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Layperson Summary

**Attorney Race and Success: An Analysis of the U.S. Supreme Court**

This paper will study how justices on the Supreme Court make decisions. Specifically, how the race of attorneys affects a party’s outcome in the court. In cases having nonminority and minority opposing council, are minority attorneys less likely to win? This research follows current trends in stereotypes and biases affecting minorities in the work place and within the courts. There is a large amount of research on the effects of race in court. However, this research has focused on how the race of defendants or jurist contributes to outcomes in cases. In response to this research North Carolina passed the Racial Justice Act in 2009. This act allows individuals on death row to appeal if the jury selection in their specific case had been determined through race. This research as a whole has exposed ingrained biases held by the population. This research has not yet focused on the effect that the race of attorneys has within the system. To correct this gap in research this paper will addresses the current trend of research in the courts, with the focus turned towards the race of attorneys.

Minority attorneys are both unrepresented in the top firms and other prestigious legal employment. Further, they are restricted in their upward movement within firms and other employment. These two factors together prevent minority attorneys from presenting in front of the Supreme Court as often as non-minority attorneys. Persuasion models of source credibility describe how differences between the target and source, such as race, when combined with a lack of knowledge on an individual allow for bias to influence decisions. Justices who are not of the same race as the arguing attorneys view these attorneys as less credible or of a lower quality than
attorneys who are of the same race. This drop in credibility causes arguments from these attorneys to have less sway in a justice’s decision, and in turn raises the likelihood that the justice will vote for the party represented by the non-minority attorney.

The main hypothesis of this paper follows that for cases in which the council of opposing parties is for one party minority and for the opposing party non-minority that a justice, all other variables held constant, will be more likely to vote for the party represented by the non-minority council.

There are two alternative hypotheses that will be considered in this study.

1. When neither attorney has experience, minority attorneys have a lower success rate than non-minority attorneys; while amongst attorneys with experience there is not a significant difference of success rate for minority or non-minority attorneys.

2. When a legal issue in question pertains to minorities, justices will be more likely to vote in favor of parties represented by minority council than parties represented by non-minority council; while in cases not pertaining to minority issues justices will be more likely to vote in favor of parties represented by non-minority council than parties represented by minority council.