DISTRIBUTION OF ASSIGNMENT PROCEDURES

- **Random Assignment**: A judicial assignment procedure can be defined as random when cases are assigned to judges independently of any value, characteristic, or variable other than a truly exogenous assignment mechanism. The probability of assignment across judges does not have to be equal, but it does have to be known.

- **As-if Random Assignment**: A judicial assignment procedure can be considered “as-if-random” when cases are assigned to judges based on one or more of a case’s pre-treatment characteristics (defendant demographics, case type, etc.) that are arguably independent of potential outcomes (potentially strong assumption). If truly independent, as-if-random assignment mechanisms function in the same way as a set of random numbers.

- **Non-Random Assignment**: A judicial assignment procedure is not random when cases are assigned to judges based on one or more pre-treatment characteristics that are not independent of potential outcomes.

Examples:
- Case type, complexity of case, past history of defendant.
- Name of defendant, day of the week crime was committed, name of officer who made arrest.

- **Computer-generated numbers, drawing names from an envelope, drawing numbers from a hat.**

**THE PROBLEM**

- Many cases are randomly assigned at different probabilities for different judges. This generates potentially biased point estimates because the judges’ dockets are not identical in expectation.

- Due to scheduling conflicts, courts often lower the number of new cases being assigned to a particular judge (a decrease in the relative probability of being assigned) or that judge off of the assignment schedule altogether (zero probability of assignment).

- Codenomists: Codenomists’ individual cases are often consolidated to just one judge. In courts systems that utilize a complete or rolling randomization, consolidation of a large number of codenomists can remove a judge from the assignment process for a substantial period of time.

**THE SOLUTION**

- Know the probability of assignment for each case and use inverse-probability weights.

**MISSING OUTCOMES:**

- Case outcomes are often unavailable to researchers. If the propensity for attrition is related to outcomes of interest, point estimates will likely be biased.

- Plea Bargaining / Settlements: A large number of cases are resolved through plea bargaining (for criminal cases) or settlements (civil cases). This generally means that the outcomes of interest for that particular case are no longer available.

- Selective Publication of Opinions or Records: Most studies utilizing random judicial assignment are concerned with outcomes based on case outcomes or court records. In some cases, particularly when sensitive information or vulnerable parties are involved, the data for a case will be unavailable to researchers.

- Lost or Inaccurate Records: Due to human error, some court records and outcomes will simply be lost. Similarly, if the research’s outcomes of interest relate to behavior after the case has concluded (recidivism, public behavior, etc.) many individuals will fall off the map or be unwilling to provide data.

**THE SOLUTION**

- Attrition is a serious threat to unbiased point estimates and cannot easily be accounted for. Researchers can either make strong assumptions regarding the nature of attrition or by bounding estimated treatment effects if attrition rates are sufficiently low.

**WHAT ABOUT BALANCE CHECKS (RANDOMIZATION TESTS)?**

- Balance checks provide a way to test whether prognostic variables are distributed as the researcher would expect (generally equal across judges). When the relevant pre-treatment variables are balanced, it suggests that the “de-randomizing” effects described above do not exist or are not salient enough to be of concern. However, this approach relies on the strong assumption that all important variables have been identified and tested for, and is a secondary option behind identifying and accounting for the effects described above.

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