



★ 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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June 21, 2002

VIP VP:

Halliburton's Home Court Gives Workers the Shaft

In an over-the-top business power grab, Texas' High Court last month overturned two lower courts to force a Halliburton employment dispute out of court and into arbitration (*In re Halliburton Co.*).

The ruling paves the way for Texas businesses to strip their employees of the right to use jury trials to settle employment disputes. This is a major victory for the business tort lobby that bankrolls much of the justices' political campaigns.

Under then-CEO Dick Cheney, Halliburton sought to strip workers of their right to try work disputes in court. In November 1997, Halliburton simply notified its workers that anyone who showed up for work in the New Year was thereby tacitly "waiving all rights...to trial by jury."

Although courts have spent 20 years expanding what perfunctorily passes for binding arbitration "contracts," this decision against 32-year veteran welder James Myers bent over backwards to accommodate employers.

Even Halliburton seemed uncomfortable with its unwritten-contract claim, initially giving the court a document that it represented as an arbitration agreement signed by Myers. Yet a remarkable footnote in Chief Justice Tom Phillips' opinion notes that, "When Myers asserted that the signature on the document was not his, Halliburton abandoned this argument." Hmmm.

Why was the High Court so accepting of Halliburton's extraordinary claims—at the expense of a welder's allegations of age and race bias? Perhaps the court's sympathies reflect in part Halliburton's White House clout and its support for judicial campaigns.

Any justice with federal-bench aspirations cannot ignore that Vice President Cheney first saddled Halliburton workers with arbitration and two other top White House

White House Counsel Alberto Gonzales is battling to confirm his ex-colleague, Texas Justice Priscilla Owen, for the Federal Fifth Circuit.

Then there is the \$370,360 in campaign money that the sitting justices took from Halliburton and its law firm. While most of this money came from Vinson & Elkins, the nine justices took \$71,150 from Halliburton PACs and executives.

The top recipients of Halliburton money were far-right Justices Nathan Hecht (\$19,700) and Priscilla Owen (\$11,650). Even the newest justices—Wallace Jefferson and Xavier Rodriguez—each took \$5,000 from a Halliburton PAC after oral arguments in the case.

Halliburton and its subsidiaries have been parties to 20 petitions seeking Supreme Court review since 1993. The court declined to review all but one of the 12 cases (8 percent) appealed by Halliburton's opponents (the accepted case is still pending). Meanwhile, the court accepted three of eight cases (27 percent) appealed by Halliburton, ruling for the company two out of three times. This is an enviable track record in a court that accepts about 11 percent of all petitions filed.

Having such powerful friends can make judges reluctant to quibble over an old working stiff who thinks he has a constitutional right to a jury trial. •

May Dollar Docket

The top three cases delivered by the Texas Supreme Court in May and the corresponding contributions to justices from the parties and/or attorneys.

	May 23, 2002	
<i>Exxon v. Zwahr</i>		\$ 231,668
		\$ 0
	May 30, 2002	
<i>In re Halliburton</i>		\$ 370,360
<i>King v. Dallas Insurance Co.</i>		\$ 67,950
		\$ 1,850