

Appleseed This Week

eNewsletter - July 2, 2009



A nonprofit network of 16 public interest justice centers in the U.S. and Mexico, Appleseed is dedicated to building a society in which opportunities are genuine, access to justice is universal and equal, and government advances the public interest.

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Supreme Court Rules for Impartial Judiciary

In a decision that will help insulate the American court system from judicial bias and favoritism, the U.S. Supreme Court ruled recently that elected judges must disqualify themselves from cases involving those who have contributed exceptional amounts of money to their election campaigns.

Appleseed, having long championed the ideal of a fair and impartial judiciary, applauds the decision. The National Office, joined by Centers in Alabama, Chicago, Massachusetts and Washington, signed an amicus brief in support of the plaintiffs in January.

"A core part of our mission is to remove systemic impediments to justice," said Appleseed Executive Director Betsy Cavendish. "This decision will certainly help to advance that goal and we are proud to have played an active role."

Issued June 8, the 5-to-4 ruling asserts that money used in judicial elections lies, to some extent, within the purview of the Constitution's due process clause. Writing for the majority, Justice Anthony M. Kennedy said that the Constitution requires a judge's disqualification when an interested party's spending exerts "disproportionate influence" in a case that is "pending or imminent."

Caperton v. A.T. Massey Coal Company involved Brent D. Benjamin, currently Chief Justice of the West Virginia Supreme Court, who twice ruled in favor of a coal executive who had contributed \$3 million to Benjamin's 2004 election campaign. In a series of decisions rejecting disqualification motions on behalf of the plaintiffs, Justice Benjamin refused to recuse himself in those cases.

While the Caperton ruling is fairly narrow, governing only those cases of "disproportionate influence," justice advocates lauded its affirmation of the constitutional right to a fair hearing. One such organization, Justice at Stake, prepared the amicus brief

**giving campaigns: United
Way of the National
Capital Area (UWNCA)
and the Combined
Federal Campaign (CFC).**

**Both campaigns kick off
in September.**

**Please make a note of the
Appleseed designation
codes below.**

UNWCA: 9639

CFC: 10758

that was reviewed by Appleseed board members.

Appleseed Centers have long been dedicated advocates of an impartial justice system. In 2003, Chicago Appleseed released a comprehensive report detailing the influence of politics and money in local judicial elections. The Alabama Center, meanwhile, has identified massive amounts of private donations to state judges - some \$13 million for contested Supreme Court seats in 2006 - as gravely undermining the public's belief that justice is blind. And to help ensure equitable judicial treatment irrespective of region, Massachusetts Appleseed is preparing a study that will identify inequalities in court funding and staffing among various districts.

To read full coverage of the *Caperton* case in *The New York Times*, [click here](#).