



TEXAS SUPREME COURT ★ DOLLAR DOCKET

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

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Hard Drive:

Ruling-Class 'Friends' Target Class Actions

Business-class supporters of Texas' High Court want the justices to defang consumer class-action lawsuits by reversing two lower courts that certified a class of consumers who bought 1.8 million allegedly faulty Compaq computers.

The eight current justices have taken \$84,700 from Compaq as well as the plaintiff and defense firms directly involved in *Compaq v. Lapray*, which went to oral arguments last month. Yet this total is but a fraction of the \$736,163 contributed by other business donors that formally back Compaq in the case.

The justices took \$277,935 from Hewlett-Packard counsel Vinson & Elkins, which got involved as a result of HP's 2002 buyout of Compaq. Justices took \$123,549 more from business interests that filed 10 pro-Compaq *amicus* briefs. Finally, the firms that wrote these briefs gave the justices another \$334,679.

Friends of the Court—and of Compaq

Top Donors Filing <i>Compaq Amicus</i> Briefs	Total To Justices
United Services Auto. Assn	\$50,625
Texas Civil Justice League	\$40,812
Texas Assn of Business	\$20,250
State Farm	\$5,362

Plaintiffs allege that Compaq sold 1.8 million machines that lose data when users try to access the floppy drive as the computer performs other tasks. At Compaq's request, the High Court has agreed to review a Ninth Court of Appeals ruling that the trial court properly certified this class of plaintiffs.

Chief Justice Tom Phillips—who accounts for 69 percent of the \$12,800 that the justices got directly from Compaq's PAC and employees—is not participating in this case for unexplained reasons. The chief's Texas Ethics Commission filings say his stepson had fewer than 100 shares of Compaq stock in 2001. (Phillips omitted this from a revised disclosure that says he does not control his stepson's assets.)

The Dollar Docket

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

October 1, 2003

<i>Cire, Admas & Circe v.</i>	\$10,150
<i>Cummings</i>	\$0
<i>Diamond Shamrock v.</i>	\$202,063
<i>Hall</i>	\$8,254
<i>Martin v.</i>	\$0
<i>Amerman</i>	\$1,738

October 8, 2003

<i>Northern County Mutual Ins. v.</i>	\$0
<i>Davalos</i>	\$0
<i>Ft. Worth Osteopathic Hospital v.</i>	\$118,874
<i>Reese</i>	\$0

October 15, 2003

<i>Southwestern Bell v.</i>	\$19,982
<i>Garza</i>	\$0
<i>Battaglia M.D. v.</i>	\$94,300
<i>Alexander</i>	\$0
<i>Compaq v.</i>	\$53,335
<i>Lapray</i>	\$31,365

October 29, 2003

<i>Moore v.</i>	\$100
<i>Greer</i>	\$0
<i>Storage & Processors v.</i>	\$400
<i>Reyes</i>	\$0
<i>FFE Transportation v.</i>	\$350
<i>Fulgham</i>	\$0
Grand Total for October:	\$538,273

There are many reasons why the chief justice may not be sitting for this case. Yet it would be ironic if his stepson's stock or his own docket-related contributions prompted Chief Phillips to recuse himself from a case that will be decided by seven justices who took \$688,708 in campaign money from business interests that are formally backing Compaq. •