BRACE AND HALL STATE SUPREME COURT PROJECT

PRELIMINARY RELIABILITY SUMMARY FROM TEMPLATE DEVELOPMENT

The data entry template that we developed for the state supreme court project has enabled us to code case data both reliably and efficiently. In the initial stages of this project, two elements of uncertainty were particularly crucial. First, no one had ever examined systematically the way cases are reported across the fifty states and this raised significant questions about whether we could devise a uniform set of items that could be applied consistently across the cases in all states. Second, we were concerned that graduate student research assistants, untrained in law, could accurately and consistently code what might prove to be cases that were reported in widely divergent ways.

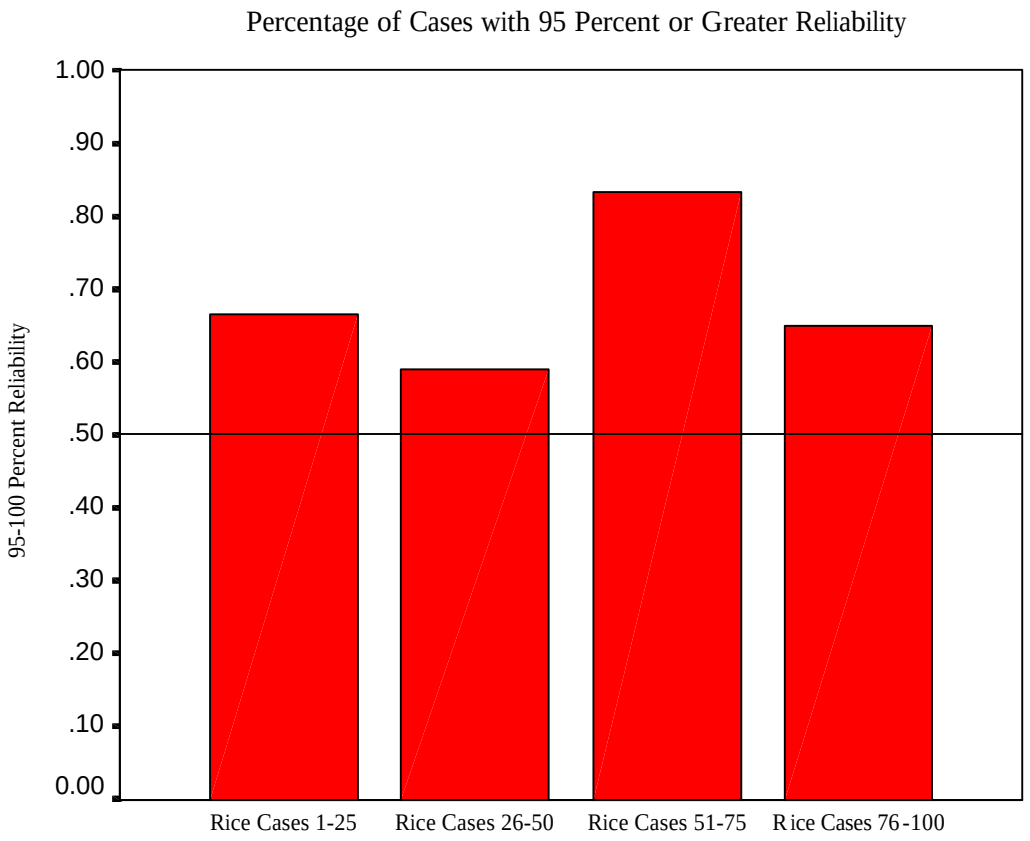
We began by surveying past coding schemes used by Spaeth on the US Supreme Court and Songer on the US Court of Appeals. It was obvious that many items they had coded would be essential to our project as well, However, it was equally obvious because of the vastly different functions performed by state supreme courts that there would be many new and novel items that would have to be considered in the state supreme court project. Ascertaining what should be done, and what could be done reliably, was the result of extensive testing and re-testing of items and evaluating the experience and feedback of the graduate student coders.

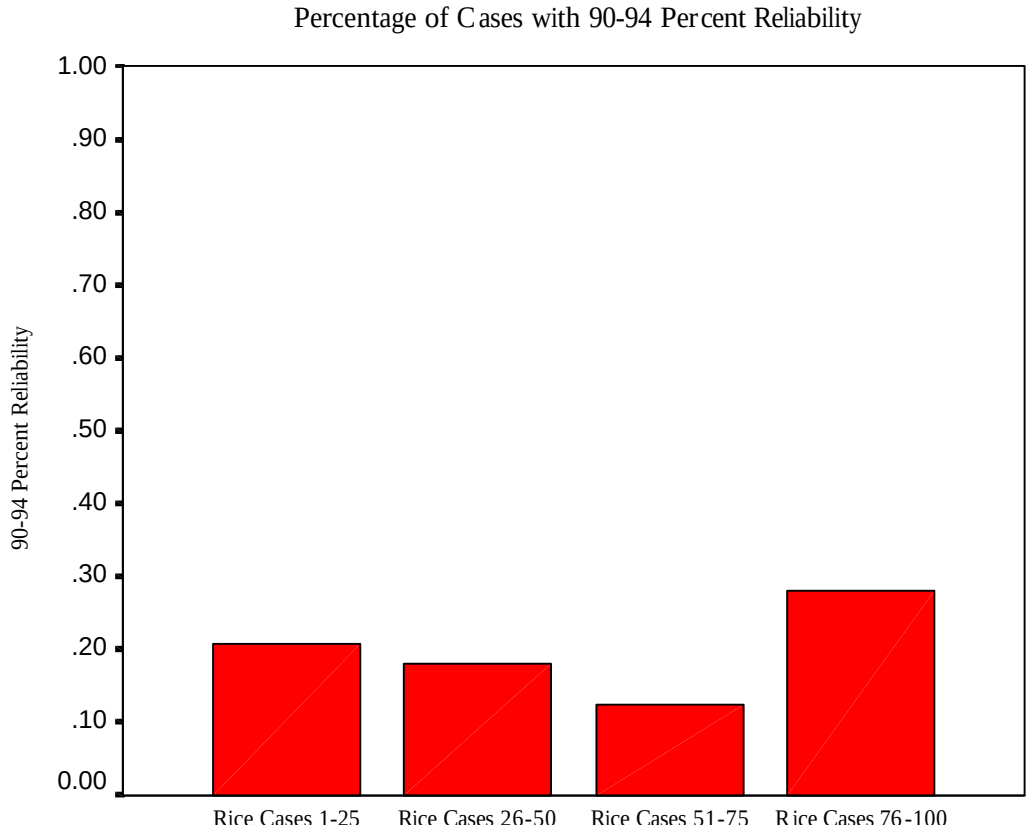
A brief summary of our initial reliability results are presented below. After these and other trials, we pared the template down to contain items that had been coded with high reliability in repeated trials. The template was finalized in the fall of 1998 and subsequent intercoder reliability tests were conducted revealing that case coding reliability was consistently high.

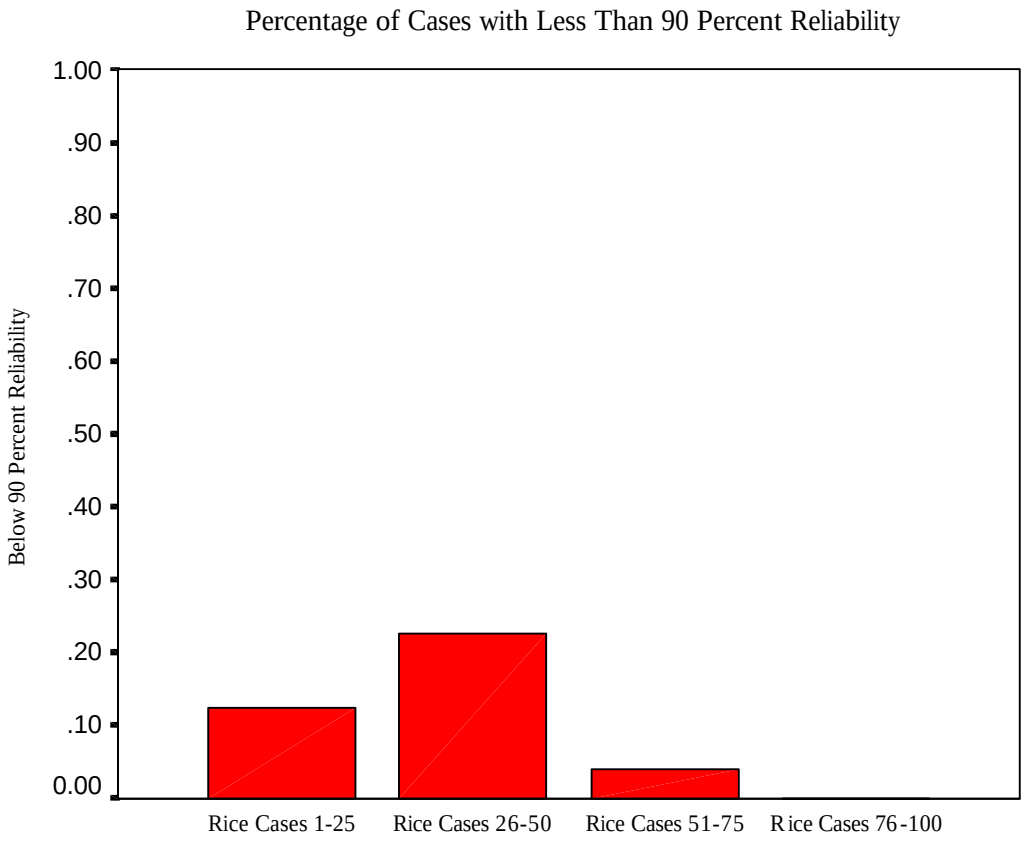
I. RELIABILITY BY CASE

Using 100 randomly selected cases from across the United States, we assessed the extent of inter-coder agreement between two coders, breaking the cases out in lots of 25. These graduate assistant coders had no previous training in law or familiarity with this project. They were given modest instructions in how to use the template and coded the cases on a laptop in thier homes or offices without direct supervision.

As can be seen in the figures below, out of the box the extent of agreement across cases was remarkably high with better than 60 percent of the cases being coded with at least 95 percent reliability and less than 20 percent of the cases coded with less than 90 percent reliability. We also noticed some learning going on, with coders producing fewer low reliability results as they coded more cases. This change was not that dramatic, however and the crucial finding from these early reliability tests was that the template, by restricting fields, prompting responses and providing direct instruction and information about legal issues, could allow relative novice coders to produce remarkably reliable results without extensive training.


Percentage of Cases with 95 Percent or Greater Reliability
95-100 Percent Reliability
1.00
.90
.80
.70
.60
.50
.40
.30
.20
.10
0.00
Rice Cases 1-25
Rice Cases 26-50
Rice Cases 51-75
Rice Cases 76-100


Percentage of Cases with 90-94 Percent Reliability
90-94 Percent Reliability
1.00
.90
.80
.70
.60
.50
.40
.30
.20
.10
0.00
Rice Cases 1-25
Rice Cases 26-50
Rice Cases 51-75
Rice Cases 76-100



II. RELIABILITY TESTS BY QUESTION

Across the 100 randomly selected cases, we also assessed the extent of inter-coder reliability in coding specific questions. As can be seen below, the degree of inter-coder reliability for the vast majority of cases was remarkably high. Only a comparatively small number of questions proved troublesome. Some of these difficulties were later rectified by providing the coders with additional instruction or clarifying the template. In instances where we could not obtain sufficient reliability with an item after extensive testing and retesting, we deleted the item. Our belief was that if we could not code something reliably, it was better to shift coder energies to issues where accuracy could be assured.

Question	**Percent Correct (100 Cases)**
abortion	100.00%
admissibility of evidence issues	100.00%
adoption	100.00%
aggravated assault	100.00%
apportionment and redistricting	100.00%
arson	100.00%
attorney disciplinary proceedings	100.00%
bail	100.00%

ballot access	100.00%
bar admission	100.00%
burglary	100.00%
campaign spending	100.00%
capital murder	100.00%
child support and custody	100.00%
Civil - Government	100.00%
Civil - Private	100.00%
civil commitment	100.00%
Class Action	100.00%
commercial speech	100.00%
Constitutionality under State Constitution - MISC	100.00%
Constitutionality under US Constitution -MISC	100.00%
contested elections	100.00%
County government first appellant	100.00%
County government first respondent	100.00%
County government second appellant	100.00%
Criminal Appeals	100.00%
Declaration of Unconstitutionality under State - CG	100.00%
Declaration of Unconstitutionality under State - CP	100.00%
Declaration of Unconstitutionality under State - JV	100.00%
Declaration of Unconstitutionality under State - MISC	100.00%
Declaration of Unconstitutionality under US - CA	100.00%
Declaration of Unconstitutionality under US - CG	100.00%
Declaration of Unconstitutionality under US - CP	100.00%
Declaration of Unconstitutionality under US - JV	100.00%
Declaration of Unconstitutionality under US - MISC	100.00%
disorderly conduct	100.00%
Disposition of Lower Court's Decision Regarding outcome - MISC	100.00%
Disposition of Lower Court's Decision Regarding remedy- MISC	100.00%
domestic relations general category	100.00%
domestic violence	100.00%
driving under the influence	100.00%
drug abuse violations	100.00%
drug trafficking	100.00%
drunkenness	100.00%
elections - general category	100.00%
embezzlement	100.00%
eminent domain	100.00%
employee injury and workers' compensation - civil government	100.00%
employment discrimination	100.00%
employment discrimination - civil government	100.00%
environmental protection	100.00%
estates general category	100.00%
first amendement issues general category	100.00%
forcible rape	100.00%
forgery and counterfeiting	100.00%

Form of Decision -MISC	100.00%
Form of Opinion - MISC	100.00%
fraud	100.00%
gambling	100.00%
guardianship, conservatorship, trusteeship	100.00%
homosexual rights	100.00%
insanity defense or arguments of mental incompetence	100.00%
jury issues	100.00%
Juvenile	100.00%
kidnapping	100.00%
larceny-theft	100.00%
law challenged us	100.00%
law challenged us - CA	100.00%
libel or slander	100.00%
liquor laws	100.00%
local government first appellant	100.00%
local government first respondent	100.00%
local government second appellant	100.00%
local government second respondent	100.00%
mandatory drug testing	100.00%
medical malpractice	100.00%
Miscellaneous	100.00%
Miscellaneous detailed category	100.00%
motor vehicle theft	100.00%
Natural person second respondent	100.00%
non-capital murder and manslaughter	100.00%
Number of Appellants Who Were County Governments	100.00%
Number of Appellants Who Were Litigants Other Than Above	100.00%
Number of Appellants Who Were Local Governments	100.00%
Number of Appellants Who Were Private Businesses	100.00%
Number of Appellants who Were special district	100.00%
Number of Appellants Who Were State Governments	100.00%
Number of Concurrences Conviction - CA	100.00%
Number of Concurrences outcome - JV	100.00%
Number of Concurrences remedy - JV	100.00%
Number of Concurrences Sentence - CA	100.00%
Number of Dissents outcome - JV	100.00%
Number of Dissents outcome - MISC	100.00%
Number of Dissents remedy - JV	100.00%
Number of Dissents remedy - MISC	100.00%
Number of Docket Numbers Decided by This Opinion	100.00%
Number of Respondents Who Were Private Organizations or Assoc	100.00%
Number of respondents who were special district	100.00%
Number of Respondents Who Were Litigants Other Than Above	100.00%
Number of Respondents Who Were Local Governments	100.00%
Number of Respondents Who Were State	100.00%

Governments	
obscenity	100.00%
offenses against family and children	100.00%
other domestic relations issues	100.00%
other election issues	100.00%
other estate issues	100.00%
other first amendment issues	100.00%
other labor disputes	100.00%
other practice of law issues	100.00%
other privacy issues	100.00%
other torts - civil government	100.00%
ownership of real property	100.00%
paternity	100.00%
Petitioner title	100.00%
plea bargaining issues	100.00%
practice of law general category	100.00%
premises liability - civil government	100.00%
prionsers' petitions	100.00%
privacy issues general category	100.00%
private business second petitioner code	100.00%
Private organization or association first appellant	100.00%
Private organization or association first respondent	100.00%
Private organization or association second respondent	100.00%
probate, wills, intestate	100.00%
probation and parole	100.00%
product liability	100.00%
professional malpractice	100.00%
prostitution and commercialized vice	100.00%
protest	100.00%
religion	100.00%
Respondent title	100.00%
right to die	100.00%
separation and divorce	100.00%
severance of defendants for trial issues	100.00%
sex offenses (except forcible rape and prostitution)	100.00%
Special district first appellant	100.00%
Special district first respondent	100.00%
Special district second appellant	100.00%
Special district second respondent	100.00%
State government first appellant	100.00%
State government first respondent	100.00%
State government second appellant	100.00%
State government second respondent	100.00%
State Name	100.00%
stolen property: buying receiving, possessing	100.00%
suspicion	100.00%
taxation	100.00%
tenant-landlord	100.00%
torts general category - civil government	100.00%

toxic substance	100.00%
traffic offenses	100.00%
Type of Law Challenged under State Constitution - CG	100.00%
Type of Law Challenged under State Constitution - CP	100.00%
Type of Law Challenged under State Constitution - JV	100.00%
Type of Law Challenged under State Constitution - MISC	100.00%
Type of Law Challenged under US Constitution - CA	100.00%
Type of Law Challenged under US Constitution - CG	100.00%
Type of Law Challenged under US Constitution - CP	100.00%
Type of Law Challenged under US Constitution - JV	100.00%
Type of Law Challenged under US Constitution - MISC	100.00%
Uniform Reciprocal Enforcement of Support Act: Interstate	100.00%
vagrancy	100.00%
vandalism	100.00%
venue issues	100.00%
Votes in Majority Conviction - CA	100.00%
Votes in Majority outcome -MISC	100.00%
Votes in Majority remedy - MISC	100.00%
weapons: carrying, possessing, etc	100.00%
were other issues raised?	100.00%
Were there any petitioners listed as etal	100.00%
Winning Party Regarding Conviction - General - CA	100.00%
winning party regarding judgement - domestic relations CP	100.00%
Winning party regarding judgement - elections CG	100.00%
winning party regarding judgement - first amendment issues CG	100.00%
winning party regarding judgement - practice of law CG	100.00%
winning party regarding judgement - privacy issues CG	100.00%
winning party regarding judgement - torts CG	100.00%
Winning Party Regarding outcome - General - MISC	100.00%
winning party regarding outcome specific MISC	100.00%
winning party regarding verdict - domestic relations CP	100.00%
Winning party regarding verdict - elections CG	100.00%
winning party regarding verdict - first amendment issues CG	100.00%
winning party regarding verdict - practice of law CG	100.00%
winning party regarding verdict - privacy issues CG	100.00%
winning party regarding verdict - torts CG	100.00%
zoning and planning	100.00%
Amicus Curiae briefs filed?	95.83%
automobiles	95.83%
Constitutionality under State Constitution - CG	95.83%
Constitutionality under State Constitution - CP	95.83%
Constitutionality under State Constitution - JV	95.83%
Constitutionality under US Constitution - CA	95.83%
Constitutionality under US Constitution - CG	95.83%

Constitutionality under US Constitution - CP	95.83%
Constitutionality under US Constitution -JV	95.83%
contract enforcement (breech, specific performance)	95.83%
council issues	95.83%
County government second respondent	95.83%
Cross Appeals	95.83%
debtor-creditor relations	95.83%
decision date by state supreme court - day	95.83%
Decision date by state supreme court - month	95.83%
Decision Date by The State Supreme Court - year	95.83%
Declaration of Unconstitutionality under State - CA	95.83%
Disposition of Lower Court's Decision Regarding Conviction - CA	95.83%
Disposition of Lower Court's Decision Regarding outcome - JV	95.83%
Disposition of Lower Court's Decision Regarding remedy- JV	95.83%
Disposition of Lower Court's Decision Regarding Sentence - CA	95.83%
Disposition of Lower Court's Decision Regarding Verdict - CG	95.83%
employee injury and workers' compensation	95.83%
Form of Decision - CA	95.83%
Form of Decision - JV	95.83%
Form of Opinion - CA	95.83%
Form of Opinion - CG	95.83%
Form of Opinion - CP	95.83%
Form of Opinion - JV	95.83%
General Issue Classification	95.83%
government regulation general category	95.83%
insurance	95.83%
Juveline detailed category	95.83%
licensing and permits	95.83%
Most recent court that heard case	95.83%
Number of Appellants Who Were Private Organizations or Assoc	95.83%
Number of Dissents Judgement - CG	95.83%
Number of Respondents Who Were County Governments	95.83%
Original court that heard case	95.83%
other assaults	95.83%
other governmental regulation	95.83%
other public contract issues	95.83%
other torts	95.83%
Page Number	95.83%
Private organization or association second appellant	95.83%
racial discrimination	95.83%
recusal by judge or other official issues	95.83%
Reporters Cited	95.83%
robbery	95.83%
torts general category - civil private	95.83%

Total Number of Appellants	95.83%
Type of Law Challenged under State Constitution - CA	95.83%
utilities regulation	95.83%
Volume Number	95.83%
Votes in Majority outcome -JV	95.83%
Votes in Majority remedy - JV	95.83%
Votes in Majority Verdict - CG	95.83%
Were there any respondents listed as etal	95.83%
winning party regarding judgement - government regulation CG	95.83%
winning party regarding judgementt - estates CP	95.83%
Winning Party Regarding outcome - General - JV	95.83%
winning party regarding outcome specific JV	95.83%
Winning Party Regarding remedy - General - JV	95.83%
winning party regarding remedy specific JV	95.83%
Winning Party Regarding Sentence - General - CA	95.83%
winning party regarding verdict - estates CP	95.83%
Winning Party Regarding Verdict - General - CG	95.83%
winning party regarding verdict - government regulation CG	95.83%
winning party regarding verdict - torts CP	95.83%
Constitutionality under State Constitution - CA	91.67%
contracts general category	91.67%
Form of Decision - CG	91.67%
Form of Decision - CP	91.67%
Number of Appellants Who Were Natural Persons	91.67%
Number of Respondents Who Were Private Businesses	91.67%
Number of Respondents Who Were Natural Persons	91.67%
other contract issues	91.67%
other conviction reviewed	91.67%
other legal issues	91.67%
premises liability	91.67%
private business first petitioner code	91.67%
private business first respondent code	91.67%
public contracts general category	91.67%
Votes in Majority Sentence - CA	91.67%
winning party regarding judgement - public contracts CG	91.67%
winning party regarding judgement - torts CP	91.67%
Winning Party Regarding Verdict - General - CP	91.67%
winning party regarding verdict - public contracts CG	91.67%
Disposition of Lower Court's Decision Regarding judgement - CG	87.50%
Jurisdiction	87.50%
Natural person first appellant	87.50%
Number of Dissents Conviction - CA	87.50%
private business second respondent code	87.50%
sentencing standards and other sentencing issues	87.50%
Votes in Majority Judgement - CG	87.50%

Winning Party Regarding Judgement - General - CG	87.50%
winning party regarding verdict - contracts CP	87.50%
Date of First Decision Reported	83.33%
Natural person second appellant	83.33%
Number of Dissents Verdict - CG	83.33%
Total Number of Respondents	83.33%
Votes in Majority Verdict - CP	83.33%
First decision date on record - day	79.17%
First decision dateon record - year	79.17%
Number of Dissents Sentence - CA	79.17%
winning party regarding judgement - contracts CP	79.17%
Disposition of Lower Court's Decision Regarding Verdict - CP	75.00%
First decision date on record - month	75.00%
Winning Party regarding judgement - General - CP	75.00%
Natural person first respondent	70.83%
Votes in Majority Judgement - CP	70.83%
Number of Dissents Judgement - CP	62.50%
Disposition of Lower Court's Decision Regarding Remedy - CP	54.17%
Number of Dissents Verdict - CP	54.17%

Note: Two coders from Rice University coded 100 randomly selected cases in increments of 25.