

THE INFLUENCE OF AMICUS CURIAE BRIEFS ON DISSENTS FROM DENIAL AND  
THE OPINION OF THE COURT

by

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## **Abstract**

This research demonstrates the influence amicus curiae briefs have on dissents from denial and opinions of the Court. Further, I aim to discover if dissents from denials are influenced by amicus curiae briefs more than opinions of the Court. Amicus curiae briefs are filed when those who are not a party to a case feel strongly about it and would like to offer their expertise. This expertise is often used by the justices when crafting their opinions. While justices are most known for the opinions of the Court, they also write dissents from denials when they believe that a case should be granted certiorari but the Court has decided not to hear it. This research builds on existing literature to determine the extent of the influence amicus briefs have using similarity reports comparing amicus briefs to dissents from denial and opinions of the Court. My findings show that amicus curiae briefs do, in fact, influence both dissents from denial and opinions of the Court, and that dissents from denial have, on average, more unique matches to amicus curiae briefs per word than opinions of the Court. The difference between the two, however, is not statistically significant.

## Introduction

Many factors influence a Supreme Court justice when writing an opinion or issuing a decision on a case. Much of that influence can be attributed to amicus curiae briefs, documents that are filed by individuals or organizations attempting to voice their opinions on cases that are before the Court (Kearney and Merrill 2000). Amicus curiae briefs provide valuable information to the justices, who often use them as sources when considering how to render a decision on a case (Corley et al. 2011). The influence of amicus briefs is often seen in the opinions of the Court that the justices write on a routine basis. However, this influence may also be seen in the lesser-known dissents from denials, also penned by the justices earlier in the Supreme Court process.

The assumption that the influence of amicus briefs may also be seen in dissents from denials is not yet backed by literature. Currently, there is little to no research that specifically discusses what influences the Supreme Court justices when writing dissents from denials. With the help of established literature on amicus briefs, dissents from denial, and the influence that amicus briefs have on opinions of the Court, this research aims to fill the gap. By looking deeper into the meaning of the different types of dissents from denials and the various reasons justices write them, it is hoped that the influencing factors behind dissents from denial are uncovered.

The examination of the similarity reports from 2010 - 2019, alongside the existing literature guided me in answering my research question — are dissents from denial influenced by amicus briefs, and if they are, are they influenced by them at a higher rate than opinions of the Court?

## **Literature Discussing Opinions of the Supreme Court**

The Supreme Court justices write several different types of opinions every term. The most well-known opinion type they write is the opinion of the Court, but they also write lesser-known opinions like dissents from denial (Supreme Court of the United States n.d.). Oftentimes when writing these opinions they use outside resources that influence the context of the opinions. The studies discussed below introduce two opinion types and the content they typically include. They also discuss the ways in which the justices are influenced and whether or not the ways in which they are influenced are ethical.

### **Dissents from Denial of Certiorari**

When a Supreme Court justice dissents from a decision, they are symbolizing their disagreement with the majority opinion in the case being discussed (Wex n.d.). So, when a justice writes a dissent from denial of certiorari, they are signifying their disagreement with a case not being heard by the Court. Dissents from denial were uncommon until the late 1940s when Justices Black and Douglas made their stance on the public nature of the opinions of the Court. They argued that all Supreme Court opinions should be disclosed to the public. When the other justices did not reciprocate their belief, the two began to make note of the cases in which they dissented the denial of certiorari that they deemed important (Linzer 1979). The practice eventually caught on and dissents from denials were appearing more frequently, and even the most staunch proponents against making opinions public began to issue them (Linzer 1979). Dissents from denial are still filed by justices to this day.

There are several reasons why a justice may write a dissent from denial. First, they may write a dissent because they do not agree with the majority and believe that the case should be granted certiorari (Norell 2010). Second, Norell (2010) argues that justices write

dissents when they believe that it is advantageous to do so, for reasons such as future cases the Court may hear or the belief that it will strengthen the authority of the Court. Finally, a justice may dissent because they think it will gain them favor with the public (Norell 2010). Once a justice decides to write a dissent from denial, their reasoning often leads them to make another decision — what type of dissent they are going to write.

Linzer (1979) was one of the first to detail the types of dissents from denial in their study. Included in Linzer's writings are general policy statements, dissents without comment, dissents on "neutral" grounds, and dissents on the merits. When a justice files a general policy statement they typically are not addressing the actual case itself and are instead addressing something that has been on their mind, like Court reorganization. If a justice files a dissent without comment they are simply acknowledging that they would have granted certiorari, without any reason to indicate why. Linzer also explains a dissent on "neutral" grounds, claiming that justices do this when they give an opinion as to why a case should be heard but does not criticize the lower court's decision. Finally, a justice may file a dissent on the merits, which often includes an explanation as to why the lower court's decision was wrong, and why it should be reversed at the Supreme Court level.

While dissents from denial may seem as though they are of no use because the case has already been denied certiorari, that is not necessarily always true. Dissents from denial have the ability to influence the Court in their current decision, or those that they will make in the future (Norrell 2010). This can be seen in cases in which justices indicate questions that they would consider in the future in their dissent from denial, and cases in which the justice are actually swayed by a dissent and change their decision to grant certiorari instead

of denying it. Each dissent from denial that is written has the ability to influence the public and the justices, thus every dissent from denial is valuable in its own way.

### **Opinion of the Court Influences**

Once a case is granted certiorari, it is heard by the Court. After the Court hears the arguments of both sides, the justices have a conference during which they have the task of deciding the case. After the votes are cast, those in the majority write the opinion of the Court, which includes the reasoning for why the Court is ruling the way they are (United States Courts n.d.). There is much to consider when writing an opinion of the Court, as Corley et al. (2011) note in their research. When determining what to include in the opinion, the justices rely on four sources for information. These four sources include legal briefs, amicus curiae briefs, oral arguments, and the opinions of lower courts (Corley et al. 2011). Because the justices are known to pull information from these sources, the opinions often have direction before the justices begin to write them, meaning they do not always start with a blank page (Corley et al. 2011). All sources, however, are not pulled from equally. Through their research, Corley et al. (2011) found that texts coming from individuals who are viewed as highly prestigious, such as well-known judges, are cited more often. This is also true for opinions of lower courts that are published, which get cited more frequently than those that are not published (Corely et al. 2011).

While the justices seem to be heavily influenced by outside sources, they are also influenced by each other. In their study, Carrubba et al. (2012) concluded that the opinion of the Court most often highlights the views of the median justice who is a part of the majority for any given case. The median justice is any justice who is in the middle and often decides which side of the case will become the majority. This justice has extreme bargaining power,

as the justices who are a part of the majority will make the tweaks necessary to get them to join their side so that they remain the majority and set precedent. Because of this, the opinion of the Court typically reflects the views of the median justice more than the other justices. Therefore, it can be seen that the justices are influenced by many factors when it comes to the content of an opinion of the Court.

### **Amicus Curiae Briefs**

One of the sources that the Supreme Court justices are known to use when writing opinions are amicus curiae briefs. Amicus curiae translates to “friend of the court,” and these briefs are typically written by interest groups or organizations who feel strongly about a specific position in a case, and they want to make their support or disdain for that position known (Collins et al. 2015). Amicus briefs were not common at the start of the Supreme Court, but have slowly established themselves as a powerful tool of persuasion for many cases (Kearney and Merrill 2000). About 85% of cases heard by the Court have one or more amicus briefs attached to them (Kearney and Merrill 2000). Typically the amicus briefs are met with a positive response as they bring a new perspective from experts on the subject that is being discussed by the Court, which can help in rendering a decision (Kerney & Merrill 2000).

In their study, Collins et al. (2015) found that amicus briefs are not only met with a positive response but they also have the ability to influence the justices when writing their opinions. When the brief is considered high quality, meaning it lines up with Justice’s views, it is written by an esteemed organization or author, or repeats main arguments, it has the ability to more heavily influence the justices when writing their opinions. So, the higher the

quality of the brief, the more likely a justice is to adopt some of its language or base their own arguments off of the amicus brief's arguments.

### **Judicial Plagiarism**

Judicial plagiarism is something that is not talked about much, and it is rare to ever even hear of someone being accused of it. Part of this can probably be explained due to the fact that the definition of judicial plagiarism is largely debated. Many scholars have tried to define it, and they typically come up with something along the lines of “plagiarism should be defined to consist only of the word-for-word copying of a substantial, nonroutine portion of a document of which the lawyer expressly claims authorship” (Shatz & McGrath 2013, 18). Other scholars, however, go even further to note that there is a difference between judicial plagiarism and judicial misconduct dealing with plagiarism (Richmond 2014). In their discussion, Richmond (2014) claims that judicial plagiarism crosses the line into judicial misconduct when the plagiarized content does not reflect the independent judgment of the Court or the justice who wrote the opinion. Meaning, it is imperative that a justice interprets the material they are getting from outside sources and ensures that they put their own individual touch on it, otherwise, it constitutes plagiarism and misconduct.

This distinction is important to draw as many scholars, including Richmond, claim that plagiarism cannot be committed by justices because their writing is not supposed to be original. Additionally, Shatz and McGrath (2013) contend that legal arguments and opinions are not judged based on their origins, rather, they are based on their merits. This further supports the idea that these texts are not expected to be original; they are meant to be interpretations. Because of this, the fact that the justices do not personally make a profit off



of their opinions, and that lawyers are aware that the justices are taking from their arguments, some argue that the practice does not constitute plagiarism (Richmond 2014).

As time progresses and more accessible information is put online, the premise of what constitutes plagiarism is changing. Purdy (2005) argues that as technology increases, professionals need to adapt to it and not punish others for simply taking advantage of the plethora of information at their fingertips. By utilizing their resources and interpreting the arguments of others and turning them into opinions, many scholars would argue that the Supreme Court justices can — and should — continue as they are.

The studies cited above have identified several of the ways in which Supreme Court justices can write opinions and begin to detail the ways in which they can be influenced when writing their opinions. It is clear that Supreme Court justices take from outside sources when writing their opinions, but the studies above also discuss the fine line that they must walk in order to prevent themselves from committing judicial misconduct. By utilizing the arguments that the opinions of Supreme Court justices are influenced by outside sources, this research will go a step further in an attempt to reveal if the justices rely on amicus briefs more when writing opinions of the Court or when writing dissents from denial.

### **Theoretical Expectations**

It has been established through previous research that Supreme Court justices rely on outside sources when penning their opinions. The nature of the Supreme Court justices' job is to consult precedent, the Constitution, and the information that outside parties provide them (Corley et al. 2011). One of the main sources that justices take from are amicus curiae briefs. Much research has been conducted on the influence that amicus briefs have on

opinions of the Court, and the research has shown that justices are in fact regularly influenced by amicus briefs when writing the opinion of the Court (Collins et al. 2015). Most of the research suggests that the higher the quality of the brief is, the more likely a justice will use some of its language in their opinion (Kerney & Merrill 2000). In their study, Collins et al. (2015) details high-quality amicus briefs as those that are believed to construct effective policy, those that repeat arguments from other information sources increasing their credibility, and those that reflect the justice's own preferences. While much can be said about the impact of amicus curiae briefs on the justices when writing opinions of the Court, not much can be said about the influence on dissents from denials. There is a lack of research conducted on what influences justices when writing dissents from denial and a specific lack of research on amicus brief's influence on dissents from denials.

Guided by the research conducted in the studies mentioned in the previous section, I look into the influence of amicus curiae briefs on not only opinions of the Court, but also dissents from denial. Because previous research states that justices use amicus briefs as one of the main four sources when writing opinions, one could assume that dissents from denial are lumped into the category of "opinion" (Corley et al. 2011). The opinions category includes the opinions of the Court, concurring opinions when justices agree with the judgment of the Court, and dissenting opinions when justices disagree with the judgment of the Court (United States Courts n.d.). While a dissent from denial is written much earlier than the final opinion for a case, it still has to get its information from somewhere, and one could argue that justices look to the same sources as they do for opinions of the Court to get the job done.

I look to take this research one step further. After determining if the justices are influenced by amicus briefs when writing dissents from denials, I aim to discover if the justices are influenced by, or rather take more language from, amicus briefs when they are writing opinions of the Court or dissents from denials.

The public is much less aware of dissents from denials than they are of opinions of the Court. The Supreme Court justices may take advantage of the public's lack of attention to dissents from denial and use more language from amicus briefs in dissents from denial because they assume they will not get as much attention. A number of high-profile cases are heard by the Supreme Court every term and many people are interested in what the justices have to say. Because of this, individuals may pay more attention to the opinions that they issue and read more into their rationale. Dissents from denial may seem as though they do not have as much impact on the Court or the public in general, as they are not setting precedent or mandating new legislation, so individuals are not as aware of dissents from denial and much less invested in what they have to say (Norrell 2010). One can expect that the justices may take language from amicus briefs more heavily in dissents from denial than they do in opinions of the Court due to public awareness and perception.

Dissents from denial are filed after a case is denied certiorari and a justice believes that it should be heard due to a belief that the lower court decision was wrong or they want to make petitioners aware that they would be willing to hear a similar case with a different question, among other reasons (Norell 2010). Because the cases do not move beyond the cert state, the justice's have less information immediately available to them when writing a dissent from denial. For instance, a case that was denied cert may have an amicus brief attached to it, but it will not have the opportunity for oral arguments or future briefs filed on

behalf of the parties to the case. Therefore, the justices have less material to utilize when crafting their dissent from denial. This could also serve as an explanation for larger reliance on amicus briefs when it comes to dissents from denial as opposed to opinions of the Court.

It is important to clarify the difference between a justice being *influenced* by an amicus brief and a justice *plagiarizing* an amicus brief. It is a Supreme Court justice's job to take the information they have been given and make a decision based on it. This typically results in a justice taking language or central ideas from other sources, like an amicus brief or oral arguments, and using them to formulate an opinion. Richmond (2014) argues that the focus should not be on a justice's writing, but rather their reasoning for the decision. If the justice's opinion is understood as lacking originality, or independent thought, then they cross into the realm of plagiarism and judicial misconduct. However, this very rarely happens as the justices are very good at citing their sources and adapting the information they use to match their own voice and reasoning. When determining the level of influence that amicus briefs have on opinions of the Court and dissents from denial, we are simply looking for similar language or strings of words that would indicate that the justices may have been influenced by the writings.

I hypothesize that the Supreme Court justices are influenced by amicus briefs when writing both opinions of the Court and dissents from denial. I also hypothesize that the Supreme Court justices are more heavily influenced by amicus briefs when writing dissents from denial, meaning, they use more similar language and central ideas than when they are when writing opinions of the Court.

### **Description of Data Collection and Methods**

For this research, data was compiled on cases that were petitioned to the Supreme Court from 2010 - 2019 but were denied certiorari. In order to collect the data, I first determined which cases could be used in the data set. An existing database that already listing these specific cases could not be found, so the Supreme Court's Order Lists were utilized. Order Lists contain all of the actions that the justices have taken on each case that appears before them. Because dissents from denial are noted on the Order lists, I was able to track which denied cases from the 2010 - 2019 Terms and included a dissent from denial. Every time a dissent from denial was listed, its case name and number were added to a Google Sheets file. After finishing the collection process, a total of 188 cases that were denied certiorari that had a dissent from denial attached to them were noted.

Next, the Supreme Court's docket search tool was utilized to find out more information on the cases previously recorded. For each case, I took note of the term year, case name and number, the justice that wrote it, word count, subject area, and whether or not the case included an amicus brief. Links to the Supreme Court's website were also added to the Google Sheets file to aid in finding the cases at a later time. Once the information was collected on all 188 cases, those that had both a dissent from denial and at least one amicus brief attached to them were highlighted. Once that was completed, the list dwindled down to 33 cases.

Next, I began to analyze cases that were granted certiorari at the Supreme Court level during the 2010 - 2019 Terms. The method for collecting data on these cases differed slightly as opinions of the Court were being recorded rather than dissents from denial. First, SCOTUSblog's website was accessed to utilize their database of cases that are heard by the Court each Term. The cases are organized by Term year, so I was able to quickly access

information on each case that was granted certiorari. All cases that are heard by the Court are accompanied by an opinion of the Court once they issue a decision. So, this time cases that had amicus briefs attached to them were recorded. After going through case by case, 762 cases were recorded that were granted certiorari that had at least one amicus brief attached to them. These cases were recorded in a separate Google Sheets file. In order to generate a smaller sample size, a random sample of all the cases selected was conducted. To do this, a random number generator was utilized. Each case was assigned a number and the random number generator picked 50 cases. Once 50 cases were identified, a new sheet on the Google Sheets was started and the necessary information was collected. The case number and name, word count, who the amicus briefs were filed in support of, and the Court's decision was recorded.

Once the data collection for the cases was fully complete, it was time to run the opinions and dissents from denials collected through software that detects similar language in documents compared to each other. For this research, I used the website Similarity Texter (<https://people.f4.htw-berlin.de/~weberwu/simtexter/app.html>). My goal was to compare dissents from denial and opinions of the Court to amicus briefs associated with each case. Because some cases had multiple amicus briefs attached to them, randomization was utilized once again. Whenever a case that had multiple amicus briefs appeared, each brief was assigned a number and a random number generator was used to pick the amicus brief that would undergo comparison. After two documents for each case were identified, one amicus brief and either an opinion of the Court or dissent from denial, PDF versions of each one had to be found. Most PDFs were found through the Supreme Court database and SCOTUSblog, but as I started to get into Terms 2010 - 2016 the links provided for amicus briefs began to

get less reliable. However, for most of these cases, the PDF versions could be accessed directly on the websites of the parties that filed the amicus briefs. If they were not accessible on the websites, a quick internet search resulted in what I was looking for.

Next, I began to run the similarity reports. In order to do this, the documents had to be converted from PDF files to text files. To do this, I utilized a website called PDF to Text and re-downloaded all of the case files so they could smoothly run through Similarity Texter. Once converted, the dissent from denial or opinion of the Court was uploaded alongside the associated amicus brief. The settings on Similarity Texter were set to detect similar phrases that were three words or longer. Once the settings were finalized, the similarity report was run. After the software analyzed the documents side-by-side, the results were available. The number of unique matches found was recorded in the Google Sheets file alongside the cases. The author of the amicus brief that was compared was also noted on the Google Sheets files. Each similarity report was saved as a PDF so it could be referenced later during the data analysis.

To help with the analysis of the data, Tableau, a visual analytics software, was used. I cleaned up my Google Sheets files by limiting the data to case name, word count, and unique matches for both the dissents from denials and opinions of the Court. Once that was completed, the files were downloaded and saved as an Excel workbook. From there, the new Excel workbooks were downloaded directly to Tableau. I used the data that was uploaded to determine if dissents from denials are influenced by amicus briefs at the same rate, or a higher rate, than opinions of the Court. Visual representations of this analysis using graphs were created. After visually observing the differences, ratios for both dissents from denial and opinions of the Court and word count were created. After I made the ratios, a hypothesis

test was conducted to determine if the difference between my ratios was statistically significant.

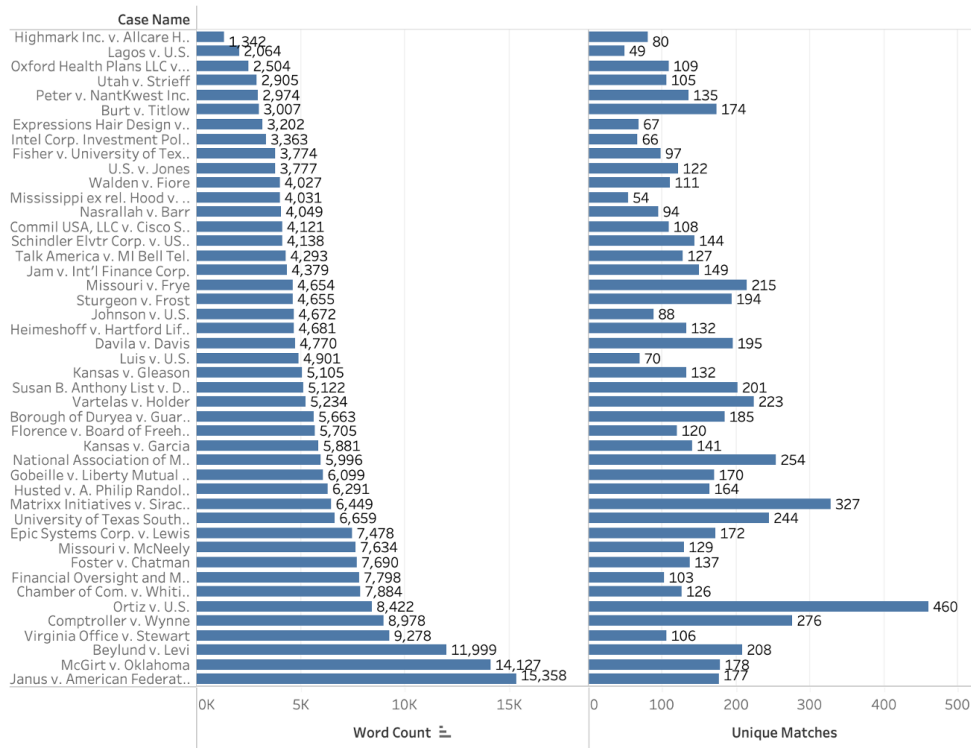
As stated previously, it is expected that this research will produce data that confirms the hypothesis that the Supreme Court justices are influenced by amicus briefs when writing dissents from denial, as well as the hypothesis that the justices are more influenced by amicus briefs when writing dissents from denials than then they write opinions of the Court.

### **Analysis**

To begin the analysis of my data, I examined each dissent from denial and opinion of the Court individually. I began by looking at the data from opinions of the Court. In Figure 1 we see that as word count increases for opinions of the Court, the number of unique matches varies. While some cases follow a positive pattern of word count compared to unique matches, most do not fall into line. While there is not a clear pattern, the data still supports the research that amicus briefs influence the opinion of the Court. We can confidently say this because unique matches are present in the analysis.

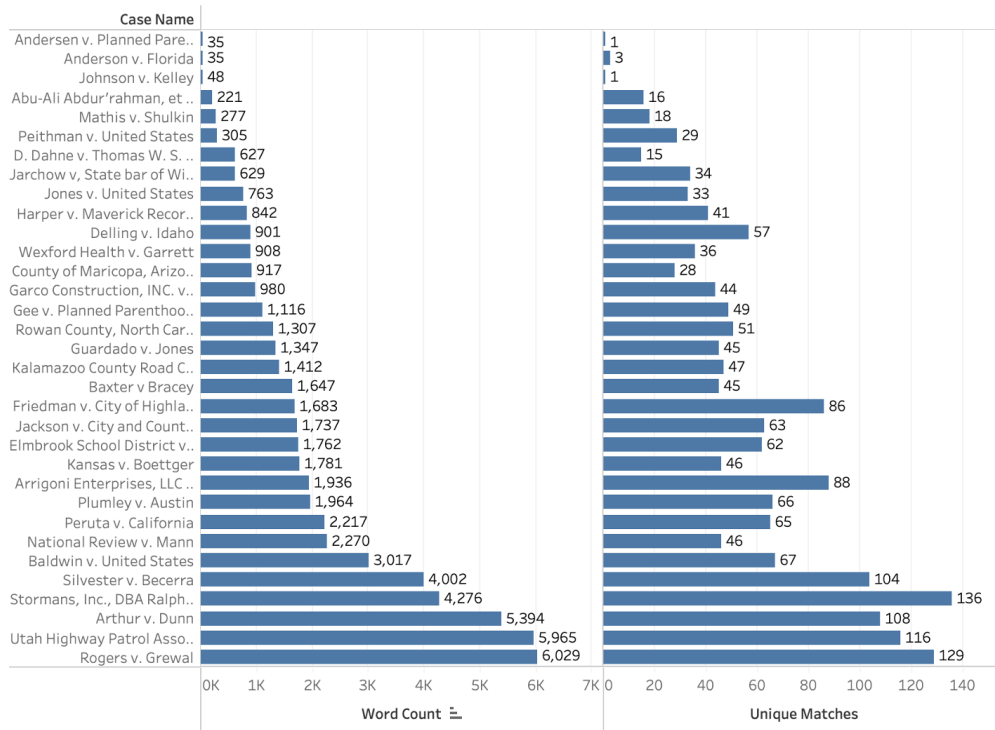


Figure 1



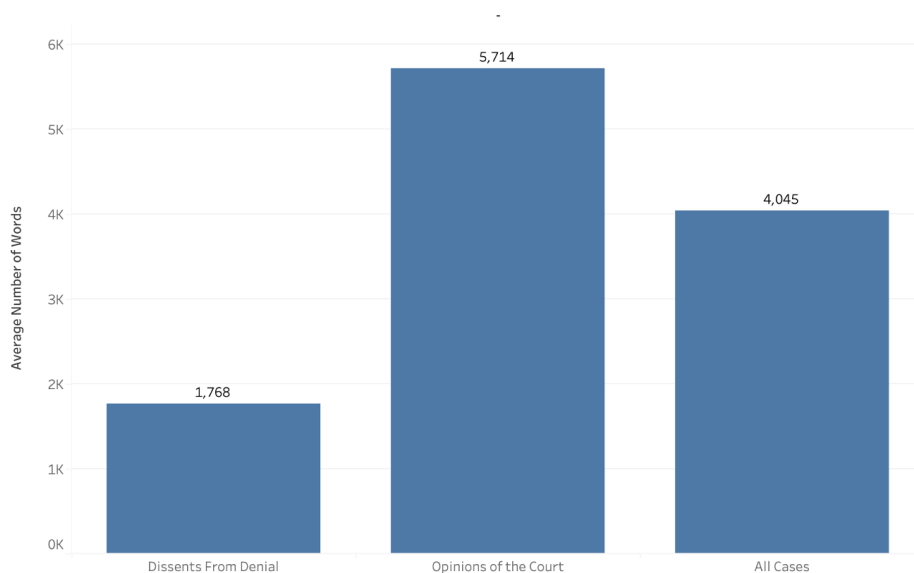
After looking at the opinions of the Court, I ran the dissent from denial data through Tableau. In Figure 2 we see that as word count goes up for each dissent from denial, so does the number of unique matches. While there are some cases that do not fall into the general pattern, a positive correlation between the word count and the number of unique matches can be observed in Figure 1. The word count and number of unique matches are much more uniform for dissents from denial compared to opinions of the Court. While this data alone is not enough to determine if the hypothesis that amicus briefs influence dissents from denial more than opinions of the Court, it can confirm the hypothesis that dissents from denial are influenced by amicus briefs. As stated for the opinions of the Court, this can be shown due to the fact that unique matches are present when comparing amicus briefs and dissents from denial.

Figure 2



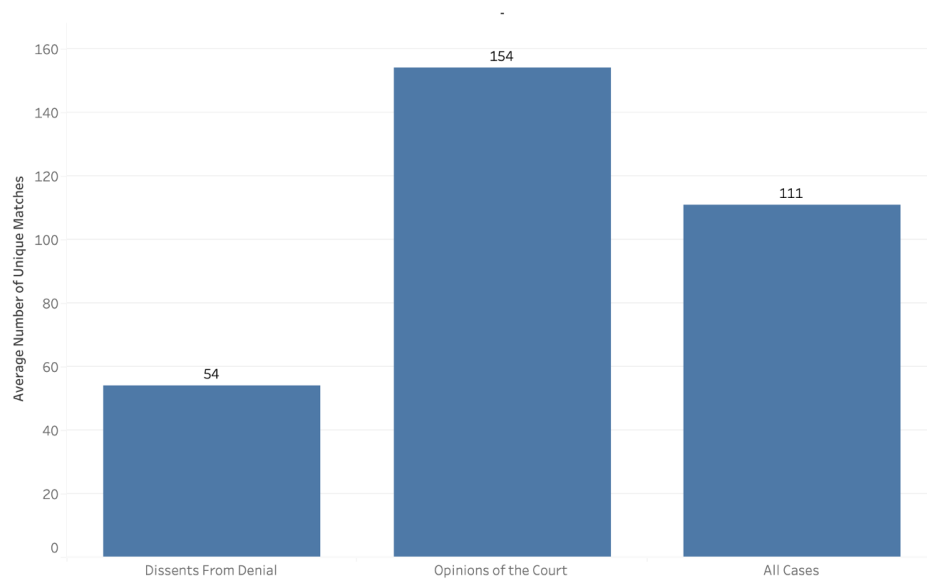
After an individual analysis of each case, I compiled all of the dissents from denials and opinions of the court and averaged the word counts and number of unique matches. I calculated the average of the dissents from denials and opinions of the Court separately and then averaged them together using all of the cases collected. Figure 3 shows the average number of words in dissents from denials, opinions of the Court, and all of the cases combined. We see that dissents from denials have a significantly lower average word count of 1768 compared to the average word count of opinions of the Court, which is 5714.

Figure 3



Next, I calculated the average number of unique matches in dissents from denial, opinions of the Court, and all of the cases combined. In Figure 4, we see that, once again, dissents from denial have a lower average than the opinion of the Court. On average, there were 54 unique matches in dissents from denial and 154 in opinions of the Court. While this does not appear to support the hypothesis that dissents from denials will have more unique matches to amicus briefs than opinions of the Court on the surface, one must look deeper. Because the average word count for opinions of the Court is larger, it is expected that the average number of unique matches will also be larger. The more words there are, the more opportunity there is to create a unique match.

Figure 4



Because the visual representations of the data were unable to give specific measures of the influence of amicus briefs on dissents from denial and opinions of the Court, I set out to discover how frequently a unique match occurs by determining the unit rate of unique matches per word. The unit rate refers to the calculation done to determine how many unique matches there are per a certain number of words in opinions of the Court and dissents from denial. By calculating the unit rate, I will also be able to account for the difference in length between dissents from denial and opinions of the Court. To determine the unit rate, I used the average word count and unique matches for both dissents from denial and the opinions of the Court. The unit rate tells us that for every 33 words, there is one unique match in dissents from denial. So, on average a unique match occurs every 33 words. The unit rate tells us that for every 37 words, there is one unique match in an opinion of the Court. So, on average a unique match occurs every 37 words. On a very basic level, the unit rates tell us that unique matches occur more frequently in dissents from denial compared to opinions of the Court.

While I was able to determine that unique matches occur more frequently in dissents from denial, the level of significance still had to be calculated. To determine the significance level, a hypothesis test was conducted. For the test, a null and alternative hypothesis was created. The null hypothesis suggests that dissents from denial and opinions of the Court are influenced by amicus briefs the same amount. The alternative hypothesis suggests that dissents from denial are influenced by amicus briefs more than opinions of the Court. After creating the hypotheses, the significance level was set to 0.05. Next, the z-score was calculated, which was then used to find the p-value. The p-value was .16. This means that there is a 16% probability that the difference between the unique matches in dissents from denial and opinions of the Court is due to chance. Because the p-value came out to .16, the difference is not statistically significant. Therefore, I do not reject the null hypothesis, and I am unable to accept the alternative hypothesis. Meaning, I cannot reject the notion that amicus briefs influence dissents from denial and opinions of the Court at the same rate, and I cannot confirm my hypothesis that dissents from denial are influenced by amicus briefs at a higher rate than opinions of the Court.

### **Discussion and Conclusion**

The research presented above resulted in the conclusion that the content included in dissents from denials are in fact influenced by amicus briefs. For the purposes of this study, the existence of any number of unique matches between amicus briefs and dissents from denial shows that the dissent from denial has been influenced. Therefore, I fail to reject the hypothesis that the justices are influenced by amicus briefs when writing dissents from denial. My research did not show a significant difference between the influence of amicus

curiae briefs on dissents from denial versus opinions of the Court. While the difference was not statistically significant, a difference was observed. Dissents from denials were reported to have a unique match every 33 words, while opinions of the Court were reported to have a unique match every 37 words. This means that dissents from denial had, on average, more unique matches per document, even while taking total word count into consideration.

However, after the hypothesis test was conducted, the difference was proven to be far from statistically significant, and largely due to chance. Based on the results, I am unable to accept the hypothesis that dissents from denial are influenced by amicus briefs more than opinions of the Court.

While reflecting on the collection of data and the following analysis of it, limitations within my research were realized. One such limitation was the way in which I compared the amicus briefs and dissents from denial or opinions of the Court to each other. While Similarly Texter, the website utilized, was able to provide the similarity reports I was looking for, the information provided within them was very basic. The similarity reports only provided me with the word count, the number of unique matches, and a coded key that helped me locate the similarities between the two texts entered into the system. This was not enough information for me to dive deeper into the similarities within the documents to ensure that they were not just commonly used phrases or strings of words that were similar. I also had difficulty with the lack of options provided to me before I ran the similarity report. It only gave me the option to ignore letter case, numbers, and punctuation as well as set the minimum match length. Because I was not able to set the similarity reports to ignore nonwords, meaning those that contain numbers and letters, the language leading up to and including case numbers were often considered unique matches. This resulted in a higher

number of matches than expected for some cases, as justices may use the same court cases, but not always for similar reasons.

I was also unable to get the similarity reports to include how many words in the documents were unique matches. Rather, it just gave me the number of unique matches, each of which ranged in word length, making it hard to discover the percentage of dissents from denials or opinions of the Court are influenced by amicus briefs. This made my analysis more difficult as I had to find a way to get the two types of opinions on the same level in terms of word count and then figure out how often unique matches actually appeared in both dissents from denial and opinions of the Court.

Future researchers should look to gather a larger sample size to help determine if the influential differences between dissents from denial and opinions of the Court are larger when more cases are taken into consideration, or if they are even less significant, leading to a confident rejection of my hypothesis. I also hope that future researches will utilize a plagiarism detection software that enables them to customize their similarity reports a bit more than Similarity Texter allowed me to. Increasing the customization of settings would help future researchers to determine if the matches it is producing are simply justices citing the same case as the authors of an amicus brief, or if they are actual matches due to influential factors. Further, future researchers should also look to set the minimum match length to six rather than three, which is what I set it to. Setting the minimum match length to a higher number will allow the similarity reports to be more accurate in the matches they are providing as well as follow the guidance of those who have conducted successful studies in this area, such as Pamela Corley and Paul Collins Jr.

The months dedicated to this research allowed me to look further into dissents from denial and their influences. While the results that I expected were not proven to be true, I was still able to take away a lot from the results that were achieved. My research was able to provide valuable insight on the influence of amicus briefs on the opinions of the Court and dissents from denial, but there is still plenty more to uncover in the future. I am hopeful that my research will be a part of future studies continuing to dive deeper into what the justices are influenced by when writing dissents from denial.



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