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ARTICLE

Wealth, Professional Background, and Gatekeeping at Summary Judgment

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Abstract
We investigate how judges' wealth and private practice experience correlate with summary judgment in employment discrimination cases. Using data from the federal district courts, we show judges with greater wealth are less likely to grant summary judgment to employer-defendants and that this wealth-based gap narrows as years of private practice experience increase. Private practice matters most for lower-wealth judges, and the gap is smallest among judges with the most private practice experience. This is neither an artifact of prior government or judicial service nor of the uneven distribution of *pro se* plaintiffs across judges.

Keywords: judicial wealth; summary judgment; employment discrimination; federal district courts; professional background

Introduction

When Judge Joseph Greenaway, Jr.[1] reflected on what it takes to be a good judge, he did not emphasize legal knowledge or analytical skill. He pointed to mindset: "[P]art of learning to be a judge is learning a mindset: 'I want to do a good job. I have to understand this before I can rule.'" He attributed that mindset to the "reservoir of experience" he accumulated across a career spanning private practice, a stint as in-house counsel at a major corporation, and his overall good fortune to work in "intellectually open environments." In other words, he traced it to aspects of his background. Judge Greenaway's account raises a question: can specific, measurable features of a judge's background – namely professional experience and financial position – systematically predict how she rules when the facts before her are contested?

[1]Judge Greenaway served on the U.S. District Court for the District of New Jersey from 1996 to 2010. He was elevated to the Third Circuit by President Obama, where he served until his 2023 retirement. All quoted material in this paragraph is drawn from "Learning to Judge" (2022).

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The pathway Greenaway describes is intuitively appealing. Lawyers learn through practice, and those lessons go with them to the bench. But why might a judge's financial position matter? The answer is less obvious but deserves attention. Like other political elites, judges vary considerably in the levels of wealth they hold. That variation, like differences in professional experience, may shape how they handle the uncertainty they face.[2] But theories are scant about how wealth might be associated with that response. Both wealth and professional experience have received attention as potential determinants of judicial decision-making on their own. The experience literature is better developed and demonstrates that prosecutorial backgrounds, public defender work, private practice, and other career experiences can be influential in important circumstances (e.g., Robinson 2011; Boyd 2016; George and Weaver 2017; Miller and Curry 2023; Nir and Liu 2023; Oren and Topaz 2025; Harris and Sen 2026). Much of this work assumes career background reflects attitudinal predispositions, the idea being that lawyers have a lasting sympathy for the kinds of parties they once represented. Whether these patterns extend to judicial gatekeeping at summary judgment is less clear. Private practice in particular has been given less attention than prosecutorial or public defender backgrounds, probably because it is less naturally applied to attitudinal frameworks.

Investigations of judicial wealth are more nascent. Two recent studies suggest accumulated wealth correlates with decision-making on the U.S. Courts of Appeals (Miller and Curry 2024) and specialized bankruptcy courts (Curry and Miller 2026). Both conclude wealth's most important associations with behavior are contingent on the institutional context in which a judge operates. Looking to the Supreme Court, Peterson, Giallouri, and Menounou (2021) find that justices are more likely to vote for litigants in industries where they hold personal equity investments. However, this avenue seems less applicable to district judges whose rulings lack the reach of Supreme Court decisions.

Our approach draws from social background theory, which holds that judges' attributes and experiences can shape their decisions over and above ideology (e.g., George and Weaver 2017). What distinguishes our argument is the pair of attributes on which we focus (personal wealth and private practice experience) as well as the summary judgment outcome we test them against. We are less interested in underlying sympathy for a particular party than in how these variables correlate with how judges exercise their gatekeeping authority by weighing contested factual records at summary judgment.

Judge Greenaway's "reservoir of experience" offers a window into why professional background might matter; exposure to consequential decisions and the costs of overconfidence can build a tendency to recognize when a matter is not one's own to resolve outright. We think financial position may work differently. We take this up below, but to preview that argument, the wealth association we document is a gap between judges in the lowest wealth quartile and judges in the higher ones, and we treat the reasons for that as an open question. What both these channels share, if our account is right, is that they function as substitutes rather than complements. A judge who already engages carefully with a contested record through one channel should have comparatively little left for the other to contribute.

[2]Federal judges are financially comfortable by any absolute standard, with life tenure and a substantial federal salary. Because district judges are paid the same statutory salary, the variation we measure is in accumulated net worth, not in pay. The pattern we document is concentrated among judges in the lowest wealth quartile, whose median net worth is roughly $145,000 (excluding a primary residence). Stacy (2025) finds a related pattern in which the bottom wealth cohort of U.S. House members faces a meaningful disadvantage in legislative effectiveness relative to their peers.

We analyze summary judgment motions made by employer-defendants in discrimination cases to test this idea. These require federal district judges to decide whether a claim proceeds to trial or is dismissed in the employer's favor. Our data span a range of discrimination claims decided in federal district courts between 2022 and 2024, including those based on race, sex, religion, age, and disability. Summary judgment in employment discrimination cases usually comes down to whether the employer's stated reason was pretextual. There is often no clean legal answer to that question. A judge has to decide how much credit a contested account deserves.

One initial prediction is worth considering. Given the literature on wealthy elected political elites and a propensity others have found for them to favor the interests of the "haves" (e.g., Carnes 2013; Griffin and Anewalt-Rensburg 2013; Kraus and Callaghan 2014; Stacy 2025), the most logical extension is to predict that wealthier judges will be disposed to favor the "haves," employer-defendants, and be more likely than their less affluent colleagues to grant summary judgment to them.

That has some plausibility. Yet it fails to account for how wealth may operate in the judicial context. Indeed, there are important reasons why the factors thought to structure the wealth-conservatism relationship for elected political elites may not transfer particularly well to federal judges. For the former, wealth is thought to operate through some combination of electoral accountability, responsiveness to donors, and class-based policy outcomes that align with self-interest. These pressures are inapposite for federal judges. That suggests wealth is unlikely to work through the same channels that it appears to for legislators (see Miller and Curry 2024).[3]

Examining summary judgment allows us to probe a pathway for wealth's influence that is distinct from the attitudinal one. The key question for resolving summary judgment is whether or not a genuine factual dispute exists. The judge's essential task there is to assess contested representations. Because of that, we think the more plausible pathway runs through how carefully a judge engages with the record, not through affinity for a particular party. We flesh out this possibility below.

Our paper proceeds as follows. First, we review how personal wealth has been shown to shape the decisions of political and legal elites. We then introduce the notion of deliberative capacity. Here we describe its relationship to making judgments under uncertainty. We also consider the ways private practice experience and personal wealth might each contribute to deliberative capacity. Next we derive four hypotheses, describe our data and methods, present our findings, and conclude with a discussion of their implications.

Wealth, elites, and decision-making

It has long been recognized that American political institutions "sing[] with a strong upper-class accent" (Schattschneider 1960, 35; Carnes 2012, 6–7). This overrepresentation has concrete effects, chief among them being that it biases legislative

[3]One related question is why individuals who have already accumulated substantial wealth would choose to accept a federal judgeship at all. We think the answer here is fairly straightforward. For many individuals who have already reached a comfortable level of wealth, income has diminishing appeal relative to what a judgeship offers instead, including status, independence, and a unique kind of public standing (see, e.g., Epstein, Landes, and Posner 2013). More concretely, this is echoed by Banasik et al.'s (2022) finding that Polish judges rank professional prestige and employment stability far above the importance of monetary compensation.

outcomes toward elite interests. As an example, Carnes (2013) finds that white-collar lawmakers bring a more conservative perspective to economic issues than their working-class counterparts. Work that has focused specifically on personal wealth echoes that conclusion (Griffin and Anewalt-Rensburg 2013; Kraus and Callaghan 2014); as Carnes and Lupu (2023, 259) summarize, there is "compelling evidence that politicians from different economic backgrounds think and behave differently when it comes to economic issues."

Recent work also suggests wealth is associated with institutional leverage. Wealthy House members are more successful at moving their policy agendas forward, though that advantage varies by institutional context (Stacy 2025). Miller and Curry's (2024) examination of appellate judges finds no direct correlation between wealth and decision-making in the aggregate, but greater wealth does interact with ideology to amplify conservative voting in economic cases. Curry and Miller's (2026) study of bankruptcy judges finds that wealth matters both directly – wealthier judges are less likely to rule in favor of individual debtors – and in combination with the character of the circuit that oversees them. These findings bear out social background theory's basic claim that personal attributes shape judicial decision-making most in areas of direct salience to those attributes (Boyd, Epstein, and Martin 2010; George and Weaver 2017). That claim does not necessarily explain why a certain level of wealth might be associated with a given outcome. Here we propose one account and test to see whether the data match it.

Considering how decision-makers process uncertainty is a useful starting point. People of higher status exhibit high levels of psychological autonomy. They tend to trust their own assessments over external cues and be immune to social pressure (Piff et al. 2010; Kraus, Piff, and Keltner 2011), while their lower-status counterparts are more responsive to cues about how their behavior will be perceived (Ridgeway and Fisk 2012). Although federal judges are financially comfortable in absolute terms, relative differences may still influence how they approach contested cases.

Our argument is narrower. We document an association between wealth and gatekeeping that is concentrated among the least wealthy judges, and we offer possible readings of it. Some might be tempted to think the more relevant pathway is psychological, such that being more financially insulated frees judges from being dependent on their positions and gives them less need to demonstrate "competence" through aggressive gatekeeping. We cannot rule out that possibility. What our data can establish is the pattern itself, which runs against the expectation that wealthier judges would be more sympathetic to defendants and therefore more willing to grant summary judgment. We return to what the data can and cannot say about this in the conclusion.

Wealth, private practice, and judicial gatekeeping

Social background theory teaches that judges' attributes and experiences can matter for decision-making. It tends not to specify how. Deliberative capacity is where we think wealth and private practice experience may converge in the setting we study.

For us, deliberative capacity captures the idea that judges have the capacity to weigh alternative readings of a contested factual record. At the summary judgment stage, this shapes how readily a judge accepts one party's presentation as a complete account. Simply put, judges with less deliberative capacity should be more likely to

accept the moving defendant's version of events as authoritative. Rule 56 governs summary judgment and instructs judges to view evidence in the light most favorable to plaintiffs alleging discrimination. But variation is inevitable here, especially at the margins.

The private practice pathway draws most directly on research on overconfidence and calibration in professional judgment. Experience can teach lawyers where their own judgment tends to fail, which sharpens attention to where judgment ends and uncertainty begins. As we develop below, the wealth pathway may reach a similar behavioral endpoint, though by a more situational route. Private practice operates through experience. Wealth, on one possible reading, operates via the attention available to engage carefully with a contested record.

Exercising deliberative capacity requires the right conditions, chiefly time and the procedural protections of due process (Porter et al. 2022, 533). Summary judgment is a setting that exhibits those attributes. It is a point where judges are free from the time pressure that might push them toward snap judgments or immediate resolution, though we argue this does not guarantee every judge brings the same deliberative capacity to the task.

Here we focus on two paths that may shape deliberative capacity. The first is private practice, which works through professional habituation. It is a trait built through repeatedly experiencing episodes of overconfidence and the outcomes that result from it (Kruger and Dunning 1999). Kahneman and Klein's recognition model of intuition is important here. They note the model "implies two conditions that must be satisfied for an intuitive judgment (recognition) to be genuinely skilled:" the decision environment must provide "adequately valid cues to the nature of the situation" and give individuals the opportunity to learn those cues (Kahneman and Klein 2009, 520). These conditions square with private practice. Seasoned attorneys know that even the strongest cases can deteriorate during discovery or motion practice. These experiences highlight how easily facts can be shaped by those with an incentive to do so. Ultimately, litigation teaches that every story is curated and every single-sided account warrants skepticism.

Kahneman and Klein (2009, 522) term "fractionated expertise" the default condition of professional judgment. Real skill in one domain does not prevent overconfidence in another, and confidence earned in one place has a way of bleeding into places where it was not earned. We contend judges with substantial litigation experience are more likely to recognize that gap, as well.

Litigators often exhibit overconfidence in their case predictions, a bias that remains unaffected by increased expertise (Goodman-Delahunty et al. 2010). This is largely structural. The professional necessity to project certainty to attract clients often compromises an attorney's objectivity (Loftus and Wagenaar 1988). And the binary nature of "wins" and "losses" provides feedback that is too coarse to sharpen judicial intuition (Hogarth et al. 1991). The transition to the bench removes these pressures. Freed from being an advocate, a judge brings a perspective shaped by witnessing the frailty of "strong" cases with no professional stake in winning or losing.

Wealth is a different matter. Judges in the lowest wealth quartile are more likely to grant summary judgment than judges higher in the distribution, but financial disclosures tell us how much a judge holds, not why that would bear on how she weighs a record. One possibility is that financial worry competes for a person's attention. Work on scarcity and cognitive bandwidth finds that financial hardship

taxes working memory and executive control (Mullainathan and Shafir 2013); Mani et al. (2013) find that inducing financial worry among lower-income individuals reduces performance even on tasks unrelated to money. Under this reading, scarcity would operate through cognitive load – financial worry occupies working memory, reducing the attention available for deliberative capacity, which is to say the weighing of alternative readings of a contested record. A judge with less financial slack would then have less attention to spare, which would make the more efficient resolution, granting the motion rather than sending the case to trial, more attractive to her by default. That is a version of the tradeoff that Simon (1955) described for decision-makers working under resource constraints.

What scarcity looks like for federal judges deserves some elaboration. In the work cited above, scarcity is conceived as the felt gap between what a person has and what she feels she needs (Mullainathan and Shafir 2013) and, though it is not tied to any absolute level of resources, the available experimental evidence concerns lower-income participants. Even so, what a judge feels she needs is plausibly conditioned by the people around her. To the extent federal judges draw their comparisons from other judges and from lawyers in their circle, a judge near the bottom of that group's wealth distribution may feel a larger gap than her holdings alone would objectively suggest. That is not a finding of the scarcity literature per se, but we think it is a reasonable extension of its basic logic.[4]

Our measure is net of reported liabilities, so the lowest quartile identifies judges whose assets exceed their obligations by the least. And, because district court judges are paid the same salary by statute, what varies in our financial data is accumulated net worth and the financial breathing room it may provide, not pay. We recognize the limits of extending work on scarcity here. It is typically concerned with material deprivation, and even judges in our lowest wealth quartile hold life-tenured positions with a substantial federal salary. Nor does the scarcity literature show that financial worry at these levels depletes the attention a judge brings to a contested record, and our data cannot directly measure financial worry or cognitive load. We therefore offer scarcity as a possible account of the pattern. It is one our data are consistent with, but cannot directly test.

Other readings are available. Wealth may stand in for the kind of career a judge had before the bench, for professional resources that shape how she approaches the role, or for a sense of security that reduces the felt need to demonstrate competence through aggressive gatekeeping. Whether the association has a step shape, is a gradual gradient, or is something else is a question our data cannot answer, as we report below. What the evidence supports is narrower: the lowest wealth quartile differs from the highest, the difference shrinks as private practice experience grows, and the pattern is consistent with the two background characteristics acting as substitutes.

[4]Work on peer comparison points in the same direction. In a field experiment, university employees who learned what their colleagues earned reported lower job satisfaction if they were paid below the median of their peers, and the largest responses came from the lowest-paid quartile; the responses of those in the second quartile and above were small and insignificant (Card et al. 2012). People also report lower happiness when those around them have more, holding their own income constant (Luttmer 2005). In a survey of relatively high-net-worth respondents, those with median net worth of about $500,000 reported more financial stress than those worth $2.5 million or more (Klontz et al. 2015). None of these studies concerns judges, and none measures cognitive performance but, taken together, they support the plausibility of the extension we offer here.

If private practice experience and wealth are each associated with a judge's capacity to engage carefully with a contested factual record, then we should see them act as substitutes rather than complements.[5] A judge with deep litigation experience has already developed that habit of skepticism through professional practice. A judge who arrives on the bench without that professional background may still bring comparable care to a contested record if some other resource is available to her, and one candidate is the attention that comes with not being preoccupied by her own finances. On this reading, the two pathways are different in kind. One is a learned professional habit (private practice) and the other would be the absence of a constraint (wealth), but they point toward the same behavioral prediction. The substitution hypothesis below can be evaluated whether or not that reading is correct.

Hypotheses

This framework yields several hypotheses about the relationships between judicial wealth, private practice experience, and summary judgment outcomes in federal employment discrimination cases. As a baseline, we offer a naïve wealth hypothesis that ignores the institutional differences between unelected judges and elected political elites:

Hypothesis 1 ***(Wealth-sympathy hypothesis):*** Wealthier judges will be more likely to grant summary judgment to employer-defendants than their less wealthy colleagues.

Hypotheses 2 and 3 encapsulate the ideas that, respectively, wealth and private practice will be negatively associated with the likelihood of granting summary judgment.

Hypothesis 2 ***(Wealth hypothesis):*** Wealthier judges will be less likely to grant summary judgment to employer-defendants than their less wealthy colleagues.

Hypothesis 3 ***(Private practice hypothesis):*** Judges with more private practice experience will be less likely to grant summary judgment to employer-defendants than their colleagues with little to no private practice experience.

Hypothesis 4 centers on what we believe should be the substitutive rather than additive influence of private practice and wealth.

Hypothesis 4 ***(Substitution hypothesis):*** Wealth will matter more for judges who come to the bench without substantial private practice experience.

One objection to this argument is that wealth, private practice experience, and summary judgment outcomes could be linked through some unmeasured disposition – say, ideological moderation or elite professional socialization – rather than in the way we propose. An initial problem with that alternative is that most intuitive attitudinal predictions running from wealth and private practice would assume any favoritism associated with considerable wealth or private practice would run

[5]Glynn and Sen (2015) discern a similar sort of substitution pattern in a different setting. In their analysis, appellate judges with daughters vote differently in gender-related cases; they attribute this to personal exposure rather than partisanship. The relationship only appears among male judges, and they speculate this is because female judges already have that perspective firsthand. The shape of their finding echoes our prediction here, where we expect private practice and financial security each to matter most for judges who lack the other.

in favor of employer-defendants, not plaintiffs. Another possibility is that wealth might somehow reduce psychological investment in appearing decisive, perhaps because those who possess greater financial security have less riding on their judicial role and therefore have less need to demonstrate "competence" through aggressive gatekeeping.

Two things speak against the ideological-moderation version of this concern. Our models all control for judicial ideology. Supplementary tests also cut against an ideological explanation: wealth and ideology are essentially uncorrelated among the judges in our sample, and the wealth results are not concentrated among more liberal judges (see Results section below).[6] Elite professional socialization is harder to rule out directly, though our models do control for law school rank (a natural proxy for that kind of pedigree) and the wealth and private practice findings hold up with its inclusion.

Data and methods

Our data consist of employment discrimination claims decided in federal district court opinions between 2022 and 2024 that ruled on a motion for summary judgment. We identified the opinions through a Lexis search of district court decisions for employment discrimination cases involving Rule 56 motions. We kept only rulings by Article III district judges and excluded those by magistrate judges, along with any opinions the searches returned that did not decide a summary judgment motion. For each remaining claim, we coded whether the judge granted **complete summary judgment** as opposed to partial or no summary judgment.[7] The dependent variable is coded one for an instance in which full summary judgment is granted and zero otherwise. We coded a series of dummy variables to capture the **nature of the claim** (race, sex, age, disability, religion, or other), whether the employee was represented by an attorney (**pro se**), and whether the plaintiff was a **public employee**. We also coded the **length** of each decision in terms of pages.[8]

In addition to these case-level data, we captured a range of information about federal district court judges. These include whether the judge is **white** (or not) and **gender**, both based on information available in the Federal Judicial Biography database. We coded each judge's **ideology** using data from Boyd (2015), with scores based on the common space method pioneered by Epstein et al. (2007). Higher scores indicate more conservative judges. Note that, because we also include fixed effects for the appointing president, these conservatism scores capture how conservative a judge is relative to her cohort of judges appointed by a president. We also gathered information on the **current ranking of the law school** from which a judge graduated and calculated how many years a judge served in **private practice**.

[6]Among the 726 judges in our sample, the correlation between wealth quartile and the ideology score is $r = -.04$.

[7]This decision is theoretically motivated. A partial grant of summary judgment allows some portion of an employee's discrimination claim to survive, making it like a situation in which summary judgment is not granted. Three-category stereotype-logit estimates are consistent with Table 1 and show that its central wealth-by-private-practice finding is not an artifact of combining partial dispositions with full denials.

[8]Two coders worked from a common coding instrument. Questions that arose during coding were resolved by discussion. In practice, since our variables of interest appear on the face of the opinion, this coding required little subjective judgment.

To address the possibility that judges with low wealth and little private practice experience disproportionately come from careers in government service, we control for **years of government service**. This variable simply captures the total number of years served in government before appointment to the bench.[9] That measure excludes any years of service as a judge. To control for that, we include a binary indicator, **prior judicial service**.[10] We also include a measure of judge **age** in years.

Our key independent variable is also measured at the judge level. Using judicial financial disclosure for each judge in our dataset, we calculated the mean **wealth** of a judge each year.[11] We divided this measure into quartiles, coded 1 (least wealthy) through 4 (most wealthy). As a rough guide, these quartiles approximately correspond to (1) under $520,000; (2) $520,000 to $1.5 million; (3) $1.5 million to $4.4 million; and (4) more than $4.4 million.[12] We adopt this approach because capturing wealth continuously imposes a linear relationship between wealth and gatekeeping behavior that we have no strong theoretical reason to expect.[13] As we show below, the data cannot distinguish a step from a linear trend. We gathered information on the **weighted caseload (in hundreds)** faced by the judge as calculated by the Administrative Office of U.S. Courts. Descriptive information on the included variables is available in Table A1 of the appendix. The appendix also contains more detail on our procedure for coding raw wealth that we use to create the quartile measure (Table A2), the number of observations in each wealth quartile (Table A3), and an example of a judicial financial disclosure form (Figure A1).

One related concern is that cases in our sample may not be comparable across judges. Case assignment within a district could itself be non-random, but even where it might be random, defendants must still choose whether to move for summary judgment or not. They may do so strategically in light of the judge before them. We respond to this concern in two ways.

First, we test whether case characteristics fixed before judge assignment are balanced across judges, conditional on district and year. If assignment is effectively random, these should not predict which judge within a district a given case lands in front of. Most of the characteristics we test this way show no evidence of judge-level imbalance, including all the claim-type indicators in our models. There are two characteristics that do show some imbalance: *pro se* status and public employee status not being evenly distributed across judges within district-years. We revisit this point in the results section. The imbalance itself, however, does mean some judges see a

[9]The most common source of prior government service in our data was prosecutorial, including service as a U.S. Attorney, Assistant U.S. Attorney, Department of Justice employee, or state or local prosecutor. We also include public defenders and, where the legal nature of the work is clear, those who worked directly for government officials (e.g., counsel to the Senate Judiciary Committee or legal adviser to the Governor).

[10]We tried all possible combinations of coding government service and prior judicial service. None were significant, irrespective of whether the two types of service were measured in years or as a binary indicator.

[11]The measurement we extract for wealth and place into quartiles represents the midpoint between a low and a high value reported for each asset. Further, note that these disclosures do not report the value of any residence owned by a judge. These are, therefore, conservative estimates of overall wealth.

[12]This lowest cutoff (~$500,000) corresponds closely to the level at which Klontz et al. (2015) measure mass affluence. Median wealth within each category is considerably lower than the cutoffs: Q1 median is $145,000; Q2 median is $927,000; Q3 median is $2.6 million; and Q4 median is $9.3 million.

[13]Congressional financial disclosures also report values in ranges. Stacy (2025) argues a categorical measure is better suited to that kind of data than a continuous one as a practical matter – it does not impose false precision on a value that was never reported that precisely.

systematically different mix of represented and unrepresented plaintiffs than others, for reasons we cannot identify.

Because we only have data on cases where summary judgment motions were filed, we cannot test filing rates directly. As an indirect check, we test whether a judge's wealth quartile or private practice experience predicts the total number of summary judgment motions filed before that judge, controlling for district and year. If defendants are practicing strategic avoidance and being more careful in filing summary judgment motions before judges they expect to be less receptive, we should see wealthier judges or those with more private practice experience get fewer motions. We find no such relationship for wealth, as none of the three wealth-quartile contrasts predict motion volume (all $p > .20$). We do find a statistically significant relationship for private practice experience, where judges with more years in private practice see somewhat fewer motions in a given year ($p = .037$). While this is not proof of strategic avoidance, the pattern supports it. That said, to the extent private practice does reflect such selection, the direction of any resulting bias should tend to understate the relationship rather than inflate it. If defendants reserve their "strongest" cases for the judges they expect to be more miserly about granting summary judgment, then, if anything, the private practice coefficient is conservative.

An additional limitation is that our private practice experience measure does not discriminate between *types* of private practice. That is, it cannot differentiate between things like plaintiff-side vs. defense-side work or a specialty in commercial litigation vs. employment-focused practice. These distinctions could matter in principle, and they matter for the sparsest cell in our design. Only 26 judges combine a lowest-quartile wealth ranking with the most private practice experience (Table A4), and a judge with decades in practice but modest assets may well be a distinctive type, such as a solo or small-firm lawyer or one who represented plaintiffs. Though we cannot discount the possibility that the low grant rates we observe for that cell reflect sympathy toward plaintiffs or some other feature of that career path rather than deliberative capacity, our data cannot separate those explanations. Unfortunately, we do not have a reliable way to construct those data for the judges in our sample.

Our wealth measure is agnostic to how a judge's assets were acquired. It is reasonable to wonder whether more "self-made" judges might differ from those whose wealth was principally acquired via marriage or inheritance or some combination of the above. We must treat this as an open question due to data limitations. For now, we note that our empirical claim concerns the association between wealth and gatekeeping and does not depend on how wealth was acquired. The pattern we observe is concentrated among judges in the lowest wealth quartile.

A related point is that years of private practice may contribute to a judge's wealth, in which case the interactions in Models 4 through 6 would pair a variable with one of its own determinants. The two are related in our data, though only modestly ($r = .25$ across the 726 judges). More importantly, the interaction asks whether the association between wealth and gatekeeping differs among judges with the same number of years in practice, so it compares judges whose wealth differs for reasons beyond practice length. These may include inheritance, spousal earnings, investments, earlier careers, or how lucrative a judge's private practice was, and our data cannot separate them. Consequently, we read the substitution pattern as a descriptive regularity rather than evidence that practice experience exerts a causal change on the effect of wealth.

Results

To generate the results, we estimated a series of logit models which are displayed in Table 1. For each model we include both district and year fixed effects. All standard errors are clustered by judge in the models. As discussed, rather than treat judicial wealth as continuous, we divide it into quartiles. This lets the data reveal its own functional form rather than imposing linearity on it *a priori.* Models 1 through 3 include the wealth-quartile main effects on their own; Models 4 through 6 add the interaction between wealth quartile and years of private practice experience. With each set of three, we hold the full complement of case and judge characteristics constant and add two additional controls one at a time – years of government service (Models 2 and 5) and prior judicial service (Models 3 and 6) – to confirm that neither one is doing the work we credit to wealth and private practice. In total, we have data on 3,709 employment discrimination claims handled by 726 federal district court judges.[14] The individual claim is our unit of analysis.

The first thing to note is that, across each of the first three models, judges in the wealthiest quartile are less likely to grant summary judgment than judges in the least wealthy quartile. That pattern survives the addition of government-service and prior-judicial controls and is significant at $p < .05$. The second wealth quartile is also significantly different from the first throughout; the third is directionally consistent but does not reach significance in any of the three models, with a coefficient close in size to the second quartile's and a wider confidence interval, consistent with the difficulty of a single, non-extreme comparison.

Each of the wealth categories above the reference category predicts a lower likelihood of granting summary judgment, but the categories cannot be statistically distinguished from one another.[15] That is the pattern a threshold would produce, though the estimates also cannot be distinguished from a linear trend, so we treat any threshold as a description of the pattern rather than something the data establish. The comparison our argument depends on most directly is between those lowest and highest quartiles. It is significant in each of the first three models ($p < .01$ in Models 1 and 2 and $p < .05$ in Model 3), and among judges with no private practice experience it is significant at $p < .001$ in Models 4–6.

Before turning to the interaction, we note how the results from Models 1–3 correspond with Hypotheses 1 and 2. Wealth behaves as Hypothesis 2 predicts; judges in the second and fourth wealth quartiles are significantly less likely than judges in the first to grant summary judgment, though the third quartile is not significant. The sign of every wealth coefficient is negative, meaning that wealthier judges in our data are less – not more – likely to grant summary judgment. The idea that wealthier judges would be more sympathetic to employer defendants (Hypothesis 1) has no support. On its own, years in private practice do not consistently support Hypothesis 3. While its coefficient is negative in Models 1–3, it only reaches statistical significance in Model 2. The negative association becomes clear when we allow it to differ by wealth, which is the question Hypothesis 4 poses.

[14]The sample includes both district judges in active service and some on senior status, as identified by Federal Judicial Center records. Decisions by magistrate judges are not in the data. Adding an indicator for senior status to Models 3 and 6 leaves all results substantively unchanged.

[15]Wald test of Q2 = Q3 = Q4, $p = .57$ in Model 3. The test for a linear trend across the quartile coefficients yields $p = .29$.

Table 1. Logistic Regression Models Predicting Full Summary Judgment Grant

	(1)	(2)	(3)	(4)	(5)	(6)
Panel A: Key variables of interest						
Wealth quartile 2 (ref. = Q1)	−0.300*	−0.307*	−0.307*	−0.613**	−0.621**	−0.612**
	(0.140)	(0.139)	(0.138)	(0.220)	(0.216)	(0.215)
Wealth quartile 3	−0.244	−0.252	−0.241	−0.715**	−0.731**	−0.717**
	(0.153)	(0.153)	(0.154)	(0.271)	(0.268)	(0.268)
Wealth quartile 4	−0.416**	−0.420**	−0.403*	−0.897***	−0.927***	−0.902***
	(0.158)	(0.158)	(0.157)	(0.258)	(0.257)	(0.255)
Private practice (years)	−0.009	−0.015*	−0.012	−0.043***	−0.051***	−0.047***
	(0.006)	(0.008)	(0.008)	(0.012)	(0.013)	(0.013)
Quartile 2 × private practice				0.032*	0.033*	0.032*
				(0.016)	(0.016)	(0.016)
Quartile 3 × private practice				0.044*	0.044*	0.044*
				(0.018)	(0.018)	(0.018)
Quartile 4 × private practice				0.044**	0.046**	0.045**
				(0.015)	(0.015)	(0.015)
Ideology (within-president)	−0.469	−0.431	−0.411	−0.513	−0.468	−0.449
	(0.416)	(0.415)	(0.412)	(0.419)	(0.418)	(0.416)
Years of government service		−0.012	−0.009		−0.014	−0.011
		(0.009)	(0.010)		(0.009)	(0.010)
Prior judicial service			0.129			0.113
			(0.123)			(0.122)
Panel B: Case characteristics						
Pro se plaintiff	1.464***	1.467***	1.470***	1.465***	1.468***	1.471***
	(0.237)	(0.237)	(0.237)	(0.237)	(0.237)	(0.238)
Age discrimination	0.687***	0.686***	0.687***	0.703***	0.702***	0.703***
	(0.157)	(0.157)	(0.157)	(0.158)	(0.157)	(0.157)
Sex discrimination	0.090	0.092	0.091	0.096	0.099	0.098
	(0.144)	(0.144)	(0.144)	(0.144)	(0.144)	(0.144)
Disability discrimination	0.356*	0.358*	0.358*	0.377**	0.381**	0.381**
	(0.139)	(0.139)	(0.139)	(0.139)	(0.139)	(0.139)
Race/ethnicity discrimination	0.435**	0.438**	0.437**	0.457**	0.461**	0.459**
	(0.143)	(0.143)	(0.143)	(0.143)	(0.143)	(0.143)
Religious discrimination	0.024	0.029	0.025	0.035	0.043	0.039
	(0.223)	(0.223)	(0.223)	(0.224)	(0.224)	(0.223)
Public employee	0.132	0.126	0.125	0.137	0.130	0.130
	(0.099)	(0.099)	(0.100)	(0.099)	(0.099)	(0.099)
Opinion length (pages)	−0.004	−0.004	−0.004	−0.004	−0.004	−0.004
	(0.003)	(0.003)	(0.003)	(0.003)	(0.003)	(0.003)
Weighted caseload (hundreds)	0.010	0.010	0.011	0.009	0.009	0.010
	(0.029)	(0.029)	(0.029)	(0.030)	(0.029)	(0.029)
Panel C: Judge characteristics						
White	0.384**	0.398**	0.403**	0.397**	0.414**	0.417***
	(0.129)	(0.127)	(0.127)	(0.127)	(0.126)	(0.125)
Age	−0.001	0.001	−0.002	−0.003	0.000	−0.004
	(0.008)	(0.008)	(0.009)	(0.008)	(0.008)	(0.009)
Female judge	−0.021	−0.033	−0.041	−0.004	−0.017	−0.025
	(0.102)	(0.102)	(0.101)	(0.102)	(0.102)	(0.101)
Law school rank	0.002	0.002	0.001	0.001	0.001	0.001
	(0.001)	(0.001)	(0.001)	(0.001)	(0.001)	(0.001)
Constant	−1.004	−0.982	−0.916	−0.669	−0.631	−0.579
	(0.607)	(0.604)	(0.598)	(0.626)	(0.623)	(0.617)
District fixed effects	Yes	Yes	Yes	Yes	Yes	Yes
Year fixed effects	Yes	Yes	Yes	Yes	Yes	Yes
Appointing president fixed effects	Yes	Yes	Yes	Yes	Yes	Yes
Case controls	Yes	Yes	Yes	Yes	Yes	Yes

(*Continued*)

Table 1. (*Continued*)

	(1)	(2)	(3)	(4)	(5)	(6)
Judge controls	Yes	Yes	Yes	Yes	Yes	Yes
Observations	3,709	3,709	3,709	3,709	3,709	3,709
Judge clusters	726	726	726	726	726	726
Pseudo R^2	0.089	0.090	0.090	0.092	0.092	0.093

Note: Robust standard errors clustered by judge in parentheses. All models include district and year fixed effects. Models 1–6 additionally include appointing president fixed effects; the ideology coefficient therefore captures within-president variation in Judicial Common Space scores. Districts in which every claim had the same outcome are excluded due to perfect separation, as is the one Nixon-appointed judge in our sample given the inclusion of appointing president fixed effects. The dependent variable is a binary indicator for full grant of summary judgment (=1) versus partial or no grant (=0).
* p < .05, ** p < .01, *** p < .001.

Several case characteristics are significant predictors of gatekeeping behavior. Ideology is not among them. Our within-president measure of ideology is directionally negative across all six models but does not reach significance in any of them. Because appointing president accounts for roughly 90% of the judge-level variance in ideology scores, these models use only a small share of the variation in ideology, so the null should be read with that in mind. To address this, we re-estimate Models 3 and 6 without fixed effects for appointing president so that ideology can vary fully. We report these results in the appendix (Table A5). Ideology remains statistically insignificant in both models, and the wealth and private practice results are essentially identical to those in Table 1.

We also tested whether ideology's relationship with gatekeeping varies by wealth quartile so as to consider the possibility that the wealth results might be concentrated among more liberal judges. They are not, as the three wealth-quartile-by-ideology interaction terms fall short of joint significance. And, while the third wealth quartile is nominally significant on its own, it does not survive a Bonferroni correction for testing the three comparisons simultaneously.[16]

Plaintiffs who proceed pro se are much less likely to see their claims survive summary judgment, and this holds consistently across all model specifications. Proceeding without representation increases the likelihood of summary judgment by 20 [16, 24] percentage points. Allegations of age discrimination are more likely to succumb to summary judgment compared to other kinds of discrimination. Similarly, allegations of racial discrimination are more likely to be defeated by a summary judgment motion. For age discrimination claims, the higher proclivity to have a claim dismissed is likely a product of the higher standard to which these claims are held, compared to Title VII claims.[17] The higher likelihood of dismissal for racial discrimination claims fits with empirical evidence that judges are simply more skeptical of these kinds of claims than others (Clermont and Schwab 2004).

White judges are significantly more likely to grant summary judgment than nonwhite judges, a finding that holds across all six models. We treat this as a

[16]The three wealth-quartile-by-ideology interaction terms fall short of joint significance ($\chi^2(3) = 6.29$, p = .098). Only the Q3 × ideology term is nominally significant on its own (p = .048), but testing three interaction terms simultaneously calls for a stricter threshold than .05 for any single term to count; a Bonferroni correction for three comparisons requires p < .017, which this term does not reach. The same joint test without appointing president fixed effects is $\chi^2(3) = 6.10$, p = .107.

[17]See *Gross v. FBL Services*, 557 U.S. 167 (2009).

secondary, exploratory result rather than one central to our argument. Interestingly, it is not being driven by decisions in race or ethnicity discrimination claims; the White coefficient remains significant when we exclude those cases from analysis. This sits uneasily with the most specific version of a race-based account, whereby non-white judges might be expected to bring more skepticism to discrimination claims that implicate racial identity. With our data, we cannot adjudicate between remaining possibilities, whether that might be a more general disposition toward discrimination claims generally or factors correlated with judge race in our sample that have nothing to do with race as such.

The private practice association is clearest among judges in the lowest wealth quartile, where the private practice coefficient is negative and significant at $p < .001$ across all three interaction models. The interaction terms for the second, third, and fourth quartiles are all positive and individually significant at conventional levels, and they are jointly significant ($p = .024$, .018, and .019 in Models 4–6, respectively). This means the association is weaker and close to zero for wealthier judges. This is the pattern Hypothesis 4 predicts. It fits with the idea that judges without the advantages we associate with wealth rely more on private practice experience to produce the same gatekeeping pattern.

Models 4 through 6 add the interaction between wealth quartile and private practice. Figure 1 displays the interaction from Model 6, which is our fullest specification. Among judges with no private experience, those in the lowest wealth quartile are approximately 15 percentage points more likely to grant summary judgment than those in the highest wealth quartile. At the median level of private practice experience in our data, that gap narrows to roughly 7 percentage points (0.747 versus 0.681, $p = .022$). Among judges with 25 years of private practice experience, the gap is statistically zero. Though the estimates cross here, we do not read that as meaningful, both because the confidence intervals overlap heavily and because this is the thinnest part of the distribution where few lowest-wealth judges are observed. Overall, the pattern is consistent with the suggestion that private practice experience and wealth function as substitute pathways toward more restrained gatekeeping.

One natural question about this pattern is whether it is being driven by a small number of judges at the joint extremes of the wealth and experience distributions. Table A4 of the appendix shows this is not the case. Across the 16 cells defined by wealth quartile and private-practice quartile in the analytic sample that underlies Table 1 ($N = 3{,}709$), every cell contains at least 26 judges (127 case-years), and the median cell contains about 43 judges.

As readers will recall, while it is strongly significant in all models, pro se status is not evenly distributed across judges in our data. As an additional check on our central finding, we tested whether that result holds when analysis is restricted to represented plaintiffs. If a compositional difference, rather than judges' wealth and private practice experience, were driving our results, the pattern in Figure 1 ought to weaken once we restrict the sample to represented plaintiffs since pro se composition no longer varies.

As Figure 2 indicates, our results survive this exclusion (for model results, see Table A6). Restricting the sample to represented plaintiffs ($N = 3{,}364$) reproduces the pattern from Figure 1 almost exactly. Judges in the top wealth quartile grant summary judgment less often than judges in the bottom quartile at low levels of private practice experience ($p = .001$ at 0 years); the gap narrows as private practice experience increases ($p = .022$ at 12 years) and vanishes at 25 years. The wealth-private practice

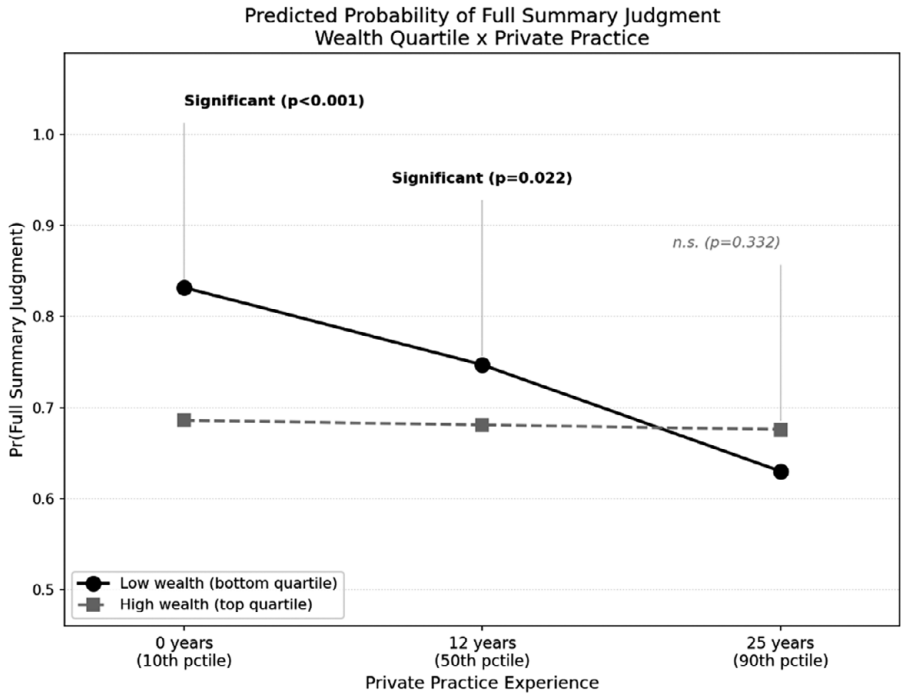


Figure 1. Wealth Quartile and Private Practice Interaction (Model 6).

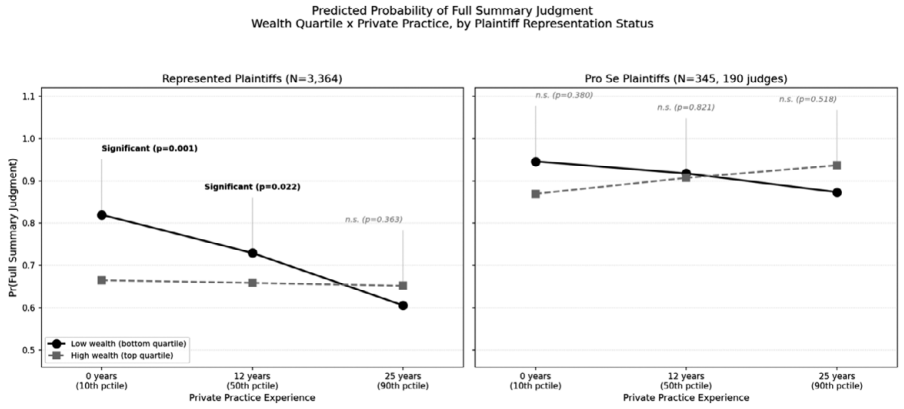


Figure 2. Wealth Quartile and Private Practice Interaction, by Representational Status.

finding is not an artifact of the imbalance in our data of the pro se variable across judges. For completeness, we also examined only pro se claims (N = 345 claims with 190 judges). Nothing was significant there, and a test of whether the interaction itself differs by representational status is not significant ($\chi^2(3) = 1.91$, p = .592). Since the

subsample is too small to rule out a null result, we do not wish to make much of that non-finding.[18]

As an additional check, we examine opinion length as an outcome, since judges who engage less with the record might be expected to write shorter opinions.[19] Table A7 of the appendix reports four models of opinion length, captured in both raw and logged number of pages, using the Table 1 controls with opinion length removed and an indicator added for whether summary judgment was granted. Relative to the lowest wealth quartile, judges in the second, third, and fourth quartiles write roughly three to four more pages, and judges in the highest wealth quartile write opinions about 11% longer than judges in the lowest quartile ($p = .018$). Private practice experience shows no relationship with opinion length, and – though the gap between the highest and lowest quartiles narrows from about 5 pages at no private practice experience to about 2 pages at 25 years – the interactions between wealth and private practice are not jointly significant. Thus, opinion length lends some support to the wealth dimension of our account but none to the private practice side.

Conclusion

Federal judges vary in ways that go beyond ideology. For plaintiffs alleging discrimination, those differences can mean the difference between a trial and dismissal. This paper attributes part of that variation to wealth and private practice experience. In doing so, it extends social background theory to a domain and a pair of attributes it has not previously engaged, consistent with wealth and private practice experience functioning as substitutes rather than complements, with the gap between high- and low-wealth judges narrowing as private practice experience increases. We read this as consistent with judges engaging more carefully with the record, not simply defaulting to one side's account. They can reach that outcome by different routes – professional calibration for private practice and, more speculatively, freedom from financial worry for wealth.

These results matter for how scholars think about wealth among political and legal elites. Previous literature documents that wealthy elected officials tend to favor the interests of economic "haves." Among judges insulated from electoral pressure, one plausible influence of wealth lies in how a judge reasons when the record before her is incomplete. This is in keeping with Miller and Curry's (2024) finding that wealth's influence on appellate judges is contingent on institutional context. There, wealth's association with voting was contingent on ideology, emerging mainly among conservative appellate judges deciding economic cases. Here, by contrast, wealth's association with gatekeeping does not appear to depend on ideology, and it holds when we drop the appointing-president fixed effects that absorb most of the variation in ideology scores (Table A5).

One interpretation of that difference is that wealth operates through more than one channel. In some appellate contexts, its influence appears ideologically inflected (Miller and Curry 2024). The channel we test here looks different and more general, and in our data it does not seem to depend on a judge's politics. This is also in keeping with the idea

[18]We also find no evidence that this substitution pattern depends on case complexity or docket pressure. Splitting the sample on claims per case (single- vs. multi-claim) and on median docket caseload and re-estimating the three-way interaction, we find no evidence that the wealth-quartile × private practice interaction differs across either split (case complexity: $\chi^2(3) = 2.03$, $p = .565$; caseload: $\chi^2(3) = 3.55$, $p = .314$).

[19]We thank an anonymous reviewer for suggesting this extension to our analysis.

that appellate decision-making tends to show more susceptibility to ideological influence than district court decision-making, in part due to factors related to case selection and the degree of discretion involved at the two levels (e.g., Rowland and Carp 1996).

The paper also advances that line of work by documenting a wealth pattern that the standard attitudinal account does not predict and by offering a potential explanation, which we cannot directly test here, that financial worry may compete for a judge's attention. More generally, the same background attribute can operate through different pathways depending on institutional context, and researchers who map findings from one setting onto another risk missing that.

The paper contributes to a growing literature on how career and life experience shape judicial decision-making. Prior work in this area has largely proceeded on the assumption that professional background transmits attitudinal sympathies. Our account offers a different framework. In this telling, what travels with the judge may be discernment built through private practice or, possibly, attention freed from financial worry. It has little to do with sympathy for a particular party.

Our findings also have several limitations. The deliberative capacity construct remains inferential, since we observe its predicted consequences rather than the capacity itself. The scarcity account is especially tentative. It draws on work about material deprivation, and the judges in the lowest wealth quartile are far from deprived by any absolute standard. Our data span a three-year window in a single procedural context, so firmer conclusions will need to await more direct measurement and replication across claim types and time periods. Future work might combine the approach employed here with surveys, experiments, or textual analysis of judicial opinions to measure deliberative capacity directly.

Finally, our theoretical account implies that these dynamics should extend beyond employment discrimination to other settings where judges evaluate contested factual records under uncertainty. Summary judgment in general civil rights litigation, and perhaps standards of review on appeal, are natural candidates. The account also implies a contrast – wealth should show little to no association with dispositions that do not require weighing a contested record. Testing that contrast represents a natural next step, since a wealth gap there would call our reading into question. The central lesson is one that Judge Greenaway intuited from experience: the capacity to know what you do not know is itself something that has to be built. It also needs room to operate and, at least according to our results, private practice experience and wealth are associated with how trial judges gatekeep.

Supplementary material. The supplementary material for this article can be found at http://doi.org/10.1017/jlc.2026.10037.

Data availability statement. Data and supporting materials necessary to reproduce the numerical results in the article are available in the *JLC* Dataverse: https://doi.org/10.7910/DVN/DKKS0W.

References

Banasik, Przemysław, Katarzyna Metelska-Szaniawska, Malgorzata Godlewska, and Sylwia Morawska. 2022. "Determinants of Judges' Career Choices and Productivity: A Polish Case Study." *European Journal of Law and Economics* 53: 81–107.

Boyd, Christina L. 2015. "Federal District Court Judge Ideology Data." Available at http://cLboyd.net/.

Boyd, Christina L. 2016. "The Comparative Outputs of Magistrate Judges." *Nevada Law Journal* 16: 949–982.

Boyd, Christina L., Lee Epstein, and Andrew D. Martin. 2010. "Untangling the Causal Effects of Sex on Judging." *American Journal of Political Science* 54: 389–411.

Card, David, Alexandre Mas, Enrico Moretti, and Emmanuel Saez. 2012. "Inequality at Work: The Effect of Peer Salaries on Job Satisfaction." *American Economic Review* 102: 2981–3003.

Carnes, Nicholas. 2012. "Does the Numerical Underrepresentation of the Working Class in Congress Matter?" *Legislative Studies Quarterly* 37: 5–34.

Carnes, Nicholas. 2013. *White-Collar Government: The Hidden Role of Class in Economic Policy Making*. Chicago: University of Chicago Press.

Carnes, Nicholas, and Noam Lupu. 2023. "The Economic Background of Politicians." *Annual Review of Political Science* 26: 253–270.

Clermont, Kevin M., and Stewart J. Schwab. 2004. "How Employment Discrimination Plaintiffs Fare in Federal Court." *Journal of Empirical Legal Studies* 1: 429–458.

Curry, Brett, and Banks Miller. 2026. "*Bankruptcy Judges' Wealth and Pro-Debtor Decision Making Within the Judicial Hierarchy*." Working Paper.

Epstein, Lee, William M. Landes, and Richard A. Posner. 2013. *The Behavior of Federal Judges: A Theoretical and Empirical Study of Rational Choice*. Cambridge, MA: Harvard University Press.

Epstein, Lee, Andrew D. Martin, Jeffrey A. Segal, and Chad Westerland. 2007. "The Judicial Common Space." *Journal of Law, Economics, and Organization* 23: 303–325.

George, Tracey E., and Taylor G. Weaver. 2017. "The Role of Personal Attributes and Social Backgrounds on Judging." In *The Oxford Handbook of U.S. Judicial Behavior*, edited by Lee Epstein and Stefanie A. Lindquist, 282–302. New York: Oxford University Press.

Glynn, Adam N., and Maya Sen. 2015. "Identifying Judicial Empathy: Does Having Daughters Cause Judges to Rule for Women's Issues?" *American Journal of Political Science* 59: 37–54.

Goodman-Delahunty, Jane, Pär Anders Granhag, Maria Hartwig, and Elizabeth F. Loftus. 2010. "Insightful or Wishful: Lawyers' Ability to Predict Case Outcomes." *Psychology, Public Policy, and Law* 16: 133–157.

Griffin, John D., and Claudia Anewalt-Rensburg. 2013. "Legislator Wealth and the Effort to Repeal the Estate Tax." *American Politics Research* 41: 599–622.

Harris, Allison P., and Maya Sen. 2026. "How Judges' Professional Experience Impacts Case Outcomes: An Examination of Public Defenders and Criminal Sentencing." *Journal of Politics* 88: 431–437.

Hogarth, Robin M., Brian J. Gibbs, Craig R.M. McKenzie, and Margaret A. Marquis. 1991. "Learning From Feedback: Exactingness and Incentives." *Journal of Experimental Psychology: Learning, Memory, and Cognition* 17: 734–752.

Kahneman, Daniel, and Gary Klein. 2009. "Conditions for Intuitive Expertise: A Failure to Disagree." *American Psychologist* 64: 515–526.

Klontz, Bradley T., Paul Sullivan, Martin C. Seay, and Anthony Canale. 2015. "The Wealthy: A Financial Psychological Profile." *Consulting Psychology Journal: Practice and Research* 67: 127–143.

Kraus, Michael W., and Bennett Callaghan. 2014. "Noblesse Oblige? Social Status and Economic Inequality Maintenance Among Politicians." *PLoS One* 9: e85293.

Kraus, Michael W., Paul K. Piff, and Dacher Keltner. 2011. "Social Class as Culture: The Convergence of Resources and Rank in the Social Realm." *Current Directions in Psychological Science* 20: 246–250.

Kruger, Justin, and David Dunning. 1999. "Unskilled and Unaware of It: How Difficulties in Recognizing One's Own Incompetence Lead to Inflated Self-Assessments." *Journal of Personality and Social Psychology* 77: 1121–1134.

"Learning to Judge: Personal Journeys Inside and Outside the Courtroom." 2022. *The Practice* March/April: Harvard Law School Center on the Legal Profession. https://clp.law.harvard.edu/knowledge-hub/magazine/issues/judicial-decision-making/learning-to-judge/.

Loftus, Elizabeth F., and Willem A. Wagenaar. 1988. "Lawyers' Predictions of Success." *Jurimetrics* 28: 437–453.

Luttmer, Erzo F.P. 2005. "Neighbors as Negatives: Relative Earnings and Well-Being." *Quarterly Journal of Economics* 120: 963–1002.

Mani, Anandi, Sendhil Mullainathan, Eldar Shafir, and Jiaying Zhao. 2013. "Poverty Impedes Cognitive Function." *Science* 341: 976–980.

Miller, Banks, and Brett Curry. 2023. "When Advocates Become Adjudicators: Tracing the Effects of Prosecutorial and Public Defense Experience on Judicial Decision Making." *American Politics Research* 51: 796–804.

Miller, Banks, and Brett Curry. 2024. "Exploring the Influence of Wealth on Judicial Decision Making." *Social Science Quarterly* 105: 1193–1204.

Mullainathan, Sendhil, and Eldar Shafir. 2013. *Scarcity: Why Having Too Little Means So Much*. New York: Times Books/Henry Holt.

Nir, Esther, and Siyu Liu. 2023. "The Influence of Prior Legal Background on Judicial Sentencing Considerations." *International Journal on Responsibility* 6: Article 5.

Oren, Oded, and Chad M. Topaz. 2025. "Judicial Professional Background and Pretrial Detention Outcomes." *Journal of Law and Courts*. https://doi.org/10.1017/jlc.2025.10010.

Peterson, Jordan Carr, Thora Giallouri, and Elli Menounou. 2021. "The Personal Finances of United States Supreme Court Justices and Decision-Making in Economic Litigation." *Journal of Legal Studies* 50: 379–405.

Piff, Paul K., Michael W. Kraus, Stéphanie Côté, Bonnie Hyden Cheng, and Dacher Keltner. 2010. "Having Less, Giving More: The Influence of Social Class on Prosocial Behavior." *Journal of Personality and Social Psychology* 99 (5): 771–784.

Porter, Tenelle, Abdo Elnakouri, Ethan A. Meyers, Takuya Shibayama, Eranda Jayawickreme, and Igor Grossmann. 2022. "Predictors and Consequences of Intellectual Humility." *Nature Reviews Psychology* 1: 524–536.

Ridgeway, Cecilia L., and Susan R. Fisk. 2012. "Class Rules, Status Dynamics, and 'Gateway' Interactions." In *Facing Social Class: How Societal Rank Influences Interaction*, edited by Susan T. Fiske and Hazel Rose Markus, 131–151. New York: Russell Sage Foundation.

Robinson, Rob. 2011. "Does Prosecutorial Experience 'Balance Out' a Judge's Liberal Tendencies?" *Justice System Journal* 32: 143–168.

Rowland, Charles K., and Robert A. Carp. 1996. *Politics and Judgment in Federal District Courts*. Lawrence: University Press of Kansas.

Schattschneider, E.E. 1960. *The Semi-Sovereign People*. New York: Holt, Rinehart, and Winston.

Simon, Herbert A. 1955. "A Behavioral Model of Rational Choice." *Quarterly Journal of Economics* 69: 99–118.

Stacy, Darrian. 2025. "Wealth and Policymaking in the U.S. House of Representatives." *Legislative Studies Quarterly* 50: e70014.

Case cited

Gross v. FBL Services, 557 U.S. 167 (2009).

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