



For Immediate Release

September 18, 2008

Contacts: Mike McCabe, Wisconsin Democracy Campaign, 608-255-4260  
Charles W. Hall of Justice at Stake, 202-588-9454

## **New Guidelines Help Judicial Candidates Resist Special Interest Pressures**

Civic groups in five Great Lakes states are calling on more than 700 judicial candidates to follow new campaign conduct guidelines that help them steer clear of special interest pressures and political agendas.

A nine-page memo, mailed to candidates in Illinois, Michigan, Minnesota, Ohio and Wisconsin, warns of the dangers posed by rising campaign costs, angry and misleading television ads, and growing ethical quandaries over what to say on the campaign trail about cases that might land in court.

But it also said that judicial candidates can and must negotiate these challenges, to promote continued public confidence that courts are fair, impartial and accountable to the law. Indeed, candidates were advised that their campaigns are a “golden opportunity” to positively educate the public about the role of courts.

“Special interest pressure may be rising, and canons of conduct might be loosening, but judicial candidates have all the power they need to preserve public confidence in impartial courts—if their own conduct is guided by a series of best ethical practices,” the document says.

The memorandum was authored by the Midwest Democracy Network, an alliance of political reform networks in the five states, and the Justice at Stake Campaign, a nonpartisan national partnership that works to keep politics out of the courts.

The documents, sent to 43 Wisconsin judicial candidates, was signed by two Wisconsin groups that are members of the Midwest Democracy Network: the League of Women Voters of Wisconsin Education Fund and the Wisconsin Democracy Campaign, a government reform group.

“Unfortunately, Michigan has been a Ground Zero for court elections that have all the worst aspects of special interest politics,” said Mike McCabe, director of the Wisconsin Democracy Campaign. “We’re hoping to help judicial candidates run campaigns that are clean, fair and educate the voting public.”

The Great Lakes states have had some of the nation’s most expensive, and nasty, election campaigns for Supreme Court seats in the last 10 years.

In Wisconsin last spring, a new spending record of \$6 million was set, with third-party special interest groups heavily outspending the official campaigns of Michael Gableman and incumbent Louis Butler, and the trend has occasionally filtered down to lower-court elections.

“The public fears that campaign cash and special interest pressures are corrupting the courts,” said Bert Brandenburg, executive director of Justice at Stake. “Now is the time for judicial candidates to step forward and reassure the public that they will be accountable to the law, not political pressure.”

Moreover, judges at all levels have been affected by a 2002 U.S. Supreme Court ruling, *Republican Party of Minnesota v. White*, that eroded restrictions on what candidates can publicly declare about hot-button issues. Groups have barraged candidates with questionnaires demanding to know their positions on legal issues they might eventually rule on.

The memo—which was sent to every candidate running for Supreme Court, appellate courts and local trial courts in the five states—offers “concrete proposals and common-sense wisdom to help candidates keep judicial campaigns from becoming a race to the bottom.”

Judicial candidates were urged to follow these specific tips on campaign speech, fundraising and interest group pressure:

- Use election campaigns as an opportunity to educate the public about how courts work, how they protect civil liberties, and where they fit in the Constitution’s system of checks and balances.
- Avoid expressing views—in public and in interest group questionnaires—on issues they rule on. And judges who are elected should be ready to recuse themselves from cases involving issues they do publicly discuss.
- Limit how much money they will take from a single source or category of contributor—and never make promises “explicit or implied,” that a judge will decide cases in a particular way.

- Promote civil campaigns by dissociating themselves from groups that make misleading statements about an opponent, and by working with campaign conduct committees to ensure clean campaigns.

“Judges play a special role in protecting our rights and ensuring that everyone has their day in court,” said Cynthia Canary, director of the Illinois Campaign for Political Reform, and a leader of the Midwest Democracy Network. “Our memorandum gives judicial candidates the tools they need to campaign in way that promotes confidence in the courts, and not erode it.”

**Note: A full copy of the judicial candidates’ memo can be accessed at <http://www.justiceatstake.org/files/JASMWMemo-rev.pdf>. The document went to 719 judicial candidates and was signed by 11 members of the Midwest Democracy Network:**

*Chicago Appleseed Fund for Justice*  
*Citizen Advocacy Center*  
*Heartland Democracy*  
*Illinois Campaign for Political Reform*  
*League of Women Voters of Ohio*  
*League of Women Voters of Wisconsin Education Fund*  
*Michigan Campaign Finance Network*  
*Minnesota Council of Nonprofits*  
*Ohio Citizen Action*  
*Take Action Minnesota*  
*Wisconsin Democracy Campaign*