The Role of Race in the Legal Representation of Low-Income Defendants

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Abstract

While most criminal defendants rely on assigned counsel for legal representation, little is known about the role of race in the defense of low-income defendants by court-appointed attorneys. Exploiting the quasi-random assignment of court-appointed attorneys to cases in Travis County, Texas, we test whether attorneys secure better deals for same-race defendants. Results indicate that while Black and White attorneys are similarly effective at representing White defendants, Black defendants who are represented by White rather than Black attorneys are 14-16 percent more likely to have their charges dismissed and 15-26 percent less likely to be incarcerated. Moreover, we find no evidence that having a different-race attorney increases the likelihood of re-offending in the future.

Keywords: Race, discrimination, criminal justice, law and economics, indigent defense, legal representation

JEL codes: H76, J15, K14, K42

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1 Introduction

Racial disparities in the criminal justice system are well-documented. For example, Black individuals are almost four times more likely to be arrested for marijuana possession relative to White individuals (Union (2013)). Moreover, 33 percent of Black adult males have a felony conviction, compared to only 12.8 percent of the total adult male population (Shannon et al. (2017)). Importantly, some empirical evidence suggests that these disparities are driven in part by racial discrimination by other agents in the system, such as police officers (e.g., Goncalves and Mello (2021); West (2018); Horrace and Rohlin (2016)), prosecutors (e.g., Tuttle (2019)), and judges (e.g., Arnold et al. (2018); Alesina and La Ferrara (2014)). However, little is known about the role of race in the indigent defense system, even though 80 percent of criminal defendants rely on appointed counsel for legal defense (ACLU, 2013).

Certainly, the availability of legal defense is invaluable; attorneys can significantly affect case outcomes through several channels such as challenging charges and negotiating plea deals. Perhaps most importantly, attorneys advise defendants on whether to accept a given plea deal. However, there are widespread concerns that indigent defendants are not receiving quality legal counsel, as required under the U.S. Constitution (e.g., Backus and Marcus (2018); Tucker v. State of Idaho, 2017 [1]; Hurrell-Harring v. State of New York, 2010 [2]). Moreover, the scope for differential treatment on the basis of race among court-appointed attorneys is high, given that high caseloads may lead attorneys to necessarily prioritize some cases over others (Oppel and Patel (2019)). While there is some anecdotal evidence that court-appointed attorneys might be racially biased (Clair (2021); Adachi (2016)), empirical evidence on the role of race in the defense of low-income defendants is scarce.

In this paper, we ask whether attorneys secure better or worse outcomes for different-race defendants. We do so by exploiting the quasi-random assignment of attorneys to more than 17,000 misdemeanor cases in Travis County, Texas. Court-appointed attorneys are assigned

[1] Tucker v. State, 162 Idaho 11, 394 P.3d 54 (Idaho 2017)

[2] Hurrell-Harring v. State of New York, 75 A.D.3d 667, 2010 N.Y. Slip Op. 5815, 905 N.Y.S.2d 334 (N.Y. App. Div. 2010)

to indigent cases using a "wheel" system, in which their names are listed alphabetically. Once a case is filed, the responsible authority assigns the first available (and eligible) attorney on the list. This implies that conditional on the filing date and court fixed effects, attorney assignment to cases is as-good-as-random. We use a difference-in-differences approach to test whether White attorneys are less likely to earn a dismissal for Black versus White defendants, relative to the dismissal rate of Black attorneys for Black versus White defendants. In doing so, we use the same method as that used in previous research to examine the impact of race in other contexts (e.g., Hoekstra and Sloan (2022); Anwar et al. (2012); Price and Wolfers (2010)).

Our main difference-in-differences results show that while Black and White attorneys are similarly effective at securing dismissals for White defendants, Black attorneys are less effective than White attorneys at securing dismissals for Black defendants. Specifically, if Black defendants are represented by White attorneys rather than Black attorneys, the likelihood that their case gets dismissed increases by 14-16 percent. Moreover, we find evidence that the likelihood of incarceration decreases by 15-26 percent for Black defendants who are represented by a White attorney relative to a Black attorney. These effects are statistically significant and robust to controlling for case characteristics and interaction terms of case characteristics and attorney race. Moreover, we show that having a different-race attorney does not impact the length of jail or probation sentences. We then estimate the distribution of attorney (shrunken) individual effects by defendant race, and we show that the results are due to a shift in the overall distribution of White attorney effectiveness, which means that they are driven by the entire sample of White attorneys rather than just a few.

Importantly, we show that the effect of a different-race attorney on case outcomes is not driven by other non-race (defendant or attorney) characteristics that matter for the defendant-attorney race pairing. For instance, the different-race effects could, in theory, be due to White attorneys being better skilled at representing crimes that are more likely to be committed by Black defendants. However, we show that the results are robust to controlling

for the interaction terms of defendant race and attorney characteristics (including years of experience and law school ranking) and to controlling for interaction terms of attorney race and case characteristics (including dummy variables for crime type, day of the week, defendant criminal history, sex, and age). This suggests that effects are not due to non-race disparate impact, at least to the extent that non-race factors are correlated with observed characteristics.

One possible mechanism behind the *positive* different-race effects could be racial discrimination against defendants of the same race, or favoritism by attorneys towards defendants of a different race. While we cannot directly test for racial discrimination, it may appear in the level of effort that an attorney exerts in a given case. We examine whether representing a different-race defendant affects an attorney's behavior using several proxies for attorney effort, such as case length, number of motions submitted, and compensation. In Travis County, attorneys receive a fixed fee per case, which creates an incentive to resolve cases quickly. Therefore, longer case lengths and more filed motions may indicate increased attorney effort. Additionally, attorneys can receive extra compensation for certain actions that are not required but may benefit the defendant, such as jail visits, appeals, or taking a case to trial. Thus, an increase in the amount an attorney is paid could also signal higher attorney effort.

While we do not find evidence of a change in attorney effort, we argue that the different-race effects are driven by a change in the attorney's behavior, the prosecutor's behavior, or both. While it is possible that Black attorneys might exhibit racial bias against Black defendants, the results over time suggest that this is unlikely: the different-race effects are more pronounced in more recent years, which is consistent with the hypothesis that the recent racial justice movement may have impacted how attorneys (and/or prosecutors) behave towards Black defendants.

Finally, we consider the long-run effect of being represented by a different-race attorney, which increases the likelihood of a case dismissal. This could theoretically increase the like-

lihood of recidivism if misdemeanor convictions have a deterrence effect. On the contrary, a case dismissal may decrease recidivism by increasing labor-market opportunities (Humphries et al. (2024); Agan et al. (2023)). We estimate the reduced-form effect of having a different-race attorney on the one-year and two-year recidivism rate, and we find suggestive evidence that a Black defendant who is represented by a White attorney is not more likely to re-offend within two years from a given case, even though our estimates are imprecise.

The contribution of this paper is to provide the first estimates of the impact of race among court-appointed attorneys using the quasi-random variation in attorney assignment to cases. We are also the first to provide evidence on the long-term different-race effects in the context of the criminal justice system. In doing so, this paper contributes to at least two strands of the literature. First, it complements the literature on racial bias and the impact of race in the criminal justice system. Hoekstra and Sloan (2022) report that White officers scale up force more than Black officers when responding to calls in Black versus White neighborhoods, while Fryer (2019) shows that police officers are more likely to use non-lethal force against minorities. Additional research shows that officers exhibit racial bias when issuing traffic citations and making traffic stops (e.g., Goncalves and Mello (2021); Ba et al. (2021); West (2018); Horrace and Rohlin (2016); Antonovics and Knight (2009)), which contrasts with findings from earlier literature (e.g., Knowles et al. (2001)). At later stages, other papers have shown mixed evidence of the impact of race in prosecution (e.g., Sloan (2024); Tuttle (2019); Rehavi and Starr (2014)), among judges (e.g. Arnold et al. (2022); Arnold et al. (2018); Depew et al. (2017); Gazal-Ayal and Sulitzeanu-Kenan (2010)), in parole board decisions (e.g., Anwar and Fang (2015); Mechoulan and Sahuguet (2015)), and among jurors (e.g. Anwar et al. (2022); Flanagan (2018); Anwar et al. (2012)).

In addition, this study contributes to the economic literature on the quality of defense attorneys in the indigent defense system. For example, Agan et al. (2021) provide suggestive evidence that the compensation structure adopted by the court leads to disparate outcomes between indigent and non-indigent cases. Unlike Hoag (2021), who argues for the expansion

of the Sixth Amendment right to *counsel of choice*, they show that being assigned a lawyer who looks like a "better match" does not lead to better case outcomes, which is consistent with our findings.[3] Finally, this paper contributes to the literature on the importance of race and the interaction between individuals of different racial groups in other settings, such as in education (e.g., Dee (2005); Fairlie et al. (2014); Gershenson et al. (2022)) and health (e.g., Alsan et al. (2019)). While these studies show positive implications of interacting with an agent with similar demographics, our study reveals that in the context of indigent-defense, being represented by an attorney of the same race leads to worse outcomes. However, we note that it is also possible that White attorneys are more effective at dealing with judges and prosecutors of the same race.[4]

The results of this paper have important policy implications. Our difference-in-differences estimates suggest that in contrast to other settings, being assigned to a different-race attorney leads to better outcomes. This is particularly relevant to designing defendant-attorney matching mechanisms since our findings indicate that a same-race attorney does not translate to better outcomes.

2 Institutional Background

2.1 The indigent defense system

In 1963, the Supreme Court ruling in *Gideon v. Wainwright* established the constitutional right to counsel in the US. Under the Sixth Amendment, the courts must provide a lawyer for defendants who cannot afford one (i.e. indigent). There are three main models of indigent defense: assigned counsel, contract-based defender, and public defender. In the assigned counsel model (also called court-appointed attorneys), private defense attorneys sign up to

[3]Examples of other papers on legal assistance include Shem-Tov (2022), Iyengar (2007), Cohen (2014), Roach (2014), and Cassidy and Currie (2023).

[4]In order for this mechanism to explain part of our results, it has to affect White and Black defendants differentially.

be considered for indigent defense through a court-maintained list, called the wheel, and they get paid an hourly rate or a flat fee per case, depending on the jurisdiction. The contract-based defender is similar in nature, in the sense that the attorneys are not state employees. The difference is that they sign a contract to represent a predetermined number of cases for a given amount of money. Finally, public defenders are full-time state employees who receive a monthly salary to represent indigent defendants. Based on a survey conducted by the Bureau of Justice Statistics in 2013, the most common state-administered indigent defense model is public defenders (Strong (2016)).

In Texas, the Constitution guarantees that any indigent defendant is entitled to the appointment of counsel in any case that may result in punishment by confinement. Even though it is not required by federal law, Texas guarantees appointment at any stage of a criminal case.[5] Assigned counsel is the most commonly used model in Texas.[6] Less than 20 percent of Texas counties rely on public defenders. In counties where both assigned counsel and public defenders are available, judges choose which type of counsel to assign. Up until the year 2021, Travis County had relied on assigned counsel for both felony and misdemeanor cases. In 2021, they established a public defender's office to assist private attorneys. Hence, our analysis only focuses on court-appointed attorneys. Defense attorneys, conditional on meeting certain requirements, voluntarily sign up to be listed on specific wheels for different offense categories, such as misdemeanor or various degrees of felony offenses.[7]

2.2 Case assignment in Travis County

Once a defendant is arrested, they are interviewed by the pretrial services as soon as possible in order to determine the bond status and acquire indigency information. A defendant

[5] www.sixthamendment.org

[6] It is the default assignment process as per state law unless the court employs an alternative method.

[7] An attorney who wants to be listed on the wheel for the indigent defense should file an application, which will be examined by the review committee. The court-appointed counsel must meet specific criteria, including possessing a valid license to practice law, being a resident of Travis County or adjoining counties, and demonstrating substantial experience in the field of criminal law. The requirements for experience may vary based on the type of panel involved.

automatically qualifies for indigent representation if they receive any government assistance, such as food stamps, Medicaid, Temporary Assistance for Needy Families (TANF), social security assistance, or public housing. Otherwise, they are deemed indigent if their financial situation reveals so compared to federal poverty guidelines (when considering their income, expenditures, number of dependents in the household, etc. ...). For example, a defendant is considered indigent if their net household income does not exceed 125 percent of the Poverty Guidelines provided by the United States Department of Health and Human Services, and the value of their assets does not exceed $2,500, according to the standards and procedures for the appointment of counsel in Texas. A defendant is also presumed to be indigent if they are currently serving a sentence in a correctional facility or a mental health institution.

Once indigency is determined, the defendant is asked whether they are interested in indigent defense counsel. If yes, their application is forwarded to the appointing authority, which reviews their case and appoints counsel. In Travis County, a managed assigned counsel program was established in 2015 to ensure that appointments are impartially allocated among eligible counsel.[8]

Appointments are made using a rotation system (the wheel system) following an alphabetical listing of the names of eligible attorneys. The eligibility of an attorney is determined based on their caseload when a case is filed, crime type, special needs, and language. For example, certain attorneys only qualify to represent misdemeanor cases. Attorneys can also sign up to represent defendants with special needs including (1) mental health-related cases and (2) cases where the defendant is non-English speaking. Thus, conditional on the filing date, crime type, and whether it is a mental health-related case or a Spanish-speaking defendant, attorney assignment is as-good-as-random.

Importantly, there are only two characteristics of cases that are used to assign attorneys to cases which we do not directly observe. The first is whether the individual only speaks Spanish. To address that potential issue, we include only White and Black defendants in

[8]Before 2015, judges were responsible for assigning counsel using the wheel system.

the sample. This excludes the sample of Hispanic defendants who might be nonrandomly assigned to attorneys. The second is whether it is a mental health-related case. To address this, we condition on the court as a proxy for whether it is a mental health-related case. While cases are randomly assigned to courtrooms in Travis County, only a handful of courts specialize in mental health as well. Hence, by controlling for month-by-year-by-court fixed effects, attorney assignments should be as-good-as-random.[9]

Resolving a given case involves other agents besides the attorney, including judges and prosecutors. For misdemeanor charges specifically, most of the cases get resolved before going to trial (for example, in our sample, only 6% of the cases proceed to trial), through negotiations between the attorneys and prosecutors. During the negotiations, the case can either be dismissed or the defendant enters into a plea deal. Otherwise, the case goes to court. Hence, prosecutors play an important role in determining case outcomes. Through conversations with the county, we learned that each court has a team of prosecutors who regularly work together within the court, but it is unclear whether prosecutors are also randomly assigned to cases or not, and we have no information about prosecutors in the data. However, even if prosecutors choose what cases to work on, it is unlikely that they choose cases based on both the race of the defendant and the attorney. We further discuss the role of the prosecutors in section 6.

3 Data

We use administrative data from the county clerk's office in Travis County, Texas, which is the fifth most populous county in Texas that includes Austin, the capital of Texas. Our data consist of all misdemeanor charges that were filed between 2013 and 2022. In addition, we obtained attorney assignment data (i.e. the wheel data) from the Travis County Criminal Court Administrator's Office that allow us to observe attorney assignment per case.

[9]For example, county court #9 supervises the Mental Health Docket, and county court #8 supervises the Special Reduction Docket. See: `https://www.traviscountytx.gov/courts/criminal/county`

Between 2013 and 2022, 132,337 misdemeanor charges (129,679 unique cases) were filed in Travis County, out of which 40 percent were assigned a court-appointed attorney, according to the wheel data. The court records allow us to observe the charge description (for example, theft, assault, etc. ...), defendant information, including race as recorded by law enforcement, filing date, the court that handled the case, disposition (whether the charge was dismissed or not), and sentencing information.

The wheel data allow us to observe case assignments, in addition to the state bar ID and the full name of each attorney. However, neither the county nor the State Bar of Texas records the race of the attorneys. Thus, we manually searched for the 400 attorneys in our sample online, through the State Bar website or other platforms (such as law firm websites, LinkedIn, etc. ...) and used their images and their last names (for Hispanic attorneys) to identify their race. Using this methodology, we created a dataset that shows the name and state bar ID of each attorney, in addition to their race as shown online. We were able to identify the race of 88 percent (352) of the attorneys in our sample. Importantly, conditional on observing attorney race, 8 percent of the attorneys in our sample are Black.[10]

In Table A1, we compare the characteristics of the cases for which the attorney's race is observed to the cases where the attorney's race is missing. The most significant differences between these two samples are the attorneys' characteristics. Attorneys with observed race have less years of experience and have graduated from lower-ranking schools. For instance, on average, the "in sample" attorneys (Column (1)) have 19 years of experience, while those with missing race (Column (2)) have 30 years of experience. This is because younger, less experienced attorneys are more likely to have an online presence (personal websites, company website, etc. ...).

For the majority of the charges, we observe one assigned attorney from the filing date until the case disposition date (91 percent). In some instances, however, we observe more than one attorney (8 percent have two assigned attorneys, and 1 percent have more than

[10]For reference, only 5% of attorneys are Black nationwide, according to a survey run by the American Bar Association.

two). Based on conversations with the county, attorneys can be replaced, though very rarely, in cases such as an attorney-client conflict or an attorney leaving the practice. In our main analysis, we consider the first attorney who should be quasi-randomly assigned by the wheel. For robustness, we show that the results are not sensitive to dropping cases where we observe multiple attorneys. Moreover, prior to 2015, judges had the authority to overturn the wheel decision and non-randomly assign an attorney of their choice to cases. The wheel data allow us to observe whether an attorney on a given case was assigned by the wheel or the judge. To avoid selection bias, we drop the cases where the attorney is assigned by the judge, which consist of 11 percent of our sample. In section 10, we show how the sample size is affected by every data restriction. After dropping cases where the attorney was non-randomly assigned, we have 46,682 charges remaining in the sample.

While the court data show the defendant race, they do not distinguish between non-Hispanic and Hispanic White defendants.[11] Thus, in addition to the court-reported defendant race, we use the R-package *predictrace* in order to identify Hispanic defendants using their last names. [12] We identify and drop Hispanic defendants (40 percent) and defendants of other races (1 percent), which leaves us with 28,092 charges. In our main results, we use the most likely race predicted by the package, which is based on the race with the highest probability of being true. For robustness, we report the results using different thresholds to identify a defendant as Hispanic. To do this, we rely on the probability that a given surname is Hispanic as predicted by the algorithm, and we identify a defendant as Hispanic if the likelihood that their surname is Hispanic is greater than or equal to "X", where X $\in$ [0.5,0.9]. We also show that the results are robust to using different packages to predict race, as we discuss extensively in section 5.

Finally, in order to test for a different-race effect, we need to observe both the race of the

[11] According to conversations with the county, the observed race is recorded by law enforcement at the time of arrest who do not ask the arrestee to report their own race.

[12] This package predicts the most common race of a last name using U.S. Census Surname Table data. It calculates the proportion of all people with a given surname that belong to each race and determines the most likely race based on the highest probability.

attorney and the race of the defendant for each charge. Hence, we drop the charges for which the attorney race is missing. Because we cannot look at Hispanic defendants, we also exclude Hispanic attorneys from the sample to simplify both the analysis and interpretation.[13] This leaves us with 17,451 misdemeanor charges for the difference-in-differences analysis. In total, Black attorneys handle 5 percent of the cases in our sample.[14]

We report the summary statistics for our main sample in Table 1. As shown in Column (1), the most common type of misdemeanor charge is driving while intoxicated (20 percent of the sample). The remaining are drug-related (13 percent), invalid license (9 percent), domestic violence (9 percent), property (8 percent), assault (3 percent), weapon (2 percent), or other misdemeanor charges (37 percent). Other misdemeanor charges include less common types of crimes, such as criminal trespass, evading arrest/detention, obstruction of highway, and violating protective orders. Only 24 percent of the defendants are female, 32 percent are Black, and the average age of a defendant is 34. An average defendant has 1 previous charge, which indicates that many defendants in our sample are repeat offenders.

As for outcome variables, we focus on case dismissal [15] as a measure of case disposition, in addition to sentencing outcomes. As shown in Column (1), the average rate of dismissal for the entire sample is 49 percent. The dismissal rate is higher for Black defendants relative to White defendants (53 percent vs 46 percent). Next, we consider whether the defendant was sentenced to jail or probation. Twenty-nine percent of the defendants are sentenced to jail, while 14 percent receive a probation sentence.[16] The average jail sentence is 13 days long, while the average probation sentence length is 41. Although Black defendants are more likely to have their cases dismissed, they are more likely to be sentenced to jail (33 percent versus 28 percent) for a longer average duration (14 days versus 12 days). Black defendants are less likely to receive a probation sentence (9 percent versus 17 percent), and the average

[13]For example, it is not clear whether we should treat Hispanic attorneys as though they are the same as Black attorneys (i.e. they are in the same group as Black attorneys) or as though they are the same as White attorneys.

[14]Figure A1 shows the total number of charges by attorney-defendant race.

[15]Case dismissal includes both charges that are dropped and those resulting in acquittal.

[16]Probation includes deferred adjudication and community supervision.

term is shorter (27 days versus 48 days) relative to White defendants.

The most notable difference between Black and White defendants is the charge type. As can be seen from Columns (2) and (3), White defendants are more likely to be charged with DWIs (25 percent versus 9 percent) and domestic violence (9.5 percent versus 7.5 percent) relative to Black defendants. On average, Black defendants are slightly more likely to be charged with drug offenses (15 percent versus 12 percent), invalid license (11 percent versus 8 percent), assaults (3.5 percent versus 2.6 percent), weapon (2.1 percent versus 1.5 percent), and other misdemeanors charges (44 percent versus 33 percent).

In addition, we supplement the data described above with attorney information from the State Bar of Texas, where we obtain each attorney's graduation date, licensing date, and the name of the law school they graduated from. In addition, we link these data with law school rankings from the U.S. News website. Panel B in Table 1 shows that on average, a given attorney has 17 years of experience, graduated from a school that ranks in the 70s, and represents two cases per month. Black and White attorneys are similar in terms of average law school rankings (72 versus 73) and monthly caseload, which is two cases. White attorneys, on average, have slightly more years of experience (17 years versus 15 years).

4 Empirical Strategy

The main challenge in testing whether defense attorneys secure better case outcomes for same-race defendants is the non-random selection of cases across attorneys. However, the wheel system in Travis County allows us to isolate as-good-as-random variation in case assignment. As discussed in section 2, conditional on month-by-year-by-court fixed effects, attorney assignment to cases is quasi-random. In order to estimate a different-race effect, we use a difference-in-differences approach, where we compare case outcomes for Black and White defendants across Black and White attorneys.

Intuitively, we begin by comparing case outcomes (e.g., dismissal rate) across Black

and White defendants for White attorneys. Using our sample data, we show that White attorneys are more likely to earn a dismissal for Black defendants than for White defendants. Specifically, Column (1) in Table 2 shows that White attorneys are almost 7 percentage points more likely to earn a dismissal for Black defendants. While this could be due to the race of the attorney and defendant, it could also represent the difference in the underlying levels of "dismissibility" across defendants. For instance, Black defendants may be more likely to face unfounded charges that are more easily dismissible in court.

To distinguish between these two potential interpretations, we compare this difference to the difference in dismissal rates across Black and White defendants for Black attorneys. In the absence of a "different-race effect", the expected difference in dismissal rates across Black and White defendants should be similar across Black and White attorneys. However, as Column (2) shows, the difference in the dismissal rates across White and Black defendants for Black attorneys is less than 1 percentage point. Since cases are quasi-randomly assigned to attorneys, and since the difference in dismissal rates across Black and White defendants varies by attorney race, then the interaction between the attorney race and the defendant race matters for case outcomes. Using the raw data, column (3) shows that having a different-race attorney increases the likelihood of a case dismissal by almost 8 percentage points.

We formally estimate the impact of having a different-race attorney using the following equation:

$$\begin{aligned} Y_c =& \alpha_0 + \alpha_1 \cdot WhiteAttorney_c + \alpha_2 \cdot BlackDefendant_c + \\ & \alpha_3 \cdot WhiteAttorney \cdot BlackDefendant_c + MonthYearCourt_c + X_c + u_c, \end{aligned} \tag{1}$$

where Y_c is the outcome of interest, $WhiteAttorney_c$ is an indicator variable that takes the value 1 if the attorney is White, $BlackDefendant_c$ is an indicator variable equals 1 if the defendant is Black, and $WhiteAttorney * BlackDefendant_c$ is an indicator variable that takes the value 1 if the attorney is White and the defendant is Black, and zero otherwise. In order to achieve quasi-random assignment, our baseline specification includes month-by-

year-by-court fixed effects ($MonthYearCourt_c$). The main coefficient of interest is α_3, which represents the effect of having a different-race attorney on the probability of a case dismissal and on sentencing outcomes. Finally, X_c is a vector of charge level characteristics, including dummy variables for crime type, day of the week, defendant age, sex, and the number of previous charges.

In all regressions, standard errors are two-way clustered at the attorney and defendant level to account for correlations within cases that are handled by the same attorney and correlations within cases for the same defendant, respectively. Note that the analysis data are at the charge level. Since a single case can include multiple charges that are handled by the same attorney, we assign a probability weight for each observation, which is equal to the inverse of the number of charges per case. Nonetheless, in our sample, 98 percent of the cases have one charge only.

A non-zero interaction term between White attorney and Black defendant (α_3) could arise for at least two reasons. For instance, it could be due to attorneys treating defendants differently based on their race. However, it could also arise due to differences in attorney skills across Black and White attorneys that could lead to a positive different-race effect if the tails in the dismissal distribution are different across Black and White defendants. According to Anwar and Fang (2006), if the rank ordering of attorneys by dismissal rate is independent of the defendants' race, then that suggests that there is no differential treatment based on defendant race. We take several steps to better understand this.

First, we look at α_1, which is the coefficient on attorney race. If the coefficient is small in magnitude and insignificant, that would indicate that White and Black attorneys are operating at the same point in the risk distribution, and the differences arising across different-race defendants are due to differential treatment rather than differences in skills.

Second, if the estimate on attorney race is not zero, we turn to comparing the coefficient estimate for Black defendant to the coefficient estimate on the interaction. According to Anwar and Fang (2006)'s rank test for discrimination, if the interaction term leads to a

reversal in the race rank of defendants across Black and White attorneys, i.e., if the coefficient for Black defendant is opposite in sign and larger relative to the interaction term, then we would reject the null hypothesis that the rank order over dismissal rates is independent of the race of the defendant. That would suggest that White (or Black) attorneys are treating defendants differentially based on their race.

4.1 Balance tests

The identifying assumption behind this approach is that, conditional on month-by-year-by-court fixed effects, the race of the attorney is as good as random. In the absence of a different-race effect, differences in dismissal rates and sentencing outcomes for Black and White defendants should be the same for Black attorneys and White attorneys. This assumption relies on the quasi-random assignment of court-appointed attorneys to cases. We begin by providing empirical evidence to support the validity of this assumption using several methods.

First, we estimate the F-statistic to examine whether defendant characteristics and/or case characteristics jointly predict the attorney's race. Specifically, we regress attorney race on observed defendant characteristics, including the defendant's age, race, sex, and the number of previous charges as a measure of their criminal history. We then regress the attorney's race on a set of case characteristics, including several dummy variables for crime type. In both regressions, we control for month-by-year-by-court fixed effects, which is the minimum set of controls required to achieve quasi-random assignment. We report the results in Table 3. As shown in Column (1), none of the coefficients for defendant characteristics are statistically significant, and the p-value of the joint F-test is 0.65, indicating that defendant characteristics do not jointly predict the attorney's race. Similarly, Column (2) shows that case characteristics are not correlated with the attorney's race and that they cannot jointly predict it either (the p-value of the F-test is 0.68).

In Column (3), we show that defendant characteristics and case characteristics together

cannot jointly predict the attorney's race, with the p-value of the F-test equal to 0.89. Since cases are quasi-randomly assigned to attorneys, we also expect to see no systematic correlation between a defendant's race and attorney characteristics. To show that, we regress the defendant's race on a set of attorney characteristics, including attorney race, years of experience, law school ranking, an indicator for missing ranking, and the attorney's caseload, as measured by the number of cases in a given month. Again, Column (4) of Table 3 shows that none of the coefficients are statistically significant and attorney characteristics cannot jointly predict the defendant's race (p-value of the F-test is 0.96).

Second, we regress attorney characteristics individually on defendant race, in addition to the interaction term of attorney race and defendant race, controlling for attorney race and month-by-year-by-court fixed effects. This means that we estimated Equation 1 separately for each attorney characteristic to show that attorney characteristics are not correlated with the defendant's race, nor are they systematically different across specific defendant-attorney racial combinations. As Table B1 shows, none of the attorney characteristics are correlated with the defendant's race nor the interaction term of attorney-defendant race.

Finally, we estimate the same regression (Equation 1) separately for each defendant and case characteristic to show that none of them are correlated with attorney race, or are systematically different across specific racial combinations of attorneys and defendants. Table B2 provides more supporting evidence of the quasi-random assignment of cases, whereby none of the coefficient estimates for attorney race and the defendant race interacted with the attorney's race are statistically significant at conventional levels. Naturally, as one would expect, some of the case characteristics are correlated with the defendant's race. For instance, Column (4) shows that Black defendants have more previous charges relative to White defendants.

The results in Table 3, Table B1, and Table B2 combined provide empirical evidence supporting the assumption that the cases were quasi-randomly assigned to attorneys. In the next section, we turn to estimating the effect of having a different-race attorney on case

outcomes.

5 Results

5.1 Different-race effect

5.1.1 Case outcomes

We formally estimate the effect of a different-race attorney on case dismissal using Equation 1, and we report the results in Table 4. In Column (1), we represent the difference-in-differences estimates using our baseline specification, which only controls for month-by-year-by-court fixed effects. In Column (2), we control for a set of case characteristics, including dummy variables for charge type, day of the week, and defendant characteristics, including age, sex, and number of previous charges. In Column (3), we additionally include attorney fixed effects. Results in Column (1) show that on average, White attorneys are 0.4 percentage points more likely to earn a dismissal on a given case relative to Black attorneys, even though the estimate is not statistically significant at conventional levels.

In addition, Column (1) shows that Black defendants are 0.4 percentage points less likely to have their cases dismissed relative to White defendants. The coefficient is economically small and statistically insignificant at conventional levels. However, once we control for case characteristics in Column (2), the results show that Black defendants are almost 5 percentage points less likely to have their cases dismissed relative to White defendants. Relative to the control mean of 0.48, this indicates that Black defendants' cases are 10 percent less likely to be dismissed relative to White defendants' cases. Unlike the attorney assignment, we expect defendant race to be correlated with case attributes, so it is not surprising that the estimate on defendant race changes when we control for case characteristics. The results remain consistent when we control for attorney fixed effects in Column (3).

However, when a defendant is assigned to a different-race attorney, the likelihood of a

case dismissal increases by 7.4 percentage points (Column (1)), and the increase is statistically significant at the 1 percent level. That is, relative to the outcome mean of 0.48, an attorney is 15 percent more likely to earn a dismissal when they are representing a different-race defendant. These results are robust to controlling for case characteristics (Column (2)) and attorney fixed effects (Column (3)). Specifically, Column (3) shows that having a different-race attorney increases the likelihood of a case dismissal by 6.6 percentage points (14 percent relative to the outcome mean), and the estimate is significant at the 1 percent level.

We ask whether the different-race effects are due to attorneys operating, on the margin, in different parts of the dismissal distribution. As discussed in section 4, this would lead to a positive interaction term if the tails in the dismissal distribution differ by defendant race. For instance, if White attorneys always obtain more dismissals than Black attorneys, this could lead to a positive different-race effect if the tails in the dismissal distribution are different for Black versus White defendants. However, in section 5, we show two sets of results that help us rule out this explanation. First, Column (1) in Table 4 shows that the coefficient estimate on attorney race is much smaller relative to the interaction term estimate and statistically insignificant. This is consistent with White and Black attorneys operating at the same point in the risk distribution.

Second, we show that the coefficient for Black defendant is opposite in sign relative to the interaction term (Table 4). This, in addition to the coefficient estimate for the interaction term, indicates that according to Anwar and Fang (2006)'s rank test for discrimination, we reject the null hypothesis that the rank order over dismissal rates is independent of the race of the defendant. Hence, our results provide supporting evidence that the different-race effects are not due to distributional differences across Black and White defendants' cases handled by attorneys of different races.

These difference-in-differences estimates suggest that a defendant faces more favorable outcomes when represented by an attorney of a different race since that increases the like-

lihood that their case gets dismissed. There are several possible explanations for these different-race effects, which we will discuss extensively in section 6. However, the different-race effect could be driven by other factors that are correlated with defendant race but are not race itself. For instance, perhaps White attorneys are better at representing crimes that are more likely to be committed by Black defendants, such as drug-related crimes. To examine that, we control for interaction terms of attorney race with all case characteristics, including crime type, day of the week, defendant sex, age, and criminal history. Results are shown in Column (4) of Table 4. Estimates are very similar to those in Columns (1)-(3). For instance, we estimate a different-race effect of 7.7 percentage points (16 percent). Additionally, we examine whether the estimates are driven by other attorney characteristics that could be related to attorney race, including attorney quality and monthly caseload. We do so by adding interaction terms of years of experience and law school ranking, as proxies for attorney quality, with defendant race. We also control for an attorney's monthly caseload interacted with defendant race. Column (5) shows that the results remain unchanged. To the extent that case characteristics are good proxies for case type, and to the extent that attorney characteristics, such as their years of experience and law school ranking, are good proxies of attorney quality, these results provide supportive evidence that the effects are not driven by non-race attorney or defendant characteristics.

Next, we examine whether having a different-race attorney affects sentencing outcomes. We estimate the impact on the likelihood of receiving a jail sentence or a probation sentence (Table 5) in addition to the impact on the sentence length (Table 6). For defendants who are not sentenced to jail or probation, the length of each sentence is set to zero. In both tables, we begin by estimating our baseline model, where we only control for month-by-year-by-court fixed effects. We then control for case characteristics (Column (2)), attorney fixed effects (Column (3)), interaction terms of attorney race with case characteristics (Column (4)), and defendant race interacted with attorney characteristics (Column (5)). We show that the likelihood of receiving a jail sentence or a probation sentence does not vary by

attorney race (Columns (1) and (2) of Table 5). Similar to the estimates for case dismissal, this is consistent with White and Black attorneys operating at the same point in the risk distribution. However, on average, Black defendants are 13 percentage points more likely to receive a jail sentence (Column (1), Table 5). This is true even after controlling for case characteristics and interaction terms (Column (2)-(5)). For instance, Column (5) shows that relative to the control mean of 0.29, on average, Black defendants are 29 percent more likely to receive a jail sentence.

Turning to the different-race effects, Column (1) of panel A shows that having a different-race attorney causes an 8 percentage points decrease in the likelihood of being sentenced to jail, which is statistically significant at the 5 percent level. This estimate is robust to controlling for case characteristics and attorney fixed effects (Columns (2) and (3)). However, the magnitude of the coefficient decreases once we control for attorney race interacted with case characteristics (Column (4)), and it becomes statistically insignificant when we additionally control for interaction terms of defendant race with attorney characteristics (Column (5)). In an additional analysis presented in Table B3, we add the interaction terms between attorney race and case characteristics one by one to the specification in Column (3) to show, on the margin, which one causes the 26% reduction in the coefficient when moving to (4). The results indicate that the reduction appears to be primarily driven by the inclusion of attorney race interacted with case filing month-year.[17] In contrast, having a different-race attorney does not impact the likelihood of receiving a probation sentence, as shown in panel B. As for sentence lengths in Table 6, we show that there are no statistically significant differences in sentence lengths (both jail and probation) across White and Black attorneys. On average, Black defendants face jail sentences that are three days longer (panel A), but probation terms that are 18 days shorter (panel B) compared to White defendants when estimating our baseline specification. However, we find no statistically significant impact of

[17]If White attorneys are more effective in terms of jail outcomes in certain periods, and if those periods coincide with times when there are more Black defendants, our main coefficient may partially capture this time-varying heterogeneity, though it does not seem to explain the different-race effects for case dismissals.

having a different-race attorney on jail or probation sentence length.

Finally, we investigate the effect of having a different-race attorney on the likelihood of going to trial. Representation by a different-race attorney may affect case outcomes if attorneys exhibit differential strategies in the plea bargaining process based on defendant race. While our data do not directly indicate whether a case disposition resulted from plea negotiations, we observe whether a case went to trial. This serves as a proxy for determining whether a defendant accepted a plea deal. Using our main equation (Equation 1), we estimate the effect of a different-race attorney on the likelihood of going to trial. The results are in Table 7, where the outcome variable is a binary indicator of whether a case proceeded to trial. We find no evidence that being represented by an attorney of a different race affects the likelihood of a case proceeding to trial. To the extent that proceeding to trial is a good proxy for not accepting a plea deal, the results indicate that having a different-race attorney does not significantly affect the likelihood of entering a plea deal.

In section 10, we report the effect of having a different-race attorney for Hispanic defendants by comparing case outcomes when they are represented by Hispanic attorneys versus non-Hispanic White attorneys. Opposite to the patterns we observe for White and Black defendants, Table C4 shows that having a different-race attorney negatively impacts the likelihood of a case dismissal for Hispanic defendants. For example, Column (5) shows that having a different-race attorney decreases the likelihood of a case dismissal by 4 percentage points (8 percent relative to the control mean). As for sentencing outcomes, Table C5 shows that having a different-race attorney increases the likelihood of receiving a probation sentence (panel B). However, these results should be interpreted with caution as Hispanic defendants are sometimes non-randomly assigned to attorneys (Table C1). As mentioned in section 3, Hispanic defendants often request a Spanish speaking attorney. Hence, without conditioning on language requests, Hispanic defendants are more likely to be assigned to Hispanic attorneys, and due to selection bias, it is difficult to interpret the results as causal.

5.1.2 Robustness

As mentioned earlier, the voucher data show that 9 percent of the charges are assigned to more than one attorney. Based on conversations with the county, this can be due to reasons such as an attorney-client conflict or an attorney leaving the practice of defense. Thus far, we have focused on the first attorney assigned to a given charge, as identified by the assignment date. As a robustness check, we drop the sample of charges that had more than one attorney and estimate the difference-in-differences model using the cases that had one court-appointed attorney from the filing date until the disposition date.

We report the results in Table B4. Column (1) shows the different-race effect for dismissal rates. As can be seen, the results are similar to what we show in Table 4. Specifically, we estimate a different-race effect of 5 percentage points on the probability of earning a dismissal, which is statistically significant at the 5 percent level. Compared to the outcome mean, assigning a different-race attorney increases the likelihood of dismissing a case by 10 percent. This suggests that our main estimates are not driven by a subset of charges where the main attorney, for which quasi-random assignment holds, was replaced.

Column (2) shows that a different-race attorney decreases the likelihood of receiving a jail sentence by 5.6 percentage points (19 percent). However, the estimate is not statistically significant at conventional levels. That being said, this is possibly due to a loss in precision when restricting the sample to cases with only one attorney. Compared to the outcome mean, the lower confidence interval is 43 percent, which means that we cannot reject meaningful decreases in the likelihood of receiving a jail sentence. As for receiving a probation sentence, the results remain unchanged in Column (3).

Next, we report the results by using data at the case level, rather than the charge level. To do so, we define dismissal as the fraction of dismissed charges in a given case. Table B5 shows that the results are unchanged. This is unsurprising since 98% of the cases in the sample have only one misdemeanor charge.

As mentioned in the section 3, we identify Hispanic defendants using the R package

"predictrace" and exclude them from the analysis. In Figure B2 and Table B6, we show that our results are robust to using different thresholds for identifying Hispanic defendants and to using an alternative race prediction package, respectively.

We then assess the degree to which our difference-in-differences estimates are sensitive to any individual Black attorney. Figure B3 shows the coefficient estimates that result from randomly dropping one Black attorney at a time, along with the 95 percent confidence interval. As shown in the figure, the main coefficient of interest, which represents the different-race effect on the probability of a case dismissal, remains unchanged regardless of which attorney we drop.

Finally, we control for month-by-year-by-court fixed effects interacted with defendant race. It is possible that Black defendants have higher dismissal rates than White defendants in special courts, such as mental health courts, regardless of their assigned attorney. If this were the case and White attorneys were more likely than Black attorneys to work in mental health courts, our results could in part reflect the differential effect of court-by-defendant race interactions. To address this concern, we incorporate month-by-year-by-court-by-defendant's race fixed effects, and the results remain consistent, as shown in Table B7.

In summary, our results contradict findings from other research. Contrary to agents such as police officers (e.g., Hoekstra and Sloan (2022)) or juries (e.g., Anwar et al. (2012)), we find that different-race attorneys secure better outcomes for their defendants. In section 6, we present an extensive discussion of the possible mechanisms behind these effects.

5.1.3 Individual attorney effects

So far, we have shown that on average, attorneys are more likely to earn favorable outcomes for different-race defendants. What is not clear though is whether these effects are driven by the entire sample of attorneys or just a handful of attorneys in the tails. In order to address this question, we estimate attorney (shrunken) fixed effects and plot the distributions for both Black and White attorneys. We estimate the attorney effects separately by defendant

race to account for differences across racial groups. Specifically, we estimate the following regression:

$$Y_{ict} = \alpha_0 + \gamma_i + X_c + MonthYearCourt_t + u_{ict}, \tag{2}$$

where X_c is a vector of case characteristics, including dummy variables for charge description (property, drug, DWI, invalid license, domestic violence, weapon, assault, and other misdemeanor), defendant characteristics other than race, including defendant sex, age, and number of previous arrests, in addition to the filing date day of the week. γ_i represent the attorney fixed effects.

To account for sampling error that arises due to the fact that attorneys represent a different number of defendants throughout the sample period, we apply an empirical Bayes shrinkage procedure (Morris (1983)) by adjusting the estimated fixed effects according to the following equation:

$$AE_i = \delta_i \gamma_i, \tag{3}$$

where $\delta_i = \sigma_u^2/(\sigma_u^2 + \sigma_e^2/n_i)$, representing the "shrinkage" factor. σ_u^2 represents the between-attorney variance in dismissal and σ_e^2 is the within-attorney variance in dismissal. Finally, we graph the shrunken attorney fixed effects using a kernel density plot for Black and White attorneys by defendant race (Figure 1).

Comparing the distributions by defendant race, panel (a) in Figure 1 shows that, conditional on the defendant being White, an average Black attorney is similar to an average White attorney, but there are more White attorneys in both tails than there are Black. However, when we compare the distributions conditional on the defendant being Black (panel (b)), the figure shows that the distribution of White attorney effectiveness is shifted to the right relative to that of Black attorneys. This indicates that when handling Black defendant

cases, White attorneys are generally better, i.e., they are more likely to earn a dismissal for a Black defendant relative to Black attorneys. These results suggest that the different-race effects are driven by White attorneys being more effective at representing Black defendants relative to Black attorneys. Since the entire distribution of White attorney fixed effects shifts to the right, it indicates that our difference-in-differences results in Table 4 are driven by the entire distribution of White attorneys, rather than just a handful of them. For robustness, we report the attorney fixed effects without adjusting for sampling error in Figure B1, and the figures show pretty similar patterns compared to Figure 1.

5.1.4 Heterogeneous effects

First, we estimate the different-race effect by crime type. Previous research argues that the evidence for some crime types, such as assault, is more scarce, leaving more room for discretion (e.g., Spohn and Holleran (2001)). Thus, one might expect that the results are driven by the types of crimes for which this is true.

We use the charge description to classify crimes into five main categories: drug-related, violent, property, traffic-related, and other crimes. [18] For each crime category, we estimate the difference-in-differences model separately using Equation 1, and we report the results in Table B8. In all regressions, we control for month-by-year-by-court fixed effects and case characteristics, and we two-way cluster the standard errors at the attorney and defendant level.

As the table shows, we estimate a statistically insignificant effect of a different-race attorney on our outcomes of interest across all crime types, except for the category of other misdemeanor charges in Column (5). That being said, conditioning on crime type leads to

[18] Drug-related includes charges such as possession of marijuana or possession of a controlled substance. Violent charges include assaults, domestic violence, and weapon-related offenses. Property crimes include thefts of any kind (property, service, organized retail theft, etc. ...), attempted thefts, and burglaries. Traffic-related crimes include driving without a valid license, driving while intoxicated, and speeding. Finally, other crimes include less common offenses such as failure to appear in court, criminal mischief, criminal trespass, evading arrest/detention, obstructing highway passageway, resisting arrest or search, violating bond or protective order, etc. ...

a substantial decrease in the sample size and statistical power, which leads our estimates to be highly imprecise. For example, looking at property-related crimes in Column (3), the estimate in panel A shows that there is a 14 percentage points increase in the likelihood of earning a dismissal as a result of a different-race attorney, but the estimate is highly imprecise. In particular, relative to the control mean, we cannot reject increases that are less than 80 percent.[19] This provides evidence that the results are likely driven by property-related charges and other misdemeanor charges.

We look into the specific charges under "other misdemeanors". These may include cases such as violations of protective orders or failures to appear in court, which, by construction, involve defendants who have already been in contact with the court and for whom we would expect little to no scope for attorneys to change the outcome of the case. We find that 23% of the "other misdemeanor" charges are related to a criminal trespass. The next most common category is obstruction of highway passage (10%), followed by resisting arrest (9%) and failure to appear/bail jumping (8%). Violation of protective orders is about 5%. We also estimate the effect on case outcomes for "other misdemeanors" excluding violations of protective order charges and failures to appear in court. As expected, we find that the point estimate remains largely unaffected when we exclude such charges in Table B9, though with some loss of precision. In addition, the effect of having a different-race attorney on dismissal is negative and statistically insignificant for failure to appear in court and violation of protective order charges.

Second, we estimate the different-race effect by year. In our paper, we find that different-race attorneys earn more dismissals and fewer jail sentences for their defendants, which means that having a different-race attorney leads to *more favorable* outcomes for the defendants. In order to better understand the drivers of these results, we estimate the effect of a different-race attorney over time to examine whether they coincide with any related temporal factors. We estimate Equation 1 separately for three periods: 2013-2015, 2016-2018, and 2019-2022,

[19]The upper 95 percent confidence interval is an increase of nearly 80 percent relative to the control mean of 0.466.

and we report the estimates in Table 8. As shown in the table, having a different-race attorney had a positive and significant effect on the likelihood of a case dismissal in 2013-2015, which completely disappears between 2016-2018. However, after 2018, having a different-race attorney increases the likelihood of a case dismissal by 13 percentage points, even though the estimate is imprecise. This is not surprising, given that the 2019-2022 period includes COVID and the post-COVID period, which witnessed a decrease in the number of cases relative to the previous periods, whereby slightly less than 5000 cases were filed in a four-year period (2019-2022) relative to almost 6000-7000 in a three-year period (2013-2015 and 2016-2018).

When we estimate the effect of a different-race attorney for each year separately (Figure B4a), we observe larger but more imprecise estimates in the years after 2018, which is in line with what we report in Table 8. As shown in the figure, the main estimates are driven by more recent years. For example, the difference-in-differences estimate was about 25 percentage points in the year 2019, which is highly statistically significant. The estimate remains positive after that, even though it becomes imprecise. One possible explanation for why the results are driven by later years is the heightened concerns over racial discrimination in the US, especially within the criminal justice system. Recent events, such as Michael Brown's killing by the police in 2014, have increased national concerns of racial injustice, which could have led agents, White attorneys in this case, to behave differently towards their Black defendants. Additionally, while descriptive, the observed spike in the point estimate for cases filed in 2019 may be partially attributable to the racial justice movement following George Floyd's death in May 2020, given that the average time until disposition in our sample is 368 days.

Another explanation may be an underlying compositional change in the sample of indigent defense attorneys over time. This may drive the results if, for instance, new White (or Black) attorneys who are different in underlying characteristics relative to pre-2019 attorneys, signed up for indigent defense on or after 2019. To test for a compositional change, we

estimate the results over time, this time by focusing on attorneys that were active pre-2019 only. This excludes 12 attorneys who appeared as indigent defense attorneys after 2019 (only one of them was a Black attorney). However, the results in Figure B4b are almost identical to Figure B4a, suggesting that the new attorneys that joined after 2019 cannot be driving the positive different-race effects during that period.

Hence, we have shown that our main results are driven by less common crime types, such as criminal trespassing and evading an arrest, and possibly by property-related crimes. In addition, they are driven by more recent years, possibly due to nationwide political changes.

6 Mechanisms

In the previous section, we show that contrary to other agents in the criminal justice system, attorneys achieve better outcomes for their different-race defendants. This is primarily driven by White attorneys being more effective in terms of securing dismissals for their Black defendants. In this section, we provide an extensive discussion of the possible mechanisms behind these estimates. A case outcome depends on several factors, such as the amount of evidence presented, procedural errors, rights violations, witnesses, and testimonies, all of which can be influenced by both prosecutors and defense attorneys. For instance, an attorney can challenge the reliability of the prosecution's testimonial evidence as a defense strategy. On the other hand, prosecutors and law enforcement control the evidence presented in a given case.

One possible explanation for the different-race effect is that White attorneys are more skilled at defending the types of crimes that are more likely to be committed by Black defendants relative to Black attorneys. However, as we have discussed in section 5, the results are robust to controlling for interaction terms of attorney race and case characteristics (Column (4) of Table 4), and they are robust to controlling for interaction terms of defendant race and attorney characteristics, including years of experience and law school ranking (Column

(5) of Table 4). To the extent that case characteristics are good proxies for case type, and to the extent that attorney characteristics are good proxies for attorney quality, these results suggest that the differences in cases across Black and White defendants and any potential differences in skills across Black and White attorneys cannot explain the different-race effect.

Another possible explanation is racial discrimination in legal representation by attorneys *against* members of the same group. Conversely, this also implies favoritism towards defendants of a different race. While empirical evidence shows that more often than not, individuals exhibit racial discrimination against individuals of a different group, the opposite can sometimes be true, such as in the context of juvenile judges (Depew et al. (2017)). This can be due to treating in-group individuals more harshly when they violate social norms.

While we cannot directly test for racial discrimination, it may be evident in the level of attorney effort on a given case. If an attorney is discriminatory against one race over the other, they might differentially allocate their time and effort depending on the defendant's race. We use three measures as proxies for attorney effort: case length, motion submission, and compensation amount. The payment structure incentivizes attorneys to dispose of cases swiftly to get assigned more cases and earn more (e.g., Anderson and Heaton (2012)). Thus, an increase in the number of days until disposition may signal an increase in attorney efforts (Agan et al. (2021)). Another indicator of attorney effort is whether attorneys submit motions on behalf of their clients. These motions filed to courts from the defense can include but are not limited to, motions for a new trial, motions to have the defendant examined by a psychiatrist, or motions to quash. Finally, the level of effort invested could also be reflected in the amount of money an attorney receives for each case. While attorneys receive a flat fee per case, they receive additional payments for other actions they take (for instance, appealing, trial, jail visit, etc..). While we do not observe the specific actions taken by each attorney, we do observe the total payment amount they receive for each case, which we use as a third proxy for attorney effort.

We estimate the different-race effect on attorney effort using the three measures; days

until disposition, motion submission, and attorney compensation per case using Equation 1, and we report the results in Table B10. We find that having a different-race attorney does not have a significant impact on any of these effort measures. Specifically, Column (1) shows that a different-race attorney has economically small and statistically insignificant effects on case duration.[20] Similarly, we estimate the effect of having a different-race attorney on the likelihood of motion submission and the compensation amount the attorney receives per case in Columns (2) and (3). Again, the estimated coefficients are small compared to the outcome means and statistically insignificant using our most preferred specification. Thus, to the extent that these measures are good proxies for attorney effort, the results in Table B10 suggest that the different-race effect cannot be explained by attorneys exerting more effort when the defendant is of a different race.

However, we cannot entirely rule out that the results are driven by White attorneys "favoring" Black defendants for two reasons. First, anecdotally, some White attorneys adjust their behavior to counteract potential biases that exist elsewhere in the system. According to conversations with a public defender from a different county, attorneys sometimes use "racial bias" as a defense strategy to dismiss charges pressed against Black defendants. It's also believed that claims of racial bias might be seen as more credible when presented by a White lawyer compared to a Black one. If this is true, it can lead to a higher dismissal rate for Black defendants represented by White attorneys. Second, our difference-in-differences effects over time show that the results are positive and significant in more recent years, which loosely coincide with national political movements against racial injustice. Although descriptive, this can be suggestive evidence that the recent racial justice movement may have impacted how White attorneys behave towards Black defendants.

Finally, a different-race attorney may improve case outcomes by affecting how others behave towards the defendant. A mismatch between an attorney and a defendant's race could affect how prosecutors and/or judges perceive a case. For example, judges may be

[20]This is consistent with the results earlier, where we show that there is no evidence that having a different-race attorney impacts the likelihood of going to trial in section 5.

more sympathetic towards Black defendants who are represented by White attorneys and thus, are more lenient towards them. We argue that judges' behavior is less of a concern in our setting since most of these charges get resolved without a trial (only 6% of the cases in our sample go to trial).

However, it is still possible for prosecutors to contribute to the different-race effect in two ways: prosecutors can be more sympathetic towards Black defendants who are represented by White attorneys, so they prosecute a Black defendant's case less harshly when they are represented by a White attorney. On the contrary, if prosecutors exhibit racial bias against Black individuals in general, they might dedicate more effort to prosecuting a case that is brought up against a Black defendant who is also represented by a Black attorney. We find the first possibility to be more plausible than the second one. If prosecutors are racially biased against Black individuals, they should affect case outcomes of Black defendants equally, regardless of the race of their attorney. Second, the fact that the results are driven by more recent years suggests that prosecutors may act in the same manner as defense attorneys, in the sense that they behave in favor of Black defendants in response to social or political pressure as a result of the racial justice movement.

In sum, we argue that the effect of a different-race attorney on case outcomes cannot be driven by other (defendant or attorney) characteristics that matter for the defendant-attorney race pairing. Specifically, they are not driven by White attorneys being better at representing crimes that are more likely to be committed by Black defendants. While we do not find evidence of a change in attorney effort, we argue that the results are driven by a *positive* change in White attorneys' behavior, prosecutors' behavior, or both, towards Black defendants. While it is possible that Black attorneys might exhibit racial bias against Black defendants, the results over time suggest that that might not be the case. The different-race effects are more pronounced in more recent years, which could be explained by the national movement against racial injustice that could impact the way agents behave towards Black individuals in the criminal justice system.

7 Long-run effect

Although recidivism is not the primary factor considered when determining a case's outcome, and thus cannot be used to determine the optimal rate of dismissal for each racial group, it remains an important policy question whether being represented by a different-race attorney affects the likelihood of recidivism.

The primary channel through which having a different-race attorney can affect the likelihood of recidivism is through the increase in the likelihood of case dismissal and the decrease in the likelihood of incarceration. If the prospect of punishment deters crime, then we should expect that having a different-race attorney would increase the likelihood of recidivism. However, evidence regarding the deterrence effect of sanctions is mixed (e.g., Hansen (2015); Evans and Owens (2007); Chalfin and McCrary (2017); Mueller-Smith and Schnepel (2021)). It is also possible for a dismissal to reduce future offense by increasing labor-market opportunities (Humphries et al. (2024); Agan et al. (2023)).

We focus on the one-year and two-year likelihood of recidivism. In our sample, the average one-year recidivism rate and the average two-year recidivism rate are 0.24 and 0.33, respectively. We generate two variables that take the value one if at least one misdemeanor charge is filed against a defendant within one- or two-years since the filing date of a given case, and we use our main equation (Equation 1) to estimate the reduced-form effect of having a different-race attorney on recidivism. The results are reported in Table B11. Panels A and B show the effect of having a different-race attorney on the likelihood of recidivating within one- and two-years, respectively. Our baseline specification includes the month-by-year-by-court fixed effects (Column (1)). For robustness, we control for case characteristics (Column (2)), attorney fixed effects (Column (3)), and the interaction terms of case characteristics with attorney race in Column (4). In Column (5), we control for interaction terms of defendant race with attorney characteristics.

We find no evidence that having a different-race attorney affects the likelihood of re-offending within one year of a given misdemeanor offense. For instance, Column (5) in panel

A shows that there is a 5 percentage points increase in the likelihood of recidivism within one year, but the estimate is not statistically significant at conventional levels. However, the results are noisy; compared to the outcome mean, we cannot rule out increases in one-year recidivism that are less than 50 percent.[21] In panel B, the sign of the coefficient changes. For instance, in Column (5), we show that having a different-race attorney decreases the likelihood of re-offending within two years, but the estimate is still imprecise and not statistically significant at conventional levels.

Hence, the results in panel B provide suggestive evidence that having a different-race attorney decreases the likelihood of re-offending within two years. Since the average jail sentence in our sample is 13 days, these effects are unlikely to be driven by incapacitation.[22] However, these results should be interpreted with caution since the coefficient estimates are imprecise.

8 Conclusion

In this paper, we use the quasi-random assignment of court-appointed attorneys to misdemeanor cases to test whether defense attorneys secure better deals for same-race defendants. Using more than 17,000 misdemeanor cases from Travis County, our difference-in-differences estimates show that attorneys achieve better outcomes for different-race defendants, in contrast with what others have found in different contexts, such as policing (Hoekstra and Sloan (2022)). Specifically, we show that a different-race attorney causes a 14-16 percent increase in the likelihood of a case dismissal and a 15-26 percent decrease in the likelihood of incarceration. Estimating attorney (shrunken) effects, we show that these results are due to White attorneys being more effective at securing dismissals for Black defendants relative to Black attorneys. In addition, the attorney effects suggest that this is driven by the entire sample

[21] The upper 95% confidence interval is 50% relative to the outcome mean of 0.24.

[22] In our main sample, the average jail duration varies by charge type. For instance, assault charges have the longest average jail duration of 34 days, followed by property crimes (17 days), DWIs (16 days), domestic violence (15 days), other charges (13 days), weapon (10 days), invalid license (4 days), and drug charges (3 days).

of White attorneys, rather than a handful of them. Estimating the effect on recidivism, we show that a Black defendant who is assigned to a White attorney is not more likely to re-offend within one or two years of a given case.

To understand the drivers of these different-race effects, we perform a battery of tests. First, we rule out the possibility that other observed characteristics that are correlated with race, but not race itself, drive these results. We do so by controlling for the interaction terms of case characteristics (crime type, date, defendant sex, age, and criminal history) with attorney race and by controlling for interaction terms of attorney characteristics (law school ranking, years of experience, and caseload) with defendant race. We show that controlling for these interaction terms does not affect our coefficient estimates. Second, we show that the results are not driven by a change in attorney effort, as proxied by case length, the likelihood of filing motions, and the attorney's compensation per case. Third, we show that the results are more pronounced in more recent years, which corroborates anecdotal evidence that White attorneys or prosecutors adjust their behavior to counteract potential biases elsewhere in the system, are simply motivated by the avoidance of accusations of racial bias, or are responding to social/political pressure as a result of the racial justice movement.

In light of the existing racial disparities in the criminal justice system, our results have important policy implications. In terms of designing defendant-attorney matching mechanisms, assigning an attorney of the same race does not necessarily translate into better outcomes. More broadly, our results suggest that putting significant weight on extralegal factors, such as race, may be less effective than other considerations with respect to improving outcomes.

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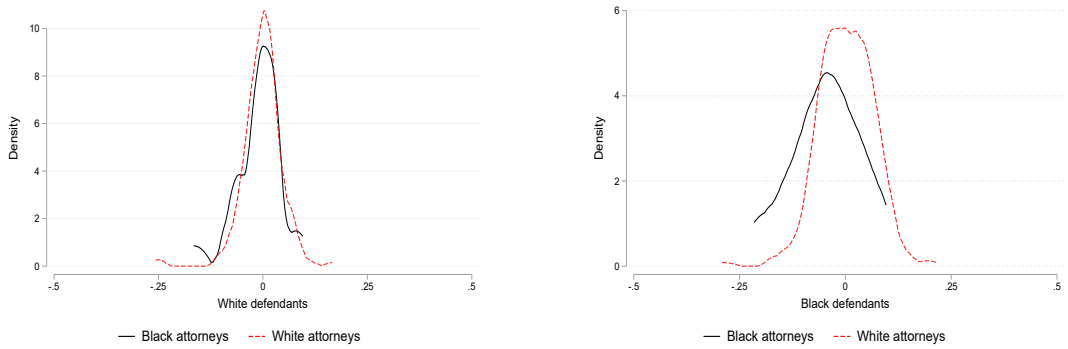
9 Tables and figures

Figure 1: Attorney effects by defendant race



(a) White defendants (b) Black defendants

Notes: These figures show the distribution of individual attorney shrunken fixed effects by attorney race and by defendant race. Panel (a) shows the fixed effects for attorneys conditional on the defendant being White, while panel (b) shows the fixed effects for attorneys conditional on the defendant being Black. The shrunken fixed effects are calculated by regressing our main outcome variable (dismissal) on a set of case characteristics and fixed effects (charge type, day of the week, defendant sex, age, previous arrests, and month-by-year-by-court fixed effects). We then regress the residualized case dismissal on attorney fixed effects, which are then saved and adjusted using an empirical Bayes shrinkage procedure to adjust for sampling error. Each panel shows results from a separate regression.

Table 1: Summary statistics

	(1) All defendants	(2) Black defendants	(3) White defendants
Panel A: Defendants			
Outcomes			
Dismissed	0.485	0.529	0.464
Probation/Deferred adj	0.141	0.0863	0.167
Jail	0.292	0.328	0.275
Probation length (days)	41.36	26.81	48.21
Jail length (days)	12.62	13.99	11.98
Trial	0.0670	0.0644	0.0682
Defendant characteristics			
Black	0.320	1	0
Female	0.243	0.212	0.258
Age (years)	34.35	34.53	34.27
Previous charges	1.164	1.359	1.072
Case characteristics			
White attorney	0.951	0.949	0.952
Drug	0.128	0.154	0.116
Property	0.0822	0.0802	0.0831
DWI	0.197	0.0881	0.249
Invalid license	0.0905	0.108	0.0825
Domestic Violence	0.0887	0.0752	0.0951
Assault	0.0287	0.0353	0.0255
Weapon	0.0173	0.0213	0.0154
Other misd.	0.367	0.439	0.333
Observations	17451	5587	11864

	All attorneys	Black attorneys	White attorneys
Panel B: Attorneys			
Attorney characteristics			
White attorney	0.921	0	1
Law school ranking	73.20	71.74	73.32
Missing school ranking	0.0249	0	0.0270
Experience (years)	17.19	15.00	17.38
Monthly caseload	2.184	1.838	2.214
Observations	241	19	222

Notes: This table shows the means for outcome variables, defendant characteristics, case characteristics, and attorney characteristics. The data are at the charge level. Around 1,000 charges have "other" dispositions, such as pretrial diversion or case reduction.

Table 2: Average dismissal rates by attorney race and defendant race

	(1) White attorneys	(2) Black attorneys	(3) Difference-in-differences
Black defendant	0.534	0.439	
White defendant	0.465	0.448	
Difference	0.069	-0.009	0.078

Notes: This table shows a simple 2x2 representation of the difference-in-differences approach. Each cell represents the average dismissal rate for a specific group. For example, column (1) and row (1) show the rate of dismissal for White attorneys conditional on the defendants being White.

Table 3: The effect of case characteristics on attorney race and defendant race

	(1) White attorney	(2) White attorney	(3) White attorney	(4) Black defendant
Black defendant	-0.003		-0.004	
	(0.004)		(0.004)	
Female	0.002		0.003	
	(0.003)		(0.004)	
Age (years)	-0.000		-0.000	
	(0.000)		(0.000)	
Previous charges	0.001		0.001	
	(0.001)		(0.001)	
Drug		-0.002	-0.002	
		(0.004)	(0.004)	
Property		-0.002	-0.003	
		(0.009)	(0.008)	
DWI		-0.004	-0.005	
		(0.004)	(0.003)	
Invalid license		-0.007	-0.006	
		(0.007)	(0.006)	
Domestic Violence		-0.012	-0.013	
		(0.008)	(0.009)	
Assault		-0.014	-0.014	
		(0.010)	(0.010)	
Weapon		0.008	0.009	
		(0.012)	(0.011)	
White attorney				-0.015
				(0.016)
Experience (years)				-0.000
				(0.000)
Law school ranking				-0.000
				(0.000)
Missing school ranking				-0.002
				(0.014)
Caseload				0.000
				(0.002)
N	17451	17451	17451	17451
Outcome Mean	.9506997	.9506997	.9506997	.3183148
F-stat	.6133436	.694272	.5154717	.1937785
P-value	.6534201	.6768931	.8920794	.9647164
Month-year-court FE	Y	Y	Y	Y

Standard errors in parentheses

* $p < .1$, ** $p < .05$, *** $p < .01$

Notes: This table shows the effect of case characteristics on attorney race and defendant race. Each column is a separate regression equation. In Column (1), we regress attorney race on defendant characteristics to test whether these characteristics jointly predict the attorney's race. In Column (2), we regress attorney race on case characteristics, while in Column (3), we regress attorney race on both case and defendant characteristics. In Column (4), we regress defendant race on attorney characteristics. In all regressions, we control for month-by-year-by court fixed effects, and we report the joint F-statistic and its corresponding p-value. Standard errors are two-way clustered at the attorney and defendant level.

Table 4: The effect of a different-race attorney on case dismissal

	(1)	(2)	(3)	(4)	(5)
Outcome: Dismissed					
Black defendant × White attorney	0.0739***	0.0691***	0.0660***	0.0766***	0.0736***
	(0.0200)	(0.0220)	(0.0210)	(0.0212)	(0.0236)
Black defendant	-0.00398	-0.0478**	-0.0459**	-0.0565***	-0.0799***
	(0.0178)	(0.0200)	(0.0192)	(0.0190)	(0.0302)
White attorney	0.00426	0.00252			
	(0.0163)	(0.0164)			
Observations	17451	17451	17451	17451	17451
Outcome Mean	0.484	0.484	0.484	0.484	0.484
Month-year-court FE	Y	Y	Y	Y	Y
Case Characteristics	N	Y	Y	Y	Y
Attorney FE	N	N	Y	Y	Y
Attorney race*Case characteristics	N	N	N	Y	Y
Defendant race*Attorney characteristics	N	N	N	N	Y

Standard errors in parentheses

* $p < .1$, ** $p < .05$, *** $p < .01$

Notes: This table shows the difference-in-differences estimates for the different-race effect on dismissal using Equation 1. In all five columns, we include month-by-year-by-court fixed effects. Column (1) shows the results using our baseline specification. In Column (2), we control for case characteristics, including dummy variables for crime type, day of the week, defendant age, sex, and number of previous charges. Column (3) adds attorney fixed effects, and Column (4) further includes interaction terms between attorney race and case characteristics. Column (5) additionally controls for interaction terms between defendant race and attorney characteristics. Attorney characteristics include years of experience, law school ranking, and monthly caseload, which enter into the regressions linearly. In all regressions, standard errors are two-way clustered at the attorney and defendant level.

Table 5: The effect of a different-race attorney on sentencing outcomes

	(1)	(2)	(3)	(4)	(5)
Panel A: Jail					
Black defendant × White attorney	-0.0753**	-0.0642**	-0.0611*	-0.0447*	-0.0428
	(0.0349)	(0.0322)	(0.0338)	(0.0257)	(0.0285)
Black defendant	0.125***	0.101***	0.0963***	0.0800***	0.0856**
	(0.0342)	(0.0316)	(0.0333)	(0.0248)	(0.0335)
White attorney	0.0148	0.0110			
	(0.0256)	(0.0220)			
Observations	17451	17451	17451	17451	17451
Outcome Mean	0.293	0.293	0.293	0.293	0.293
Panel B: Probation					
Black defendant × White attorney	0.00191	-0.00348	-0.00426	-0.0111	-0.0107
	(0.0195)	(0.0204)	(0.0198)	(0.0228)	(0.0227)
Black defendant	-0.0815***	-0.0336*	-0.0311	-0.0243	-0.0259
	(0.0192)	(0.0202)	(0.0195)	(0.0222)	(0.0269)
White attorney	-0.0159	-0.0128			
	(0.0143)	(0.0111)			
Observations	17451	17451	17451	17451	17451
Outcome Mean	0.141	0.141	0.141	0.141	0.141
Month-year-court FE	Y	Y	Y	Y	Y
Case Characteristics	N	Y	Y	Y	Y
Attorney FE	N	N	Y	Y	Y
Attorney race*Case characteristics	N	N	N	Y	Y
Defendant race*Attorney characteristics	N	N	N	N	Y

Standard errors in parentheses

* $p < .1$, ** $p < .05$, *** $p < .01$

Notes: This table shows the difference-in-differences estimates for the different-race effect on sentencing outcomes using Equation 1. Each panel represents the effect on a separate outcome; panel A shows the effect on being sentenced to jail, and panel B shows the effect on receiving a probation sentence. In all five columns, we include month-by-year-by-court fixed effects. Column (1) shows the results using our baseline specification. In Column (2), we control for case characteristics, including dummy variables for crime type, day of the week, defendant age, sex, and number of previous charges. Column (3) adds attorney fixed effects, and Column (4) further includes interaction terms between attorney race and case characteristics. Column (5) additionally controls for interaction terms between defendant race and attorney characteristics. Attorney characteristics include years of experience, law school ranking, and monthly caseload, which enter into the regressions linearly. In all regressions, standard errors are two-way clustered at the attorney and defendant level.

Table 6: The effect of a different-race attorney on sentence length

	(1)	(2)	(3)	(4)	(5)
Panel A: Jail sentence length (in days)					
Black defendant × White attorney	-1.097	-0.710	-0.375	-0.00346	0.203
	(1.527)	(1.588)	(1.675)	(1.856)	(2.077)
Black defendant	2.944**	3.437**	2.915*	2.572	3.650
	(1.475)	(1.531)	(1.637)	(1.815)	(2.328)
White attorney	1.356	1.373			
	(0.967)	(0.956)			
Observations	17451	17451	17451	17451	17451
Outcome Mean	12.59	12.59	12.59	12.59	12.59
Panel B: Probation sentence length (in days)					
Black defendant × White attorney	-3.751	-5.801	-5.885	-13.26	-13.13
	(8.949)	(9.637)	(10.06)	(10.76)	(10.71)
Black defendant	-18.30**	-1.290	-0.629	6.765	4.025
	(8.643)	(9.373)	(9.835)	(10.54)	(12.86)
White attorney	-6.091	-5.121			
	(4.871)	(5.073)			
Observations	17451	17451	17451	17451	17451
Outcome Mean	41.02	41.02	41.02	41.02	41.02
Month-year-court FE	Y	Y	Y	Y	Y
Case Characteristics	N	Y	Y	Y	Y
Attorney FE	N	N	Y	Y	Y
Attorney race*Case characteristics	N	N	N	Y	Y
Defendant race*Attorney characteristics	N	N	N	N	Y

Standard errors in parentheses

* $p < .1$, ** $p < .05$, *** $p < .01$

Notes: This table shows the difference-in-differences estimates for the different-race effect on sentence length. Each panel represents the effect on a separate outcome; panel A shows the effect on the jail sentence length, and panel B shows the effect on the probation sentence length. Jail sentence length and probation sentence length equal zero if the defendant is not sentenced to jail or probation. In all five columns, we include month-by-year-by-court fixed effects. Column (1) shows the results using our baseline specification. In Column (2), we control for case characteristics, including dummy variables for crime type, day of the week, defendant age, sex, and number of previous charges. Column (3) adds attorney fixed effects, and Column (4) further includes interaction terms between attorney race and case characteristics. Column (5) additionally controls for interaction terms between defendant race and attorney characteristics. Attorney characteristics include years of experience, law school ranking, and monthly caseload, which enter into the regressions linearly. In all regressions, standard errors are two-way clustered at the attorney and defendant level.

Table 7: The effect of a different-race attorney on the likelihood of going to trial

	(1)	(2)	(3)	(4)	(5)
Outcome: Trial					
Black defendant × White attorney	-0.0156	-0.0159	-0.0177	-0.0187	-0.0178
	(0.0202)	(0.0197)	(0.0195)	(0.0176)	(0.0171)
Black defendant	0.0103	0.0127	0.0131	0.0140	-0.0171
	(0.0199)	(0.0194)	(0.0192)	(0.0169)	(0.0213)
White attorney	0.00743	0.00815			
	(0.0165)	(0.0160)			
Observations	17451	17451	17451	17451	17451
Outcome Mean	0.0663	0.0663	0.0663	0.0663	0.0663
Month-year-court FE	Y	Y	Y	Y	Y
Case Characteristics	N	Y	Y	Y	Y
Attorney FE	N	N	Y	Y	Y
Attorney race*Case characteristics	N	N	N	Y	Y
Defendant race*Attorney characteristics	N	N	N	N	Y

Standard errors in parentheses

* $p < .1$, ** $p < .05$, *** $p < .01$

Notes: This table shows the difference-in-differences estimates for the different-race effect on the likelihood of going to trial. In all five columns, we include month-by-year-by-court fixed effects. Column (1) shows the results using our baseline specification. In Column (2), we control for case characteristics, including dummy variables for crime type, day of the week, defendant age, sex, and number of previous charges. Column (3) adds attorney fixed effects, and Column (4) further includes interaction terms between attorney race and case characteristics. Column (5) additionally controls for interaction terms between defendant race and attorney characteristics. Attorney characteristics include years of experience, law school ranking, and monthly caseload, which enter into the regressions linearly. In all regressions, standard errors are two-way clustered at the attorney and defendant level.

Table 8: The effect of a different-race attorney on dismissal over time

	(1)	(2)	(3)
	2013-2015	2016-2018	2019-2022
Black defendant × White attorney	0.103**	-0.00931	0.132
	(0.0435)	(0.0340)	(0.108)
Black defendant	-0.0583	0.0835**	-0.0383
	(0.0407)	(0.0322)	(0.107)
White attorney	0.0128	0.00920	-0.0232
	(0.0343)	(0.0224)	(0.0399)
Observations	5927	6704	4820
Outcome Mean	0.426	0.495	0.538
Month-year-court FE	Y	Y	Y
Attorney FE	N	N	N
Case Characteristics	N	N	N

Standard errors in parentheses

* $p < .1$, ** $p < .05$, *** $p < .01$

Notes: This table shows the difference-in-differences estimates for the different-race effect on case dismissal over time. Each column represents a separate regression equation. In all three columns, we include month-by-year-by-court fixed effects, an indicator for defendant race and an indicator for attorney race. In all regressions, standard errors are two-way clustered at the attorney and defendant level.

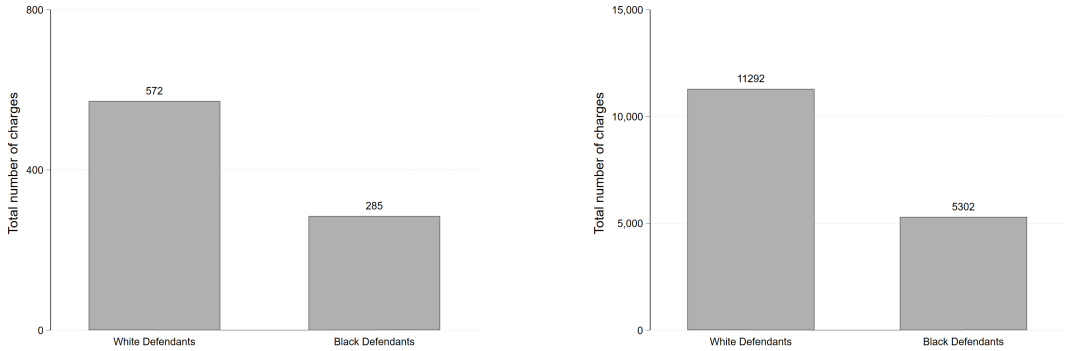
10 Online Appendix

Appendix A: Data

We use misdemeanor cases that were filed in Travis County, Texas for the years 2013-2022, a total of 131,166 charges (129,679 unique cases). Here, we show how the data restrictions that we perform as explained in section 3 affect the sample size. Note that the numbers here reflect the number of individual charges rather than individual cases since the data are at the charge-level.

- To obtain charges that were represented by court-appointed attorneys, we match the misdemeanor records to the wheel data (that shows the court-appointed attorney). Total number of indigent charges from 2013-2022: 52,685 charges (51,979 unique cases).
- Dropping cases where the attorney was non-randomly assigned by a judge (11%): 46,682 charges.
- Dropping Hispanic defendants or defendants of other races (Asian, Middle Eastern, etc. ...) (40%): 28,092 charges.
- Dropping cases with missing defendant race or age (<1%): 27,920 charges
- Dropping observations where attorney race is missing or attorney is not Black nor White (37%): 17,451 charges

Figure A1: Total number of charges by attorney-defendant race



(a) Black attorneys (b) White attorneys

Notes: These figures show the total number of charges by attorney-defendant race. Panel (a) shows the number of charges represented by Black attorneys for each defendant race, while panel (b) shows the number of charges represented by White attorneys for each defendant race.

Table A1: Summary Statistics – Cases with observed vs unobserved attorney race

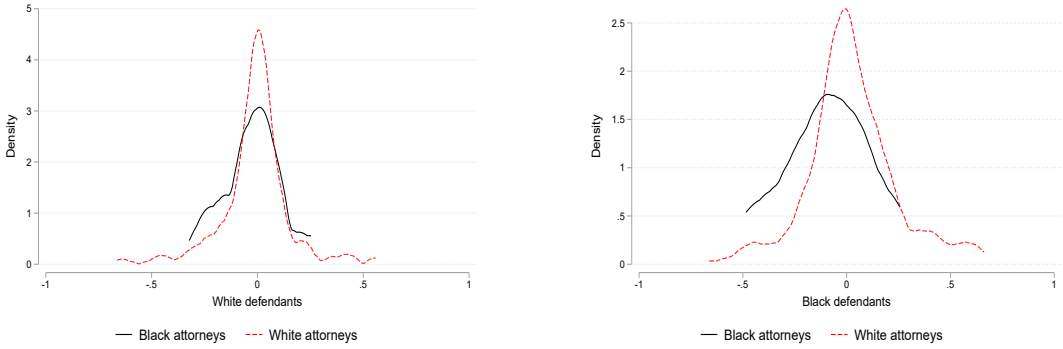
	(1) In sample	(2) Missing attorney race
Outcomes		
Dismissed	0.484	0.470
	(0.500)	(0.499)
Probation/Deferred adj	0.151	0.158
	(0.358)	(0.364)
Jail	0.278	0.304
	(0.448)	(0.460)
Probation length (days)	44.53	42.09
	(170.4)	(161.5)
Jail length (days)	12.19	13.38
	(33.42)	(35.00)
Trial	0.0744	0.0777
	(0.262)	(0.268)
Defendant characteristics		
Black	0.187	0.210
	(0.390)	(0.407)
Female	0.242	0.238
	(0.429)	(0.426)
Age(years)	32.96	33.02
	(11.42)	(11.52)
Previous charges	1.012	0.948
	(2.242)	(1.942)
Case characteristics		
Experience (years)	18.80	29.70
	(10.73)	(11.12)
Law school ranking	78.30	48.06
	(60.42)	(52.83)
Drug	0.128	0.140
	(0.334)	(0.348)
Property	0.0799	0.0836
	(0.271)	(0.277)
DWI	0.212	0.198
	(0.409)	(0.398)
Invalid license	0.0890	0.0977
	(0.285)	(0.297)
Domestic Violence	0.0933	0.0934
	(0.291)	(0.291)
Assault	0.0276	0.0269
	(0.164)	(0.162)
Weapon	0.0172	0.0152
	(0.130)	(0.122)
Other misd.	0.353	0.345
	(0.478)	(0.475)
Observations	37842	8840

Standard deviations in parentheses

Notes: This table shows the summary statistics for case characteristics, including case outcomes, defendant characteristics, and attorney characteristics for the cases with observed versus unobserved attorney race.

Appendix B: Additional tables and figures

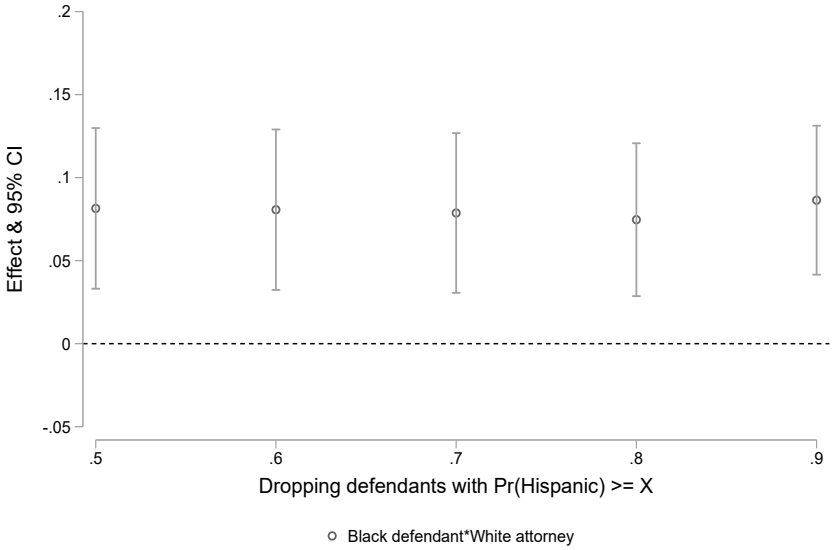
Figure B1: Attorney fixed effects



(a) White defendants (b) Black defendants

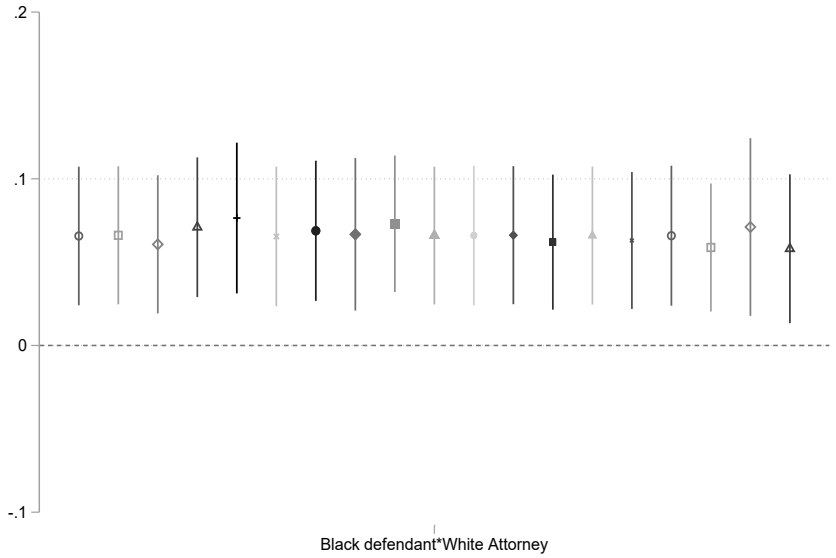
Notes: These figures show the distribution of the individual attorney fixed effects by defendant race (panels (a) and (b)) without applying Bayesian shrinkage. To estimate attorney fixed effects, we regress case dismissal on a set of case characteristics (including dummy variables for charge type, day of the week, defendant sex, age, number of previous charges, and month-by-year-by-court fixed effects) and attorney fixed effects and save the attorney fixed effects. Each panel shows the estimates from a separate regression.

Figure B2: Robustness test – Using different thresholds to identify Hispanic defendants



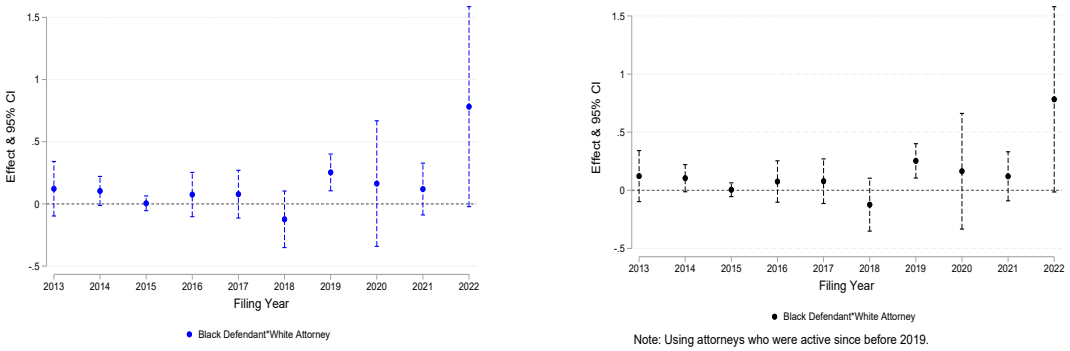
Notes: This figure shows the difference-in-differences estimate from Equation 1, using different thresholds for defining and dropping Hispanic defendants. Using the R-package "predictrace", we predict the race of each defendant using their surname. We then use the probability that they are Hispanic, as assigned by the algorithm, to drop them from the sample. We report the point estimates with the 95% confidence intervals for each threshold.

Figure B3: The effect of a different-race attorney on case outcomes – Randomly dropping Black attorneys



Notes: This figure reports the coefficient estimates for the effect of a different-race attorney on case dismissal after dropping one Black attorney from the sample. To ensure that not a single Black attorney is driving the results, we drop one of our 19 Black attorneys, each at a time, and we estimate the Equation 1 with the remaining attorneys. This exercise results in 19 regression equations, and we report the coefficient estimates for the interaction term (Black defendant $\times$ White Attorney) along with the 95% confidence intervals.

Figure B4: The effect of a different-race attorney over time



(a) All attorneys (b) Pre-2019 attorneys

Notes: This figure shows the difference-in-differences estimates by year. Panel (a) represents the results using all the attorneys in the sample, while panel (b) shows the results using attorneys who were active before 2019. We estimate Equation 1 for each year separately, and we report the coefficients with the 95% confidence intervals. The standard errors are two-way clustered at the attorney and defendant level. Note that after 2019, 12 new attorneys joined, and only one of them was Black.

Table B1: The correlation between attorney characteristics and defendant race– difference-in-differences

	(1) White attorney	(2) Experience (years)	(3) Law school ranking	(4) Missing school ranking	(5) Caseload
Black defendant	0.000	-0.095	6.337	-0.005	0.096
	(0.000)	(0.654)	(4.128)	(0.009)	(0.136)
Black defendant × White attorney	-0.000	0.065	-6.664	0.005	-0.101
	(0.000)	(0.696)	(4.296)	(0.010)	(0.145)
White attorney	1.000***	0.501	-0.832	0.041*	0.776*
	(0.000)	(3.093)	(27.995)	(0.024)	(0.466)
Observations	17451	17451	17451	17451	17451
Outcome Mean	.9506997	19.12714	71.52784	.0377156	3.744585
White attorney	Y	Y	Y	Y	Y
Month-year-court FE	Y	Y	Y	Y	Y

Standard errors in parentheses

* $p < .1$, ** $p < .05$, *** $p < .01$

Notes: This table shows the difference-in-differences estimates from Equation 1 to test for the correlation between attorney characteristics and defendant's race. Attorney caseload represents the monthly number of cases handled by a given attorney. Each column is a separate regression equation, with the corresponding attorney characteristic as the dependent variable. In all regressions, we add month-by-year-by-court fixed effects. Standard errors are two-way clustered at the attorney and defendant level.

Table B2: The correlation between defendant and case characteristics and attorney race–difference-in-differences

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
	Black defendant	Female	Age(years)	Previous charges	Drug	Property	DWI	Invalid license	Domestic Violence	Assault	Weapon
White attorney	0.000	-0.007	-0.541	0.132	-0.006	0.001	-0.015	-0.001	-0.006	-0.006	0.005
	(0.000)	(0.014)	(1.212)	(0.196)	(0.013)	(0.010)	(0.013)	(0.013)	(0.010)	(0.005)	(0.003)
Black defendant × White attorney	0.000	0.047	-0.528	-0.095	0.026	-0.001	0.020	-0.022	-0.009	-0.001	-0.004
	(0.000)	(0.038)	(0.850)	(0.094)	(0.021)	(0.022)	(0.015)	(0.015)	(0.017)	(0.011)	(0.010)
Black defendant	1.000***	-0.089**	0.775	0.321***	0.018	-0.001	-0.180***	0.049***	-0.011	0.010	0.010
	(0.000)	(0.037)	(0.820)	(0.097)	(0.021)	(0.022)	(0.015)	(0.015)	(0.017)	(0.011)	(0.010)
Observations	17451	17451	17451	17451	17451	17451	17451	17451	17451	17451	17451
Outcome Mean	.3183148	.2438157	34.39211	1.166599	.1278526	.0818574	.1983383	.0912665	.0892805	.0285407	.0171593
Black defendant	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Month-year-court FE	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Standard errors in parentheses

* $p < .1$, ** $p < .05$, *** $p < .01$

Notes: This table shows the difference-in-differences estimates from Equation 1 to test for the correlation between defendant and case characteristics and attorney's race. Each column is a separate regression equation, with the corresponding case and defendant characteristic as the dependent variable. In all regressions, we add month-by-year-by-court fixed effects. Standard errors are two-way clustered at the attorney and defendant level.

Table B3: The effect of a different-race attorney on jail sentence - Exploring the decline in the main coefficients

	(1) Baseline	(2) All Interactions	(3) Filing Month-Year	(4) DWI	(5) Court	(6) Weapon	(7) Invalid License	(8) Domestic Violence	(9) Age	(10) Female	(11) Property	(12) Drug	(13) Prior Offense	(14) Assault	(15) Day of week
Outcome: Jail															
Black defendant*White Attorney	-0.0611*	-0.0447*	-0.0476*	-0.0565	-0.0578*	-0.0591*	-0.0595*	-0.0602*	-0.0603*	-0.0604*	-0.0605*	-0.0607*	-0.0613*	-0.0614*	-0.0621*
	(0.0338)	(0.0257)	(0.0270)	(0.0397)	(0.0301)	(0.0342)	(0.0348)	(0.0336)	(0.0333)	(0.0336)	(0.0343)	(0.0338)	(0.0337)	(0.0330)	(0.0343)
Observation	17451	17451	17451	17451	17451	17451	17451	17451	17451	17451	17451	17451	17451	17451	17451
Month-year-court FE	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Case Characteristics	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Attorney FE	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Attorney race*Case characteristics	N	Y													

Standard errors in parentheses

* $p < .1$, ** $p < .05$, *** $p < .01$

Notes: The goal of this exercise is to identify which interaction term between attorney race and case characteristics drives the change in the main coefficient in Panel A between Columns (3) and (4) of Table 5 (jail outcome). This table shows how the different-race effect estimate changes as each interaction term for attorney race with case characteristics, listed in the column headers, is added to the baseline specification in Column (1). For example, Column (4) shows the estimate when the interaction between the White attorney dummy and the DWI offense dummy is additionally included in the baseline specification in Column (1). Note that Columns (1) and (2) in this table correspond to Columns (3) and (4) in Table 5 and the rest columns are ordered by how much they change relative to Column (1).

Table B4: The effect of a different-race attorney on case outcomes – cases with only one attorney

	(1) Dismiss	(2) Jail	(3) Probation
Black defendant × White attorney	0.0502**	-0.0563	0.00420
	(0.0213)	(0.0363)	(0.0207)
Black defendant	-0.0291	0.0932***	-0.0445**
	(0.0194)	(0.0358)	(0.0203)
Observations	15951	15951	15951
Outcome Mean	0.484	0.297	0.135
Month-year-court FE	Y	Y	Y
Attorney FE	Y	Y	Y
Case Characteristics	Y	Y	Y

Standard errors in parentheses

* $p < .1$, ** $p < .05$, *** $p < .01$

Notes: This table shows the difference-in-differences estimates for the different-race effect on case outcomes, dropping cases where we observe multiple court-appointed attorneys, which account for 9 percent of the sample. Each column represents an outcome. In all regressions, we control for month-by-year-by-court fixed effects, an indicator for a defendant's race, attorney fixed effects, and case characteristics. Case characteristics include dummy variables for charge type, day of the week, defendant's sex, age, and number of previous charges. Standard errors are two-way clustered at the attorney and defendant level.

Table B5: The effect of a different-race attorney on case dismissal – Case-level analysis

	(1)	(2)	(3)	(4)	(5)
Outcome: Fraction of charges dismissed					
Black defendant × White attorney	0.0746***	0.0695***	0.0664***	0.0757***	0.0727***
	(0.0207)	(0.0220)	(0.0210)	(0.0209)	(0.0234)
Black defendant	-0.00427	-0.0483**	-0.0463**	-0.0556***	-0.0780***
	(0.0187)	(0.0201)	(0.0192)	(0.0188)	(0.0300)
White attorney	0.00397	0.00197			
	(0.0163)	(0.0165)			
Observations	17229	17229	17229	17229	17229
Outcome Mean	0.484	0.484	0.484	0.484	0.484
Month-year-court FE	Y	Y	Y	Y	Y
Case Characteristics	N	Y	Y	Y	Y
Attorney FE	N	N	Y	Y	Y
Attorney race*Case characteristics	N	N	N	Y	Y
Defendant race*Attorney characteristics	N	N	N	N	Y

Standard errors in parentheses

* $p < .1$, ** $p < .05$, *** $p < .01$

Notes: This table shows the difference-in-differences estimates for the different-race effect on case outcomes, using data at the case level rather than at the charge level. We define outcome as the fraction of charges dismissed in a case. In all five columns, we include month-by-year-by-court fixed effects. Column (1) shows the results using our baseline specification. In Column (2), we control for case characteristics, including dummy variables for crime type, day of the week, defendant age, sex, and number of previous charges. Column (3) adds attorney fixed effects, and Column (4) further includes interaction terms between attorney race and case characteristics. Column (5) additionally controls for interaction terms between defendant race and attorney characteristics. In all regressions, standard errors are two-way clustered at the attorney and defendant level.

Table B6: The effect of a different-race attorney on dismissal – different methods to predict Hispanic ethnicity

	(1)	(2)	(3)	(4)
Outcome: Dismissed				
Black defendant × White attorney	0.0660***	0.0615***	0.0652***	0.0621***
	(0.0210)	(0.0205)	(0.0206)	(0.0198)
Black defendant	-0.0459**	-0.0416**	-0.0456**	-0.0411**
	(0.0192)	(0.0184)	(0.0187)	(0.0182)
Observations	17451	17637	17899	18198
Outcome Mean	0.484	0.484	0.484	0.483
Month-year-court FE	Y	Y	Y	Y
Attorney FE	Y	Y	Y	Y
Case Characteristics	Y	Y	Y	Y
Prediction Package	Predictrace	Ethnicolr	Ethnicolr	Ethnicolr
Input	Surname (Census)	Surname (Census)	Surname (FL Voter Registry)	Full name (FL Voter Registry)

Standard errors in parentheses

* $p < .1$, ** $p < .05$, *** $p < .01$

Notes: This table shows the difference-in-differences estimates for the different-race effect on case outcomes, using various methods to predict Hispanic ethnicity. We use two packages with distinct prediction algorithms. Both packages predict the most common race of a given name using administrative datasets by calculating the proportion of all people with a given name who belong to each race. Column (1) uses an R package, *predictrace*, which predicts race based on Census Surname Table data using surnames. Columns (2), (3), and (4) use a Python package, *ethnicolr*, each with a different combination of input. In all regressions, we control for month-by-year-by-court fixed effects, an indicator for a defendant's race, attorney fixed effects, and case characteristics. Case characteristics include dummy variables for charge type, day of the week, defendant's sex, age, and number of previous charges. Standard errors are two-way clustered at the attorney and defendant level.

Table B7: The effect of a different-race attorney on dismissal – Interacting defendant race with month-by-year-by-court fixed effects

	(1)	(2)	(3)	(4)	(5)
Outcome: Dismissed					
Black defendant × White attorney	0.0709***	0.0600***	0.0542**	0.0681***	0.0629**
	(0.0208)	(0.0224)	(0.0215)	(0.0245)	(0.0266)
White attorney	0.00619	0.00537			
	(0.0172)	(0.0169)			
Observations	17451	17451	17451	17451	17451
Outcome Mean	0.484	0.484	0.484	0.484	0.484
Month-year-court-defendant's race FE	Y	Y	Y	Y	Y
Case Characteristics	N	Y	Y	Y	Y
Attorney FE	N	N	Y	Y	Y
Attorney race*Case characteristics	N	N	N	Y	Y
Defendant race*Attorney characteristics	N	N	N	N	Y

Standard errors in parentheses

* $p < .1$, ** $p < .05$, *** $p < .01$

Notes: This table shows the difference-in-differences estimates for the different-race effect on dismissal when we interact defendant race with month-by-year-by-court fixed effect. In all five columns, we include month-by-year-by-court-by-defendant's race fixed effects. Column (1) shows the results using our baseline specification. In Column (2), we control for case characteristics, including dummy variables for crime type, day of the week, defendant age, sex, and number of previous charges. Column (3) adds attorney fixed effects, and Column (4) further includes interaction terms between attorney race and case characteristics. Column (5) additionally controls for interaction terms between defendant race and attorney characteristics. In all regressions, standard errors are two-way clustered at the attorney and defendant level.

Table B8: The effect of a different-race attorney by crime type

	(1) Drug	(2) Violent	(3) Property	(4) Traffic	(5) Other
Panel A: Dismissed					
Black defendant × White attorney	-0.0373	-0.136	0.142	-0.0348	0.108**
	(0.0886)	(0.116)	(0.116)	(0.0607)	(0.0543)
Black defendant	0.0553	0.105	-0.0832	0.0963	-0.0495
	(0.0876)	(0.111)	(0.109)	(0.0584)	(0.0527)
Observations	2241	2434	1434	5031	6311
Outcome Mean	0.792	0.460	0.466	0.394	0.460
Panel B: Jail					
Black defendant × White attorney	0.0448	0.00743	-0.0701	-0.0448	-0.0399
	(0.0672)	(0.107)	(0.124)	(0.0448)	(0.0638)
Black defendant	-0.0497	0.0413	0.0570	0.0634	0.112*
	(0.0656)	(0.103)	(0.113)	(0.0416)	(0.0631)
Observations	2241	2434	1434	5031	6311
Outcome Mean	0.180	0.232	0.326	0.257	0.378
Month-year-court FE	Y	Y	Y	Y	Y
Attorney FE	Y	Y	Y	Y	Y
Case Characteristics	Y	Y	Y	Y	Y

Standard errors in parentheses

* $p < .1$, ** $p < .05$, *** $p < .01$

Notes: This table shows the difference-in-differences estimates for the different-race effect on case outcomes conditioning on crime type. Drug crimes include possession of marijuana or any controlled substance. Violent crimes include assaults, domestic violence, and weapon-related offenses. Property crimes include any kind of theft or attempted theft (for example, organized retail theft, theft from a person, etc. ...) and burglaries. Traffic-related crimes include driving while intoxicated and driving with an invalid license. Finally, other misdemeanors include criminal trespass, evading arrest/detention, obstruction of highway passageway, violating protective orders, failure to appear in court, and other less common crimes (e.g., illegal dumping, false statements, indecent exposure, etc... .). In all regressions, we control for month-by-year-by-court fixed effects, an indicator for a defendant's race, attorney fixed effects, and case characteristics. Case characteristics include dummy variables for the day of the week, defendant's sex, age, and number of previous charges. Standard errors are two-way clustered at the attorney and defendant level.

Table B9: The effect of a different-race attorney on dismissal using other misdemeanor charges

	(1) All other charges	(2) All without court order violations	(3) Court order violations only
Outcome: Dismissed			
Black defendant × White attorney	0.108**	0.123	-0.224
	(0.0543)	(0.0755)	(0.172)
Black defendant	-0.0495	-0.0643	0.246
	(0.0527)	(0.0736)	(0.163)
Observations	6311	5474	837
Outcome Mean	0.460	0.472	0.384
Month-year-court FE	Y	Y	Y
Attorney FE	Y	Y	Y
Case Characteristics	Y	Y	Y

Standard errors in parentheses

* $p < .1$, ** $p < .05$, *** $p < .01$

Notes: This table shows the difference-in-differences estimates for the different-race effect on dismissal using "other" misdemeanor charges. In all columns, we include month-by-year-by-court fixed effects and control for attorney fixed effects and case characteristics, including dummy variables for crime type, day of the week, defendant age, sex, and number of previous charges. Column (1) shows the results using all other misdemeanor charges. Column (2) reports the results when we drop charges related to court order violations; failure-to-appear and violations of bond/protective order charges. In column (3), we use court order violation charges only. In all regressions, standard errors are two-way clustered at the attorney and defendant level.

Table B10: The effect of a different-race attorney on attorney effort

	(1) Days until disposition	(2) Motion	(3) Compensation
Black defendant × White attorney	-0.764	0.0225	-8.600
	(19.80)	(0.0208)	(7.973)
Black defendant	-9.442	-0.0270	4.969
	(18.75)	(0.0198)	(7.429)
Observations	15562	17451	17451
Outcome Mean	368.7	0.127	194.7
Month-year-court FE	Y	Y	Y
Attorney FE	Y	Y	Y
Case Characteristics	Y	Y	Y

Standard errors in parentheses

* $p < .1$, ** $p < .05$, *** $p < .01$

Notes: This table shows the difference-in-differences estimates for the different-race effect on measures of attorney efforts using Equation 1. The three measures of attorney efforts include the number of days between the disposition date and the filing date of each charge, whether an attorney submitted any motions (e.g., a motion for a psychiatrist to examine the defendant or a motion for a new trial) and the total amount of compensation an attorney receives per case. In all three columns, we include month-by-year-by-court fixed effects and control for case characteristics, including dummy variables for crime type, day of the week, defendant age, sex, and number of prior charges. In all regressions, standard errors are two-way clustered at the attorney and defendant level.

Table B11: The effect of a different-race attorney on recidivism

	(1)	(2)	(3)	(4)	(5)
Panel A: 1-year recidivism					
Black defendant × White attorney	0.0471	0.0513	0.0535	0.0470	0.0474
	(0.0384)	(0.0363)	(0.0385)	(0.0382)	(0.0388)
Black defendant	0.0185	-0.00604	-0.0101	-0.00357	-0.00500
	(0.0380)	(0.0359)	(0.0381)	(0.0375)	(0.0455)
White attorney	-0.00263	-0.0105			
	(0.0330)	(0.0263)			
Observations	16722	16722	16722	16722	16722
Outcome Mean	0.241	0.241	0.241	0.241	0.241
Panel B: 2-year recidivism					
Black defendant × White attorney	0.00178	0.00515	0.00911	-0.00253	-0.00133
	(0.0602)	(0.0578)	(0.0620)	(0.0602)	(0.0612)
Black defendant	0.0684	0.0462	0.0416	0.0533	0.0602
	(0.0597)	(0.0572)	(0.0614)	(0.0595)	(0.0663)
White attorney	0.00494	-0.00217			
	(0.0381)	(0.0327)			
Observations	15747	15747	15747	15747	15747
Outcome Mean	0.327	0.327	0.327	0.327	0.327
Month-year-court FE	Y	Y	Y	Y	Y
Case Characteristics	N	Y	Y	Y	Y
Attorney FE	N	N	Y	Y	Y
Attorney race*Case characteristics	N	N	N	Y	Y
Defendant race*Attorney characteristics	N	N	N	N	Y

Standard errors in parentheses

* $p < .1$, ** $p < .05$, *** $p < .01$

Notes: This table shows the effect of a different-race attorney on future recidivism using Equation 1. Panels A and B show the effect on the 1-year and 2-year recidivism, respectively. The 1-year and 2-year recidivism variables are dummy variables equal to 1 if the defendant has a new charge filed against them within 1 year and 2 years since the filing date of a given charge, respectively. Each column is a separate regression. We restrict our sample to charges filed during or before 2021 and during or before 2020 to estimate the effect on the 1-year and 2-year recidivism rates, respectively, in order to be able to observe the outcomes of interest. In all five columns, we include month-by-year-by-court fixed effects. Column (1) shows the results using our baseline specification. In Column (2), we control for case characteristics, including dummy variables for crime type, day of the week, defendant age, sex, and number of previous charges. Column (3) adds attorney fixed effects, and Column (4) further includes interaction terms between attorney race and case characteristics. Column (5) additionally controls for interaction terms between defendant race and attorney characteristics. Attorney characteristics include years of experience, law school ranking, and monthly caseload, which enter into the regressions linearly. In all regressions, standard errors are two-way clustered at the attorney and defendant level.

Appendix C: Hispanic vs. Non-Hispanic White

Table C1: The effect of case characteristics on attorney race and defendant race – Hispanic vs. Non-Hispanic White

	(1) White attorney	(2) White attorney	(3) White attorney	(4) Hispanic defendant
Hispanic defendant	-0.201***		-0.202***	
	(0.027)		(0.027)	
Female	0.018**		0.018**	
	(0.008)		(0.008)	
Age(years)	-0.001***		-0.001***	
	(0.000)		(0.000)	
Previous charges	0.010***		0.009***	
	(0.003)		(0.003)	
Drug		-0.002	0.009	
		(0.009)	(0.008)	
Property		0.006	0.005	
		(0.011)	(0.011)	
DWI		-0.024***	-0.022***	
		(0.008)	(0.007)	
Invalid license		-0.013	-0.002	
		(0.010)	(0.010)	
Domestic Violence		-0.001	-0.003	
		(0.012)	(0.012)	
Assault		0.011	0.015	
		(0.017)	(0.017)	
Weapon		-0.017	-0.007	
		(0.022)	(0.021)	
White attorney				-0.242***
				(0.021)
Experience (years)				0.001
				(0.001)
Law school ranking				0.000
				(0.000)
Caseload				-0.000
				(0.002)
N	28309	28314	28309	28314
Outcome Mean	.7072892	.7072469	.7072892	.505929
F-stat	15.09909	1.812876	5.949241	37.79455
P-value	3.22e-11	.084545	9.79e-09	2.07e-25
Month-year-court FE	Y	Y	Y	Y

Standard errors in parentheses

* $p < .1$, ** $p < .05$, *** $p < .01$

Notes: This table shows the effect of case characteristics on attorney race and defendant race using a sample consisting of Hispanic and Non-Hispanic White individuals. Each column is a separate regression equation. In Column (1), we regress attorney race on defendant characteristics to test whether these characteristics jointly predict the attorney's race. In Column (2), we regress attorney race on case characteristics, while in Column (3), we regress attorney race on both case and defendant characteristics. In Column (4), we regress defendant race on attorney characteristics. In all regressions, we control for month-by-year-by court fixed effects, and we report the joint F-statistic and its corresponding p-value. Standard errors are two-way clustered at the attorney and defendant level.

Table C2: The correlation between attorney characteristics and defendant race– difference-in-differences- Hispanic vs. Non-Hispanic White

	(1) White attorney	(2) Experience (years)	(3) Law school ranking	(4) Caseload
Hispanic defendant	0.000*	1.807***	2.204	0.252
	(0.000)	(0.623)	(5.627)	(0.173)
Hispanic defendant × White attorney	-0.000	-2.158***	0.175	-0.353*
	(0.000)	(0.710)	(6.256)	(0.195)
White attorney	1.000***	2.170	-4.623	-0.376
	(0.000)	(1.983)	(13.568)	(0.574)
Observations	28314	28314	28314	28314
Outcome Mean	.7072469	18.77257	74.0661	4.330303
White attorney	Y	Y	Y	Y
Month-year-court FE	Y	Y	Y	Y

Standard errors in parentheses

* $p < .1$, ** $p < .05$, *** $p < .01$

Notes: This table shows the difference-in-differences estimates from Equation 1 to test for the correlation between attorney characteristics and defendant's race using a sample consisting of Hispanic and Non-Hispanic White individuals. Attorney caseload represents the monthly number of cases handled by a given attorney. Each column is a separate regression equation, with the corresponding attorney characteristic as the dependent variable. In all regressions, we add month-by-year-by-court fixed effects. Standard errors are two-way clustered at the attorney and defendant level.

Table C3: The correlation between defendant and case characteristics and attorney race–difference-in-differences - Hispanic vs. Non-Hispanic White

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
	Hispanic defendant	Female	Age(years)	Previous charges	Drug	Property	DWI	Invalid license	Domestic Violence	Assault	Weapon
White attorney	-0.000	0.005	0.415	0.131	0.010	0.001	-0.004	-0.000	-0.008**	-0.000	0.001
	(0.000)	(0.011)	(0.333)	(0.158)	(0.007)	(0.006)	(0.010)	(0.005)	(0.004)	(0.003)	(0.002)
Hispanic defendant × White attorney	0.000	0.018	-1.634***	0.139	-0.004	0.006	-0.033**	0.000	0.012**	0.004	-0.002
	(0.000)	(0.012)	(0.347)	(0.135)	(0.008)	(0.008)	(0.013)	(0.007)	(0.005)	(0.004)	(0.003)
Hispanic defendant	1.000***	-0.024**	-2.023***	-0.290**	0.023***	-0.007	-0.001	0.010	-0.011**	-0.002	0.002
	(0.000)	(0.010)	(0.308)	(0.113)	(0.007)	(0.007)	(0.011)	(0.006)	(0.004)	(0.003)	(0.003)
Observations	28314	28309	28314	28314	28314	28314	28314	28314	28314	28314	28314
Outcome Mean	.505929	.2496264	32.62663	.9481749	.1213866	.0792735	.2404725	.0863812	.0963283	.0251982	.0159595
Hispanic defendant	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Month-year-court FE	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Standard errors in parentheses

* $p < .1$, ** $p < .05$, *** $p < .01$

Notes: This table shows the difference-in-differences estimates from Equation 1 to test for the correlation between defendant and case characteristics and attorney's race using a sample consisting of Hispanic and Non-Hispanic White individuals. Each column is a separate regression equation, with the corresponding attorney characteristic as the dependent variable. In all regressions, we add month-by-year-by-court fixed effects. Standard errors are two-way clustered at the attorney and defendant level.

Table C4: The effect of a different-race attorney on case dismissal

	(1)	(2)	(3)	(4)	(5)
Outcome: Dismissed					
Hispanic defendant × White attorney	-0.0297**	-0.0358***	-0.0369***	-0.0373***	-0.0360***
	(0.0132)	(0.0121)	(0.0120)	(0.0118)	(0.0121)
Hispanic defendant	0.0483***	0.0341***	0.0358***	0.0360***	0.0388**
	(0.0107)	(0.00980)	(0.00963)	(0.00913)	(0.0185)
White attorney	0.0230**	0.0192*			
	(0.0116)	(0.0114)			
Observations	28314	28309	28309	28309	28309
Outcome Mean	0.473	0.473	0.473	0.473	0.473
Month-year-court FE	Y	Y	Y	Y	Y
Case Characteristics	N	Y	Y	Y	Y
Attorney FE	N	N	Y	Y	Y
Attorney race*Case characteristics	N	N	N	Y	Y
Defendant race*Attorney characteristics	N	N	N	N	Y

Standard errors in parentheses

* $p < .1$, ** $p < .05$, *** $p < .01$

Notes: This table shows the difference-in-differences estimates for the different-race effect on dismissal using our Equation 1. In all five columns, we include month-by-year-by-court fixed effects. Column (1) shows the results using our baseline specification. In Column (2), we control for case characteristics, including dummy variables for crime type, day of the week, defendant age, sex, and number of previous charges. Column (3) adds attorney fixed effects, and Column (4) further includes interaction terms between attorney race and case characteristics. Column (5) additionally controls for interaction terms between defendant race and attorney characteristics. Attorney characteristics include years of experience, law school ranking, and monthly caseload, which enter into the regressions linearly. In all regressions, standard errors are two-way clustered at the attorney and defendant level.

Table C5: The effect of a different-race attorney on sentencing outcomes

	(1)	(2)	(3)	(4)	(5)
Panel A: Jail					
Hispanic defendant × White attorney	0.00437	0.00591	0.00587	0.00866	0.00676
	(0.0121)	(0.0115)	(0.0119)	(0.0120)	(0.0122)
Hispanic defendant	-0.0132	-0.00246	-0.00298	-0.00477	0.00301
	(0.00970)	(0.00923)	(0.00959)	(0.00942)	(0.0171)
White attorney	-0.000267	-0.00236			
	(0.0108)	(0.0101)			
Observations	28314	28309	28309	28309	28309
Outcome Mean	0.269	0.269	0.269	0.269	0.269
Panel B: Probation					
Hispanic defendant × White attorney	0.0283***	0.0305***	0.0280***	0.0266***	0.0269***
	(0.0101)	(0.00924)	(0.00946)	(0.00950)	(0.00934)
Hispanic defendant	-0.0346***	-0.0307***	-0.0286***	-0.0280***	-0.0178
	(0.00870)	(0.00780)	(0.00800)	(0.00799)	(0.0154)
White attorney	-0.0284***	-0.0242***			
	(0.00863)	(0.00796)			
Observations	28314	28309	28309	28309	28309
Outcome Mean	0.165	0.165	0.165	0.165	0.165
Month-year-court FE	Y	Y	Y	Y	Y
Case Characteristics	N	Y	Y	Y	Y
Attorney FE	N	N	Y	Y	Y
Attorney race*Case characteristics	N	N	N	Y	Y
Defendant race*Attorney characteristics	N	N	N	N	Y

Standard errors in parentheses

* $p < .1$, ** $p < .05$, *** $p < .01$

Notes: This table shows the difference-in-differences estimates for the different-race effect on sentencing outcomes using Equation 1. Each panel represents the effect on a separate outcome; panel A shows the effect on being sentenced to jail, and panel B shows the effect on receiving a probation sentence. In all five columns, we include month-by-year-by-court fixed effects. Column (1) shows the results using our baseline specification. In Column (2), we control for case characteristics, including dummy variables for crime type, day of the week, defendant age, sex, and number of previous charges. Column (3) adds attorney fixed effects, and Column (4) further includes interaction terms between attorney race and case characteristics. Column (5) additionally controls for interaction terms between defendant race and attorney characteristics. Attorney characteristics include years of experience, law school ranking, and monthly caseload, which enter into the regressions linearly. In all regressions, standard errors are two-way clustered at the attorney and defendant level.