



★ TEXAS SUPREME COURT ★ DOLLAR DOCKET

In Texas, 48% of judges and 79% of lawyers say contributions significantly influence judicial decisions. - Texas Supreme Court poll

TEXANS FOR PUBLIC JUSTICE • 609 W. 18th St., Ste. E, Austin, TX 78701 • 512-472-9770

May 24, 2002

Put Court-Reform Walk In 'Tort-Reform' Talk

New voices joining the call for judicial reform should consider stanching the special-interest judicial money flowing from their own backyards.

Last month reform advocates received a reprinted article urging Texas to adopt an appointive judicial-selection system. "With each passing election," the article says, "public confidence in the integrity and impartiality of the courts falls lower." All that is new about this message is that it now comes from prominent "tort-reform" warriors.

The article's senior author is Shook Hardy & Bacon lobbyist Mark Behrens, who helped HMOs defeat the Kennedy-McCain Patient's Bill of Rights last year. As lead lobbyists for the American Tort Reform Association (ATRA), Behrens and his colleague Victor Schwartz work to limit businesses' legal liabilities.¹

The Texas Supreme Court has received six petitions for review involving Shook Hardy attorneys since 1994. During this period, this firm (which has a Houston office) gave \$52,100 to the court's justices. As Shook Hardy partner Mark Behrens argues in his article, such docket-related donations deplete "public confidence" in courts.

An even richer, docket-related link is James Leininger, the founder and former chair of this article's publisher: the Texas Public Policy Foundation (current TPPF chair Wendy Gramm sat aboard Enron's audit committee when that big ship went down). Leininger's family and his company PAC have given \$98,450 to Texas Supreme Court justices' campaigns since 1993.

Leininger got political in the late 1980s after his company lost liability insurance. Leininger and his company have been named in 60 lawsuits, in large part because their Kinetic Concepts hospital beds—which oscillate to prevent bedsores—have thrown and crushed patients.² Leininger is a top donor to the Texans for Lawsuit Reform PAC, which has given the justices \$151,002.

Neither Leininger nor TPPF have endorsed gubernatorial appointments of judges (despite their exceptional access to Governor Perry). Indeed, TPPF's *Veritas* journal ran an accompanying article by Dallas Court of Appeals Justice Tom James that promotes the *status quo*.

Still, it is significant that a major "tort reformer" aired such views in a Leininger rag. Behrens and his firm and Leininger and his foundation all would be welcome to the reform movement—especially if they practice what they preach. •

April Dollar Docket

Cases heard by the Texas Supreme Court in April and the corresponding contributions to justices from the parties and/or attorneys.

April 3, 2002

S.A.M. v. HCA Inc. \$41,788
\$139,730

Wichita Falls State Hospital v. Taylor \$0
\$0

April 16, 2002

Walmart Stores v. Rodriguez \$4,250
\$0

TX. Farm Bureau v. Sears \$24,950
\$0

April 17, 2002

Minyard Food Stores v. Goodman \$800
\$33,325

Dr. Roberts v. Williamson \$134,534
\$100

April 24, 2002

Global Drywall v. Coronado Paints \$600
\$6,100

Shanks v. Treadway \$63,635
\$120,346

Dow Chemical v. Bright \$240,388
\$250

Grand Total for April: \$810,796

¹ Both of these lobbyists left Crowell & Moring last year to join Shook Hardy.

² "Little-Known Texas Patron Guided Bush Policies On Vouchers, Tort Reform," Center for Public Integrity, July 2001.