Upperdogs versus underdogs: The strength of parties in drug-related closure cases

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Introduction
In the Netherlands, mayors are entitled to close both public and non-public premises, including private housing, due to drug-related criminal activities. Although rights and freedoms are endangered by these closures, previous studies on party capability lead to believe that the mayor is more likely to win in court than the individual contesting the closure. This study examines the relative success of the different types of litigants and the influence of case characteristics, such as the type of drugs, type of property, and invoked defenses in drug-related closure cases.

Hypotheses

H1. Upperdogs versus underdogs

H2. Upperdogs: strong versus weak

H3. Upperdogs: combined (reference = large and more experienced)

H2. Upperdogs: combined (reference = large and more experienced)

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Methods
Statistical analysis of all published case law
- Retrieved from the website of the Dutch Judiciary
- Judgements of courts of first instance (district courts)
- Drug-related closure cases
- 2008 - 2016
- N=217
- Dependent variable: whether the upperdog won or lost the case. This is equal to whether the appeal was dismissed (=upperdog won) or allowed (=upperdog lost)

Results

Logistic Regression Results: Beyond Strength of Parties

Table 2. Predicting the probability of success for upperdogs among drug-related closure cases

Table 1. Predicting the probability an appeal will be denied for strong and weak underdogs

Note: Estimated coefficients in log odds. Standard errors in parentheses.

Conclusion
Strength of parties

H1. Upperdogs are more likely to win in court than underdogs

H2. The strength of an upperdog does not influence the win rates (experience nor size)

H3. The odds that the upperdog wins is 2.68 times higher if the upperdog faces a strong underdog in court instead of facing a weak underdog

Other case characteristics are most important!