

News Release

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Texas Judicial System in State of Crisis, Reformers Say

Advocates Call on Chief Justice Jefferson to Put an End to Payola Justice and Partisan Courts

Austin, TX: On the occasion of Chief Justice Wallace Jefferson's third biennial State of the Judiciary Address a number of Texas reform organizations declared the Texas judicial system broken. The reform groups called upon the Chief Justice to confront the fundamental issue facing the Texas judiciary; the perception that justice is for sale to big campaign donors.

"Until Texas addresses the role of special interest money and partisanship in judicial elections our courts will be suspect," said Craig McDonald. "The first step in restoring the Texas judicial system is to admit it's broken. The Chief Justice and our state leaders need to take that first step and make judicial reform a priority."

The Texas judicial system has attracted sharp criticism for several decades because judges, particularly at the appellate level, are elected on partisan ballots and dependent on large campaign contributions from the parties, lawyers and law firms with cases before them. Most observers believe these contributions impact the outcome of judicial decisions. The Texas system, say reformers, undermines a basic constitutional right: the right to a fair hearing before a neutral arbiter. The organizations advocating judicial selection reform at Wednesday's event include Common Cause, the League of Women Voters of Texas, Texas Watch, Texas AFLCIO and Texans for Public Justice.

The U.S. Supreme Court next month will hear a landmark case over the spiraling role of special-interest spending in judicial elections which could impact Texas courts. Petitioners in the case are urging the court to draw a line to prevent a judge from hearing cases involving a person who has made large campaign contributions to benefit the judge. The case, *Caperton v. Massey*, will be heard March 3, 2009.

“There is a concern among many Texans that partisan judicial elections have put our judicial system at risk,” said Karen Nicholson, President of the League of Women Voters of Texas. “Party affiliation injects politics in the selection of judges especially when large sums of money by special interests are contributed to elected judicial candidates. One solution is a system of appointing judges recommended by an independent commission followed by an election after a period of service. Judges then would be running on their record instead political party. The League believes this system would assure public confidence in the Texas judiciary.”

“The Texas Supreme court is under a cloud that just seems to get darker by the day,” said Alex Winslow, Executive Director of Texas Watch. “With two members of our state’s highest court guilty of violating state ethics laws, rampant influence by big-money donors, and blatant disregard for laws designed to protect Texas families, Texas justice is in jeopardy.”

“The State of the Texas Judiciary is predictable, but it is not strong,” said Becky Moeller, President of the Texas AFL-CIO. “We are in a period where the highest courts in Texas offer predictability in the worst sense: If you are the little guy who has suffered an injury, you must navigate a minefield just to have a chance at seeing justice done. Texas’ judiciary is a prime candidate for change. For those who seek justice, that change can’t come soon enough.”

“For too long there has been a strong perception that justice is for sale in some Texas courts,” said Mario Perez, State Chairman of Common Cause Texas. “The injection of big money politics in the selection of our judiciary is unacceptable and has in the minds of many resulted in decisions that have unfairly restricted access to the courts and rendered inequitable outcomes for consumers and the injured. Reform of our methods of selection of judges should be a priority for the 81st legislative session.”

For further background on the *Caperton v. Massey* case, visit the [Brennan Center for Justice](#).

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