



★ TEXAS SUPREME COURT ★ DOLLAR DOCKET

In Texas, 48% of judges and 79% of lawyers say contributions significantly influence judicial decisions. - Texas Supreme Court poll

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Court's Rehab in Lege's Hands

The Texas Legislature must approve significant judicial reforms or sentence the state judiciary to at least two more years of festering public distrust.

Overhaul it

The chief failures of Texas' judicial-selection system are:

- Candidates raise obscene amounts of money from interests with business before the courts; and
- Get elected by a voting majority that knows nothing about them.

A frustrated Chief Justice Tom Phillips told lawmakers this month, "Our partisan, high-dollar judicial selection system has diminished public confidence in our courts" and "damaged our reputation throughout the country."

The Chief Justice rightly endorsed the most far-reaching reform on the table. This proposed constitutional amendment would mandate gubernatorial appointments of judges subject to Senate confirmation and periodic yes-no retention elections (SJR33/HJR63). Yet proposing this amendment is not enough, in part because voters may shoot it down. The legislature also should shine disinfecting sunlight into the high court's musty chambers.

Air it out

Texas Supreme Court justices exercise huge discretion in deciding which cases to hear on appeal (they typically accept 11 percent of some 900 annual appeals). Case acceptance requires at least four of the nine justices to support a "petition for review." While 14 other states publicly disclose how justices vote on such petitions, Texas' high court keeps these voting records secret from the very voters who pick the justices. Criticizing this unaccountable system in a 1996 opinion, Justice Nathan Hecht wrote, "If our votes on applications [for review] were always public, some would change."

To restore some sight to blind voters, Rep. Eddie Rodriguez has introduced a bill that would publicly disclose justices' complete voting records (HB1498). "Public

The Dollar Docket

Cases heard by the Texas Supreme Court in February and the corresponding contributions to justices from the parties and/or attorneys.

February 5, 2003

<i>McIntyre v.</i>	\$500
<i>Ramirez.</i>	\$0

<i>Hoffman-La Roche Inc. v.</i>	\$252,677
<i>Zeltwanger</i>	\$89,475

<i>In the interest of L.M.I..</i>	\$0
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<i>In re State Bar of Texas</i>	\$0
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February 12, 2003

<i>In the interest of B.L.D.</i>	\$0
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<i>In the interest of M.S.</i>	\$0
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<i>San Antonio State Hospital v.</i>	\$0
<i>Cowen</i>	\$2,500

February 19, 2003

<i>Union Pacific Resource v.</i>	\$38,153
<i>Hankins</i>	\$23,000

<i>9 cases consolidated</i>	\$1,100
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<i>Amer. Manufacturers Mutual Ins. v.</i>	\$50,280
<i>Schaefer</i>	\$8,500

Grand Total for February:	\$466,185
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disclosure is essential to providing accountability," says Rodriquez. "As long as Texas voters are entrusted with electing supreme court justices, they have the right to know which justices accept or deny petitions for review." (A TPJ lawsuit to force such disclosure is pending in federal district court.)

As Chief Justice Phillips recently said about the wider problem of having uninformed voters elect judges, "While justice should be blind, voting shouldn't be."•