

Democracy South

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ATTORNEYS SUPPLY 70% OF CAMPAIGN MONEY RAISED BY CANDIDATES FOR STATE'S TOP COURTS

Judges and other candidates for seats on North Carolina's two highest courts have received more than \$300,000 in campaign contributions from attorneys, many of whom practice in their courts, according to a new study by Democracy South, a nonpartisan watchdog group.

For example, District Court Judge Fritz Mercer Jr. of Charlotte wants to be elected this year to the state Court of Appeals. Of the \$21,000 his campaign raised by early spring, 79 percent comes from 43 attorneys – and, the study points out, 42 are lawyers in Mecklenburg County, where Judge Mercer presides.

Supreme Court Justice Bob Orr, who is running for re-election, has raised \$105,000, the largest amount for any appellate court candidate in 2002. According to Democracy South, \$75,500 or 74 percent of Orr's total is from attorneys, including dozens of partners in the prestigious law firms that plead cases before the Supreme Court.

Mercer and Orr are not alone. Democracy South's analysis shows that so far this election cycle, 70 percent of the money donated to candidates for the state Court of Appeals and Supreme Court has come from attorneys and their families.

“Our system of electing judges is like letting major league baseball players contribute money to influence the selection of umpires to call their games,” says James A. Wynn Jr., himself a judge on North Carolina's Court of Appeals.

Wynn is one of a growing chorus of voices pushing for public financing in judicial elections so candidates can have an alternative way to finance their campaigns. “I believe that people who know our judges know their commitment to be fair and impartial outweighs any potential influence that a political contribution may have,” Wynn says. “Unfortunately, the polls confirm that average citizens who do not personally know their judges have a very hard time believing that monetary contributions do not influence judicial decisions.”

The practice of money flowing from attorneys to a judge's election committee has long troubled members of the bar and bench, but until recently efforts to shield judges in North Carolina from the political money-chase have failed. Those efforts may be gaining traction now, following passage of a bill by the state Senate last year that would make elections to the Court of Appeals and Supreme Court nonpartisan and offer the candidates the option of using public funds if they voluntarily accepted strict spending and fund-raising limits.

The proposal has the bipartisan backing of former Supreme Court Justices Burley Mitchell, Jim Exum, and Francis Parker, dozens of current and former judges, and hundreds of civic leaders and attorneys, including A. P. Carlton of Raleigh, the president-elect of the American Bar Association, which has formally endorsed public financing in high court elections.

Meanwhile, with the cost of judicial elections going up, candidates for North Carolina's highest courts are relying even more heavily on attorneys for their campaign cash, according to Democracy South's analysis.

The analysis covers the period January 1, 2001 through April 19, 2002 and is based on the candidates' disclosure reports filed with the State Board of Elections. It focuses only on contributions and does not include loans from the candidates or their families.

Among the findings:

- The 18 candidates who have disclosed raising funds for five Court of Appeals seats and two Supreme Court seats took in \$497,300 through mid-April, \$460,500 from donor's with identifiable occupations. Of that sum, \$322,400 or 70% came from attorneys and their families.
- The average raised by the 18 candidates – \$27,600 – is a 44 percent increase over the \$19,100 average raised by candidates for the appellate courts in the same period in the 1998 campaign. [The 1998 election involved two Supreme Court Associate Justice seats and six Court of Appeals seats, comparable to 2002; the 2000 election included a costly race for Chief Justice.]
- The 70% raised so far from attorneys in 2002 is a sizeable leap over the 56% raised in 1998 from attorneys (\$111,000 or the \$198,245 from individuals with identifiable occupations).
- The Court of Appeals candidate who has raised the most money for this election cycle is Martha Geer, an attorney in a firm that specializes in representing injured workers and other individuals in civil court. She has collected 95 percent of her \$77,500 from other attorneys, mostly fellow members of the N.C. Academy of Trial Lawyers, known as the plaintiff's bar.
- On the other hand, Court of Appeals Judge Loretta Biggs got 76 percent of her re-election funds from attorneys, mostly corporate lawyers with law firms like Womble Carlyle, which is based in Winston-Salem, where Biggs was a district court judge.
- The major appellate court candidates who raised the smallest share of their money from attorneys are Court of Appeals Judge Robert Hunter (43 percent), who is trying to unseat Supreme Court Justice Bob Orr, and Court of Appeals Judge Hugh Campbell (44 percent), who hopes to win election to the seat he was appointed to in 2001 by Governor Mike Easley.

“The problem is not the judges or the attorneys,” emphasized Bob Hall, research director for Democracy South. “The problem is the bizarre system of forcing judges to run in contested, but low-visibility elections, with no means of financing their campaigns except for relying on the relatively small circle of people who are involved in courts or who know them personally. It's crazy. If North Carolina can't move to another selection system, it should at least give the candidates an alternative that saves them from the perception of being in the middle of some sort of shakedown operation or bribery scheme.”

Contact information:

- * Judge James A. Wynn, Jr., Judge, Court of Appeals – 919-733-6185 (his quotes, used with his permission, are from the website of the N.C. Center for Voter Education, Chris Heagarty, 919-838-1200)
- * Burley Mitchell, former Chief Justice, Supreme Court, now at Womble Carlyle – 919-755-2100
- * Jim Exum, former Chief Justice, Supreme Court, now at Smith Moore – 336-378-5200
- * Francis Parker, former Associate Justice, Supreme Court, and Parker Poe partner – 704-372-9000
- * A. P. Carlton, attorney, Kilpatrick Stockton; president elect, American Bar Assoc. – 919-420-1700

Fundraising by Court of Appeals and Supreme Court Candidates & Percent Raised from Attorneys

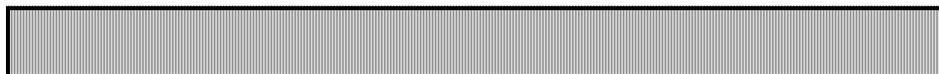
January 1, 2001 through April 20, 2002

	Total Contributions Raised	Amount from Individuals With Identified Occupation	Amount From Attorneys	% From Attorneys
<u>Supreme Court</u>				
Robert Orr	\$105,236	\$102,426	\$75,536	74%
Bob Hunter	\$40,717	\$30,559	\$13,285	43%
G. K. Butterfield	\$53,785	\$52,140	\$27,765	53%
Ralph A. Walker	\$13,650	\$13,225	\$9,425	71%
Edward Thomas Brady	\$13,605	\$13,605	\$10,200	75%
Total Supreme Court	\$226,993	\$211,955	\$136,211	64%
<u>Court of Appeals</u>				
Loretta C. Biggs	\$43,076	\$41,076	\$31,191	76%
Wanda G. Bryant	\$30,665	\$22,710	\$12,660	56%
Martha Geer	\$77,518	\$77,218	\$73,033	95%
Beecher Reynolds Gray	\$27,965	\$26,965	\$15,965	59%
Fritz Mercer	\$21,235	\$21,235	\$16,675	79%
Hugh B. Campbell Jr.	\$36,420	\$30,700	\$13,600	44%
Eric Levinson	\$20,212	\$15,671	\$11,696	75%
Other Candidates	\$13,240	\$12,965	\$11,390	88%
Total Court of Appeals	\$270,331	\$248,540	\$186,210	75%
Total	\$497,324	\$460,495	\$322,421	70%

Fundraising by Court of Appeals and Supreme Court Candidates, 1998 versus 2002 Elections, through April 20



1998: \$326,600



2002: \$497,300
52% increase