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**ICYMI: Study Shows Elected Judges Appoint Lawyers Who Donated to Their Campaigns**  
*“Pay to Play” Study in Harris County, Texas, Has National Implications*

**HOUSTON, TX** — A [recent study](#) shows that when appointing attorneys to represent indigent clients, elected judges in Harris County (Houston) were far more likely to choose lawyers who had donated to their campaigns. In these “pay to play” cases, the study further found that defendants were more likely to end up in prison or jail, and received longer sentences on average.

The report, recently featured in [The New York Times](#), was authored by Neel Sukhatme of the Georgetown University Law Center and Jay Jenkins of the Texas Criminal Justice Coalition (TCJC). It evaluated more than 290,000 felony cases from January 2005 through May 2018 that involved assigned defense counsel.

*“Nearly all criminal procedure scholars agree that indigent defense as practiced today falls far short of its initial promise,”* the report abstract reads. *“Our study is the first empirical analysis of how campaign finance distorts criminal trial court decision-making. While our data are from Harris County (Houston), Texas... similar problems likely affect millions of Americans, as trial judges who control indigent defense assignments in many other states—including California, Georgia, Maryland, Missouri, North Carolina, and Ohio, among others—accept attorney donations to fund their electoral campaigns.”*

*“Unless substantial reforms are made to address the corrosive influence of campaign finance on criminal defense, the Sixth Amendment’s right to counsel will continue to ring hollow for millions of indigent defendants.”*

Other key findings from the report are as follows:

- Judges in Harris County often accept donations as an apparent “entry fee” from counsel soon after they become eligible for indigent defense appointments.
- On average, judges assign their donors more than double the number of cases they assign to non-donors, a practice that is inconsistent with the “wheel” assignment system mandated by Texas law.
- Preferential assignment patterns enable donors to earn, on average, more than double the total attorneys fees of non-donors; the average donor earns \$31,081 in attorneys fees from the donee judge – a more than 27-fold “return” on the campaign contribution.
- Donor attorneys are less successful than non-donors in attaining charge reductions, dismissals, and acquittals, or avoiding prison sentences for their clients. This may be due to donors taking on so many cases from their donee judges that they have less time to spend on each matter.

The report, “Pay to Play? Campaign Finance and the Incentive Gap in the Sixth Amendment’s Right to Counsel,” will be published in the Duke Law Journal. It is available online [here](#).

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*The Texas Criminal Justice Coalition (TCJC) advances solutions and builds coalitions to end mass incarceration and build safer Texas communities. To learn more about TCJC, visit [www.TexasCJC.org](http://www.TexasCJC.org).*