Trials v. Tort Lobby
In Republican Primary

In an unusual twist, the Republican primary will pit trial-lawyer money against the business tort lobby in a key Texas Supreme Court race tomorrow.

While both major parties are pursuing five high-court seats this year, competition in tomorrow’s primaries is limited to three Republican races. Of the three nominally competitive GOP primary races, only Place 2’s financial front runner faces funded opposition (see chart).

<table>
<thead>
<tr>
<th>Contested GOP Primary Candidate</th>
<th>Money Raised By March 4</th>
<th>Place</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elizabeth Ray</td>
<td>$371,910</td>
<td>2</td>
</tr>
<tr>
<td>John Cayce</td>
<td>$226,047</td>
<td>2</td>
</tr>
<tr>
<td>Dale Wainwright</td>
<td>$169,977</td>
<td>2</td>
</tr>
<tr>
<td>Wallace Jefferson</td>
<td>$592,181</td>
<td>3</td>
</tr>
<tr>
<td>Sam Lee</td>
<td>$0</td>
<td>3</td>
</tr>
<tr>
<td>Xavier Rodriguez</td>
<td>$623,498</td>
<td>4</td>
</tr>
<tr>
<td>Steven Smith</td>
<td>$0</td>
<td>4</td>
</tr>
</tbody>
</table>

January’s Dollar Docket ran fundraising data for other high-court races.

Together, the GOP’s three Place 2 candidates already have raised an eye-popping $767,934. A quick analysis of this money suggests that competing constituencies are battling for influence in this key primary race.

The top donors to front runner Elizabeth Ray include trial lawyers who traditionally backed Democrats in a state that now has an all-Republican high court. Ray’s top donors are John O’Quinn & Associates ($30,000), Williams Bailey ($25,000), Fisher Boyd Brown Boudreaux & Huguenard ($25,000) and Watts & Heard ($20,000).

In contrast, the top donors to John Cayce are the oil-rich Bass family (it and its law firm gave $32,251) and Texans for Lawsuit Reform (TLR $13,000). TLR and the doctor-dominated Texas Bipartisan Justice Committee also are making independent expenditures on Cayce’s behalf.

It is noteworthy that Cayce’s top donors include TLR and physicians. Although they jointly shaped today’s anti-tort, GOP court, these interests had a nasty falling out last year over a vetoed bill to increase HMO liability.

Corporate defense firms provided much of the funding to a third GOP candidate for Place 2. Dale Wainwright’s top donors are Vinson & Elkins ($10,000), Clear Channel Communications ($8,000), Baker Botts ($5,000), Haynes & Boone ($5,000) and homebuilder Bob Perry ($5,000).

When GOP voters tackle these little-known but well-funded candidates tomorrow they could force Place 2 into a primary runoff. This would give special interests yet another chance to curry favor with would-be Supreme Court justices.

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

**February 6, 2002**
Schein v. $527,101
Stromboe $0
Wal-Mart v. $4,250
Reece $61,500

**February 11, 2002**
In re Swepi, L.P. $467,985

**February 13, 2002**
In re the Hon. Brent Gamble $222,022
American Type Culture Collection v. Coleman $900
$807,108
Century Marine v. $41,990
Vaglica $1,958
City of Austin v. $0
Southwestern Bell $49,975

**February 20, 2002**
Marcus Cable Associates v. Krohn $222,022
$0
Columbia Hospital Corp. v. Jesse Moore $158,550
$0
Lubbock County v. Trammel’s Lubbock Bail Bonds $4,550
$0

Grand Total for February 2002: $2,569,911