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The Quality of Judicial Decisions in Supreme Courts: A Conceptual Definition and Index Applied to Eleven Latin American Countries

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ABSTRACT

This article is the first attempt to evaluate the quality of judicial decisions of 152 Supreme Court Justices from eleven Latin American countries. Taking the essential ideas of legal argumentation theory, I define a high-quality judicial decision as one in which the judge applies the norm, interprets it in light of the case at hand, and justifies her decision with recourse to jurisprudential precedents and legal doctrine. Through expert surveys in eleven Latin American countries, the article indicates the judicial decisions of highest quality are found in judges from Costa Rica and Colombia, while those most deficient are cast by judges of Ecuador, Uruguay, and Bolivia.

Introduction

Unlike the growing number of studies on judicial independence, judicial power, or the judicialization of politics, there is little research that evaluates the quality of judicial decisions (Cross and Lindquist 2009; Knight 2009; Kapiszewski and Taylor 2008; Farber 2005). This deficiency in the academic agenda is remarkable given that the assessment of the quality of judicial decisions allows a substantive analysis of judges' performance, traditionally observed as a function of the time they take to resolve cases (Buscaglia and Ulen 1997). In addition, assessment of the quality of judicial decisions, especially in the highest courts, allows for the analytical evaluation of the different dimensions of the argumentative process to which judges resort when resolving a legal controversy. Furthermore, the analysis of the quality of judicial decisions is important because judges' legitimacy—especially in non-elected courts—is based on the content of their decisions (Hart 1961). Some scholars also maintain that the absence of research on the quality of judicial decisions is related to difficulties in measuring the concept (Cross and Lindquist 2009; Farber 2005; Pásara 2003; McCree 1981; Leflar 1960). In addition, I argue that part of the weakness derives from the fact that there is no empirically observable consensual definition of the concept.

To fill these gaps, I propose both a parsimonious and comparable concept to assess when a judicial decision is of high quality and a methodological strategy for measuring that concept. This article is composed of five parts. In the first part, I review the academic literature. In the second part, I identify four analytical categories that allow a conceptualization of the quality of the judicial decisions. In the third part, I discuss a methodological strategy of empirically observing the quality of judicial decisions, taking as units of analysis the 152 judges on the Supreme Courts in eleven Latin American countries. I also discuss the possible bias emerging from my measurement and some ideas to improve the internal and external reliability of the data. The fourth part proposes an index of the quality of judicial decisions

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(JDQI) and the discussion of the main empirical findings. The fifth part offers a number of conclusions and key ideas for a future research agenda.

The Quality of Judicial Decisions: A Review of the Literature

One of the pioneers in the study of the quality of judicial decisions is Posner (2000).[1] In his study of the United States Court of Appeals for the Ninth Circuit, Posner takes as proxies of a high-quality judicial decision: (1) the number of decisions from the court that are overturned/ratified by the Supreme Court, as well as (2) the number of times in which the decisions of the Appeals Court are cited by other courts at the same hierarchical level. In other words, to the extent that the Supreme Court overturns fewer decisions of the Ninth Circuit Court of Appeals, the judicial decisions of that court are taken to be of better quality. Likewise, to the extent that other intermediate courts cite a greater number of Ninth Circuit Court of Appeals' decisions, the higher the quality of that court's judicial decisions. Choi and Gulati (2004a, 2004b, 2005) take this proxy in their evaluation of the best nominees to the U.S. Supreme Court.

In Latin America, Basabe-Serrano (2014) has assessed the quality of judicial decisions by evaluating the decisions of Ecuadorian appeals courts—*cortes provinciales*. Basabe-Serrano's methodological strategy is similar to Posner's since it observes the quality of judicial decisions in terms of revocation or confirmation by the Supreme Court. Pásara (2000, 2006) also studies the quality of judicial decisions in Mexico and Guatemala though using qualitative methodological strategies. As dimensions of analysis, he proposes the formal structure of decisions in Mexican criminal cases and the interpretation of evidence and judicial norms by judges. Unlike quantitative works by Posner, Choi and Gulati, and Basabe-Serrano in which appeals courts are observed, Pásara's contributions concentrate on analyzing lower court judicial decisions.

Though existing scholarship provides relevant empirical evidence, it generally does not offer a consensual definition of judicial decision quality. While in Pásara's research there is an attempt to do so, in general the literature does not offer a definition of judicial decision quality that is parsimonious and comparable among countries (Knight 2009). Posner and Basabe-Serrano's assumption that Supreme Court decisions are of higher quality than decisions by intermediate courts is especially risky in Latin America, where the selection of judges for appellate courts involves institutional filters even more complex than those used to select Supreme Court justices. In fact, while the selection of intermediate court judges is generally based on merit criteria—generally from among lawyers with judicial careers or an academic background—the appointment of Supreme Court justices is the result of institutional mechanisms in which the political component plays a decisive role (Denvir and Root 2009).

One additional criticism of works by Posner and Basabe-Serrano is that a judicial decision overturned by the Supreme Court is not necessarily explicable on the basis of the poor quality of those decisions but by the more professional defense of some litigants.[2] In this sense, if the person who appeals the decision of the intermediate court has the wherewithal to hire a lawyer with greater expertise, the probabilities that the decision will be struck down by the Supreme Court are greater (Songer et al. 1999; Songer and Sheehan 1992; Wheeler et al. 1987). This fact finds greater support in systems such as those of Latin America in which the judges in general do not have the capacity to resolve cases except on the basis of arguments offered by the litigants. In other words, judges are not permitted to act *ex officio*, except in criminal cases.

Conceptualizing the Quality of Judicial Decisions

Legal argumentation imposed by the justice in the resolution of a particular conflict is reflected in a publicly articulated opinion called a judicial decision (Posner 2008). So the publicly articulated nature

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[1] Notable exceptions include a number of publications by Choi and Gulati (2004a, 2004b, 2005).

[2] Posner's (2000) other proxy to measure the quality of judicial decisions—the number of citations by the United States' Ninth Circuit Appellate Court—is not applicable in continental judicial systems. In Latin American countries, appellate courts and even the lower courts mandatorily have to follow only jurisprudential precedents handed down by the Supreme Court.

of the judicial opinion is the key element in determining the legitimacy of the judicial decision (Knight 2009, 1531). Alexy (1978/2002), MacCormick (1978), and Atienza (1994) indicate that a legal argument is a chain of propositions arranged in such a way that each one follows the previous proposition or propositions. Thus the propositions constitute the reasons that provide the judge with justification for a legal decision (Atienza 1994, 61). In writing a legal argument, the judge applies two basic logical operations: (i) identification of the norm applicable to the case; and (ii) interpretation of why the norm is applicable. These two operations, which taken together are called the *internal justification*, should be present in any judicial decision regardless of the hierarchical level of the judge (Ribeiro 2003; Atienza 1994; Alexy 1978/2010; MacCormick 1978).

The two basic logical operations integrating internal justification are independent of one another. According to legal argumentation theory, each of these dimensions is a link of the chain that judges should take into account to make judicial decisions. So the identification of the norm and the interpretation of the reasons to apply the norm to a specific situation are different stages in the logical process of legal argumentation. For instance, if a judge correctly identifies the norm applicable to the case, this does not necessarily mean that she will interpret the norm correctly.

When as a result of the complexity of a case the judge entertains reasonable doubts regarding both the norm to be applied and its interpretation, the internal justification in and of itself is insufficient for a high-quality legal decision. Therefore, in the resolution of this type of case the judge should offer additional reasons for her decision. The set of additional reasons that may be part of the legal decisions for complex cases is what the theory of legal argumentation calls *external justification* (Ribeiro 2003; Atienza 1994; Alexy 1978/2010; MacCormick 1978).[3] In other words, while a legal decision based on the two operations of internal justification may be sufficient in "easy" cases, both internal and external justification is needed in "difficult" legal decisions.

For internal as well as external justification, legal language and discourse allow the judge to include reasons to justify her point of view regarding the case under litigation (Ribeiro 2003, 12). As Posner (2008) has noted, legal language includes not only the legal norm but also the jurisprudential precedents and the doctrine related to the case under consideration by the judge. Thus, while in "easy" cases legal language related to the norm and the interpretation of the case are sufficient, in "difficult" cases the additional reasons the judge should argue are based on both jurisprudential precedent generated at the national or international level as well as contributions by law experts named in general as legal doctrine.[4]

In the tradition of the Napoleonic legal system used in Latin America countries, jurisprudential precedents and legal doctrine are different sources of the law.[5] Jurisprudential precedents are the written decisions of the national higher court of each judge, of the higher courts of other countries, or the written decisions of international courts, such as the Inter American Human Rights Court.[6] Legal doctrine is the set of theories developed by jurists and scholars. While jurisprudential precedents are the opinion of judges, legal doctrine is the opinion of legal experts. Still, although jurisprudential precedents and legal doctrine are two complementary dimensions to improve the quality of judicial decision in "difficult" cases, judges do not always take both tools into account.

From the theory of legal argumentation, it is possible to establish a definition of what constitutes a judicial decision of greater or lesser quality on the basis of the degree of complexity of the cases. In "easy" cases, a high-quality judicial decision is one in which the justice clearly identifies the norm within the legal system and also provides an adequate interpretation of that norm with regard to the case at hand. Though the justice could argue beyond these requirements via jurisprudential precedents or legal doctrine, the logical exercise arising from the two operations that are together part of the

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[3] Atienza (1994, 62) indicates there are four types of legal problems in cases in which resolution are complex and which would thus require external justification. These legal problems are those of relevance, interpretation, proof, and classification.

[4] Even though in "easy" cases the identification of the applicable norm and its interpretation are sufficient for the case, this does not prevent the judge from making additional contributions of jurisprudential precedents or to legal doctrine.

[5] The sources of the law in the Napoleonic legal system are the norms, the jurisprudential precedents, the legal doctrine, the general principles of the law, and as a subsidiary source, custom.

[6] A jurisprudential precedent usually emerges when a supreme court has the same criterion about a specific judicial issue three times.

internal justification is a sufficient condition to assume that the judicial decision is of high quality. In "difficult" cases a judicial decision of high quality is one in which the judge identifies the norm, correctly interprets the case, and, in addition, provides reasons to support her position through jurisprudential precedents and legal doctrine. Therefore, in "difficult" cases the internal and external justifications are necessary conditions of a high-quality judicial decision.

Though the determination of a case's degree of complexity depends on the observer, it is possible to establish useful assumptions for analysis of this matter. The central idea here is that, on average, high courts resolve more complex cases than appellate and lower courts.[7] In other words, while "difficult" cases tend to be those in which the final decision rests with the higher courts, "easy" cases tend to be those in which the final decisions rests with the intermediate or lower courts. Although high and lower courts may resolve "easy" and "difficult" cases, respectively, I argue that, in general, the higher the court, the more difficult the decision to be resolved. Therefore, I argue the degree of complexity of a case as a function of the hierarchical position of the court that casts the definitive judicial decision.

Given the costs in time and money implied by hiring a lawyer specialized in litigation before the Supreme Court, people will be willing to take a case to the highest courts only in those situations in which there really exists reasonable doubt about the contents of the judicial decision to be appealed. Though the high transaction costs could mean some "difficult" cases do not reach the Supreme Court, it is improbable that the highest court tends to decide "easy" cases. In addition, even though litigants may decide to take "easy" cases to the Supreme Court, in almost all legal systems the higher court justices have the power to select cases they consider relevant to their court. Through the institutional design of docket control, Supreme Courts have the power to concentrate their attention only on those cases deserving of their attention, either for their social or political relevance or because they comply with minimal formal requirements.[8] So this institutional feature tends to increase the probability that only cases of great complexity—"difficult" cases—receive a legal decision from the highest court.

Once I define the concept of the quality of judicial decisions, I will concentrate on the evaluation of those decisions corresponding to cases of greater complexity—"difficult" decisions—and, therefore those that tend to be settled by Supreme Courts. Beyond whether the judicial decisions of Supreme Court justices bring conflicts between litigants to an end, their major impact is on the rest of the judges in the judicial branch. Given that the legal decisions of the Supreme Court are one of the ways that law is made or changed (Epstein and Knight 1998), the legal learning and skills of the lower courts also depends on the quality of rulings cast by Supreme Court judges. In addition, the legal decisions of the Supreme Court constitute a point of reference for society in that they mark an opinion that, from the point of view of the justices, generates respect for key matters on diverse topics (Knight 2009).

Measuring the Quality of Judicial Decisions: An Index and a Methodological Discussion

To measure the quality of judicial decisions by Supreme Courts, I surveyed legal experts in eleven Latin American countries: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico, Paraguay, Peru, and Uruguay. Given that the judges have to justify their decisions in terms of reasons deemed legitimate by the relevant community, and legal experts are some of the most important members of that community, they constitute those who can best evaluate the quality of the judicial decisions (Knight 2009). Expert surveys have other advantages. For example, as Netjes and Binnema (2007) have argued in their research of ideological position of political parties, expert surveys can be administered at any time because the experts do not need specific information such as the characteristics of the legal system or other details of the institutional design.

To begin, experts possess formal and informal sources of information to which other people out of the country hardly would have access, so expert surveys carry a certain sense of validity (Saiegh 2009,

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[7] Due to the relatively lax laws in Latin America to file an appeal, "easy" cases could reach the appellate court without problems. In most legal systems in Latin America, the mechanisms for appeal to an intermediate court do not require any foundation in order to receive a hearing.

[8] I include cases heard by the highest courts by the *per saltum* power that some Supreme Courts, such as Argentina's, possess.

121). Expert surveys allow the researcher to ask a common set of questions (Bakker et al. 2015), whereas content analysis of judicial decisions requires the researcher to construct legal categories only inductively. In addition, expert judgments through surveys are quick, easy, and comprehensive (Mair 2001; Marks et al. 2007). In the case of the quality of judicial decisions, expert surveys allow getting comparable and standardized data across a much wider variety of countries than could be gotten by deep analysis of some specific decisions in each Supreme Court. As Saiegh (2009) has reported, expert surveys have been used in a variety of studies related to ideological placement of political parties; however, this article is the first attempt to assess the quality of justices' decisions through this methodological tool.

The number of surveys for each Supreme Court justice depends on the existence of specialized chambers. If the Supreme Court resolves all cases as a collegial body, as in Argentina or Uruguay, the same expert assessed all judges. In the case of Supreme Courts with specialized chambers as in Colombia or Costa Rica, informants were selected on the basis of their expertise (civil, criminal, labor, etc.). Given the kind of experts required by this, it was difficult to select a statistically representative sample; instead, I used the qualitative technique of snowball or chain referral sampling (Biernacki and Waldorf 1981). People surveyed included lawyers in private and public practice, scholars, and some former Supreme Court justices. I surveyed experts of different ideological stripes and of different age groups, and I ensured gender equality in the selection of the sample. The majority of experts were located in the capital cities of the countries. The right column of Appendix 1 shows the number of experts for each Supreme Court justice.

All surveyed were experts who, due to their high professional level, are profoundly aware of both the dynamic of their country's Supreme Court as well as the theory of legal argumentation. They are consequently the most ideal informants to report on perceptions regarding the quality of judicial decisions cast by each of the Supreme Court justices. The questionnaire was designed taking into account each of the four dimensions of analysis derived from the theory of legal argumentation: (i) the ability of the justice to apply the norm; (ii) the ability of the justice to interpret the norm applicable to the case; (iii) the ability of the justice to include jurisprudential precedents; and (iv) the ability of the justice to include legal doctrine. For each of these dimensions, the experts surveyed assessed each Supreme Court justice in her country on a scale of 1 (very low ability) to 10 (very high ability).

Notwithstanding the survey's advantages, a kind of bias could affect the empirical findings between experts of different countries. This "equivalence bias" could appear if the concept of the quality of judicial decisions is understood in different ways between national experts (essentially, a type of country fixed effect). Regardless that the Napoleonic legal system is the same in all countries included in the sample, to reduce this possible bias the survey included a description of the meaning of each one of the four dimensions of the quality of judicial decisions. Each expert heard such descriptions before assessing each justice.

Another source of bias that could appear is between the attitudes of the national experts in relation with the quality of judicial decisions in their countries. For instance, while a more optimistic expert could overestimate the quality of judicial decisions of her Supreme Court justices, other more pessimistic could underestimate the quality of judicial decisions in her country (essentially, random effects). To assess the external reliability of the index, I make a nested model with dummy variables to decompose the variance of the evaluations of each expert to each justice ($n = 1{,}571$) along the four dimensions of quality of judicial decisions according to the following equation:

$$Y_{ejc} = a + b_r(EXPERT_r) + b_j(JUSTICE_j) + b_i(COUNTRY_i) + e$$

where "Y_{ejc}" is the score of one expert for one judge in one country, "a" is the constant, "b_r ($EXPERT_r$)" is a dummy variable for each expert, "b_j ($JUSTICE_j$)" is a dummy for each justice, "b_i ($COUNTRY_i$)" is a dummy for each country, and "e" is the stochastic error. This model permits observing on average how overestimated or underestimated the score assigned by each expert is in relationship to that of the other experts. Given that all observations for a specific justice are nested in the observations of her

country, and excluding the bias introduced by the optimistic or pessimistic view of each expert, the adjusted estimated score of each justice in comparison with their colleagues in Latin America is:

$$Y(given\ justice) = a + b_j(JUSTICE_j) + b_i(COUNTRY_i).$$

The notation $a + b_j$ $(JUSTICE_j) + b_i$ $(COUNTRY_i)$ is equal for all observations of any judge, given that she is "purged" of any random bias (present when I calculate the mean) and systematic bias introduced by each expert (all other experts in the other countries). The results of the original index and the new one are quite similar. In fact, the correlation coefficient between the two is a robust 0.981. Nevertheless, the original index slightly underestimates the Bolivian, Ecuadorian, and Paraguayan justices. In other words, experts from those countries think their Supreme Court justices are worse than they really are. Table 1 shows the adjusted individual index of the quality of judicial decisions (QJDI) resulting from the estimated scores of the nested model.[9]

Another source of potential bias in the measuring of the quality of judicial decisions is the fact that experts and justices are also judicial operators, creating the possibility of bias related to the affinity of the experts with the justices. To assess the internal reliability of the individual scores by each justice, Appendix 1 shows the means and standard deviations among experts in relation to the four dimensions of judicial decision quality. Following the strategy of Bakker et al. (2015), I calculate the average position of the quality of judicial decisions for each justice and the standard deviation of the experts placement for each justice, as well as their means. The goal is to assess to what extent experts agree with the score along each of the four dimensions of quality of judicial decisions by justice. Overall, the standard deviations are small.[10]

Another potential methodological bias is related to the variability of experts' scores across all four dimensions. If the scores are the same for the four dimensions, it is possible to suspect that really there is only one dimension the experts are measuring. If so, the theoretical implication is that the four dimensions of judicial decision quality are highly correlated, and the index of quality of judicial decisions is really a general assessment of each justice. To assess the autonomy of each dimension, I produce the standard deviation of each expert's four scores of each justice.[11] Appendix 2 shows that 79.01 percent of the experts assessed each of the four dimensions for each justice with different scores. These findings allow me to assume that the experts recognize each dimension as an autonomous category, and that the index has sufficient internal validity. As the dimensions are part of a comprehensive concept of the quality of judicial decisions, the standard deviations for each justice are not too large. Only 20.99 percent of the experts assessed each justice with the same score along the four dimensions.[12]

An additional consideration is that, while the decisions cast by Supreme Courts or specialized chambers are publicly from a collegial body, for each case there is always one justice, appointed by lottery, who has the role of opinion writer. This justice, named *juez ponente* in the Napoleonic legal system, is responsible for writing an opinion, or *proyecto de sentencia*. The *proyecto de sentencia* is disseminated among the other judges of the chamber or the entire court in order to make suggestions or contributions. Usually, the changes proposed by the other justices are minor, so in the majority of the cases, the Supreme Court or specialized chamber's decision is the opinion of the *juez ponente* in her *proyecto de sentencia*. If a justice has a different opinion, she can cast a dissenting vote, called a *voto salvado*. For different reasons such as workload, *votos salvados* are not common. In 2012, the Second Chamber of

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[9] Another way to avoid equivalency bias is by recruiting international experts to give their assessment of the quality of judicial decisions in countries different from their own. Though this strategy has been used to get information on more general issues, such as corruption, a specific knowledge about the daily performance of the Supreme Court justices is necessary to assess the quality of judicial decisions, making it difficult for an expert less involved in the judicial context of each country to have a clear picture of the quality of judicial decisions.

[10] Another way to assess the internal reliability of the index is comparing it to an alternative measurement. Unfortunately, this kind of information is not available.

[11] Appendix 2 reports the cases in which the experts answered "do not know/do not answer" in some dimension.

[12] I am grateful to an anonymous reviewer of the *Justice System Journal* for the comments and suggestions to assess the index's potential methodological bias.

Table 1. Judicial Decision Quality Index (JDQI) in judges of eleven Latin American Supreme Courts.

Justice	Cou	QJDI	Justice	Cou	QJDI	Justice	Cou	QJDI
1) Arroyo, J.	Cr	9.02	52) Ortiz, G.	Mex	7.80	103) Brito, H.	Chi	6.45
2) Jinesta, E.	Cr	9.02	53) Calzada, A.	Cr	7.78	104) Valls, S.	Mex	6.40
3) Cossio, J.	Mex	8.98	54) Namen, W.	Col	7.75	105) Gutiérrez, D.	Uru	6.29
4) Zavascki, T.	Bra	8.90	55) Camacho, E.	Cr	7.73	106) Iñiguez, P.	Ecu	6.18
5) San Martín, C.	Per	8.90	56) Barbosa, J.	Bra	7.70	107) Terán, G.	Ecu	6.18
6) Castillo, F.	Cr	8.85	57) Aurrubia, J.	Col	7.70	108) Espinoza, M.	Ecu	6.05
7) Ferreira, G.	Bra	8.80	58) Varela, J.	Cr	7.67	109) Campero, A.	Bol	6.05
8) Ibáñez, A.	Col	8.75	59) Luna, M.	Mex	7.63	110) Pérez, R.	Uru	6.03
9) Zapata, J.	Col	8.70	60) Pereira, M.	Cr	7.61	111) Larrieux, J.	Uru	5.94
10) González, Ó.	Cr	8.70	61) Echeverri, R.	Col	7.60	112) Vinatea, R.	Per	5.91
11) De Melo, C.	Bra	8.68	62) Neyra, J	Per	7.60	113) Jacob, J.	Chi	5.91
12) Rivas, L.	Cr	8.66	63) Villanueva, Z.	Cr	7.59	114) Robalino, V.	Ecu	5.91
13) León, A.	Cr	8.66	64) Solarte, A.	Col	7.57	115) Chediak, J.	Uru	5.90
14) Zaldívar, A.	Mex	8.65	65) Bareiro, G.	Par	7.53	116) Merchán, M.	Ecu	5.85
15) Armijo, G.	Cr	8.63	66) Maqueda, J.	Arg	7.52	117) Dolmestch, H.	Chi	5.84
16) Solís, R.	Cr	8.63	67) Burgos, J.	Col	7.50	118) Salgado, C.	Ecu	5.76
17) Espinosa, S.	Col	8.63	68) Aguilar, L.	Mex	7.48	119) Pérez, M.	Ecu	5.65
18) Cruz, F.	Cr	8.59	69) Zaffaroni, E.	Arg	7.41	120) Von Borries, J.	Bol	5.64
19) Molina, C.	Col	8.57	70) Weber, R.	Bra	7.39	121) Torres, I.	Per	5.62
20) Bustos, J.	Col	8.54	71) Muñoz, S.	Chi	7.37	122) Mamami, P.	Bol	5.62
21) Socha, J.	Col	8.50	72) Aguirre, S.	Mex	7.28	123) Egnem, R.	Chi	5.59
22) Barceló, J.	Col	8.50	73) Benítez, L.	Par	7.24	124) Hurtado, G.	Bol	5.50
23) Gonzáles, M.	Col	8.46	74) Villa, J.	Per	7.23	125) Valdés, R.	Chi	5.49
24) Rueda, P.	Cr	8.43	75) Highton, E.	Arg	7.22	126) Ruibal, J.	Uru	5.45
25) Miranda, L.	Col	8.38	76) Díaz, R.	Col	7.19	127) Mercado, N.	Bol	5.43
26) Petracchi, E.	Arg	8.38	77) Suing, J.	Ecu	7.18	128) Calderón, J.	Per	5.41
27) Salazar, L.	Col	8.38	78) Giraldo, F.	Col	7.15	129) Bermúdez, Ó.	Ecu	5.41
28) Silva, J.	Mex	8.33	79) Fuente, J.	Chi	7.09	130) Pérez, G.	Chi	5.40
29) Granizo, A.	Ecu	8.32	80) Munar, P.	Col	7.09	131) Rodríguez, J.	Per	5.31
30) Lorenzetti, R.	Arg	8.30	81) Sánchez, O.	Mex	7.05	132) Chumpitaz, E.	Per	5.26
31) Ramírez, C.	Ecu	8.27	82) Maggi, R.	Chi	7.03	133) Blum, J.	Ecu	5.26
32) Mora, L.	Cr	8.22	83) Ricaurte, F.	Col	7.00	134) Bajac, M.	Par	5.25
33) Castro, F.	Col	8.21	84) Durango, G.	Ecu	7.00	135) Yrivarren, E.	Per	5.20
34) Pierry, P.	Chi	8.18	85) Torres, R.	Par	6.99	136) Blanco, S.	Par	5.15
35) González, J.	Mex	8.18	86) Silva, G.	Chi	6.97	137) Cisternas, L.	Chi	5.11
36) Aguirre, M.	Ecu	8.15	87) Távara, F.	Per	6.96	138) Días, J.	Bra	5.09
37) Vega, R.	Cr	8.12	88) Lewandowski, R.	Bra	6.95	139) Tordoya, F.	Bol	5.03
38) Escoto, C.	Cr	8.11	89) Araya, J.	Chi	6.84	140) Fretes, A.	Par	5.00
39) Aguirre, O.	Cr	8.10	90) Künsemüller. C.	Chi	6.82	141) Pariona, J.	Per	4.95
40) Antunes, C.	Bra	8.05	91) Ojeda, Á.	Ecu	6.81	142) Benavides, M.	Ecu	4.91
41) Argibay, C.	Arg	8.04	92) Segura, N.	Chi	6.78	143) Suntura, M.	Bol	4.91
42) Fayt, C.	Arg	8.01	93) Acevedo, R.	Per	6.74	144) Calle, R.	Bol	4.83
43) Pardo, J.	Mex	8.00	94) Salas, J.	Per	6.73	145) Vintimilla, M.	Ecu	4.80
44) Carreño, H.	Chi	8.00	95) Ayluardo, J.	Ecu	6.69	146) Huamaní, E.	Per	4.75
45) Chinchilla, C.	Cr	7.99	96) Garay, C.	Par	6.66	147) Merino, W.	Ecu	4.72
46) Gnecco, G.	Col	7.95	97) Juica, M.	Chi	6.64	148) Núñez, V.	Par	4.71
47) Cuello, E.	Col	7.94	98) Rodríguez, D.	Per	6.63	149) Blacio, L.	Ecu	4.65
48) Fux, L.	Bra	7.91	99) Ramírez, J.	Cr	6.54	150) Andino, W.	Ecu	4.51
49) Arias, D.	Cr	7.90	100) Castañeda, C.	Per	6.53	151) Nava, R.	Bol	4.37
50) Méndes, M.	Bra	7.84	101) Pucheta, A.	Par	6.50	152) Yumbay, M.	Ecu	3.69
51) Sandoval, M.	Chi	7.83	102) Ballesteros, R.	Chi	6.46			

Source: survey opinions.
Note. The scale of JDQI is of 1 (very low) to 10 (very high).

Costa Rica's Supreme Court cast decisions with a *voto salvado* in only 14.11 percent of all cases. In the 2002–2010 period, the Fiscal Chamber of Ecuador's Supreme Court cast *votos salvados* only in 10.50 percent of its decisions.[13] Since it is mandatory that Supreme Court decisions in Latin American

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[13]An exception is the pattern of behavior in the judicial review cases in the Ecuadorian Constitutional Court between 1999 and 2007. During that period the 74.42 percent of the cases were resolved with dissenting decisions.
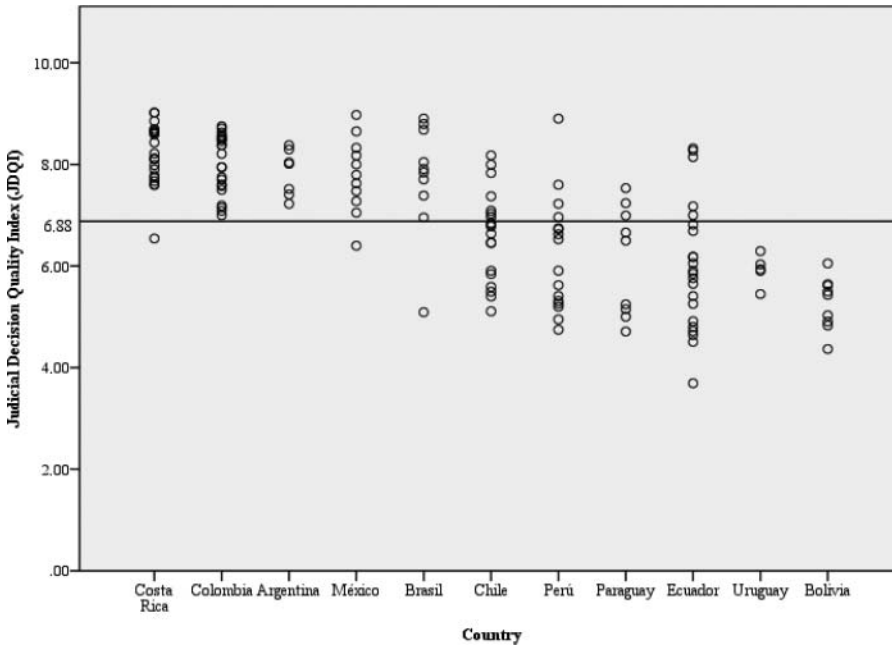
Figure 1. Dispersion of the justices in eleven Latin American Supreme Courts.

countries mention the *juez ponente*, experts are able to assess the quality of judicial decision for each justice, and not just her reputation.

Main Findings: An Analytical and an Aggregate Index

With the mean of the means of the four dimensions for each justice I constructed an individual Judicial Decision Quality Index (JDQI). This measurement offers the first overview and comparison between the 152 Supreme Court justices included in the sample. Table 1 shows that of the ten highest-ranked justices, four are from Costa Rica (Arroyo, Jinesta Castillo, and González), two from Colombia (Ibánez and Zapata) and Brazil (Zavascki and Ferreira), and one each from Mexico (Cossío) and Peru (San Martín). The last finding is striking, since the Peruvian Supreme Court justices are not well assessed; however, its former chief San Martín is in the top-ten justices of the sample. Another interesting finding is related to Argentina, where the top two justices, Petracchi and Lorenzetti, only appear in the twenty sixth and thirtieth positions. On the other hand, among the worst ten justices, five are from Ecuador (Vintimilla, Merino, Blacio, Andino, and Yumbay), three from Bolivia (Suntura, Calle, and Nava), and one each from Peru (Huamaní) and Paraguay (Núñez).[14] The highest-rated Uruguayan justice is in the 105th spot, and the worst in the 126th spot (Gutiérrez and Ruibal, respectively).

Due to the analytical approach used, it is possible to assess differences regarding the quality of judicial decisions among justices in each country. This analysis is essential to the extent that as there exists greater homogeneity among the members of the Supreme Court, the quality of the judicial decision will depend less on the *juez ponente* responsible of writing the *proyecto de sentencia*. On the other hand, if the Supreme Court is more heterogeneous, the importance of *juez ponente* will be greater, increasing the uncertainty of litigants as regards the quality of the judicial decisions. Figure 1 provides the results of the variance of the quality of judicial decisions between Supreme Court justices in the eleven Latin American countries surveyed.

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[14]Núñez resigned in December 2014.

An interesting point here is that a potential bias could affect the comparison of the individual justices' scores in the same country due to the differences in the time each justice has sat on the bench. The argument is that if a justice has one year on the bench, her score in relation to her colleague with ten years on the Supreme Court could be affected by her lack of experience and skills as justice.[15] For the justices analyzed, the influence of seniority is minimal. All justices were appointed with little difference in seniority, save for some exceptional cases such as justices Fayt and Petracchi (both appointed in 1983) and De Melo (appointed in 1989) in Argentina, and Méndes (appointed in 1990) in Brazil. In relation with the tenure, the institutional design in Latin America is a mosaic. Argentina, Brazil, and Paraguay have life tenure, while Chile has an age limit of 75 years. Costa Rican Supreme Court justices have eight-year terms automatically renewable unless the Congress opposes them, while Ecuador, Colombia, Mexico, Uruguay, Bolivia, and Peru have fixed terms with differences in tenure (fifteen years in Mexico, ten years in Uruguay, nine years in Ecuador). The institutional design related to appointments shows important differences, too. In Uruguay and Costa Rica the Congress appoints the justices, while in Argentina and Chile both the president and Congress intervene in the selection process.[16] In Ecuador and Peru the Council of Magistrates appoints the justices, while in Bolivia it is through universal voting.

Ecuador's Supreme Court is the most heterogeneous of the sample in terms of the quality of the judicial decisions cast by its justices. Only five justices are rated above the mean for Latin America (a score of 6.88), while the remaining sixteen vary between those who approach the mean and a number of justices who are among those receiving the worst evaluations in the region. Two cases with similar characteristics to Ecuador are Peru and Paraguay. On the other hand, the results of Brazil, Costa Rica, and Mexico stand out due to the homogeneity of justices in terms of the high quality of their judicial decisions—except for one member of each court who is below the mean for Latin America (Dias in Brazil, Ramírez in Costa Rica, and Valls in Mexico). Nevertheless, when I excluded the scores for justices Dias, Ramírez, and Valls in the index discussed below, the variation of the results are minimal, so they do not affect the ranking of their countries.[17] Costa Rica, Colombia, Bolivia, Argentina, and Uruguay are the most cohesive Supreme Courts in terms of the quality of their justices' decisions. In the cases of Costa Rica (with the exception of Justice Ramírez), Colombia, and Argentina, all justices cast sufficiently argued decisions. Therefore, the justices who write the *proyectos de sentencia* do not cause drastic variation in the quality of the decision. An opposite description applies to Bolivia and Uruguay, where all the justices present deficiencies with regard to the quality of their decisions.

In this part I show the QJDI aggregated by country. First, I describe the two factors making up the dimension of internal justification. In the case of Supreme Court justices, this dimension is the cornerstone to a well-reasoned decision in the "difficult cases." Figure 2 shows the rating of the Supreme Courts along the two dimensions included in the internal justification. Overall there, are few differences in the ratings of the countries comparing the application and interpretation of the legal norms. Colombia and Costa Rica are the countries with the highest positions, followed by Mexico, Argentina, Brazil, and Chile. All other countries are below the Latin American mean: Ecuador, Peru, Uruguay, Paraguay, and Bolivia.

Figure 3 shows the two factors composing the dimension of external justification. Since the majority of decisions cast by higher courts are "difficult cases," the reasoning of the justices cannot be limited to mentioning the applicable legal norm and the interpretation of it to the specific litigant's case, as with internal justification. Instead, it is justices employing tools such as jurisprudential precedents and legal doctrine that is the difference between high-quality judicial decisions and low-quality judicial decisions. While the internal justification reflects the justices' background about the legal, positive system,

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[15] I am grateful to a reviewer of *Justice System Journal* for the suggestion related to the influence of seniority in the assessment of the quality of judicial decisions.

[16] In Chile, the Supreme Court makes a list of candidates for the president. For an extensive discussion about tenure and other institutional features of Latin American higher courts, see Lara-Borges et al. (2012).

[17] Without Justices Valls, Ramírez, and Dias, the general index from Brazil, Costa Rica, and Mexico vary by only 0.29, 0.08, and 0.14 on the ten-point scale. I am grateful to an anonymous reviewer for raising the issue of a potential effect of the outliers in the aggregated index.
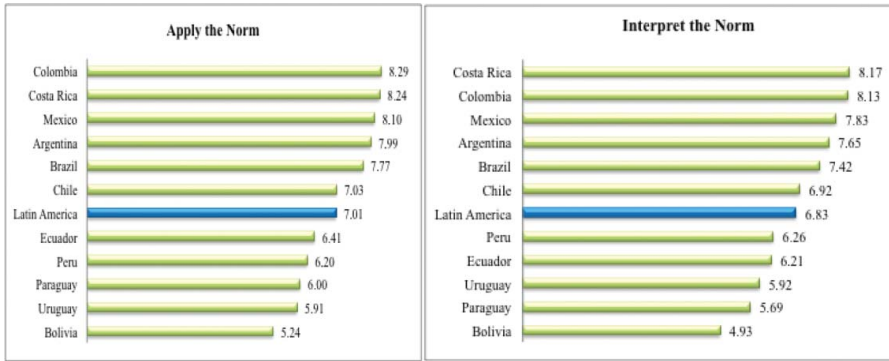
Figure 2. Ability of the justices to apply and interpret the norm (Internal Justification).

the external justification permits assessment of the justices' knowledge about the other sources and complexity of the laws.

Costa Rica looks to be the best Supreme Court in the dimensions of the ability of their justices to include jurisprudential precedents and legal doctrine in their decisions. The case of the Mexican Supreme Court is interesting because of the range between the two dimensions. While Mexico's Supreme Court is the second highest-qualified in its ability to include jurisprudential precedents, its capacity to support their decisions with legal doctrine is considerably lower. This imbalance in the scores observed in the Mexican court is also present, though with less intensity, in Colombia. Regardless of the kind of courts that these characteristics could represent, the empirical findings shed light on how well experts know the differences between the dimensions included in the concept of quality of judicial decisions.

According to the tendency observed in internal justification, the quality of judicial decisions in the dimension of external justification in the courts of Colombia, Argentina, and Brazil remains high. Nevertheless, Brazil behaves in an interesting way, since the score of its Supreme Court justices increases in their capacity to include legal doctrine with respect to the jurisprudential precedents. This feature of the Brazilian Supreme Court justices runs contrary to their Mexican colleagues described above. As I have argued previously, Chile and Uruguay's low scores are counterintuitive. In a brief characterization of Chilean Supreme Court justices, I argue they compose a "parochial court" that is interested in the application and interpretation of the legal national norms to the cases but without any connection to the more universal context of the law, usually represented in international precedents and legal doctrine of experts in similar legal systems.

Figure 4 presents the results of the aggregate QJDI for the eleven Latin American Supreme Courts analyzed. Following the tendency observed in the analysis of the four dimensions making up the
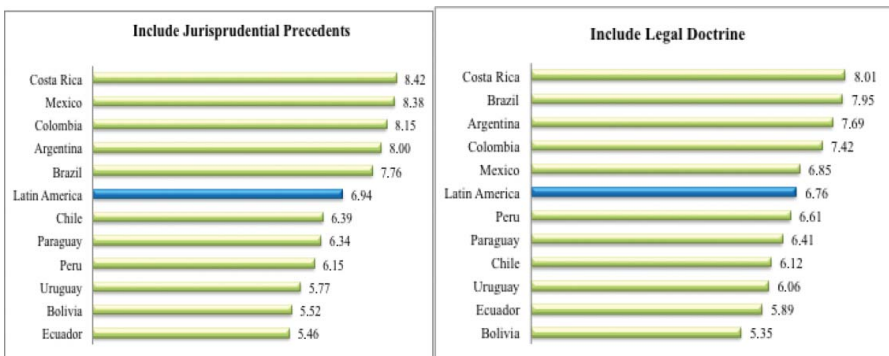

Figure 3. Ability to the justices to include jurisprudential precedents and legal doctrine (External Justification).

Figure 4. Judicial Decisions Quality Index in eleven Latin American Supreme Courts.

concept, the QJDI places Costa Rica and Colombia (8.20 and 8, respectively) as the countries with the highest quality of judicial decisions. Both findings coincide with what scholars have mentioned with regard to the merits of those courts and also with the good performance of the judicial branch (Cossío Díaz 2009; Couso 2004). Therefore, Costa Rican and Colombian Supreme Court justices can be characterized as jurists with a deep knowledge of their national legal system, with skills to interpret the legal norms to specific cases, and with the capacity to incorporate other source of the law, such as national and international jurisprudential precedents and legal doctrine, in their decisions. In other words, the judicial decisions of these Supreme Courts fits in the description of Knight (2009) with regard to a normative wish that Supreme Courts constitute a point of reference for society with respect to key matters on diverse topics.

The legal decisions of the supreme courts of Argentina, Mexico, and Brazil (7.83, 7.79, and 7.73, respectively) also approach fairly high levels of quality, since they are above the mean for Latin America. In the Argentine case, justices such as Lorenzetti, Zaffaroni, and Argibay who have background as researchers support these findings.[18] In the Mexican and Brazilian cases, previous research indicated profound positive changes in the Supreme Courts in recent years (Finkel 2003, 2004; Taylor 2008). In addition, both Supreme Courts highlight some justices with broad careers as academics and researchers such as Cossío and Zaldívar in Mexico, and Zavascki and Ferreira in Brazil. Below the regional mean are the Supreme Courts of Chile, Peru, Paraguay, Ecuador, Uruguay, and Bolivia.

Conclusions and Future Research Agenda

In this article I used the theory of legal argumentation to construct a concept of what constitutes a high-quality judicial decision, before assessing the quality of judicial decisions (Knight 2009, 1549). Although my primary interest was in evaluating supreme courts, the framework is a broad one and offers conceptual parameters for empirically verifying the performance of justices at all hierarchical levels of the judicial branch. The four analytical dimensions following from internal and external justification for legal decisions has the virtue of being parsimonious and "traveling" independently within and across judicial systems.

On the empirical analysis, both the QJDI and each one of its dimensions allow an appreciation of the variety of supreme courts in Latin America. Costa Rica and Colombia have justices who cast the highest-quality judicial decisions, while those in Paraguay, Ecuador, Uruguay, and Bolivia cast the most deficient. Though not at the same level as the Costa Rican and Colombian justices, justices in Argentina, Mexico, and Brazil also report an acceptable rating with regard to the quality of their decisions. The Peruvian case is below the mean for Latin America, while the low quality of judicial decisions in Chile and Uruguay is among the most significant empirical findings offered by this article. The

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[18] Justice Argibay died in May 2014.

counterintuitive quality of the Chilean and Uruguayan cases indicates the need to study in greater depth the quality of judicial decisions.

The perceptions of experts who contributed to the QJDI ratings suffer biases that could arise from the type of previous relationship between the person surveyed and the judge, and also biases of equivalence among countries. Nevertheless, my nested model showed a high degree of external reliability. In the same vein, the small differences between the standard deviations of the four dimensions of the concept of quality of judicial decisions between justices shows the internal reliability of the measuring. Obviously, a better proxy would involve content analysis of the decisions cast by the supreme court justices, a challenge for future research in the field.

While this article showed empirical evidence on the QJDI for each of the supreme court justices included in the sample, another challenge is the assessment of the impact of the quality of judicial decisions cast by the supreme court justices on the behavior and decisions of appellate and lower courts. In other words, the proposal would be to evaluate how the performance of supreme court justices influences the social products of other courts (Knight 2009). The proposals mentioned constitute only some of the guidelines that could become a future research agenda in the field of judicial politics and, more specifically, the analysis of social results of the courts.

The next step in this project is related to the research question: What explains the variance in the quality of judicial decisions between justices and supreme courts? This article showed a descriptive analysis that provides some clues as to the relationship between the performance of the judges and attitudinal, institutional, economic, and contextual variables. Educational background, experience, and other skills such as research could be part of the attitudinal variables that influence in the quality of judicial decisions. Other variables related to the conditions in which justices work could be determinants of the quality of their decisions. I am referring to factors such as workload, number of clerks by each justice, or salary. Ecological variables such as judicial independence or judicial corruption have been identified as keys to understanding the economic and political performance of actors and institutions but could be part of the explanation of why the quality of judicial decisions vary between justices and courts. In any case, in the explanation of the quality of judicial decisions, judicial politics has a fruitful field to better understand what judges do and why some judges do it better than others.

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Appendix 1: Means and standard deviations of justices in eleven Latin American Supreme Courts.

Judge	Coun	Apply the Norm Mean/S.D.	Interpret the Norm Mean/S.D.	Include Jurisprudential Precedents Mean/S.D.	Include Legal Doctrine Mean/S.D.	N of Experts
Lorenzetti, R.	Arg	8.47 (0.92)	8.13 (0.99)	8.47 (1.36)	8.21 (1.85)	15
Zaffaroni, E.	Arg	7.27 (1.98)	7.07 (1.79)	7.53 (2.10)	7.86 (2.38)	15
Maqueda, J.	Arg	7.71 (1.54)	7.14 (1.29)	7.71 (1.68)	7.36 (1.69)	15
Highton, E.	Arg	7.53 (1.92)	7.07 (1.71)	7,40 (1.76)	7.00 (2.08)	15
Argibay, C.	Arg	8.47 (1.64)	8.00 (1.25)	7.93 (1.79)	7.86 (1.61)	15
Petracchi, E.	Arg	8.53 (1.55)	8.33 (1.40)	8.67 (1.68)	8.07 (1.64)	15
Fayt, C.	Arg	7.93 (1.16)	7.80 (0.94)	8.20 (1.32)	8.21 (1.19)	15
Nava, R.	Bol	4.08 (2.15)	3.62 (1.80)	4.46 (2.33)	3.92 (1.98)	14
Suntura, M.	Bol	4.75 (2.05)	4.46 (1.56)	4.69 (2.21)	4.33 (1.87)	14
Mercado, N.	Bol	4.89 (2.03)	4.20 (1.75)	5.10 (1.66)	4.30 (1.83)	14
Hurtado, G.	Bol	5.50 (2.10)	5.07 (2.40)	5.92 (1.85)	5.57 (2.21)	14
Calle, R.	Bol	4.82 (1.60)	4.09 (1.64)	4.92 (1.98)	4.50 (1.93)	14
Tordoya, F.	Bol	4.77 (2.09)	4.23 (1.42)	4.85 (2.08)	4.55 (1.57)	14
Von Borries, J.	Bol	5.64 (1.98)	5.50 (1.79)	5.93 (1.82)	5.50 (2.03)	14
Mamami, P.	Bol	4.64 (2.29)	4.73 (1.74)	5.64 (1.43)	5.00 (1.73)	14
Campero, A.	Bol	5.27 (1.85)	5.27 (1.10)	5.55 (1.69)	5.64 (1.03)	14
Barbosa, J.	Bra	7.82 (1.60)	7.45 (2.07)	7.64 (1.91)	7.91 (1.70)	11
Lewandowski, R.	Bra	6.73 (2.49)	6,64 (2.16)	7.73 (1.35)	6.73 (2.05)	11
De Melo, C.	Bra	8.91 (1.38)	8.36 (1.80)	8.73 (1.27)	8.73 (1.85)	11
Méndes, M.	Bra	8.09 (1.04)	7.91 (1.76)	7.36 (1.80)	8.00 (1.48)	11
Ferreira, G.	Bra	8.82 (1.54)	8.36 (1.29)	8.45 (1.44)	9.55 (0.69)	11
Antunes, C.	Bra	8.09 (1.14)	7.73 (1.56)	8.18 (1.25)	8.18 (1.33)	11
Días, J.	Bra	4.55 (3.05)	4.64 (2.66)	5.4 (2.25)	5.55 (2.21)	11
Fux, L.	Bra	8.00 (2.19)	7.64 (1.80)	7.82 (1.47)	8.18 (1.83)	11
Weber, R.	Bra	7.45 (2.42)	7.09 (2.34)	7.18 (2.60)	7.82 (1.83)	11
Zavascki, T.	Bra	8.88 (1.13)	8.00 (1.20)	8.63 (1.30)	8.63 (1.51)	11
Maggi, R.	Chi	7.25 (1.28)	7.25 (1.28)	6.50 (1.60)	7.13 (1.46)	8
Fuente, J.	Chi	7.00 (1.15)	7.00 (1.15)	6.29 (1.60)	7.00 (1.53)	8
Segura, N.	Chi	6.88 (1.13)	6.88 (1.13)	6.38 (1.51)	7.00 (1.41)	8
Araya, J.	Chi	6.88 (1.13)	6.88 (1.13)	6.50 (1.60)	7.13 (1.46)	8
Silva, G.	Chi	7.00 (1.93)	6.88 (1.73)	6.75 (1.98)	7.25 (1.58)	8
Brito, H.	Chi	7.18 (2.18)	7.27 (1.85)	5.82 (2.44)	5.55 (2.16)	11
Juica, M.	Chi	7.45 (1.86)	7.27 (1.90)	6.45 (3.01)	5.36 (2.38)	11
Künsemüller, C.	Chi	7.45 (2.21)	7.64 (2.16)	6.00 (2.68)	6.18 (1.94)	11
Dolmestch, H.	Chi	6.73 (1.90)	6.00 (1.84)	5.73 (2.41)	4.91 (1.70)	11
Cisternas, L.	Chi	5.64 (2.25)	5.18 (1.94)	4.70 (1.89)	4.73 (1.27)	11
Ballesteros, R.	Chi	6.57 (2.15)	5.86 (1.95)	5.29 (2.14)	4.86 (1.46)	11
Pérez, G.	Chi	5.55 (2.98)	5.55 (3.01)	5.82 (3.25)	4.40 (1.65)	11
Valdés, R.	Chi	5.73 (2.94)	5.73 (2.97)	5.82 (3.25)	4.40 (1.65)	11
Egnem, R.	Chi	5.82 (2.79)	5.82 (2.82)	5.82 (3.25)	4.60 (1.96)	11
Jacob, M.	Chi	6.64 (2.16)	6.27 (2.76)	5.82 (3.25)	4.60 (1.84)	11
Carreño, H.	Chi	8.14 (1.95)	8.13 (1.81)	7.38 (2.00)	6.38 (2.97)	10
Pierry, P.	Chi	9.22 (0.83)	8.56 (0.88)	8.11 (1.83)	6.88 (2.42)	10
Sandoval, M.	Chi	8. 00 (0.00)	8.40 (0.55)	7.33 (0.82)	7.00 (2.19)	10
Muñoz, S.	Chi	7.60 (2.22)	7.80 (1.93)	7.00 (2.40)	7.44 (1.74)	10
Bustos, J.	Col	9.00 (0.63)	8.67 (0.82)	8.50 (1.52)	8.00 (1.10)	6
Castro, F.	Col	8.67 (1.51)	8.50 (1.52)	8.17 (1.33)	7.50 (0.84)	6
Gonzáles, M.	Col	8.60 (0.89)	8.60 (1.14)	8.40 (1.14)	8.20 (0.45)	6
Barceló, J.	Col	8.67 (0.82)	8.50 (0.84)	8.33 (1.51)	8.50 (0.84)	6
Socha, J.	Col	8.67 (0.82)	8.67 (1.03)	8.67 (1.03)	8.00 (1.26)	6
Salazar, L.	Col	8.83 (1.47)	8.67 (1.51)	8.50 (1.05)	7.50 (0.55)	6
Zapata, J.	Col	9.00 (1.00)	8.60 (1.34)	8.80 (0.84)	7.80 (0.45)	6
Espinosa, S.	Col	9.17 (0.41)	9,00 (0.89)	8.33 (1.21)	8.00 (0.63)	6
Ibáñez, A.	Col	9.00 (0.89)	8.50 (1.38)	8.83 (0.98)	8.67 (0.82)	6
Aurrubia, J.	Col	8.00 (0.71)	7.60 (1.14)	7.20 (1.10)	8.00 (0.71)	5

Appendix 1: *(Continued)*.

Judge	Coun	Apply the Norm Mean/S.D.	Interpret the Norm Mean/S.D.	Include Jurisprudential Precedents Mean/S.D.	Include Legal Doctrine Mean/S.D.	N of Experts
Díaz, R.	Col	7.75 (1.89)	6.75 (1.89)	7.00 (2.00)	7.25 (2.22)	5
Giraldo, F.	Col	7.80 (0.84)	7.00 (1.22)	7.00 (1.00)	6.80 (1.10)	5
Munar, P.	Col	7.25 (0.50)	7.25 (1.50)	7.50 (1.29)	6.75 (1.26)	5
Namen, W.	Col	8.60 (0.55)	8.00 (0.71)	7.40 (1.14)	7.00 (0.71)	5
Solarte, A.	Col	8.00 (1.15)	7.50 (1.00)	7.50 (0.58)	7.50 (1.00)	5
Cuello, E.	Col	8.00 (1.41)	8.50 (1.00)	8.50 (1.29)	6.75 (2.06)	5
Burgos, J.	Col	8.00 (1.73)	7.80 (1.64)	8.00 (1.87)	6.20 (1.64)	5
Molina, C.	Col	8.75 (0.96)	8.50 (1.29)	8.50 (1.73)	8.50 (0.58)	5
Echeverri, R.	Col	7.80 (0.84)	8.40 (0.89)	8.40 (1.52)	5.80 (1.30)	5
Miranda, L.	Col	8.00 (1.41)	8.50 (0.58)	9.25 (0.50)	7.75 (1.89)	5
Gnecco, G.	Col	8.00 (1.22)	8.20 (1.30)	8.20 (1.30)	7.40 (2.51)	5
Ricaurte, F.	Col	7.00 (1.58)	7.20 (1.48)	8.20 (1.92)	5.60 (1.95)	5
Escoto, C.	Cr	7.80 (1.62)	7.67 (1.41)	8.60 (2.63)	8.13 (3.00)	11
González, Ó.	Cr	8.64 (1.12)	8.70 (1.25)	8.82 (2.40)	8.44 (2.92)	11
León, A.	Cr	8.45 (1.51)	8.80 (1.55)	8.64 (2.50)	8.56 (2.92)	11
Rivas, L.	Cr	8.36 (1.21)	8.80 (1.23)	8.73 (2.45)	8.56 (2.92)	11
Solís, R.	Cr	8.55 (1.21)	8.60 (1.35)	8.73 (2,45)	8.44 (2.92)	11
Aguirre, O.	Cr	8.22 (2.77)	8.00 (2.65)	8.13 (2.70)	7.88 (2.47)	9
Camacho, E.	Cr	7.75 (2.82)	7.50 (2.78)	7.88 (2.70)	7.63 (2.45)	9
Varela, J.	Cr	7.56 (2.35)	7.56 (2.35)	7.88 (2.75)	7.50 (2.45)	9
Vega, R.	Cr	7.89 (2.42)	7.89 (2.42)	8.25 (2.66)	8.25 (2.66)	9
Villanueva, Z.	Cr	7.33 (2.65)	7.22 (2.54)	8.00 (2.62)	7.63 (2.50)	9
Arias, D.	Cr	7.90 (1.60)	7.20 (1.40)	8.13 (0.83)	8,10 (1.52)	11
Arroyo, J.	Cr	9.00 (1.00)	9.00 (1.26)	8.90 (1.73)	9.09 (1.14)	11
Chinchilla, C.	Cr	8.09 (1.38)	7.36 (1.21)	8.20 (1.48)	8.45 (1.37)	11
Pereira, M.	Cr	7.73 (2.24)	7.27 (2.28)	7.90 (2.51)	7.45 (2.30)	11
Ramírez, J.	Cr	6.64 (2.46)	6.00 (2.24)	7.00 (2.26)	6.45 (2.38)	11
Calzada, A.	Cr	8.11 (1.05)	7.78 (1.72)	7.78 (1.39)	7.30 (2.79)	10
Cruz, F.	Cr	8.78 (1.64)	8.89 (1.05)	8,56 (1.74)	8.00 (3.09)	10
Jinesta, E.	Cr	9.00 (1.00)	9,00 (0.87)	9,22 (0.97)	8.70 (2.83)	10
Mora, L.	Cr	8.44 (1.33)	8.44 (1.33)	8.33 (1.41)	7.50 (3.06)	10
Rueda, P.	Cr	8.29 (0.95)	8.50 (0.76)	8.38 (0.92)	7.78 (2.73)	10
Castillo, F.	Cr	8.67 (1.21)	9.14 (0.90)	8.71 (1.11)	7.88 (2.90)	10
Armijo, G.	Cr	8.57 (1.62)	8.86 (1.57)	8.29 (1.70)	7.87 (3.14)	10
Iñiguez, P.	Ecu	5.33 (2.34)	5.17 (2.48)	5.00 (1.67)	4.67 (1.86)	10
Andino, W.	Ecu	4.56 (2.24)	4.22 (2.05)	4.11 (2.03)	4.11 (2.09)	10
Bermúdez, Ó.	Ecu	5.50 (2.78)	5.25 (2.38)	4.50 (2.00)	4.25 (2.12)	10
Merchán, M.	Ecu	6.50 (2.46)	5.80 (2.62)	5.50 (2.59)	5.60 (2.37)	10
Ramírez, C.	Ecu	7.33 (2.34)	7.17 (2.32)	6.40 (2.70)	7.50 (2.17)	11
Vintimilla, M.	Ecu	5.11 (2.26)	5.20 (2.44)	2.43 (1.27)	4.10 (2.77)	12
Blacio, L.	Ecu	5.00 (2.26)	5.27 (2.49)	2.50 (1.60)	4.27 (2.90)	12
Blum, J.	Ecu	5.91 (2.77)	5.45 (2.77)	3.38 (3.20)	5.00 (3.41)	12
Merino, W.	Ecu	5.33 (2.87)	5.00 (2.95)	3.33 (2.74)	4,75 (3.28)	12
Robalino, V.	Ecu	5.80 (2.86)	5.80 (2.78)	4.67 (3.24)	5.80 (3.08)	12
Terán, G.	Ecu	6.91 (2.47)	6.36 (2.77)	4.38 (3.20)	5.91 (3.02)	12
Benavides, M.	Ecu	5.36 (3.04)	5.18 (2.93)	3.29 (2.81)	4.73 (3.35)	12
Granizo, A.	Ecu	8.36 (1.57)	8.36 (1.57)	8.10 (2.08)	8.45 (2.07)	11
Aguirre, M.	Ecu	8.36 (1.86)	8.27 (2.10)	7.80 (2.66)	8.27 (1.90)	11
Ayluardo, J.	Ecu	5.67 (1.51)	5.33 (1.37)	4.60 (2.51)	5.67 (1.75)	11
Espinoza, M.	Ecu	5.14 (1.07)	5.43 (1.27)	5.33 (1.75)	5.11 (1.17)	11
Salgado, C.	Ecu	6.00 (2.16)	5.86 (2.41)	6.17 (2.56)	5.71 (2.43)	11
Yumbay, M.	Ecu	4.33 (1.86)	3.83 (1.60)	4.80 (2.17)	3.83 (1.33)	11
Ojeda, Á.	Ecu	7.67 (1.97)	7.50 (1.97)	5.83 (2.71)	6.50 (2.59)	10
Pérez, M.	Ecu	5.90 (2.08)	5.70 (2.31)	5.50 (3.14)	5.50 (2.46)	10
Suing, J.	Ecu	7.60 (2.07)	7.70 (2.41)	6.50 (3.34)	6.90 (2.77)	10
Durango, G.	Ecu	8.10 (2.08)	7.30 (2.45)	6.20 (3.12)	6.40 (2.63)	10
Silva, J.	Mex	8.70 (1.06)	8.80 (0.63)	8.90 (0.88)	6.90 (2.33)	10
Pardo, J.	Mex	8.40 (1.17)	8.00 (1.15)	8.60 (1.17)	7.00 (2.58)	10
Cossío, J.	Mex	9.20 (0.63)	9.30 (0.82)	8.90 (1.10)	8.50 (2.72)	10

(Continued)

Appendix 1: *(Continued).*

Judge	Coun	*Apply the Norm* Mean/S.D.	*Interpret the Norm* Mean/S.D.	*Include Jurisprudential Precedents* Mean/S.D.	*Include Legal Doctrine* Mean/S.D.	*N* of Experts
Sánchez, O.	Mex	7.30 (2.50)	6.80 (2.20)	8.00 (1.49)	6.10 (2.81)	10
Zaldívar, A.	Mex	8.70 (1.16)	8.90 (0.99)	8.60 (1.35)	8.40 (2.67)	10
Ortiz, G.	Mex	8.56 (1.67)	7.22 (2.68)	8.78 (1.09)	6.00 (3.00)	10
Valls, S.	Mex	6.40 (1.84)	6.80 (2.10)	6.70 (1.64)	5.70 (2.63)	10
Aguilar, L.	Mex	8.10 (1.52)	7.30 (2.00)	8.20 (1.14)	6.30 (2.54)	10
González, J.	Mex	8.30 (1.06)	8.80 (1.03)	8.00 (1.05)	7.60 (1.71)	10
Luna, M.	Mex	8.00 (1.83)	7.00 (2.71)	9.00 (0.94)	6.50 (3.10)	10
Aguirre, S.	Mex	7.40 (2.22)	7.10 (2.42)	8.40 (1.35)	6.20 (2.57)	10
Fretes, A.	Par	4.09 (2.02)	3.82 (1.66)	4.73 (2.10)	4.10 (2.69)	15
Benítez, L.	Par	7.21 (1.63)	7.08 (1.89)	7.07 (1.49)	6.85 (2.38)	15
Bajac, M.	Par	4.58 (1.31)	4.17 (1.40)	4.55 (2.16)	4.64 (2.77)	15
Garay, C.	Par	6.30 (2.16)	5.60 (2.12)	5.40 (2.17)	5.11 (2.57)	15
Pucheta, A.	Par	6.43 (2.21)	6.14 (2.07)	6.43 (2.03)	6.38 (2.18)	15
Torres, R.	Par	6.45 (1.69)	6.00 (1.95)	6.09 (1.87)	6,00 (2.36)	15
Núñez, V.	Par	4.00 (1.79)	3.64 (1.36)	4.09 (2.02)	3.82 (2.09)	15
Blanco, S.	Par	4.57 (2.24)	4.57 (2.06)	5.14 (2.77)	5.38 (2.63)	15
Bareiro, G.	Par	6.50 (2.68)	6.11 (2.52)	6.44 (2.79)	6.78 (3.03)	15
San Martín, C.	Per	8.90 (1.29)	8.90 (1.20)	8.80 (1.93)	9.00 (1.49)	10
Távara, F.	Per	6.70 (1.16)	6.80 (0.92)	6.63 (2.62)	7.11 (1.62)	10
Rodríguez, J.	Per	5.14 (1.86)	5.14 (1.77)	4.86 (1.86)	5.00 (2.08)	10
Huamaní, E.	Per	4.78 (2.49)	4.44 (2.51)	4.13 (2.59)	4.44 (2.55)	10
Castañeda, C.	Per	6.10 (1.52)	6.50 (1.35)	6.00 (2.45)	6.89 (1.69)	10
Calderón, J.	Per	5.33 (1.86)	5.17 (1.94)	4.33 (2.25)	5.29 (2.36)	10
Villa, J.	Per	7.00 (1.94)	6.90 (1.97)	7.00 (2.49)	8.00 (1.25)	10
Rodríguez, D.	Per	6.90 (1.73)	6.70 (2.11)	6.20 (2.20)	6.70 (1.64)	10
Pariona, J.	Per	5.10 (2.47)	4.90 (2.47)	4.60 (2.46)	5.20 (2.49)	10
Salas, J.	Per	6.30 (1.42)	6.80 (1.81)	6.90 (1.97)	6.90 (1.60)	10
Neyra, J.	Per	7.60 (1.26)	7.70 (1.42)	7.40 (2.07)	7.70 (1.42)	10
Acevedo, R.	Per	6.50 (0.85)	6.78 (1.20)	6.00 (3.00)	7.00 (2.18)	10
Chumpitaz, E.	Per	5.00 (1.63)	5.00 (1.80)	4.89 (2.67)	5.44 (2.74)	10
Vinatea, R.	Per	5.60 (1.51)	5.78 (1.72)	5.22 (2.86)	6.33 (2.40)	10
Yrivarren, E.	Per	5.20 (1.93)	5.00 (2.12)	4.78 (2.91)	5.11 (3.06)	10
Torres, I.	Per	5.44 (1.74)	5.25 (1.83)	4.50 (2.93)	5.63 (2.67)	10
Gutiérrez, D.	Uru	6.40 (2.67)	6.40 (2.88)	6.11 (2.76)	6.30 (2.21)	10
Ruibal, J.	Uru	5.30 (2.63)	5.50 (2.80)	5.33 (2.74)	5.60 (2.12)	10
Chediak, J.	Uru	6.20 (2.49)	5.90 (2.69)	5.56 (2.60)	5.90 (1.91)	10
Pérez, R.	Uru	5.25 (2.92)	5.67 (2.83)	5.38 (3.02)	6.00 (2.45)	10
Larrieux, J.	Uru	6.00 (2.67)	5.70 (2.67)	5.89 (2.57)	6.10 (2.13)	10

Appendix 2: Standard deviations for each surveyed in each dimension for each justice.

Cases	S.D.	Cases	S.D.
3	3.897	4	1.885
1	3.774	2	1.87
1	3.766	1	1.802
1	3.535	12	1.785
1	3.418	8	1.732
1	3.354	2	1.699
1	3.269	10	1.658
1	3	12	1.639
1	2.958	1	1.632
3	2.861	9	1.581
3	2.828	20	1.5
2	2.692	23	1.479
10	2.598	4	1.414
2	2.586	41	1.299
1	2.549	3	1.227
1	2.499	30	1.224
2	2.487	29	1.118
3	2.357	53	1.089
4	2.345	36	1
1	2.291	5	0.942
14	2.277	85	0.866
2	2.179	97	0.829
7	2.165	3	0.816
4	2.121	105	0.707
3	2.061	166	0.5
6	2.046	33	0.471
5	2	254	0.433
12	1.92	304[*]	0

Note. $n = 1448$. 123 surveys are included in the category "do not know/do not answer" for the four dimensions.

[*]23 surveys have one dimension in the category "do not know/do not answer," 16 surveys have two dimensions in that category, and 13 surveys have three dimensions in that category.