

Justice at Stake



2013 ANNUAL REPORT

**BUILDING STRENGTH AND
BREAKING GROUND**

2013: BUILDING STRENGTH AND BREAKING GROUND

From the Executive Director



After our 2012 victories at the ballot box, 2013 was a year of building and growth for Justice at Stake. We were deeply honored to welcome former U.S. Supreme Court Justice Sandra Day O'Connor, one of the nation's most well-known and respected advocates for fair courts, as Justice at Stake's first Honorary Chair.

Throughout the year, we have been hard at work building the strength and capacity of the fair courts movement. To help win policy battles over the future of our nation's courts, Justice at Stake began cultivating grassroots power. Using new tools for online organizing, our state affairs team launched the Fair Courts Action Network, a network of several thousand self-identified advocates, to boost the power of our advocacy work. We shared these tools with allies around the country, traveled to more than 10 states to help advocates keep courts impartial, and hosted a national convening to broaden the movement of courts supporters.

We also focused national attention on the threat to our courts with the release of *The New Politics of Judicial Elections 2011-12: How New Waves of Special Interest Spending Raised the Stakes for Fair Courts*. Produced in collaboration with the Brennan Center for Justice and the National Institute on Money in State Politics, the report helps to make the case for better reform policies like merit selection of judges, public financing of judicial races and stronger disclosure laws and recusal rules.

On Capitol Hill, we drew attention to the court funding crisis and the extraordinary number of judicial vacancies in our

federal courts. We advocated for a fair process for federal judicial nominations, and fought attempts to shrink our courts. Our input was privately sought and publicly cited in Congress, and we are pleased to have the respect of legislators and policymakers in positions to effect change. In states where we launched and implemented judicial diversity projects, project participants from a variety of backgrounds attained seats on the bench—and diverse organizations came together to promote courts that fully reflect the vibrancy of the communities they serve.

2013 also saw the launch of a multi-city law firm visibility tour designed to spread the word among friends and supporters about the need to keep courts fair and impartial. We honored Mark Larson, Vice President and Chief Litigation Counsel at Honeywell International, with the first-ever Justice at Stake Exemplar Award for the Defense of Fair Courts. The law firm of Perkins Coie was honored with our Ally of the Courts Award. Both honorees were recognized for their unwavering defense of Arizona's model merit selection system for choosing and retaining judges.

Our hard work is paying off, and I am extremely proud of all that we and our allies have accomplished. We are growing stronger. But so are our opponents. The threat to the courts continues to grow. We have hard work ahead of us, and I hope you—our allies, supporters and funders—will join us in keeping our courts fair and impartial in 2014 and beyond.

A handwritten signature in black ink that reads "Bert Brandenburg". The signature is written in a cursive, flowing style with a long horizontal line extending from the end of the name.

Bert Brandenburg

OUR MISSION AND VISION



**Justice
at Stake**



OUR MISSION AND VISION



Justice at Stake is leading the fight to protect our courts from partisan politics and special interest pressure. From our grassroots efforts to our work with policymakers at the highest levels, we strive to protect our courts' ability to be fair and impartial.

Justice at Stake is the hub for a nonpartisan, national partnership of more than 50 organizations that actively work to protect the courts. We work closely every day with national and state allies to educate the public and promote fair courts reforms. Our work includes organizing, communications, research and litigation strategies aimed at ensuring that courts can remain accountable to the law and the Constitution, so they can safeguard all rights.

OUR HONORARY CHAIR

U.S. Supreme Court Justice Sandra Day O'Connor (ret.) Joins JAS

In 2013, Justice at Stake had the honor and pleasure of welcoming retired U.S. Supreme Court Justice Sandra Day O'Connor as its first Honorary Chair. Justice O'Connor is one of the nation's leading voices for fair and impartial courts. Since retiring from the Supreme Court in 2006, she has traveled tirelessly around the country, sounding a warning about the growth of special-interest money in judicial elections. She is also a strong advocate for civics education, especially in our schools.

“Justice O'Connor has served our country with distinction on the U.S. Supreme Court and also as an elected Arizona legislator, an elected county judge and an appointed state appeals court judge. She knows the courts from all sides, and she brings a unique perspective to our Justice at Stake partnership.”

*Mark Harrison
Chair, Justice at Stake
Board of Directors*

“The greatest threat to judicial independence in our country today is the flood of money coming into the courtrooms by increasingly expensive and volatile campaigns. Justice at Stake is a nonpartisan partnership that has done groundbreaking work. I've worked with Justice at Stake in the past. I'm happy now to help raise its profile in protecting fair courts around the country.”

*Sandra Day O'Connor
Retired Supreme Court Justice
Justice at Stake Honorary Chair*

OUR HONORARY CHAIR



ACHIEVEMENTS IN 2013

2013 Justice At Stake Fair Courts Heroes

On October 31, 2013 in Phoenix, Arizona, Justice at Stake was pleased to recognize an exceptional leader and distinguished advocate, as well as one of the country's top law firms, with national awards for their work in protecting courts in Arizona. The awards, the first of their type given by Justice at Stake, were presented at a reception hosted by the firm Osborn Maledon at the University Club in Phoenix. Mark Harrison, chairman of the Justice at Stake Board of Directors and a partner with the firm, bestowed the honors.

Mark Larson, Vice President and Chief Litigation Counsel, Honeywell International, was honored with the Justice at Stake Exemplar Award for the Defense of Fair Courts, while the law firm of Perkins Coie LLP was presented with the Justice at Stake Ally of the Courts Award.

“I am pleased and honored to recognize the leadership and extraordinary commitment of Mark Larson of Honeywell Corporation and the law firm of Perkins Coie LLP for their unwavering defense of Arizona’s model merit selection system for choosing and retaining judges.”

*Mark Harrison
Chair, Justice at Stake
Board of Directors*



Mark Harrison (l), Mark Larson (c) and Bert Brandenburg (r), at the awards ceremony honoring Larson.

ACHIEVEMENTS IN 2013

Mark Larson, Vice President and Chief Litigation Counsel, Honeywell International

Mark Larson was honored for his extraordinary commitment to preserving the integrity of Arizona's courts. He has been a leader in engaging the corporate community in support of judicial independence. He has also participated in educational videos that are shown to jurors before they serve on jury duty.

Larson is a member of the Business Roundtable, where he serves on a committee assisting and advising the Arizona Supreme Court on issues of importance to the state judiciary. He is a former member of the Arizona Supreme Court Committee on Complex Litigation and a former member of the Board of Directors for the Arizona Foundation for Legal Services and Education.

Perkins Coie LLP

The law firm of Perkins Coie LLP was honored for its outstanding dedication to upholding Arizona's constitutional process for selecting judges. Led by Paul Eckstein, Joel Nomkin and Andrew Gaona, Perkins Coie was lead counsel for several members of the Commission on Appellate Court Appointments, who prevailed in *Dobson v. State of Arizona*, a case in which the Arizona Supreme Court recently held unconstitutional a state statute (HB 2600) which would have injected politics into Arizona's judicial nomination system.



Perkins Coie honorees with Mark Harrison (l) and Bert Brandenburg (r).

“Mark Larson’s devotion and relentless hard work make him a fitting recipient for the first Justice at Stake Exemplar Award for the Defense of Fair Courts. And we are extremely grateful to Perkins Coie for its leadership role in the legal defeat of a politically driven assault on Arizona merit selection.”

Bert Brandenburg
Executive Director, Justice at Stake

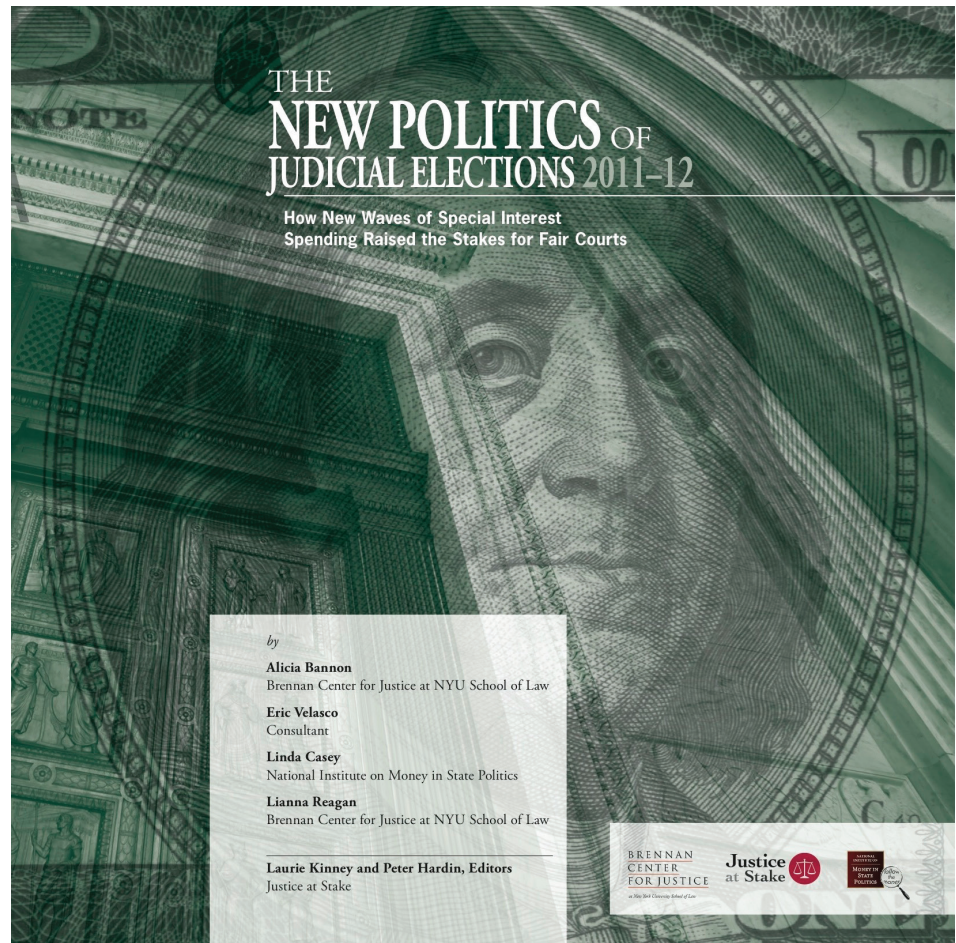
ACHIEVEMENTS IN 2013

The New Politics Of Judicial Elections 2011-12:

How New Waves of Special Interest Spending Raised the Stakes for Fair Courts

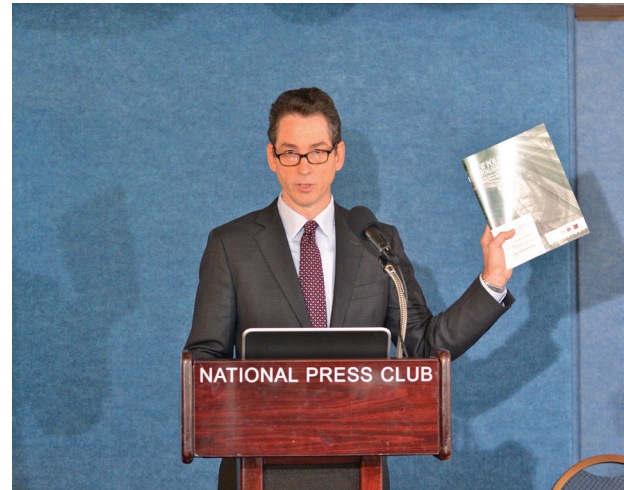
In October, at the National Press Club in Washington, D.C., Justice at Stake and its allies released the 6th edition of its flagship *New Politics of Judicial Elections* report, tracking the growth of independent spending by interest groups seeking to exert influence over judicial elections. In the first election cycle since the U.S. Supreme Court's decision in *Citizens United v. Federal Election Commission*, television ad spending in judicial elections reached \$33.7 million, including a record \$15.4 million spent by special-interest groups on ads and electioneering—a 50 percent jump.

The report, produced in conjunction with JAS partners the Brennan Center for Justice and the National Institute on Money in State Politics, was released at a National Press Club panel event featuring Marcia Ternus and Randall Shepard, the former Chief Justices of Iowa and Indiana. The *New Politics* reports, which earned national media coverage and are sent out to thousands of allies and supporters, give fair courts advocates the data and arguments they need to win battles in their states.



"I strive in my torts class to teach students about the forces, interests, and processes at work in shaping the law and the consequences of those dynamics on people's lives. Since 2000, I have been assigning the *New Politics of Judicial Elections* reports and connecting the disconcerting role of money in state judicial elections with trends in tort law and the outcomes of individual cases. No resource does more than those reports to open the eyes of my students to the sad reality that justice is, indeed, at stake."

Professor Jon D. Hanson
Harvard Law School



Bert Brandenburg at the *New Politics of Judicial Elections* release event.

**THE DAILY
BEAST**

Special Interest Money Has Upended Judicial Elections, Says New Report

The Daily Beast, Bert Brandenburg

October 24

"Courts and judges are supposed to be insulated from politics, but the Supreme Court's *Citizens United* decision in 2010 unleashed special interest money to a degree previously unseen in judicial elections. Out-of-state money had already begun to influence judicial campaigns, and *Citizens United* poured gasoline on it."

ACHIEVEMENTS IN 2013

Justice At Stake in the News

Justice at Stake was instrumental in keeping fair-courts news on the media agenda in 2013. Through our outreach to reporters, producers and editorial boards, we helped to shape coverage of the courts as a crucial step toward capturing public attention and support.



Sotomayor's Dissent Highlights Concerns Over Elected Judges

National Public Radio, November 19
U.S. Supreme Court Justice Sonya Sotomayor

"The only answer that is supported by empirical evidence," she wrote, is that "Alabama judges, who are elected in partisan proceedings, appear to have succumbed to electoral pressures."



Sequestration Threatens American Justice

U.S. News & World Report

February 27

“Access to justice is not a luxury. If budget cuts slam courthouse doors and postpone trials, some criminal cases may need to be dismissed. Therefore, trust and confidence in our federal courts would be at risk.”

The New York Times

Justice Sequestered

New York Times editorial

July 20

“The madness of Washington’s across-the-board budget cuts known as sequestration is causing real damage to the American justice system — undermining the sound functioning of the courts and particularly imperiling the delivery of effective legal representation to poor people accused of federal crimes.”



States making it harder to get timely justice

USA Today, Bert Brandenburg

March 27

“In recent years, interest groups have poured millions into state Supreme Court elections, often for attack ads accusing judges of being soft on crime. In 2011-12, a record \$33.7 million was spent on TV ads, including \$20.7 million by non-candidates. Polling shows that more than 90% of Americans think this campaign cash affects courtroom decisions. Nearly half of state judges agree.”

ACHIEVEMENTS IN 2013

In The States

Judicial Selection Reform

On the heels of our historic 2012 victories, 2013 was a year of big wins on offense and defense—and one disappointing defeat. We helped our allies defeat attempts to eliminate merit selection in Kansas, uphold Arizona’s merit selection system in court, and make judicial public financing in West Virginia permanent. But in North Carolina, despite a vigorous defense campaign, the state’s popular judicial public financing campaign was eliminated amid an onslaught of anti-democracy efforts by the new governor and legislature.

In these states and others, Justice at Stake supported fair-courts reforms by providing its allies with polling, coalition development and organizing support, strategy, litigation, communications outreach, and training.

“Our legislative session ended last week. I have to give another shout out to Debra [Erenberg] and Matt [Berg] and the whole JAS team. As the session went on and things happened, we had a lot of tight turn-around deadlines. When things exploded, you got us what we needed right away.”

Ryan Wright
Kansas Values Institute

Broadening the Movement: A Fair-Courts Convening

In February, the Justice at Stake state affairs team hosted its first “Broadening the Movement” convening in Washington, D.C., which brought together fair-courts advocates from 13 states. This event, cosponsored by the Piper Fund, gave participants two exciting and enriching days of networking and information-sharing, brainstorming, expert presentations, and moderated small group planning sessions. Our state allies learned how to strengthen their strategies for reaching targeted constituencies with the most effective messages, building stronger partnerships, and formulating effective plans of action. Justice at Stake is proud to have launched an initiative that has helped create a strong ongoing presence for defense of the courts.

Kansas: Saving Merit Selection for the Supreme Court

In Kansas, Justice at Stake and its partners won important victories in one of the nation's most-watched fair-courts struggles of the year. Even before 2013 began, Governor Sam Brownback and his allies in the state legislature had begun signaling their desire to overturn merit selection systems in place for the state's Court of Appeals and Supreme Court. Justice at Stake quickly organized public opinion research that proved critical in rallying support for the courts. We were able to identify the most effective messages for educating Kansas voters about the state's merit selection system, and released a poll showing that 61 percent of Kansans opposed amending the state constitution to change the way Supreme Court justices were selected. It was instrumental in stopping the momentum. Media outreach surrounding this poll also helped frame a narrative around Governor Brownback's "power grab" that was widely echoed in reporting and editorials. In addition, a member of Justice at Stake's Board of Directors, Lead Bank Chairman Landon Rowland, testified before the Kansas legislature, explaining why merit selection is good for business.

Ultimately, our efforts and those of our allies on the ground stopped in its tracks the Brownback campaign to eliminate merit selection. Anti-merit forces in Kansas failed in their attempt to advance a constitutional amendment changing the system for the Supreme Court. Although Governor Brownback was able to corral the legislative support needed to change the Appeals Court process by statute, the change was widely criticized in media and by the public.

Justice at Stake also helped lay the groundwork for the grassroots coalition that emerged to support fair courts in the state, hosting leaders from Kansas at its February "Broadening the Movement" Fair Courts Convening. With our help, advocates for Kansas courts are now poised to counter fresh attacks in 2014 from special interest foes of merit selection, including the Judicial Crisis Network. The strong foundation built by Justice at Stake and our allies in 2013 will be essential to continuing the fight to defend merit in Kansas.

61 Percent of Kansans Oppose Proposal to Amend State Constitution Regarding Selection of Judges

Q5 Some people have proposed amending the state Constitution to change the way judges are selected here in Kansas. Under the proposal, judges would be chosen by the Governor without first being recommended by a panel, and then confirmed by the state Senate. They would still face periodic yes/no retention elections from the voters. Would you favor or oppose amending the Constitution to switch from merit selection to the proposed new way of selecting judges?

RV		DEM	REP	IND
21	Favor Amending Constitution to Change	17	24	20
61	Oppose Amending the Constitution	70	57	61
18	Not Sure	13	20	19

ACHIEVEMENTS IN 2013

Arizona: Upholding Merit Selection in Court

The Fair Courts Litigation Task Force, a group of national legal leaders that Justice at Stake helped to create, was instrumental in winning a major victory for Arizona's merit selection system in 2013. The Task Force helped local allies fight back against a new law that would have made judicial selection more political by increasing from three to five the number of nominees sent to the

governor by the state's judicial nominating commission. Justice at Stake and the Brennan Center filed an amicus brief in the case, *Dobson v. Arizona*, arguing that the law violated the state constitution. In September, fair courts advocates scored a resounding victory when the law was declared unconstitutional, and the strength of Arizona's merit system was preserved. The bill was declared unconstitutional, and the strength of Arizona's merit system was preserved.

IN THE SUPREME COURT STATE OF ARIZONA	
CAREY D. DOBSON, WILLIAM EKSTROM, TED A. SCHMIDT, and JOHN THOMAS TAYLOR III,	No. CV-13-0225-SA
Petitioners,	
v.	
STATE OF ARIZONA ex rel. COMMISSION ON APPELLATE COURT APPOINTMENTS	
Respondent.	
BRIEF OF AMICI CURIAE BRENNAN CENTER FOR JUSTICE AND JUSTICE AT STAKE IN SUPPORT OF PETITION FOR SPECIAL ACTION	
LEWIS AND ROCA LLP (00030700) Lawrence A. Kasten (20204) lkasten@lrlaw.com 40 North Central Avenue, Suite 1900 Phoenix, Arizona 85004 (602) 262-0228	BRENNAN CENTER FOR JUSTICE AT N.Y.U. SCHOOL OF LAW Matthew Menendez Menendez@exchange.law.nyu.edu 161 Avenue of the Americas New York, NY 10013 (Request for Admission <i>Pro Hac Vice</i> Pending)
<i>Attorneys for Amici Curiae</i>	

Justice at Stake also made strides in 2013 toward building a broad, pro-courts coalition in Arizona to advocate for increased diversity on the bench and to defend the state's merit selection system against future attacks. Advocates from the state joined our Fair Courts convening in February to learn from and be inspired by other activists who are building grassroots support. In addition, former Arizona Supreme Court Chief Justice Ruth V. McGregor of the Justice at Stake Board of Directors and Justice at Stake State Affairs Director Debra Erenberg worked to engage the legal community's support at a state bar association

panel discussion headlined "To the Barricades! How the Legal Community Can Defend Arizona's Courts."

Justice at Stake and its wonderful state affairs and diversity team are integral members of our capacity today. Liz [Fujii, Deputy Director of Federal Affairs and Diversity Initiatives] and Debra continue to help us elevate our Fair Courts and Judicial Diversity work as well as increasing our statewide impact for Clean Elections and Voting Rights. Thank you JAS!

Sam Wercinski
Executive Director, Arizona Advocacy Network

North Carolina: Fighting for Public Financing and Nonpartisan Elections

On the heels of one of the costliest, most hotly contested state Supreme Court elections in the country in 2012, North Carolina faced an onslaught of regressive measures aimed at the courts, including efforts to repeal the state's flagship judicial public financing program and to turn their nonpartisan judicial elections into partisan contests. Justice at Stake invited its North Carolina allies to our Fair Courts Convening for guidance and networking opportunities, and worked with them to fight back against those attacks.

Partnering with North Carolina Voters for Clean Elections (NCVCE), we launched a jointly sponsored “Judges, Not Politicians” website where North Carolina voters could contact their legislators and urge them to protect the state's judicial public financing program. JAS worked to draw public attention to the results of an opinion survey conducted jointly with NCVCE showing that voters would hold legislators accountable if they dismantled the judicial public financing program, as well as polling by another partner, the North Carolina Center for Voter Education, that demonstrated overwhelming public support for the program. In separate media outreach, Justice at Stake Executive Director Bert Brandenburg warned that another proposed change to the state's judicial selection system—returning political party labels to judicial races—would lead to more partisanship and money in the courts, undermining fairness and equality.

After months of hard work, legislation to preserve the public financing system was defeated by last-minute political pressure from Art Pope, a major campaign benefactor in North Carolina politics. JAS is working with the broader democracy movement in the state to assess where to go from here, and to fend off further attacks on the state's courts.

JUDGES NOT POLITICIANS 
KEEP POLITICS OUT OF NORTH CAROLINA COURTS

Tell your elected officials to keep politics out of NC courts

North Carolina's fair and impartial court system is one that we can all be proud of, but our courts are under attack. Politicians in Raleigh are trying to abolish public financing for our judicial elections, forcing judges to ask wealthy special interests for money to fund their campaigns whose cases they hear in court.

We need your elected officials to know where you stand.
Please follow the instructions below to email them now, while key budget decisions are in the process of being settled.

 85 people like this. Be the first of your friends.

Contact your legislators:

In order to address your message to the appropriate recipient, we need to identify where you are. Please [look up](#) and use your full nine-digit zip for the best results.
Please enter your zip/postal code:

Want to know more? [Click here to get the facts.](#)

A project of [North Carolina Voters for Clean Elections](#) and [Justice at Stake](#).

NC  **CE** **Justice at Stake** 

[Privacy policy](#)

ACHIEVEMENTS IN 2013

West Virginia: Making Judicial Public Financing Permanent

West Virginia was a major success story for public financing of judicial elections, as the state made its pilot judicial public financing program permanent. Justice at Stake has supported this effort since 2010, working with West Virginia Citizens for Clean Elections, a statewide coalition, to win passage of a judicial public financing pilot program and to help advocates keep it in place. West Virginia advocates were present at our Fair Courts Convening early in 2013, leaving with a more robust strategy for the final legislative push to make public financing permanent.

Justice at Stake also helped spread the word in West Virginia media about the importance and benefits of judicial public financing. A West Virginia Public Broadcasting report highlighted the findings of a poll sponsored by Justice at Stake and the Brennan Center for Justice, in which 87% of voters said campaign donations to judges, as well as independent expenditures on television ads and other election materials, influence courtroom decisions.



Capacity Building in the Fair Courts Field

Justice at Stake is committed to providing state fair-courts advocates with the tools and skills needed to make a strong and effective case for our courts and to build their networks. In 2013, we invested in new technologies that make online organizing an affordable reality for our state allies, a vital resource that many groups would be unable to maintain on their own.



Media training at JAS 2013 Summer Strategy Workshop.

Other 2013 efforts—including our Winter and Summer Strategy Workshops, and our Fair Courts Convening in Washington, D.C.—gave advocates opportunities to meet, learn, and share strategies and best practices. We offered seminar-style and individual trainings on foundation fundraising, how to use new research on money in judicial elections, advocating for court funding, on-camera spokesperson skills, and social media skills. Attendees heard case studies and lessons learned from state grassroots leaders fighting off challenges to their courts.

ACHIEVEMENTS IN 2013

Justice at Stake's state affairs team also traveled to key states to provide training and support the development of advocacy strategies. In Minnesota, JAS worked with the Coalition for Impartial Justice to bring together key stakeholders from across the state for a training with former White House press secretary Robert Gibbs, and former national press secretary for Obama for America, Ben LaBolt of The Incite Agency. The focus was in-person spokesperson training to fair-courts advocates in Minnesota.



Liz Seaton, Robert Gibbs and Ryan Kelly, CIJ Campaign Manager, at a training in Minnesota.

“I credit Liz [Seaton] and Debra [Erenberg] at JAS with getting this issue fully on my radar screen so that it became a priority issue for Oregon Common Cause...It was our conversation that got me to look harder at what was happening with this issue, to see the trend around the country toward the politicization of the courts.”

*Kate Titus
Executive Director, Oregon Common Cause*

“JAS is a key ally in Iowa’s fight to reclaim our place as one of the country’s leading fair courts states. Justice Not Politics continues to build a network of Iowans who understand that they must use their voice to stand up for Iowa’s fair and impartial judicial system. JNP appreciates JAS’s expertise and support in ensuring that progress happened over the last few years and is maintained in the future.”

*Connie Ryan Terrell
Chair, Justice Not Politics*

ACHIEVEMENTS IN 2013

Advocating for State Court Funding

Justice at Stake helped lead efforts to restore adequate funding for state courts after years of recession-fueled cuts. We were instrumental in helping our allies increase court funding in Michigan, New Mexico and Oregon. We distributed our guidebook *Funding Justice: Strategies and Messages for Restoring Court Funding* (produced in collaboration with the National Center for State Courts) to more than 3,000 federal appeals and state supreme court judges, leaders in state bars and minority bar associations, legal aid providers, court administrators, foundations, corporate counsel, JAS partner organizations, and other fair-courts advocates.

Justice at Stake staff also briefed influential audiences at the American Bar Association, National Association for Court Management, American Civil Trial Bar Roundtable, and other influential groups. One of the key messages in that guide: those advocating for court funding must describe, in detail and with examples, how the needs of real people cannot be met unless court budgets are adequate. We are pleased to report that we are seeing our allies using our advice to strengthen their courts.

“We really used it as our guide...I think anybody getting ready to present a budget should read *Funding Justice* to understand common conceptions and misconceptions about the courts, and what messages will resonate and what will fall flat.”

*Judge Chad C. Schmucker
Former Michigan State Court Administrator,
Current president of the National Judicial
College*

“Veterans in Texas, waiting for benefits they deserve for defending our country, the elderly, victims of domestic violence. They come to the courts for answers to their problems. And we can’t answer them.”

*Former Chief Justice Wallace Jefferson
Texas Supreme Court*

ACHIEVEMENTS IN 2013

Justice at Stake launched pilot projects in Oregon and New Mexico to translate this messaging and strategy research into practice and build a constituency to promote access to justice by supporting court resources. In New Mexico, we successfully enlisted the state Supreme Court, the state bar association and other leaders from the legal community in drafting a strategic plan for restoring judgeships and funding. In Oregon, we helped Common Cause Oregon hire an organizer to focus on building a broad, statewide network of organizations focused on fair-courts issues, including fully-funded courts. A working group within that network is collaborating with the previous Chief Justice of the State Supreme court and the legal community to develop a strategy for the 2015 budget session.

Justice at Stake also widely distributed its messaging and strategy research. One recipient, Justice Not Politics, a fair courts coalition in Iowa, used the guide to inform messaging for a video cultivating grassroots support for fully funded courts in Iowa. (A copy of the guide also appeared in the video.) Thanks to this and some shrewd lobbying by Chief Justice Mark Cady, the Iowa courts received a needed funding increase from the state legislature to help them serve the people's needs.

“What is new is the absolute intensity of our regression... [Because of deep court budget cuts over years] we’ve lost the programs that help and protect the most desperate and needy people.”

*Chief Justice Tani Cantil-Sakauye
California Supreme Court*

"This year we were incredibly successful with the New Mexico Legislature with court funding issues. We passed legislation increasing the base budget for the judiciary, adding five new judgeships throughout the state, increasing drug court funding and fixing the retirement system for our judges. We could not have been so successful without the help of Justice at Stake, which helped us with our messaging, website and building coalitions in support of these efforts."

*Erika E. Anderson
President, New Mexico State Bar*

ACHIEVEMENTS IN 2013

Seeding a Grassroots Network for Fair Courts

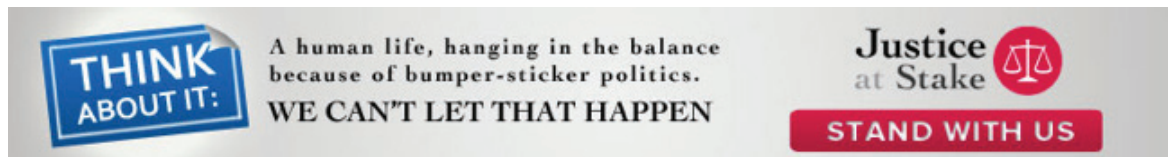
Justice at Stake took a major step forward in 2013 with the creation of a new grassroots initiative. While grassroots support for the courts, particularly among lawyers, has been a staple of the field for many years, the concept of a nationwide grassroots network for fair courts is new and, until now, untested – and we are excited to break ground in this area.

After creating a new staff position for an online organizing associate and implementing our new online constituent relationship management system, we chose four states – Iowa, Kansas, Minnesota and Oregon – for grassroots pilot projects. These projects allow us to advance work in key states while building a base of activists for longer-term engagement, strengthening relationships on the ground, and testing approaches for effectiveness.

With the official rollout of our Fair Courts Action Network in October, coupled with an emphasis on broader social media engagement, we began regular outreach to our growing database of fair-courts supporters. Our action alerts to date have urged supporters to speak out on issues ranging from attacks on the Kansas merit selection system, to the anniversary of the *Citizens United* decision that changed campaign finance rules, to political meddling with the number of judgeships on the D.C. Circuit Court, to enhancing diversity on the bench. We are proud to say that, as a result of Justice at Stake's leadership and initiative, these activists now form the core of a burgeoning nationwide network.



Justice at Stake Action Alert Banner



On The National Stage

Defending Federal Courts

Federal courts faced significant political challenges in 2013, including budget cuts, a dangerously high number of judicial vacancies, and a partisan drive to cut the number of judgeships on the D.C. Circuit Court of Appeals. Justice at Stake was an outspoken advocate in all three fights—and helped win victories for the federal courts and the people they serve.

Funding Our Federal Courts

After years of underfunding, in 2013 the federal courts faced an unprecedented challenge as “sequestration” spending cuts slashed nearly \$350 million from their annual budget. The cuts and resulting layoffs and furloughs crippled clerks’ offices, probation and pretrial services offices, and caused extensive delays in civil cases. Federal defenders’ offices and the people they serve also suffered extensively from cutbacks.

Justice at Stake stepped in to press the case for adequate funding on Capitol Hill. We urged a bipartisan solution to forestall sequestration, and then to reverse it. We brought a fresh and influential coalition of 27 organizations to the table to show how fundamental civil and human rights are threatened by underfunded courts—and the media took note.

But we didn’t stop there. A *U.S. News & World Report* bipartisan op-ed, co-bylined by U.S. District Court Judge Charles Clevert, a Justice at Stake Board member, and U.S. District Court Judge Joseph Rodriguez, sounded the alarm, warning that sequestration “imperils fundamental

constitutional rights and courts that protect those rights.” Our work with *The New York Times* resulted in a forceful editorial timed to coincide with a Senate subcommittee hearing, “Sequestering Justice: How the Budget Crisis Is Undermining Our Courts,” where Justice at Stake was publicly acknowledged and its contributions entered into the Congressional Record.



Sequestration Threatens American Justice

The federal court system would be devastated by budget cuts, argue two senior court justices.



By Charles N. Clevert and Joseph H. Rodriguez | Feb. 27, 2013 | 3 Comments | [SHARE](#)

The Honorable Charles N. Clevert is senior U.S. District judge for the Eastern District of Wisconsin and the Honorable Joseph H. Rodriguez is the senior U.S. District judge, District of New Jersey.

ACHIEVEMENTS IN 2013

When the federal government shutdown came, Justice at Stake created a one-of-a-kind daily news feed, “Government Shutdown: Effects on Your Rights and the Federal Courts,” which went to partners, Hill staff, and the media, documenting the effects of sequestration on the courts. We worked with the media to call attention to the effects of the cuts on access to justice and supported an emergency supplemental appropriation for the judiciary. By the end of 2013, federal courts had recovered some of their funding, and were on track to have adequate funding restored in 2014.

Addressing the Vacancy Crisis

Federal courts continued to be hampered by a judicial vacancy crisis in 2013. The Justice at Stake federal affairs team worked in concert with coalitions seeking to resolve the vacancy crisis and bring resolution to the issue of filibuster abuse. Justice at Stake played a strong role in educating congressional leaders and policymakers on the importance of filling a federal bench that saw roughly 10% of its judgeships sit empty.

Politically Motivated Court-Shrinking? Unacceptable

Throughout American history, partisans have periodically sought to manipulate the size and the structure of the courts for political purposes. In 2013, Justice at Stake fought back against the Court Efficiency Act, which would have eliminated three seats on the U.S. Court of Appeals for the District of Columbia Circuit, one of the busiest and most important federal circuits in the country. We spoke out against the Act, pointing out that nonpartisan federal government analyses showed no need for the cuts. The court-shrinking threat failed to move forward.

Advocating for Judicial Diversity

Justice at Stake recognizes that judicial diversity improves the quality of justice and builds faith and confidence in the courts, and we ensure this issue plays a central role in the fair-courts movement. We work to help people from underrepresented communities, including women, people of color, and members of the LGBT community, to build paths to the bench, expand their universe of supporters, and open political doors to their judicial careers. Without such efforts to demystify judicial selection and create systems for ongoing recruitment and support of stellar attorneys and leaders from a wide range of backgrounds, state court systems will be leaving talent on the sidelines.

Our Maryland project featured a statewide symposium series on judicial selection and “Path to the Bench” events held with local specialty bars and law student associations.

“The Justice at Stake event in Howard County [Maryland] was tremendously well received by our membership and the audience in general. Moreover, the guest speakers were able to provide practical and pragmatic information that will be directly relevant to those in the audience aspiring to become a judge.”

*A.S.A Richard Gibson, President
Waring Mitchell Law Society*

ACHIEVEMENTS IN 2013

We strengthened alliances with local law schools, judges, nominating commissioners, and specialty bar associations and created networking opportunities for lawyers and students, which we know is one key to the successful pursuit of a judicial career. As we head into Arizona in 2014, we have brought together a strong and diverse group of supporters from the legal community, business, labor and civic engagement organizations. Our project will include a formal, structured mentoring program, several judicial selection seminars and happy hours, implicit bias CLE events and other fairness education, outreach to promote inclusive judicial selection practices, and a series of salon-style conversations designed to engage non-attorney members of the public in judicial selection.

2013 was a year of firsts for federal judicial diversity and in the state of Maryland. The Honorable Sri Srinivasan was confirmed as the first Asian-American judge on the D.C. Circuit Court of Appeals. The Honorable Todd Hughes was confirmed as the first openly gay judge to serve on a federal circuit court, and several women were confirmed to federal district courts on which there had never been female jurist. In Maryland, among other historic first, The Honorable Mary Ellen Barbera was selected as the state's first female Chief Judge of the Court of Appeals, the Honorable Shirley Watts was selected as the first African-American woman on that court, and women now compose a majority on the high court for the first time in Maryland's history.



THE CHALLENGE OUR APPROACH WHO WE ARE GET INVOLVED RESOURCES

Our Courts America

When Americans understand how courts work, they are more willing to reject political threats to their power and impartiality. Closing the “civics gap” is hugely important for the fair courts movement, and Justice at Stake’s Honorary Chair Justice Sandra Day O’Connor keynoted a panel on civics education at the American Inns of Court National Symposium in New Orleans, Louisiana. At that event, Justice at Stake, along with civic education champions from across the country, publicly launched the Our Courts America project, a judicial outreach and civics education program that encourages judges to become educators on the role of courts. Justice at Stake built the website www.ourcourts.org to house the project’s resources and to educate the public, and produced an outreach brochure to recruit support. Getting more judges “off the bench” and into their communities is critical to educating the public and fighting off political attacks on the courts, since research shows that they are the nation’s most influential spokespersons for judicial reform.

LOOKING AHEAD

Moving Forward

2014 Elections Loom Large

In 2014, dozens of states will hold state Supreme Court elections, many of them big-money battles to tip the political balance of their courts. Spending will climb. Outside groups will run nasty TV ads. Judges will be forced to raise more money from parties who appear before them. And more voters will come to fear that justice is for sale. Justice at Stake will be there to fight back, by shining the spotlight on big spenders and political bullies, by attracting media coverage to out-of-control judicial campaigns, and by organizing its partners and allies to highlight special interest pressure as a rallying cry. After the ballots are counted, we will get to work writing *The New Politics of Judicial Elections 2013-14* with the Brennan Center for Justice and the National Institute on Money in State Politics. We'll show the country the big-picture problem, and break it down, state by state, with stories that illustrate exactly why judicial selection and campaign finance reforms are so critical.



Fighting for Judicial Selection Reform

We are going to carry the battle to America's states, where judicial selection struggles are happening now. Step one is to stop the assaults on hard-won judicial selection reforms by organizing and mobilizing our network to stand up to political bullying. In other states, we're organizing to lay the groundwork for future reform victories. We will deliver one-on-one assistance with strategy, messaging, online organizing, practical skills training, and connections to state advocates from around the country.

We'll make sure that data on challenges and lessons learned from policy battles are shared across state lines. And our grassroots initiative, now in its second full year, has begun to show how state fair-courts advocates can be trained and mobilized to fight for reforms as never before.

Working for Diversity on the State Bench

Diversity on the bench is essential to a fair and impartial court system. In addition to our pilot state work in Arizona, we are working with allies across the country to demystify the process of pursuing a judicial career for communities underrepresented on the bench. In 2014, a new initiative will provide guidance on how to pursue a judgeship at the state level, modeled after our well-received publication published in conjunction with the American Constitution Society and national bars of color, *The Path to the Federal Bench: A "How To" Guide on Pursuing a Federal Judgeship*.

Defending Federal Courts

Many expect that the battle over federal judicial nominations will reach a boiling point in 2014, as the congressional elections cast the balance of power on Capitol Hill into doubt. Justice at Stake will urge lawmakers to forgo partisan gridlock in favor of an even-handed and transparent process for confirming diverse, highly-qualified federal judges. We'll press Congress to give courts the resources they need to fulfill their constitutional role. And we will push back against politically motivated efforts to shrink courts, circumscribe their authority, or punish them for "unpopular" decisions.

Fighting to Keep *Citizens United* from Undermining Fair Courts

The *Citizens United* decision accelerated a fundamental shift in American politics, as special interests race to consolidate their gains in legislatures, courtrooms and on the campaign trail. This money explosion has put unprecedented strain on our state Supreme Court justices, pressuring them to become politicians in black robes. But now, the public is paying attention. Lawmakers are working to strengthen disclosure and meaningful curbs on election spending. Others are seeking to undo *Citizens United*. More groups are educating the public about the threat to fair courts so that they can fight back. The environment in 2014 will be dynamic, and Justice at Stake is busy recruiting new allies to the fair courts cause. Only collective strength, now and in the future, can protect the courts that protect our rights.



Financials

Statements of financial position as of December 31, 2013 and December 2012

	2013	2012
Assets		
Current Assets		
Cash and Cash Equivalents	\$820,812	\$1,973,999
Promises to Give	\$1,598,250	\$1,769,774
Prepaid Expenses and Other Receivables	\$21,870	\$27,353
Total Current Assets	\$2,440,932	\$3,771,126
Property and Equipment, Net	\$17,146	\$22,420
Total Assets	\$2,458,078	\$3,793,546
Liabilities and Net Assets		
Accounts Payable and Accrued Expenses	\$76,777	\$127,427
Net Assets		
Unrestricted		
General	\$264,997	\$47,324
Board Reserve	\$100,000	\$200,000
	\$364,997	\$247,324
Temporarily Restricted	\$2,016,304	\$3,418,795
Total Net Assets	\$2,381,301	\$3,666,119
Total Liabilities and Net Assets	\$2,458,078	\$3,793,546

Statements of Activities and Changes in Net Assets

For the Years Ended December 31, 2013 and December 31, 2012

	2013			2012		
	Unrestricted	Temporarily Restricted	Total	Unrestricted	Temporarily Restricted	Total
Support and Revenue						
Grants and Other Contributions	\$111,230	\$1,329,000	\$1,440,230	\$32,639	\$2,912,274	\$2,944,913
Interest Income	\$6,443		\$6,443	\$768		\$768
Net Assets Released from Restrictions	\$2,731,491	(\$2,731,491)		\$1,878,615	(\$1,878,615)	
Total Support and Revenue	\$2,849,164	(\$1,402,491)	\$1,446,673	\$1,912,022	\$1,033,659	\$2,945,681
Expenses						
Program Services	\$2,321,765		\$2,321,765	\$1,596,824		\$1,596,824
Management and General	\$273,152		\$273,152	\$239,715		\$239,715
Fundraising	\$136,574		\$136,574	\$101,930		\$101,930
Total Expenses	\$2,731,491		\$2,731,491	\$1,878,615		\$1,878,615
Change in Net Assets	\$117,673	(\$1,402,491)	(\$1,284,818)	\$33,407	\$1,033,659	\$1,067,066
Net Assets, Beginning of Year	\$247,324	\$3,418,795	\$3,666,119	\$213,917	\$2,385,136	\$2,599,053
Net Assets, End of Year	\$364,997	\$2,016,304	\$2,381,301	\$247,324	\$3,418,795	\$3,666,917

Acknowledgements

Justice at Stake extends its gratitude to our funders and donors, without whom we would not have been able to grow as an organization and as a leader in the fair courts field. We thank them for their dedication to fair and impartial courts, and to increasing diversity on the bench.

2013 Supporters of Justice

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Spotlight on Justice at Stake On the Road and Around the Country

In 2013, Justice at Stake took to the road to spread its message and expand its base of supporters among some of America's leading law firms. At receptions, luncheons, monthly meetings and panel events, Justice at Stake met with more than 100 attorneys in private law firms interested in the work of keeping America's courts fair and impartial. In 2013, Justice at Stake visited and collaborated with:

Akin Gump Strauss Hauer & Feld

DLA Piper

Grossman Roth, PA

Jenner & Block

McGuireWoods LLP

Osborn Maledon

Venable

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Justice at Stake Board Members

As of December 31, 2013

Chairman Mark I. Harrison is a partner at the Phoenix, Arizona law firm Osborn Maledon, P.A. He is past president of the State Bar of Arizona, the Arizona Bar Foundation and the American Academy of Appellate Lawyers.*

James J. Alfini is a professor and dean emeritus at South Texas College of Law in Houston. He has served as dean of the Northern Illinois University College of Law and was a member of the law faculty at Florida State University.*

Cynthia Canary is the former Executive Director of the Illinois Campaign for Political Reform. Previously she was Director of the League of Women Voters of Illinois and Assistant Staff Director at the American Bar Association.*

The Honorable Charles Clevert is Chief U.S. District Judge for the Eastern District of Wisconsin. Previously, he served as a bankruptcy judge and an assistant district attorney and assistant U.S. Attorney.

Lorraine Cortés-Vázquez is Executive Vice President for Multicultural Markets & Engagement at AARP. She also served as New York's Secretary of State and Vice President of Government and Public Affairs at Cablevision and President of the Hispanic Federation.*

Thomas Gottschalk is of counsel at Kirkland & Ellis LLP in Washington, D.C. He previously served as Executive Vice President at the Law & Policy and General Counsel for General Motors.*

The Honorable Eileen Kato serves on the King County District Court in Seattle, Washington. She has also served as president of the National Asian Pacific American Bar Association's Judicial Council and as West Division Presiding Judge of the King County District Court.

Manuel "Manny" Medrano is a partner at Medrano & Carlton. Previously, he spent 16 years as an Emmy and Golden Mike award-winning TV broadcast journalist.

The Honorable Ruth V. McGregor served as Chief Justice of the Arizona Supreme Court from 2005 to 2009. She previously served on the Arizona Court of Appeals and is a former clerk to U.S. Supreme Court Justice Sandra Day O'Connor.

John McKay currently serves as Chief of Team for a U.S. State Department rule of law program in Palestine. He lives and works in Ramallah and heads a Palestinian staff supporting police, prosecutors and courts to enhance criminal justice capacity and human rights.*

Robert S. Peck is President of the Center for Constitutional Litigation, P.C., a Washington, D.C. law firm. He is a member of the adjunct law faculties at American University and The George Washington University Law School.*

Michael J. Petro is Executive Vice President of the Committee for Economic Development. He previously served as Vice President of the Center for National Policy.*

James Reed, Jr. is Director of Government Relations for the Illinois Education Association. Previously he was Deputy Legislative Director for Attorney General Lisa Madigan.

Landon Rowland is Chairman of Ever Glades Financial and of Lead Bank. He is Chairman Emeritus of Janus Capital Group and DST Systems, and previously Chairman, President and Chief Executive Officer of Kansas City Southern Industries.

Ricki Seidman is a senior principal at TSD Communications, Inc. Previously she served as Deputy Associate Attorney General at the U.S. Department of Justice, as Executive Director of Rock the Vote and as Deputy Communications Director, Counselor to the Chief of Staff, and Director of Scheduling and Advance for President Clinton.*

The Honorable Randall T. Shepard served as Chief Justice of the Indiana Supreme Court from 1987 to 2012. Previously, he served as a judge in Vanderburgh Superior Court, as executive assistant to Mayor Russell Lloyd of Evansville and as special assistant to the Under Secretary of the U.S. Department of Transportation.*

Senator J. Alex Villalobos is a former Florida State Senator who is currently counsel at Meyer, Brooks, Demma and Blohm, P.A. He is president of Democracy at Stake, a Florida coalition dedicated to helping preserve fair and impartial courts.

**Also member of the Justice at Stake 501 (c)(4) Board of Directors*

Justice at Stake Staff

As of December 31, 2013

Matt Berg
*Deputy Director of
State Affairs and Policy
Counsel*



Praveen Fernandes
*Director of Federal
Affairs and Diversity
Initiatives*



Barry Novich
Operations Manager



Bert Brandenburg
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Laurie Kinney
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and Public
Education*



Khady Mbaye*
State Affairs Associate

**pictures unavailable*

Join Our Fair Courts Action Network

The Justice at Stake Fair Courts Action Network (FCAN) stands together to keep politics and special interest money out of our courts, highlight the value and importance of equal justice and fair courts, and share news and information regarding threats to our courts.

When you join FCAN, you will be alerted when major threats to the courts are happening and linked to opportunities to take action and make a difference. Visit our website at www.justiceatstake.org to sign up today.

Where to find us:



Online at justiceatstake.org



On our blog, GavelGrab.org



On Twitter [@justiceatstake](https://twitter.com/justiceatstake)



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717 D Street, NW
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Phone 202-588-9700
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Please give generously to Justice at Stake Campaign, CFC #47694

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Now, more than ever, our democracy depends on fair courts. Join Justice at Stake in our mission to keep our courts fair and impartial. **Make your gift online at www.justiceatstake.org.** Or send in your contribution:

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*Justice at Stake Campaign
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Protect Fair and Impartial Courts

Justice at Stake is the only national organization that focuses exclusively on keeping courts fair and impartial. Justice at Stake leads a nonpartisan national partnership of more than 50 organizations, defending our justice system through public education, litigation and reform. We work closely every day with national and state allies to help keep our courts fair and impartial. Justice at Stake protects what Chief Justice William Rehnquist called the “crown jewel” of our democracy.



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