



★ 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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Contribution Kickback!

In the dog days of July, Supreme Court Justice Priscilla Owen reported that she had returned 35 percent of her political war chest to contributors because she simply did not need all of the \$295,000 that she had raised to brush off a symbolic third-party challenge.

With the court's fundraising practices under increasing public scrutiny, the Owen refund might just set a new precedent for the judiciary in Texas, where ostensibly unopposed judges admitting that they do not need all the money that they raised is as common as a summer frost.

Among the three incumbent justices on the November ballot, however, Justice Owen's surprise move amounts to a lone dissenting opinion. Justices Alberto Gonzales and Nathan Hecht have kept on raising political money hand over fist, a practice that has battered the credibility of the Texas judiciary. As of June 30, Justice Gonzales had raised \$620,633 and Justice Hecht had pocketed \$647,673.

None of these incumbents face viable opposition in November (the Democrats are not even fielding Supreme Court candidates). While Justice Owen was the only one who did not face a primary opponent, her colleagues' opponents were paper tigers. Justice Hecht's primary opponent raised \$10,222, a veritable fortune compared to the \$766 mustered against Justice Gonzales.

Justice Gonzales recently acknowledged that his fund raising is not driven by political necessity. He told the Wall Street Journal that he is raising this money to bolster his officeholder account.

The ability to stockpile money for future elections in a candidate's officeholder account tempts incumbents into raising many times more money than they need. Since candidates can warehouse political funds for their next campaign, many of them amass large war chests to preempt would-be opponents from even entering the race next time around. The end results of this stockpiling are elections that pre-sent voters with no viable choices for many offices.

Summer's End Dollar Docket

The Texas Supreme Court delivered opinions July 6 and August 24. Here are the top three cases delivered by the Court on those dates and the corresponding contributions to justices from the parties and/or attorneys.

July 6, 2000

<i>In re Epic</i>	\$536,175*
<i>Cash America v. Bennet</i>	\$82,950
<i>Bennet</i>	\$0

August 24, 2000

<i>Horizon Healthcare v. Auld</i>	\$22,224
<i>Auld</i>	\$0

*\$398,965 without contributions to recused justices.

What is more, there are even fewer sources of funds for unopposed races. Ordinary Texans rarely give money to judicial candidates in contested races, much less those who face no contest. In such situations, a judge's best hope lies with donors who have business before the recipient judge's court. Such contributors are interested in more than the outcome of an uncontested election. For example, Justice Hecht recently took over \$28,000 from Vinson & Elkins and co-counsel Hughes & Luce in the middle of the proceedings for *In re Epic*.

Justice Owen's precedent has made it harder for un-opposed judges to defend the practice of raising political money that they do not need from these highly questionable docket-related sources. •