164*	0.0844	0.0298	-0.0419	-0.0779
RespCompany	-0.0228	-0.1049	-0.2441*	-0.037	0.1066*	0.0973	-0.1230*	-0.1425*	-0.064	-0.0338
RespInd	0.1386*	0.0869	-0.2595*	0.1086*	0.2160*	0.2010*	0.0099	0.1286*	0.1530*	0.1538*
businesslaw	0.0414	-0.0789	-0.1836*	-0.0426	0.1143*	0.07	-0.1147*	-0.0668	-0.0175	0.0811
criminal	-0.008	-0.1141*	-0.2292*	0.0547	0.1164*	0.0114	-0.0189	0.0036	0.2513*	-0.0977
rights	0.3506*	0.5198*	-0.3238*	0.2345*	0.2873*	0.1794*	0.2063*	0.3713*	0.0658	0.0886
other	0.0926	-0.1671*	-0.3745*	-0.0224	0.2603*	0.2702*	-0.1017	0.0394	-0.0463	0.1073*

	AppellPubl	AppellantComp	AppellantInd	RespPubl	RespCompany	RespInd	businesslaw	criminal	rights	other
AppellPubl	1									
AppellantComp	-0.0944	1								
AppellantInd	-0.5106*	-0.7143*	1							
RespPubl	-0.4583*	-0.3641*	0.5411*	1						
RespCompany	0.1165*	0.4717*	-0.4454*	-0.6166*	1					
RespInd	0.4432*	0.0246	-0.2614*	-0.6409*	-0.1371*	1				
businesslaw	-0.0024	0.4380*	-0.3887*	-0.3451*	0.4633*	0.0013	1			
criminal	-0.0604	-0.1840*	0.1752*	0.1964*	-0.1654*	-0.1066*	-0.1244*	1		
rights	0.1221*	-0.1654*	0.0495	0.0784	-0.1593*	0.0496	-0.1517*	-0.2195*	1	
other	0.1172*	0.3038*	-0.2672*	-0.3903*	0.2409*	0.2972*	-0.1822*	-0.2636*	-0.3215*	1

Table A1: Judges

Name	National Jurisdiction	Birth	Appointment	House of Lords	Justice SCUK	Male	Total Votes	Total Separate	Total Dissenting	Total Concurring
Auld	English	1937	1995	0	0	1	1	1	0	1
Balcombe	English	1925	1985	0	0	1	6	1	0	1
Beldam	English	1925	1989	0	0	1	2	0	0	0
Bingham	British (Non-Scottish)	1933	1986	1	0	1	72	11	6	5
Blanchard	New Zealander	1942	1998	0	0	1	2	0	0	0
Brown	English	1937	1992	1	1	1	33	10	3	7
Browne-Wilkinson	English	1930	1983	1	0	1	14	0	0	0
Carswell	Northern Irish	1934	1993	1	0	1	38	10	2	8
Clarke	English	1943	1998	1	1	1	4	0	0	0
Clyde	Scottish	1932	1996	1	0	1	49	7	1	6
Coghlin	Northern Irish	1945	2009	0	0	1	1	0	0	0
Collins	English	1941	2007	1	1	1	2	1	0	1
Cooke	New Zealander	1926	1977	1	0	1	21	2	2	0
Cosgrove	Scottish	1946	2003	0	0	0	1	1	0	1
Coulsfield	Scottish	1934	2000	0	0	1	1	0	0	0
Dyson	English	1943	2001	0	1	1	4	1	0	1
Elias	English	1949	1999	0	0	0	4	0	0	0
Evans	Non-Scottish	1934	1992	0	0	1	8	0	0	0
Gault	New Zealander	1938	1992	0	0	1	5	0	0	0
Gibson	English	1934	1993	0	0	1	2	1	1	0
Glidewell	English	1924	1985	0	0	1	1	0	0	0
Goff	English	1926	1982	1	0	1	5	1	1	0
Hale	English	1945	1999	1	1	0	37	13	4	9
Henry	English	1931	1993	0	0	1	9	0	0	0
Higgins	Northern Irish	1944	2007	0	0	1	1	0	0	0
Hobhouse	English	1932	1993	1	0	1	75	5	4	1
Hoffmann	English	1934	1992	1	0	1	102	9	5	4
Hope	Scottish	1938	1989	1	1	1	123	15	3	12
Hughes	English	1948	2006	0	1	1	1	0	0	0
Hutton	Northern Irish	1931	1988	1	0	1	85	11	7	4
Jauncey	Scottish	1925	1988	1	0	1	5	0	0	0
Judge	English	1941	1996	1	0	1	1	0	0	0
Keith	New Zealander	1937	1998	0	0	1	9	0	0	0
Kennedy	English	1935	1992	0	0	1	3	0	0	0

Main source: Burke's Peerage.

Table A1: Judges (cont.)

Name	National Jurisdiction	Birth	Appointment	House of Lords	Justice SCUK	Male	Total Votes	Total Separate	Total Dissenting	Total Concurring
Kerr	Northern Irish	1948	2004	1	1	1	5	2	1	1
Kirkwood	Scottish	1946	2000	1	0	1	1	1	0	1
Laws	English	1945	1999	0	0	1	1	0	0	0
Leggatt	English	1930	1990	0	0	1	44	1	1	0
Lloyd	English	1929	1984	1	0	1	14	2	2	0
Mackay	Scottish	1927	1979	1	0	1	16	1	0	1
Mance	English	1943	1999	1	1	1	25	11	3	8
Millett	English	1932	1994	1	0	1	78	6	4	2
Mustill	English	1931	1985	1	0	1	1	0	0	0
Neuberger	English	1948	2004	1	1	1	10	5	0	5
Nicholls	English	1933	1985	1	0	1	79	12	5	7
Nolan	English	1928	1991	1	0	1	6	0	0	0
Nourse	English	1932	1985	0	0	1	13	0	0	0
Otton	English	1933	1995	0	0	1	42	1	1	0
Parker	English	1937	2000	0	0	1	3	1	0	1
Phillips	English	1938	1995	1	1	1	9	1	0	1
Richardson	New Zealander	1930	1978	0	0	1	4	0	0	0
Roch	English	1934	1993	0	0	1	1	0	0	0
Rodger	Scottish	1944	1992	1	1	1	93	14	6	8
Rose	English	1937	1992	0	0	1	1	0	0	0
Russell	English	1926	1987	0	0	1	16	0	0	0
Saville	English	1936	1994	1	1	1	3	0	0	0
Scott	English	1934	1991	1	0	1	77	12	7	5
Slade	English	1927	1982	0	0	1	14	0	0	0
Slynn	English	1930	1992	1	0	1	40	6	4	2
Staughton	English	1933	1988	0	0	1	10	3	0	3
Steyn	English	1932	1992	1	0	1	92	14	11	3
Stuart Smith	English	1927	1988	0	0	1	5	0	0	0
Thomas	English	1931	1994	0	0	1	10	1	1	0
Tipping	Non-Scottish	1942	1998	0	0	1	9	0	0	0
Walker	English	1938	1997	1	1	1	62	8	5	3
Wilson	English	1945	2005	0	1	1	1	0	0	0
Woolf	English	1933	1986	1	0	1	2	1	0	1
Zacca	Jamaican	1931	1992	0	0	1	3	0	0	0

Main source: Burke's Peerage.

Table A2: Regression Results for Separate Votes - Cluster by judge delivering the judgment

	Reg 1	Reg 2	Reg 3	Reg 4
Devolution	2.84***	3.29***	3.38***	3.38***
	(0.00)	(0.00)	(0.00)	(0.00)
Domestic	-3.02***	-2.31**	-2.69**	-2.82**
	(0.01)	(0.04)	(0.02)	(0.01)
Scottish	-0.75	-0.75	-0.75	-0.74
	(0.20)	(0.20)	(0.21)	(0.21)
Law Lord	1.00**	1.03**	1.03**	1.00**
	(0.02)	(0.02)	(0.02)	(0.02)
Seniority 10 years	-0.35	-0.41	-0.42	-0.41
	(0.16)	(0.12)	(0.13)	(0.13)
Delivered by Scottish Judge	0.05	0.02	0.02	0.00
	(0.85)	(0.93)	(0.94)	(1.00)
Business Law	-0.31	-0.25	0.02	0.28
	(0.60)	(0.65)	(0.98)	(0.56)
Criminal	0.14	-0.03	-0.46	-0.64*
	(0.67)	(0.92)	(0.20)	(0.05)
Rights	0.72***	0.39*	0.04	-0.14
	(0.00)	(0.08)	(0.87)	(0.56)
Total Votes		0.52***	0.55***	0.57***
		(0.00)	(0.00)	(0.00)
Pro-Appellant		-0.14	-0.16	-0.22
		(0.61)	(0.56)	(0.39)
Appellant Public			0.75**	-13.87***
			(0.05)	(0.00)
Respondent Public			1.14***	1.56*
			(0.00)	(0.06)
Appellant Company				-14.48***
				(0.00)
Appellant Individual				-14.27***
				(0.00)
Respondent Company				-0.65
				(0.53)
Respondent Individual				0.99
				(0.24)
Constant	-2.79***	-5.13***	-5.91***	8.14***
	(0.00)	(0.00)	(0.00)	(0.00)
Number of Obs	1,517	1,517	1,517	1,517
Log Likelihood	-408.4	-396.2	-389.4	-379.3

Note: All regressions include year fixed effects.

Robust p-values in parentheses: * p<0.1, ** p<0.05, *** p<0.01.

Table A3: Regression Results for Separate Votes- Cluster by Judge

	Reg 1	Reg 2	Reg 3	Reg 4
Devolution	2.84***	3.29***	3.38***	3.38***
	(0.00)	(0.00)	(0.00)	(0.00)
Domestic	-3.02***	-2.31**	-2.69**	-2.82***
	(0.00)	(0.03)	(0.01)	(0.01)
Scottish	-0.75***	-0.75***	-0.75***	-0.74***
	(0.01)	(0.01)	(0.00)	(0.00)
Law Lord	1.00***	1.03***	1.03***	1.00***
	(0.00)	(0.00)	(0.00)	(0.00)
Seniority 10 years	-0.35*	-0.41**	-0.42**	-0.41**
	(0.06)	(0.04)	(0.03)	(0.04)
Delivered by Scottish Judge	0.05	0.02	0.02	0.00
	(0.91)	(0.96)	(0.96)	(1.00)
Business Law	-0.31	-0.25	0.02	0.28
	(0.38)	(0.47)	(0.97)	(0.51)
Criminal	0.14	-0.03	-0.46	-0.64
	(0.73)	(0.94)	(0.31)	(0.18)
Rights	0.72**	0.39	0.04	-0.14
	(0.02)	(0.20)	(0.90)	(0.67)
Total Votes		0.52***	0.55***	0.57***
		(0.00)	(0.00)	(0.00)
Pro-Appellant		-0.14	-0.16	-0.22
		(0.45)	(0.42)	(0.28)
Appellant Public			0.75*	-13.87***
			(0.06)	(0.00)
Respondent Public			1.14***	1.56*
			(0.00)	(0.08)
Appellant Company				-14.48***
				(0.00)
Appellant Individual				-14.27***
				(0.00)
Respondent Company				-0.65
				(0.41)
Respondent Individual				0.99
				(0.28)
Constant	-2.79***	-5.13***	-5.91***	8.14***
	(0.00)	(0.00)	(0.00)	(0.00)
Number of Obs	1,517	1,517	1,517	1,517
Log Likelihood	-408.4	-396.2	-389.4	-379.3

Note: All regressions include year fixed effects.

Robust p-values in parentheses: * p<0.1, ** p<0.05, *** p<0.01.

Table B1: Regression Results for Separate Votes (excludes 2010 & 2011)

	Reg 1	Reg 2	Reg 3	Reg 4
Devolution	2.87***	3.32***	3.42***	3.45***
	(0.00)	(0.00)	(0.00)	(0.00)
Domestic	-2.93***	-2.23**	-2.65**	-2.68**
	(0.00)	(0.03)	(0.01)	(0.01)
Scottish	-0.79**	-0.78**	-0.78**	-0.79**
	(0.01)	(0.01)	(0.01)	(0.01)
Law Lord	1.00**	1.04**	1.02**	1.00**
	(0.02)	(0.02)	(0.02)	(0.02)
Seniority 10 years	-0.42**	-0.49**	-0.49**	-0.48**
	(0.05)	(0.03)	(0.03)	(0.03)
Delivered by Scottish Judge	0.03	0.01	-0.02	-0.04
	(0.93)	(0.98)	(0.96)	(0.90)
Business Law	-0.44	-0.39	-0.01	0.31
	(0.25)	(0.31)	(0.98)	(0.49)
Criminal	0.11	-0.10	-0.57	-0.66*
	(0.72)	(0.77)	(0.12)	(0.08)
Rights	0.72***	0.37	0.00	-0.13
	(0.00)	(0.19)	(1.00)	(0.65)
Total Votes		0.52***	0.55***	0.56***
		(0.00)	(0.00)	(0.00)
Pro-Appellant		-0.09	-0.09	-0.15
		(0.67)	(0.66)	(0.49)
Appellant Public			0.93**	-12.24***
			(0.03)	(0.00)
Respondent Public			1.38***	2.50***
			(0.00)	(0.00)
Appellant Company				-13.27***
				(0.00)
Appellant Individual				-12.98***
				(0.00)
Respondent Company				0.56
				(0.50)
Respondent Individual				1.51**
				(0.02)
Constant	-2.76***	-5.10***	-6.05***	5.94***
	(0.00)	(0.00)	(0.00)	(0.00)
Number of Obs	1,469	1,469	1,469	1,469
Log Likelihood	-380.5	-368.5	-360.2	-353.4

Note: All regressions include year fixed effects.

Robust p-values in parentheses: * $p<0.1$, ** $p<0.05$, *** $p<0.01$.

Table B2: Regression Results for Separate Votes: with weights (excludes 2010 & 2011)

	Reg 1	Reg 2	Reg 3	Reg 4
Devolution	2.90***	3.37***	3.49***	3.51***
	(0.00)	(0.00)	(0.00)	(0.00)
Domestic	-3.00***	-2.49**	-2.92***	-2.94***
	(0.00)	(0.02)	(0.01)	(0.01)
Scottish	-0.92***	-0.93***	-0.93***	-0.94***
	(0.00)	(0.00)	(0.00)	(0.00)
Law Lord	1.13***	1.17***	1.16***	1.14**
	(0.01)	(0.01)	(0.01)	(0.01)
Seniority 10 years	-0.42*	-0.49**	-0.50**	-0.49**
	(0.05)	(0.03)	(0.02)	(0.03)
Delivered by Scottish Judge	0.11	0.06	0.03	0.02
	(0.72)	(0.84)	(0.92)	(0.95)
Business Law	-0.48	-0.41	-0.00	0.31
	(0.22)	(0.30)	(0.99)	(0.49)
Criminal	0.21	-0.09	-0.55	-0.65*
	(0.50)	(0.81)	(0.13)	(0.08)
Rights	0.83***	0.40	0.03	-0.11
	(0.00)	(0.15)	(0.93)	(0.71)
Total Votes		0.46***	0.51***	0.51***
		(0.00)	(0.00)	(0.00)
Pro-Appellant		-0.10	-0.10	-0.15
		(0.65)	(0.63)	(0.47)
Appellant Public			0.93**	-14.70
			(0.03)	(.)
Respondent Public			1.40***	2.54***
			(0.00)	(0.00)
Appellant Company				-15.74
				(.)
Appellant Individual				-15.45
				(.)
Respondent Company				0.60
				(0.48)
Respondent Individual				1.50**
				(0.02)
Constant	-2.95***	-4.96***	-5.98***	8.47***
	(0.00)	(0.00)	(0.00)	(0.00)
Number of Obs	1,469	1,469	1,469	1,469
Log Likelihood	-1968.3	-1907.0	-1864.4	-1831.4

Note: All regressions include year fixed effects.

Robust p-values in parentheses: * $p<0.1$, ** $p<0.05$, *** $p<0.01$.

Table B3: Regression Results for Separate Votes-Clustering by type of case (excludes 2010 & 2011)

	Reg 1	Reg 2	Reg 3	Reg 4
Devolution	2.87***	3.32***	3.42***	3.45***
	(0.00)	(0.00)	(0.00)	(0.00)
Domestic	-2.93***	-2.23***	-2.65***	-2.68***
	(0.00)	(0.00)	(0.00)	(0.00)
Scottish	-0.79*	-0.78*	-0.78*	-0.79*
	(0.08)	(0.09)	(0.10)	(0.09)
Law Lord	1.00***	1.04***	1.02***	1.00***
	(0.00)	(0.00)	(0.00)	(0.00)
Seniority 10 years	-0.42**	-0.49**	-0.49**	-0.48**
	(0.03)	(0.03)	(0.03)	(0.04)
Delivered by Scottish Judge	0.03	0.01	-0.02	-0.04
	(0.93)	(0.98)	(0.95)	(0.89)
Business Law	-0.44***	-0.39***	-0.01	0.31***
	(0.00)	(0.00)	(0.91)	(0.00)
Criminal	0.11	-0.10	-0.57***	-0.66***
	(0.42)	(0.69)	(0.00)	(0.00)
Rights	0.72***	0.37**	0.00	-0.13
	(0.00)	(0.05)	(0.99)	(0.41)
Total Votes		0.52***	0.55***	0.56***
		(0.01)	(0.00)	(0.00)
Pro-Appellant		-0.09	-0.09	-0.15
		(0.62)	(0.68)	(0.50)
Appellant Public			0.93***	-12.24***
			(0.00)	(0.00)
Respondent Public			1.38***	2.50***
			(0.00)	(0.00)
Appellant Company				-13.27***
				(0.00)
Appellant Individual				-12.98***
				(0.00)
Respondent Company				0.56***
				(0.00)
Respondent Individual				1.51***
				(0.00)
Constant	-2.76***	-5.10***	-6.05***	5.94***
	(0.00)	(0.00)	(0.00)	(0.00)
Number of Obs	1,469	1,469	1,469	1,469
Log Likelihood	-380.5	-368.5	-360.2	-353.4

Note: All regressions include year fixed effects.

Robust p-values in parentheses: * p<0.1, ** p<0.05, *** p<0.01.

Table B4: Regression Results for Separate Votes-Clustering by judge delivering the judgment (excludes 2010 & 2011)

	Reg 1	Reg 2	Reg 3	Reg 4
Devolution	2.87***	3.32***	3.42***	3.45***
	(0.00)	(0.00)	(0.00)	(0.00)
Domestic	-2.93***	-2.23**	-2.65**	-2.68**
	(0.01)	(0.05)	(0.02)	(0.02)
Scottish	-0.79	-0.78	-0.78	-0.79
	(0.20)	(0.21)	(0.23)	(0.21)
Law Lord	1.00**	1.04**	1.02**	1.00**
	(0.03)	(0.04)	(0.04)	(0.05)
Seniority 10 years	-0.42	-0.49*	-0.49*	-0.48*
	(0.11)	(0.08)	(0.08)	(0.09)
Delivered by Scottish Judge	0.03	0.01	-0.02	-0.04
	(0.93)	(0.98)	(0.95)	(0.90)
Business Law	-0.44	-0.39	-0.01	0.31
	(0.44)	(0.45)	(0.98)	(0.51)
Criminal	0.11	-0.10	-0.57	-0.66*
	(0.71)	(0.77)	(0.11)	(0.06)
Rights	0.72***	0.37*	0.00	-0.13
	(0.00)	(0.10)	(1.00)	(0.60)
Total Votes		0.52***	0.55***	0.56***
		(0.00)	(0.00)	(0.00)
Pro-Appellant		-0.09	-0.09	-0.15
		(0.74)	(0.73)	(0.59)
Appellant Public			0.93**	-12.24***
			(0.04)	(0.00)
Respondent Public			1.38***	2.50***
			(0.00)	(0.00)
Appellant Company				-13.27***
				(0.00)
Appellant Individual				-12.98***
				(0.00)
Respondent Company				0.56
				(0.48)
Respondent Individual				1.51***
				(0.01)
Constant	-2.76***	-5.10***	-6.05***	5.94***
	(0.00)	(0.00)	(0.00)	(0.00)
Number of Obs	1,469	1,469	1,469	1,469
Log Likelihood	-380.5	-368.5	-360.2	-353.4

Note: All regressions include year fixed effects.

Robust p-values in parentheses: * p<0.1, ** p<0.05, *** p<0.01.

Table B5: Regression Results for Separate Votes- Clustering by Judge (excludes 2010 & 2011)

	Reg 1	Reg 2	Reg 3	Reg 4
Devolution	2.87***	3.32***	3.42***	3.45***
	(0.00)	(0.00)	(0.00)	(0.00)
Domestic	-2.93***	-2.23**	-2.65**	-2.68***
	(0.00)	(0.03)	(0.01)	(0.01)
Scottish	-0.79***	-0.78***	-0.78***	-0.79***
	(0.01)	(0.01)	(0.00)	(0.00)
Law Lord	1.00***	1.04***	1.02***	1.00***
	(0.00)	(0.00)	(0.00)	(0.00)
Seniority 10 years	-0.42**	-0.49**	-0.49**	-0.48**
	(0.03)	(0.02)	(0.02)	(0.02)
Delivered by Scottish Judge	0.03	0.01	-0.02	-0.04
	(0.95)	(0.99)	(0.97)	(0.94)
Business Law	-0.44	-0.39	-0.01	0.31
	(0.27)	(0.30)	(0.98)	(0.46)
Criminal	0.11	-0.10	-0.57	-0.66
	(0.79)	(0.83)	(0.25)	(0.19)
Rights	0.72**	0.37	0.00	-0.13
	(0.03)	(0.26)	(1.00)	(0.69)
Total Votes		0.52***	0.55***	0.56***
		(0.00)	(0.00)	(0.00)
Pro-Appellant		-0.09	-0.09	-0.15
		(0.65)	(0.65)	(0.50)
Appellant Public			0.93*	-12.24***
			(0.06)	(0.00)
Respondent Public			1.38***	2.50**
			(0.00)	(0.01)
Appellant Company				-13.27***
				(0.00)
Appellant Individual				-12.98***
				(0.00)
Respondent Company				0.56
				(0.48)
Respondent Individual				1.51*
				(0.09)
Constant	-2.76***	-5.10***	-6.05***	5.94***
	(0.00)	(0.00)	(0.00)	(0.00)
Number of Obs	1,469	1,469	1,469	1,469
Log Likelihood	-380.5	-368.5	-360.2	-353.4

Note: All regressions include year fixed effects.

Robust p-values in parentheses: * p<0.1, ** p<0.05, *** p<0.01.

Table B6:Regression Results for Ln(Words) (by case, dummy for separate) (excludes 2010 &
2011)

	Reg 1	Reg 2	Reg 3	Reg 4
Devolution	-0.19	-0.17	-0.22	-0.23
	(0.30)	(0.34)	(0.21)	(0.21)
Domestic	-0.21	-0.19	-0.29**	-0.22
	(0.12)	(0.14)	(0.03)	(0.12)
Total Scottish	0.10*	0.08	0.07	0.07
	(0.07)	(0.14)	(0.14)	(0.14)
Total Law Lords	0.07*	0.07*	0.05	0.06
	(0.08)	(0.08)	(0.15)	(0.10)
Total Senior Judges	0.05	0.04	0.04	0.04
	(0.26)	(0.30)	(0.27)	(0.29)
Delivered by Scottish Judge	0.16*	0.18*	0.21**	0.22**
	(0.09)	(0.06)	(0.02)	(0.02)
Dummy Separate	0.92***	0.92***	0.89***	0.91***
	(0.00)	(0.00)	(0.00)	(0.00)
Business Law	0.14	0.14	0.24**	0.20*
	(0.18)	(0.16)	(0.02)	(0.08)
Criminal	-0.07	-0.13	-0.20**	-0.15
	(0.40)	(0.15)	(0.03)	(0.10)
Rights	0.17*	0.16*	0.10	0.14
	(0.06)	(0.08)	(0.30)	(0.14)
Pro-Appellant		0.17***	0.17***	0.17***
		(0.01)	(0.00)	(0.01)
Appellant Public			0.43***	0.80***
			(0.00)	(0.00)
Respondent Public			0.24***	0.33**
			(0.00)	(0.02)
Appellant Company				0.45**
				(0.02)
Appellant Individual				0.35*
				(0.07)
Respondent Company				0.11
				(0.44)
Respondent Individual				0.03
				(0.84)
Constant	7.37***	7.35***	7.25***	6.74***
	(0.00)	(0.00)	(0.00)	(0.00)
Number of Obs	331	331	331	331
R-Squared	0.51	0.52	0.53	0.54

Note: All regressions include year fixed effects.

Robust p-values in parentheses: * p<0.1, ** p<0.05, *** p<0.01.

Table B7: Regression Results for Ln(Words) (by case, with total separate) (excludes 2010 & 2011)

	Reg 1	Reg 2	Reg 3	Reg 4
Devolution	-0.81***	-0.79***	-0.82***	-0.83***
	(0.00)	(0.00)	(0.00)	(0.00)
Domestic	-0.36***	-0.34***	-0.43***	-0.38***
	(0.01)	(0.01)	(0.00)	(0.01)
Total Scottish	0.10**	0.08	0.08	0.08
	(0.05)	(0.11)	(0.11)	(0.11)
Total Law Lords	0.04	0.04	0.03	0.04
	(0.26)	(0.26)	(0.37)	(0.30)
Total Senior Judges	0.01	0.00	0.01	0.00
	(0.88)	(0.97)	(0.89)	(0.92)
Delivered by Scottish Judge	0.17*	0.19**	0.22**	0.23***
	(0.05)	(0.03)	(0.01)	(0.01)
Total Separate Votes	0.40***	0.41***	0.39***	0.40***
	(0.00)	(0.00)	(0.00)	(0.00)
Business Law	0.05	0.05	0.14	0.11
	(0.66)	(0.63)	(0.18)	(0.37)
Criminal	-0.08	-0.14	-0.21**	-0.17*
	(0.35)	(0.14)	(0.04)	(0.08)
Rights	0.14	0.12	0.07	0.09
	(0.12)	(0.17)	(0.45)	(0.31)
Pro-Appellant		0.17***	0.17***	0.17***
		(0.01)	(0.01)	(0.01)
Appellant Public			0.40***	0.72***
			(0.00)	(0.00)
Respondent Public			0.23***	0.24**
			(0.01)	(0.04)
Appellant Company				0.35*
				(0.08)
Appellant Individual				0.31
				(0.10)
Respondent Company				0.07
				(0.57)
Respondent Individual				-0.05
				(0.65)
Constant	7.62***	7.61***	7.50***	7.12***
	(0.00)	(0.00)	(0.00)	(0.00)
Number of Obs	331	331	331	331
R-Squared	0.50	0.51	0.53	0.53

Note: All regressions include year fixed effects.

Robust p-values in parentheses: * $p<0.1$, ** $p<0.05$, *** $p<0.01$.