

APPENDIX 1

State Profiles, 2000–2009

Alabama



One of the first states to experience the new politics of judicial elections, Alabama also has been the most expensive. Of the \$40.9 million raised by Alabama Supreme Court candidates from 2000 through 2009, \$22 million, or 53.7 percent, came from just 20 groups. Eight of the 10 biggest spenders were business or conservative groups, led by the **Business Council of Alabama** (No. 2, at \$4,633,534) and the **Alabama Civil Justice Reform Committee** (No. 3, at \$2,699,568), which was the leading funder of 2008 winner Greg Shaw. The other two, the **Alabama Democratic Party** (No. 1, at \$ 5,460,117) and Franklin PAC (No. 8, at \$765,250), were heavily underwritten by plaintiffs' lawyers.

Total Supreme Court spending in 2007–08 (candidate fundraising and independent TV ads): \$5.4 million, ranking third nationally.

Candidate Fundraising
\$40,964,590

National Ranking
1

Total TV
\$15,690,777

National Ranking
2

Top Spenders, 2000–09	Candidate Contributions	Independent Expenditures	Total
Alabama Democratic Party	\$5,460,117	\$0	\$5,460,117
Business Council of Alabama	\$4,633,534	\$0	\$4,633,534
Alabama Civil Justice Reform Committee	\$2,474,405	\$224,663	\$2,699,568
American Taxpayers Alliance	\$0	\$1,337,244	\$1,337,244
Lawsuit Reform PAC of Alabama	\$1,321,250	\$0	\$1,321,250

Georgia



Because of tough, comprehensive rules on candidate contributions, and because three election cycles produced little or no opposition to incumbents, Georgia ranked only 14th in candidate fundraising among the 22 states that held competitive Supreme Court elections during 2000–09. But in 2006, Georgia’s high court election became one of the nation’s noisiest and costliest when the Michigan-based

American Justice Partnership poured \$1.3 million into an independent ad campaign, and the state GOP spent an additional \$550,000 on its own TV ads. The effort failed to unseat Justice Carol Hunstein, who relied overwhelmingly on lawyers to raise nearly \$1.4 million.

Candidate Fundraising
\$3,773,428

National Ranking
14

Total TV
\$3,128,572

National Ranking
8

Top Spenders, 2000–09	Candidate Contributions	Independent Expenditures	Total
Safety and Prosperity Coalition	\$0	\$1,747,803	\$1,747,803
Georgia Republican Party	\$0	\$550,003	\$550,003
Georgia Democratic Party	\$0	\$191,456	\$191,456
Thomas W. Malone	\$27,400	\$0	\$27,400
Troutman Sanders LLP	\$26,889	\$0	\$26,889

Illinois



The 2004 Lloyd Karmeier-Gordon Maag race was the most expensive two-candidate judicial election in American history, with \$9.3 million raised by the two campaigns. Top spenders over the decade include the **Illinois Democratic Party** (spending \$3,765,920 in contributions and in-kind media buys); the **Illinois Republican Party**, (\$1,981,714 in contributions and TV ads); the **Justice for All PAC** (spending \$1,221,367) and the **Illinois Civil Justice League** (spending \$1,272,083 in contributions and ads).

Most, but not all, of that money was spent in the 2004 race, and was heavily underwritten by plaintiffs’ lawyers or Chamber of Commerce and insurance groups. In 2002, the **American Taxpayers Alliance**, a group that has received U.S. Chamber funding, spent an estimated \$250,000 on TV ads to help elect Republican Rita Garman to the Supreme Court. The 2008 election was a relatively tame footnote to a tumultuous decade: Justice Ann Burke raised \$1.8 million in advance of the campaign, which helped drive away any potential opposition, and then later gave back \$760,000 after no challengers emerged.

Candidate Fundraising
\$20,655,924

National Ranking
4

Total TV
\$7,141,130

National Ranking
6

Top Spenders, 2000–09	Candidate Contributions	Independent Expenditures	Total
Illinois Democratic Party	\$3,765,920	\$0	\$3,765,920
Illinois Republican Party	\$1,981,714	\$0	\$1,981,714
Illinois Civil Justice League	\$1,272,083	\$0	\$1,272,083
Justice for All PAC	\$1,221,367	\$0	\$1,221,367
Illinois Chamber of Commerce	\$276,838	\$0	\$276,838

Candidate Fundraising
\$8,950,146

National Ranking
9

Total TV
\$1,250,731

National Ranking
13

Louisiana



Louisiana set a TV spending record in 2008, as incumbent Catherine D. “Kitty” Kimball and newcomer Greg G. Guidry were elected. Despite fairly tight contribution limits, state Supreme Court candidates raised \$8.9 million in 2000–09, ranking ninth nationally. The **Louisiana Association of Business & Industry** was a top contributor to the four most recently elected justices, including Guidry and Kimball. In 2009, Marcus Clark defeated Jimmy Faircloth in a nasty \$1.2 million race.

Total Supreme Court spending in 2007–08 (candidate fundraising and independent TV ads): \$3.9 million, ranking sixth nationally.

Top Spenders, 2000–09	Candidate Contributions	Independent Expenditures	Total
Louisiana Conservative Action Network	\$0	\$251,227	\$251,227
Louisiana Democratic Party	\$109,416	\$0	\$109,416
Louisiana Association of Business & Industry	\$76,688	\$0	\$76,688
Alliance for Justice	\$0	\$40,192	\$40,192
Adams & Reese	\$36,000	\$0	\$36,000

Michigan



For much of the decade, four conservative Supreme Court justices dominated Michigan’s Supreme Court. Their opponents, who assailed the justices as an anti-plaintiff “Gang of Four,” helped defeat Chief Justice Cliff Taylor in 2008. The four justices’ top supporters from 2000–09 included the **Michigan Chamber of Commerce** and the **Michigan Republican Party**. Top super spenders on the

other side included the **Michigan Democratic Party**; the **Michigan Trial Lawyers Association**; and **Citizens for Judicial Reform** (CFJR), a group wholly funded by **plaintiffs’ lawyer Geoffrey Fieger** and his law firm. The state Democrats ran more than \$1.1 million ads for 2008 winner Diane Hathaway, almost exactly offsetting the \$1.2 million that the Michigan Chamber and GOP combined to spend on TV ads for Justice Taylor. In addition, the state parties and other PACS reported an additional \$1 million in non-TV spending in 2008.

Total Supreme Court spending in 2007–08 (candidate fundraising, independent TV ads, and \$1 million in non-TV independent expenditures registered with state): \$5.9 million.

Top Spenders, 2000–09	Candidate Contributions	Independent Expenditures*	Total
Michigan Chamber of Commerce	\$164,140	\$2,825,255	\$2,989,395
Michigan Democratic Party	\$219,142	\$2,467,121	\$2,686,263
Michigan Republican Party	\$217,233	\$2,420,328	\$2,637,561
Citizens for Judicial Reform	\$0	\$372,094	\$372,094
Ann Arbor PAC	\$102,000	\$208,000	\$310,000

*Includes non-TV independent expenditures listed on state campaign records

Mississippi



Mississippi was targeted by the **U.S. Chamber of Commerce** in 2000 and 2002. In a pivotal 2002 election, Justice Chuck McRae was ousted after expensive TV campaigns by **Mississippians for Economic Progress** and by the **Law Enforcement Alliance of America**. Forbes magazine, in 2003, said MFEP received \$1 million from the Chamber and that LEAA spent \$500,000. LEAA also spent \$660,000 to help oust Justice Oliver Diaz, Jr. in 2008. On the flip side, Chief Justice Jim Smith was defeated in 2008 by Jim Kitchens, a candidate backed by the plaintiffs' bar.

Total Supreme Court spending in 2007–08 (candidate fundraising and independent TV ads): \$3.8 million, ranking seventh nationally.

Top Spenders, 2000–09	Candidate Contributions	Independent Expenditures	Total
U.S. Chamber/Mississippians for Economic Progress*	\$0	\$2,067,797	\$2,067,797
Improve Mississippi PAC (IMPAC)	\$0	\$1,305,910	\$1,305,910
Law Enforcement Alliance of America	\$0	\$835,255	\$835,255
Stop Lawsuit Abuse in Mississippi	\$0	\$132,259	\$132,259
Mississippi Manufacturers Association	\$62,100	\$0	\$62,100

*Based on estimates from 2003 *Forbes* magazine article.

Nevada



With no particularly noteworthy election, Nevada was the nation's eighth most expensive state for Supreme Court elections in 2000–2009. The \$3,135,214 spent in the 2008 Supreme Court race narrowly edged the state's previous record, set in 2004. But unlike most states, Nevada's impetus for reform came from local courts. A 2006 Los Angeles Times investigation revealed that even judges running unopposed collected hundreds of thousands of dollars from litigants. Contributions were "frequently" dated "within days of when a judge took action in the contributor's case," the report noted. Lawyers said that challenging the system was the "kiss of death" and likened the contributions to a "shakedown" by judges. A state commission recommended a more transparent, timely disciplinary process, and an end to competitive judicial elections. In November 2010, voters will decide whether to replace competitive elections with a merit selection appointment system.

Total Supreme court spending in 2007–08 (candidate fundraising and independent TV ads): \$3.1 million, ranking ninth nationally.

Top Spenders, 2000–09	Candidate Contributions	Independent Expenditures	Total
MGM Mirage	\$156,000	\$0	\$156,000
Boyd Gaming	\$90,000	\$0	\$90,000
Station Casinos	\$76,534	\$0	\$76,534
Coast Hotels & Casinos	\$71,000	\$0	\$71,000
Mainor Eglet Cottle	\$70,000	\$0	\$70,000

Candidate Fundraising
\$10,837,071

National Ranking
7

Total TV
\$2,412,915

National Ranking*
11

Candidate Fundraising
\$9,848,192

National Ranking
8

Total TV
\$2,894,675

National Ranking
9

North Carolina



In 2002, two years after North Carolina saw its first multi-million-dollar Supreme Court election, state leaders established public financing for appellate court elections. The program has enjoyed broad support from voters and judicial candidates: 11 of 12 eligible candidates took public funding in 2008.

What it hasn't done is stifle the finances needed for robust campaigning. In 2006, when five of eight Supreme Court candidates accepted public funding, total fundraising was \$2.7 million—more than the \$2,057,360 raised in 2000. But the public money comes from income-tax check-offs and lawyer fees, as opposed to private funding by those with court business. A 2005 poll showed that 74 percent of state voters wanted to continue public financing for appellate judges.²

Candidate Fundraising
\$5,044,857

National Ranking
13

Total TV
\$1,564,165

National Ranking
12

Top Spenders, 2000–09	Candidate Contributions	Independent Expenditures	Total
Public funding from state	\$2,517,197	\$0	\$2,517,197
Fair Judges	\$0	\$272,715	\$272,715
North Carolina Democratic Party	\$196,359	\$0	\$196,359
North Carolina Academy of Trial Lawyers	\$20,000	\$0	\$20,000
North Carolina Republican Party	\$16,000	\$0	\$16,000

Ohio



Few states have more clearly demonstrated how the nationwide tort wars—led by the state and national chambers of commerce on one side, and unions and plaintiffs' lawyers on the other—can be a driving force in state court elections.

According to TNS Media Intelligence/CMAG estimates, the **U.S. Chamber of Commerce** and two state affiliates, **Citizens for a Strong Ohio (CSO)** and **Partnership for Ohio's Future**, spent \$4.2 million on independent TV ads. In 2005, litigation revealed that spending in 2000 by Citizens for a Strong Ohio was higher than previous public estimates. According to court records, CSO spent \$4.4 million in its 2000 campaign alone.³ Funding for Democratic candidates, who were supported by the state party and a lawyer-funded group called **Citizens for an Independent Court**, ebbed dramatically after Chamber-backed candidates scored court-changing victories in 2002 and 2004.

Total Supreme Court spending in 2007–08 (candidate fundraising and independent TV ads): \$3.1 million, ranking 10th nationally.

Top Spenders, 2000–09	Candidate Contributions	Independent Expenditures	Total
U.S. Chamber of Commerce/Ohio Affiliates	\$49,000	\$7,560,168	\$7,609,168
Citizens for an Independent Court	\$0	\$1,543,478	\$1,543,478
Ohio Democratic Party	\$571,530	\$718,349	\$1,289,879
Ohio Republican Party	\$1,131,131	\$52,303	\$1,183,434
Ohio Hospital Association	\$50,250	\$941,910	\$992,160

Candidate Fundraising
\$21,212,389

National Ranking
3

Total TV
\$21,364,846

National Ranking
1

Pennsylvania



With no spending limits and a strong trial lawyers' bar, Pennsylvania has been ripe for a decade-long battle between competing special interests. It also was the scene of a rare high-cost retention battle, when one of two justices was defeated in 2005, amid a public furor over a salary increase for state judges.

The leading players have been the **Philadelphia Trial Lawyers Association** and the **Pennsylvania Republican Party**. Citing rising election costs, the legal reform group **Pennsylvanians for Modern Courts** (PMC) has urged merit selection for state appellate judges, in which governors choose from candidates identified by nonpartisan commissions. The plan, endorsed by Gov. Edward Rendell and three former governors, has broad bipartisan support, according to a 2010 PMC poll.

Total Supreme Court spending in 2007–08 (candidate fundraising and independent TV ads): \$10.3 million, ranking first nationally.

Top Spenders, 2000–09	Candidate Contributions	Independent Expenditures	Total
Pennsylvania Republican Party	\$2,274,534	\$387,300	\$2,661,834
Philadelphia Trial Lawyers Association	\$ 2,398,300	\$0	\$2,398,300
Center for Individual Freedom	\$0	\$858,611	\$858,611
Pennsylvania Democratic Party	\$291,516	\$366,400	\$657,916
International Brotherhood of Electrical Workers/Affiliated Locals	\$628,770	\$0	\$628,770

Candidate Fundraising
\$21,319,171

National Ranking
2

Total TV
\$10,547,109

National Ranking
4

Texas



Texas was one of the nation's earliest states to witness the new big-money politics of judicial elections. But a coterie of corporate defense firms, using rules that allow law firms to contribute more than individuals, were prime backers of the state's all-Republican Supreme Court. Their contributions were dwarfed in one year by the state

Democratic Party, which in 2008 spent an estimated \$904,000 on TV ads for three candidates who all lost by narrow margins. Conservative critics accused plaintiffs' lawyers of covertly financing the ads—a charge supported by groups as diverse as **Texans for Lawsuit Reform** and **Texans for Public Justice**.⁴ Texas's unusually strict ban on corporate election spending was invalidated by *Citizens United*, exposing the state to a potential increase in special-interest campaign money.

Total Supreme Court spending in 2007–08 (candidate fundraising and independent TV ads): \$5.2 million, ranking fourth nationally.

Top Spenders, 2000–09	Candidate Contributions	Independent Expenditures	Total
Texas Democratic Party	\$36,000	\$904,978	\$940,978
Vinson & Elkins	\$467,768	\$0	\$467,768
Texans for Lawsuit Reform	\$284,045	\$0	\$284,045
Haynes & Boone	\$248,464	\$0	\$248,464
Fulbright & Jaworski	\$240,848	\$0	\$240,848

Candidate Fundraising
\$19,197,826

National Ranking
5

Total TV
\$2,533,538

National Ranking
10

Washington



Candidate Fundraising
\$5,294,492

National Ranking
12

Total TV
\$1,158,431

National Ranking
14

In 2006, every Supreme Court TV ad was paid for by groups not affiliated with the campaigns. The election culminated a crescendo in which special-interest spending rose in three straight election cycles.

The most persistent players were the **Building Industry Association of Washington** and the **Washington Affordable Housing Council**. After electing two candidates in 2004, the groups failed to unseat Chief Justice Gerry Alexander in 2006. Pushing back, unions, environmentalists and plaintiffs' lawyers funded **Citizens to Uphold the Constitution**, which spent an estimated \$228,000 on TV ads supporting Alexander. In 2008, incumbents Mary Fairhurst and Charles W. Johnson won modestly financed primaries and had no opposition in the November election. Recently appointed incumbent Justice Debra Stephens ran unopposed.

Top Spenders, 2000–09	Candidate Contributions	Independent Expenditures	Total
Building Industry Association of Washington	\$219,573	\$464,369	\$683,942
Americans Tired of Lawsuit Abuse	\$0	\$362,030	\$362,030
Citizens to Uphold the Constitution	\$0	\$228,749	\$228,749
Wash. Affordable Housing Council	\$157,200	\$0	\$157,200
Cruise Specialists Inc.	\$102,000	\$0	\$102,000

West Virginia



Candidate Fundraising
\$7,384,664

National Ranking
10

Total TV
\$3,403,981

National Ranking
7

West Virginia suffered a series of controversies, mostly involving one man: Don Blankenship. The CEO of **Massey Coal Co.** bankrolled a group called **And for the Sake of the Kids** to help elect Justice Brent D. Benjamin, while appealing a \$50 million verdict against his company. Then-Justice Larry Starcher warned that Blankenship had created “a cancer in the affairs of this Court.” Blankenship’s campaign led to a landmark U.S. Supreme Court case (*Caperton v. Massey*). In 2008, Chief Justice Elliott Maynard, who was photographed vacationing on the Riviera with Blankenship, was ousted by voters. In March 2010, the legislature approved a trial test of public financing for the 2012 Supreme Court elections. It also established an eight-member judicial nominating commission, to screen and recommend appointees to the Governor whenever midterm vacancies occur on the bench.⁵

Total Supreme Court spending in 2007–08 (candidate fundraising and independent TV ads): \$3.7 million, ranking eighth nationally.

Top Spenders, 2000–09	Candidate Contributions	Independent Expenditures	Total
Don Blankenship	\$3,000	\$2,978,207	\$2,981,207
Consumer Attorneys of West Virginia	\$0	\$1,899,200	\$1,899,200
West Virginia Chamber of Commerce	\$8,500	\$1,166,427	\$1,174,927
Doctors for Justice	\$0	\$745,000	\$745,000
West Virginia Coal Association	\$8,500	\$230,000	\$238,500

Wisconsin



With the 2007 race between Annette Ziegler and Linda Clifford, and the 2008 race between Justice Louis Butler and challenger Michael Gableman, Wisconsin turned overnight into one of the costliest, nastiest battleground states in the nation. Though their TV ads largely focused on criminal justice, the biggest spenders were squarely on opposing sides of the tort/product liabilities debate. Technically nonpartisan, both elections were won by candidates backed by the Republican establishment against Democratic Party-supported opponents. Backing the winners were **Wisconsin Manufacturers & Commerce; Club for Growth**; and the **Coalition for American Families**. The **Greater Wisconsin Committee**, backed by organized labor and progressive groups, spent heavily for the two losing candidates. Spending and vitriol both were lower in 2009, as Chief Justice Shirley Abrahamson easily defeated challenger Randy Koschnick, both in fund-raising and at the polls. In response to the turmoil, the state enacted public financing of Supreme Court elections in December 2009.

Total Supreme Court spending in 2007–08 (candidate fundraising and independent TV ads): \$8.5 million, ranking second nationally.

Top Spenders, 2000–09	Candidate Contributions	Independent Expenditures	Total
Wisconsin Manufacturers & Commerce	\$9,600	\$2,012,748	\$2,022,348
Greater Wisconsin Committee	\$0	\$1,736,535	\$1,736,535
Club for Growth	\$0	\$611,261	\$611,261
Coalition for America's Families	\$0	\$398,078	\$398,078
Wisconsin Education Association	\$0	\$48,321	\$48,321

Candidate Fundraising
\$6,691,852

National Ranking
11

Total TV
\$7,332,914

National Ranking
5

APPENDIX 1 NOTES

1. Michael J. Goodman and William C. Rempel, "Justice vs. Justice: In Las Vegas, They're Playing With a Stacked Judicial Deck" *Los Angeles Times*, June 8, 2006, <http://articles.latimes.com/2006/jun/08/nation/na-vegas8>.
2. Press release, North Carolina Center for Voter Education, June 28, 2005, available at http://www.ncjudges.org/media/news_releases/7_28_05.html.
3. Public Citizen report, available at http://www.citizen.org/congress/special_intr/articles.cfm?ID=15877.
4. Texans for Public Justice report on 2008 campaign spending is at <http://info.tpj.org/reports/txpaco8/chapter2.html>. Texans for Lawsuit Reform report is at <http://www.tlrpac.com/news-08-1121.php>.
5. Additional information and articles are available at <http://www.gavelgrab.org/?p=5169>.