

Research Question

Is it advantageous for lawyers to match the language used by judges?

Materials

(from Danescu-Niculescu-Mizil et al., 2012)

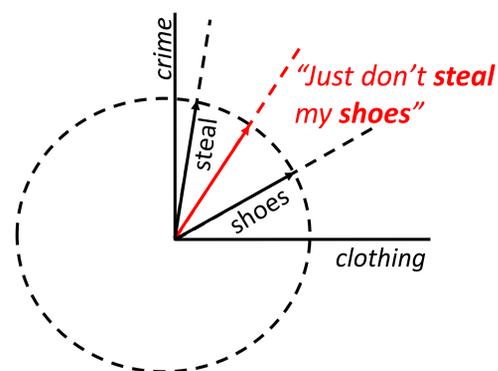
Transcripts of U.S. Supreme Court Oral Arguments

- ❖ 204 Cases, 2004-2006 Terms
- ❖ Each case includes the judges' votes
- ❖ 11 Justices, 311 other speakers
- ❖ ~2M words in ~50k utterances

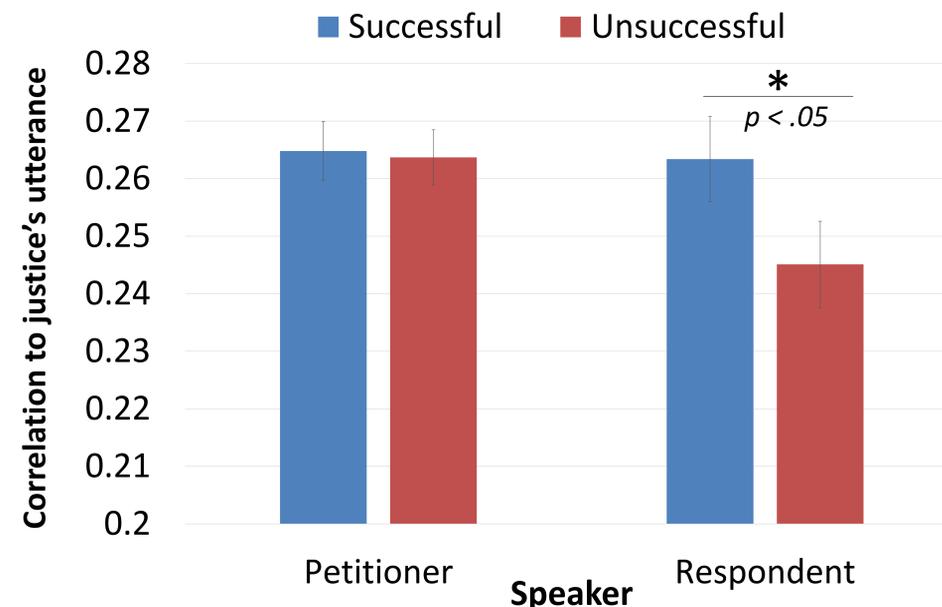
Measuring Language Similarity

(Based on Sagi & Diermeier, 2017)

- ❖ Language similarity between adjacent utterances was measured using **Latent Semantic Analysis**
- ❖ Utterance vectors computed using vector addition on content word vectors
- ❖ Adjacent utterance similarity measured using cosine similarity
- ❖ Semantic space computed from the corpus using Infomap



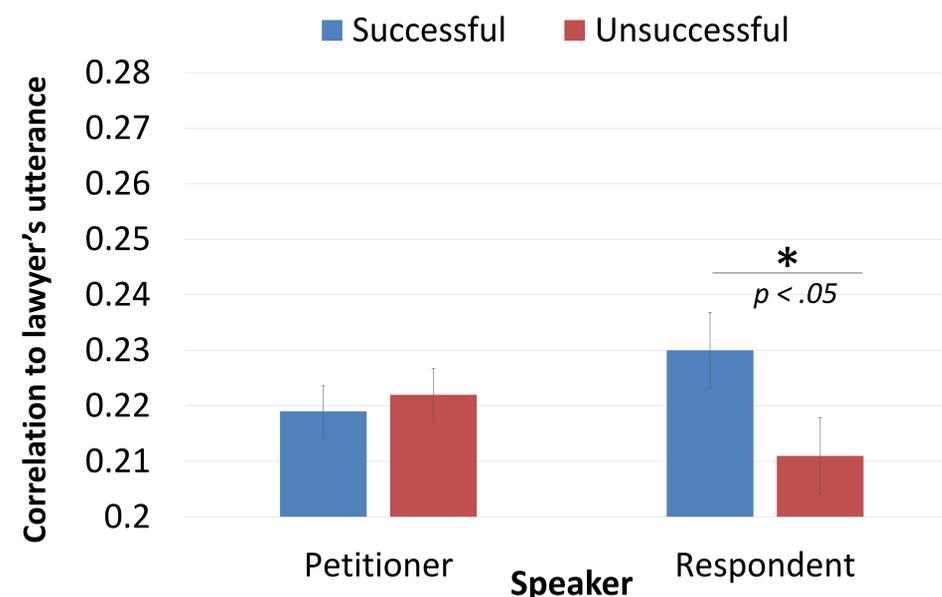
Alignment by Lawyers to Judges



Interaction: $F(1, 200) = 5.23, p = 0.023$

Judgment in Favor of Petitioner: $F(1, 200) = 6.35, p = 0.013$

Alignment by Judges to Lawyers



Interaction: $F(1, 200) < 1, n.s.$

Judgment in Favor of Petitioner: $F(1, 200) = 4.01, p = 0.047$

Sample utterance-pairs

High alignment (Case 05-259; correlation .89)

Justice Stevens: "So a quid pro quo violation does not have to be an adverse employment action."

Mr. Philips: "It -- right, because the -- there are -- I mean, they are all adverse employment actions. There's a tangible employment action. There's a quid pro quo action, and then there's the --"

Low alignment (Case 05-1345; correlation .03)

Justice Kennedy: "You can't say we want -- we're enacting this law to affect what happens in other States. That's just contrary to the Commerce Clause."

Mr. Cahill: "We are not attempting to regulate what goes on in other States. We are attempting --"

Discussion

- ❖ Lawyers aligned their language with justices more than justices aligned with lawyers ($p < .001$)
- ❖ When the respondent *failed* to align their language with the justices, the petitioner was more likely to prevail

Alignment of language is more important for respondents than petitioners

Future Studies

- ❖ Is alignment likely to sway particular justices?
- ❖ How is alignment during oral argument reflected in the written decision?

References

1. Danescu-Niculescu-Mizil, C., Lee, L., Pang, B., & Kleinberg, J. (2012, April). Echoes of power: Language effects and power differences in social interaction. *In Proceedings of the 21st international conference on World Wide Web* (pp. 699-708). ACM.
2. Sagi, E., & Diermeier, D. (2017). Language Use and Coalition Formation in Multiparty Negotiations. *Cognitive science*, *41*(1), 259-271.