Media Influence on Courts: Evidence from Civil Case Adjudication

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Published in the *American Law and Economics Review*, 2015, 17(1), pp.87-126

Abstract

This paper quantitatively assesses media influence on civil case adjudication in U.S state courts. It shows that media influence substantially mitigates disparity in damage awards across political orientation of districts. That is, in areas with frequent newspaper coverage of courts, there is little difference in damage awards between conservative and liberal districts. In contrast, in areas with little newspaper coverage, liberal districts tend to grant substantially larger damage awards than do conservative ones. This result suggests that the presence of active media coverage may enhance consistency in the civil justice system.

Keywords: media, courts, judges, civil case, damage awards

JEL Classification Code: K13, K41, P4

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1 Introduction

Courts play an important role in maintaining economic stability by enforcing contracts and protecting property. Understanding the influence of political environments on the functioning of courts has long been an important issue in law and economics (see, for example, Landes and Posner (1975), Glaeser and Schleifer (2002), and Hanssen (2004)). This study analyzes the influence of the press, an important component of the political environment, on civil case adjudication in U.S. state courts.

The civil justice system in the U.S. has long been criticized for frivolous lawsuits, pro-plaintiff bias, and excessive punishment of corporate defendants, which may easily undermine the efficiency of the economy.[1] Among all civil cases in the U.S., approximately 90 percent are handled by state courts (Court Statistics Project (2012)). Thus, analyzing state courts is a key step to understanding the operation of the civil justice system.

Newspaper coverage can influence civil adjudication through the following channels. First, it may change the views or preferences of the public on the civil justice system. Specifically, jurors and judges frequently exposed to newspaper coverage which criticizes frivolous lawsuits and large damage awards may hold views on appropriate punishment of defendants that are different from the views of those not exposed to such coverage. Second, this may in turn interact with the influence of political orientation of jurors and judges. In conservative districts, where jurors and judges are not favorable to plaintiffs in the first place, newspaper coverage criticizing the pro-plaintiff bias of the system may not have much influence. In contrast, in liberal districts, where jurors and judges tend to adjudicate large damage awards in the absence of media influence, newspaper coverage criticizing the pro-plaintiff bias of the system may change the views of jurors and judges significantly. Overall, newspaper coverage may reduce the influence of political orientation on civil case adjudication.

Media influence on civil justice may be distinct from that in other areas of law such as criminal justice, as demonstrated by Lim, Snyder, and Strömberg (2014). In criminal justice, survey evidence suggests that the public generally prefers harsh sentences.[2] That is, they regard the criminal justice system as being too lenient. Media coverage also tends to be focused on *under-punishment* of

[1] For example, medical malpractice lawsuits have often been regarded to increase medical expenditures by inducing defensive medicine. See, for example, Kessler and McClellan (1996).

[2] For example, in the National Annenberg Election Survey conducted during the 2000 presidential election, 81 percent of interviewees responded that criminals not being punished enough was a serious problem.

criminals, which would increase punishment of criminals.[3] In contrast, the civil justice system has often been perceived to be "broken" with unprincipled juries and skyrocketing damage awards.[4] That is, it has often been regarded as being too harsh on defendants. Thus, the *direction* of media influence on civil cases may differ from that on criminal cases. Moreover, the mechanism of the media influence also differs. While judges usually decide sentence lengths for convicted defendants in criminal trials[5], jurors decide damage awards in a vast majority of civil trials. And, judges are legal professionals, who also have career concerns, while jurors are laymen who face no retribution for their decisions. This difference may lead to *different channels* of media influence in civil and criminal cases.

Despite the importance of potential media influence on civil case adjudication, it has not been widely studied. This seems to be due to the difficulties in identifying the *causal* effect of media coverage. Specifically, a main concern in identifying the causal effect is that both the amount of media coverage and adjudication outcomes can be driven by case characteristics not observed in the data. For example, a civil case that involves a large corporation with a bad reputation may lead to both a large amount of media coverage and a large damage award. In such a case, the correlation between media coverage and damage awards, driven by the reputation of a corporate defendant, can be misinterpreted as a causal effect of media coverage.

To address this issue, I use the degree of congruence between judicial districts and newspaper markets as a proxy measure of the amount of newspaper coverage about courts, following the approach by Lim, Snyder, and Strömberg (2014). The rationale is that newspapers tend to cover a judicial district more actively when it has a larger share of readers. For example, in an extreme scenario in which the boundary of judicial districts perfectly coincides with that of newspaper markets, a newspaper has 100 percent of its readers in the judicial district where it circulates. Such a situation leads to the newspaper actively covering events in its judicial district. In contrast, if

[3] A meta-analysis by Steblay et al. (1999) shows that jurors exposed to negative pretrial publicity of criminal cases are more likely to judge the defendant guilty.

[4] One of the most commonly used examples of "frivolous" lawsuits with large damage awards is *Liebeck vs. McDonald's Restaurants*, a product liability lawsuit in 1994, also known as the McDonald's Coffee Case. Plaintiff Stella Liebeck accidentally spilled coffee in her lap after purchasing it from a McDonald's restaurant. She suffered from third-degree burns, and a New Mexico jury awarded 2.86 million dollars, out of which 2.7 million dollars was punitive damages.

[5] Jury typically plays an important role in the conviction of defendants in criminal procedures. However, even in cases in which the jury convicts the defendants, judges have sole discretion on determining jail time, with the exception of capital murder.

there is no relationship between the two boundaries, then the readers of a newspaper will be spread out over many judicial districts, which makes the newspaper's share of readership in each judicial district relatively small. In this situation, the newspaper may not actively cover any of the judicial districts where it circulates. This is because events in a judicial district interest only a small share of the paper's readers. Thus, a high degree of congruence between newspaper markets and judicial districts will increase coverage of courts by the newspaper.

The results show that active newspaper coverage significantly mitigates variation in damage awards across political orientation of districts. That is, in areas with active newspaper coverage of courts, there is little difference in the overall amount of damage awards between conservative and liberal districts. In contrast, in areas without active newspaper coverage, courts in liberal districts tend to give substantially larger damage awards than do courts in conservative districts.

The results also show that such influence of newspaper coverage occurs primarily in areas with elected judges rather than appointed judges. Political orientation of districts is significantly correlated with damage awards only in districts with elected judges. This is an intuitive pattern, given that elected judges are selected by the voters in a district, while appointed judges are selected by state-wide officials such as governors or state legislatures.[6] Since significant influence of political orientation is found only in districts with elected judges, the media influence that mitigates the influence of political orientation is also found in those same districts.

This influence of newspaper coverage also occurs primarily in jury trials rather than in bench trials. This result can be explained by differences between jurors and judges in their professional backgrounds and incentives. Since jurors lack professional legal training and face no retributions for their decisions, they are more likely to reflect their political views in their decisions than are judges. This, in turn, can make the media effect, mitigating the influence of political orientation, stronger in jury trials.

[6] Alternatively, this result can also be explained by differences in reelection incentives between elected and appointed judges. Elected judges typically have to face competitive reelection by the voters, while appointed judges are life-tenured, re-appointed by state-wide officials, or face non-competitive "retention elections", which essentially function as a rubber-stamp for retaining incumbent judges. This difference renders stronger incentives for elected judges to appeal to the voters in their district. The role of selection and reelection incentives in the difference between appointed and elected judges has been decomposed in related studies. For example, Lim (2013) finds that political orientation of districts is strongly related to criminal sentencing decisions only in areas with elected judges, and not in areas with appointed judges. She specifies a structural econometric framework for decomposing the channels of influence through selection and reelection incentives. Gordon and Huber (2007) also analyze roles of selection and reelection incentives in criminal sentencing.

This study contributes to the literature on how the media influence public policy.[7] The existing study most closely related is the aforementioned study by Lim, Snyder, and Strömberg (2014). They analyze the influence of newspaper coverage on criminal sentencing decisions in U.S. state courts, using the degree of congruence between judicial districts and newspaper markets as a proxy measure for the amount of newspaper coverage. They compare media influence across three different selection systems for judges – appointment, partisan election, and nonpartisan election – and find that newspaper coverage induces only nonpartisan elected judges to give significantly harsher sentences.

There also exist studies on the influence of newspaper coverage on other branches of the government. For example, Snyder and Strömberg (2010) use variation in the congruence between congressional districts and newspaper markets to analyze the influence of newspaper coverage on the accountability of U.S. House representatives. They find that more newspaper coverage increases voter knowledge about their representatives and induces representatives to bring more federal funds to their districts. Dyck, Moss, and Zingales (2013) study muckraking magazines in the early twentieth century and find that they influenced the voting behavior of U.S. House representatives, with representatives being more pro-consumer when the circulation of such magazines was greater. Besley and Burgess (2002) and Strömberg (2004) find that voters' access to media influences government expenditures.

This study also contributes to the literature on the influence of politico-economic environments on civil case adjudication. Helland and Tabarrok (1999, 2002) argue that partisan elected judges have an incentive to redistribute wealth from out-of-state defendants to in-state plaintiffs in tort cases. Other studies analyze the relationship between tort awards and communities' political orientation (Wentland (2012)), poverty rates (Helland and Tabarrok (2003)), and income inequality (Kohler-Hausmann (2011)). Although these studies enriched our understanding of the civil justice system, there have not been systematic studies on the interaction between these factors and media environment to my knowledge, a deficiency that this study addresses.

The rest of the paper is organized as follows. The next section provides a conceptual background of the media influence on civil case adjudication. Section 3 describes data sources. Section 4 specifies the empirical strategy. Section 5 presents results. Section 6 concludes.

[7] This is a part of a broader literature on political economy of mass media. For an overview, see Prat and Strömberg (2013).

2 Conceptual Background

In this section, I lay out mechanisms through which media coverage may affect civil case adjudication. To theorize how media coverage would influence case outcomes such as damage awards, we need to consider two factors: (1) media influence on *views or preferences* of potential jurors and judges and (2) the structure of *incentives* for jurors and judges.

First, media coverage may influence the *views or preferences* of the public from which jurors are judges are selected. If the media cover a biased set of cases and promote a strong view on the civil justice system, then more media coverage would induce the public to have the view promoted by the media. That is, media coverage may have a "*persuasion effect*" through biased coverage.[8]

The magnitude of the persuasion effect depends on the degree of accordance between the view promoted by the media and the public's view. If the view promoted by the media is substantially different from the public's view initially in place, then more media coverage would mitigate the influence of the initial public view on case outcomes.[9] For example, if the media promote a negative view on the civil justice system, criticizing frivolous lawsuits and excessive damage awards, it would alter the view of the public in a community where the public is inclined to adjudicate large damage awards in the absence of media coverage while it would have little influence in a community where the public is not inclined to adjudicate large damage awards in the first place.

To make this mechanism more concrete, now I discuss the following factors in detail: (1) patterns of media coverage on the civil justice system; (2) the influence of media coverage on views about the civil justice system; (3) consequence of changes in the public's views on the distribution of damage awards; and (4) interaction of persuasion effect with incentives and backgrounds of decision makers.

Patterns of Media Coverage on the Civil Justice System Studies about media reporting on civil litigation consistently find that coverage tends to exaggerate juries' pro-plaintiff bias and the amount of damage awards. That is, the media often characterize the civil justice system in the U.S. as likely to give extremely large damage awards with out-of-control juries biased towards

[8] Persuasion effect of biased media coverage has been well documented in the media literature. See, for example, DellaVigna and Kaplan (2007), Chiang and Knight (2011), and Martin and Yurukoglu (2014).

[9] This statement can easily be derived using a simple model of a media consumer updating his belief in a Bayesian manner. It is also useful to note that there exists an opposite force in that consumers tend to read news stories that are close to their initial views, which is a sort of self-selection. The media influence discussed in this section, as well as the estimate reported in Section 5, is about a pure persuasion effect that excludes the influence of self-selection in news consumption.

punishing "big pockets"; the media further characterize it as causing a rise in insurance premiums and undermining the economy's productivity. For example, Bailis and MacCoun (1996) conduct a content analysis of 249 news magazine articles covering tort litigation during the 1980-1990 period. They find that the coverage considerably over-represents controversial categories such as product liability and medical malpractice, trials in which plaintiffs prevailed, and trials that resulted in large damage awards. Garber (1998) obtains a similar result in an analysis of 351 personal injury and product liability cases against automobile manufacturers between 1983 and 1996. He finds that while only 3 percent of defendant wins received any coverage, 41 percent of plaintiff wins and 63 percent of punitive damage awards were covered in the media.[10] Why would the media misrepresent the overall picture of the civil justice system? An important objective in media reporting is to produce "newsworthy" information that can attract the attention of the public. Events that are not extreme are hardly "newsworthy", that is, non-extreme events rarely attract public attention. Therefore, cases that result in extreme outcomes are more likely to be covered.

The Influence of Media Coverage on Views about the Civil Justice System Biased media coverage can cause misperceptions about the civil justice system. Studies show that even those who have legal training may have biased perceptions about the functioning of the civil justice system. It is because a high-quality, large data set for civil cases is difficult to acquire. (See Helland, Klick, and Tabarrok (2005) for the limitations of various data sets for civil cases.) In the absence of easily accessible, high-quality data sets, even experts can evaluate the probability of uncertain events based on the ease of finding relevant examples, as discussed in Tversky and Kahneman (1973). Saks (1998) documents that law students substantially overestimate the amount of money recovered by victims of nonfatal injuries in tort litigation. Clermont and Eisenberg (1992) find that both law professors and law students substantially over-predict plaintiff win rates in jury trials for product liability and medical malpractice cases.[11] If cases that result in extreme outcomes in favor of plaintiffs are more frequently covered by the media, their heuristic estimates of the distribution of damage awards can be biased towards extreme outcomes.

[10] For more studies that make similar arguments, see a survey paper by Robbennolt and Studebaker (2003).

[11] In their study, law professors' prediction of plaintiff trial win rates is 62-63 percent in product liability and medical malpractices while the empirical rate for equivalent data is less than 30 percent.

Consequences on the Distribution of Damage Awards How do such misperceptions affect decision making in trials? Over-estimation of damage awards, combined with media coverage criticizing pro-plaintiff biases of the civil justice system, may make jurors and judges less inclined to give large damage awards. That is, beliefs about damage awards being excessive can actually change the outcome of future adjudication. Several studies find that attitudes toward the civil justice system affect decisions on damage awards. For example, Hans and Lofquist (1992) interviewed jurors after their jury service and found that those who were critical of the civil court and its outcomes adjudicated smaller damage awards. Greene, Goodman and Loftus (1991) document that jurors favorable to tort reform gave lower damage awards than those less favorable to tort reform. Loftus (1979) assesses the influence on juror behavior of advertisements by insurance companies to curb excessive damage awards. She shows that exposure of jurors to such advertisements lowers the awards that jurors are willing to give in a personal injury case.

This persuasion effect, in turn, may mitigate the influence of political orientation of the community on case outcomes. Wentland (2012) shows that there is a significant, robust relationship between political orientation of a county and damage awards. He uses data from the Civil Justice Survey of State Courts and the Jury Verdict Research. In both data sets, more liberal ideology, measured by a larger Democratic vote share (*dvs*) in presidential elections, increases damage awards: a one standard deviation increase in *dvs* is associated with approximately 30 percent increase in damage awards.[12] This is also consistent with findings on the relationship between political orientation and preferences for tort reform in recent studies. For example, Matter and Stutzer (2013) find that higher proportion of Republicans in state legislatures and Republican governor are main drivers of tort reforms in medical malpractice. If media coverage of courts induces negative views about the civil justice system and reduces damage awards in places that would otherwise have large damage awards, we would observe a weaker relationship between political orientation and damage awards in areas with more media coverage of courts.

Interaction of Persuasion Effect with Incentives and Backgrounds of Decision Makers This persuasion effect may also interact with incentives of jurors and judges and their professional

[12]Wentland (2012) proposes two intuitive reasons for this relationship. First, damage awards can be viewed as a form of redistribution from wealthy defendants to plaintiffs that are less affluent. Thus, those who have a liberal ideology may have preferences for larger damage awards. Second, jurors face no retribution for their decisions. Thus, they have no reason to suppress their political views in deciding damage awards.

backgrounds, as well as selection systems for judges. For jurors, there exists no formal incentive structure that induces them to make decisions in a certain direction. The Sixth Amendment to the U.S. Constitution requires the jury to be impartial. Their compensation is not tied to their decisions, and they cannot be legally punished for their decisions.[13] This implies that jurors bear no costs if their judgments reflect their political views. Moreover, jurors are laymen randomly drawn from voters in the community, typically lacking professional legal knowledge. Furthermore, unlike judges, they do not have to provide written justifications for their decisions. These features of jurors make them likely to freely reflect their political views in judgments. If the influence of political orientation on case outcomes is large in jury trials, the persuasion effect of media coverage, mitigating the influence of political orientation, is also likely to be pronounced in jury trials.

Unlike jurors, judges are legal professionals with extensive training and experience, and they have career concerns. This makes the functioning of media influence more complex than in the case of jurors. On one hand, their professional training and experience may make the role of political orientation in judgments smaller than in the case of jurors. This in turn may make the persuasion effect of media coverage less pronounced in bench trials than in jury trials.

On the other hand, their incentive structure may constitute a mechanism of media influence that is distinct from the persuasion effect. Specifically, there are two incentives that induce judges to avoid decisions that are likely to be criticized by the media. First, in a majority of states, judges are directly elected by the voters and they face reelection by the voters when their term expires. The reelection incentive induces them to avoid decisions that can cause negative media coverage. Second, to advance their professional careers, judges want to minimize the possibility of reversal at appellate review.[14] If the media tend to be critical of pro-plaintiff bias and large damage awards, then politically liberal judges, who are in favor of large awards for the sake of redistribution of wealth, may suppress their political views in judgments when there is high likelihood of media coverage. These incentives can magnify the media effect that mitigates the role of political orientation, if

[13]Historically, the principle that jurors cannot be punished for their decisions was established in *Bushell's Case*, a case in the seventeenth century in England, on the court's punishment of jurors regarding a trial of two Quakers, William Penn and William Mead, charged with unlawful assembly. For details, see http://www.constitution.org /trials/ bushell/bushell.htm or Wentland (2012), footnote 2.

[14]Fischman and Schanzenbach (2011) show that even in the case of federal court judges, who are life-tenured, the possibility of appellate review influences district judges' decisions significantly. Specifically, they show that differences between Democratic and Republican judges in criminal sentencing decisions increase significantly when appellate review standards are relaxed.

judges' professional backgrounds do not strongly suppress the role of political orientation in the first place.

Media influence may also interact with selection systems for judges. Specifically, judges' decisions are more likely to be strongly correlated with political orientation of judicial districts for elected than appointed judges for two reasons. First, elected judges are typically elected by voters in the district while appointed judges are selected by statewide officials such as governors and state legislators. Moreover, appointed judges are life-tenured, re-appointed by statewide officials who initially appointed them, or face non-competitive "retention" elections that do not render strong reelection incentives. If appointed judges' decisions are less strongly related to the political orientation of the judicial district than is true in the case of elected judges, then the persuasion effect of the media is also likely to be weaker for appointed judges.

To summarize, active media coverage will lower damage awards in jurisdictions that would otherwise yield large damage awards (politically liberal areas). This hypothesis can be empirically tested by analyzing the relationship between political orientation of judicial districts and damage awards across areas with different intensity of media coverage. If media coverage reduces the size of damage awards in liberal districts, then the relationship between the political orientation of a district and damage awards will be weaker in areas with active media coverage than in areas with little media coverage. Such media influence may also interact with whether trial outcomes are decided by jurors or judges, and whether judges are appointed or elected.

3 Data

Civil Case Outcomes: The legal cases are obtained from the Civil Justice Survey of State Courts (CJSSC), which is compiled by the Bureau of Justice Statistics. Data is available for four years: 1992, 1996, 2001, and 2005. The data set contains case-level information with detailed case characteristics, such as case type, disposition type, plaintiff and defendant types, and outcome variables including the winner, general compensation, punitive damage, total damage, and the final award. Case types are classified into five categories: auto tort, premise liability, medical malpractice, contract fraud, and other. Disposition types are classified into six categories: jury

trials, bench trials, directed verdict trials, judgment notwithstanding verdict trials, jury trials for defaulted defendants, and other. Plaintiff and defendant types are classified into the following categories: individual, insurance company, other business, hospital, and government entity. The summary statistics of these variables are presented in Table 2.

[Table 2 here.]

Over the sampling period, the survey has changed slightly, including changes in the sampling scheme: in 1992 and 1996, the survey included data from 45 counties; in 2001, it included data from 46 counties; and in 2005 it included data from 141 counties.[15] After excluding counties for which information on newspaper market is not available or judicial districts are not based on counties, the data contains 34 counties for years 1992, 1996, 2001, and 113 counties for year 2005. Table 3 lists counties included in the data along with *Congruence* and number of articles on judges described below.

[Table 3 here.]

Newspaper Coverage: The data on *Congruence*, formally defined in Section 4.1 below, and newspaper coverage is constructed using three data sources.[16] The first is NewsLibrary.com, an online archive of newspaper articles. The second is the list of judges and counties that constitute each judicial district in state trial courts, taken from the *American Bench*, an annual directory of courts in the U.S. The third is the county-level newspaper sales data from the Audit Bureau of Circulation (ABC).

[15]The sampling scheme is stratified cluster sampling. For 1992, 1996, and 2001, the 75 most populous counties in the U.S. are stratified into four strata on the basis of the number of cases sampled per year. Then, counties are selected from each stratum using different probabilities. In 2005, 110 counties outside the group of the 75 most populous counties were added to the sample. I excluded counties in Texas, Massachusetts, and Alaska. In those states, judicial districts are not based on counties. The proxy measure *Congruence* for newspaper coverage is constructed using county-level newspaper circulation data.

[16]This data set is used in the aforementioned study by Lim, Snyder, and Strömberg (2014).

The data on newspaper coverage is based on 524 newspapers in NewsLibrary.com for which circulation data from the ABC is available. It contains the number of articles from each newspaper that mention each judge's name in each of the judicial districts for the period of 2004-2005. For each state trial court judge serving judicial districts in the sample, I search newspapers that circulate in the state where the judge presided at the time. For each newspaper, I count the number of articles in 2004 and 2005 that mention the name of the judge. I use the search string {"judge N1" OR "judge N2"} where N1 is the judge's full name with middle initial, and N2 is the judge's first and last names only. Since the key variable, *Congruence*, varies at the judicial district level, I aggregate the number of articles at the judicial district-newspaper level.

Congruence is constructed by combining the information on the county composition of judicial districts and the sales data. Unlike the data on the amount of coverage that covers only the period of 2004-2005, the data on *Congruence* covers the entire data period.

Table 4 shows the summary statistics for the amount of coverage, the number of judges, and *Congruence* for the period of 2004-2005, for the set of judicial districts included in the Civil Justice Survey of State Courts used in this study. Figure 1 shows the histogram of *Congruence* for the same period.

[Table 4 here.]

[Figure 1 here.]

Selection Systems for Judges: Among all the U.S. states, 34 states elect their state trial court judges. Among 113 counties in the data, 88 counties have elected judges, and the rest have appointed judges. Detailed information on geographical distribution of selection systems is available at the American Judicature Society website: http://www.judicialselection.us.

Political and Demographic Characteristics: The political orientation of judicial districts is measured by the Democratic vote share (*dvs*), the two-party vote share of Democratic candidates in presidential elections, obtained from *David Leip's Atlas of U.S. Presidential Elections*.[17] In

[17]This variable is linearly interpolated for years without presidential elections.

addition, I use the following variables as demographic controls: population (log), area (log), income (log), share of urban population, share with high school education, share with more than high school education, share of female, share younger than 20, share older than 65, share of black, and share of Hispanic. These demographic variables are obtained from the U.S. Census.

4 Empirical Strategy

4.1 Identification of Media Influence

The key challenge in identifying media influence is that both court decisions and media coverage can be driven by case characteristics that are not perfectly observed in the data. I use a proxy measure of newspaper coverage that is not directly affected by case characteristics: congruence between newspaper markets and judicial districts. This approach is based on the premise that newspaper coverage of a court is influenced by the share of readers that a newspaper has in that court's judicial district.[18] Precisely, *Congruence* of a judicial district is defined as a weighted average of reader share that the judicial district has for newspapers sold in the district, where the weight is the market share of a newspaper in the district.

Consider a judicial district, d, with N judges. Let q_{mdj} be the number of stories newspaper m prints about each judge j in the district, and let $q_{md} = (1/N)\sum_j q_{mdj}$ be the average number of stories that newspaper m prints per judge in the district. I relate this to the share of newspaper m's readers that live in district d, $ReaderShare_{md}$.[19] For simplicity, I assume a linear relationship,

$$q_{md} = \alpha_0 + \alpha_1 ReaderShare_{md}. \tag{1}$$

[18] States differ in the size of their judicial districts. Small states in New England, such as Maine and New Hampshire, have one judicial district covering the entire state. States in the Pacific and Mid-Atlantic regions tend to have one judicial district covering one county. In Southern and Midwestern states, judicial districts typically cover multiple counties. However, this variation does *not* significantly affect the analyses. The correlation between size of judicial districts and *Congruence* in the data is 0.22, which is small. I also conducted t-tests of the difference in mean area size between high congruence and low congruence areas. The t-tests did not yield any statistically significant differences in mean area size whether I use area size or log area size of judicial districts.

[19] It is important to note the distinction between reader share and market share in the definition of *Congruence* measure. Reader share is the proportion of readers in a district *for a given newspaper*. Market share is the proportion of readers of a newspaper *for a given judicial district*. That is, reader share is the weight of a district for a given newspaper, while market share is the weight of a newspaper for a given district. It is reader share, not market share, that determines a newspaper's incentive to cover stories about courts. Market share is simply used as a weight, i.e., a measure of the importance of a newspaper for a district.

Most judicial districts have more than one newspaper. Thus, I use the average news coverage across newspapers. I use the sales-weighted average number of stories about a judge in judicial district d. If there are M papers that sell in district d,

$$q_d = \sum_{m=1}^{M} MarketShare_{md}\, q_{md}, \tag{2}$$

where $MarketShare_{md}$ is newspaper m's share of newspaper sales in district d. Note that we can write this as

$$q_d = \alpha_0 + \alpha_1 Congruence_d, \tag{3}$$

where

$$Congruence_d = \sum_{m=1}^{M} MarketShare_{md}\, ReaderShare_{md}. \tag{4}$$

Table 1 illustrates how *Congruence* varies. *Congruence* has a large value when newspapers in a judicial district on average have a large share of readers in that district. Such a situation occurs when there is a large degree of congruence between newspaper markets, i.e., circulation areas of newspapers, and the boundary of judicial districts.

[Table 1 here.]

Figure 2 shows an example from Florida.[20] During the data period, Orange County, where the City of Orlando belongs, had an average *Congruence* of 0.44, while Palm Beach County, where the City of West Palm Beach belongs, had an average *Congruence* of 0.65. This difference is to a large extent driven by whether their main papers have a large share of readership within the district. For the judicial district serving Orange County, the main paper there (*The Orlando Sentinel*) has a 74 percent market share in the judicial district, but more than half of its readers reside outside the district. In contrast, for the judicial district serving Palm Beach County, readers of the main paper there (*The Palm Beach Post*) are more likely to reside within the district.

[20] Variation of *Congruence* in Florida is described in greater detail in Section III.A of Lim, Snyder, and Strömberg (2014).

[Figure 2 here.]

Table 5 shows the result of regressing the number of newspaper articles about courts (per judge and year, weighted by market share) on *Congruence*. Column (2) shows that a one standard deviation (.35) increase in *Congruence* is associated with more than half a standard deviation (.35*13.6/8.1=.59) increase in the number of newspaper articles about courts. This confirms a strong positive relationship between *Congruence* and the amount of newspaper coverage.

[Table 5 here.]

It is useful to note that *Congruence* is not dependent on the total newspaper penetration rate[21] in the judicial district because it is defined using reader share weighted by market share. While penetration rate captures the likelihood that residents in the newspaper's market will read it, *Congruence* captures the likelihood that there will be stories about courts in an average newspaper read by the residents of a district. Therefore, *Congruence* is not highly likely to capture confounding factors such as education and income level that tend to be correlated with the total newspaper readership in an area.

4.2 Econometric Specification

The primary outcome variable I analyze is the amount of final award (log). I first estimate regressions to investigate independent effects of selection systems for judges, newspaper coverage, and political orientation of the judicial district on the amount of final award:

$$y_{djt} = \beta_0 + \beta_1 Elected_d + \beta_2 Coverage_{dt} + \beta_3 dvs_{dt} + \beta_4 \mathbf{x}_{dt} + \beta_5 \mathbf{w}_j + \varepsilon_{djt} \tag{5}$$

where y_{djt} is the (log) final award amount of court case j in judicial district d in year t, $Elected_d$ is a dummy variable for judicial district d having elected judges, $Coverage_{dt}$ is the amount of newspaper coverage, dvs_{dt} is political orientation of judicial district d at time t measured by the

[21] Newspaper penetration rate is the percentage of households that receive a copy of the newspaper against the total number of households in the newspaper's market.

two-party Democratic vote share in presidential election and its linear interpolation, $\mathbf{x}_{dt}$ is a set of demographic control variables, and $\mathbf{w}_j$ is a set of legal control variables. I estimate equation (5), first using the number of articles as a measure of coverage to quantify the overall relationship. Then, I re-estimate equation (5), replacing the number of articles with *Congruence* to mitigate the concern for the endogeneity of newspaper coverage in estimating a causal relationship.

Since the data on the number of articles covers only the period of 2004-2005 while the data on *Congruence* covers the entire data period, I use the number of articles from 2004-2005 for other years to make the set of civil cases comparable in regressions based on the two variables. For the same reason, I use *Congruence* as a proxy rather than an instrumental variable. This approach requires interpreting the casual effect of media coverage in terms of variation of *Congruence* rather than the number of articles. However, this limitation does not significantly compromise the usefulness of the results for two reasons. First, we can translate variation in *Congruence* to that in number of articles based on the relationship between them for 2004-2005, documented in Table 5 above. Second, for policy implications, the subject of primary interest is the influence of media *environment* rather than the number of articles *per se*. In a sense, *Congruence*, constructed using variation of media market structure, captures the notion of media environment more effectively than number of articles.

In the next step, I estimate the following regressions with interaction between newspaper coverage and political orientation to test the main hypothesis laid out in Section 2:

$$y_{djt} = \beta_0 + \beta_1 Coverage_{dt} + \beta_2 dvs_{dt} + \beta_3 Coverage_{dt} * dvs_{dt} + \beta_4 \mathbf{x}_{dt} + \beta_5 \mathbf{w}_j + \varepsilon_{djt} \qquad (6)$$

As in the case of equation (5), I estimate two versions – one with number of articles as a measure of coverage and the other with *Congruence*.

Since an interaction between two continuous variables (newspaper coverage and political orientation) makes the interpretation of its coefficient dependent on specific values of the variables, I also estimate specifications classifying judicial districts to two different groups – high coverage area ($HighCoverage = 1$) and low coverage area ($LowCoverage = 1$), defined by whether the measure of coverage has a value larger than its median or not. This approach is reasonable given the bimodal distribution of *Congruence* documented in Figure 1. I estimate the following specification, again

using both the number of articles and *Congruence* as a measure of coverage:

$$\begin{aligned} y_{djt} &= \beta_0 + \beta_1 HighCoverage_{dt} + \beta_2 HighCoverage_{dt} * dvs_{dt} + \beta_3 LowCoverage_{dt} * dvs_{dt} \\ &\quad + \beta_4 \mathbf{x}_{dt} + \beta_5 \mathbf{w}_j + \varepsilon_{djt} \end{aligned} \tag{7}$$

After I establish baseline relationships between newspaper coverage, political orientation, and the final award amount, I investigate the role of selections systems for judges by re-estimating equation (7) separately for judicial districts with appointed judges and those with elected judges. I also investigate the role of incentives and professional backgrounds of decision makers, discussed in Section 2, by re-estimating equation (7) for jury trials and bench trials. I also estimate the equation using other outcome variables: total damage (sum of general compensation and punitive damages), general compensation (sum of economic and non-economic damages), punitive damages, and plaintiff victory.

The Issue of Case Selection In all the empirical analyses laid out above, I use outcomes of cases that went to trial. Thus, cases in the sample may not necessarily represent the underlying population of cases. Issues in interpreting results subject to case selection have been studied extensively in the law and economics literature. Since a seminal paper by Priest and Klein (1984), which argues that plaintiff win rates in trial cases should converge to fifty percent regardless of underlying decision standards, case selection has been analyzed in a large number of studies both theoretically (e.g., Wittman (1985), Friedman and Wittman (2007), Shavell (1996), Hylton (1993)) and empirically (e.g., Kessler, Meites, and Miller (1996), Klerman (2012), Waldfogel (1995, 1998)).[22]

[22]Recent studies by Lee and Klerman (2014a,b) provide comprehensive and rigorous discussions of the original Priest-Klein model and its variants. Unlike the case of plaintiff win rates, standard models in the literature do not yield specific predictions for the direction or magnitude of the bias in the amount of damage awards. To see it more clearly, consider a standard model of case selection à la Priest and Klein (1984). Plaintiff (p) and defendant (d) believe that the plaintiff will win with probability P_p and P_d, respectively. The size of the stake is J. The plaintiff and defendant bear settlement costs, S_p and S_d, respectively, in the case that they settle. They bear litigation costs C_p and C_d, respectively, if the case goes to trial. Let $S = S_p + S_d$ and $C = C_p + C_d$. The plaintiff's minimum settlement demand and the defendant's maximum settlement offer are $P_p J - C_p + S_p$ and $P_d J + C_d - S_d$, respectively. The case goes to trial if

$$P_p - P_d > \frac{C - S}{J}.$$

The quantity $(C - S)/J$ may vary with J, causing selection on damage awards. However, information on C and S is not usually available, making the direction and magnitude of the bias unclear. In addition, there can also be a relationship between damage awards, P_p, and P_d. It is because jurors who are pro-plaintiff may not only be biased towards large damage awards but also towards higher plaintiff win rates. This issue further complicates the inference on the influence of case selection.

Despite case selection, the key analyses in this paper can still provide valid understanding of the presence of the media influence. My identification strategy exploits exogenous variation in the amount of newspaper coverage. Thus, the key variation in the coverage I use is not directly affected by the distribution of damage awards. The estimated strength of the relationship between political orientation and damage awards may be affected by case selection. This in turn may affect the estimated *magnitude* of the media influence captured by the difference between high and low congruence areas. However, the inference on the *presence* of the media influence would still be valid.

5 Results

This section presents the results, starting from baseline regressions of equations (5), (6), and (7) in Section 4.2 using all cases in the sample.[23] For the baseline analyses, I present two sets of results, one using the number of articles and the other using *Congruence*. Since the number of articles raises a concern for endogeneity as discussed above, the results based on *Congruence* are of primary interest.

[Table 6 here.]

Columns (1) and (4) in Table 6 show the results of estimating equation (5) on page 15, using the number of articles (log) and *Congruence*, respectively, as a measure of coverage. I find no statistically significant relationship between elected judges or the amount of coverage and the amount of final award. In contrast, political orientation (*dvs*) is strongly related to the amount of final award. In Column (4), which shows the smallest coefficient estimate of political orientation, a one standard deviation (SD) increase (0.14) in *dvs* is associated with a 23 percent ($1.648 * 0.14 \approx 0.23$) increase in the amount of final award.

[23] As evident from the difference between the mean and the median of damage awards shown in Table 2, the distribution of damage awards is extremely right-skewed. For all the analyses, I take the natural logarithm of all the award amount to handle right-skewness of the distribution. This also yields a higher value of R^2 than the specification with non-logged award amount.

Columns (2) and (5) show the results of estimating equation (6) on page 16, which includes interaction between coverage and *dvs*. Both columns show that the influence of political orientation becomes smaller as media coverage increases. In Column (2), a one SD increase in the number of newspaper articles is associated with a decrease in the coefficient of *dvs* by approximately 1.83 points. Applying this, a one SD increase *dvs* is associated with a 33% increase in the amount of final award in districts having the mean number of articles, while it is associated with a 7% increase in districts where the number of articles is one SD above the mean.[24]

In Column (5), a one SD increase in *Congruence* is associated with a decrease in the coefficient of *dvs* by approximately 0.76 points. This result is comparable to, but slightly smaller than, that in Column (2), considering the relationship between *Congruence* and number of articles found in Table 5. As discussed in Section 4.1, Table 5 shows that a one SD increase in *Congruence* is associated with a 0.59 SD increase in the number of articles. Thus, a one SD increase in the number of articles decreasing the coefficient of *dvs* by 1.83 points in Column (2) is equivalent to a one SD increase in *Congruence* decreasing the coefficient of *dvs* by 1.08 (≈1.83*0.59) points. Thus, media influence derived from Column (5) using *Congruence* (0.76 point reduction in the coefficient of *dvs*) is slightly smaller than that from Column (2) (1.08 point reduction).

Applying this result from Column (5), a one SD increase in *dvs* is associated with a 28% increase in the amount of final award in districts with a mean level of *Congruence*, while it is associated with a 17% increase in the amount of final award in districts with a level of *Congruence* one SD above the mean.[25] However, the coefficient estimate of $Congruence * dvs$ is not statistically significant. There could be various reasons for this. One possible reason is that the unit of variation for *Congruence* is judicial district-year, and the data contains only about 200 judicial district-year observations in

[24]This interpretation is derived with the following calculation. A one SD increase in newspaper articles is 8.10 from Table 4. It reduces the coefficient of *dvs* by 1.83 (-.226*8.10=1.8306). With the mean number of newspaper articles (6.97), the combined coefficient of *dvs* is 2.35 (3.930-0.226*6.97= 2.35478). Thus, a one SD increase in *dvs* (.14) is associated with a proportional increase in the amount of final award by 2.35*.14= 0.329, that is, 33%. With the number of newspaper articles at one SD above the mean (6.97+8.10=15.07), the combined coefficient of *dvs* is 0.52 (3.930-0.226*15.07 = 0.52418). In this case, a one SD increase in *dvs* is associated with a proportional increase in the amount of final awards by 7% (0.52*0.14=0.0728).

[25]This interpretation is derived with the following calculation. A one SD increase in *Congruence* is 0.35 from Table 4. It reduces the coefficient of *dvs* by 0.76 (-2.183*0.35=0.76405). With the mean level of *Congruence* (0.40 from Table 4), the combined coefficient of *dvs* is 2.02 (2.896-2.183*0.40=2.0228). Thus, a one SD increase in *dvs* (.14) is associated with a proportional increase in the amount of final award by 2.02*0.14=.2828, that is, 28%. At a level of *Congruence* one SD above the mean (0.40+0.35=0.75), the combined coefficient of *dvs* is 1.26 (2.896-2.183*0.75=1.25875). Thus, a one SD increase in *dvs* is associated with a 17% increase in the amount of final award (1.26*0.14=0.1764).

the data. There could also be non-linearity in the effect of media coverage interacted with political orientation.

These potential issues can be addressed to an extent by coarser coding of *Congruence* as in equation (7) on page 17, that is, binary classification into high coverage and low coverage areas based on whether media coverage is above the median level. In Columns (3) and (6), each of the dummy variables for high and low coverage areas is interacted with *dvs*. Both columns show that *dvs* is strongly related to the amount of final award only in low coverage areas,[26] which supports the hypothesis laid out in Section 2. In Column (3), a one SD increase in *dvs* is associated with a 48% increase in the amount of final award when the number of articles is below the median, while it is associated with a 9.6% increase when the number of articles is above the median. In Column (6), a one SD increase in *dvs* is associated with a 31.6% increase in the amount of final award when *Congruence* is below the median, while it is associated with a 10% increase when *Congruence* above the median.[27] The bottom row of the table, labeled 'p-value of the difference', shows the p-value from an F-test of equality between the coefficients of high and low coverage areas interacted with *dvs*. The p-values from both Columns (3) and (6) pass the 5%-level of significance.

In the appendix, I present robustness of the above key results to inclusion of state fixed effects (Table A.1) and variation in control variables (Table A.2). (State fixed effects capture important state-level legal factors that could affect awards, such as case law, damage rules, and state supreme court composition.) In addition, with an ideal data set, the key hypothesis can also be tested using political orientation of individual jurors and judges *within* district instead of cross-district variation. The data employed in this study, however, does not include such information. Thus, as an alternative, in the appendix (Table A.3) I present analyses of the relationship between *variability* of damage awards within district, newspaper coverage, and political orientation.

[Table 7 here.]

[26] These results are robust when I use non-linear relationships between *dvs* and the final award amount. Documentation is available upon request.

[27] This interpretation is derived with the following calculation. With the number of articles as a measure of coverage, a one SD increase in *dvs* yields a proportional increase in the amount of final award by 3.412*0.14=0.47769, that is, 48%, when coverage is below the median, while it is 0.688*0.14= 0.09632, that is, 9.6%, when coverage is above the median. With *Congruence* as the measure of coverage, the quantity described above 2.259*.14=.31626, that is, 31.6% when the coverage is below the median, while it is 0.716*.14=0.10024, that is, 10%, when coverage is above the median.

Table 7 presents results from estimating equation (7) by selection system and trial type. Columns (1) and (2) show separate results for judicial districts with appointed judges and those with elected judges.[28] In the case of districts with appointed judges, the result shows no statistically significant relationship between *dvs* and the amount of final award. The sign of the coefficient is also the opposite of the expected sign. In contrast, in districts with elected judges, *dvs* is strongly related to the amount of final award. As discussed in Section 2, this difference may be interpreted as resulting from the fact that appointed judges are selected by statewide officials and tend to have no or weak reelection incentives, while elected judges are selected by the voters in the district and tend to have stronger reelection incentives.

In addition, the relationship between *dvs* and the amount of final award is reduced in high coverage areas only for judicial districts with elected judges. The difference between low and high coverage areas in the coefficient of *dvs* is 2.874 points, which is comparable to the result in Column (6) of Table 6. The row labeled '*p*-value of the difference' shows *p*-values from an *F*-test of equality between coefficients of $HighCoverage * dvs$ and $LowCoverage * dvs$ in Columns (1), (2), and (4), (5). The *p*-value in Column (2) shows the statistical significance of the difference at the 1%-level.

To test the statistical significance of the difference between appointed and elected judges, in Column (3), I interact $HighCoverage{*}dvs$ and $LowCoverage{*}dvs$ with *Elected*, a dummy variable for the judicial district having elected judges. The row labeled '*p*-value of the difference' presents, for Column (3), the *p*-value from an *F*-test of equality between coefficients of these two variables, which shows statistical significance at the 1%-level.

The next three columns present the results by trial type. In high coverage areas, neither jury nor bench trials show a strong relationship between *dvs* and the amount of final award. In low coverage areas, jury trials show a strong relationship between *dvs* and the amount of final award, while bench trials show a weaker relationship both in magnitude and statistical significance. In bench trials, the difference between low and high coverage areas in the influence of a one SD increase in *dvs* is only 7 percentage points of the amount of final award[29], which is only a third of the difference

[28]The data used in Columns (1)-(3) in Table 7 include both jury and bench trials. Thus, any influence of selection systems captured in these regressions include both direct influence through judges' decisions in bench trials and indirect influence through judges' role jury trials.

[29]This interpretation is derived with the following calculation. In Column (5) with bench trials, a one SD increase in *dvs* is associated with a 20% increase (1.431*0.14=0.20034) in the amount of final award for low coverage areas, while it is associated with a 13% increase (0.955*0.14=0.13216) for high coverage areas. Thus, the difference between the two is 7 percentage points.

found using all samples in Column (6) in Table 6.

However, this difference between jury and bench trials is not statistically significant. To test statistical significance, I interact $HighCoverage{*}dvs$ and $LowCoverage{*}dvs$ with $Bench$, a dummy variable for bench trials in Column (6). The row labeled 'p-value of the difference' presents, for Column (6), the p-value from an F-test of equality between coefficients of these two variables. The p-value does not show the statistical significance of the difference. This lack of statistical significance seems to result from the overall weakness of statistical power in Column (5).

Finally, I use alternative outcome variables. Table 8 shows the results from using the following as dependent variable: (1) total damage (the sum of economic, non-economic, and punitive damages), (2) general compensation (economic and non-economic damages), (3) the amount of punitive damages, and (4) whether plaintiffs win the case. The core result for the media influence documented above remains valid with alternative outcomes, except for plaintiff win rates.

[Table 8 here.]

The lack of media influence on plaintiff win rates indicates that the media influence judges' and jurors' views on how much of damage awards should be adjudicated rather than views on whether defendants are liable. It is consistent with the phenomenon that the focus of the debate on tort reform has been more on the *amount* of damage awards rather than plaintiff win rates.[30] It also leaves us one final question: are there no characteristics of political environments that affect plaintiff win rates? The analysis in Columns (5) and (6) suggests otherwise. Election of judges, compared with appointment, is associated with a higher likelihood that plaintiffs win the case. The difference is 5 percentage points, a moderate but statistically significant effect. This result suggests that judges' need of campaign contributions from trial lawyers in the judicial election process may make them favorable to plaintiffs at the margin.

[30] As discussed in Section 4.2, plaintiff win rates are more subject to biases due to case selection in trials than are damage awards. Therefore, it is also not unlikely that the lack of significant results is partly due to case selection.

6 Conclusion

Media coverage of courts is often regarded as a negative factor that biases court decisions. However, media influence has been relatively understudied in law and economics, especially for civil case adjudication. This study addresses such deficiency. The main findings can be summarized as follows. First, newspaper coverage mitigates disparity in damage awards associated with political orientation of judicial districts. Second, such effect occurs primarily in districts with elected judges rather than appointed judges. Third, newspaper coverage mainly influences damage awards rather than plaintiff win rates.

Although this study provides systematic evidence of media influence, there remain issues that require further research. First, this study has focused on variation across districts. An alternative approach based on political orientation of individual jurors and judges can potentially improve our understanding of the mechanism, if a detailed, large-scale data set with such information becomes available. Second, this study also focused only on the distinction between appointed and elected judges in analyzing the influence of selection systems. An analysis based on a larger data set and finer classification (for example, non-partisan vs. partisan elections) can also improve our understanding of how media effects interact with political environments. Third, the U.S. media industry has gone through significant changes for the past decade with declining newspaper readership and the increasing role of internet and social media, which may have changed the amount and nature of media coverage about courts. An analysis of such changes and their influence on case outcomes would improve our understanding of media influence on courts.

Appendix

In this appendix, I present three auxiliary analyses: two robustness checks of the key results and analyses of the variability of damage awards.

Robustness Checks In Table A.1, I include state fixed effects in the specifications in Table 6. In Table A.2, I vary the set of control variables in the specifications of Columns (3) and (6) in Table 6. The key result – that political orientation is strongly related with award outcomes only in low coverage areas – is largely robust to the inclusion of the state fixed effects and the variation in control variables.

[Table A.1 here.]

[Table A.2 here.]

Analysis of the Variability of Damage Awards In Table A.3, I investigate the relationship between variability of damage awards and media influence. The conceptual framework laid out in Section 2 implies that newspaper coverage may reduce damage awards by liberal jurors and judges who would have adjudicated large damage awards absent newspaper coverage. Given that the key results in Section 5 based on *cross-district* variation is consistent with the hypothesis, it is useful to investigate whether a similar phenomenon takes place across jurors and judges *within* districts. Since the CJSSC data does not contain information on jurors and judges, I focus on within-district variability of damage awards instead.

The results in Table A.3, using district-year-level standard deviation of damage awards as dependent variable, are consistent with the baseline findings in Section 5. First, liberal political orientation of districts, i.e., larger *dvs*, tends to be associated with larger variability of damage awards. If liberal districts tend to yield large damage awards by having a longer *tail* of liberal jurors and judges rather than a variance-preserving shift of the distribution of jurors and judges,

then larger damage awards in liberal districts would be accompanied by larger variance in damage awards.[31] The results show that it is indeed the case.

Second, if liberal political orientation is associated with larger variability in damage awards as described above and newspaper coverage reduces the influence of liberal political orientation on damage awards, then the relationship between political orientation and variability would be smaller in high coverage areas. The results indeed show negative coefficient estimates of the interaction between *Congruence* and *dvs*.

[Table A.3 here.]

[31] *A priori*, there is no obvious theoretical reason to believe that larger damage awards in liberal districts result from a longer tail of liberal jurors and judges or a variance-preserving shift of the distribution. It is primarily an empirical question to be addressed by analyses such as those presented here.

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Table 1: *Congruence* Measure - Examples

Situation	Market Share		Reader Share		Congruence
	Newspaper A	Newspaper B	Newspaper A	Newspaper B	
1	0.50	0.50	0.50	0.50	0.50
2	0.50	0.50	0.50	1.00	0.75
3	0.25	0.75	0.50	1.00	0.875
4	0.00	1.00	0.00	1.00	1.00

Table 2: Summary Statistics

Panel A: CJSSC Data (Case Level)

Year, Disposition Type, and No. of Counties

Year	Cases				No. of Counties
	Total	Jury	Bench	Other	
1992	5002	4775	0	227	34
1996	7235	5206	1852	177	34
2001	6275	4663	1499	113	34
2005	7122	5046	1946	130	113

Case Type Distribution

Year	Auto Tort	Danger Property	Medical Malpractice	Contract	Other
1992	1600	796	601	663	1342
1996	2195	1007	668	1442	1923
2001	2115	724	717	1295	1424
2005	2405	703	806	1554	1654

Plaintiff and Defendant Type[a]

Category	Plaintiff	Defendant
Individual	22187	17897
Insurance Company	554	1965
Company	2522	7633
Hospital	85	1984
Government	381	1755

Award Outcomes

Variable	Mean	Median	S.D.
Final Award	320,373	7209	3,834,231
Total Damage	344,580	8000	4,005,670
Punitive Damage	47,386	0	2,182,789
General Compensation	292,914	7500	2,626,374

Panel B: Media and Political Environments (Judicial District-Year Level)

Variable	Mean	Median	S.D.
Congruence	0.55	0.60	0.23
Elected Judges	0.80	1	0.40
Democratic Vote Share	0.53	0.52	0.14

[a] If a case has multiple plaintiffs or defendants, it is counted in multiple categories of plaintiff and defendant types.

Table 3: Counties in CJSSC, *Congruence*, and Number of Articles

State	County	Cong-ruence	Articles	State	County	Cong-ruence	Articles	State	County	Cong-ruence	Articles
AL	Madison	0.71	20.1	IN	Marion	0.52	3.7	NJ	Middlesex	0.40	10.9
AL	Marshall	0.58	8.8	IN	Noble	0.47	1.8	NJ	Union	0.13	1.4
AL	Montgomery	0.53	15.9	IN	Orange	0.08	12.3	NM	Bernalillo	0.63	15.4
AR	Garland	0.64	0.0	KS	Cowley	0.79	0.0	NY	Delaware	0.78	0.9
AR	Polk	0.01	0.0	KY	Jefferson	0.60	15.8	NY	Dutchess	0.64	1.7
AZ	Maricopa	0.85	6.2	KY	Kenton	0.14	23.3	NY	Genesee	0.91	0.8
AZ	Pima	0.84	10.0	LA	Vernon	0.82	0.1	NY	Madison	0.78	0.9
AZ	Yuma	0.77	0.0	MD	Dorchester	0.62	4.8	NY	New York	0.26	·
CA	Alameda	0.54	6.4	ME	Aroostook	0.88	0.9	OH	Clermont	0.07	3.0
CA	Contra Costa	0.60	4.0	ME	York	0.88	0.9	OH	Cuyahoga	0.79	16.0
CA	Fresno	0.74	10.5	MI	Antrim	0.62	0.1	OH	Franklin	0.66	30.0
CA	Los Angeles	0.75	0.5	MI	Ionia	0.55	6.1	OH	Lucas	0.59	34.3
CA	Marin	0.51	13.7	MI	Oakland	0.49	7.1	OH	Morrow	0.03	10.6
CA	Orange	0.62	·	MI	Wayne	0.42	3.0	OH	Seneca	0.76	10.3
CA	Plumas	0.00	1.6	MN	Hennepin	0.44	5.6	OK	Garvin	0.45	8.9
CA	San Bernardino	0.66	·	MN	Ramsey	0.31	11.5	OK	Grady	0.60	1.7
CA	San Francisco	0.25	·	MN	Scott	0.19	3.2	PA	Allegheny	0.69	16.5
CA	Santa Barbara	0.79	2.3	MN	Sherburne	0.20	0.9	PA	Blair	0.72	0.3
CA	Santa Clara	0.69	3.0	MO	Boone	0.75	10.7	PA	Franklin	0.73	35.9
CA	Ventura	0.59	27.0	MO	Buchanan	0.56	0.1	PA	Philadelphia	0.48	3.7
CO	Teller	0.76	10.1	MO	Greene	0.55	14.5	PA	Pike	0.02	0.6
FL	Gulf	0.89	0.1	MO	Harrison	0.58	0.0	RI	Providence	0.84	0.5
FL	Miami-Dade	0.67	5.1	MO	Maries	0.66	0.1	SC	Oconee	0.66	4.6
FL	Orange	0.44	0.3	MO	Mercer	0.58	0.0	SC	Richland	0.40	11.9
FL	Palm Beach	0.65	20.1	MO	Phelps	0.66	0.1	TN	Cannon	0.55	2.5
FL	Volusia	0.74	21.0	MO	St. Charles	0.10	9.1	TN	Carter	0.86	0.0
GA	Bacon	0.80	1.2	MO	St. Louis	0.51	9.2	TN	Fentress	0.08	0.5
GA	De Kalb	0.00	17.5	MS	Covington	0.05	0.7	TN	Putnam	0.55	1.5
GA	Douglas	0.87	1.3	MS	Lauderdale	0.64	1.9	TN	Scott	0.08	0.5
GA	Fulton	0.16	26.3	MT	Flathead	0.85	0.7	TN	Sullivan	0.48	0.3
GA	Polk	0.09	0.5	MT	Lewis and Clark	0.77	8.4	TN	Washington	0.86	0.0
GA	Stephens	0.05	0.0	MT	Sanders	0.12	0.0	WA	Grant	0.63	3.8
HI	Honolulu	0.89	18.8	NC	Mecklenburg	0.46	·	WA	King	0.75	5.5
IA	Des Moines	0.79	8.4	NC	Randolph	0.51	3.2	WA	Mason	0.06	0.3
ID	Butte	0.90	0.0	NC	Stokes	0.53	2.9	WI	Milwaukee	0.56	11.1
ID	Kootenai	0.66	10.1	NE	Cass	0.18	0.2	WI	Racine	0.73	14.1
IL	Cook	0.69	1.1	NJ	Bergen	0.43	11.1	WV	Berkeley	0.71	0.0
IL	DuPage	0.17	6.2	NJ	Essex	0.29	0.8				

Note: Counties marked with '·' in the column labeled 'articles' are those for which newspapers circulating there did not have articles available in NewsLibrary.com for 2004-2005. Even for those counties, the data contains the measure of *Congruence*, because *Congruence* is computed using only sales statistics of newspapers and does not require availability of articles in NewsLibrary.com.

Table 4: Newspaper Summary Statistics

Variable	Obs	Mean	Std. Dev.	Min	Max
Total Number of Articles per Judicial District	102	352.12	601.45	0	4566
Number of Judges per Judicial District	102	25.90	53.68	1	389
Number of Articles per Judge	102	13.69	13.03	0	66
Number of Articles per Judge and Year (Circulation Weighted)	102	6.97	8.10	0	36
Congruence[a]	102	0.40	0.35	0	1

Note: The unit of observation is judicial district. The total number of articles per judicial district is the sum of all articles covering any state trial court judge on a court (district) for two years from 2004 to 2005. Since the data set mainly includes large counties, the number of articles per judicial district and the number of judges are larger than they would be for the data with a wider scope that includes relatively small counties.

[a] These statistics of *Congruence* are based only on 2004-2005. Statistics for the entire data period are presented in Panel B of Table 2.

Table 5: Relationship between the Amount of Coverage and Congruence

	(1)	(2)	(3)	(4)
Variables	Articles	Articles	Log Articles	Log Articles
Congruence	9.864***	13.551***	1.867***	2.618***
	(2.448)	(2.754)	(0.541)	(0.609)
Appointed	-1.872	-2.780*	-0.081	-0.201
	(1.790)	(1.617)	(0.370)	(0.377)
Observations	102	102	93	93
R^2	0.174	0.382	0.148	0.362
Controls	No	Yes	No	Yes

Note 1: Results of ordinary least squares. The unit of observation is judicial district. Robust standard errors are in parentheses: *** p<0.01, ** p<0.05, * p<0.1.

Note 2: Control variables are population (log), area (log), income (log), share of urban population, share with high school education, and share with more than high school education.

Table 6: Influence of Media Coverage and Political Orientation on Award Outcomes - Baseline Analysis

Dependent Variable: Final Award (log)

Variable	Measure of Newspaper Coverage					
	Number of Articles			Congruence		
	(1)	(2)	(3)	(4)	(5)	(6)
Elected	-0.167			-0.136		
	(0.101)			(0.101)		
Coverage	-0.00629	0.116***		-0.181	1.003	
	(0.00498)	(0.0310)		(0.309)	(0.986)	
dvs	2.585***	3.930***		1.648***	2.896***	
	(0.606)	(0.752)		(0.551)	(1.086)	
Coverage * *dvs*		-0.226***			-2.183	
		(0.0574)			(1.661)	
HighCoverage			1.566***			0.675
			(0.461)			(0.445)
HighCoverage * *dvs*			0.688			0.716
			(0.839)			(0.654)
LowCoverage * *dvs*			3.412***			2.259***
			(0.688)			(0.611)
Observations	10,681	10,681	10,681	12,407	12,407	12,407
R-squared	0.223	0.226	0.225	0.231	0.231	0.234
p-value of the difference			.001			.043

Note 1: Results of ordinary least squares. The unit of observation is individual civil case. Robust standard errors, clustered by judicial district-year, are in parentheses: *** p<0.01; ** p<0.05; * p<0.1.

Note 2: All the specifications include case type fixed effects, jurisdiction-level demographic control variables and case-level legal control variables. Case types are classified into five categories: auto tort, premise liability, medical malpractice, contract fraud, and other. Demographic control variables are population (log), area (log), income (log), share of urban population, share with high school education, share with more than high school education, share of female, share younger than 20, share older than 65, share of black, and share of Hispanic. Legal control variables are disposition types (jury trial, bench trial, or other), whether the case involves bodily injury, and plaintiff and defendant types (individual, insurance company, other business, hospital, or government entity).

Note 3: The bottom row shows *p*-value from testing equality of coefficients between $HighCoverage * dvs$ and $LowCoverage * dvs$.

Table 7: Influence of Media Coverage and Political Orientation on Award Outcomes - By Selection System and Trial Type

Dependent Variable: Final Award (log)						
	Measure of Newspaper Coverage: Congruence					
Variable	Appointed Only (1)	Elected Only (2)	All Sample (3)	Jury Trials (4)	Bench Trials (5)	All Sample (6)
HighCoverage	-2.024	1.492***	-4.835***	0.740	0.212	0.623
	(1.532)	(0.449)	(1.000)	(0.479)	(0.530)	(0.463)
HighCoverage * *dvs*	2.295	-0.361	6.278***	0.682	0.944	0.979
	(1.553)	(0.634)	(1.183)	(0.660)	(0.803)	(0.630)
LowCoverage * *dvs*	-2.258	2.513***	-2.004	2.325***	1.431*	2.403***
	(1.930)	(0.652)	(1.328)	(0.681)	(0.781)	(0.649)
Elected			-3.009***			
			(0.767)			
HighCoverage * Elected			6.304***			
			(1.064)			
HighCoverage * *dvs* * Elected			-6.442***			
			(1.351)			
LowCoverage * *dvs* * Elected			4.669***			
			(1.224)			
Bench						-0.670*
						(0.346)
HighCoverage * Bench						0.198
						(0.497)
HighCoverage * *dvs* * Bench						-0.634
						(0.589)
LowCoverage * *dvs* * Bench						-0.197
						(0.489)
Observations	1,795	10,612	12,407	8,726	3,458	12,184
R-squared	0.172	0.250	0.238	0.241	0.214	0.232
p-value of the difference	.049	0.000	0.000	.050	.576	.575

Note 1: Results of ordinary least squares. The unit of observation is individual civil case. Robust standard errors, clustered by judicial district-year, are in parentheses: *** p<0.01; ** p<0.05; * p<0.1.

Note 2: All the specifications include case type fixed effects, jurisdiction-level demographic control variables and case-level legal control variables. Case types are classified into five categories: auto tort, premise liability, medical malpractice, contract fraud, and other. Demographic control variables are population (log), area (log), income (log), share of urban population, share with high school education, share with more than high school education, share of female, share younger than 20, share older than 65, share of black, and share of Hispanic. Legal control variables are disposition types (jury trial, bench trial, or other), whether the case involves bodily injury, and plaintiff and defendant types (individual, insurance company, other business, hospital, or government entity).

Note 3: The bottom row shows *p*-value from testing equality of coefficients between $HighCoverage*dvs$ and $LowCoverage * dvs$ in Columns (1)-(2) and (4)-(5), between $HighCoverage * dvs * Elected$ and $LowCoverage * dvs * Elected$ in Column (3), and between $HighCoverae * dvs * Bench$ and $LowCoverage * dvs * Bench$ in Column (6).

Table 8: Analysis with Alternative Outcome Variables
Dependent Variable: Final Award (log)

Variable	Dependent Variable					
	Total Damage (log)	General Compensation (log)	Punitive Damage (log)	Plaintiff Winning		
	(1)	(2)	(3)	(4)	(5)	(6)
HighCoverage	1.378***	1.311***	3.895***	-0.131*	0.0118	
	(0.439)	(0.456)	(1.232)	(0.0725)	(0.0695)	
HighCoverage * *dvs*	-0.395	-0.281	-3.740**	0.133	-0.00314	
	(0.623)	(0.662)	(1.706)	(0.0949)	(0.103)	
LowCoverage * *dvs*	2.298***	2.357***	3.244*	-0.105	0.000107	
	(0.637)	(0.652)	(1.729)	(0.120)	(0.121)	
Elected					0.0519***	0.0539***
					(0.0194)	(0.0189)
Coverage						0.0646
						(0.0605)
dvs						-0.0189
						(0.0936)
Observations	10,679	10,657	434	19,447	23,126	23,126
R-squared	0.257	0.248	0.279	0.078	0.071	0.072
p-value of the difference	0.000	.001	.002	.046	.977	

Note 1: Results of ordinary least squares. The unit of observation is individual civil case. Robust standard errors, clustered by judicial district-year, are in parentheses: *** p<0.01; ** p<0.05; * p<0.1.

Note 2: All the specifications include case type fixed effects, jurisdiction-level demographic control variables and case-level legal control variables. Case types are classified into five categories: auto tort, premise liability, medical malpractice, contract fraud, and other. Demographic control variables are population (log), area (log), income (log), share of urban population, share with high school education, share with more than high school education, share of female, share younger than 20, share older than 65, share of black, and share of Hispanic. Legal control variables are disposition types (jury trial, bench trial, or other), whether the case involves bodily injury, and plaintiff and defendant types (individual, insurance company, other business, hospital, or government entity).

Note 3: The bottom row shows p-value from testing equality of coefficients between $HighCoverage * dvs$ and $LowCoverage * dvs$.

Table A.1: Influence of Media Coverage and Political Orientation on Award Outcomes – With State Fixed Effects

Dependent Variable: Final Award (log)

Variable	Measure of Newspaper Coverage					
	Number of Articles			Congruence		
	(1)	(2)	(3)	(4)	(5)	(6)
Elected	-0.387			-0.428		
	(0.515)			(0.465)		
Coverage	0.0105	0.141***		1.292**	1.494	
	(0.00738)	(0.0427)		(0.524)	(1.263)	
dvs	3.313***	6.043***		1.815**	2.077	
	(1.186)	(1.559)		(0.808)	(1.583)	
Coverage * *dvs*		-0.269***			-0.343	
		(0.0861)			(2.113)	
HighCoverage			2.065***			1.505***
			(0.556)			(0.524)
HighCoverage * *dvs*			1.190			0.789
			(0.985)			(0.790)
LowCoverage * *dvs*			4.464***			3.455***
			(1.250)			(1.094)
Observations	10,681	10,681	10,681	12,407	12,407	12,407
R-squared	0.236	0.237	0.238	0.245	0.244	0.244
p-value of diff.			.000			.004

Note 1: Results of ordinary least squares. The unit of observation is individual civil case. Robust standard errors, clustered by judicial district-year, are in parentheses: *** p<0.01; ** p<0.05; * p<0.1.

Note 2: All the specifications include state fixed effects, case type fixed effects, jurisdiction-level demographic control variables and case-level legal control variables. Case types are classified into five categories: auto tort, premise liability, medical malpractice, contract fraud, and other. Demographic control variables are population (log), area (log), income (log), share of urban population, share with high school education, share with more than high school education, share of female, share younger than 20, share older than 65, share of black, and share of Hispanic. Legal control variables are disposition types (jury trial, bench trial, or other), whether the case involves bodily injury, and plaintiff and defendant types (individual, insurance company, other business, hospital, or government entity).

Note 3: The bottom row shows *p*-value from testing equality of coefficients between $HighCoverage*dvs$ and $LowCoverage * dvs$.

Table A.2: Robustness of the Main Result to Variations in Control Variables

Dependent Variable: Final Award (log)

Variable	Measure of Newspaper Coverage					
	Number of Articles			Congruence		
	(1)	(2)	(3)	(4)	(5)	(6)
HighCoverage	1.203	0.603	1.662***	2.304***	1.952***	0.551
	(0.785)	(0.697)	(0.476)	(0.689)	(0.602)	(0.445)
HighCoverage * *dvs*	-0.248	0.199	-0.0807	0.407	0.418	0.360
	(1.020)	(0.926)	(0.830)	(0.989)	(0.871)	(0.599)
LowCoverage * *dvs*	2.572***	1.928***	2.709***	4.031***	3.425***	1.755**
	(0.866)	(0.727)	(0.757)	(0.699)	(0.590)	(0.683)
Observations	11,941	11,941	11,343	13,735	13,735	13,137
R-squared	0.030	0.121	0.165	0.033	0.120	0.177
p-value of the difference	.036	.148	.001	.003	.005	.064
Case-Type Fixed Effects	No	Yes	Yes	No	Yes	Yes
Demographic Controls	No	No	Yes	No	No	Yes
Legal Controls	No	No	No	No	No	No

Note 1: Results of ordinary least squares. The unit of observation is individual civil case. Robust standard errors, clustered by judicial district-year, are in parentheses. *** p<0.01; ** p<0.05; * p<0.1.

Note 2: Case types are classified into five categories: auto tort, premise liability, medical malpractice, contract fraud, and other. Demographic control variables are population (log), area (log), income (log), share of urban population, share with high school education, share with more than high school education, share of female, share younger than 20, share older than 65, share of black, and share of Hispanic. Legal control variables are disposition types (jury trial, bench trial, or other), whether the case involves bodily injury, and plaintiff and defendant types (individual, insurance company, other business, hospital, or government entity).

Note 3: The row labeled 'p-value of the difference' shows p-values from testing equality of coefficients between $HighCoverage * dvs$ and $LowCoverage * dvs$.

Table A.3: Influence of Media Coverage and Political Orientation on Variation of Final Award
Dependent Variable: Standard Deviation of Final Award ($1,000)

Variable	(1)	(2)	(3)	(4)	(5)	(6)
Congruence	423.5	4,639**	5,722***			
	(548.0)	(2,006)	(2,129)			
dvs	5,084***	8,885***	9,434**	5,231***	7,379***	5,417
	(1,361)	(2,689)	(4,768)	(1,297)	(1,874)	(3,728)
Congruence * *dvs*		-8,222*	-11,862**			
		(4,402)	(4,847)			
HighCongruence				312.7	3,553***	3,545***
				(310.0)	(1,090)	(1,238)
HighCongruence * *dvs*					-6,034***	-6,873***
					(2,213)	(2,632)
Observations	193	193	185	193	193	185
R-squared	0.078	0.089	0.246	0.080	0.105	0.264
Controls	No	No	Yes	No	No	Yes

Note 1: Results of ordinary least squares. The unit of observation is judicial district by year. Robust standard errors are in parentheses: *** p<0.01; ** p<0.05; * p<0.1.

Note 2: Control variables are population (log), area (log), income (log), share of urban population, share with high school education, share with more than high school education, share of female, share younger than 20, share older than 65, share of black, and share of Hispanic.

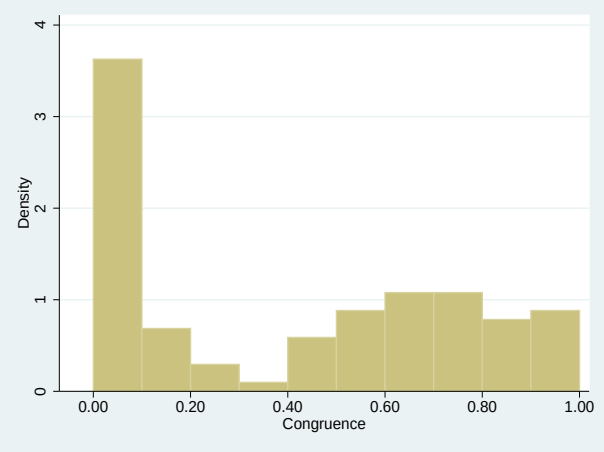

Figure 1: Distribution of Congruence

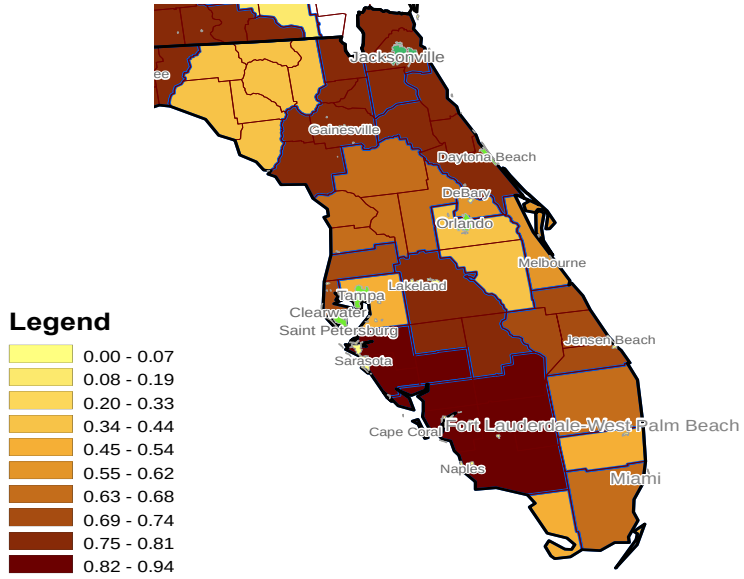

Figure 2: Variation of *Congruence* in Florida