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# Report: More money, interest groups involved in judge elections

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Written by  
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Spending on judicial elections has skyrocketed in the past decade, leaving some questioning whether justice is for sale, according to a new national report.

An estimated \$56.4 million was spent on judicial elections nationwide in 2011-12, according to the report by Justice at Stake, the Brennan Center for Justice at NYU School of Law and the National Institute on Money in State Politics.

More than \$33.6 million went toward television ads in 2011-12, and \$12.7 million came from interest groups. Ads ramped up 26.4 percent from \$26.6 million spent in 2007-08, according to the report.

In Ohio, more than \$3.8 million was spent on state supreme court races in 2011-12. Television advertisements alone cost \$1.7 million for 4,694 spots, according to the report.

Most of that fundraising, 89.8 percent, came from candidates' efforts, followed by \$250,840 from political parties. Interest groups spent \$141,270 for 156 television spots.

Among the most negative television advertisements was one the Ohio Republican Party launched against candidate William O'Neill, a Democrat, accusing him of being "sympathetic to rapists" because of a decision he made as an appeals court judge overturning a rape conviction because of poor legal work.

The Ohio State Bar Association decried the advertisement as misleading. O'Neill was running against incumbent Robert Cupp; O'Neill won the race with 52.5 percent of the vote.

Another attack advertisement in the 2000 Ohio Supreme Court race featured Justice Alice Robie Resnick as Lady Justice sneaking a



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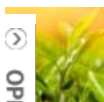
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peek at cash tipping the scales of justice. As in O'Neill's situation, the ad was not successful and she was re-elected.

But the idea that justice is for sale is more perception than reality in Ohio, said William Weisenberg, assistant executive director of public affairs and government relations with the Ohio State Bar Association.

"The perception is because people don't understand the system," Weisenberg said. "The judiciary has been described by some as the least understood branch of government."

The Ohio Code of Judicial Conduct requires judge candidates to abstain from political activity that is "inconsistent with the independence, integrity or impartiality of the judiciary." That includes not holding office in a political party or stumping for another candidate.

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Judicial candidates are prohibited from personally soliciting or receiving campaign contributions, according to the code.

Still, the infusion of cash from political parties and interest groups to judges' campaigns can raise questions about whether they can be impartial when donors become parties in lawsuits, said Bert Brandenburg, executive director of Justice at Stake.

"Judges are starting to look indistinguishable from other politicians. We don't want our judges to be politicians in robes," said Alicia Bannon, an author of the report.

Most people who donate to judicial candidates give based on the candidate's philosophy, be that following the letter of the law or considering policy and public opinion. That might give the perception that philosophy is influenced by the money, but that's rarely the case, Weisenberg said. Judges will recuse themselves from a case if they feel they cannot be impartial.

Weisenberg's solution: educate the electorate about how cases work and what experience judges have. Then the public might be less inclined to believe an attack ad.

[The New Politics of Judicial Elections](#)



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