



# Justice at Stake

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Justice at Stake is a nonpartisan national partnership of more than 50 organizations working to keep courts fair and impartial. Our partners include legal groups like the American Bar Association, civic groups like the League of Women Voters, and state-based groups who care about keeping courts independent from inappropriate political pressure. Our ranks include liberals and conservatives, Republicans and Democrats, and trial and defense attorneys.

I am here to describe a national fundraising arms race that has overtaken many contested judicial elections across the country. It hasn't yet had a major impact in Maryland, but no state that holds contested judicial elections is immune.

For more than a decade, partisans and special interests of all stripes have been growing more organized in their efforts to use elections to tilt the scales of justice their way. Campaign fundraising by state Supreme Court candidates has more than doubled, from \$83.3 million in 1990-1999 to \$206.4 million in 2000-2009. All but two of the 21 states with contestable Supreme Court elections set fund-raising records in 2000-2009.

The contrast between contest elections and retention elections is telling: of the \$200.6 million raised by high court candidates since 2000, only \$2.2 million of that was raised in retention contests.

Most of the documented spending has occurred at the Supreme Court, and in some cases, appellate court, levels. But trial courts are not immune. For example, in recent years, several candidates have spent hundreds of thousands of dollars in Los Angeles to win seats on the local trial bench, receiving much of their money from lawyers with business before those courts. In Madison County, Illinois candidates raised \$500,000 for a trial court campaign in 2006.

In Nevada, the fundraising race goaded trial judges in Las Vegas into corrupt practices. Even judges running unopposed were collecting hundreds of thousands of dollars in contributions from litigants. Donations were frequently dated within days of when a judge took action in the contributor's case. The Los Angeles Times revealed that one judge, while running unopposed, took donations of \$500 or more from more than 50 attorneys and law firms with cases pending before her. She also received 12 bottles of wine, a 13-inch TV, two DVD players, a gas grill, dinner for four at a posh restaurant, two theater tickets, two golf lessons and a pool float with two beach towels from firms with cases pending before her.

Even when the fundraising race doesn't lead to such gaudy corruption, Americans know that it is a fishy business, asking judges to raise money from parties who appear before them. The new politics of judicial elections has convinced many Americans that justice is for sale. Justice at Stake's opinion research shows that three in four believe that campaign contributions affect the outcome of courtroom decisions. Nearly half of state judges agree.

Maryland's circuit courts may not face this problem at this moment. But if special interests decide to descend on a circuit court contest, big money will surely follow. Giving voters the power to hold judges accountable through retention elections will help assure them that the courts will hear their cases fairly and impartially, and that judges will stay focused on the law and the constitution, not special interest pressure.

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