Monitoring High Court Rulings in New Democracies

Pablo Valdivieso-Kastner and Santiago Basabe-Serrano

Abstract: This article explains when and why high courts in new democracies engage in post-decision monitoring to secure compliance with their rulings. We develop a theory of strategic monitoring in which judges, lacking enforcement capacity, selectively deploy oversight mechanisms in response to reputational risks generated by social pressure. Leveraging an original dataset of 6,093 decisions from Ecuador's Constitutional Court (2015–2024), we show that the presence and intensity of *amicus curiae* participation significantly increase the likelihood of monitoring, while budgetary resources and political salience do not. These findings indicate that courts engage in institutional triage, prioritizing cases where non-compliance is most likely to generate public scrutiny. The article advances a large-N perspective on post-decision enforcement highlighting the pivotal role of civil-society participation in strengthening judicial compliance.

Keywords: apex courts, judicial monitoring, *amicus curiae* brief, Ecuador.

Courts in new democracies have been endowed with judicial review authority to adjudicate the most important issues of the day as well as to safeguard citizens' human rights.[1] Courts often decide on presidential impeachments, the constitutionality of key norms, and repair gross human rights violations. Despite this broad institutional authority and the extensive body of research, primarily by legal scholars, on the substantive content of key rulings, relatively little is known about the sequence of events that follow a high court's decision.

1 Daniel M Brinks and Abby Blass, "Rethinking Judicial Empowerment: The New Foundations of Constitutional Justice," *International Journal of Constitutional Law* 15, no. 2 (2017): 296–331, https://doi.org/10.1093/icon/mox045; Ran Hirschl, *Towards Juristocracy: The Origins and Consequences of the New Constitutionalism* (Harvard University Press, 2004), https://doi.org/10.1017/9781316823538; David S. Law and Mila Versteeg, "The Evolution and Ideology of Global Constitutionalism," *California Law Review* 99, no. 5 (2011): 1163–257; Neal Tate and Torbjrn Vallinder, "The Global Expansion of Judicial Power: The Judicialization of Politics," in C. Neal Tate and Torbjrn Vallinder, eds., *The Global Expansion of Judicial Power* (New York University Press, 1995), 1–11.

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Extant literature problematizing the post-decision phase emphasizes judicial monitoring measures as a key mechanism for securing compliance and amplifying impact,[2] yet these studies overlook two critical blind spots. First, they fail to explain when and why judges choose to employ monitoring measures in the first place. Second, the challenge of systematically observing monitoring has led researchers to rely on a handful of high-profile cases with minimal variation in the dependent variable, hindering a general understanding of post-decision dynamics.[3] As a result, current explanations to the puzzle of judicial compliance and broader impact are at best incomplete and at worst misleading.

To illustrate how monitoring unfolds in practice, consider the Yasuni ITT case in Ecuador. In 2007, former Ecuadorian President Correa proposed to leave 846 million barrels of oil beneath Yasuni National Park in exchange for international compensation—a plan formally abandoned in 2013 for lack of funding.[4] After years of legal setbacks, the citizen-led *YASunidos* movement gathered over 750,000 valid signatures by mid-2022, prompting the National Electoral Council to refer the question of whether the state shall indefinitely abstain from exploiting the Yasuni oil to the Constitutional Court. In May 2023, the Court deemed the proposal constitutional and ordered a binding referendum.[5] In August 2023, roughly 59 percent of voters endorsed the ban.[6] During the Court's deliberations, thirty-three amici *curiae*, including NGOs[7] such as Amazon Watch, academic

2 See for example: Sandra Botero, "Judges, Litigants, and the Politics of Rights Enforcement in Argentina," *Comparative Politics* 50, no. 2 (2018): 169–87, https://doi.org/10.5129/001041518822263629; Sandra Botero, ed., *Courts That Matter: Activists, Judges, and the Politics of Rights Enforcement*, Comparative Constitutional Law and Policy (Cambridge University Press, 2023), https://doi.org/10.1017/9781009281973; Cesar Rodriguez-Garavito, "Beyond the Courtroom: The Impact of Judicial Activism on Socioeconomic Rights in Latin America," *Texas Law Review* 89, no. 7 (2010): 1669–98; Aníbal Pérez-Liñán and Angie K. García Atehortúa, "Oversight Hearings, Stakeholder Engagement, and Compliance in the Inter-American Court of Human Rights," *International Organization* 78, no. 2 (2024): 293–320, https://doi.org/10.1017/S0020818324000092; Aníbal Pérez-Liñán, Luis Schenoni, and Kelly Morrison, "Compliance in Time: Lessons from the Inter-American Court of Human Rights," *International Studies Review* 25, no. 1 (2023): 2–23, https://doi.org/10.1093/isr/viac067.

3 Exceptions to this point are: Pérez-Liñán et al., "Compliance in Time"; Pérez-Liñán and Atehortúa, "Oversight Hearings, Stakeholder Engagement, and Compliance in the Inter-American Court of Human Rights."

4 Clifford Krauss, "Plan to Ban Oil Drilling in Amazon Is Dropped," *The New York Times*, August 16, 2013, https://www.nytimes.com/2013/08/17/business/energy-environment/ecuador-drops-plan-to-ban-drilling-in-jungle.html.

5 See case 6-22-CP/23 available at: https://buscador.corteconstitucional.gob.ec/buscador-externo/principal/fichaSentencia?numero=6-22-CP%2F23. Manuela Andreoni and Catrin Einhorn, "Would You Vote to Halt Drilling? In Ecuador, They're Getting the Chance," *The New York Times*, August 17, 2023, https://www.nytimes.com/2023/08/17/climate/ecuador-yasuni-drilling-referendum.html.

6 See results at the National Electoral Council's website: https://www.cne.gob.ec/elecciones-presidenciales-y-legislativas-2023/.

7 See amicus curiae brief: https://esacc.corteconstitucional.gob.ec/storage/api/v1/10_DWL_FL/e2NhcnBldGE6J2VzY3JpdG8nLCB1dWlkOic3ODM4MDE3Mi01ZDg5LTQ3NTktODM4NC01MmI1OTkyZjY2ZjIucGRmJ30=.

institutions like the Latin American Center for Social Ecology,[8] and the UN Special Rapporteur on Toxics and Human Rights,[9] briefs were filed.

Despite the Court's one-year deadline for dismantling the 247 wells in the Yasuni Park by August 2024, progress has been slow. By the deadline, only one well had been shut down under a five-and-a-half-year closure plan, with full decommissioning delayed until 2030.[10] Mounting public pressure led the Court to initiate a formal monitoring process to oversee implementation of the ruling,[11] yet by early 2025, governmental efforts remained largely administrative, and President Noboa even proposed a moratorium in light of fiscal constraints, underscoring the persistent tension between economic dependency on oil and the public mandate to protect a globally significant biodiversity hotspot.

This case prompts two central research questions: to what extent do High Courts activate post-decision monitoring mechanisms? And what factors explain why, in some cases, High Courts activate such mechanism? We address these questions by advancing a theoretical framework that suggests that high courts monitoring in new democracies is neither routine nor universally applied, but rather represents a deliberate, strategic choice by high courts in response to reputational stakes. Our framework rests on two core premises. First, litigants and third-party actors, ranging from advocacy groups, corporations, and social movements to international watchdogs, possess strong incentives to press for compliance or counter lobby beyond the courtroom through public campaigns, legal mobilization, or diplomatic pressure. Such activities impose reputational and political costs on courts perceived as ineffective.

Second, in the absence of coercive "sword" or financial "purse" powers, high courts depend on symbolic authority and public trust to enforce their rulings; an ignored decision threatens their legitimacy as no more than a "paper tiger." Against this backdrop, judges engage in a form of institutional triage: they weigh the resource costs of monitoring against the reputational risks of non-compliance and activate monitoring mechanisms only when credible social pressure signals indicate that a given case may provoke significant public scrutiny. Because precise cost–benefit calculations are infeasible, judges rely on informational cues—most notably *amicus curiae* briefs–to gauge both the technical merits of a case and the likelihood that third parties will mobilize external pressure. For these reasons, cases accompanied by clear signals of potential reputational harm are systematically more likely to be assigned for post-decision monitoring.

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8 See amicus curiae brief: https://esacc.corteconstitucional.gob.ec/storage/api/v1/10_DWL_FL/e2NhcnBldGE6J2VzY3JpdG8nLCB1dWlkOic4YmVmZDI2NS1hZmFiLTRlNzMtOTU3NS0xOTg5OTBkNzBkM2QucGRmJ30=.

9 See amicus curiae brief: https://esacc.corteconstitucional.gob.ec/storage/api/v1/10_DWL_FL/e2NhcnBldGE6J2VzY3JpdG8nLCB1dWlkOic0ZjljZWQyMy0wYmNmLTQ0M2ItODYzYi01MmJhZDU4NmFkZjkucGRmJ30=.

10 "Ecuador Starts to Shut Down Oil Drilling on Nature Reserve," *Reuters*, August 28, 2024, https://www.reuters.com/world/americas/ecuador-starts-shut-down-oil-drilling-nature-reserve-2024-08-28/.

11 See decision: https://esacc.corteconstitucional.gob.ec/storage/api/v1/10_DWL_FL/e2NhcnBldGE6J3RyYW1pdGUnLCB1dWlkOidjMTUwZDViNS1iYjM4LTQxYWMtODE3OS1jNzVmYjczN2E1NzEucGRmJ30=.

To assess the effects of public pressure on whether the Court assigns monitoring measures, we build a novel case-level dataset about post-decision monitoring processes at the Constitutional Court of Ecuador (CCE or CC) from 2015 to 2024 that comprises 6,093 observations. We also include key information about the Court and the political context that are often difficult to obtain. Results from Firth regression models point that the CCE is 1.6 times more likely to assign monitoring measures to those cases where third parties signal social pressure directed at the Court. The results hold across different robustness checks and specifications to account for potential omitted factors.

This article makes two key contributions to the literature. First, it develops a novel theoretical framework that explains how social pressure shapes courts' decisions to monitor the implementation of their sentences—an adaptive strategy designed to avert reputational damage. This framework extends prior work on judicial influence and compliance in new democracies by specifying conditions under which judicial monitoring is used during the post-decision phase.[12] Second, this article offers the first large-N analysis that can capture systematic cross-case variation in the incidence of monitoring thereby increasing portability of our findings. We hope that these findings will stimulate renewed empirical inquiry into the post-decision phase and the enforcement of court rulings in new democracies.

Literature Review

High courts possess limited means to ensure the enforcement of their decisions. They are often perceived as lacking both coercive authority—the "sword"—and financial resources—the "purse"—necessary to compel compliance.[13] This challenge is commonly referred to as the "implementation problem." Unsurprisingly, scholars have documented significant variation in the degree of compliance with judicial rulings at many

12 Sandra Botero, "Judges, Litigants, and the Politics of Rights Enforcement in Argentina," *Comparative Politics* 50, no. 2 (2018): 169–87, https://doi.org/10.5129/001041518822263629; Sandra Botero, ed., *Courts That Matter: Activists, Judges, and the Politics of Rights Enforcement*, Comparative Constitutional Law and Policy (Cambridge University Press, 2023), https://doi.org/10.1017/9781009281973; Daniel M. Brinks and Abby Blass, "Rethinking Judicial Empowerment: The New Foundations of Constitutional Justice," *International Journal of Constitutional Law* 15, no. 2 (2017): 296–33, https://doi.org/10.1093/icon/mox045; Ryan E. Carlin, Mariana Castrellón, Varun Gauri, Isabel Jaramillo, and Jeffrey Staton, "Public Reactions to Noncompliance with Judicial Orders," *American Political Science Review* 116, no. 1 (2022): 265–82, https://doi.org/10.1017/S0003055421000903; Varun Gauri, Jeffrey Staton and Jorge Vargas Cullel, "The Costa Rican Supreme Court's Compliance Monitoring System," *The Journal of Politics* 77, no. 3 (2015): 774–86, https://doi.org/10.1086/681260; Cesar Rodriguez-Garavito, "Beyond the Courtroom: The Impact of Judicial Activism on Socioeconomic Rights in Latin America," *Texas Law Review* 89, no. 7 (2010): 1669–98.

13 Gregory A. Caldeira, "Neither the Purse Nor the Sword: Dynamics of Public Confidence in the Supreme Court," *The American Political Science Review* 80, no. 4 (1986): 1209–26, https://doi.org/10.2307/1960864; Gregory A. Caldeira and James L. Gibson, "The Etiology of Public Support for the Supreme Court," *American Journal of Political Science* 36, no. 3 (1992): 635–64, https://doi.org/10.2307/2111585.

levels.[14] Compliance is crucial, as the authority of the judiciary is tested each time a court issues a ruling and awaits the response of the parties involved. Aware of what is at stake, judges employ different strategies to encourage compliance from litigants.[15] In this section, we review such mechanisms.

A growing body of scholarship examines the strategies courts employ to address the implementation problem. During the adjudication stage, one of such approaches emphasizes public hearings as institutional tools that enable judges to navigate and mitigate constraints posed by interbranch political dynamics.[16] The participatory nature of these hearings allows litigants to engage directly with the judicial process by responding to justices' questions and presenting oral arguments. The media, in turn, amplifies these exchanges, thereby informing a broader public and elevating the case's visibility. As media coverage grows, so does the public profile of a case enhancing the judiciary's capacity to impose effective constraints on the political branches.[17]

A related line of research shows that, during this stage, judges may avoid deciding cases or issue vague rulings to obscure compliance standards.[18] These strategies allow courts to limit exposure before a ruling generates compliance expectations. However, as Staton and Romero show, not all the decisions are vague. For instance, in their study of the Inter-American Court of Human Rights (IACtHR), around 29 percent of the cases are classified as vague.[19] More broadly, addressing the implementation problem presupposes that a court has already issued a substantive and relatively clear decision. Once clarity is chosen over vagueness, enforcement risks shift from ambiguity to post-decision compliance, requiring a different set of judicial strategies.

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14 See, for example: Thomas G. Hansford and James F. Spriggs, *The Politics of Precedent on the U.S. Supreme Court*, in *The Politics of Precedent on the U.S. Supreme Court* (Princeton University Press, 2018), https://doi.org/10.1515/9780691188041; Darren Hawkins and Wade Jacoby, "Partial Compliance: A Comparison of the European and Inter-American Courts of Human Rights Engagement and Escape: International Legal Institutions and Public Political Contestation," *Journal of International Law and International Relations* 6, no. 1 (2010): 35–86; James F. Spriggs, "Explaining Federal Bureaucratic Compliance with Supreme Court Opinions," *Political Research Quarterly* 50, no. 3 (1997): 567–93, https://doi.org/10.2307/448918.

15 Diana Kapiszewski and Matthew M. Taylor, "Compliance: Conceptualizing, Measuring, and Explaining Adherence to Judicial Rulings," *Law & Social Inquiry* 38, no. 4 (2013): 803–35 https://doi.org/10.1111/j.1747-4469.2012.01320.x.

16 Jay N. Krehbiel, "The Politics of Judicial Procedures: The Role of Public Oral Hearings in the German Constitutional Court," *American Journal of Political Science* 60, no. 4 (2016): 990–1005, https://doi.org/10.1111/ajps.12229.

17 Georg Vanberg, "Legislative-Judicial Relations: A Game-Theoretic Approach to Constitutional Review," *American Journal of Political Science* 45, no. 2 (2001): 346–61, https://doi.org/10.2307/2669345; Cordula Tibi Weber, Marina Llanos, and Pedro Martins da Costa, "Courts and Social Participation in Latin America: The Use of Public Hearings and Amici Curiae," *Law & Policy* 48, no. 1 (2026): e70006, https://doi.org/10.1111/lapo.70006.

18 Jeffrey K. Staton and Alexia Romero, "Rational Remedies: The Role of Opinion Clarity in the Inter-American Human Rights System," *International Studies Quarterly* 63, no. 3 (2019): 477–91, https://doi.org/10.1093/isq/sqz031; Jeffrey K. Staton and Georg Vanberg, "The Value of Vagueness: Delegation, Defiance, and Judicial Opinions," *American Journal of Political Science* 52, no. 3 (2008): 504–19, https://doi.org/10.1111/j.1540-5907.2008.00326.x.

19 Staton and Romero, "Rational Remedies."

When courts choose not to rely on avoidance or ambiguity, they must confront enforcement risks after a ruling has been issued. An increasing body of research exploring the post-adjudication stage shows that judges leverage open justice principles, whereby courts actively promote cases and utilize media attention to bolster public support for compliance. This strategy includes publishing decisions on official websites,[20] engaging through social media platforms,[21] and issuing press releases.[22] These scholars contend that disseminating information about high-profile cases raises their public visibility, thereby increasing the political costs of non-compliance for public officials. Aware of these dynamics, courts strategically seek publicity to enhance the likelihood of enforcement.

A less frequently discussed, yet increasingly relevant, strategy involves courts making instances of noncompliance publicly visible in order to stimulate public pressure for enforcement. Judges may publish lists of non-compliant actors, via press conferences or official websites, with the explicit aim of raising public awareness and increasing the likelihood of public backlash against those who fail to comply. Because public officials are concerned with their reputations, particularly insofar as it affects re-election prospects or their capacity to advance key policy agendas, they are incentivized to comply and seek removal from these lists.[23] Empirical evidence of this strategy has been documented in the case of the Fourth Chamber ("*Cuarta Sala*") of the Costa Rican Supreme Court,[24] as well as through experimental studies involving the Colombian Constitutional Court.[25]

A common trait of these approaches is their underlying assumption that public opinion is broadly supportive of the judiciary and that citizens are willing to mobilize in favour of judicial compliance, provided they have sufficient access to relevant information. However, the technical and often complex nature of judicial decisions, particularly constitutional rulings, presents significant barriers to public understanding and engagement, even when information is mediated through simplified press releases. Moreover, as unelected actors, judges generally lack the visibility and direct democratic legitimacy enjoyed by legislators or executive officials. Consequently, public awareness of the judiciary tends to be limited.

Furthermore, this body of literature primarily emphasizes the Court's role as a unidirectional informational signaler, focusing on how it communicates with the public to enhance compliance; however, it does not consider the crucial reverse dynamic of the

20 Philipp Meyer, *Open Justice at Highest Courts*, Robert Howard and Kirk A. Randazzo, eds. (Edward Elgar, 2023), 234–53, https://doi.org/10.4337/9781800378346.00019.

21 Cordula Tibi Weber, "How and Why Do Courts Tweet? An Explorative Study of Latin American High Courts," in Peter Birle and Astrid Windus, eds., *Conocimiento, Poder y Transformación Digital En América Latina* (Iberoamericana Vervuert, 2024), https://doi.org/10.31819/9783968694344_002.

22 Philipp Meyer, "Transparency and Strategic Promotion: How Court Press Releases Facilitate Judicial Agenda-Building in Germany," *Public Relations Review* 48, no. 4 (2022): 102228, https://doi.org/10.1016/j.pubrev.2022.102228; Jeffrey K. Staton, *Judicial Power and Strategic Communication in Mexico* (Cambridge University Press, 2010), https://doi.org/10.1017/CBO9780511750632.

23 Gauri et al., "The Costa Rican Supreme Court's Compliance Monitoring System."

24 Ibid.

25 Carlin et al., "Public Reactions to Noncompliance with Judicial Orders."

information asymmetry problem. This means that judges may not have good information about when and to what extent the public cares, even though such information is presumably a precondition for considering the use of public opinion. We need a more complex and realistic approach to advance our understanding of the relationship between judicial behavior and public opinion. In practice, judges are unlikely to rely only on diffuse public opinion and instead attend to signals generated by organized actors who are institutionally positioned to mobilize, monitor compliance, and frame non-compliance as judicial failure.

The Role of Monitoring Our approach stems from an opposite analytical vantage point. Rather than examining how courts attempt to shape public opinion, we focus on how perceived or actual public pressure may inform strategic judicial monitoring during the post-decision phase. Specifically, this section examines an innovative institutional mechanism that some courts have adopted to foster compliance: the use of monitoring measures.

The absence of a formal monitoring mechanisms was identified as a critical limitation in early studies of judicial impact on social policy in the United States, which, perhaps unsurprisingly, questioned the institutional capacity of courts to function as effective arenas for consequential policymaking.[26] However, this diagnosis does not hold uniformly across judicial systems. High courts in various national contexts, including India, Ecuador, Costa Rica, and Colombia, as well as at the supranational level, notably the IACtHR and the European Court of Human Rights (ECtHR), have introduced a diverse array of post-decision compliance mechanisms.[27] These mechanisms allow courts to engage in ongoing oversight after they hand down a ruling, extending judicial involvement into the implementation phase until compliance is deemed satisfactory.

To facilitate such oversight, courts have adopted a range of institutional innovations. These include the establishment of dedicated monitoring units within the judiciary (as seen in the IACtHR and Costa Rica's Cuarta Sala), the creation of ad hoc multiparty commissions reporting directly to the Court (as in Colombia), and the development of permanent supervisory bodies tasked with periodic review of implementation progress (as in the ECtHR). The intensity and institutionalization of these mechanisms vary widely across jurisdictions. Conceptually, they can be positioned along a continuum from least to most demanding: from simple information requests and special compliance reports to

26 Donald Horowitz, *The Courts and Social Policy* (The Brookings Institution, 1977).

27 See, for example: Botero, *Courts That Matter*; Gerald N. Rosenberg, Sudhir Krishnaswamy, Azim Premji, and Shishir Bail, *A Qualified Hope: The Indian Supreme Court and Progressive Social Change*, Comparative Constitutional Law and Policy (Cambridge University Press, 2019), https://doi.org/10.1017/9781108565530; Jeffrey K. Staton and Alexia Romero, "Rational Remedies: The Role of Opinion Clarity in the Inter-American Human Rights System," *International Studies Quarterly* 63, no. 3 (2019): 477–91, https://doi.org/10.1093/isq/sqz031; Øyvind Stiansen, "Directing Compliance? Remedial Approach and Compliance with European Court of Human Rights Judgments," *British Journal of Political Science* 51, no. 2 (2021): 899–907, https://doi.org/10.1017/S0007123419000292.

public follow-up hearings, and ultimately to the creation of inclusive follow-up commissions involving key stakeholders.[28]

Empirical findings on the effectiveness of these monitoring measures remain mixed. On one hand, evidence from courts in India and Colombia suggests that such mechanisms can positively influence the implementation of rulings related to socio-environmental rights.[29] On the other hand, critics argue that these monitoring tools risk legitimizing governmental inaction or symbolic compliance, thereby failing to produce material improvements for intended beneficiaries, particularly marginalized communities.[30]

Notably, much of this literature is based on few landmark rulings and thus makes it difficult to extract comparative insights that can extrapolate to other contexts. Moreover, these studies often conflate monitoring with broader adjudicatory strategies, focusing more on normative impact than on the specific determinants of judicial oversight. In addition, they observe monitoring measures based on the text of the rulings and assume from the text that they have been deployed. This article shifts the analytical focus to the previous step: the conditions under which courts choose to deploy monitoring mechanisms. If we want to assess the impact of these mechanisms, we first need to understand the conditions under which judges decide to use them in the first place. By centering on the determinants of judicial monitoring, we seek to contribute to a more systematic understanding of how courts strategically extend their influence beyond the adjudicative phase into the enforcement and implementation of their decisions.

Theory and Hypotheses

As mentioned in the previous section, courts, especially in new democracies, have innovated in creating monitoring mechanisms. Under what conditions do judges resort to such measures? To answer this question, we depart from two main assumptions. First, litigants and third-party actors, such as other lawyers, advocacy organizations, social movements, or international watchdogs, often have strong incentives to pursue compliance beyond the courtroom. These actors engage in strategic litigation not merely to win rulings, but to affect change. When compliance falters, they may engage in public pressure, activate legal mobilization networks, or promote international denunciation.[31] Their efforts create reputational and political costs for courts perceived as ineffective or ignored.

28 Botero, *Courts That Matter*.

29 Robert Moog, "Implementation in the Delhi Pollution Case: Lessons for the Future," in Gerald N. Rosenberg et al., ed., *A Qualified Hope: The Indian Supreme Court and Progressive Social Change*, Comparative Constitutional Law and Policy (Cambridge University Press, 2019), https://doi.org/10.1017/9781108565530.011; Botero, *Courts That Matter*; Rosenberg et al., *A Qualified Hope*.

30 Aminta Baviskar, "Public Interest and Private Compromises: The Politics of Environmental Negotiation in India," in Julia Eckert, Brian Donahoe, Christian Strümpell, and Zerrim Özlem Biner, eds., *Law Against the State: Ethnographic Forays into Law's Transformations*, Cambridge Studies in Law and Society (Cambridge University Press, 2012), https://doi.org/10.1017/CBO9781139043786.008; Mariela Puga, *Litigio y Cambio Social En Argentina y Colombia* (CLACSO, 2012).

31 Paul M. Collins, "The Use of Amicus Briefs," *Annual Review of Law and Social Science* 14, no. 1 (2018): 219–37, https://doi.org/10.1146/annurev-lawsocsci-101317-031248.

While non-compliance is formally attributable to implementing actors, courts often become the focal point of accountability when rulings are ignored. This is particularly the case in environments where judicial authority is fragile and compliance failures are interpreted as evidence of institutional weakness rather than defendant's defiance. Judges are therefore attentive not only to whether compliance occurs, but to how non-compliance is likely to be attributed by organized audiences.

Second, high courts rely heavily on public trust to sustain their authority. In the absence of strong enforcement mechanisms, courts derive compliance through symbolic power and reputation. A ruling that is ignored undermines the Court's standing. Judges are thus attentive to the informational signals that litigants and third parties generate, especially when they anticipate that non-compliance might frame the Court as a "paper tiger."

Given these assumptions, we contend that high courts' decision to assign monitoring measures is neither automatic nor evenly distributed across cases. Rather, it is a strategic judicial choice shaped by signals that judges receive from litigants and third parties. In other words, judges only care about compliance with their ruling when non-compliance presents a threat. It is naive to assume, as the literature often does, that every act of non-compliance is problematic for the Court. Only when audiences are watching this becomes a problem. In this sense, we posit that judges weigh the institutional costs of monitoring against the reputational risks of non-compliance. This is judges' triage, selectively assigning monitoring only to cases where the reputational benefits outweigh the resource costs.[32]

Because judges lack perfect information to calculate these trade-offs precisely, they rely on signals, often encapsulated in amicus curiae briefs, provided by third parties such as lawyers, advocacy organizations, social movements, civil society, corporations, or international watchdogs. Amicus curiae briefs transmit two distinct types of information. First, they supply expert knowledge and legal or technical insights that assist courts in adjudicating the case. For instance, this occurs in cases where third parties believe court might benefit from supplementary expertise, such as those involving complex legal issues, limited-resourced litigants, or legal representation with comparatively low levels of experience. Second, they signal the authors' capacity and willingness to mobilize public pressure and monitor compliance with judicial decisions, particularly in the context of strategic litigation[33] pursued as part of broader organizational maintenance and advocacy efforts.[34]

32 Note that we do not assume that courts internalize reputational costs in all cases of non-compliance. When cases lack organized social backing, implementation failures may generate little reaction and thus impose minimal reputational consequences for the Court. Monitoring is therefore selectively deployed in cases where attribution of responsibility is likely to concentrate on the judiciary rather than on individual implementing actors.

33 Legal scholars often refer to this as collective cases or public interest law.

34 Paul M. Collins, "Lobbyists before the U.S. Supreme Court: Investigating the Influence of Amicus Curiae Briefs," *Political Research Quarterly* 60, no. 1 (2007): 55–70, https://doi.org/10.1177/1065912906298535; Paul M. Collins, "The Use of Amicus Briefs," *Annual Review of Law and Social Science* 14, no. 1 (2018): 219–37, https://doi.org/10.1146/annurev-lawsocsci-101317-031248.

Beyond serving as indicators of social pressure, amici curiae briefs also provide a mechanism for mapping legal mobilization networks of actors that interact with constitutional courts. Through their patterns of participation, collaboration, and sometimes counteractive lobbying, these actors channel diverse claims and interests into constitutional adjudication.[35] Prior works by Jaramillo and Collins highlight these additional functions of amici curiae and demonstrate how they contribute to a deeper understanding of the institutional dynamics and decision-making processes of constitutional courts.[36]

If our argument holds, we should observe that cases accompanied by clear indications of potential reputational costs are more likely to be assigned for monitoring.[37] More specifically, our primary hypothesis is as follows:

> H1: The presence of clear signals of social pressure indicating potentially costly actions in the event of non-compliance should increase the probability that judges will assign monitoring measures to a case.

An alternative conceptualization replaces reputational incentives with an economic rationale. While H1 highlights judges' motivation to protect the Court's legitimacy by responding to external pressures, H2 builds on the notion of strategic behavior driven by resource constraints.[38] Monitoring imposes substantial institutional costs: many high courts, particularly in emerging democracies, operate under acute bureaucratic limitations and possess little control over their budgets. Effective post-decision oversight requires continuous information processing, the design of follow-up mechanisms, deployment of specialized personnel, and coordination with multiple state agencies. Extending these procedures to every ruling would demand an expansive, highly specialized judicial bureaucracy—resources that most courts simply cannot afford. Under this economic logic, judges perform a cost-benefit analysis of the Court's economic capacity; as utility-maximizing actors, they are therefore more likely to assign monitoring measures when the Court has greater budgetary resources at its disposal.

> H2: Greater budget availability increases the likelihood that judges will assign monitoring measures to a case.

35 Lisa A. Solowiej and Paul M. Collins, "Counteractive Lobbying in the U.S. Supreme Court," *American Politics Research* 37, no. 4 (2009): 670–99, https://doi.org/10.1177/1532673X08328674.

36 Juliana Jaramillo, "Legal Mobilization Networks and the LGBT Rights Revolution in Colombia (1992–2022): Using Litigation and Amicus Curiae Briefs in Rights Struggles," *Journal of Human Rights Practice* 17, no. 1 (2025): 1–21, https://doi.org/10.1093/jhuman/huae030; Collins, "The Use of Amicus Briefs."

37 Note that our argument applies to cases in which courts have already chosen to issue a substantive ruling. We do not claim that courts always confront enforcement risks through monitoring; rather, we examine when courts escalate to monitoring rather than relying on avoidance, ambiguity, or deference.

38 Richard Posner, "What Do Judges and Justices Maximize? (The Same Thing Everybody Else Does)," *Supreme Court Economic Review* 3 (January 1993): 1–41, https://doi.org/10.1086/scer.3.1147064; Richard Posner, "Judicial Behavior and Performance: An Economic Approach," *Florida State University Law Review*, no. 32 (2005): 1259–78, https://ir.law.fsu.edu/lr/vol32/iss4/11.

We add that when a case is salient to the government, the Court anticipates that compliance could be politically costly or strategically manipulated. The government possesses the greatest enforcement power and the greatest capacity to ignore, reinterpret, or delay constitutional rulings. By signaling active post-decision monitoring, the Court both raises the reputational and political costs of defiance and preserves its institutional credibility. Monitoring thus serves as a preventive device: it deters governmental non-compliance when the risk of such behavior is high. In this sense, judicial monitoring is not only about information gathering; it is a strategic response to anticipated resistance from the most powerful actor in the system. Drawing on Helmke,[39] we define salience to the government as the intensity of attention and perceived importance that government actors attach to a particular dispute.

In other words, salience to the government marks the subset of cases where the Court's authority is most visibly tested. The Court monitors precisely because these cases are where compliance failures would generate the largest reputational loss and the strongest incentive for future circumvention. We therefore expect that:

> H3: The probability of judicial monitoring increases when a case is salient to the government.

To avoid oversimplification and reduce omitted-variable bias, we incorporate four additional legal covariates. First, to capture variation in litigant characteristics, we include indicators for whether plaintiffs and defendants are private-sector actors or represent public institutions. Second, recognizing that justices may adopt different monitoring strategies depending on the scope of a ruling's impact, we distinguish between concrete (individual-specific) and abstract (general-application) constitutional review. Third, we control for the duration of case adjudication since unusually long decision times may reflect judicial disengagement and thus lower the likelihood of post-decision monitoring. Finally, to assess the influence of collegial dynamics, we differentiate unanimous rulings from those issued with dissenting opinions, on the assumption that decisions reached by higher number of votes on the bench may foster a stronger "team spirit" and higher monitoring rates.

Case and Variables

Our hypotheses are tested with evidence from the Ecuadorian Constitutional Court. The case of the CCE is particularly well suited for investigating high court monitoring measures for several reasons. First, this Kelsenian-inspired court offers an illustrative example of a specialized court empowered with a combination of abstract and concrete

39 Gretchen Helmke, "The Logic of Strategic Defection: Court-Executive Relations in Argentina under Dictatorship and Democracy," *The American Political Science Review* 96, no. 2 (2002): 291–303, https://doi.org/10.1017/S0003055402000175.

review attributions, a feature increasingly prevalent across courts in new democracies.[40] It in particular aligns with broader patterns of constitutional adjudication across Latin American constitutional courts, including a variety of monitoring mechanisms.[41] Second, this country has experienced varying levels of civil society participation in judicial issues via the introduction of amici curiae briefs.[42] Third, during part of the studied period, Ecuador experienced a commodity price boom that increased public spending, including in the justice sector. Although the boom lasted only until 2017, its effects were prolonged over time.[43] These characteristics guarantee variation among the variables of interest. Fourth, studying the monitoring system advanced by the CCE offers a unique opportunity to conduct extensive research on the effects of social pressure on the court while controlling for a series of potential confounders—a possibility seldom available to a researcher of judicial politics. Below, we briefly describe the institutional features of the CCE and some details about the monitoring process.

The Court comprises nine judges who serve fixed nine-year terms without the possibility of immediate re-election. The Court's composition is renewed in thirds every three years. Unlike other public officials, CC judges are not subject to impeachment or removal by the appointing body, though they remain accountable through other mechanisms of public office oversight.

Between 2015 and 2024, the Court operated under three distinct compositions. It was formally established by the 2008 Constitution, which replaced the 1998 Constitution and its Constitutional Tribunal (CT). Although the 2008 constitutional framework introduced a transitional regime, it did not explicitly mandate the creation of a transitional CC. In response to this institutional gap, the outgoing CT controversially proclaimed itself an interim CC and assumed the expanded powers granted under the new Constitution. This self-designation was widely criticized as an illegitimate appropriation of authority.[44] The interim Court functioned from 2008 until late 2012 and was characterized by systematic deference to the executive branch under President Rafael Correa. Most of its members maintained close affiliations with the president's political party, *Alianza Pais*, or had previously served in executive positions during his administration, raising persistent concerns about judicial independence.

40 Brinks and Blass, "Rethinking Judicial Empowerment"; Tom Ginsburg, "The State of the Field," in David S. Law, ed., *Constitutionalism in Context*, Comparative Constitutional Law and Policy (Cambridge University Press, 2022), https://doi.org/10.1017/9781108699068.003.

41 Oswald Lara-Borges, Andrea Castagnola, and Anibal Pérez-Liñán, "Diseño constitucional y estabilidad judicial en América Latina, 1900–2009," *Política y gobierno*, 2012, 38; Patricio Navia and Julio Ríos-Figueroa, "The Constitutional Adjudication Mosaic of Latin America," *Comparative Political Studies* 38, no. 2 (2005): 189–217, https://doi.org/10.1177/0010414004271082.

42 Cordula Tibi Weber, "Tribunales Latinoamericanos Haciéndose Públicos: Una Evaluación Comparativa," *Revista de Ciencia Política (Santiago)* 44, no. 1 (2024): 109–31, https://doi.org/10.4067/s0718-090x2024005000109.

43 Svenja Flechtner and Martin Middelanis, "The Role of the Commodity Price Boom in Shaping Public Social Spending: Evidence from Latin America," *World Development* 182 (2024): 106717, https://doi.org/10.1016/j.worlddev.2024.106717.

44 Hernán Salgado, "¿Guardinaes o sepultureros de la Constitución 2008? Primer balance de la «Corte Constitucional en Transición»," *Anuario Iberoamericano de Justicia Constitucional*, no. 17 (2013): 311–24.

The first official term of the CC spanned from 2012 to 2015. This composition was likewise subject to substantial criticism due to its close political alignment with the Correa government.[45] In cases of high political salience, the Court consistently issued rulings favorable to the executive and the ruling party. Notably, it never invalidated a government bill or decree and systematically avoided limiting or contesting declarations of states of exception. Furthermore, this Court became entangled in several corruption scandals, the most significant of which concerned the Cervecería Nacional case.

In this case, members of the Court were accused of accepting a payment of 1 million USD in exchange for issuing a ruling favorable to Cervecería Nacional. The payment was reportedly made by a lawyer who had obtained his professional license only months earlier, had previously served as an advisor to the Court's president, Patricio Pazmiño, and was the brother of the Court's secretary general. As the controversy intensified, the CC declared its own ruling "without effect," advancing the unpersuasive argument that the decision lacked legal validity because it had not yet been formally notified to the parties. In an attempt to mitigate public backlash, the Court's vice president called for an investigation by the attorney general and dismissed the secretary general, Arturo Larrea Jijón.[46] Despite sustained public pressure, the attorney general, formerly a cabinet minister and personal lawyer of President Correa, closed the investigation into the Court's president within a few months, citing insufficient evidence.[47]

The first partial renewal of the Court occurred in 2015, when three of its nine judges were replaced. Nevertheless, limited jurisprudential development in the area of constitutional rights, combined with a persistent lack of judicial independence, particularly in cases involving interests of the executive branch, continued to hinder the Court's effective institutional consolidation.[48] In 2018, a new government assumed office under President Lenín Moreno, who formally belonged to Alianza Pais[49] but presided over a profound internal rupture within the party. This fracture resulted in the emergence of two competing political factions, Alianza Pais and Revolución Ciudadana, and led to the loss of the party's legislative majority. Amid increasing levels of polarization between Correista and anti-Correista divide, President Lenín Moreno called for a popular consultation that created a temporary body, the Transitional Council for Citizen Participation and Social Control (CPCCS-T). The CPCCS-T was mandated to evaluate the performance of several high-level institutions appointed during President Correa's

45 Catherine M. Conaghan, "Delegative Democracy Revisited: Ecuador Under Correa," *Journal of Democracy* 27, no. 3 (2016): 109–18.

46 El Universo, *El Caso Cervecería Pone En Duda La Transparencia de CC*, (Guayaquil), 2011, https://www.eluniverso.com/2011/02/20/1/1356/caso-cerveceria-pone-duda-transparencia-cc.html?amp.

47 Santiago Basabe-Serrano, "Judicial Corruption: The Constitutional Court of Ecuador in Comparative Perspective," in Sandra Botero, Daniel Brinks, and Ezequiel González-Ocantos, *The Limits of Judicialization: From Progress to Backlash in Latin America* (Cambridge University Press, 2022), https://doi.org/10.1017/9781009093859.009.

48 Jorge González-Jácome, "From Abusive Constitutionalism to a Multilayered Understanding of Constitutionalism: Lessons from Latin America," *International Journal of Constitutional Law* 15, no. 2 (2017): 447–68, https://doi.org/10.1093/icon/mox017.

49 Note that Alianza Pais held a legislative majority close to 60 percent of the seats in Congress.

administration (2007–2017), including the Constitutional Court. Following its evaluation, the CPCCS-T, presided by Julio Cesar Trujillo, a former politician and academic who opposed Correa's government, removed the sitting judges, citing concerns related to their lack of independence and persistent delays in adjudicating cases. This decision resulted in a six-month vacancy of the Court. During this interim period, the CPCCS-T organized a merit- and opposition-based selection process to appoint new judges, who ultimately assumed office in February 2019.[50]

The new Court (2019–2022) was composed primarily of academics and private litigants with strong professional credentials and limited ties to political actors. During this period, Presidents Moreno and Guillermo Lasso governed without a legislative majority in a highly fragmented congress, which substantially reduced their capacity to exert political pressure on the CC. These conditions contributed to higher levels of judicial independence and public legitimacy, creating an institutional environment in which monitoring could be exerted.[51] This Court held the executive accountable during the COVID-19 pandemic while simultaneously addressing a significant backlog of pending cases. In 2022, three new judges were appointed, continuing the institutional trajectory established by the previous composition in terms of judicial assertiveness. Notably, the Court authorized impeachment proceedings against President Lasso and adjudicated several high-profile human rights cases, particularly those arising from the escalation of violence linked to drug trafficking and organized crime nationwide. Three additional judges assumed office in March 2025.

The post-2019 Court thus differs from its predecessors in terms of professional composition, independence, and institutional legitimacy. These features expanded the Court's capacity to deploy post-decision monitoring measures without immediate political backlash. Importantly, however, expanded capacity does not imply uniform use. Even under the new CC, monitoring remains rare (as we show below) and as a strategic intervention applied to a small subset of cases.

The constitutional framers of 2008 envisioned a powerful Court capable of addressing a broad spectrum of politically significant and human rights issues. As the highest authority on constitutional justice, the CC serves as a court of last resort, exercising extensive oversight and interpretive powers. Its institutional design adopts an eclectic model of constitutional adjudication, granting the Court exclusive authority to review constitutional questions arising from legislative, executive, or local government actions. Within this centralized framework, the CC addresses a wide array of constitutional review cases, including concrete, abstract, *a priori*, and *a posteriori* reviews, depending on the nature of the petitions it receives. Consequently, the Court's decisions may have *erga omnes, inter partes*, or *inter comunis* effects. Furthermore, the CC's jurisprudence is binding: its interpretations cannot be overturned by the legislature, nor can its decisions be appealed.

50 Pablo Valdivieso-Kastner and José Luis Castro-Montero, "¿Al fin una Corte Constitucional?: Breve revisión del desarrollo de los derechos y el control constitucional en la jurisprudencia reciente (2019–2020)," *Revista Ruptura*, no. 2 (2020): 89–131, https://doi.org/10.26807/rr.vi02.55.

51 Julio Ríos Figueroa and Patricia Sotomayor, "Consecuencias Inesperadas de La Polarización Política: Purga y Reconstrucción de La Corte Constitucional En Ecuador," *International Journal of Constitutional Law* 22, no. 5 (2024): 1403–23, https://doi.org/10.1093/icon/moae079.

In late 2015, the Court issued internal regulations[52] formalizing its capacity to monitor compliance with its decisions.[53] The monitoring process can be initiated either by a petition from the litigants or by the Court itself. This process encompasses all decisions and resolutions issued by the Court. The competence to open the monitoring phase and to issue monitoring orders rests exclusively with the plenary of the Court, which retains full decision-making authority throughout the process and decides by majority rule.[54] During this phase, the Court is empowered to adopt any measures it deems necessary and appropriate to ensure the full enforcement of its rulings.

While the decision to initiate monitoring and the choice of specific monitoring instruments are closely related in practice, the Court treats them as procedurally distinct steps. The Court first adopts a formal decision to open the monitoring phase of a case and subsequently determines which monitoring mechanisms will be employed. Such measures may include convening hearings, ordering expert evaluations, requesting law enforcement intervention, conducting on-site inspections, and requesting information from litigants, third parties, public authorities, and individuals involved in the enforcement process. Additionally, the Court is authorized to evaluate the impact of reparation measures and to make corresponding adjustments as needed. To align with this data generating process, our empirical analysis focuses on the first decision, namely whether the Court activates monitoring at all.

The responsibility for monitoring compliance with cases selected for oversight by the Court rests with the Technical Jurisdictional Unit, specifically the Technical Coordination for Monitoring Constitutional Decisions. This unit operates exclusively at the request of the plenary of the Court, analyzing and systematizing relevant information for each case. It prepares technical-legal reports assessing the degree to which the Court's decisions have been implemented. These reports are subsequently reviewed and approved by the judges until they consider the decision is fully implemented.

The 2008 Constitution provided minimal regulation of amicus curiae briefs, permitting third-party participation in all constitutional proceedings before the CCE. The only formal restriction on submitting such briefs is that they must be filed before the corresponding decision is issued. Initially, amicus curiae participation was understood as the contribution of an interested third party unconnected to the litigants, acting in a neutral

52 On October 22, 2015, the Constitutional Court issued the Codification of the Regulation on the Processing of Cases under the Jurisdiction of the Constitutional Court, which establishes the "Monitoring Phase for Judgments and Opinions Issued by the Constitutional Court."

53 Article 436.9 of the Constitution grants the Court the authority to "to hear, process, resolve, and sanction non-compliance with constitutional rulings and opinions, thereby ensuring the proper administration of constitutional justice and the protection of rights." Echoing this norm, the Article 165 of the Constitutional Guarantees and Constitutional Control Act provides that judges "[...] must employ all appropriate and relevant means to ensure the execution of the judgment or the reparatory agreement, including ordering the intervention of the National Police."

54 According to the article 101 of the Regulation on the Adjudication of Proceedings within the Jurisdiction of the Constitutional Court, "In accordance with Articles 21 and 165 of the LOGJCC, once the monitoring phase has been activated, the Plenary of the Court shall employ all means that are appropriate and relevant to ensure the execution of the corresponding decision […]."

capacity as a "friend of the court." In this role, the amici curiae assisted the CC by providing legal insights to address complex cases. However, this notion of impartiality has gradually evolved. Today, an amicus curiae may be a third party with varying degrees of interest—individuals, government agencies, activists, academics, interest groups, civil society organizations, corporations, law firms, or others—who is not directly involved in the case. Moreover, amici briefs are no longer confined to legal expertise; as in other jurisdictions, they may draw upon insights from any discipline capable of informing the resolution of a particular case, pursue counteractive lobbying, and neutralize advocacy efforts of opponents.[55]

Variables To examine the politics of monitoring the Court's decisions, we integrate data from various sources to construct a novel court monitoring case-level dataset spanning from 2015 to 2024, comprising a total of 6,093 observations. The sample includes three different configurations of the CCE.[56] The unit of analysis is each case decided by the court within the period under study. The primary outcome variable, *monitoring*, is coded as a binary indicator that takes the value of one when the Court initiates the monitoring process and zero otherwise. Given the rarity of this outcome (only 4.6 percent of cases in the dataset are monitored by the Court), we employ a Firth regression model using a penalized maximum likelihood estimation approach. This method effectively addresses challenges such as unbalanced samples, missing data, and multiple independent variables, outperforming traditional rare-event logistic regression.[57] Our analytical approach aligns with methods employed by other scholars, including Booth and colleagues and Martin.[58]

To test the proposed hypotheses, we use data drawn from the Court's public information and the Executive Approval Database.[59] These datasets allow us to capture key

55 Thomas Hansford, "The Dynamics of Interest Representation at the U.S. Supreme Court," *Political Research Quarterly* 64, no. 4 (2011): 749–64, https://doi.org/10.1177/1065912910395325; Paul M. Collins, "The Use of Amicus Briefs," *Annual Review of Law and Social Science* 14, no. 1 (2018): 219–37, https://doi.org/10.1146/annurev-lawsocsci-101317-031248.

56 We restricted the sample to all the cases that were adjudicated after the introduction of the internal regulations that granted the court the ability to assign monitoring measures to cases after adjudication.

57 Rainer Puhr, Goerg Heinze, Mariana Nold, Lara Lusa, and Angelika Geroldinger, "Firth's Logistic Regression with Rare Events: Accurate Effect Estimates and Predictions?," *Statistics in Medicine* 36, no. 14 (2017): 2302–17, https://doi.org/10.1002/sim.7273; David Firth, "Bias Reduction of Maximum Likelihood Estimates," *Biometrika* 80, no. 1 (1993): 27–38, https://doi.org/10.1093/biomet/80.1.27.

58 Oliver Booth, Chris Butler, David Jeffery, and Andrew Roe-Crines, "Selecting Sunak: Conservative MPs' Nomination Preferences in the (Second) British Conservative Party Leadership Election," *Parliamentary Affairs* 77, no. 3 (2024): 450–69, https://doi.org/10.1093/pa/gsad010; Aaron R. Martin, "Party Group Collapse and Strategic Switching in the European Parliament," *European Union Politics* 22, no. 3 (2021): 521–44, https://doi.org/10.1177/1465116521999718.

59 Ryan E. Carlin, Jonathan Hartlyn, Timothy Hellwig, Gregory Love, Cecilia Martinez-Gallardo, and Matthew Singer, "The Executive Approval Database: Conceptual and Empirical Bases," in Timothy Hellwig and Matthew Singer, eds., *Economics and Politics Revisited: Executive Approval and the New Calculus of Support* (Oxford University Press, 2023), https://doi.org/10.1093/oso/9780192871664.003.0002.

variables that might influence the judicial assignment of monitoring measures while controlling potential confounders.[60]

Given the challenges in directly observing *social pressure* on the Court—our main independent variable—we use a proxy for this construct. Specifically, we include a binary variable, which takes the value of one when a third party submits an amicus brief, and zero otherwise. To address distributional concerns, we also employ two alternative transformations of this measure: a logarithmic count of amicus briefs and a standardized version of the count. The logarithmic transformation reduces the pronounced right skew of the distribution, which is driven by a large mass at zero, while preserving the variable's ordinal properties. Standardization expresses effects in standard deviation units, thereby enhancing interpretability and improving model convergence by ensuring consistent coefficient scaling.

The submission of amicus curiae briefs constitutes a deliberate attempt to shape judicial reasoning and signals the broader societal relevance of a case. The act of filing such briefs requires legal expertise, organizational resources, and strategic coordination, and thus indicates the presence of actors capable of sustained engagement beyond the court's ruling, including monitoring compliance and mobilizing reputational pressure in the event of noncompliance. Amici briefs can therefore be interpreted as observable manifestations of social pressure on courts, particularly in institutional contexts where judicial actors are attentive to reputational considerations or challenges to legitimacy.[61] In many jurisdictions, including across Latin America, courts have increasingly formalized the reception of amici briefs as part of a broader trend toward greater judicial openness. This institutionalization reflects both ideational commitments to transparency and strategic incentives to engage public audiences and signal responsiveness to civil society.[62] Consequently, the presence of amici briefs captures both the intensity of third-party interest and the likelihood that judges perceive such interest as consequential. Although this measure does not encompass all forms of social pressure, it provides a consistent and conceptually grounded proxy for one of its most visible and institutionalized expressions.

We compile the Court's actual monthly *budget*, expressed in millions of U.S. dollars, over the entire study period. To facilitate interpretation, the budget variable is scaled in million-dollar units. These realized outlays may diverge from the Court's ex ante annual appropriations established at the start of each fiscal year which are used as an alternative measurement.

Case salience is a latent construct that cannot be directly observed and "is not even a monolithic or well-defined concept."[63] Salience encompasses multiple dimensions, including political relevance to the broader public, legal significance to practitioners

60 Data and replications files are available upon request.

61 Staton, *Judicial Power and Strategic Communication in Mexico*; James L. Cavallaro and Stephanie Erin Brewer, "Reevaluating Regional Human Rights Litigation in the Twenty-First Century: The Case of the Inter-American Court," *American Journal of International Law* 102, no. 4 (2008): 768–827, https://doi.org/10.2307/20456681.

62 Tibi Weber et al., "Courts and Social Participation in Latin America."

63 Tom S. Clark, Jeffrey Lax, and Douglas Rice, "Measuring the Political Salience of Supreme Court Cases," *Journal of Law and Courts* 3, no. 1 (2015): 37–65, https://doi.org/10.1086/679111.

and jurists, and strategic importance to elected officials and political elites. Prior studies have proxied salience in various ways: the frequency with which cases are cited in constitutional treatises,[64] their coverage in newspaper accounts,[65] inclusion in official case law reporters,[66] and the rate of dissenting opinions.[67] We operationalize *salience to the government* as a dummy variable equal to one when the plaintiff is the president, a cabinet minister, or a legislator, and zero otherwise.

Importantly, our measure captures institutional signals of salience available to judges at the moment they decide whether to monitor a case, rather than ex post indicators of public attention such as media coverage. Courts rarely possess systematic information about the broader societal importance of a case. Instead, judges infer political relevance through observable cues embedded in the litigation process, including the identity of the actors bringing claims before the Court. When executive or legislative actors appear as plaintiffs, judges can reasonably interpret the dispute as institutionally consequential for the government. For this reason, actor-based measures provide a meaningful proxy for the type of political salience that judges themselves can observe when making monitoring decisions.

We recognize that some disputes may be politically salient to the government even when public officials are not directly involved as litigants. In Ecuador, cases challenging natural resource extraction, indigenous rights, or other pillars of the economic model often generate substantial political attention despite being initiated by civil society actors. In practice, many such disputes reach the Court through litigation brought by civil society organizations, environmental groups, or indigenous movements. To account for this possibility, we construct an alternative measure of salience, *salience alt*, that also codes cases as salient when the plaintiff is a recognized civil society organization. This specification allows us to capture politically consequential disputes that may indirectly challenge government priorities even without formal participation by executive or legislative actors.

Additional categorical variables indicate whether the *plaintiff or defendant* is either public actor (reference category for defendant), private-sector actor, civil society, or a person (reference category for plaintiff), respectively. In addition, we include a binary indicator capturing whether the Court employed an *abstract* or *concrete constitutional review* procedure. We further capture the *duration of the judicial process*, expressed as the number of days from case filing to the final decision.

We also control for other variables that may influence judges' decisions to initiate a monitoring process. To account for theories emphasizing political influence exerted

64 Elliot E. Slotnick, "Who Speaks for the Court? Majority Opinion Assignment from Taft to Burger," *American Journal of Political Science* 23, no. 1 (1979): 60–77, https://doi.org/10.2307/2110771.

65 Lee Epstein and Jeffrey A. Segal, "Measuring Issue Salience," *American Journal of Political Science* 44, no. 1 (2000): 66–83, https://doi.org/10.2307/2669293.

66 Lee Epstein and Jack Knight, *The Choices Justices Make* (SAGE, 1997).

67 Paul J. Wahlbeck, James Spriggs, and Forrest Maltzman, "Marshalling the Court: Bargaining and Accommodation on the United States Supreme Court," *American Journal of Political Science* 42, no. 1 (1998): 294–315, https://doi.org/10.2307/2991757.

by the executive, this analysis includes monthly *presidential approval* ratings for the four presidents who served during the studied period. These ratings range from zero to a hundred, with higher values indicating greater public approval (see Tables A.1, A.2, and A.3 in the Appendix for descriptive statistics of each variable).[68]

Explaining Monitoring

In order to forestall the adverse consequences of non-compliance, judges deploy a range of strategies, most prominently the imposition of formal monitoring measures designed to track and enforce adherence to their rulings. We hypothesize that in the context of scarce resources and reputational risks associated with social pressure for compliance, judges are strategic when assigning such monitoring measures. Figure 1, panel A offers a more granular view of this phenomenon at the CC. Over this nine-year period (2015–2024), the total caseload has grown consistently: following a marked jurisdictional expansion during the transition from the second Court (CC2) to the third Court (CC3), it continued to climb more modestly under the fourth Court (CC4). Despite this increasing workload (6,093 cases in total), judicial monitoring remains decidedly exceptional. At most, 280 cases were subject to follow-up measures, representing barely 4.6 percent of the docket—an average of five monitored cases per a hundred adjudications (see the dark portion of the bar).

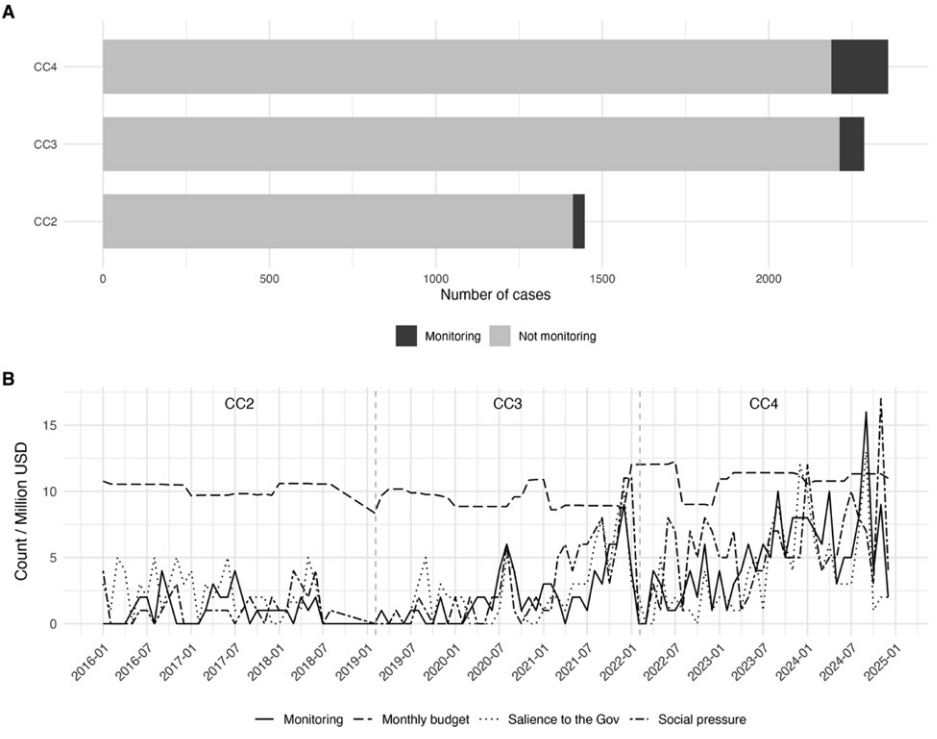
Interestingly, apart from the rarity of monitoring, this initial finding underscores the high costs and reputational constraints that judges face when implementing post-decision oversight. By selectively applying follow-up measures, the Court appears to concentrate its limited capacity on cases deemed most consequential. This initial finding strengthens our theoretical intuition that judges strategically handpick cases where they will issue follow-up measures.

Figure 1 panel B depicts the trajectories of social pressure, the Court's budget, cases' salience to the government, and the frequency of monitoring decisions over the three successive court compositions. During CC2, the Court's budget held steady at roughly ten million dollars, while amicus filings and monitoring orders were essentially quiescent, punctuated only by occasional spikes—a reflection of the very early stages of strategic litigation by NGOs, activists, and civil-society actors. Salience to the government also indicates few high-profile rulings. In the CC3 interval, a modest budget contraction gave way to a recovery in early 2022.

Beginning in mid-2020, social pressure activity, which had initially been limited, intensified to around six amicus filings per month; salience to the government followed a similar trajectory, and the Court at the same time began monitoring roughly eight cases each month. This pattern suggests that the newly constituted Court, marked by more independent, academically minded jurists, placed greater emphasis on

68 Due to space constraints, the Appendix is not in the print version of this article. It can be viewed in the online version, at https://www.ingentaconnect.com/content/cuny/cp.

Figure 1 Cases, Budget, Salience, Social Pressure, and Monitoring Orders by Court Terms (2015–2024)



Court periods: CC2 (2015–2018), CC3 (2019–2022), CC4 (2022–2024). Source: CCE's Public Database.

compliance-enforcement mechanisms, thereby drawing heightened scrutiny from external stakeholders. In the most recent phase (CC4), the budget settled on a higher plateau of eleven to thirteen million dollars, yet both amicus activity and monitoring orders sustained substantially elevated baselines and exhibited greater volatility. Amicus briefs averaged four to seven per month, with peaks above ten in late 2024. Cases' salience to the government followed a similar path while monitoring orders routinely ranged between eight and twelve, occasionally surpassing fifteen. This enduring "high activity" regime reflects a maturation of the Court's strategic calculus: judges now regularly deploy monitoring in response to relevant reputational signals, even as budget allocations remain comparatively stable.

Results Table 1 conveys the results of four Firth regression models estimating the probability that the CCE initiates a monitoring process. All the models incorporate fixed effects at the Court composition level that ensure that our estimates are driven by variation across cases within the same judicial cohort rather than differences between pre- and

Table 1 Probability of Monitoring

	Model 1	Model 2	Model 3	Model 4
Social pressure	**0.731*** **	**1.279*** **		
	(0.200)	(0.317)		
Social pressure (log)			**0.295***	**0.501***
			(0.113)	(0.208)
Plaintiff Civil Society	0.760+	0.363	0.799+	0.459
	(0.414)	(0.578)	(0.411)	(0.570)
Plaintiff Private-Sector	−0.610*	−1.419***	−0.609*	−1.423***
	(0.274)	(0.486)	(0.274)	(0.486)
Plaintiff Person	−0.449**	−0.683**	−0.457**	−0.686**
	(0.171)	(0.241)	(0.171)	(0.241)
Defendant Civil Society	−0.226	2.659	−0.068	2.625
	(1.502)	(1.583)	(1.494)	(1.583)
Defendant Person	−0.788***	−0.434+	−0.782***	−0.474*
	(0.152)	(0.231)	(0.152)	(0.231)
Defendant Public	0.021	−1.055+	0.030	−1.035+
	(0.306)	(0.662)	(0.306)	(0.663)
Concrete control	0.806***	0.536+	0.773***	0.490+
	(0.204)	(0.289)	(0.205)	(0.290)
Process duration (days)	−1.230***	−0.811***	−1.226***	−0.820***
	(0.112)	(0.154)	(0.112)	(0.155)
Votes CC	−0.067	−0.193**	−0.072	−0.207**
	(0.048)	(0.069)	(0.049)	(0.070)
Budget	0.021	−0.233	0.017	−0.243
	(0.079)	(0.200)	(0.079)	(0.199)
Salience to the Gov	0.204	0.238	0.213	0.304
	(0.218)	(0.360)	(0.218)	(0.355)
Presidential approval		−0.004		−0.004
		(0.006)		(0.006)
Constant	−4.076***	0.233	−3.963***	0.498
	(0.932)	(2.264)	(0.932)	(2.259)
Num.Obs.	6093	3680	6093	3680
AIC	344.489	126.216	339.236	118.511

Note: Fixed Effects at the Court composition level. Robust standard errors clustered at the type of action level reported in parentheses, with confidence levels as follows: + p < 0.1, * p < 0.05, ** p < 0.01, *** p < 0.001.

post-2019 Courts. The leftmost column lists the independent variables, with their estimated coefficients shown in the corresponding rows. Robust standard errors clustered at the action-type level appear in parentheses beneath each coefficient. To assess model fit, we report the Akaike Information Criterion (AIC) for each specification, where a lower AIC indicates a better fit. Finally, the total number of observations for each model is displayed at the bottom; because presidential approval data are only available through 2022, Models 2 and 4 use a smaller sample.

Models 1 and 2 include the binary indicator of social pressure, whereas Models 3 and 4 convey the logged version of the same variable (log number of amici briefs) to

account for variation in the intensity of third parties' pressure. Across all specifications, the results consistently support the first hypothesis: greater social pressure increases the likelihood of monitoring. In Models 1 and 2, cases where third parties filed an amicus brief are significantly more likely to receive monitoring measures, holding other factors constant. Models 3 and 4 confirm that this relationship persists, although the size of the coefficient decreases. The positive and statistically significant coefficients of *social pressure (log)* indicate that each incremental increase in the number of amici curiae substantially raises the probability that the Court will adopt monitoring mechanisms. This suggests that the Court is not only responsive to the presence of external actors but also to the magnitude of mobilization surrounding a case.

By contrast, evidence for Hypothesis 2, concerning the Court's resource constraints, is inconclusive. Whereas Models 1 and 3 yield a positive effect of budgetary availability on the probability of assigning monitoring measures, Models 2 and 4 produce a negative coefficient; neither result attains conventional levels of statistical significance ($p > 0.05$). Similarly, cases' *salience to the government* (Hypothesis 3) retains a positive but non-significant association throughout all four model specifications. Taken together, these results suggest that the Court's monitoring behavior is more sensitive to signals of public engagement than to institutional or political constraints.

Appendix Tables A.5 and A.6 report a series of robustness tests. Models 5–6 replicate Models 3–4 without fixed effects; Models 7–8 incorporate alternative indicators for the Court's budget and case salience; and Models 9–10 re-estimate the baseline using a standardized version of the *social pressure* variable. Finally, Models 11–14 employ rare-events logistic regressions analogous to the baseline specifications.

Across all alternative estimations, the sign and significance of *social pressure, social pressure (log)*, and *social pressure (stn)* remain positive and statistically significant. The substantive interpretation is unchanged: greater levels of third-party's pressure increase the likelihood that the Court will adopt monitoring measures. While Models 5 and 6 (without fixed effects) achieve statistical significance for the *budget* variable (p-value < 0.05), the general pattern of mixed or null effects persists. Similarly, only Model 5 reports a significant coefficient for *salience to the government*, at the .10 level (p-value > 0.05).

Substantively, these findings suggest that judges allocate monitoring procedures strategically in response to reputational considerations. When social pressure raises the prospect of reputational costs, whether through public scrutiny, legal mobilization, or international criticism, judges are more inclined to initiate follow-up measures. More broadly, our results imply that judicial behavior is shaped not solely by an economic calculus of utility[69] or by assessments of a case's intrinsic importance,[70] but also by concerns over reputational costs associated with public pressure and third-party activism.[71]

69 Posner, "What Do Judges and Justices Maximize?"; Posner, "Judicial Behavior and Performance: An Economic Approach."

70 Epstein and Segal, "Measuring Issue Salience."

71 Botero, *Courts That Matter*; Botero, "Judges, Litigants, and the Politics of Rights Enforcement in Argentina"; Charles R. Epp, *The Rights Revolution: Lawyers, Activists, and Supreme Courts in Comparative Perspective* (University of Chicago Press, 1998); Rodriguez-Garavito, "Beyond the Courtroom."

In addition to the hypothesized effects, the composition of litigants reveals a consistent pattern in the Court's monitoring behavior. Using public plaintiffs as the reference category, cases initiated by civil society organizations and cases filed by individuals display positive and statistically significant coefficients across all models. These effects suggest that the Court is more likely to attach monitoring measures when individuals and collective actors representing social interests are involved. These results align with our argument that organized groups, such as NGOs or advocacy networks, increase the reputational stakes of non-compliance and prompt the Court to maintain post-decision oversight.

Turning to defendants, and using private-sector defendants as the baseline, the results show that cases against individuals significantly reduce the likelihood of monitoring ($p < 0.05$ in Models 1 and 3). Disputes between private-sector individuals are less likely to elicit judicial follow-up, consistent with the expectation that such cases have limited public or institutional implications. The coefficients for public defendants are positive and marginally significant ($p < 0.10$ in Models 2 and 4), suggesting that when the state is the respondent, the Court is somewhat more inclined to monitor compliance, likely due to the political visibility and accountability concerns inherent in such cases. Effects for civil society defendants remain unstable and statistically weak across specifications.

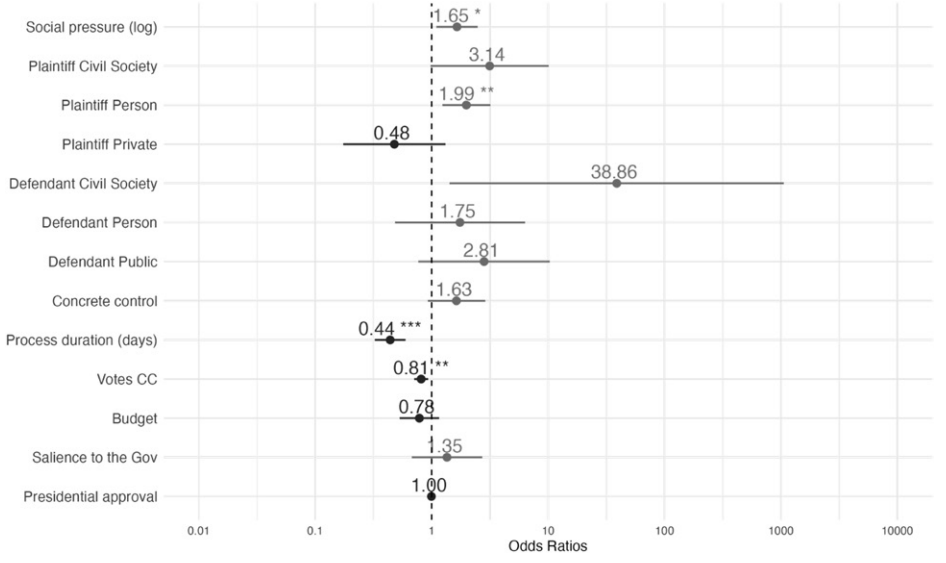
The estimates further indicate that when the Court adjudicates issues under concrete control—namely, individual petitions such as amparo, tutela, or *acción de protección*—the likelihood of mandating monitoring measures significantly rises. This outcome supports our theoretical expectation: in individual petitions, the stakes are immediate and practical (e.g., safeguarding a petitioner's fundamental rights), which prompts judges to require follow-up oversight to ensure that their orders yield tangible relief. Both findings create a tension with previous work on the same Court (although different period) by Castro and van Dijck who found that the CCE tend to rule in favor of public plaintiffs in abstract review cases.[72] This suggests that the CCE might use mixed strategies at different stages of the adjudication process.

On the other hand, longer docket times significantly reduce the odds of monitoring, holding other variables constant. In other words, cases that remain pending for extended periods are less likely to result in a monitoring directive. This may reflect a backlog effect: as delays accumulate, the Court's capacity or willingness to allocate resources toward post-decision monitoring significantly diminishes. This puzzling finding should be part of our future research agenda.

Notably, the president's approval rating does not exert a significant effect on the Court's decision to impose monitoring in the post-decision phase. The near-zero coefficient suggests that fluctuations in executive popularity neither encourage nor deter the Court from mandating follow-up measures. Finally, the number of favorable votes that a case receives does not have a robust impact on monitoring assignments. In Models 2, 4,

72 José Luis Castro-Montero and Gijs van Dijck, "Judicial Politics in Unconsolidated Democracies: An Empirical Analysis of the Ecuadorian Constitutional Court (2008–2016)," *Justice System Journal* 38, no. 4 (2017): 380–98, https://doi.org/10.1080/0098261X.2017.1327336.

Figure 2 Odds Ratios from Model 4



Note: Filled circles report odds ratios for each independent variable; bars are 95% confidence interval. Circles on the dashed line mean no-effect. Source: Own elaboration based on the results of Model 4 in Table1.

and 6, the marginally negative coefficient suggests a slight tendency for broader consensus (more affirmative votes) to reduce the odds of monitoring; this effect is significant at the 0.05 level. Consequently, we interpret the vote count as having minimal substantive influence on the Court's decision to attach monitoring measures.

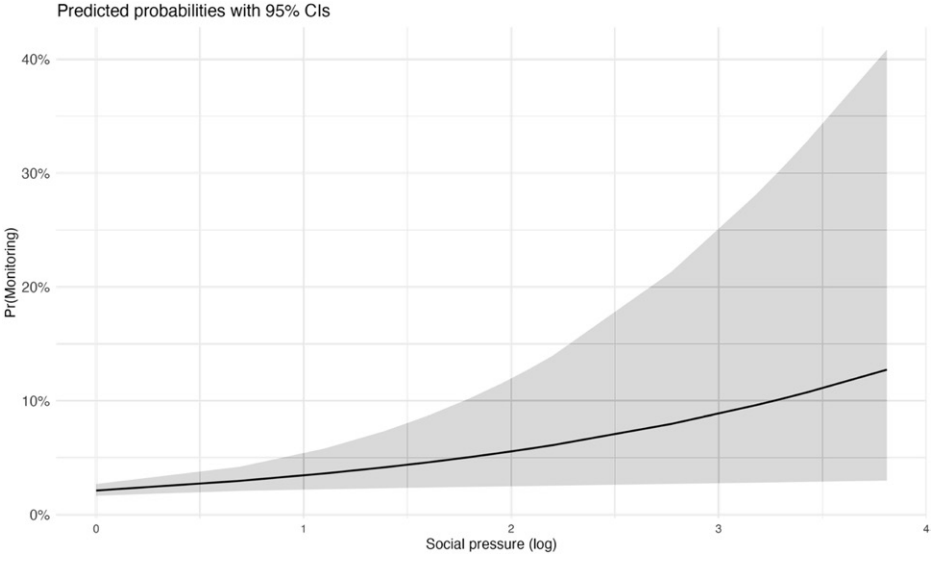
To enhance interpretability, Figure 2 presents the coefficients from Table 1 as odds ratios. This graph illustrates the change in odds of assigning monitoring when each explanatory variable in Model 4 increases by one unit (holding all other regressors at their mean values). For example, the odds that judges will impose monitoring measures are 1.65 times higher when third parties signal their willingness to apply social pressure via an amicus curiae brief, ceteris paribus. This finding is statistically significant at conventional levels and remains consistent across model specifications. Substantively, the CCE has frequently issued post-decision information requests in cases involving gross human rights violations that also received multiple amici briefs. This pattern mirrors similar post-decision actions taken by the Constitutional Court of Colombia in "unconstitutional state of affairs" cases[73] and by the Argentine Supreme Court in matters such as the Matanza-Riachuelo River litigation.[74]

Figure 3 presents predicted probabilities that the Constitutional Court assigns monitoring measures across different levels of *social pressure*, measured as the logged

73 Botero, *Courts That Matter*; Rodriguez-Garavito, "Beyond the Courtroom."

74 Botero, "Judges, Litigants, and the Politics of Rights Enforcement in Argentina."

Figure 3 Predicted Probabilities for Monitoring



Note: Effect of social pressure (log) on monitoring probability in the CCE. Source: Own elaboration based on the results of Model 4 in Table 1.

number of amicus curiae briefs submitted in a case. The relationship is clearly positive and monotonic: as the number of third-party interventions increases, the likelihood of post-decision monitoring rises substantially. At low levels of social pressure (i.e., cases with no or only one amicus), the predicted probability of monitoring remains low and stable, indicating that most unaccompanied cases do not receive follow-up orders. As the log count increases, corresponding to multiple or coordinated amici submissions, the probability of monitoring climbs steeply. Beyond approximately the mean level of logged briefs, the marginal effect of additional amici begins to taper off, suggesting diminishing returns: once a case attracts broad external attention, each additional brief adds less to the Court's perceived need for oversight.

In sum, our empirical analysis provides robust support for the central hypothesis that social pressure, operationalized through the number of filed amici curiae briefs, substantially increases the likelihood that the CCE will attach post-decision monitoring measures. This implies a more realistic understanding about the relationship between judges and public opinion. Judges, of course, want, when possible, to mobilize the public, but they know this is in most cases unlikely due to public inattentiveness to judicial issues. So rather than naively expecting the public to come out in their favor, judges take the opportunity to use the public when they know it is already on their side or at least paying attention. That is: when the court has evidence, via briefs, that the public or third parties are paying attention to the case.

These findings underscore a broader theoretical contribution: justices' post-decision behavior is shaped not solely by a cost–benefit logic of resource allocation or cases' salience to the government, but by reputational incentives linked to public scrutiny and legal mobilization. By demonstrating that social pressure reliably predicts monitoring, independently of budgetary fluctuations, our study contributes to the emerging scholarship that sheds light on the less explored post-decision phase and extends it by specifying the mechanisms through which judicial monitoring is produced.[75] In doing so, we highlight the pivotal role of social pressure in reinforcing judicial accountability and ensuring that judicial mandates yield effective relief. Future research might explore how these dynamics vary across institutional contexts or over longer temporal horizons, but our results already signal that reputational pressures are a potent lever for enhancing judicial oversight.

Conclusion

This study demonstrates that constitutional courts in emerging democracies strategically deploy post–decision monitoring measures in response to organized external engagement. Drawing on a novel case–level dataset of 6,093 decisions by the CCE between 2015 and 2024, we find that social pressure, proxied by the filing of amicus curiae briefs, significantly elevates the probability that judges will initiate formal monitoring procedures. In four Firth regression specifications, the presence of an amicus brief multiplies the odds of monitoring by approximately 1.6, holding all else constant; predicted probabilities rise substantially as the social pressure increases. By contrast, variation in the Court's budget, case salience, approval ratings, and vote counts exert little to no statistically significant influence on monitoring decisions.

We argue that this pattern reflects a form of institutional triage: facing limited resources, judges weigh the costs of monitoring against the reputational risks of noncompliance, activating oversight mechanisms only when credible cues, most notably amicus briefs, signal that a decision may attract substantial public scrutiny. Because precise cost–benefit calculations are infeasible, judges rely on these informational signals both to assess the technical stakes of a case and to anticipate third-party mobilization.

These results advance our understanding of the implementation problem in two ways. First, theoretically, our analysis fills a key gap in the literature on judicial implementation by uncovering an information asymmetry that scholars have overlooked: judges themselves may lack reliable insight into when and how much the public engages with judicial rulings; this is presumably a precondition for judges to even consider leveraging public opinion. We show that amici curiae briefs serve not merely as substantive advocacy but as pivotal indicators of public attention, enabling courts to leverage civic engagement when it is already mobilized.

75 Botero, *Courts That Matter*; Epp, *The Rights Revolution*; Rodriguez-Garavito, "Beyond the Courtroom."

In addition, our results show that amicus curiae briefs matter analytically not only because they influence judicial decisions and address organizational concerns,[76] but also because they shape judicial behavior after a decision by signaling that a case remains connected to active mobilization networks capable of monitoring, publicizing, and contesting compliance outcomes.

Empirically, our large-N approach complements prior research grounded in high-profile case studies by offering systematic evidence that monitoring decisions are highly selective and socially contingent. In reframing monitoring as an integral component of judicial strategy, rather than an ancillary administrative tool, we demonstrate how courts, deprived of direct enforcement powers, harness symbolic authority and civic participation to safeguard their legitimacy and ensure that their pronouncements translate into real-world compliance.

Our empirical findings also speak to the growing literature on participatory constitutionalism in young democracies. As courts in these countries have increasingly institutionalized mechanisms for third-party participation, through amici briefs and public hearings,[77] they have simultaneously expanded their repertoire of post-decision oversight tools.

Beyond the previous points, our analysis carries practical implications. For policymakers and reformers seeking to strengthen the rule of law, it underscores the value of institutionalizing channels for civil-society participation, such as amicus procedures, that can generate the very pressures courts need to enforce their orders. For judicial administrators, it highlights the importance of developing clear protocols and dedicated units for follow-up oversight, especially in resource-constrained settings.

Future research could investigate how these dynamics manifest in other institutional settings, such as subnational tribunals or hybrid courts, and assess how monitoring influences the substantive quality and appropriateness of implementation. It should also treat the selection of monitoring mechanisms as a distinct yet complementary process, analyzing how resource constraints and political conditions shape the Court's preferred enforcement tools. Moreover, future studies should examine additional forms of social pressure, such as media campaigns, public hearings, and informal networks, and their relative effectiveness in stimulating judicial monitoring. By uncovering the social foundations of judicial enforcement, this article provides a basis for a more refined understanding of how judicial decisions are ultimately translated into practice.

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76 Collins, "Lobbyists before the U.S. Supreme Court"; Collins, "The Use of Amicus Briefs"; Solowiej and Collins, "Counteractive Lobbying in the U.S. Supreme Court."

77 Tibi Weber et al., "Courts and Social Participation in Latin America."

Online Appendix for Monitoring High Court rulings in new democracies

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Table A.1 Continuous variables

Summary Statistics

Variable	N	Mean	SD	Median	Min	Max
Social pressure (log)	6093	0.07	0.34	0.00	0.00	4.74
Social pressure (stn)	6093	0.00	1.00	-0.20	-0.20	13.78
Process duration (days)	6093	1492.81	716.05	1667.00	4.00	4675.00
Budget ($million)	6093	10.15	1.08	10.53	8.36	12.25
Budget ($million) alt	6093	0.82	0.22	0.75	0.47	1.83
Presidential approval	3680	46.68	22.32	48.65	15.01	83.97
Votes	6093	7.87	1.27	8.00	0.00	9.00

Table A.2 Dichotomous variables

Summary Statistics

Variable	No	Yes	Total
Public defendant	1432	4661	6093
Private plaintiff	1834	4259	6093
Third parties' pressure	5764	329	6093

(*Continued*)

Table A.2 Continued

Summary Statistics			
Variable	**No**	**Yes**	**Total**
Concrete control	846	5247	6093
Monitoring	5813	280	6093
Salience to the government	5805	288	6093
Salience (alt)	5730	363	6093

Table A.3 Categorical variables

Summary Statistics					
Variable	Civil society	Person	Private-sector	Public	Total
Defendant	6	4395	228	1464	6093
Plaintiff	83	3495	653	1862	6093

Table A.4 Distribution of Amici Curiae

Counts		
Category	Number of Briefs	Percentage (%)
Person	1313	73.7
Civil Society	252	14.1
Company	65	3.6
Executive	48	2.7
President	42	2.4
Others Public	22	1.2
Local Government	21	1.2
Judiciary	13	0.7
Legislative	5	0.3
Total	1781	100.0

Table A.5 Probability of monitoring in the CCE (No FE/FE)

	Model 5	Model 6	Model 7	Model 8	Model 9	Model 10
Social pressure (log)	0.452***	0.538*	0.288*	0.515*		
	(0.111)	(0.205)	(0.113)	(0.207)		
Social pressure (stn)					0.100*	0.170*
					(0.038)	(0.070)
Plaintiff Civil Society	0.603	0.421	0.659	0.240	0.799+	0.459
	(0.403)	(0.571)	(0.454)	(0.648)	(0.411)	(0.570)
Plaintiff Private-Sector	-0.982***	-1.455***	-0.612*	-1.436***	-0.609*	-1.423***
	(0.272)	(0.487)	(0.274)	(0.486)	(0.274)	(0.486)
Plaintiff Person	-0.577***	-0.680**	-0.464**	-0.690**	-0.457**	-0.686**
	(0.168)	(0.241)	(0.171)	(0.241)	(0.171)	(0.241)
Defendant Civil Society	0.073	2.524	-0.090	2.629	-0.068	2.625
	(1.485)	(1.580)	(1.494)	(1.583)	(1.494)	(1.583)
Defendant Person	-0.604***	-0.447+	-0.808***	-0.487*	-0.782***	-0.474*
	(0.149)	(0.230)	(0.152)	(0.229)	(0.152)	(0.231)
Defendant Public	-0.254	-1.081+	0.005	-1.046+	0.030	-1.035+
	(0.297)	(0.662)	(0.306)	(0.662)	(0.306)	(0.663)
Concrete control	0.624**	0.427	0.780***	0.522+	0.773***	0.490+
	(0.198)	(0.284)	(0.205)	(0.290)	(0.205)	(0.290)
Process duration (days)	-1.115***	-0.795***	-1.236***	-0.819***	-1.226***	-0.820***
	(0.107)	(0.153)	(0.113)	(0.155)	(0.112)	(0.155)
Votes CC	0.041	-0.188*	-0.072	-0.211**	-0.072	-0.207**
	(0.049)	(0.070)	(0.049)	(0.070)	(0.049)	(0.070)
Budget	0.161*	-0.430**			0.017	-0.243
	(0.063)	(0.143)			(0.079)	(0.199)
Budget(alt)			-0.203	0.149		
			(0.311)	(0.417)		
Salience to the Gov	0.361+	0.324			0.213	0.304
	(0.214)	(0.354)			(0.218)	(0.355)
Salience(alt)			0.164	0.275		
			(0.221)	(0.367)		
Presidential approval		-0.007		-0.001		-0.004
		(0.005)		(0.005)		(0.006)
Constant	-5.149***	2.629	-3.612***	-2.277**	-3.944***	0.531
	(0.794)	(1.587)	(0.496)	(0.774)	(0.931)	(2.258)
Num.Obs.	6093	3680	6093	3680	6093	3680
AIC	277.444	115.272	339.176	117.006	339.236	118.511
Fixed Effects	N	N	Y	Y	Y	Y

Note: Fixed Effects at the Court composition level. Robust standard errors clustered at the type of action level reported in parentheses, with confidence levels as follows: + p < 0.1, * p < 0.05, ** p < 0.01, *** p < 0.001

Table A.6 Probability of monitoring in the CCE (Rare events Models)

	Model 11	Model 12	Model 13	Model 14
Social pressure (log)			1.343*	1.667*
			(0.167)	(0.382)
Social pressure	2.081***	3.628***		
	(0.430)	(1.287)		
Plaintiff Civil Society	2.150+	1.620	2.236+	1.779
	(0.984)	(1.075)	(0.996)	(1.120)
Plaintiff Private-Sector	0.544*	0.265*	0.545*	0.264*
	(0.153)	(0.139)	(0.153)	(0.139)
Plaintiff Person	0.638**	0.510**	0.634**	0.508**
	(0.105)	(0.118)	(0.105)	(0.118)
Defendant Civil Society	0.0000***	***	***	***
Defendant Person	0.455***	0.645+	0.458***	0.620+
	(0.073)	(0.165)	(0.074)	(0.157)
Defendant Private	1.023	0.421	1.032	0.428
	(0.312)	(0.315)	(0.313)	(0.318)
Concrete control	2.238***	1.678	2.166***	1.603
	(0.490)	(0.577)	(0.485)	(0.561)
Process duration (days)	0.292***	0.447***	0.293***	0.442***
	(0.042)	(0.102)	(0.042)	(0.103)
Votes CC	0.935	0.823**	0.931	0.811**
	(0.046)	(0.055)	(0.046)	(0.057)
Budget	1.021	0.801	1.018	0.793
	(0.077)	(0.177)	(0.077)	(0.174)
Salience to the Gov	1.227	1.284	1.238	1.371
	(0.283)	(0.487)	(0.287)	(0.520)
Presidential approval		0.996		0.996
		(0.005)		(0.005)
Constant	0.018***	2.045	0.020***	2.676
	(0.016)	(4.988)	(0.019)	(6.495)
Num.Obs.	6093	3680	6093	3680
AIC	1985.1	887.0	1990.7	895.1

Note: Fixed Effects at the Court conformation level. Robust standard errors clustered at the type of action level reported in parentheses with confidence levels as follows: + $p < 0.1$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$