



# ★ 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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## Another *Epic* Case of Political Dollars

Interests in the biggest money case on February's *Dollar Docket* have raised \$536,175 for Texas' Supreme Court justices. The case raises eyebrows because:

- Participating law firms made *huge contributions* to the justices *within weeks* of oral arguments;
- It pits two Republican state representatives from Dallas on either side of the dispute;
- The case triggered an unusual three-justice recusal.

The consolidated court proceedings (*In re Epic Holdings* and *In re Kenneth George*) involve attorneys who were disqualified from a case. A dispute arose over whether succeeding counsel could use the work product of the disqualified attorneys. The Dallas 5th Court of Appeals let stand the trial court's ruling that the new attorneys could use the work product. The Texas Supreme Court decided to revisit this unusually politicized issue.

The underlying case involves a lawsuit over the takeover of Epic Holdings. The ex-CEO of this healthcare company is state Rep. Kenn George, who contributed \$5,740 to the justices. He is urging them to overrule the lower courts by barring his opponents from using the disputed attorney work product. Hughes & Luce (\$105,720 to the justices) represents George; Vinson & Elkins (\$338,330 to the justices) represents Epic.

The Hartnett Law Firm (\$1,000 to Justice Owen) argued for access to the work product. A member of this family firm, Rep. Will Hartnett, is vice chair of the House Judicial Affairs Committee. This panel wields influence over the justices' controversial practice of taking campaign cash from interests in their courtroom.

### 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 9, 2000

<i>In re Kenneth George</i>	
consolidated with	
<i>In re Epic Holdings Inc</i>	\$536,175*
<i>Fortune Production Co. v.</i>	\$46,250
<i>Conoco Inc.</i>	\$181,795
<i>Henson v.</i>	\$0
<i>So. Farm Bureau Insur.</i>	\$15,850

#### February 16, 2000

<i>Grapevine Excavation Inc. v.</i>	\$250
<i>Lloyds Insurance Co.</i>	\$2,600

#### February 23, 2000

<i>Williams v.</i>	\$0
<i>Huff</i>	\$43,850
<i>Resendez v.</i>	\$0
<i>Woolery</i>	\$0

**Total for February: \$826,770**

\* \$398,965 without contributions to recused

Against this backdrop, Clerk John Adams announced the highly “unusual” recusal of three justices from the case. Two recused justices, Deborah Hankinson and Craig Enoch, come out of the Dallas 5th Court of Appeals.

Court documents suggest that Justice Alberto Gonzales also recused himself because he worked at Vinson & Elkins when it represented Epic. Court documents did not mention the staggering \$14,000 check Gonzales took from Hughes & Luce within a month of oral arguments.

A third 5th Court of Appeals graduate, Justice Nathan Hecht, did not recuse himself, even though he took a whopping \$10,000 check from Hughes & Luce 20 days before it presented oral arguments in this case (Hecht took \$5,000 more from the firm two months earlier). Hecht also took a \$13,000 bundle from Vinson & Elkins lawyers three days before they filed Epic’s brief.

Justice Hecht (whose sole 2000 challenger has raised no money as of February) illustrates how even justices without funded opponents keep raising huge amounts of money from the very interests that have cases in their courtroom. •