Enhancing Practitioner Persuasion through the Equation of Emotion: A Cognitive, Affective Model of Judicial Decision-Making

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Abstract

This Article enhances legal reasoning through an interdisciplinary approach rooted in cognitive psychology, behavioral neuroscience, doctrinal analysis and insights from the self-help genre. Building on Sean Webb's Equation of Emotion (EoE), a work that combines self-help accessibility with rigorous cognitive-emotional modeling, it applies the EoE's preference-perception dynamic to judicial decision-making. The resulting Jurisprudential Alignment Model (JAM) explains how a judge's Jurisprudential Preferences and/or Expectations (JPEs) interact with Interpretive or Factual Legal Perceptions (IFLPs) to shape decision outputs (DOs). Twelve JPE indicators, ranging from interpretive methodology and rhetorical cues to cognitive dissonance, are defined and applied to the full body of opinions authored by the current Indiana Tax Court judge between December 2023 and August 2025, producing a jurisprudential self-map. This self-map shows how advocates can extend the traditional IRAC method by tailoring arguments to a decision-maker's interpretive tendencies, thereby reducing dissonance and increasing persuasive impact. Beyond its use for advocates, the Article introduces a new doctrinal framework for courts themselves: the Judicial Coherence Test (JCT). The JCT transforms JAM's underlying Judicial Coherence Equation (JCE) into a three-step test that requires judges to (1) identify their jurisprudential preferences, (2) clearly state their interpretive or factual perceptions and (3) reconcile the two transparently when producing a decision. Similar to existing judicial multi-factor balancing tests, the JCT formalizes what is often an implicit process, making reasoning structures explicit and reviewable. When applied to the Indiana Tax Court's statutory interpretation in one of its recent cases, the JCT demonstrates how judicial meta-awareness can be converted into a principled, repeatable and legally cognizable method that refines doctrine, reduces hidden dissonance and enhances the legitimacy of judicial outcomes.

Annotasiya

Bu Məqalə koqnitiv psixologiya, davranış neyroelmi, doktrinal analiz və şəxsi inkişaf janrından əldə edilən fikirlərə əsaslanan fənlərarası yanaşma vasitəsilə hüquqi əsaslandırmanı təkmilləşdirir. Şəxsi inkişafın əlçatanlığı ilə ciddi koqnitiv-emosional modelləşdirməni birləşdirən bir əsər olan Şon Vebbin "Emosiya Tənliyi"nə (EoE) əsaslanaraq, EoE-nin üstünlük-qavrayış dinamikasını məhkəmə qərarlarının qəbulu prosesinə tətbiq edir. Nəticədə ortaya çıxan "Hüquqi Uyğunlaşdırma Modeli" (JAM), hakimin "Hüquqi Üstünlük və/yaxud Gözləntilərinin" (JPE-lər) qərar nəticələrini (DO-lar) formalaşdırmaq üçün "Şərhedici və ya Faktiki Hüquqi Qavrayışlarla" (IFLP-lər) necə qarşılıqlı əlaqədə olduğunu izah edir. Şərhedici metodologiya və ritorik işarələrdən tutmuş koqnitiv dissonansa qədər dəyişən on iki JPE indikatoru müəyyən edilmiş və İndiana Vergi Məhkəməsinin hazırkı hakiminin 2023-cü ilin dekabrından 2025-ci ilin avqustuna qədər

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müəllifi olduğu rəylərin tam külliyyatına tətbiq olunaraq müstəqil hüquqi xəritə yaradılmışdır. Bu xəritə vəkillərin öz arqumentlərini qərar qəbul edənin şərhetmə vərdişlərinə uyğunlaşdırmaqla ənənəvi "IRAC" metodunu necə genişləndirə biləcəyini, beləliklə də dissonansı azaldaraq inandırıcılıq təsirini necə artıra biləcəyini göstərir. Vəkillər üçün istifadəsindən əlavə, Məqalə məhkəmələrin özləri üçün yeni bir doktrinal çərçivə təqdim edir: "Məhkəmə Ardıcıllığı Testi" (JCT). JCT, JAM-ın əsasını təşkil edən "Məhkəmə Ardıcıllığı Tənliyini" (JCE) üç mərhələli testə çevirir ki, bu da hakimlərdən (1) öz hüquqi üstünlüklərini müəyyən etməyi, (2) öz şərhedici və ya faktiki qavrayışlarını aydın şəkildə ifadə etməyi və (3) qərar qəbul edərkən bu ikisini şəffaf şəkildə uzlaşdırmağı tələb edir. Mövcud məhkəmə çoxfaktorlu balanslaşdırma testlərinə bənzər şəkildə, JCT çox vaxt qeyri-aşkar gedən prosesi rəsmiləşdirərək əsaslandırma strukturlarını aydın və yoxlanıla bilən hala gətirir. İndiana Vergi Məhkəməsinin son işlərindən birində qanunvericiliyin təfsirinə tətbiq edildikdə, JCT məhkəmə metakoqnitivliyi doktrinanı təkmilləşdirən, gizli dissonansı azaldan və məhkəmə nəticələrinin legitimliyini artıran prinsipial, təkrarlana bilən və hüquqi baxımdan tanınan bir metoda necə çevrilə biləcəyini nümayiş etdirir.

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Introduction

Broader jurisprudential schools of thought have long shaped how judges reason through cases. Legal formalism, for example, posits that judges decide cases through logical deduction from established

rules and principles, emphasizing judicial restraint and fidelity to precedent.[1] Legal realism, by contrast, challenges the notion that law is an autonomous system of logic, arguing that social, political and psychological factors influence judicial decisions.[2] Both traditions continue to inform contemporary models of judicial reasoning, from textualism and originalism to purposivism and pragmatism.[3]

Legal reasoning, as traditionally taught in American legal education, is anchored in structured analytical models that attempt to impose order and clarity on judicial decision-making and legal advocacy. Among the most enduring and widely taught of these models is the IRAC model, an acronym for Issue, Rule, Analysis and Conclusion.[4] The IRAC is an organizational framework that encourages a linear progression of analysis: first identifying the legal question (Issue), stating the governing law (Rule), applying the law to the relevant facts (Analysis) and drawing a conclusion based on that reasoning (Conclusion).[5] It is commonly viewed as a foundational skill for law

[1] Frederick Schauer, *Formalism*, 97 Yale Law Journal 509, 510-513 (1988) (describing formalism as a commitment to decision-making based on preexisting legal rules and limited judicial discretion, often involving a denial that a choice is being made, such as when a judge treats broad constitutional language as if it unambiguously and objectively dictates a result, or mechanically applies a statutory deadline while disregarding equitable counterarguments acknowledged in prior precedent).

[2] Karl N. Llewellyn, *Some Realism About Realism*, 44 Harvard Law Review 1222, 1224 (1931) (emphasizing that legal realism focuses on how law functions in practice and acknowledges that judicial decisions are shaped by psychological, social and experiential influences); Brian Leiter, *Rethinking Legal Realism: Toward a Naturalized Jurisprudence*, 76 Texas Law Review 267, 268-270 (1997) (arguing that judicial outcomes often reflect empirical and psychological factors rather than formal legal deduction); Brian Leiter, American Legal Realism, in *The Blackwell Guide to the Philosophy of Law and Legal Theory* 50, 50-65 (Martin P. Golding & William A. Edmundson eds., 2005) (providing an overview of legal realism and its central claims about the actual determinants of judicial behavior).

[3] Richard A. Posner, The Problems of Jurisprudence, 19-25 (1990) (discussing how legal realism paved the way for modern pragmatic and positivist approaches to adjudication); William N. Eskridge, Jr., *The New Textualism*, 37 UCLA Law Review 621, 625-627 (1990) (explaining how textualism and originalism emerged partly in reaction to realism, yet still operate within interpretive frameworks shaped by earlier jurisprudential debates).

[4] *See United States v. Aceituno*, 699 F. Supp. 3d 179, 191 (D.N.H. 2023). Available at: https://case-law.vlex.com/vid/united-states-v-aceituno-1062233958 (last visited Apr. 25, 2026); *Licea v. Caraway Home Inc.*, 655 F. Supp. 3d 954, 968 (C.D. Cal. 2023). Available at: https://case-law.vlex.com/vid/licea-v-caraway-home-1035070292 (last visited Apr. 25, 2026) (both noting that law students are taught the IRAC method – Issue, Rule, Application, Conclusion – for structuring legal analysis in their first-year courses).

[5] *See* Leslie Patrice Culver, *(Un)Wicked Analytical Frameworks and the Cry for Identity*, 21 Nevada Law Journal 655, 670 (2021) (noting that "IRAC's hallmark feature is arguably the almost scientific method-type model of drafting legal analysis", characterized by its linear structure); Gerald Lebovits, *Cracking the Code to Writing Legal Arguments: From IRAC to CRARC to Combinations in Between,* 82 New York State Bar Association Journal 64, 64 (2010) (noting that IRAC's Issue, Rule, Application, Conclusion is a commonly taught framework

students, essential for crafting clear arguments and examinations of legal problems.[6]

These reasoning models are not only central to judicial opinions but are also indispensable to legal practitioners.[7] Judges rely on formalist or realist methodologies to resolve disputes and justify their rulings. Attorneys use the same reasoning structures to craft persuasive arguments and anticipate counterarguments.[8] Indeed, much of the adversarial process involves competing narratives structured through frameworks like the IRAC or its variations, such as CREAC, CRAC and IRAAAPC, to name just a few, presented for judicial evaluation.[9]

Yet despite its ubiquity, the IRAC model has serious limitations. While it helps structure a coherent legal analysis, the IRAC is fundamentally a formulaic framework premised on logic.[10] By its nature, it is outcome-neutral:

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in first-year legal writing courses for organizing legal analysis, though some view it as overly rigid or creatively limiting).

[6] *Ibid.* (adding that IRAC is frequently used to structure arguments in exams, memoranda and briefs).

[7] For the purposes of this Article, the phrase "legal practitioners" refers to individuals who advocate for clients in legal disputes but are not judges themselves. Although judges may be considered legal practitioners in a broad sense, they serve a distinct role as the ultimate decision-makers and adjudicators. In this context, legal practitioners refer to attorneys who represent clients before appellate, trial, or administrative judges and regulatory agencies, as well as non-attorneys who are authorized to represent clients in quasi-judicial administrative proceedings, such as certified public accountants or enrolled agents representing clients in tax matters. *See* Michelle Drumble & Jennifer Mueller, Practicing Before the IRS and Professional Responsibility in Tax Practice, in Effectively Representing Your Client Before the IRS, 6-7 (T. Keith Fogg ed., 6th ed. 2015). (explaining that any certified public accountant or enrolled agent in good standing may practice before the Internal Revenue Service regarding any matter); Colorado Office of Administrative Court, *Non-Attorney Representation – Public Benefits*. Available at: https://oac.colorado.gov/public-benefits/self-represented-parties-pb (last visited Apr. 25, 2026) (explaining that, in certain cases involving denied, reduced, or terminated public benefits, the Colorado Office of Administrative Courts permits appellants to be represented by non-attorneys, including individuals authorized by form, letter, or power of attorney).

[8] Brian K. Keller, *Whittling: Drafting Concise and Effective Appellate Briefs,* 14 The Journal of Appellate Practice and Process 285, 292-293 (2013) (discussing the use of the IRAC structure in appellate briefs); Nelson P. Miller & Bradley J. Charles, *Meeting the Carnegie Report's Challenge to Make Legal Analysis Explicit—Subsidiary Skills to the IRAC Framework*, 59 Journal of Legal Education 192, 193 (2009) ("The IRAC framework is the generally accepted way of representing legal analysis").

[9] Lebovits, *supra* note 5; Tracy Turner, *Finding Consensus in Legal Writing Discourse Regarding Organizational Structure: A Review and Analysis of the Use of IRAC and Its Progenies*, 9 Legal Communication and Rhetoric: JALWD 351, 357 (2012) (both providing lists and acronyms of the various alternative, derivative forms of IRAC).

[10] Sherri Lee Keene, *Teaching Dissents*, 107 Minnesota Law Review 2619, 2642 (2023) (observing that IRAC's deductive structure creates an impression of purely logical reasoning, even though it often obscures the complexities and persuasive elements inherent in judicial analysis).

both sides in an adversarial case may deploy IRAC reasoning and arrive at diametrically opposed conclusions. The success of an argument depends not on the structure itself, but on how effectively the underlying legal and factual content is deployed within that structure. In other words, the IRAC method assumes that the sheer force of logical objectivity in the conclusion derived from its application will compel the judge to accept it.[11]

Although IRAC facilitates organizational clarity, it does little to ensure that a conclusion will resonate with the actual decision-maker. It offers limited guidance on aligning arguments with a judge's interpretive preferences and provides no insight into the judge's reasoning process. This is where the IRAC's analytical utility begins to falter. Because it lacks a model for aligning legal argument with judicial cognition, it leaves a crucial gap: how to structure advocacy not merely for logical consistency but, by moving beyond mere logic, for persuasive force within the decision-maker's mind.[12]

From a practical standpoint, this is the central challenge for advocates. Persuasion in litigation is not simply about getting the logic right; it is about resonating with and aligning with the interpretive and cognitive framework of the particular judge or judicial panel that will decide the case. In theory, the law aspires to objectivity. However, in practice, it is governed by persuasion. A skilled advocate can persuade a judge or jury that 2 + 2 equals 5, not because the math is objectively correct, but because the argument convincingly redefines what "2", "plus", or "equals" mean within the legal or factual context of the case. If that argument succeeds, then 5 becomes the law, not as an expression of objective truth but as the binding outcome of the case and, potentially, precedent if upheld on appeal. Legal truth, then, is not about objective correctness but about what a decision maker can be persuaded to

[11] Laura P. Graham, *Why-Rac? Revisiting the Traditional Paradigm for Writing About Legal Analysis*, 63 Kansas Law Review 681, 686-688 (2015) (critiquing IRAC for promoting a mechanical and objective-seeming structure that may obscure the need to tailor arguments to the judicial audience, thereby presuming the conclusion's logical form alone will persuade); Keller, *supra* note 8, 297-298 (explaining that the IRAC method aims to lead judges to an "inescapable conclusion" through logical analysis, assuming that clarity, fairness and objectivity in structure will compel judicial agreement).

[12] Gerald P. López, *Transform, Don't Just Tinker With, Legal Education (Part II)*, 24 Clinical Law Review 247, 426 (2018) (criticizing the overreliance on rigid models like IRAC, which frame persuasion as a static science rather than a dynamic art responsive to audience and context); Bret Rappaport, *Tapping the Human Adaptive Origins of Storytelling by Requiring Legal Writing Students to Read a Novel in Order to Appreciate How Character, Setting, Plot, Theme and Tone (CSPTT) Are as Important as IRAC*, 25 Thomas M. Cooley Law Review 267, 272, 287-288 (2008) (arguing that while IRAC provides a rational structure for legal analysis, it lacks persuasive force because it fails to engage the reader's innate understanding, emotional resonance, or narrative intuition).

accept. At its core, the law is not about what is absolutely right but about what persuades in the moment.[13] For that task, the IRAC is insufficient.

The IRAC can organize an argument, but it cannot tailor it to the judge's cognitive and jurisprudential framework. Understanding how judges internally reconcile their jurisprudential commitments, interpretive tendencies and perceptual filters may thus offer a more sophisticated and effective model of legal reasoning, one capable of bridging the divide between an argument's analytical structure and its persuasive impact. Likewise, for judges, the IRAC offers no mechanism for engaging in cognitive reflection, no means of consciously examining how their own expectations, normative leanings and evaluative perspectives shape the decision-making process itself and the resulting decision output.

To overcome the IRAC's persuasive limitations, advocates must look beyond formal logic and toward the cognitive terrain of the judge. But where should they look? One answer lies in understanding how emerging technologies, particularly artificial intelligence and data analytics, are being used to analyze, predict and even influence judicial decision-making. These developments illuminate not only how judges decide, but also how litigators can strategically shape their arguments to fit a judge's known patterns of reasoning. And while such tools raise questions about the future of legal practice, they also offer insight into how persuasion might be enhanced by aligning legal logic with judicial cognition.

In the current U.S. adversarial litigation system, legal disputes are resolved dialectically, through competing counsel whose arguments, evidence and analyses are actively tested and regulated by the court. This process leverages multiple perspectives simultaneously to rigorously assess hypotheses, factual assertions, legal reasoning and conclusions in real time. Artificial intelligence (AI) increasingly promises to enhance this system by assisting litigators in formulating and testing hypotheses, predicting judicial outcomes and

[13] *United States v. Sineneng-Smith*, 590 U.S. 371, 375 (2020) Available at: https://supreme.justia.com/cases/federal/us/590/19-67/ (last visited Apr. 27, 2026) ("In our adversarial system of adjudication, we follow the principle of party presentation... [As such, it is presumed] 'that parties represented by competent counsel know what is best for them and are responsible for advancing the facts and argument entitling them to relief'" (quoting Castro v. United States, 540 U.S. 375, 386 (2003) (Scalia, J., concurring in part and concurring in judgment) (alteration in original). In other words, a court's role is to sit as a neutral arbiter, not to act as an additional advocate sifting through each party's evidence to determine which side made the most persuasive arguments); Trina Jones, *Inadvertent Disclosure of Privileged Information and the Law of Mistake: Using Substantive Legal Principles to Guide Ethical Decision Making*, 48 Emory Law Journal 1255, 1288 (1999) (providing that in the U.S. adversarial system, "lawyers for both sides vigorously present their clients' most persuasive arguments before a neutral or impartial arbiter. In theory, this adversarial presentation of evidence and arguments gives the judge and jury the strongest possible view of each side's case and allows the fact finder to make accurate and fair judgments").

profiling judicial decision-making patterns to craft more persuasive arguments. This is achieved through data mining and predictive algorithms that enable AI to analyze judicial behaviors, compare patterns across judges and forecast future rulings.[14] Importantly, there is a subtle yet meaningful difference between using AI tools simply to predict the outcome of a case based on existing arguments and proactively using similar tools to craft and refine arguments themselves in ways specifically designed to resonate with a judge's reasoning and decision-making style. The focus of this Article is primarily on the latter application, guiding practitioners to strategically shape their advocacy to align with judicial mindsets.

More broadly, it is conceivable that AI may someday replace certain aspects of judging and advocacy altogether. Notably, however, not all countries view this technological trajectory positively. Accordingly, the primary aim of this article is to equip everyday legal practitioners, particularly those with limited resources who nonetheless seek to fully meet their professional obligations and successfully advocate for their clients, with a practical and accessible approach. Specifically, the article presents a framework that practitioners can easily grasp, intuitively understand and immediately apply. It demonstrates how to enhance the IRAC method not by relying solely on the intrinsic

[14] James E. Baker et al., Federal Judicial Center, An Introduction to Artificial Intelligence for Federal Judges 43-47 (2023), (explaining that predictive algorithms use past data to forecast future outcomes in various judicial contexts such as bail, parole and sentencing, but cautioning that these algorithms may unintentionally embed and magnify biases, create transparency challenges and raise constitutional and ethical concerns that judges must carefully consider); Kashif Javed & Jianxin Li, *Artificial Intelligence in Judicial Adjudication: Semantic Biasness Classification and Identification in Legal Judgement* (*SBCILJ*), 10 Heliyon (2024), (discussing how AI-based semantic modeling and bias classification can be used to analyze judicial opinions, detect latent patterns in reasoning and profile judicial tendencies for predictive or comparative purposes); Yi Feng et al., Legal Judgment Prediction via Event Extraction with Constraints, in *Proceedings of the 60th Annual Meeting of the Association for Computational Linguistics* 648, 648 (2022). Available at: https://aclanthology.org/2022.acl-long.pdf (last visited Apr. 24, 2026) (describing the use of event extraction and constraint-based NLP models to improve AI-driven legal judgment prediction accuracy by analyzing case facts and statutory outcomes); Jena McGill & Amy Salyzyn, *Judging by the Numbers: Judicial Analytics, the Justice System and its Stakeholders*, 44 Dalhousie Law Journal 249 (2021) (analyzing the rise of judicial analytics and their use in predicting judicial behavior, evaluating both their potential to enhance transparency and efficiency and the ethical concerns they raise for courts and litigants); Dan Shefet, *Profiling of Judges* (unpublished manuscript, April 22, 2020), https://thealiadviser.org/wp-content/uploads/2020/04/Profiling-of-judges-Dan-Shefet-April-22.pdf (last visited 20 Apr. 2026) (examining the French law banning judicial analytics, arguing that legal profiling enhances transparency and accountability and concluding that such bans may violate free expression and EU law); Nikolaos Aletras et al., *Predicting Judicial Decisions of the European Court of Human Rights: A Natural Language Processing Perspective*, 2 PeerJ Computer Science (2016) (conducting the first large-scale empirical study using Natural Language Processing to predict judicial decisions at the European Court of Human Rights and finding that factual content is the most significant predictor of outcomes, supporting legal realist theories of adjudication).

strength of logical arguments, but by strategically aligning and adjusting that logic to resonate persuasively with a judge's known preferences and decision-making style.

To address the limitations of the IRAC and bridge the gap between an argument's analytical structure and its cognitive persuasiveness, this article introduces a conceptual framework called the Jurisprudential Alignment Model (hereinafter JAM). Most importantly, JAM equips legal practitioners with a structured approach to developing arguments that go beyond formal logic, aiming not only for analytical coherence but also for cognitive alignment with a judge's jurisprudential view. By considering how a judge internally reconciles their jurisprudential preferences and expectations (hereinafter JPEs) with their perceptions of the issues, facts and legal context (hereinafter IFLPs), advocates can tailor arguments for greater persuasive impact than logic alone can deliver. At the same time, the JAM framework provides judges with a tool for systematic cognitive self-examination, enabling them to reflect on their own jurisprudential decisional self-map and evaluate how well their perceptions and preferences align in a given case. The resulting level of alignment or dissonance informs decision outputs (hereinafter DOs) that strive to embody both doctrinal rigor and substantively fair outcomes.

Accordingly, this article advances four main objectives. First, it offers legal practitioners a practical framework for structuring arguments that align with a judge's internal jurisprudential preferences and external perceptions of the facts, issues and law, thereby enhancing persuasive advocacy. In other words, it provides a way for practitioners to more readily understand judicial reasoning and to use that insight, alongside the IRAC method or its variations, to develop more effective arguments. Importantly, the model is designed to be accessible to lawyers without formal training in psychology, neuroscience, or other cognitive sciences. Second, it adapts an existing cognitive-emotional theory into a complementary interdisciplinary model that enables judges to reflect inwardly on their decision-making processes with the aim of producing more rational and, ideally, more just outcomes. Third, it formalizes this inward judicial reflection into a doctrinal framework, the Judicial Coherence Test (hereinafter JCT), which recasts the JAM's underlying Judicial Coherence Equation (hereinafter JCE) as a structured, three-step test for courts to use in producing transparent and coherent decisions. Finally, it demonstrates the model's application through a detailed statutory-interpretation case study, illustrating how aligning advocacy with a judge's jurisprudential self-map can increase receptivity, reduce interpretive dissonance and highlight how the JCT can improve doctrinal clarity in judicial reasoning.

I. Theoretical Framework: The Equation of Emotion and the Jurisprudential Alignment Model

This section introduces the theoretical foundation underlying the Jurisprudential Alignment Model (JAM) by examining its relationship to Sean Webb's Equation of Emotion (hereinafter EoE). Although originally developed to explain the generation of emotional responses, the EoE provides a structurally analogous framework for understanding how internal preferences and external perceptions interact to produce outputs. By adapting this conceptual structure to the judicial context, the JAM offers a systematic model for analyzing how judges reconcile their jurisprudential commitments with their perceptions of legal and factual inputs. The discussion proceeds by first outlining the core components of the EoE, then explaining its structural correspondence to the JAM and finally introducing the JCE as the mechanism through which this relationship operates in legal reasoning.

The JAM framework operationalizes this alignment process through the JCE, which is illustrated in Figure 1.

Figure 1:

Jurisprudential Preferences and/or Expectations (JPEs) (Derived from a judge's jurisprudential self-map)	Δ (Compared to)	Issue, Factual and/or Law Perceptions (IFLPs)	=	Decision Outputs (DOs)

Metacognitive appraisal of the variables and their interactions through either:

- Internally by judges via judicial meta-awareness, or
- Externally by practitioners via jurisprudential alignment appraisal.

This equation models the dynamic interplay between a judge's internal doctrinal commitments and external legal perceptions. Where alignment is strong, the decision output reinforces the judge's jurisprudential identity and maintains decisional coherence. Where significant dissonance exists, the output may involve doctrinal innovation, rhetorical justification, or

expressions of discomfort, all of which aim to restore or defend coherence within the judicial reasoning process.

The JCE adapts the structural logic of EoE for application in the domain of legal reasoning. In Webb's model, emotional responses arise from the alignment or misalignment between one's internal expectations and preferences (EP) and one's external perceptions (P). Emotion, in this framework, is the functional output of an internal comparator system, triggered by how well external information matches the self-map and the individual's preferred reality.

The JCE exhibits an isomorphic structure to Webb's Equation of Emotion. Though each model operates within a distinct disciplinary framework, legal reasoning and emotional cognition, respectively, both describe systems that generate outputs by comparing internalized preferences with external perceptions. This structural equivalence suggests that insights from emotional cognition may be meaningfully applied in legal analysis, particularly when coherence between internal doctrine and external case input shapes the resulting output.

Sean Webb presents his theory of the cognitive generation of emotion not through peer-reviewed research but in detail across three books dedicated to the subject, explaining the underlying rationale and supporting evidence for his model.[15] Whether his theories are ultimately correct, scientifically validated, or merely circumstantially supported by existing psychological and neurological studies is beyond the scope of this article and the author's expertise. This analysis does not seek to evaluate Webb's work as a matter of empirical science. In any case, the law does not operate according to the scientific method or depend on scientific certainty. Instead, it operates through practical judgment and strategic advocacy, crafting arguments most likely to persuade and achieve favorable outcomes for clients while using any available ethical means. In that sense, legal practice often resembles throwing spaghetti at the wall to see what sticks. Legal practitioners rely on intuition, experience and situational judgment, knowing they generally get only one chance to make their case. This article's thesis and analysis aim to help make that one chance a winning one.

Although some may dismiss Webb's Equation of Emotion as originating from a pop-psychology or self-help context, that characterization underscores its practical value. One of this article's primary goals is to offer everyday legal practitioners a clear, accessible and applicable methodology to enhance the IRAC framework and improve persuasive advocacy. A model already designed for self-awareness, personal improvement and intuitive understanding is an ideal vehicle for such an effort. The accessibility that may

[15] *See* Sean Webb, Mind Hacking Happiness: Volume I (2017); Sean Webb, Mind Hacking Happiness: Volume II (2017); Sean Webb, Human Mind Owner's Manual (2023).

cause some to view Webb's theory with skepticism is precisely what makes it useful: it translates complex cognitive processes into terms that legal practitioners can readily grasp and apply in real time.

Accordingly, the article proceeds from the observation that Webb's theories either (1) offer an intuitively compelling model of emotional cognition that may be confirmed by future scientific inquiry or (2) already provide a conceptually coherent and pragmatically useful framework for understanding how thought processes generate emotional responses and how awareness of that process can lead to conscious regulation and improved outcomes, particularly in fields involving complex cognitive decision-making, such as law.

On that basis, the proposed JAM adopts EoE not as an empirically validated theory with robust scientific consensus behind it, but as a functionally coherent and heuristically valuable framework, one that plausibly models how internal cognitive constructs such as expectations and preferences interact with external perceptions to produce behavioral or emotional outcomes. In this capacity, the Equation of Emotion provides a conceptual foundation for analyzing judicial decision-making. Specifically, this inquiry examines whether the structure of Webb's model can be extended beyond its original psychological context and adapted to the legal domain through the JAM and its core mechanism, the JCE. Just as emotional reactions result from the alignment or dissonance between internal expectations and external perceptions and can be influenced by changing either of those variables, judicial reasoning might similarly involve reconciling jurisprudential commitments with perceptions of legal and factual inputs to produce decision outputs, which can, in turn, be influenced by modifying those underlying elements.

Importantly, this article does not aim to replace the IRAC with the JAM framework or the JCE, nor to present another version of the IRAC. Instead, the goal is to create and introduce a methodology that improves and complements the IRAC by allowing users to develop not only linear, logically ordered arguments but also arguments that intentionally include the cognitive jurisprudential expectations and preferences (JPEs) of the deciding judge. The proposed JCE is intended to be used in conjunction with the IRAC and its variations, enabling each step of the IRAC to construct a legal argument that more closely aligns with the judge's internal reasoning process, thereby making the argument more persuasive. The model also encourages judges to engage in structured self-reflection, not only to apply their jurisprudential preferences and expectations but also to step outside of them, critically examining their connection to these preferences both in isolation and in relation to the IFLPs in the case.

A. From Cognitive Dissonance to the Equation of Emotion

Before presenting the JAM and its JCE, it is necessary to examine the psychological foundations that inform their structure. This section traces the conceptual progression from Leon Festinger's theory of cognitive dissonance through its recent application to judicial reasoning by Mikołaj Pietrzyk to EoE. By distinguishing between cognitive inconsistency and dissonance discomfort, this progression provides a more integrated and operational account of how internal preferences, perception and emotional response shape judicial decision-making.

By contrasting Festinger's original formulation with Pietrzyk's application, the following analysis clarifies the specific type of dissonance that reflects the psychological experience of judging. The goal is not to displace Pietrzyk's work, but to refine its underlying assumptions by introducing the emotionally grounded concept of dissonance discomfort. As will be shown, this refinement provides the necessary bridge to the EoE, establishing a more accurate and actionable framework for both legal reasoning and persuasive advocacy within the JAM model.

In his article,[16] Mikołaj Pietrzyk draws on Leon Festinger's foundational theory of cognitive dissonance, as articulated in Festinger's 1957 book *A Theory of Cognitive Dissonance*, to offer a psychologically grounded explanation of how judges interpret and apply the law. According to Pietrzyk's account, individuals possess cognitive elements that include beliefs, values, moral commitments, self-interests and understandings of their environment and behavior.[17] In the judicial context, these elements encompass both a judge's understanding of the law and the decisions they ultimately render.[18] When these internal elements are inconsistent with one another, or when they conflict with resulting actions, cognitive dissonance arises.[19] By contrast, alignment among these elements produces a state of consonance.[20] Individuals experiencing dissonance are driven to reduce or eliminate these inconsistencies, thereby restoring cognitive balance.

Pietrzyk applies this framework to judicial behavior, proposing that judges are subject to an internal pull toward cognitive coherence and equilibrium.[21] Although Pietrzyk does not offer insight into the cognitive or neurological basis for this compulsion, he nevertheless maintains that judicial decision-making frequently requires judges to navigate competing cognitive elements, including their understanding of the law, personal moral values and self-

[16] *See* Mikołaj Pietrzyk, *In Search of a "Happy Ending" in Legal Interpretation*, 38 International Journal for the Semiotics of Law 1619 (2025).
[17] *Id.*, 1621.
[18] *Ibid.*
[19] *Id.*, 1622.
[20] *Ibid.*
[21] *Ibid*.

interest (such as reputational or institutional considerations).[22] When these elements align, the decision is straightforward and no dissonance arises. These are the so-called "easy cases", in which statutory meaning is clear, moral and institutional values are not in tension and no interpretive ambiguity exists.[23]

However, in "hard cases", those involving vague statutes, morally troubling outcomes, or conflicting interpretive authorities, these cognitive elements frequently collide.[24] A judge may believe that a particular statutory interpretation leads to an unjust result, or they may worry that ruling in a certain way could harm their professional reputation.[25] In such cases, the judge faces interpretive dissonance, a specialized form of cognitive dissonance arising from conflicting pressures within the interpretive process.[26]

Pietrzyk argues that, in such situations, judges become aware of the discomfort they will experience from interpretive cognitive dissonance and tend to gravitate toward the interpretive path that produces the least dissonance.[27] Nevertheless, the decision ultimately rendered typically aligns with the cognitive element that is least resistant to change.[28] A judge may modify how they interpret a statute, adjust their understanding of their own moral commitments, or reinterpret reputational consequences to reduce the tension.[29] Importantly, this process is not always conscious and rational, as much of it may occur intuitively or unconsciously while the judge searches for internal consistency.[30]

Thus, Pietrzyk's theory reframes adjudication in hard cases not as the mechanical application of legal rules or the discovery of a singular "correct" meaning, but as a process of psychological equilibrium-seeking.[31] Judges justify their decisions not merely to persuade others, but also to reduce their own internal conflict by aligning their reasoning with the cognitive element that is most consistent with their eventual decision.[32] The result is what Pietrzyk calls a "happy ending" to the interpretive process, not in a moral or

[22] *Ibid.*
[23] *Ibid.*
[24] *Ibid.*
[25] *Ibid.*
[26] *Ibid.*
[27] *Id.*, 1622, 1623.
[28] *Ibid.*
[29] *Id.*,1623.
[30] *Ibid. See also* Daniel Kahneman, Thinking, Fast and Slow (2011) (paperback ed. 2013) (explaining in detail the two different ways in which humans think: System 1, the fast, unconscious, intuitive and emotional way and System 2, the slower, conscious, deliberate, logical and rational way).
[31] Pietrzyk, *supra* note 16, 1622.
[32] *Ibid.*

political sense, but in a psychological one. That is, the resolution of internal dissonance through a decision that restores internal harmony.[33]

According to Pietrzyk, drawing further on Festinger's dissonance theory, he explains that cognitive dissonance arises when two specific cognitive elements come into direct conflict, such that, when considered together, the truth of one implies the falsity of the other. The presence of such a contradiction between two elements produces psychological discomfort that the individual is motivated to reduce.[34]

In the judicial context, Pietrzyk applies this pairwise model of dissonance to explain how judges navigate competing pressures. For example, a judge may hold a moral conviction (x) that a litigant deserves to prevail, while also recognizing that the applicable statute (y) compels a contrary result.[35] Pietrzyk identifies common pairings in which this dynamic arises, including law versus morality, morality versus judicial self-interest and law versus judicial self-interest.[36] The resulting judicial decision, understood as the behavioral cognitive element in Festinger's framework, must ultimately align with one of these competing elements, often reflecting which source of dissonance the judge finds more manageable to resolve.[37]

Pietrzyk illustrates this tension through the familiar hypothetical of an ambulance driver who, while rushing to assist an injured person, enters a park where a sign clearly prohibits all vehicles.[38] On its face, the legal rule prohibiting vehicles conflicts with the moral intuition that the driver should be permitted to act in an emergency. This scenario generates interpretive dissonance: the law, taken literally, dictates one result, while moral judgment supports another. For a judge confronted with such a case, any resolution will conflict with at least one cognitive element – legal fidelity, moral responsibility, or public expectation – thereby creating dissonance that must be resolved through the interpretive process.[39]

Pietrzyk suggests that cognitive dissonance frequently arises in adjudication when a judge's moral views or sense of self-interest conflict with the legal outcome dictated by statute or precedent. This, he argues, compels the judge to seek the interpretive path that minimizes psychological discomfort by favoring the cognitive element least resistant to change. However, the model assumes too readily that such conflicts among non-behavioral cognitive elements, such as moral beliefs, legal philosophy and reputational concerns, are common and experientially dissonant for the judge.

[33] *Ibid.*
[34] *Ibid*.
[35] *Ibid*.
[36] *Ibid*.
[37] *Ibid*.
[38] *Id.*, 1623.
[39] *Ibid*.

This assumption is problematic for at least two reasons. First, it overlooks the extent to which judges generally possess a coherent and integrated view of their interpretive role. Judges do not approach legal questions with fragmented or disjointed value systems; rather, they tend to internalize a jurisprudential framework in which their understanding of legal obligation, morality and professional identity is mutually reinforcing. For many judges, particularly those committed to formalism or textualism, fidelity to the statutory text is not at odds with their moral outlook but is part of it. In such cases, applying the law strictly, even when it yields unpopular or seemingly harsh results, is experienced as a morally justifiable, if not morally necessary, exercise of judicial duty.

Consider Pietrzyk's ambulance-in-the-park example. A strict textualist application of the ordinance prohibiting vehicles in the park would lead to the conclusion that the ambulance driver violated the law. By contrast, a purposivist approach would allow for an exception, reasoning that adherence to the letter of the law in such a case would frustrate its underlying purpose, particularly when a morally justifiable reason for noncompliance exists. The scenario thus presents two equally legitimate, yet mutually exclusive, interpretive methods. However, a judge is unlikely to simultaneously hold both of these approaches within their non-behavioral cognitive framework. Rather, they will typically adhere to one or the other. Accordingly, if a judge embraces a strict textualist interpretive methodology, they will conclude that the ambulance driver violated the law, regardless of the moral justification for the driver's conduct. In that case, the judge will not experience cognitive dissonance because neither conflicting interpretive principles nor an inconsistent behavioral outcome is present. The judge's decision (the behavioral cognitive element) is consistent with their settled interpretive commitments (the non-behavioral cognitive elements) and no psychological tension arises.

Second and more fundamentally, Pietrzyk's model focuses on the wrong type of cognitive dissonance. Drawing from Festinger's original theory, Pietrzyk concentrates on what is now referred to as cognitive inconsistency, the logical contradiction between two cognitions, such as conflicting beliefs about law, morality, or institutional norms.[40] While this form of dissonance (formerly called "dissonance" by Festinger) can certainly produce

[40] Eddie Harmon-Jones & Judson Mills, An Introduction to Cognitive Dissonance Theory and an Overview of Current Perspectives on the Theory, in *Cognitive Dissonance: Reexamining a Pivotal Theory in Psychology* 3, 4 (Eddie Harmon-Jones ed., 2nd ed. 2019) (explaining that Festinger's original theory distinguishes between cognitive inconsistency, logical contradiction between beliefs and dissonance discomfort, which arises from emotionally charged misalignment between one's self-concept, perceived reality and internal beliefs and identifying this discomfort as the motivational force driving dissonance reduction).

psychological discomfort, it is not the primary mechanism through which judges experience dissonance in decision making.

Festinger's theory also includes a second and distinct concept, dissonance discomfort, which arises not merely from cognitive contradiction but also from an emotionally charged misalignment between one's self-concept, perception of reality and internal belief structure.[41] This more refined understanding of dissonance better explains how judges process difficult cases. It recognizes that dissonance arises not merely from holding multiple beliefs in tension but from the emotional discomfort a judge feels when external facts and contextual cues challenge deeply held cognitive commitments, particularly those that define the judge's professional and moral identity.[42]

Consider again, for example, Pietrzyk's ambulance-in-the-park scenario. A judge may have internalized a strong self-cognitional belief, a cognition, in Festinger's terms, regarding strict textualism, an interpretive philosophy that views rigid fidelity to statutory language as both a legal and moral obligation. That belief becomes part of the judge's self-concept; that is, they see themselves as someone who applies the law as written, without exception. Now, suppose the judge is presented with facts showing that the ambulance driver entered the park for clearly justifiable moral reasons. The tension that arises here is not simply a logical contradiction between two competing legal interpretations (i.e., non-behavioral cognitive elements) held within the judge's own internal mental map. Rather, it is a discomforting emotional friction between the judge's internalized identity as a strict textualist and a surrounding reality that seems to demand a morally nuanced exception.

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[41] *Ibid*. *See also* Leon Festinger, A Theory of Cognitive Dissonance (1957). (In this foundational work, Festinger introduces cognitive dissonance as a state of psychological discomfort arising from inconsistencies between a person's thoughts, beliefs, or behaviors. While he does not explicitly use the phrase "dissonance discomfort from misalignment", this concept lies at the heart of his theory. Festinger posits that the uncomfortable psychological tension caused by such inconsistency motivates individuals to reduce the dissonance, typically by altering beliefs, adjusting behaviors, or reevaluating the significance of conflicting cognitions. Although the book does not contain a discrete chapter devoted to "dissonance discomfort from misalignment", this mechanism operates throughout his arguments. He illustrates it through empirical examples involving forced compliance, post-decision dissonance and selective exposure to information. In essence, the theory's central insight is that psychological discomfort stems from internal misalignment among cognitions and the work explores this phenomenon comprehensively through the lens of dissonance.); Megan Chrystal et al., *The Complexities of "Minding the Gap": Perceived Discrepancies Between Values and Behavior Affect Well-Being*, 10 Frontiers in Psychology 1 (2019), (reporting experimental findings that perceived misalignment between how individuals believe they should have acted and how they actually behaved negatively affects well-being, reinforcing theories of cognitive dissonance and value-behavior congruence).

[42] *Ibid*.

The judge may attempt to reduce this discomfort through one or more psychological strategies. They might diminish the importance of the dissonant cognition by adjusting their self-concept, rethinking whether strict application of the law should give way in morally exceptional cases. In other words, they may abandon their prior textualist interpretive framework in favor of a more purposivist approach. But if their identity as a textualist is well-developed and reinforced by other consonant cognitions, that path will be highly resistant to change. More likely, the judge will reaffirm their identity by invoking textualist principles and canonical tools (e.g., the plain meaning rule or the grammar canon) to justify a strict reading of the statute. They may also adopt or emphasize institutional arguments, such as the view that courts are not policymakers and that any exception must be created by the legislature, not imposed judicially. Alternatively, the judge may seek to resolve the dissonance by reframing his or her perception of the external factual variable, for example, by concluding that the ambulance driver had lawful alternative routes that would have avoided the statutory violation while still fulfilling the moral imperative of saving the passenger.

These responses all fall squarely within the scope of dissonance discomfort, not mere cognitive inconsistency. The emotional tension drives a rationalization process aimed at protecting the judge's self-concept and sense of judicial integrity. Yet this richer, emotionally grounded form of dissonance, well supported in the psychological literature, is entirely absent from Pietrzyk's model.

Accordingly, while Pietrzyk's framework does not, standing alone, provide a practical or psychologically complete model for enhancing the IRAC or constructing persuasive legal arguments, Festinger's concept of dissonance discomfort points toward a more emotionally grounded understanding of judicial cognition. That refined conception of dissonance finds its fullest structural expression in EoE, which formalizes the relationship between internal preferences, external perception and resulting emotional response. The connection between dissonance discomfort and the EoE is not incidental. Both models recognize that tension arises when internal cognitive commitments are misaligned with perceived reality and both locate the motivational force of decision-making in the effort to restore coherence. It is this deeper relationship among emotion, perception and identity that provides the theoretical foundation for the JAM and its JCE.

To understand the structure of JAM and the JCE and their derivation from Webb's Equation of Emotion, the EoE must now be set out in detail. The discussion that follows explains Webb's formulation and, where appropriate, compares it to Festinger's concept of dissonance discomfort. These comparisons reveal substantial conceptual overlap and demonstrate that Webb's model rests comfortably within established cognitive theory.

B. Comparative Formulas of Cognitive Dissonance and Emotion

The structural logic of the JCE, which forms the foundation of the JAM, is derived from Sean Webb's theory of emotion. At the center of Webb's theory is a concise yet powerful formulation known as the Equation of Emotion (EoE), presented in Figure 2:

Figure 2:

Expectation and/or Preference (EP) Δ Perception = Emotional Reaction (ER)[43]
(compared to)

This formula expresses the idea that an individual's ER results from a comparison (Δ) between internal EP, which are rooted in the elements that constitute their sense of self (or, as Webb calls it, the *self-map*) and perception. Perception evaluates incoming sensory information against that self-map, including judgments of whether the information is good or bad.[44] In this model, all emotional experiences, whether positive or negative, arise from the dynamic interaction between what a person expects or prefers and how they interpret the extent to which the world comports with those expectations and preferences.[45] When perception aligns with internal EP, a positive emotional state follows; when perception diverges, negative emotions arise.[46] Therefore, under Webb's proposed EoE, emotion is not a direct response to external events, but the outcome of a cognitive comparison between internal mental constructs and perceived reality.[47]

Like Webb's EoE model, Festinger's dissonance discomfort theory can also be expressed as a formula, though it is intended more as a conceptual representation of psychological dynamics than a mathematically precise equation. In fact, Festinger proposed a ratio-based expression to capture the magnitude of dissonance, which can serve as the foundation for formalizing his model in a structure analogous to Webb's. The formula expressing Festinger's dissonance discomfort theory is presented in Figure 3:

Figure 3:

$$D = \frac{\sum \text{Dissonant Cognitions}}{\sum \text{Dissonant Cognitions} + \sum \text{Consonant Cognitions}}$$

[43] Webb, *supra* note 15, 110; Sean Webb, Human Mind Owner's Manual, 83 (2023).
[44] Webb, Human Mind Owner's Manual, 83-88 (2023).
[45] *Id.*, 85.
[46] *Ibid*.
[47] *Ibid*.

This expression quantifies the psychological discomfort known as dissonance (D) as a proportion of the total number of relevant cognitions.[48] Specifically, it represents the magnitude of dissonance experienced when there is a perceived inconsistency among one's beliefs, attitudes, or actions. Festinger introduced the formula as a conceptual framework to describe the tension individuals feel when confronted with conflicting cognitive elements.[49] In this formula:

- The "D" represents the intensity of dissonance discomfort, which reflects the emotional or psychological pressure to reduce internal inconsistency.
- The uppercase Greek letter ∑ (sigma) denotes summation. It instructs the user to calculate the total number of cognitive elements that are either dissonant or consonant.
- ∑ Dissonant Cognitions refers to the total number of thoughts, beliefs, or knowledge elements that are inconsistent with one another.
- ∑ Consonant Cognitions refers to the total number of elements that are psychologically consistent or supportive of one another.
- The denominator represents the total pool of relevant cognitions, both dissonant and consonant, activated in the person's mind in relation to a given issue or decision.

The resulting ratio expresses the relative intensity of dissonance: the higher the proportion of dissonant cognitions to the overall cognitive field, the greater the psychological discomfort and, consequently, the stronger the drive to resolve or reduce that discomfort. Conversely, when dissonant cognitions constitute a smaller portion of the overall cognitive field, the resulting lower ratio reflects greater cognitive consonance, indicating lower psychological discomfort and less internal pressure to change one's beliefs or behavior.[50] While Festinger acknowledged that not all cognitions carry equal psychological weight (some beliefs may be more central or deeply held than others), the formula nonetheless provides a useful heuristic for conceptualizing the emotional and cognitive strain produced by internal contradiction.

Consider the following example: A judge with a firmly held commitment to strict textualism is asked to decide a case in which the statutory language clearly denies a property tax exemption to a struggling elderly homeowner who filed his claim one day late, even though he otherwise qualified for the exemption. Granting the exemption would align with the statute's broader purpose of tax relief for homeowners and produce an equitable outcome.

Assume the judge experiences the following cognitive elements:

[48] Harmon-Jones & Mills, *supra* note 40.

[49] *Ibid.*

[50] *Ibid.*

Dissonant Cognitions (4 instances):

1. Denying the exemption harms a vulnerable person in financial distress.
2. The legislative history suggests the law was meant to protect homeowners like this.
3. A more purposive interpretation could achieve a fairer result.
4. The judge's ruling may be viewed as unjust by the public and appellate courts.

Consonant Cognitions (6 instances):

1. The statute says what it says. Its plain language controls.
2. Judicial restraint is part of the judge's interpretive philosophy.
3. Courts should not legislate from the bench.
4. Departing from the text risks unpredictability and inequality in tax imposition.
5. Legislative corrections, not judicial activism, are the proper remedy.
6. Upholding legislative intent means following the enacted language.

Applying Festinger's Formula:

$$D = \frac{\sum \text{Dissonant Cognitions}}{\sum \text{Dissonant Cognitions} + \sum \text{Consonant Cognitions}} = \frac{4}{4+6} = \frac{4}{10} = 0.4$$

Interpretation: In this scenario, the judge experiences a moderate level of dissonance, approximately 40 percent, sufficient to generate psychological discomfort but not necessarily strong enough to overturn the judge's established decision-making approach. The discomfort arises because the behavioral cognitive element, namely the decision to deny the exemption strictly in accordance with the statutory text, conflicts with certain non-behavioral cognitions, including moral intuition, concern for public perception and awareness of the statute's broader remedial purpose. At the same time, the judge's self-concept as a textualist is supported by a greater number of consonant cognitions, which are both more numerous and more deeply embedded within the judge's interpretive identity. These consonant elements buffer against the dissonant pressure and make a departure from textualism psychologically costly.

To reduce the resulting discomfort, the judge may reaffirm the rule-of-law value of textualism by emphasizing that adherence to the statute preserves institutional integrity and predictability. The judge may also minimize the weight of the dissonant considerations by reasoning that the legislature, not the judiciary, is responsible for addressing hard cases or inequities in timing requirements. Alternatively, the judge may reinterpret the external factual circumstances in a way that lessens the moral tension, for example, by concluding that the homeowner had adequate notice of the deadline and failed to act within the prescribed time. Through these rationalization strategies, the judge manages, rather than eliminates, the dissonance,

allowing the ultimate decision to remain aligned with the judge's established interpretive commitments.

Ultimately, the decision output (DO) likely follows the strict textual approach and dissonance is managed, not eliminated, through these internal rationalizations.

To facilitate comparison between the structural elements of Festinger's dissonance discomfort theory and EoE, the following table in Figure 4 lists analogous components from each model. A middle column indicates whether the underlying structure or function of each pair of elements is comparable (Yes) or distinct (No).

Figure 4:

Side-by-Side Comparison of Festinger and Webb Models		
Festinger (Dissonance Discomfort)	**Comparable?**	**Webb (Equation of Emotion)**
D = ∑Dissonant / (∑Dissonant + ∑Consonant)	Yes	ER = EP Δ P (Emotional Reaction = Difference between Expectation and Perception)
Emphasizes the ratio of contradictory vs. supporting beliefs	Yes	Emphasizes the magnitude of the mismatch between internal preference and external perception
Misalignment leads to emotional discomfort, which motivates cognitive realignment	Yes	Misalignment leads to an emotional response, which triggers meta-awareness
Focuses on internal psychological equilibrium	Yes	Focuses on subjective emotional equilibrium
Discomfort is driven by inconsistency among cognitions (beliefs, attitudes, values)	Yes	Emotional reaction is driven by conflict between expectations (EP) and perceptions (P)

Psychological discomfort motivates the reduction of dissonance through cognitive realignment	Yes	Emotional discomfort motivates regulation through comparison and correction of the self-map or perception
Motivation arises from the desire to reduce the psychological discomfort caused by internal inconsistency (psychological tension)	Yes	Motivation arises from the limbic system's drive to combat threats to self, including psychological ones and maintain emotional homeostasis and identity coherence
Change can occur by adjusting or reweighing cognitive elements	Yes	Change can occur by modifying expectations or perceptions, or both
Offers a foundational theory of motivation and belief adjustment	Yes	Offers a framework for emotional regulation and cognitive reflection
The "self" is composed of cognitions, beliefs, values and knowledge about oneself and the environment	Yes	The "self" is represented as a self-map, an organized structure of internal preferences, labels, attachments and beliefs
Does not explicitly define a role for conscious introspection	No	Explicitly incorporates meta-awareness as a regulatory mechanism
Applies broadly across cognitive and behavioral domains	Yes	Adaptable to self-concept, identity and interpretive behavior, including legal reasoning

Although Webb's model differs from Festinger's by explicitly incorporating meta-awareness as a tool for conscious self-reflection, it is precisely this feature that makes the EoE more suitable as the underlying framework for the JAM model. Festinger's theory assumes that individuals unconsciously adjust internal beliefs or external behaviors in response to discomfort, whereas Webb's model introduces a metacognitive mechanism through which individuals can deliberately identify and examine the

misalignment between internal expectations and external perceptions. This added dimension provides legal practitioners with a stronger strategy: one that operates both by influencing unconscious judicial processes and by intentionally reducing jurisprudential dissonance, creating coherence through alignment between judicial cognition and legal advocacy.

Thus, this divergence enhances the JAM model by offering an accessible and professionally ethical mechanism for persuasion. Rather than relying on unconscious discomfort to drive judicial change, the JAM framework, building on Webb, equips advocates to reduce that discomfort by crafting arguments under the IRAC (or its variants) that fit the judge's jurisprudential self-map. In this way, the JAM promotes persuasion through coherence rather than confrontation, supporting more consistent and internally satisfying decision-making.

Viewed in this light, Webb's EoE not only shares theoretical commonalities with Festinger's dissonance discomfort framework but also develops those principles into a more practice-oriented system. By extending dissonance theory into the domain of conscious self-regulation, the EoE becomes uniquely positioned to inform applied legal advocacy. The JAM framework adopts Webb's model not merely because it parallels Festinger's foundational theory, but because it operationalizes those core insights in a manner that supports professionally ethical persuasion in judicial contexts.

Festinger's dissonance discomfort theory can also be reformulated in a more accessible and operational manner, using a structure parallel to Webb's EoE, as shown in Figure 5.

Figure 5:

CD = Self-Concept Δ Perceived Reality

Where:

- **CD** = Cognitive Dissonance (i.e., dissonance discomfort);
- **Self-Concept** = Core beliefs, values, or identity-defining cognitions;
- **Perceived Reality** = The individual's internal interpretation of external facts or circumstances.

This parallel formulation is particularly well-suited to judicial contexts, in which dissonance arises when a judge's jurisprudential commitments conflict with the factual or legal dimensions of the case at hand.

This reformulated structure not only parallels the basic logic of EoE but also highlights a deeper conceptual alignment between the two frameworks. In Webb's formula, ER = EP Δ P, an ER arises when a mismatch exists between a person's internal EP and their perception of external reality (P). In Festinger's cognitive dissonance framework, discomfort arises in much the

same way: when a person's identity-defining cognitions come into conflict with external facts or with other incompatible beliefs.

In fact, just as Festinger's dissonance discomfort model was earlier shown to be expressible in a comparison-based structure like Webb's, Webb's model can also be reframed in ratio form, echoing Festinger's original formulation. Conceptually, emotional discomfort in the EoE could be expressed as a function of misaligned expectations relative to the total of both aligned and misaligned elements, as illustrated in Figure 6.

Figure 6:

ER ≈ ∑(Misaligned EP–P Elements) / [∑(Misaligned + Aligned EP–P Elements)]

The structural symmetry between the two theories reinforces the conclusion that Webb's Equation of Emotion is firmly grounded in established cognitive theory. This structural reciprocity confirms that the EoE is more than an intuitive heuristic; it reveals a deeper theoretical kinship with Festinger's dissonance discomfort framework. Each model can be translated into the other: Webb's difference-based comparison can be reframed as a ratio of aligned to misaligned elements, while Festinger's ratio-based formula can be restated as a comparison between internal cognitions and external perceptions. This mutual reinterpretation underscores a shared core insight: misalignment between internal mental structures and external stimuli produces emotional or psychological tension, which in turn motivates efforts to restore equilibrium. Whether manifested as conflicting beliefs and behaviors or as a gap between expectations and perceptions, this insight supplies a psychologically credible foundation for the JAM framework and validates the use of the EoE as a cognitively grounded, practice-oriented model of judicial persuasion.

C. Further Exploration of the EoE's Inner Workings

Webb presents his model as grounded in neuroscience and behavioral psychology, identifying the limbic system, the brain's evolutionary "primal" or "emotional" center, as its core comparator engine.[51] By contrast, Festinger's dissonance discomfort theory does not identify a neurological mechanism to explain why people seek cognitive equilibrium; it simply posits that misalignment between an internal belief system and external perception generates psychological discomfort and that discomfort itself produces the motivation to reduce it. According to Webb, the limbic system continuously scans incoming stimuli for potential threats or disruptions to what it perceives as the "self". Central to this theory is the concept of the ego or self, which Webb terms the *self-map*. The self-map represents more than one's physical body or tangible accomplishments; it encompasses the full set of mental

[51] Webb, s*upra* note 44, 78.

representations that define an individual as a unique and separate person, including labels, attachments, beliefs and other identity-shaping components. These elements extend to a person's beliefs, prejudices, political views, aspirations, preferences, religion, profession, family, friends and favored affiliations, among others. In Webb's formulation, this self-map comprises the expectations and preferences (EP) that form the first variable in the EoE.[52]

The second variable is perception, representing how the individual interprets external stimuli.[53] In Webb's model, perception refers to an individual's interpreted understanding of external reality as it relates to the self-map. Importantly, perception is not a direct or purely objective reading of the world; it is filtered through personal, social, cognitive and emotional lenses. These filters reflect how a person has learned to see, value and respond to stimuli based on past experiences and current mental state, specifically the expectations and preferences (EP) embodied in the self-map.[54] This interpretive quality explains why perception often diverges from expectation, even when the facts appear straightforward because two people may encounter the same event yet construe it differently due to differences in their self-maps and in the values and conditioning that shape them.[55]

Webb argues that when an external event (the Perception in his EoE) challenges or contradicts any part of the self-map (the EP in the EoE), such as an argument that undermines a belief, a personal failure, or a perceived injustice, the limbic system reacts as though the self is under attack.[56] The resulting emotional response (the ER in the EoE) functions as an automatic signal of self-defense, aimed at restoring internal homeostasis, a stable and coherent internal state.[57] Emotion, therefore, serves as a self-regulatory mechanism, signaling that external reality no longer matches internal equilibrium.[58]

Webb's theory extends further by incorporating meta-awareness, the capacity for inward cognitive self-observation and self-reflection. By stepping outside the automatic loop of expectation/preference–perception–reaction, individuals can observe, with some detachment, how expectations and/or preferences (EP) interact with perceptions (P) to generate emotional responses (ER). This reflective distance allows individuals to consciously adjust either or both variables, thereby altering the emotional response and weakening the theorized limbic system's grip on negative reactions.[59] Webb terms this

[52] *Ibid*.
[53] *Supra* note 15, 106.
[54] *Ibid*.
[55] *Ibid*.
[56] *Ibid.*; *supra* note 44, 83-87.
[57] *Ibid*.
[58] *Ibid*.
[59] *Supra* note 15, 110-114; *ibid*.

process *"emotional regulation through conscious override"*, which refers to the ability to reframe one's expectations or reinterpret the perceived stimulus to mitigate the intensity or occurrence of harmful emotions.[60] In this sense, EP and P are not fixed inputs but dynamic, malleable variables.[61] With meta-awareness, individuals can deliberately monitor how they interpret a situation in light of their self-map and, if necessary, modify expectations or reframe perceptions to reduce emotional dissonance. This makes EP and perception not just passive inputs, but active sites of potential change within the EoE model.

Consider this illustrative example of how the EoE functions when combined with meta-awareness. Imagine a law student who strongly identifies as a top performer, with that belief embedded in their self-map and informing their expectation or preference (EP) of consistently earning high grades. They view themselves as highly intelligent and exceptionally diligent. Upon receiving a B- on a major legal writing assignment, their perception of the situation is that the grade indicates a failure to meet their internal standard.[62] Because the limbic system functions to defend the self, this perception is experienced as an attack on their identity, specifically the aspect of the self-map tied to their academic excellence. The resulting misalignment between EP (expecting an A) and P (receiving a B-) generates a negative ER, such as disappointment, frustration, or self-doubt.

If the student enters a state of meta-awareness, they may come to realize that their emotional distress stems not from the grade itself but from the dissonance between the perception and their internalized expectation (EP). With this insight, the student might adjust their expectation (e.g., recognizing the course's difficulty, the limits of their preparation or the inherent subjectivity of grading) or reframe their perception (e.g., viewing the B as a growth opportunity, specifically a chance to avoid complacency and resist resting on past successes rather than as a personal failure). In doing so, they alter one or both variables of the EoE, reducing or eliminating the emotional dissonance. Essentially, meta-awareness enables the student to adjust the interaction between EP and P, restoring the system to homeostatic balance and mitigating the theorized limbic system's negative emotional response.

Webb has also explored using his EoE framework within narrow Artificial Emotional Intelligence (AEI). Webb has collaborated with development teams on projects, such as the Sophia robot, designed to imitate or respond to human emotional patterns. In these cases, the EoE models how an artificial personality might form and express emotional responses driven by its programmed expectations and perceptions of the environment. Additionally,

[60] *Ibid*.
[61] *Ibid*.
[62] *Ibid*.

Webb has investigated how narrow AI could leverage the EoE model to manipulate humans. Of particular relevance to the JAM model, which is detailed later in this article, Webb has suggested using his EoE model to predict and influence human emotions based on an individual's identifiable self-map. This possibility may become more practical as detailed behavioral data and AI-powered perception engines expand in scope.[63]

The EoE's predictive and adaptive potential finds its jurisprudential counterpart in the proposed JAM. While the EoE originates in the domain of cognitive-emotional self-regulation, its structural logic translates seamlessly into legal reasoning through the JCE, the JAM's core formula. Like the EoE, the JCE models the interaction between internal expectations and external perceptions, which are framed here as a judge's jurisprudential preferences and doctrinal commitments on the one hand and the facts and authorities of a case on the other. This isomorphic relationship not only extends the EoE's conceptual reach beyond emotional intelligence but also establishes the theoretical foundation for adapting it to judicial decision-making. The next section introduces the JAM and its JCE in detail, demonstrating how this framework can enhance the IRAC method by aligning advocacy with judicial cognition.

II. The JCE and Its Structural Isomorphism to the EoE

A. Components of the JCE

To appreciate the isomorphic structural compatibility between EoE and the JCE at the heart of the proposed JAM framework, it is helpful to examine each component in parallel. Although one model describes affective emotional responses and the other model's legal decision making, both follow an analogous architecture in which internal constructs interact with external stimuli to produce functional outputs. This section maps the analogy element by element, revealing the structural and conceptual parallels that justify the JAM model's adaptation of Webb's EoE framework. The same structure underlies judicial decision-making.

A judge approaches a case with a set of internalized doctrinal commitments, interpretive values, normative principles, institutional views, policy orientations, moral intuitions and personal or ideological leanings that influence how they believe legal rules should function. These are collectively referred to in the JCE as JPEs. This variable directly corresponds to the EoE's EP variable, as both represent internal standards derived from a person's self-map, or, in the judicial context, a judge's jurisprudential self-map. Some of the labels, attachments, beliefs and other components that comprise a judge's jurisprudential self-map and thus inform the JCE variable in the JAM, will be discussed later in Section IV. These elements are more precisely identified as

[63] *Id.*, 96-101.

Jurisprudential Preferences and/or Expectations (JPE) indicators, presented as a non-exhaustive list of twelve categories. For now, it is important to note that just as emotional responses intensify when a person's deeply held preferences are violated, a judge's discomfort or perceived need for justification tends to increase when a case challenges core jurisprudential commitments embedded in the judge's jurisprudential self-map.

The second variable in Webb's EoE framework, perception, refers to how an individual interprets informational inputs from the external world. Perception is shaped by personal, social and cognitive filters and is therefore not purely objective. This, too, has a near-exact analogue in the judicial context. The corresponding variable in the JCE is the judge's perceptions of the IFLPs. That is, how the judge interprets and understands the legal questions, factual record and applicable regulatory, statutory, or constitutional provisions in a particular case. Like personal perceptions, judicial perceptions are inherently interpretive. Even when constrained by precedent or rules of evidence, judges exercise discretion in determining which facts are salient, whether and how precedent applies, how to construe statutory language and which legal framework governs the decision. The IFLP variable will be examined in greater detail later in Section IV, as its role in conducting a jurisprudential alignment appraisal to develop a judge's jurisprudential self-map is first explained and then illustrated.

Thus, the JPE and IFLP variables in the judicial context correspond directly to the EP and P variables in the EoE framework. In each case, the model integrates an internalized preference structure with an interpretive engagement with external stimuli. The analogy is more nuanced at the output stage, as the interaction of these variables produces a decisional output and implicates the metacognitive processes that regulate it. This relationship becomes particularly evident in the concept of decisional output.

In EoE formulation, a negative ER arises when there is misalignment between internal expectations and/or preferences (EP) and external perception. Emotions such as anger, sadness, fear, or frustration may surface when the external world deviates from the self's preferred cognitive state. These reactions are not irrational; rather, they serve a regulatory and signaling function, alerting the individual to cognitive dissonance or environmental threats that likely call for an immediate corrective or defensive response.

In the judicial setting, the functional analogue of ER is the decision output (DO), a structured, written resolution of a legal dispute that reflects how the judge reconciles internal jurisprudential preferences (i.e., the jurisprudential self-map reflected in the JPE variable) in light of the specific legal and factual context of the case (i.e., the IFLP variable). While a decisional output purportedly lacks the affective and physiological dimensions of emotion, it nevertheless performs a comparable integrative function: it restores coherence between the judge's internal legal framework and the external demands of the

case. Thus, when a conflict arises between the judge's JPEs and IFLPs, the decision output represents the resolution of that internal–external tension.

To illustrate, consider a judge with a strong textualist approach, one who consistently prioritizes the plain statutory meaning over legislative intent or policy considerations. That preference, "textual meaning controls", forms part of the judge's JPE variable. If the judge confronts a case in which the statutory language clearly disadvantages a sympathetic party, friction arises because the legal perception (the statute's text) aligns with the JPE, but the factual perception (the unfair outcome) challenges it. The decision output (DO) may strictly follow the statutory text, rejecting any authority to weigh equitable outcomes. In this way, the DO reflects not only legal reasoning but also the deeper cognitive effort required to preserve doctrinal consistency in the face of morally or emotionally dissonant facts. Thus, while emotion and judicial reasoning operate through different systems, one affective and the other analytical, both generate outputs through internal–external comparisons. A judicial opinion, like an emotional response, is therefore best understood not simply as a product of logic or factual analysis but as a structured attempt to reconcile identity-bound commitments with the demands of a particular case.

B. Judicial Meta-Awareness and Jurisprudential Alignment Appraisal

The structural symmetry between EoE and the JCE is maintained through the alignment of corresponding components. EPs correspond to JPEs, while external perceptions correspond to IFLPs. Both models also generate outputs, namely emotional reactions (ERs) in the EoE and DOs in the JCE, which result from the dynamic interaction of these internal and external factors.

In Webb's EoE, meta-awareness is usually triggered by emotional discomfort (akin to Festinger's dissonance discomfort). This process is driven by a hypothesized automatic biological impulse, centered in the limbic system, to restore internal cognitive balance. Conversely, the JAM framework considers cognitive introspection as a voluntary, intentional act, whether achieved through judicial meta-awareness or jurisprudential alignment assessment. It is motivated not by emotional distress, but by a judge's principled commitment to self-reflection aimed at making coherent and fair decisions. Alternatively, it may be driven by a legal practitioner's strategic goal to craft arguments that align convincingly with a judge's internal jurisprudential self-map. This difference marks the point at which Webb's affective self-regulation is transformed into a broader cognitive-legal framework of reasoning and advocacy.

Webb's EoE framework relies on meta-awareness to facilitate inward cognitive self-observation, which analyzes the person's EP and P variables and their interaction, thereby directly affecting either one or both and reducing or eliminating the adverse ER. Similarly, the JAM framework

proposes two distinct forms of metacognitive appraisal, each representing a different perspective from which the two variables of the JCE, JPEs and IFLPs may be consciously examined, evaluated and eventually affected.

1. Judicial Meta-Awareness

The first of these two forms of metacognitive appraisal, referred to here as judicial meta-awareness, describes a judge's internal process of self-observation. Through this type of introspective reflection, the judge becomes consciously aware of their own jurisprudential preferences and/or expectations (JPEs) and examines how those internal commitments interact with the IFLPs presented in a case. Judicial meta-awareness enables deeper cognitive engagement with the decision-making process, allowing the judge to determine whether the outcome aligns coherently with both internal doctrine and external legal context.

This reflective ability supports more integrated and transparent adjudication by revealing hidden assumptions and normative commitments that might otherwise go unexamined. Additionally, it can reveal latent cognitive influences that may compromise objective analysis, such as unconscious biases or prejudices, factual misconceptions, or gaps in the judge's knowledge or familiarity with relevant legal doctrines, interdisciplinary concepts, or empirical realities. By bringing these factors into a judge's conscious awareness, judicial meta-awareness not only enhances decisional coherence but also fosters greater judicial humility and epistemic responsibility.

What about the impetus of the inward judicial reflection? In Webb's model, the motivation for meta-awareness arises from an innate bio-neurological desire to alleviate the emotional discomfort caused when external perceptions conflict with internalized elements of the self-map. To reduce this dissonance and the unhappiness it produces, a person is compelled to reexamine and potentially modify the relevant labels, attachments, or beliefs that make up their self-map as they perceive external factors and weigh them against their internal framework. In the Judicial Alignment Model (JAM), however, no analogous innate compulsion necessarily exists for judges. A judge may be entirely content with the internalized labels, attachments, beliefs and other elements that comprise their jurisprudential self-map, regardless of whether that framework yields decision outputs that cause harm to individual litigants or to society at large. Likewise, they may be content with how their jurisprudential self-map interacts with their perception of the external facts and circumstances of a particular case before them.

The motivation for judicial meta-awareness must therefore stem from a voluntary internal commitment to becoming a "better" judge, regardless of how improvement is conceived and to issuing decisions that are not only doctrinally correct but also substantively fair and just in the judge's view.

While some judges may embrace this form of cognitive self-reflection, many likely will not. More likely, they would use the judicial meta-awareness to further ensure their decision output (DO) better aligns with their jurisprudential self-map and, in turn, with the JPE and IFLP variables, regardless of whether that inward meta-awareness inspection helps better align both variables with their decision output (DO). As a result, the primary practical value of the JAM model lies in its application by legal practitioners, who can identify and strategically engage the judge's jurisprudential self-map to influence decision outputs that serve their clients' interests.

Consider the following hypothetical, designed to illustrate both the EoE and its use of meta-awareness, as well as the JAM and its corresponding mechanism of judicial meta-awareness. Imagine a jurisdiction in which state law prohibits the possession or transportation of firearms in vehicles within any city's limits. A person is arrested for violating the statute and is ultimately convicted. The defendant appeals, arguing that the law infringes upon the Second Amendment to the United States Constitution. The case reaches a three-judge panel of the jurisdiction's intermediate appellate court. Of the three judges, one supports affirming the conviction, while another favors reversing it on constitutional grounds. The deciding vote lies with the third judge, whose internal decision-making process becomes the focus of the example that follows.

In the EoE context, firearms are central to the third judge's identity, rooted in lifelong hobbies like collecting and hunting shared with his father and grandfather. His memberships in firearms organizations and past encounters with violent offenders further reinforce his view of weapons as essential for self-protection. These deep-seated beliefs and attachments form a significant part of his self-map, directly influencing the EP variable.

The judge's self-map, however, extends beyond his personal relationship with firearms. Jurisprudentially, he follows an originalist approach to constitutional interpretation, applying the Constitution based on the understanding of its Framers at the time of adoption.[64] This interpretive stance forms a core component of the judge's jurisprudential identity and operates simultaneously within both frameworks, influencing the EP variable in EoE

[64] Stephen Breyer, Reading the Constitution: Why I Chose Pragmatism, Not Textualism, 16 (2024) (discussing that when used to interpret the U.S. Constitution, originalism emphasizes the need to understand the word or phrase as it was used in the late eighteenth century or mid-nineteenth century when the Constitution or an amendment was adopted); Note, *The Incompatibility of Textualist and Originalist Approaches to Legislative History*, 138 Harvard Law Review 863, 866-867 (2025) (defining originalism as an interpretive method that embraces historical sources, often including forms of legislative history such as The Federalist and ratification debates, to determine the Constitution's original public meaning); Katie Eyer, *Disentangling Textualism and Originalism*, 13 ConLawNOW 115, 118 (2022) (defining originalism as an interpretive theory grounded in historical meaning).

and the Jurisprudential Preferences and/or Expectations (JPEs) variable in the JAM.

The factual and policy justifications for the state's firearm restrictions, including evidence of improved police safety during traffic stops, data linking firearm possession in vehicles to gang-related shootings and legislative findings regarding increased risks of gun trafficking, similarly function across both models. These considerations shape the judge's interpretation of external stimuli, influencing the Perception variable in the EoE and the IFLPs variable in the JCE.

The Second Amendment provides that *"[a] well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed"*. By focusing on the phrase "a well-regulated Militia" and applying his originalist interpretive philosophy, the judge concludes that the Founders understood the right to bear arms not as an individual or collective right but as a civic duty, an obligation citizens owed to the state in service of a militia. His research further supports this view, suggesting that the historical context and intent behind the Second Amendment centered primarily on preserving the ability to form militias. As a result, he interprets the right more narrowly than someone who prioritizes individual self-defense. On this basis, the judge determines that the state's prohibition on the possession and transport of firearms is consistent with an originalist reading of the Second Amendment and therefore constitutional. He initially decides to join the other judge in ruling for the government and upholding the defendant's conviction.

Although the judge's decision to uphold the conviction aligns with his originalist jurisprudential philosophy, it nonetheless causes an unexpected and unsettling ER, leading to feelings of unhappiness. His sense of self includes not only a deep personal connection to firearms, rooted in family tradition and recreational passion, but also a strong belief in the importance of carrying a firearm for personal and family protection. These beliefs form a significant part of his self-image and thus influence the EP variable in EoE. By affirming the defendant's conviction, the judge endorses a legal outcome that directly conflicts with his self-identification as a responsible gun owner and protector. His Perception of the decision, that he has sided with a law that restricts the very conduct he values, clashes with this internal EP, creating an adverse ER such as discomfort, anxiety, or moral unease.

In response to this internal dissonance discomfort and in accordance with the EoE framework, the judge enters a state of meta-awareness. Through inward cognitive self-observation, he begins to disentangle the elements of his EP and P variables, asking himself why the decision feels discordant despite being jurisprudentially sound. This reflection leads him to reevaluate the scope of his originalist framework, particularly the possibility that the Founders' intent may have encompassed a broader conception of civic

armament tied to individual readiness for militia service. Alternatively, he might shift his Perception by reinterpreting the legal effect of his decision, not as an endorsement of blanket disarmament but as a narrowly tailored public safety measure consistent with his broader values. By consciously adjusting one or both of the EoE's variables, the judge reduces emotional dissonance, thereby restoring homeostatic coherence between his identity, his values and the decision he has made.

While the emotional discomfort caused by the judge's initial decision can be explained through Webb's EoE and the individual's entry into meta-awareness, a more significant jurisprudential shift occurs when this internal reflection evolves into what the JAM framework calls judicial meta-awareness. At this point, the judge no longer aims to adjust his expectations or perceptions just to reconcile his discomfort with the decision already made. Instead, he intentionally recalibrates those variables to support a different, more personally satisfying outcome, one that still seems legally consistent but is, in reality, retrofitted to match his deeper subjective commitments. This raises an important question about whether judicial meta-awareness, intended to clarify reasoning, can be used to subtly reshape it.

Engaging in inward reflection through judicial meta-awareness, the judge reexamines his originalist interpretive framework to find ways it might be adjusted or selectively emphasized to produce a decision that aligns more closely with his personal views yet still remains plausibly grounded in originalist reasoning. He transitions from an intent-based originalism, which highlights the Framers' purpose in drafting the Second Amendment, to a textualist mode of originalism that concentrates on the ordinary public meaning of the text at the time of ratification.[65] Judges who identify as textualists recognize that a word or phrase can be ambiguous, leading to different interpretations. To resolve these ambiguities and uncertainties, textualist judges rely on canons of interpretation, which are established

[65] Breyer, *supra* note 64 (providing that textualism refers to an approach to interpretation that emphasizes that words in a statutory phrase, in their full context, mean what they conveyed to a reasonable person at the time they were written, with the understanding that legal terms may encompass later technological innovations); Note, The Incompatibility of Textualist and Originalist Approaches to Legislative History, 138 Harvard Law Review 863, 866-867 (2025) (providing that textualism is defined as rejecting legislative intent or purpose in statutory interpretation and adhering strictly to enacted text); Thomas A. Schweitzer, *Justice Scalia, Originalism and Textualism*, 33 Touro Law Review 749, 751 (2017) (quoting Justice Scalia's view of textualism as "look[ing] for meaning in the governing text, ascrib[ing] to that text the meaning that it has borne from its inception and reject[ing] judicial speculation about both the drafters' extratextually derived purposes and the desirability of the fair reading's anticipated consequences" and explaining that courts must apply the text's plain meaning, regardless of legislative history or legislative intent, so long as the meaning is unambiguous, even if doing so conflicts with the enactors' intent).

principles based on how judges have historically interpreted specific words or phrases.[66] The "Grammar Canon" is one of those canons of interpretation.[67]

Anchoring his reasoning in textualist methodology, the judge examines the grammar and punctuation of the Second Amendment, especially its commas, to argue that the prefatory militia clause does not limit or define the operative clauses that follow. Instead, he explains that the sentence structure simply lists protected rights, with "the right of the people to keep and bear arms" being one of those enumerated rights that the Amendment states "shall not be infringed". He also notes the use of the phrase "the right of the people", pointing out that it appears elsewhere in the Bill of Rights and clearly refers to individual rights. From this perspective, the judge concludes that the Second Amendment guarantees an individual right to own firearms, including in vehicles for self-protection, regardless of any connection to militia service. By shifting his interpretation to this alternative originalist approach, the judge issues a decision output (DO) that aligns more closely with his personal values and identity, while still maintaining a superficial coherence with his stated interpretive principles and commitments.[68]

This example illustrates how judicial meta-awareness, although intended as a tool for honest introspection, can also be subtly leveraged by judges to modify interpretive commitments in ways that favor a specific outcome. Whether such modification reflects principled reasoning or *post hoc* rationalization is a philosophical question about judicial reasoning, one that highlights the importance of recognizing how deeply internal commitments influence and sometimes alter, legal analysis. At this point, the role of the legal practitioner becomes vital, as evaluating jurisprudential alignment offers a way to develop persuasive arguments that can challenge judicial reasoning when it is reshaped to fit subjective preferences. In other words, legal practitioners can strategically engage with judicial meta-awareness, externally shaping it to produce a decision output (DO) that benefits their client's interests.

This practitioner's influence becomes possible when a legal argument successfully aligns with the judge's jurisprudential self-map, whether

[66] *Id*., 19.

[67] Valerie C. Brannon, Congressional Research Service, Statutory Interpretation: Theories, Tools and Trends, 52 (2023). Available at: https://www.congress.gov/crs-product/R45153 (last visited Apr. 20, 2026) (explaining that this canon requires that statutes "follow accepted standards of grammar").

[68] Note that this example and its continuation later in this Article, should not be interpreted as expressing a preference for any particular interpretation of the Second Amendment, nor as offering an accurate account of the historical development or legal validity of the arguments presented. The Second Amendment was selected solely for illustrative purposes, as the surrounding debates conveniently lend themselves to demonstrating the three meta-awareness appraisal methods discussed in this Article, one from the Equation of Emotion (EoE) and two from the Jurisprudential Alignment Model (JAM).

understood through Festinger's constellation of cognitions or Webb's model. This alignment allows the argument to interact effectively with the judge's perception of case-specific issues, facts and relevant legal rules. In such instances, the resulting emotional response is more than a mere absence of dissonance discomfort as described by Festinger, nor a positive reaction as indicated by EoE model (though those elements may certainly be present).

More importantly, for the proposed JAM framework, the response manifests not only as affect but also as agreement with the argument, acceptance of it, or even its integration into the judge's jurisprudential self-map. Instead of resulting solely in an emotional reaction, as emphasized in both the cognitive dissonance and EoE models, the response in this context leads to a decision output (DO) that favors the legal position of the practitioner's client. This is the root of the argument's persuasive force, namely its capacity to fit seamlessly within the judge's jurisprudential self-map, which shapes the JPE variable. A person's agreement with something and their emotional satisfaction with that same thing are distinct but related manifestations of the same underlying emotional process. Accordingly, because a practitioner's argument fits a judge's jurisprudential self-map, the judge's cognitive consonance (or satisfaction) with that argument and their agreement with it for the same reason are best understood as parallel expressions of the same emotional alignment – particularly when viewed through the combined lenses of Festinger's dissonance discomfort theory, Webb's EoE model and the JAM framework.

As this example also demonstrates, a key implication of judicial meta-awareness is what it reveals about the nature of judge-made common law. From the perspective of the JAM framework, common law is not a neutral, objective set of doctrinal rules consistently refined through uniform application. Instead, it is the cumulative result of individual judges' efforts to achieve cognitive homeostasis by harmonizing two core JAM variables: their JPEs, shaped by their jurisprudential self-maps and their perceptions of IFLPs in the cases they decide. The decision output (DO) in any case reflects the judge's conscious or unconscious attempt to maintain internal coherence, avoiding cognitive dissonance by producing outcomes that do not significantly disrupt either of the JAM variables. In this context, the common law is not purely rule- or principle-based but is instead a body of doctrine subtly shaped and often propelled by judges' subjective beliefs, commitments and interpretive orientations. This view aligns with many scholars who believe that the common law is often less a product of neutral legal principles and more a result of judicial fiat.[69]

[69] Douglas E. Edlin, Common Law Judging Subjectivity, Impartiality and the Making of Law, 5, 37-39 (2016) (addressing the concern that judicial subjectivity pervades discussions of judicial discretion, activism, supremacy and responsibility, thereby threatening the objectivity of judicial decisions, while arguing that judges' individual values and

2. *Jurisprudential Alignment Appraisal*

As previously mentioned, a key check on judicial meta-awareness is persuasion. Legal practitioners can influence judicial decisions by crafting arguments that directly engage with the judge's JPE and IFLP variables. By tailoring arguments to match a judge's jurisprudential self-map or by reframing how the judge perceives the case facts, legal authorities, or underlying jurisprudential commitments, the advocating legal practitioner can shift the cognitive equilibrium between these variables. This can lead to a new decision that diverges from the judge's original course, supports the advocate's position and preserves overall cognitive harmony in the judge's reasoning process. In this way, persuasion is not just a tool for logical argumentation but a means of cognitive adjustment. It becomes an opportunity to ethically shape judicial outcomes by presenting logical arguments within the IRAC framework while simultaneously engaging the judge's internal decision-making dynamics.

This strategic use of persuasion is implemented through the second metacognitive appraisal process, referred to here as jurisprudential alignment appraisal. It is performed from an external, third-party perspective, typically by legal practitioners, scholars, or advocates seeking to predict or influence judicial decisions. Instead of engaging in first-person reflection, the third-party observer attempts to reconstruct the judge's likely jurisprudential self-map that informs the JPE variable, based on factors such as past rulings, written opinions, interpretive methods, or institutional patterns. This reconstruction is then compared with the IFLPs presented by the current case and weighted values are assigned to gauge their significance in the final decision output (DO). The purpose of this appraisal is strategic: by predicting how a judge might resolve conflicts within the JCE, the practitioner can craft

perspectives are central and indispensable to common law development); Mathilde Cohen, *When Judges Have Reasons Not to Give Reasons: A Comparative Law Approach*, 72 Washington and Lee Law Review 483, 521 (2015) (observing that judges may subconsciously construct post hoc rationalizations for intuitively reached decisions and may unknowingly generate spurious justifications due to cognitive dissonance or implicit motivations); Timothy J. Capurso, *How Judges Judge: Theories on Judicial Decision Making*, 29 University of Baltimore Law Forum 5, 6, 14 (1998) (discussing the view that judges may reach decisions based on personal feelings or intuitive "hunches", shaped by internal biases, stereotypes and preconceptions and then construct legal opinions that rationalize those outcomes rather than derive them strictly from precedent or legal rules); Brian Leiter, *Rethinking Legal Realism: Toward a Naturalized Jurisprudence*, 76 Texas Law Review 267, 267-270 (1997) (exploring the Realist insight that judges often reach decisions based on non-legal factors such as personal values or psychological influences and only later rationalize them with legal doctrines, thus challenging the traditional view of common law as wholly objective or deductively reasoned); Jack G. Day, *Why Judges Must Make Law*, 26 Case Western Reserve Law Review 563, 563-564, 567-568 (1976) (examining the tension between judicial adherence to statutes and precedent and the reality that judges, particularly in novel or unsettled cases, must exercise discretion and effectively make law).

legal arguments that are not only logically sound but also persuasive because they resonate with the judge's jurisprudential self-map and, by extension, the JPE variable. In this way, jurisprudential alignment appraisal provides practitioners with a structured and ethically grounded method of persuasion within the JAM framework.

Together, these two types of appraisals, one internal and self-directed, the other external and observer-driven, serve as the cognitive engine of the JAM model. They demonstrate that judicial decision-making is not merely a mechanical application of rules, but a dynamic process that can be influenced through both internally directed reflection and externally focused analysis. By offering structured vocabulary and a conceptual framework for both forms of appraisal, the JAM model aims to enhance judicial reasoning and, more importantly, augment the logical structure of IRAC by integrating an additional dimension of persuasiveness essential to effective legal advocacy. This synthesis sets the stage for the JAM model's practical application, developed and illustrated later in this Article.

According to Webb's EoE, the key to managing one's emotional well-being lies in the practice of meta-awareness: a deliberate process by which individuals identify the labels, attachments, beliefs and other components that constitute their self-map and examine how these internal elements interact with their external perceptions. When external perceptions conflict with or threaten aspects of the self-map, the resulting emotional dissonance gives rise to unhappiness. Through meta-awareness, individuals can recognize these conflicts and consciously adjust the underlying components of the self-map to mitigate or eliminate the resulting emotional distress.

Under the JAM framework, the legal practitioner undertakes a parallel process called jurisprudential alignment appraisal, which is directed outward at the judge rather than inward at the self. Rather than redefining the concept, this Section illustrates its application. The practitioner analyzes the judge's jurisprudential self-map, identifying the beliefs, interpretive methods and doctrinal preferences that shape the judge's reasoning and then crafts arguments that preserve logical structure while engaging those components. In this way, persuasive force is enhanced not by logic alone, but by aligning the argument with the judge's existing reasoning architecture.

Returning to the earlier illustrative example involving a challenge to a state gun control statute under the Second Amendment, the focus now shifts to the government's advocate. The practitioner's objective is to persuade the court to uphold both the statute and the resulting conviction. This effort proceeds through jurisprudential alignment appraisal by identifying and reconstructing the judge's jurisprudential self-map, including the internalized interpretive commitments that inform the Jurisprudential Preferences and/or Expectations (JPE) variable. Although the practitioner will not have access to the judge's personal or emotionally embedded views, such as a longstanding

affinity for firearms that may contribute to the EP variable in EoE, the practitioner can infer meaningful aspects of the JPE variable by examining the judge's prior decisions.

Using jurisprudential alignment appraisal, which involves applying the JPE indicators discussed in detail later in this Article, the practitioner closely examines the judge's published and unpublished appellate opinions to extract recurring patterns in interpretive methodology. This appraisal reveals that the judge frequently invokes originalism as a guiding interpretive principle. Moreover, the practitioner discerns an accompanying reliance on textualism and grammatical analysis, hallmarks of formalist interpretation, rather than on pragmatist or purposivist methods.[70] Secondly, the third-party metacognitive analysis assigns weighted values to the occurrence of the JPE indicators in an opinion and evaluates the significance of the judge's reliance on them in producing a decision output (DO). These patterns form the basis of the judge's jurisprudential self-map and provide the practitioner with a structured framework for tailoring persuasive arguments.

In representing the government, the practitioner's objective is to uphold the constitutionality of the state's statute prohibiting the possession and transportation of firearms within city limits. Armed with a constructed jurisprudential self-map, the practitioner anticipates that arguments grounded in originalist and textualist reasoning will have greater persuasive force with the judge. Accordingly, the practitioner develops a series of arguments aligned with this formalist orientation, beginning with an originalist interpretation of the Second Amendment. Without knowing the judge's earlier rejection of an individual-rights view on originalist grounds, the practitioner independently advances the argument that the Framers intended the right to bear arms as a civic duty rather than an individual entitlement. This interpretation emphasizes the militia's central role in the Amendment's original meaning.

The practitioner supplements this originalist claim with textualist arguments designed to reinforce the collective-right interpretation. These include:

a) Emphasizing the Amendment's prefatory clause, "A well regulated Militia, being necessary to the security of a free State", as grounding the right to bear arms in a public and institutional context.

[70] Breyer, *supra* note 64, 5. Pragmatism and purposivism refer to a method of legal interpretation in which a judge seeks to ascertain and consider the problem the constitutional drafters or legislature aimed to address by enacting the disputed provision or statute. Applying reasonable standards and drawing on objective extrinsic sources, the court interprets the statutory language to effectuate the drafters' or legislature's intended corrective purpose.

b) Arguing that the phrase "bear arms" historically carried a military connotation, suggesting that the right relates to militia service rather than private firearm possession.
c) Cautioning against assuming that the phrase "the right of the people" automatically entails an unqualified individual right, especially in light of contextual variation across the Bill of Rights.
d) Interpreting the word "regulated" in "well regulated Militia" as affirming that the right to bear arms is inherently subject to governmental oversight.

The practitioner also presents grammatical arguments that align with the judge's demonstrated attention to syntactic and structural analysis:

a) Pointing to the commas separating the clauses in the Second Amendment as evidence that the prefatory militia clause governs the operative language that follows.
b) Interpreting the placement of "shall not be infringed" as suggesting that the Amendment's noninfringement mandate is tied specifically to the preservation of a functioning militia.
c) Supporting the view that the Amendment protects a collective right to bear arms in service of a militia, rather than an unrestricted individual right.

By grounding each argument in the judge's preferred modes of constitutional interpretation, including originalism, textualism, reliance on interpretive canons and grammatical analysis, the practitioner increases the likelihood that the arguments will be perceived as legitimate and constitutionally persuasive. Had the practitioner relied solely on pragmatist or policy-based reasoning, even if logically sound within an IRAC framework, those arguments likely would have lacked resonance with the judge's interpretive philosophy, which comprises a core part of the judge's jurisprudential self-map and therefore would have failed to influence the decision output (DO) in a manner favorable to the government.

So far, this example has explored how a legal practitioner might use jurisprudential alignment appraisal to develop originalist, textualist and grammatical arguments that align with the judge's jurisprudential self-map, thereby influencing the JPE variable in the JAM framework. However, this method can also be directed toward shaping the second JAM variable: the judge's IFLPs. Persuasion at this level involves influencing how the judge perceives and interprets the case's factual and legal landscape. For instance, a practitioner might present historical evidence demonstrating that, even during the Founding era, the right to bear arms was understood to be subject to various forms of regulation, including restrictions on time, place and

manner.[71] Such historical examples can be used to support the argument that the Second Amendment was not originally understood as conferring an unqualified right to carry firearms in all circumstances. By reframing the judge's perception of what constitutes historical consistency or constitutional fidelity, the practitioner can shift the IFLP variable in a direction that supports upholding the challenged statute.

This continuation of the gun-control hypothetical, incorporating both JPE- and IFLP-directed strategies, underscores the practical value of JAM's jurisprudential alignment appraisal as a persuasive instrument operating alongside the IRAC framework. By identifying a judge's interpretive commitments and crafting arguments that align with those commitments while still advancing the client's interests, the practitioner does more than construct logically sound arguments; the practitioner creates arguments with enhanced persuasive force, thereby increasing the likelihood of a favorable outcome. In addition, the JAM framework offers a structured and cogent method for enhancing persuasiveness within the traditional IRAC model, enabling practitioners to move from generic legal analysis to targeted strategic advocacy, or stated more directly, equipping them to transform merely logical rhetoric into persuasive argumentation capable of influencing judicial outcomes.

III. JAM's JPE Framework

To conduct a jurisprudential alignment appraisal, the legal practitioner must first create a judge's jurisprudential self-map, or what might also be called a jurisprudential profile. To facilitate this task, this section outlines twelve indicators of Jurisprudential Preferences and/or Expectations (JPEs). These indicators capture recurring patterns of doctrinal reasoning, interpretive methods, rhetorical framing and the expression of judicial identity. Together, they form the foundation for developing a judge's jurisprudential self-map, an analytical tool for identifying consistent interpretive tendencies across decisions. The broader goal, explained later in this Article, is to show how legal practitioners can use these indicators to perform a jurisprudential alignment appraisal and, through the JAM model, construct a preliminary self-map for a specific judge, thereby enhancing the JPE variable when crafting persuasive arguments.

[71] *See* Robert J. Spitzer, Guns across America: Reconciling Gun Rules and Rights 185-208 (2017) (providing an Appendix listing state gun laws from 1607-1934). This historical information is presented solely for illustrative purposes, demonstrating how a legal practitioner might use the JAM framework's jurisprudential alignment appraisal to influence either the JPE or IFLP variables in constructing more persuasive arguments. No claim is made as to the historical accuracy, completeness, or ultimate constitutional relevance of this material in determining the objective meaning of the Second Amendment.

A. JPE Indicators

Before a practical application of the JAM framework can be demonstrated, however, the indicators themselves must be articulated and situated within a workable methodology. This section identifies and explains twelve such indicators, not as an exhaustive taxonomy but as a functional starting point for empirical and theoretical refinement. Each indicator is accompanied by a descriptive definition, an explanation of its analytical significance and a discussion of relevant assessment considerations.

To develop these indicators, researchers must begin by closely reading the judge's written judicial opinions, including majority, concurring and dissenting opinions, across a range of case types and over time. This primary source analysis should be supplemented with a review of any scholarly or non-scholarly writings authored by the judge, such as law review articles, speeches, memoirs, or essays, which may offer direct insight into their interpretive philosophy. Additional sources include interviews, whether in print, video, or audio formats, that may contain candid statements about the judge's legal reasoning or institutional views. Third-party analyses, such as biographies, journalistic profiles, judicial confirmation hearing transcripts and academic commentary on the judge's body of work, can also shed light on the judge's jurisprudential tendencies. When available, internal court documents, oral argument recordings and judicial questionnaires (such as those submitted during the nomination process) may provide further evidence. Together, these materials support a robust assessment of the judge's jurisprudential self-map and the weighted identification of specific JPEs.

As a preliminary note, frequency of use should be treated as an overarching consideration. Across all indicators, frequency plays a central role in assessing the depth of a judge's jurisprudential commitment. A jurisprudential preference or expectation that appears repeatedly, especially across different subject matter areas and case types, suggests that the preference is not incidental or case-specific, but rather reflects a consistent interpretive identity. Accordingly, frequency will be treated as a key evaluative factor in weighing each indicator when constructing the judge's jurisprudential self-map.

The JPE indicators are as follows:

Indicator No. 1 Asserted or Implied Interpretive Methodology:

Definition and Purpose: This indicator assesses whether a judge consistently commits to a particular method of legal interpretation, such as textualism, originalism, purposivism, or pragmatism. A judge may express this commitment explicitly, for example, by identifying as a textualist or originalist, or implicitly through recurring reasoning patterns and doctrinal language (e.g., insisting that "the plain meaning of the statutory text must control" or that "courts must not look beyond the four corners of the statute"). Even in the absence of a formal label, the structure and rhetoric of the judge's

analysis may reflect a consistent methodological preference. Identifying this tendency is essential because interpretive methodology often functions as a stable anchor in judicial reasoning, guiding the resolution of ambiguity and shaping the judge's broader jurisprudential outlook.

This indicator therefore captures both the type of interpretive methodology and the manner in which it is conveyed. Judges who expressly assert their methodology tend to exhibit a stronger or more central commitment to that approach, whereas judges who adopt such methods without naming them may demonstrate greater flexibility or institutional caution.

Assessment Considerations: The strength of a judge's methodological commitment can be inferred from several factors, including the frequency and prominence of methodological language in the judge's opinions, whether the judge explicitly aligns their reasoning with a named methodology and the consistency with which that methodology is applied across different types of cases. A strong commitment is also suggested when the methodology is used to override competing policy-based or equitable considerations.

Judges who repeatedly assert and personally align their reasoning with a named methodology, particularly when applying it as dispositive in difficult cases, may be assigned greater weight on this indicator. By contrast, sporadic or context-specific use may indicate a more limited or instrumental attachment.

Indicator No. 2 Use of Canonical Tools of Interpretation:

Definition and Purpose: This indicator identifies whether a judge regularly relies on specific interpretive canons, such as the plain meaning rule, the grammar canon, the absurdity canon, the rule of lenity, *expressio unius*,[72]

[72] *See Expressio unius*, Black's Law Dictionary (11th ed. 2019) (The expression of one thing is the exclusion of another). This canon provides that when a statute explicitly lists certain items, it is presumed that items not listed were intentionally excluded. For example, if a statute grants tax exemptions for "schools, churches and libraries", it is presumed that other entities, such as hospitals, are not exempt, even if they are similar in function. This canon is often used in textualist and purposivist approaches, though the emphasis varies based on the judge's interpretive philosophy.

ejusdem generis,[73] the mischief rule,[74] the legislative purpose canon, or consequences-based reasoning, to resolve textual ambiguity or reinforce legal analysis. The frequent and deliberate use of such canons signals the presence of an interpretive toolkit that guides the judge's reasoning across cases.

Even when not explicitly named, these tools often appear through recognizable reasoning patterns, such as emphasizing sentence structure, avoiding absurd or unjust results, referencing statutory purpose, or weighing practical consequences. Identifying which canons or interpretive tools a judge uses and how often, helps illuminate the judge's interpretive tendencies and the structured methods they employ to extract meaning from legal texts.

Additionally, the types of canons a judge relies upon may provide insight into their broader interpretive methodology. For instance, consistent invocation of text-focused tools often aligns with textualist or originalist approaches, while reliance on purpose-driven or consequentialist canons may reflect purposivist or pragmatist reasoning. Thus, this indicator not only tracks the use of canons as analytical tools but also helps infer the judge's overarching interpretive framework.

The JPE indicator thus captures both the specific types of tools employed and the role they play in the judge's reasoning. For example, judges who consistently invoke canonical or methodological tools signal a commitment to rule-bound or principle-based analysis. By contrast, judges who invoke such

[73] *Id*., *Ejusdem generis* (of the same kind, class, or nature). This rule applies when general words follow a list of specific items. The general words are interpreted to include only items of the same type as those listed. For example, consider a state tax statute that exempts from sales tax "textbooks, workbooks and other educational materials". A taxpayer claims that tablet computers qualify under "other educational materials" because they are used in classrooms and contain digital versions of textbooks. Applying the canon of *ejusdem generis*, which limits general terms following specific ones to items of the same kind, the court would likely conclude that "other educational materials" refers only to materials similar in nature to textbooks and workbooks, such as printed or written instructional resources. Since tablet computers are fundamentally different in kind (*i.e.*, they are hardware rather than consumable printed materials), they would fall outside the scope of the exemption. This canon is also often used in textualist and purposivist approaches, though its emphasis varies depending on the judge's interpretive philosophy.

[74] *Id*., *Mischief rule*. This rule is a principle of statutory interpretation used by courts to determine the purpose of a law by identifying the "mischief" or problem the statute was intended to remedy. The goal is to interpret the statute in a way that suppresses the mischief and advances the remedy, even if this means departing from a strict literal reading of the statute's language. For example, if a tax statute is designed to close a loophole that previously allowed income shifting among related parties, the court may apply the mischief rule to interpret ambiguous language in a way that prevents taxpayers from continuing to exploit that loophole, even if the literal text could arguably allow it. Textualists (e.g., Justice Scalia) typically reject the mischief rule because it invites inquiry into legislative intent and purpose, which textualists believe is too subjective and prone to judicial manipulation. Some legal positivists, however, might allow purposive reasoning or the mischief rule when the text is ambiguous, if consistent with legal conventions or judicial practice.

tools only occasionally or as rhetorical supplements may view them as secondary to broader interpretive goals, including institutional restraint, fairness, or policy coherence.

Assessment Considerations: The depth of a judge's commitment to canonical reasoning can be inferred from several aspects. One is the variety and frequency of canons cited across decisions, which indicates how integral these tools are to the judge's approach. Another is whether canons are employed as primary mechanisms for resolving disputes or merely as fallback justifications when other reasoning falls short. The consistency with which specific canons are favored across different legal contexts, such as a criminal tax case versus a civil tax case, or a budget case versus a substantive tax case, also reveals the judge's methodological orientation. Additionally, the degree to which reliance on canons overrides competing interpretive approaches, such as purposivism or policy-based reasoning, signals the strength of their commitment. Judges who regularly treat canonical tools as dispositive in resolving ambiguity, particularly in close or high-stakes cases, may be assigned greater interpretive weight under this indicator. In contrast, sporadic or opportunistic invocation of canons suggests a more flexible or outcome-oriented approach, which warrants lower weight when mapping the judge's jurisprudential tendencies.

Indicator No. 3 Centrality to Reasoning:

Definition and Purpose: This indicator evaluates the extent to which a particular Jurisprudential Preference or Expectation (JPE) indicator functions as a core rationale for the court's holding, rather than as a secondary rationale or peripheral commentary (i.e., dicta). A JPE indicator demonstrates high centrality when it structures the court's reasoning, determines the outcome, or serves as a dispositive factor in resolving legal ambiguity or interpretive conflict. In contrast, an indicator that appears only in a footnote, introductory framing, or peripheral commentary has lower centrality, even if it reflects a recurring theme.

Centrality is an important proxy for causal influence. It helps distinguish preferences that actively shape legal outcomes from those that are merely rhetorical or ornamental. If the judge's reasoning materially changes in the absence of the JPE indicator, that preference is central. If the decision could proceed unchanged, it is not. Identifying the degree to which an indicator anchors the court's logic enables a more precise calibration of its role within the judge's jurisprudential self-map.

Assessment Considerations: The centrality of this JPE indicator can be evaluated through several interconnected factors. One consideration is whether the indicator is cited as the basis for the court's holding or forms the dispositive reasoning of the opinion. Its structural placement within the opinion, whether in the main analytical section, the conclusion, dicta, or a footnote, also provides insight into its importance. Additionally, the extent to

which the indicator shapes the interpretation of ambiguous statutes, conflicting precedents, or contested facts signals its influence. Opinions that explicitly suggest the outcome would differ in the absence of the indicator further underscore its centrality. High-centrality indicators are thus more likely to reflect core features of a judge's jurisprudential identity and should be assigned greater interpretive weight within the JAM framework. In contrast, indicators of lower centrality, while still relevant, may reveal background tendencies or stylistic preferences and therefore warrant a more limited role in constructing the judge's jurisprudential self-map.

Indicator No. 4 Intensity of Language and Rhetorical Emphasis:

Definition and Purpose: This indicator evaluates the rhetorical force with which a judge expresses a particular Jurisprudential Preference or Expectation (JPE) indicator. It captures the tone, intensity and emotional or normative weight of the language used to convey interpretive commitments. A judge may signal strong conviction through emphatic or categorical formulations (e.g., "courts must never depart from the statutory text" or "courts must always favor an interpretation of a statute that is constitutional"), repeated assertions, elevated diction, or emotionally charged phrasing (e.g., "an affront to the rule of law" or "a dangerous erosion of judicial restraint").

The degree of rhetorical emphasis often reflects more than stylistic preference, it may signal that the indicator plays a central role in the judge's jurisprudential identity. Intense language can reveal deeply held beliefs, moral or institutional commitments, political inclinations, or a desire to influence future decisions. Accordingly, this indicator helps distinguish between casual doctrinal reference and sustained doctrinal conviction.

Assessment Considerations: Several features can inform the assessment of rhetorical intensity in judicial opinions. This includes the use of imperative or categorical phrasing, such as terms like "must", "always", "never", or "fundamental", which convey a strong sense of authority or obligation. Repetition of key interpretive phrases, whether across multiple cases or within a single opinion, can also signal heightened rhetorical force. Similarly, the deployment of emotionally or normatively charged language elevates the perceived importance of a particular JPE indicator. Rhetorical contrasts, for instance, distinguishing the "correct" approach from one considered "dangerous", "misguided", or "activist", further underscore intensity. Finally, the placement of forceful language in structurally significant portions of the opinion, such as opening paragraphs, primary rationales, conclusions and holdings, or in concurrences and dissents, reinforces its persuasive impact. Higher rhetorical intensity suggests a stronger emotional or normative attachment to this JPE indicator and may justify assigning it greater weight within the judge's jurisprudential self-map. Lower intensity may reflect a more tentative, strategic, or context-sensitive use of the preference,

meriting proportionally reduced interpretive influence under the JAM framework.

Indicator No. 5 Consistency Across Legal Contexts:

Definition and Purpose: This indicator measures the extent to which a Jurisprudential Preference or Expectation (JPE) recurs across varied legal domains, for example, in procedural rulings, valuation disputes, exemption claims, or interpretive questions arising under different statutory frameworks. When a judge applies the same interpretive or doctrinal principle in diverse settings, the preference is more likely to reflect a foundational aspect of the judge's jurisprudential identity rather than a context-specific or situational strategy.

This indicator is particularly useful for distinguishing between episodic preferences and those that are deeply embedded. Consistent appearance across distinct substantive or procedural contexts suggests an interpretive commitment that transcends individual legal subject areas. Conversely, a JPE that arises only within a narrow category of cases (e.g., exclusively in tax exemption matters but not in tax imposition or procedural disputes) may signal a targeted policy stance or issue-specific inclination rather than a stable jurisprudential orientation.

Assessment Considerations: The strength of this JPE indicator can be evaluated by considering several factors. One is the range of legal subject matters in which the indicator appears, such as civil versus criminal tax matters, statutory and regulatory provisions versus constitutional tax provisions, or procedural versus substantive tax issues. Another is the degree to which the judge applies the indicator consistently when similar interpretive challenges arise across different legal domains or factual scenarios. It is also important to assess whether the indicator serves a comparable function in each context, for example, in guiding statutory construction, resolving ambiguity, or rejecting or favoring equitable considerations. Finally, the presence or absence of limiting language suggesting that the indicator applies only to specific categories of cases provides further insight into its strength and scope. A preference that recurs across distinct legal contexts and plays a consistent interpretive role may warrant greater weight in mapping the judge's jurisprudential self. By contrast, an indicator confined to one domain, or applied inconsistently across cases, may be treated as peripheral to the judge's overall interpretive framework. Nevertheless, a JPE indicator that appears only in one legal area but does so with consistent and determinative force may still carry significant weight within that specific doctrinal context.

Indicator No. 6 Judicial Frustration When Conflicted:

Definition and Purpose: This indicator identifies whether a judge expresses or implies frustration when compelled to subordinate a preferred doctrinal approach to binding precedent, statutory text, or institutional constraints. Such expressions may appear as pointed commentary about

legislative choices, unfavorable precedent, or the rigidity of controlling legal frameworks. Their presence suggests that the judge internally resisted the outcome and would have preferred a different result if unconstrained.

Frustration cues reinforce the underlying jurisprudential preference or expectation by revealing its importance, even when it does not control the decision. They serve as windows into the judge's unfulfilled interpretive inclinations and can illuminate deeper normative commitments that shape the judge's legal worldview, even if they remain formally subordinated in a particular case.

Assessment Considerations: Judicial frustration may be inferred from several signals in judicial opinions. These include explicit criticisms of controlling law or precedent, such as statements like "Were it not for binding authority, this Court would...", as well as expressions of dissatisfaction with legislative choices, for example, "This result, though compelled by statute, appears unjust because..." Tonal cues, including rhetorical resignation, disclaimers of responsibility, or distancing language that signals discomfort with the outcome, also provide insight into underlying frustration. Recurring instances of these features across decisions may reveal sustained discomfort with particular doctrinal or institutional constraints. Expressions of judicial frustration, especially when repeated or emotionally intense, suggest the presence of a competing jurisprudential preference. The more frequently and openly such expressions appear, the more significant they become for understanding the judge's self-perception and for shaping persuasive legal advocacy.

Indicator No. 7 Use as a Reframing Tool:

Definition and Purpose: This indicator captures whether a judge uses a jurisprudential preference or expectation (JPE) to reinterpret facts, reclassify legal issues, or distinguish or even disregard otherwise binding precedent, in a way that aligns the case outcome with the judge's doctrinal inclination. Such reframing reveals not merely a preference for a particular interpretive path, but a deliberate effort to reshape the analytical structure of the case so that the outcome remains consonant with the judge's internal jurisprudential map.[75]

[75] *See Ingredion, Inc. v. Marion Cnty. Assessor*, 184 N.E.3d 731 (Ind. T.C. 2022). Available at: https://case-law.vlex.com/vid/ingredion-inc-v-marion-907371734 (last visited Apr. 24, 2026) (illustrating the use of a jurisprudential preference as a reframing tool, in which the Indiana Tax Court rejected a binding regulation promulgated by the Department of Local Government Finance (DLGF) interpreting the statutory phrase "substantially complies", on the ground that the regulation defined only its negative corollary, "non-substantial compliance". Despite widespread agreement that the DLGF's regulation was intended to interpret the statute and despite the longstanding doctrine of judicial deference to administrative interpretations articulated by the Indiana Supreme Court, the Tax Court insisted that only its own prior judicial interpretation of the statutory phrase, formulated before the regulation's issuance, controlled. The court reframed the legal question to hinge on a rigid semantic distinction between "substantial" and "non-substantial" compliance,

This use of a JPE as a reframing mechanism may be understood as a cognitive inverse, or, in some cases, a doctrinal extension of the dynamic captured in Indicator No. 6 (Judicial Frustration When Conflicted). Whereas Indicator No. 6 reflects judicial discomfort when a preferred approach is blocked by external constraint, this indicator reflects the judge's active effort to resolve that discomfort by reconstructing the legal narrative or issue framing to preserve alignment with their jurisprudential preferences. In this way, reframing signals not only doctrinal preference but also interpretive agency.

This is a powerful form of judicial reasoning. It reflects a move beyond merely applying a doctrinal tool or interpretive method, it shows that the judge's preferred reasoning framework influences how the legal landscape itself is cognitively constructed. In JAM terms, this form of JPE deployment operates analogously to an interpretive filter on legal perception (akin to Webb's "P"), altering how legal stimuli are framed in relation to the judge's internal expectations and preferences (EP). When a JPE functions in this way, it suggests a particularly high level of doctrinal centrality.

Assessment Considerations: This JPE indicator may function as a reframing tool when a judge reclassifies a claim or legal question to bring it within or outside the scope of a favored doctrine. It may also appear when a judge distinguishes precedent not on the basis of factual differences but by altering how the operative legal question is framed. Similarly, a judge may disregard binding precedent not by formally overruling it, if lacking authority to do so, but by rejecting it as wrongly decided or inapplicable without adequate justification. Reframing can also occur when a judge interprets ambiguous facts in ways that subtly align with interpretive preferences. Finally, an opinion may reflect a narrative structure designed to foreground the judge's preferred doctrinal framework. The weight of this indicator increases when reframing appears deliberate, recurrent, or outcome-determinative, especially when it enables the judge to sidestep unfavorable doctrine or reconcile a difficult case with a stable jurisprudential identity. Because reframing often operates at the level of legal perception, it serves as a strong signal that the relevant JPE holds internal priority in shaping how the judge cognitively processes and resolves cases.

Indicator No. 8 Judicial Cognitive Dissonance or Self-Justification

Definition and Purpose: This JPE indicator identifies signs that a judge is experiencing or attempting to manage internal cognitive dissonance, that is,

thereby avoiding any engagement with the regulation's substance or the enabling statutes authorizing DLGF rulemaking. In doing so, the court asserted its interpretive supremacy over the principle of the coequal three branches of government, the legislature's delegation of authority to an administrative agency and the Supreme Court's administrative deference doctrine, reflecting a strong preference for judicial interpretative priority masked by formal textual reasoning).

psychological discomfort arising when a decision outcome, line of reasoning, or institutional constraint conflicts with the judge's established beliefs, values, or interpretive identity. It also encompasses instances of judicial self-justification, in which a judge appears to rationalize or defensively reframe a questionable decision to preserve coherence with their perceived jurisprudential commitments.[76]

Unlike expressions of frustration, which may signal external constraint or institutional dissatisfaction, this indicator focuses on internal dissonance and reduction strategies. These include strained doctrinal analogies, excessive reliance on questionable interpretive distinctions, emotionally charged rationalizations, or rhetorical moves that overstate coherence between the present outcome and prior decisions. Such signals often reveal that the judge is grappling with a disjunction between outcome and identity and is actively seeking to resolve or conceal that tension.

Identifying these signs is useful not only for assessing the stability of a judge's doctrinal commitments but also for detecting pressure points where discomfort may shape future reasoning. For legal practitioners, these moments represent opportunities to construct persuasive arguments that either ease the dissonance or align with the judge's self-concept, thereby increasing the likelihood of receptivity.

Assessment Considerations: Signs of judicial dissonance or self-justification may appear in several ways. These include doctrinal rationalizations that seem strained, implausible, or inconsistent with the judge's prior methodology, as well as defensive or self-referential language emphasizing fairness, restraint, or the perceived necessity of the outcome, such as "the Court is constrained to decide this way" or "although the result is regrettable. . ." Excessive justification through emotionally or morally charged language, especially when unnecessary to the legal analysis, may also signal dissonance. Judges may reframe facts or doctrines to preserve perceived integrity or interpretive consistency, or strategically omit or

[76] Carol Tavris & Elliot Aronson, Mistakes Were Made (But Not by Me), 17 (2020) (discussing in detail the theory of cognitive dissonance and self-justification and illustrating both concepts with numerous examples across a range of contexts, including the law); *see also* Yunica Jiang, *Misjudging in Judging: The Role of Cognitive Biases in Shaping Judicial Decisions*, Temple Political & Civil Rights Law Society (2020), https://sites.temple.edu/pcrs/2020/06/05/misjudging-in-judging-the-role-of-cognitive-biases-in-shaping-judicial-decisions/ (examining how judges, like other actors in the criminal justice system, are subject to cognitive biases, including anchoring, framing and implicit bias, which can contribute to racial disparities in sentencing); Paul M. Collins, *Cognitive Dissonance on the U.S. Supreme Court*, 64 Political Research Quarterly 362 (2011) (applying cognitive dissonance theory to Supreme Court justices' use of separate opinions and finding empirical support that justices employ special concurrences to reduce the aversive consequences of casting counterattitudinal votes, meaning votes inconsistent with their established attitudes or policy preferences).

downplay conflicting authority to conceal deviations from prior commitments. Sudden shifts in tone, rhetorical overcorrections, or heightened reliance on emotionally charged justifications that depart from the judge's typical style may further indicate self-justification. Additional indicators include efforts to preempt criticism by emphasizing institutional limitations, legislative intent, or precedent in ways that obscure judicial discretion or avoid doctrinal accountability, as well as the construction of straw man arguments that recharacterize the dispute in oversimplified or distorted terms to preserve the appearance of doctrinal consistency or decisional correctness. A judge's engagement in dissonance-reduction strategies suggests a preference or expectation that remains influential but is being suppressed or reconciled through justification. Frequent or prominent reliance on such strategies may warrant moderate to substantial interpretive weight, particularly when they reveal latent commitments or discomfort that future advocacy could strategically engage.

Indicator No. 9 Reliance on Authority or Precedent to Justify JPE:

Definition and Purpose: This indicator evaluates the extent to which a judge grounds a jurisprudential preference or expectation (JPE) in external sources of legal authority, such as judicial precedent, statutory text, administrative interpretation, academic scholarship, or institutional history. A judge may reinforce a favored interpretive approach by citing landmark cases, referencing historical practices, invoking foundational legal principles, or aligning their reasoning with established institutional norms.

When a JPE is consistently linked to such sources, it suggests that the judge does not regard the preference as merely a matter of personal conviction or internal logic. Instead, the judge frames it as a doctrinally legitimate and externally validated interpretive stance. This reliance on authority increases the perceived objectivity of the JPE and signals an effort to embed it within the broader doctrinal and institutional fabric of the legal system.

Assessment Considerations: This JPE indicator is present when a judge consistently cites controlling or persuasive authority to support a jurisprudential preference or expectation. The cited authority plays a substantive rather than merely rhetorical role in shaping the opinion's reasoning and the judge connects it to broader institutional principles, such as constitutional structure, historical legal continuity, or the judiciary's interpretive function. In such cases, the authority is presented not simply as persuasive but as doctrinally or institutionally necessary to justify the preferred interpretive stance. By contrast, if a judge invokes authority in a minimal, selective, or perfunctory manner, this may indicate that the preference is more idiosyncratic or personally grounded rather than anchored in legal orthodoxy. Both modes of reliance are significant. Judges who support their preferences with extensive, integrated and recurring authority signal that the JPE occupies a stable and defensible position within their interpretive

identity. Conversely, thin or inconsistent reliance may still be revealing, as it highlights a commitment that lacks robust doctrinal support and therefore warrants closer scrutiny. In either case, this indicator should be carefully weighed when constructing the judge's jurisprudential self-map.

Indicator No. 10 Role in Concurrences or Dissents:

Definition and Purpose: This indicator assesses whether a judge expresses a particular jurisprudential preference or expectation (JPE) in separate writings, namely concurrences or dissents, in which the judge is not constrained by the majority's reasoning or the need to maintain institutional consensus and may openly criticize precedent, call for its overruling or narrowing, or offer broader jurisprudential commentary that would be less appropriate to include in a majority opinion. Doctrinal preferences that emerge in such writings often reflect a judge's unfiltered interpretive identity, as they are offered voluntarily and without strategic compromise.

The presence of this JPE indicator in concurrences or dissents suggests that the preference is not merely instrumental or circumstantial but rather rooted in the judge's independent and enduring interpretive commitments. When expressed consistently across multiple cases, such preferences reinforce the authenticity, salience and centrality of the JPE indicator within the judge's jurisprudential self-map.

Assessment Considerations: The strength of this indicator can be assessed by examining several factors. One is the frequency with which it appears in separate opinions across the judge's body of work. Another is its consistency with the judge's reasoning in majority opinions when the judge is not constrained by the need for consensus. The contextual significance of the separate opinion also matters, particularly when it arises in cases involving interpretive ambiguity, novel issues, or high-stakes outcomes. Finally, the rhetorical force and clarity with which the indicator is asserted in a concurrence or dissent provide further insight into its strength. When this indicator appears in concurring or dissenting opinions, especially when expressed without apparent institutional or strategic constraint, it should be accorded greater interpretive weight in constructing the judge's jurisprudential self-map. Such expressions reveal what the judge believes the law ought to be, rather than what the judge merely accepts it to be. Accordingly, this indicator helps distinguish deeply held jurisprudential convictions from those that are merely performative or contextually driven.

Indicator No. 11 Evolution Over Time:

Definition and Purpose: This indicator tracks observable changes in the strength, frequency, tone, or function of a particular JPE across a judge's written opinions, with the aim of determining whether its use has gained doctrinal prominence, become more narrowly qualified, or faded in significance. Evolutionary patterns may reflect the judge's personal development, shifting institutional pressures, or reactions to external critiques

and they help distinguish between stable jurisprudential commitments and those in transition or used for situational necessity.

By assessing how this JPE indicator evolves through a judge's decisions, including the language used to express it, the frequency of its invocation and the types of cases in which it appears, legal practitioners and analysts can better understand its current weight and likely future influence. For instance, a methodological approach that is initially tentative but later becomes central and more assertive likely shows growing confidence or a more entrenched interpretive position over time. Conversely, a retreat from strong language or diminished reliance may signal doctrinal reconsideration or external constraint.

Assessment Considerations:

The trajectory of this JPE indicator may likewise be assessed along several dimensions. One is chronological frequency, or whether the preference becomes more or less prominent over time. Another involves shifts in tone or rhetorical intensity, observing whether the language surrounding the indicator grows more declarative, tentative, or qualified. Contextual breadth is also relevant, as it reflects whether the indicator expands into new legal domains or retreats to a narrower set of issues. Interaction with external factors, such as changes in precedent, legislation, court composition, or internal staffing, including senior judges, special judges, magistrates, or law clerks, may also influence how the judge expresses this preference over time.

When this JPE indicator demonstrates a clear pattern of increasing centrality and assertiveness, it may warrant greater weight in constructing the judge's jurisprudential self-map, even if it played a more limited role in earlier opinions. Conversely, preferences that once appeared frequently but now emerge only sporadically or with rhetorical caution should be assigned reduced interpretive weight, as they may no longer reflect a core element of the judge's jurisprudential identity.

Indicator No. 12 Emotional or Rhetorical Cues:

Definition and Purpose: This indicator reflects the emotional tone, rhetorical emphasis and narrative structure that a judge uses to resolve ambiguity, convey institutional values, or indicate normative commitments such as empathy, skepticism, frustration, or judicial restraint. These cues may not correspond directly to a formal interpretive methodology but often reveal how a judge approaches indeterminate cases, particularly when traditional doctrinal tools yield no clear resolution.

These expressions are not mere stylistic embellishments. Rather, they may function as substantive decisional influences that reflect the judge's underlying value system. A consistent tone, whether empathetic, deferential, resolute, or cautionary, can illuminate the judge's prioritization of considerations such as fairness, institutional legitimacy, judicial economy, or public trust. Accordingly, this JPE indicator identifies the implicit normative

compass that shapes outcomes when doctrinal authorities alone do not compel a particular result.

Assessment Considerations: To evaluate the presence and significance of emotional or rhetorical cues, several dimensions should be considered. Among these dimensions, consistency across cases is important, particularly whether particular tones, narrative framings, or rhetorical devices recur even in factually and legally distinct decisions. Context also matters, as these cues often appear most prominently in high-stakes, complex, or interpretively ambiguous cases, especially when doctrinal tools alone do not yield a clear outcome. Their substantive function should likewise be assessed, including whether the rhetorical elements reinforce the judge's stated rationale, substitute for doctrinal justification, or reconcile competing interpretive commitments. Normative alignment is also relevant, examining whether the emotional or rhetorical cues reflect identifiable and consistent values such as fairness, legislative deference, institutional modesty, or sensitivity to litigant dignity. Judges who frequently rely on such cues to resolve interpretive uncertainty, particularly when they appear at decisive moments in an opinion, may warrant greater weight on this indicator. Such usage suggests that the judge's jurisprudential self-map includes embedded normative or emotional priors that become operative when legal doctrine does not dictate a definitive outcome.

Collectively, the twelve JPE indicators provide a structured framework for identifying and assessing the jurisprudential preferences and expectations that shape how judges view, interpret and resolve legal issues. While each indicator can be evaluated qualitatively, the JAM model also employs a systematic scoring method to measure, in quantitative terms, the strength and importance of each preference. The following subsection introduces the scoring framework and demonstrates how it can be used to create a jurisprudential self-map for conducting a jurisprudential alignment appraisal. Both will be explained in more detail and illustrated through application later in this Article.

B. ILFP Scoring Weights of JPE Indicators (0-4 Scale)

Within the JAM framework, Interpretive or Factual Legal Perception (IFLP) refers to how a judge internally processes and assigns weight to competing legal meanings, factual narratives and institutional considerations. Functionally, the IFLP variable operates in the JCE much like the perception variable in Webb's Equation of Emotion (EoE), serving as the external input that interacts with a judge's internal expectations and jurisprudential preferences (EP). These perceptual cues, such as ambiguity in text, narrative framing, or institutional role, shape how the judge interprets and resolves the legal issue at hand. To evaluate the influence of these cues, each Jurisprudential Preference or Expectation (JPE) indicator is scored on a 0-4

scale that reflects its relative importance, structural role and interpretive function within the opinion or across the judge's body of work. While the scoring necessarily involves some judgment, the method strives for consistency and comparability by anchoring scores to specific evaluative criteria and interpretive examples. The result is a structured, semi-quantitative approach for mapping how deeply integrated a particular JPE is within a judge's interpretive style and judicial worldview. Importantly, because IFLP captures the external dimension of perception, it also supplies the analytical foundation for jurisprudential alignment appraisal, the process by which legal practitioners reconstruct a judge's perceptual map to craft arguments that better fit the judge's interpretive expectations.

The following scoring tiers operationalize those evaluative principles into a structured rubric for assessing the relative influence of each JPE indicator. Each tier specifies how prominently the indicator is expressed within an opinion and, by extension, how it contributes to mapping a judge's interpretive self-map and informing jurisprudential alignment appraisal:

a) **Absent or Unmeasurable (0):** The JPE indicator is not observed in the decision, or the available data are insufficient to assess its presence. This may occur during early-stage mapping when longitudinal or comparative analysis is not yet possible, or when the opinion offers too little reasoning or context (e.g., a brief procedural order).
b) **Incidental or Peripheral Expression (1):** The JPE indicator appears only in passing, as a rhetorical gesture or generic reference, without meaningfully shaping the court's reasoning. It may appear in a prefatory remark or tangential aside, but it exerts no structural influence on the analysis.
c) **Moderate Expression (2):** The JPE indicator plays a discernible but non-dominant role in the opinion's reasoning. It influences interpretive choices or contextual framing, but does so alongside competing considerations. Its presence appears situational rather than entrenched. For example, it may surface in a secondary rationale supporting the outcome or in a footnote reinforcing an interpretive perspective not central to the holding.
d) **Substantive Expression (3):** The JPE indicator is central to the opinion's structure and materially influences the resolution of ambiguity, the interpretation of controlling law, or the reconciliation of competing doctrines. It reflects a recurring and stable pattern in the judge's reasoning. Examples include shaping the court's interpretation of statutory language, guiding how precedent is distinguished, or steering the central rationale of the decision.
e) **Dominant or Defining Expression (4):** The JPE indicator functions as the controlling interpretive lens, governing the court's reasoning and structuring the opinion's overall logic. The judge reframes facts,

doctrine, or precedent through this preference and the opinion is constructed primarily around it. This level may also be identified where the indicator is repeatedly emphasized as an organizing principle or articulated in a concurrence or dissent that reflects a deeply held interpretive stance.

Having set out the scoring tiers in the abstract, the next step is to illustrate how they operate in practice through examples drawn from different types of judicial opinions. To apply these scores, the following examples illustrate how judicial opinions may display absent, peripheral, moderate, substantive, or dominant expressions of interpretive or factual legal perception (IFLP). These examples are not exhaustive but serve as a guide for the consistent application of the ordinal scale across various judicial writings:

a) **Absent IFLP Expression (Score: 0):** A memorandum decision resolving the case through uncontested facts and straightforward statutory application, with no interpretive elaboration or signal of discretionary reasoning. Alternatively, the relevant indicator could not be evaluated due to insufficient data (e.g., a preference that requires multi-case comparison).

b) **Peripheral IFLP Expression (Score: 1):** An opinion that gestures toward interpretive or factual nuance, perhaps by referencing ambiguity, precedent, or institutional role, but does so only in passing. The indicator plays no material role in shaping the outcome and appears incidental or rhetorical rather than structural.

c) **Moderate IFLP Expression (Score: 2):** A decision that meaningfully engages with a jurisprudential preference, such as acknowledging interpretive ambiguity, weighing competing doctrines, or referencing policy implications, but in a supporting role. The indicator contributes to the court's reasoning without independently driving it, appearing, for example, in a secondary rationale, footnote, or background narrative.

d) **Substantive IFLP Expression (Score: 3):** A published opinion in which the indicator plays a central role in the interpretive logic of the case, guiding the court's statutory construction, shaping the treatment of precedent, or resolving uncertainty through a clearly defined jurisprudential lens. The reasoning reflects a stable, integrated component of the judge's interpretive identity.

e) **Dominant IFLP Expression (Score: 4):** An opinion where the JPE indicator functions as the organizing principle of the court's analysis, reframing legal questions, reclassifying doctrines, or structuring the factual narrative through a strongly held interpretive worldview. The indicator permeates the opinion and defines the judge's jurisprudential stance. These opinions often reflect landmark reasoning or sustained doctrinal assertion.

These examples underscore the variable nature of judicial perception and the importance of context, nuance and interpretive function in assigning an appropriate IFLP score. Because scores are tied to observable interpretive behavior, they enable both longitudinal analysis of a single judge's jurisprudential development and comparative analysis across different judges. In the next section, this scoring methodology is applied to construct a preliminary jurisprudential self-map of an actual judge. Drawing from the judge's full body of written opinions, the analysis illustrates how individual JPE indicators and broader IFLP scores interact, revealing patterns of interpretive salience, doctrinal commitment and the structural roles that jurisprudential preferences play in shaping judicial reasoning under the JAM model. This dual function, mapping judicial self-coherence and enabling an appraisal of jurisprudential alignment, demonstrates how the scoring framework not only systematizes descriptive analysis but also equips legal practitioners with a structured tool for tailoring persuasive strategy.

C. Constructing a Jurisprudential Self-Map: An Illustrative Example

To demonstrate the practical application of the JAM, this section presents a detailed jurisprudential self-map of the current Indiana Tax Court judge and situates that mapping within the broader context of jurisprudential alignment appraisal. The analysis identifies the judge's Jurisprudential Preferences and/or Expectations (JPEs), evaluates them using the Interpretive or Factual Legal Perception (IFLP) scoring weights within the JAM framework and illustrates how this process not only clarifies the judge's reasoning style but also provides legal practitioners with a structured foundation for tailoring persuasive strategies to that style.

The judge was selected because he is a relatively new member of the court and, from his first decision on December 29, 2023, through August 10, 2025, authored thirteen Tax Court opinions, a manageable and well-defined body of appellate work that can be comprehensively reviewed for purposes of this example.

These opinions, listed in chronological order, are as follows:

a) *Pamela Slatten v. Hamilton Cnty. Assessor*, 226 N.E.3d 270 (Ind. T.C. 2023)
b) *Marion Cnty. Assessor v. Square 74 Associates, LLC*, 228 N.E.3d 542 (Ind. T.C. 2024)
c) *Bushmann, LLC v. Bartholomew Cnty. Assessor*, 230 N.E.3d 407 (Ind. T.C. 2024)
d) *Chevrolet of Columbus, Inc. v. Bartholomew Cnty. Assessor*, 230 N.E.3d 400 (Ind. T.C. 2024)
e) Ciceu v. Knox Cnty. Assessor, 232 N.E.3d 662 (Ind. T.C. 2024)
f) *Clark Cnty. Assessor v. Dillard Dep't Stores, Inc.*, 236 N.E.3d 771 (Ind. T.C. 2024)

g) *Sawlani v. Lake Cnty. Assessor*, 240 N.E.3d 734 (Ind. T.C. 2024)
h) *Majestic Properties, LLC v. Tippecanoe Cnty. Assessor*, 241 N.E.3d 642 (Ind. T.C. 2024)
i) *Crandall v. Bartholomew Cnty. Assessor*, 246 N.E.3d 350 (Ind. T.C. 2024)
j) *Madison Cnty. Assessor v. Kohl's Ind., LP*, 247 N.E.3d 845 (Ind. T.C. 2024)
k) *Lake Cnty. Assessor v. O'Day Holdings, LLC*, 249 N.E.3d 677 (Ind. T.C. 2024)
l) *Snyder v. Dearborn Cnty. Assessor*, 248 N.E.3d 1277 (Ind. T.C. 2024)
m) *Muir Woods Section One Ass'n, Inc. v. Marion Cnty. Assessor*, 254 N.E.3d 1158 (Ind. T.C. 2025).

To accomplish the comprehensive jurisprudential mapping and demonstrate its role in jurisprudential alignment appraisal, the analysis employs the twelve JPE indicators introduced in this Section to evaluate patterns in the judge's doctrinal commitments, interpretive preferences and reasoning tendencies.

One decision, *Pamela Slatten v. Hamilton County Assessor*,[77] is analyzed in detail to illustrate how each JPE indicator is identified, interpreted and then weighed using the IFLP 0–4 scale. Although similarly structured analyses were conducted for the remaining twelve decisions, the full individual evaluations of these cases are not included here. Instead, their results are synthesized into a consolidated jurisprudential self-map that reflects the judge's interpretive orientation across the full body of opinions.

1. JPE Analysis of Slatten

In *Slatten*, the taxpayer, Pamela Slatten ("Slatten"), contracted on December 31, 2020, to purchase and use it to reduce her 2020 real property taxes.[78] Also on that December date, she prepared and signed an application for Indiana's homestead deduction (i.e., the *Claim for Homestead Property Tax Standard/Supplemental Deduction.* She wanted to receive Indiana's homestead deduction and use it to reduce her 2020 real property taxes.[79] On January 5, 2021, Slatten recorded a memorandum of contract authenticating her residential land purchase in the Hamilton County Auditor's Office (the "Auditor") and filed her completed tax deduction form.[80]

The Auditor granted Slatten the homestead deduction for the 2021 assessment year.[81] It denied, however, her deduction for the 2020 assessment year because it believed the relevant Indiana property tax statute, Ind. Code §

[77] *Pamela Slatten v. Hamilton County Assessor*, 226 N.E.3d 270 (Ind. T. C. 2023). Available at: https://case-law.vlex.com/vid/slatten-v-hamilton-cty-1036765056 (last visited Apr. 14, 2026).
[78] *Ibid*., 272.
[79] *Ibid*. During the 2020 assessment year, the standard homestead deduction removed from annual property taxation the first $45,000 of the assessed value of a taxpayer's residential property. *See* Ind. Code § 6-1.1-12-37(c)(2).
[80] *Ibid*.
[81] *Ibid*.

6-1.1-12-37 required Slatten to record her memorandum of contract on or before December 31, 2020, to be eligible for the deduction for that assessment year.[82] Slatten challenged the Assessor's deduction denial for 2020 to the Hamilton County Property Tax Assessment Board of Appeals.[83] Getting no favorable relief, she appealed her deduction's denial to the Indiana Board of Tax Review (the "IBTR").[84] On February 1, 2022, the IBTR denied Slatten's appeal and ruled in the Assessor's favor,[85] after which she filed an original tax appeal with the Indiana Tax Court.[86]

The specific question before the Tax Court was this: when must a taxpayer effect the recording of a land contract or memorandum of contract with the county recorder's office to qualify for the homestead deduction in a particular calendar year? More specifically, for Slatten to qualify for the homestead deduction in 2020, must she have presented the contract or memorandum of contract to the Hamilton County Recorder's Office (the "Recorder's Office") for recording on or before the last day of 2020 (i.e., December 31), or could she have presented the contract to the Recorder's Office for recording on or before the fifth day of the next year's first month (i.e., January 5) and been eligible for the deduction for 2020?[87]

The following analysis applies the 12 JPE indicators to *Slatten*, identifying how each is expressed in the court's reasoning. Each indicator below is based on specific wording, phrasing, text, or reasoning patterns in the opinion:

a) **Asserted or Implied Interpretive Methodology (JPE #1):** Originalism is implied through the court's declaration that it "may not usurp legislative prerogative".[88] Textualism is similarly implied in the statement that the court must "not construe a statute in a manner contrary to its plain language".[89] Neither methodology is expressly named, but both appear embedded in the court's interpretive approach.
b) **Use of Canonical Tools of Interpretation (JPE #2):** The Court relies on a grammar-based canon, analyzing the statutory phrase through the function and "perfective aspect" of past participles.[90] This approach reflects a text-focused interpretive tool characteristic of grammatical canons.

[82] *Ibid*.
[83] *Ibid*.
[84] *Ibid*.
[85] *Ibid*.
[86] *Ibid*.
[87] *See* Andrew W. Swain, *Pitfalls of Relying Only on Grammar for Statutory Interpretation*, 112 Tax Notes (St.) 641 (May 27, 2024) (providing a detailed discussion of the *Slatten* case and a critique of it).
[88] *Supra* note 77.
[89] *Ibid*.
[90] *Id*., 273-74.

c) **Centrality to Reasoning (JPE #3):** The grammatical analysis is central to the Court's interpretive logic, functioning as the primary rationale for the holding.[91] Without this grammatical construction, the court's reasoning and outcome would materially change.
d) **Intensity of Language and Rhetorical Emphasis (JPE #4):** The opinion contains emphatic, categorical statements (e.g., "this Court, like any other, may not usurp legislative prerogative") and firm declarations of judicial restraint.[92] These formulations signal strong normative attachment to legislative primacy and to a text-bound methodology.
e) **Consistency Across Legal Contexts (JPE #5):** Not assessable at this stage; as the judge's first published decision, no cross-contextual comparison is possible.
f) **Judicial Frustration When Conflicted (JPE #6):** Not present. The opinion does not indicate frustration, resignation, or constraint in applying the statutory text to reach the outcome.
g) **Use as a Reframing Tool (JPE #7):** The Court reframes the petitioner's grammatical argument by asserting that "Slatten's grammatical claim actually works against them", thereby redirecting the interpretive analysis toward the opposite legal conclusion.[93]
h) **Indicators of Judicial Cognitive Dissonance or Self-Justification (JPE #8):** Not present. The opinion does not reflect strained doctrinal reasoning, defensive justification, or other dissonance, reduction strategies.
i) **Reliance on Authority or Precedent to Justify JPE (JPE #9):** The opinion supports its implied originalist and textualist orientation by citing *Southlake Indiana, LLC v. Lake Cnty. Assessor*,[94] for the principle that "[w]hatever its policy merits, [a statute] is the legislature's call and not ours".[95] The grammatical analysis is bolstered with citations to Bryan A. Garner, *Garner's Modern English Usage* (5th ed. 2022) and *The Chicago Manual of Style*.[96]
j) **Role in Dissent or Concurrence (JPE #10):** Not applicable; this was a single-judge appellate decision without separate concurring or dissenting opinions.
k) **Evolution Over Time (JPE #11):** Not assessable; as the judge's first decision, no longitudinal development or change in usage can be evaluated.

[91] *Ibid*.
[92] *Id*., 274.
[93] *Id*., 273.
[94] *Southlake Ind., LLC v. Lake Cnty. Assessor*, 174 N.E.3d 177, 180 (Ind. 2021). Available at: https://case-law.vlex.com/vid/southlake-ind-llc-v-899567783 (last visited Apr. 14, 2026).
[95] *Supra* note 77.
[96] *Ibid*.

l) **Emotional or Rhetorical Cues (JPE #12):** The Court acknowledges the petitioner's equitable concerns, noting that denial of the exemption "may appear unfair".[97] However, it immediately reaffirms legislative primacy, stating that perceived unfairness "cannot justify disregarding the statutory text".[98] This reflects a tone that is deferential to legislative authority while signaling institutional restraint.

Having identified each Jurisprudential Preference or Expectation (JPE) indicator in *Slatten* and described its expression, the next step is to assess the relative salience and interpretive weight of each indicator using the IFLP 0 to 4 scoring rubric. This process translates the qualitative observations from the JPE analysis into a semi-quantitative profile, clarifying which preferences functioned as peripheral, supportive, central, or dominant in shaping the opinion's reasoning. Figure 7 below applies this rubric to *Slatten*, pairing each score with a concise justification grounded in the opinion's text and structure.

Although these scores reflect only a single decision, they establish a baseline for constructing the judge's broader jurisprudential self-map. As additional cases are analyzed, the preliminary weightings will be compared with patterns across the judge's later decisions to confirm, adjust, or refine the profile within the JAM framework. This iterative refinement not only strengthens the descriptive mapping of judicial coherence but also enhances the predictive utility of the JAM model for practitioners engaged in jurisprudential alignment appraisal.

Figure 7:

Application of IFLP Scoring Rubric to JPE Indicators in *Slatten*		
JPE Indicator:	**IFLP Score (0,4):**	**Justification:**
1. Asserted or Implied Interpretive Methodology	3	Originalism and textualism are strongly implied and central to the reasoning; not explicitly self-identified but structurally embedded in the analysis.

[97] *Id.*, 274.

[98] *Ibid*.

2. Use of Canonical Tools of Interpretation	3	Grammar canon (past participles and perfective aspect) is a decisive interpretive tool guiding the outcome.
3. Centrality to Reasoning	4	Grammatical analysis is the organizing principle of the opinion's logic and the decisive basis for the holding.
4. Intensity of Language and Rhetorical Emphasis	3	Emphatic, categorical phrasing ("may not usurp legislative prerogative") reflects strong normative commitment but not pervasive throughout the opinion.
5. Consistency Across Legal Contexts	0	Not assessable; first published decision, no cross-contextual data.
6. Judicial Frustration When Conflicted	0	No signs of frustration, constraint, or reluctance in applying the outcome.
7. Use as a Reframing Tool	3	Actively reframes petitioner's argument ("works against them") to invert its intended legal effect.
8. Indicators of Judicial Cognitive Dissonance or Self-Justification	0	No evidence of strained reasoning, defensive rationalization, or dissonance-reduction strategies.

9. Reliance on Authority or Precedent to Justify JPE	3	Cites *Southlake Indiana* for legislative primacy and authoritative style manuals for grammatical analysis; both substantively shape reasoning.
10. Role in Concurrences or Dissents	0	Not applicable; single-judge decision without separate opinions.
11. Evolution Over Time	0	Not assessable; no longitudinal pattern in the first decision.
12. Emotional or Rhetorical Cues	2	Acknowledges perceived unfairness but reaffirms legislative primacy; moderate role in reinforcing institutional restraint.

Applying this self-map to the homestead deduction dispute demonstrates how arguments could have been structured to align more closely with the Court's established interpretive posture. The starting point would be to frame the statutory interpretation of the word "recorded" within the ordinary-meaning canon, reinforced by its statutorily defined technical meaning under Indiana law. By emphasizing that the subsection at issue defines "homestead" property rather than prescribing procedural deadlines, the argument could situate "recorded" as a threshold qualification requirement, not a date-specific mandate.

The argument should then employ multiple canons in concert, consistent with the Court's preference for reinforcing interpretive tools. Alongside the ordinary-meaning canon, the whole-text canon could be used to harmonize Ind. Code § 37(a)(2)(B)(ii) with Ind. Code §§ 37(e) and 45(f), demonstrating that the statutory scheme permits recording up to the application filing deadline. The scope-of-subparts canon would further clarify that the recording language in § 37(a)(2)(B)(ii) is limited to defining qualifying property, leaving filing deadlines to § 37(e).

Invoking the avoidance-of-absurdity canon would strengthen the argument by showing that the opposing interpretation produces inequitable results for purchasers who close near the year's end, a consequence unlikely intended by the legislature. Authoritative precedent, particularly cases

interpreting past participles in statutes, could then be marshaled to show that "recorded" signifies completion without imposing a rigid temporal limit, thereby directly addressing the Court's reliance on grammatical reasoning.

Framed in this manner, the argument would align closely with the Court's textualist commitments, its reliance on statutory structure and its preference for multiple reinforcing canons. It would avoid overreliance on policy arguments detached from the text, instead embedding fairness considerations within accepted interpretive principles. In short, the self-map guides the advocate toward a presentation that fits the Court's established jurisprudential tendencies while methodically dismantling the interpretive path that led to the contrary outcome.

The following narrative synthesizes the scoring results from *Slatten* into a preliminary jurisprudential self-map for the judge. At this stage, the assessment is necessarily limited to a single decision and should be treated as an initial profile rather than a definitive mapping. Its purpose is to highlight the interpretive tendencies, methodological cues and rhetorical patterns most evident in this case, patterns that will later be compared with and refined through analysis of the judge's twelve other opinions.

The *Slatten* decision suggests that the judge's jurisprudential orientation is anchored in textualist and originalist tendencies, supported by disciplined reliance on grammatical analysis as a primary interpretive tool. The opinion reflects high centrality for canonical reasoning, a rhetorically asserted commitment to judicial restraint and a willingness to reframe litigant arguments to align with textual interpretation. The absence of measurable frequency or cross-context consistency at this early stage precludes firm conclusions about the breadth of these tendencies, but the opinion's structure and tone indicate that interpretive methodology, particularly rule-bound statutory construction, may form a defining element of the judge's jurisprudential identity. Subsequent cases will reveal whether this emphasis remains constant or varies across legal contexts and factual patterns.

2. Longitudinal JPE/IFLP Analysis and Overall Self-Map

Building on the *Slatten* analysis, the scoring results have now been aggregated across the judge's remaining decisions to provide a consolidated view of his jurisprudential tendencies. Figure 8 presents the comprehensive JPE/IFLP results and serves as the foundation for the longitudinal assessment that follows. Rather than revisiting the methodology, this subsection synthesizes the data to identify stable interpretive commitments, emerging patterns and deviations that refine the judge's overall jurisprudential self-map.

Figure 8:

Comprehensive JPE/IFLP Scoring Rubric													
JPE Indicator	**Cases**												
	Slatten	*Square 74*	*Bushman*	*Chevrolet*	*Ciceu*	*Dillard*	*Sawlani*	*Majestic*	*Crandall*	*Madison*	*O'Day*	*Snyder*	*Muir Woods*
1. Asserted or Implied Interpretive Methodology	3	4	0	3	3	3	4	3	3	3	4	3	3
2. Use of Canonical Tools of Interpretation	3	3	0	1	2	3	3	3	2	3	3	1	4
3. Centrality to Reasoning	4	4	1	4	3	4	4	3	3	4	4	4	4
4. Intensity of Language and Rhetorical Emphasis	3	3	0	2	2	3	3	2	2	2	3	2	2
5. Consistency Across Legal Contexts	0	3	0	2	3	3	3	3	3	3	3	2	4
6. Judicial Frustration When Conflicted	0	0	0	0	0	0	0	0	0	0	0	1	0
7. Use as a Reframing Tool	3	3	0	3	2	3	3	2	2	3	3	3	2
8. Cognitive Dissonance/Self,Justification Indicators	0	0	0	0	0	0	0	0	0	0	0	3	4
9. Reliance on Authority or Precedent to Justify JPE	3	4	0	3	3	3	4	3	3	4	4	4	3
10. Role in Concurrences or Dissents	0	0	0	0	0	0	0	0	0	0	0	0	0
11. Evolution Over Time	0	3	0	2	3	3	3	3	3	3	3	0	4
12. Emotional or Rhetorical Cues	2	1	0	1	1	1	1	1	1	2	1	2	2

The aggregated results do more than confirm the presence of textualist and originalist tendencies; they reveal the structural centrality of methodological discipline within the judge's jurisprudential identity. Across all thirteen decisions, interpretive commitments are not episodic but reinforced through repeated reliance on canonical reasoning and grammatical precision. This pattern suggests that interpretive methodology itself functions as a stabilizing core of the judge's self-map.

Equally significant is the parallel proceduralist strand that emerges across contexts. The data indicate that fidelity to procedural requirements is treated with the same rigor as fidelity to statutory text, suggesting that for this judge, process and substance are not separate domains but integrated commitments. This dual emphasis produces a jurisprudential profile best described not simply as textualist, but as a methodologically disciplined textualist–proceduralist hybrid.

The longitudinal consistency of these tendencies strengthens the inference that they are not situational but identity-defining. Departures from doctrinal purity are rare and when they occur, they are managed through rhetorical distinction rather than explicit acknowledgment of error, further reinforcing the primacy of methodological coherence within the judge's decision-making framework.

IV. The Judicial Coherence Test: Structure, Methodology and Practical Function

This Article has thus far framed the JAM primarily as an analytic and practical tool for advocates. In Section IV.C., however, it also considered how courts themselves might engage JAM and its underlying JCE to improve the quality of their DOs. That discussion emphasized the incentives for judges to employ judicial meta-awareness, an intentional process of self-reflection through which they examine how their JPEs interact with their IFLPs.

This Section builds on that earlier account by formalizing judicial meta-awareness into a doctrinal framework. Specifically, it recasts the JCE as a JCT, a structured three-step method requiring judges to (1) identify their jurisprudential preferences, (2) articulate their interpretive or factual perceptions and (3) reconcile the two transparently in producing a decision output. Much like the multi-factor tests that guide constitutional analysis, the JCT transforms what is often an implicit process into a principled, repeatable and legally cognizable framework. By making explicit the reasoning structures that already influence judicial outcomes, the JCT enhances doctrinal clarity, reduces hidden dissonance and reinforces the legitimacy of judicial decision-making.

The proposed JCT proceeds in three steps:

1. Articulation of Jurisprudential Commitments

The first step requires the court to articulate the jurisprudential commitments most salient to the dispute at hand, whether textualism, purposivism, deference to precedent, equitable concerns, or institutional values. This requirement operationalizes what this Article earlier described as judicial meta-awareness: the inward process by which judges consciously examine the interpretive frameworks and normative commitments shaping their decision-making. To ensure accuracy, courts must engage in an honest

and unbiased assessment of their JPEs rather than selectively emphasizing or minimizing preferences to justify a predetermined outcome. By requiring explicit identification of these commitments, the JCT transforms meta-awareness from an optional cognitive practice into a structured doctrinal obligation. In doing so, it exposes assumptions that might otherwise remain implicit and provides a foundation for transparent and coherent adjudication.

Consider again the Indiana Tax Court's reliance on grammatical analysis in Slatten. The court's jurisprudential commitments included (i) a textualist adherence to plain meaning and (ii) institutional deference to legislative primacy over equitable considerations. These are legitimate JPEs. Under the Judicial Coherence Test, however, they must be expressly identified and then measured against the statutory text as a whole rather than assumed to resolve the dispute.

2. Articulation of Interpretive and Factual Perceptions

The second step requires the court to identify how it perceives the legal issues, factual record and governing authorities before it. This includes statutory text, legislative history, constitutional provisions, precedent and doctrinal ambiguities. As previously discussed, such interpretive acts are not purely objective. Judicial perceptions, like personal perceptions in Webb's Equation of Emotion, are shaped by doctrine, experience and discretion. Even when constrained by evidentiary rules or binding precedent, judges exercise judgment in determining which facts are salient, which interpretive canons apply and which legal framework governs the dispute.

By requiring courts to articulate these perceptions explicitly, the JCT builds upon the earlier account of IFLPs as the judicial analogue to Webb's perception variable. Just as P reflects an individual's interpretive engagement with external stimuli, IFLPs capture how judges process case-specific inputs through the lens of their jurisprudential self-map. Making these perceptions transparent reduces the risk that unacknowledged interpretive moves—such as privileging grammar over structure or elevating one canon while disregarding others – will shape the outcome without explanation. The JCT thus converts discretionary reasoning into a visible and reviewable step of adjudication.

In Slatten, the court treated two perceptions as dispositive: (a) the past participle "recorded" in Ind. Code § 6-1.1-12-37(a)(2)(B)(ii), which it read as implying completion within the assessment year and (b) the absence of an express deadline in that definitional subsection. A more complete analysis under the JAM framework would recognize that grammatical form alone does not establish temporal limitation. Past participles denote completion, but do not themselves specify timing. As illustrated in *Woods v. Roberts*, "awarded" denotes status at the time of legal determination rather than a backward-looking cutoff.

First, reading "recorded" to silently import a December 31 deadline is analytically unsupported. Second, the ordinary-meaning canon includes technical legal usage. Indiana law assigns "record" and "recorded" a process-based meaning, namely, the placement of an eligible instrument into the public record. In § 37(a)(2)(B)(ii), "recorded" therefore functions as a threshold qualification requirement that must be satisfied before the auditor may grant the deduction, not as a calendar-based deadline.

Third, when the statute is read as a whole, § 37(e) expressly sets January 5 as the filing deadline for the application and § 6-1.1-12-45(f) permits recording to occur before or concurrently with that filing. Read together, these provisions allow recording up to the filing date for the prior assessment year. Nothing in § 37(a)(2)(B)(ii) imposes an earlier, unstated December 31 cutoff. Interpreting "recorded" to require completion by December 31 produces inequitable results for late-December purchasers and sits uneasily with the homestead deduction's remedial purpose, thereby implicating the avoiding-absurdities canon.

3. Reconciliation and Decision Output

The final step requires the court to explain how its decision output reconciles identified jurisprudential preferences (JPEs) with articulated interpretive and factual perceptions IFLPs. As discussed earlier, the decision output functions as the judicial analogue to Webb's ER, representing the integrative product of internal commitments and external demands. Just as an ER restores coherence between expectations and perceptions in the EoE framework, a judicial decision restores coherence between a judge's jurisprudential self-map and the legal realities of the case.

When JPEs and IFLPs are in tension – for example, when a textualist judge confronts statutory language that produces an inequitable result – the JCT requires not only a statement of outcome but acknowledgment of the tension and justification of the reconciliation path chosen. Making this reconciliation explicit transforms what is often an implicit cognitive balancing into a transparent doctrinal step. The resulting opinion reflects the deeper effort to preserve methodological coherence while enhancing clarity for practitioners and the public.

Had the court in Slatten expressly articulated these JPEs and IFLPs, a coherent reconciliation might proceed as follows: the court maintains textualist discipline and legislative primacy by (i) giving "recorded" its technical legal meaning, (ii) reading §§37(a)(2)(B)(ii), 37(e) and 45(f) together and (iii) declining to infer an unstated deadline from grammatical form alone. That reconciliation yields a decision output consistent with the statute's structure: recording must be completed before, or at, the timely filing of the application on January 5, not necessarily by December 31. The General Assembly's subsequent clarification permitting completion by mid-January

further suggests that this construction aligns with legislative design rather than judicial preference.

4. Formulaic Expression and Asymmetry

In conceptual terms, the Judicial Coherence Test operates according to the following structure: Decision Output = JPE Δ IFLP, moderated by an explicit reconciliation narrative.

In other words, a judicial decision must not only reconcile jurisprudential preferences with interpretive and factual perceptions but also include a transparent account of how and why that reconciliation was reached. The narrative requirement ensures that reasoning remains visible rather than implicit, thereby reinforcing doctrinal clarity and institutional legitimacy. For judges applying the JCT, the equation operates forward: the judge begins with jurisprudential preferences, tests them against interpretive and factual perceptions and produces a reconciled decision output. This forward movement formalizes judicial meta-awareness by structuring the integration of internal commitments with external demands. Practitioners employing the JAM framework, by contrast, operate in reverse. They begin with a desired decision output and infer the judge's underlying JPEs and IFLPs through jurisprudential alignment appraisal. Thus, while judges move from variables to outcome, practitioners work from outcome back to variables. This asymmetry underscores the dual function of the JCE: it provides courts with a framework for transparent self-regulation and offers advocates a systematic method for judicial alignment and persuasion.

Courts frequently rely on multifactor or balancing tests, such as those articulated in *Mathews v. Eldridge*[99] for procedural due process or *Central Hudson Gas & Elec. Corp. v. Pub. Serv. Comm'n*[100] for commercial speech. Both frameworks require judges to identify relevant factors and weigh competing considerations, thereby transforming implicit judicial reasoning into explicit doctrinal steps. The JCT is structurally similar in that it provides a repeatable framework, but it differs in a critical respect. Rather than balancing external policy interests, the JCT requires judges to make transparent the cognitive architecture of their decision-making by (1) identifying internal

[99] Mathews v. Eldridge, 424 U.S. 319 (1976). Available at: https://supreme.justia.com/cases/federal/us/424/319/ (last visited Apr. 14, 2026) (establishing a three-factor balancing test for procedural due process that weighs (1) the private interest affected, (2) the risk of erroneous deprivation under existing procedures and the probable value of additional safeguards and (3) the government's interest, including administrative efficiency and fiscal cost).

[100] Central Hudson Gas & Elec. Corp. v. Pub. Serv. Comm'n, 447 U.S. 557 (1980). Available at: https://supreme.justia.com/cases/federal/us/447/557/ (last visited Apr. 14, 2026). (establishing a four-part test for commercial speech restrictions under the First Amendment that asks: (1) whether the speech concerns lawful activity and is not misleading, (2) whether the asserted governmental interest is substantial, (3) whether the regulation directly advances that interest and (4) whether the regulation is not more extensive than necessary).

jurisprudential commitments, (2) articulating external interpretive and factual perceptions and (3) providing a reconciliation narrative explaining how these variables are integrated into the decision output.

The JCT offers three principal advantages. First, by requiring courts to articulate their jurisprudential commitments explicitly, it reveals whether a decision rests on textual fidelity, purposive interpretation, institutional concerns, or other normative premises. This transparency enhances doctrinal clarity and strengthens the perceived legitimacy of judicial outcomes.

Second, the JCT structures judicial reasoning in a repeatable manner. Like the JAM framework more broadly, it generates a jurisprudential self-map that practitioners can anticipate and engage. This repeatability promotes doctrinal stability, fosters fairness among litigants and increases the reliability of advocacy strategies.

Third, by obligating courts to acknowledge and reconcile conflicts between JPEs and IFLPs, the JCT reduces the risk that hidden dissonance or selective rationalization will shape outcomes. Explicit reconciliation improves internal coherence for judges while also providing external accountability to litigants, practitioners and reviewing courts.

The Judicial Coherence Test does not displace existing interpretive canons or balancing frameworks. It supplements them by making visible the interaction between jurisprudential commitments and case-specific perceptions. Applied in cases such as *Slatten*, the JCT does not challenge a court's methodological identity. Instead, it requires the court to disclose and reconcile that identity with the technical meaning of statutory terms, the statute's internal deadlines and a whole-text reading that avoids unnecessary judicially inferred cutoffs. Framed in this manner, the JCT sharpens doctrinal clarity, reduces hidden dissonance and provides practitioners with a predictable roadmap for persuasion. Its adoption would enhance transparency and coherence in judicial decision-making while offering advocates a structured framework for tailoring arguments to a court's jurisprudential profile.

Conclusion

This Article introduces a novel integration of EoE with the JAM to enhance legal persuasion. By adapting EoE to judicial contexts, JAM systematically identifies, weights and applies a judge's Jurisprudential Preferences and/or Expectations (JPEs).

The twelve JPE indicators, together with the Interpretive or Factual Legal Perception (IFLP) rubric, provide a semi-quantitative method for mapping a judge's jurisprudential tendencies, revealing structural, methodological and rhetorical patterns in decision-making. A longitudinal example shows how recurring interpretive commitments and reliance on authority can be empirically identified and applied in advocacy.

In practice, as illustrated in the homestead deduction dispute, aligning arguments with a judge's methodological preferences and interpretive patterns reduces friction, mitigates dissonance and improves the likelihood of favorable outcomes. JAM directs advocates toward arguments consistent with the judge's jurisprudential identity rather than relying on abstract logic.

JAM can also be formalized for courts through the JCT. This three-step framework requires judges to (1) identify their preferences; (2) articulate interpretive and factual perceptions; and (3) reconcile them transparently. Like established multifactor tests, JCT provides a repeatable structure that strengthens doctrine, reduces hidden dissonance and enhances legitimacy, as seen in cases such as Slatten.

The methodology is scalable to any judge or panel with sufficient written records, supporting appellate strategy, litigation planning and legislative forecasting. JAM's predictive capacity narrows persuasive possibilities without dictating outcomes. Additional JPE indicators, such as assessing susceptibility to logical fallacies, can further refine judicial mapping and advocacy tools. This dynamic is illustrated in practice. For example, in *Sawlani v. Lake Cnty. Assessor*, selective textual emphasis by the Indiana Tax Court illustrated a "cherry-picking" approach, highlighting favorable arguments while minimizing competing considerations. Identifying such patterns helps advocates anticipate judicial framing and tailor responses to reinforce or address overlooked provisions.

JAM could also be integrated into AI systems like ChatGPT, Google Gemini, or Anthropic's Claude, providing cost-effective tools for constructing jurisprudential self-maps and alignment analyses, extending JAM's use from academic research to routine legal practice.

In today's environment, with widespread access to judicial reasoning through opinions, oral arguments and research platforms like Westlaw and LexisNexis, data-informed jurisprudential mapping offers a disciplined method to combine behavioral insight, doctrinal analysis and structured scoring, enhancing strategic advocacy.