

gleaned from archival records. Their policy orientations on the bench will be determined through standard scaling techniques using final vote data. The common criticism that scales based on votes on the merits to explain judicial behavior is circular is avoided here because the scales will be used to predict leave decisions not the final decisions.

The unanimity norm, however, stands in the way of modeling individual justices' votes on leave applications since the recorded votes reveal few instances of dissenting votes. The unanimity norm does not stand in the way, however, of determining the extent to which acceptance rates vary across the panels and whether these variations can be explained in terms of the composition of the panels. A "two against one" game may occur when two members of the panel are ideologically close or have similar voting patterns on the merits, for example, and proceed to vote on leave applications as a "coalition" while the third member acquiesces as a matter of conformity in a small group setting. The expectation would be that panels with liberal or conservative biases, i.e., where two justices have more similar policy views with one another than either does with the third, will grant leaves to appeal accordingly (cf., Lamb 1986; Dudley 1986).

Case-level data drawn from the *Bulletin*, *Supreme Court Reports*, the attorney factums, and mail questionnaires to attorneys constitute the bedrock of this project. All four perspectives require information about the characteristics and outcomes of the leave to appeal applications and in the instance of the strategic choice hypothesis the final decisions on the merits. The following table offers some examples of the independent variables for testing three of the perspectives. The agenda dynamics perspective is not shown as it depends primarily on measures of the subject matter of merits decisions over time.

Most of these variables are self-explanatory, but a few words of explanation for some are in order. With regard to the subject matter of appeals, i.e., the legal issues or substance involved in the cases, Spaeth's (1993) coding rules are being followed to make the Canadian leave to appeal database as compatible with the U.S. Supreme Court Database as possible. Modifications, of course, are necessary to take into account Quebec's civil law code as well as other features of Canadian law.

Conflicting court of appeal decisions substantially increase the likelihood that certiorari will be granted in the United States. Lawyers consequently make claims about conflicting decisions that often do