



★ 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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Chief Legacy:

Weekley Calendar, Agenda Will Still Run the Court

Chief Justice Tom Phillips' confederates should have left him alone last month to draft his resignation in peace. Instead, they hammered the court with briefs that are reminders of the stains that special interests will leave on the chief's legacy.

The alliance that remade Texas' high court in the 1990s had a public and private face. Behind the scenes, business interests led by homebuilders Dick and David Weekley and their Texans for Lawsuit Reform bankrolled justices who favor business interests. Out front, the chief advocated reform to dispel public concerns over the business contributions behind the curtain.

In the end the Weekleys themselves helped deflate this act by darting out from behind the curtain to curry court favors. In a toxic-home case last year, Weekley Homes appealed to the court to impose arbitration on two plaintiff girls, who did not sign the arbitration contract that their parents signed. That case just settled before the high court ruled.

Yet the Weekleys—unlike Chief Phillips—are not going away. They already have filed two new appeals this year urging the Supremes to impose arbitration on plaintiffs who claim damages from Weekley-built lemon homes.

One of these appeals resembles the recently settled case. Widower Vernon Forsting hired Weekley to build a house in Grapevine for both himself and his daughter's family. Lower courts forced Forsting into arbitration but allowed daughter Patricia Von Bargen to pursue her claims in court. Weekley again seeks to impose arbitration on a daughter who never signed away her rights to a jury trial.

The Dollar Docket

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

April 7, 2004

<i>County of Bexar v. Santikos</i>	\$10,150
	\$125
<i>Dillard v. Texas Electric Cooperative</i>	\$4,100
	\$0

April 14, 2004

<i>State Farm Mutual Insurance v. Lopez</i>	\$52,512
	\$250
<i>Brown v. De La Cruz</i>	\$0
	\$0

April 21, 2004

<i>Tooke v. City of Mexia</i>	\$100
	\$0

Grand Total for April: \$67,237

Acting on rumors that Weekley representatives privately lobbied the court to hear its appeal last year, Texans for Public Justice requested copies of the justices' calendars. Phillips and four other judges provided all or part of their calendars but four colleagues did not (Enoch, Hecht, Owen and Smith).

Secrecy also is part of the Phillips Court legacy. Court maneuvering in 1999 kept the judiciary exempt from public-information laws that shine disinfecting light on the actions of all other state officials.

Now the court is fighting *Aguirre v. Chief Justice Phillips*. This federal lawsuit would force justices to disclose their votes that decide if the court will hear an appeal—even those filed by big donors. Chief Phillips said that this disclosure might be "misleading" and could invite "a lot of mischief." *Touché.*