

-What is the main question(s) raised in the paper (the issue)?

Though had some similar studies been done, this study extended more by (1) including not only the federal cases but also states cases (2) including three separate datasets and most half a million citation, which becomes the most comprehensive examination (3) including both forward-looking and backward-looking examination (4) focusing on precedential decay.

-Why should we care about it (the significance)?

As judicial opinions are crucial in many aspects, the most essential one may be to guide lawyers about the standard of the code. Consequently, the precedents' opinions would indirectly affect the actions people would do. Therefore, it would be valuable to find whether there is any pattern or characteristics of precedents opinions fade.

-What is the author's answer (the findings)?

In general, the decisions decay smoothly as exponentially. For more detail, the decay rate can be categorized by the following hypothesis:

- The "constitutional precedents", "Federal court opinions", "Opinions by courts of larger states", "Opinions with unanimous opinions" decay more slowly.
- The "Opinions of lower courts", "In-citations", "Mandatory jurisdiction opinions" decay more rapidly.

Also, the hypothesis of "citations coded as negative by Westlaw staff will tend to be more recent than those not coded as negative" and "demographic and political background about the judges would affect the decay" do not hold in this study from the data.

-How did the author get there (the strategy)?

In this paper, they studied the number of changes of decisions made by the supreme court from the State supreme court which is citations from the United States Courts of Appeals and United States Supreme Court. One of the analyses containing two datasets is backward-looking, which presents the opinion make to prior cases. Further, these data provide information about the decay of precedent but are limited to the total citation. The other analysis contains one forward-looking dataset that allows us to study the ideas proposed by the known decisions.

To measure the decay rate in different types of cases, the authors calculate the common ratio by the best-fit exponential function. The larger the common ratio, the slower the rate of decaying; the smaller the common ratio, the greater the rate of decaying.

For another, to measure the positive or negative attitude to the citation, authors examine the evaluations with stars on the citations. Authors first find the common ratio, and then to check whether it coded negatively.

Lastly, the authors use the survival analysis to find the time when the 2003 cases will never be cited again to measure the supreme court precedent decay over the years. They use the Cox PH model to testify the hypothesis "percent of negative cites between cites to own cases and cites to other SSC cases are different"

(Comment):

(1) # of citation does not mean the opinions last for a long time. Sometimes we cite the statement to clarify the misleading or wrong concepts. (2) In reality, we figure out a new idea on the previous thought, it may be or may not be different but still be influential by the opinion. (3) From the result of categorizing the rate of the result, it shows that excluding the lower courts opinion actually may not be so much different if it meets the hypothesis. It is because the decay rate is more rapid (which may because it is not that important).