



DEPAUL UNIVERSITY  
COLLEGE OF LAW

THE 23RD ANNUAL

# CLIFFORD SYMPOSIUM

ON TORT LAW AND SOCIAL POLICY

THE IMPACT OF DARK MONEY  
ON JUDICIAL ELECTIONS &  
JUDICIAL BEHAVIOR

APRIL 20 AND 21 • 2017

DePaul Center  
Room 8005  
One E. Jackson Blvd.  
Chicago, IL 60604

# CLIFFORD SYMPOSIUM

ON TORT LAW AND SOCIAL POLICY

## The Impact of Dark Money on Judicial Elections and Judicial Behavior

In light of recent political events and the profound changes in the electoral landscape caused by the Supreme Court's decisions in *Citizens United v. Federal Election Commission*, and *Caperton v. A.T. Massey Coal Co.*, the Symposium will explore one of the most pressing issues in civil justice today, maintaining the integrity of the judicial system in an era of virtually unrestricted campaign contributions. The issue will be examined from empirical, experiential, and remedial perspectives. There will be two panels of empiricists asked to explore the impact of campaign contributions on elected judges and how they conduct themselves once on the bench. Among the social scientists who will participate are leaders in the field, scholars who have been responsible for much of the key research on the impact of campaign financing.

Two panels will be devoted to legal perspectives on the question of judicial campaign contributions. One will consider possible remedies to the problems created by such contributions and will include distinguished scholars who have provided some of the most important analyses in the literature. The second panel will seek to provide a broader social overview. It will feature a former state Supreme Court judge turned law professor, an author who has traced the political contribution activity of the U.S. Chamber of Commerce, and one of the leading sociologists of law.

Finally, the symposium will feature a panel of judges who have had to deal with the challenges of big money campaigns, including former Wisconsin Supreme Court Justice Louis Butler, former Iowa Supreme Court Chief Justice Marsha Ternus, retired Chief Judge Jonathan Lippman of the New York Court of Appeals, and former Mississippi Supreme Court Justice Oliver Diaz.

## PAST CONFERENCE TOPICS:

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| 2016<br>Privacy, Data Theft and Corporate Responsibility                                     | 2005<br>Who Feels Their Pain? The Challenge of Non-Economic Damages in Civil Litigation      |
| 2015<br>The Supreme Court, Business and Civil Justice  | 2004<br>Starting Over: Redesigning the Medical Malpractice System                            |
| 2014<br>In Honor of Jack Weinstein   | 2003<br>After Disaster: The September 11th Compensation Fund and the Future of Civil Justice |
| 2013<br>Brave New World: The Changing Face of Litigation and Law Firm Finance                | 2002<br>Export Import: American Civil Justice in a Global Context                            |
| 2012<br>A Celebration of the Thought of Marc Galanter  | 2001<br>Smoke Signals: Civil Justice in the Wake of the Tobacco Wars                         |
| 2011<br>Festschrift for Robert Rabin   | 2000<br>Civil Litigation and Popular Culture   |
| 2010<br>The Limits of Predictability and the Value of Uncertainty                            | 1999<br>Judges as Tort Lawmakers   |
| 2009<br>Rising Stars: A New Generation of Scholars Looks at Civil Justice                    | 1998<br>The American Civil Jury: Illusion and Reality  |
| 2008<br>The Challenge of 2020: Preparing a Civil Justice Reform Agenda for the Coming Decade | 1997<br>Contingent Fee Financing of Litigation in America                                    |
| 2007<br>Distortions in the Attorney/Client Relationship: Threats to Sound Advice?            | 1996<br>Tort Law and the Science of the Twenty-First Century                                 |
| 2006<br>Is the Rule of Law Waning in America?  | 1995<br>ADR and Torts: Implications for Practice and Reform                                  |



# THE IMPACT OF DARK MONEY ON JUDICIAL ELECTIONS & JUDICIAL BEHAVIOR

## THURSDAY, APRIL 20, 2017

9:00 Registration and Continental Breakfast

10:00 Opening Remarks

Jennifer Rosato Perea  
Dean, DePaul University College of Law

Stephan Landsman  
Director, Clifford Symposium  
DePaul University College of Law

10:15 **SESSION I: EMPIRICAL PANEL 1**

**Presenters:**

Alicia Bannon - *Judicial Elections After Citizens United*  
Michael Nelson - *Is There A Silver Lining? Deep, Dark Secret Money And Public Perception of the Courts*  
Herbert Kritzer - *State Supreme Court Elections In the 2010s*

**Discussant:** Tom Tyler

12:00 LUNCH

1:15 **SESSION II: EMPIRICAL PANEL 2**

**Presenters:**

Tracey George - *Dark Money And The Gavel Gap: An Empirical Analysis of Campaign Contributions And The Composition of The State Courts*  
Anthony Kreis - *Red Courts, Blue Courts: Vulnerable Litigants and Politicalized Judiciaries*  
James Sample - *The Agnostic's Guide To Judicial Selection*

**Discussant:** Stephan Landsman

2:45 BREAK

3:15 **SESSION III: JUDGES PANEL**

**Presenters:** Louis Butler, *Former Justice, Wisconsin Supreme Court*  
Oliver Diaz, *Former Justice, Mississippi Supreme Court*  
Jonathan Lippman, *Retired Chief Judge, New York Court of Appeals*  
Marsha Ternus, *Former Chief Justice, Iowa Supreme Court*

Q and A

5:00 Day 1 Closing Remarks

## FRIDAY, APRIL 21, 2017

8:30 Registration and Continental Breakfast

9:15 **SESSION IV: REMEDIES**

**Presenters:**

Dmitry Bam - *Darker Money: How Secrecy Can Protect Judicial Impartiality And Improve Judicial Elections*  
Richard Briffault - *The Supreme Court and Judicial Elections*  
Charles Geyh - *Judicial Selection And The Elusive Middle Ground*  
Bradley Wendel - *The Limits Of Institutional Cultures*

**Discussant:** Robert Peck

11:00 BREAK

11:15 **SESSION V: OVERVIEW**

**Presenters:**

Marc Galanter - TBD  
Michael Kang - *Judicial Decision-Making and Judicial Campaign Finance*  
Alyssa Katz - *The Chamber In The Chambers: The Making Of A Big Business Money Machine*  
Penny White - *The Costs Of Victory*

Q and A

1:00 Day 2 Closing Remarks



## SYMPOSIUM FACULTY

Dmitry Bam, University of Maine School of Law

Alicia Bannon, Brennan Center for Justice

Richard Briffault, Columbia Law School

Louis Butler, Former Justice, Wisconsin Supreme Court

Oliver Diaz, Former Justice, Mississippi Supreme Court

Marc Galanter, University of Wisconsin Law School, Emeritus

Tracey George, Vanderbilt Law School

Charles Geyh, Indiana University Maurer School of Law

Michael Kang, Emory University School of Law

Alyssa Katz, Author of *The Influence Machine*

Anthony Kreis, IIT Chicago-Kent College of Law

Stephan Landsman, DePaul University College of Law, Emeritus

Jonathan Lippman, Retired Chief Judge, New York Court of Appeals

Michael Nelson, Pennsylvania State University, Political Science Department

Robert Peck, Center for Constitutional Litigation

James Sample, Hofstra University School of Law

Marsha Ternus, Former Chief Justice, Iowa Supreme Court

Tom Tyler, Yale Law School

Penny White, University of Tennessee College of Law

Bradley Wendel, Cornell Law School

## THE CLIFFORD SYMPOSIUM ON TORT LAW AND SOCIAL POLICY



In 1994, **Robert A. Clifford ('76)** endowed a faculty chair in tort law and social policy. The chair gives meaningful expression to his belief that the civil justice system serves a number of vital interests in American society. The Clifford Chair at DePaul provides a vehicle for exploration of the civil justice system in an intellectually rigorous fashion.

In addition to providing support for faculty research and teaching, the endowment makes possible an annual symposium addressing a timely issue in the civil justice area. The purpose of the symposium is to bring the latest scholarship and advances in legal practice to lawyers and scholars who specialize in tort law, civil justice and related fields. Professor Stephan Landsman is the current organizer and director of the symposium underwritten by the Clifford Chair.

*Snow Storm: Steam Boat off a Harbour's Mouth*  
Painted by: **Joseph Mallord William Turner**  
Tate Gallery, London, England  
1842

## REGISTRATION

The Clifford Symposium is free and open to the public. Because of space limitations, however, those interested in attending are encouraged to register in advance. Registrants will be given preference with regard to attendance, luncheon and distribution of materials. Registration must be completed no later than **Monday, April 17, 2017**. Walk-ins are welcome, but space is not guaranteed.

Reservations are accepted by phone at (312) 362-8372 or online at [2017cliffordsymposium.eventbrite.com](http://2017cliffordsymposium.eventbrite.com).

DePaul Center, Room 8005  
One East Jackson Boulevard  
Chicago, Illinois

DePaul University College of Law is an accredited Illinois MCLE provider. This program has been approved for up to 8.5 hours of CLE credit.