

Supreme Spending:

Political Expenditures by Texas' High-Court Justices

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I. Introduction

Texas' judicial-selection system creates serious conflicts of interest. State judges win office by waging partisan, political campaigns financed—in large part—by attorneys and litigants who have cases in state courts. Dabbing lipstick on this pig, Texas enacted the Judicial Campaign Fairness Act of 1995.¹ This law puts indulgent limits on how much money Texas Supreme Court campaigns can take from individuals (\$5,000), law firms (\$30,000) and PACs (\$300,000).² The law limits the judicial campaign fundraising season to a period starting about 17 months before the general election and ending about four months afterwards. It also creates incentives for high-court candidates to voluntarily agree not to spend more than \$2 million on their campaigns. Yet it imposes no restrictions on *when* the justices can spend campaign or officeholder funds.

Texas state officials enjoy broad discretion in how they spend political funds. While Texas campaign law makes a technical distinction between campaign and officeholder expenditures, no such difference exists in practical terms. Indeed, Justice Paul Green shuffled \$164,311 between his campaign and officeholder account in this period, while Justice Jefferson moved \$7,650 from his officeholder to his campaign account.³ The main legal restriction on political contributions is that they “may not be converted to the personal use” of a candidate or officeholder. A “personal use” is one that “primarily furthers individual or family purposes not connected with” the official duties of a candidate or officeholder. Political contributions also cannot be used to buy or rent real property from a candidate or officeholder's family members.

Then-Chief Justice Tom Phillips mentioned the leeway that justices' have in spending their political funds during oral arguments in 1997. That day the court was considering if a trial judge should be removed from a case that was being litigated by a defense attorney who was donating \$10,000 worth of legal counsel to defend that same judge in another matter.⁴ Chief Justice Phillips' rambling yet candid comments during oral arguments foreshadowed the court's later decision not to remove the judge. “To be blunt, in light of the way our judges get to be judges and stay there,” Phillips said, “isn't it a little schizophrenic to say [that] somebody who represents you...disqualifies you from sitting in their cases...but somebody who gives you up to \$5,000 or \$30,000 from their firm—and some of that money you spend on a campaign to stay in office and some of it's leftover and you can decorate your chambers with it—and that's okay?”

Texas Supreme Court justices serve six-year, staggered terms. Since 2002, each of the court's current nine members has faced a statewide election, with Chief Justice Wallace Jefferson winning two elections in this period.⁵ The 2002 election cycle formally began on January 1, 2001. That's when this report begins tracking the political expenditures of Justices Nathan Hecht and Harriet O'Neill—the only current justices who were on the court on New Year's Day 2001.

Current Justices Dale Wainwright and Paul Green first joined the court as a result of campaigns that they waged while serving as lower-court judges. They reported their first expenditures covered here 11 months before they were elected in November of 2002 and 2004, respectively (these were the first Texas Ethics Commission reports identifying them as high-court candidates).⁶ The five remaining justices (Scott Brister, David Medina, Wallace Jefferson, Phil Johnson and Don Willett) first joined the court when Governor Rick Perry appointed them to fill vacancies created by justices who quit before the end of their terms. This report tracks these justices' expenditures from the time the governor announced their appointments. For all nine justices the last expenditures covered here occurred in June 2007.

From January 2001 through June of 2007, the nine current justices reported making 9,699 expenditures of political funds. These expenditures added up to a total of almost \$6.9 million. Predictably, this spending tended to spike in even-numbered election years and to subside during non-election years. Collectively the justices spent more than four times as much in election years as they did in non-election years.

Spending By Current Justices, Jan. 2001 to July 2007

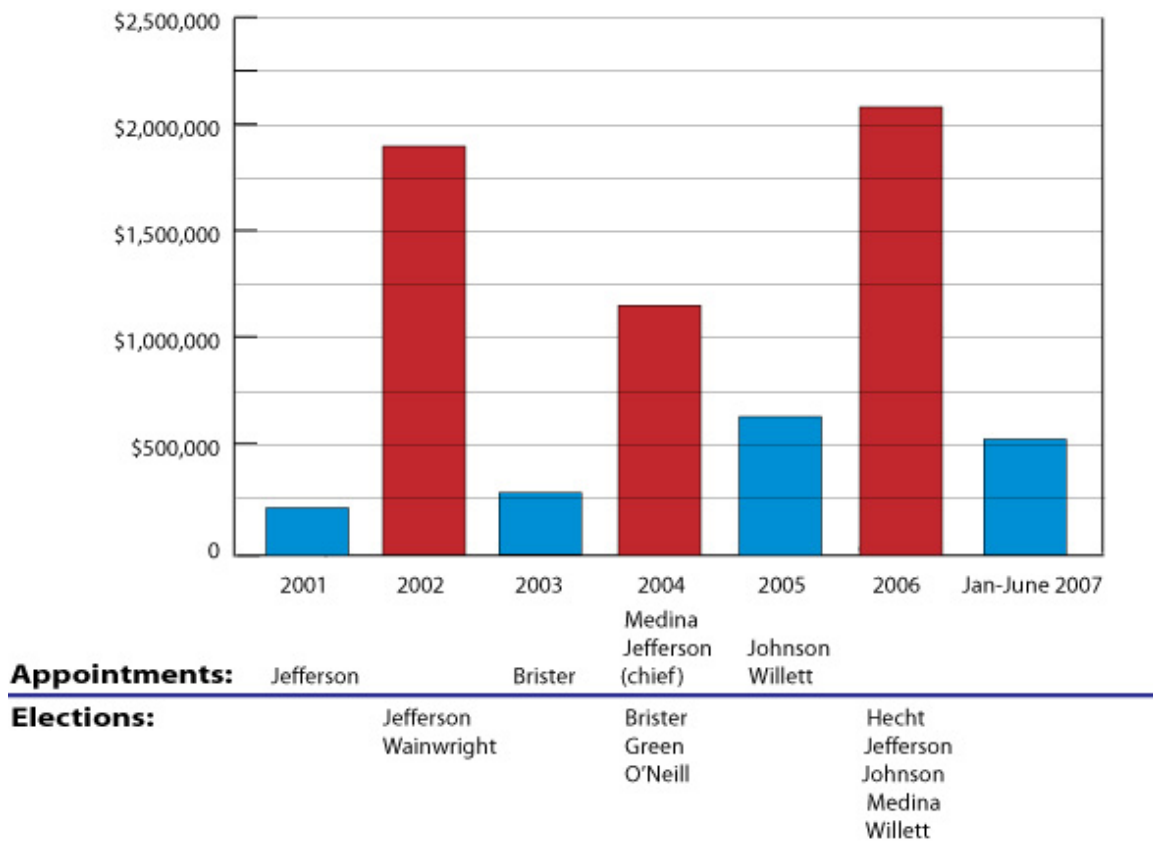
Justice	Amount Spent In Period	No. of Expenditures	1st High-Court Or Election Appointment	Election(s) In Period	Share of Primary Vote	Share of General Vote
Don Willett	\$1,752,056	673	Appoint: 8/05	2006	51%	51%
Wallace Jefferson	\$1,310,740	1,928	Appoint: 3/01	2002; 2006	62%; 100%	57%; 76%
Dale Wainwright	\$1,099,382	1,777	Elect: 11/02	2002	55%*	56%
Paul W. Green	\$757,397	1,179	Elect: 11/04	2004	53%	100%
Nathan L. Hecht	\$591,525	1,880	Elect: 11/88	2006	100%	76%
Scott A. Brister	\$504,389	519	Appoint: 11/03	2004	100%	59%
David Medina	\$459,023	762	Appoint: 11/04	2006	100%	75%
Harriet O'Neill	\$223,194	675	Elect: 11/98	2004	100%	100%
Philip Johnson	\$192,377	306	Appoint: 3/05	2006	100%	76%
\$6,890,083		9,699				

*Run-off percentage following an inconclusive primary.

Annual Spending By the Nine Justices

Justice	2001	2002	2003	2004	2005	2006	Jan-June 2007	Total
Brister	\$0	\$0	\$27,447	\$415,851	\$28,641	\$21,435	\$11,015	\$504,389
Green	\$0	\$0	\$64,172	\$621,374	\$25,287	\$28,736	\$17,828	\$757,397
Hecht	\$42,281	\$40,864	\$30,666	\$33,001	\$43,618	\$72,771	\$328,323	\$591,525
Jefferson	\$146,972	\$940,652	\$25,751	\$19,942	\$83,936	\$71,630	\$21,857	\$1,310,740
Johnson	\$0	\$0	\$0	\$0	\$86,574	\$68,259	\$37,544	\$192,377
Medina	\$0	\$0	\$0	\$11,906	\$255,227	\$141,328	\$50,562	\$459,023
O'Neill	\$13,936	\$7,947	\$74,306	\$41,593	\$18,146	\$39,340	\$27,925	\$223,194
Wainwright	\$16,383	\$927,258	\$64,148	\$26,344	\$28,419	\$22,109	\$14,721	\$1,099,382
Willett	\$0	\$0	\$0	\$0	\$79,666	\$1,638,026	\$34,364	\$1,752,056
TOTAL:	\$221,574	\$1,918,723	\$288,493	\$1,172,016	\$651,517	\$2,105,641	\$544,139	\$6,890,082

Annual Spending By the Nine Justices

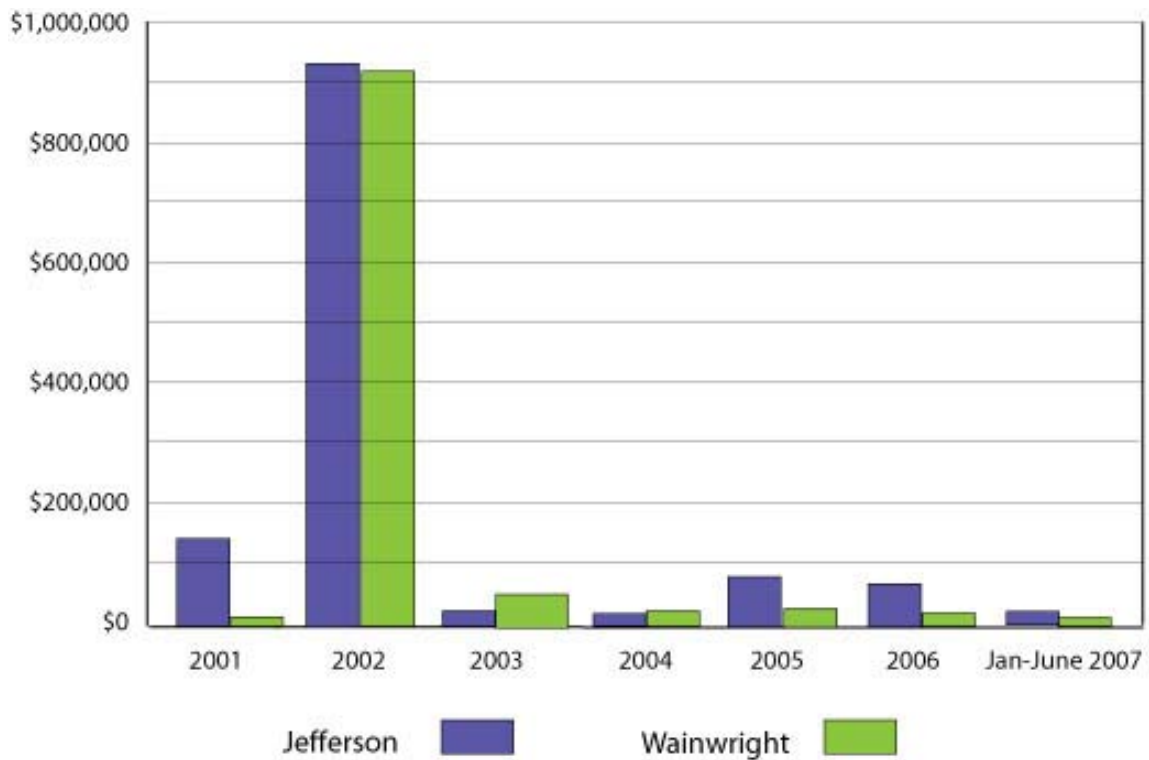


Not all elections are created equal. Since 2002, just three current justices have faced serious electoral competition. Justice Don Willett almost lost his appointed court seat in 2006. Fending off Democratic and Libertarian challengers, he won 51 percent of the general vote—and that was the easy part. Eight months earlier Willett narrowly beat former Justice Steven Smith in a two-way primary battle, taking just 50.5 percent of the vote. Smith had lost his seat to current Justice Paul Green in the 2004 Republican primary, with Green outspending the incumbent more than 4:1 to win 53 percent of the vote. In another squeaker, Dale Wainwright won a tough 2002 Republican primary that was decided in a runoff. He then won 56 percent of the general vote.

Facing considerably less competition, Justice Scott Brister had no 2004 primary opponent and outspent Democrat David Van Os more than 2:1 to win 59 percent of the vote that November. Justice Jefferson spent more than \$900,000 during his 2002 election, or more than three times the combined spending of his primary- and general-election opponents (the closest of these challengers trailed Jefferson by 13 percentage points). In his 2006 election as chief, Jefferson spent little to brush off a Libertarian challenge. That same year, Justices Nathan Hecht, Phil Johnson and David Medina faced only token Libertarian opposition. Finally, Justice O'Neill won reelection in 2004 without a ghost of opposition.

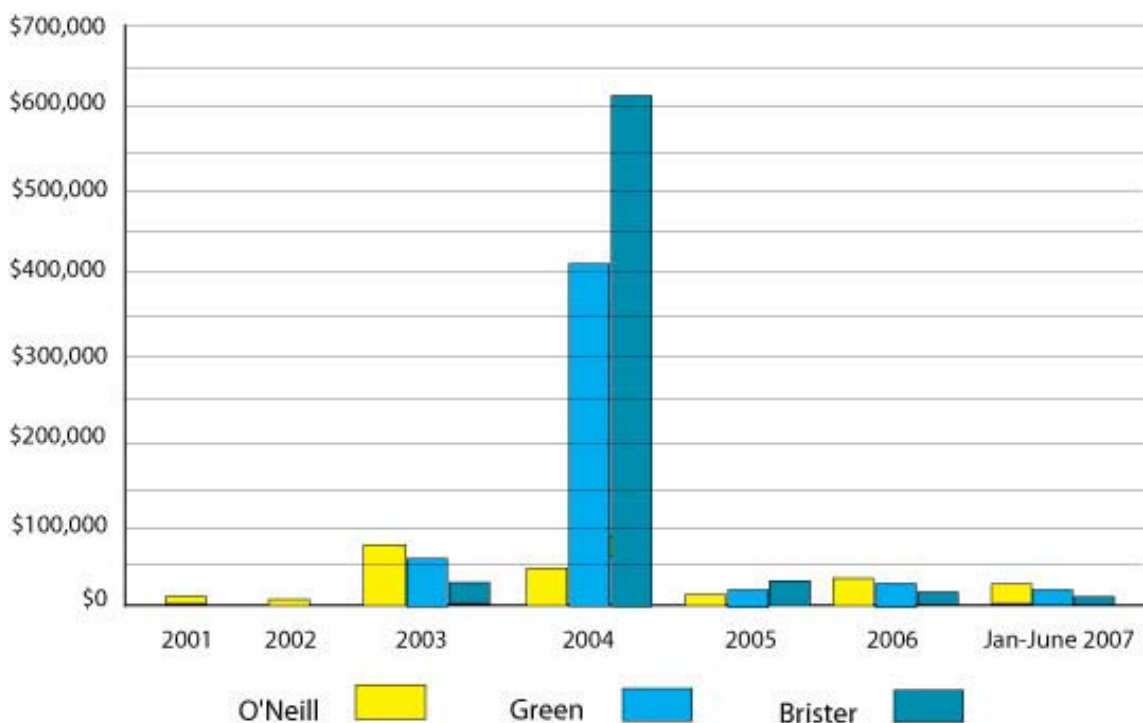
These differing electoral landscapes shaped different spending patterns. Big-spender Willett spent almost \$1.8 million during the period covered in this report, pouring 92 percent of this money into campaign-related expenditures. By contrast, several justices facing negligible competition spent more money in non-election years than they did when their name appeared on the ballot. While this is true of Justices O'Neill and Medina, it is especially true of Justice Hecht, whose spending skyrocketed in early 2007 (these Hecht expenditures are discussed in the Staff & Consultants section).

Annual Spending By Justices Elected in 2002



Justice	2001	2002	2003	2004	2005	2006	Jan-June 2007	Total
Jefferson	\$146,972	\$940,652	\$25,751	\$19,942	\$83,936	\$71,630	\$21,857	\$1,310,740
Wainwright	\$16,383	\$927,258	\$64,148	\$26,344	\$28,419	\$22,109	\$14,721	\$1,099,382
TOTAL:	\$163,356	\$1,867,911	\$89,899	\$46,287	\$112,354	\$93,739	\$36,578	\$2,410,123

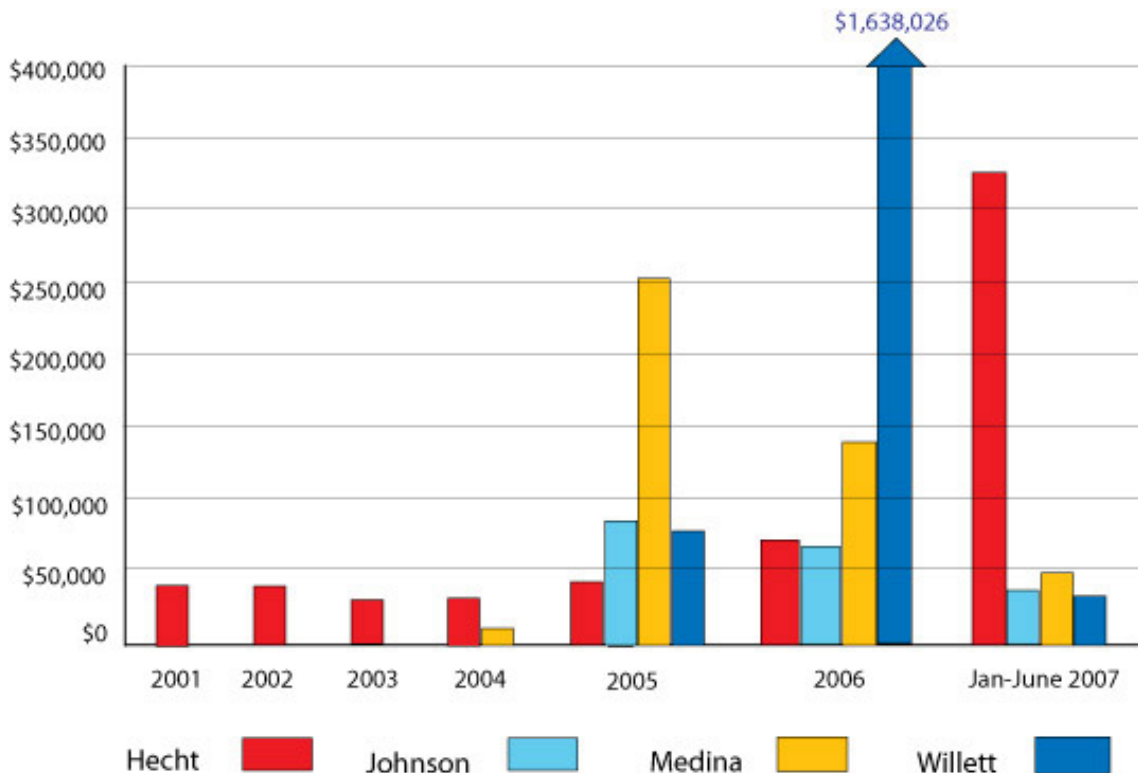
Annual Spending By Justices Elected in 2004



Annual Spending By Justices Elected in 2004

Justice	2001	2002	2003	2004	2005	2006	Jan-June 2007	Total
Brister	\$0	\$0	\$27,447	\$415,851	\$28,641	\$21,435	\$11,015	\$504,389
Green	\$0	\$0	\$64,172	\$621,374	\$25,287	\$28,736	\$17,828	\$757,397
O'Neill	\$13,936	\$7,947	\$74,306	\$41,593	\$18,146	\$39,340	\$27,925	\$223,194
TOTAL:	\$13,936	\$7,947	\$165,925	\$1,078,818	\$72,074	\$89,511	\$56,768	\$1,484,979

Annual Spending By Justices Elected in 2006



Justice	2001	2002	2003	2004	2005	2006	Jan-June 2007	Total
Hecht	\$42,281	\$40,864	\$30,666	\$33,001	\$43,618	\$72,771	\$328,323	\$591,525
Johnson	\$0	\$0	\$0	\$0	\$86,574	\$68,259	\$37,544	\$192,377
Medina	\$0	\$0	\$0	\$11,906	\$255,227	\$141,328	\$50,562	\$459,023
Willett	\$0	\$0	\$0	\$0	\$79,666	\$1,638,026	\$34,364	\$1,752,056
TOTAL:	\$42,281	\$40,864	\$30,666	\$44,907	\$465,084	\$1,920,384	\$450,794	\$2,994,980

II. Justices' Expenditures By Category

To track where the justices spent \$6.9 million, researchers classified the 9,699 expenditures into 10 spending categories. This revealed that the justices spent 94 percent of their money on the top four categories: Campaign-Related Expenditures; Staff & Consultants; Travel & Lodging; and Administrative/Office Expenses.

Supreme Political Spending By Category, Jan. 2001 to July 2007

Expenditure Category	Total Spent	No. of Expenditures	Share of All Spending
Campaign-Related Expenditures	\$4,983,430	1,369	72%
Staff & Consultants	\$655,895	391	10%
Travel & Lodging	\$512,795	2,863	7%
Administrative/Office Expenses	\$328,331	2,428	5%
Food, Drink & Events	\$213,602	1,882	3%
Miscellaneous	\$80,374	393	1%
Gifts/Charitable Contributions	\$44,584	239	1%
Rent Payments	\$35,450	66	1%
Political Contributions	\$28,817	57	<1%
*Unknown	*\$6,805	11	<1%
TOTAL:	\$6,890,082	9,699	100%

*Correction: The expenditures initially categorized as "Unknown" were itemized in a separate filing. See the "Unknown" section for more details.

Many gray areas blur the lines between the spending categories used here. Some of this grayness stems from poor disclosure by the justices. In other cases it is the nature of the beast. The same justice may make two payments to the same consulting firm, listing one as for a "mailing" and the other for "consulting." The first would be classified in this schema as a "Campaign-Related Expenditure" and the other under "Staff & Consultants." Yet both may have been used for the exact same purpose. Despite such disclosure inconsistencies, these classifications reveal real differences in how individual justices spent their political funds. The rest of this report analyzes each of the 10 spending categories.

1. Campaign-Related Expenditures

Overall, Campaign-Related Expenditures accounted for 72 percent of the justices' spending. Big spender Don Willett, who was elected in 2006 by razor-thin margins, spent the most on Campaign-Related Expenditures in absolute terms (\$1.6 million) and as a share of his total expenditures (92 percent). The justices spending the next-largest shares of their funds on this category were Justices Green (81 percent), Brister (79 percent), Wainwright (78 percent) and Jefferson (77 percent).

The two longest-serving justices dedicated the smallest share of their funds to Campaign-Related Expenditures. Justice Hecht spent just 3 percent of his funds to this category. Justice O'Neill spent a relatively modest one-third of her money on Campaign-Related Expenditures.

Justice	Total Category Expenditures	This Category's Share of Total Expenditures
Willett	\$1,614,038	92%
Jefferson	\$1,003,863	77%
Wainwright	\$857,855	78%
Green	\$611,318	81%
Hecht	\$17,591	3%
Brister	\$397,146	79%
Medina	\$267,498	58%
O'Neill	\$74,043	33%
Johnson	\$140,076	73%
TOTALS:	\$4,983,430	72%

Largest Single Campaign-Related Expenditures

Justice	Amount	Recipient	Description	City
Willett	\$423,195	Crossroads Media, LLC	Media Buy	Alexandria, VA
Wainwright	\$199,717	Anthem Media	Media Costs	Austin
Brister	\$150,000	Weeks & Co.	Advertising	Austin
Jefferson	\$118,241	National Media, Inc.	Media Expense	Alexandria, VA
Jefferson	\$104,000	Guerra DeBerry Coody	Direct Mail Expense	San Antonio
Jefferson	\$78,333	John Doner & Assoc.	Postage and Campaign	Austin
Willett	\$76,981	U.S. Postal Service	Postage expense	Austin
Willett	\$75,000	Norway Hill Assoc.	Consulting	Hancock, NH
Green	\$66,875	Crossroads Media, LLC	Media expense	Alexandria, VA
Willett	\$66,696	Thomas Graphics, Inc.	Direct mail expense	Austin
Willett	\$63,044	J2 Strategies	Direct mail expense	Austin
Green	\$56,250	Murphy Turner & Assoc.	Direct mail expense	Austin
Brister	\$54,803	MJS Group	Political Consulting	Houston
Brister	\$30,000	Advantage, Inc.	Automated calls	Arlington

Note: Excludes multiple checks from the same justice to the same recipient.

The top recipient of the justices' Campaign-Related spending was Virginia-based Crossroads Media, which collected a total of \$970,227 from Justices Willett and Green. Michael D. Dubke incorporated Crossroads Media in Virginia in 2001. The following year Crossroads landed a new client: Texas Governor Rick Perry. The Perry campaign has since routed a remarkable \$32.8 million in media buys through Crossroads. Perry also laid the groundwork for Justice Willett to pay Crossroads \$831,517 when he appointed Willett to a vacant Supreme Court seat in 2005.

Perry political consultant Dave Carney is responsible for the extraordinary flow of Texas political-ad money through this small Virginia Crossroads. Willett and Green are the only justices who used Carney's consulting firm, Norway Hill Associates. They paid it a total of almost \$150,000. Carney has close ties to a more notorious Dubke enterprise: Americans for Job Security (AJS). AJS formed in 1997 with \$1 million from the American Insurance Association.⁷ With Dubke as its president and Carney as a consultant, AJS has spent tens of millions of dollars from unspecified corporations to run "issue ads" attacking predominantly Democratic candidates across the nation.⁸ AJS is best known locally for its 2004 ads attacking moderate Republican Tommy Merritt for "stupid bills and higher taxes." The attacks helped Kevin Eltife (R-Tyler) defeat Merritt in a scramble for an open senate seat.⁹

Such background is important given that Texas may be approaching the day when Democrats will be able to challenge the GOP's control of the high court.¹⁰ The fact that two sitting justices already have Crossroads and Carney on retainer illustrates how nasty serious partisan contests for the high court could become. Texans may discover that the only thing worse than knowing which special interests are spending millions of dollars to elect their justices is *not* knowing which special interests are spending millions of dollars to elect their justices.

Justice Jesse Wainwright paid a total of \$436,802 to another firm with attack-dog credentials. Former Midland County Judge Jeff Norwood founded Austin-based Anthem Media, which was the No. 2 recipient of the justices' Campaign-Related Expenditures. Anthem's business skyrocketed in the 2006 election cycle, when a PAC controlled by San Antonio hospital-bed magnate James Leininger paid Anthem \$1.8 million to run ads attacking five moderate House Republicans who opposed Leininger's school-voucher agenda.

Another big recipient of the justices' Campaign-Related Expenditures is voucher warrior Jason Johnson, who ran Leininger's Texans for School Choice PAC during the 2006 campaign. Justice Willett—a former fellow at Leininger's Texas Public Policy Foundation—paid \$200,812 to Johnson's J2 Strategies consulting firm. Leininger, who champions strict limits on the civil justice system, personally has contributed \$35,000 to the current justices since 2002.

The granddaddy of the Republican-controlled Texas Supreme Court is President Bush's former advisor Karl Rove, who sold his Austin-based consulting firm to some employees in 1999. Principals with the resulting Olsen Delisi & Shuvalov (now Olsen & Shuvalov)¹¹ collected a total of \$270,712 from Justices Brister, Medina, O'Neill, Johnson and Wainwright. Finally, political fundraiser Susan Lilly of Lilly & Co. collected a total of \$470,983 to top off the war chests of Justices Green, Jefferson, Johnson and Willett.

2. Staff & Consultants

Justice Hecht, who spent a minimal share of his war chest on Campaign-Related Expenditures, dominated spending on Staff & Consultants. Staff & Consultants accounted for 58 percent of the almost \$600,000 that Justice Hecht spent. Justice O'Neill spent 12 percent of her funds on Staff & Consultants (all of which went to her accounting firm), followed by Justice Medina at 11 percent. Justices Brister, Green and Wainwright spent less than 3 percent of their funds on this category.

Staff & Consultants

Justice	Total Category Expenditures	This Category's Share of Total Expenditures
Hecht	\$342,479	58%
Jefferson	\$116,759	9%
Willett	\$73,815	4%
Medina	\$49,789	11%
O'Neill	\$27,764	12%
Green	\$17,583	2%
Johnson	\$12,730	7%
Wainwright	\$9,945	1%
Brister	\$5,030	1%
TOTALS:	\$655,895	10%

Largest Single Staff & Consultants Expenditures

Justice	Amount	Recipient	Description	City
Hecht	\$313,745	Jackson Walker	Legal fees	Dallas
Willett	\$35,650	Weil Gotshal & Manges LLP	Legal services	Houston
Jefferson	\$8,933	Lockart Atchley & Assoc. LLP	Accounting services	Austin
Wainwright	\$7,606	E. Lee Parsley	Legal consultation	Austin
Jefferson	\$6,588	Mike McMullen	Wages	Austin
Willett	\$5,059	Lockart Atchley & Assoc. LLP	Accounting services	Austin
Brister	\$5,030	Wright Brown & Close LLP	Legal Fees	Houston
Green	\$4,168	Millan & Co. P.C.	Accounting expense	Austin
Willett	\$3,291	Millan & Co. P.C.	Accounting expense	Austin
Medina	\$3,019	Megan Schad	Payroll expense	Austin
O'Neill	\$2,645	Lockart Atchley & Assoc. LLP	Accounting services	Austin
Jefferson	\$2,180	Capitol Accounting	Accounting	Pflugerville
Jefferson	\$2,024	IRS	Payroll Taxes	Ogden, UT
Medina	\$1,875	Millan & Co. P.C.	Accounting expense	Austin
Medina	\$1,710	Edward Shack	Legal expense	Austin
Jefferson	\$1,553	Millan & Co. P.C.	Accounting expense	Austin
Johnson	\$1,533	Millan & Co. P.C.	Accounting services	Austin

Note: Excludes multiple checks from the same justice to the same recipient.

Hecht spent \$342,479 on Staff & Consultants, paying all but \$62 of this money to Dallas-based Jackson Walker for "legal fees." The firm headed Hecht's successful appeal of a 2006 admonishment by the Texas Commission on Judicial Conduct for "persistent and willful" violations of judicial rules. This censure resulted from Hecht's cheerleading for the 2005 nomination of his former girlfriend, Harriet Miers, to the U.S. Supreme Court. Two days before

President Bush nominated Miers, presidential advisor Karl Rove recruited Hecht to promote the nominee. Hecht lobbied Focus on the Family head James Dobson¹² and granted some 120 media interviews before Miers withdrew under fire from Christian conservatives and elite jurists, who suggested that high-court nominees ought to have a smidgeon of judicial experience. The stacks of campaign funds that Hecht spent on the Miers mess must rank her among the most expensive dates in the history of judicial campaign finances.

Jackson Walker attorney Chip Babcock overturned Hecht's admonishment in 2006, arguing that the justice's First Amendment rights trumped state judicial canons that bar judges from making political endorsements that might tarnish the prestige of the judiciary. Hecht then personally demonstrated that a routine practice of Texas judges inflicts much greater damage to the judiciary than his Miers advocacy did. In 2007 Hecht solicited appellate attorneys who practice in his courtroom to pay his legal bills, raising a quick \$447,000.¹³ On this rampant, conflict-ridden practice the Texas Code of Judicial Conduct is mute.

Two other justices tapped political funds to retain appellate law firms. Justice Willett paid \$35,650 to Weil Gotshal & Manges in 2006. Justice Brister paid \$5,030 in 2004 to Houston-based Wright Brown & Close LLP. Three justices also paid Austin ethics attorney Ed Shack a total of almost \$8,000. Two of these judges (Medina and Green) currently face charges of improperly spending campaign money for personal travel expenses (the next section addresses the court's Travelgate scandal).

Justice Wainwright paid a total of \$8,880 in legal fees in 2003 and 2004 to Austin attorney E. Lee Parsley. Parsley recently surfaced to defend Wainwright's court from activism charges. Steve Bresnen, a longtime lobbyist for clients that include the Texas Trial Lawyers Association, wrote an open letter in late 2007 blasting the Texas Supreme Court for issuing results-oriented opinions that steamroll legislative intent and overturn precedents. As the most recent example, Bresnen cited the court's unanimous 2007 *Entergy Gulf States v. Summers* opinion, which wiped away liabilities that industrial employers previously faced for contract workers injured on their premises. Parsley's rebuttal of Bresnen's claims argued that the court properly relied on the clear language of the underlying statutes.

Justices Jefferson, O'Neill and Willett paid a total of \$93,177 to the Austin accounting firm of Lockart Atchley & Associates. Five justices paid a total of \$80,862 to Austin-based accountant Millan & Co., whose founder—Richard Millan—is treasurer of Texans for Medina.¹⁴ After Medina's campaign paid almost \$27,000 to Millan & Co., Medina's attorney blamed bad advice from an unnamed accountant for the fact that Justice Medina improperly used campaign funds to reimburse himself for thousands of dollars in personal travel expenses.¹⁵ When a member of Texas' highest court acknowledges that he lined his own pockets in violation of state ethics laws and blames his *accountant* for bad *legal* advice what has become of personal responsibility?

Richard Millan also is treasurer of Texas Builds Jobs & Opportunity for a Secure Future PAC (Texas Jobs PAC). In January 2008, this penniless PAC received a stunning \$250,000 from the campaign of embattled House Speaker Tom Craddick. The next day, Texas Jobs PAC forwarded most of Craddick's money to the reelection campaigns of three of Craddick's Democratic allies in the House. These transactions prompted Texans For Public Justice to file a complaint with Travis County District Attorney's Public Integrity Unit. That pending complaint requests an investigation to determine if Craddick and Texas Jobs PAC violated the so-called speaker's law, which prohibits expenditures to aid or defeat a speaker candidate.¹⁶

3. Travel & Lodging

Justice Medina—whose campaign-fueled vehicle never seemed to stop—spent the greatest share of his campaign funds on Travel & Lodging (19 percent). Justice Hecht chased Medina, spending 17 percent of his funds on this category. Meanwhile, homebody Justice Willett spent just 1 percent of his funds on Travel & Lodging, while Justice O’Neill spent a relatively modest 4 percent.

Travel & Lodging

Justice	Total Category Expenditures	This Category's Share of Total Expenditures
Wainwright	\$104,194	9%
Hecht	\$102,121	17%
Medina	\$87,494	19%
Jefferson	\$74,645	6%
Green	\$54,836	7%
Brister	\$43,418	9%
Willett	\$19,697	1%
Johnson	\$16,603	9%
O'Neill	\$9,788	4%
TOTALS:	\$512,795	7%

Largest Single Travel & Lodging Expenditures

Justice	Amount	Recipient	Description	Location
Jefferson	\$4,554	Hyatt Lost Pines Resort	Conference expense	Cedar Creek
Wainwright	\$4,490	Gary H Martin	Airfare: Senate conferences	Midland
Medina	\$3,106	David Medina	Mileage	Austin
Green	\$3,065	Southwest Airlines	Travel expense	Dallas
Brister	\$2,891	Doubletree Austin Hotel	Investiture family/guests	Austin
Medina	\$2,726	David Medina	Mileage reimbursement	Austin
Medina	\$2,583	David Medina	Mileage	Austin
Medina	\$2,558	David Medina	Mileage	Austin
Wainwright	\$2,500	A.W. Born / Golden T-Air	Airfare -Llano Co.	Beaumont
Medina	\$2,455	David Medina	Mileage	Austin
Green	\$2,400	Yellow Tail G-1 LLC	Travel expense	San Antonio
Jefferson	\$2,335	Southwest Airlines	Reimburse Justice for Travel	Austin
Medina	\$2,318	David Medina	Mileage reimbursement	Austin
Medina	\$2,307	David Medina	Mileage reimbursement	Austin
Hecht	\$2,222	Renaissance Mayflower	Room & meals	Washington
Medina	\$2,206	David Medina	Mileage reimbursement	Austin
Hecht	\$2,192	Renaissance Mayflower	Room	Washington
Medina	\$2,154	David Medina	Mileage reimbursement	Austin
Medina	\$2,051	David Medina	Mileage	Austin
Green	\$2,008	Paul Green	Mileage reimbursement	San Antonio
Green	\$2,003	Mayflower Hotel	American Law Institute Mtg.	Washington
Johnson	\$1,840	Phil Johnson	Mileage reimburse. Sept/Oct	Austin
Medina	\$1,791	David Medina	Mileage reimbursement	Austin
Wainwright	\$1,659	Ritz Carlton	Chief Justice Conference	Puerto Rico

Note: Excludes multiple checks from the same justice to the same recipient.

Remarkably, the \$3,106 that Justice Medina reimbursed himself for mileage in May 2007 was the third-largest Travel & Lodging expenditure reported by a member of the court. This payment capped a year in which Medina paid himself more than \$2,000 a month for mileage. Justice Medina, who long commuted between Austin and suburban Houston, used campaign funds to reimburse himself for \$60,788 worth of mileage expenses from January 2005 through June of 2007. Medina pocketed three-quarter of all the mileage money that the nine justices reimbursed themselves.

Supreme Mileage Odometer

Justice	Total Self-Reimbursements For 'Mileage'	Share of Mileage Money	Estimated Miles Driven (@ 48.5¢/mile)*	Period Covered	Mileage Itemization
Medina	\$60,788	75%	125,336	1/05 – 6/07	None
Jefferson	\$8,957	11%	18,468	8/01 – 6/07	None
Johnson	\$3,699	5%	7,627	10/05 – 6/07	None
Green	\$3,616	4%	7,456	9/03 – 1/05	Some
Wainwright	\$3,068	4%	6,326	9/02 – 4/07	Most
Brister	\$342	0%	705	12/04 – 1/05	None
Willett	\$324	0%	668	11/05 – 2/06	None
Hecht	\$0	0%	0	NA	NA
O'Neill	\$0	0%	0	NA	NA
TOTAL:	\$80,794	100%	166,586		

*This state mileage rate went up to 50.5¢ per mile in January 2008.

The *Dallas Morning News* first reported Medina's "unusually large reimbursements" in an October 2007 investigation into the suspicious 2006 fire that consumed Medina's 5,100-square-foot suburban Houston home.¹⁷ (Citing insufficient evidence, Harris County prosecutors declined to act on a grand jury's January 2008 indictment of Medina and his wife for evidence tampering and arson, respectively.) Texas Ethics Commission rules bar judges from using campaign funds to pay for their commute. Medina's case is so flagrant, however, that it may not just be a matter of prohibited reimbursements. During the period covered here, Medina claimed an average of 964 miles per week, which is equivalent to 3.1 weekly round trips between Austin and Spring. Did Justice Medina really drive the equivalent of three round trips a week or did he claim phantom miles? Medina's attorney has pledged that the justice will repay any improper reimbursements.¹⁸ In January 2008, Medina reported that he repaid his campaign \$2,000—or less than one month's worth of Medina mileage claims.

Austin-based Texas Watch filed Texas Ethics Commission complaints in January 2008 alleging that Justices Green and Hecht also abused campaign funds to pay for personal travel. Justice Green traveled frequently between an Austin apartment and his home in San Antonio. He said the campaign payments were legitimate because he frequently speaks in his hometown to "the local bar, young lawyers, law school, any number of school groups."¹⁹ From late 2003 through early 2005 Green used political funds to reimburse himself \$3,616 for mileage that either was unitemized or was listed as covering mileage between Austin and San Antonio. While most of these payments were under \$55, Green paid himself an unspecified "mileage reimbursement" of \$2,008 in May 2004. Apart from Green and Wainwright, the other five justices claiming mileage reimbursements provided no accounting for where they drove.

Although Justice Hecht used political funds to pay for \$7,500 in ground travel, he spent this money on rental cars, cabs, gas, tolls and parking—not mileage claims. Nonetheless, Hecht has acknowledged using political funds to pay for an unspecified number of flights to and from his hometown of Carrollton. Embracing the concept of the permanent campaign, Hecht—who does not face reelection until 2012—said the trips were campaign related. "I feel like it advances my

campaign to go up there and I almost always work when I'm there," he told the *Houston Chronicle* in January 2008.²⁰ Hecht's campaign paid \$50,767 for 292 flights to unknown destinations between 2001 and June of 2007. All but two of these flights were on the DFW-based American and Southwest Airlines.

Hecht spent \$38,860 on hotels, led by several in Washington, DC. He spent \$8,101 for 14 stays at [Washington's Willard InterContinental](#), \$6,950 on four stays at the [Renaissance Mayflower](#) and \$2,557 on five stays at the [Hotel George](#). None of these stays occurred during Harriet Miers' short-lived U.S. Supreme Court nomination.

4. Administrative/Office Expenses

Justice O'Neill spent the largest share of her funds on Administrative/Office expenses (30 percent). Justice Hecht came next, spending 9 percent of his funds on this category. For his part, Justice Willett spent just 1 percent of his voluminous funds on Administrative/Office expenses.

Administrative/Office Expenses

Justice	Total Category Expenditures	This Category's Share of Total Expenditures
O'Neill	\$67,553	30%
Wainwright	\$57,604	5%
Jefferson	\$55,201	4%
Hecht	\$51,028	9%
Green	\$25,216	3%
Brister	\$25,131	5%
Medina	\$22,195	5%
Willett	\$18,143	1%
Johnson	\$6,261	3%
TOTALS:	\$328,331	5%

Largest Single Administrative/Office Expenses

Justice	Amount	Recipient	Description	City
O'Neill	\$15,206	Portraits South	Court portraits	Raleigh, NC
Wainwright	\$4,270	A-1 Freeman Location	Moving Expense	Houston
O'Neill	\$4,213	Dell Computer	Reimburse Justice O'Neill	Austin
Brister	\$3,943	Berger Allied	Moving services	Houston
Hecht	\$3,831	Dell Computer	Computer	Dallas
Medina	\$3,403	Dell Computers	Computers	Round Rock
Willett	\$2,667	Apple Store #R085	Computer & Printer	Austin
Wainwright	\$2,364	Dell Computers	Laptop Computer	Austin
Brister	\$1,894	Best Buy	Buy laptop & software	Houston
Jefferson	\$1,614	Integrated Network Svcs	Computer and software	San Antonio
Green	\$1,552	Dell Catalog Sales	New computer	Austin
Wainwright	\$1,472	Southwest Century Com.	Phone Expenses	Houston
Medina	\$1,286	Sprint PCS	Telephone expense	Kansas City
O'Neill	\$1,190	Capitol Computer	Computer services	Austin
Jefferson	\$1,168	Cedar Park Fabrics	office chair upholstery	Cedar Park
Johnson	\$1,082	Best Buy	Computer equipment	Lubbock
Jefferson	\$1,072	Impressions Printing	Letterhead & envelopes	Austin
Willett	\$1,068	Digital Domain	Digital Services	Austin
Willett	\$1,000	Paul Altheide	Contribution Refund	Corpus Christi
Brister	\$915	Monarch Trophy	Office Furnishing	Houston
Jefferson	\$896	Innovative Photography	Photography	Austin
Willett	\$882	Dell Financial Services	Computer purchase	Austin
Wainwright	\$869	Verizon Wireless	Phone bill	Houston
Hecht	\$853	CompUSA	Supplies	Dallas
Brister	\$825	Costco	Office Furniture	Austin
O'Neill	\$824	Frank White Photography	Photography	Houston

Note: Excludes multiple checks from the same justice to the same recipient.



Justice O'Neill, [Portraits South](#)

While Justice O'Neill ranked No. 8 on the court in total political expenditures (\$223,194), she did not skimp on appearances. She paid North Carolina-based [Portraits South](#) a total of \$47,610 to paint her official portrait—three times (an earlier version of this report mistakenly suggested that O'Neill bought just one painting).¹ O'Neill says Portraits South gave her a deal for producing one portrait for each of the three state courts in which she has presided: the high court, the 14th Court of Appeals and the 152nd District Court. O'Neill's portrait-related expenditures included \$2,374 in "portrait hanging" receptions.

Every picture tells a story. The more than \$50,000 that O'Neill spent on portrait-related expenses accounted for 23 percent of her total political spending. Former justice John Cornyn spent \$23,240 for a portrait (see the same portrait website).¹ Ex-Justices Alberto "waterboard" Gonzales and Raul Gonzalez spent \$22,008 and \$7,818, respectively.

Justices Wainwright, Brister and Green spent thousands of political dollars on moving expenses. Justice Wainwright spent a total of \$4,451 on movers, with the largest expenditure occurring in August 2003, seven months after he joined the high court. Justice Brister paid movers \$3,943 in April 2005, five months after winning his first Supreme Court election. Elected to the court in 2004, Justice Green's spent a total of \$2,121 on moving over the next several years. Texas Ethics Commission rules allow a judge to use political funds "to pay the expenses of moving from his home city to the city where the court sits."²¹

The highest single phone bill reported was the \$1,286 doozey that Justice Medina paid to Sprint PCS in late May 2007 (every previous Medina phone bill cost less than \$500). Justice Medina ran up his biggest phone bill at an intriguing time, paying it one month before the suspicious fire that burned down his home on June 28, 2007. Justice Medina also appears to have burned up cell minutes during the subsequent arson investigation, paying \$800 phone bills in the hot months of August and September of 2007.

Justice Hecht's phone minutes also spiked at a significant time. Hecht, whose cell-phone bill averaged \$150 a month, paid a record \$286 for the month of October 2005. That was when he conducted some 120 interviews promoting the Supreme Court nomination of Harriet Miers.

5. Food, Drink & Events

Food, Drinks & Events consumed one out of every \$10 that Justices Hecht and O'Neill spent. None of their colleagues spent more than 4 percent of their funds on this category.

Food, Drinks & Events

Justice	Total Category Expenditures	This Category's Share of Total Expenditures
Hecht	\$59,225	10%
Jefferson	\$33,355	3%
Green	\$28,397	4%
Wainwright	\$27,710	3%
O'Neill	\$23,299	10%
Medina	\$13,486	3%
Willett	\$13,273	1%
Brister	\$8,391	2%
Johnson	\$6,465	3%
TOTALS:	\$213,602	3%

Largest Single Food, Drink & Event Expenses

Justice	Amount	Recipient	Description	City
Wainwright	\$4,031	Hyatt Hotels	GOP Convention party	Dallas
Wainwright	\$3,100	Crescent Court Hotel	Catering expense	Dallas
Green	\$2,761	Onion Creek Club	Court Christmas party	Austin
Jefferson	\$2,420	RK Group	Event expense	San Antonio
Willett	\$2,230	Pierre & Candy Massoud	Event expense	Cypress
Green	\$2,145	El Mirador Catering	Event expense	San Antonio
Hecht	\$2,033	Scholz Garten	Court staff party	Austin
Wainwright	\$1,723	Word of Mouth Catering	Court staff Holiday dinner	Austin
Green	\$1,702	Lost Creek Country Club	Court Christmas party	Austin
Hecht	\$1,700	Lost Creek Country Club	Court party	Austin
Jefferson	\$1,698	S.P. Ortiz Int'l Center	Reception expense	Corpus
Johnson	\$1,670	George Catering	Event expense	Dallas
Green	\$1,644	Austin Club	Event expense	Austin
Green	\$1,624	Lee Logan Events, Inc.	Event expense	Dallas
Jefferson	\$1,616	Adams Mark	Reception expense	San Antonio
Willett	\$1,570	Gretchen Rose Events	Event expense	Dallas
Jefferson	\$1,565	African-Am. Lawyers	Reception	San Antonio
Jefferson	\$1,438	Headliners Club	Event expense	Austin
Johnson	\$1,407	Gretchen Rose Events	Event expense	Dallas
Jefferson	\$1,317	Masraff's	Reception expense	Houston
Hecht	\$1,303	Pok-E-Jo's	Court party	Austin
Hecht	\$1,299	Headliners Club	Staff dinners & lunches	Austin
Willett	\$1,224	Nuevo Leon Restaurant	Law clerk welcome party	Austin
O'Neill	\$1,135	Mansion at Judges Hill	Access to Justice dinner	Austin
O'Neill	\$1,128	Vin Bistro	Dinner for chief justice	Austin
Green	\$1,045	Fort Worth Club	Event expense	Fort Worth
O'Neill	\$1,000	Jim Benton	Catering portrait hanging	Houston

Note: Excludes multiple checks from the same justice to the same recipient.

Receptions held by individual justices accounted for many of the largest Food, Drinks and Events expenditures, with many of these receptions undoubtedly serving as campaign fundraising events. A dozen of the events listed on the accompanying table that cost more than \$1,500 were not described as benefiting the court as a whole. In all 12 instances, the justice hosting the big-ticket event did so during an election cycle in which his name appeared on the ballot.

Court parties were another recurring expenditure in this category. Justice Green spent \$2,761 for a court Christmas party at Austin's Onion Creek Club in January 2007. The two preceding years the court held holiday parties at Lost Creek Country Club, with those bashes costing Justices Green and Hecht about \$1,700 apiece. The January 2006 fete at Lost Creek Country Club came a little more than a week after Justice Wainwright paid \$1,723 to cater yet another holiday party. Back in the summers of 2004 and 2005, Justice Hecht also threw court parties at Scholz's Garten that cost about \$2,000 apiece.

6. Miscellaneous

Justice O'Neill led the court in the share of her funds that she spent on Miscellaneous Expenditures (5 percent). The \$1,584 that she paid in federal taxes was the single largest Miscellaneous expenditure. O'Neill paid the IRS a total of \$3,675 during the period studied, presumably for interest income earned on surplus campaign funds. Because such income taxes dominated this category, the accompanying table lists the campaign cash that each justice had on hand at the end of 2007. The nine justices collectively sat on a total of almost \$2 million in political funds at that time.

Miscellaneous Expenditures

Justice	Total Category Expenditures	This Category's Share of Total Expenditures	Campaign Cash On Hand, Year-End 2007
Jefferson	\$18,635	1%	\$467,436
Hecht	\$16,830	3%	\$205,534
O'Neill	\$10,792	5%	\$119,279
Green	\$8,170	1%	\$44,462
Brister	\$8,165	2%	\$38,572
Wainwright	\$7,315	1%	\$241,224
Willett	\$5,797	<1%	\$337,236
Medina	\$3,901	1%	\$45,854
Johnson	\$770	<1%	\$472,880
TOTALS:	\$80,374	1%	\$1,972,477

Largest Single Miscellaneous Expenditures

Justice	Amount	Recipient	Description	City
O'Neill	\$1,584	Internal Revenue Service	Income taxes	Ogden, UT
Hecht	\$1,575	United States	Taxes	Washington
Brister	\$1,546	Internal Revenue Service	Income taxes	Austin
Willett	\$1,527	IRS	Federal Income Taxes	Ogden, UT
Medina	\$1,500	TX Ethics Commission	Fees	Austin
Jefferson	\$1,400	Fellows of Am. Bar Fdn.	Dues	Chicago, IL
Jefferson	\$1,000	Supreme Ct Historical Soc.	Dues	Austin
Green	\$812	Dallas Bar Assoc.	Labels	Dallas
Wainwright	\$700	Nat'l Center for State Courts	Chief Justice Confer.	Williamsburg, VA
Brister	\$550	Four Seasons Hotel	CLE; Histor. Soc	Austin
Jefferson	\$500	Nat'l Center for State Courts	Chief Justice Confer.	Williamsburg, VA
Jefferson	\$500	TX Ethics Commission	Report Fee	Austin
O'Neill	\$500	TX Supreme Court Clerk	Membership dues	Austin
Willett	\$500	TX Bar Foundation	Dues	Austin

Note: Excludes multiple checks from the same justice to the same recipient.

Justices also tapped political funds to pay for professional dues, continuing legal education (CLE) and judicial conferences. Justices Jefferson and Medina also used political funds to pay late-disclosure fines to the Texas Ethics Commission. Both justices paid \$500 fines for missing deadlines for disclosing personal finances.²² Justice Medina also paid a \$1,500 fine in late 2004 after missing six campaign-disclosure deadlines. Although his campaign was dormant from 2000 until his Supreme Court appointment in late 2004, Medina faced a continuing obligation to file disclosure reports because he had not shut down his campaign account.²³

7. Gifts/Charitable Contributions

Justice O'Neill spent the largest amount of political funds on Gifts & Charitable Contributions in both absolute and relative terms. Justice O'Neill dedicated 4 percent of her funds to this category. None of her colleagues cleared 1 percent.

Gifts & Charitable Contributions

Justice	Total Category Expenditures	This Category's Share of Total Expenditures
O'Neill	\$9,419	4%
Wainwright	\$8,930	1%
Green	\$6,117	1%
Willett	\$5,714	<1%
Jefferson	\$5,137	<1%
Medina	\$3,663	1%
Brister	\$2,802	1%
Hecht	\$2,251	<1%
Johnson	\$551	<1%
TOTALS:	\$44,584	1%

Largest Single Gifts & Charitable Contributions

Justice	Amount	Recipient	Description	City
O'Neill	\$5,000	TX Equal Access To Justice Fdn.	Charitable contrib.	Austin
Medina	\$1,500	Spring Vipers	Sponsorship/ad	Spring
Wainwright	\$1,500	Aspiring Youth of Houston	Gala table	Houston
Willett	\$1,272	Gem Jewelry Co	Event expenses	Austin
Brister	\$1,000	Harvard Law School Fund	Contribution	Cambridge, MA
Green	\$1,000	St. Mary's Law Alumni Assoc.	Donation	San Antonio
Medina	\$1,000	Houston Hawks	Charitable contrib.	Spring
O'Neill	\$1,000	TX Bar Foundation	Legal Aid program	Austin
Wainwright	\$1,000	Central Pregnancy Care	Table at dinner	Houston
Wainwright	\$1,000	Juneteenth Committee	Contribution	Houston
Willett	\$1,000	Consourse Inc.	Charitable Donation	Washington
Willett	\$850	Austin Symphony	Charitable Fees	Austin
O'Neill	\$800	Bells International	Law clerk portfolios	Austin
Wainwright	\$500	Vision America	Donation	Houston
Willett	\$500	National Fatherhood Initiative	Charitable contrib.	Gaithersburg, MD
Medina	\$423	Action Wear Plus, Inc.	Court T-Shirts	Spring
Willett	\$400	Supreme Ct. Benevolence Fund	Contribution	Austin

Note: Excludes multiple checks from the same justice to the same recipient.

Justice O'Neill contributed \$5,000 to the Equal Access to Justice Foundation, the non-profit that the high court created in 1984 to provide low-income Texans with legal services in civil cases. O'Neill contributed another \$1,000 to the Texas Bar Foundation for legal aid. She also spent \$800 on portfolios to give to law court clerks.

Justice Wainwright spent a total of \$1,250 sponsoring Houston fundraising events for two crisis pregnancy centers, which advise pregnant young women on options other than abortion.²⁴ He also contributed \$1,500 to Aspiring Youth of Houston, which runs mentoring and after-school programs for at-risk kids.

Justice Willett contributed \$1,000 to ConSource, Inc., which is compiling an online library related to the U.S. Constitution. Willett also gave \$500 to a public relations effort urging dads to raise their kids. National Fatherhood Initiative co-founder Wade Horn left the group in 2001 to join the Bush administration, where he became a footnote in the brouhaha over the administration paying columnists to promote its social agenda. After columnist Maggie Gallagher wrote a 2002 column touting a Bush marriage initiative,²⁵ for example, the *Washington Post* revealed that the administration was paying Gallagher \$41,500 to promote such policies.²⁶ The Health and Human Services division that Horn headed supplied half of these funds to Gallagher; the rest reached the columnist via the federally funded National Fatherhood Initiative.

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8. Rent Payments

Justices Wainwright, Medina and Green reported the only expenditures categorized as Rent Payments, with Justice Wainwright leading court spending in this category.

Rent Payments

Justice	Total Category Expenditures	This Category's Share of Total Expenditures
Wainwright	\$22,723	2%
Medina	\$9,277	2%
Green	\$3,450	<1%
6 Other Justices	\$0	0%
TOTALS:	\$35,450	1%

Largest Single Rent Payments

Justice	Amount	Recipient	Description	City
Wainwright	\$1,500	ORR Realty	Rent	Houston
Medina	\$1,290	HillCo Direct	Rent/parking expense	Austin
Wainwright	\$1,031	Gables Town Lake	Rent \$1,020; Utilities \$10.98	Austin
Green	\$750	Richard Peacock & Co.	Rent expense	San Antonio
Green	\$490	Vaughn Building	Office rent	Austin
Wainwright	\$410	Public Storage	Storage for campaign	Austin
Wainwright	\$260	Shurgard Storage	Document storage	Austin
Wainwright	\$213	Reliant Energy	Utilities	Houston

Note: Excludes multiple checks from the same justice to the same recipient.

In his largest Rent Payments, Justice Wainwright paid a total of \$12,400 to rent a Houston office during his 2002 Supreme Court campaign. The month after he won that race, Justice-Elect Wainwright paid a deposit to a luxury apartment development in Austin: Gables at Town Lake. Wainwright paid Gables a total of \$6,983 in political funds for utilities, deposit and rent from December 2002 through August 2003. During this period Wainwright also used political funds to pay \$604 in utility bills to the City of Austin. Wainwright then appears to have moved to a more permanent Austin residence in August 2003.²⁷

Like Justice Medina's commuter subsidies, Justice Wainwright's payments to Gables at Town Lake appear to be clear violations of Texas Election Code provisions that prohibit a candidate or officeholder from converting a political contribution to a "personal use."²⁸ Lawmakers who ordinarily reside outside Travis County are the only state officials legally permitted to spend political funds on residential costs, according to a 1984 Ethics Advisory Opinion.²⁹ A 1993 Ethics Advisory Opinion directly tackled the issue of whether or not appeals judges can legally spend political funds on housing. That opinion concluded that, "An appellate judge may not use political contributions to pay the expenses of maintaining a residence in the city in which the court sits."³⁰

Justice Medina paid a total of \$9,277 in rent during 2005 to Austin-based consulting firm HillCo Direct. It is a joint venture of lobby firm HillCo Partners and consultant Ted Delisi. Ted Delisi's firm Olsen Delisi & Shuvalov is discussed in the Campaign-Related Expenditures section. His wife, Deirdre Delisi, served as deputy chief of staff to Governor Perry when Medina was the governor's general counsel.³¹ Houston homebuilder Bob Perry, whose company has a case pending before the Texas Supreme Court,³² is a HillCo Partners client. Perry supplies most of the money wielded by HillCo's PAC, which has contributed \$141,000 to six of the current justices.³³

Justice Green paid a total of \$2,450 in rent to the Vaughn Building in downtown Austin in 2003 and 2004. That same election cycle he paid \$1,000 in rent in his hometown of San Antonio.

9. Political Contributions

Eight of the justices forwarded a total of \$32,311 in political funds to other political committees or causes, with most of this money benefiting affiliates of the Republican Party. The reported purposes of these expenditures ranged from political contributions and fundraiser sponsorships to payments for petitions or dues.

The biggest political donor was Justice Johnson, who spent \$8,920 in Political Contributions, or 5 percent of his total spending. None of his colleagues spent more than 1 percent of their funds on this category. The \$17,307 that the Harris County Republican Party received from Justices Brister, Johnson, Wainwright and Willett accounted for 60 percent of the money that all the justices spent on Political Contributions.

Political Contributions

Justice	Total Category Expenditures	This Category's Share of Total Expenditures
Johnson	\$8,920	5%
Brister	\$7,500	1%
Jefferson	\$3,145	<1%
Wainwright	\$3,107	<1%
Green	\$2,310	<1%
Medina	\$1,720	<1%
Willett	\$1,580	<1%
O'Neill	\$535	<1%
Hecht	\$0	0%
TOTALS:	\$28,817	<1%

Largest Single Political Contributions

Justice	Amount	Recipient	Description	City
Brister	\$7,500	Harris Co. Republican Party	Donation	Houston
Johnson	\$7,000	Harris Co. Republican Party (State)	Contribution	Houston
Jefferson	\$2,500	Republican Party of TX	SREC Sponsorship	Austin
Medina	\$1,250	Republican Nat'l Hispanic Assembly	Sponsorship	Austin
Wainwright	\$1,000	Harris Co. Republican Party	Sponsor	Houston
Green	\$500	TX Republican Co. Chairs Assoc.	Donation	McAllen
Johnson	\$500	Harris Co. Republican Party (Fed'l)	Contribution	Houston
Johnson	\$500	Austin Young Republicans	Sponsorship	San Marcos
O'Neill	\$500	TX Republican Co. Chairs Assoc.	Sponsor	McAllen
Wainwright	\$500	TX Fed'n of Black Republicans	Sponsorship	Houston
Willett	\$500	Tarrant Co. Republican Party	Sponsorship	Fort Worth
Johnson	\$300	Grayson Co. Republican Party	Contribution	Gunter
Willett	\$300	TX Fed'n of Repub. Women PAC	Convention	Austin
Willett	\$285	Republican Party of Ft. Bend Co.	Sponsorship	Sugar Land

Note: Excludes multiple checks from the same justice to the same recipient.

Some of these contributions to the Harris County Republican Party may have violated state law. The Texas Election Code generally prohibits judges whose names appear on the ballot from contributing more than \$250 in political funds to the state or county executive committee of a political party. When Justice Brister was on the ballot in 2004 he contributed \$7,500 to the Harris

County Republican Party. When Justice Johnson was on the ballot in 2006 he made two contributions totaling \$7,500 to the Harris County Republican Party.³⁴ To be legal, the law says that these contributions could not exceed the value of either:

- The advertising that the contributing justice received from the party committee; or
- The justice's pro rata share of the party committee's normal operating costs.³⁵

Justices Green contributed \$200 in 2005 to the Alliance for Judicial Funding, which lobbies the legislature for higher judicial salaries. This became a softer sell after 1975, when the legislature began basing lawmaker's pension benefits on the salaries of state district judges.³⁶

10. Unknown Expenditures

Corrected

An earlier version of this report incorrectly reported that Justice Scott Brister failed to itemize \$6,805 in reimbursements that he received from his campaign account in late 2003. In fact, Justice Brister did itemize those reimbursements on a separate Texas Ethics Commission form designated for that purpose (“Schedule G”). Texans for Public Justice deeply regrets the error.

Appendix: Profiles of the Justices

Justice Scott A. Brister



Hometown: Houston

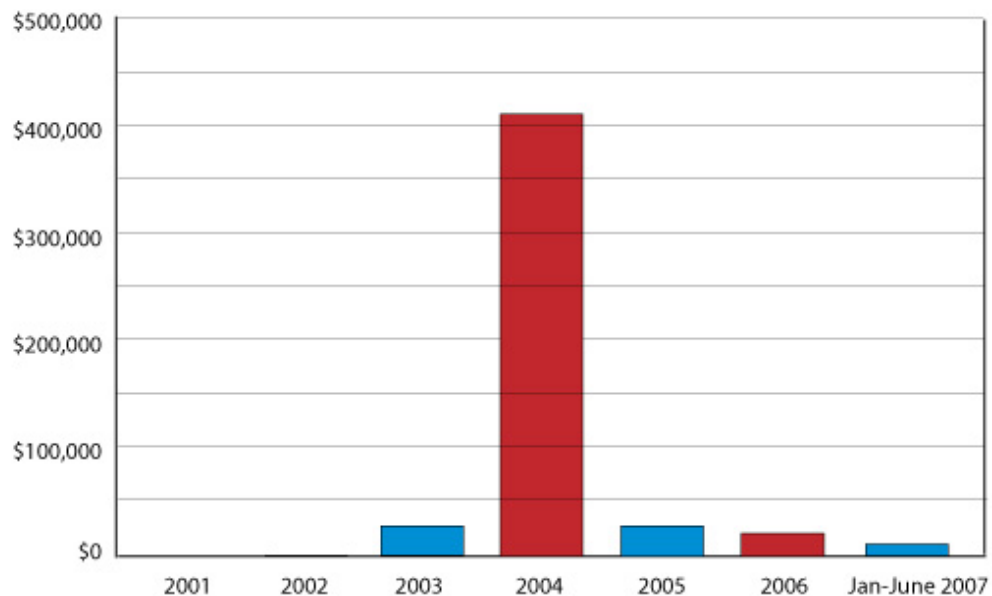
Route to Court: Appointed 11/03

Previous Position: 1st Court of Appeals

Year Term Ends: 2010

[Visit Justice Brister's Website](#)

Annual Spending, Jan. 2001 to June 2007



Appointments:

Brister

Elections:

Brister

Primary Election : 100%

General Election : 59%

Year Term Ends : 2010

Supreme Political Spending By Category, Jan. 2001 to June 2007

Expenditure Category	Total Spent	No. of Expenditures	Share of All Spending
Campaign-Related Expenditures	\$397,146	77	79%
Travel & Lodging	\$43,418	142	9%
Administrative/Office Expenses	\$25,131	179	5%
Food, Drink & Events	\$8,391	61	2%
Miscellaneous	\$8,165	33	2%
Political Contributions	\$7,500	1	1%
*Unknown	*\$6,805	11	1%
Staff & Consultants	\$5,030	1	1%
Gifts/Charitable Contributions	\$2,802	14	1%
Rent Payments	\$0	0	0%
TOTAL:	\$504,389	519	100%

*Correction: The expenditures initially categorized as "Unknown" were itemized in a separate filing. See the "Unknown" section for more details.

Largest Single Expenditure

Justice	Amount	Recipient	Description	City	Date
Brister	\$150,000	Weeks & Co.	Advertising	Austin	10/18/04

Justice Paul W. Green



Hometown: San Antonio

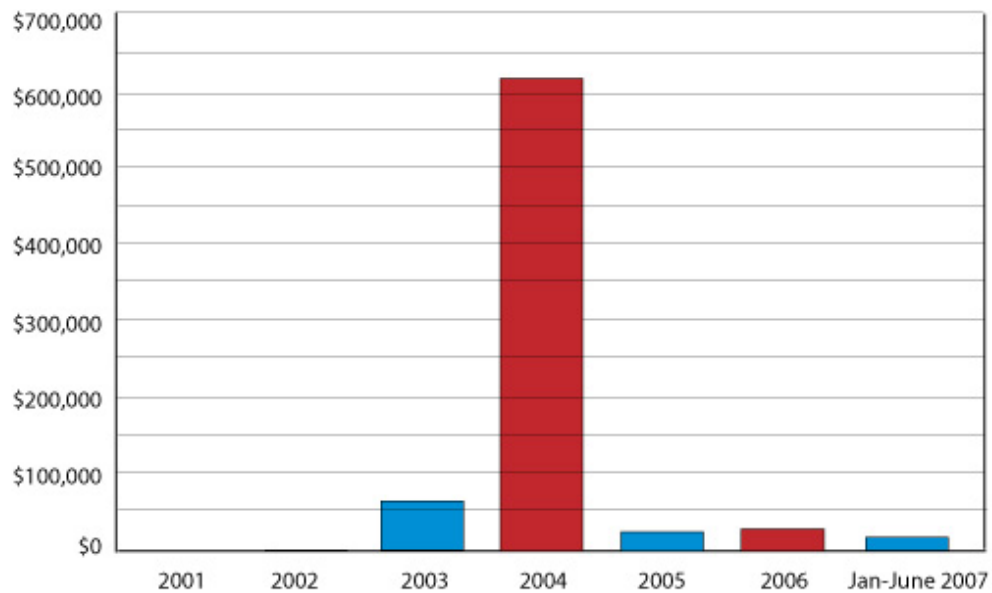
Route to Court: Elected 11/04

Previous Position: 10th Court of Appeals

Year Term Ends: 2010

[Visit Justice Green's Website](#)

Annual Spending, Jan. 2001 to June 2007



Appointments:

Elections:

Green

Primary Election : 53%

General Election : 100%

Year Term Ends : 2010

Supreme Political Spending By Category, Jan. 2001 to June 2007

Expenditure Category	Total Spent	No. of Expenditures	Share of All Spending
Campaign-Related Expenditures	\$611,318	144	81%
Travel & Lodging	\$54,836	495	7%
Food, Drink & Events	\$28,397	200	4%
Administrative/Office Expenses	\$25,216	192	3%
Staff & Consultants	\$17,583	24	2%
Miscellaneous	\$8,170	52	1%
Gifts/Charitable Contributions	\$6,117	48	1%
Rent Payments	\$3,450	7	<1%
Political Contributions	\$2,310	17	<1%
Unknown	\$0	0	0%
TOTAL:	\$757,397	1,179	100%

Largest Single Expenditure

Justice	Amount	Recipient	Description	City	Date
Green	\$66,875	CrossRoads Media	Media Expense	Alexandria, VA	02/24/04

Justice Nathan L. Hecht



Hometown: Dallas

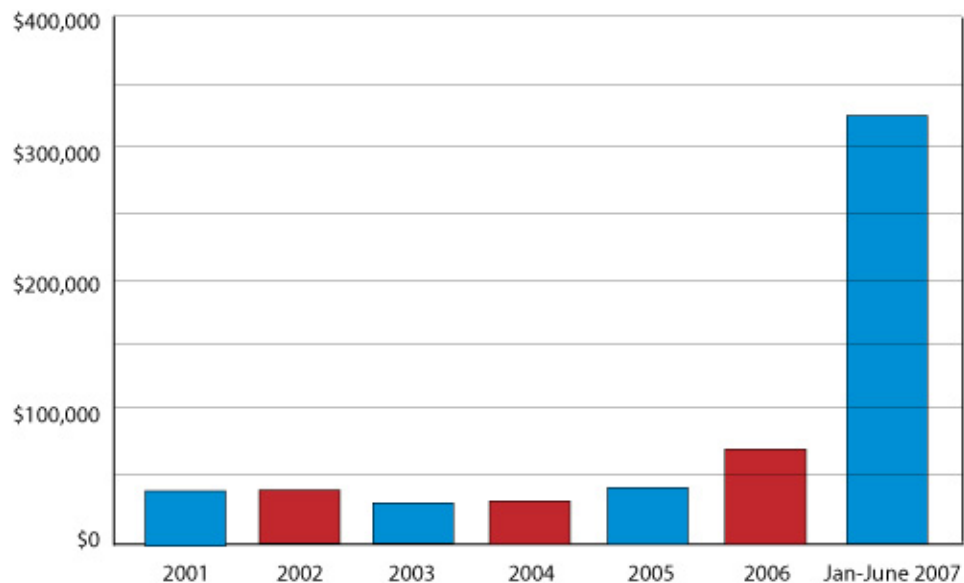
Route to Court: Elected 11/88

Previous Position: 5th Court of Appeals

Year Term Ends: 2012

[Visit Justice Hecht's Website](#)

Annual Spending, Jan. 2001 to June 2007



Appointments:

Elections:

Hecht
Primary Election : 100%
General Election : 76%
Year Term Ends : 2012

Supreme Political Spending By Category, Jan. 2001 to June 2007

Expenditure Category	Total Spent	No. of Expenditures	Share of All Spending
Staff & Consultants	\$342,479	3	58%
Travel & Lodging	\$102,121	564	17%
Food, Drink & Events	\$59,225	575	10%
Administrative/Office Expenses	\$51,028	606	9%
Campaign-Related Expenditures	\$17,591	27	3%
Miscellaneous	\$16,830	87	3%
Gifts/Charitable Contributions	\$2,251	18	0%
Rent Payments	\$0	0	0%
Political Contributions	\$0	0	0%
Unknown	\$0	0	0%
TOTAL:	\$591,525	1,880	100%

Largest Single Expenditure

Justice	Amount	Recipient	Description	City	Date
Hecht	\$313,745	Jackson Walker	Legal Fees	Dallas	04/17/07

Justice Wallace Jefferson



Hometown: San Antonio

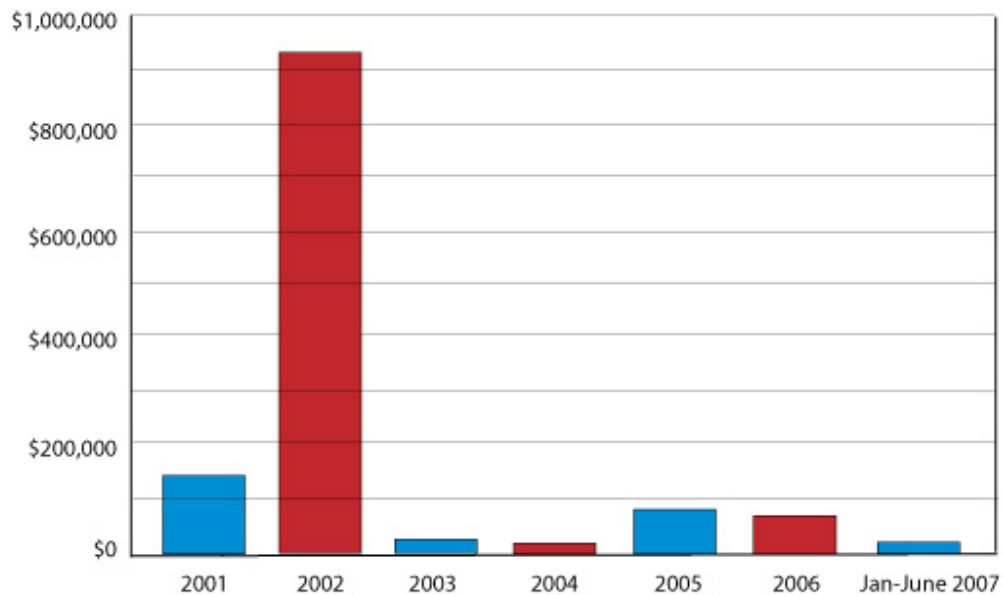
Route to Court: Appointed 3/01

Previous Position: Crofts Callaway & Jefferson

Year Term Ends: 2008

[Visit Justice Jefferson's Website](#)

Annual Spending, Jan. 2001 to June 2007



Appointments: Jefferson

Jefferson (Chief)

Elections:

Jefferson
Primary Election : 62%
General Election : 57%
Year Term Ends : 2006

Jefferson (Chief)
Primary Election : 100%
General Election : 76%
Year Term Ends : 2008

Supreme Political Spending By Category, Jan. 2001 to June 2007

Expenditure Category	Total Spent	No. of Expenditures	Share of All Spending
Campaign-Related Expenditures	\$1,003,863	430	77%
Staff & Consultants	\$116,759	181	9%
Travel & Lodging	\$74,645	435	6%
Administrative/Office Expenses	\$55,201	381	4%
Food, Drink & Events	\$33,355	334	3%
Miscellaneous	\$18,635	90	1%
Gifts/Charitable Contributions	\$5,137	70	0%
Political Contributions	\$3,145	7	0%
Rent Payments	\$0	0	0%
Unknown	\$0	0	0%
TOTAL:	\$1,310,740	1,928	100%

Largest Single Expenditure

Justice	Amount	Recipient	Description	City	Date
Jefferson	\$118,241	National Media, Inc.	Media Expense	Alexandria, VA	10/23/02

Justice Philip Johnson



Hometown: Lubbock

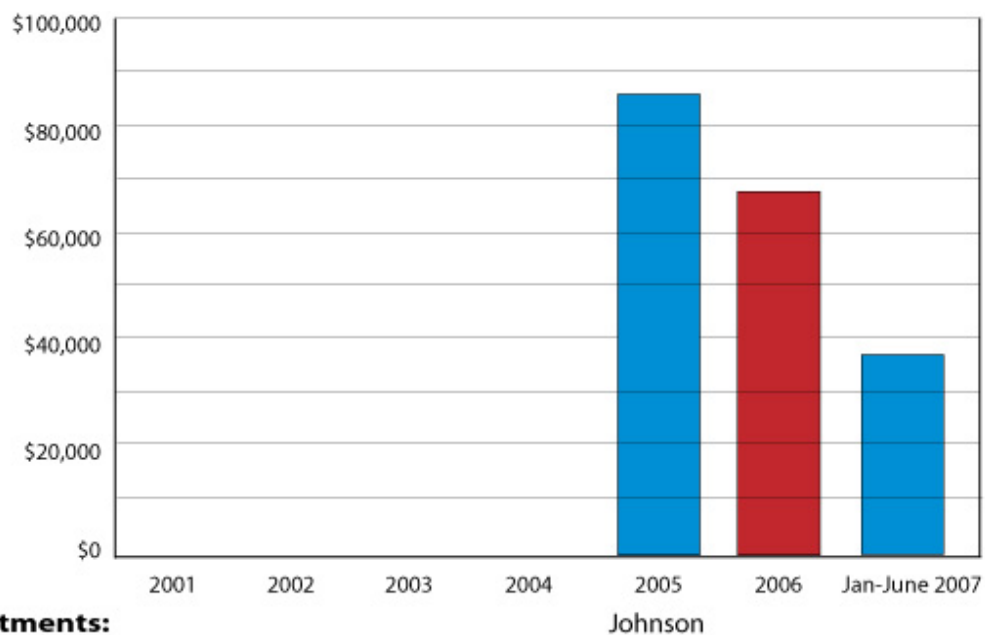
Route to Court: Appointed 3/05

Previous Position: 7th Court of Appeals

Year Term Ends: 2008

[Visit Justice Johnson's Website](#)

Annual Spending, Jan. 2001 to June 2007



Elections:

Johnson
Primary Election : 100%
General Election : 76%
Year Term Ends : 2008

Supreme Political Spending By Category, Jan. 2001 to June 2007

Expenditure Category	Total Spent	No. of Expenditures	Share of All Spending
Campaign-Related Expenditures	\$140,076	69	73%
Travel & Lodging	\$16,603	127	9%
Staff & Consultants	\$12,730	24	7%
Political Contributions	\$8,920	7	5%
Food, Drink & Events	\$6,465	17	3%
Administrative/Office Expenses	\$6,261	55	3%
Miscellaneous	\$770	3	0%
Gifts/Charitable Contributions	\$551	4	0%
Rent Payments	\$0	0	0%
Unknown	\$0	0	0%
TOTAL:	\$192,377	306	100%

Largest Single Expenditure

Justice	Amount	Recipient	Description	City	Date
Johnson	\$13,850	Lilly & Co., LLC	Consulting	Austin	01/12/07

Justice David Medina



Hometown: San Antonio

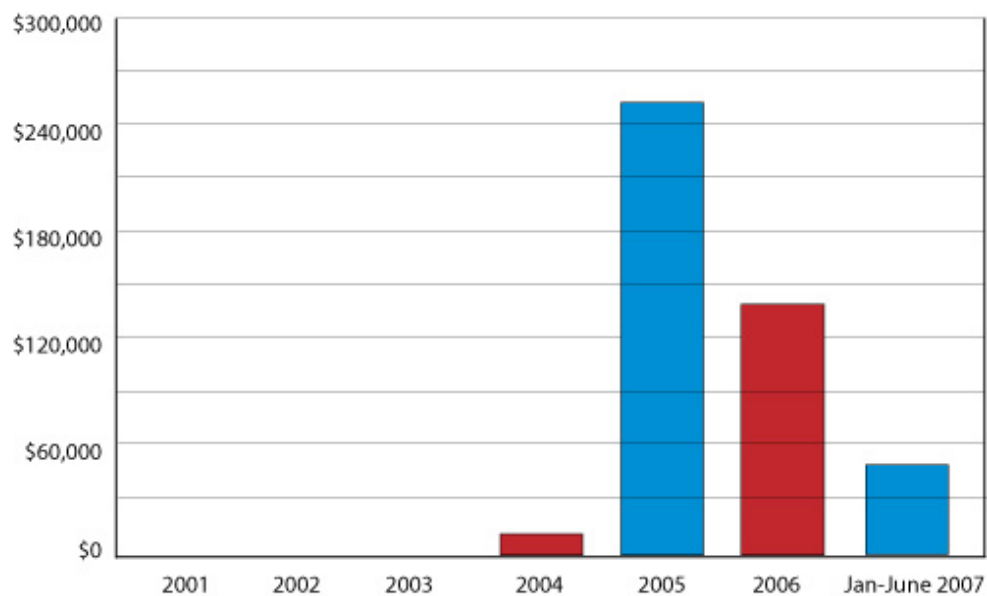
Route to Court: Appointed 11/04

Previous Position: Governor's General Counsel

Year Term Ends: 2012

[Visit Justice Medina's Website](#)

Annual Spending, Jan. 2001 to June 2007



Appointments:

Elections:

Medina

Medina

Primary Election : 100%

General Election : 75%

Year Term Ends : 2012

Supreme Political Spending By Category, Jan. 2001 to June 2007

Expenditure Category	Total Spent	No. of Expenditures	Share of All Spending
Campaign-Related Expenditures	\$267,498	104	58%
Travel & Lodging	\$87,494	225	19%
Staff & Consultants	\$49,789	83	11%
Administrative/Office Expenses	\$22,195	185	5%
Food, Drink & Events	\$13,486	131	3%
Rent Payments	\$9,277	11	2%
Miscellaneous	\$3,901	11	1%
Gifts/Charitable Contributions	\$3,663	8	1%
Political Contributions	\$1,720	4	0%
Unknown	\$0	0	0%
TOTAL:	\$459,023	762	100%

Largest Single Expenditure

Justice	Amount	Recipient	Description	City	Date
Medina	\$13,071	Butrum & Assoc.	Fundraising Expense	Houston	01/17/05

Justice Harriet O'Neill



Hometown: Houston

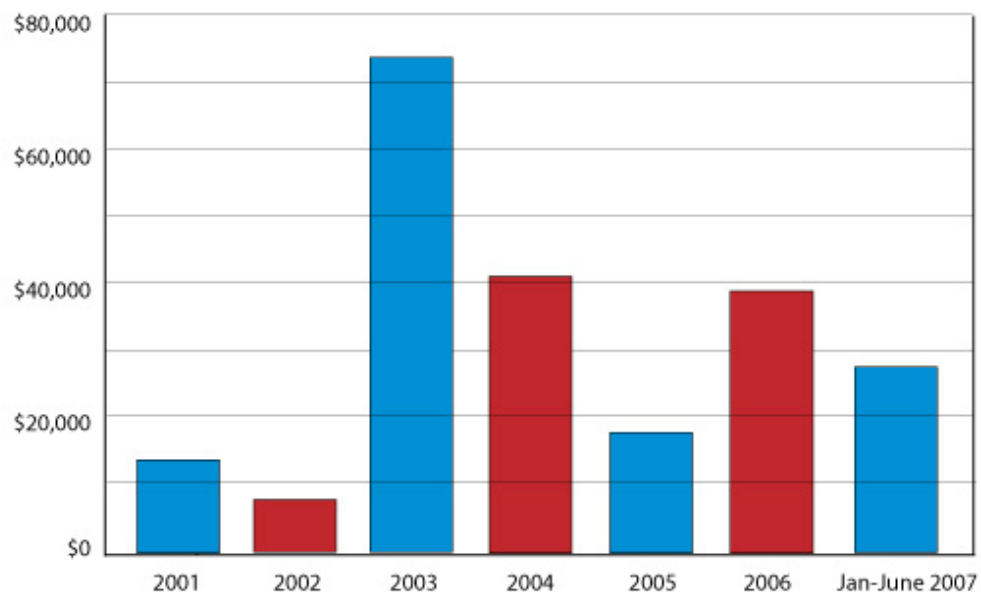
Route to Court: Appointed 11/98

Previous Position: 14th Court of Appeals

Year Term Ends: 2010

[Visit Justice O'Neill Website](#)

Annual Spending, Jan. 2001 to June 2007



Appointments:

Elections:

O'Neill
Primary Election : 100%
General Election : 100%
Year Term Ends : 2010

Supreme Political Spending By Category, Jan. 2001 to June 2007

Expenditure Category	Total Spent	No. of Expenditures	Share of All Spending
Campaign-Related Expenditures	\$74,043	49	33%
Administrative/Office Expenses	\$67,553	288	30%
Staff & Consultants	\$27,764	49	12%
Food, Drink & Events	\$23,299	172	10%
Miscellaneous	\$10,792	48	5%
Travel & Lodging	\$9,788	39	4%
Gifts/Charitable Contributions	\$9,419	28	4%
Political Contributions	\$535	2	<1%
Rent Payments	\$0	0	0%
Unknown	\$0	0	0%
TOTAL:	\$223,194	675	100%

Largest Single Expenditure

Justice	Amount	Recipient	Description	City	Date
O'Neill	\$15,206	Portraits South	Court Portraits	Raleigh, NC	05/24/06

Justice Dale Wainwright



Hometown: Houston

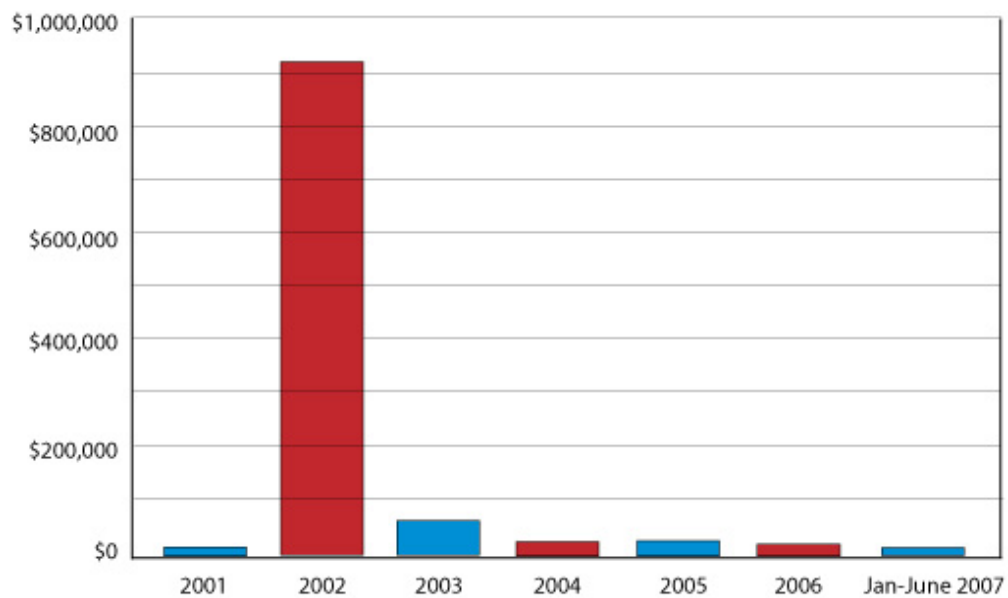
Route to Court: Elected 11/02

Previous Position: 334th Civil District Court

Year Term Ends: 2008

[Visit Justice Wainwright's Website](#)

Annual Spending, Jan. 2001 to June 2007



Appointments:

Elections:

Wainwright
Primary Election : 55% (*after primary runoff)
General Election : 56%
Year Term Ends : 2008

Supreme Political Spending By Category, Jan. 2001 to June 2007

Expenditure Category	Total Spent	No. of Expenditures	Share of All Spending
Campaign-Related Expenditures	\$857,855	284	78%
Travel & Lodging	\$104,194	701	9%
Administrative/Office Expenses	\$57,604	379	5%
Food, Drink & Events	\$27,710	268	3%
Rent Payments	\$22,723	48	2%
Staff & Consultants	\$9,945	5	1%
Gifts/Charitable Contributions	\$8,930	32	1%
Miscellaneous	\$7,315	49	1%
Political Contributions	\$3,107	11	0%
Unknown	\$0	0	0%
TOTAL:	\$1,099,382	1,777	100%

Largest Single Expenditure

Justice	Amount	Recipient	Description	City	Date
Wainwright	\$199,717	Anthem Media	Media Costs	Austin	10/15/02

Justice Don R. Willett



Hometown: Austin

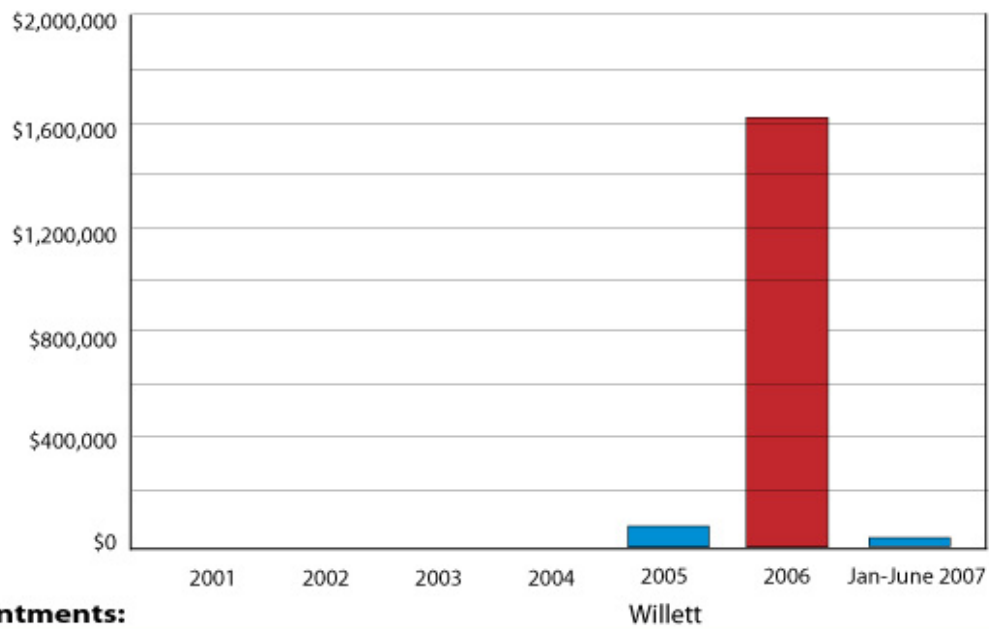
Route to Court: Appointed 8/05

Previous Position: Deputy Attorney General

Year Term Ends: 2012

[Visit Justice Willett's Website](#)

Annual Spending, Jan. 2001 to June 2007



Elections:

Willett
Primary Election : 51%
General Election : 51%
Year Term Ends : 2012

Supreme Political Spending By Category, Jan. 2001 to June 2007

Expenditure Category	Total Spent	No. of Expenditures	Share of All Spending
Campaign-Related Expenditures	\$1,614,038	185	92%
Staff & Consultants	\$73,815	21	4%
Travel & Lodging	\$19,697	135	1%
Administrative/Office Expenses	\$18,143	163	1%
Food, Drink & Events	\$13,273	124	1%
Miscellaneous	\$5,797	20	<1%
Gifts/Charitable Contributions	\$5,714	17	<1%
Political Contributions	\$1,580	8	<1%
Rent Payments	\$0	0	0%
Unknown	\$0	0	0%
TOTAL:	\$1,752,056	673	100%

Largest Single Expenditure

Justice	Amount	Recipient	Description	City	Date
Willett	\$423,195	CrossRoads Media	Media Buy	Alexandria,	10/20/06

NOTES

¹ Texas Election Code, § 253.151 - § 253.176.

² These limits are even more indulgent than they first appear. Each candidate can hit them once going into the primary and hit them again going into the general election. In the event of a runoff, judicial candidates can hit the limit all over again.

³ Such internal transfers are excluded from this report to avoid counting the same political dollars twice. Green shifted a total of \$159,311 from his campaign to his officeholder account in the second half of 2004. In October of 2003 he shifted \$5,000 in the other direction. Jefferson shifted \$7,650 from his officeholder account to his campaign account on May 2, 2001.

⁴ *In re Union Pacific Resources Co.*, 969 S.W.2d 427 (Tex. 1998). Oral arguments occurred on December 4, 1997.

⁵ Wallace ran as an incumbent both times. This was because Governor Rick Perry appointed him to two different court seats that justices had vacated mid-term. Governor Perry first appointed Wallace to the court in March 2001; he then appointed him chief justice in September 2004. Justice Wallace faced voters in the next, regularly scheduled election after each appointment.

⁶ These reports—filed in January of their respective election years—covered expenditures made over the preceding six months.

⁷ “The New Stealth PACs,” Public Citizen, September 2004.

⁸ For example, AJS spent more than \$1 million in 1998 on ads skewering New Jersey Democratic Congressman Frank Pallone for supposedly raiding Social Security “to pay for welfare.” Then-AJS Executive Director Dave Carney dismissed Pallone’s complaints about the ad. “It’s not about him,” Carney told the *Washington Post*. “He shouldn’t be so sensitive.”

⁹ “Meet the Attack Dogs,” *Texas Observer*, March 12, 2004.

¹⁰ See “Democrats Have Choices for Texas Supreme Court,” *Austin American-Statesman*, January 22, 2008.

¹¹ Todd Olsen, Ted Delisi, Heather Shuvalov and Kevin Shuvalov.

¹² “When you know some of the things that I know that I probably shouldn’t know,” Dobson famously said on his radio show, “you will understand why...I believe Harriet Miers will be a good justice.” Participants in a conference call that Justice Hecht conducted on the nomination with Christian conservatives said that he assured them that Miers would support overturning the court’s 1973 abortion-rights precedent.

¹³ The veteran tort warrior got Sen. Jeff Wentworth and Rep. Tony Goolsby to introduce 2007 bills to let judges sue the state to recover legal costs if they overcome a State Commission on Judicial Conduct rebuke (one draft only applied retroactively to Hecht’s case!). The duped lawmakers withdrew the legislation upon learning from the media that Hecht already had raised the money from private donors.

¹⁴ Justices Green, Jefferson, Johnson, Medina and Willett. Of these, Justices Green and Medina face allegations that they misused campaign funds to pay for personal mileage.

¹⁵ “Another State Justice Faces Ethics Allegations,” *Houston Chronicle*, January 22, 2008.

¹⁶ Texas Government Code § 302.0191. For more on that February 11, 2008 complaint, see: http://www.tpj.org/page_view.jsp?pageid=1249&pubid=1015

¹⁷ “Fire at Justice’s Home Stirs Questions,” *Dallas Morning News*, October 12, 2007. A fire dog indicated that an accelerant was used to start the blaze and investigators discovered that Medina’s uninsured home had a tax lien on it and was facing foreclosure.

¹⁸ “Another State Justice Faces Ethics Allegations,” *Houston Chronicle*, January 22, 2008.

¹⁹ “Another State Justice Faces Ethics Allegations,” *Houston Chronicle*, January 22, 2008.

²⁰ “High Court Justice Used Campaign Funds to Commute,” *Houston Chronicle*, January 23, 2008.

²¹ Ethics Advisory Opinion No. 133, April 1, 1993.

²² Medina missed a 2006 deadline and Jefferson missed a deadline in 2004, according to the Texas Ethics Commission.

²³ After Medina left a state district judge post in Houston in 2000 he became general counsel to Cooper Industries. He then served as Governor Perry’s general counsel during most of 2004.

²⁴ The Crisis Pregnancy Center and Central Pregnancy Care Center.

²⁵ This initiative came too late to save Neil Bush, who would end a 23-year marriage the following year.

²⁶ “Writer backing Bush plan had gotten federal contract,” *Washington Post*, January 26, 2005.

²⁷ That month he paid Houston and Austin hotel bills with political funds, describing these transactions as “Lodging-Move to Austin.”

²⁸ Texas Election Code, § 253.035(a). This statute defines a "personal use" as one that "primarily furthers individual or family purposes not connected with the performance of duties or activities" of a candidate or officeholder. § 253.035(d).

²⁹ Ethics Advisory Opinion No. 22, September 4, 1984.

³⁰ Ethics Advisory Opinion No. 133, April 1, 1993. This opinion allows judges to use political funds to pay moving expenses, including any "temporary living expenses" that the IRS recognizes as moving deductions. The IRS' narrow guidelines do not recognize anything like paying six months of rent. See IRS Publication 521 at: <http://www.irs.gov/publications/p521/ar02.html#d0e1163>

³¹ In September 2004 Perry appointed Medina to the high court and promoted Delisi to be his chief of staff.

³² *Perry Homes v. Cull*, Case No. 05-0882, filed October 10, 2005.

³³ Since 2002, HillCo PAC has contributed \$60,000 to Willett, \$25,000 to Wainwright, \$21,000 to Hecht, \$20,000 to Jefferson, and \$5,000 to Medina.

³⁴ Brister made his contribution to this county executive committee on September 29, 2004. On September 7, 2006 Johnson wrote a \$7,000 check and a \$500 check to the Harris County Republican Party. This county executive committee reported that it deposited the larger check in its state account and the smaller one in its federal account.

³⁵ Texas Election Code, § 253.1611(e).

³⁶ The annual salary of state district judges jumped from \$76,308 in 1991 to a current base salary of \$125,000 (supplemental county funding can push this salary as high as \$140,000). Supreme Court justices make \$150,000 annually, while the chief justice makes \$152,500. This compares to an average salary of \$183,790 for private attorneys in Texas. See "Report on Judicial Salaries and Turnover," Office of Court Administration, November 2006.

http://www.courts.state.tx.us/oca/pdf/judicial_turnover_rpt-fy04-fy05.pdf