

## ABSTRACT

Analysis of Criminal Court Case Outcomes Among Indigent Defendants in McLennan County, Texas

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The indigent defense system in the United States has been criticized for its unfair treatment of criminal defendants below a certain poverty level. This thesis employs statistical methods to analyze whether or not indigent defendants in McLennan County are dealt worse consequences than defendants who can afford to hire an attorney. I utilize ordinary least squares and logistic regressions in order to analyze the effect of various variables on sentence length, conviction rates, and the likelihood of a plea agreement. I specifically analyze the effect of indigence on these outcome variables. I also conduct a regression discontinuity design to explore whether defendants on either side of the indigence cutoff face longer sentence lengths and more convictions. My results indicate that indigent defendants may in fact encounter worse outcomes than non-indigent defendants, showing that our indigent defense system may be in need of some substantial change.

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ANALYSIS OF CRIMINAL COURT CASE OUTCOMES AMONG INDIGENT  
DEFENDANTS IN MCLENNAN COUNTY, TEXAS

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By

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## CHAPTER ONE

### Introduction

A basic right of every United States citizen is the right to a fair trial. This entails, of course, the right to effective counsel, meaning that anyone facing criminal charges deserves an attorney who will represent him or her as well as possible. Some may argue that hardened criminals do not deserve the protection of a defense attorneys. However, our country operates on an “innocent until proven guilty” system, which means that a defendant should not face the prosecution without an attorney to advise him or her. Unfortunately, the way in which our justice system goes about ensuring that everyone has counsel may not be foolproof. For those that can afford to hire an attorney, the right to effective counsel is easily protected. Those that cannot afford this, however, may not be so lucky, and finding a foolproof defense system for such defendants has proven to be very difficult.

Some research has been conducted on this issue and the results tend to agree that defendants who are indigent (do not meet a certain income requirement) face an unfair disadvantage. Several studies, which I discuss in the third chapter, have found that oftentimes indigent defendants face higher conviction rates and longer prison sentences. While this is not the case in every situation, there is enough evidence to tell us that the United States indigent defense system needs at least some degree of change. In the third chapter I will discuss some of the literature on this issue and describe how my research expands on previous studies.



In this study, I take the research further than the studies I discuss in the third chapter. I look at court case outcomes from December 2016-March 2017 in McLennan County, Texas, and analyze differences based on whether the defense attorney was hired or court-appointed. The McLennan County Court provides attorneys for defendants who fill out a financial affidavit and are deemed indigent based upon several criteria, which means that they do not have sufficient funds to afford to hire an attorney or otherwise are unable to do so. I introduce a regression discontinuity design that allows analysis of the effects of indigence around a cutoff. The nature of the McLennan County court system also allows this analysis to be unique. There is no Public Defender's office, so local private attorneys are selected to serve as court-appointed attorneys. This allows the unique opportunity to look at case outcomes with the same attorneys representing both indigent and non-indigent defendants. No other research thus far that I am aware of has utilized regression discontinuity and a dataset of cases with the same attorneys assigned to them in order to look into this potential justice problem.

In the next chapter I present a basic overview of the United States indigent defense system. In order to fully understand the research discussed throughout this paper it is important to have some baseline knowledge of indigence as it relates to criminal cases in the United States. In the third chapter I discuss relevant research into this issue. I describe the studies of various researchers and their findings on the issue, which all point to a similar result: there are in fact differences in case outcomes based on attorney type. I then further describe how my research adds value to the already existing studies. In the fourth chapter I introduce my dataset, describe how the data were collected and coded, and explain the methods I use to obtain my results. I explain the various independent

variables and outcome variables I will be using in regressions. I discuss the three general types of regressions that I run; these include linear regression, logistic regressions, and regression discontinuity designs. In the final chapter I discuss the regressions and their results. These results include the effect of attorney type of conviction rates and prison sentences. I then conclude with a summary of the results and suggestions for future research.

## CHAPTER TWO

### The United States Indigent Defense System

The criminal justice system in the United States is built on the principal of equal rights. The Sixth Amendment explicitly states that anyone facing charges is entitled to competent representation (“Sixth Amendment”). This means that regardless of sex, race, crime, and financial status, all defendants must have access to an attorney who will represent the defendant to his or her best ability. As such, the court system must provide an attorney to any defendants who can prove that they cannot afford to hire one. This is the basis of the indigent defense system.

A landmark Supreme Court decision in *Gideon v. Wainright* concluded that states bear the responsibility of providing counsel for defendants who cannot obtain an attorney due to financial inability (“Gideon v. Wainright”). There are three primary methods of doing so: the assigned counsel model, the contract model, and the public defender model. The assigned counsel model assigns criminal cases to private attorneys (Spangenberg and Beeman 32). The contract model relies on contracts with attorneys or groups of attorneys to provide counsel for indigent defendants. Finally, the public defender model is a system in which there are attorneys who work as staff for an office that exists to provide defense to indigent defendants.

#### *McLennan County*

McLennan County, Texas, the focus area of this study, utilizes the first model. Since the county operates without a public defender’s office, private attorneys in the area

are assigned to indigent defendants to provide them with counsel.

This begs the question – how does McLennan County determine if a defendant qualifies as indigent? There are several methods by which a defendant may be determined indigent. First, if a defendant’s household income does not exceed 125% of the Federal Poverty Guidelines and the difference between monthly income and expenditures is less than \$500, the defendant is indigent. The Federal Poverty Guidelines are a poverty measure used to determine eligibility for various federal programs (“Poverty Guidelines”). McLennan County uses the 125% FPG to determine indigence (“Joint Indigent Defense Plan”). If the defendant is serving time in a correctional facility, is residing in a mental health facility, or is involved in a proceeding in which admission to a mental health is being sought, and assets and property are below the amount listed prior, the defendant is indigent. The court also looks at whether the defendant has been deemed eligible for food stamps, Medicaid, public housing, and other assistance programs. Finally, if a defendant does not meet the above-mentioned requirements but cannot obtain an attorney “without substantial hardship to the defendant or the defendant’s dependents,” the court may deem the defendant indigent.

Indigence is determined by the Indigent Defense Coordinator, Cathy Edwards, based on the above criteria. The financial affidavit filed by the defendant is the primary means of determining if the defendant is indigent. This affidavit asks for information about the defendant’s financial situation, including employment status, take home pay, rent expenses, assets, and other details (See Appendix A). Over the past five years, 75%-99% of felony charges in McLennan County were defended by appointed counsel, and the county has accumulated over three million dollars in indigent defense expenditures

(“McLennan County Data Sheet”). Needless to say, indigent defense plays a very large role in McLennan County cases. As such, it is important to find out if this system is working.

Private attorneys in the area are appointed on a rotating basis. There are several different lists that attorneys may be on, including a misdemeanor general list, state jail felony list, and second- and third-degree felony list. All attorneys must meet a number of requirements, including completion of continuing legal education, maintaining good standing with the State Bar, and keeping a physical office in McLennan County. Special requirements apply for cases that may result in the death penalty. Court-appointed attorneys are paid with compensation “reasonable for time and effort expended” (“Joint Indigent Defense Plan”).

There has been some criticism on the United States indigent defense system in general. Among the reasons are underfunding and attorneys who have too much work to do a thorough job on any case (Van Brunt). This is the motivation behind this paper – do indigent defendants face worse outcomes than their non-indigent counterparts? Or is this criticism unfounded? This paper seeks to find an answer to these questions about the McLennan County court system.

## CHAPTER THREE

### Literature Review

There have been several recent studies related to the issue of attorney performance based on employment status with relation to indigent defense cases. However, none of them study a court system with the unique structure that McLennan County has. Additionally, while few previous studies fail to provide a solution to the problems they uncover, I will attempt to present ways that courts can ensure that indigent defense is just. These other studies, while deficient in some areas, are nonetheless important in paving the way for further research into the issue and are worth mentioning here.

Agan, Freedman, and Owens wrote a paper in 2018 for the National Bureau of Economic Research entitled “Is Your Lawyer a Lemon? Incentives and Selection in the Public Provision of Criminal Defense.” This paper is perhaps the most important study relating to this issue that has been written thus far. The authors looked at court case outcomes in Bexar County, Texas, to find differences between cases of defendants with private attorneys versus appointed counsel. They found, alarmingly, that defendants with appointed attorneys were more likely to be convicted and more likely to be faced with longer sentences. This is a concerning finding that, if correct, should be addressed in order to ensure that our justice system is, in fact, just.

Anderson and Heaton wrote a paper in 2011 titled “How Much Difference Does the Lawyer Make?”, in which they studied murder cases and found that defendants with

assigned counsel tend to have worse outcomes. While this study supports the findings from the paper mentioned above, it only tests murder cases. My study looks at all types of felony cases in McClennan County, which allows for a more well-rounded look into the issue. Unlike many other researchers of similar topics, Anderson and Heaton present a possible solution to the problem: more detailed defense appointment and performance guidelines, such as increasing discovery and promoting a team-based approach.

In his 2011 paper “Who’s Better at Defending Criminals? Does Type of Defense Attorney Matter in Terms of Producing Favorable Case Outcomes” Thomas H. Cohen finds that in felony cases, on which he gathered data from the Bureau of Justice Statistics, assigned counsel yield less favorable outcomes. He uses a probit model to test for individual offense categories as well as offenses as a whole. One potential problem with Cohen’s study is that the sample size was not large enough to truly provide conclusive results. Thus, I attempt to include as much data as possible with as large a sample as possible.

In his 2017 paper entitled “Make or Buy? The Provision of Indigent Defense Services in the U.S” Shem-Tov exploits a natural experiment by comparing outcomes of codefendants within the same case. He uses federal and San Francisco court data and finds that public defenders as opposed to private court-appointed attorneys lead to better outcomes, reducing the probability of any prison sentence by 22%, as well as the length of prison by 10%. This is yet another study confirming the above findings that court-appointed attorneys yield worse outcomes for their clients than hired attorneys or public defenders.

R.D. Klein looks at how defense services underfunding threatens 6<sup>th</sup> Amendment

rights in his 1986 paper, “The Emperor Gideon Has No Clothes: The Empty Promise of the Constitutional Right to Effective Assistance of Counsel.” He finds that there is little specific guidance for defense attorney competency, which results in inadequate case preparation, improper plea bargaining, and other such issues that ultimately lead to worse outcomes for defendants. Additionally, Klein finds that indigent defense spending accounts for less than 3% of all justice spending. Prosecution spending is four times that amount. This highlights an obvious injustice that should be corrected.

In his 2016 paper, Schwall looks at how different payment systems affect defense attorneys’ behaviors. He found that a change from an hourly rate to flat fee reduced hours reported and time spent in court. There were, however, no differences in sentencing or plea rates. While payment systems are not directly related to my research, it is an idea worth exploring in the context of the McClennan County justice system.

It is worth mentioning that this paper is an extension of a previous paper written by Hannah Vecseri in 2018. She finds through simple regression analysis that defendants with court-appointed attorneys faced higher conviction rates and longer sentences. I take her concept further by gathering new data involving race and sex and running not only regressions but a regression discontinuity as well. By doing so, differences at the margin of indigence can be observed more directly.

An issue with many of the above papers is that the authors fail to provide a solution to the common problem that they find. Their research suggests that court-appointed attorneys yield worse outcomes. This directly violates what the justice system stands for. It is not enough to conduct studies on the injustices in society. While it is a good start, nothing can be done about such issues unless solutions are presented and



explored. To that end, at the end of this paper I briefly discuss potential solutions to this problem.

In this way, this paper attempts to go beyond the research presented in the above studies. It is both a research paper exploring the implications of various indigent defense methods and a discussion of solutions to the problems that result. With the unique justice system in McClennan County and its lack of a Public Defender's Office, as well as a regression discontinuity design, this paper presents an updated and in-depth look into the issue of indigent defense in the United States.

## CHAPTER FOUR

### Data and Methodology

#### *Analysis of Data*

##### *Data Source*

Data were obtained from the McClennan County District Clerk's Office and the Indigent Defense Office. Cathy Edwards, the Indigent Defense Coordinator, provided data on case dispositions for 2016-2017 that was then used to gather additional data for each case from the Clerk's Office. The Felony Disposed Records include defendants' names, offense, case number, outcome, and a few other details. Additional data were then gathered from the Clerk's Office in order to gain a fuller perspective on each case.

##### *Data Collection*

I began collecting data from Cathy Edwards and the Clerk's Office in the summer of 2019. Upon receiving Felony Disposed Records from Ms. Edwards, I searched each defendant beginning with cases that ended in December 2016 and took photos of various documents included in their files. Such documents include, but are not limited to, the following: indictments, financial affidavits, attorney appointments, letters of representation, motions to withdraw/substitute counsel, and recommendations on plea agreements. Data from these photos were then hard coded into an Excel file for each month. By the end of the data collection and coding process, I had four months of data from December 2016-March 2017.

### *Data Organization*

Data from the photos were coded into a previously-designed Excel file for each disposal month (December 2016-March 2017). Beginning with the data already included in the Felony Disposed Records, additional columns of data were then coded based on the photos obtained at the District Clerk's Office. Within the Felony Disposed data, I added a column identifying which court the case was assigned to, a column with more detail on case type, several columns of binary variables related to charge data, a column calculating sentence length in months, and a column indicating whether or not the defense and prosecution came to a plea agreement. The first several columns after the Felony Disposed data relate to the defendant, and include date of birth, county identification number, and attorney status. The next set focuses on indigence. Variables include data on the first financial affidavit filed (if it was filed at all), data on a second affidavit, whether the defendant was found indigent or not, and information on the attorney (name, start date, and information on attorney changes if applicable). There is also a column with a formula for the purpose of determining whether a defendant is determined indigent at any point during the case, either by a first affidavit or by a second one. The next group applies only if the defendant filed a financial affidavit. All data here are found on the affidavit, and includes address, payrates, hours worked per week, annual and monthly income, whether or not the defendant is unemployed, number of dependents, and various expenses and sources of income. Some of these variables are included expressly in the affidavit and some are based on formulas inputted in the Excel spreadsheet. Finally, there is a section of data for a second financial affidavit with the

same columns as the first affidavit. The final few variables include a ratio of monthly income to the relevant 125% Federal Poverty Guideline and several binary variables depending on case outcome.

### *Variables*

While many different variables were coded into Excel, only some of them ended up being relevant to the research, so at this point I will only explain the most important variables used in the study. McLennan County has two district courts, so the first variables indicate whether the case took place in the 19<sup>th</sup> Court or in the 54<sup>th</sup> Court. The next set denote the type of crime, which include murder, other violent crime, drug-related crime, or non-violent/non-drug-related crime. It is necessary to control for this variable because the type of crime most definitely affects the outcome. The next variables are also binary variables that indicate whether a guilty plea was entered, a not guilty plea was entered, or a guilty plea was entered and later withdrawn. The next variable indicates whether or not a plea agreement was recommended for the defendant. Another important set of variables denote disposition, which includes conviction, deferred adjudication, and dismissal. I also generated another variable which indicates whether a case ended in either conviction or deferred adjudication. The next variable is sentence length in months. Another important set of variables indicate the defendant's first attorney's status. These include an appointed attorney, an attorney that was hired, the status is unknown, or the defendant appeared pro se, which means he or she defended him or herself. The next variable indicates whether or not the defendant was determined indigent after filing a financial affidavit. Similarly, the next variable indicates the same thing but for a second

financial affidavit. The next variable tells us if the defendant was determined indigent at all, whether after the first affidavit or the second. The next set of variables tells us the status of a second and third attorney if applicable. The remaining variable relates to financial affidavits, so only defendants who filed an affidavit have data for this variable, which is the ratio of monthly income as indicated on the affidavit to the relevant 125% Federal Poverty Guideline.

### *Empirical Strategy*

#### *Regression*

I estimate two regression with sentence length in months as the outcome variable in order to look at the effects of indigence and having an appointed attorney on case outcomes. The purpose of these regression is to test the null hypothesis that indigence does not cause statistically different outcomes. The first regression includes murder cases and the second excludes them to ensure that they do not skew the results due to long sentences. I follow this with several logistic regressions. I generate several binary variables according to whether a defendant was convicted, received deferred adjudication, was either convicted or received deferred adjudication, and had a case dismissed. I then run logit regressions to estimate the effect of various variables on the probability of each case disposition. I complete the regressions with a set of regression discontinuity designs using a variety of bandwidths. The outcome variables are sentence length, conviction, deferred adjudication, either conviction or deferred adjudication, and dismissal, and the running variable is a ratio of total monthly income to the relevant 125% Federal Poverty Guideline. This allows for comparison of defendants with

affidavits filed in different years and 125% FPGs calculated based on different household sizes. The bandwidths range from 0.4 to 1 and are further discussed in the Regression Discontinuity Design section below. All aforementioned regressions exclude pro se cases and cases without any plea listed. Any regressions with sentence length as an outcome variable, including the regression discontinuity designs, are run only with cases that ended in conviction or deferred adjudication, since any other outcomes would result in a sentence length of zero. The regressions with sentence length as the outcome variable also exclude sentences greater than 1188 months, as there were only two of those, which I considered outliers. I use robust standard errors on the linear regressions and regression discontinuity designs in order to account for any heteroscedasticity.

For any of the above regressions that use indigence status as an independent variable, I ran the regression twice. The first regression considered only defendants who are found indigent after filing a single financial affidavit. The second regression considered all indigent defendants, including defendants who had their first affidavits denied and were found indigent after a second affidavit. It was important to run this second regression since many affidavits that are denied originally are denied simply because the defendant filled it out incorrectly. However, the results were not significantly different enough to warrant the inclusion of both types of regressions, so I only report the results for the regressions using indigence as determined by the first affidavit. Some of my discussion in the results section prior to the regressions does look at indigence at any point, however. Finally, it is worth mentioning that while this paper focuses on the effect of indigence on case outcomes, it is difficult to use indigence itself as a good independent variable, since the determination of indigence is very flexible. Thus, I primarily study the

effect of an appointed attorney, which typically, but not always, indicates that the defendant is indigent.

### *Regression Discontinuity Designs*

The regression discontinuity designs analyze the causal effect of indigency on sentence length and on the probability of conviction, deferred adjudication, either conviction or deferred adjudication, and dismissal. The assigned cutoff is the ratio of monthly gross income according to the financial affidavit filed by the defendant and the 125% of the Federal Poverty Guidelines for the year based on number of dependents in the defendant's household. The Federal Poverty Guidelines are used as in the ratio because McClennan County uses the 125% of the FPG as a criterion for indigency. The ratio is calculated only based on the first affidavit filed by each defendant. Any differences on either side of the cutoff will give a general idea of whether or not poverty and indigency tend to produce worse outcomes for defendants. These will, of course, only use data for defendants that filed a financial affidavit, as that is the only way that the necessary financial data could be obtained. I estimate the regressions using four different bandwidths: a ratio between 0.5-1.5, 0.6-1.4, 0.7-1.3, and 0.8-1.2. The regression with sentence length as the outcome variable and a bandwidth of 0.8-1.2 resulted in only one defendant that did not have an appointed attorney and thus did not generate an F-statistic. Thus, this regression is not reported in the results. These designs serve to determine whether indigence, and thus a court-appointed attorney, results in worse case outcomes than non-indigence, and thus a hired attorney.

### *Assumptions*

Since the data were collected and coded and not just obtained from another source, I laid out several assumptions for coding. First, if there is no formal decision on the affidavit but an attorney was appointed within a reasonable time of the affidavit, I assume that the affidavit was approved. I also assume that if no affidavit is included in the file, then it was not filed, even if an attorney was appointed. For consistency, I used a firm rule that no affidavit on file equated to “not filed” as the affidavit status, even if it seemed that the defendant might have been found indigent. I do not include in all regressions cases that do not have a formal plea listed or cases whose defendants decided to defend him or herself. For regressions with sentence length as the outcome variable I do not include cases with a sentence longer than 1188 months, since these are outliers and skew the results. I also assume that an attorney is appointed only if there is an Order of Attorney Appointment or some kind of note indicating an appointment of attorney on file. If a defendant has a finding of indigent ineligibility on file without an affidavit but has a granted affidavit dated after the finding, I input “not filed” for the first affidavit and label the defendant as indigent based on the second affidavit. If there is no indication whether an attorney was hired or appointed, the attorney is status is labeled as unknown. For 125% FPG calculations I assume spouse is not included in household size; only the defendant and dependents are included. All assumptions are for the sake of consistency.



## CHAPTER FIVE

### Results and Conclusion

#### *Results*

Of the 654 observations in the dataset, 277 were determined indigent by the court with the first affidavit that was filed. 336 were determined indigent either by the first or second affidavit, so 59 defendants whose first affidavits were denied were determined indigent after the second affidavit. 472 defendants had an appointed attorney as the first attorney and 74 had a second appointed attorney, while 10 had a third appointed attorney. Below is a graph of attorney representation by percentage for the full sample, indigent defendants (based on both the first and second affidavit) and non-indigent defendants.

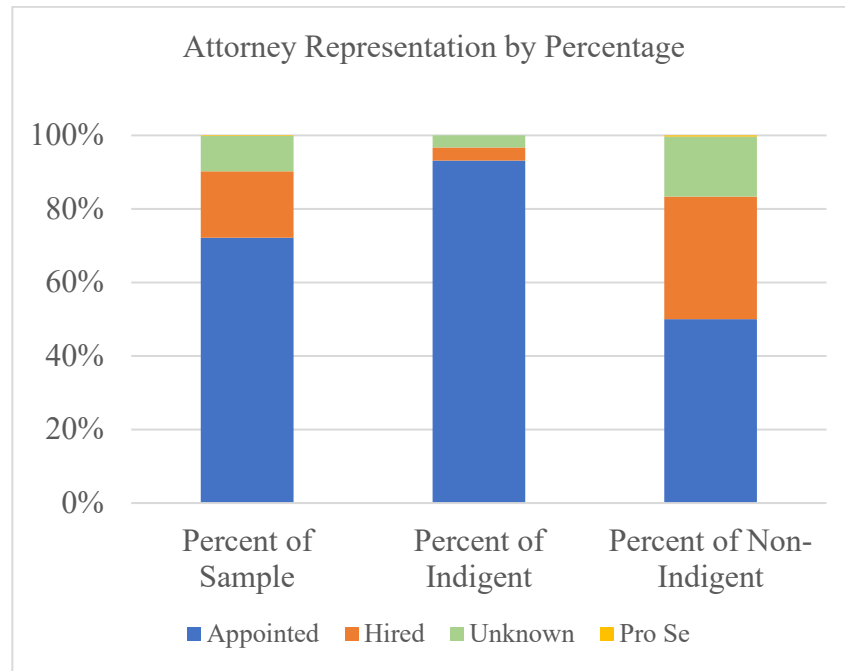


Figure 1: Attorney Representation by Percentage

Of the 336 defendants found indigent at any point, 43 of them actually had monthly income above the 125% Federal Poverty Guideline. 341 total defendants filed for indigency, with the remainder either not filing or lacking the data to say that they filed. 81% of those that filed were ruled indigent with the first affidavit. 66 filed a second affidavit and all of them were determined indigent, so they likely filled out the first one incorrectly. Below is a table of summary statistics for all variables included in the regressions and other general analysis.

Table 1: Summary Statistics

Variable	Obs	Mean	Std.Dev.	Min	Max
19 <sup>th</sup> Court	645	.544	.498	0	1
54 <sup>th</sup> Court	645	.456	.498	0	1
Murder	645	.006	.079	0	1
Violent Crime	645	.2	.4	0	1
Drug-Related	645	.278	.448	0	1
Non-Violent/Non-Drug	645	.516	.5	0	1
Guilty Plea Entered	645	.935	.247	0	1
Not Guilty Plea Entered	645	.022	.146	0	1
Plea Withdrawn	645	.043	.204	0	1
Plea Agreement	645	.862	.345	0	1
Convicted	645	.653	.476	0	1
Dismissed	645	.053	.224	0	1
Deferred	645	.284	.451	0	1
Acquitted	645	.005	.068	0	1
Sentence Length	645	75.769	129.581	0	1188
Appointed	645	.726	.447	0	1
Unknown	645	.093	.291	0	1
Hired	645	.181	.386	0	1
Second Affidavit Filed	645	.102	.303	0	1
Indigent (First Affidavit)	645	.423	.494	0	1
Not Indigent (First Affidavit)	645	.023	.151	0	1
Denied (First Affidavit)	645	.076	.265	0	1
Didn't Apply (First Affidavit)	645	.473	.5	0	1

Indigent At Any Point	645	.515	.5	0	1
2 <sup>nd</sup> Attorney Appointed	645	.113	.317	0	1
2 <sup>nd</sup> Attorney Hired	645	.023	.151	0	1
2 <sup>nd</sup> Attorney Unknown	645	.033	.178	0	1
3 <sup>rd</sup> Attorney Appointed	645	.016	.124	0	1
3 <sup>rd</sup> Attorney Unknown	645	.005	.068	0	1
Ratio of Monthly Income to Poverty Guidelines	323	.36	.962	0	15.171
Convicted	645	.653	.476	0	1
Convicted or Deferred	645	.936	.244	0	1
Dismissed	645	.053	.224	0	1
Deferred	645	.284	.451	0	1

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Of all the cases in the dataset, four were murder cases, 130 were cases related to other violent crimes, 181 were drug-related cases, and 339 were non-violent and non-drug related cases. 85% of the entire dataset received a plea recommendation, with 92% of the total dataset guilty pleas, 2% not guilty pleas, and 4% withdrawn pleas. 423 defendants were convicted, 3 were acquitted, 183 received deferred adjudication, and 38 had their cases dismissed. 54% took place in the 19<sup>th</sup> Court and 46% were in the 54<sup>th</sup> Court. 472 had appointed attorneys and 118 had hired attorneys as their first attorney. 10% of defendants filed a second affidavit, and 100% of those were labeled indigent afterward. This indicates that the denial the first time was due to incorrect completion of the affidavit. Overall, of the 341 defendants who filed an affidavit 99% were determined indigent.

Of the 654 cases, 423 ultimately resulted in conviction. Of those 423, 225 defendants were found indigent at some point in the course of the case. With 336 indigent defendants, 67% were convicted. Of the 318 non-indigent defendants, 198, or 62%, were convicted. On the other hand, one indigent defendant (0.3%) was acquitted and two non-

indigent defendants (0.6%) were acquitted. 95 indigent defendants (28.2%) received deferred adjudication and 88 non-indigent defendants (27.7%) received deferred adjudication. Finally, 13 indigent (3.8%) and 25 non-indigent defendants (7.9%) had their cases dismissed. Below is a graph of case outcomes by percentage for the full sample, indigent defendants, and non-indigent defendants. The percentages do not add up completely to 100% because some pending cases are in the sample and thus do not yet have outcomes.

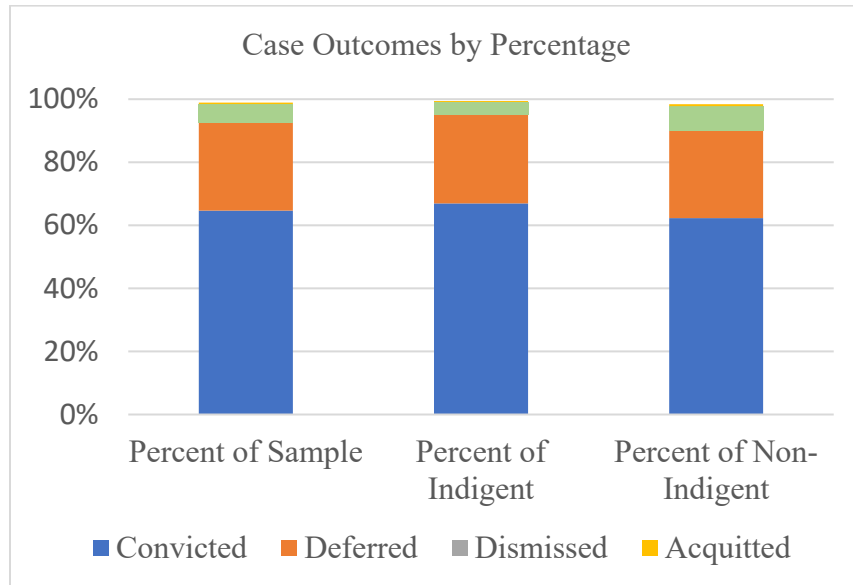


Figure 2: Case Outcomes by Percentage

Below is a graph of case outcomes by attorney type. Again, the percentages do not add up to 100% due to pending cases in the sample.

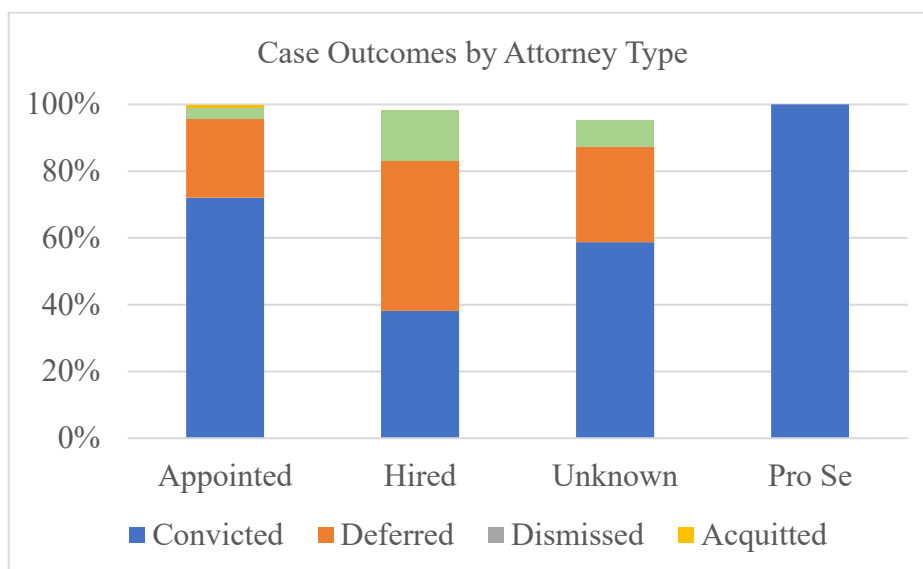


Figure 3: Case Outcomes by Attorney Type

### *Linear Regressions*

I conducted two linear regressions with sentence length in months as the outcome variable. The first regression includes murder as an independent variable and the second excludes it. The purpose of this is to ensure that the murder cases do not skew the results due to the longer sentence lengths. There are only two murder cases included since the remaining two are sentences of 1188 months and thus excluded from the analysis when sentence length is the outcome variable. Since there are only two murder cases included, there is not much of a difference between the two regressions, confirming that the murder cases did not skew the results in the first regression. The results from the linear regressions are tabulated below.

Table 2: Linear Regression Results

VARIABLES	With Murder	Murder Excluded
19 <sup>th</sup> Court	9.695	9.694

	(0.168)	(0.168)
Murder	544.4*** (0.000)	
Violent Crime	71.81*** (0.000)	71.81*** (0.000)
Drug-Related	18.91*** (0.008)	18.91*** (0.008)
Guilty Plea Entered	-119.0 (0.277)	-119.0 (0.276)
Plea Withdrawn	-40.38 (0.758)	-40.35 (0.758)
Plea Agreement	-17.43 (0.313)	-17.42 (0.313)
Appointed	-11.59 (0.261)	-11.64 (0.259)
Unknown	-5.340 (0.752)	-5.350 (0.752)
Indigent (First Affidavit)	1.787 (0.793)	1.892 (0.782)
2 <sup>nd</sup> Attorney Appointed	54.85*** (0.001)	54.84*** (0.001)
2 <sup>nd</sup> Attorney Unknown	4.758 (0.732)	4.766 (0.732)
2 <sup>nd</sup> Attorney Hired	21.69 (0.481)	21.69 (0.480)
3 <sup>rd</sup> Attorney Appointed	-13.58 (0.601)	-13.61 (0.600)
3 <sup>rd</sup> Attorney Unknown	258.9** (0.034)	258.9** (0.034)
Constant	181.1* (0.079)	181.0* (0.079)
Observations	600	598

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\*\*\*  $p < 0.01$ , \*\*  $p < 0.05$ , \*  $p < 0.1$   
P-values in parentheses

Clearly murder cases increase the sentence length, and with a p-value of 0.000 the Murder variable is very statistically significant. This effect is no surprise as murder cases result in very high sentence lengths. Violent Crime and Drug-Related also have statistically significant results and higher sentence lengths. Again, this is expected since

these are being compared to non-violent and non-drug crimes. While there are no significant results about indigence or having an appointed attorney the first time, having an appointed attorney the second time seems to increase sentence length and is significant at the 1% level. Defendants who require a second attorney and have one appointed by the Court receive on average a sentence of about 54.8 months longer than defendants that do not have an appointed second attorney. This may indicate that there may be other issues with defendants who require a second attorney, since the first may have quit due to the client being difficult or the case being sure to end in conviction. However, it is still possible that this difference is due only to the fact that the attorney is appointed and has nothing to do with defendant or case-specific characteristics. Without detailed information on each defendant and his or her case, it is difficult to determine the true cause behind this. Likewise, defendants with a third attorney of unknown status tend to have sentences that are 258.9 months longer than defendants who do not. This is a very large number, and likely indicates that a defendant who goes through three attorneys has a case that is essentially a lost cause. While these regressions did not tell us anything about defendants with appointed attorneys the first time, we do find that defendants with appointed attorneys as their second attorney tend to face longer sentence lengths.

These results indicate that a second appointed attorney leads to higher sentence lengths, but do not tell us anything about an initial appointed attorney.

### *Logit Regressions*

I conducted four logistic regressions with the four possible case outcomes as the dependent variable for each. This allows me to analyze the odds of obtaining a certain

outcome based on defendant characteristics. The results from the logit regressions are tabulated below.

Table 3: Logit Regression Results

VARIABLES	Convicted	Deferred	Convicted or Deferred	Dismissed
19 <sup>th</sup> Court	-0.174 (0.347)	0.294 (0.111)	-0.194 (0.731)	0.123 (0.848)
Violent Crime	-13.74 (0.980)	13.04 (0.982)	-11.95 (0.992)	12.81 (0.994)
Drug-Related	-14.06 (0.980)	13.46 (0.982)	-11.91 (0.992)	13.18 (0.994)
Non-Violent/ Non-Drug	-13.69 (0.981)	12.99 (0.982)	-12.78 (0.991)	14.04 (0.994)
Guilty Plea Entered	-0.330 (0.630)		2.667*** (0.003)	-1.432 (0.268)
Plea Withdrawn	-2.905*** (0.001)		-2.823*** (0.005)	4.435*** (0.001)
Plea Agreement	0.550* (0.074)	0.552* (0.054)	1.619*** (0.008)	-1.238* (0.088)
Appointed	1.504*** (0.000)	-1.117*** (0.000)	2.002*** (0.003)	-2.658*** (0.002)
Unknown	1.042*** (0.003)	-0.715** (0.039)	1.398 (0.144)	-2.160* (0.085)
Indigent (First Affidavit)	-0.0788 (0.701)	0.129 (0.533)	0.380 (0.605)	0.499 (0.568)
2 <sup>nd</sup> Attorney Appointed	-0.654** (0.020)	0.629** (0.025)	0.153 (0.865)	-0.269 (0.812)
2 <sup>nd</sup> Attorney Unknown	-0.656 (0.223)	0.152 (0.781)	-0.768 (0.548)	1.149 (0.352)
2 <sup>nd</sup> Attorney Hired	-0.704 (0.223)			
3 <sup>rd</sup> Attorney Appointed	2.195** (0.018)	-1.706 (0.119)	1.313 (0.441)	-1.079 (0.557)
3 <sup>rd</sup> Attorney Unknown	2.685 (0.113)		2.798 (0.329)	-2.294 (0.565)
Constant	13.42 (0.981)	-13.97 (0.981)	11.11 (0.992)	-14.05 (0.994)
Observations	645	645	645	645

\*\*\*  $p < 0.01$ , \*\*  $p < 0.05$ , \*  $p < 0.1$   
P-values in parentheses



From the first results column we see that defendants who withdraw their guilty pleas are less likely to be convicted. The odds ratio of 0.05 means that defendants with withdrawn pleas are 95% less likely to be convicted. This makes sense since a defendant who withdraws a plea likely recognizes that the evidence against them is not enough to result in a conviction. Defendants with a plea agreement recommendation are more likely to be convicted, significant at the 10% level. The odds ratio of 1.7 means that defendants with a plea agreement are 70% more likely to be convicted. Again, this is not surprising since a defendant who receives a plea agreement most likely cannot get anything better than conviction, or perhaps deferral if they are lucky, and actually get a lower sentence due to the plea agreement. We now have significance for the Appointed variable, and the significance is strong. Defendants with appointed attorneys are more likely to be convicted. The odds ratio of 4.5 means that defendants with appointed attorneys are 350% more likely to be convicted than defendants with hired attorneys. This is not a result that we would like to see, as it indicates that there is in fact a justice issue here. An attorney of unknown status is also a significant variable, but not useful for the purposes of this paper. Having an appointed attorney as the second attorney is also significant here, but this time it decreases the odds of being convicted. The odds ratio is 0.52, so defendants with a second appointed attorney are about 50% less likely to be convicted. Having an appointed attorney for the third attorney is also significant and increases the odds of conviction by about 800%. Like the linear regression, this likely indicates a deeper issue with the defendant or case.

From the second column we get that defendants with a plea agreement

recommendation are more likely to get deferred adjudication. The odds ratio of 1.74 means that defendants with a plea agreement are 74% more likely to receive deferred adjudication. Some defendants likely receive deferred adjudication as a reward of sorts for cooperating with the prosecution, so a plea agreement thus tends to increase chances of deferred adjudication as opposed to outright conviction. Having an appointed attorney is significant here as well, this time decreasing the chances of deferred adjudication. The odds ratio of 0.33 means that defendants with an appointed attorney are 67% less likely to have deferred adjudication. This is most likely because these defendants are convicted outright. As I said above, a significant Unknown variable cannot tell us much here. Having an appointed attorney as the second attorney increases the chances of receiving deferred adjudication. The odds ratio of 1.88 means that defendants with a second appointed attorney are 88% more likely to receive deferred adjudication.

From the third column we see that entering a guilty plea increases chances of either being convicted or receiving deferred adjudication. This is not a surprising result since admitting guilt will certainly result in consequences. Withdrawing a guilty plea decreases chances of being convicted or receiving deferred adjudication. The odds ratio of 0.06 means that withdrawing a guilty plea decreases chances of being convicted or receiving deferred adjudication by 94%. As I mentioned in my discussion of the first logistic regression, conviction and deferral rates likely decrease because the case against the defendant is not strong. Having a plea agreement is statistically significant at the 1% level and appears to cause an increase in the likelihood conviction and deferral. The odds ratio of 5.0 means that a defendant with a plea agreement is 400% more likely to be convicted or receive deferred adjudication. Having an appointed attorney is also

significant at the 1% level and increases the likelihood of conviction or deferral by 600%. Again, this indicates a potential problem.

From the final column we see that withdrawing a guilty plea increases the chances of a case being dismissed. Again, this is probably because the case against the defendant was difficult to prove in the first place. Having an attorney of unknown status is also significant, but does not tell us much for this study. The only other significant variable is having an appointed attorney. The odds ratio of 0.07 means that a defendant with an appointed attorney is 93% less likely to get the case dismissed than a defendant with a hired attorney. This lines up with the idea that appointed attorneys lead to worse outcomes, since their clients tend to have their cases dismissed less often than those with hired attorneys.

Overall these results seem to indicate that in general appointed attorneys lead to higher conviction rates and lower dismissal rates. While a first appointed attorney does not seem to cause a longer sentence, having a second attorney that is appointed does. These results may mean that there is a problem that needs to be addressed.

### *Regression Discontinuity Designs*

I conducted several regression discontinuity-style regressions to test the effects of having an appointed attorney around a cutoff. The results for the Appointed variable from the regression discontinuity designs are tabulated below and divided by bandwidth. (See Appendix B for full results).

Table 4: Regression Discontinuity Results

BAND	Sentence Length	Convicted	Deferred	Convicted or Deferred	Dismissed
------	-----------------	-----------	----------	-----------------------	-----------

0.5-1.5	-138.9 (0.207)	-0.182 (0.644)	0.426* (0.085)	0.244 (0.564)	-0.310 (0.441)
0.6-1.4	-218.4 (0.199)	-0.659* (0.053)	-0.240 (0.364)	-0.293 (0.136)	0.194 (0.292)
0.7-1.3	-393.9** (0.014)	-0.770* (0.074)	0.143 (0.637)	-0.628* (0.081)	0.446 (0.188)
0.8-1.2		-0.432 (0.285)	0.432 (0.285)	0.458 (0.300)	-0.435* (0.087)
Observations	70,50,36	75,54,40,29	75,54,40,29	75,54,40,29	75,54,40,29

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

P-value in parentheses

Observations listed by widest to narrowest bandwidth

At first glance, it is clear that these regressions have generated a variety of results. On one hand, from the first column we see that having an appointed attorney decreases sentence length by 393.3 months with a bandwidth of 0.6. We also see from the second column that an appointed attorney decreases the likelihood of conviction with a bandwidth of 0.8 and 0.6. We also see from the third column that the probability of deferred adjudication increases with an appointed attorney and from the fourth column that the chances of being convicted or receiving deferred adjudication decreases. However, from the last column we see that the probability of dismissal decreases with an appointed attorney. Most of these results indicate that there is not a disadvantage to having an appointed attorney; in fact, they seem to indicate quite the opposite. Only the last column seems to point to a problem. There seems to be something else going on here, and it may be simply that there is not enough data. In the graphs below it is clear that there is not a distinct jump between the two sides of the cutoff.

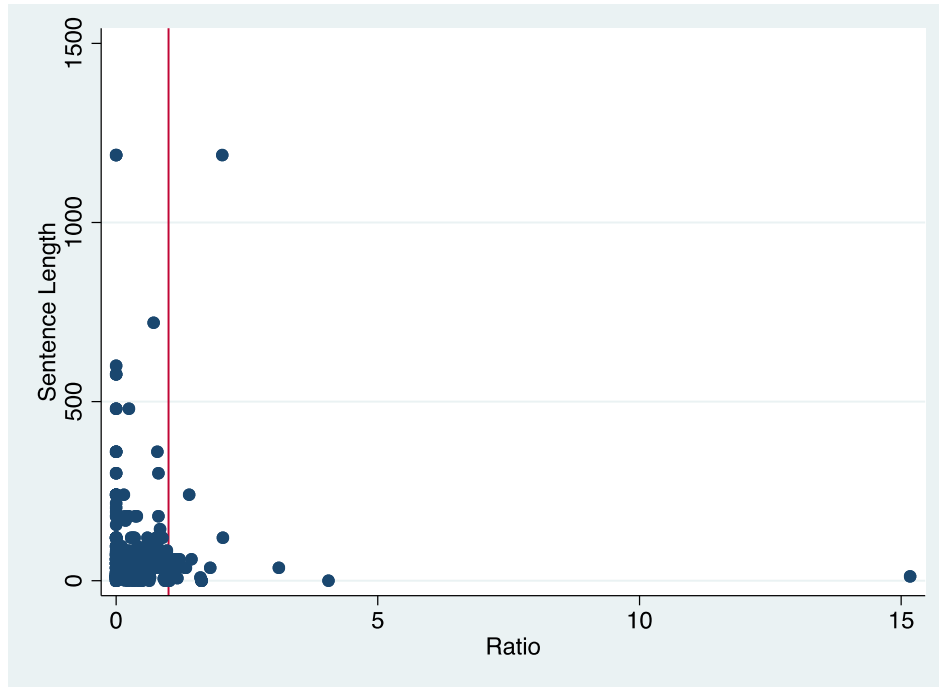


Figure 4: Sentence Length RD Graph

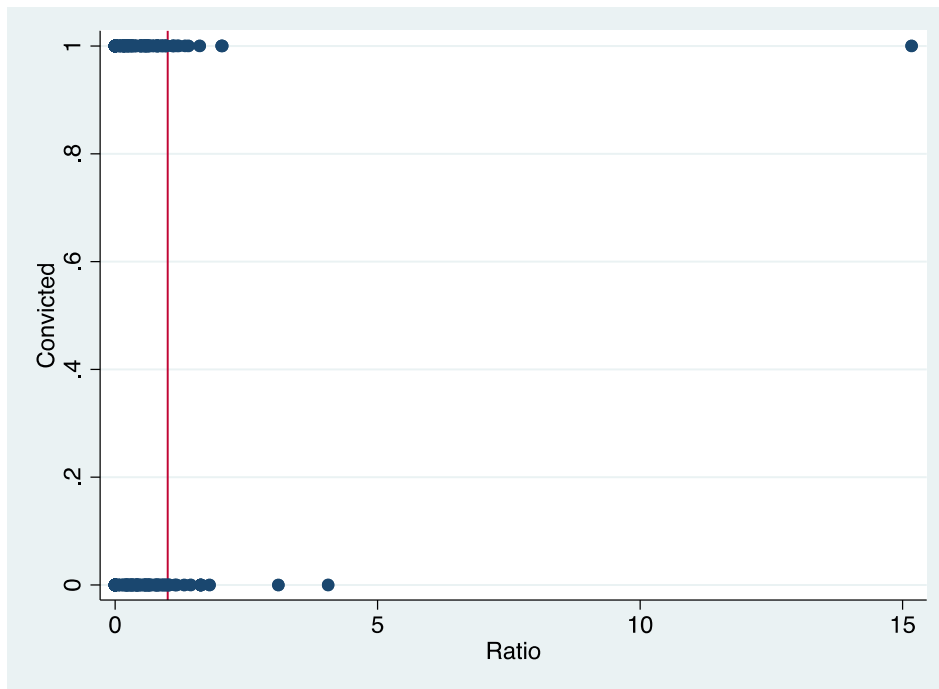


Figure 5: Convicted RD Graph

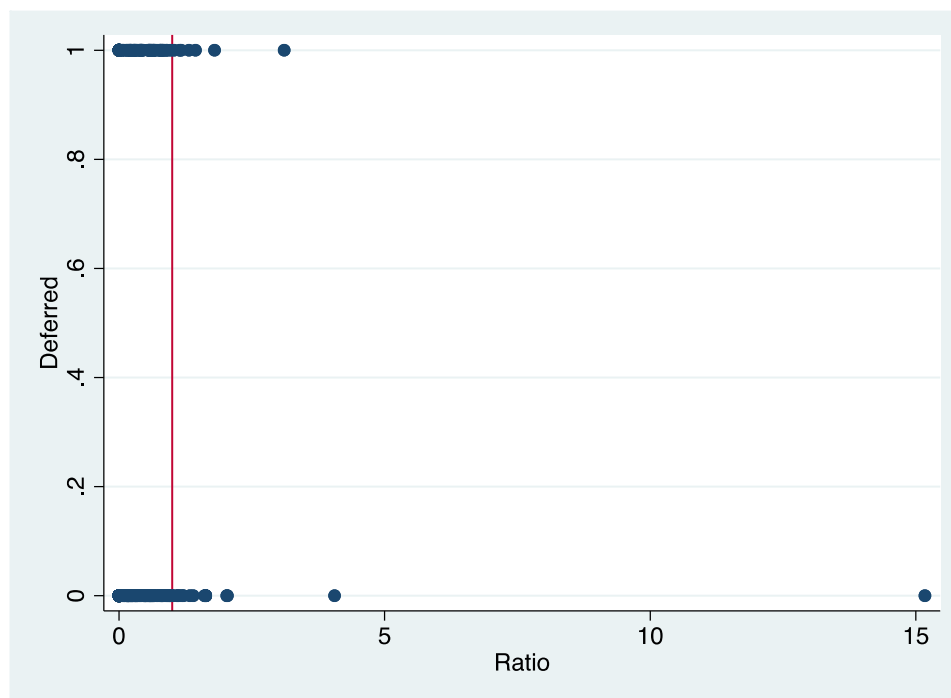


Figure 6: Deferred RD Graph

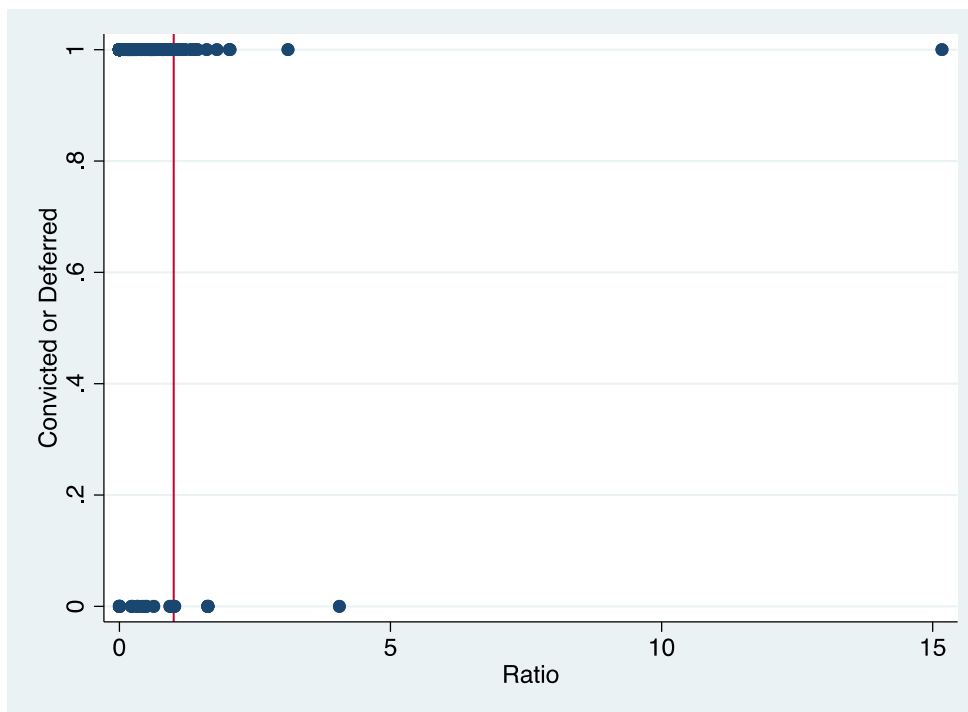


Figure 7: Convicted/Deferred RD Graph

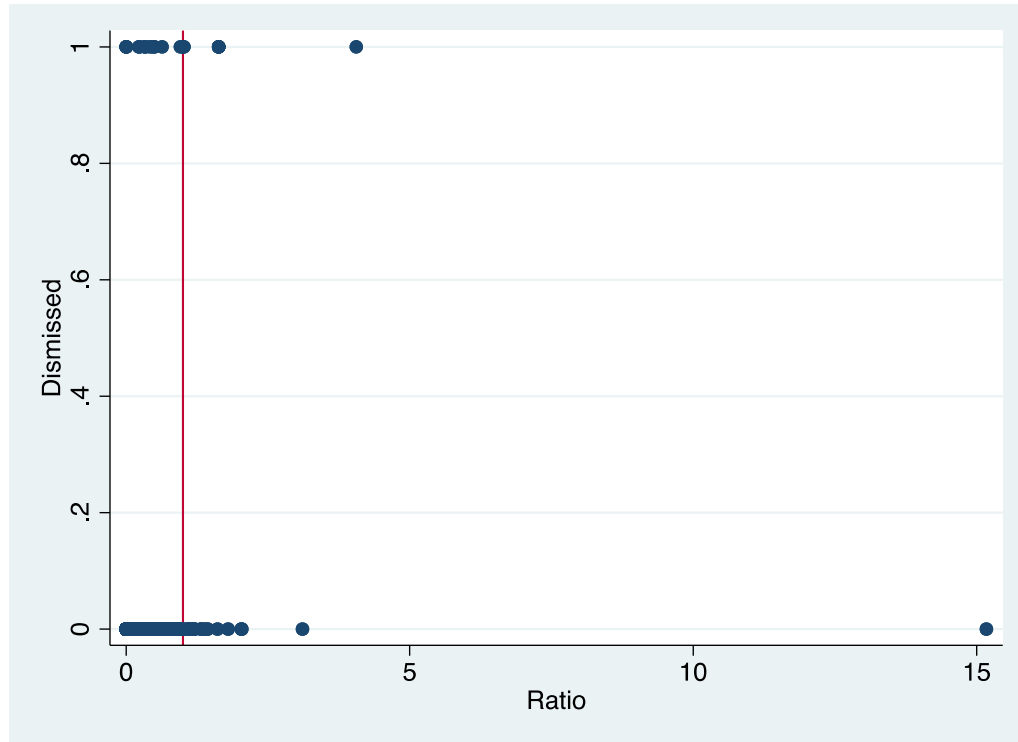


Figure 8: Dismissed RD Graph

It is important to note here that while having an appointed attorney is essentially being used as a proxy for indigence, the data show that not all defendants who received a court-appointed attorney were deemed indigent. Thus, while the results may be a bit skewed if we are equating an appointed attorney with indigence, they are still completely valid when we are considering an appointed attorney as a causal effect in and of itself.

### *Summary of Results*

Tables 2 and 3 give sufficient evidence that having an appointed attorney either as the first, second, or third attorney often does lead to higher sentences and conviction rates. However, Table 4 tells us the opposite. This may be because the bands narrow down the number of observations so much that the results have little meaning. It may also

be because there are other confounding characteristics that we did not address here.

Tables 3 and 4 both indicate that appointed attorneys can lower chances of case dismissal. Overall, there seems to be sufficient evidence that there is a justice problem in this sample.

### *Conclusion*

This paper set out to analyze whether or not indigent defendants face worse outcomes than their non-indigent counterparts. Through a series of linear regressions, logistic regressions, and regression discontinuity designs, I found some conflicting answers. However, from these regressions there is evidence that defendants with appointed attorneys tend to have higher conviction rates and lower dismissal rates. This is enough to warrant a closer look at the indigent defense system in McLennan County. All people are given the right to effective counsel by the Sixth Amendment, and a clear difference in outcomes between defendants with appointed versus hired attorneys seems to indicate that this may not be the case.

While the linear regressions did not give evidence that appointed attorneys as the first attorney lead to longer sentences, they did find that a second appointed attorney does. While this may be due to issues with the defendant or the case, it nevertheless is concerning, and should be researched further. If there is in fact an increase in sentence lengths with a second appointed attorney that is not due to case or defendant-specific characteristics, then there is a problem that needs to be addressed.

The regression discontinuity designs seemed to indicate that defendants with appointed attorneys do not face longer sentence lengths or higher conviction rates. They



did, however, point to lower dismissal rates, which lines up with the results above. These designs narrowed the sample down to a fairly small group, so it is likely that these results cannot be completely relied upon and the designs should be tested on a larger scale.

Further and more expansive research is clearly necessary to get the larger picture on this issue. I recommend a true regression continuity design with a large sample size. These results would be more likely to be accurate since there would be a sufficiently large group of observations. The ratio of monthly income to the relevant 125% Federal Poverty Guideline could also be replaced by a better running variable, since there are other methods through which indigency is determined. It could also be interesting to look at hired attorneys as compared to appointed attorneys instead of the other way around. Finally, I believe it would be interesting to look at each attorney individually to see if they perform differently based on whether they were appointed or hired. By using fixed effects and panel data, each attorney's performance could be observed when appointed and when hired, thus allowing us to observe if any attorneys perform differently depending on their status. The McLennan County court system presents a unique opportunity to do this. For now, I recommend equal payment of hired and appointed attorneys, more funding for indigent defense, and specific guidelines for effective defense in order to provide similar counsel to all defendants.

This study, regardless of any apparently conflicting results, indicates that there may be a justice problem. I believe that this warrants a closer look at the McLennan County court system and the United States system as a whole. Such large differences as

appear in the results of this study are impossible to ignore, and should be addressed in order to ensure that the criminal justice system operates in the way that it should.

## APPENDICES

## APPENDIX A

Attachment 2

### APPLICATION FOR COURT APPOINTMENT OF ATTORNEY - (Affidavit of Indigence)

CID No.: \_\_\_\_\_ Cause No. \_\_\_\_\_  
 Defendant: \_\_\_\_\_ Offense Charged: \_\_\_\_\_

**PRINT YOUR RESPONSES CLEARLY. FILL IN ALL BLANKS. If you do not follow these instructions completely, your request for a court appointed attorney may be denied.** All responses must be complete, current, accurate, and true. Intentionally or knowingly giving false information may result in your prosecution for the felony offense of aggravated perjury. **The punishment for aggravated perjury includes imprisonment not to exceed ten (10) years and a fine not to exceed ten thousand dollars (\$10,000).** If you do not know the information being requested, answer "do not know." If the requested information does not apply to you, answer "n/a."

**PERSONAL INFORMATION**

Address: \_\_\_\_\_ Phone # \_\_\_\_\_  
 Name of Spouse: \_\_\_\_\_ # of Dependents \_\_\_\_\_ Their ages \_\_\_\_\_

**EMPLOYMENT**

Your Employer: \_\_\_\_\_ Number of Hours Worked: \_\_\_\_\_ per \_\_\_\_\_ (week/month)  
 Pay Rate: \$ \_\_\_\_\_ per \_\_\_\_\_ (hour/week/month)  
 Spouse's Employer: \_\_\_\_\_ Number of Hours Worked: \_\_\_\_\_ per \_\_\_\_\_ (week/month)  
 Pay Rate: \$ \_\_\_\_\_ per \_\_\_\_\_ (hour/week/month)  
 \*If Unemployed: Length of Time Unemployed: \_\_\_\_\_ Previous Employer: \_\_\_\_\_

**MONTHLY Income**

**MONTHLY Expenses**

Take Home Pay	\$ _____	Rent/mortgage	\$ _____
Spouse's Take Home Pay	\$ _____	Car Payment	\$ _____
Retirement	\$ _____	Credit Cards	\$ _____
Unemployment	\$ _____	Gas/electric	\$ _____
Child Support	\$ _____	Water	\$ _____
Social Security	\$ _____	Food	\$ _____
SSI ( <i>disability</i> )	\$ _____	Telephone	\$ _____
Medicaid	\$ _____	Insurance (Car/home)	\$ _____
Food Stamps	\$ _____	Child Care/child Support	\$ _____
Public Housing	\$ _____	Cable/satellite Tv	\$ _____
Rental Income	\$ _____	Cell Phone/pager	\$ _____
Other Income	\$ _____	Other Expenses	\$ _____
<b>TOTAL</b>	<b>\$ _____</b>	<b>TOTAL</b>	<b>\$ _____</b>

**ASSETS**

Do you own a house or real estate?  Yes  No Location of Property \_\_\_\_\_ Value of property: \$ \_\_\_\_\_  
 Do you own any cars or motorcycles?  Yes  No Make \_\_\_\_\_ Model \_\_\_\_\_ Year \_\_\_\_\_ Value \$ \_\_\_\_\_  
 Checking account location \_\_\_\_\_ Balance \$ \_\_\_\_\_ Savings account location \_\_\_\_\_ Balance \$ \_\_\_\_\_  
 Other Assets (jewelry, equipment, etc.) \_\_\_\_\_ Value \$ \_\_\_\_\_ **Total Value of Assets \$ \_\_\_\_\_**

By signing my name below, I swear that all of the above information about my financial condition is current, accurate, and true. By signing below, I understand that a court official can verify any of the information for accuracy as required to determine my eligibility.

✓ \_\_\_\_\_ Subscribed and sworn to before me on \_\_\_\_\_, 20\_\_\_\_.  
 Defendant

\_\_\_\_\_  
 Notary Public for McLennan County, Texas

Defendant's application is  GRANTED (*indigent*) /  DENIED (*not indigent*) /  DENIED (*improperly submitted*)

Signed on: \_\_\_\_\_ Indigent Defense Coordinator / Judge Presiding

This is an official governmental record.

## APPENDIX B

Table B.1: Sentence Length Regression Discontinuity

	0.5-1.5	0.6-1.4	0.7-1.3
court_19	-11.77 (13.42)	-20.34 (19.14)	24.80 (24.74)
violent	23.63 (22.21)	31.66 (24.26)	14.35 (26.86)
drug	3.774 (16.65)	2.861 (26.92)	70.70 (47.76)
guilty	-40.08 (137.3)	41.96 (156.8)	
plea_agree	-99.33 (60.86)	-117.2 (84.37)	-59.14 (67.25)
apptd	-138.9 (109.0)	-218.4 (167.1)	-393.9** (150.3)
indigent	43.00* (25.54)	50.97 (32.04)	154.5** (72.11)
a2	60.10 (39.57)	67.03 (47.27)	45.85 (43.46)
ru2	-19.76 (14.79)		
h2	90.65 (107.7)	74.88 (114.8)	112.3 (116.4)
Constant	287.0* (147.7)	301.5* (150.5)	335.0** (155.3)
Observations	70	50	36

\*\*\*  $p < 0.01$ , \*\*  $p < 0.05$ , \*  $p < 0.1$   
 Robust standard errors in first parentheses

Table B.2: Convicted Regression Discontinuity

	0.5-1.5	0.6-1.4	0.7-1.3	0.9-1.2
court_19	-0.00272 (0.125)	0.0186 (0.185)	0.0955 (0.237)	0.176 (0.261)
violent	0.154 (0.160)	0.167 (0.204)	0.0872 (0.262)	0.169 (0.271)
drug	0.0141 (0.147)	0.107 (0.220)	0.373 (0.267)	0.207 (0.281)
guilty	-0.288 (0.438)	-0.379 (0.416)	-0.779 (0.466)	
withdrawnp	-0.589 (0.379)	-0.757*** (0.260)	-0.848*** (0.245)	
plea_agree	0.217 (0.307)	0.414 (0.295)	0.575* (0.318)	0.705*** (0.245)
apptd	-0.182 (0.392)	-0.659* (0.330)	-0.770* (0.414)	-0.432 (0.394)

r_u	-0.673*	-1.074***		
	(0.384)	(0.381)		
Indigent	0.217	0.264	0.636*	0.352
	(0.191)	(0.250)	(0.320)	(0.329)
a2	-0.118	0.0971	0.0303	0.0485
	(0.240)	(0.298)	(0.287)	(0.314)
ru2	0.263*	0.393*	0.539**	0.322
	(0.132)	(0.222)	(0.244)	(0.299)
h2	-0.0929	0.0616	0.204	
	(0.299)	(0.244)	(0.274)	
ru3	-0.125	-0.495	-0.553	
	(0.381)	(0.324)	(0.390)	
Constant	0.661	0.913**	0.830**	-0.135
	(0.491)	(0.352)	(0.382)	(0.292)
Observations	75	54	40	29

\*\*\*  $p < 0.01$ , \*\*  $p < 0.05$ , \*  $p < 0.1$   
Robust standard errors in first parentheses

Table B.3: Deferred Regression Discontinuity

	0.5-1.5	0.6-1.4	0.7-1.3	0.9-1.2
court_19	-0.0500	0.00987	-0.0856	-0.176
	(0.120)	(0.166)	(0.234)	(0.261)
violent	-0.0815	-0.0788	0.0195	-0.169
	(0.156)	(0.193)	(0.255)	(0.271)
drug	0.0470	-0.0998	-0.355	-0.207
	(0.143)	(0.211)	(0.261)	(0.281)
guilty	0.453	0.786**	1.119**	
	(0.315)	(0.377)	(0.458)	
withdrawnp	0.315	-0.0137	0.231	
	(0.214)	(0.230)	(0.247)	
plea_agree	-0.0251	-0.273	-0.411	0.295
	(0.298)	(0.300)	(0.313)	(0.245)
apptd	0.426*	-0.240	0.143	0.432
	(0.243)	(0.261)	(0.299)	(0.394)
r_u	0.971***			
	(0.223)			
indigent	-0.119	-0.205	-0.506	-0.352
	(0.177)	(0.237)	(0.328)	(0.329)
a2	0.120	-0.000781	0.0602	-0.0485
	(0.228)	(0.270)	(0.265)	(0.314)
ru2	-0.381***	-0.370*	-0.544**	-0.322
	(0.0883)	(0.194)	(0.243)	(0.299)
h2	0.175	-0.0224	-0.159	
	(0.410)	(0.311)	(0.363)	
ru3	0.429**	-0.0178	0.228	
	(0.187)	(0.267)	(0.247)	
o.a3	-			
Constant	-0.357	0.352	0.142	0.135
	(0.304)	(0.309)	(0.240)	(0.292)

Observations      75                      54                      40                      29

\*\*\*  $p < 0.01$ , \*\*  $p < 0.05$ , \*  $p < 0.1$   
 Robust standard errors in first parentheses

Table B.4: Convicted/Deferred Regression Discontinuity

	0.5-1.5	0.6-1.4	0.7-1.3	0.9-1.2
court_19	-0.0527 (0.0334)	-0.0285 (0.0357)	0.00988 (0.0469)	-0.170 (0.180)
violent	0.0727* (0.0424)	0.0553 (0.0400)	0.107 (0.0631)	-0.0166 (0.205)
drug	0.0611* (0.0363)	-0.0154 (0.0413)	0.0179 (0.0567)	0.0328 (0.201)
guilty	0.165 (0.335)	0.305 (0.301)	0.340 (0.280)	
withdrawnp	-0.273 (0.374)	-0.444 (0.264)	-0.617*** (0.197)	
plea_agree	0.192 (0.149)	0.195 (0.156)	0.164 (0.145)	
apptd	0.244 (0.420)	-0.293 (0.193)	-0.628* (0.347)	0.458 (0.431)
r_u	0.298 (0.431)			
indigent	0.0984* (0.0514)	0.0656 (0.0489)	0.130 (0.104)	0.158 (0.310)
a2	0.00249 (0.0699)	0.128 (0.0840)	0.0905 (0.0752)	0.0348 (0.0767)
ru2	-0.117 (0.108)	-0.106 (0.126)	-0.00450 (0.0732)	-0.203 (0.282)
h2	0.0820 (0.144)	0.0783 (0.137)	0.0451 (0.134)	
ru3	0.304 (0.403)	-0.0819 (0.266)	-0.325 (0.352)	
Constant	0.3050.733** (0.473)	0.972** (0.315)	0.396 (0.399)	(0.395)
Observations	75	54	40	29

\*\*\*  $p < 0.01$ , \*\*  $p < 0.05$ , \*  $p < 0.1$   
 Robust standard errors in first parentheses

Table B.5: Dismissed Regression Discontinuity

	0.5-1.5	0.6-1.4	0.7-1.3	0.9-1.2
court_19	0.0312 (0.0281)	-0.00322 (0.0249)	-0.0259 (0.0240)	0.0836 (0.0691)
violent	-0.0218 (0.0273)	-0.00678 (0.0214)	-0.0348 (0.0343)	0.0902 (0.0773)
drug	-0.0295	0.0421	0.0507	0.183

	(0.0263)	(0.0326)	(0.0462)	(0.107)
guilty	0.291 (0.185)	0.171 (0.145)	0.0950 (0.121)	
withdrawnp	0.673** (0.291)	0.854*** (0.136)	0.989*** (0.0232)	
plea_agree	-0.182 (0.147)	-0.195 (0.153)	-0.161 (0.138)	-0.679*** (0.199)
apptd	-0.310 (0.401)	0.194 (0.182)	0.446 (0.330)	-0.435* (0.241)
r_u	-0.326 (0.412)			
indigent	-0.0377 (0.0263)	0.00986 (0.0160)	0.0375 (0.0352)	0.279 (0.167)
a2	0.0657 (0.0588)	-0.0443 (0.0463)	-0.0305 (0.0433)	0.00149 (0.0586)
ru2	0.0758 (0.0747)	0.0400 (0.0571)	-0.00639 (0.0235)	0.173 (0.123)
h2	-0.0835 (0.116)	-0.0847 (0.108)	-0.0512 (0.0952)	
ru3	-0.105 (0.340)	0.262 (0.203)	0.439 (0.330)	
Constant	0.227 (0.373)	-0.188 (0.188)	-0.416 (0.333)	0.744*** (0.150)
Observations	75	54	40	29

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\*\*\*  $p < 0.01$ , \*\*  $p < 0.05$ , \*  $p < 0.1$   
Robust standard errors in first parentheses



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