



Justice at Risk

Research Opportunities and Policy Alternatives Regarding State Judicial Selection

Today, elected judges decide the overwhelming majority of cases in the United States: state courts handle 90 percent of judicial business, and 89 percent of state court judges face voters in some type of election.

We invite you to join us March 21 for a thought-provoking conference. Emory Law Professor Joanna Shepherd-Bailey will discuss the results of her non-partisan empirical study, “Justice at Risk: An Empirical Analysis of Campaign Contributions

and Judicial Decisions,” sponsored by the American Constitution Society. Roundtables of scholars will present ideas for future empirical research. Panels of judges, lawyers, and scholars will weigh the policy implications.

Interested in attending? For more information about the conference, please contact Tracey George, Director, Branstetter Program in Litigation & Dispute Resolution at Vanderbilt Law School, via email at: branstetter.program@vanderbilt.edu.



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**Justice at Risk: Research Opportunities and Policy Alternatives
Regarding State Judicial Selection**

**An Interdisciplinary Conference Co-Sponsored by
American Constitution Society, American Judicature Society and Vanderbilt Law School**

**March 20-21, 2014
Vanderbilt University
Nashville, TN**

Elected judges decide the overwhelming majority of cases in the United States. More than 90 percent of judicial business is handled by state courts, and 89 percent of state court judges face voters in some type of elections. The role of campaign contributions on judicial decisionmaking therefore is of crucial importance to the rule of law in America.

To explore this critical question, the American Constitution Society sponsored an objective and non-partisan empirical study to explore the effect of campaign contributions on judicial behavior. A team of independent researchers 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 through 2012. The dataset was merged with campaign contributions records for each elected judges' most recent election and data on the characteristics of individual judges and courts. The resulting "Justice at Risk" datasets are available from the National Institute on Money in State Politics, a nonpartisan, nonprofit charitable organization dedicated to accurate, comprehensive and unbiased documentation and research on campaign finance at the state level (www.followthemoney.org).

The "Justice at Risk: Research Opportunities and Policy Alternatives Regarding State Judicial Selection" Conference examining the role of money in judicial elections will be held on March 21, 2014, at Vanderbilt Law School. The conference is jointly sponsored by the American Constitution Society, the American Judicature Society, and Vanderbilt Law School with support from the Branstetter Litigation & Dispute Resolution Program.

The conference will begin with two roundtable discussions by empirical scholars who study courts, judicial selection, and judicial decisionmaking. These scholars, who are economics, political scientists, and law professors, will explore the possible avenues of research based on the "Justice at Risk" datasets. A plenary lunch-time session will feature "Justice at Risk" author, economist and law professor Joanna Shepherd-Bailey. An afternoon panel discussion will focus on the policy implications of empirical findings for the debate over state judicial selection reform.

SCHEDULE

Thursday, March 20

Out of town participants arrive and stay at Loews Vanderbilt

6:30 - 9:00 p.m. Kick-off cocktail reception and dinner

Friday, March 21

If you are leaving Friday night, please check out of the hotel before coming to the law school. You can store your bags with the hotel to retrieve when you get a cab, or you may bring them to the law school.

8:00 a.m. Continental breakfast available in Alexander Room (#105)
Food and beverages will be available all day. The law school has free wifi.

8:30 – 10 a.m. Empirical Roundtable 1 (Alexander Room)

10 – 10:15 *Break*

10:15 – 11:45 a.m. Empirical Roundtable 2 (Alexander Room)

11:45 – noon *Break*

Empirical Research on Campaign Contributions and Judicial Decision Making

Two roundtable discussions featuring empirical scholars in law, economics, and political science who will consider possible research questions which can be addressed by the *Justice at Risk* dataset.

Roundtable Participants:

Chris Bonneau (University of Pittsburgh Political Science)

Theodore Eisenberg (Cornell University Law School and *Journal of Empirical Legal Studies* Co-Editor)

Tracey George (Vanderbilt University Law School and Political Science)

Rebecca Gill (UNLV Political Science)

Melinda Gann Hall (Michigan State University Political Science)

Gbemende Johnson (Hamilton College Government)

David Klein (University of Virginia Politics)

Joanna Shepherd-Bailey (Emory University Law)

Rorie Spill (Oregon Political Science and *Judicature* Editor)

Margaret Williams (Federal Judicial Center)

Christopher Zorn (Penn State University Political Science)

12 noon – 1:30 p.m. Judicial Selection at the Crossroads: How Tennessee Picks Its Judges

Panel discussion with Margaret Behm (Dodson, Parker Behm & Capparella), Charles Grant (Baker Donelson), Tom Lawless (Lawless & Associates), and Dr. Joanna Shepherd-Bailey (Emory University) in Flynn Auditorium.

Boxed lunches will be provided. Free Tennessee CLE is available.

1:30 – 1:45 p.m. *Break*

1:45 – 3:15 p.m. Weighing the Policy Implications of *Justice at Risk*: How Empirical Findings Should Inform the Choice of State Judicial Selection

Panel discussion of the policy implication of empirical research featuring leading contributors to the debate on state judicial selection reform in Renaissance Room.

Moderator: The Honorable Russell Carparelli (retired Colorado Court of Appeals judge and American Judicature Society Executive Director)

Participants:

Brian Fitzpatrick (Vanderbilt University Law)

Charles Geyh (Indiana University Law School)

Ciara Torres-Spelliscy (Stetson Law School)

Judge N. Randy Smith (U.S. Court of Appeals for the Ninth Circuit)

H. Thomas Wells, Jr. (Maynard Cooper & Gale and American Judicature Society Board)

3:15 *Cabs will be available at the Loews to go to the airport.*