

# How Judges' Professional Experience Impacts Case Outcomes: An Examination of Public Defenders and Criminal Sentencing\*

Allison P. Harris<sup>†</sup>      Maya Sen<sup>‡</sup>

July 25, 2024

## Abstract

Do judges' professional backgrounds affect their rulings? We investigate this question by looking at the impact of judges' public defender experience on sentencing. Leveraging thousands of sentences, we find that defendants assigned to a former public defender are, on average, less likely to be incarcerated. Their sentences are also sometimes shorter, which we show is partially due to former public defenders being less likely to give extreme punishments. Taken together, this means that even small increases in the number of former public defenders can result in thousands fewer people incarcerated. The findings make two key contributions. First, our findings provide crucial insight into disparities in the criminal legal system and how judge characteristics can play a significant role. Second, we showcase the potential impact of judges' professional experience on decision-making. Both illustrate a new strategy through which politicians can influence policy—by choosing judges based on their previous jobs.

---

\*Many thanks to Rachel Barkow, Christina Boyd, John Kastellec, George Krause, Jeff Jenkins, Michael Nelson, Ariel White, and seminar participants at UT-Austin and USC for helpful feedback. Special thanks to Keely Hoag, Susan Long, Ryan Pell, and Josiah Pineda for research assistance.

<sup>†</sup>Department of Political Science, Yale University (<https://politicalscience.yale.edu/people/allison-harris>).

<sup>‡</sup>John F. Kennedy School of Government, Harvard University (<http://scholar.harvard.edu/msen>).

# 1 Introduction

During his 2020 campaign, then-candidate Joe Biden promised that he would reshape the federal courts by appointing more diverse nominees. This included the promise to appoint more former public defenders. Out of Biden’s first 42 nominees, a third have had public criminal defense experience, including Biden’s Supreme Court appointee Ketanji Brown Jackson. Many proponents of criminal justice reform hope these judges will bring criminal sentencing outcomes more in line with reform goals, such as decreasing incarceration.

In this research note, we use the example of judges who are former public defenders to investigate how judges’ previous professional experience could shape key policy outcomes. Our investigation is guided by two important questions: 1) how does this experience translate into different outcomes for criminal defendants; and 2) what can we learn about the politics of judicial decision making? To answer these, we leverage a rich dataset of hundreds of thousands of federal sentences combined with data on judges’ previous professional experiences.

We find that defendants assigned to a former public defender are, on average, less likely (by up to 2.5 percentage points) to be sentenced to incarceration and more likely to be sentenced to community service or probation, regardless of the judge’s partisanship (although we find suggestive evidence of a stronger effect among Republican-appointed judges). In some instances, criminal defendants assigned to former public defenders are also more likely to receive shorter incarceration sentences—by about 16 months. As explanation, we show evidence that, in some cases, former public defenders are less willing to give extremely long sentences. We also find that longer experience working as a public defender is associated with decreased punitiveness, suggesting that learning on the job may be an important mechanism. We find a similar but weaker relationship for judges with private practice criminal defense experience.

This article makes two important contributions. First, we document a new source of discrepancies faced by criminal defendants. Research has mostly focused on sentencing disparities associated with defendant characteristics, including studies showing that non-White defendants receive more punitive sentences than White defendants (e.g., Demuth and Steffensmeier, 2004; Steffensmeier and Demuth, 2000). Such discrepancies are important: more punitive sentences lead to greater political disengagement among those incarcerated (Weaver and Lerman, 2010) (and their families and communities (Burch, 2013; White, 2019)) and may increase recidivism (Doleac, Forthcoming). Our findings show that specific professional characteristics of crimi-

nal legal system actors may also impact sentencing discrepancies and have similar downstream consequences.

This article's second contribution is to the growing literature on the impact of judicial backgrounds on decision making, which has focused mostly on judges' race and gender. Scholars typically find that, in general, judges' characteristics predict case outcomes primarily as they relate to important features of a case (Boyd, 2016; Haire and Moyer, 2015; Boyd et al., 2010), which suggests pathways for the relationship between public defender experience and sentencing. Older studies have considered how judges' *professional* experiences might relate to decision making (see George and Weaver, 2017, for an overview), but research has yet to explore the possible impact of criminal defense experience on sentencing outcomes.

Existing scholarship nonetheless suggests that public defender experience may add something that other experiences—including private defense experience—do not. First, similar to Boyd et al.'s account of judges learning through personal experiences related to their identities, such as gender, we expect public defenders will have greater knowledge of the structural factors (such as poor job prospects) contributing to offender status because they exclusively represent indigent defendants. Second, public defenders will have more knowledge about incarceration's negative impacts on disadvantaged communities. Third, representing multiple clients who cannot retain private counsel may act as a long-term anchor for former public defenders, making them less punitive on average than those with private experience, who may be less aware of such inequalities (see English, 2006, for an overview of anchoring effects in sentencing). Lastly, working with colleagues doing the same likely shapes a professional identity and shared worldview that is unlikely to develop with more isolated private practice experience.

Taken together, judges may reference these experiences to inform sentencing decisions. For instance, the experience could influence how they respond to prosecutors' recommendations or their adherence to the U.S. Sentencing Commission's guidelines. We note that it is possible that lawyers with more progressive views on criminal punishment may sort into public defense, but we offer evidence below that this is not the exclusive explanation. Even if such sorting partially drives the relationship, however, the same commitments that motivated judges' decisions to become public defenders (like wanting to limit incarceration) might influence sentencing.

These considerations imply that former public defenders may be more skeptical of excessive punishments, which would make appointing more public defenders attractive to policymakers seeking criminal policy change through courts. For example, according to one observer, ap-

pointing more public defenders “...would take two or three presidencies, and an overwhelming number of governors and state lawmakers working to change their judiciaries” but it would lead to “a real shift in the scales of justice” (Geidner, 2021).

## 2 Data on Sentencing and Judges’ Criminal Justice Experience

We draw on two sources to investigate the relationship between sentencing and judges’ public defender experience: (1) federal criminal sentencing data and (2) biographical data on federal judges. We obtained data for federal criminal charges heard from January 1, 2010, to December 31, 2019 from the Transactional Records Access Clearinghouse (TRAC), which makes repeated FOIA requests regarding all criminal charges heard in federal courts. We then restrict the data to include only unique charges assigned to a federal district judge. (The dropped cases included many assigned to magistrate judges, who are not Article III judges and for whom there is no professional experience data.<sup>1</sup>) This left us with 740786 unique charges handled by 1381 unique federal judges (see Table 1). We examine two main sentencing outcomes: whether a case ended with an incarceration sentence and the length of incarceration, measured in months.

	All Charges	All Pleas	All Trials
% Guilty	97.95	98.23	83.37
% Any Incarceration	80.00	79.92	86.50
% Any Community Service	2.09	2.16	2.69
% Any Probation	8.70	8.92	6.35
N	740786.00	623382.00	37404.00

Table 1: Summary statistics on unique federal charges (2010–2019).

We collected biographical data on judges from the Federal Judicial Center database, which reports age, race and ethnicity, gender, political factors and a brief description of judges’ professional experiences. For public defender experience, we included an indicator for any entries that mentioned “public defender,” “defender,” or “defense” at least once.<sup>2</sup> Table 2 summarizes these data. A team of trained RAs checked this coding and further examined all judges’ professional backgrounds to determine which judges also had private practice criminal defense experience, distinct from public defense experience. Details of this coding are in the Appendix.

<sup>1</sup>Many misdemeanors and most petty offenses are handled by magistrate judges. The Appendix includes analyses restricting the sample to felonies, which would drop such charges. The substantive results are unaffected.

<sup>2</sup>In two instances out of 122, the judge had volunteer public defender experience. We dropped those with volunteer experience, or pro bono experience in the case of private work.

	All	Democrats	Republicans
% Women	18.70	24.10	14.00
% White	82.50	75.70	88.40
% Black	9.10	14.20	4.70
% Public Defender	5.20	8.10	2.60
% Prosecutor	42.30	40.20	44.10
% Private Crim. Defense Experience (Some)	26.90	30.00	24.30
Number	2268.00	1067.00	1201.00

Table 2: Characteristics of U.S. District Court judges appointed since 1960. Source: Federal Judicial Center.

### 3 Sentencing Outcomes and Public Defender Experience

We now examine the impact of public defender experience on (1) whether a charge results in incarceration and (2) length of incarceration. At times we evaluate pleas and trials (jury or bench) separately because, although judges have the authority to reject plea agreements or deviate from the recommended sentencing, they may be more likely to defer to plea agreements. The Appendix also includes analyses on community service and probation as outcomes.

The following analyses include fixed effects for (1) district court, (2) year of charge, and (3) month of charge to invoke the as-if random assignment of case to judge. They also include fixed effects or dummies for (4) whether the charge was a felony,<sup>3</sup> (5) judge gender, (6) identity of the appointing president, (7) judge race, and (8) judge commission year, which approximates age and experience. We also include controls for other kinds of criminal justice experience, including prosecutorial experience and private criminal defense work to help isolate the impact of public defense experience specifically. Lastly, because there may be multiple charges and defendants in the same case, all models present standard errors clustered at the case and participant level. These, as well as the felony control, help address variation in base offense and offender history.

#### 3.1 Whether a Sentence Involves Any Incarceration

We first examine whether a charge results in any period of incarceration in Table 3, which shows a negative, significant relationship between the probability of incarceration and assignment to a public defender in jury or bench trial verdicts (Column 1), pleas (Column 2), and, most importantly, across all charges (Column 3). Across all charges, assignment to a former public defender decreases the probability of incarceration by up to 2.5 percentage points. Column 4 shows that the relationship holds even with the addition of fine-grained measures of judicial ideology calculated from campaign finance data (Bonica and Sen, 2017). Column 5 includes an

<sup>3</sup>At times this variable is not reported; substantive inferences are unchanged when dropping this.

Table 3: Outcome is whether sentence (if any) included any incarceration. All models are linear probability models and include fixed effects for district, month, year, and identity of appointing president. Standard errors clustered at the case and defendant level.

	Trials	Pled	All Charges	All Charges	All Charges
Former Pub Defender	-0.017+ (0.009)	-0.017*** (0.003)	-0.023*** (0.003)	-0.025*** (0.003)	-0.021*** (0.003)
Former Prosecutor	-0.006 (0.005)	0.036*** (0.002)	0.028*** (0.001)	0.029*** (0.001)	0.027*** (0.001)
Private Criminal Defense Experience	0.003 (0.005)	-0.014*** (0.002)	-0.014*** (0.001)	-0.014*** (0.001)	-0.013*** (0.001)
Female Judge	-0.006 (0.005)	0.009*** (0.002)	0.013*** (0.001)	0.012*** (0.001)	0.014*** (0.001)
African American Judge	0.007 (0.008)	0.005+ (0.002)	0.006** (0.002)	0.004 (0.002)	0.007*** (0.002)
Judge Race Other	0.043*** (0.007)	-0.009*** (0.002)	-0.007*** (0.002)	-0.007*** (0.002)	-0.007*** (0.002)
Judge Commission Year	-0.003** (0.001)	-0.003*** (0.000)	-0.004*** (0.000)	-0.004*** (0.000)	-0.001*** (0.000)
Charge is a Felony	0.092*** (0.012)	0.094*** (0.004)	0.109*** (0.004)	0.100*** (0.004)	0.110*** (0.004)
Trump Appointee	0.002 (0.038)	0.066*** (0.007)	0.027*** (0.006)		
Bush I Appointee	-0.061* (0.028)	-0.050*** (0.008)	-0.042*** (0.008)	-0.036*** (0.008)	
Bush II Appointee	0.005 (0.013)	0.004 (0.004)	0.012*** (0.003)	0.022*** (0.004)	
Ford Appointee	-0.102* (0.051)	-0.128*** (0.020)	-0.118*** (0.017)	-0.120*** (0.017)	
Carter Appointee	-0.066 (0.043)	-0.102*** (0.013)	-0.104*** (0.012)	-0.111*** (0.012)	
Reagan Appointee	-0.055 (0.035)	-0.064*** (0.010)	-0.055*** (0.009)	-0.048*** (0.010)	
Clinton Appointee	-0.022 (0.021)	-0.042*** (0.006)	-0.031*** (0.006)	-0.032*** (0.006)	
Judge DIME Score (Imputed)				-0.009*** (0.001)	
Republican					0.025*** (0.001)
Pub Defender * Republican					-0.014+ (0.007)
Num.Obs.	37 069	618 626	734 992	723 453	734 992
R2	0.031	0.067	0.062	0.062	0.062
Log.Lik.	-12 203.921	-289 995.688	-345 543.301	-338 441.512	-345 733.322
Std.Errors	by: Case & Part.	by: Case & Part.	by: Case & Part.	by: Case & Part.	by: Case & Part.
FE: District	X	X	X	X	X
FE: Month	X	X	X	X	X
FE: Year	X	X	X	X	X

+  $p < 0.1$ , \*  $p < 0.05$ , \*\*  $p < 0.01$ , \*\*\*  $p < 0.001$

interaction between public defender experience and party, showing that the relationship exists for judges from both parties and suggestive evidence ( $p$ -value  $< 0.10$ ) that it may be slightly stronger for Republican appointees. Private criminal defense experience has a generally weaker relationship with sentencing decisions, suggesting there is something particularly meaningful about public defense work.

An effect size of around 2.5 percentage points may appear substantively small, but, given the volume of sentences, it has meaningful ramifications. A back-of-the-envelope calculation suggests that if 8 percent of federal district judges had public defender experience in this time frame (as was the case in 2022) there would be approximately 2920 fewer incarceration sentences over a ten-year period compared to there being none. Hypothetically, if the share of judges with public defender experience was as high as the share with prosecutorial experience (around 35 percent), there would be nearly 13000 fewer incarcerations over the ten-year period compared to having no former public defenders.

Table 4: Outcome is incarceration length truncated at 100 years (1200 months). Sentences exceeding 100 years are coded as 100 years. All models are OLS and include fixed effects for district, month, year, and identity of appointing president. Standard errors clustered at the case and defendant level.

	Jury or Bench Trial	Pled	All Charges
Former Pub Defender	-16.535** (5.999)	0.005 (0.457)	-0.811 (0.537)
Former Prosecutor	1.050 (3.670)	1.556*** (0.280)	1.431*** (0.325)
Private Criminal Defense Experience	-9.975** (3.353)	-1.106*** (0.292)	-1.779*** (0.341)
Female Judge	-7.679* (3.773)	0.895** (0.304)	0.511 (0.343)
African American Judge	0.386 (6.079)	-1.400** (0.458)	-1.312* (0.576)
Judge Race Other	-10.182** (3.634)	-4.729*** (0.339)	-4.384*** (0.371)
Judge Commission Year	0.650 (0.950)	-0.017 (0.067)	-0.083 (0.082)
Charge is a Felony	8.103 (7.495)	1.070 (0.759)	3.194*** (0.849)
Trump Appointee	28.387 (19.386)	3.795** (1.163)	1.884+ (1.132)
Bush I Appointee	19.373 (20.784)	6.467*** (1.551)	6.701*** (1.865)
Bush II Appointee	20.719* (9.311)	4.436*** (0.701)	5.901*** (0.828)
Ford Appointee	30.409 (36.568)	1.684 (3.625)	2.446 (4.177)
Carter Appointee	22.368 (33.188)	1.282 (2.402)	-0.043 (2.947)
Reagan Appointee	30.735 (26.204)	4.402* (1.912)	5.076* (2.299)
Clinton Appointee	22.712 (16.650)	2.834* (1.131)	4.062** (1.389)
Num.Obs.	37 069	618 626	734 992
R2	0.108	0.075	0.062
Log.Lik.	-248 581.405	-3 458 983.248	-4 262 152.449
Std.Errors	by: Case & Participant	by: Case & Participant	by: Case & Participant
FE: District	X	X	X
FE: Month	X	X	X
FE: Year	X	X	X

+ p < 0.1, \* p < 0.05, \*\* p < 0.01, \*\*\* p < 0.001

### 3.2 Length of Incarceration

We next consider incarceration length, measured as the total number of months sentenced. For some charges, the sentence was tantamount to life in prison—361 incarceration sentences in our data exceeded 100 years and 14 exceeded 1000 years—raising concerns about a rightward skew that could bias analyses. Thus, for any sentence of 100 or more years, we imputed 100 years (1200 months), which is greater than the average human lifespan. (In the Appendix we show that substantive inferences are unaffected by choice of truncation point.)

We test the relationship between public defender experience and incarceration length in Table 4. Judges are likely to exercise more discretion in charges that go to trial. For these charges, defendants assigned to a former public defender receive sentences that are around 16 months shorter, a significant and large relationship (Column 1). There is no significant relationship on charges that were pled (Column 2) and the relationship falls just short of suggestive among all charges (Column 3,  $p$ -value = 0.13), which is unsurprising as most charges are resolved as pleas. By contrast, for trials, there is a weaker relationship with private criminal defense experience and no relationship with prosecutorial experience (Column 1).

What is driving the large decrease in sentence length for charges assigned to former public

Table 5: Outcome is incarceration length being greater than some length (yes or no). All models are linear probability models and include fixed effects for district, month, year, and identity of appointing president. Standard errors clustered at the case and defendant level.

	More than 100 Years	More than 70 Years	More than 30 Years
Former Pub Defender	-0.010* (0.005)	-0.011* (0.005)	-0.020** (0.007)
Former Prosecutor	-0.001 (0.003)	-0.001 (0.003)	0.003 (0.004)
Private Criminal Defense Experience	-0.003 (0.003)	-0.002 (0.003)	-0.009* (0.004)
Female Judge	-0.003 (0.003)	-0.004 (0.003)	-0.007+ (0.004)
African American Judge	0.003 (0.005)	0.002 (0.005)	0.005 (0.007)
Judge Race Other	0.000 (0.003)	0.001 (0.003)	0.002 (0.004)
Judge Commission Year	0.000 (0.001)	0.000 (0.001)	0.001 (0.001)
Charge is a Felony	-0.004 (0.006)	-0.005 (0.006)	0.002 (0.007)
Trump Appointee	0.003 (0.014)	0.001 (0.014)	0.002 (0.024)
Bush I Appointee	0.003 (0.017)	0.003 (0.017)	0.027 (0.023)
Bush II Appointee	0.010 (0.007)	0.011 (0.008)	0.020+ (0.010)
Ford Appointee	0.015 (0.029)	0.016 (0.030)	0.060 (0.040)
Carter Appointee	0.007 (0.027)	0.006 (0.027)	0.040 (0.036)
Reagan Appointee	0.012 (0.021)	0.011 (0.021)	0.045 (0.029)
Clinton Appointee	0.007 (0.013)	0.008 (0.014)	0.030 (0.018)
Num.Obs.	37 069	37 069	37 069
R2	0.034	0.035	0.066
Log.Lik.	15 995.372	14 767.908	1112.901
Std.Errors	by: Case & Participant	by: Case & Participant	by: Case & Participant
FE: District	X	X	X
FE: Month	X	X	X
FE: Year	X	X	X

+ p < 0.1, \* p < 0.05, \*\* p < 0.01, \*\*\* p < 0.001

defenders in Table 4, Column 1? We consider former public defenders' approach to extremely long sentences in Table 5 where we dichotomize long sentences (those longer than 100, 70, or 30 years) versus not. Here we consider only charges resolved with a jury or bench trial for which we found a relationship between public defense experience and sentence length in Table 4. The results suggest that former public defenders are less likely to give extremely long sentences after trials. At each level, public defenders are 1-2 percentage points less likely to give that sentence. Hypothetically, if the percent of federal district judges with public defender experience increased from 0 to 8 percent, there would be approximately 120 fewer sentences in excess of 30 years. Importantly, a majority of cases are pled, possibly complicating the interpretation of these specific findings on incarceration length. In the Appendix, we examine the decision to plea or go to trial as outcomes to identify whether assignment to a public defender might affect this decision. These results are either precisely estimated zeroes or insignificant, suggesting that the results presented above are not due to defendants' choices at this stage.

### 3.3 Years of Experience as a Public Defender

Attorneys with more progressive views on sentencing may simply sort into public defense work. However, even among self-selectors, the impact of this experience may vary with length of

Table 6: For Columns 1, outcome is whether sentence (if any) included any incarceration (LPM). For Column 2, outcome is truncated sentence length (OLS). For Column 3, outcome is whether incarceration is longer than 30 years (LPM). For all models, standard errors clustered at the case and defendant level. Models include fixed effects for district, month, year, and identity of appointing president.

	Any Incarceration (All)	Incarceration Length (Trials)	Incarceration Length More than 30 Years (Trials)
Years of PD Experience	-0.002*** (0.000)	-1.829* (0.861)	-0.002* (0.001)
Former Prosecutor	0.028*** (0.001)	1.053 (3.671)	0.001 (0.004)
Private Criminal Defense Experience	-0.014*** (0.001)	-9.788** (3.351)	-0.007* (0.003)
Female Judge	0.013*** (0.001)	-7.312+ (3.755)	-0.004 (0.004)
African American Judge	0.005* (0.002)	-0.366 (6.043)	0.006 (0.006)
Judge Race Other	-0.008*** (0.002)	-10.480** (3.615)	0.001 (0.004)
Judge Commission Year	-0.004*** (0.000)	0.570 (0.948)	0.001 (0.001)
Charge is a Felony	0.109*** (0.004)	8.117 (7.486)	0.001 (0.007)
Trump Appointee	0.029*** (0.006)	29.066 (19.365)	0.014 (0.022)
Bush I Appointee	-0.042*** (0.008)	17.826 (20.833)	0.015 (0.021)
Bush II Appointee	0.013*** (0.003)	19.774* (9.397)	0.014 (0.010)
Ford Appointee	-0.118*** (0.017)	27.632 (36.581)	0.032 (0.036)
Carter Appointee	-0.104*** (0.012)	19.593 (33.220)	0.025 (0.033)
Reagan Appointee	-0.054*** (0.009)	28.592 (26.232)	0.029 (0.027)
Clinton Appointee	-0.031*** (0.006)	21.148 (16.696)	0.018 (0.017)
Num.Obs.	734 992	37 069	37 069
R2	0.062	0.108	0.055
Log.Lik.	-345 590.631	-248 583.497	5036.631
FE: District	X	X	X
FE: Month	X	X	X
FE: Year	X	X	X

+ p < 0.1, \* p < 0.05, \*\* p < 0.01, \*\*\* p < 0.001

service. We therefore examine the relationship between sentencing and years of public defense experience, coded from the FJC data by research assistants. These analyses, shown in Table 6, include the years of public defender experience for any former public defender ( $\bar{x} = 6.67$  years,  $sd = 5.18$ ).

As the table shows, the effects of public defender experience increase with the number of years of public defender experience for 1) any sentence, 2) sentence length among trials, and 3) extremely long sentences among trials. (Individuals who are not former defenders are coded as having 0 years of experience in this table, but dropping them altogether results in similar inferences.) A possible interpretation of Table 6 is that, as our theory suggests, increased experience in the profession makes former public defenders more sensitive to defendants' plights—as suggested by a learning mechanism—although we cannot fully rule out some component of selection into years of experience.

## 4 Discussion and Conclusion

The results presented here provide evidence that federal criminal cases assigned to former public defenders are less likely to lead to incarceration and, when they proceed to a trial, re-

ceive shorter sentences. The relationship between public defender experience and sentencing is generally stronger than that for private criminal defense experience; in addition, public defense experience is robustly predictive, even after including measures of ideology. We also find additional evidence that years of experience in public defense work is a significant predictor of sentencing behavior. Taken together, these findings suggest that public defense experience is particularly important and formative, perhaps due to the types of clients public defenders represent or the environment in which they work.

What does this mean for our understanding of fairness in the courts and of the politics of judicial behavior? First, from a policy perspective, the results suggest that policy makers can shape substantive outcomes with careful selection of judicial appointees. Consistently appointing former public defenders would reduce the number of people incarcerated and, potentially, prison sentence length, even among judges appointed by the same president. A subtle shift would result in thousands fewer incarceration sentences each year. One of President Biden's recent Tweets suggests awareness of the policy impact of public defenders on sentencing: "A fair criminal justice system depends on public defenders – it's why I've nominated more public defenders to be federal judges than any other president."<sup>4</sup>

Second, the findings contribute to our understanding of judicial decision making. Previous work has shown how judges' personal characteristics influence their decision making, especially when the issue area is relevant to that identity. Here, we show that professional experience can work similarly. This finding is consistent with the recent judicial politics literature on decision making, expanding it in the important direction of professional background.

We conclude by noting areas of further research. First, in this analysis, assuming mostly random assignment of cases to judges is reasonable given district and month fixed effects. This makes it safe to say, as we do here, that there is a causal treatment effect associated with having a case assigned (or not) to a former public defender. We also show stronger effects for charges assigned to longer-serving public defenders, suggestive evidence for a learning mechanism. However, future research might explore the reasons why some judges pursue certain kinds of careers and further disentangle these motivations and their implications for judicial decision making.

Second, and more broadly, our work engages policymakers' increasing desire to shape judicial outcomes. Policymakers who want to shape court outcomes have previously relied on ideology as

---

<sup>4</sup><https://twitter.com/POTUS/status/1637235784330690560>.

their main vehicle for judicial selection. The strategy of naming judges with certain professional profiles is more novel, and more research is needed on the political motivations behind this shift, as well as its implications for policy making through courts.

## References

- Bonica, Adam and Maya Sen. 2017. "A Common-Space Scaling of the American Judiciary and Legal Profession." *Political Analysis* 25(1):114–121.
- Boyd, Christina L. 2016. "Representation on the Courts? The Effects of Trial Judges' Sex and Race." *Political Research Quarterly* 69(4):788–799.
- Boyd, Christina L. et al. 2010. "Untangling the Causal Effects of Sex on Judging." *American Journal of Political Science* 54(2):389–411.
- Burch, Traci. 2013. *Trading Democracy for Justice: Criminal Convictions and the Decline of Neighborhood Political Participation*. University of Chicago Press.
- Demuth, Stephen and Darrell Steffensmeier. 2004. "Ethnicity effects on sentence outcomes in large urban courts: Comparisons among White, Black, and Hispanic defendants." *Social Science Quarterly* 85(4):994–1011.
- Doleac, Jennifer L. Forthcoming. "Encouraging Desistance from Crime." *Journal of Economic Literature* .
- Englich, Birte. 2006. "Blind or biased? Justitia's susceptibility to anchoring effects in the courtroom based on given numerical representations." *Law & Policy* 28(4):497–514.
- Geidner, Chris. 2021. "Biden Outshines Trump – and Obama – By Appointing Public Defenders as Judges." MSNBC.
- George, Tracey E. and Taylor Grace Weaver. 2017. The Role of Personal Attributes and Social Backgrounds on Judging. In *The Oxford Handbook of U.S. Judicial Behavior*, ed. Lee Epstein and Stefanie A. Lindquist. Oxford University Press.
- Haire, Susan B. and Laura P. Moyer. 2015. *Diversity Matters: Judicial Policy Making in the U.S. Courts of Appeals*. University of Virginia Press.
- Steffensmeier, Darrell and Chris Hebert. 1999. "Women and Men Policymakers: Does the Judge's Gender Affect the Sentencing of Criminal Defendants?" *Social Forces* 77(3):1163–1196.
- Steffensmeier, Darrell and Stephen Demuth. 2000. "Ethnicity and Sentencing Outcomes in US Federal Courts: Who is Punished More Harshly?" *American Sociological Review* 65(5):705–729.
- Weaver, Vesla M. and Amy E. Lerman. 2010. "Political Consequences of the Carceral State." *American Political Science Review* 104(4):817–833.
- White, Ariel. 2019. "Family Matters? Voting Behavior in Households with Criminal Justice Contact." *American Political Science Review* 113(2):607–613.

## 5 Appendix

This Appendix contains additional analyses for “How Judges’ Professional Experience Impacts Case Outcomes: An Examination of Public Defenders and Criminal Sentencing.”

### 5.1 Explanation of Coding for Judges’ Previous Criminal Justice Experience

To code judges’ previous criminal justice experience, we first relied on biographical information from the Federal Judicial Center (FJC). For each Article III judge, the FJC provides an approximately one-paragraph blurb documenting previous professional experience chronologically. Any judge whose biographical blurb included the term “defender” or “defense” was coded by software as having public defender experience. This largely included people who listed employment at, e.g., “Office of the Public Defender,” or people who actually listed their previous employment as “Public Defender,” “public defense attorney,” and the like. This did not include any individuals who had criminal defense experience in private practice because such individuals generally list “private practice,” followed by the location and dates.

For example, for Obama appointee Raymond P. Moore, a district judge in Colorado (who took senior status in 2023), the FJC entry included:

Private practice, Denver, Colorado, 1978-1982, 1986-1992 Assistant U.S. attorney, District of Colorado, 1982-1986 Office of the Federal Public Defender, Districts of Colorado and Wyoming, 1993-2013; assistant federal public defender, 1993-2003; acting federal public defender, 2003; federal public defender, 2004-2013

He thus was coded as being a former public defender. The automated coding was double checked and confirmed for accuracy by trained research assistants (RAs).

Second, for judges listing public defense or private practice experience, the RAs examined each candidate’s confirmation materials, starting with the questionnaires and moving to confirmation hearing transcripts and broader internet searches when questionnaires were unavailable. (This was the case for many of the earliest nominations in the dataset.) This thorough review of confirmation questionnaires and transcripts uncovered two additional judges with public defense experience that was not included in their FJC biographies (Judges W. Allen Pepper Jr. and Layn R. Phillips). In addition, anyone whose questionnaire or hearing contained references to the paid representation of criminal defendants was coded as having private practice criminal defense experience. (Some individuals had both public defender and private practice criminal defense experience.)

Third, some individuals had only *pro bono* (unpaid or volunteer) experience representing criminal defendants, or their defense experience was limited to an internship or fellowship position. Because these kinds of experiences are qualitatively different than paid experience – lawyers can be highly selective in *pro bono* cases, which are not a huge part of their practice, and fellowships and internships are

competitive opportunities for lawyers to increase their training – these were coded separately by the RAs.

Lastly, a handful of individuals had what the RAs described as negligible private practice criminal defense experience. These we defined as a specific mention in their questionnaire that, over the course of their private practice career, the judge handled only five or fewer criminal defense cases or they indicated that criminal defense experience represented less than five percent of their practice.

For those in private practice, there is, moreover, variation in how judges describe their past criminal defense experience and the type of detail they provide. (We do not see this variation for those who worked in public defenders’ offices.) For example, some judges’ questionnaires mentioned they handled “criminal matters” while others discussed in more detail the types of criminal cases they handled. Many judges in small or personal private practices mentioned taking on court-assigned criminal cases as part of their practice, while other judges with large law firm experience indicate that their practice included white-collar criminal defense, which are a very small share of criminal charges.

Due to these nuanced variations in experience and reporting, our coding of the variety of judges’ past private criminal defense experience is necessarily blunt. However, we have effectively captured whether judges had any criminal defense experience while in private practice, separate from working as a public defender, which helps us disaggregate between private and public defense criminal experience. Future research might more thoroughly probe variations in judges’ previous private practice criminal law experience and leverage this in separate analyses.

## **5.2 Analysis of Procedural Choices That Could be Affected by Public Defender Status**

A defendant’s choice to plea or go to trial could itself be impacted by a judge’s criminal justice experience, since the decision to enter into a plea bargain would take place “in the shadow” of the judge. For example, if a judge is perceived to be more lenient in sentencing (perhaps precisely because of their past experience as a public defender), then the defense may have an incentive to not enter into a plea and instead push for a trial. This type of decision-making process complicates the pattern observed in the main text for incarceration length for cases going to trial. For example, for such a process to fully explain the findings on reduced sentence length and on the reduced probability of extreme sentences, defendants would have to be entering into plea agreements at higher rates for “severe” charges when bargaining “in the shadow” of a public defender. This seems unlikely since public defenders are likely more sympathetic to defendants, making a trial (not a plea) more attractive. It is possible that a general push for more trials would result in a greater share of less “severe” charges assigned to public defenders going to trial, but that would not explain the reduced probability of extremely long sentences shown in the main text.

To better understand empirically how these patterns may vary according to public defender status—

and thus, whether selection bias may be explaining some of the main results at the sentencing stage—Table 7 looks at the two procedural outcomes that could be affected by “bargaining in the shadow of the judge” as the quantities of interest: (1) whether an incoming charge eventually proceeded to trial (bench or jury); or (2) whether the defendant entered into a plea agreement. Interestingly, assignment to a public defender (Column 1) is slightly—0.3 percentage points—less likely to be associated with charges going to a trial. This is close enough to 0 not to be a meaningful effect. The relationship of public defender status to the decision to plea is not significant (Column 2).

Note that, if the decision to proceed to trial fully explained our finding that assignment to a former public defender reduces the probability of extreme sentences, defendants would have to be entering into plea agreements at higher rates for “severe” charges when assigned to a public defender, which seems unlikely. Finally, if attorneys do consider judges’ sentencing records—which, as we show, are influenced by their professional backgrounds—when crafting plea agreements, such a process would not invalidate the effect of judges’ criminal defense experience on their decisions, nor the possibility of learning as a mechanism. Rather, it would suggest that attorneys may take this into account in approaching the plea agreements.

Table 7: Outcome is whether any charge, regardless of guilt or procedural posture that could be influenced by public defender status, proceeded to a jury or bench trial (Column 1), or was pled (Column 2). All models are linear probability models and include fixed effects for district, month, year, and identity of appointing president. Standard errors clustered at the case and defendant level.

	Jury or Bench Trial	Pled
Former Pub Defender	-0.003*** (0.001)	-0.005 (0.003)
Former Prosecutor	-0.004*** (0.000)	-0.002 (0.002)
Private Criminal Defense Experience	-0.003*** (0.000)	-0.014*** (0.002)
Female Judge	-0.002*** (0.000)	-0.009*** (0.002)
African American Judge	-0.003*** (0.001)	-0.005+ (0.003)
Judge Race Other	-0.008*** (0.001)	-0.019*** (0.002)
Judge Commission Year	-0.001*** (0.000)	0.003*** (0.000)
Charge is a Felony	-0.001 (0.001)	0.057*** (0.004)
Trump Appointee	-0.014*** (0.001)	-0.048*** (0.007)
Bush I Appointee	-0.013*** (0.002)	0.097*** (0.009)
Bush II Appointee	-0.004*** (0.001)	0.043*** (0.004)
Ford Appointee	-0.013 (0.010)	0.147*** (0.021)
Carter Appointee	-0.022*** (0.003)	0.100*** (0.015)
Reagan Appointee	-0.019*** (0.002)	0.113*** (0.012)
Clinton Appointee	-0.007*** (0.001)	0.080*** (0.007)
Num.Obs.	734 992	734 992
R2	0.063	0.075
Log.Lik.	462 510.028	-504 958.499
Std.Errors	by: Case & Participant	by: Case & Participant
FE: District	X	X
FE: Month	X	X
FE: Year	X	X

+ p < 0.1, \* p < 0.05, \*\* p < 0.01, \*\*\* p < 0.001

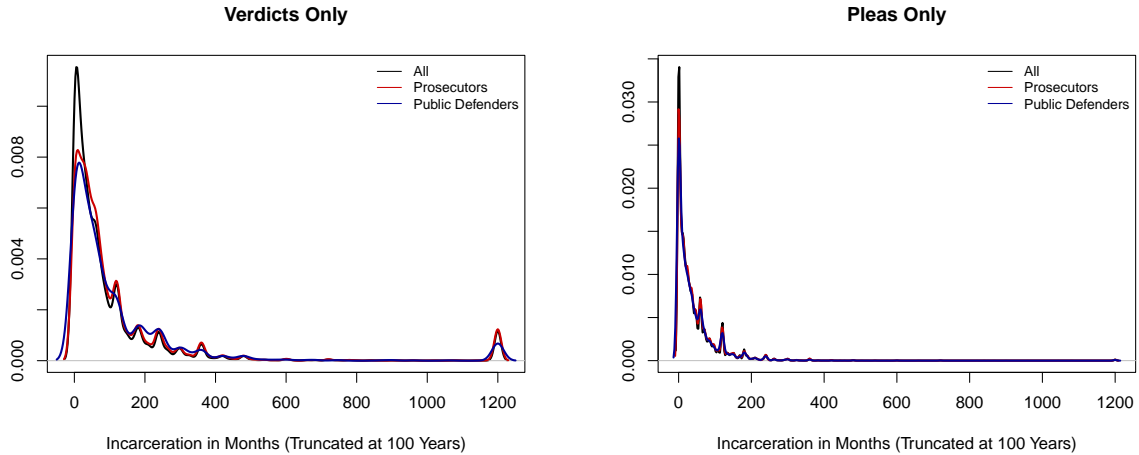


Figure 1: Density of incarceration length for all (black), prosecutor (red) or defender (blue) judges. Left panel—charges resolved in a jury or bench trial; right panel—charges that were pled. Incarceration length truncated at 100 years (1200 months).

### 5.3 Analysis of (Post-Treatment) Guilty Dispositions

In the analyses presented in the main text, we do not condition on guilty status (coded in the data for each charge as a “guilty disposition”), because it is—especially for bench trials and or pleas—determined after a charge has been assigned to a judge. For example, it would be possible for trial proceedings presided over by former public defenders to be more likely to end with a finding of “not guilty.” Looking only at guilty dispositions could therefore potentially bias our inferences.

Intuitively, the decision not to condition on guilty disposition may seem odd: it would make sense to examine defendants who plead or are found guilty, as these are overwhelmingly the individuals who are sentenced. In addition, policy makers may care about how policy-related judicial appointments may impact individuals who plea or are found guilty, regardless of whether the assigned judge’s characteristics impacted this finding.

Mindful of the post-treatment nature of this subsetting, we therefore replicated the analyses in the text but conditioned on a charge having resulted in a guilty disposition. This dropped some pleas (about 1.5%) and some charges that proceeded to trial (about 16%). Table 8 and 9 replicate the main results, and they are substantively similar in direction, rough magnitude, and significance to the unconditional results presented in the main text.

### 5.4 Incarceration Length for Pleas vs. Trials

Figure 1 shows the density of incarceration length for charges that eventually went to a jury or bench trial (left) and those that pled (right). The figure shows that, for charges proceeding to trial, former public defenders appear to give very long sentences less frequently. Sentence lengths for pleas, on the other hand, appear similar across judges (in months, truncated at 1200 months, or 100 years).

Table 8: Analyses for charges that result in a guilty disposition only. Outcome is whether sentence (if any) included any incarceration (Column 1, linear probability model) and incarceration length (Column 2, OLS). All models include fixed effects for district, month, year, and identity of appointing president. Standard errors clustered at the case and defendant level.

	Incarceration Among Guilty	Incarceration Length Among Guilty Trials
Former Pub Defender	-0.021*** (0.003)	-18.298** (7.001)
Former Prosecutor	0.028*** (0.001)	1.195 (4.155)
Private Criminal Defense Experience	-0.014*** (0.001)	-9.735* (3.916)
Female Judge	0.012*** (0.001)	-7.952+ (4.325)
African American Judge	0.007** (0.002)	1.043 (7.114)
Judge Race Other	-0.006*** (0.002)	-10.804* (4.405)
Judge Commission Year	-0.004*** (0.000)	0.747 (1.070)
Charge is a Felony	0.140*** (0.004)	6.736 (9.314)
Trump Appointee	0.028*** (0.006)	30.322 (22.173)
Bush I Appointee	-0.044*** (0.008)	22.585 (23.578)
Bush II Appointee	0.011** (0.003)	24.931* (10.664)
Ford Appointee	-0.120*** (0.018)	35.926 (41.194)
Carter Appointee	-0.105*** (0.012)	25.106 (37.388)
Reagan Appointee	-0.056*** (0.010)	34.269 (29.854)
Clinton Appointee	-0.032*** (0.006)	24.800 (18.835)
Num.Obs.	719 993	30 878
R2	0.064	0.097
Log.Lik.	-337 432.914	-209 373.998
Std.Errors	by: Case & Participant	by: Case & Participant
FE: District	X	X
FE: Month	X	X
FE: Year	X	X

+ p < 0.1, \* p < 0.05, \*\* p < 0.01, \*\*\* p < 0.001

Table 9: Analyses for charges that result in a guilty disposition only. Outcome is incarceration length being greater than some length (yes or no). All models are linear probability models and include fixed effects for district, month, year, and identity of appointing president. Standard errors clustered at the case and defendant level.

	More than 100 Years	More than 70 Years	More than 30 Years
Former Pub Defender	-0.011* (0.006)	-0.012* (0.006)	-0.023** (0.008)
Former Prosecutor	-0.001 (0.003)	-0.001 (0.003)	0.003 (0.005)
Private Criminal Defense Experience	-0.003 (0.003)	-0.002 (0.003)	-0.009* (0.004)
Female Judge	-0.004 (0.003)	-0.004 (0.004)	-0.009+ (0.005)
African American Judge	0.004 (0.006)	0.003 (0.006)	0.007 (0.008)
Judge Race Other	0.000 (0.003)	0.000 (0.003)	0.002 (0.005)
Judge Commission Year	0.000 (0.001)	0.000 (0.001)	0.001 (0.001)
Charge is a Felony	-0.006 (0.008)	-0.006 (0.008)	0.002 (0.009)
Trump Appointee	0.002 (0.016)	0.000 (0.016)	0.000 (0.027)
Bush I Appointee	0.003 (0.019)	0.003 (0.019)	0.029 (0.026)
Bush II Appointee	0.012 (0.009)	0.013 (0.009)	0.024* (0.012)
Ford Appointee	0.015 (0.033)	0.015 (0.034)	0.061 (0.045)
Carter Appointee	0.006 (0.030)	0.005 (0.031)	0.040 (0.041)
Reagan Appointee	0.011 (0.024)	0.010 (0.025)	0.045 (0.033)
Clinton Appointee	0.008 (0.015)	0.008 (0.016)	0.031 (0.021)
Num.Obs.	30 878	30 878	30 878
R2	0.033	0.034	0.062
Log.Lik.	10 728.210	9742.450	-1485.736
Std.Errors	by: Case & Participant	by: Case & Participant	by: Case & Participant
FE: District	X	X	X
FE: Month	X	X	X
FE: Year	X	X	X

+ p < 0.1, \* p < 0.05, \*\* p < 0.01, \*\*\* p < 0.001

Table 10: For Columns 1-3, outcome is whether sentence (if any) included any incarceration. Models are linear probability models and include fixed effects for district, month, year, and identity of appointing president interacted with public defender. For Column 4, outcome is truncated sentence length for sentences with jury or bench trials. For all models, standard errors clustered at the case and defendant level.

	Any Incarceration (Trials)	Any Incarceration (Pleas)	Any Incarceration (All)	Incarceration Length
Former Pub Defender	-0.008 (0.010)	-0.018*** (0.003)	-0.026*** (0.003)	-16.433* (6.801)
Black	0.004 (0.008)	0.007** (0.003)	0.006* (0.002)	2.467 (6.731)
Former Prosecutor	-0.004 (0.005)	0.035*** (0.002)	0.027*** (0.001)	0.670 (3.667)
Private Criminal Defense Experience	0.006 (0.005)	-0.014*** (0.002)	-0.014*** (0.001)	-10.711** (3.306)
Female Judge	0.000 (0.005)	0.008*** (0.002)	0.012*** (0.001)	-8.813* (3.744)
Judge Commission Year	-0.004** (0.001)	-0.003*** (0.000)	-0.004*** (0.000)	0.718 (0.951)
Charge is a Felony	0.093*** (0.012)	0.094*** (0.004)	0.108*** (0.004)	7.740 (7.509)
Trump Appointee	-0.006 (0.039)	0.070*** (0.007)	0.029*** (0.006)	30.502 (19.373)
Bush I Appointee	-0.075** (0.028)	-0.049*** (0.008)	-0.040*** (0.008)	22.416 (20.732)
Bush II Appointee	0.002 (0.013)	0.005 (0.004)	0.013*** (0.003)	21.704* (9.299)
Ford Appointee	-0.114* (0.051)	-0.128*** (0.020)	-0.117*** (0.017)	32.930 (36.553)
Carter Appointee	-0.082+ (0.043)	-0.100*** (0.013)	-0.102*** (0.012)	25.771 (33.166)
Reagan Appointee	-0.073* (0.035)	-0.063*** (0.010)	-0.053*** (0.009)	34.546 (26.124)
Clinton Appointee	-0.031 (0.021)	-0.041*** (0.006)	-0.030*** (0.006)	24.609 (16.624)
Pub Defender * Black	-0.012 (0.020)	-0.007 (0.007)	0.011+ (0.007)	-7.060 (13.620)
Num.Obs.	37 069	618 626	740 785	37 069
R2	0.029	0.067	0.062	0.108
Log.Lik.	-12 230.025	-290 011.333	-348 650.315	-248 585.404
FE: District	X	X	X	X
FE: Month	X	X	X	X
FE: Year	X	X	X	X

+ p < 0.1, \* p < 0.05, \*\* p < 0.01, \*\*\* p < 0.001

## 5.5 Possible Interactions

We conducted various analyses interacting public defender status with other characteristics of interest to scholars.

**Race.** Research on criminal sentencing points to important differences between Black and White judges on sentencing, with Black judges at times being more or less harsh than their White counterparts. (To our knowledge, similar effects have not been found for judges who identify as Latino/Hispanic, although the number of Latino/Hispanic judges has historically been smaller, which has made scholarly inquiry challenging.) However, this does vary with defendants' race.

While we do not have defendant race in our data—meaning that these analyses are not necessarily assessing the same interactive effects as previous work—we do have judges' race or ethnicity coded in the judicial biographical data. Table 10 shows analyses that interact public defender status with whether the assigned judge is Black. As the table shows, there is no significant interaction between judge race and public defender experience, suggesting no increase/decrease in the likelihood of incarceration or on incarceration length.

**Gender.** Along with judge race, there are corresponding studies looking into the relationship between gender and judicial decision making. As we discussed, most of these connect gender and decision making concerning civil complaints involving gender/sex discrimination or harassment, Title IX, and reproductive

Table 11: For Columns 1-3, outcome is whether sentence (if any) included any incarceration. Models are linear probability models and include fixed effects for district, month, year, and identity of appointing president. For Column 4, outcome is truncated sentence length for sentences with jury or bench trials. For all models, standard errors clustered at the case and defendant level.

	Any Incarceration (Trials)	Any Incarceration (Pleas)	Any Incarceration (All)	Incarceration Length
Former Pub Defender	-0.020* (0.010)	-0.011** (0.003)	-0.021*** (0.003)	-17.309** (6.355)
Female Judge	-0.007 (0.006)	0.011*** (0.002)	0.013*** (0.002)	-7.912* (3.868)
Former Prosecutor	-0.006 (0.005)	0.036*** (0.002)	0.028*** (0.001)	1.053 (3.670)
Private Criminal Defense Experience	0.002 (0.005)	-0.013*** (0.002)	-0.014*** (0.001)	-10.028** (3.365)
African American Judge	0.006 (0.008)	0.005* (0.002)	0.006** (0.002)	0.300 (6.121)
Judge Race Other	0.044*** (0.007)	-0.009*** (0.002)	-0.007*** (0.002)	-10.115** (3.640)
Judge Commission Year	-0.003** (0.001)	-0.004*** (0.000)	-0.004*** (0.000)	0.660 (0.950)
Charge is a Felony	0.092*** (0.012)	0.094*** (0.004)	0.109*** (0.004)	8.133 (7.480)
Trump Appointee	0.001 (0.038)	0.067*** (0.007)	0.028*** (0.006)	28.350 (19.385)
Bush I Appointee	-0.060* (0.028)	-0.052*** (0.008)	-0.043*** (0.008)	19.647 (20.819)
Bush II Appointee	0.006 (0.013)	0.003 (0.004)	0.012*** (0.003)	20.844* (9.319)
Ford Appointee	-0.100* (0.051)	-0.130*** (0.020)	-0.118*** (0.017)	30.722 (36.580)
Carter Appointee	-0.065 (0.043)	-0.104*** (0.013)	-0.104*** (0.012)	22.644 (33.230)
Reagan Appointee	-0.054 (0.035)	-0.066*** (0.010)	-0.055*** (0.009)	31.027 (26.216)
Clinton Appointee	-0.021 (0.021)	-0.043*** (0.006)	-0.032*** (0.006)	22.945 (16.675)
Pub Defender * Female	0.016 (0.021)	-0.019*** (0.006)	-0.007 (0.005)	3.675 (14.905)
Num.Obs.	37 069	618 626	734 992	37 069
R2	0.031	0.067	0.062	0.108
Log.Lik.	-12 203.573	-289 984.461	-345 541.770	-248 581.350
FE: District	X	X	X	X
FE: Month	X	X	X	X
FE: Year	X	X	X	X

+ p < 0.1, \* p < 0.05, \*\* p < 0.01, \*\*\* p < 0.001

rights. Some papers have shown gender-based differences in sentencing (Steffensmeier and Hebert, 1999), although, given that an overwhelming majority of defendants are male, the mechanisms are not so clear.

In our context, an important consideration is that women are overrepresented as public defenders, the opposite of most other legal practice areas (<https://www.zippia.com/public-defender-jobs/demographics/>). Thus, it may be the case that former public defenders who are women have different or more empowering experiences. Table 11 shows the analyses, with public defender status interacted with judge gender. In contrast to a story where female public defenders have a distinctive experience, the data suggest that we cannot rule out that there is no difference in how public defender experience operates across genders. The only exception here is the significant coefficient on the interaction of public defender and judge gender for pleas. But there is no consistent story.

**Identity of the Appointing President.** The main text includes analyses that interact defender status with party of the appointing president. However, it could be the case that there are interactions with the identity of the appointing president, not just the party. For example, it could be the case that Obama appointments who were defense attorneys were more impactful on sentencing than were Clinton appointments who were also defense attorneys. (At our time of writing, we lack sufficient information on the records of Biden nominees to make firm statements about these.)

These analyses are included in Table 12. (Barack Obama is the omitted variable on president.)

Table 12: For Columns 1-3, outcome is whether sentence (if any) included any incarceration. Models are linear probability models and include fixed effects for district, month, year, and identity of appointing president. For Column 4, outcome is truncated sentence length for sentences with jury or bench trials. For all models, standard errors clustered at the case and defendant level.

	Any Incarceration (Trials)	Any Incarceration (Pleas)	Any Incarceration (All)	Incarceration Length
Former Pub Defender	-0.013 (0.019)	-0.037*** (0.004)	-0.042*** (0.004)	-25.233** (9.096)
Trump Appointee	0.037 (0.037)	0.061*** (0.007)	0.022*** (0.006)	26.373 (19.564)
Bush I Appointee	-0.069* (0.029)	-0.052*** (0.008)	-0.046*** (0.008)	17.609 (20.919)
Bush II Appointee	0.002 (0.013)	0.002 (0.004)	0.009** (0.003)	19.573* (9.672)
Ford Appointee	-0.098+ (0.052)	-0.127*** (0.020)	-0.120*** (0.018)	28.526 (36.706)
Carter Appointee	-0.074+ (0.045)	-0.101*** (0.013)	-0.106*** (0.012)	18.148 (33.195)
Reagan Appointee	-0.057 (0.036)	-0.063*** (0.010)	-0.055*** (0.010)	28.776 (26.337)
Clinton Appointee	-0.024 (0.022)	-0.048*** (0.006)	-0.039*** (0.006)	19.997 (16.935)
Former Prosecutor	-0.006 (0.005)	0.038*** (0.002)	0.029*** (0.001)	1.494 (3.703)
Private Criminal Defense Experience	0.007 (0.005)	-0.013*** (0.002)	-0.014*** (0.001)	-9.940** (3.389)
Female Judge	-0.006 (0.006)	0.010*** (0.002)	0.013*** (0.001)	-7.769* (3.747)
African American Judge	0.001 (0.008)	0.007** (0.003)	0.008*** (0.002)	0.454 (6.109)
Judge Race Other	0.026*** (0.007)	-0.013*** (0.002)	-0.008*** (0.002)	-10.422** (3.661)
Judge Commission Year	-0.003* (0.001)	-0.003*** (0.000)	-0.004*** (0.000)	0.643 (0.953)
Charge is a Felony	0.090*** (0.013)	0.095*** (0.004)	0.140*** (0.004)	8.212 (7.422)
Pub Defender * Bush I	0.082*** (0.024)	0.109*** (0.018)	0.108*** (0.017)	16.784 (34.285)
Pub Defender * Bush II	0.017 (0.025)	-0.010 (0.010)	-0.007 (0.010)	-2.276 (14.385)
Pub Defender * Carter	0.003 (0.039)	0.007 (0.022)	0.021 (0.021)	44.768 (54.139)
Pub Defender * Reagan	-0.070 (0.046)	0.021 (0.014)	0.005 (0.013)	11.757 (29.401)
Pub Defender * Clinton	-0.011 (0.025)	0.060*** (0.006)	0.059*** (0.005)	20.317 (14.004)
Num.Obs.	30 878	607 653	719 993	37 069
R2	0.028	0.069	0.064	0.108
Log.Lik.	-8883.034	-285 000.858	-337 292.102	-248 578.027
FE: District	X	X	X	X
FE: Month	X	X	X	X
FE: Year	X	X	X	X

+ p < 0.1, \* p < 0.05, \*\* p < 0.01, \*\*\* p < 0.001

Because of the low numbers of defenders historically appointed, we have limited information on possible interactions, and no real patterns among presidents emerge (though the first-order coefficients are mostly consistent to what we found in other analyses). In addition, some more recent presidents (such as Donald J. Trump) appointed no or very few former public defenders.

Table 13: Outcome is sentence length truncated at different years. For all models, standard errors clustered at the case and defendant level. Models include fixed effects for district, month, year, and identity of appointing president.

	80 Years	70 Years	60 Years	50 Years
Former Pub Defender	-10.839** (3.318)	-9.918** (3.232)	-8.947** (3.139)	-7.766* (3.029)
Former Prosecutor	3.386+ (1.951)	3.246+ (1.868)	3.130+ (1.776)	3.051+ (1.668)
Private Criminal Defense Experience	-9.046*** (1.765)	-8.856*** (1.699)	-8.537*** (1.623)	-8.135*** (1.530)
Female Judge	-5.925** (2.027)	-5.602** (1.950)	-5.271** (1.865)	-4.951** (1.760)
African American Judge	-0.428 (3.330)	-0.799 (3.142)	-1.083 (2.955)	-1.290 (2.751)
Judge Race Other	-11.233*** (2.226)	-11.141*** (2.135)	-11.088*** (2.036)	-11.090*** (1.925)
Judge Commission Year	0.363 (0.500)	0.371 (0.479)	0.361 (0.455)	0.327 (0.428)
Trump Appointee	29.139* (14.021)	28.685* (13.524)	28.330* (13.086)	27.183* (12.380)
Bush I Appointee	9.249 (11.097)	10.045 (10.592)	10.442 (10.063)	10.327 (9.470)
Bush II Appointee	8.446+ (4.945)	8.458+ (4.728)	8.205+ (4.500)	7.774+ (4.233)
Ford Appointee	10.643 (19.565)	10.761 (18.658)	10.208 (17.704)	8.983 (16.643)
Carter Appointee	7.635 (17.272)	8.406 (16.504)	8.484 (15.685)	7.959 (14.749)
Reagan Appointee	13.434 (13.919)	14.040 (13.295)	14.080 (12.634)	13.562 (11.877)
Clinton Appointee	12.848 (8.646)	13.014 (8.258)	12.659 (7.836)	11.989 (7.352)
Num.Obs.	37 069	37 069	37 069	37 069
R2	0.127	0.132	0.138	0.146
Log.Lik.	-228 948.555	-227 445.271	-225 716.303	-223 544.833
FE: District	X	X	X	X
FE: Month	X	X	X	X
FE: Year	X	X	X	X

+ p < 0.1, \* p < 0.05, \*\* p < 0.01, \*\*\* p < 0.001

## 5.6 Robustness on Truncation Decisions

There is huge variation in incarceration length, particularly at the higher end, which makes it easy for outlier sentences (for example, those in excess of 100 years) to skew results. In the main analysis we used data that were truncated at 100 years; that is: any sentence above 100 years (for example, a sentence of 250 years) was just re-recorded as 100 years in the data. However, Table 13 shows different years of truncation starting with 80 years, 70 years, and so on. The table shows that, regardless of how we truncate the data, public defenders still sentence defendants to fewer months of incarceration (among charges that proceeded to trial).

## 5.7 Community Service and Probation

Next, we investigate other important sentencing outcomes that are of special concern. First, a pattern evidenced in the left-side panel of Figure 1 is that public defenders appear to be less likely to sentence individuals in the 0-20 month range – on the lower end of possible sentences. A possible explanation is that they instead steer punishment to incarceration alternatives like community service or probation. Of the various alternatives (community service, probations, or fines), fines are probably the most lenient, followed by community service and then probation. Because fines are present in nearly all charges in our sentencing data, we limit our inquiry to community service and probation.

Thus, Table 14 Column 1 looks at charges where the defendant was not sentenced to incarceration but instead was sentenced to community service only, an alternative to incarceration and one that perhaps would be more amenable to judges with public defender experience. In Table 14 Column 2 we look at any community service *or* probation (but again no incarceration) as the outcome, while in Column 3 we look at any community service *and* probation (but no incarceration) as the outcome. In this way, the three columns represent more lenient (but increasingly punitive) sentences compared to incarceration. For all specifications, we use a linear probability model with the usual suite of controls and fixed effects.

For all three columns, the assignment of cases to a former public defender results in small but significant effects. For community service and community service and probation (Columns 1 and 3) the coefficients are indeed very small, close to 0. But the coefficient for community service or probation (~2.3 percentage points) is significant and meaningful. Taken with our previous findings, this lends some support to the idea that public defenders are more likely to consider alternatives to incarceration.

Table 14: Outcome is no incarceration, but community service only (Column 1), community service or probation only (Column 2), and community service and probation only (Column 3). All models are linear probability models and include fixed effects for district, month, year, and identity of appointing president. Standard errors clustered at the case and defendant level.

	Comm. Service Only	Comm. Service or Probation	Comm. Service and Probation
Former Pub Defender	0.001*** (0.000)	0.023*** (0.003)	0.001* (0.001)
Former Prosecutor	0.000 (0.000)	-0.028*** (0.001)	-0.001* (0.000)
Private Criminal Defense Experience	0.000** (0.000)	0.014*** (0.001)	-0.001*** (0.000)
Female Judge	0.000 (0.000)	-0.013*** (0.001)	0.000 (0.000)
African American Judge	-0.001** (0.000)	-0.006** (0.002)	-0.001+ (0.001)
Judge Race Other	0.000+ (0.000)	0.007*** (0.002)	-0.001* (0.000)
Judge Commission Year	0.000** (0.000)	0.004*** (0.000)	0.000 (0.000)
Charge is a Felony	-0.001* (0.000)	-0.109*** (0.004)	-0.004*** (0.001)
Trump Appointee	0.000 (0.000)	-0.027*** (0.006)	0.000 (0.001)
Bush I Appointee	-0.001+ (0.001)	0.042*** (0.008)	-0.001 (0.002)
Bush II Appointee	-0.001** (0.000)	-0.012*** (0.003)	-0.002* (0.001)
Ford Appointee	-0.005* (0.002)	0.118*** (0.017)	0.007 (0.007)
Carter Appointee	0.000 (0.001)	0.104*** (0.012)	0.000 (0.003)
Reagan Appointee	-0.003** (0.001)	0.055*** (0.009)	-0.003+ (0.002)
Clinton Appointee	-0.001+ (0.001)	0.031*** (0.006)	-0.001 (0.001)
Num.Obs.	734 992	734 992	734 992
R2	0.007	0.062	0.018
Log.Lik.	1 306 799.268	-345 543.301	764 678.401
Std.Errors	by: Case & Participant	by: Case & Participant	by: Case & Participant
FE: District	X	X	X
FE: Month	X	X	X
FE: Year	X	X	X

+ p < 0.1, \* p < 0.05, \*\* p < 0.01, \*\*\* p < 0.001

Table 15: Analyses of felonies only. For Column 1, outcome is whether sentence (if any) included any incarceration (LPM). For Column 2, outcome is truncated sentence length (OLS). For Column 3, outcome is whether incarceration is longer than 30 years (LPM). For all models, standard errors clustered at the case and defendant level. Models include fixed effects for district, month, year, and identity of appointing president.

	Any Incarceration (All)	Incarceration Length (Trials)	Incarceration Length More than 30 Years (Trials)
Former Pub Defender	-0.021*** (0.003)	-17.917** (6.076)	-0.020** (0.006)
Former Prosecutor	0.030*** (0.001)	1.775 (3.752)	0.002 (0.004)
Private Criminal Defense Experience	-0.009*** (0.001)	-11.255*** (3.395)	-0.009* (0.003)
Female Judge	0.013*** (0.001)	-8.046* (3.816)	-0.005 (0.004)
African American Judge	0.003 (0.002)	2.263 (6.443)	0.008 (0.007)
Judge Race Other	-0.010*** (0.002)	-9.490** (3.630)	0.000 (0.004)
Judge Commission Year	-0.003*** (0.000)	0.286 (0.960)	0.001 (0.001)
Trump Appointee	0.048*** (0.007)	31.106 (20.023)	0.016 (0.023)
Bush I Appointee	-0.045*** (0.008)	11.892 (21.058)	0.016 (0.021)
Bush II Appointee	0.006+ (0.003)	16.366+ (9.380)	0.013 (0.010)
Ford Appointee	-0.115*** (0.017)	7.921 (36.162)	0.023 (0.037)
Carter Appointee	-0.089*** (0.012)	6.596 (33.432)	0.022 (0.034)
Reagan Appointee	-0.055*** (0.009)	18.350 (26.529)	0.027 (0.027)
Clinton Appointee	-0.034*** (0.006)	17.595 (16.829)	0.020 (0.017)
Num.Obs.	700 578	35 182	35 182
R2	0.059	0.110	0.056
Log.Lik.	-323 106.078	-235 882.699	4683.161
FE: District	X	X	X
FE: Month	X	X	X
FE: Year	X	X	X

+ p < 0.1, \* p < 0.05, \*\* p < 0.01, \*\*\* p < 0.001

## 5.8 Restricting Sample Only to Felonies

In our original analysis, we excluded cases heard by magistrate judges, for whom we have no biographical (professional experience) data. These cases involve non-felonies, such as misdemeanors or petty offenses. As an alternative, we limit our analyses to only cases involving felony charges. These must be assigned to a district court judge. Fortunately, felonies are coded in the data.

These results are presented in Table 15, which subsets the data to only felonies. These correspond substantively to the results in the main text.

Table 16: For Columns 1, outcome is whether sentence (if any) included any incarceration (LPM). For Column 2, outcome is truncated sentence length (OLS). For Column 3, outcome is whether incarceration is longer than 30 years (LPM). For all models, standard errors clustered at the case and defendant level. Models include fixed effects for district, month, year, and identity of appointing president.

	Any Incarceration (All)	Incarceration Length (Trials)	Incarceration Length More than 30 Years (Trials)
Former Pub Defender	-0.019*** (0.003)	-17.104** (6.095)	-0.017** (0.006)
Former Prosecutor	0.022*** (0.001)	0.165 (3.708)	0.001 (0.004)
Private Criminal Defense Experience	-0.020*** (0.001)	-10.711** (3.627)	-0.009* (0.004)
Female Judge	0.012*** (0.002)	-7.943* (3.890)	-0.005 (0.004)
African American Judge	0.003 (0.002)	1.348 (6.180)	0.007 (0.006)
Judge Race Other	-0.006** (0.002)	-9.408* (3.834)	0.001 (0.004)
Judge Commission Year	0.004* (0.001)	3.208 (3.708)	0.002 (0.004)
Charge is a Felony	0.108*** (0.004)	7.783 (7.518)	0.000 (0.007)
Num.Obs.	734 992	37 069	37 069
R2	0.065	0.109	0.056
Log.Lik.	-344 365.461	-248 565.154	5047.307
FE: District	X	X	X
FE: Congressional Session	X	X	X
FE: Month	X	X	X
FE: Year	X	X	X

+ p < 0.1, \* p < 0.05, \*\* p < 0.01, \*\*\* p < 0.001

## 5.9 Congressional Session Fixed Effects

The analyses in the main text use fixed effects for the identity of the appointing president. That means that we are comparing average effects across nominees made by Barack Obama, Donald Trump, Joe Biden, etc. However, this has the potential to overlook the important role that home-state senators play in the judicial appointments process. (By “home-state,” we mean senators representing the state where the vacancy is located.) Even appointments made by the same president could differ ideologically depending on whether the home-state senators are more liberal or conservative.

Table 16 includes analyses that replace fixed effects for the identity of the appointing president with fixed effects for the session of Congress, which we operationalize as the Congressional session corresponding with the date of the Senate Judiciary Committee vote. Each presidential term corresponds with two congressional sessions. By including fixed effects for congressional session (along with district fixed effects), we therefore take into account changes in the home-state senators and in the Senate’s composition. This serves as a more stringent control for politics/ideology than fixed effects for the appointing president. The table shows results consistent with those in the main text.

Table 17: For Columns 1, outcome is whether sentence (if any) included any incarceration (LPM). For Column 2, outcome is truncated sentence length (OLS). For Column 3, outcome is whether incarceration is longer than 30 years (LPM). For all models, standard errors clustered at the case and defendant level. Models include fixed effects for district, month, year, and identity of appointing president.

	Any Incarceration (All)	Incarceration Length (Trials)	Incarceration Length More than 30 Years (Trials)
Former Pub Defender	-0.025*** (0.003)	-15.029* (5.991)	-0.016* (0.006)
Former Prosecutor	0.029*** (0.001)	1.777 (3.699)	0.002 (0.004)
Private Criminal Defense Experience	-0.014*** (0.001)	-9.027** (3.367)	-0.006+ (0.003)
Female Judge	0.012*** (0.001)	-6.332+ (3.792)	-0.003 (0.004)
African American Judge	0.004 (0.002)	3.535 (6.154)	0.010 (0.006)
Judge Race Other	-0.007*** (0.002)	-11.335** (3.671)	0.000 (0.004)
Judge Commission Year	-0.004*** (0.000)	0.551 (0.960)	0.001 (0.001)
Charge is a Felony	0.100*** (0.004)	7.380 (7.526)	0.000 (0.007)
Judge DIME Score (Imputed)	-0.009*** (0.001)	14.480*** (3.530)	0.014*** (0.004)
Bush I Appointee	-0.036*** (0.008)	3.711 (21.238)	0.003 (0.021)
Bush II Appointee	0.022*** (0.004)	3.639 (10.428)	-0.002 (0.011)
Ford Appointee	-0.120*** (0.017)	21.858 (36.902)	0.029 (0.037)
Carter Appointee	-0.111*** (0.012)	20.639 (33.443)	0.028 (0.034)
Reagan Appointee	-0.048*** (0.010)	10.010 (27.004)	0.012 (0.027)
Clinton Appointee	-0.032*** (0.006)	19.624 (16.764)	0.017 (0.017)
Num.Obs.	723 453	36 867	36 867
R2	0.062	0.109	0.056
Log.Lik.	-338 441.512	-247 205.560	5064.081
FE: District	X	X	X
FE: Month	X	X	X
FE: Year	X	X	X

+ p < 0.1, \* p < 0.05, \*\* p < 0.01, \*\*\* p < 0.001

## 5.10 Including Measures of Judicial Ideology

In the main text, we include fixed effects for president in all specifications, unless otherwise noted (for example, when we interacted with party). However, it is possible that individuals appointed by the same president by the same home-state senators to the same jurisdiction have different ideology.

We therefore replicate the main analyses but include judicial ideology. (Column 4 in Table 3 includes one of these analyses.) For this, we first use DIME scores (also called “cfscores”), which use campaign contributions to scale federal and state judges on the same unidimensional scale as other political actors, from more liberal to more conservative. These scores have the advantage of incorporating nuanced ideological information, and so vary from judge to judge, even conditional on judges being appointed to the same jurisdiction in the same year.

Here, we use the scores from Bonica and Sen (2017), which rely on imputation to impute scores that are otherwise missing. (See their paper for a validation of this approach.) This ensures that we do not drop portions of our data and is particularly important here as the missingness may correlate with defender experience. Table 17 shows these results.

In addition, we replicate these models using Judicial Common Space (JCS) scores. JCS scores impute the ideology of the president using DW-NOMINATE scores, or, in the case where the home-state senators are of the same party, the average of these. (These are current through the 113th Congress.) Substantively, judges appointed in the same Congressional term in the same jurisdiction will be assigned

Table 18: For Columns 1, outcome is whether sentence (if any) included any incarceration (LPM). For Column 2, outcome is truncated sentence length (OLS). For Column 3, outcome is whether incarceration is longer than 30 years (LPM). For all models, standard errors clustered at the case and defendant level. Models include fixed effects for district, month, year, and identity of appointing president.

	Any Incarceration (All)	Incarceration Length (Trials)	Incarceration Length More than 30 Years (Trials)
Former Pub Defender	-0.023*** (0.003)	-16.210** (6.014)	-0.017** (0.006)
Former Prosecutor	0.029*** (0.001)	0.938 (3.724)	0.001 (0.004)
Private Criminal Defense Experience	-0.014*** (0.001)	-9.710** (3.366)	-0.007* (0.003)
Female Judge	0.012*** (0.001)	-6.756+ (3.821)	-0.004 (0.004)
African American Judge	0.006** (0.002)	0.319 (6.094)	0.007 (0.006)
Judge Race Other	-0.007*** (0.002)	-10.073** (3.655)	0.001 (0.004)
Judge Commission Year	-0.004*** (0.000)	0.587 (0.958)	0.001 (0.001)
Charge is a Felony	0.100*** (0.004)	7.685 (7.521)	0.000 (0.007)
Judge JCS Score (Senate DW-NOMINATE)	-0.007 (0.006)	25.101+ (13.423)	0.005 (0.014)
Bush I Appointee	-0.040*** (0.009)	0.841 (23.241)	0.013 (0.023)
Bush II Appointee	0.017** (0.005)	2.172 (13.335)	0.011 (0.013)
Ford Appointee	-0.118*** (0.018)	9.760 (38.578)	0.031 (0.038)
Carter Appointee	-0.110*** (0.012)	21.421 (33.361)	0.028 (0.034)
Reagan Appointee	-0.053*** (0.010)	12.496 (27.927)	0.028 (0.028)
Clinton Appointee	-0.033*** (0.006)	22.574 (16.703)	0.020 (0.017)
Num.Obs.	723 453	36 867	36 867
R2	0.062	0.108	0.055
Log.Lik.	-338 472.381	-247 215.702	5052.089
FE: District	X	X	X
FE: Month	X	X	X
FE: Year	X	X	X

+ p < 0.1, \* p < 0.05, \*\* p < 0.01, \*\*\* p < 0.001

the same score, making the results mostly the same as those in Table 18, which include term and district fixed effects.

Table 18 shows these results, current through the 113th Congress. The results are substantively similar to the analyses we present in the main text. Interestingly, the coefficient on the JCS score coefficients are not significant, suggesting that that perhaps they do not contain much more information over and above president fixed effects.

Table 19: For Columns 1, outcome is whether sentence (if any) included any incarceration (LPM). For Column 2, outcome is truncated sentence length (OLS). For Column 3, outcome is whether incarceration is longer than 30 years (LPM). For all models, standard errors clustered at the case and defendant level. Models include fixed effects for district, month, year, and identity of appointing president.

	Any Incarceration (All)	Incarceration Length (Trials)	Incarceration Length More than 30 Years (Trials)
Former Pub Defender	-0.025*** (0.003)	-16.556** (5.991)	-0.017** (0.006)
Former Prosecutor	0.027*** (0.001)	1.069 (3.670)	0.001 (0.004)
Private Criminal Defense Experience	-0.014*** (0.001)	-9.941** (3.349)	-0.008* (0.003)
Female Judge	0.012*** (0.001)	-7.700* (3.771)	-0.004 (0.004)
African American Judge	0.006** (0.002)	0.391 (6.080)	0.006 (0.006)
Judge Race Other	-0.006*** (0.002)	-10.035** (3.642)	0.001 (0.004)
Judge Commission Year	-0.004*** (0.000)	0.651 (0.949)	0.001 (0.001)
Trump Appointee	0.022*** (0.006)	28.394 (19.390)	0.013 (0.022)
Bush I Appointee	-0.043*** (0.008)	19.389 (20.774)	0.017 (0.021)
Bush II Appointee	0.012*** (0.003)	20.620* (9.319)	0.015 (0.009)
Ford Appointee	-0.123*** (0.017)	30.477 (36.536)	0.035 (0.036)
Carter Appointee	-0.108*** (0.012)	22.288 (33.181)	0.028 (0.033)
Reagan Appointee	-0.056*** (0.009)	30.723 (26.197)	0.031 (0.027)
Clinton Appointee	-0.031*** (0.006)	22.693 (16.646)	0.020 (0.017)
Num.Obs.	734 992	37 069	37 069
R2	0.059	0.108	0.055
Log.Lik.	-346 776.273	-248 582.801	5038.276
FE: District	X	X	X
FE: Month	X	X	X
FE: Year	X	X	X

+ p < 0.1, \* p < 0.05, \*\* p < 0.01, \*\*\* p < 0.001

## 5.11 Dropping the Felony Variable

The raw data included a variable called “charge type,” which reported the types of charges – “f”, “m” or “p,” or an asterisk, which we interpret to correspond to felonies, misdemeanors, and petty offenses, and missingness, respectively. (There was no true missingness from the perspective of the models; nearly all rows for that variable are filled in.) Rather than put structure on these entries with a fixed effect, the specifications in the main text simply included an indicator for whether the variable indicated a “felony” – which are the types of charges most likely to lead to incarceration. This had the benefit of not making strong assumptions either about missingness or about how things were reported. Most importantly, this approach has the benefit of taking into account instances where a felony appears to be clearly reported, which scholars in this area have flagged as important in understanding fluctuations in sentencing.

To assess robustness to the inclusion of this variable, Table 19 presents the main findings, but drops the type of charge variable. The results are substantively identical to those presented in the main text.

## 5.12 Using Logit Specifications

Some of our outcomes are binary—for example, whether there is any incarceration (over all sentences) or whether a sentence after a trial was extremely long (over 30 years). For these, the main text uses linear probability models for ease of interpretation. However, logit regression may be preferable when more extreme values are observed. Also, many political science readers will favor a logit specification. For this reason, we replicate the main binary-outcomes findings using a fixed effects logit specification. The outcomes here are (1) whether a charge resulted in any incarceration, shown in Table 20, and (2) whether a charge proceeding to trial resulted in an extremely long sentence, shown in Table 21. (The third key outcome, sentence length, is a truncated continuous measure and so we do not replicate it using a logit specification.)

	Estimate	Std. Error	z value	Pr(> z )
(Intercept)	52.340	3.555	14.721	0.000
Former Pub Defender	-0.112	0.012	-9.613	0.000
Former Prosecutor	0.167	0.007	23.964	0.000
Private Criminal Defense Experience	-0.067	0.007	-9.226	0.000
Female	0.075	0.008	9.823	0.000
African American Judge	0.040	0.012	3.369	0.001
Judge Race Other	-0.061	0.010	-6.223	0.000
Judge Commission Year	-0.025	0.002	-14.408	0.000
Charge is a Felony	0.617	0.013	48.016	0.000
Trump Appointee	0.230	0.029	7.907	0.000
Kennedy Appointee	-0.331	0.040	-8.286	0.000
Bush II Appointee	0.056	0.017	3.206	0.001
Bush I Appointee	-0.820	0.096	-8.585	0.000
Carter Appointee	-0.737	0.062	-11.867	0.000
Nixon Appointee	-0.398	0.050	-8.011	0.000
Johnson Appointee	-0.246	0.029	-8.367	0.000

Table 20: Outcome is whether sentence (if any) included any incarceration (all sentences). Model uses a logit specification. Standard errors are clustered at the case and defendant level. Models include fixed effects for district (not shown), month (not shown), year (not shown), and identity of appointing president (shown).

	Estimate	Std. Error	z value	Pr(> z )
(Intercept)	-35.462	26.710	-1.328	0.184
Former Pub Defender	-0.286	0.104	-2.759	0.006
Former Prosecutor	0.032	0.056	0.570	0.569
Private Criminal Defense Experience	-0.166	0.059	-2.813	0.005
Female	-0.067	0.063	-1.057	0.290
African American Judge	0.117	0.087	1.351	0.177
Judge Race Other	-0.040	0.107	-0.376	0.707
Judge Commission Year	0.016	0.013	1.218	0.223
Charge is a Felony	0.003	0.123	0.024	0.981
Trump Appointee	0.287	0.431	0.666	0.505
Kennedy Appointee	0.297	0.301	0.984	0.325
Bush II Appointee	0.295	0.136	2.159	0.031
Bush I Appointee	0.642	0.781	0.821	0.412
Carter Appointee	0.448	0.467	0.960	0.337
Nixon Appointee	0.528	0.374	1.413	0.158
Johnson Appointee	0.322	0.223	1.444	0.149

Table 21: Outcome is whether incarceration is longer than 30 years (for trials only). Model uses a logit specification. Standard errors are clustered at the case and defendant level. Models include fixed effects for district (not shown), month (not shown), year (not shown), and identity of appointing president (shown).

These results are shown in Table 20 and Table 21. Note that, although these are harder to interpret, the substantive results are unchanged: assignment to a public defender is linked to lower likelihood of incarceration and lower likelihood of an extremely long incarceration sentence.

We do not rely on logit models in the main text because we have several fixed effects in nearly all specifications (district, year, and month, plus additional fixed effects such as identity of president and/or judge race). Thus, we are concerned that the logit fixed effects regression would raise the incidental parameters problem, which can lead to bias if the number of units per fixed effects group is small (which is the case here).

### 5.13 Note on Sentencing Guidelines

The Supreme Court's decision in *United States v. Booker* in 2005 made the U.S. Sentencing Commission's Sentencing Guidelines advisory rather than mandatory. This change increased judges' discretion in sentencing, and this increase in discretion had real consequences. For example, racial disparities in sentencing increased after *Booker* and prosecutors altered their behavior in response to the decision (Yang 2015). The data for this article only includes cases heard in the post-*Booker* era (federal district court cases from 2010 through 2019). This means the judges who heard these cases were operating under post-*Booker* advisory guidelines.