

Dissemination of Legal Information

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Question:

Which kind of information do courts disseminate?

- Information dissemination: process of broadcasting messages and issue interpretation to the media and the public
→ Agenda-building
- Judicial actors disseminate information
→ However, there is no research about judicial information dissemination efforts
- A novel data set concerning decision information disseminated by the German Federal Constitutional Court will shed light into the black box of judicial information dissemination

- Only if the public is able to monitor political behavior in the context of court decisions, non-compliance of politicians can be detected (Vanberg 2005)
 - A informed public is a “baseline source of power” for courts (Staton 2010, 13)
- Courts disseminate information through decision promotion
 - Aim: enhance transparency & strengthen judicial enforcement mechanism (Staton 2010)

The German Federal Constitutional Court

- Highly visible and publicly supported court
- Decisions are frequently covered by the media
- Since 1996 the court has a own public relations department
- Since 1998 the court publishes decisions and press releases on a regular basis
- There are four levels of decision-related information dissemination

Table 1: Levels of Information Dissemination by the GFCC

	Type of publication	Publisher	Content	Audience
Level 1: BVerfGE	Book	Judges of the GFCC (personal engagement)	All senate decisions	Professional public (e.g. Lawyers, courts, academics)
Level 2: Juris	Online (fee-based)	Juris	All Senate and chamber decisions	Professional public (e.g. Lawyers, courts, academics)
Level 3: Official Website	Online (open access)	GFCC	'Essential' senate and chamber decisions	Interested public (e.g. Journalists, citizens)
Level 4: Press Releases	Online (open access), Mailinglist, Twitter	GFCC	Decision-related press releases (senate and chamber) and releases about miscellaneous	Interested public (e.g. Journalists, citizens)

Figure 1: Steps of the data set creation process

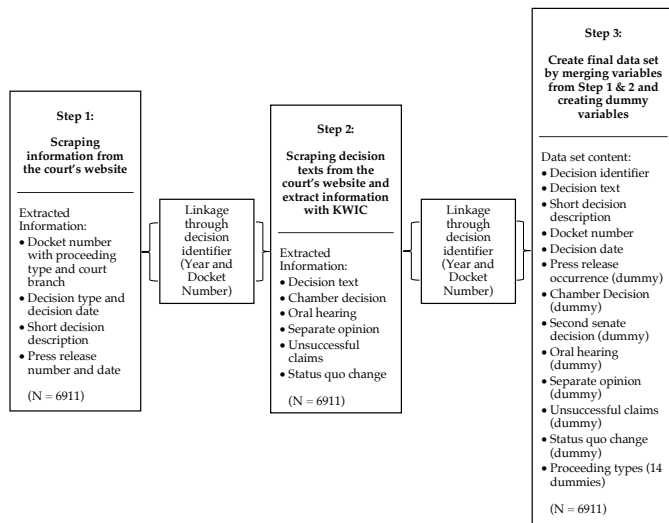


Figure 2: Court Website Structure



1 2 3 ... 688 >

1. > 1 BvR 745/17, 1 BvR 981/17
Beschluss vom 24. April 2018

Ablehnungsgesuche gegen Vizepräsident Kirchhof zurückgewiesen

Siehe auch > [Pressemitteilung Nr. 30/2018 vom 3. Mai 2018](#)

2. > 1 BvR 29/18
Beschluss vom 12. April 2018

Erfolgreiche Verfassungsbeschwerde gegen die Kostenfestsetzung im zivilgerichtlichen Verfahren

3. > 1 BvR 3080/09
Beschluss vom 11. April 2018

Zur Ausstrahlungswirkung des allgemeinen Gleichheitssatzes in das Zivilrecht

Siehe auch > [Pressemitteilung Nr. 29/2018 vom 27. April 2018](#)

Source: http://www.bundesverfassungsgericht.de/SiteGlobals/Forms/Suche/Entscheidungensuche_Formular.html?language_=de, accessed 03.05.2018.

Figure 3: Steps of the data set creation process

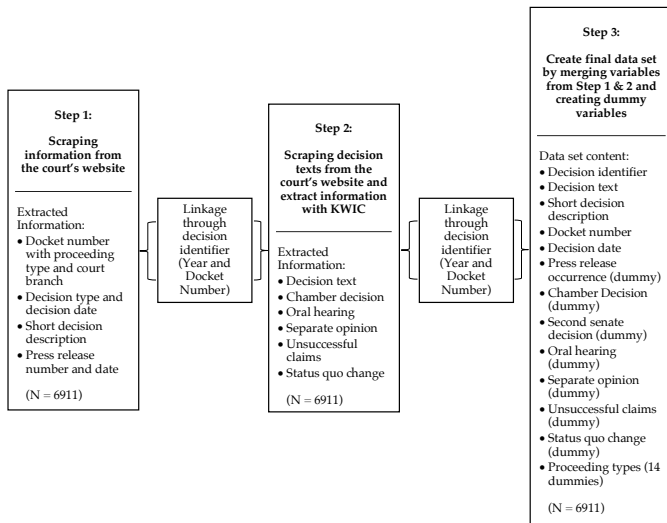


Figure 4: KWIC text fragments

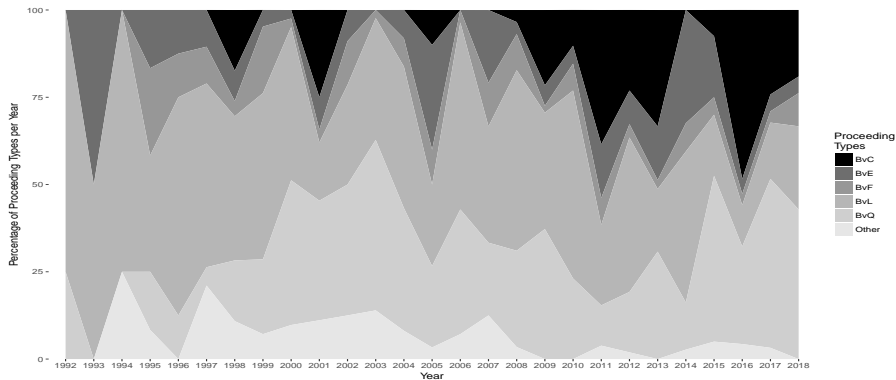
	Text fragment used for the KWIC analysis
Oral Hearing	"aufgrund der mündlichen Verhandlung vom" "auf Grund der mündlichen Verhandlung vom"
Separate Opinion	"Abweichende Meinung der" "Abweichende Meinung des"
Chamber Decision	". Kammer des Ersten Senats des Bundesverfassungsgerichts durch die" ". Kammer des Ersten Senats des Bundesverfassungsgerichts durch den" ". Kammer des Zweiten Senats des Bundesverfassungsgerichts durch die" ". Kammer des Zweiten Senats des Bundesverfassungsgerichts durch den"
Unsuccessful Claim (examples)	"Die Verfassungsbeschwerde wird nicht zur Entscheidung angenommen" "Im übrigen wird die Verfassungsbeschwerde zurückgewiesen" "Die Verfassungsbeschwerde wird verworfen" "Der Antrag auf Erlass einer einstweiligen Anordnung wird abgelehnt" "Im übrigen sind die Vorlagen unzulässig"
Status Quo Change (examples)	"Es verstößt gegen Art. [...] Abs. [...] GG, wenn der Gesetzgeber" "mit dem Grundgesetz unvereinbar" "Die Verfassungsbeschwerde wird verworfen" "ist verfassungsrechtlich zu beanstanden"

Table 2: Frequency of variable characteristics

	Yes	No
<i>Decision Characteristics</i>		
Chamber Decision	5705	1206
Second Senate Decision	3301	3610
Unsuccessful Claims	5534	1387
Decision Press Release	1502	5409
Oral Hearing	187	6724
Separate Opinion	75	6836
Status Quo Chance	301	6610
<i>Proceeding Types</i>		
Constitutional complaint (BvR)	5911	1000
Concrete review (BvL)	318	6593
Preliminary injunction (BvQ)	304	6607
Election complaint (BvC)	156	6755
Constitutional dispute between federal organs (BvE)	94	6817
Abstract review (BvF)	63	6848
Ruling on the unconstitutionality of political parties (BvB)	22	6889
Constitutional dispute within a Land (BvK)	15	6896
Dispute between Federation and Länder (BvG)	10	6900
Public-law dispute (BvH)	8	6903
Status of an international law provision as part of federal law (BvM)	4	6907
Legal opinion issued by the Plenary (PBvU)	2	6909
Other Cases assigned by the Federal Law (BvP)	2	6909
Review of the Basic Law assigned by a Land Constitutional Court (BvN)	1	6910

6911 decisions, decided between September 1951 and June 2018.

Figure 5: Percentage of proceeding types over time (without BvR)



Which policy topics can be detected within the disseminated decisions?

- CAP coding scheme as reference
 - generalizability and comparability
- Automated text classification offers most suitable ways for coding more than 6000 documents
 - unsupervised or supervised text classification?

Unsupervised classification

- Unsupervised methods "compare the similarity of documents based on co-occurring features" (Wilkerson and Casas, 2017, 533)
- Crucial: choosing the number of cluster
- Not suitable for classify court decisions on a large scale:
 - ① Theoretically, court decisions are able to deal with every aspect of a society
 - ② Court decisions are long and complex

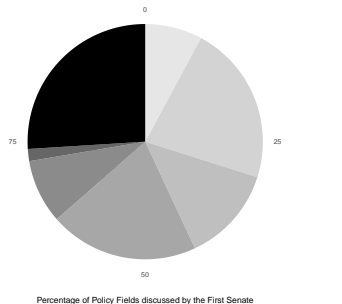
Supervised classification

- Supervised methods rely on pre-determined categories and a set of manually coded documents
 - Algorithm learns to classify uncoded documents based on these manually coded documents
- Suitable for classify court decisions according to the CAP

- Based on 609 hand-coded senate decisions (coded according to the CAP scheme), a Support Vector Machine (SVM) algorithm was trained
 - Recall accuracy: 69 %
 - Five-fold cross validation: 20 % predicted accurately
- Expected outcomes as well as...
 - e.g. division between first and second senate
- ...major flaws
 - e.g. the classification of most election complains into the international affairs topic

Figure 6: Discussed policy fields

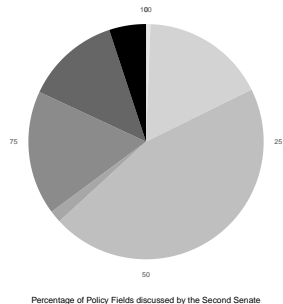
(a) First senate



Fields

- Civil Rights, Minority Issues and Civil Liberties
- International Affairs and Foreign Aid
- Law and Crime
- Public Lands and Water Management
- Immigration
- Labor
- Other

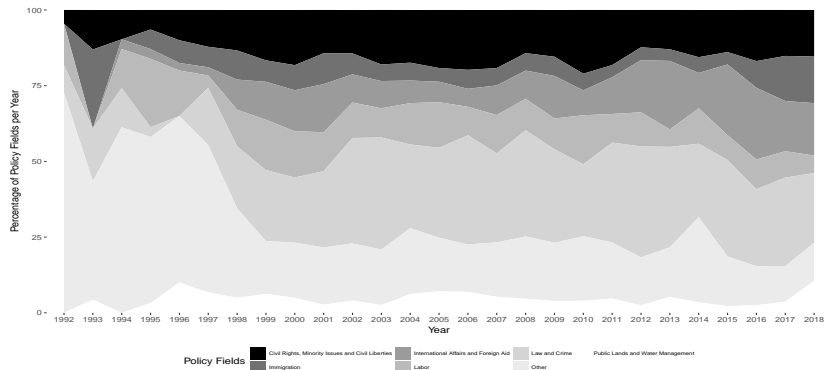
(b) Second senate



Policy Fields

- Civil Rights, Minority Issues and Civil Liberties
- International Affairs and Foreign Aid
- Law and Crime
- Public Lands and Water Management
- Immigration
- Labor
- Other

Figure 7: Percentage of policy fields over time



- ① Disseminated information reflect diversity of characteristics
- ② Disseminated information reflect the labor division between the two senates
- ③ Disseminated information reflect have a fluid policy agenda

→ Next step:

- Enhance supervised text classification algorithm (!)

Thank you for your attention!

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