

Civil Justice Association of California

Preliminary Report

A Study of Campaign Contributions to the California Judiciary is published by the Civil Justice Association of California.

The Civil Justice Association of California (CJAC) is a coalition of citizens, taxpayers, businesses, local governments, professionals, manufacturers, financial institutions, insurers and medical organizations. Founded in 1978, CJAC is the only statewide association dedicated solely to improving California's civil liability system.

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Foreward

In 1998, the Civil Justice Association of California (CJAC) issued A Study of Campaign Contributions to the California Judiciary. In this study CJAC focused on contributions to superior court justices in four counties: Los Angeles, Sacramento, San Diego and San Francisco. CJAC is continuing to examine contributions during the 1998 and 2000 election cycles and will expand its investigation to races in Santa Clara county. This report is a preliminary examination of some of the races, amounts, sources and trends of contributions to the California judiciary in the same four counties. The final report will be issued in early 2001 following the final reporting period of the 2000 election cycle.

The California judiciary is believed to be the largest in the free world. While the California Constitution provides for elections to the municipal and superior courts, most judges initially take office via gubernatorial appointment to vacant or newly created positions. There is not a similar provision for elections of appellate or Supreme Court justices, however; these justices stand for retention elections.

In comparison with many other states, California's process for selecting and electing judges generally wins high marks. However, this does not mean all is well with judicial elections in the state. In a 1996 Los Angeles *Times* interview, California Supreme Court Chief Justice Ronald M. George stated his concern, indicating there is a "trend toward more and more expensive judicial races in contested elections." And the private, non-profit California Commission on Campaign Financing (CCCCF) documented a trend of rising costs and diminishing information in judicial campaigns ("The Price of Justice," a 1995 study of Los Angeles County judicial races from 1976 to 1994).

The Political Reform Act requires that contributions of \$100 or more be identified on semi-annual and pre-election campaign disclosure statements. It should be noted that most reports reviewed by CJAC did not include all the required information, especially identification of the contributor's occupation or employer. Furthermore, it is worth mentioning (as we did in 1998) the difficulty of identifying contributors. In five races, candidates failed to file contribution reports with the Secretary of State as required by law. Additionally, candidates omitted the occupations of many contributors. While some of the information was eventually obtained, it is becoming increasingly difficult to identify the source of contributions.

During the 1999-2000 legislative session, a bill was introduced to eliminate the requirement for judicial candidates to file reports with the Secretary of State

(leaving only the county clerk filing requirement). While this bill would have removed a de minimus burden on candidates (and the Secretary of State) who fully comply with filing requirements, it would have placed a significant burden on members of the public attempting to identify contributions. CJAC opposed the bill on that basis and it died without a committee hearing.

Preliminary Findings

While the data is incomplete, preliminary findings in the four counties reveal the following:

Candidate Contributions to Their Own Campaigns

CJAC found that 44% of all funds raised came from the candidates themselves. This represents a 2% increase from the 42% reported in 1998. Candidates contributed an average of \$65,694 per race to their own campaigns. In one case, a candidate contributed in excess of \$400,000 to her own campaign as of September 30, 2000.

Total Attorney Contributions

Of the non-candidate contributions, individual attorneys and law firms comprised the largest group of contributors to judicial elections. In the three and one-half year period examined, attorneys and firms contributed 39% of identifiable, non-candidate contributions.

Plaintiff Trial Lawyer Contributions

Measured by contributions given, plaintiff attorneys and their firms comprise the largest sub-group of attorney contributors to judicial candidates. In the period examined, 30% of all contributions from attorneys came from plaintiff attorneys and their firms.

Other Contributions

Other contributions came from a variety of sources including other judges, officeholders, broad based organizations, political parties, labor organizations, individuals, businesses and law enforcement. In the three and one-half year period examined, other contributors accounted for 41% of identifiable, non-candidate contributions.

Unidentifiable Sources

Contributions under \$100 from an individual do not have to be identified as to the source of the contributor. In the three and one-half year period examined, unidentifiable sources accounted for 5% of non-candidate contributions.

Missing Data

The remaining 15% of non-candidate contributions to candidates that can not be attributed to lawyers, other contributions, or unidentifiable sources represents the amount that can not be determined due to unavailability of reports at the Secretary of State's office. In many cases a candidate evidently failed to file one or more of the necessary reports. During the period of 1993-1996, two candidates failed to file any reports. During the current period examined, 1997-2000, five candidates failed to file any reports. Furthermore, in nearly all of the races, at least one of the required reports for each candidate could not be located.

Races of Interest

A number of judicial races will be decided in the November General Election. In a notable superior court race in Sacramento (where a contested race has not occurred in the last four elections) two candidates may spend a combined three quarters of a million dollars for the seat. Reports filed for the period ending September 30, 2000, show the following total amounts received:

Trena Burger:	\$558,576
Don Steed:	\$102,445

Other races of interest include:

San Diego Superior Court - Office 25:

Bill O'Connell	\$60,724
Charles Ervin	\$37,312

Santa Clara Superior County - Office 2:

Susan Bernardini	\$60,854
John G. Schroeder	\$72,169

Santa Clara Superior County - Office 11:

Margaret Johnson	\$ 55, 655
William G. (Bill) Priest:	\$152,275

Los Angeles County Municipal Court - Office 1:

David Mintz Reports not yet available

Vicki Roberts Reports not yet available

Los Angeles County Municipal Court - Alhambra Judicial District:

John Martinez Reports not yet available

Maria Vargas-Rodriguez Reports not yet available

Conclusion

The final report will examine contributions to California's judiciary in selected counties. Initial information reveals that judges are spending more on campaigns. In addition, there appear to be more races being contested in superior court races. This trend appears to be nationwide. According to Professor Roy Schotland at Georgetown University Law Center, "The amount of money being spent keeps escalating and the number of states in which this is happening is escalating." (William Glaberson, *Fierce Campaigns Signal A New Era for State Courts*, New York Times, June 5,2000).