Appendix

Contents

1. Variables

1.1. Dependent Variable

The dependent variable is the number of cases granted review by the Court each term, which was obtained from the Federal Judicial Center's website.[1] One of the ways this study differs from previous studies of external influences on the Supreme Court's docket is the use of this variable. Existing research examines the number of cases decided by the Court (Moffett et al. 2016), or the number of cases orally argued (Harvey 2013).

Dependent Variable Plotted Over Time

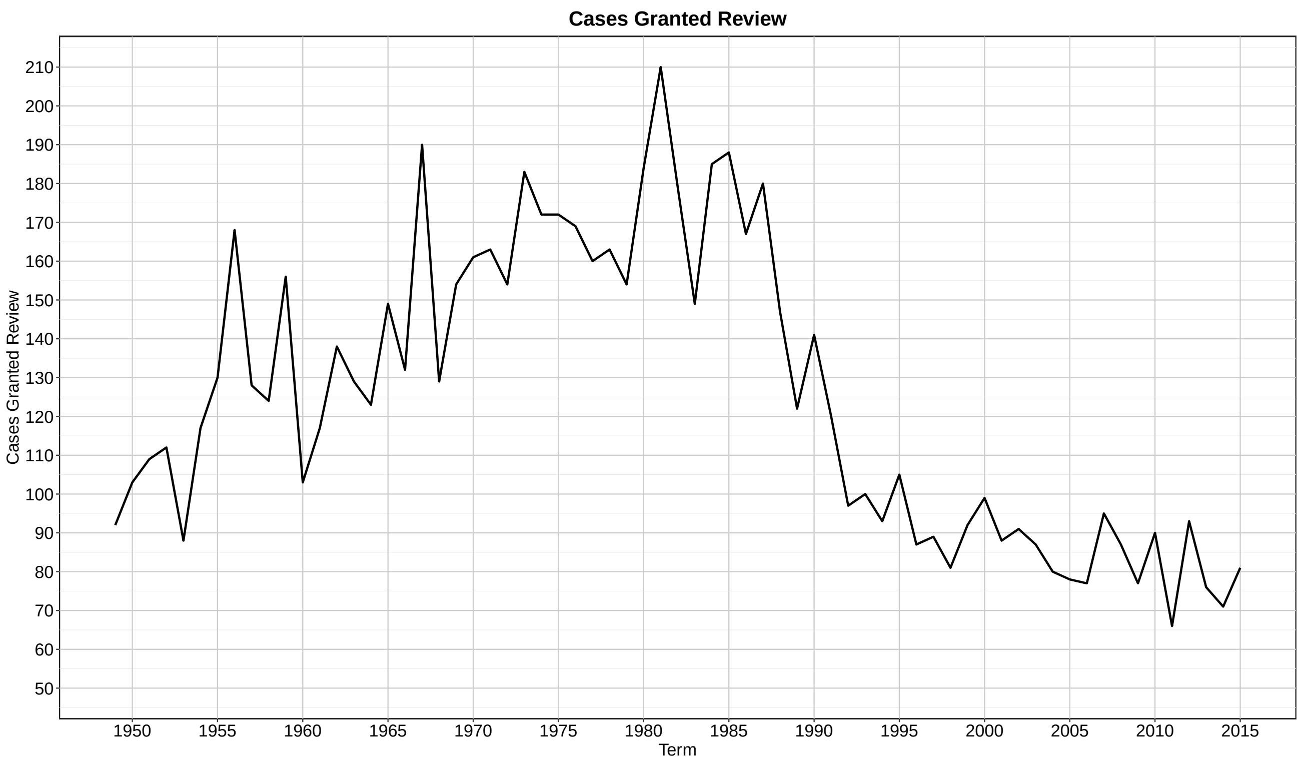

Figure 1: This plot shows the number of cases granted review each term from 1949 through 2015.

The dependent variable is shown plotted over time in Figure 1, and descriptive statistics on this variable can be found in the first row of Table 1. The plot details a steady rise

[1]Federal Judicial Center Supreme Court caseload data are available here: `https://www.fjc.gov/history/courts/caseloads-history-federal-caseload-reporting`.

in the Court's caseload starting in the 1950s. The Court handled its highest caseload in the modern era during the 1981 term, topping out at 210 cases. After that there was a sharp decrease, followed by some fluctuation and an extremely sharp drop in the late 1980s and early 1990s. Since the 1997 term the Court's docket never exceeded 100 cases, and it reached it lowest point during the 2012 term when it granted review to only 66 cases.

1.2. Constraint Variables

Chamber Median Model

Discussion of the chamber median model and measurement is in the paper.

Veto-Filibuster Model

The veto-filibuster model derives from Krehbiel's (1998) work, which holds that the veto pivots in both chambers and the filibuster pivot in the Senate have the ability to control legislative outcomes. Wawro and Schickler (2004, 2010) later added to the veto-filibuster model, citing the median legislators in each chamber as additional pivotal actors. The Senate is unique in that a single senator has the ability to hold up legislation by filibustering. This can only be stopped by a cloture vote, which requires the agreement of 60 senators.[2] If a senator, or senators, choose to filibuster, the majority will often need bipartisan support to force cloture, which is one reason Krehbiel (1998) suggests that legislation passes with large coalitions that extend across party lines. Another reason for these large coalitions is the veto override. Once the House and Senate both pass a piece of legislation, the bill travels to the president. He can choose to sign the bill into law or veto it. Upon a formal veto, the president must return the bill to the legislative branch where they can vote to override the president's veto with two-thirds support in each chamber.

As (Owens 2010, 419) explains, the pivotal member in the House and Senate are

[2]Since 1975, or the 1974 term of the Court, $\frac{3}{5}$ of the Senate, or 60 senators have been needed to end a filibuster. Prior to the cloture rule change $\frac{2}{3}$ of the Senate, or 67 senators were necessary to end a filibuster (Owens 2010).

dependent on the president's party. Figure 2 above displays the political environment during the Court's 2009 and 2012 terms, in which the country was under the Democratic presidency of Barack Obama. Under Democratic presidents the left pivot is the most liberal of the chamber medians, the 146^{th} Representative, who is the House veto pivot, and the 34^{th} Senator, the Senate Filibuster Pivot. The right pivot is the 60^{th} Senator, who is the Senate Veto Pivot. [3] The left hand side of Figure 2 shows a constrained Court. During the 2009 term the Court was constrained and the amount of constraint is calculated based on the distance between the Court and the next closest pivot, which was the House median.

Common Space of Chamber Veto Filibuster Pivots

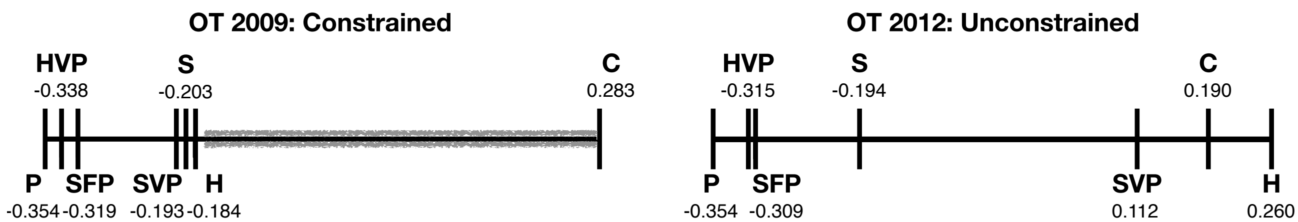

Figure 2: The estimates of the common space locations come from Lewis et al. (2019) and Epstein et al. (2007). C=Court Median, S=Senate Median, H=House Median, P=President, SFP= Senate Filibuster Pivot, SVP=Senate Veto Pivot, HVP=House Veto Pivot. The values below each pivot is their ideal point in common space. Smaller (more negative) values represent more liberal preferences, and larger (positive) values represent conservative preferences.

The right side of Figure 2 shows the Court during the 2012 term, which it was unconstrained. The boundaries of constraint are shaped by the leftmost pivot, the president, and the rightmost pivot, the House median. Since Court fell well within these boundaries, the Court is considered to be unconstrained by Congress and the president because the Court can safely decide the cases on its docket at the median justice's ideal point. If any of the players in the theory were to threaten an override, it would move the policy further from another player's preferred outcome, which they would not permit. Or if they were to threaten curbing legislation, presumably other pivotal actors would would not pass it because they were satisfied with the Court's outputs. For example, say the Senate median were to pro-

[3]For Republican presidents the right pivot is the most conservative of the chamber medians, the House veto pivot, or the Senate veto pivot. The left pivot is the Senate filibuster pivot.

pose override legislation, the president, the House veto pivot, and the Senate filibuster pivot would prefer this new outcome. However, the House median and Senate veto pivot would be made worse off, and likely attempt block the legislation, thus making the Court's original decision safe from an override.

Committee Gatekeeping

When a member of Congress introduces a piece of legislation, it is assigned to the appropriate committee based on the content or subject of the bill. In order for the chamber to vote on the bill, the committee must report it to the floor, and even after a chamber has had its way with a piece of legislation, the committee members in each chamber meet in conference to resolve any differences between the House and Senate versions of the bill. This allows members of said committee to exert their preferences again, giving them more influence in a particular issue area than other members of Congress (Shepsle and Weingast 1987).

Common Space of Committee Gatekeeping Pivots

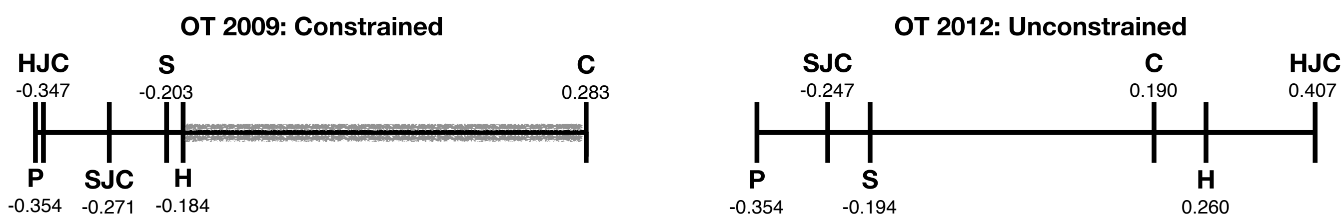

Figure 3: The estimates of the common space locations come from Lewis et al. (2019) and Epstein et al. (2007). C=Court Median, S=Senate Median, H=House Median, P=President, HJC=House Judiciary Committee Median, SJC=Senate Judiciary Committee Median. The values below each pivot is their ideal point in common space. Smaller (more negative) values represent more liberal preferences, and larger (positive) values represent conservative preferences.

Under the committee gatekeeping model of SOP influence, the chamber medians, president, and judiciary committee medians are the pivotal players. Figure 3 depicts a Court under both scenarios. During the 2009 term on the right side of the Figure the Court is constrained in the same way it was under the chamber median and veto filibuster pivot model. During the 2012 term, the Court was unconstrained. Under the committee gatekeeping model, the Court was shielded during this term by both the House median and judiciary committee median, both of which were more liberal.

Party Gatekeeping

Lastly, the party gatekeeping model contends that the leaders of the party in power in each chamber aim to pass legislation that reflects their party's policy agenda. They do so by using their agenda setting power as the leaders of each chamber, their ability to manipulate the rules in their favor, and direct appeals to members of their party and other members to achieve these goals (Smith 2007). Smith (2007) and Cox and McCubbins (2005) point out that, "The value of a party's brand name depends on its legislative record of accomplishment" (134, 32), and this brand name and record impacts their ability to seek reelection. Therefore, in order to achieve both their policy and reelection goals, the majority party in each chamber plays a crucial role in controlling the legislation that is passed.

Common Space of Party Gatekeeping Pivots

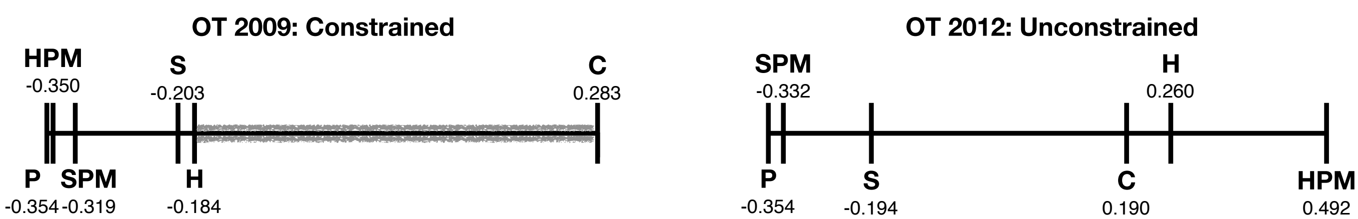

Figure 4: The estimates of the common space locations come from Lewis et al. (2019) and Epstein et al. (2007). C=Court Median, S=Senate Median, H=House Median, P=President, HPM=House Party Median, SPM=Senate Party Median. The values below each pivot is their ideal point in common space. Smaller (more negative) values represent more liberal preferences, and larger (positive) values represent conservative preferences.

The key actors in the party gatekeeping model are the chamber medians, the party medians, and the president. The party medians during the 2009 term, displayed in Figure 4, were much more liberal than the chamber medians, making the leftmost pivot the president, and the rightmost pivot the House median. Because the Court median during this term was more conservative than the rightmost pivot, the Court was constrained under this model. If it were to decide a case at its ideal point, every other actor would prefer a more conservative decision, and as a result, challenge the Court in some way. In order to avoid backlash, the Court had to craft their decisions at the Senate median's ideal point. Conversely, during the 2012 term, the government was divided. The Democrats controlled the presidency and Senate, which is represented by them appearing on the left hand side of the 2012 figure, whereas the House was controlled by the Republicans, shown on the right hand side of the figure. Because the Court was conservative, but more moderate than the House of Representatives it fell between these other pivots, allowing it to rule on cases without fear of repercussion.

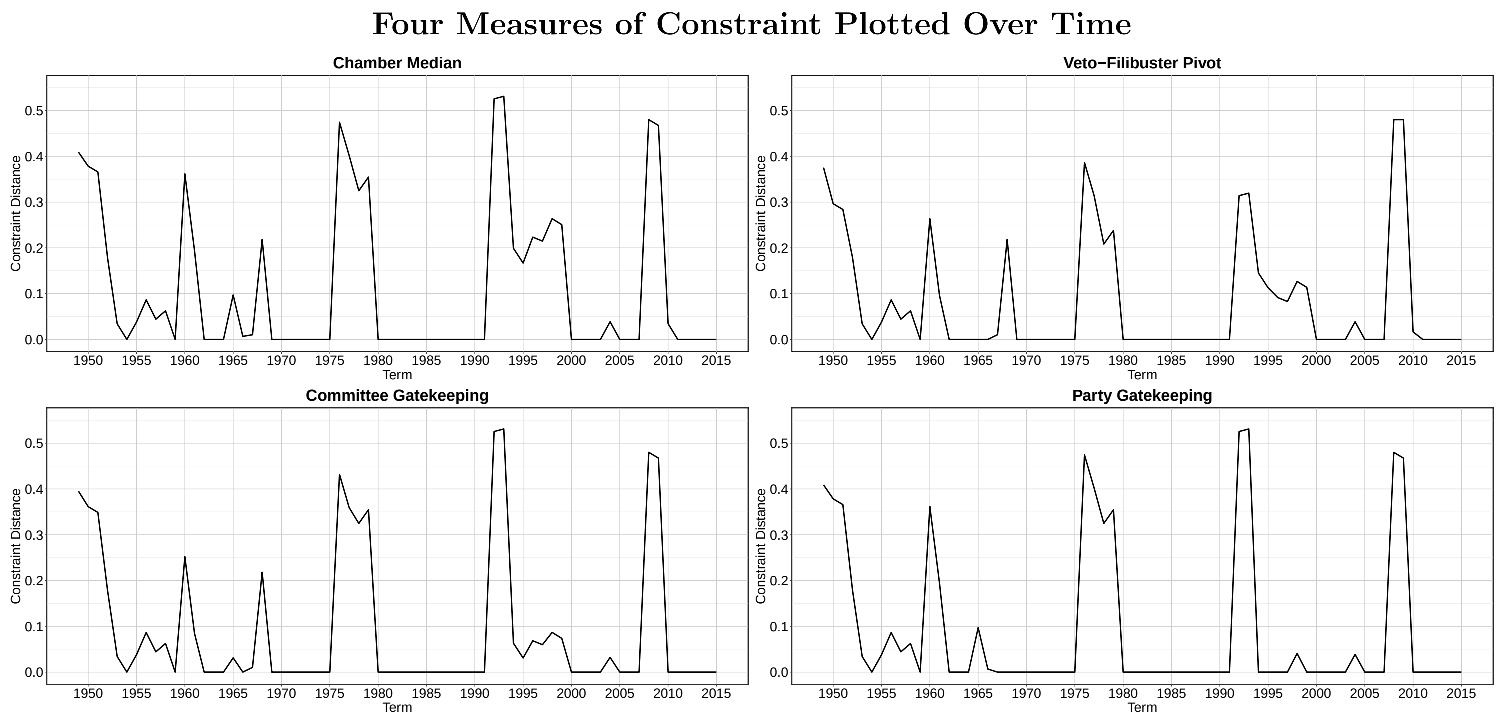

Figure 5: The four plots above show each model of constraint plotted over time. The value on the y-axis, "Constraint Distance," is the common space distance between the Supreme Court median the the closest pivotal actor. When constraint distance is equal to 0, the Supreme Court is unconstrained and the Court median is not one of the poles in the political pareto set, as shown in the 2012 term of Figure 1 in the paper and Figures 2-4 above.

1.3. Control Variables

A major change to the way the Court handled petitions for review occurred in 1972 when the the certiorari (cert) pool was created (Perry 1991). Rather than clerks across every chamber read, summarize, and make an agenda vote recommendation for their justice, Chief Justice Burger proposed to divide and conquer. Justices who opt in to the cert pool equally divide the all cert petitions across participating chambers. Their clerks write pool memos for their assigned cases, and then they copy and redistribute the the memos to all other participating chambers. This streamlines the cert process significantly. Past research is ambivalent on the effect the creation of the cert pool has exhibited on the docket (Owens and Simon 2011), as am I. Initially, the cert pool started with five members and eventually grew to eight (Perry 1991). As such, this variable is coded as the number of justices participating in the pool in a given term and is coded as 0 for all terms prior to 1972.

Another change took place in 1988 when Congress passed the Case Selections Act. For most of the Court's history, justices were required to hear certain types of cases due to Congressional mandates. These were whittled down over time, and in 1988 virtually all of the Court's remaining mandatory jurisdiction was removed. In the absence of requirements to grant review to certain types of cases, the justices gained freedom to shape the content and size of their docket. I hypothesize that the 1988 Act led to a decrease in the Court's docket. This variable is included in the model as a dichotomous indicator that takes on the value of 1 following the passage of the law during the Court's 1989 term, and remains 1 for the rest of the terms in the model. It is worth noting that the Case Selections Act did not get rid of these cases, it simply changed the method by which they get to the Court's docket from appeals to cert petitions. Even in a pre - 1988 world, the Court could find ways to dodge appeals, such as denying the case as being improvidently granted based on lack of jurisdiction or standing.

Evidence suggests that personnel changes on the Court also contributed to the shrinking docket. Specifically, the retirement of Justice Byron White is theorized to have a significant impact on the Court's workload. Justice White exerted authority over the Court's docket due to his strong conviction to uphold Rule 10 of the Supreme Court Rules, and resolve as many circuit splits as possible (Owens and Simon 2011). His determination also came with great persuasive power, described by past clerks and justices as convincing, aggressive, energetic, and dominating in the cert process (Perry 1991, 90). Consistent with other scholars, I hypothesize that Justice White's retirement from the bench following the 1992 term contributed to the decline in the Court's agenda. To test this, I include a dichotomous indicator that equals 1 during White's tenure and 0 following his retirement.

Personnel changes on the Court also result in different mixtures of personalities, judicial philosophies, and ideological composition, which may also explain a decreasing caseload. As justices become more ideologically heterogeneous, agreement on granting review becomes more difficult. Even if four votes seems like an easy hurdle to overcome, justices' strategic, forward looking behavior to obtain a majority on the merits vote can impede the grant process (Black and Owens 2009). To account for justices' institutional strategic behavior, I follow Moffett et al. (2016) and include two variables. The first is a measure of the stability of the winning coalition. If there is a stable coalition that frequently votes with one another, Moffett et al. (2016) theorize that stability creates more certainty at the agenda stage in predicting the final merits outcome. Conversely, if this coalition is less stable, this creates more uncertainty at the agenda stage on the eventual merits outcome, making justices less likely to vote to grant certiorari. To measure this, I first identified every possible combination of five-justice majorities each term. Then I assessed which of these combinations voted with one another in the majority most frequently in the previous term based on the number of majority opinions they signed together, and finally calculated the percentage by dividing this number by the total number of cases decided in that term.

Next, to account for how the ideological composition of the Court and potential merits outcomes can impact the decision to grant review I include a measure that was created by Edelman, Klein and Lindquist (2008) and used by Moffett et al. (2016) to account for the percentage of cases in the previous term that were decided by ideologically disconnected coalitions. Disconnected ideological coalitions are theorized to create uncertainty around the merits decisions, and as a result less certainty in justices' decisions to grant review since they consider potential case outcomes when making this decision (Black and Owens 2009). To evaluate how prevalent disconnected coalitions are each term I uses Martin and Quinn (2002) scores to obtain the ideology of each justice. Then I categorize each decision as connected or disconnected, count the number of times disconnected decisions occur, then I divide by the total number of cases decided. Following Moffett et al. (2016) this variable is lagged by one term since justices are using that information to evaluate the petitions in the current term.

Similar to the Supreme Court, changing personnel on the lower federal courts following 12 years of Reagan and Bush appointments created a more homogeneous judicial branch (Owens and Simon 2011). Cohesion among the federal appellate courts creates less circuit conflict, which is one of the primary reasons the Court must hear cases. It also reduces the Court's need to audit the lower courts (Owens and Simon 2011).[4] To build on past findings I include a measure of the average ideological distance between the Supreme Court median and average circuit court, and then take the absolute value of this number. As this distance increases, so too should the Court's caseload (Owens and Simon 2011).

The executive branch primarily exerts the influence over the Court's docket through the participation of the OSG. The OSG often uses the opportunity to influence the Court through the submission of amicus curiae briefs. Unfortunately, data are not widely available on the number of petitions for certiorari the OSG's office files each term, and any other value would be a post-hoc estimation of my calculation (e.g., the number of cases in which the United States was a petitioner in a given term from the Supreme Court Database (Epstein

[4] Owens and Simon (2011, 1269) provide anecdotal evidence of this auditing relationship, citing that of 1,385 cases the Supreme Court reviewed between the 1993 and 2008 terms, a moderately conservative period for the Court, 21% came from the Ninth Circuit Court of Appeals, the most liberal circuit in the country.

et al. 2019)). So I do not include a measure of OSG involvement in the primary model.[5]

Justices have suggested their decreasing workload is related to the supply of legislation to review (Barnes 2007). When Congress passes fewer laws there is less legislation for the Court to review. To test this claim, I include a measure of congressional performance. Specifically, I utilize Binder's (2003, 2015) measure of legislative gridlock, which is calculated by the number of failed congressional agenda items divided by the number policy issues on the agenda for each Congress (155). Data on the number of agenda issues comes from *New York Times* editorials written on each congressional term, and therefore varies based on issue salience. I utilize the the least salient measure of gridlock, agenda items written about only once, as to not limit the the Court's possible agenda items from Congress to the most salient issues of the day.[6] As Congress's policy making slows there are fewer new laws to challenge in the federal judiciary (e.g. Harvey and Friedman (2009)). I posit that as the number of gridlocked agenda items grow, the number of cases the Court hears decreases.

Theoretically it does not make sense to include a measure of congressional gridlock that is occurring as the Court is also setting its agenda. In order for a case to be heard by any Court there must be a case and controversy, which means once a bill becomes a law, it must have an adverse effect on an individual or group, and then work its way through the legal system to the Supreme Court. Other agenda setting literature suggests justices signal for the types of cases they want to hear, and results consistently reveal that five years after a salient opinion is published, there is an up tick in cases petitioning for review on that topic (Baird 2004, 2007; Rice 2014). This five year time line is attributed to the amount of time it takes for case to materialize and make its way to the Supreme Court. For these reasons, I

[5]Thanks to Moffett et al. (2016) I obtained their measure of the number of cases in which the OSG appears as a petitioner each term, which was obtained from the *Annual Report of the Attorney General*. This report is also available online but is significantly different from the one that is published in book form, which is where Moffett et al. (2016) obtained their numbers that they were so generous to share. Unfortunately, their measure ends in 2005 and my institution does not purchase, nor have any way to access the book version to update the measure. In Table 8 I include a model with this control but I do not include it in my main model since it would result in significant data loss.

[6]I did test the model with all five of the different levels of Binder's gridlock measure, and the results remain the same regardless of the level of salience employed.

include the gridlock measure in the model at a five year lag. This will allow any legislation enacted by Congress sufficient time to develop controversy, a legal question to be raised, and eventually rise to the Court for review.

Lastly, I include a control for the number of cert petitions the Court receives. This number has grown significantly overtime from 1,368 in 1951 to over 10,000 during the 2006 term. It is possible that the overabundance of requests for the Court to review cases has burdened the Court in a way that even the cert pool cannot overcome, and therefore made it exceedingly difficult for the justices and their clerks to review and identify cases worthy of their time. As a result, I expect the increased number of cert petitions to be negatively related to the number of cases the Court reviews each term.

2. Descriptive Statistics and Plots

Table 1: Descriptive Statistics

Variable	**Mean**	**Std. Dev.**	**Min.**	**Max.**
Total Granted	125.652	37.5209	66	210
Total Granted$_{t-1}$	126.739	37.294	66	210
Chamber Median Distance	0.115	0.165	0	0.531
Veto-Filibuster Distance	0.084	0.131	0	0.480
Committee Gatekeeping Distance	0.095	0.156	0	0.531
Party Gatekeeping Distance	0.099	0.164	0	0.531
Stable Majority Coalition$_{t-1}$	59.541	8.392	39.344	76.812
Δ Stable Majority Coalition$_{t-1}$	0.202	7.847	-17.656	17.560
Ideologically Disconnected Coalitions$_{t-1}$	24.825	7.570	7	44.882
Δ Ideologically Disconnected Coalitions$_{t-1}$	-0.138	10.323	-37.882	29.893
Cert Pool Members	4.536	3.488	0	8
Δ Cert Pool Members	0.101	0.645	-1	5
Average Circuit Distance	0.252	0.169	0.002	0.667
Δ Average Circuit Distance	-0.006	0.083	-0.189	0.184
Gridlock$_{t-5}$	53.216	8.427	34.88	74
Cert Petitions	5395.652	2721.809	1335	10256
Δ Cert Petitions	0.101	0.645	-1	5

Lagged Dependent and Independent Variables Plotted Over Time

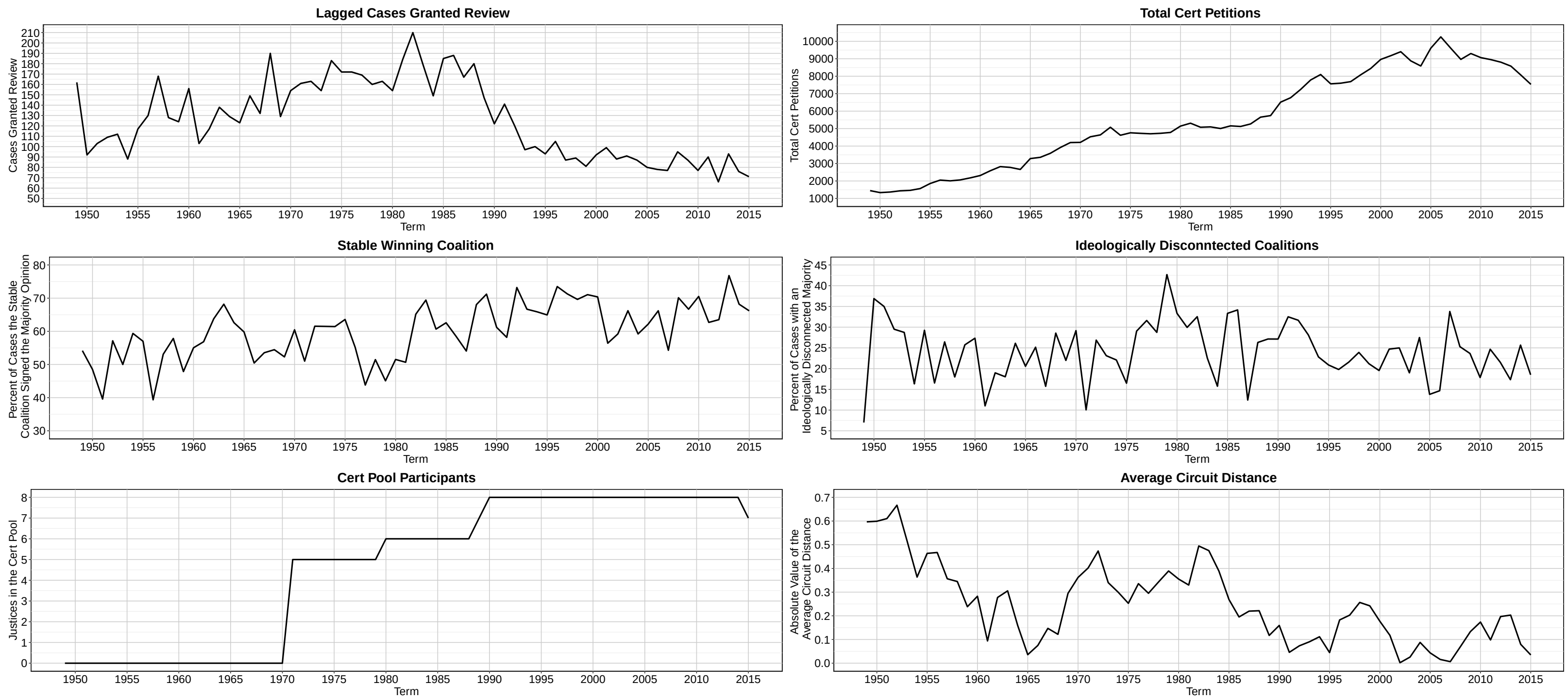

Figure 6: The plots above display the lagged dependent and independent variables plotted over time. The top left plot is the dependent variable, which is the number of cases granted review each term.

3. Tests for Stationarity

Table 2: Independent Variable Tests for Stationarity

Variable	ADF Test	KPSS Test
Veto-Filibuster Distance	0.012	0.10
Chamber Median Distance	0.018	0.10
Committee Gatekeeping Distance	0.01	0.10
Party Gatekeeping Distance	0.012	0.10
Stable Majority Coalition$_{t-1}$	0.052	0.01
Δ Stable Majority Coalition$_{t-1}$	0.01	0.10
Ideologically Disconnected Coalitions$_{t-1}$	0.27	0.01
Δ Ideologically Disconnected Coalitions$_{t-1}$	0.01	0.10
Cert Pool Members	0.90	0.01
Δ Cert Pool Members	0.03	0.10
Average Circuit Distance	0.09	0.045
Δ Average Circuit Distance	0.01	0.10
Gridlock$_{t-5}$	0.01	0.10
Cert Petitions	0.93	0.01
Δ Cert Petitions	0.01	0.10

Table 2 displays the p-values of the Augmented Dickey-Fuller (ADF) test for stationarity and the Kwiatkowski–Phillips–Schmidt–Shin (KPSS) test for a unit root. For the ADF test, p-values less than .05 suggest the null of non-stationarity can be rejected in favor of stationarity, while values greater than .05 suggest the series is non-stationary. For the KPSS test, the alternative hypothesis is the presence of a unit root, so p-values greater than .05 fail to reject the null in favor of the alternative, which is a unit root, whereas p-values less than .05 fail to find evidence of a unit root.[7] Independent variables that appeared to be non-stationarity were first differenced and tested again. The first differenced variables are also shown above with a Δ in their name to indicate that they were differenced one time.

[7] In R, when using the function adf.test if the p-value is less than .01 it simply displays .01 as the value with a warning that the real p-value is smaller than the printed p-value. Similarly, when using the kpss.test function in R, if the p-value is larger than 0.1, it displays the value 0.1 with a warning that says the p-value is greater than the printed p-value.

4. Negative Binomial Regression Model of Supreme Court Caseload

My dependent variable is a count of the number of cases granted review in a term. I choose to employ a negative binomial model because of the dispersion of the alpha value is statistically different from zero and my data are over-dispersed. The alpha value is an estimate of the dispersion of the data around the mean. Negative binomial does not constrain the dispersion to zero like poisson models and therefore permits the over-dispersion of the data.

The results of the negative binomial time series model of SOP influence on the Supreme Court's docket size are presented in Table 3. The second through fifth columns depict the results for each model estimated using the different theories of SOP constraint. Importantly, regardless of which model of SOP constraint is used, veto-filibuster, chamber median, committee gatekeeping, or party gatekeeping, constraint is significant and in the expected direction. The lagged dependent variable is also significant, which suggests that there is memory in the size of the Court's docket. This is unsurprising given that the justices lifetime tenure on the Supreme Court create institutional memory. Also as expected, the indicator variable for the Judiciary Act of 1988 is also significant and negatively related to the number of cases granted review each term across all models, and the presence of Justice White on the Court is significant and positively related to the number of cases granted review.

I was ambivalent as to the direction of the effect of the number of members of the certiorari pool. It is positive, which implies as more members of the Court join, the more petitions they are able to efficiently sort through and provide feedback as to grant or deny review, however this variable does not have a significant effect on the size of the Court's docket, which suggests that overall, it did not cause a significant change in the handling or recommendations of how to handle cert petitions.

Gridlock also fails to exhibit a significant effect on the number of cases granted review.

Perhaps, the justices are using a stalemate Congress as a scapegoat, since there is no evidence that the lack of legislation is directly connected to the Court's shrinking docket. Circuit distance also fails to exhibit a significant effect on workload, which is not uncommon across other agenda-setting literature (Moffett et al. 2016). By pooling all of the circuits into one measure for this analysis, it assumes uniformity across circuits and the number of cases that are being appealed and granted from each circuit, which creates noise in the measure.

Lastly, the two measures modeled after Moffett et al.'s (2016) work are in the opposite direction than hypothesized and not significant. This is actually unsurprising with regard to disconnected coalitions, because in the original paper it is also not significant and in the opposite direction than hypothesized. Similarly, in footnote 15 of that paper, the authors write that stable coalitions is not significant when using the number of cases granted review as the dependent variable, which I use here, instead of the number of cases the Court decided each term.

Table 3: Negative Binomial Regression Model of Supreme Court Caseload

	Model of SOP Constraint:			
	Chamber Median	Veto Filibuster	Committee Gatekeeping	Party Gatekeeping
SOP Constraint	$\mathbf{-0.230}^{**}$	$\mathbf{-0.307}^{**}$	$\mathbf{-0.234}^{**}$	$\mathbf{-0.202}^{*}$
	(0.107)	**(0.140)**	**(0.115)**	**(0.109)**
Total Granted$_{t-1}$	0.003^{***}	0.003^{***}	0.003^{***}	0.003^{***}
	(0.001)	(0.001)	(0.001)	(0.001)
Post 1988	-0.247^{***}	-0.250^{***}	-0.250^{***}	-0.256^{***}
	(0.051)	(0.051)	(0.051)	(0.051)
Δ Cert. Pool	0.003	0.003	0.003	0.004
	(0.024)	(0.024)	(0.024)	(0.024)
Justice White	0.163^{**}	0.157^{**}	0.166^{***}	0.171^{***}
	(0.050)	(0.051)	(0.050)	(0.050)
Gridlock$_{t-5}$	0.002	0.002	0.002	0.002
	(0.003)	(0.003)	(0.003)	(0.003)
Δ Avg. Circuit Distance	0.201	0.212	0.198	0.174
	(0.200)	(0.201)	(0.201)	(0.201)
Δ Cert. Petitions	0.001	0.001	0.001	0.001
	(0.001)	(0.001)	(0.001)	(0.001)
Δ Stable Coalition$_{t-1}$	−0.002	−0.002	−0.002	−0.002
	(0.002)	(0.002)	(0.002)	(0.002)
Δ Disconnected Coalitions$_{t-1}$	0.002	0.002	0.002	0.002
	(0.002)	(0.002)	(0.002)	(0.002)
Constant	-4.931^{***}	4.362^{***}	4.365^{***}	4.372^{***}
	(0.155)	(0.155)	(0.156)	(0.157)
Log α	-4.931^{***}	-4.934^{***}	-4.914^{***}	-4.883^{***}
	(0.367)	(0.367)	(0.363)	(0.355)
Observations	65	65	65	65
Log Likelihood	-268.205	-268.094	-268.383	-268.718
Bayesian Information Criterion	586.502	586.282	586.859	587.528
Box-ljung	0.295	0.295	0.252	0.212
ADF Test	0.01	0.01	0.01	0.01

Standard errors in parentheses

Note: $^{*}p<0.05$; $^{**}p<0.01$; $^{***}p<0.001$

At the bottom of the table I include the p-values from Box-Ljung test for the presence of serial autocorrelation in the residuals. The benefit of this test over other related tests like the Durbin-Watson is that it allows the researcher to specify the number of lags to test for a higher order of dependence among the errors, or require strict assumptions about the error term (Box-Steffensmeier et al. 2014). The null hypothesis is that there is no autocorrelation in the residuals, which I fail to reject given the p-values displayed in the table.[8] I also employed the Augmented Dickey Fuller test for autocorrelation of the disturbances. These results support the Box-Ljung test. These results suggest that there is no additional serial correlation, or memory in the series, to account for.

One may suggest a Poisson Exponentially Weighted Moving Average (PEWMA) model is appropriate since the dependent variable is an event count. PEWMA models are recommended to adjust for the complications created when introducing a lagged dependent variable on the right hand side of a model when using a count link function, like a poisson or negative binomial (Brandt et al. 2000). It is also important to consider when the mean number of events is small (i.e. 0 - 25) (Brandt et al. 2000). While I do include a lagged dependent variable on the right hand side to account for the series' memory, my event count is not small. The mean number of cases granted review over 65 terms is approximately 126 (125.78). Unfortunately, there is not a reliable way to estimate a PEWMA model. The PEWMA function in the pests.r package yields coefficients in the same direction as the negative binomial, however they are very unstable estimates (e.g., coefficients would change based on the order of the variables listed in the model). Even if the results were reliable, the negative binomial model resulted in a smaller value of the Aikake Information Criterion (AIC) for each model of constraint. Smaller AIC values represent a better fitting model, and across all operationalizations of SOP constraint, the negative binomial fit the data better than the PEWMA model. Due to the superior fit of the negative binomial, similarities in the results, I utilize that model to display and interpret the results in the paper.

[8]The test that appears in the table is specified at order one. I also tested this for orders 2-4 and the results remain consistent that there is no autocorrelation.

5. Alternative Models: Error Correction Models

I acknowledge the contribution of Moffett et al. (2016), and their decision to model the Supreme Court's workload as an error correction model (ECM). The ECM allows the researcher to examine if the independent variables have short-term effects, long-term effects, or both. As shown from Table 6, my primary variable of interest, *SOP Constraint*, has both short and long term effects, which makes me more comfortable with modeling it as a negative binomial. Additionally, the negative binomial is a better fitting model. At the bottom of both Table 3 and able 6 the Bayesian Information Criterion (BIC) are displayed. Across all models of constraint, the BIC for the negative binomial is lower, with the absolute difference being between nine and ten for all models, which according to (Long 1997, 112), Jeffreys (1961), and Raftery (1996), is *strong* to *very strong* evidence to prefer the negative binomial to the ECM. The negative binomial model also has clearer interpretation since the count nature of the dependent variable is maintained compared to the ECM where the dependent variable is differenced, so the interpretation is the change in that variable from term to term.

Table 4: Moffet et al.'s Error Correction Model of Supreme Court Caseload with My Measure of Constraint (Judicial Common Space)

	Chamber Median	Veto Filibuster	Committee Gatekeeping	Party Gatekeeping
SOP Constraint				
Long-term	**−29.232** **	**−47.071** **	**−45.146** ***	**−39.880** ***
	(12.334)	**(17.339)**	**(12.758)**	**(12.546)**
Short-term	**−33.249** ***	**−49.003** ***	**−40.385** ***	**−37.255** ***
	(9.687)	**(13.8846)**	**(10.043)**	**(9.675)**
Total Granted$_{t-1}$	−0.776***	−0.753***	−0.843***	−0.830***
	(0.205)	(0.196)	(0.184)	(0.183)
Stable Winning Coalition				
Long-term	0.190	0.053	−0.006	−0.025
	(0.313)	(0.304)	(0.286)	(0.292)
Short-term	0.462**	0.402*	0.343	0.313
	(0.220)	(0.218)	(0.205)	(0.210)
Split Decisions				
Long-term	0.917	0.888	0.835	0.836
	(0.546)	(0.527)	(0.487)	(0.497)
Short-term	1.056**	1.029**	0.968**	0.901**
	(0.387)	(0.379)	(0.355)	(0.362)
Ideologically Disconnected Coalitions				
Long-term	0.595**	0.618**	0.628**	0.520*
	(0.294)	(0.289)	(0.267)	(0.269)
Short-term	0.316	0.315	0.316	0.264
	(0.213)	(0.210)	(0.198)	(0.200)
Major Laws				
Long-term	−0.184	−0.158	−0.380	−0.518
	(0.334)	(0.330)	(0.319)	(0.339)
Short-term	−0.207	−0.270	−0.360	−0.423
	(0.496)	(0.489)	(0.453)	(0.463)
Judicial Agreement				
Long-term	3.403	2.861	4.141	4.367
	(4.446)	(4.210)	(3.961)	(4.118)
Short-term	12.807***	12.486***	12.836***	12.849***
	(4.371)	(4.273)	(3.992)	(4.155)
Supreme-Appellate Dist.				
Long-term	5.315	8.047	13.840	18.325
	(18.226)	(17.942)	(17.020)	(18.034)
Short-term	14.594	13.935	16.824	25.791
	(20.225)	(19.964)	(18.740)	(19.296)
Post-1988				
Long-term	−26.732 *	−24.889 *	−26.771 **	−30.714 ***
	(14.212)	(13.727)	(12.894)	(13.265)
Short-term	−24.639 *	−23.152 *	−20.708 *	−20.201
	(12.601)	(12.424)	(11.732)	(11.977)
Institutionalization				
Long-term	39.003	30.996	39.431	53.107
	(31.755)	(30.937)	(29.306)	(30.601)
Short-term	21.066	19.159	7.511	15.148
	(38.920)	(38.479)	(36.532)	(36.918)
Blackmun Join 3				
Long-term	12.530*	11.885*	16.301**	17.720**
	(6.959)	(7.647)	(6.779)	(6.952)
Short-term	21.890**	19.585**	25.585***	27.141***
	(7.800)	(7.647)	(7.446)	(7.891)
Court Curbing				
Long-term	17.490	29.844	24.367	2.935
	(55.584)	(54.604)	(51.470)	(53.104)
Short-term	14.131	25.415	28.741	9.741
	(79.390)	(77.680)	(72.958)	(74.397)
Solicitor General Petitions				
Long-term	0.214	0.191	0.228	0.195
	(0.376)	(0.371)	(0.345)	(0.355)
Short-term	0.176	0.181	0.188	0.137
	(0.227)	(0.223)	(0.210)	(0.216)
Constant	−30.089	−21.944	−14.759	−11.371
	(41.179)	(40.685)	(38.681)	(39.479)
Observations	54	54	54	54
Log Likelihood	-169.133	-168.403	-165.151	-166.212

Standard errors in parentheses
Note: $^{*}p<0.10$; $^{**}p<0.05$; $^{***}p<0.01$

Table 5: Moffet et al.'s Error Correction Model of Supreme Court Caseload with My Measure of Constraint (Bailey Ideal Points)

	Chamber Median	Veto Filibuster	Committee Gatekeeping	Party Gatekeeping
SOP Constraint				
Long-term	**−40.306** **	**−30.403** *	**−21.453** *	**−26.222**
	(14.682)	**(17.530)**	**(11.966)**	**(17.340)**
Short-term	**−30.067** **	**12.205**	**−10.509**	**9.363**
	(13.060)	**(15.056)**	**(8.432)**	**(13.548)**
Total Granted$_{t-1}$	−0.751***	−0.727***	−0.602**	−0.678**
	(0.192)	(0.190)	(0.209)	(0.187)
Stable Winning Coalition				
Long-term	0.282	0.231	0.116	0.127
	(0.331)	(0.343)	(0.371)	(0.346)
Short-term	0.578**	0.510**	0.436*	0.487*
	(0.231)	(0.232)	(0.254)	(0.240)
Split Decisions				
Long-term	0.664	0.459	0.582	0.508
	(0.555)	(0.584)	(0.607)	(0.601)
Short-term	1.019**	0.819*	0.798*	0.888**
	(0.404)	(0.419)	(0.459)	(0.428)
Ideologically Disconnected Coalitions				
Long-term	0.655**	0.558*	0.537	0.533*
	(0.314)	(0.305)	(0.378)	(0.309)
Short-term	0.325	0.285	0.332	0.229
	(0.230)	(0.227)	(0.270)	(0.231)
Major Laws				
Long-term	0.069	−0.278	−0.227	−0.252
	(0.345)	(0.378)	(0.404)	(0.388)
Short-term	−0.027	0.124	−0.073	−0.001
	(0.510)	(0.496)	(0.540)	(0.512)
Judicial Agreement				
Long-term	−1.269	−3.420	−2.080	−0.950
	(4.249)	(4.366)	(4.618)	(4.326)
Short-term	11.053**	8.335*	9.975*	10.785**
	(4.511)	(4.649)	(5.200)	(4.685)
Supreme-Appellate Dist.				
Long-term	−21.078	−14.017	−4.814	1.889
	(20.032)	(19.465)	(20.415)	(19.447)
Short-term	−3.468	5.183	22.274	12.991
	(23.003)	(22.242)	(23.018)	(22.708)
Post-1988				
Long-term	−18.764	−20.374	−19.152	−19.350
	(14.360)	(15.174)	(15.106)	(15.038)
Short-term	−26.490 *	−19.896	−21.596	−22.412
	(13.380)	(13.540)	(14.315)	(13.734)
Institutionalization				
Long-term	16.953	27.250	36.540	21.091
	(33.446)	(34.455)	(36.760)	(34.569)
Short-term	20.416	−1.862	37.783	11.982
	(43.478)	(46.532)	(47.470)	(44.620)
Blackmun Join 3				
Long-term	8.630	11.307	6.408	10.448
	(7.046)	(7.145)	(7.277)	(7.096)
Short-term	18.498**	23.505**	17.144*	21.953**
	(8.089)	(8.618)	(9.458)	(8.606)
Court Curbing				
Long-term	78.802	57.157	35.429	67.411
	(60.484)	(60.610)	(68.461)	(61.780)
Short-term	70.776	50.596	−14.122	61.498
	(87.654)	(86.486)	(95.372)	(89.496)
Solicitor General Petitions				
Long-term	0.262	0.270	0.292	0.259
	(0.397)	(0.411)	(0.443)	(0.413)
Short-term	0.270	0.219	0.150	0.246
	(0.237)	(0.241)	(0.268)	(0.244)
Constant	−41.378	−29.513	−39.974	−29.478
	(43.942)	(44.422)	(49.174)	(44.927)
Observations	54	54	54	54
Log Likelihood	-172.079	-172.584	-175.791	-173.545

Standard errors in parentheses
Note: $^{*}p<0.10$; $^{**}p<0.05$; $^{***}p<0.01$

Table 6: My Error Correction Model of Supreme Court Caseload

	Chamber Median	Veto Filibuster	Committee Gatekeeping	Party Gatekeeping
SOP Constraint				
Long-term	**−40.861** **	**−49.214** **	**−50.928** **	**−50.518** ***
	(17.369)	**(22.582)**	**(19.129)**	**(17.854)**
Short-term	**−36.184** **	**−42.185** *	**−39.440** **	**−34.430** **
	(17.074)	**(21.571)**	**(17.640)**	**(16.620)**
Total Granted$_{t-1}$	−0.926***	−0.904***	−0.941***	−0.982***
	(0.142)	(0.144)	(0.139)	(0.138)
Post 1988				
Long-term	−58.972 ***	−57.765 ***	−57.761 ***	−61.185 ***
	(16.478)	(16.656)	(16.312)	(16.211)
Short-term	−19.918	−18.856	−19.219	−18.862
	(19.394)	(19.597)	(19.178)	(19.029)
Cert. Pool				
Long-term	7.629**	6.718**	6.978**	7.509**
	(2.849)	(2.854)	(2.791)	(2.792)
Short-term	4.198	3.811	3.720	4.393
	(4.142)	(4.201)	(4.101)	(4.076)
Stable Winning Coalition				
Long-term	−0.686	−0.729	−0.847*	−0.881*
	(0.491)	(0.497)	(0.489)	(0.489)
Short-term	−0.773**	−0.809**	−0.856**	−0.877**
	(0.370)	(0.375)	(0.368)	(0.366)
Ideologically Disconnected Coalitions				
Long-term	0.041	0.080	0.165	0.193
	(0.573)	(0.583)	(0.578)	(0.571)
Short-term	0.309	0.317	0.361	0.371
	(0.411)	(0.418)	(0.412)	(0.404)
Justice White				
Long-term	18.895**	19.226**	21.905**	22.206**
	(8.924)	(9.039)	(8.750)	(8.721)
Short-term	2.837	3.702	−0.726	1.636
	(13.497)	(13.684)	(13.468)	(13.297)
Gridlock$_{t-5}$				
Long-term	−0.254	−0.169	−0.164	−0.183
	(0.482)	(0.482)	(0.480)	(0.476)
Short-term	−0.266	−0.219	−0.243	−0.299
	(0.434)	(0.434)	(0.429)	(0.424)
Avg. Circuit Distance				
Long-term	−20.467	−14.451	−15.040	−18.191
	(29.727)	(29.946)	(29.028)	(28.916)
Short-term	27.066	28.658	26.985	22.276
	(31.473)	(32.042)	(30.978)	(30.719)
Cert. Petitions				
Long-term	−0.005	−0.004	−0.004	−0.004
	(0.004)	(0.004)	(0.003)	(0.003)
Short-term	0.001	0.001	0.001	0.000
	(0.008)	(0.008)	(0.008)	(0.008)
Constant	185.919***	175.430***	184.613***	194.380***
	(54.850)	(55.365)	(54.147)	(54.162)
Observations	64	64	64	64
Log Likelihood	-256.947	-257.660	-256.145	-255.916
Bayesian Information Criterion	597.072	598.497	595.468	595.010

Standard errors in parentheses

Note: $^{*}p<0.10$; $^{**}p<0.05$; $^{***}p<0.01$

Table 7: Error Correction Model of Supreme Court Caseload with an Alternative Measure of Court Heterogeneity

	Chamber Median	Veto Filibuster	Committee Gatekeeping	Party Gatekeeping
SOP Constraint				
Long-term	**−34.042** *	**−39.241** *	**−39.463** **	**−40.177** **
	(17.182)	**(21.771)**	**(18.177)**	**(17.149)**
Short-term	**−33.424** *	**−37.408** *	**−36.003** *	**−30.089** *
	(17.442)	**(22.055)**	**(18.028)**	**(16.905)**
Total Granted$_{t-1}$	−0.919***	−0.907***	−0.908***	−0.959***
	(0.151)	(0.153)	(0.153)	(0.148)
Post 1988				
Long-term	−77.991 ***	−79.309 ***	−81.218 ***	−85.032 ***
	(18.481)	(18.723)	(18.489)	(18.438)
Short-term	−42.302 **	−42.650 **	−44.603 **	−44.567 **
	(19.749)	(19.974)	(19.708)	(19.690)
Cert. Pool				
Long-term	7.877***	7.258**	7.501***	7.973***
	(2.815)	(2.803)	(2.785)	(2.797)
Short-term	5.783	5.563	5.337	5.741
	(4.345)	(4.389)	(4.328)	(4.320)
Justice White				
Long-term	17.831*	18.824*	20.335**	20.361**
	(9.111)	(9.203)	(8.948)	(8.939)
Short-term	−0.276	0.651	−2.832	−1.220
	(13.815)	(13.971)	(13.903)	(13.754)
Gridlock$_{t-5}$				
Long-term	−0.150	−0.105	−0.084	−0.110
	(0.501)	(0.501)	(0.503)	(0.502)
Short-term	−0.226	−0.195	−0.212	−0.280
	(0.441)	(0.441)	(0.439)	(0.436)
Avg. Circuit Distance				
Long-term	−37.277	−32.878	−34.180	−36.209
	(30.145)	(30.337)	(29.664)	(29.675)
Short-term	8.082	8.426	8.053	4.716
	(31.065)	(31.540)	(30.792)	(30.603)
Cert. Petitions				
Long-term	−0.003	−0.002	−0.002	−0.002
	(0.004)	(0.004)	(0.004)	(0.004)
Short-term	0.002	0.002	0.002	0.001
	(0.008)	(0.008)	(0.008)	(0.008)
Court Median - Pole Distance				
Long-term	**−3.582**	**−4.298**	**−4.934**	**−5.086**
	(4.525)	**(4.557)**	**(4.480)**	**(4.474)**
Short-term	**1.445**	**0.907**	**1.472**	**2.501**
	(7.130)	**(7.161)**	**(7.039)**	**(7.059)**
Constant	149.913***	142.656***	144.911***	152.260***
	(44.171)	(44.155)	(44.124)	(44.009)
Observations	64	64	64	64
Log Likelihood	-260.535	-261.199	-260.139	-260.045

Standard errors in parentheses

Note: $^{*}p<0.10$; $^{**}p<0.05$; $^{***}p<0.01$

6. Alternative Models: Negative Binomial Models

Table 8: Negative Binomial Regression Model of Supreme Court Caseload with OSG Control

	Model of SOP Constraint:			
	Chamber Median	Veto Filibuster	Committee Gatekeeping	Party Gatekeeping
SOP Constraint	**-0.247^{**}**	**-0.343^{**}**	**-0.239^{*}**	**-0.197^{*}**
	(0.115)	**(0.163)**	**(0.123)**	**(0.116)**
Total Granted$_{t-1}$	0.003^{***}	0.003^{***}	0.003^{***}	0.002^{***}
	(0.001)	(0.001)	(0.001)	(0.001)
Post 1988	-0.157^{***}	-0.163^{***}	-0.160^{***}	-0.165^{***}
	(0.058)	(0.058)	(0.058)	(0.059)
Δ Cert. Pool	−0.004	−0.003	−0.003	−0.002
	(0.023)	(0.023)	(0.023)	(0.024)
Justice White	0.130^{***}	0.124^{**}	0.133^{***}	0.138^{***}
	(0.049)	(0.050)	(0.050)	(0.050)
Gridlock$_{t-5}$	0.003	0.003	0.003	0.003
	(0.003)	(0.003)	(0.003)	(0.003)
Δ Avg. Circuit Distance	0.126	0.126	0.114	0.091
	(0.200)	(0.200)	(0.201)	(0.201)
Δ Cert. Petitions	0.001^{*}	0.000^{*}	0.001^{*}	0.001^{*}
	(0.000)	(0.000)	(0.000)	(0.000)
Δ Stable Winning Coalition$_{t-1}$	−0.003	−0.003	−0.002	−0.003
	(0.002)	(0.002)	(0.002)	(0.002)
Δ Ideologically Disconnected Coalitions$_{t-1}$	0.001	0.001	0.001	0.001
	(0.002)	(0.002)	(0.002)	(0.002)
OSG Petitions	**0.006^{**}**	**0.006^{**}**	**0.006^{**}**	**0.007^{**}**
	(0.002)	**(0.003)**	**(0.003)**	**(0.003)**
Constant	4.201^{***}	4.193^{***}	4.175^{***}	4.169^{***}
	(0.187)	(0.187)	(0.187)	(0.188)
Log α	-5.142^{***}	-5.132^{***}	-5.107^{***}	-5.068^{***}
	(0.434)	(0.431)	(0.425)	(0.415)
Observations	54	54	54	54
Log Likelihood	-223.394	-223.492	-223.798	-224.202

Standard errors in parentheses

Note: $^{*}p<0.1$; $^{**}p<0.05$; $^{***}p<0.01$

Table 9: Negative Binomial Regression Model of Supreme Court Caseload with an Alternative Court Heterogeneity Control

	Model of SOP Constraint:			
	Chamber Median	Veto Filibuster	Committee Gatekeeping	Party Gatekeeping
SOP Constraint	$\mathbf{-0.200}^{*}$	$\mathbf{-0.265}^{*}$	$\mathbf{-0.206}^{*}$	$\mathbf{-0.176}^{*}$
	(0.105)	**(0.137)**	**(0.112)**	**(0.105)**
Total Granted_{t-1}	0.003^{***}	0.003^{***}	0.003^{***}	0.003^{***}
	(0.001)	(0.001)	(0.001)	(0.001)
Post 1988	-0.247^{***}	-0.251^{***}	-0.250^{***}	-0.255^{***}
	(0.051)	(0.051)	(0.051)	(0.052)
Δ Cert. Pool	−0.005	−0.004	−0.005	−0.005
	(0.025)	(0.025)	(0.025)	(0.026)
Justice White	0.161^{***}	0.156^{***}	0.163^{***}	0.167^{***}
	(0.051)	(0.051)	(0.051)	(0.051)
Gridlock_{t-5}	0.002	0.002	0.002	0.002
	(0.003)	(0.003)	(0.003)	(0.003)
Δ Avg. Circuit Distance	0.203	0.210	0.200	0.181
	(0.200)	(0.201)	(0.201)	(0.201)
Δ Cert. Petitions	0.000	0.000	0.000	0.000
	(0.000)	(0.000)	(0.000)	(0.000)
Δ Court Median - Pole Distance	**0.041**	**0.037**	**0.041**	**0.044**
	(0.048)	**(0.048)**	**(0.048)**	**(0.048)**
Constant	4.347^{***}	4.340^{***}	4.339^{***}	4.341^{***}
	(0.163)	(0.163)	(0.164)	(0.165)
Log α	-4.882^{***}	-4.881^{***}	-4.870^{***}	-4.844^{***}
	(0.358)	(0.357)	(0.355)	(0.349)
Observations	65	65	65	65
Log Likelihood	-268.977	-268.941	-269.093	-269.382

Standard errors in parentheses

Note: $^{*}p<0.1$; $^{**}p<0.05$; $^{***}p<0.01$

Table 10: Negative Binomial Regression Model of Supreme Court Caseload Using Bailey Ideal Points

	Model of SOP Constraint:			
	Chamber Median	Veto Filibuster	Committee Gatekeeping	Party Gatekeeping
SOP Constraint	**0.186***	**0.163**	**−0.040**	**0.086**
	(0.111)	**(0.149)**	**(0.092)**	**(0.123)**
Total Granted$_{t-1}$	0.003***	0.003***	0.003***	0.003***
	(0.001)	(0.001)	(0.001)	(0.001)
Post 1988	−0.257***	−0.248***	−0.242***	−0.245***
	(0.053)	(0.053)	(0.053)	(0.053)
Δ Cert. Pool	0.015	0.014	0.012	0.014
	(0.025)	(0.025)	(0.025)	(0.025)
Justice White	0.163***	0.165***	0.174***	0.166***
	(0.052)	(0.053)	(0.052)	(0.054)
Gridlock$_{t-5}$	0.001	0.001	0.002	0.001
	(0.003)	(0.003)	(0.003)	(0.003)
Δ Avg. Circuit Distance	−0.065	−0.023	0.016	−0.009
	(0.207)	(0.207)	(0.212)	(0.208)
Δ Cert. Petitions	0.000	0.000	0.000	0.000
	(0.000)	(0.000)	(0.000)	(0.000)
Δ Majority Coalition$_{t-1}$	−0.001	−0.001	−0.002	−0.001
	(0.002)	(0.002)	(0.002)	(0.002)
Δ Disconnected Coalitions$_{t-1}$	0.000	0.000	0.000	0.000
	(0.002)	(0.002)	(0.002)	(0.002)
Constant	4.380***	4.393***	4.386***	4.390***
	(0.161)	(0.163)	(0.166)	(0.164)
Log α	−4.854***	−4.801***	−4.771***	−4.778***
	(0.360)	(0.351)	(0.346)	(0.347)
Observations	59	59	59	59
Log Likelihood	-246.060	-246.849	-247.349	-247.203

Standard errors in parentheses

Note: $^{*}p<0.10$; $^{**}p<0.05$; $^{***}p<0.01$

Table 11: Negative Binomial Regression Model of Supreme Court Caseload Using Harvey (2013) Measure of Constraint

House Median-Court Median Distance	$\mathbf{-0.161}^{**}$
	(0.075)
Total Granted$_{t-1}$	0.002^{**}
	(0.001)
Post 1988	-0.275^{***}
	(0.052)
Δ Cert. Pool	0.008
	(0.024)
Justice White	0.207^{***}
	(0.052)
Gridlock$_{t-5}$	0.002
	(0.003)
Δ Avg. Circuit Distance	0.096
	(0.194)
Δ Cert. Petitions	0.001
	(0.001)
Δ Majority Coalition$_{t-1}$	−0.003
	(0.002)
Δ Disconnected Coalitions$_{t-1}$	0.000
	(0.002)
Constant	4.441462^{***}
	(0.161)
Log α	-4.905^{***}
	(0.358)
Observations	65
Log likelihood	−268.193

Standard errors in parentheses
* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

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