Judges for Sale: The Effect of Campaign Contributions on State Criminal Courts

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Abstract

Scholars and policymakers have long sought to determine whether campaign contributions affect democratic processes. Using data on donations from Texas, we show that criminal defense attorneys who contribute to a district judge's electoral campaign are preferentially assigned by that judge to *indigent defense cases*, i.e., public contracts in which the state pays private attorneys to represent poor defendants. We estimate that attorney donors receive twice as many cases as non-donors during the month of their campaign contribution. Nearly two-thirds of this increase is explained by the contribution itself, with the remainder attributable to shared preferences within attorney-judge pairs, such as professional, ideological, political, or personal ties. Defendants assigned to donor attorneys also fare worse in cases resolved in the month of contribution, with fewer cases dismissed and more defendants convicted and incarcerated. Further evidence suggests recipient judges close cases to cash out their attorney benefactors, at the expense of defendants. Our results provide some of the strongest causal evidence to date on the corrosive potential of campaign donations, including their impact on the right to counsel as guaranteed by the U.S. Constitution.

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1 Introduction

A long line of scholarship has tried to measure whether campaign contributions influence elected officials. Some suggest the process skews political actors' decisions in favor of those who donate (Stratmann 1991; Grossman and Helpman 1996; Goldberg and Maggi 1999; Coate 2004; Grier, Grier, and Mkrtchian 2022). Others find such decisions merely reflect shared preferences or affinities between actors and donors; the money itself does not change behavior (Ansolabehere, Figueiredo, and Snyder 2003; Fowler, Garro, and Spenkuch 2020; Ludema, Mayda, and Mishra 2018).

Disentangling these potential channels has proven challenging. The current literature typically cannot discern whether associations between campaign contributions and political actor behavior are driven by the donations themselves or instead reflect underlying shared preferences or affinities.

In this paper, we take a step toward separating these channels. In doing so, we document the presence of *quid pro quo* in an understudied election type: judicial elections, which are used to select 90% of all state judges in the United States.[1] Specifically, we study how campaign contributions by defense attorneys to judicial candidates affect how those candidates, if elected, treat those attorneys. We focus on outcomes that are of direct financial interest to the attorneys themselves: the number of indigent defense cases that a judge assigns to them. These are public contracts that pay private attorneys to provide legal counsel to poor defendants who otherwise could not afford such counsel. Such case assignments are often lucrative, as they regularly generate tens or even hundreds of thousands of dollars in revenues for individual attorneys each year.[2] For example, in 2022, a top-grossing attorney made over $1 million on such contracts.[3]

We gather detailed case-level data from 2000-2020 from Harris County (Houston), Texas, the third-most populous county in the United States. Among other things, we observe attorney donations to candidates in judicial elections and the subsequent actions of winning judicial candidates to appoint those attorneys to represent indigent criminal defendants. Using a mix of methodologies, we provide causal evidence that campaign contributions, and not just shared preferences or affinities, drive judicial assignment decisions.[4] We can show this in part because unlike other settings,

1. Shepherd (2008). At least 35 states rely on some form of election for judges on their highest court. Bannon (2016). See Appendix Figure A.1.

2. See Sukhatme and Jenkins (2021) for more details.

3. Neena Satija, *Houston Chronicle*, Here's How Much the 10 Top-Paid Court-Appointed Attorneys in Harris County Made Last Year, Mar. 9, 2023.

4. In previous work, one co-author interviewed a Houston criminal defense attorney, who described how his boss charged attorneys "a monthly fee out of our hourly pay to donate to

the benefits conferred on donors here are intensely personal—increased revenues from additional case assignments—as well as temporally linked to donations.

Applying an event-study framework, as well as more recent difference-in-differences designs (Chaisemartin and D'Haultfœuille 2020), we look at the timing of campaign contributions and subsequent case assignments. Attorneys who contribute to sitting judges are assigned significantly more cases from those judges around the time of their donation, particularly afterward, as compared to non-donor attorneys. This benefit increases with the donation amount and decreases over time, consistent with a donation becoming less salient to a judge as time passes.[5] By contrast, we observe no such decay in case assignment patterns for non-donor attorneys. These patterns are consistent with campaign contributions driving judicial case assignments.

In addition, we take advantage of an important set of campaign contributions that have thus far eluded scholarly attention: those that occur *after* an election has concluded. In our sample, approximately 20% of attorney contributions are made to winning judicial candidates in the four months following an election. Many of these donors, in fact, had already contributed to the losing candidate prior to the election, but they "switched" and donated to the winning candidate afterward. A substantial number did not contribute to anyone prior to the election, but "waited" to donate to the winning candidate later. We show that "switchers" and "waiters" receive a disproportionate share of case assignments and revenue following their donations relative to non-donors—a result again consistent with campaign contributions themselves directly driving judicial case assignments.[6]

Perhaps most troubling, we find direct evidence this apparent "pay to play" between donor attorneys and recipient judges adversely affects criminal defendants. Following Sukhatme and Jenkins (2021) and Agan, Freedman, and Owens (2021), we record a bad outcome for a defendant if their case was not dismissed, or they were convicted or incarcerated. For cases terminated in the same month as an attorney donation, defendants assigned to such donors typically fare much worse than defendants assigned to similarly-situated non-donor attorneys across all of these metrics.

[the] judge's campaign funds. He said these donations were necessary to keep his lights on and keep allowing him to pay us." See Sukhatme and Jenkins (2021). Unlike this article, that paper involved largely correlative evidence and did not exploit donation timing to measure the impact of different causal channels.

5. Importantly, benefits only accrue to donors of winning candidates; qualified donor attorneys who support losing challengers, for example, receive fewer cases post-election relative to before, as compared to other attorneys.

6. In results not presented in this draft, we find similar results using a regression discontinuity design (Lee 2008; Lee and Lemieux 2010) that exploits close elections.

This remains true when we control for a rich battery of case- and defendant-specific covariates. Such an effect is in line with Cohen and Yang (2019), who found that a judge's political affiliation can substantially impact case outcomes.

We suggest that indigent defendants receive worse outcomes during months of contribution due to heightened turnover: as we show, both new case openings and closings spike for donor attorneys at this time. Because attorneys are typically paid when cases end, our results are consistent with recipient judges closing cases to financially compensate their benefactors. Simultaneously, recipient judges reward these attorneys with even more new cases, such that overall caseloads for donors increase.

Finally, in the spirit of Agan, Freedman, and Owens (2021), we show these phenomena only occur for indigent defendants assigned to donor attorneys by the state, not for defendants who independently hire these same attorneys for a fee. Our results illustrate how indigent defendants are particularly vulnerable when defense attorneys steer case assignments through campaign donations.

Our findings should be of broad interest. Hundreds of other jurisdictions across the United States—including courts in California, Georgia, Maryland, Missouri, North Carolina, and Ohio—allow judges to accept private attorney donations while also empowering them to appoint counsel for indigent defendants. Collectively, these courts govern millions of Americans. By providing evidence that campaign contributions themselves skew political actor behavior, we bolster the claim that money in politics distorts decision-making in ways that harm democratic ideals and the rule of law. And by providing evidence that campaign finance can alter criminal case outcomes and adversely impact indigent defendants, we demonstrate how such a system might corrode the right to counsel as guaranteed by the U.S. Constitution.

The rest of the paper is organized as follows. Section 2 presents our contributions relative to the prior literature. Section 3 describes institutional details that create the potential for *quid pro quo* in Texas and other U.S. states. Section 4 describes our data and presents summary statistics, along with reduced form results documenting benefits received by campaign donors. Section 5 presents our empirical strategy and results. Section 6 provides evidence that the apparent pay-to-play between judges and attorney benefactors results in worse case outcomes for affected criminal defendants. Section 7 concludes.

2 Prior literature

To the best of our knowledge, we are first to provide quasi-experimental estimates of the effect of campaign contributions on the criminal court system. However, our paper adds to prior work in political economy on campaign contributions in other contexts, as well as prior work in the law and economics literature on judicial politics and sentencing.

Many have studied whether campaign contributions buy policy influence with legislators.[7] The results are mixed. Some studies estimate positive and significant economic returns for donors. For example, Stratmann (1991) and Grier, Grier, and Mkrtchian (2022) find contributions from the sugar industry were effective in protecting industry-wide subsidies.[8] Regarding U.S. trade policy, early work by Grossman and Helpman (1996) and Goldberg and Maggi (1999) suggest that politically organized industries shape tariffs by lobbying through campaign contributions.

Another set of studies challenges the conventional wisdom that campaign finance buys policy, not by refuting the effect of money in the political process, but by highlighting other sources of influence. For example, Ludema, Mayda, and Mishra (2018) suggest that campaign donations are not the main vehicle by which firms influence policy, as firm's lobbying expenditures greatly exceed their campaign contributions.[9] Another potential source of influence is direct voter support. For example, Bombardini and Trebbi (2011) show that big employers may find it easier to contribute to a politician via direct voter support rather than monetary funds.[10]

This paper is also the first to study campaign finance in state trial courts. In doing so, we build on past work studying how elected officials might favor campaign donors. Fowler, Garro, and Spenkuch (2020) assume such favoritism would translate into economic returns for publicly traded corporations that contribute to federal, state legislative, or gubernatorial candidates in the United States. They do not observe abnormal stock price returns after a firm's supported candidate takes office. Our setting improves on this measure of favoritism, since the benefit received (private case assignments) is attorney-specific and each judge has sole control over all assignments in their

7. See Ansolabehere, Figueiredo, and Snyder (2003) and Stratmann (2005) for a systematic review.

8. There are different ways to measure influence. Studies of the U.S. Congress often use roll-call votes as a signal of a contributor's influence over a politician's behaviour.

9. Ludema, Mayda, and Mishra (2018) instead suggest information channels are the driving force behind policy influence.

10. See Bombardini and Trebbi (2020) for a rich discussion of other non-monetary means of influence available to donors and non-donors.

court, enabling us to see direct favors more clearly. Boas, Hidalgo, and Richardson (2014) share this feature with our paper as they study contracts received by contributing firms to winning candidates for mayor in Brazil. Our empirical strategy exploits the time dimension to control for unobserved time-invariant affinities or professional preferences between judges and attorneys, splitting these mechanisms apart. Their results, in comparison, cannot disentangle such affinities from the impact of donations.

Two other factors make our setting ideal for studying the impact of campaign contributions on political actors. First, we observe the complete list of potential recipients of favors (i.e., the list of attorneys eligible to receive appointments), whether or not they contributed to a candidate. This creates a natural control group for us to compare with donors. Second, we observe the same list of attorneys across multiple district court elections, varying both cross-sectionally and over time. This variation is crucial for our empirical strategy, as we can compare appointments in courts in which attorneys contribute to the winning judicial candidate versus courts in which they do not.

Our study makes a number of other contributions. First, prior estimates of the impact of contributions on legislative voting behavior suffer from downward bias, as any policies influenced by donors may benefit other firms as well (Gordon, Hafer, and Landa 2007). We avoid this bias by studying donor-specific benefits. Second, electoral campaigns for district judge are likely to be smaller in size than other political campaigns in the United States, as we discuss in more detail below. Because of the relatively small dollar amounts involved in these elections, even minimal contributions (e.g., $200) comprise a non-trivial fraction of the total funds. Our work thus adds to recent studies on small campaign contributions (Bouton et al. 2021; Bouton, Castanheira, and Drazen 2022), which examine the patterns and motives behind such donations.[11]

Finally, this paper fits into the law and economics literature on U.S. judicial politics and decision-making. Previous evidence suggests that partisanship might shape the behavior of judges on multiple dimensions (Lim 2013, Shepherd 2008, Cohen and Yang 2019). For example, Shepherd (2008) finds that state justices who face predominantly Republican (Democratic) voters align their rulings with standard Republican

11. There are other related lines of research in campaign finance. Some studies focus on the effectiveness of campaign spending. Positive electoral returns have been found for expenditure on TV ads (Silveira and Mello 2011; Spenkuch and Toniatti 2018), phone and mail messages (Kendall, Nannicini, and Trebbi 2015), and radio ads (Larreguy, Marshall, and Snyder 2018). Some empirical evidence suggests these strategies increase vote shares but not aggregate turnout (Silveira and Mello 2011; Spenkuch and Toniatti 2018; Schuster 2020).

(Democratic) policies.

In terms of sentencing, previous research suggests that elected members of the judiciary adjust their sentencing behavior according to political factors. Cohen and Yang (2019) find that federal judges' political affiliation itself explains up to 65 percent of the baseline racial sentence gap and 17 percent of the baseline gender sentence gap, respectively. Berdejó and Yuchtman (2013) and Okafor (2022) find an increase in sentence length during election years in the case of state judges and district attorneys, respectively.

We build on this literature in several ways. We provide the first quasi-experimental estimates of the influence of campaign contributions on judicial decisions in the criminal court system. We show how campaign finance influences which lawyers are assigned to represent poor criminal defendants, as well as the quality of representation they receive. Further, we document for the first time how attorneys and law firms actively participate in state judicial politics in ways that pad their bottom line. Finally, using the same dichotomy of hired versus appointed attorneys as discussed in Agan, Freedman, and Owens (2021), we show that pay to play adversely affects indigent defendants assigned to donor attorneys relative to clients who privately hire these same lawyers.

3 Institutional background

We begin with relevant details on judicial elections and attorney assignment practices for our empirical setting: the criminal courts of Harris County (Houston), Texas.

3.1 Judicial elections

Texas is the most populous state to use democratic elections to select judicial officers.[12] Elections are partisan and in Harris County, candidates for district court judge are elected "at large." That is, judicial candidates are not separated by separate districts within the county; all voters vote on all judges up for election in the county. All candidates for judicial offices may receive campaign contributions, which are permitted up to 120 days after the general election and may begin as soon as six months before each party's primary election.

12. Appendix A shows the diversity of methods of judicial selection across the United States. Elections are non-partisan in 16 states and partisan in 5 others.

3.2 Assigned counsel

In the United States, there are two principal ways by which attorneys are assigned to represent indigent defendants. Some jurisdictions rely on public defenders, who are state-funded attorneys whose sole job is to defend these individuals. Other jurisdictions, like Harris County and many other counties in Texas, assign private attorneys to represent indigent defendants directly.[13] Sukhatme and Jenkins (2021) describe the county's plan in detail. Attorneys who are interested in being appointed must first acquire a requisite amount of trial experience; they may then apply to be admitted to a master list of eligible attorneys. Finally, they must be approved by a majority of sitting district court judges.[14] Harris County is the largest jurisdiction in the country to rely predominantly on assigned counsel for indigent defense (Phillips 1973).

In theory, attorneys are supposed to be assigned cases according to a rotating "wheel" system of appointments, which lists all eligible attorneys. Every time a defendant needs an attorney, judges are supposed to choose one from the next five attorneys on the wheel. Candidates for district judge in Texas are permitted to receive campaign contributions from attorneys on the wheel, enabling our empirical strategy here.

4 Data

4.1 Sources

We study campaign contributions and case appointments in Harris County district courts between 2004 and 2018. To do so, we combined one administrative dataset with four publicly available datasets.

First, we obtained the "wheel" list of all attorneys eligible for appointment between 2002 to 2018, including their years of appointment and removal. We merged this list with detailed case, charge, and defendant data for each criminal case filed in this period, provided by the Harris County District Attorney. Among other things, this includes the defendant's name, race, and address; the list and type of offenses as initially charged and eventually prosecuted; the case filing and disposition dates; the defense attorney's bar number; and whether the attorney was hired or appointed by the district judge.

13. A third, less common method of assignment involves contracts between the state and private attorneys to represent multiple defendants over a period of time. In effect, this system is similar to the assigned counsel system that is the focus of this paper.

14. See details in *Minimum Requirements, Appointed Attorney Candidates*, Harris County District Courts,here.

For each attorney on the wheel, we obtained from the Texas Bar their law school and year of graduation, admission date to the Texas Bar, areas of practice, languages spoken, law firm employer, firm size, and disciplinary records. After this merge, our case appointments panel consists of 867,840 observations at the attorney-court-month level.

Campaign contributions for Texas state elections since 2002 are published by the Texas Ethics Commission. This includes information on contribution dates and amounts; and contributor names, addresses, occupations, and employers for all contributions received by each district court candidate. We match each contributor's name with the list of wheel attorneys.

Finally, we collect electoral outcomes for candidates from the Texas Secretary of State. This lets us to determine if a contribution benefited a sitting incumbent or a challenger; whether that candidate won their election; whether a contribution occurred before or after the election date; and whether candidates ran unfunded or unopposed.

4.2 Descriptive statistics

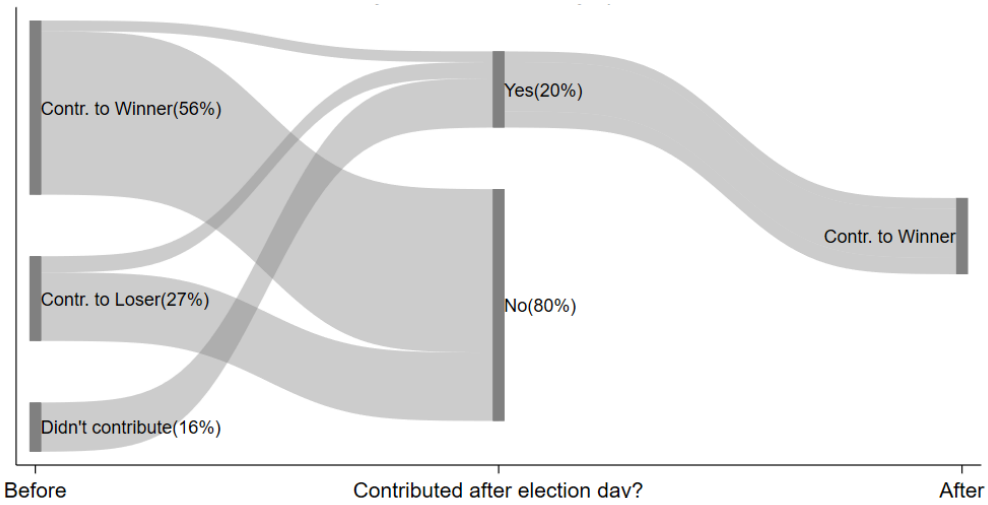
Campaign contributions in district court races (2002-2016). Our sample tracks the flow of money and cases between judges and attorneys who are eligible for appointments, month by month, across courts and electoral cycles. We observe monthly contributions for 71 candidates across 80 races.[15] Our contribution data list the full name, address, job title, occupation, employer, and contribution date and amount for 9,685 donation events. The relative timing of contributions of appointment-eligible attorneys is shown in Appendix Figure B.1. For each election cycle, candidates may receive contributions beginning six months prior to each party's primary election and ending 120 days after the general election.

Figure 1 shows a Sankey diagram that illustrates the proportion of attorney donations before (left band) and after (right band) the general election. About 80% of donations are made prior to the general election, with more than half going to winning candidates. The remaining 20% are received after the election, all going to winning candidates. Among these, 80% of contributions come from attorneys who did not contribute before the election ("waiters"), with the remainder split among initial donors to the losing candidate ("switchers") and the winning candidate.

Table 1 shows the total amount and distribution of funds by donor type. Attorneys contributed over 50% of all funds raised in every election. While total funds raised

15. We discard data from two courts that had partial terms during our sample period.

Figure 1: Contribution timing for appointment-eligible attorneys.



Notes: This Sankey diagram summarizes attorney-judge donor ties in our sample. The left band shows donations made prior to the election. The right band shows post-election donations, all of which went to winning candidates.

by candidates increased over time, the share coming from wheel attorneys remained roughly stable around 33%. Per cycle contribution totals also grew during our sample period, increasing from about $72K in 2004 and $186K in 2008 to $478K in 2016. The funds raised in an average campaign similarly grew from $9K and $15K in 2004 and 2006, respectively, to $60K in 2016.

This growth in funding corresponds with Harris County's increasingly competitive electoral landscape. As shown in Appendix Table C.1, before the 2008 election cycle, Republican candidates won all the seats for district court in Harris County, the majority of district court judges ran unopposed, and only 25% of Democratic candidates received campaign contributions. Since then, margins of victory have narrowed and Democratic candidates have increasingly emerged victorious.

Table 1: Electoral competitiveness and campaign finance in Harris County district court elections (2004 - 2016)

	Total Funds	% Wheel Attys	% Other Attys	% Non Attys	Unopposed Races	Races
2004	$72,542	34	19	47	5	8
2006	$188,990	55	31	14	8	12
2008	$468,351	36	24	41	0	8
2010	$508,686	34	26	40	0	12
2012	$635,766	29	26	45	0	8
2014	$549,628	31	29	40	4	12
2016	$477,965	35	30	35	0	8

Notes: Funded candidates are those who receive at least one contribution sometime during an election year or within 120 days after the general election day. All figures are rounded to the closest integer.

Attorneys in the wheel and case appointments (2004 - 2018). Judges assign cases to attorneys arguably in the same manner as politicians assign public contracts in other contexts (Boas, Hidalgo, and Richardson 2014; Fowler, Garro, and Spenkuch 2020). In theory, the wheel system is supposed to ensure a somewhat random assignment of cases; in practice, however, attorneys who are donors to a winning judicial candidate are more likely to receive cases from them.

Figure 2 shows the distribution of cases received by donor and non-donor attorneys. The top panel shows that attorneys in the donor class, who contribute to at least one judicial candidate during our sample period (75%), receive far more cases than non-donors. This should not necessarily be read as indicative of *quid pro quo*, as donors comprise the majority of all wheel attorneys.

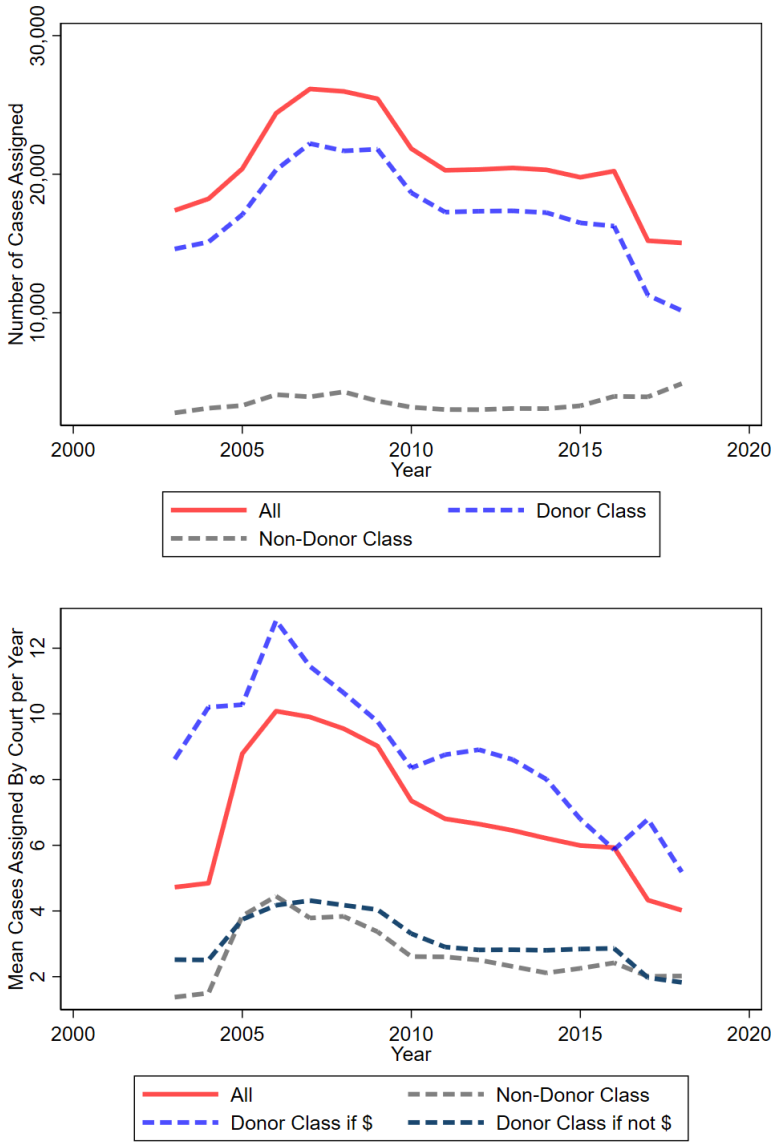
We take a closer look at the distribution of cases at the attorney-court level in the bottom panel of Figure 2. We differentiate donors in courts and years in which they donate to a judge from courts and years in which they do not. Donor attorneys receive more case assignments when they contributed to a sitting judge's campaign than when they did not. Furthermore, non-donor attorneys receive approximately the same number of cases on average as donor attorneys when the latter do not contribute to a judge's campaign.

The lower panel of Figure 2 provides some evidence of *quid pro quo*, though there is no ex-ante reason to suspect this is necessarily due to campaign contributions rather than any number of other reasons that correlate with a decision to contribute to a specific candidate. Some of these reasons might include being the candidate's friend

or relative (nepotism), being ideologically aligned with the candidate, being a previous co-worker of the candidate, and so forth. These reasons might similarly motivate a judge to award cases to the attorneys they like, even if those individuals did not donate to the judge. In the next section, we disentangle these confounding mechanisms and isolate the specific impact of campaign contributions themselves.

To further demonstrate how donors and non-donor attorneys might differ, Table 2 provides a covariates balance table, with characteristics as reported to the Texas Bar. Donor and non-donor attorneys are similar in measures of law firm size, but differ in the timing and experience with which they joined the wheel. The donor class joined the wheel on average one term before non-donors (4.3 years) and are more experienced at the time of wheel admission. An advantage of studying appointments at the monthly level is that we can compare attorneys across courts at the same time, likely allowing us to circumvent differences in experience by controlling for these covariates and exploiting the variation in the timing of contributions.

Figure 2: Distribution of case appointments for donor and non-donor attorneys



Notes: The donor (non-donor) class is composed of all wheel attorneys who have (have not) contributed at least once to a judicial candidate during our sample period.

Table 2: Covariates Balance Table by Attorney Type

Variable	(1) Donors N	Mean/SE	(2) Non-Donors N	Mean/SE	T-test Difference (1)-(2)
Attorney characteristics					
Year of admission to the wheel	295	2007 (.19)	160	2011 (.4)	-4.4***
Years of experience	295	18 (.52)	160	14 (.66)	4.3***
Law school ranking	288	120 (3.5)	160	114 (4.8)	5.9
Law school tuition	288	32,446 (528)	160	32,684 (772)	-239
Speaks Spanish	295	0.41 (.029)	160	0.31 (.037)	0.1**
Speaks French	295	0.014 (0.0067)	160	0.019 (0.011)	-0.0052
Solo practice	295	0.66 (0.028)	160	0.56 (0.039)	0.1**
2 - 10	295	0.15 (0.021)	160	0.17 (0.03)	-0.016
11 - 24	295	0.0068 (0.0048)	160	0.019 (0.011)	-0.012
25 - 100	295	0.031 (0.01)	160	0.037 (0.015)	-0.007
100+	295	0.027 (.0095)	160	0.013 (.0088)	0.015

Notes: The value displayed for t-tests is for the differences in means across donor/non-donor groups. Robust standard errors in (). *** p<0.01, ** p<0.05, * p<0.1.

5 Empirical Framework and Results

We present quasi-experimental evidence that judges appoint their donors to more cases because of the donations themselves, and we document heterogeneity in this relationship. We present our results in four steps.

First, we show that on average, incumbent judges reward campaign donors with case appointments that coincide with the time of donation. We confirm the robustness of our results using various time-variant and attorney-judge-specific controls. The patterns we observe are not explained by unobserved, non-donation-related personal or professional affinities between judges and attorneys, unless such affinities rise precisely when a campaign contribution is made, and fall afterward. We further show that these same-month case assignments increase with larger donations, further suggesting the two variables are causally related.[16]

Second, we explore the extent to which donations yield persistent case assignment gains for attorneys. We examine this possibility first in the raw data and then through a baseline difference-in-differences specification that tests different window lengths around the donation date to measure persistence of gains. We confirm our results in a more robust and recently developed difference-in-differences specification, per Chaisemartin and D'Haultfœuille 2020.

Third, we look for heterogeneous effects based on the timing of attorney donations to incumbent judges. Specifically, we contrast two distinct types of donations, whose difference has not been explored in the prior literature: donations to a candidate *before* an election has occurred, and donations *after* the candidate has already won. As we document, the latter is a significant source of contributions for judicial candidates in our setting. We find that post-election donors appear to be rewarded similarly by judges to pre-election ones.

Finally, we document different patterns in rewards for those who contribute to incumbent judges, who can reward donor attorneys immediately for their contribution, as compared to challenger judicial candidates, who can reward donor attorneys only if they win the subsequent election and after they take office. On average, we find that donors to incumbent judges appear to benefit more from their donations, though donors to successful challengers also receive positive case flows.

16. If judges and attorneys engage in a *quid pro quo* arrangement, donations might not necessarily precede case assignments; based on our conversations with Harris County attorneys, it is likely the reverse sometimes occurs as well (i.e., a judge gives case assignments to an attorney in hopes of securing a future donation).

5.1 Donation-month treatment e□ects

We want to determine if judges appoint their donors to more cases than non-donor attorneys because of their campaign contributions. There are two related challenges to identifying such an effect.

First, even when data show that judges tend to appoint donors to cases more frequently than non-donors, there might be legitimate professional or personal reasons behind both the appointments and contributions. For example, productive judges and productive attorneys might match to each other; highly productive attorneys, who may be more wealthy, might also allocate more money to judicial campaigns.[17] Other less benign reasons, such as friendship, family, or alumni nepotism, might also explain higher case appointments for campaign donors.[18]

A related potential confounding factor arises from the possibility that these attorney-judge affinities are somehow correlated with the electoral cycle, with peaks around the dates of election. It is difficult to see, however, why such non-election and non-campaign-finance-related affinities would arise only between judges and donors precisely around election months, only in even-numbered years.

To surmount these challenges, we take advantage of the fact that attorneys on the wheel are eligible to be appointed by every judge across the county, and that these appointments are made on a daily basis. We begin our analysis with a narrow time window: the appointments that attorneys receive in a courtroom during the same month in which they contribute to the incumbent judge. A spike in case assignments at that specific time, in the specific court in which a contribution is made, is unlikely to be attributable to other time-invariant affinities between the donating attorney and the receiving judge.

Case assignments

Formally, our units of observation are appointments received by attorney i in court c during the month and year t. We estimate the effect of being a campaign donor to the judge on the number of cases appointed to the donor with the following model:

$$y_{i;c;t} = \quad _0 + \quad _1 D_{i;c;t} + \quad _{i;c} + \quad _t + \quad _{i;c;t} \tag{1}$$

17. In a different setting, Bouton, Castanheira, and Drazen (2022) show that wealthier donors contribute more and that such contributions are not indicative of the donor's intentions.

18. Battaglini and Patacchini (2018) show that politicians who are highly central in the U.S. Congress's alumni network are more likely to be targeted by campaign donors.

Here, $y_{i;c;t}$ is the number of appointments received by attorney i at court c during month-year t. $D_{i;c;t}$ is an indicator whether attorney i contributed to the sitting judge in c during month-year t. We include attorney-court, $_{i;c}$, fixed effects to properly identify the effect of donor status for each given attorney and court pair. These capture the specific, time-invariant relationships between attorney and judge that might drive case assignments.

We also include month-year, $_t$, fixed effects to control for changes in the aggregate supply of indigent defense cases each month. This is important to account for potential seasonal changes in case assignment patterns. We cluster at the attorney level (Bertrand, Duflo, and Mullainathan 2004).

Table 3 provides the estimates for model 1, with column 1 presenting baseline estimates. We find that judges on average appoint donor attorneys to 0.3 more cases in the month of the contribution relative to other months. Given that the average case yields $2,285 in revenue to a donor attorney, this amounts to a revenue gain of $685.60 for the average attorney in that month alone. By comparison, judges appoint an average of 0.32 cases per month to each non-donor. This suggests that donors can expect to receive roughly twice as many cases as non-donors in the month of their campaign contribution.

We want to know if these additional cases can be attributed to the contribution itself rather than other time-varying seasonal or personal differences across donors and non-donors. Accordingly, Column 2 adds controls for judge-specific month-year fixed effects to account for monthly variations in the number of cases that a judge in court c might assign that month, and attorney-specific month-year fixed effects to account for potential variations in the total number of cases taken by each attorney each month. The latter might vary, for example, if attorneys temporally vary in their propensity to take on cases due to capacity constraints, or experience disruptive events like medical and parental leaves or retirement. If campaign contributions indeed pay out via increased case assignments, including attorney-month fixed effects likely improve our estimate of the number of cases received by active non-donors each month. Since there is only one judge at a time in each court, judge-month fixed effects capture any time-varying assignment patterns of judges (e.g., if judges vary temporally in their propensity to rely on the wheel). Results from column 2 confirm the magnitude and significance of our estimates.

Previous studies suggest ideological, party, as well as friendship networks, may well explain campaign contributions (Battaglini and Patacchini 2018; Ludema, Mayda, and Mishra 2018). For this reason, we control for affinities between attorneys and judges

Table 3: Additional cases assigned to campaign contributors in month of donation

	(1) Cases	(2) Cases	(3) Cases	(4) Cases
Donor to the judge	0.30***	0.31***	0.19***	0.12**
	(0.05)	(0.05)	(0.05)	(0.05)
Constant	0.32***	0.32***	0.32***	0.32***
	(0.00)	(0.00)	(0.00)	(0.00)
Observations	867,840	867,840	867,840	867,840
R-squared	0.392	0.422	0.511	0.590
Court-Month FE	NO	YES	YES	YES
Attorney-Month FE	NO	YES	YES	YES
Attorney-Judge FE	NO	NO	YES	-
Attorney-Judge-Term FE	NO	NO	NO	YES

Notes: Robust standard errors in (), clustered at the attorney level.
*** p<0.01, ** p<0.05, * p<0.1.

that could correlate with campaign contributions by adding different attorney-judge fixed effects in columns 3 and 4.

Our estimate in column 3 confirms that assignments to donors increase during the same month an attorney contributes to the sitting judge's campaign, even when we control for unobserved, time-invariant attorney-judge heterogeneity. Our estimate decreases by just over one-third, from 0.3 to 0.19 (36.67%). This implies that just under two-thirds (63.33%) of the additional case assignments to donors are driven by the donations themselves rather than time-invariant attorney-judge affinities.

To account for the fact that such affinities might be somewhat time-varying themselves, we present a final specification in column 4 that allows attorney-judge affinities to vary across 4-year electoral terms. As is apparent, our estimate remains robust even if attorney-judge affinities are permitted to vary in this manner over time.[19]

19. One might consider an alternate story in which a judge meets an eligible attorney for the first time during an election campaign; the subsequent attorney donation and case assignments by the judge might then stem from their new friendship. This story cannot explain the patterns we see, however: we observe the same spike in case assignments correlated with contributions even when we limit our sample to judge-attorney pairs in which the judge already knew the attorney and had previously assigned them a case prior to the contribution. See Appendix F.

Table 4: Additional cases assigned to campaign contributors in month of donation per $1,000 contributed

	(1) Cases	(2) Cases	(3) Cases	(4) Cases
Contribution amount	0.57***	0.57***	0.44***	0.34**
	(0.16)	(0.16)	(0.16)	(0.17)
Constant	0.32***	0.32***	0.32***	0.32***
	(0.00)	(0.00)	(0.00)	(0.00)
Observations	867,721	867,721	867,721	867,721
R-squared	0.392	0.392	0.482	0.590
Court-Month FE	NO	YES	YES	YES
Attorney-Month FE	NO	YES	YES	YES
Attorney-Judge FE	NO	NO	YES	-
Attorney-Judge-Term FE	NO	NO	NO	YES

Notes: Robust standard errors in (), clustered at the attorney level.
*** p<0.01, ** p<0.05, * p<0.1.

Contribution amount

Further evidence that judges are treating their donors preferentially because of their contributions emerges as we look at the relationship between contribution amount and cases assigned. Now, we exploit variation among donors in terms of their contribution amounts to identify the marginal effect of contributions on case assignments in the month of donation. Table 4 shows the results from estimating our baseline model 1, switching our treatment variable into the donation amount, $m_{i;c;t}$, that attorney i has contributed to the judge sitting in court c in month, t. Columns 1 to 4 otherwise replicate the baseline results and robustness checks.[20] The results indicate that a $1,000 donation lead to an increase of 0.57 cases during the month of contribution. Since the average case yields $2,285 in revenue for a donor attorney, the expected revenue on a donation ($2,285*0.57 = $1,302.45) exceeds the cost of the donation, even if there is no persistent benefit from the donation (i.e., the attorney gains cases only in the month of donation).

Consistent with our baseline results, this estimate decreases once we control for time-invariant and time-variant attorney-judge-specific fixed effects. Columns 3 and 4 present the estimates. Again, this suggests that judges reward contributions with case

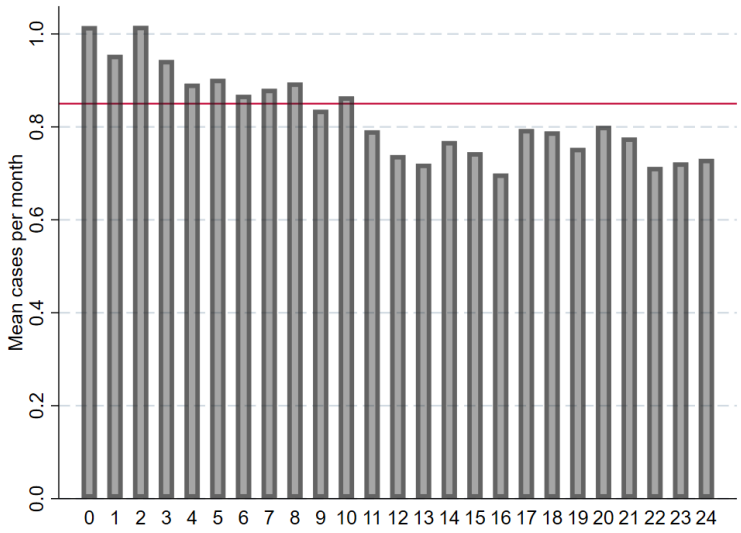
20. We adjusted $m_{i;c;t}$ to reflect thousands of dollars.

assignments regardless of whatever other time-invariant personal or professional ties they might have with assignment-eligible attorneys.

5.2 Persistence

Model 1 provides evidence that attorneys receive more cases from judges in the same months in which they give campaign contributions. This model, however, likely underestimates the potential *quid pro quo* between judges and attorneys, as it assumes attorneys only benefit in the single month in which a donation is made. In this section, we expand the previous analysis to explore the full effect of money over time.

Figure 3: Distribution of monthly case assignments after contribution



Notes: Average case assignments for donors to sitting judges from those judges in the months following the donation. The red line is the average value for the period.

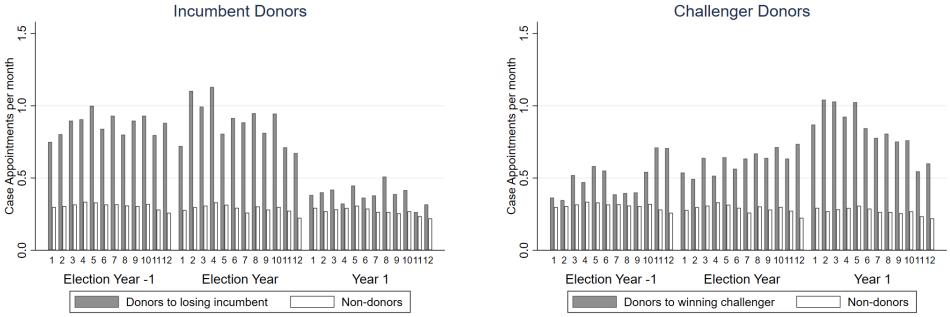
Patterns of coordination

We begin with Figures 3 and 4, which present two patterns in the raw data that motivate our analysis. First, Figure 3 shows case assignments between donor attorneys and the judges in the months following their donation (month 0 in the graph). The red line is the average value of cases in this period. As is apparent, donor attorneys on average receive more cases from their donee judges in the months closest to their

donation. These patterns of coordination subside over time, something we confirm through more precise regression specifications in the next subsection.

Figure 4 tracks the effect of judicial transitions on case assignments for three separate groups of donor attorneys: those who contributed to the incumbent, those who contributed to the challenger, and non-donors.[21] The two figures show that when incumbent candidates lose, their donors see a drop in case assignments right after the new judge enters; by contrast, donors to challengers see a spike right after the judge they supported takes office. The latter, however, see their cases fall to pre-donation levels by the end of the year. This suggests that while the effect of campaign contributions might extend beyond the contribution month, it does decay over time.

Figure 4: Case assignments for donors to incumbents and challengers during election years in which the incumbent loses



Notes: Changes in case appointments by type of candidate donor.

5.2.1 Difference-in-differences analysis

We now extend our framework to more precisely account for persistence in treatment effects. We begin with a difference-in-differences framework in which we allow $D_{i;c;t;}$ to account for more than one treatment month. Formally, we estimate the effect of being a campaign donor to the judge during the previous 12-month period on the number of cases appointed to the donor with the following model:

$$y_{i;c;t} = \quad _0 + \quad _1 \; _{i;c;t} + \quad _{i;c} + \quad _t + \quad _{i;c;t} \tag{2}$$

In this model, $y_{i;c;t}$ is the number of appointments received by attorney i in the

21. This analysis necessarily excludes those who contributed to a candidate after the election.

court c during the month t. $_{i;c;t}$ is an indicator for whether attorney i has been a donor to the judge in court c by month t, meaning that the treatment status of the triad $fi;c;tg$ varies by month across courts and also within a judge's term. Our difference-in-differences design compares attorney-court pairs, $fi;cg$, across time t; therefore we include attorney-court, $_{i;c}$, and month-year, $_{t}$, fixed effects to properly identify the effect of the donor status at the attorney-court level and to control for changes in the total number of cases to assign across time. We cluster at the attorney level (Bertrand, Duflo, and Mullainathan 2004)[22].

Table 5 shows estimation results where a one-year window is chosen following a donation. Column 1 shows the baseline specification in equation 2. We find that donors to the judge receive 0.16 more cases per month during the treatment period. This is equivalent to one additional case roughly every 6.25 months, or 50% more cases per month than non-donors. We want to know if these additional cases can be attributed to the contribution rather than any other factors, seasonal or personal. Similar to Table 3, column 2 adds controls for court-specific monthly fixed effects to account for monthly variations in the number of cases that the judge in court c can assign that month, and it also adds attorney-month fixed effects to account for potential variations in the total number of cases taken by each attorney each month. Again, since there is only one judge at a time in each court, court-month dummies are no different from judge-month fixed effects, so these also capture any time-varying patterns by judges. As before, results from column 2 confirm the magnitude and significance of our estimates.

Similar to Table 3, we once again test the impact of potential time-invariant, attorney-judge-specific characteristics in the specifications presented in columns 3 and 4. Our estimate in column 3 confirms that assignments to donors increase during the first year after each campaign contribution to the sitting judge even when we control for attorney-judge unobserved heterogeneity. This finding has multiple implications. Once again, approximately two-thirds (0.688) of the effect of being a donor is attributable to the attorney's donor status rather than some time-invariant affinity shared with the receiving judge. Second, it confirms the prediction that the donations from attorneys to judges are signal other connections between the two. This implies that attorneys are preferred by judges for their donations as well as for other reasons.

22. In Appendix D we test different time horizons for the specification above. We find that the average treatment effect peaks when considering smaller and positive treatment windows

Table 5: Additional monthly cases assigned to donors in the 12 months following a donation

	(1) Cases	(2) Cases	(3) Cases	(4) Cases
Donor to the judge	0.16***	0.17***	0.11***	0.06***
	(0.02)	(0.02)	(0.02)	(0.02)
Constant	0.32***	0.32***	0.32***	0.32***
	(0.00)	(0.00)	(0.00)	(0.00)
Observations	867,840	867,840	867,840	867,840
R-squared	0.392	0.422	0.511	0.590
Court-Month FE	NO	YES	YES	YES
Attorney-Month FE	NO	YES	YES	YES
Attorney-Judge FE	NO	NO	YES	-
Attorney-Judge-Term FE	NO	NO	NO	YES

Notes: Robust standard errors in (), clustered at the attorney level.
*** p<0.01, ** p<0.05, * p<0.1.

5.2.2 Annual revenues in years of donation

We also test whether attorneys earn more revenues from judges to whom they donate in the year in which they donate to that judge. We do so using data from the Texas Indigent Defense Commission, which provides aggregate data on annual revenues earned by attorneys from each court in which they practiced between fiscal years 2014-2018.

Fiscal years in Texas run from October 1 to September 30; for example, FY 2018 began on Oct. 1, 2018. Because the highest number of donations occur in October and November of election years, these donations happen to occur early during a fiscal year. As such, most revenues reported for a fiscal year are largely received after many donations for the year have already been made.

Table 6 shows our results. Attorneys who donate to a sitting judge earn significantly more revenues from that judge in the year of their donation as compared to non-donor attorneys.[23]. As shown in column (1), an attorney receives $1,318.49 more in annual revenue from a judge when he donates to that judge. In column (2), we see that revenues increase with donation size; a 1% increase in donation amount produces $202.96 more in revenue.

23. Each column in the table uses our preferred specification with fixed effects for court-year, attorney-year, and attorney-judge.

Columns (3)-(4) show the same specifications as in columns (1)-(2), but with log of revenues as the outcome instead. We can see again a similar positive relationship for donor status and log donations with log revenues.

Table 6: Additional revenues from judges to donor attorneys in the fiscal year in which they donate

	(1)	(2)	(3)	(4)
VARIABLES	Revenue	Revenue	Ln(Revenue)	Ln(Revenue)
Donor to the judge	1,318.49***		0.64***	
	(461.91)		(0.14)	
Ln(Donation Amt.)		202.96**		0.10***
		(89.71)		(0.02)
Constant	2,314.56***	2,316.56***	2.90***	2.90***
	(6.85)	(7.76)	(0.00)	(0.00)
Observations	29,879	29,879	29,879	29,879
R-squared	0.791	0.791	0.766	0.766
Court-Year FE	YES	YES	YES	YES
Attorney-Year FE	YES	YES	YES	YES
Attorney-Court FE	YES	YES	YES	YES

Notes: We drop 237 observations at the attorney-court-year level corresponding to attorneys who received revenue from representing capital murder defendants, as these outlier cases yielded disproportionately higher revenues per case. Robust standard errors in (), clustered at the attorney level. *** p<0.01, ** p<0.05, * p<0.1.

5.2.3 Treatment anticipation and persistence

In this subsection, we analyze whether attorneys and judges trade cases for campaign contributions only after the attorney has given a donation. In a classical difference-in-differences setting, treated units often become treated for a certain number of periods and the researcher is interested in estimating the average treatment effect on the treated (ATET) units from that moment onward. We are interested in knowing the ATET, though note that we do not need to observe a parallel trend of case assignments between donors and non-donors in the months preceding the campaign contribution to provide evidence of *quid pro quo*. It is possible, and based on conversations with Harris County attorneys, even likely, that in some instances the *quid pro quo* might proceed in reverse order (i.e., the judge assigns cases first to a putative donor in hopes

of attracting a donation later).

In an ideal experiment, we would like to observe the cases assigned to donors in the absence of the contribution. Since we cannot observe this counterfactual, we estimate the change in trends between donors and non-donors within the 24-month window around the month of contribution between each $\{i;c\}$ pair. We estimate the following event study model:

$$y_{i;c;t} = \sum_{l=1}^{11} {}^{lead}_{l} Donor_{i;c;\hat{t}} \quad 1\{lead_t = l\} + \sum_{k=0}^{12+} {}^{lag}_{k} Donor_{i;c;\hat{t}} \quad 1\{lag_t = k\} + {}_{t} + {}_{i;c} + {}_{i;c;\hat{t}} + \varepsilon_{i;c;t} \tag{3}$$

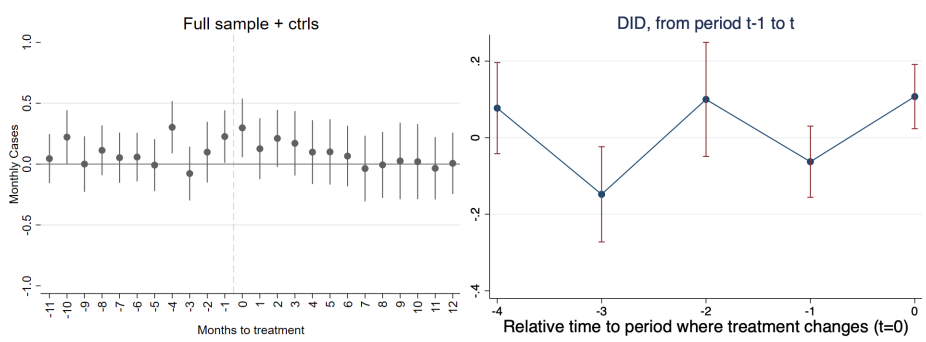
The number of case assignments, $y_{i;c;t}$ varies by attorney-judge pair each month. $Donor_{i;c;\hat{t}}$ is an indicator equal to 1 for attorneys who become donors of the judge in court c at time $\hat{t}$. The ^{lag} and ^{lead} coefficients split the treatment and pre-treatment periods and capture the mean difference in case assignments between donors and non-donors. The ^{lead} coefficients provide suggestive evidence of no differential pre-trends between donors and non-donors to the same judge, which we interpret as no anticipation on the part of judges.

We include 12 lags and leads, with the 12th term including all years greater than 12. The 12th lead is omitted as the base category to be able to perceive changes in trends during all the months around the time of the contribution;[24] therefore, each lead and lag coefficient must be interpreted as a sign of changes in the trends with respect to the difference one year before each contribution. Notice that we add fixed effects for the attorney-judge pair that becomes treated at time $\hat{t}$ in court c, $_{i;c;\hat{t}}$, to control for the fact that other affinities also show up in the data.[25] We cluster standard errors at the attorney level (Bertrand, Duflo, and Mullainathan (2004)).

Figure 5 presents the results from estimating equation 3. Donors appear to receive more cases during the two-month period after they contributed to the sitting judge (for incumbents) or the first two months of the term (for winning challengers) as well as possibly in the 4 months before their contribution.

24. For completeness, $_{t}$ and $_{i;c}$ add time and attorney-court fixed effects.
25. We show less restrictive versions of the estimate for model 3 in Appendix E.

Figure 5: Differences in case assignments between donors and non-donors before and after the donor's contribution.



Notes: Left panel: Difference in monthly case assignments between donors and non-donors, estimated using model 3. We omit the 12th lag to provide evidence of changes in trends exclusively around the contribution date with respect to the previous period. Right panel: Placebo test for pre-trends based on Chaisemartin and D'Haultfœuille (2020)

5.2.4 Robustness of Two-Way-Fixed E□ects (TWFE) estimator

Model 2 is a traditional TWFE model. Due to recent advances in understanding this technique (see Goodman-Bacon 2021; Chaisemartin and D'Haultfœuille 2020; Callaway and Sant'Anna 2021; Sun and Abraham 2021) we also provide the placebo test for pre-trends for the model in equation 2 using the Chaisemartin and D'Haultfœuille (2020) *switcher* estimate. This approach estimates the instantaneous effect of becoming a donor, by identifying all the attorneys who become donors between two consecutive time periods and comparing them with attorneys who remain non-donors during the same time frame. The placebo estimates are created by shifting the treatment periods one to four months ahead of time and estimating the corresponding placebo estimator. The estimates using Chaisemartin and D'Haultfœuille (2020) differ from model 3 in that they find no pre-trends across different time periods. Both estimators find an increase in cases during the same month of the contribution, consistent with our main results.

5.3 Timing and size of contributions

Figure 1 showed two important aspects of contribution behavior by attorneys in the wheel. First, a set of donors contribute to the winning candidate only after the election,

even if they have contributed to another candidate beforehand. Second, some donors choose to donate to the winner even when they have supported the same candidate before the election. This provides two additional sources of variation: the accumulated contribution amount to a candidate at each point in time; and whether attorneys only contribute to the candidate after the election.

We begin by looking at whether judges assign more cases in return for larger campaign contributions. As in model 1, we exploit time variation on the accumulated contribution amount to a candidate to identify the marginal effect of campaign contributions over the number of cases received. Table 7 shows the results from estimating our baseline model, switching our treatment variable into the aggregate donation amount, $m_{i;c;t}$, that attorney i has contributed to the judge sitting in court c by month t. Columns 1 to 4 replicate the baseline specification and robustness checks for $m_{i;c;t}$[26]. The results indicate that an additional \$1,000 in contributions lead to an increase of 0.25 cases per month, or 1 additional case every 4 months.

Consistent with the baseline results, the estimate decreases once we control for attorney-judge-specific fixed effects. Again, this suggests that while attorneys may contribute to candidates for reasons other than *quid pro quo*, judges reward contributions in the form of case assignments regardless of other kinds of time-constant, personal or professional relations they have with wheel attorneys.

Table 7: Additional cases assigned to donors per \$1,000 of aggregate contributions

	(1) Cases	(2) Cases	(3) Cases	(4) Cases
Donation amount	0.25***	0.25***	0.20***	0.13***
	(0.07)	(0.07)	(0.06)	(0.05)
Constant	0.32***	0.32***	0.32***	0.32***
	(0.00)	(0.00)	(0.00)	(0.00)
Observations	867,721	867,721	867,721	867,721
R-squared	0.393	0.422	0.511	0.591
Court-Month FE	NO	YES	YES	YES
Attorney-Month FE	NO	YES	YES	YES
Attorney-Judge FE	NO	NO	YES	-
Attorney-Judge-Term FE	NO	NO	NO	YES

Notes: Robust standard errors in (), clustered at the attorney level.
*** p<0.01, ** p<0.05, * p<0.1.

26. We adjusted $m_{i;c;t}$ to reflect thousands of dollars.

Next, we explore whether the timing of contributions matters. Stratmann (1995) pioneered the study of how the timing of contribution affects policy decisions. He focused on campaign contributions before and during the election year. Our focus is instead on contributions before and after the general election day. Intuitively, attorneys who contribute after the general election are not contributing to improving their candidate's electoral performance. Post-election donors still garner benefits from their contribution; however, there is only marginal evidence of higher levels of favoritism toward these donors relative to pre-election donors. Columns 2-4 of Table 8 replicate the same robustness checks as in previous tables. The specifications finds marginally significant positive differences for donors who contribute only after election day.

Table 8: Treatment heterogeneity: Donor status before vs after the election.

	(1) Cases	(2) Cases	(3) Cases	(4) Cases
Donor to the judge	0.14***	0.15***	0.11***	0.05***
	(0.02)	(0.03)	(0.02)	(0.02)
Donor after the election	0.08*	0.10*	0.03	0.07*
	(0.05)	(0.05)	(0.04)	(0.04)
Constant	0.32***	0.32***	0.32***	0.32***
	(0.00)	(0.00)	(0.00)	(0.00)
Observations	867,840	867,840	867,840	867,840
R-squared	0.392	0.422	0.511	0.590
Court-Month FE	NO	YES	YES	YES
Attorney-Month FE	NO	YES	YES	YES
Attorney-Judge FE	NO	NO	YES	-
Attorney-Judge-Term FE	NO	NO	NO	YES

Notes: Robust standard errors in (), clustered at the attorney level.
*** p<0.01, ** p<0.05, * p<0.1.

5.4 Incumbents and Challengers

Another feature of our design is that it allows for distinguishing the donor relationship between those who contribute to an incumbent, and thus earn immediate access to the policymaker, versus donors to challengers, who must wait until their candidate is elected and takes office, if ever. By comparing these two sets of attorney-donor relations, we can identify another dimension of the timing of contributions.

Ex-ante, donors to incumbents and donors to challengers differ in two aspects. First, for donors to winning challengers who contribute before the election year ends, there is a gap between the timing of a contribution and the time when the judge can appoint them to cases[27]. Second, winning challengers do not face re-election concerns at the time that they take office and thus have no short-term re-election motives to engage in *quid pro quo*. These differences together could lead to a smaller impact of campaign contributions among donors to challengers.

Table 9 estimates our baseline specification but differentiates donors to sitting judges during the first year of their term, likely to be the first year of their donor-status tie as well. Our results are ambiguous in this regard. Columns 1 and 2 suggest that the above prediction is correct: donors to a winning challenger enjoy a smaller increase in case assignments per month during the year after the election. Columns 1 and 2 find an increase of 0.22 in case assignments per month and suggest that challengers reward attorneys with half the rewards that incumbents do. In columns 3 and 4, however, we find that once we account for attorney-judge specific affinities, this relationship does not seem to hold. Column 3 indicates that challengers reward their donors just as much as incumbents do, and the estimate flips when we allow for more flexible controls in column 4. These variable results do not enable us to draw any firm conclusions on the differential impact of donations to incumbents as compared to challengers.

27. We base this assumption on the theoretical model and empirical findings of Stratmann (1995), who proposes that campaign contributions are more likely to shift policies when these happen around the time of the policy decision.

Table 9: Treatment heterogeneity: Incumbent vs challenger donations

	(1) Cases	(2) Cases	(3) Cases	(4) Cases
Donor to the judge	0.22***	0.24***	0.12***	0.01
	(0.03)	(0.04)	(0.03)	(0.02)
Donor to challenger	-0.11***	-0.11**	-0.02	0.09***
	(0.04)	(0.04)	(0.03)	(0.03)
Constant	0.32***	0.32***	0.32***	0.32***
	(0.00)	(0.00)	(0.00)	(0.00)
Observations	867,840	867,840	867,840	867,840
R-squared	0.393	0.422	0.511	0.590
Court-Month FE	NO	YES	YES	YES
Attorney-Month FE	NO	YES	YES	YES
Attorney-Judge FE	NO	NO	YES	-
Attorney-Judge-Term FE	NO	NO	NO	YES

Notes: Robust standard errors in (), clustered at the attorney level.
*** p<0.01, ** p<0.05, * p<0.1.

6 Impact on Criminal Defendants

aAs we showed above, recipient judges award twice as many cases to their attorney benefactors in the months in which they financially contribute to those judges. This apparent favoritism increases with contribution amounts, and persists for attorneys who contribute after an election. We assert these relationships demonstrate a causal link between campaign donations and case assignments.

In this section, we explain how this apparent "pay to play" adversely impacts criminal defendants. We first show that recipient judges boost overall caseloads for donor attorneys relative to similarly-situated non-donors, while also closing more cases for donors. Because assigned counsel are typically paid when cases end, the latter finding suggests recipient judges close cases to cash out their attorney benefactors.

Next, we examine how defendants assigned to donor attorneys fare in their cases. Specifically, we measure how contemporaneous campaign donations impact case dismissals, convictions, incarcerations, and charge reductions, which are measures of attorney quality used in Sukhatme and Jenkins (2021) and Agan, Freedman, and Owens (2021).

We find that donor attorneys' cases that are closed in months of donation are more

likely to be resolved adversely. This is consistent with pay to play, with judges closing cases to monetize gains for attorney benefactors, even if it harms those attorneys' clients. Importantly, this result holds only for cases involving assigned indigent defendants, and not for cases involving fee-paying clients of these same attorneys. This suggests indigent defendants are especially vulnerable in a pay-to-play system.

6.1 Caseload and Case Dispositions

We first examine how donors' caseload changes in the month of contribution. If attorney donors receive more cases than they close, then the total number of open cases in a court will increase during a contribution month. Table 10 below shows these results in columns 1 and 2. The average number of pending cases for donor attorneys approximately doubles in a month of donation, in the court in which the attorney donated. This is true even though the number of case dispositions also spikes in the same month, as shown in columns 3 and 4 of the same table. Apparently the influx of new case assignments more than compensates for the case dismissals.

Table 10: Cases closed (disposed) and total caseload in the month of contribution

	(1) Caseload	(2) Caseload	(3) Case Dispositions	(4) Case Dispositions
Donor to the judge	0.76***	0.47***	0.22***	0.10***
	(0.09)	(0.07)	(0.04)	(0.04)
Constant	0.53***	0.54***	0.32***	0.32***
	(0.00)	(0.00)	(0.00)	(0.00)
Observations	867,840	867,840	867,840	867,840
Court-Month FE	YES	YES	YES	YES
Attorney-Month FE	YES	YES	YES	YES
Attorney-Judge FE	NO	YES	NO	YES

Notes: Robust standard errors in (), clustered at the attorney level.
*** p<0.01, ** p<0.05, * p<0.1.

Why might a *quid pro quo* scheme result in more case turnover? Likely this is because of how assigned counsel are compensated. Typically, such lawyers submit documentation for reimbursement and are paid at the end of each case; hence, case dispositions roughly correspond to actual money being transferred from the state to the attorney. Therefore, if *quid pro quo* exists, one might expect that receiving judges would dispose cases (and hence ensure attorneys get paid) around the same time they

receive contributions from those attorneys. Simultaneously, they might reward these attorneys with even more new cases, increasing their future revenues. This is in fact what we find.

6.2 Case Outcomes

We now move beyond attorney-centered metrics and focus on criminal defendants: how does pay to play affect them? We focus on four well-defined metrics, as used in Sukhatme and Jenkins (2021) and Agan, Freedman, and Owens (2021), whether the defendant had their charges dismissed; whether they were convicted of any charges; whether they were sentenced to prison in the Texas Department of Corrections; and whether they had any charges reduced during prosecution.

To identify the effect of campaign contributions on defendants' case outcomes, we expand model 1 to account for the idiosyncratic quality of legal services that attorneys provide on different dates. We estimate the effect of being assigned to an attorney who contributed to the sitting judge in the month that the defendant's case was closed using the following model:

$$y_{i;c;t;d} = \ _0 + \ _1 D_{i;c;t} + \ \mathbf{X_{i;c;t;d}} + \ ! \mathbf{W_{t;d}} + \ _{i;t} + \ _{c;t} + \ _{i;c} \ _{t^{\theta}} + \ _{i;c;t;j} \qquad (4)$$

Our analysis is at the case level. Cases are identified by a defendant d, a judge (court) c, an attorney i, and a month t. The dependent variable is a feature of the case outcome at disposition (i.e., when the judge issues any sentence and the case is closed). The parameter of interest is $_1$, the effect of being assigned to attorney i, who is a donor of the sitting judge in c in the month in which the defendant's case is disposed. $\mathbf{X_{i;c;t;d}}$ adds one dummy for each of the 1,170 coded offenses with which the defendant may be charged.[28] We also control for defendant characteristics, $\mathbf{W_{t;d}}$; these are the defendant's age at the filing date, sex, race, and zip code.

As before, we are concerned about picking up other, non-contribution-related factors that might impact case outcomes that each attorney obtains for clients each month. To account for this, we add attorney-month fixed effects, $_{i;t}$ to control for monthly features such as experience, caseload, or any other month-invariant characteristics influencing the quality of the legal counsel they provide.

Similarly, we add judge-month fixed effects, $_{c;t}$, to account for any month-invariant factors that may affect the judge's sentencing behavior. For example, elected judges face re-election concerns and thus are likely to shape their sentencing behavior across

28. These are taken as one for each offense as coded in the state of Texas.

cases in order to stay close to the voter's ideology (see Lim 2013, Cohen and Yang 2019). Last, we add attorney-judge fixed effects, $i;c$ t^{0}[29], in order to control for any other personal time-invariant affinities between attorneys and judges that may affect case outcomes more broadly.

Panel A in Table 11 shows estimates for model 4; Panels B and C add case and defendant controls, respectively, to the model. Columns 1 to 4 show the respective estimates for each of the case outcomes described above. We find strong statistical evidence that attorney donors are less likely to obtain case dismissals (i.e., removal of all charges against a defendant) during a month of contribution, relative to non-donor attorneys. There is also some evidence that defendants assigned to donors are more likely to be convicted and incarcerated if their case is closed at that time. Finally, the impact of donations on charge reductions appears to be marginal at best.

The results in table 11 suggest donor attorneys obtain substandard results for their clients during the month of donation relative to their non-donor peers. As discussed in the previous subsection, this may stem from donor attorneys and recipient judges turning over cases quickly in order to cash out these attorneys' existing indigent defense contracts.

One might wonder whether this substandard performance would adversely affect donor attorneys' reputation and ability to garner new clients. This might be true if indigent defendants could choose the counsel who represented them. But because indigent defendants are assigned their attorneys by the court, there is little reason to believe this class of defendants could exert market pressure on assigned counsel to produce better outcomes. In theory, paying clients might be less tolerant of substandard lawyering, creating market pressure that leads to better outcomes for them. We examine whether this is true in the following subsection.

6.3 Indigent v. Paying Clients

In this subsection, we provide further evidence for the turnover hypothesis by comparing case outcomes for indigent defendants assigned to donor attorneys by the state versus those who hire those same attorneys for a fee. If the turnover argument is correct, then there should be no effect on the dismissals, convictions, or incarcerations of the private clients of respective attorneys, since recipient judges do not appoint counsel for those defendants.

29. We use $c - T$ to denote that judges vary across courts but term after term rather than month-to-month.

Table 11: Effect of campaign contributions over the cases disposed of in the month of donation

	(1) Dismissed	(2) Convicted	(3) Incarceration	(4) Charges Reduced
Panel A: No controls				
$\text{Donor}_{i;c;t}$	-0.03***	0.02*	0.02*	-0.01
	(0.01)	(0.01)	(0.01)	(0.01)
Panel B: Case controls				
$\text{Donor}_{i;c;t}$	-0.03***	0.02**	0.02**	-0.01
	(0.01)	(0.01)	(0.01)	(0.01)
Panel C: Case and Defendant controls				
$\text{Donor}_{i;c;t}$	-0.03***	0.02*	0.02*	-0.01*
	(0.01)	(0.01)	(0.01)	(0.01)
Sample Mean	0.17	0.66	0.66	0.15
Observations	268,509	268,009	268,509	268,509
Court-Month FE	YES	YES	YES	YES
Attorney-Month FE	YES	YES	YES	YES
Attorney-Judge FE	YES	YES	YES	YES

Notes: For each panel, the first column shows the average treatment effect of receiving legal counsel from an attorney who is a campaign contributor to the sitting judge on the probability that the defendant sees their charges dismissed. Columns 2 to 4 estimate the corresponding ATE for whether the defendant is sentenced to incarceration, the defendant is put on probation, and the defendant has their charges reduced, respectively. Each coefficient is estimated using a linear probability model with court-month, attorney-month, and attorney-judge fixed effects. Robust standard errors in (), clustered at the attorney level. *** p<0.01, ** p<0.05, * p<0.1.

We expand model 4 as follows:

$$y_{i;c;t;d} = \ _0 + \ _1 \ A_{i;c;d;t} + \ _2 A_{i;c;d;t} \ D_{i;c;t} + \ _3(1 \ A_{i;c;d;t}) \ D_{i;c;t} + \mathbf{X_{i;c;t;d}} + \ ! \ \mathbf{W_{t;d}} + \ _{i;t} + \ _{c;t} + \ _{i;c} \ _{t^0} + \ _{i;c;t;d} \quad (5)$$

where $A_{i;c;t;d;t}$ is a dummy for whether the defendant has been assigned counsel or instead has retained a private attorney. The parameters of interest are $_2$ and $_3$, which capture the difference in case outcomes during donation months for indigent clients and private clients, respectively[30]. The dependent variable is one of four potential case

30. The coefficient $_1$, which is not our main interest, captures the difference in case out-

outcomes: case dismissal, conviction, incarceration, or charge reduction.

We control for case and defendant characteristics to account for sentencing differences inherent in the charges faced and any systemic bias due to the defendant's age, race, gender, or home neighborhood. We also add fixed effects to account for attorney-month, court/judge-month, and attorney-judge time invariant factors that may affect the sentencing of a defendant.

Table 12 provides estimates of the interaction terms $_2$ and $_3$ of model 5. These capture the differential effect that indigent and private clients face from having their case closed in the same month their attorney contributes to the presiding judge. Column 1 shows that indigent clients of donors are less likely to have charge dismissals compared to indigent clients of non-donors, but this is not true when comparing private clients of the same two groups of attorneys. Columns 2 and 3 provide similar, though statistically weaker, evidence for case convictions and incarcerations. Last, column 4 shows that the effect of campaign donations over the likelihood of seeing a charge reduction is largely null for both indigent and private defendants.

Together, these results indicate that the harm caused by *quid pro quo* between donor attorneys and recipient judges falls heaviest on indigent defendants who are assigned to donor attorneys by the state, not on private clients of the same lawyers. Further, these findings are consistent with a system in which private paying clients receive better legal assistance than publicly-assigned indigent clients simply because the former can exert market pressure over defense attorneys and the latter cannot.

comes, on average, between assigned vs hired counsel for the same attorney-months. This coefficient is the main interest in Agan, Freedman, and Owens (2021), who use data for another county and time period in Texas. Our results are in line with theirs. The estimate for $_1$ is negative and significant for the model in table 12.

Table 12: Effect of campaign contributions over the cases disposed of in the month of donation

	(1) Dismissed	(2) Convicted	(3) Incarceration	(4) Charges Reduced
Panel A: No controls				
Indigent Defendant + Donor$_{i;c;t}$	-0.02**	0.02*	0.02*	-0.01
	(0.01)	(0.01)	(0.01)	(0.01)
Private Client + Donor$_{i;c;t}$	-0.05	-0.02	-0.03	-0.03
	(0.05)	(0.06)	(0.06)	(0.05)
Panel B: Case controls				
Indigent Defendant + Donor$_{i;c;t}$	-0.03***	0.02**	0.02**	-0.01
	(0.01)	(0.01)	(0.01)	(0.01)
Private Client + Donor$_{i;c;t}$	-0.04	-0.03	-0.05	-0.03
	(0.05)	(0.06)	(0.06)	(0.04)
Panel C: Case and Defendant controls				
Indigent Defendant + Donor$_{i;c;t}$	-0.03***	0.02*	0.02*	-0.01*
	(0.01)	(0.01)	(0.01)	(0.01)
Private Client + Donor$_{i;c;t}$	-0.03	-0.02	-0.04	-0.04
	(0.05)	(0.07)	(0.07)	(0.03)
Sample Mean	0.18	0.64	0.64	0.15
Observations	290,303	289,789	290,303	290,303
Court-Month FE	YES	YES	YES	YES
Attorney-Month FE	YES	YES	YES	YES
Attorney-Judge FE	YES	YES	YES	YES

Notes: For each panel, the first column shows the average treatment effect of receiving legal counsel from an attorney who is a campaign contributor to the sitting judge on the probability that the defendant sees their charges dismissed. Columns 2 to 4 estimate the corresponding ATE for whether the defendant is sentenced to incarceration, the defendant is put on probation, and the defendant has their charges reduced, respectively. Each coefficient is estimated using a linear probability model with court-month, attorney-month, and attorney-judge fixed effects. Robust standard errors in (), clustered at the attorney level. *** p<0.01, ** p<0.05, * p<0.1.

7 Conclusion

This article provides new evidence that political contributions impact how judges assign valuable public contracts—appointments in indigent defense cases—among a set of eligible attorneys. We build a novel dataset of campaign contributions and case assignments for district court judges in Houston, Texas, and show that donors to a judge are preferentially appointed to twice as many cases per month as non-donors in the month in which the donation occurs. This impact persists to some extent for at least a one-year period following the donation.

The cases assigned to donors (and revenues they earn) also increase as donation amounts increase, and they remain positive and significant in specifications that control for various shared attorney-judge characteristics (e.g., political, social, or ideological ties). Even when controlling for fixed characteristics for each attorney-judge pair, as well as attorney-specific and judge-specific time trends, almost two-thirds of the increased appointments for donors are attributable to their contributions.

This finding is noteworthy on its own. Prior research has struggled to show that campaign donations—not just shared affinities, ideologies, or political leanings—cause political actors to provide financial benefits to their donors. We surmount this challenge due to the personal nature of favors awarded (case assignments); the limited pool of potential favor recipients (attorneys); the unitary control that individual political actors (judges) exert over such favors; the detailed data on timing of both donations and favors; and the rich panel structure and controls in our data. Accordingly, our novel setting and identification strategy provide some of the strongest causal evidence to date of the corrosive potential of campaign donations on democratic processes.

This finding also has direct legal implications. Despite recent rulings that have pared back campaign finance laws (e.g., Citizens United v. Federal Election Comm'n, 558 U.S. 310 (2010)), the U.S. Supreme Court has remained clear that regulations that "target what we have called 'quid pro quo' corruption or its appearance" are perfectly acceptable. See, e.g., McCutcheon v. Federal Election Comm'n, 572 U.S. 185 (2014). By showing that *quid pro quo* is common in the U.S. court system, our results strengthen the claim that campaign finance laws might yet play an important regulatory role.

Separately, we also show that campaign donations are associated with worse outcomes for indigent criminal defendants assigned to attorneys who contribute to recipient judges. In months of contribution, such defendants are less likely to have their cases dismissed, and more likely to be convicted or incarcerated. This result holds even

when we add rich case- and defendant-specific covariates to our specifications. Because attorneys are typically paid by the state when a case ends, these results are consistent with recipient judges closing cases to financially compensate their benefactors. Notably, this system of pay to play appears to particularly harm indigent defendants, a vulnerable population unable to opt out of the system.

These results call into question fundamental attributes of our court system, particularly its commitment to ensuring that the right to counsel for criminal defendants is not corrupted. Similar problems might affect millions of Americans across at least 11 other states, including California, Georgia, Maryland, Missouri, North Carolina, and Ohio, where trial judges both control indigent defense assignments and accept attorney donations to fund their electoral campaigns.[31] Further research could help determine the extent to which *quid pro quo* affects these other judicial settings as well.

31. See Sukhatme and Jenkins (2021)

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Data Appendix

- During our sample period, we observe 456 attorneys in the wheel, with 232 enrolled by 2005 and 12-23 attorneys joining each year.
- To become eligible to receive appointments, attorneys must meet the trial experience and continuing education criteria and then be admitted by a simple majority vote of the 22 sitting district court judges in Harris County. Further details can be found on the Texas Indigent Defense Commission's website here.
- We con rmed that 95% of the cases assigned to attorneys in our sample were assigned to attorneys on the wheel. We do not observe the actual appointment date of attorneys, but based on discussions with Harris County attorneys and a detailed analysis of speci c case docket sheets, we infer that appointment typically occurs about 5 days after case assignment, and more than 8 days or later after case assignment for cases led after December 23 of each year. Our results are robust to other assumptions about attorney appointment dates.
- All attorneys in the wheel have a public pro le in the Texas Bar, though two are missing graduation dates and are thus discarded from our nal sample.
- The TEC data do not provide a unique identi er for campaign donors, though we take advantage of the information provided by them to improve match quality. We nd that 67% of all contributors do one of the following: list themselves as attorneys; identify themselves as self-employees in a law rm under their own name or directly contribute under the name of their solo practice. We restrict our sample to this set of attorneys, whose pro les we could identify by matching with pro les in Texas Bar data. This prevents low-quality matches, as the address, employer, and years of activity information from bar data are enough to distinguish between similarly named individuals.
- Election data are available here. While TEC data do not identify the court for which each candidate is running, we matched the name of each district judge candidate among the universe of campaign nance lers.
- We limit contributions to those occurring during the election year, the year before, and the rst 120 days after the race. This limit is established by Texas law. Contributions in the year prior to the election may occur in anticipation of primary elections, which we do not analyze here.

A Judicial Selection by State

Figure A.1: Judicial Selection by State

Source: Brennan Center for Justice (2016). See Bannon (2016)

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B Contribution Timeline

Figure B.1: Distribution of donations by year and month of donation across the election cycle. Year one is one year before the election. Year 2 is the election year. Year 3 is the year after the election. Campaign contributions are permitted under Texas law up to 120 days after the general election date.

C Proportion of Harris County District Court Elections Won by Republican Party

	% REP Funded	% DEM Funded	% REP Wins	REP Victory Margin
2004	13	25	100	65
2006	58	25	100	68
2008	88	100	13	-2
2010	83	92	100	13
2012	100	100	63	0
2014	83	50	100	40
2016	100	88	0	-4

D Different Time Windows

Notes: To determine the period around contributions when judges reward donors, we estimate equation 2 under different treatment windows. Both graphs show results from a TWFE regression on an indicator whether the attorney at time t in court c has contributed to the sitting judge over the number of cases received by each attorney during t. The top panel controls for attorney-judge fixed effects; the bottom includes attorney-judge-term fixed effects to account for some time-varying attorney-judge affinities. Each estimate represents extends the window from 0 to N months before or after the contribution month. The estimates for the negative values on the x-axis capture the average treatment effect on the treated (ATET) during the N months leading up to the contribution; the positive x-values values track the ATET for the periods after the contribution is made. We cluster at the attorney level.

E Robustness of Event Study

Figure E.1: Robustness checks of event study estimates

Notes: The top panel estimates model 3 with attorney-court fixed effects and year-month fixed effects, as in the baseline specification for models 1 and 2. The bottom panel includes attorney-month and court-month fixed effects.

F Attorneys Previously Appointed by Judge Prior to Contribution

Variables	(1) Cases	(2) Cases	(3) Cases	(4) Cases
Donor to the judge	0.38***	0.36***	0.24***	0.16**
	(0.06)	(0.07)	(0.06)	(0.07)
Constant	0.63***	0.59***	0.59***	0.59***
	(0.00)	(0.00)	(0.00)	(0.00)
Observations	443,246	440,669	440,628	440,609
R-squared	0.405	0.399	0.472	0.527
Court-Month FE	NO	YES	YES	YES
Attorney-Month FE	NO	YES	YES	YES
Attorney-Judge FE	NO	NO	YES	-
Attorney-Judge-Term FE	NO	NO	NO	YES

Notes: This table shows the estimates of model 1 for the subsample of attorneys who had previously been appointed to cases by the sitting judge in that court. Robust standard errors in (), clustered at the attorney level. *** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$.