

THE FAILURE OF JUDICIAL RECUSAL AND DISCLOSURE RULES: EVIDENCE FROM A FIELD EXPERIMENT

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ONLINE APPENDIX

This Online Appendix supplements *The Failure of Judicial Recusal and Disclosure Rules: Evidence from a Field Experiment*.¹ Section A of this Appendix provides additional detail on court systems, election regimes, and recusal rules in Wisconsin and in Harris County, Texas, the experimental setting of the Article. Section B describes the experiment’s donor-attorney verification protocol. Section C provides additional tests and robustness checks verifying the statistical validity of the results of the experiment.

A. *Experimental Setting (Detailed)*

It is important to understand the institutional and political settings in which this Article’s field experiment was conducted so that the results of the field experiment can be evaluated on their methodological merits (often called “internal validity”) and so that the results can be appropriately applied to contexts outside of the study (“external validity”). Below, I provide an overview of the court systems, election regimes, and recusal rules in Wisconsin and Harris County, Texas that goes beyond the details included in the main body of the Article.

1. *Judicial Systems*

The Wisconsin Court System has a similar structure to most state court systems. Wisconsin’s municipal courts oversee common, low-level cases such as traffic violations, ordinance matters, and juvenile crimes. Circuit courts, the state’s trial courts, and those that are the focus of this study, take on most of the remaining first-instance civil cases.² At the time the study began, each county in Wisconsin had a circuit court with a

¹ Dane Thorley, *The Failure of Judicial Recusal and Disclosure Rules: Evidence from a Field Experiment*, 117 NW. U. L. REV. 1277 (2023). The main Article, which provides background on judicial conflicts of interest and why judges choose to not recuse from cases and details the results of the experiment, can be accessed at <https://scholarlycommons.law.northwestern.edu/nulr/vol117/iss5/2>.

² *About the Courts: Wisconsin’s Judicial Branch: Court System Overview*, WIS. CT. SYS. (Sept. 7, 2022), <https://www.wicourts.gov/courts/overview/overview.htm> [<https://perma.cc/5DP2-NHPQ>].

jurisdiction that matched the county's geographical boundary, except for two pairs of neighboring counties with small populations (Buffalo and Pepin, Florence and Forest) that shared a single circuit court judge. Additionally, both judges for Menominee County—a federal reservation—were located in the Shawano County courthouse.³ The number of judges in each circuit court varied from one to forty-seven (Milwaukee County), and there were 249 Wisconsin circuit court judges in total, divided into 69 circuits.⁴ Every circuit court was part of one of ten judicial administrative districts presided over by a chief judge who was appointed by Wisconsin's supreme court.⁵ These chief judges took care of the administrative duties for each district and met monthly with the other chief judges.⁶

Texas's court structure essentially matches that of Wisconsin; however, the trial-level courts that handle civil matters with at least \$200 in dispute are district courts as opposed to circuit courts.⁷ The geographical boundaries of these district courts are drawn at the county level, with some counties sharing one district and the largest county, Harris County, having sixty.⁸ Each county is part of one of eleven administrative judicial regions.⁹ The Harris County criminal and civil courts are housed in the same building, but at any given time, a given district judge is assigned to either the civil docket, the criminal docket, or one of the juvenile or family dockets.

2. *Elections and Campaign Finance*

Circuit court judges in Wisconsin are elected to staggered six-year terms.¹⁰ The state holds judicial elections in the spring of every year, including a primary if more than two people run for the nonpartisan position.¹¹ However, most circuit court elections are uncontested and very few require a primary. In the population centered in and around Milwaukee County and in Dane County (which contains the city of Madison), election

³ *Wisconsin Court System: Circuit Courts*, WIS. CT. SYS. (Jan. 11, 2013), <https://web.archive.org/web/20141021014022/https://www.wicourts.gov/courts/circuit/index.htm> [perma.cc/5R3N-92WR]. All of this information matches the current makeup of the Wisconsin Circuit Courts. See *Circuit Courts: Wisconsin's Trial Courts: Function & Overview*, WIS. CT. SYS. (Sept. 9, 2022), <https://www.wicourts.gov/courts/circuit/index.htm> [https://perma.cc/EG33-WACL].

⁴ *Wisconsin Court System: Circuit Courts*, *supra* note 3.

⁵ *Circuit Courts: Wisconsin's Trial Courts: Function & Overview*, *supra* note 3.

⁶ *Id.*

⁷ TEX. JUD. BRANCH, COURT STRUCTURE CHART (2015), <https://www.txcourts.gov/media/1097010/Court-Structure-Chart-Sept-2015.pdf> [https://perma.cc/UT7U-STXX].

⁸ TEX. JUD. BRANCH, STATE DISTRICT COURTS (2022), <https://www.txcourts.gov/media/1453673/district-courts-january-2022.pdf> [https://perma.cc/3YM4-HEVN].

⁹ *Id.*

¹⁰ *Wisconsin Judicial Elections*, BALLOTEDIA, https://ballotpedia.org/Wisconsin_judicial_elections [https://perma.cc/4WHL-RFXD].

¹¹ *Id.*

vote totals exceed 50,000 and spending is relatively high.¹² In the smallest counties, by contrast, turnout in judicial elections rarely exceeds a few thousand votes.¹³ Critically, Wisconsin law provides reporting exceptions for judicial candidates if their campaigns raise and spend less than \$2,500 in a calendar year, so the campaign finance data covers the 113 winning judges in the 2009–2014 cycle that did file reports with the state, many of whom ran in contested elections.¹⁴

District court judges in Texas run in elections every four years, which are staggered depending on when the judge’s district was organized. Any judge who intends to receive more than \$500 in contributions is required to report campaign finance data,¹⁵ and Texas judges have historically reported among the highest dollar amounts in the country.¹⁶ In an attempt to quell the rising cost and potential for conflict that judicial campaigning presented, Texas passed the Judicial Campaign Fairness Act, which places restrictions on the amount of money organizations and individuals can contribute to judicial campaigns.¹⁷ Although candidates for statewide judicial office (namely the state supreme court) can accept individual donations of up to \$30,000, the amount that district court judges (the focus of the study) can raise depends on the size of their judicial district. Those with districts of over 1 million, between 250,000 and 1 million, and less than 250,000 are restricted to donations of less than \$30,000, \$15,000, and \$6,000, respectively.¹⁸

¹² See, e.g., MILWAUKEE CNTY. ELECTION COMM’N, MILWAUKEE COUNTY, WI 2017 SPRING ELECTION: UNOFFICIAL RESULTS (2017), <https://county.milwaukee.gov/files/county/county-clerk/Election-Commission/ElectionResultsCopy-1/2017Copy-1/Spring-Election---April-4-2017Copy-1/4-4-17CountySummaryCopy-1.txt> [<https://perma.cc/H2CP-VZG8>] (showing the vote totals for the 2017 general elections in Milwaukee County); *Election and Voting Information: 2017 Spring Election*, CNTY. OF DANE WIS. (Apr. 11, 2017, 2:03 PM), <https://elections.countyofdane.com/Election-Result/91> [<https://perma.cc/T9KH-JYPD>] (showing the vote totals for the 2017 general elections in Dane County).

¹³ See, e.g., RESULTS PER PRECINCT: MENOMINEE NOVEMBER 2020: CANVASSED RESULTS 16 (2020), https://www.menomineecounty.com/i_menominee/pu/17a5e473d9b0/canvassed_results_nov_3_2020.pdf [<https://perma.cc/4KUW-X3BT>] (showing the vote totals for the 2020 general elections in Menominee County).

¹⁴ WIS. STAT. § 11.0104(a) (2019–2020).

¹⁵ *Campaign Finance Guide for Judicial Candidates and Officeholders*, TEX. ETHICS COMM’N (Sept. 1, 2013), https://web.archive.org/web/20190304055058/https://www.ethics.state.tx.us/guides/JCOH_guide.htm [<https://perma.cc/5ZTD-XGNK>].

¹⁶ DANIEL BECKER & MALIA REDDICK, JUDICIAL SELECTION REFORM: EXAMPLES FROM SIX STATES 3 (2003), <https://www.txcourts.gov/media/1441210/campaign-finance-reform-report-gie.pdf> [<https://perma.cc/55AF-ENNB>].

¹⁷ TEX. ELEC. CODE ANN § 253.155(b) (West 2019).

¹⁸ TEX. ETHICS COMM’N, CAMPAIGN FINANCE GUIDE FOR JUDICIAL CANDIDATES AND OFFICEHOLDERS (2022), https://www.ethics.state.tx.us/data/resources/judicial/jcoh_guide.pdf [<https://perma.cc/RD64-YSLM>].

3. *Recusal and Disclosure Procedure*

Recusal procedure in Wisconsin circuit courts is regulated primarily by Supreme Court Rule (SCR) 60 and Section 757.19 of the Wisconsin Statutes. Wisconsin does have a Code of Judicial Ethics, but a violation of that code cannot be used as legal grounds for recusal.¹⁹

SCR 60.04(4) and Section 757.19 outline the circumstances in which a judge is required to recuse, a list that more or less reflects the general approach to these enumerated situations described in this Article. Both SCR 60.04(4) and Section 757.19 include broad catchall provisions for when recusal is necessary, even if the specific enumerated rules do not apply. SCR 60.04(4) declares that a judge shall recuse herself when “reasonable, well-informed persons knowledgeable about judicial ethics standards and the justice system and aware of the facts and circumstances the judge knows or reasonably should know would reasonably question the judge’s ability to be impartial.”²⁰ The official comments included in the SCR clarify that even when circumstances do not fit the clear grounds for recusal outlined above, a judge should apply for recusal any time the “judge knows or reasonably should know [the circumstances are likely] to raise reasonable question of the judge’s ability to act impartially, regardless of whether any of the specific rules in SCR 60.04 (4) applies.”²¹ Section 757.19 similarly requires a judge to remove herself if she “determines that, for any reason, he or she cannot, or it appears he or she cannot, act in an impartial manner.”²² As with most of these catchall provisions, both rules rely heavily on the objective determination of the judge.²³

Crucially, the SCR specifically addresses circumstances in which an individual involved in the case had previously contributed to the presiding judge’s election campaign. SCR 60.04(7) states that “[a] judge shall not be required to recuse himself or herself in a proceeding based solely on any endorsement or the judge’s campaign committee’s receipt of a lawful campaign contribution, including a campaign contribution from an individual or entity involved in the proceeding.”²⁴ The comments on this portion of the code outline the reasoning for this approach, explaining that involuntary recusal due to campaign contributions would discourage

¹⁹ *State v. Carviou*, 454 N.W.2d 562, 563 (Wis. Ct. App. 1990).

²⁰ WIS. SUP. CT. R. 60.04(4).

²¹ *Id.* cmts.

²² WIS. STAT. § 757.19(2)(g) (2022).

²³ *See State v. Pinno*, 850 N.W.2d 207, 232–33 (Wis. 2014) (“The relevant recusal standard in the Wisconsin Statutes is a subjective one . . . [and is] ‘drafted so as to place the determination of partiality solely upon the judge.’” (quoting *State v. Harrell*, 546 N.W.2d 115, 119 (1996))).

²⁴ WIS. SUP. CT. R. 60.04(7).

democratic participation and “create the impression that receipt of a contribution automatically impairs the judge’s integrity.”²⁵ Although this clearly establishes the fact that judges in Wisconsin are not legally required to recuse for campaign donations, and likely reflects a professional culture in which recusals for this reason is not expected, it is clear from both SCR 60 and Section 757.19 that a judge can still recuse due to conflicts stemming from campaign contributions if she feels it is appropriate. It is only within this discretionary arena that the experiment in this Article would work.

It is also important to note that Wisconsin is one of the few states that employs peremptory challenges, which allow an attorney to automatically remove a given judge without providing an explanation or legal argument.²⁶ These rules provide important context for the experimental results presented in Part V of this Article. However, their practicality as a workaround for the normal recusal process—specifically in the context of campaign donations—is limited by the facts that they can only be utilized one time in a given case,²⁷ still require review by the presiding judge,²⁸ and presuppose that the moving attorney is aware of the conflict in the first place.²⁹

The circumstances in which disclosure is necessary under SCR 60 exceed circumstances in which the rules require recusal. Judges are expected to “disclose on the record information that the judge believes the parties or their lawyers might consider relevant to the question of recusal, even if the judge believes there is no real basis for recusal.”³⁰ After full disclosure is made, recusal can be waived when all the interested parties formally agree to allow the judge to continue to participate.³¹ Any such agreement or discussion is recorded in the case files.

Once a judge has found reason to recuse or one of the parties to the case has asked for recusal, the court must submit an application for judicial assignment to its district’s chief judge. The chief judge subsequently reviews

²⁵ *Id.* cmt.

²⁶ WIS. STAT. § 801.58 (2022) (for civil cases); *Id.* § 971.20 (for criminal cases).

²⁷ *Id.* § 801.58(3).

²⁸ *Id.* § 801.58(2) (“When the clerk receives a request for substitution, the clerk shall immediately contact the judge whose substitution has been requested for a determination of whether the request was made timely and in proper form.”).

²⁹ These limitations are discussed more fully in Section V.B of the main Article.

³⁰ WIS. SUP. CT. R. 60.04(4) cmt.

³¹ *Id.* R. 60.04(6) (“A judge required to recuse himself or herself under sub. (4) may disclose on the record the basis of the judge’s recusal and may ask the parties and their lawyers to consider, out of the presence of the judge, whether to waive recusal. If, following disclosure of any basis for recusal other than personal bias or prejudice concerning a party, the parties and lawyers, without participation by the judge, all agree that the judge should not be required to recuse himself or herself and the judge is then willing to participate, the judge may participate in the proceeding. The agreement shall be incorporated in the record of the proceeding.”)

the application against the laws listed above and either approves or disapproves the action. The chief judge may also request clarification or additional information regarding the circumstances that led to the application.³²

For most of its history, the recusal regime in Texas was based almost exclusively on disqualification conditions in Article V, Section 11 of the Texas Constitution.³³ The rule in Section 11 is relatively limited, only prohibiting judges from sitting on cases where “the judge may be interested or where either of the parties may be connected with the judge, either by affinity or consanguinity . . . or when the judge shall have been counsel in the case.”³⁴ More recently, recusal in Texas has begun to resemble a mix of legislative code and ethical rules similar to those that exist in Wisconsin, at least in theory. Rule 18b(a) of the Texas Rules of Civil Procedure enumerates grounds for mandatory disqualification, and Rule 18b(b) outlines circumstances in which a judge must recuse.³⁵ An appeals court has recently found that a violation of one or more of the recusal provisions in the Code of Judicial Conduct is not sufficient grounds to require recusal.³⁶

There are no specific rules addressing recusal for parties or attorneys who have made campaign contributions, meaning that motions to recuse submitted by either the judge or the parties must be based on either the catchall recusal provision in Rule 18b(b) or a more general appeal to the ethical norms of the Texas Code of Conduct. Attempts to require recusal for contributions on strictly legal grounds have been unsuccessful in the past, even for egregious violations.³⁷

³² WISCONSIN UNIFORM RULES FOR TRIAL COURT ADMINISTRATION TCA 3, <https://www.wicourts.gov/srules/docs/circuitrules.pdf> [<https://perma.cc/L9WP-XS9Z>].

³³ See generally John C. Domino, *The Origins and Development of Judicial Recusal in Texas*, 5 BRIT. J. AM. LEGAL STUD. 149, 150 (2016) (reviewing the historical development and current recusal procedure in Texas).

³⁴ TEX. CONST. art. 5, § 11.

³⁵ TEX. R. CIV. P. 18(b)(1)–(2).

³⁶ See *KB Realtron Mgmt. v. Deleon*, No. 13-13-00411-CV, 2015 Tex. App. LEXIS 11879, at *11 (Tex. Ct. App. Nov. 19, 2015) (finding that a disciplinary action is the proper resolution to a violation of the Code of Judicial Conduct); see also *Manges v. Martinez*, 683 S.W.2d 137, 138–39 (1984) (denying respondent’s request for a writ of mandamus to compel voluntary recusal under Rule 18a(d) for lack of legal grounds due to the Code of Judicial Conduct not being sufficient cause for invocation of Rule 18a(d)).

³⁷ See *Rocha v. Ahmad*, 662 S.W.2d 77, 77–78 (Tex. Ct. App. 1983) (finding that recusal was not required despite two of the three appellate judges having received thousands of dollars in campaign contributions from the appellee’s attorneys for previous campaigns and the judges’ victory celebrations being held at the attorneys’ office).

The procedures for filing and ruling on a recusal motion vary depending on the court in which the case is heard,³⁸ with the relevant rules for the cases in this experiment coming from Rule 18a of the Texas Rules of Civil Procedure. Under this rule, if the judge finds on her own volition that there are grounds for recusal, the court can sign an order of recusal and refer the case to the presiding judge for reassignment.³⁹ Parties may also submit motions for recusal, but they must do so more than ten days before the next hearing or trial and must include a detailed argument regarding the legal basis for recusal and the evidence available to support the claims in the motion.⁴⁰ Orders on motions to recuse are only subject to appellate review if the motion was denied and there was “an abuse of discretion.”⁴¹

B. Donor-Attorney Verification Protocol

Pursuant to the open-records laws of Wisconsin and Texas, all information regarding the affairs of the government—including individual case files—is presumed to be available to the public. Although there are exceptions to this general principle (for example, financially identifying information or the names of vulnerable individuals may be redacted from court records, and cases regarding civil commitments or minors may be excluded entirely),⁴² the vast majority of cases in both venues are publicly accessible.

For the Wisconsin cases, I used the state’s subscription-based data extraction program, Simple Object Access Protocol (SOAP), to search for cases with potential conflicts, and its free case-search software, Wisconsin’s Circuit Court Access database (WCCA), to access case-specific dockets and filings to measure experimental outcomes. I contracted with Court Data Technologies, a privately owned Wisconsin-based case data service, to write the programming for and run weekly searches of the SOAP database for treatable pairs. Once treatable pairs were identified, I used the individual case information available through WCCA to verify case details, check on case status, and eventually collect outcomes of interest.

Unlike Wisconsin’s state-unified court structure, Texas courts function on the county level. Although the Harris County District Clerk’s online case-

³⁸ See, e.g., TEX. GOV’T CODE § 26.011 (governing recusal of the constitutional county courts); TEX. GOV’T CODE § 25.00255 (governing recusal of the probate courts); TEX. GOV’T CODE § 29 (governing recusal of the municipal courts); TEX. R. CIV. P. 528 (governing recusal of the justice courts).

³⁹ TEX. R. CIV. P. 18(a).

⁴⁰ *Id.* R. 18a(a)–(b).

⁴¹ *Id.* R. 18a(j)(1).

⁴² *Access to the Public Records of the Wisconsin Circuit Courts*, WIS. CIR. CT. ACCESS, <http://wcca.wicourts.gov/index.xsl> [<https://perma.cc/Q3Q4-8FEH>].

search system allowed us to track cases featuring donor–judge pairs,⁴³ I was unable to locate an access point for the raw Harris County case data similar to Wisconsin’s SOAP. I therefore had to manually identify treatable cases using LexisNexis’s state court docket search engine. Each week, I ran searches for each judge who had received campaign donations using a list of the last names of self-identified attorneys who had donated to that judge’s previous political campaigns provided by Texas’s publicly available campaign finance disclosures. Cases verified to feature donor–judge pairs using the criteria detailed below were then tracked using the Harris County Clerk online dockets.

To find clear potential conflicts of interest, I focused on identifying contributions from attorneys to judges. Wisconsin and Texas encourage campaigns to collect occupation and employer data from contributors, but many contributions lack this information. For both venues, I placed each verified attorney who gave \$200 or more to a sitting circuit court judge into the conflict data set.⁴⁴ I refer to each unique pairing of a contributing attorney and a receiving judge as a “conflict pair.” I then search newly filed Wisconsin and Harris County cases for these pairs every week. These cases, which involve an attorney who gave money to the presiding judge’s campaign, are the “conflict cases.”

Although my data-collection method provided access to information on all types of cases, I have excluded a number of different case types from the study.⁴⁵ Many of these case types are not treated because they are inherently noncontentious or simply matters of paperwork (i.e., legal-name changes, adoption proceedings, and paternity acknowledgement). I felt that other cases, such as small claims and certain types of probate cases, were so

⁴³ See *Welcome to the Website of Marilyn Burgess, Harris County District Clerk*, HARRIS CNTY. DIST. CLERK, <https://www.hcdistrictclerk.com/edocs/public/NewUserAcknowledgement.aspx> [<https://perma.cc/V3WD-G8KK>].

⁴⁴ Note that this amount only includes reported, direct contributions, so conflicts resulting from “dark money” contributions will not be captured. See Abby K. Wood, *Voters Use Campaign Finance Transparency and Compliance Information*, POL. BEHAV. (Feb. 10, 2022), <https://link.springer.com/article/10.1007/s11109-022-09776-4> [<https://perma.cc/C8PD-6T3F>] (discussing the role of “dark money” and campaign finance generally); Abby K. Wood, *Campaign Finance Disclosure*, 14 ANN. REV. L. & SOC. SCI. 11, 11 (2018).

⁴⁵ The list of excluded case types in Wisconsin are as follows (Wisconsin case codes in parentheses): All criminal cases (34001, 34003), all small claims (31001–31010), restraining orders/injunctions (30704, 30708–30711, 30713, 30709–30711), adoptions (40401, 40403), support/maintenance actions (40402), paternity acknowledgement (40503), informal and ancillary proceedings (50102, 50103), summary assignments and settlements (50105, 50106), determinations of descent (50109), wills filed/ filed for safekeeping (50110, 50111). A full list of all Wisconsin Circuit Court case types can be found at *Circuit Courts: Fees & Filing: Case Classification Codes*, WIS. CT. SYS. (Feb. 13, 2022), <http://www.wicourts.gov/courts/circuit/circuitcodes.htm> [<https://perma.cc/E4XE-LSUT>]. All similar case types were also excluded in Texas, in addition to expunction of records and garnishments.

uncontroversial that judges were less likely to take the letter treatments seriously. Restraining order/injunction cases were excluded because, by their nature, the most important portions of such proceedings are finished before I can treat the judges. As noted above, I omit all criminal cases.

To identify the Wisconsin cases, I obtained a list of attorneys who are members of the Wisconsin Bar Association and matched the attorney list to the list of judicial campaign contributors. Though I used computer matching as an initial guide to likely matches, I verified each attorney match manually. Since the contribution records went back to 2008, I looked up some attorneys online to see if I could cross reference earlier employers listed in the contributor file with what the Bar Association listed as their current employer in professional biographies or LinkedIn profiles. I then uniquely identified each verified Wisconsin attorney with his or her Wisconsin Bar ID number.

Verifying donor–judge pairs in Harris County using the less-data-rich search results produced by the LexisNexis engine was considerably more complicated. Using lists of the surnames of attorneys who had donated to a given judge’s previous political campaigns, I compiled weekly sets of cases that might feature a donor attorney. I then manually checked the full attorney names in each of those cases to see if any of them approximately matched⁴⁶ the names from the campaign finance lists, and the case numbers for cases with matching attorneys were entered into the Harris County Clerk’s online docket system. Because neither the LexisNexis results nor the online dockets included Bar ID numbers (or any other truly unique attorney identifiers), I used a systematic—but admittedly less accurate—protocol that excluded cases for consideration if there were multiple attorneys in the Texas Bar database with the same or very similar names who could not be differentiated using additional available data such as place of employment or zip code. To avoid misidentification, I followed the below protocol:

- (1) Does the Texas Bar database have an individual with the same first and last name as the individual in the case and the individual in the campaign finance data (note: there was never any discrepancy between the names in the cases and the names in the bar database)?
 - (a) If Yes: Move on to next step.
 - (b) If No: Does the Texas Bar database have an individual with the same last name and a similar first name as the individual in the case and the individual in the campaign finance data? (Examples: Bob and Robert, Rusty and Russel, Tony and

⁴⁶ Any names that were similar in spelling or had similar components were considered “approximate” matches. For example: middle name matched first name, initials were similar, name looked like it could be a nickname for another name (Rusty = Russel, Tony = Anthony).

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Anthony, and anyone with a middle name that matches a first name.)

- (i) If Yes: Move on to next step.
 - (ii) If No: Exclude from the sample.
- (2) Is there more than one individual in the Texas Bar database that has that first and last name or a similar name? (Examples: There are two [redacted], two [redacted], and six [redacted] on the Texas Bar database.)
- (a) If No: Include in the sample as a treatable case.
 - (b) If Yes: Move on to next step.
- (3) Do any of the individuals by this name on the Texas Bar database list the same law firm as the individual on the campaign finance list?
- (a) If Yes: Move on to step 4.
 - (b) If No: Move on to step 5.
- (4) Is there more than one individual of this name on the Texas Bar database with the same law firm as the individual on the campaign finance list? (Examples: There are two [redacted] who work at the same firm—likely father and son)
- (a) If Yes: Move on to step 5.
 - (b) If No: Include in the sample as a treatable case.
- (5) Do any of the individuals of this name on the Texas Bar database list the same postal code as the individual on the campaign finance list?
- (a) If Yes: Move on to step 6.
 - (b) If No: Move on to step 7.
- (6) Is there more than one individual of this name on the Texas Bar database with the same postal code as the individual on the campaign finance list?
- (a) If Yes: Move on to step 6.
 - (b) If No: Include in the sample as a treatable case.
- (7) Do some Google searches and see if there is any evidence that you can use to match the name on the case to the name on the campaign finance list (using the Bar database as the connection). Is there any good evidence?
- (a) Examples of good evidence: After going to the attorney's firm page (the firm that is listed in the Bar database), I see that she worked at the firm listed in the campaign finance data at the time she made the donation; or the firm names are not an exact match, but are clearly the same firm (Thorley and partners = Thorley LLC); or there are two attorneys of the same name working at the same firm, but the donor attorney is listed as a partner in the campaign finance data and only one of these two individuals is a partner; or there are two attorneys of the same

name working at the same firm, but only one was an attorney at the time the donation was made.

- (b) No: Exclude from the sample.
- (c) Yes: Include in the sample as a treatable case and make note of this evidence in the spreadsheet.

C. Additional Tests and Robustness Checks

Many who have seen the primary experimental results in the main body of the Article (see Tables 2A, 2B, and 3) have understandably asked to see whether the key results hold up under alternative modeling assumptions—the experimental results presented in the main body of the article were calculated using multiple linear regressions and the associated p -values were 1-tailed and calculated using randomization inference. Below, I present the case and procedural outcomes in the Wisconsin sample using multiple linear and bivariate regression variations with 2-tailed p -values calculated using standard sampling distributions. All results are consistent under these alternative tests. I also include a balance test for the Harris County sample.

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TABLE A1: ROBUSTNESS TESTS FOR ESTIMATED AVERAGE
TREATMENT EFFECTS ON OUTCOMES (WISCONSIN)

Outcomes	Multiple Linear Regression	Bivariate Linear Regression
Recusals Granted	0.021 (0.052)	0.002 (0.047)
Judicial Transfers	0.022 (0.096)	-0.051 (0.091)
Judicial Disclosure of Donations	0.325*** (0.095)	0.315*** (0.085)
Attorney Withdrawal	0.030 (0.072)	-0.008 (0.077)
Any Action	0.260** (0.121)	0.156 (0.119)
Length of Case (Days)	-29.874 (89.631)	-36.162 (83.925)
Case Settled	0.014 (0.128)	0.119 (0.119)

Others asked whether the effects on disclosure (or any of the outcomes) are more or less pronounced among certain types of cases. A previous coauthored publication that featured portions of the Wisconsin results presented in the main Article included subgroup-level estimated treatment effects on all case outcomes calculated using weighted multiple regression.⁴⁷ Below, I present the subgroup differences across a selection of categories only for the recusal and disclosure outcomes, with a focus on the characteristics of the campaign finance contribution in the case and other pretreatment covariate groupings that were not featured in the previous publication.

⁴⁷ Jonathan S. Krasno, Donald P. Green, Costas Panagopoulos, Dane Thorley & Michael Schwam-Baird, *Campaign Donations, Judicial Recusal, and Disclosure: A Field Experiment*, 83 J. POL. 1844 app. at 14–15 tbl.E2 (2021), https://www.journals.uchicago.edu/doi/suppl/10.1086/715069/suppl_file/200304appendix.pdf [https://perma.cc/98AV-3KLQ]. This publication also included estimated spillover effects. *See id.* at 16 tbl.E3.

The small sample size in the Wisconsin arm of the study prevents any robust statistical comparisons of the subgroup ATEs, so these results are simply illustrative of potential differences in treatment effects across subgroups (no p -values are calculated). The low rates of recusal (only two in the experimental sample) render any observed differences across subgroups exceedingly difficult to interpret. However, differences in the estimated treatment effect of disclosure within subgroups indicate a negative correlation between disclosure and both the amount that was donated and the proportion of the judge's total campaign contribution that the donation constitutes. This negative correlation suggests that maybe disclosure is easier for judges when the conflict is relatively small. Judges who ran unopposed in their previous election were less likely to disclose the conflicts. Additionally, estimated treatment effects on disclosure are larger in cases where the judge and donor attorney are of the opposite gender. Again, readers are cautioned against putting too much confidence in these observations, as they may just be the result of chance variation and can only be verified with a larger experimental sample size.

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TABLE A2: ESTIMATED TREATMENT EFFECT ON RECUSAL ACROSS COVARIATE SUBGROUPS
(WISCONSIN)

Covariate Category	Subcategory	Control Mean* (Control N)	Treatment Mean* (Treatment N)	Subcategory Estimated Average Treatment Effect**	Category Difference in Estimated Average Treatment Effect
Judge vs. Attorney Gender	Same	0.053 (1/19)	0.050 (1/20)	-0.003	0.003
	Not Same	0.000 (0/13)	0.000 (0/8)	0.000	
Donation Amount	Above \$350	0.000 (0/9)	0.000 (0/10)	0.000	0.013
	At/Below \$350	0.043 (1/23)	0.056 (1/18)	0.013	
Donation Proportion	More Than 5%	0.000 (0/9)	0.000 (0/7)	0.000	0.005
	Equal/Less than 5%	0.043 (1/23)	0.048 (1/21)	0.005	
Law School Grad Type	Wisconsin	0.050 (1/20)	0.062 (1/16)	0.012	0.012
	Out of Wisconsin	0.000 (0/12)	0.000 (0/12)	0.000	
Initial Appointment Type	Elected	0.033 (1/30)	0.000 (0/2)	-0.033	0.233
	Appointed	0.000 (0/2)	0.200 (1/5)	0.200	
Previous Election Type	Opposed	0.000 (0/11)	0.000 (0/12)	0.000	0.014
	Unopposed	0.048 (1/21)	0.062 (1/16)	0.014	

* All means are nonweighted and rounded to the third decimal.

** All estimates simply the arithmetic difference between the control group mean and the treatment mean. *P*-values are not reported.

TABLE A3: ESTIMATED TREATMENT EFFECT ON DISCLOSURE ACROSS COVARIATE SUBGROUPS
(WISCONSIN)

Covariate Category	Subcategory	Control Mean* (Control N)	Treatment Mean* (Treatment N)	Subcategory Estimated Average Treatment Effect**	Category Difference in Estimated Average Treatment Effect
Judge vs. Attorney Gender	Same	0.000 (0/19)	0.250 (5/20)	0.250	0.250
	Not Same	0.000 (0/13)	0.500 (4/8)	0.500	
Donation Amount	Above \$300	0.000 (0/9)	0.200 (2/10)	0.200	0.189
	At/Below \$300	0.000 (0/23)	0.389 (7/18)	0.389	
Donation Proportion	More Than 5%	0.000 (0/9)	0.143 (1/7)	0.143	0.238
	Equal/Less Than 5%	0.000 (0/23)	0.381 (8/21)	0.381	
Law School Grad Type	Wisconsin	0.000 (0/20)	0.312 (5/16)	0.312	0.021
	Out of Wisconsin	0.000 (0/12)	0.333 (4/12)	0.333	
Initial Appointment Type	Elected	0.000 (0/30)	0.348 (8/23)	0.348	0.148
	Appointed	0.000 (0/2)	0.200 (1/5)	0.200	
Previous Election Type	Opposed	0.000 (0/11)	0.417 (5/12)	0.417	0.167
	Unopposed	0.000 (0/21)	0.250 (4/16)	0.250	

* All means are nonweighted.

** All estimates simply the arithmetic difference between the control group mean and the treatment mean. *P*-values are not reported.

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Finally, as with the Wisconsin sample, balance tests for the Harris County sample indicate that the randomization process did not produce any significant discrepancies in pre-treatment covariates across the treatment groups.

TABLE A4: COVARIATE BALANCE ACROSS TREATMENT GROUPS (HARRIS COUNTY)

Pretreatment Covariate	Control-Group Weighted Mean	Treatment-Group Weighted Mean	<i>p</i> -value*
Judge Gender (Male)	0.632	0.771	0.311
Attorney Gender (Male)	1.000	0.989	0.456
Case Type (Car Accident)	0.531	0.497	0.813
Contribution Amount (\$)	811.497	829.125	0.951

* *P*-values were calculated using 2-tailed weighted *t*-tests.