Justice at Risk
An Empirical Analysis of Campaign Contributions and Judicial Decisions

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Justice at Risk uses sophisticated empirical research techniques to explore the relationship between campaign contributions to candidates in state supreme court elections and the votes justices cast in cases while on the court. *Justice at Risk* demonstrates that:

- There is a significant relationship between business group contributions to state supreme court justices and the voting of those justices in cases involving business matters.
- The more campaign contributions from business interests justices receive, the more likely they are to vote for business litigants appearing before them in court.
- A justice who receives half of his or her contributions from business groups would be expected to vote in favor of business interests almost two-thirds of the time.
- The empirical relationship between business contributions and justices' voting for business interests exists only in partisan and nonpartisan systems; there is no statistically significant relationship between money and voting in retention election systems.
- There is a stronger relationship between business contributions and justices' voting among justices affiliated with the Democratic Party than among justices affiliated with the Republican Party.

The study, sponsored by the American Constitution Society and designed by experienced independent empirical researchers, comes in response to growing concern among the public—and judges themselves—about increased politicization of judicial elections. In the 15 years since the last significant collection of data on judicial elections was assembled, fundraising for judicial campaigns has skyrocketed, more than doubling, from $83.3 million in 1990–1999 to $206.9 million in 2000–2009.

Interest groups have also come to dominate campaign finance in judicial elections. During the period from 2000-2009, business groups and lawyers and lobbyists contributed roughly equal amounts to judicial campaigns, but business groups were responsible for over 90 percent of the television advertising paid for by interest groups. For this reason, *Justice at Risk* examines contributions by business interests and business cases. Nevertheless, the ability of any group to influence judicial decisions by means of campaign contributions should be of concern to supporters of fair and impartial courts.

Over the past year, the *Justice at Risk* team of independent researchers has collected and coded data on more than 2,345 business-related state supreme court published opinions, which includes opinions from all 50 states during the years 2010 to 2012. The dataset was merged with over 175,000 contribution records that detail every reported contribution to a sitting state supreme court justice over the same period, or dating back to the last time the justice ran for reelection. Using widely accepted measures, data have also been collected on factors such as individual justice characteristics, ideology, and data about state processes, in order to permit researchers to exclude factors other than contributions as significant influences on judicial behavior.

Any empirical study benefits from transparency. The data analyzed in *Justice at Risk* is available for review and use at www.followthemoney.org/Research/special_topics.phtml. We invite you to contribute to the important conversation about fair courts.