

# INTERESTED PARTIES



WHO  
BANKROLLED  
TEXAS'  
HIGH-COURT  
JUSTICES  
IN 2008?

# Interested Parties:

## Who Bankrolled Texas' High-Court Justices in 2008?

### Contents:

---

Introduction	1
Individual v. Institutional Contributions	1
Contributions By Check Size	2
Contributions By Interest Category	2
Top Contributors To the Three Justices	4
Top Contributors To Chief Justice Wallace Jefferson	5
Top Contributors To Justice Phil Johnson	6
Top Contributors To Justice Jesse Wainwright	7
Historical Competitiveness of Texas Supreme Court Races	8
Notes	9

**By Texans for Public Justice**

**© October 2009**

**Download** contributions to **Chief Justice Wallace Jefferson** [HERE](#)

**Download** contributions to **Justice Phil Johnson** [HERE](#)

**Download** contributions to **Justice Dale Wainwright** [HERE](#)

# Interested Parties:

## Who Bankrolled Texas' High-Court Justices in 2008?

In a controversial practice, Texas elects the nine members of the Texas Supreme Court in expensive, partisan elections. Three incumbent justices on this all-Republican court ran for reelection in November 2008. After amassing significantly larger war chests than their Democratic challengers, all three GOP incumbents prevailed. Yet even the most successful incumbent, Chief Justice Wallace Jefferson, took just 53 percent of the vote.<sup>1</sup> (See the last section of this report for more on the historical competitiveness of Texas Supreme Court races.)

Under Texas' Judicial Campaign Fairness Act, the incumbent justices legally could raise campaign funds from June 6, 2007 through March 4, 2009.<sup>2</sup> The three incumbent justices raised a total of more than \$2.8 million in the 2008 election cycle, or an average total of \$940,580 apiece.<sup>3</sup> Chief Justice Wallace Jefferson led, raking in almost \$1.2 million. Collectively, the three incumbents raised nine percent of their money in the "late-train" period that followed their November 4, 2008 Election Day. Linda Yañez, a justice on Corpus Christi's 13<sup>th</sup> Court of Appeals, led fundraising by the Democratic challengers. She raised \$454,450 through the end of 2008.<sup>4</sup>

### 2008 Supreme Court War Chests

Republican Justice Reelected In 2008	Total Raised In Cycle	Post-Election Amount (%)	Cash On Hand 6/30/2009	Amount Challengers Raised (Jan '07 – Dec. '08)
Wallace Jefferson	\$1,193,594	11%	\$164,494	Jim Jordan: \$287,959
Phil Johnson	\$777,392	5%	\$148,083	Linda Yañez: \$454,450
Dale Wainwright	\$850,753	9%	\$48,528	Sam Houston: \$446,619
<b>TOTALS</b>	<b>\$2,821,739</b>	<b>9%</b>	<b>\$361,105</b>	<b>\$1,189,028</b>

Institutional contributors such as PACs and law firms accounted for 56 cents of every dollar that the three Republican victors raised, with individual contributors supplying the rest. Justice Dale Wainwright relied on institutional contributors the most, taking 61 percent of his money from these contributors (for the court's biggest individual and institutional contributors, see the charts below that list the justices' top contributors).

### Individual v. Institutional Contributors

Justice	Share From Individuals	Share From PACs and Businesses
Jefferson	49%	51%
Johnson	43%	57%
Wainwright	39%	61%
<b>TOTALS:</b>	<b>44%</b>	<b>56%</b>

## Contributions By Check Size

Contribution Check Size	Share For All Three Justices	Jefferson Share	Johnson Share	Wainwright Share
<b>\$10,000 or More</b>	<b>8%</b>	9%	8%	7%
<b>\$5,000 - \$9,999</b>	<b>33%</b>	33%	34%	33%
<b>\$2000 - \$4,999</b>	<b>18%</b>	19%	17%	19%
<b>Less than \$2,000</b>	<b>40%</b>	40%	41%	41%
<b>TOTALS:</b>	<b>100%</b>	100%	<b>100%</b>	<b>100%</b>

Hefty checks worth \$2,000 or more accounted for 59 percent of all the money that the three justices collectively raised. Checks worth \$5,000 or more accounted for 41 percent of the total and the justices owe eight percent of their total funding to huge checks worth at least \$10,000. On the fundraising circuit, this is no petty-claims court.

Texas judges take much of their campaign money from lawyers and litigants who have cases pending in their courtrooms. (For an analysis of docket-related contributions in the latest Texas Supreme Court election, see [“Courtroom Contributions Stain Supreme Court Campaigns.”](#)) Breaking down campaign contributors by interest category reveals that the justices are most dependent upon the interest group with the biggest stake in the court’s cases. Lawyers & Lobbyists supplied 50 cents of every dollar raised by the three justices.

## Contributions By Interest Category

Contributor Interest Group	Amount To All Three Justices	Share For All Three Justices	Jefferson Share	Johnson Share	Wainwright Share
Agriculture	\$38,200	1%	1%	2%	1%
Communications	\$47,450	2%	3%	1%	1%
Computers & Electronics	\$10,225	<1%	1%	0%	<1%
Construction	\$96,538	3%	3%	3%	4%
Energy/Nat’l Resources	\$330,280	12%	11%	13%	11%
Finance	\$128,675	5%	4%	6%	4%
Health	\$99,605	4%	4%	3%	3%
Ideological/Single Issue	\$199,332	7%	6%	8%	8%
Insurance	\$60,842	2%	3%	2%	2%
Labor	\$3,500	<1%	<1%	<1%	<1%
<b>Lawyers &amp; Lobbyists</b>	<b>\$1,398,910</b>	<b>50%</b>	<b>47%</b>	<b>50%</b>	<b>52%</b>
Miscellaneous Business	\$119,994	4%	5%	3%	4%
Other	\$37,308	1%	2%	1%	1%
Real Estate	\$93,170	3%	4%	3%	3%
Transportation	\$59,500	2%	2%	2%	2%
Unknown	\$98,210	3%	4%	3%	4%
<b>TOTALS:</b>	<b>\$2,821,739</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Three big defense firms gave totals of more than \$50,000 apiece to the three justices: Haynes & Boone, Vinson & Elkins and Fulbright & Jaworski. The PAC of the HillCo Partners lobby firm also gave a total of \$65,000 to the three justices. One of HillCo's clients, Houston homebuilder Bob Perry, gave this PAC \$290,000. Perry accounted for 32 percent of all the money that HillCo PAC raised in the 2008 election cycle.<sup>5</sup> Four tables in the next section list the top contributors to the three justices, collectively and individually.

The Energy & Natural Resources category was the justices' No. 2 funding source, accounting for 12 percent of the money that they raised. The top contributors from this sector were Dallas oil man Louis Beecherl, the Bass family's Good Government Fund and Exxon Mobil General Counsel Charles Matthews.<sup>6</sup>

The Ideological & Single-Issue Category came next, accounting for seven percent of the total money raised by the three justices. Leading this group were two business tort group, Texans for Lawsuit Reform and the Texas Civil Justice League, joined by the Republican Party of Texas.

The PAC of Fort Worth-based investment fund manager Geoffrey Raynor led the Finance sector, which accounted for 5 percent of the money raised by the three justices.

## Top Contributors To the Three Justices

Donor Ranking	Amount To Three Justices	Contributor (Company)	City	Industry
1	\$67,500	Haynes & Boone LLP	Dallas	Lawyers/Lobbyists
2	\$66,500	Vinson & Elkins	Houston	Lawyers/Lobbyists
3	\$65,000	HillCo PAC	Austin	Lawyers/Lobbyists
4	\$55,000	Fulbright & Jaworski LLP	Houston	Lawyers/Lobbyists
4	\$55,000	Texans for Lawsuit Reform PAC	Austin	Ideological/Single Issue
6	\$54,040	Republican Party of Texas	Austin	Ideological/Single Issue
7	\$45,000	Andrews Kurth LLP	Houston	Lawyers/Lobbyists
8	\$37,500	Bracewell & Giuliani	Houston	Lawyers/Lobbyists
9	\$36,655	Texas Civil Justice League PAC	Austin	Ideological/Single Issue
10	\$35,000	United Services Auto. Assn.	San Antonio	Insurance
11	\$30,623	Texas Medical Association PAC	Austin	Health
12	\$27,500	Q PAC	Fort Worth	Finance
13	\$27,000	Jackson Walker LLP	Dallas	Lawyers/Lobbyists
14	\$25,000	Thompson & Knight LLP	Dallas	Lawyers/Lobbyists
15	\$23,000	Akin Gump Strauss Hauer & Feld	Austin	Lawyers/Lobbyists
16	\$22,500	Baker Botts LLP	Houston	Lawyers/Lobbyists
16	\$22,500	Bickel & Brewer	Dallas	Lawyers/Lobbyists
18	\$22,010	Louis Beecherl (Beecherl Co's)	Dallas	Energy/Natural Resources
19	\$21,500	Beirne Maynard & Parsons LLP	Houston	Lawyers/Lobbyists
20	\$20,250	Reagan Simpson (King & Spalding)	Houston	Lawyers/Lobbyists
21	\$20,100	Winstead PC	Dallas	Lawyers/Lobbyists
22	\$20,000	K & L Gates	Dallas	Lawyers/Lobbyists
23	\$18,750	Good Gov't Fund (Bass Family PAC)	Fort Worth	Energy/Natural Resources
24	\$18,500	Charles Matthews (Exxon Mobil)	Dallas	Energy/Natural Resources
25	\$18,000	Davis Cedillo & Mendoza	San Antonio	Lawyers/Lobbyists
25	\$18,000	Patrick Rutherford (Rutherford Oil)	Houston	Energy/Natural Resources
25	\$18,000	Strasburger & Price LLP	Dallas	Lawyers/Lobbyists
26	\$17,500	Locke Lord Bissell & Liddell LLP	Houston	Lawyers/Lobbyists
26	\$17,500	McGinnis Lochridge & Kilgore	Austin	Lawyers/Lobbyists
26	\$17,500	Patrick J. Moran (Moran Resources)	Houston	Energy/Natural Resources
31	\$16,250	PSEL PAC (Bass Family PAC)	Fort Worth	Energy/Natural Resources
32	\$16,000	Peter Holt (Holt Co's/S.A. Spurs)	Blanco	Construction
33	\$15,100	Hughes & Luce PAC	Dallas	Lawyers/Lobbyists
	<b>\$990,278</b>	<b>TOTAL</b>		

The 33 top contributors listed above gave the three justices \$990,278, or 35 percent of all the money that they raised.

## Top Contributors To Chief Justice Wallace Jefferson

Amount	Contributor (Company)	City
\$26,500	Vinson & Elkins Texas	Houston
\$25,000	HillCo PAC	Austin
\$22,500	Haynes & Boone LLP	Dallas
\$22,192	Republican Party of Texas	Austin
\$20,000	Fulbright & Jaworski LLP	Houston
\$17,500	Davis Cedillo & Mendoza	San Antonio
\$17,500	Texans for Lawsuit Reform PAC	Austin
\$15,000	Andrews Kurth LLP	Houston
\$15,000	AT&T	Austin
\$15,000	Bickel & Brewer	Dallas
\$15,000	United Services Auto. Assn.	San Antonio
\$13,500	Akin Gump Strauss Hauer & Feld	Austin
\$13,288	Texas Civil Justice League PAC	Austin
\$11,000	Ricardo Reyna (Brock & Person)	San Antonio
\$10,623	Texas Medical Assn. PAC	Austin
\$10,000	Louis A. Beecherl (Beecherl Co's)	Dallas
\$10,000	Bracewell & Giuliani	Houston
\$10,000	Charles C. Butt (HEB Grocery Co.)	San Antonio
\$10,000	Thompson & Knight LLP	Dallas
\$8,500	Beirne Maynard & Parsons LLP	Houston
\$8,500	Brock & Person	San Antonio
\$8,500	Patrick Rutherford (Rutherford Oil)	Houston
\$7,500	Baker Botts LLP	Houston
\$7,500	Good Government Fund (Bass Family PAC)	Fort Worth
\$7,500	Charles Matthews (Exxon Mobil Corp.)	Dallas
\$7,500	Winstead P.C.	Dallas
\$7,000	Reagan Simpson (King & Spalding LLP)	Houston
\$6,500	Steve Tatum (Cantey & Hanger LLP)	Fort Worth
\$6,250	Kenny Troutt (Mt. Vernon Investments LLC)	Dallas
\$6,000	W.P. Buckthal (self-employed geologist)	Amarillo
\$6,000	Peter Holt (Holt Co's/San Antonio Spurs)	Blanco
<b>\$386,853</b>	<b>TOTAL</b>	

Chief Justice Wallace Jefferson's top 31 contributors gave him a total of \$386,853, or 32 percent of all the money that this judge raised.

## Top Contributors To Justice Phil Johnson

Amount	Contributor (Company)	City
\$25,000	Vinson & Elkins	Houston
\$22,500	Haynes & Boone LLP	Dallas
\$22,192	Republican Party of Texas	Austin
\$20,000	HillCo PAC	Austin
\$15,000	Andrews Kurth LLP	Houston
\$15,000	Fulbright & Jaworski LLP	Houston
\$15,000	Texans for Lawsuit Reform PAC	Austin
\$12,289	Texas Civil Justice League PAC	Austin
\$10,000	Bracewell & Giuliani	Houston
\$10,000	Jackson Walker LLP	Dallas
\$10,000	Q PAC (Q Funding, LP)	Fort Worth
\$10,000	Texas Medical Assn. PAC	Austin
\$10,000	Thompson & Knight LLP	Dallas
\$10,000	United Services Auto. Assn.	San Antonio
\$7,500	Baker Botts LLP	Houston
\$7,500	Locke Lord Bissell & Liddell LLP	Houston
\$7,250	Reagan Simpson (King & Spalding LLP)	Houston
\$7,000	James Dannenbaum (Dannenbaum Engineering)	Houston
\$6,000	Dan Duncan (Enterprise Products Partners)	Houston
\$6,000	Patrick Rutherford (Rutherford Oil Co.)	Houston
\$5,500	Thompson Coe Cousins & Irons LLP	Dallas
\$5,100	Hughes & Luce PAC	Dallas
\$5,100	Winstead PC	Dallas
<b>\$263,931</b>	<b>TOTAL</b>	

Justice Phil Johnson's top 23 contributors gave him a total of \$263,931, or 34 percent of all the money that this judge raised.



## Top Contributors To Justice Jesse Wainwright

Amount	Contributor (Company)	City
\$22,500	Haynes & Boone LLP	Dallas
\$22,500	Texans for Lawsuit Reform PAC	Austin
\$20,000	Fulbright & Jaworski LLP	Houston
\$20,000	HillCo PAC (Hillco Partners)	Austin
\$17,500	Bracewell & Giuliani	Houston
\$15,000	Andrews Kurth LLP	Houston
\$15,000	Vinson & Elkins	Houston
\$12,500	Q PAC (Q Funding, LP)	Fort Worth
\$11,400	Texas Victory 2008 (Republican Party)	Austin
\$11,078	Texas Civil Justice League PAC	Austin
\$11,000	Jackson Walker LLP	Dallas
\$10,000	K & L Gates	Dallas
\$10,000	Texas Medical Association PAC	Austin
\$10,000	United Services Auto. Assn.	San Antonio
\$9,656	Republican Party of Texas	Austin
\$9,500	Akin Gump Strauss Hauer & Feld	Austin
\$8,000	Beirne Maynard & Parsons LLP	Houston
\$7,500	Baker Botts LLP	Houston
\$7,500	Fisher Boyd Brown Boudreaux...	Houston
\$7,500	McGinnis Lochridge & Kilgore LLP	Austin
\$7,500	Patrick J. Moran (Moran Resources)	Houston
\$7,500	Strasburger & Price LLP	Dallas
\$7,500	Winstead PC	Dallas
\$7,010	Louis A. Beecherl (Beecherl Co's)	Dallas
<b>\$287,644</b>	<b>TOTAL</b>	

Justice Jesse Wainwright's top 24 contributors gave him a total of \$287,644, or 34 percent of all the money that this judge raised.

## Historical Competitiveness of Texas Supreme Court Races

The last decent Democratic showing in a Texas Supreme Court election occurred in 1992. Democrat Rose Spector unseated GOP incumbent Eugene Cook that round. Incumbent Democratic Justice Jack Hightower also fended off a Republican challenger that year, while GOP challenger Craig Enoch unseated Democrat Oscar Mauzy.

Justice Raul Gonzalez’s 1994 election marked the last time a Democrat won a seat on the Texas Supreme Court. Voters reelected Gonzalez over the opposition of plaintiff lawyers who long have bankrolled the Texas Democratic Party. Trial lawyers had no use for this conservative, business-friendly justice who was backed by defense interests—especially in the medical industry. Gonzalez, who had no Republican opposition, nonetheless faced two challengers in the Democratic Primary. Gonzalez eventually prevailed after a runoff against trial lawyer Rene Haas.<sup>7</sup>

### Texas Supreme Court Races Over Time

Year	No. of Races	Races With a Major-Party Challenger	Winning Percentage(s) In Races With Major-Party Competition	Races Won By Democrats	Winner of Closest Race
2008	3	3 (100%)	51% - 53%	0	Dale Wainwright
2006	5	1 (20%)	51%	0	Don Willett
2004	3	1 (33%)	59%	0	Scott Brister
2002	5	5 (100%)	54% - 58%	0	Steve Smith
2000	3	0 (0%)	NA	0	Nathan Hecht
1998	4	4 (100%)	53% - 60%	0	Harriet O’Neill
1996	4	3 (75%)	52% - 56%	0	John Cornyn
1994	3	2 (66%)	56% - 57%	1	Nathan Hecht
1992	3	3 (100%)	52% - 57%	2	Rose Spector

Note: No Democrats won in this period except Jack Hightower, Rose Spector and Raul Gonzalez.

The varying degrees of competitiveness shown in the accompanying chart appear to be related, in part, to what was happening at the top of the ballot. Democratic competitiveness waned as the Clinton years moved into George W. Bush gubernatorial and presidential years. Democrats hit their nadir at the time of Bush’s first presidential election in 2000, when no Democrat sought any of the Supreme Court seats up that year. Democrats similarly performed poorly when President Bush was reelected in 2004.<sup>8</sup> That year they fielded just one contender for three high-court slots, with incumbent Republican Scott Brister winning 59 percent of the vote against that challenge. The five Supreme seats in play in 2006 drew just one Democratic contender. Nonetheless, incumbent Republican Don Willett survived that contest with just 51 percent of the vote. Finally, with Barack Obama topping their 2008 ticket, Democrats sought all three Supreme seats on the ballot. That year no sitting Republican justice prevailed with more than 53 percent of the vote, suggesting to some that the Democrats could be emerging from the wilderness.

## Notes

---

<sup>1</sup> Justice Phil Johnson won 52 percent of the vote and Justice Dale Wainwright won just 51 percent.

<sup>2</sup> The legal fundraising season runs from 210 days prior to the ballot-filing deadline (in this case January 2, 2008) until 120 days after Election Day (November 4, 2008).

<sup>3</sup> This report just analyzes “itemized” contributions for which the recipient identified the contributor. Candidates also may accept anonymous contributions of \$50 or less, which account for a negligible share of their total war chests.

<sup>4</sup> The accompanying table lists what Democratic challengers raised through the end of 2008 (rather than through March 4, 2009, as shown for the incumbents). It did not make sense to track the challengers’ money farther given that two of them continue to serve as lower-court judges. As such, the campaign money that those judges raised in early 2009 seems to be more related to those offices than to their failed Supreme Court bids.

<sup>5</sup> HillCo PAC’s next-largest contributors were HillCo lobbyist Neal ‘Buddy’ Jones (who gave \$92,000) and Dallas Cowboys owner and HillCo client Jerry Jones (\$85,000).

<sup>6</sup> The Bass family’s PSEL PAC gave the three justices another \$16,250.

<sup>7</sup> Bill Yarborough and Rene Haas both challenged Gonzalez in the primary, with Gonzalez winning 54 percent of the primary runoff against Haas.

<sup>8</sup> Republican Steve Smith’s relatively narrow victory in the 2002 general election was something of an anomaly. This conservative maverick took out the GOP establishment’s incumbent, Justice Xavier Rodriguez in the primary (some analysts attributed the outcome to a bland-sounding name triumphing over an exotic one). Smith prevailed with 54 percent of the vote in November, trailing the four other Republicans, who won their contested high-court races that fall with anywhere from 56 percent to 58 percent of the vote.