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

<table>
<thead>
<tr>
<th>Speaker</th>
<th>Correlation to Justice’s utterance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petitioner</td>
<td>Successful: 0.27, Unsuccessful: 0.25</td>
</tr>
<tr>
<td>Respondent</td>
<td>Successful: 0.24, Unsuccessful: 0.22</td>
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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

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Interaction: \(F(1, 200) < 1, \text{n.s.}\)
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