



# ★ 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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**Party Pooper:**

## Republican Militants Wail To the Chief

Texas Republican Party militants are launching a counterrevolution against heretical party funders and elected officials who dare advocate judicial reform at a time when a newly GOP-controlled Texas has the best judiciary that money can buy.

Vastly different perspectives separate the GOP party leaders from its vanguard. The rank and file party leaders are enraged that some Republican elected officials—led by Republican Chief Justice Tom Phillips—are trying to rob them of their long awaited day in the sun. Given all its work to build Republican supremacy in Texas, party leaders feel entitled to party hardy by openly exerting their political muscle on all three branches of state government.

“Now, as Republicans have gained the complete control of all facets of state government for the first time in modern history,” a recent Texas GOP position paper fumes, “the Chief Justice of the Texas Supreme Court wants to take away that 153-year old right [to elect judges] by creating an appointment/retention system.”

On the other hand, elected public officials and even some powerful interests that bankroll campaigns of GOP judges fear that maintaining the status quo will continue to result in the state’s judicial system being dragged through the mud as the nation’s poster child for a corrupted judiciary. If the festive GOP party leaders scuttle reform, nobody will pay a higher price than Tom Phillips. He has spent 15 years as chief of a judiciary that is best known for the impression that justice is for sale by the fact that its judges take campaign money from lawyers and litigants with cases in their courts.

The main reform bill supported by Phillips is SB 794 which ends partisan judicial elections and creates a gubernatorial appointment/retention election system.

### The Dollar Docket

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

#### March 5, 2003

*Flower Mound v. Stafford Estates* \$0  
\$1,100

*FPP Operating Partners v. Duenez* \$198,338  
\$0

*Shell Oil Co. v. Khan* \$30,900  
\$250

#### March 19, 2003

*Provident Life & Accident Ins. v. Knott* \$650  
\$0

*in re IBM.* \$103,836

#### March 27, 2003

*West Orange-Cove ISD v. Alanis* \$118,399  
\$150

**Grand Total for March: \$453,623**

Co-sponsored by Senators Robert Duncan (R-Lubbock) and Rodney Ellis (D-Houston), the measure cleared the Senate Jurisprudence Committee on April 15 and is awaiting floor action.

From their unique perspectives, the Republican party leaders and Republican elected officials both are right. Judicial reform *would* spoil the rank and file’s party by curtailing the GOP’s hegemony over the Texas judiciary. Yet the GOP also faces a nasty hangover if it fails to pass reforms to rein in excesses. The worst possible GOP hangover would occur if projected demographic shifts returned Democrats to power and their base—perhaps joined by a few trial lawyers—went on a judicial bender of its own. If this happens, you can be sure the GOP party leaders will champion judicial reform—as they did in the past. •