

Online Appendix

The Devil Is in the Details: Attorney Effects on Employment Arbitration Outcomes

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Supplemental Appendix of Summary Statistics, Full Regressions for Win Rates (Tables 1 and 4), and Figures

Appendix Table A.1. Summary Statistics for All Variables

<i>Variable</i>	<i>Mean</i>	<i>Standard deviation</i>	<i>Minimum</i>	<i>Maximum</i>
Dependent variables				
Win rates (all cases)	0.621	0.485	0	1
Relative awards (meritorious only)	0.376	0.382	0	1
Absolute awards (meritorious only)	190.657	757.905	0	20411.12
Independent variables (all regressions)				
Employee is represented	0.824	0.381	0	1
Employer is represented	0.968	0.176	0	1
Repeat employer	15.729	28.229	1	165
Repeat arbitrator	1.747	1.561	1	17
Repeat employer– arbitrator pairing	0.025	0.157	0	1
Male arbitrator	0.833	0.373	0	1
Arbitrator is lawyer	0.650	0.477	0	1
Male employee	0.850	0.357	0	1
Non-statutory allegation	0.814	0.389	0	1
Statutory allegation (non-discrimination)	0.053	0.224	0	1
Statutory allegation (discrimination)	0.133	0.340	0	1
Amount claimed (deflated)	2276.661	10681.11	0.001	309038.9
Number of hearing sessions	7.155	10.276	0	201
Punitive claim	0.252	0.434	0	1
Full or partial settlement recorded by arbitrator	0.075	0.264	0	1
Any arbitrator dissent	0.036	0.186	0	1
Arizona	0.013	0.114	0	1
Arkansas	0.003	0.052	0	1
California	0.113	0.316	0	1
Colorado	0.019	0.136	0	1
Connecticut	0.002	0.039	0	1
District of Columbia	0.010	0.101	0	1
Florida	0.089	0.284	0	1

Georgia	0.017	0.128	0	1
Hawaii	0.002	0.039	0	1
Illinois	0.047	0.212	0	1
Indiana	0.003	0.052	0	1
Iowa	0.002	0.039	0	1
Kentucky	0.005	0.068	0	1
Louisiana	0.006	0.078	0	1
Maryland	0.005	0.068	0	1
Massachusetts	0.033	0.178	0	1
Michigan	0.018	0.132	0	1
Minnesota	0.015	0.123	0	1
Mississippi	0.001	0.028	0	1
Missouri	0.013	0.112	0	1
Nebraska	0.003	0.052	0	1
Nevada	0.004	0.062	0	1
New Jersey	0.008	0.087	0	1
New Mexico	0.002	0.048	0	1
New York	0.349	0.477	0	1
North Carolina	0.014	0.117	0	1
Ohio	0.019	0.137	0	1
Oklahoma	0.008	0.087	0	1
Oregon	0.005	0.071	0	1
Pennsylvania	0.031	0.173	0	1
Phone	0.074	0.261	0	1
Tennessee	0.010	0.098	0	1
Texas	0.042	0.201	0	1
Utah	0.003	0.052	0	1
Virginia	0.007	0.081	0	1
Washington	0.006	0.076	0	1
Wisconsin	0.004	0.062	0	1
1991 or earlier	0.022	0.147	0	1
1992	0.031	0.174	0	1
1993	0.054	0.227	0	1
1994	0.067	0.249	0	1
1995	0.078	0.268	0	1
1996	0.064	0.244	0	1

1997	0.070	0.255	0	1
1998	0.058	0.234	0	1
1999	0.053	0.224	0	1
2000	0.058	0.233	0	1
2001	0.069	0.253	0	1
2002	0.076	0.266	0	1
2003	0.073	0.260	0	1
2004	0.062	0.242	0	1
2005	0.062	0.240	0	1
2006	0.050	0.217	0	1
2007	0.022	0.148	0	1
Additional independent variables (attorney subset only)				
Employee (EE) attorney education (LSAT)	161.920	7.020	145	173
Employer (ER) attorney education (LSAT)	162.865	6.743	145	173
EE attorney is a specialist	0.487	0.500	0	1
ER attorney is a specialist	0.498	0.500	0	1
EE attorney experience (between)	2.367	4.273	1	26.5
EE attorney experience (within)	0	2.677	-25.5	25.5
ER attorney experience (between)	2.057	1.905	1	10
ER attorney experience (within)	0	1.391	-9	9
EE attorney–arbitrator repeat pairing	0.016	0.160	0	2
ER attorney–arbitrator repeat pairing	0.008	1.113	0	2
EE–attorney repeat pairing	0.014	0.116	0	1
ER–attorney repeat pairing	0.332	0.471	0	1

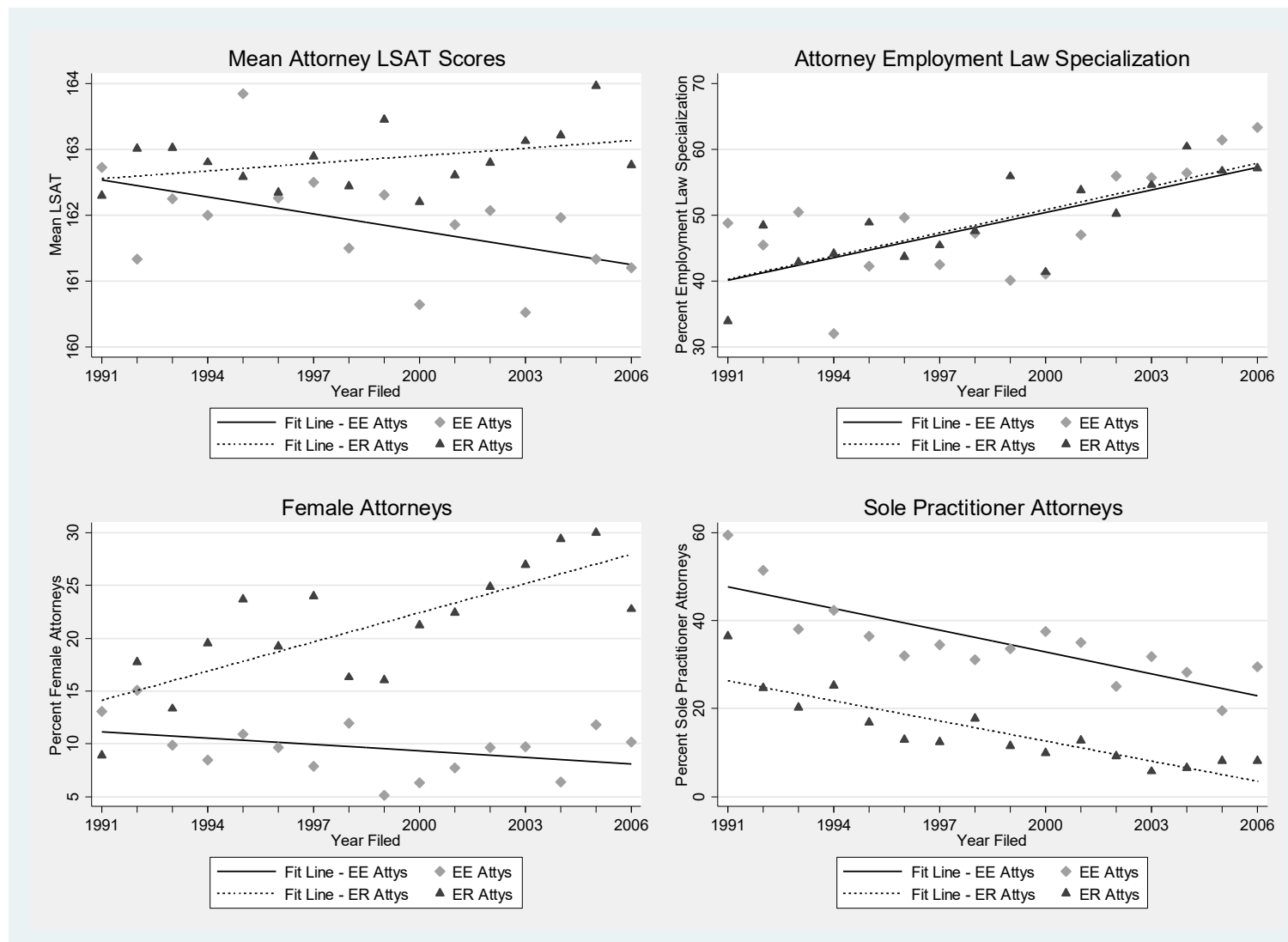
Male EE attorney	0.906	0.292	0	1
Male ER attorney	0.782	0.413	0	1
EE attorney is a sole practitioner	0.336	0.472	0	1
ER attorney is a sole practitioner	0.136	0.343	0	1
ER attorney is in-house counsel	0.266	0.442	0	1
Request for EE record expungement	0.127	0.333	0	1
Motion to dismiss	0.135	0.342	0	1
Motion for summary judgement	0.031	0.173	0	1

Appendix Table A.2. Summary Statistics by Representation (Excluding Year/Location)

Variable	No attorneys	EE attorney but no ER attorney	ER attorney but no EE attorney	Both have attorneys
	Mean (S.D.)	Mean (S.D.)	Mean (S.D.)	Mean (S.D.)
Dependent variables				
Win rates (all cases)	0.679 (0.471)	0.933 (0.254)	0.531 (0.500)	0.633 (0.482)
Relative awards (meritorious only)	0.753 (0.378)	0.757 (0.388)	0.481 (0.400)	0.340 (0.366)
Absolute awards (meritorious only)	32.707 (100.028)	74.167 (147.911)	14.968 (55.306)	225.680 (828.424)
Independent variables (all regressions)				
Repeat employer	4.962 (19.914)	4.400 (11.793)	11.523 (24.092)	16.968 (29.134)
Repeat arbitrator	1.453 (1.234)	1.933 (1.964)	1.664 (1.400)	1.767 (1.591)
Repeat employer– arbitrator pairing	0.038 (0.192)	0.033 (0.183)	0.025 (0.155)	0.025 (0.157)
Male arbitrator	0.868 (0.342)	0.767 (0.430)	0.812 (0.391)	0.837 (0.370)
Arbitrator is lawyer	0.547 (0.503)	0.567 (0.504)	0.585 (0.493)	0.666 (0.472)
Male employee	0.754 (0.434)	0.900 (0.305)	0.869 (0.338)	0.848 (0.359)
Non-statutory allegation	1.000 (0.000)	0.933 (0.254)	0.881 (0.324)	0.794 (0.404)
Statutory allegation (non-discrimination)	—	—	0.022 (0.148)	0.061 (0.240)
Statutory allegation (discrimination)	—	0.067 (0.254)	0.096 (0.295)	0.145 (0.352)
Amount claimed (deflated)	248.482 (1142.945)	304.898 (1089.179)	845.648 (3473.446)	2630.481 (11724.28)
Number of hearing sessions	2.057 (4.267)	4.300 (17.076)	2.363 (5.296)	8.244 (10.670)
Punitive claim	0.132 (0.342)	0.667 (0.254)	0.299 (0.458)	0.248 (0.432)
Full or partial settlement recorded by arbitrator	0.019 (0.137)	0.133 (0.346)	0.469 (0.212)	0.081 (0.273)
Any arbitrator dissent	0.038 (0.192)	0.033 (0.183)	0.010 (0.099)	0.041 (0.198)

Notes: EE, employee; ER, employer; S.D., standard deviation.

Appendix Figure A.1. Variations in Attorney Skill, Specialization, Gender, and Employment by Time (1991–2006)



Notes: Although the empirical analysis includes awards decided for claims filed prior to 1991 and later than 2006, I constrain the longitudinal figures to 1991–2006 filings because this time frame gives the most complete picture of year-by-year changes within the FINRA system.

Full Regression Models for Table 1 (Final Columns for Win Rates)

Logistic regression			Number of observations = 2,597			
(Standard error adjusted for 907 clusters in Employer)						
Win rate	Coefficient	Robust Std err	z	P> z	[90% conf. interval]	
EE Rep only	1.928761	.8434369	2.29	0.022	.541431	3.316091
ER Rep only	-.6987433	.3514287	-1.99	0.047	-1.276792	-.1206944
EE and ER Rep	-1.44287	.8593598	-1.68	0.093	-2.856391	-.0293486
ER exper	-.0061391	.0018371	-3.34	0.001	-.0091608	-.0031173
Arb exper	-.0596071	.0265932	-2.24	0.025	-.1033491	-.0158652
ER-Arb Pair	-.6016068	.2072828	-2.90	0.004	-.9425565	-.260657
Male EE	.1578349	.1241044	1.27	0.203	-.0462988	.3619685
Male Arb	.0327917	.1216824	0.27	0.788	-.167358	.2329414
Arb is lawyer	-.0546917	.0971696	-0.56	0.574	-.2145214	.105138
Statut alleg	.0103649	.1919739	0.05	0.957	-.3054041	.3261339
Discrim alleg	-.4388599	.1459512	-3.01	0.003	-.6789283	-.1987915
Amt claimed	-.0000214	8.95e-06	-2.39	0.017	-.0000361	-6.68e-06
Claim squared	5.70e-11	4.38e-11	1.30	0.193	-1.51e-11	1.29e-10
Num sessions	.033963	.0066189	5.13	0.000	.023076	.0448501
Punitive case	.1092463	.1014365	1.08	0.281	-.0576019	.2760944
Settlement	2.718017	.341412	7.96	0.000	2.156444	3.27959
Dissent	.3701184	.2693473	1.37	0.169	-.0729184	.8131552
Location						
AR	3.76234	1.679797	2.24	0.025	.9993191	6.525361
AZ	3.768617	1.55352	2.43	0.015	1.213303	6.323931
CA	3.05933	1.52507	2.01	0.045	.5508124	5.567848
CO	3.472095	1.55045	2.24	0.025	.9218305	6.022358
CT	1.678562	1.910108	0.88	0.380	-1.463285	4.82041
DC	3.878971	1.605511	2.42	0.016	1.23814	6.519802
FL	3.428831	1.531271	2.24	0.025	.9101143	5.947547
GA	3.288931	1.556505	2.11	0.035	.7287086	5.849154
HI	3.05965	1.863481	1.64	0.101	-.0055029	6.124803
IA	2.560892	1.78005	1.44	0.150	-.3670289	5.488813
IL	3.475435	1.51482	2.29	0.022	.9837781	5.967092
IN	4.573104	1.769552	2.58	0.010	1.66245	7.483758
KY	4.192786	1.65254	2.54	0.011	1.4746	6.910973
LA	3.296565	1.597352	2.06	0.039	.6691551	5.923974
MA	3.038309	1.545639	1.97	0.049	.4959592	5.580659
MD	2.96512	1.599236	1.85	0.064	.3346104	5.595629
MI	2.8292	1.568136	1.80	0.071	.2498457	5.408554
MN	3.53118	1.558242	2.27	0.023	.968101	6.094259
MO	3.34962	1.553614	2.16	0.031	.7941517	5.905088
MS	2.65354	1.944824	1.36	0.172	-.5454105	5.852491
NC	2.966405	1.542668	1.92	0.054	.4289429	5.503867
NE	3.162341	1.705621	1.85	0.064	.3568445	5.967838
NJ	2.630827	1.593486	1.65	0.099	.0097753	5.251879
NM	2.960838	1.689778	1.75	0.080	.1814005	5.740275
NV	4.589998	1.669311	2.75	0.006	1.844225	7.335771
NY	3.534516	1.524995	2.32	0.020	1.026122	6.04291
OH	3.450557	1.55534	2.22	0.027	.8922497	6.008864
OK	3.22231	1.57089	2.05	0.040	.6384246	5.806194
OR	2.314469	1.631659	1.42	0.156	-.3693709	4.998309
PA	2.83661	1.550474	1.83	0.067	.2863076	5.386913
Phone	3.995924	1.545361	2.59	0.010	1.454031	6.537817
TN	3.283791	1.574137	2.09	0.037	.694566	5.873016
TX	3.347061	1.540202	2.17	0.030	.813654	5.880468
UT	3.378007	1.686212	2.00	0.045	.6044346	6.151579

VA		3.303296	1.617916	2.04	0.041	.642061	5.964531
WA		3.544808	1.595578	2.22	0.026	.9203157	6.1693
WI		1.931534	1.714758	1.13	0.260	-.8889908	4.75206
Year filed							
1991		.2033195	.3480179	0.58	0.559	-.3691191	.7757581
1992		.2180826	.4213377	0.52	0.605	-.4749562	.9111215
1993		-.307413	.3252318	-0.95	0.345	-.8423717	.2275458
1994		.0480083	.3556156	0.14	0.893	-.5369274	.6329439
1995		.1036715	.3603875	0.29	0.774	-.4891131	.6964561
1996		.4693643	.3727841	1.26	0.208	-.1438111	1.08254
1997		-.0621882	.3419011	-0.18	0.856	-.6245655	.500189
1998		.2892524	.3582853	0.81	0.419	-.3000744	.8785792
1999		.4420871	.3521769	1.26	0.209	-.1371924	1.021366
2000		.2865126	.3316331	0.86	0.388	-.2589753	.8320005
2001		.1213465	.3282951	0.37	0.712	-.4186509	.661344
2002		.1802758	.3448458	0.52	0.601	-.3869451	.7474966
2003		-.0795679	.3537196	-0.22	0.822	-.6613848	.502249
2004		.1998533	.3318171	0.60	0.547	-.3459373	.7456439
2005		.1770426	.3310141	0.53	0.593	-.3674271	.7215124
2006		.085912	.3464394	0.25	0.804	-.4839301	.655754
2007		.1194546	.4464812	0.27	0.789	-.6149417	.8538508
Constant		-2.960756	1.59495	-1.86	0.063	-5.584215	-.3372963

Notes: EE, employee; ER, employer.

***Statistically significant variables are highlighted in yellow ($p < .05$ or lower).

Full Regression Models for Table 4 (Win Rates)

Logistic regression		Number of observations = 1,790				
(Standard error adjusted for 608 clusters in Employer)						
Win rate	Coefficient	Robust Std err	z	P> z	[95% conf. interval]	
EE Atty LSAT	.0157746	.0075888	2.08	0.038	.0009008	.0306484
ER Atty LSAT	.0040605	.009106	0.45	0.656	-.0137871	.021908
EE Atty Spec	.3830902	.1068617	3.58	0.000	.1736452	.5925353
ER Atty Spec	-.1849664	.1060352	-1.74	0.081	-.3927916	.0228588
EE Atty Exp-W	.0162535	.021879	0.74	0.458	-.0266286	.0591355
EE Atty Exp-B	-.0461553	.0145059	-3.18	0.001	-.0745862	-.0177243
ER Atty Exp-W	.0129094	.034086	0.38	0.705	-.053898	.0797167
ER Atty Exp-B	.0111307	.0356416	0.31	0.755	-.0587256	.0809869
EE Atty-Arb P	.1071132	.3300034	0.32	0.745	-.5396817	.753908
ER Atty-Arb P	-.0254743	.5403292	-0.05	0.962	-1.0845	1.033551
EE-Atty pair	.6153096	.5862917	1.05	0.294	-.533801	1.76442
ER-Atty pair	-.0793155	.1393792	-0.57	0.569	-.3524938	.1938627
Male EE Atty	.4181748	.1813729	2.31	0.021	.0626905	.7736591
Male ER Atty	-.0353525	.1305981	-0.27	0.787	-.29132	.2206151
EE Atty sole	-.2756499	.1097762	-2.51	0.012	-.4908073	-.0604926
ER Atty sole	.4232672	.2016825	2.10	0.036	.0279767	.8185577
In-house ER	.0387496	.1557885	0.25	0.804	-.2665903	.3440894
ER exper	-.0058536	.0016683	-3.51	0.000	-.0091235	-.0025837
Arb exper	-.0912862	.0330319	-2.76	0.006	-.1560276	-.0265449
ER-Arb pair	-.2542598	.3706619	-0.69	0.493	-.9807438	.4722241
Male EE	.1855097	.1594873	1.16	0.245	-.1270795	.498099
Male Arb	.1819748	.1480143	1.23	0.219	-.108128	.4720776
Arb is lawyer	.0429983	.1192554	0.36	0.718	-.190738	.2767345
Statut alleg	.1293032	.2127552	0.61	0.543	-.2876894	.5462957
Discrim alleg	-.5193592	.1730109	-3.00	0.003	-.8584544	-.180264
Amt claimed	-.000016	.0000107	-1.50	0.134	-.0000369	4.90e-06
Claim squared	3.72e-11	4.87e-11	0.77	0.444	-5.81e-11	1.33e-10
Num sessions	.0342253	.007457	4.59	0.000	.0196098	.0488407
Punitive case	.2182396	.1460361	1.49	0.135	-.0679859	.5044651
Settlement	2.319798	.4372747	5.31	0.000	1.462756	3.176841
Dissent	.3793363	.3201352	1.18	0.236	-.2481171	1.00679
Summary jdgmt	-.1603592	.2912152	-0.55	0.582	-.7311305	.4104122
MTD	-.4850425	.1795003	-2.70	0.007	-.8368566	-.1332283
Record expunge	.8024582	.2289659	3.50	0.000	.3536932	1.251223
Location						
AL	0 (empty)					
AR	1.208234	1.131836	1.07	0.286	-1.010123	3.426591
AZ	.9523453	.932813	1.02	0.307	-.8759346	2.780625
CA	.6007008	.9363263	0.64	0.521	-1.234465	2.435867
CO	1.307567	.990554	1.32	0.187	-.6338834	3.249017
CT	-.7324481	1.473482	-0.50	0.619	-3.620419	2.155523
DC	1.491598	.9927846	1.50	0.133	-.4542244	3.43742
FL	.9985728	.9351126	1.07	0.286	-.8342141	2.83136
GA	.6224017	1.077247	0.58	0.563	-1.488964	2.733767
HI	0 (empty)					
IA	-.6618263	1.528982	-0.43	0.665	-3.658576	2.334923
IL	.8815792	.977167	0.90	0.367	-1.033633	2.796791
IN	2.054948	1.007405	2.04	0.041	.0804713	4.029425
KY	1.054253	1.226417	0.86	0.390	-1.34948	3.457987
LA	.9081245	1.090984	0.83	0.405	-1.230165	3.046414
MA	.7767292	.9835952	0.79	0.430	-1.151082	2.70454
MD	1.053719	1.164805	0.90	0.366	-1.229256	3.336695

MI	-.0182145	1.081969	-0.02	0.987	-2.138834	2.102405
MN	1.376084	.9980462	1.38	0.168	-.5800504	3.332219
MO	.8275855	1.183516	0.70	0.484	-1.492062	3.147233
MS	.3310371	1.493272	0.22	0.825	-2.595722	3.257796
NC	.8050265	1.02851	0.78	0.434	-1.210817	2.82087
NE	.6339724	1.259385	0.50	0.615	-1.834376	3.102321
NJ	-.2255023	.9521779	-0.24	0.813	-2.091737	1.640732
NM	.4304579	1.532824	0.28	0.779	-2.573822	3.434737
NV	1.72679	1.346362	1.28	0.200	-.9120308	4.365611
NY	1.069872	.9331633	1.15	0.252	-.7590943	2.898839
OH	.7502727	.9762261	0.77	0.442	-1.163095	2.663641
OK	.9480427	.9679543	0.98	0.327	-.9491127	2.845198
OR	-.4373625	1.110973	-0.39	0.694	-2.61483	1.740105
PA	.5294801	.9796455	0.54	0.589	-1.39059	2.44955
PP	1.063283	.923313	1.15	0.249	-.7463772	2.872943
TN	.9035451	1.12544	0.80	0.422	-1.302277	3.109367
TX	1.225371	.980108	1.25	0.211	-.6956057	3.146347
UT	1.178376	1.363888	0.86	0.388	-1.494795	3.851547
VA	.826919	1.207758	0.68	0.494	-1.540242	3.19408
WA	.288237	1.28891	0.22	0.823	-2.23798	2.814454
WI	0	(omitted)				
Year filed						
1991	.484598	.5032753	0.96	0.336	-.5018035	1.470999
1992	.0947296	.5824266	0.16	0.871	-1.046806	1.236265
1993	-.559503	.4239819	-1.32	0.187	-1.390492	.2714863
1994	-.0685211	.4971809	-0.14	0.890	-1.042978	.9059356
1995	-.0075332	.4340781	-0.02	0.986	-.8583106	.8432443
1996	.337669	.4873639	0.69	0.488	-.6175467	1.292885
1997	-.2870638	.4492156	-0.64	0.523	-1.16751	.5933827
1998	.090794	.4760167	0.19	0.849	-.8421815	1.02377
1999	.329433	.4757485	0.69	0.489	-.603017	1.261883
2000	.3491547	.4462378	0.78	0.434	-.5254554	1.223765
2001	-.2127731	.4423858	-0.48	0.631	-1.079833	.6542871
2002	.1472661	.488924	0.30	0.763	-.8110072	1.105539
2003	-.2272962	.4719702	-0.48	0.630	-1.152341	.6977485
2004	.1181787	.4519574	0.26	0.794	-.7676415	1.003999
2005	-.2015622	.4883567	-0.41	0.680	-1.158724	.7555994
2006	-.2095826	.488318	-0.43	0.668	-1.166668	.7475032
2007	-.1148497	.5542075	-0.21	0.836	-1.201076	.9713769
Constant	-4.254582	2.077496	-2.05	0.041	-8.326399	-.1827655

Notes: EE, employee; ER, employer.

***Statistically significant variables are highlighted in yellow ($p < .10$ or lower).