

News Release

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Clerk Perks Spawn Hundreds Of Potential High-Court Conflicts

76 Clerks Recruited By Private Firms Faced 402 Potential Court Conflicts Since 1992

Austin, TX: Clerks working at the Texas Supreme Court between 1992 and 2000 faced 402 potential conflicts of interest, an analysis of court records indicates. During this period, 76 clerks worked at the court at the same time that their immediate future employers had cases pending there.

Driving this “clerk-perk scandal” is the fact that many Texas law firms recruit court clerks by offering them hiring bonuses before they start their one-year clerkship. Top firms currently offer clerks subsidies worth more than \$45,000. Some firms pay these benefits before the clerkship; others pay upon clerkship completion. Texans for Public Justice contends that these bonuses violate the plain language of Texas law. The Travis County Attorney’s Office is investigating the practice.

“The practice of private firms subsidizing court clerks raises serious ethical and legal issues,” said Cristen Feldman, Texans for Public Justice staff attorney. “If the Texas Supreme Court does not follow the law, no one will.”

The new report shows that just four law firms hired 33 of the 76 clerks and accounted for 70 percent of the potential conflicts of interest at the court. These firms are Baker Botts, Vinson & Elkins, Fulbright & Jaworski and Bracewell & Patterson.

Chief Justice Tom Phillips has said that the court does not believe that these controversial hiring practices pose a problem. The court insists that its ethics rules safeguard against conflicts of interest, yet these often contradictory rules do not prohibit clerks from participating in discussions of cases involving future employers. The court generally does not make such future employment agreements public, nor does it keep records of which clerks have been recused from which cases.

“Law clerks at the Supreme Court should be working for the citizens of Texas, not the lawyers at Vinson & Elkins,” said Texans for Public Justice Director Craig McDonald.

The 10-page report, “[Texas Supreme Court Clerk Perks: Big Bucks Batter An Ethical Wall](#),” is available on the TPJ website.

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[Texans for Public Justice](#) is a non-profit, non-partisan research and advocacy organization that tracks the role of money in Texas politics.