

Contributions to Candidates for Justice of Ohio Supreme Court from January 1, 2009 – September 30, 2010

By Catherine Turcer, Judith Richards and Leontien Kennedy
The Money in Politics Project at the Ohio Citizen Action Education Fund

From January 1, 2009 to September 30, 2010, the candidates for Justice of the Ohio Supreme Court raised \$2,509,646.88.

Contributions raised from January 1, 2009 – September 30, 2010

Candidate	Race	Party	Total Contributions Received
Eric Brown	Chief Justice	Democrat Appointed Incumbent	\$500,443.54
Maureen O'Connor	Chief Justice	Republican Incumbent Justice	\$788,426.14
Judith Ann Lanzinger	Justice	Republican Incumbent Justice	\$740,579.81
Mary Jane Trapp	Justice	Democrat Challenger	\$480,197.39
Paul Pfeiffer	Justice	Republican Incumbent Justice	\$0.00
All Candidates			\$2,509,646.88

Contributions include both monetary and in-kind contributions.

Because Justice Pfeifer received no contributions, no analysis is required.

Top three economic sectors for each candidate

Candidate	Top Sector	Second Sector	Third Sector
Eric Brown	Lawyers & Lobbyists \$289,805	Labor Unions \$83,250	Ideological \$31,820
Maureen O'Connor	Lawyers & Lobbyists \$161,272	Insurance \$168,080	Healthcare \$149,601
Judith Ann Lanzinger	Lawyers & Lobbyists \$165,528	Insurance \$165,870	Healthcare \$141,926
Mary Jane Trapp	Ideological \$207,428	Lawyers & Lobbyists \$187,047	Labor Unions \$43,475

*Contributions include organizations, PACs and employee contributions
Ideological contributions include party, candidate committees and single-issue groups.*

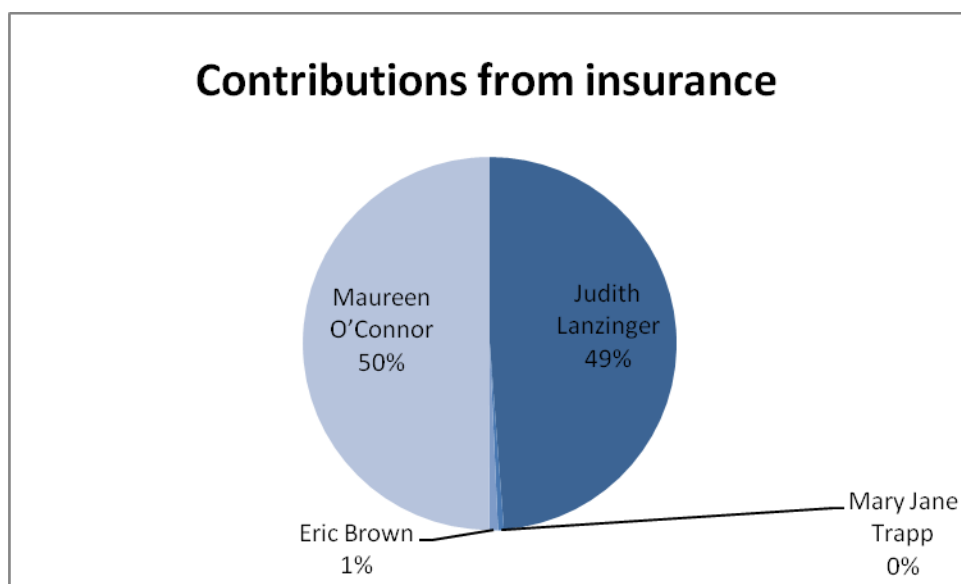
Contributions from the insurance industry

Candidate	Insurance
Eric Brown	\$2,400
Maureen O'Connor	\$168,080
Judith Lanzinger	\$165,870
Mary Jane Trapp	\$1,600
All Candidates	\$337,950

Contributions include employees and PACs.

Cincinnati Financial Corporation offers both property and casualty insurance through the Cincinnati Insurance Company, the Cincinnati Indemnity Company and the Cincinnati Casualty Company. Employees of the Cincinnati Financial Corporation contributed a total of \$41,150 to candidates for the Ohio Supreme Court (O'Connor \$18,450; Lanzinger \$22,700). Contributions ranged from \$50 to the campaign contribution limit of \$3,450 (averaging \$424.22). Forty-six of the Cincinnati Financial Corporation employee donors gave to both O'Connor and Lanzinger and these donations were contributed in the same amount. On the day the employees contributed to one Justice, they also contributed to the other.

The employees of the Cincinnati Insurance Company contributed a total of \$41,525 (O'Connor \$20,775; Lanzinger \$20,750). One hundred seven employees contributed to both Republican candidates. These contributions were also given on the same day and ranged from \$50 to \$500.



Cincinnati Insurance Company was founded by four agents, including John J. Schiff. The John J. & Thomas R. Schiff & Company contributed \$22,500 to candidates for the Ohio Supreme Court (O'Connor \$12,975; Lanzinger \$9,525)

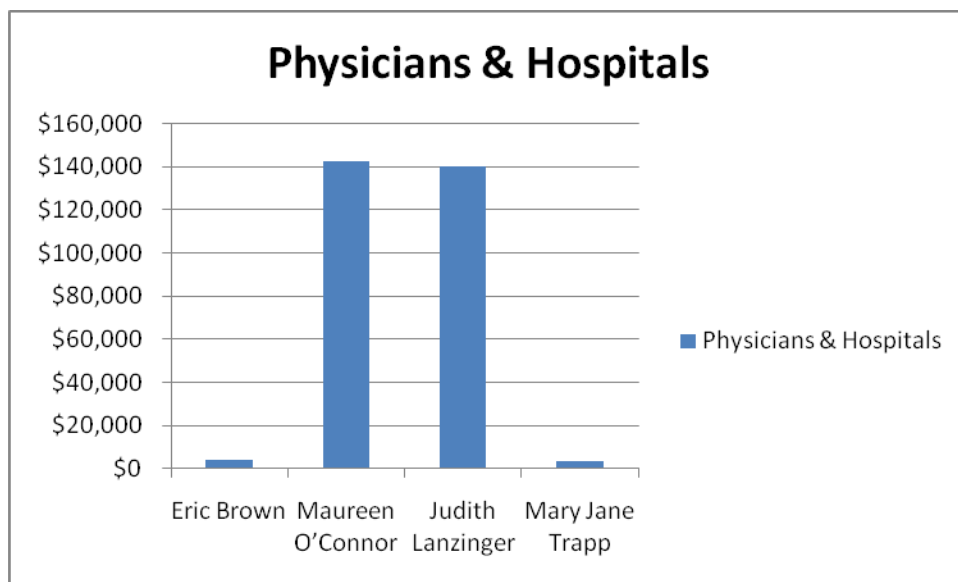
Employees and the Political Action Committee of Ohio National Financial Services gave a combined total of \$20,495 to O'Connor and Lanzinger. Employees of their affiliate, the Ohio National Life Insurance Company gave the Republican candidates together \$2,050.

Members of the prominent Lindner Family, associated with insurance giant American Financial Group, supported Maureen O'Connor (\$17,500) and Judith Ann Lanzinger (\$17,500).

Contributions from Physicians & Hospitals

Candidate	Physicians & Hospitals
Eric Brown	\$4,400
Maureen O'Connor	\$142,026
Judith Lanzinger	\$134,076
Mary Jane Trapp	\$3,325
All Candidates	\$283,827

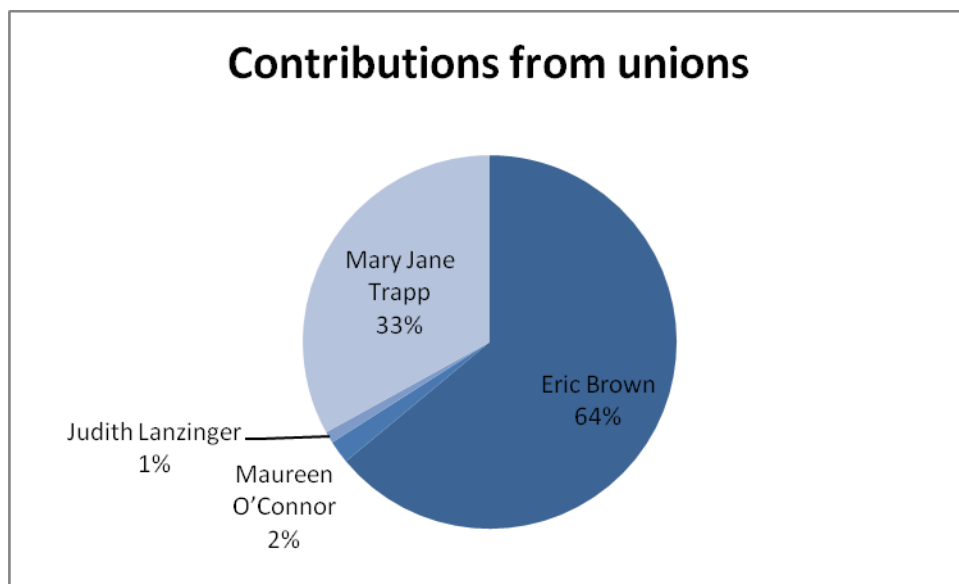
The healthcare industry provided strong support for the Republican candidates. O'Connor received an additional \$7,575 from others in the healthcare including nursing homes and dentists; Lanzinger an additional \$7,850; Brown an additional \$1,225 and Trapp an additional \$275.



Labor Union Contributions

Eric Brown received strong support from unions (\$83,250). He received \$35,825 from public sector unions, including the Ohio Education Association and American Federation of State, County & Municipal Employees (AFSCME); \$30,125 from unions associated with building trades; \$13,400 from unions associated with industry and manufacturing. The United Food and Commercial Workers (UFCW) contributed \$2,500, the Longshoremen \$1,000, \$300 from the AFL-CIO and the Teamsters \$100.

Mary Jane Trapp also received strong support and raised \$43,475 from labor unions. She received \$23,150 from public sector unions, \$12,375 from unions associated with building trades and \$3,500 from unions associated with industry and manufacturing. She also received \$2,500 from the United Food and Commercial Workers (UFCW), \$1,500 from the Longshoremen and \$450 from the AFL-CIO.



Union support for the Republican candidates provides a stark contrast. Maureen O'Connor received only \$2,000 from labor unions— \$1,000 from the Cleveland Fire Fighters Association, \$500 from the Fraternal Order of Police of Ohio and \$500 from the International Union of Operating Engineers (IUOE). Judith Ann Lanzinger received only \$1,850 in union support— \$500 from the Cleveland Fire Fighters Association, \$500 from the Fraternal Order of Police of Ohio, \$500 from the International Union of Operating Engineers (IUOE), as well as \$350 from the Teamsters.

Individual Contributions

The average contribution to all the candidates for Ohio Supreme Court during this period was \$292.

Mary Jane Trapp gave \$164,618.76 to her own committee which skews her average. If this outlier is removed her average contribution is \$276.80

Average individual contribution

Brown	\$313.78
O'Connor	\$245.76
Lanzinger	\$244.39
Trapp	\$485.89
Total Average	\$292.06

The candidates for justice received a total of 5,383 contributions, equaling \$1,572,162 from individual givers.

Candidate	Number of contributions less than \$200	Total \$ from smaller contributors	Number of contributions equal to or more than \$200	Total \$ from larger contributors
Brown	472	\$32,685	453	\$257,567
O'Connor	1,305	\$111,351	584	\$352,898
Lanzinger	1,236	\$108,077	547	\$327,673
Trapp	491	\$36,067	295	\$345,844
Total	3,504	\$288,180	1,879	\$1,283,982

Eric Brown

Candidate for Chief Justice
Democratic Appointed Incumbent Justice

\$500,443

Amount Raised
2/22/2010-9/30/2010

Average Individual Contribution	\$313.78
Number of Individual Contributions < \$200	472
Number of Individual Contributions ≥ \$200	453

Top organizational contributors to Eric Brown

Totals include monetary and in-kind contributions.

1	Ohio Democratic Party	Political Party	\$21,050
2	Murray & Murray Co. LPA	Law Firm	\$15,015
3	Ohio Education Association	Labor Union	\$11,200
4	Nurenberg, Paris, Heller & McCarthy Co., LPA	Law Firm	\$7,000
5	Master Credit Consultants	Lien & Collection Services	\$6,900
6	Leeseberg & Valentine	Law Firm	\$6,800
7	Gallon, Takacs, Boissoneault & Schaffer Co., LPA	Law Firm	\$6,410
8	Ohio Association of Public School Employees (OAPSE)/American Federation of State, County & Municipal Employees (AFSCME)	Labor Unions	\$6,325
	E.J. Leizerman & Associates, LLC	Law Firm	\$6,325
	Ohio State Association of Plumbers & Pipefitters	Labor Unions	\$6,325
	Ohio Civil Service Employees Association (OCSEA)/American Federation of State, County & Municipal Employees (AFSCME)	Labor Unions	\$6,325
	American Federation of State, County & Municipal Employees (AFSCME)	Labor Union	\$6,325
9	Thompson Hine LLP	Law Firm	\$5,250
	United Steel Workers of America	Labor Union	\$5,250
10	Vorys, Sater, Seymour & Pease, LLP	Law Firm	\$5,200

Totals are organized by economic affiliation.

Totals include PACs/PCEs, political parties and their employees.

Top political party & candidate committee contributions to Eric Brown

1	Ohio Democratic Party	\$16,000
2	Ohio Democratic Party Supreme Court Fund	\$5,000
3	Summit County Democratic Executive Committee	\$1,000
4	Committee to Elect Patmon	\$500
	Quin-T Democrat Club	\$500

Maureen O'Connor

Candidate for Chief Justice
Republican Incumbent Justice
Challenger for Chief Justice

\$788,426

Amount Raised
1/6/2009-9/30/2010

Average Individual Contribution	\$245.76
Number of Individual Contributions < \$200	1305
Number of Individual Contributions ≥ \$200	584

Top organizational contributors to Maureen O'Connor

Totals include monetary and in-kind contributions.

1	Ohio Republican Party	Political Party	\$29,237
2	Cincinnati Insurance Company	Insurance Company	\$20,775
3	Cincinnati Financial Corporation	Insurance Company	\$18,450
4	American Financial Group	Insurance Company	\$17,500
5	FirstEnergy	Electric Utility	\$14,250
6	Porter, Wright, Morris & Arthur, LLP	Law Firm	\$13,400
7	John J. & Thomas R. Schiff Insurance Agency	Insurance Company	\$12,975
8	Boich Companies	Coal Mining	\$12,000
9	Calfee, Halter & Griswold LLP	Law Firm	\$10,002
10	Ohio National Financial Services	Insurance	\$9,935

Totals are organized by economic affiliation.

Totals include PACs/PCEs, political parties and their employees.

Top political party & candidate committee contributions to Maureen O'Connor

1	Ohio Republican State & Central Executive Committee	\$29,237
2	Voinovich for Senate	\$6,325
3	Hamilton County Republican Women's Club	\$5,000
4	Hamilton County Republican Party Judicial Campaign Fund	\$2,500
5	Committee to Elect Patrick M. McGrath	\$2,000

Judith Ann Lanzinger

Candidate for Justice
Republican Incumbent

\$740,579

Amount Raised
1/22/10-9/30/2010

Average Individual Contribution	\$244.39
Number of Individual Contributions < \$200	1236
Number of Individual Contributions ≥ \$200	547

Top organizational contributors to Judith Ann Lanzinger

Totals include monetary and in-kind contributions.

1	Ohio Republican Party	Political Party	\$26,408
2	Cincinnati Financial Corp	Insurance Company	\$22,700
3	Cincinnati Insurance Company	Insurance Company	\$20,750
4	American Financial Group	Insurance Company	\$17,500
5	Porter, Wright, Morris & Arthur LLP	Law Firm	\$13,400
6	Boich Companies	Coal Mining	\$12,000
7	Ohio National Financial Services	Insurance Company	\$10,435
8	Calfee, Halter & Griswold LLP	Law Firm	\$10,002
9	Murray Energy Corporation	Coal Mining	\$9,775
	Waite, Schneider, Bayless & Chesley, LPA	Law Firm	\$9,775
10	FirstEnergy	Electric Utility	\$9,750

Totals are organized by economic affiliation.

Totals include PACs/PCEs, political parties and their employees.

Top political party & candidate committee contributions to Judith Ann Lanzinger

1	Ohio Republican Party Supreme Court Judicial Account	\$15,000
2	Ohio Republican State & Central Executive Committee	\$11,408
3	Voinovich for Senate	\$6,325
4	Hamilton County Republican Party Judicial Campaign Fund	\$2,500
5	Citizens for Wagoner	\$1,000

Mary Jane Trapp

Candidate for Justice
Democratic Challenger

\$480,197

Amount Raised
4/1/10-9/30/2010

Average Individual Contribution | **\$485.89**

Number of Individual Contributions < \$200 | 491

Number of Individual Contributions ≥ \$200 | 295

The candidate gave her own committee \$164,618.76.

Top organizational contributors to Mary Jane Trapp

Totals include monetary and in-kind contributions.

1	Ohio Democratic Party	Political Party	\$31,338
2	Murray & Murray Co. LPA	Law Firm	\$12,700
3	Ohio Education Association	Labor Union	\$11,200
4	Leeseberg & Valentine	Law Firm	\$6,800
5	Ohio Association of Public School Employees (OAPSE)/American Federation of State, County & Municipal Employees (AFSCME)	Labor Unions	\$6,325
6	Dworken & Bernstein Co., LPA	Law Firm	\$5,750
7	Tzangas, Plankas, Mannos & Raies, LTD	Law Firm	\$5,468
8	Ohio Association for Justice	Plaintiff Lawyers	\$5,250
9	Ohio Federation of Teachers	Labor Unions	\$5,100
10	Becker & Mishkind	Law Firm	\$5,000
	O'Connor, Acciani & Levy	Law Firm	\$5,000
	David P. Meyer & Associates	Law Firm	\$5,000

Totals are organized by economic affiliation.

Totals include PACs/PCEs, political parties and their employees.

Top political party & candidate committee contributions to Mary Jane Trapp

1	Candidate gave to Candidate Committee	\$164,618
2	Ohio Democratic Party	\$31,288
3	Mahoning County Democratic Party	\$1,335
4	Quin-T Democrat Club	\$500

Background

Money plays a big role in Ohio judicial campaigns. From 1999 - 2008, candidates for the Ohio Supreme Court raised \$21.2 million, second nationally only to the \$40.9 million raised by high court candidates in Alabama, according to Justice At Stake, a national nonpartisan partnership focused on fair and impartial courts.

Since 1999, the American Bar Association (ABA) has recommended mandatory disqualification of any judge who has accepted large contributions from a party appearing before him/her. Although the ABA has left each state to choose a specific contribution amount that might trigger recusal, the Bar reaffirmed this recommendation in February 2007 in their Model Code of Judicial Conduct. The American Bar Association's new Model Code led Chief Justice Thomas J. Moyer to establish a nineteen-member Task Force on the Code of Judicial Conduct in June 2007. Beginning in August 2007, the Task Force conducted a comprehensive review of the ABA Model Code, existing Ohio Code of Judicial Conduct, case law, and advisory opinions. In February 2008, the Task Force released a proposed Ohio Code of Judicial Conduct. The second public comment period on the proposed Ohio Code of Judicial Conduct ended in October 2008. When the Ohio Code of Judicial Conduct was officially revised in December 2008, recusal standards for large contributors were not established.

A 2008 American Bar Association poll found 79 percent of adults believed judges should not be allowed to accept money from "special interests." A February 2009, USA TODAY/Gallup Poll found 89% of those surveyed believe the influence of campaign contributions on judges' rulings is a problem. More than 90% of those surveyed said judges should be removed from a case if it involves an individual or group that contributed to the judge's election campaign.

Political expenditures beyond contributions directly to candidates can lead to questions about judicial independence. On June 8, 2009, the U.S. Supreme Court issued its ruling in *Caperton v. Massey*. The CEO of Massey Coal, Don Blankenship created a non-profit corporation called "And for the Sake of the Kids" through which he contributed over \$3 million dollars on behalf of West Virginia Supreme Court Justice Brent Benjamin. This amounted to more than the total amount spent by all other Benjamin supporters and Benjamin's own campaign committee. In a 5-4 opinion, the U.S. Supreme Court concluded that, given the "serious risk of actual bias," the Due Process Clause required the recusal of Justice Brent Benjamin. The Court also noted that "Not every campaign contribution by a litigant or attorney creates a probability of bias that requires a judge's recusal, but this is an exceptional case. We conclude that there is a serious risk of actual bias—based on objective and reasonable perceptions—when a person with a personal stake in a particular case had a significant and disproportionate influence in placing the judge on the case by raising funds or directing the judge's election campaign when the case was pending or imminent."

In March 2003 and November 2009, Chief Justice Thomas J. Moyer, the Ohio Bar Association and the League of Women Voters of Ohio held a Forum on Judicial Selection to examine reform options including merit selection with retention elections and public financing. Chief Justice Moyer described the problem with the current system to *National Public Radio* this way, “Human nature is that we help people if they help us.” Sadly, this strong proponent for reforming the system passed away on April 2, 2010.

Other Justices have weighed in on the need for reform. Justice Paul Pfeiffer described fundraising this way to *The New York Times*, “I never felt so much like a hooker down by the bus station in any race I’ve been in as I did in a judicial race. Everyone interested in contributing has very specific reasons.”

In January 2010, the U.S. Supreme Court made a landmark decision with *Citizens United v. FEC* in which the majority determined that it was unconstitutional to prohibit corporations from engaging in electioneering communication as long as it is not coordinated with the candidate. This case allows corporations to give contributions directly from corporate revenues to independent expenditures.

Recommendation

Establish disqualification or withdrawal standards based on campaign contributions for Supreme Court Justices. A rule should be established that triggers disqualification of Supreme Court Justices after receipt of a large aggregate contribution, not just from a single donor, but collectively from all donors associated with a party to litigation or with counsel. An example of aggregate contributions that could trigger disqualification would be contributions from corporate officers, management-level employees and law firm partners. An examination of the Ohio Supreme Court by *The New York Times* in 2006 found that Ohio Supreme Court justices routinely sat on cases after receiving campaign contributions from the parties involved or groups that filed supporting briefs. *The Times* found that on average, justices voted in favor of contributors 70% of the time. In the 12 years the paper examined, Ohio Supreme Court justices recused themselves only 9 times in 215 cases with the most direct conflicts of interest. Disqualification standards avoid leaving recusal decisions up to individual judges or justices. A survey conducted by Belden Russonello & Stewart for the Midwest Democracy Network in June 2008 found that 88% of Ohioans believe that it would make a difference (63% big difference) if Ohio “required judges to step aside in cases in which either the lawyers or the parties involved in the case have contributed to their election campaigns.”

OR

Place a contribution cap on contributions from individuals that belong to the same organization, particularly individuals that belong to the same law firm. Campaign contribution limits would be greatly strengthened by placing a limit on the contributions from individuals that belong to the same organization. Currently, organizations can do an end-run around the limitations placed on the amounts that it may contribute to judicial campaigns by alerting employees that they should contribute to a particular campaign. Ohio law already has aggregate limits on contractors with the state. The State of Texas adopted aggregate limits for judicial candidates (Texas Election Code 253.157) more than 10 years ago.

Create an Independent Commission to Review Electioneering Communication

The influence of independent expenditures or electioneering communication on the judicial process could be addressed by creating an independent commission to adjudicate recusal motions. A commission could, for example, be composed of retired judges. Parties who were concerned about the influence of these independent expenditures could seek recusal of a judge by submitting an application to the commission to have the judge removed.

Merit Selection with retention elections and public financing of campaigns need to be further considered and discussed. Ohioans need to build on the work of Chief Justice Thomas J. Moyer and examine an explore options that truly reform the system. Census needs to be built so a reform measure can be placed on the ballot.

Methodology

The database is based on the filings of candidates for the Ohio Supreme Court, available in computerized form from the Ohio Secretary of State. These filings were submitted electronically by the candidate committees to the Secretary of State and are available on-line at <http://www.sos.state.oh.us/SOS/candidates.aspx>. Candidates for Justice and Chief Justice began their fundraising cycle based on the Canon of Ethics on January 4, 2010. This study examines contributions during this election cycle beginning January 1, 2009 – September 30, 2010.

The methodology for this study is based on the *Follow the Money Handbook* by Larry Makinson, Senior Fellow at the Sunlight Foundation. If an individual uses different employers when making donations, the Money in Politics researches do not standardize to the same economic affiliation. The economic affiliation is given the same name as the employer identified by the candidate filings with the Ohio Secretary of State. For example, in this database of contributions to Supreme Court candidates, John Schiff is reportedly employed by the John J. & Thomas R. Schiff Insurance Agency and by Cincinnati Financial Corp.

To identify the employers of contributors, the Ohio Citizen Action Education Fund used a variety of search engines like google and the following:

1. Databases of architects, doctors, dentists, funeral directors, and certified public accountants registered to do business in Ohio from the Ohio Division of Administrative Services,
2. A database from the Ohio Supreme Court of attorneys in Ohio
3. A list of lobbyists in Ohio from the Joint Legislative Ethics Committee,
4. A list of contributors to political action committees in Ohio,
5. Database of physicians provided by the American Medical Association,
6. Database of attorneys provided by Martindale-Hubble.

For each candidate the total amount in this campaign finance database includes the following:

- Contributions received
- Contributions received at a social or fundraising event
- In-kind contributions received
- Contributions the candidate gave to his/her own campaign

The campaign finance profiles do not include Statement of Other Income, which includes interest, refunds, returns, and other non-contribution income.

It should be noted that unidentified individual donors whose last name and street address match a known donor are identified with the known donor. This means that homemakers and children in the home are identified with the income earner in the home.

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