

# PLAN

Progressive Leadership Alliance of Nevada

## The Supreme Jackpot

### A Study of Campaign Contributions to Nevada Supreme Court Justices

**Reno Office**  
1101 Riverside Dr.  
Reno, NV 89503  
(775) 348-7557  
Fax: (775) 348-7707

**Carson City Office**  
6185 Franktown Rd.  
Carson City, NV 89704  
(775) 882-3440  
Fax: (775) 882-3440

**Las Vegas Office**  
1700 E. Desert Inn #113  
Las Vegas, NV 89109  
(702) 791-1965  
Fax: (702) 791-1992

[www.planevada.org](http://www.planevada.org)

THIS EXHIBIT IS 45 PAGES LONG.  
CONTACT THE RESEARCH LIBRARY FOR  
A COPY OF THE COMPLETE EXHIBIT



The Supreme Jackpot — Campaign Contributions to Nevada Supreme Court Justices



March 8, 2005

My name is Jim Hulse. I am chair of the governing board of Common Cause/Nevada. I am here to urge reform of the manner in which judicial elections are financed. We support SB 154.

Last year, Common Cause supported the Progressive Leadership of Alliance of Nevada in preparing and distributing a report entitled The Supreme Jackpot: A Study of the Campaign Contributions to Nevada Supreme Court Justices. We will provide copies to you.

This study asks, up front, Is Justice for Sale in Nevada? We believe the answer is No, but there is a growing public perception that the answer could be Maybe. Public trust in the fairness of judicial decisions is clouded by the fact that judges are increasingly receiving campaign contributions from parties that have or will have cases pending before them. This happens even when they are unopposed in an election.

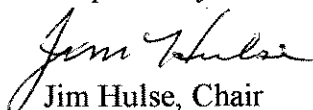
In the election cycles from 1998 through 2002, Nevada's seven Supreme Court justices received more than \$1.5 million in campaign contributions. Most of this money came from special interests that had or expected to have cases pending before the court. Contributions flowed in even when candidates were unopposed. A similar pattern exists in the other courts in our system.

PLAN is preparing an additional report for the 2004 election. It will be available for your consideration soon.

**The good news is that the justices of the Nevada Supreme Court want to change the existing system, which diminishes trust in and respect for the courts. They are suggesting a modest change in the filing date, moving it ahead to January in an election year, so that candidates will not feel the necessity of raising money when they do not know whether they will be opposed. Their proposal is embodied in SB 154. This does not solve the problem, but it makes an important step forward.**

Please take a close look at The Supreme Jackpot report and at SB 154. This is a good proposal for helping our judges retain their impartiality and the public's trust in them.

Respectively submitted.,

  
Jim Hulse, Chair

775-747-5794

# The Supreme Jackpot

## A Study of Campaign Contributions to Nevada Supreme Court Justices

Special thanks to Common Cause of Nevada, which paid for the printing of this report.

First Printing  
January 2004



The Supreme Jackpot — Campaign Contributions to Nevada Supreme Court Justices

# The Supreme Jackpot!

## About this report

The purpose of this report is to examine campaign contributions to Nevada Supreme Court Justices and to determine whether the contributions give the appearance of interfering with the fairness and impartiality of State Supreme Court rulings.

This report also examines 302 State Supreme Court cases filed from January 2000 to June 2003 to find out if the same people who gave campaign contributions then appeared with litigation before the justices.

The report identifies who gave to the justices and how much they gave. It reports individual contributions and contributions by groups such as Lawyers, Casinos, Businesses and Labor Unions.

The report is divided into three sections: Commentary and Recommendations, Contributions to the seven Nevada Supreme Court Justices, and Contributions by Group such as Lawyers and Gaming.

## Acknowledgments

This report would not have been possible without support from the following:  
National Institute on Money in State Politics, Helena, Montana, for data entry work and strategic advice.

PLAN Staff: Paul Brown (lead researcher), Bob Fulkerson, Jan Gilbert, Joe Edson, Inger McDowell and Rosa Molina. Former PLAN intern, Jemaine D. Lloyd, toiled tirelessly on data entry.

Jim Hulse, State Chair of Common Cause of Nevada; Peggy Maze Johnson, Executive Director of Citizen Alert; and activist/attorney Chuck Gardner provided advice and insights.

Mark Nichols, Executive Director of National Association of Social Workers, Nevada Chapter; Former State Senator Lori Lipman Brown and Attorney Mel Lipman proof-read the report and scrutinized the data.

Western States Center, Portland, Oregon, for training, and analysis.

## Table of Contents

Is Justice for Sale?.....	Inside front cover
About this report and acknowledgements .....	page 2
Supreme Jackpot! (Commentary).....	page 5
Key Findings .....	page 7
Recommendations .....	page 8
How Publicly Financed Judicial Elections Work — The North Carolina Model .....	page 9
Part I: Campaign Contributions to Nevada Supreme Court Justices.....	page 11
Deborah Agosti.....	page 13
Nancy Becker.....	page 14
Mark Gibbons.....	page 15
Myron Leavitt.....	page 16
Bill Maupin .....	page 17
Robert E. Rose.....	page 18
Miriam Shearing.....	page 19
Part II: Contributions to Supreme Court Justices by Group or Industry .....	page 21
Lawyers & Lobbyists .....	page 23
Gaming .....	page 24
General Business .....	page 25
Unknown .....	page 26
Small Contributions.....	page 27
Finance, Insurance and Real Estate.....	page 28
Construction .....	page 29
Energy and Natural Resources .....	page 30
Other.....	page 31
Health .....	page 32
Transportation .....	page 33
Agriculture .....	page 34
Party .....	page 35
Labor .....	page 36
Communications and Electronics.....	page 37
Data Sources, References, PLAN's Funding Sources.....	page 38
PLAN's Mission Statement, Executive Committee, Staff and Member Groups .....	page 39
Top 50 Donors.....	page 40
Campaign contributions received by Nevada Supreme Court Justices .....	Inside back cover
Average amount raised to win a Supreme Court seat.....	Inside back cover
Contributions by group or industry .....	Inside back cover

The Supreme Jackpot — Campaign Contributions to Nevada Supreme Court Justices

# The Supreme Jackpot!

## Commentary

Nevada's seven Supreme Court Justices raised more than \$1.5 million to get elected, even though most of them ran unopposed. Almost all of the money came from special interests, many of whom later had cases decided by the justices. This perceived conflict of interest may well erode the public's confidence in the court's ability to be fair and impartial.

National polls show that more than two-thirds of voters think campaign contributions influence how a judge rules. There is no reason to believe that Nevadans would think any differently.

Quotes

**Public opinion surveys repeatedly confirm that sizable majorities of voters believe that campaign contributions to elected judges have more than a little influence on judicial decision-making. Shockingly, large numbers of state judges—26 percent in one recent national poll—agree.”—Public Funding of Judicial Elections: Financing Campaigns for Fair and Impartial Courts, by Deborah Goldberg, Brennan Center for Justice at NYU School of Law, 2002.**

Recent high-profile cases have reinforced the public's perception that our courts have become increasingly political. For example, the hanging-chad decision by the Florida Supreme Court. Or, the Nevada Supreme Court ruling that bypassed our Constitutionally mandated two-thirds majority rule that is required for the legislature to pass a tax increase.

People who disagree with these court cases claim that the judges' decisions were strictly political. Politics is antithetical to a fair and impartial judiciary, which is supposed to rule on the letter of the law, not on popular whims or political philosophy.

Unfortunately with our current system of privately-financed (special interest-financed) judicial elections, our “nonpartisan” justices may be perceived to be as political as any other elected official.

Quotes

**“Money is the mother's milk of politics' is a well-known adage. In Nevada, our State Supreme Court Justices are drowning in milk. From 1998 to 2002 the average amount raised to win a Supreme Court seat in Nevada increased by 82 percent.”—Bob Fulkerson, PLAN State Director.**

Who is giving the bulk of the campaign contributions to Nevada Supreme Court Justices? Two groups: Lawyers and Lobbyists and the Gaming Industry. They gave 70 percent of the total raised by sitting Nevada Supreme Court Justices. That's an enormous concentration of power by a relatively small group.

And these groups become more important as the cost of winning a State Supreme Court seat increases. In 1998 the average amount raised to win a Supreme Court seat in Nevada was \$172,197. This skyrocketed to \$313,845 in 2002.

## Progressive Leadership Alliance of Nevada — PLAN

In Nevada, eight out of the ten largest individual campaign contributors had cases before the Supreme Court Justices. And, of the \$1.5 million raised by Nevada Supreme Court Justices, nearly 44 percent of the money came from parties who later had cases decided by them. This gives the appearance of conflict-of-interest. PLAN believes that even the perception of “justice for sale” weakens the public trust.

### Quotes

**“Judges lose the appearance of impartiality when they accept campaign contributions, sometimes very large ones, from the same people who then appear before them in court. It’s just not right and it tends to undermine public confidence in the entire system.”—Gary Peck, Executive Director, ACLU of Nevada.**

Nevada is one of 39 states that elects its judges, and polls consistently show that Americans prefer to elect their judges rather than have them appointed. However, if we are going to elect judges, we must devise a system that does not rely on special interest money.

PLAN recommends that lawmakers form a blue ribbon committee to examine ways to elect District and Supreme Court justices in a manner that does not give the appearance of compromising their integrity.

### Quotes

**“The blue ribbon committee needs to look at the problem of huge campaign contributors whose donations call into question our Supreme Court’s fairness and impartiality. One company gave our Nevada Supreme Court Justices \$126,500. At the very least, judges who receive large campaign contributions should recuse themselves from hearing cases involving major donors.”—Jim Hulse, Chair Common Cause of Nevada.**

The Committee should consider lowering the maximum individual contribution limit from \$5,000 in the primary and \$5,000 in the general election to \$1,000 in each race. Other reform-minded states have already done this.

PLAN believes that full public funding of judicial campaigns warrants strong consideration by the blue ribbon committee. This proposal comes as close to eliminating politics from the process as possible. In 2003, North Carolina passed public financing for judicial elections (see page 11 for details on how the NC plan works).

PLAN agrees with a recent report by the Brennan Center for Justice which stated, “Public financing of contested elections is increasingly recognized as the most promising way to address threats to fairness and impartiality—real or apparent—caused by private contributions to candidates in competition for the bench.”

### Quotes

**“Public financing programs should be introduced where the need is greatest and implementation is most feasible, which will ordinarily be the case in primary and general election campaigns for high courts and, in some cases, intermediate appellate courts.”—American Bar Association, Standing Committee on Judicial Independence, July 2001.**

PLAN strongly supports publicly financed judicial elections. We urge Nevadans to adopt the provisions of North Carolina’s Judicial Campaign Reform Act.