



May 8, 2008

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New Report Documents Special Interest Pressure on Midwest Courts

The Midwest Democracy Network and the Justice at Stake Campaign released the following statement to accompany their new report, *The New Politics of Judicial Elections in the Great Lake States, 2000-2008*:

“This spring, Wisconsin voters endured their second special-interest-group dominated Supreme Court campaign in the last twelve months, featuring over \$4 million in TV advertising by outside groups more interested in using judicial elections as a tool of political intimidation and control than for public accountability. This spectacle once again confirms former U.S. Supreme Court Justice Sandra Day O’Connor’s repeated and urgent warning that ‘judicial elections are becoming political prizefights where partisans and special interests seek to install judges who will answer to them instead of the law and the constitution.’

“But Wisconsin is not an isolated case. The enclosed special report, “The New Politics of Judicial Elections in the Great Lake States,” shows how Wisconsin and four other Midwest states – Illinois, Michigan, Minnesota, and Ohio – have become the epicenter of a spreading arms race between corporate interests, trial lawyers, ideological groups and political partisans who are committed to bending state judges to their will. Nowhere, as this report details, is the nationwide struggle to control and influence state Supreme Court elections more ominous than in the Great Lakes region. Consider the following points:

- Of the 22 states nationally that use contestable elections to choose members of their high courts, three of the most expensive can be found in the Midwest (Illinois, Ohio and Michigan).
- More than half of all television advertisements that have appeared in state Supreme Court races since 2000 have aired in one of these three states.

- The most expensive contested judicial election in American history took place in Illinois in 2004, when two candidates combined to raise over \$9.3 million. (The winner called the fundraising ‘obscene.’)

“This partisan and ideological battle for the hearts and minds of judges and the bitterness it has engendered is not cost-free. Opinion polls repeatedly show that public concerns about whether judges are fair and impartial are high and on the rise. For example, a January 2008 survey revealed that 78 percent of Wisconsin voters believe campaign contributions to judicial candidates have “a great deal” or “some” influence on the decisions judges make in the courtroom. Other surveys show that a surprisingly large number of judges share this concern. This is a worrisome situation, and for those of us who believe that protecting the judiciary's independence is an imperative, it is unacceptable.

“There is no shortage of good and promising ideas for containing and repairing the damage being inflicted on the state courts by those who, in pursuit of their narrow goals, are willing to spend millions of dollars and engage in burn and slash tactics to get their way. Those ideas include public financing of judicial elections, sensible recusal procedures, real disclosure of interest group spending in judicial elections, alternative methods of judicial selection, and clear and enforceable standards of judicial conduct.

“Midwest reform advocates, as discussed in this report, are actively promoting several of these ideas, including public financing of state Supreme Court elections in Illinois, Michigan, Ohio and Wisconsin and gubernatorial appointment/merit retention elections of judges in Minnesota. So the problem is not a lack of ideas. What’s needed is the will, leadership, judgment, wisdom, and restraint to stop and reverse the public’s declining confidence in the judicial system.

“The Justice at Stake Campaign and the Midwest Democracy Network have a simple request for the region’s lawmakers, organized bar, major interest groups, political parties, and the judicial community itself: please join us in saying—as more elections approach this fall—that ‘enough is enough.’ It’s time for a truce, and for real reform. We expect judges to decide cases fairly and impartially, to rely only on facts and the law, and to be protected from political, legislative, special interest, media, public, and financial pressures. This is one of the fundamental promises of our democracy, and those who would betray that promise for narrow political gain deserve to be held accountable.”

The report can be read and downloaded at <http://www.justiceatstake.org/files/NPJEGreatLakes2000-2008.FINAL.pdf>.

The publication of this report was supported by a grant from the Joyce Foundation of Chicago.

The Justice at Stake Campaign is a nonpartisan national partnership working to keep our courts fair, impartial and independent. In states across America, Campaign partners work to protect our courts through public education, grass-roots organizing and reform. The Campaign provides strategic coordination and brings unique organizational, communications and research services to the work of its partners and allies at the national, state and local levels. For more information about the Campaign, go to www.justiceatstakecampaign.org.

The Midwest Democracy Network is an alliance of civic reform groups committed to strengthening democratic institutions in the Midwest. The Network includes state-based civic and public interest organizations as well as prominent academic institutions and respected policy and legal experts. For more information about the Network, go to www.midwestdemocracynetwork.org.

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