



★ 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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Wheeler Dealers

Judges isolated from the corrupting influence of money can act as powerful checks on lawmakers who push bills that just benefit narrow special interests. As the Texas Supreme Court recently demonstrated, however, Texas' judges are susceptible to the very same influences.

Among Texas' top political action committees, the Texas Automobile Dealers Association (TADA) and Texans for Lawsuit Reform (TLR) invest heavily in candidates for every branch of state government. Together, these PACs gave \$140,000 to Governor Bush and \$1.2 million to Texas' 1998 legislative candidates. Current Supreme Court justices took \$62,000 from TADA and \$838,796 from TLR's PAC and board members. What might such money buy?

Governor Bush and the Legislature enacted a 1997 law granting special expedited Supreme Court appeals exclusively for class-action suits against automakers or dealers. The chief sponsors of this bill—Sen. David Cain and Rep. Clyde Alexander—are top recipients of TADA and TLR money. In the election preceding passage of this bill, TADA gave Cain \$40,000 and Alexander \$4,000, while TLR gave \$10,000 to Cain and \$9,000 to Alexander. (Limiting class actions is a TLR priority.)

Although the state high court long ago ruled that the Texas Constitution bars "special laws" made for "the advancement of personal rather than public interest," the current justices bent over backwards on May 11 to uphold a law that grants the auto industry appeals powers that no other Texan enjoys. The majority opinion in *Ford Motor v. Sheldon* "mocks the Constitutional prohibition of special laws," wrote Justice James Baker in his lone dissent. "We all know what is going on here!"

Ford Motor v. Sheldon involved many consumers who alleged that their new Fords had faulty paint jobs that cost \$2,000 apiece to fix. While it would have been too costly to file these suits separately, the plaintiffs collectively filed a class action suit to recover their damages.

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 4, 2000

<i>Huckabee v</i>	\$0
<i>Time Warne</i>	\$111,185

May 11, 2000

<i>Fort Worth ISD v</i>	\$176,895
<i>Southwestern Bell</i>	\$239,309

May 25, 2000

<i>Keck, Mahin & Cate v.</i>	\$125,173
<i>Nat'l Union Fire Insurance</i>	\$11,600

In *Ford Motor v. Sheldon* the justices ruled for some of their top contributors and gave a green light to other wealthy interests that would like laws written for their exclusive benefit. When special interests seize the driver's seat of any branch of government, average citizens are the inevitable road kill.

With the executive and legislative branches of state government awash in special-interest money, the balance-of-powers system relies on the judiciary to strike down laws that are unconstitutionally tailored to serve narrow interests. As *Ford Motor v. Sheldon* illustrates, however, the Texas Supreme Court cannot be relied upon to provide such a counterbalancing constitutional check. Its justices are as dependent on special-interest money as any other politician.

Fundamental reform of Texas' current system of judicial selection is needed in order to create an independent judiciary that will consistently strike down as unconstitutional "special laws" that serve narrow private interests. •