

Can Law Students Be Used to Study Judicial Decision-Making Experimentally?

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Abstract: Experimental research on judicial decision-making is hampered by the difficulty of recruiting judges as experimental participants. Can students be used in judges' stead? Unfortunately, no. We ran the same 2x2 factorial experiment with 32 U.S. federal judges and 94 U.S. elite law students, and obtained diametrically opposed results. Judges' decisions were strongly associated with one factor (sympathy, i.e., bias) but not the other (law). Results for students were the opposite. Equality of the two effects in the two groups is strongly rejected. What is true for decisions is also true for decision-making: equality of document-view patterns is also strongly rejected.

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