

Flat Fee Compensation, Lawyer Incentives, and Case Outcomes in Indigent Criminal Defense

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Abstract

The Sixth Amendment of the United States Constitution grants the right to effective legal counsel for individuals facing criminal charges that may result in imprisonment. The majority of criminal defendants in the United States are in poverty and receive publicly financed legal defense from court-appointed attorneys, who are professionally obligated to provide zealous and effective representation to fulfill their clients' constitutional right to counsel. This paper assesses whether the structure of compensation for court appointed attorneys – in, particular, hourly and flat fee – impacts the quality of legal representation for indigent criminal defendants. To study this question, I examine a natural experiment in North Carolina, in which six counties were simultaneously mandated as part of a pilot program to pay assigned counsel a flat fee for each case disposed instead of an hourly rate according to a statewide schedule. For my empirical analysis, I link two detailed administrative datasets containing the universe of criminal case records in North Carolina, as well as compensation records for every lawyer that accepted an indigent case in the state as assigned counsel. Using a difference-in-differences strategy, I find that defendants represented by lawyers paid under flat fees were 4.7 p.p. (11%) more likely to be convicted, a result driven by an increase in guilty pleas. In addition, defendants were 4.4 p.p. (15%) more likely to be convicted on their highest original charge, 3.7 p.p. (5%) less likely to have charges dismissed or reduced, and 4.6 p.p. (37%) more likely to be incarcerated. I explore two potential mechanisms for this result: an intensive margin response on lawyer effort and selection of lawyers on the extensive margin. On the intensive margin, lawyers in the treated counties reported spending 11% fewer hours on indigent cases, disposed cases 25% sooner on average, and were 4.3 p.p. (36%) more likely to dispose a case on the same day as their first meeting with the defendant. I do not find evidence of changes in lawyer composition or migration, although I find that lawyers with better outside options in the form of consistent private casework are more likely to exit the indigent appointment lists following the switch to flat fee pay. My main results are robust to a variety of alternative specifications, including a variant of Fisher's randomization test. This paper informs policy questions on funding and compensation for the provision of publicly financed criminal defense.

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1 Introduction

Defense lawyers serve as advocates and counsel for individuals facing criminal charges, and effective legal representation is critical to protecting the rights of those who interact with the United States criminal justice system. For this reason, the Sixth Amendment of the United States Constitution guarantees legal counsel for any individual who faces criminal charges that may result in imprisonment. To fulfill this constitutional right, governments are required by law to provide a publicly financed defense lawyer for criminal defendants in poverty, who comprise 60% to 90% of all criminal defendants in the United States.¹ Despite these provisions, a persistent concern is that many indigent defense systems throughout the country have discouraged lawyers from providing *effective* representation, a requirement under the Sixth Amendment's right to counsel. Poverty strongly predicts future incarceration² and has contributed to racial disparities in criminal justice; further, those who experience poverty are vulnerable to unfavorable outcomes in criminal cases, which can result in the loss of certain rights (e.g. voting), disqualification from welfare benefits (e.g. food assistance, cash assistance, and public housing), and greater difficulty in finding a job.

In the United States, virtually all jurisdictions contract with private lawyers to provide indigent defense. While some jurisdictions do so only for cases that the public defender cannot accept,³ a large portion contract with private lawyers as the primary system of indigent defense.⁴ A question of interest among policymakers is how private lawyers accepting contracts as court-appointed attorneys should be compensated. Many jurisdictions compensate these lawyers according to a flat fee structure, which some policymakers believe may discourage lawyers from spending the time and effort necessary to provide quality representation for indigent defendants. By creating this disincentive, flat fee compensation may undermine the right to effective legal counsel guaranteed by the Sixth Amendment and discourage lawyers

¹U.S. Department of Justice, Contracting for Indigent Services: A Special Report (April 2000), <https://www.ojp.gov/pdffiles1/bja/181160.pdf>. See also, Bureau of Justice Statistics, Defense Counsel in Criminal Cases (November 2000), <https://bjs.ojp.gov/content/pub/pdf/dccc.pdf>, which estimates that 82% of felony defendants in the 75 largest counties of the U.S. were represented by court-appointed attorneys. The National Legal Aid & Defender Association (NLADA) estimates that 80% of all criminal defendants are indigent and receive publicly financed legal representation. See, <https://www.nlada.org/AmeriCorps-VISTA>.

²See e.g., Brookings Institution, "Work and Opportunity Before and After Incarceration" (March 2018), https://www.brookings.edu/wp-content/uploads/2018/03/es_20180314_looneyincarceration_final.pdf

³An ethical conflict of interest may prevent a public defender's office from accepting a criminal case. A common example is when the public defender is already representing one defendant in a multi-defendant case.

⁴According to the Sixth Amendment Center, the flat fee contract method is the most common method for delivering indigent defense in the United States. See, <https://sixthamendment.org/the-right-to-counsel/national-standards-for-providing-the-right-to-counsel/abolishing-flat-fee-contracts-for-public-defense-services-aba-principle-8/>. In 2012, the Sixth Amendment Center estimated that the majority of jurisdictions relied on contracting with private lawyers as the primary system of indigent defense, based on a 2007 Bureau of Justice Statistics report and a 2012 Government Accountability Office report. See, <https://sixthamendment.org/understanding-the-gao-report-on-indigent-defense/> and <https://bjs.ojp.gov/content/pub/pdf/pdo07st.pdf>. More recently, Geoffrey Burkhardt of the Texas Indigent Defense Commission (TIDC) provided written testimony that the majority of jurisdictions in the U.S. rely on contracting with private lawyers for the provision of indigent defense. See, President's Commission on Law Enforcement and the Administration of Justice. Written Testimony of Geoffrey Burkhardt (June 2, 2020). <https://www.justice.gov/file/1318476/download>

from meeting their professional obligation to provide zealous representation for their clients.⁵ Prior literature in labor and personnel economics has found that workers respond in their behavior and effort to changes in compensation structures, and work in the economics of crime literature has demonstrated empirically that defense lawyers can influence case outcomes for the indigent defendants they represent.⁶ Further, prior legal literature has postulated that zealous advocacy from lawyers must be incentivized, as it rarely results from professional obligation or altruism alone.⁷ However, there has been little empirical work on the motivations and incentives of court-appointed attorneys, and the impact of lawyer compensation structures on the quality of representation in indigent defense remains an open question.

In this paper, I assess whether the *structure* of compensation impacts the quality of legal representation that court-appointed attorneys provide for indigent criminal defendants. I focus on how lawyers behave under flat fee and hourly pay, which are the two primary methods by which lawyers in the United States can be paid when working on any criminal case.⁸ I also focus on assigned counsel, an indigent defense system common across the United States in which private lawyers contract with a jurisdiction to represent indigent criminal defendants and are appointed to cases on a rotational basis. To study this question empirically, I examine a natural experiment in North Carolina, in which six counties were mandated as part of a pilot program to change compensation for assigned counsel to a schedule of flat fees for each case disposed, while other untreated counties continued to pay assigned counsel according to statewide hourly rates. For my empirical analysis, I obtain and link two detailed administrative datasets North Carolina containing case-level records for the universe of criminal cases in state, as well as compensation records for every lawyer that accepted indigent cases in the state as assigned counsel. These datasets contain detail necessary to study my research question, including identities and demographics for each defendant and lawyer, information about criminal charges, and the outcome of each case. For case outcomes, I focus on whether defendants were convicted, entered a guilty plea, had a case dismissed, or were incarcerated. For measures of lawyer effort, I examine the self-reported hours that lawyers reported spending on each case, as well as the number of days between case assignment and disposition, and whether a lawyer disposed a case on the same day as the first meeting with the client.

Within this setting, I study whether switching from hourly to flat fee pay in the pilot counties increased the probability that indigent defendants had unfavorable case outcomes, such as conviction and incarceration. Further, I explore two potential mechanisms for these effects: an intensive margin response

⁵Lawyers must provide zealous representation within the boundaries of the law; this applies regardless of whether the defendant is (or is believed to be) guilty or innocent. See, the American Bar Association's *Model Rules for Professional Conduct*, Rule 1.3.

⁶See, e.g. [Anderson and Heaton \(2012\)](#), [Fischer \(2020\)](#), [Iyengar \(2007\)](#), [Roach \(2014\)](#), and [Shem-Tov \(2020\)](#), who focus on the type of court-appointed attorney that an indigent defendant receives.

⁷See, e.g. [Carrington \(1979\)](#)

⁸In the United States, contingent pay – i.e. pay that is conditional on the outcome of a case – is illegal for lawyers in criminal cases. See, ABA Model Rules of Professional Conduct, Rule 1.5(d)

on lawyer labor supply and selection of lawyers on the extensive margin. To estimate the causal effect of switching from hourly to flat fee compensation on lawyer effort and defendant outcomes in indigent cases, I use a difference-in-differences strategy that compares each outcome of interest in the treated counties before and after the start of the pilot program with those in the non-treated counties, which paid assigned counsel hourly rates during the entire sample period. Overall, I find that indigent defendants are more likely to have adverse case outcomes when their court-appointed attorney is paid a flat fee instead of on the basis of time on the case. Following the switch to flat fees, defendants are 4.7 percentage points (11%) more likely to be convicted, and these results are driven by an increase in guilty pleas. Further, defendants are 4.6 percentage points (15.3%) more likely to be convicted on their highest original charge, 3.7 percentage points (5.3%) less likely to have charges dismissed or reduced, and 4.6 percentage points (36.5%) more likely to be incarcerated.

Next, I examine two potential mechanisms for this result: an intensive margin response by lawyers and the selection of lawyers on the extensive margin. First, I examine three proxies for lawyer effort: the hours that lawyers reported spending on each case, the number of days between case assignment and disposition, and the probability of disposing a case on the same day as the first meeting with the defendant. In my analysis, I find evidence suggesting that lawyers exert less effort on indigent cases after compensation switches from an hourly to a flat fee basis. Using data from NC IDS on the hours that lawyers reported spending on each indigent case. I find that lawyers on average reported spending 11.4% fewer hours on cases under flat fee compensation. Next, I examine two other outcomes that may be less subject to reporting bias. I find that after compensation switches from an hourly to a flat fee basis, lawyers in the treated counties dispose cases in 25% sooner on average. In addition, lawyers in the treated counties are 4.3 percentage points (35.8%) more likely to dispose a case on the same day as their first meeting with the defendant. Next, I examine whether the switch from hourly to flat fee compensation changed the composition of lawyers who choose to accept indigent cases in the treated counties. Overall, I do not find evidence that the switch from hourly to flat fee pay meaningfully changes the composition of lawyers in the treated counties; I do not find significant changes in the number of lawyers or average lawyer experience in the treated counties following the policy change. However, I find evidence that lawyers with good outside options in the form of consistent private criminal casework are less likely to continue accepting indigent cases under flat fee compensation.

I explore heterogeneity in my main results among the following groups: lawyer gender, defendant gender, and defendant race. Some results from this exercise are noteworthy. First, I find that defendants represented by female lawyers are less likely to have adverse outcomes than those represented by male lawyers. In addition, I find that female lawyers respond less strongly in their effort response to the switch

to flat fee pay than male lawyers do. Second, I find evidence that following the switch to flat fees, male defendants were more likely to have adverse outcomes compared to female defendants, and that lawyers on average were more likely to exert less effort when representing male defendants compared. Finally, I find that switching to flat fee compensation for assigned counsel resulted in minority defendants were more likely to have adverse outcomes compared to white defendants, and that lawyers on average were more likely to exert less effort for minority defendants compared to white defendants.

My estimates are robust to a variety of sensitivity analyses that use alternative empirical specifications and examine alternative subsamples of my data. Finally, to address potential concerns with inference in due to a relatively small number of treated counties in this setting, I implement a variant of Fisher's randomization test, similar to [Buchmueller et al. \(2011\)](#) and [Cunningham and Shah \(2018\)](#), in which I generate placebo groups by randomly selecting 6 out of the 80 counties for each, estimating effects for each placebo group, and comparing the estimates from my main results with these placebo estimates. Effectively, this test assumes that the placebo estimates represent the sampling distribution for my main estimates, and I use this methodology to calculate exact p-values as the percentile of my main estimates within the placebo distribution. Overall, I find that my main results are robust to this methodology.

This paper contributes to multiple bodies of literature. First, it adds to the literature on compensation structures for indigent defense lawyers. Two prior papers study statewide changes in compensation: [Schwall \(2018\)](#) examines a statewide switch to a flat fee contract system in South Carolina, and [Roach \(2017\)](#) studies a statewide change in hourly rates for assigned counsel in New York. The main contribution of this paper is to provide quasi-experimental evidence on the effects of switching from hourly to flat fee pay for court-appointed attorneys on the quality of indigent defense. As described above, I find that lawyers spend less effort on indigent cases after compensation switches from an hourly to a flat fee basis, and that the defendants they represent are more likely to be convicted, enter a guilty plea, and be sentenced to incarceration. These results differ from those of [Schwall \(2018\)](#), who finds substantially larger declines in lawyers' hours (48%), but no effect on defendant outcomes.

More generally, this paper contributes to the economics literature on indigent defense. Much prior work in this field – such as [Anderson and Heaton \(2012\)](#), [Fischer \(2020\)](#), [Iyengar \(2007\)](#), [Roach \(2014\)](#), and [Shem-Tov \(2020\)](#) – focus on comparing outcomes of indigent defendants represented by public defenders and assigned counsel, generally finding the latter are more likely to generate unfavorable outcomes for the defendants they represent. [Agan et al. \(2021\)](#) focuses on decomposing the disparities in outcomes of criminal defendants that represented by private attorneys and assigned counsel, and finds evidence that moral hazard may be the source of these disparities. This paper expands the literature by focusing on how motivation and incentives can impact the quality indigent defense, specifically by focusing on hourly and

flat fee compensation structures for assigned counsel through a quasi-experimental framework.

This paper also contributes to the literature in labor and personnel economics that studies worker behavior under different compensation structures. Much of this literature – such as Lazear (1986), Lazear (2000), Paarsch and Shearer (2000), and Shearer (2004) – has focused on responses in worker output under piece rate pay compared to salaried or hourly pay, the latter of which does not vary with output produced. Empirical work in these papers focus on workers in blue collar or agricultural jobs, in which output and effort can measured based on the units a worker produces. On the other hand, there has been less empirical work that studies how workers respond to compensation structures when effort is mental or intellectual, and output is intangible, which – as Fama (1991) explains – is more common in professional services and white collar jobs. My paper adds to this literature by examining a change in compensation structure in this type of career (legal work in indigent defense), and examining observable defendant outcomes as variables that could plausibly respond to changes in lawyer effort. In this sense, it is similar to Douven et al. (2019), who studies mental healthcare workers, and Ellis and McGuire (1986), who provide a theoretical discussion of capitated and fee-for-service reimbursement in Medicare.

Finally, this paper contributes to the literature on agents' social preferences and prosocial motivation in the provision of public services. Besley and Ghatak (2005) Besley and Ghatak (2018) provide a theoretical discussion, and Bandiera et al. (2005) ties this literature with compensation structures by studying how workers' social preferences interact with their choice of effort under relative incentive and piece rate compensation. Ashraf et al. (2020) provides experimental evidence that selection impacts performance in the delivery of public services.

The remainder of the paper proceeds as follows. Section 2 provides background on indigent defense and the setting of this paper. Section 3 presents a simple conceptual model to illustrate how lawyer choose their level of effort under hourly and flat fee compensation structures, and how these responses may impact the outcomes of the indigent defendants they represent. Section 4 describes the data and empirical framework. Section 5 presents my main results. Section 6 contextualizes these results in the context of the prior literature, and discusses the costs to society from moving to flat fee compensation for assigned counsel. Section 7 concludes.

2 Institutional Setting

To assess whether compensation structures for court-appointed attorneys impact the quality of legal representation for indigent criminal defendants, I examine a pilot program in North Carolina where six counties were chosen to switch compensation for court-appointed attorneys from statewide hourly rates to

a schedule of flat fees per case. In this section, I provide institutional background about indigent defense in North Carolina and describe the pilot program in more detail.

Indigent Defense in North Carolina

North Carolina provides an ideal setting for addressing the research questions of this paper. As I describe in a later section, I exploit a natural experiment for my empirical analysis in which six counties were mandated to change compensation for assigned counsel from statewide hourly rates to a schedule of flat fees per case disposed. With respect to representativeness, North Carolina is the ninth largest state by population⁹ and has a racially and socioeconomically diverse population, with racial diversity and poverty indices that are similar to those of the overall United States.¹⁰

There are 100 counties in North Carolina, and each uses one of three main types of indigent defense systems found in jurisdictions throughout the United States. First, an assigned counsel system is one in which a jurisdiction provides indigent defense by contracting with multiple private lawyers, who are added to an appointment list and are assigned to cases through a system of rotation. Second, a contract counsel system is one in which a jurisdiction contracts with a lawyer or law firm that agrees to represent all indigent defendants in the jurisdiction over a specified period (e.g. 1 year). Finally, a public defender system is one in which lawyers who are salaried full-time government employees (public defenders) represent indigent criminal defendants within a given jurisdiction. Some situations, such those where representation would create an ethical conflict of interest, prevent a public defender's office from accepting an indigent case.¹¹ Jurisdictions typically appoint assigned counsel or contract counsel to cases that a public defender's office cannot accept.

In North Carolina, the most prevalent form of indigent defense is assigned counsel, with 82 out of the 100 counties using it as a primary or auxiliary system. Among these counties, 52 contract with assigned counsel to represent all indigent defendants, while the remaining 30 have a public defender's office, but contract with assigned counsel for the cases that the public defender is unable to accept. The second most prevalent indigent defense system in North Carolina is a public defender; there are 35 counties in North Carolina that use this as the primary indigent defense system. Finally, the remaining counties use contract

⁹In the 2020 Census, the estimated population of North Carolina was 10,439,388.

¹⁰To measure racial and ethnic diversity in the United States, the Census Bureau uses a Diversity Index, which measures the probability that two randomly chosen individuals will be of different racial and ethnic groups. In the 2020 Census, the Diversity Index for the United States was 61.1%. The Diversity Index for North Carolina was 57.9%, which ranks 19th among the 50 states and the District of Columbia. See, <https://www.census.gov/library/visualizations/interactive/racial-and-ethnic-diversity-in-the-united-states-2010-and-2020-census.html>. Additionally, the U.S. Census Bureau estimates that 11.2% of the United States population were in poverty between 2018–2020. In North Carolina, the poverty rate was estimated to be 13.2% during this period; this is the 12th highest among the 50 states and the District of Columbia.

¹¹For example, a public defender's office cannot represent more than one defendant in a multi-defendant case, as doing so would create a conflict of interest.

counsel. 13 counties use contract counsel as the primary indigent defense system, while 5 counties have a public defender, but use contract counsel for cases that the public defender cannot accept because of a conflict of interest.

The North Carolina Office of Indigent Defense Services (IDS) is the state office that administers the indigent defense system in North Carolina. One of its duties is to manage the indigent defense budget, which is financed through two sources. First, indigent defense in the state is primarily financed through appropriations from the General Fund, or the state budget.¹² Indigent defense in North Carolina does not rely on local funding. Second, indigent defense is financed partially through "recoupment revenues," or the court and attorney fees that indigent defendants are required to pay in the event of a conviction.¹³ As part of its duty in managing the state indigent defense budget, IDS responsible for paying lawyers who represent indigent defendants in the state as assigned counsel or contract counsel, and keeps detailed records on each case for which it processes a fee application.¹⁴

Procedural Background

In this section, I provide a brief procedural background for criminal cases in North Carolina that is relevant to this research question. First, there are two main types of crimes in North Carolina that could result in imprisonment for adult criminal defendants. Felonies are serious crimes for which a conviction can result in a severe punishment, such as a prison sentence, and the deprivation of certain rights, such as the right to vote. Misdemeanors are crimes that carry less severe punishments than felonies in the form of fines and/or a jail sentence. Second, adult criminal cases in North Carolina are resolved in one of two trial court divisions. District Court handles 75% of all criminal cases in the state, and primarily hears misdemeanor cases. Superior Court primarily hears felony cases, which begin in District Court during the pre-trial phase, and appeals from District Court cases. In some situations, felony cases may be disposed in District Court in the form of a guilty plea with consent from the judge, prosecutor, and defendant.

Figure 1 provides a map of the criminal justice process from the North Carolina Judicial Branch. A defendant's interaction with the criminal justice system begins with arrest, after which they are taken to a local jail and booked.¹⁵ For the next 48 hours, defendants remain in jail, after which they are brought

¹²See, e.g. "Improving Indigent Defense in North Carolina" (October 2016) at https://cjil.sog.unc.edu/wp-content/uploads/sites/19452/2019/02/nccalj_criminal_investigation_and_adjudication_committee_report_improving_indigent_defense.pdf. The General Fund receives its revenues primarily through the individual income tax and state tax. See, <https://digital.ncdcr.gov/digital/collection/p249901coll122/id/486913>.

¹³Indigent defense in North Carolina is not free; convicted indigent defendants must pay attorney fees as part of a find. I discuss this in the next section.

¹⁴See, e.g. "Annual Report of the Commission on Indigent Defense Services, July 1, 2019 – June 30, 2020" at <https://www.ncids.org/wp-content/uploads/2021/05/IDS-Annual-Report-to-Legislature-2020.pdf>.

¹⁵During the booking process, the detention facility takes photographs ("mugshots") and fingerprints of the defendants and records vital and identifying information.

before a magistrate for a bail hearing, during which they are also informed of the criminal charges against them.

For all indigent defendants in North Carolina, interactions with a defense lawyer in the criminal justice pipeline typically begins after arraignment, or their first appearance before a judge, which occurs in District Court. During arraignment, the judge informs defendants of their rights, which includes the right to counsel. If defendants do not have the means to hire a private defense lawyer, they may request a court-appointed attorney. If defendants choose to do so, they must complete an affidavit of indigency, sign under oath that they are in need of publicly financed defense, and provide information on their employment status, income, expenses, assets, and liabilities, which are reviewed by a judge to determine the defendants' indigency.¹⁶ Despite determining indigency using information in the affidavit of indigency, North Carolina, like most states, does not have a strict definition for indigency, and instead, uses a general definition in which a defendant must demonstrate financial hardship in retaining a private lawyer.¹⁷ In North Carolina, jurisdictions typically assign a court appointed attorney for any defendant who displays financial hardship and requests a court-appointed attorney.¹⁸

IDS recommends that court-appointed attorneys contact their indigent clients within two days of appointment. At this stage, the duty of court-appointed attorney's is to guide defendants, provide advocacy, and help them make informed decisions during the criminal justice process. Misdemeanor defendants at this stage may have a case dismissed before trial, enter a plea deal before trial, or go to trial in District Court, which will be in front of a judge, but without a jury. After trial, misdemeanor cases can be appealed in Superior Court before a jury. On the other hand, felony cases go through a probable cause hearing, which may result in the defendant's indictment (accusation of one or more charged crimes) by a grand jury and move the case to Superior Court. After indictment, a felony case may result in a dismissal of charges, resolution through a plea deal, or go to trial before a judge and/or jury in Superior Court.

Assigned Counsel

This project focuses on compensation structures for assigned counsel. As described above, in an assigned counsel system, the local jurisdiction provides indigent defense by contracting with private lawyers, who are assigned to indigent defendants on a case-by-case basis. Importantly, assigned counsel are contractors, rather than government employees. The compensation that assigned counsel receives for each indigent case reflects gross, rather than net, earnings, as they are responsible for covering expenses such

¹⁶See https://www.nccourts.gov/assets/documents/forms/cr226.pdf?exS7WjwfALB5YDffVj0MVnf_cYVOHOx

¹⁷See, https://www.sog.unc.edu/sites/www.sog.unc.edu/files/course_materials/5.27.14Questions%20for%20panelists%20at%20criminal%20law%20session.pdf.

¹⁸Conversation with Mary Pollard, March 2021.

as overhead costs, self-employment tax, health insurance, and retirement savings.¹⁹

Lawyers interested in accepting indigent cases as assigned counsel in North Carolina may apply at the county (jurisdiction) level. Lawyers must meet basic requirements, such as being eligible to practice law in the state and having means of communication and availability for meeting clients. Lawyers may apply to accept indigent cases from any of three appointment lists, which are organized by charge severity: Class A-E (higher-level) felonies, Class F-I (lower-level) felonies, and misdemeanor offenses. Each list has different levels of eligibility requirements, with the Class A-E felony list requiring prior experience with jury trials and the misdemeanor list requiring e.g. an intention to practice criminal law and observation of one trial and court session in District Court. A Committee on Indigent Appointments within each county reviews all applications and approves those who meet the requirements for working as assigned counsel. Attorneys that are found not to meet performance standards may be removed or temporarily suspended from the appointment lists.

After joining an appointment list, lawyers are assigned to indigent cases strictly through a system of rotation; the lawyer at the top of the appointment list is assigned to the next indigent case, after which that lawyer is moved to the bottom of the appointment list. Lawyers cannot turn down a case they are assigned to, except if they have indicated that they are unavailable or are unable to accept a case because of an ethical conflict of interest. Lawyers who cannot accept a case due to conflict of interest remain at the top of the appointment list, and are assigned to the next indigent case that becomes available.

Before June 2017, 80 of the 82 counties with an assigned counsel system paid lawyers on an hourly basis according to a statewide schedule of rates. Table 1 summarizes the hourly rates for assigned counsel, which are set by case type and are identical across all counties. A lawyer's hourly rate in a case is determined by the most severe original charge that defendant faces.²⁰ On the other hand, 2 of the 82 counties with assigned counsel system – Cabarrus and Rowan counties – have compensated lawyers according to a schedule of flat fees per case from the early 2000's through the present day.

Uniform Fee Pilot Program

In July 2016, the North Carolina state legislature directed the Administrative Office of the Courts (AOC) and IDS to begin a pilot program that would implement flat fee compensation for assigned counsel accepting indigent cases in District Court. For the pilot program, AOC and IDS were required to select

¹⁹These are typically covered for other agents in the criminal justice system, such as prosecutors and judges, who are employed by the government. See, "FY19 Private Appointed Counsel (PAC), Effective Pay Rate Study" (March 2019).

²⁰For example, if a defendant was charged with three offenses – one Class D felony, one Class I felony, and one misdemeanor – then the lawyer assigned to the case would be paid \$75 for each hour spent representing this defendant. To prevent perverse incentives, the hourly rate remains the same even if the severity original charge is reduced. For example, if the same defendant's most severe original charge was reduced from a Class D to a Class E felony, then lawyer's hourly rate would remain the same at \$75.

one or more counties in six judicial districts, with at least two counties having small caseloads, two with medium caseloads, and two with large caseloads. Districts 10, 18, and 26 - which contain the cities Raleigh, Greensboro, High Point, and Charlotte - were to be excluded from consideration for the pilot. The state legislature's goal with the pilot program was to explore whether switching to flat fee compensation for assigned counsel statewide could reduce state spending on indigent defense and improve predictability of future state spending on indigent defense.

AOC and IDS were given discretion over setting the flat fee schedule and choosing the counties that would switch to flat fee pay as part of the pilot program. To reduce potential harm to defendants in the counties chosen for the pilot program, the flat fee schedule was set according to statewide hourly averages for each type of criminal case, and a clause was included to allow lawyers to petition a judge for hourly compensation under extraordinary circumstances when a case requiring a significant time commitment. Table 2 summarizes the flat fee compensation schedule, which varies by charge severity, and calculates (1) the implicit hours under statewide hourly rates for assigned counsel and (2) the average number of hours that lawyers spent on cases, by case type. The implicit hours under the hourly schedule are generally lower, but similar to the average time that lawyers spend on indigent cases statewide.

The six pilot counties were chosen as follows. First, all counties in North Carolina with an assigned counsel system were ranked according to two metrics: the rate at which cases result in a non-conviction and the rate at which defendants were convicted on the highest charge. Next, a group of counties was chosen from the middle of this ranking; consideration was also given to counties with sufficient number of assigned counsel in case of potential attrition following the switch to flat fee pay. Finally, from this group, Davidson and Iredell counties were chosen as the two counties with "large" caseloads; Burke and Lincoln counties were chosen as the two with "medium"-sized caseloads; and Macon and Watauga were chosen as the two with "small" caseloads. Figure 2 contains a county map of North Carolina, in which the pilot counties are in orange, the assigned counsel (primary) counties are in dark blue, and the assigned counsel (auxiliary) counties are in light blue.

The flat fee schedule was implemented in the pilot counties for all indigent cases that were assigned starting on June 1, 2017. The pilot program contained a provision allowing pilot counties to opt out; Macon and Watauga counties, the two small counties, withdrew from the pilot program in early 2019. For the remaining counties, the pilot program is ongoing as of February 2021.²¹

²¹http://www.ncids.org/home/Notice%20to%20Attorney_Rate%20Restoration%2003_2021.pdf

Lawyer Objectives

Prosocial motivation is a primary reason why lawyers in North Carolina who choose to accept indigent cases as assigned counsel.

While many lawyers in North Carolina desire to run a practice consisting of only indigent criminal defense, this is financially unsustainable.²²

[[Two main motivations - financial, prosocial]]

The first motivation is financial, as indigent cases are a source of income and comprise part of the casework that lawyers devote time toward as part of their full-time profession. The second motivation is prosocial, as many lawyers choosing to accept indigent cases view the work as necessary for protecting the constitutional rights of defendants in need.

3 Conceptual Framework

To reiterate, the goal of this paper is to study whether compensation structures impact the quality of legal representation in indigent criminal defense. In the previous section, I provided institutional detail on North Carolina, the natural experiment I will examine to address my research question, and discussing two main reasons why lawyers choose to accept indigent criminal cases as assigned counsel: financial and prosocial motivation. In this section, I consider these lawyer motivations to construct a simple conceptual model describing the effort that lawyers choose to exert in indigent criminal cases under hourly and flat fee compensation. Similar in spirit to [Bandiera et al. \(2005\)](#), [Besley and Ghatak \(2005\)](#), and [Besley and Ghatak \(2018\)](#), this model considers how social preferences, particularly prosocial motivation, interact with the switch from hourly to flat fee compensation to determine how lawyers choose effort, and how changes in effort can impact outcomes of the indigent defendants that these lawyers represent. I also use this model to generate predictions for my empirical analysis, which I discuss in the following section.

Setup

This simple model focuses on a lawyer i who works on a given indigent criminal case. The lawyer is being compensated for her work on the case, she was also chose to do so because of the social component of providing indigent defense. The lawyer's prosocial motivation is captured by θ_i , where $\theta = 0$ denotes no prosocial motivation, and $\theta = 1$ denotes the highest possible value of prosocial motivation. I assume that $0 < \theta_i < 1$, which rules out the possibility that lawyers may be antisocially motivated.

²²Conversation with Margaret Gressens, June 2021.

The lawyer chooses a true, unobserved level of effort $e_i > 0$ when working on the case. The lawyer's choice of e_i determines the number of observable hours $H_i = H_i(e_i)$ she spends on the case, where $\frac{\partial H_i}{\partial e_i} > 0$ and $H_i(\cdot)$ is strictly increasing. The number of hours the lawyer spends on a case is also determined by other underlying characteristics, such as ability and experience; for example, to achieve some level of legal "output," a lawyer with greater ability and/or experience may require less time than a lawyer with less experience and/or effort. Here, $H_i(\cdot)$ is specific to lawyer i , and holds fixed any underlying lawyer characteristic that may also influence the hours spent on the case.

As discussed above, the lawyers receives positive payoffs from two sources while working on the case. First, she obtains financial benefit Y_i^f from the amount she are paid for working on indigent cases. Compensation is $Y_i^f = w_H H_i$ under hourly rate w_H and $Y_i^f = w_F$ under flat fee w_F ; the lawyer takes w_H and w_F as given. Second, the lawyer obtains prosocial benefit Y_i^p from the indigent defendant's case outcome, which directly enters her utility function.²³ Y_i^p is equal to the production function for the indigent defendant's outcome $X_i(e_i)$, where $\frac{\partial X_i}{\partial e_i} > 0$, $\frac{\partial^2 X_i}{\partial e_i^2} < 0$, and higher values of $X_i(\cdot)$ denote a more favorable outcome. Combining these components, I describe the lawyer's payoff function as follows:

$$u_i = (1 - \theta_i)Y_i^f + \theta_i Y_i^p - \gamma \frac{e_i^2}{2} \quad (1)$$

Here, I assume that payoffs are a convex combination of the financial and prosocial benefits, weighed by prosocial motivation θ_i ; lawyers with zero prosocial motivation receive positive payoffs only from the financial benefits of working on indigent cases, while lawyers that are purely prosocially motivated receive positive payoffs only from the outcome of the indigent defendant they represent. $\gamma \frac{e_i^2}{2}$ is the lawyer's cost of effort, where γ is the inverse of lawyer ability.

Hourly Compensation

Under hourly compensation, the lawyer is paid for the total number of hours she spends on the case, which is increasing in her choice of effort. To determine optimal effort under hourly compensation, the lawyer solves the following problem:

$$\max_{e_i} (1 - \theta_i)w_H H_i(e_i) + \theta_i X_i(e_i) - \gamma \frac{e_i^2}{2}$$

²³In the context of Besley and Ghatak (2018), θ_i can be interpreted as altruism, in which agents are motivated by the payoffs of those who benefit from the agents' work. In contrast, agents with warm glow motivation receive positive utility from the effort they spend in producing higher payoffs for their beneficiaries. The predictions of the model remain the same when modeling θ_i as warm glow motivation rather than altruism.

The lawyer's optimal level of effort solves the following first order condition under hourly compensation:

$$(1 - \theta_i)w_H H'_i(e_i) + \theta_i X'_i(e_i) = \gamma e_i$$

Flat Fee Compensation

Under flat fee compensation, the lawyer is paid a fixed amount that does not vary with the hours or effort she chooses to spend on the case. The lawyer determines her optimal level of effort under flat fee compensation by solving the following problem:

$$\max_{e_i} (1 - \theta_i)w_H + \theta_i X_i(e_i) - \gamma \frac{e_i^2}{2}$$

The lawyer's optimal level of effort solves the following first order condition under flat fee compensation:

$$\theta_i X'_i(e_i) = \gamma e_i$$

Comparison of Optimal Effort Under Hourly and Flat Fee Pay

The difference in the first order conditions under hourly and flat fee compensation is that under the latter structure, lawyers have no financial incentive on the margin to supply effort to a case. How strongly lawyers change their behavior when compensation changes from an hourly to flat fee basis will depend on their level of prosocial motivation θ . On one extreme, lawyers who are purely prosocially motivated ($\theta = 1$) will exert the same amount of effort under both compensation structures. Conversely, lawyers with no prosocial motivation ($\theta = 0$) will exert zero effort on indigent cases under flat fee compensation. Under the assumption that $0 < \theta_i < 1$, this model predicts that after compensation switches from an hourly to a flat fee basis, all assigned counsel will reduce their effort on indigent cases to some degree, the magnitude of which depends on their θ .

Effort e_i is unobservable. However, there are some observable proxies for effort that can be investigated empirically. First, as described above, hours $H_i(e_i)$ is strictly increasing in effort, and any significant changes in effort resulting from a switch from hourly to flat fee pay could be reflected in data on hours that lawyers report spending on indigent cases. Another outcome that may be less subject to self-reporting bias is the days to disposition, or the number of days that has elapsed between case assignment and disposition; this can be defined similarly as a function of effort, $D_i(e_i)$, where $\frac{\partial D_i}{\partial e_i} > 0$. In particular, large reductions in effort resulting from the switch to flat fees could result in a rise of incidences where cases are

disposed soon after or on the same day as the case assignment. I study these outcomes in my empirical analysis, which I discuss in a later section.

Defendant Outcomes

Above, I express defendant outcomes as a function of effort, $X_i(e_i)$, where a higher value of $X_i(\cdot)$ denotes a more favorable outcome. Similar to the discussion about hours $H_i(e_i)$, defendant outcomes can be influenced by variables other than a lawyer's choice of effort, such as the defendant's true unobserved level of guilt, the quality of evidence against the defendant, the jurisdiction's local attitudes toward criminal justice, and harshness/skill of the prosecutor. However, this model focuses on a single case, and $X_i(\cdot)$ treats these other factors as given.

This model predicts that switching from hourly to flat fee compensation will result in a decline in lawyer effort in indigent cases. Because $\frac{\partial X_i}{\partial e_i} > 0$, this model also predicts that indigent defendants will be more likely to experience adverse outcomes, such as conviction on the highest charge and incarceration, if their lawyer is paid a flat fee instead of on an hourly basis. In addition to proxies of lawyer effort, I study impacts of switching to flat fee compensation on conviction, guilty pleas, and incarceration in my empirical analysis.

4 Empirical Framework

In the previous section, I described the

Data

My empirical analysis relies on linkages between two administrative datasets from North Carolina. First, I obtained administrative criminal records data from the North Carolina Administrative Office of the Courts. This dataset contains records at the charge level for the universe of criminal cases in North Carolina from January 2015 – June 2020. For each case, this dataset contains information on defendant characteristics, including race and gender; case characteristics, such as information on the charge and charge severity; and case outcomes, such as whether the case was dismissed, convicted, or resulted in a guilty plea, and the type of sentence a defendant received in the event of a conviction. In addition, this dataset contains cases in which the defendant received publicly financed legal counsel, as well as those in which defendants hired a private defense lawyer.

Second, I obtained data from the North Carolina Office of Indigent Defense Services containing case-level compensation records for all lawyers who accepted criminal cases as assigned counsel in North Carolina between January 2015 – August 2021. For each case, this dataset contains information on the case identifier, the lawyer’s name, the lawyer’s bar identification number, the date of the lawyer’s first meeting with the defendant, the date on which the case was disposed, the number of self-reported hours the lawyer spent on the case, and the amount the lawyer was paid for the case.

I link these two datasets by case identification number and county, which uniquely identify each case. In addition, I obtained information on each lawyer’s gender and bar license date from the lawyer directory of the North Carolina State Bar. I merge this information with the two administrative datasets above using the lawyer bar identification number, which uniquely identifies each lawyer.

Sample Construction

To construct the data sample for my analysis at the most basic level, I limit my data in the following ways. First, I limit the data to indigent criminal cases in North Carolina involving assigned counsel, which consists of the 82 counties that used assigned counsel as a primary or auxiliary system of indigent defense. Among these, I drop cases from Cabarrus and Rowan counties, which use an assigned counsel system, but pay lawyers according to a flat fee schedule during the entire sample period. Next, I limit the sample to criminal cases handled by District Court. I also drop felony cases from my data, as (1) the pilot program changed compensation for cases disposed in District Court, which primarily handles adult misdemeanor criminal cases, and (2) felonies can only be disposed in District Court through a guilty plea. I also limit the sample period to January 1, 2015 – December 31, 2019 in order to (1) adjust for censoring, since the court records data is missing case outcome and disposition information for a large share of cases, and (2) exclude observations for which the quality of representation could have been affected by the COVID-19 pandemic.

Further, in the treated counties during the post period, I drop observations in which lawyers petitioned with a judge to receive hourly compensation instead of a flat fee due to extraordinary circumstances; these account for approximately 10% of criminal cases in the treated counties during the post period. I do so, since cases compensated under extraordinary pay on an hourly basis are effectively similar to cases in the control counties. However, in a later section, I report results from a robustness check in which I include these observations in the data and estimate intent-to-treat estimates. Overall, I find that both sets of results are similar.

Descriptive Statistics

[[describe data - e.g. number of observations, number of observations per treated/non-treated group]]

Empirical Strategy

My empirical framework examines the impact of changing compensation for court appointed attorneys from an hourly to a flat fee per case basis on the time that lawyers spend on cases and the outcomes of the criminal defendants they represent. To do this, I use two empirical specifications. First, I estimate difference-in-differences models in which I compare within-county and within-lawyer changes in outcomes between the treated and control counties following the start of the pilot program. For my main analysis, I run regressions of the form:

$$Y_{ic\ell t} = \beta(Treat_c \times Post_t) + X_i + \alpha_c + \lambda_\ell + \tau_t + \epsilon_{ic\ell t} \quad (2)$$

where i indexes case, c indexes county, ℓ indexes lawyer, and t indexes time. $Y_{ic\ell t}$ is an outcome of interest, such as a measure of lawyer effort, or whether the defendant in a given case was convicted or incarcerated. $Treat_c$ is an indicator variable denoting whether a case was in a treated county, in which compensation for assigned counsel switched from hourly to flat fee. $Post_t$ is an indicator variable denoting whether a case was assigned to a court-appointed attorney following the start of the pilot program. X_{ct} is a set of indicator variables for case characteristics (severity of charge) and defendant demographics (race and gender). α_c is a county fixed effect, which accounts for time-invariant county characteristics for each county, such as the lawyer culture and attitudes toward crime. λ_i is a lawyer fixed effect, which accounts for time-invariant lawyer characteristics such as skill/ability and prosocial motivation. τ_t is a month-year fixed effect.²⁴ Following [Bertrand et al. \(2004\)](#), I cluster standard errors by county, the level at which treatment is assigned. In sample, there are a total of 80 clusters, with 6 treated and 74 untreated counties.

The coefficient of interest is β ; this is the average treatment effect on the treated (ATT), and measures the average difference in the change in outcomes following the start of the pilot program between (1) the treated counties, which changed compensation for assigned counsel from an hourly to flat fee basis, and (2) the control counties, which remained under hourly compensation during the entire sample period.

Second, I use an event study specification to estimate the dynamic ATT of switching from hourly to

²⁴e.g. January 2018

flat fee pay. To do this, I run the following regression:

$$Y_{iclt} = \sum_{j=H1 \text{ 2015}}^{H2 \text{ 2019}} \beta_j [Treat_c \times \mathbb{1}(t = j, j \neq H2 \text{ 2016})] + X_i + \alpha_c + \lambda_i + \tau_t + \epsilon_{iclt} \quad (3)$$

where $H1$ and $H2$ represent half years, and variables are defined similarly to the difference-in-differences specification above.

The identifying assumption of this difference-in-differences specification is that average outcomes for both the pilot and non-pilot counties would have followed parallel trends in the absence of a change in compensation for assigned counsel from hourly rates to flat fees. Assumptions about counterfactual outcomes are fundamentally untestable. However, to provide support for the plausibility of the parallel trends assumption, I plot raw trends in the outcomes of interest between the treated and control counties, and also provide graphs of the estimates from the event study specification above.

Finally, there is a concern that inference may be unreliable due to a small number of treated groups in this setting. To address this potential concern, I implement a version of Fisher's randomization test ([Fisher \(1935\)](#)), similar to [Buchmueller et al. \(2011\)](#) and [Cunningham and Shah \(2018\)](#). To implement this test, I first randomly select 6 of the 80 counties in my sample into a placebo group, and repeat this process 1,000 times. Then, for each placebo group, I re-run Equation (2).

5 Results

In this section, I present results on the impact of switching from hourly to flat fee pay for assigned counsel on case outcomes of the defendants these lawyers represent.

Raw Plots

[Figures 3](#) and [4](#) present raw plots of the measures of defendant outcomes and lawyer effort that I will be focusing on in this paper. I calculate averages of each outcome variable by treatment status and half year, and graph them as separate trends to assess whether the outcomes in the treatment and control groups (1) followed similar trends before the period in which the treatment occurred, and (2) diverged after the treatment began. Further, for each outcome of interest, I divide the raw average for each group and half year by each group's average in $H2$ 2016 (the last untreated half year), so that all plotted values are relative to this time period. [Figure 3](#) focuses on the following defendant outcomes: conviction, conviction on the highest original charge, guilty plea, guilty plea on the highest original charge, case dismissal,

and incarceration. Figure 4 focuses on the following proxies for lawyer effort in indigent criminal cases: average self-reported hours per case, average days to disposition, and whether a lawyer disposed a case on the same days as the first meeting with the defendant.

The trends in Figure 3 suggest that from 2015 through 2016, when assigned counsel in all North Carolina counties were paid according to the same statewide hourly rates, raw trends for all defendant outcomes were similar between the treated and control counties. However, in the periods following the start of the treatment, there is a divergence in trends of defendant outcomes between the treated and control groups. Rates at which defendants were convicted and entered guilty pleas increased in the treated counties relative to the control counties. Increases were even greater for the rate at which defendants were convicted on or entered guilty pleas for their highest original charge. In addition, the trends show that following the treatment, defendants in the treated counties experienced lower rates of case dismissal and higher rates of incarceration.

I observe analogous patterns for the proxies of lawyer effort in Figure 4. From 2015 through 2016, raw trends for the three outcomes of interest – hours that lawyers reported spending on indigent cases, the number of days between case assignment and disposition, and whether a lawyer disposed a case on the same day as the first meeting with the defendant – followed similar trends. However, after the start of the treatment, the treated counties experienced a strong divergence in these outcomes; especially pronounced is the decline in the average number of self-reported hours and the number of days elapsed between case assignment in dismissal.

Taken together, Figures 3 and 4 provides supporting evidence for the validity of my difference-in-differences design, and suggests that moving from hourly to flat fee pay for assigned counsel resulted in an increase in adverse outcomes for the defendants they represented, and that one potential mechanism for this result may be a decline in lawyer effort in indigent cases. In the remaining discussion of my empirical results, I build off the suggestive evidence in these raw plots and assess whether any potential effect of the change in compensation structure on defendant outcomes and lawyer effort may have a causal interpretation.

Potential Threats to Identification

Next, I address three potential threats to identification in my empirical framework. Specifically, these address two potential ways that may change the interpretation of my results. The first are general equilibrium effects, in which behavioral responses actors in the criminal justice system other than indigent defense lawyers may have impact defendant outcomes following the switch to flat fee pay. The second is

the possibility that changes in case composition in the treated counties are perhaps driving my results.

First, one possibility is that indigent defendants became aware of the pilot program and may have responded by hiring private lawyers. This response is plausible if defendants generally were aware of the pilot program, and were concerned that their court-appointed attorneys may exert less effort if they are paid a flat fee instead of an hourly wage. This scenario would result in a change in the composition of indigent defendants in the treated counties, potentially resulting in bias in the estimates of my main results. However, the direction of the bias is ambiguous. If defendants who faced more serious charges or a higher probability of conviction were more likely to respond by hiring a private lawyer, then the composition of indigent defendants could become less culpable on average, perhaps decreasing the probability of an adverse case outcome. On the other hand, if marginal defendants – i.e. indigent defendants whose case outcome would be influenced by the quality of legal representation – were more likely to respond by hiring private lawyers, then the composition of indigent defendants would become more culpable on average, perhaps creating another source of an increased probability of an adverse outcome that is separate from the switch to flat fees. I assess whether this was the case in Table 4. In this analysis, I collapse my data to the county-quarter level to calculate the average rate at which criminal cases involved a private defense lawyer in each county-quarter. I don't find evidence that the switch to flat fees changed the percentage of cases involving private defense lawyers.

Next, one possibility is that any changes in defendant outcomes in the treated counties were from changes in case composition, rather than compensation schemes for lawyers. Tables 5 - 6 address this concern. Table 5 assesses whether a change in the number of criminal cases in the treated counties could be affecting lawyers' effort on indigent cases and, in turn, the outcomes of the defendants they represent. For example, one scenario could be that the pilot counties were experiencing a large increase in the number of criminal cases, resulting in assigned counsel being overloaded with work and being forced to exert less effort on each case, and causing their clients to have a higher incidence of unfavorable outcomes. To study this, I collapse my data to the county-quarter level, calculating the number of criminal cases within each county-quarter. The results in hit stable suggest that there was no change in the number of criminal cases in the treated counties following the start of the pilot program.

Next, Table 6 assesses whether any changes in the type of indigent cases in the treated counties might affect defendant outcomes and lawyer effort on indigent cases. For example, one potential scenario is that around the same time as the start of the pilot program, the severity of crimes committed in the treated counties began increasing greatly, resulting in a change in the composition of indigent defendants where defendants now have a higher probability of conviction on average. These results suggest that there was no change in the rate of violent, property, and drug crimes being committed, nor is there an increase in

felony the incidence of felony charges.

The result on felony charges also addresses a potential general equilibrium effect, in which prosecutors responded to the pilot program by changing their charging decisions. One potential scenario is that prosecutors, who according to the literature maximize their objective function by convicting criminal defendants, responded discretion over charging decisions, e.g. charging District Court cases with a more serious charges, or choosing to charge defendants with cases that take more time and effort for a lawyer to defend. However, as discussed above, my results suggest that this wasn't the case.

Defendant Outcomes

Tables 7 - 10 report difference-in-differences estimates of the impact of switching to flat fee compensation for assigned counsel on the following defendant outcomes: conviction, conviction on the defendant's highest original charge, guilty plea, guilty plea on the defendant's highest original charge, case dismissal, and incarceration.

Table 7 reports results on convictions. My estimates suggest that switching from hourly pay to flat fees resulted in a 4.3 to 4.4 percentage point increase in convictions, a 9.6% increase from the pre-period mean. Further, defendants were 3.5 percentage points more likely to be convicted on their highest original charge, a 13.7% increase from the pre-period sample mean. Table 7 reports results on guilty pleas. Similar to the previous set of results, my estimates suggest that switching from hourly pay to flat fees resulted in a 4.2 to 4.3 percentage point increase in guilty pleas, a 10.2% increase from the pre-period sample mean. Further, defendants were 3.6 percentage points more likely to plea guilty on their highest original charge, a 14.8% increase from the pre-period sample mean. Table 9 reports results on case dismissals and "favorable outcomes," defined as cases that resulted in either a dismissal or conviction on a lower charge. My estimates suggest that after switching to flat fees, defendants were 4.8 to 4.9 percentage points less likely to have a case dismissed, a 9.1% decrease from the pre-period sample mean. In addition, defendants were 3.9 to 4 percentage points less likely to have a favorable outcome, a 5.4% decrease from the pre-period sample mean. Finally, Table 10 reports results on incarcerations. My estimates suggest that after the switch from hourly pay to flat fees, defendants were 4.6 to 4.8 percentage points more likely to be incarcerated, a 34.6% increase from the pre-period sample mean.

Figure 5 contains event study graphs for the outcomes studied in Tables 7 - 10. In these graphs, I plot estimates and 95% confidence intervals of interactions between the indicator variable for pilot counties and the indicator variables for each half year from Equation (3). The graphs suggest that there are no differences in outcomes between the treated and control groups prior to the start of the pilot program,

which providing further support for the validity of the parallel trends assumption. However, after the first treated period, the graphs suggest that outcomes of defendants diverged between the treated and control groups. The graphs suggest that defendants were more likely to be convicted, plea guilty to charges, and be incarcerated, and less likely to have a case be dismissed or end in a favorable outcome for the defendant.

Potential Mechanisms

Next, I discuss two potential mechanisms by which switching from hourly to flat fee pay for assigned counsel may impact defendant outcomes. First, changes in defendant outcomes may come from an intensive margin response from lawyers. Because lawyers no longer have an incentive on the margin to spend more time on indigent cases above their reservation hours under flat fees, lawyers may optimize by spending less effort on indigent cases when paid under flat fees instead of hourly rates. Second, defendant outcomes may be impacted by changes in the types of lawyers that choose to accept indigent cases.

Intensive Margin Response on Effort

I focus on three proxies for lawyer effort on indigent cases: reported hours per case, days to disposition, and whether a case was disposed on the same day as the lawyer's first meeting with the defendant. [[Explain why each outcome proxies for effort]] . However, there is a concern that hours may be subject to reporting bias because they are self-reported. As a result, I also examine days to disposition - defined as the number of days between the date of the lawyer's first meeting with the defendant and the date on which the case was disposed - which is less subject to reporting bias.

Tables 11 - 13 report difference-in-differences estimates for these three proxies for lawyer effort. Table 11 reports results on self-reported hours. My estimates suggest that switching from hourly pay to flat fees resulted in a 11.7% to an 11.9% decline in the number of hours lawyers reported spending on indigent cases. Table 12 reports results on days to disposition. My estimates suggest that switching from hourly pay to flat fees resulted in a 42.4% to 42.8% decline in the days between case assignment and dismissal - a decline in about 1.5 months. Finally Table 13 reports results on the probability of disposing a case on the date of the lawyer's first meeting with the defendant. My estimates suggest that lawyers were 3.8 percentage points more likely to dispose a case on the same day as their first meeting with the defendant, a 33.6% increase from the pre-period sample mean.

Figure 6 contains event study graphs for the outcomes studied in Tables 11 - 13. In these graphs, I plot estimates and 95% confidence intervals of interactions between the indicator variable for pilot counties

and the indicator variables for each half year from Equation (3). The graphs suggest that there are no differences in outcomes between the treated and control groups prior to the start of the pilot program, which provides further support for the validity of the parallel trends assumption. However, after the first treated period, the graphs suggest that measures of lawyer effort diverged between the treated and control groups. The graphs suggest that lawyers on average spent less time on indigent cases, disposed of indigent cases more quickly, and were more likely to dispose a case on the same day as their first meeting with the defendant.

The results on the three proxies for lawyer effort suggest that lawyers spend less effort on each indigent case when compensation is a flat fee instead of an hourly rate. I also explore whether lawyers responded by increasing the number of indigent cases they accepted. To do this, I construct a balanced panel by limiting my dataset to lawyers who accepted indigent cases in more than half of the quarters in both the pre-and post-periods, count the number of quarterly indigent cases a lawyer accepted in a given county by collapsing the data to the lawyer-county-quarter level, and estimate Equation (2) on this collapsed dataset, examining the log of quarterly cases accepted as the outcome variable. Table 14 summarizes the results of this regression. The results suggest that lawyers in the treated counties on average increased the number of indigent cases they accepted by 16.7%; however this estimate is not statistically different from zero. Any change in the number of indigent cases that lawyers choose to accept would also depend on (1) any changes in the number of criminal cases in a given county and (2) the number of lawyers in a given county who are on the indigent appointment list. I explore the first point in Table (5), which suggests that there was no change in the number of indigent criminal cases in the treated counties between the pre-and post-period. The second point could occur if the switch from hourly to flat fee pay changed the composition of lawyers choosing to accept indigent cases. For example, if I explore these possibilities in my analysis of lawyer selection in the next section.

Selection of Lawyers on the Extensive Margin

Next, I examine whether switching from hourly to flat fee pay changed the composition of lawyers choosing to accept indigent criminal cases. Tables 15 - 16 report ...

Heterogeneity

In the previous section, I presented evidence suggesting that switching from hourly to flat fee compensation for assigned counsel resulted in a higher probability of adverse outcomes for defendant outcomes, and that these effects were driven by reductions in lawyer effort. In this section, I use the individual-level

lawyer and defendant information in my data to explore heterogeneity in these results across lawyer gender, defendant gender, and defendant race. To do this, I estimate Equation (2) separately for each group within these three categories. The results from this heterogeneity analysis are reported in Tables A2 – A28 and summarized in Figures 7 – 8, which plot the estimated coefficients and their 95% confidence intervals for each specification. For each graph, the specification associated with each result is labeled on the y-axis, values for the outcome of interest are labeled on the x-axis, and the red vertical line denotes the value of zero on the x-axis. The first specification plotted at the top of each graph is the estimate and 95% confidence interval (in a dashed line) from the estimation of Equation (2) for the entire sample in my main result. Below the main result are the estimates and confidence intervals for the results by lawyer gender, defendant gender, and defendant race.

There are some noteworthy patterns from this heterogeneity analysis. First, the results suggest that indigent defendants represented by female lawyers are less likely to experience adverse outcomes following the change in compensation from an hourly to flat fee basis. Specifically, compared to those represented by male lawyers, defendants represented by female lawyers are, on average, 57% less likely to be convicted, 37% less likely to be convicted on the highest original charge, 69% less likely to enter a guilty plea, 54% less likely to enter a guilty plea on the highest original charge, 44% more likely to have a case dismissed or result in conviction on a lower charge, and 22% less likely to be incarcerated. These differences are reflected in how male and female lawyers respond in the effort they supply in indigent cases. Compared to male lawyers, female lawyers on average respond with a 70% smaller decline in hours, a 78% smaller reduction in the time to case disposition, and are 59% less likely to dispose a case on the same days as their first meeting with the defendant. Interestingly, estimates of hours and time to disposition for female lawyers are not statistically different from zero.

Second, the results suggest that among indigent defendants, men are more likely than women to have adverse outcomes when their court-appointed attorney is paid under flat fees rather than an hourly rate. Specifically, compared to male defendants, female defendants are, on average, 37% less likely to be convicted, 38% less likely to be convicted on the highest original charge, 33% less likely to enter a guilty plea, 32% less likely to enter a guilty plea on the highest original charge, 29% more likely to have a case dismissed or result in conviction on a lower charge, and 59% less likely to be incarcerated. There is suggestive evidence that these differences may be attributable in part to differential responses in effort by court-appointed attorneys depending on whether they are assigned a male or female defendant. While the estimates and confidence intervals for lawyer hours largely overlap, the results suggest that when lawyers are assigned to a male defendant, they dispose of cases 11.3% days sooner on average and are 35% more likely to dispose a case on the same day as their first meeting with the defendant.

Finally, I study heterogeneity of results by defendant race. To do this, I categorize defendants into two groups – white defendants and minority (non-white) defendants.²⁵ The results suggest that minority defendants are more likely than white defendants to experience adverse case outcomes. Specifically, compared to whites, minorities are, on average, 7% more likely to be convicted, 76% more likely to be convicted on the highest original charge, 10% more likely to enter a guilty plea, 61% more likely to enter a guilty plea on the highest original charge, 33% less likely to have a case dismissed or result in conviction on a lower charge, and 12% more likely to be incarcerated. Similar to above, there is suggestive evidence that these differences may be attributable in part to differential responses in effort by court-appointed attorneys depending on whether they are assigned a white or minority defendant. While the estimates and confidence intervals for lawyer hours largely overlap, the results suggest that when lawyers are assigned to a minority defendant, they dispose of cases 6% days sooner on average and are 16% more likely to dispose a case on the same day as their first meeting with the defendant.

Robustness

Next, I assess whether my main results are sensitive to different empirical specifications or limiting the data to different subsamples. The results of my sensitivity analysis are reported in Tables A29 - A37 and summarized in Figures 9 – 10, which plot the estimated coefficients and their 95% confidence intervals for each specification. Similar to the graphical summaries of the heterogeneity analysis in the previous section, the estimate and 95% confidence interval from my main results are at the top of each graph, and below them are the estimates and confidence intervals for each alternative specification.

I examine the following alternative specifications. First, I estimate my main specification in Equation (2), but including (1) only county and month-year fixed effects and (2) only lawyer and month-year fixed effects. Next, I replace the county and lawyer fixed effects of Equation (2) with lawyer-by-county fixed effects, which provide a more flexible specification that allows lawyers to be treated differently for each county they accept indigent criminal cases in. Next, I estimate Equation (2), but limiting the data to certain sub-samples. First, I limit my sample to the 50 counties in North Carolina that only contracted with assigned counsel for the provision of indigent defense under hourly pay during the pre- and/or post-treatment period, similar to the six treated counties. Next, I estimate Equation (2) using a balanced panel, in which I keep only the lawyers who accepted indigent cases at a given county during the majority of quarters in *both* the pre-period and the post period. This addresses a potential concern that there may be selective attrition of assigned counsel following the switch from hourly to flat fee pay, which could

²⁵About 87% of minority defendants in my sample are black.

potentially bias my main results on defendant outcomes and lawyer effort. Finally, I run an intent-to-treat (ITT) analysis in which I estimate Equation (2), but include in the dataset cases in the treated counties in which lawyers petitioned with the judge to continue being paid at an hourly rate; these account for 13% of the observations in the treated counties during the treatment period.

Tables A29 - A37 and Figures 9 – 10 show that my main results are robust to these alternative specifications, and that the estimates and confidence intervals from the results using these alternative specifications largely overlap with those from my main results.

Randomization Inference

Finally, I address concerns about inference with a small number of treated groups by implementing a variant of Fisher's randomization test (Fisher (1935)) similar to Buchmueller et al. (2011) and Cunningham and Shah (2018). I implement this test as follows. First, I construct placebo groups; for each placebo group, I randomly select 6 (the number of treated counties in my setting) of the 80 total counties in my sample, and repeat this step 1,000 times to generate 1,000 placebo groups.²⁶ Let $g \in [1, 1,000]$ index each placebo group, and denote $Placebo_c^g$ as an indicator variable for whether county c is in placebo group g). For each g , I estimate the following variant of Equation (2):

$$Y_{iclt} = \beta_g(Placebo_c^g \times Post_t) + X_i + \alpha_c + \lambda_\ell + \tau_t + \epsilon_{iclt} \quad (4)$$

Finally, I compare the difference in-differences results from my main results to the 1,000 placebo estimates. In this procedure, I effectively assume that the 1,000 placebo estimates represent the sampling distribution for my main estimates, and calculate exact p-values for my main results as the percentile of the main result estimate among the placebo distribution. Therefore, 1,000 placebo estimates, achieving significance at the 10%, 5%, and 1% levels requires that the estimates from my main results be ranked within the top 100, 20, and 10 (respectively) in the distribution of placebo estimates β_g .

Tables 17 – 18 report results from this randomization inference procedure, and are summarized in Figures 11 – 12. Each figure plots a histogram of the placebo distribution, along vertical dashed lines which denote the 5% and 95% percentiles of this distribution. The solid vertical black line labels the estimate of β in Equation (2) for a given outcome of interest. Overall, I find that my results are robust to the randomization inference procedure.

For defendant outcomes Figure 11, my main results are on the tail of the distribution of the placebo

²⁶It is infeasible to calculate the test statistic for all possible combinations. Specifically, there are $\binom{80}{6} = 300,500,200$ possible combinations of 6 counties among the 80 in my sample. In their simulation exercise, Imbens and Rubin (2015) find that exact p-values calculated from 1,000 simulations converges to that of 1,000,000 simulations.

results. My results on conviction on the highest original charge and guilty plea on the highest original charge are significant at the 5% level, the result for incarceration is statistically significant at the 1% level, and results for conviction, guilty plea, and conviction on a lower charge or case dismissal are significant at the 10% level. For lawyer effort, I similarly find that my main results are at the tail of the placebo distribution. Results for hours are significant at the 1% level, while results for days to disposition and whether a case was disposed on the day of the first meeting with the defendants are significant at the 5% level.

6 Discussion

Comparison of Results to Prior Literature

[[Briefly compare with Schwall's results (he finds a 50% decline in hours, but no impact on case outcomes)]]

[[For the other papers, compare results on defendant outcomes, e.g. conviction and incarceration]]

Costs of Switching to Flat Fees

In this section, I consider the additional costs associated with greater adverse outcomes from defendants following the switch to flat fees.

First, I consider whether switching from hourly to flat fee pay for assigned counsel impacted county-level spending on indigent defense.

[[Increased costs of incarceration associated with flat fees - this is already done]]

[[Future - look at impact of flat fees on the occurrence of misdemeanor appeals in Superior Court. If there is a rise in appeals following the policy change, due to lower-quality representation under flat fees, then this is another costly inefficiency. Additional costs from contracting with lawyers, clogs the docket]]

7 Conclusion

In this paper, I study a natural experiment in North Carolina to provide quasi-experimental evidence on whether compensation structures for court-appointed attorneys impacts the quality of representation in indigent criminal defense.

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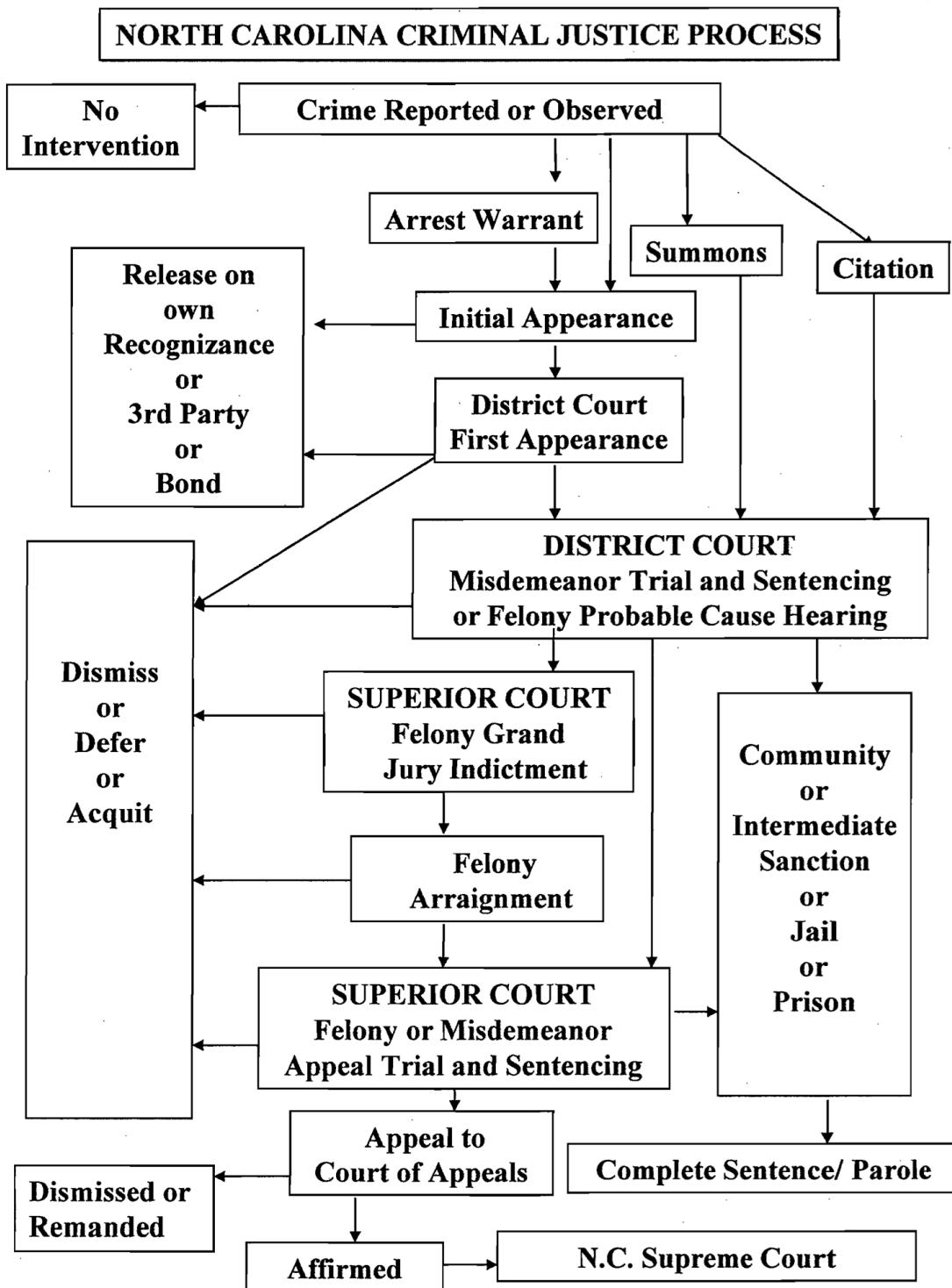
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Table 1: Statewide Hourly Rates for Assigned Counsel in North Carolina

Case Type	Hourly Rate
Class A-D Felonies	\$75
Class E-I Felonies	\$60
All Other Cases	\$55

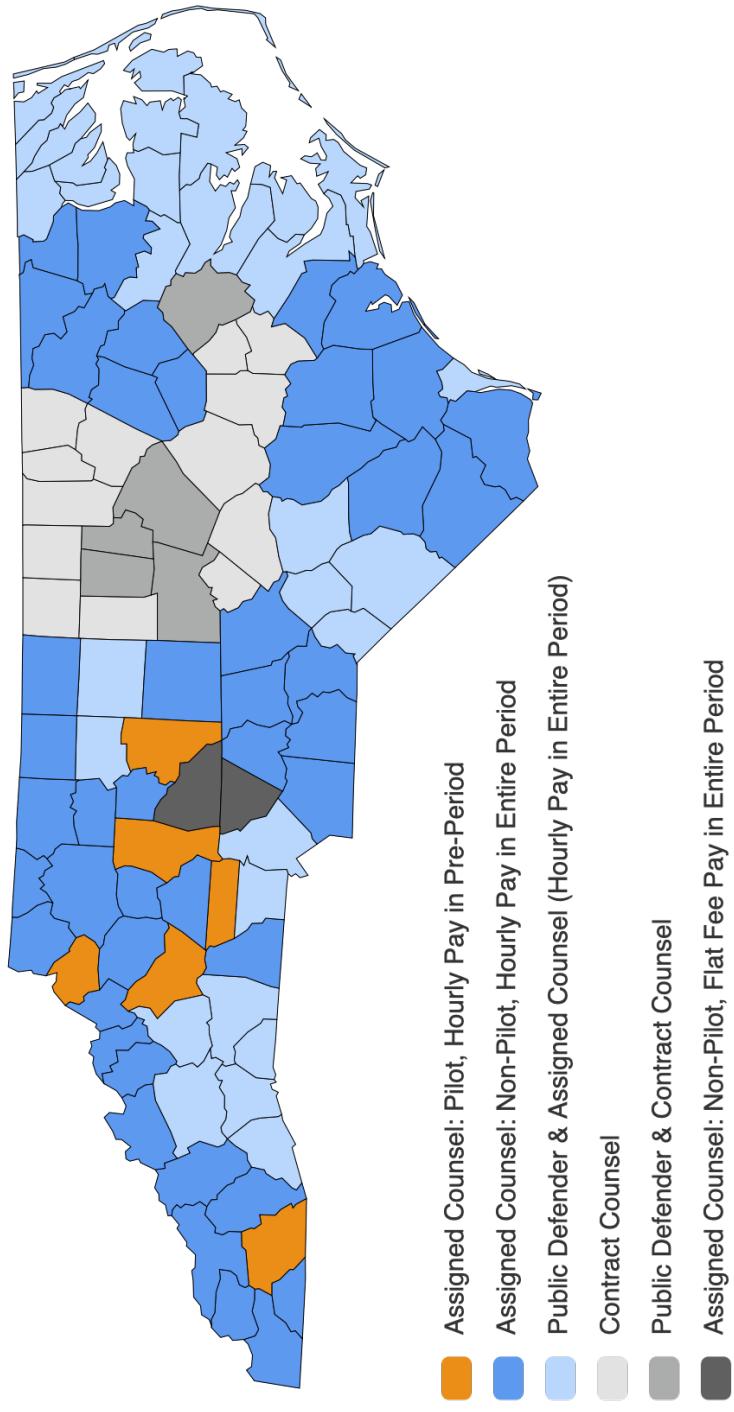
Source: North Carolina Office of Indigent Defense Services.

Figure 1: North Carolina Criminal Justice Roadmap



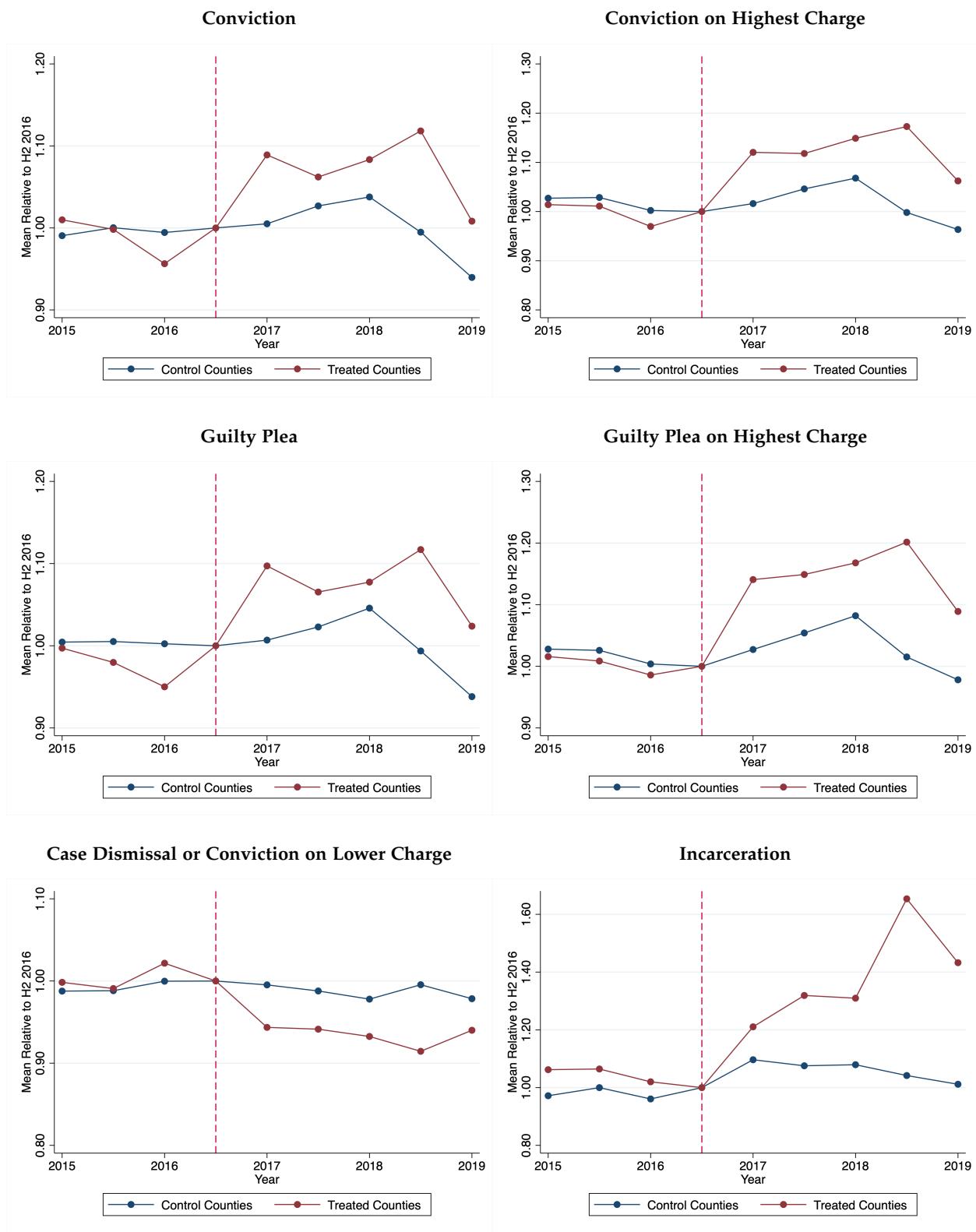
Source: North Carolina Judicial Branch. https://www.nccourts.gov/assets/inline-files/03_NC_Criminal_Justice_Process.pdf?DcpFTckMkxaqDBGdyhF.oi6FUf73bUUc.

Figure 2: North Carolina: Indigent Defense Systems, by County



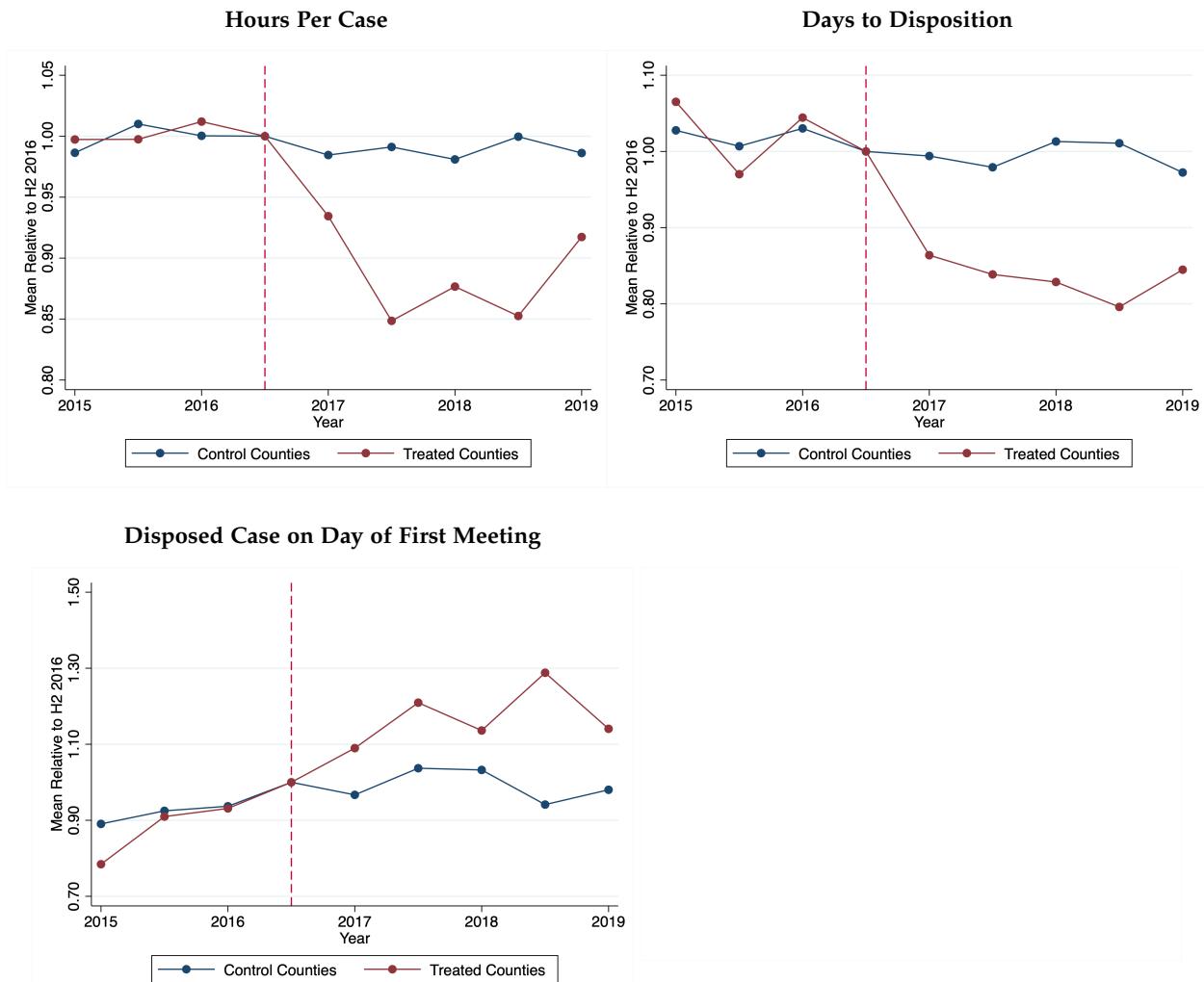
Source: North Carolina Office of Indigent Defense Services

Figure 3: Raw Plots: Defendant Outcomes



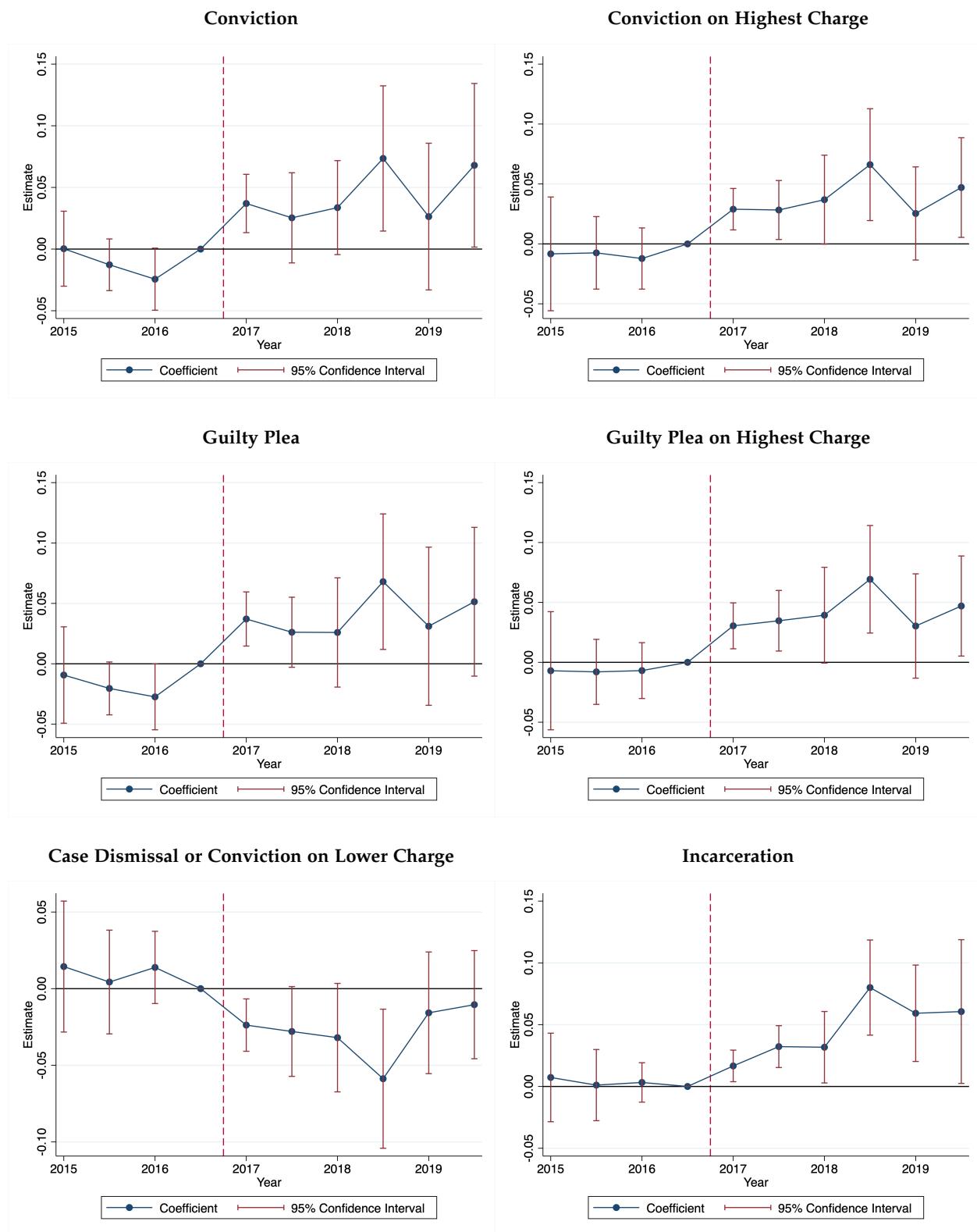
Source: North Carolina Administrative Data, 2015 – 2019

Figure 4: Raw Plots: Measures of Attorney Effort



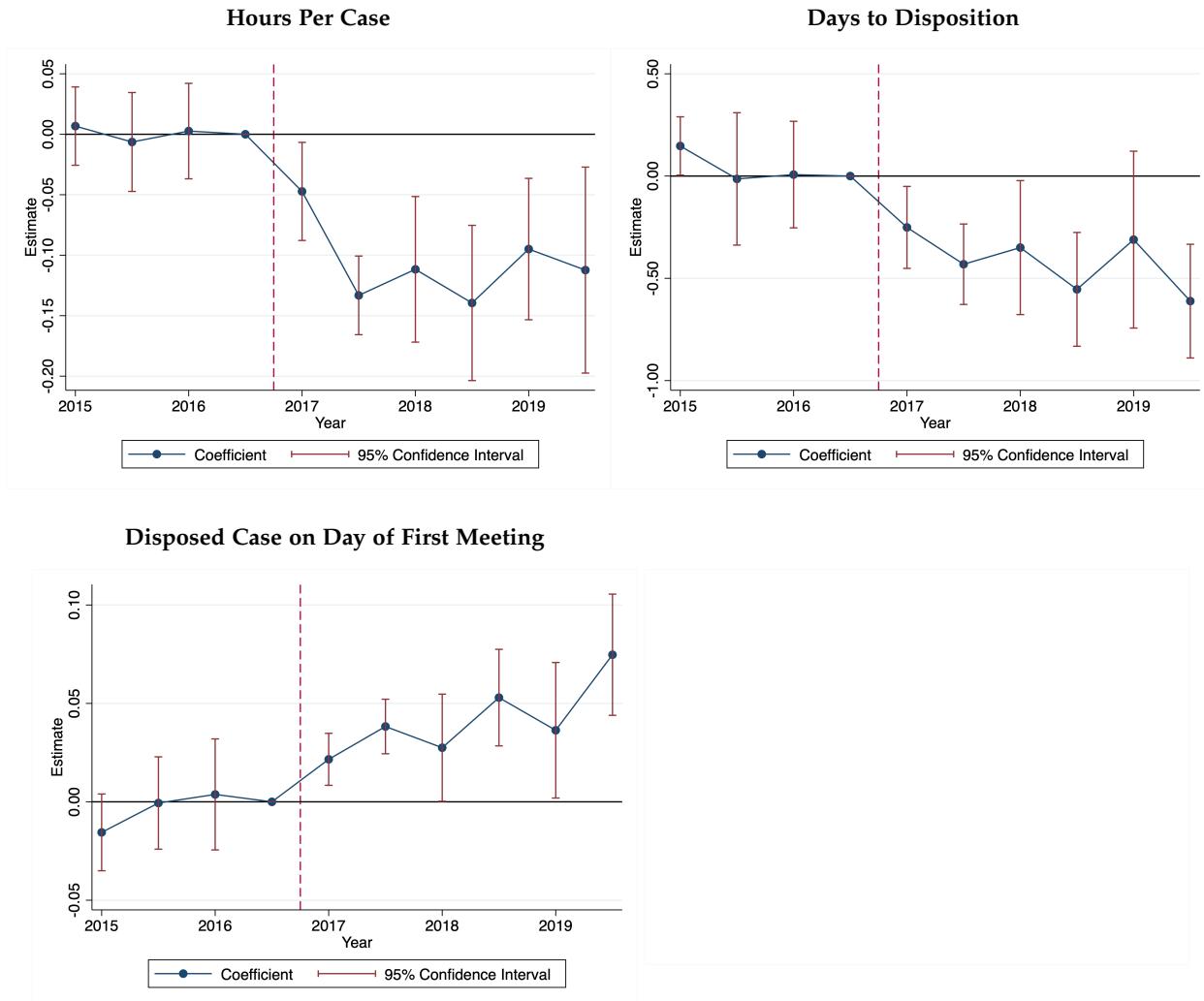
Source: North Carolina Administrative Data, 2015 – 2019

Figure 5: Event Study: Defendant Outcomes



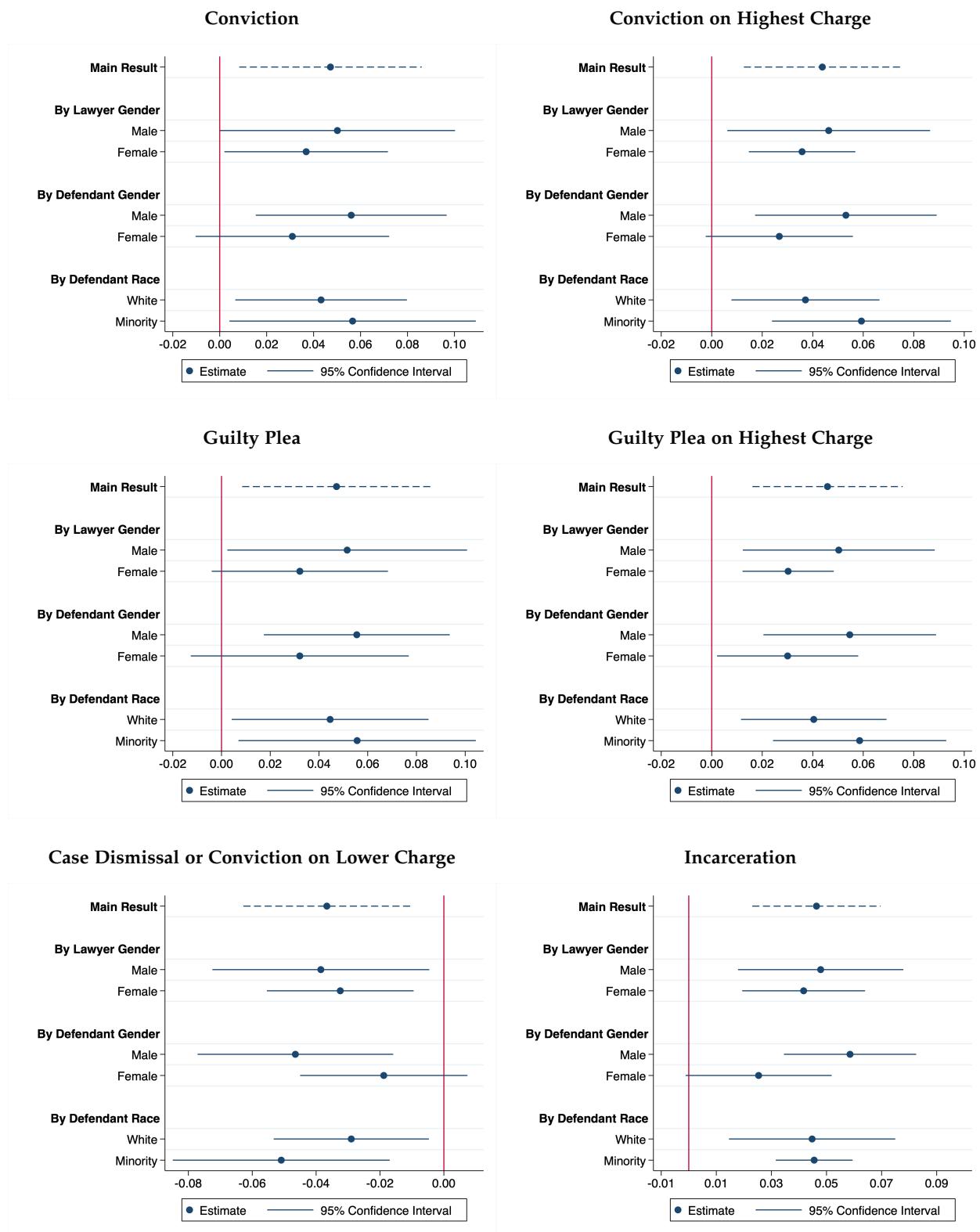
Source: North Carolina Administrative Data, 2015 – 2019

Figure 6: Event Study: Measures of Attorney Effort



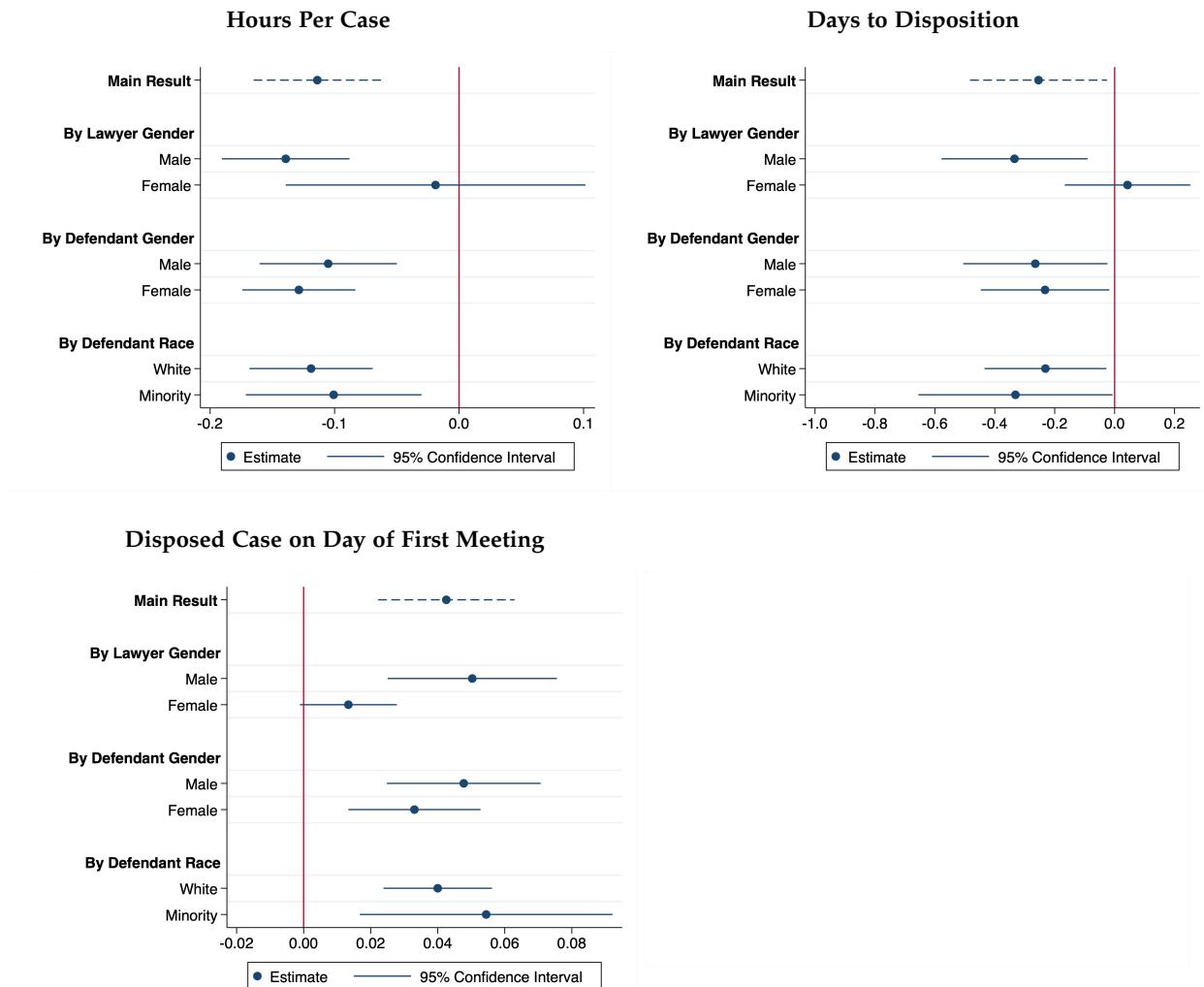
Source: North Carolina Administrative Data, 2015 – 2019

Figure 7: Heterogeneity Analysis: Defendant Outcomes



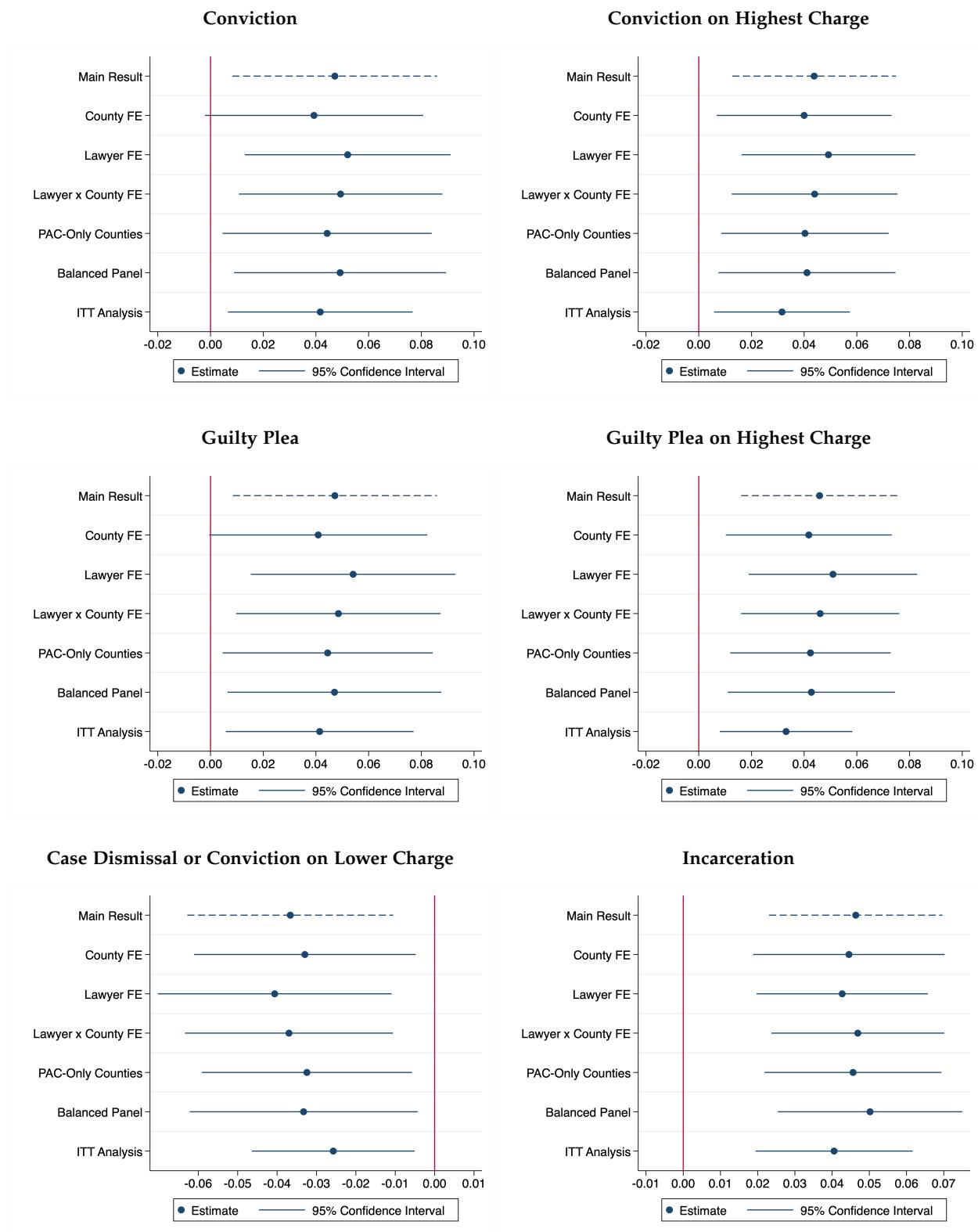
Source: North Carolina Administrative Data, 2015 – 2019

Figure 8: Heterogeneity Analysis: Measures of Attorney Effort



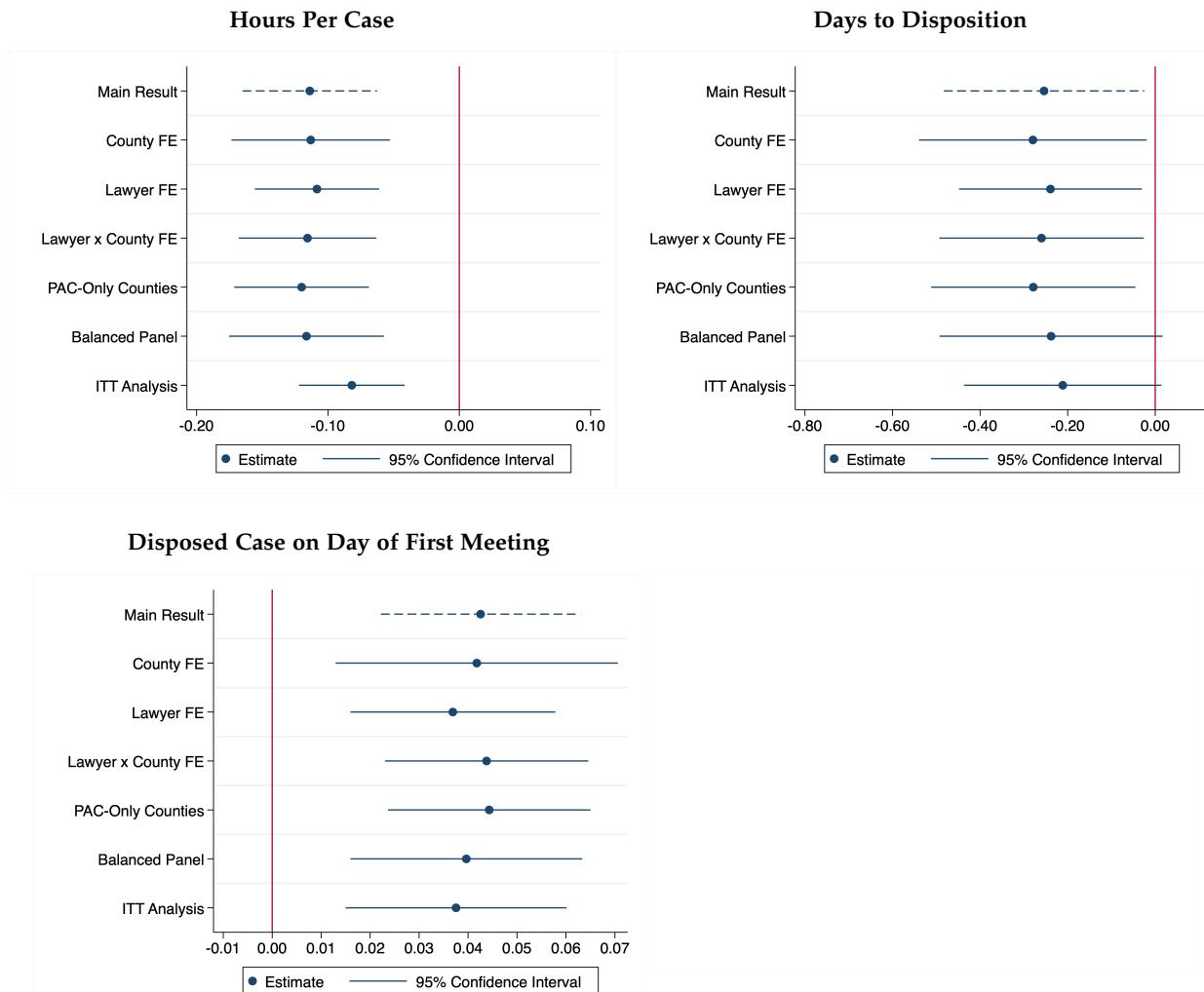
Source: North Carolina Administrative Data, 2015 – 2019

Figure 9: Robustness to Alternative Specifications: Defendant Outcomes



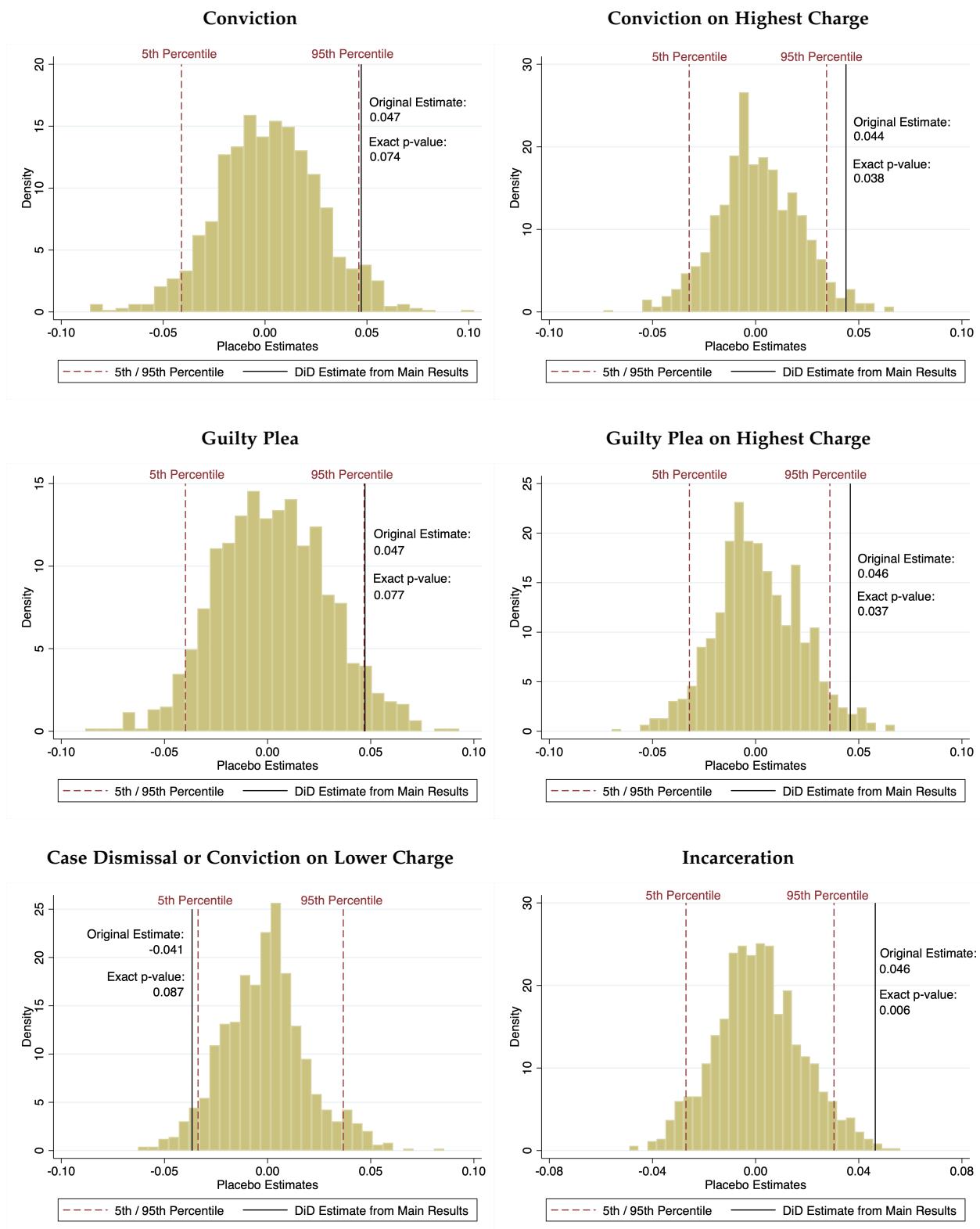
Source: North Carolina Administrative Data, 2015 – 2019

Figure 10: Robustness to Alternative Specifications: Measures of Attorney Effort



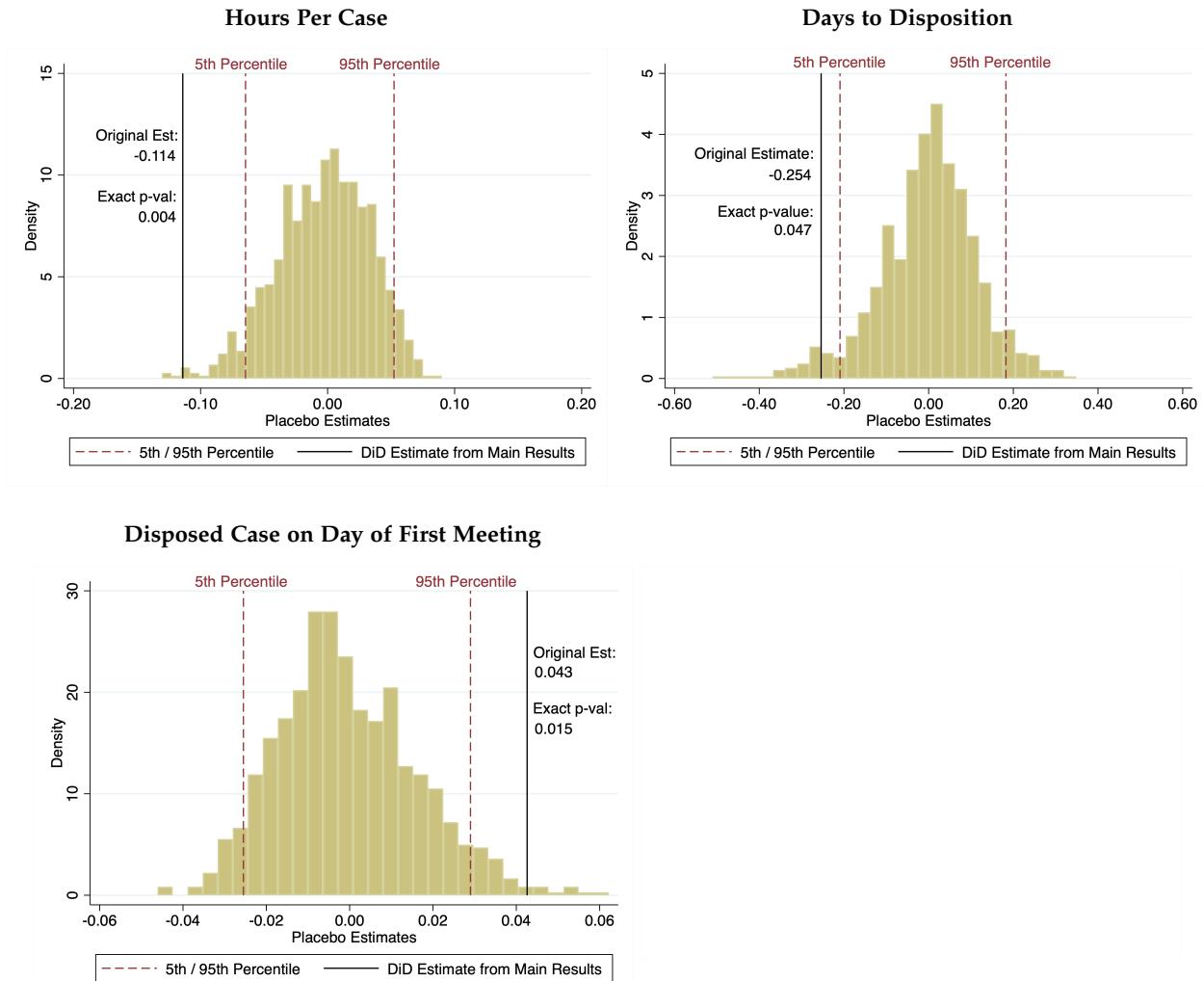
Source: North Carolina Administrative Data, 2015 – 2019

Figure 11: Randomization Inference: Defendant Outcomes



Source: North Carolina Administrative Data, 2015 – 2019

Figure 12: Randomization Inference: Measures of Attorney Effort



Source: North Carolina Administrative Data, 2015 – 2019

Table 2: Uniform Fee Pilot Fee Schedule

Case Type	Flat Fee Payment Per Case	Implicit Hours Under Hourly Schedule	Avg. Pre-Period Hours in Pilot Counties
Felonies			
Class A-D Felonies	\$425	5.67	5.73
All Other Felonies	\$230	3.83	4.73
Misdemeanors			
Class A1 Misdemeanors	\$200	3.64	4.07
Class 1-3 Misdemeanors and Other Traffic Offenses	\$185	3.36	3.30
DWI	\$300	5.45	5.83

Source: Report on Model Fee Schedule March 15, 2018. North Carolina Office of Indigent Defense Services

Table 3: Summary Statistics

Variable	Pilot Counties (Treated Group)	Non-Pilot Counties (Control Group)	Difference in Means
Defendant			
Male	0.634	0.646	-0.012
Age	33.368	33.391	0.023
Asian	0.004	0.002	0.002
Black	0.213	0.371	-0.158
Hispanic	0.022	0.020	0.002
Indian	0.003	0.027	-0.024
Other Race	0.007	0.008	-0.001
White	0.744	0.566	0.178
Case			
Felony	0.231	0.213	0.018
Observations	28,316	194,854	—

Source: North Carolina Administrative Data, 2015 – 2019

Table 4: Share of Criminal Cases with Privately Retained Counsel

Dependent Variable: Fraction of Total Cases with Private Counsel		
	All Cases	District Court Cases
Treat × Post	0.007 (0.010)	0.007 (0.010)
Observations	3,432	3,431

Source: North Carolina Criminal Records Data, January 2015 – December 2019

Notes:

1. For the results under "All Cases," I use data on cases that were in either District or Superior Court. For the results under the "District Court Cases," I limit the data to only cases in District Court.
2. Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include county and month-year fixed effects. Standard errors are clustered at the county level.

Table 5: Number of Indigent Criminal Cases in Each County

Dependent Variable: log Number of Monthly Cases per County		
	All Cases	District Court Cases
Treat × Post	-0.026 (0.033)	-0.031 (0.039)
Observations	3,432	3,431

Source: North Carolina Criminal Records Data, January 2015 – December 2019

Notes:

1. For the results under "All Cases," I use data on cases that were in either District or Superior Court. For the results under the "District Court Cases," I limit the data to only cases in District Court.
2. Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include county and month-year fixed effects. Standard errors are clustered at the county level.

Table 6: Composition of Criminal Cases

Dependent Variable: Fraction of Total Crimes by Type								
	Violent		Property		Drug		Felony	
	All	District Court	All	District Court	All	District Court	All	District Court
Treat × Post	-0.001 (0.006)	0.001 (0.005)	-0.001 (0.005)	-0.005 (0.004)	0.004 (0.005)	0.003 (0.006)	0.009 (0.008)	0.004 (0.008)
Observations	3,432	3,431	3,432	3,431	3,432	3,431	3,432	3,431

Source: North Carolina Criminal Records Data, January 2015 – December 2019

Notes:

1. For the results under "All Cases," I use data on cases that were in either District or Superior Court. For the results under the "District Court Cases," I limit the data to only cases in District Court.
2. Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include county and month-year fixed effects. Standard errors are clustered at the county level.

Table 7: Impact of Flat Fee Lawyer Pay on Probability of Conviction

Dependent Var:	Conviction		Conviction on Highest Orig. Charge	
	(1)	(2)	(3)	(4)
Treat × Post	0.047** (0.020)	0.045** (0.018)	0.044*** (0.016)	0.045** (0.017)
Pre-Period Sample Mean	0.446	0.446	0.287	0.287
Demographic Controls		X		X
Observations	165,424	165,424	165,424	165,424

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table 8: Impact of Flat Fee Lawyer Pay on Probability of Guilty Plea

Dependent Var:	Guilty Plea		Guilty Plea on Highest Orig. Charge	
	(1)	(2)	(3)	(4)
Treat × Post	0.047** (0.019)	0.046** (0.018)	0.046*** (0.015)	0.047*** (0.016)
Pre-Period Sample Mean	0.401	0.401	0.273	0.273
Demographic Controls		X		X
Observations	165,424	165,424	165,424	165,424

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table 9: Impact of Flat Fee Lawyer Pay on Probability of Case Dismissal and Favorable Outcome

Dependent Var:	Case Dismissal		Favorable Outcome	
	(1)	(2)	(3)	(4)
Treat × Post	-0.040** (0.017)	-0.038** (0.015)	-0.037** (0.014)	-0.037*** (0.013)
Pre-Period Sample Mean	0.534	0.534	0.693	0.693
Demographic Controls		X		X
Observations	165,424	165,424	165,424	165,424

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: "Favorable Outcome" is defined as a dismissal or reduction of charges. Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table 10: Impact of Flat Fee Lawyer Pay on Probability of Incarceration

Dependent Var:	Incarceration	
	(1)	(2)
Treat × Post	0.046*** (0.012)	0.047*** (0.012)
Pre-Period Sample Mean	0.126	0.126
Demographic Controls		X
Observations	165,424	165,424

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table 11: Impact of Flat Fee Lawyer Pay on Hours Per Case

Dependent Var:	log of Hours Per Case	
	(1)	(2)
Treat × Post	-0.114*** (0.026)	-0.115*** (0.024)
Pre-Period Sample Mean	3.728	3.728
Demographic Controls		X
Observations	165,033	165,033

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table 12: Impact of Flat Fee Lawyer Pay on Days to Disposition

Dependent Var:	log of Days to Disposition	
	(1)	(2)
Treat × Post	-0.254** (0.115)	-0.260** (0.117)
Pre-Period Sample Mean	106.250	106.250
Demographic Controls		X
Observations	165,424	165,424

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table 13: Impact of Flat Fee Lawyer Pay on Probability of Disposing Case on Day of First Meeting with Defendant

Dependent Var:	Case Disposed on Day of First Meeting	
	(1)	(2)
Treat × Post	0.043*** (0.010)	0.043*** (0.010)
Pre-Period Sample Mean	0.120	0.120
Demographic Controls		X
Observations	165,424	165,424

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table 14: Quarterly Cases Accepted by Lawyer

Dependent Var:	log of Quarterly Cases Accepted
Treat × Post	0.167 (0.134)
Pre-Period Sample Mean	11.781
Observations	17,766

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: The data used in this analysis has been collapsed to the attorney-county-quarter level, and includes only lawyers that accepted indigent cases for more than half of the quarters in the sample. Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and quarter-year fixed effects. Standard errors are clustered at the county level.

Table 15: Probability of Accepting Indigent Cases in District Court

Dependent Var:	Probability of Accepting Indigent Cases in District Court		
	All Lawyers Accepting Indigent Cases in Pre-Period	With Consistent Private Casework	No Consistent Private Casework
Treat × Post	-0.004 (0.038)	-0.089*** (0.031)	-0.057 (0.043)
Observations	27,132	12,705	17,115

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: The data used in this analysis has been collapsed to the attorney-county-quarter level. "Consistent private casework" is defined as working privately retained cases for at least half of the counties over the entire sample period. Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer and quarter-year fixed effects. Standard errors are clustered at the county level.

Table 16: Lawyer Composition

Dependent Var:	Number of Lawyers Accepting Indigent Cases, by County	Average Lawyer Years of Experience, by County
Treat × Post	-2.903 (1.774)	-0.026 (0.132)
Observations	1,558	1,553

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: The data used in this analysis has been collapsed to the county-quarter level. Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include county and quarter-year fixed effects. Standard errors are clustered at the county level.

Table 17: Randomization Inference Results: Defendant Outcomes

Dependent Var:	Conviction	Conviction on Highest Charge	Guilty Plea	Guilty Plea on Highest Charge	Favorable Outcome	Incarceration
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	0.047*	0.044**	0.047*	0.046**	-0.041*	0.046***
Placebo Tests:						
5th Percentile	-0.041	-0.032	-0.040	-0.032	-0.034	-0.027
95th Percentile	0.046	0.034	0.047	0.036	0.037	0.034
Two-Tailed p-value	[0.074]	[0.038]	[0.077]	[0.037]	[0.087]	[0.009]
Pre-Period Sample Mean	0.446	0.287	0.401	0.273	0.693	0.126
Observations	165,424	165,424	165,424	165,424	165,424	165,424

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table 18: Randomization Inference Results: Lawyer Effort

Dependent Var:	log of Hours Per Case	log of Days to Disposition	Disposed Case on Day of First Meeting with Defendant
	(1)	(2)	(3)
Treat × Post	-0.114***	0.254**	0.043**
Placebo Tests:			
5th Percentile	-0.065	-0.209	-0.0260
95th Percentile	0.052	0.183	0.029
Two-Tailed p-value	[0.004]	[0.047]	[0.015]
Pre-Period	3.728	106.250	0.120
Sample Mean			
Observations	165,033	165,424	165,424

Source: North Carolina Administrative Data, January 2015 – December 2019

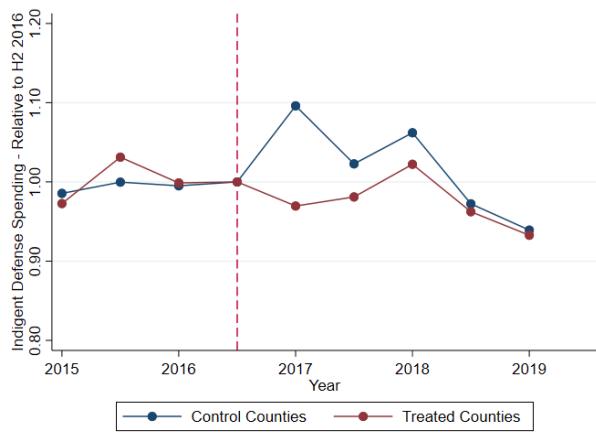
Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Appendix

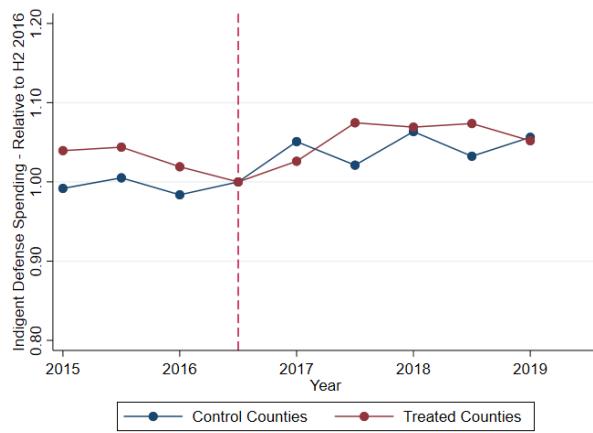
A.1 Appendix Tables and Figures

Figure A1: Impact of Switching to Flat Fee Compensation on Average County-Level Spending on Indigent Defense

Average County-Level Indigent Defense Spending,
All Cases



Average County-Level Indigent Defense Spending,
District Court Cases



Source: North Carolina Administrative Data, 2015 – 2019

Notes: Compensation for indigent defense lawyers in the treated counties (red) switched from hourly to flat fee pay during the post period. In the control counties (blue), compensation remained under hourly rates during the entire sample period.

Table A1: Change in Monthly County-Level Spending on Indigent Defense

Dependent Var: log of Monthly Indigent Defense Spending		
	All Indigent Cases	District Court Cases
	(1)	(2)
Treat × Post	-0.025 (0.051)	0.018 (0.055)
Pre-Period Sample Mean	26,811.81	13,079.52
Observations	4,667	4,586

Source: North Carolina Criminal Records Data, January 2015 – December 2019

Note: The data used in this analysis has been collapsed to the county-month level. Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. I include county and month-year fixed effects, and cluster standard errors at the county level.

Table A2: Heterogeneity by Lawyer Gender: Conviction

Dependent Var: Conviction						
	Main Result		Male Lawyers		Female Lawyers	
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	0.047** (0.020)	0.045** (0.018)	0.050** (0.025)	0.047** (0.022)	0.037** (0.017)	0.040*** (0.014)
Pre-Period Sample Mean	0.446	0.446	0.453	0.453	0.425	0.425
Demographic Controls		X		X		X
Observations	165,424	165,424	123,586	123,586	41,401	41,401

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A3: Heterogeneity by Lawyer Gender: Conviction on Highest Original Charge

Dependent Var: Conviction on Highest Original Charge						
	Main Result		Male Lawyers		Female Lawyers	
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	0.044*** (0.016)	0.045** (0.017)	0.046** (0.020)	0.046** (0.022)	0.036*** (0.011)	0.040*** (0.011)
Pre-Period Sample Mean	0.287	0.287	0.292	0.292	0.274	0.274
Demographic Controls		X		X		X
Observations	165,424	165,424	123,586	123,586	41,401	41,401

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A4: Heterogeneity by Lawyer Gender: Guilty Plea

Dependent Var: Guilty Plea						
	Main Result		Male Lawyers		Female Lawyers	
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	0.047** (0.019)	0.046** (0.018)	0.052** (0.025)	0.049** (0.022)	0.032* (0.018)	0.034** (0.015)
Pre-Period Sample Mean	0.401	0.401	0.406	0.406	0.384	0.384
Demographic Controls		X		X		X
Observations	165,424	165,424	123,586	123,586	41,401	41,401

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A5: Heterogeneity by Lawyer Gender: Guilty Plea on Highest Original Charge

Dependent Var: Guilty Plea on Highest Original Charge						
	Main Result		Male Lawyers		Female Lawyers	
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	0.046*** (0.015)	0.047*** (0.016)	0.050** (0.019)	0.050** (0.021)	0.030*** (0.009)	0.035*** (0.010)
Pre-Period Sample Mean	0.273	0.273	0.277	0.277	0.261	0.261
Demographic Controls		X		X		X
Observations	165,424	165,424	123,586	123,586	41,401	41,401

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A6: Heterogeneity by Lawyer Gender: Case Dismissal or Conviction on Lower Charge

Dependent Var: Case Dismissal or Conviction on Lower Charge						
	Main Result		Male Lawyers		Female Lawyers	
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	-0.037*** (0.013)	-0.037** (0.014)	-0.039** (0.017)	-0.038** (0.018)	-0.032*** (0.012)	-0.036*** (0.012)
Pre-Period Sample Mean	0.693	0.693	0.689	0.689	0.703	0.703
Demographic Controls		X		X		X
Observations	165,424	165,424	123,586	123,586	41,401	41,401

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A7: Heterogeneity by Lawyer Gender: Incarceration

Dependent Var: Incarceration						
	Main Result		Male Lawyers		Female Lawyers	
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	0.046*** (0.012)	0.047*** (0.012)	0.048*** (0.015)	0.048*** (0.016)	0.042*** (0.011)	0.042*** (0.012)
Pre-Period Sample Mean	0.126	0.126	0.129	0.129	0.114	0.114
Demographic Controls	X		X		X	
Observations	165,424	165,424	123,586	123,586	41,401	41,401

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A8: Heterogeneity by Lawyer Gender: Hours Per Case

Dependent Var: log of Hours Per Case						
	Main Result		Male Lawyers		Female Lawyers	
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	-0.114*** (0.026)	-0.115*** (0.024)	-0.139*** (0.026)	-0.139*** (0.024)	-0.019 (0.060)	-0.022 (0.059)
Pre-Period Sample Mean	3.728	3.728	3.787	3.787	3.551	3.551
Demographic Controls	X		X		X	
Observations	165,033	165,033	123,262	123,262	41,334	41,334

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A9: Heterogeneity by Lawyer Gender: Days to Disposition

Dependent Var: log of Days to Disposition						
	Main Result		Male Lawyers		Female Lawyers	
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	-0.254** (0.115)	-0.260** (0.117)	-0.334*** (0.122)	-0.339** (0.129)	0.043 (0.105)	0.037 (0.088)
Pre-Period Sample Mean	106.250	106.250	106.463	106.463	105.833	105.833
Demographic Controls		X		X		X
Observations	165,424	165,424	123,586	123,586	41,401	41,401

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A10: Heterogeneity by Lawyer Gender: Case Disposed on Day of First Meeting with Defendant

Dependent Var: Disposed Case on Day of First Meeting with Defendant						
	Main Result		Male Lawyers		Female Lawyers	
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	0.043*** (0.010)	0.043*** (0.010)	0.050*** (0.013)	0.050*** (0.013)	0.013* (0.007)	0.014* (0.007)
Pre-Period Sample Mean	0.120	0.120	0.118	0.118	0.128	0.128
Demographic Controls		X		X		X
Observations	165,424	165,424	123,586	123,586	41,401	41,401

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A11: Heterogeneity by Defendant Gender: Conviction

Dependent Var: Conviction						
	Main Result		Male Defendants		Female Defendants	
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	0.047** (0.020)	0.045** (0.018)	0.056*** (0.020)	0.052*** (0.019)	0.031 (0.021)	0.033* (0.019)
Pre-Period Sample Mean	0.446	0.446	0.465	0.465	0.412	0.412
Demographic Controls		X		X		X
Observations	165,424	165,424	105,071	105,071	60,211	60,211

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A12: Heterogeneity by Defendant Gender: Conviction on Highest Original Charge

Dependent Var: Conviction on Highest Original Charge						
	Main Result		Male Defendants		Female Defendants	
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	0.044*** (0.016)	0.045** (0.017)	0.053*** (0.018)	0.055*** (0.019)	0.027* (0.015)	0.027 (0.017)
Pre-Period Sample Mean	0.287	0.287	0.296	0.296	0.272	0.272
Demographic Controls		X		X		X
Observations	165,424	165,424	105,071	105,071	60,211	60,211

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A13: Heterogeneity by Defendant Gender: Guilty Plea

Dependent Var: Guilty Plea						
	Main Result		Male Defendants		Female Defendants	
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	0.047** (0.019)	0.046** (0.018)	0.056*** (0.019)	0.052*** (0.018)	0.032 (0.022)	0.034 (0.021)
Pre-Period Sample Mean	0.401	0.401	0.419	0.419	0.369	0.369
Demographic Controls		X		X		X
Observations	165,424	165,424	105,071	105,071	60,211	60,211

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A14: Heterogeneity by Defendant Gender: Guilty Plea on Highest Original Charge

Dependent Var: Guilty Plea on Highest Original Charge						
	Main Result		Male Defendants		Female Defendants	
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	0.046*** (0.015)	0.047*** (0.016)	0.055*** (0.017)	0.056*** (0.018)	0.030** (0.014)	0.030* (0.017)
Pre-Period Sample Mean	0.273	0.273	0.281	0.281	0.258	0.258
Demographic Controls		X		X		X
Observations	165,424	165,424	105,071	105,071	60,211	60,211

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A15: Heterogeneity by Defendant Gender: Case Dismissal or Conviction on Lower Charge

Dependent Var: Case Dismissal or Conviction on Lower Charge						
	Main Result		Male Defendants		Female Defendants	
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	-0.037*** (0.013)	-0.037** (0.014)	-0.047*** (0.015)	-0.048*** (0.016)	-0.019 (0.013)	-0.019 (0.015)
Pre-Period Sample Mean	0.693	0.693	0.685	0.685	0.706	0.706
Demographic Controls	X		X		X	
Observations	165,424	165,424	105,071	105,071	60,211	60,211

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A16: Heterogeneity by Defendant Gender: Incarceration

Dependent Var: Incarceration						
	Main Result		Male Defendants		Female Defendants	
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	0.046*** (0.012)	0.047*** (0.012)	0.059*** (0.012)	0.059*** (0.013)	0.025* (0.013)	0.026* (0.014)
Pre-Period Sample Mean	0.126	0.126	0.144	0.144	0.094	0.094
Demographic Controls	X		X		X	
Observations	165,424	165,424	105,071	105,071	60,211	60,211

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A17: Heterogeneity by Defendant Gender: Hours Per Case

Dependent Var: log of Hours Per Case						
	Main Result		Male Defendants		Female Defendants	
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	-0.114*** (0.026)	-0.115*** (0.024)	-0.105*** (0.028)	-0.108*** (0.027)	-0.129*** (0.023)	-0.127*** (0.020)
Pre-Period Sample Mean	3.728	3.728	3.745	3.745	3.698	3.698
Demographic Controls		X		X		X
Observations	165,033	165,033	104,831	104,831	60,062	60,062

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A18: Heterogeneity by Defendant Gender: Days to Disposition

Dependent Var: log of Days to Disposition						
	Main Result		Male Defendants		Female Defendants	
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	-0.254** (0.115)	-0.260** (0.117)	-0.265** (0.121)	-0.278** (0.123)	-0.232** (0.108)	-0.225** (0.109)
Pre-Period Sample Mean	106.250	106.250	104.868	104.868	108.665	108.665
Demographic Controls		X		X		X
Observations	165,424	165,424	105,071	105,071	60,211	60,211

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A19: Heterogeneity by Defendant Gender: Case Disposed on Day of First Meeting with Defendant

Dependent Var: Disposed Case on Day of First Meeting with Defendant						
	Main Result		Male Defendants		Female Defendants	
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	0.043*** (0.010)	0.043*** (0.010)	0.048*** (0.012)	0.048*** (0.012)	0.033*** (0.010)	0.032*** (0.010)
Pre-Period Sample Mean	0.120	0.120	0.125	0.125	0.113	0.113
Demographic Controls	X		X		X	
Observations	165,424	165,424	105,071	105,071	60,211	60,211

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A20: Heterogeneity by Defendant Race: Conviction

Dependent Var: Conviction						
	Main Result		White Defendants		Minority Defendants	
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	0.047** (0.020)	0.045** (0.018)	0.043** (0.018)	0.041** (0.016)	0.057** (0.026)	0.054* (0.028)
Pre-Period Sample Mean	0.446	0.446	0.476	0.476	0.404	0.404
Demographic Controls	X		X		X	
Observations	165,424	165,424	95,646	95,646	68,720	68,720

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A21: Heterogeneity by Defendant Race: Conviction on Highest Original Charge

Dependent Var: Conviction on Highest Original Charge						
	Main Result		White Defendants		Minority Defendants	
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	0.044*** (0.016)	0.045** (0.017)	0.037** (0.015)	0.039** (0.016)	0.059*** (0.018)	0.061*** (0.018)
Pre-Period Sample Mean	0.287	0.287	0.312	0.312	0.252	0.252
Demographic Controls		X		X		X
Observations	165,424	165,424	95,646	95,646	68,720	68,720

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A22: Heterogeneity by Defendant Race: Guilty Plea

Dependent Var: Guilty Plea						
	Main Result		White Defendants		Minority Defendants	
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	0.047** (0.019)	0.046** (0.018)	0.045** (0.020)	0.044** (0.018)	0.056** (0.024)	0.053** (0.025)
Pre-Period Sample Mean	0.401	0.401	0.434	0.434	0.355	0.355
Demographic Controls		X		X		X
Observations	165,424	165,424	95,646	95,646	68,720	68,720

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A23: Heterogeneity by Defendant Race: Guilty Plea on Highest Original Charge

Dependent Var: Guilty Plea on Highest Original Charge						
	Main Result		White Defendants		Minority Defendants	
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	0.046*** (0.015)	0.047*** (0.016)	0.040*** (0.014)	0.042** (0.016)	0.059*** (0.017)	0.060*** (0.018)
Pre-Period Sample Mean	0.273	0.273	0.299	0.299	0.236	0.236
Demographic Controls		X		X		X
Observations	165,424	165,424	95,646	95,646	68,720	68,720

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A24: Heterogeneity by Defendant Race: Case Dismissal or Conviction on Lower Charge

Dependent Var: Case Dismissal or Conviction on Lower Charge						
	Main Result		White Defendants		Minority Defendants	
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	-0.037*** (0.013)	-0.037** (0.014)	-0.029** (0.012)	-0.031** (0.014)	-0.051*** (0.017)	-0.052*** (0.017)
Pre-Period Sample Mean	0.693	0.693	0.670	0.670	0.724	0.724
Demographic Controls		X		X		X
Observations	165,424	165,424	95,646	95,646	68,720	68,720

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A25: Heterogeneity by Defendant Race: Incarceration

Dependent Var: Incarceration						
	Main Result		White Defendants		Minority Defendants	
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	0.046*** (0.012)	0.047*** (0.012)	0.045*** (0.015)	0.046*** (0.016)	0.046*** (0.007)	0.045*** (0.007)
Pre-Period Sample Mean	0.126	0.126	0.137	0.137	0.110	0.110
Demographic Controls		X		X		X
Observations	165,424	165,424	95,646	95,646	68,720	68,720

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A26: Heterogeneity by Defendant Race: Hours Per Case

Dependent Var: log of Hours Per Case						
	Main Result		White Defendants		Minority Defendants	
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	-0.114*** (0.026)	-0.115*** (0.024)	-0.119*** (0.025)	-0.122*** (0.021)	-0.101*** (0.035)	-0.103*** (0.035)
Pre-Period Sample Mean	3.728	3.728	3.660	3.660	3.822	3.822
Demographic Controls		X		X		X
Observations	165,033	165,033	95,345	95,345	68,632	68,632

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A27: Heterogeneity by Defendant Race: Days to Disposition

Dependent Var: log of Days to Disposition						
	Main Result		White Defendants		Minority Defendants	
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	-0.254** (0.115)	-0.260** (0.117)	-0.231** (0.102)	-0.241** (0.105)	-0.331** (0.163)	-0.336** (0.159)
Pre-Period Sample Mean	106.250	106.250	103.571	103.571	110.158	110.158
Demographic Controls		X		X		X
Observations	165,424	165,424	95,646	95,646	68,720	68,720

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A28: Heterogeneity by Defendant Race: Case Disposed on Day of First Meeting with Defendant

Dependent Var: Disposed Case on Day of First Meeting with Defendant						
	Main Result		White Defendants		Minority Defendants	
	(1)	(2)	(3)	(4)	(5)	(6)
Treat × Post	0.043*** (0.010)	0.043*** (0.010)	0.040*** (0.008)	0.041*** (0.008)	0.054*** (0.019)	0.055*** (0.019)
Pre-Period Sample Mean	0.120	0.120	0.124	0.124	0.115	0.115
Demographic Controls		X		X		X
Observations	165,424	165,424	95,646	95,646	68,720	68,720

Source: North Carolina Administrative Data, January 2015 – December 2019

Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A29: Robustness to Alternative Specifications: Conviction

		Dependent Variable: Conviction													
		Main Results		County FE No Lawyer FE		Lawyer FE No County FE		Lawyer × County FE		Assigned Counsel Counties Only		Balanced Panel		Intent-to-Treat Analysis	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	
Treat × Post	0.047** (0.020)	0.045** (0.018)	0.039* (0.021)	0.038** (0.019)	0.052*** (0.020)	0.049** (0.018)	0.047*** (0.019)	0.044** (0.018)	0.043** (0.018)	0.049** (0.020)	0.045** (0.018)	0.042** (0.018)	0.036** (0.016)		
Pre-Period Sample Mean	0.446	0.446	0.446	0.446	0.446	0.446	0.446	0.446	0.446	0.446	0.450	0.446	0.446		
Demog. Controls	X		X		X		X		X		X		X		
Lawyer FE, No County FE	X	X			X	X			X		X		X		
County FE, No Lawyer FE	X	X	X	X					X		X		X		
Lawyer × County FE									X						
Assigned Counsel Counties Only									X		X				
Balanced Panel										X		X			
Intent-to-Treat Analysis											X	X			
Observations	165,424	165,424	165,526	165,526	165,424	165,424	165,424	165,424	165,424	165,424	165,424	165,424	165,424		

Source: North Carolina Administrative Data, January 2015 – December 2019
Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A30: Robustness to Alternative Specifications: Conviction on Highest Charge

	Dependent Variable: Conviction																	
	County FE No Lawyer FE				Lawyer FE No County FE				Lawyer × County FE				Assigned Counsel Counties Only				Balanced Panel	Intent-to-Treat Analysis
Main Results	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)		
Treat × Post	0.044*** (0.016)	0.045** (0.017)	0.040** (0.017)	0.041** (0.018)	0.049*** (0.017)	0.049*** (0.018)	0.044*** (0.018)	0.045** (0.017)	0.046** (0.016)	0.042** (0.017)	0.041** (0.017)	0.043** (0.019)	0.032** (0.013)	0.035** (0.015)				
Pre-Period Sample Mean	0.287	0.287	0.287	0.287	0.287	0.287	0.287	0.287	0.287	0.290	0.287	0.287	0.287	0.287	0.287			
Demog. Controls	X		X		X		X		X		X		X		X			
Lawyer FE, No County FE	X	X			X	X			X		X		X		X			
County FE, No Lawyer FE	X	X	X	X					X		X		X		X			
Lawyer × County FE									X									
Assigned Counsel Counties Only										X								
Balanced Panel											X							
Intent-to-Treat Analysis												X			X			
Observations	165,424	165,424	165,526	165,526	165,424	165,424	165,424	165,424	165,120	165,120	122,610	122,610	121,986	121,986	166,708	166,708		

Source: North Carolina Administrative Data, January 2015 – December 2019
Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A31: Robustness to Alternative Specifications: Guilty Plea

Dependent Variable: Conviction																	
Main Results		County FE No Lawyer FE			Lawyer FE No County FE			Lawyer × County FE			Assigned Counsel Counties Only			Balanced Panel		Intent-to-Treat Analysis	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)				
Treat × Post	0.047** (0.019)	0.046** (0.018)	0.041* (0.021)	0.039** (0.019)	0.054*** (0.020)	0.054*** (0.018)	0.049** (0.019)	0.047** (0.018)	0.044** (0.020)	0.043** (0.018)	0.047** (0.021)	0.044** (0.019)	0.041** (0.018)	0.037** (0.016)			
Pre-Period Sample Mean	0.401	0.401	0.401	0.401	0.401	0.401	0.401	0.401	0.418	0.418	0.404	0.401	0.401				
Demog. Controls	X		X		X		X		X		X		X		X	X	
Lawyer FE, No County FE	X	X			X	X			X		X		X		X	X	
County FE, No Lawyer FE	X	X	X	X					X	X	X	X	X		X	X	
Lawyer × County FE									X	X							
Assigned Counsel Counties Only										X	X						
Balanced Panel											X						
Intent-to-Treat Analysis												X	X		X	X	
Observations	165,424	165,424	165,526	165,526	165,424	165,424	165,424	165,424	165,120	165,120	122,610	122,610	121,986	121,986	166,708	166,708	

Source: North Carolina Administrative Data, January 2015 – December 2019
Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A32: Robustness to Alternative Specifications: Guilty Plea on Highest Charge

	Dependent Variable: Conviction																			
	Main Results				County FE No Lawyer FE				Lawyer FE × County FE				Assigned Counsel Counties Only				Balanced Panel		Intent-to-Treat Analysis	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)							
Treat × Post	0.046*** (0.015)	0.047*** (0.016)	0.042** (0.016)	0.042** (0.017)	0.051*** (0.016)	0.051*** (0.017)	0.046*** (0.015)	0.047*** (0.016)	0.042*** (0.015)	0.044** (0.017)	0.043*** (0.016)	0.045** (0.018)	0.033** (0.013)	0.036* (0.014)						
Pre-Period Sample Mean	0.273	0.273	0.273	0.273	0.273	0.273	0.273	0.273	0.276	0.276	0.273	0.273	0.273	0.273	0.273	0.273	0.273			
Demog. Controls	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			
Lawyer FE, No County FE	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			
County FE, No Lawyer FE	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			
Lawyer × County FE									X	X										
Assigned Counsel Counties Only									X	X										
Balanced Panel									X	X										
Intent-to-Treat Analysis									X	X										
Observations	165,424	165,424	165,526	165,526	165,424	165,424	165,424	165,424	165,120	165,120	122,610	122,610	121,986	121,986	166,708	166,708	166,708			

Source: North Carolina Administrative Data, January 2015 – December 2019
Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A33: Robustness to Alternative Specifications: Case Dismissal or Conviction on Highest Charge

Dependent Variable: Conviction											
Main Results	County FE No Lawyer FE			Lawyer FE No County FE			Lawyer × County FE			Assigned Counsel Counties Only	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Treat × Post	-0.037*** (0.013)	-0.037** (0.014)	-0.033** (0.014)	-0.034** (0.015)	-0.041** (0.016)	-0.041** (0.015)	-0.037*** (0.013)	-0.038** (0.014)	-0.032** (0.013)	-0.034** (0.015)	-0.033** (0.014)
Pre-Period Sample Mean	0.693	0.693	0.693	0.693	0.693	0.693	0.693	0.693	0.692	0.692	0.693
Demog. Controls	X	X	X	X	X	X	X	X	X	X	X
Lawyer FE, No County FE	X	X		X	X		X	X	X	X	X
County FE, No Lawyer FE	X	X	X	X			X	X	X	X	X
Lawyer × County FE							X	X			
Assigned Counsel Counties Only							X	X			
Balanced Panel							X	X			
Intent-to-Treat Analysis									X	X	X
Observations	165,424	165,424	165,526	165,526	165,424	165,424	165,120	165,120	122,610	122,610	166,708

Source: North Carolina Administrative Data, January 2015 – December 2019
Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A34: Robustness to Alternative Specifications: Incarceration

	Dependent Variable: Conviction								
	Main Results	County FE No Lawyer FE	Lawyer FE No County FE	Lawyer × County FE	Assigned Counsel Counties Only	Balanced Panel	Intent-to-Treat Analysis		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Treat × Post	0.046*** (0.012)	0.047*** (0.012)	0.044*** (0.013)	0.043*** (0.012)	0.043*** (0.012)	0.047*** (0.012)	0.047*** (0.012)	0.046*** (0.012)	0.046*** (0.012)
Pre-Period Sample Mean	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126
Demog. Controls	X	X	X	X	X	X	X	X	X
Lawyer FE, No County FE	X	X	X	X	X	X	X	X	X
County FE, No Lawyer FE	X	X	X	X	X	X	X	X	X
Lawyer × County FE					X	X			
Assigned Counsel Counties Only						X	X		
Balanced Panel							X	X	
Intent-to-Treat Analysis								X	X
Observations	165,424	165,424	165,526	165,526	165,424	165,424	165,120	165,120	165,120
							122,610	122,610	122,610
							121,986	121,986	121,986
							166,708	166,708	166,708

Source: North Carolina Administrative Data, January 2015 – December 2019
Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A35: Robustness to Alternative Specifications: Hours Per Case

Dependent Variable: Conviction															
	Main Results	County FE				Lawyer FE				Assigned Counsel Counties Only				Balanced Panel	Intent-to-Treat Analysis
		No Lawyer FE	No County FE	× County FE		(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
Treat × Post	-0.114*** (0.026)	-0.115*** (0.024)	-0.113*** (0.030)	-0.114*** (0.028)	-0.108*** (0.024)	-0.108*** (0.022)	-0.116*** (0.026)	-0.117*** (0.024)	-0.120*** (0.026)	-0.123*** (0.023)	-0.114*** (0.030)	-0.117*** (0.028)	-0.117*** (0.028)	-0.082*** (0.020)	-0.087*** (0.019)
Pre-Period Sample Mean	3.728	3.728	3.728	3.728	3.728	3.728	3.728	3.728	3.728	3.645	3.728	3.728	3.728	3.728	
Demog. Controls	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Lawyer FE, No County FE	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
County FE, No Lawyer FE	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Lawyer × County FE								X	X						
Assigned Counsel Counties Only										X	X				
Balanced Panel											X	X			
Intent-to-Treat Analysis												X	X		
Observations	165,033	165,033	165,132	165,132	165,033	165,033	165,033	165,033	164,731	164,731	122,226	122,226	121,665	166,285	

Source: North Carolina Administrative Data, January 2015 – December 2019
Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A36: Robustness to Alternative Specifications: log of Days to Disposition

		Dependent Variable: Conviction												
Main Results		County FE No Lawyer FE	Lawyer FE No County FE	Lawyer × County FE	Assigned Counsel Counties Only		Balanced Panel		Intent-to-Treat Analysis					
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	
Treat × Post	-0.254** (0.115)	-0.260** (0.117)	-0.279** (0.131)	-0.283** (0.131)	-0.239** (0.105)	-0.241** (0.108)	-0.260** (0.117)	-0.267** (0.120)	-0.279** (0.116)	-0.286** (0.119)	-0.235* (0.129)	-0.247* (0.133)	-0.211* (0.113)	-0.229* (0.117)
Pre-Period Sample Mean	106.250	106.250	106.250	106.250	106.250	106.250	106.250	106.250	103.883	103.883	111.248	106.250	106.250	
Demog. Controls	X	X	X	X	X	X	X	X	X	X	X	X	X	
Lawyer FE, No County FE	X	X		X	X		X	X	X	X	X	X	X	
County FE, No Lawyer FE	X	X	X	X			X	X	X	X	X	X	X	
Lawyer × County FE						X	X							
Assigned Counsel Counties Only							X	X						
Balanced Panel								X	X			X	X	
Intent-to-Treat Analysis										X	X	X	X	
Observations	165,424	165,424	165,526	165,526	165,424	165,424	165,120	165,120	122,610	122,610	121,986	166,708	166,708	

Source: North Carolina Administrative Data, January 2015 – December 2019
Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and *, respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.

Table A37: Robustness to Alternative Specifications: Case Disposed on Day of First Meeting with Defendant

		Dependent Variable: Conviction												
		Main Results	County FE No Lawyer FE	No County FE	Lawyer FE × County FE	Assigned Counsel Counties Only	Balanced Panel	Intent-to-Treat Analysis						
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
Treat × Post	0.043*** (0.010)	0.043*** (0.010)	0.042*** (0.014)	0.042*** (0.014)	0.037*** (0.011)	0.037*** (0.011)	0.037*** (0.010)	0.037*** (0.010)	0.044*** (0.011)	0.044*** (0.010)	0.045*** (0.011)	0.040*** (0.012)	0.038*** (0.011)	0.039*** (0.012)
Pre-Period Sample Mean	0.120	0.120	0.120	0.120	0.120	0.120	0.120	0.120	0.121	0.121	0.116	0.116	0.120	0.120
Demog. Controls	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Lawyer FE, No County FE	X	X		X	X			X	X	X	X	X	X	X
County FE, No Lawyer FE	X	X	X	X				X	X	X	X	X	X	X
Lawyer × County FE								X	X					
Assigned Counsel Counties Only								X	X					
Balanced Panel										X	X			
Intent-to-Treat Analysis											X	X		
Observations	165,424	165,424	165,526	165,526	165,424	165,424	165,120	165,120	122,610	122,610	121,986	121,986	166,708	166,708

South Carolina Administrative Data Inventory December 2009

Source: North Carolina Administrative Data, January 2015 – December 2019
Note: Significance levels at the 1%, 5%, and 10% levels are denoted by ***, **, and * respectively. All specifications include lawyer, county, and month-year fixed effects. The second specification includes indicator variables for defendant race, defendant gender, and the severity of the highest original charge. Standard errors are clustered at the county level.