

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

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Abstract

How do judges' previous professional experiences affect outcomes? In this short article, we investigate the question by documenting the effect of judges' previous criminal justice experience on sentencing. Leveraging millions of federal sentences from 2010 to 2019, we find that defendants with charges assigned to a judge with criminal defense experience are, on average, less likely to be incarcerated. In some cases, their sentences are also shorter, which we show is partially attributable to former defenders being less likely to give out extremely long sentences. We find some corresponding effects for prosecutorial experience, but they are less consistent overall. The findings make two key contributions. First, they contribute to growing evidence of disparities in the criminal legal system, particularly those associated with judge characteristics. Second, the findings showcase the potential impact of judges' previous professional experience (as opposed to demographic characteristics) on decision-making. Both illustrate how political actors can influence policy through judicial selection on the basis of professional experience.

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