



A Sorry State of Disclosure: A new Fix the Court report reveals that most states are shielding critical information about their supreme court justices from the public, either by making their annual financial disclosure reports hard to obtain or by requiring scant information to be disclosed. **Report at [TinyURL.com/Sorry-State-FDR](https://www.tinyurl.com/Sorry-State-FDR).**

Quick facts: 24 of 48 states that require annual judicial disclosures don't post their justices' reports online
28 of 48 require less information to be disclosed than what the federal judiciary requires

“Despite all we’ve learned in recent years about the might and impact of state supreme courts, not to mention ethics scandals from West Virginia to Wisconsin to Texas, most states appear to be okay with keeping judicial disclosures hard to locate and short on detail. Yet if the public doesn’t know what type of gifts and free trips a justice has received during the year, or what investments they have, then we can’t be certain a justice is truly unbiased no matter what cases come before them. Our report shows the clear case for urgent reform.” —FTC’s Gabe Roth

Obtaining the reports: For the 24 states that don't put their disclosures online, there's often no clear way to figure out how to request them. Depending on the state, Fix the Court had to: print out and mail in a form; call the state supreme court or ethics commission; or email the supreme court clerk, state courts administrator, public information officer or law library staff, the commission on judicial qualifications, secretary of state's help desk, or state board of professional conduct. In one case we had to show up in person. **All contacts are listed at [TinyURL.com/StateFDRs](https://www.tinyurl.com/StateFDRs).**

Grading the states: First, we gave states points (up to 10) based on how long it took to obtain the reports. Then we gave states points (up to 20) for the content, graded on a curve – the curve being the federal judiciary's disclosures. States received one point each for eight categories included in federal reports – Positions; Non-Investment Income, Filer; Non-Investment Income, Spouse; Reimbursements; Gifts; Liabilities; Investments and Trusts; and Certification – and half-points for four additional categories: the value of gifts; the value of reimbursements; a separate section on a justice's real estate holdings; and an affirmation that the justice attended ethics training during the reporting year.

First quartile: Passable, >24

1. California (29 points)
2. Arkansas (28)
3. Arizona (27.5)
- 4 (tie). Georgia (27)
- Hawaii (27)
- New Mexico (27)
- Wisconsin (27)
- 8 (tie). Illinois (26)
- Washington (26)
- West Virginia (26)
11. Virginia (25.5)
- 12 (tie). Louisiana (25)
- Massachusetts (25)
- Rhode Island (25)

Second quartile: Average, 21-24

- 15 (tie). Colorado (24)
- Indiana (24)
- Maine (24)
- Ohio (24)
- Oregon (24)
20. North Carolina (23.5)
21. Texas (22.5)
- 22 (tie). Delaware (22)
- Kansas (22)
- 24 (tie). Alaska (21)
- Florida (21)
- Maryland (21)
- New Hampshire (21)
- Pennsylvania (21)

Third quartile: Poor, 17-20

- 29 (tie) Federal courts (20)
- Nevada (20)
- Wyoming (20)
- 32 (tie). Montana (19)
- Nebraska (19)
- Vermont (19)
- 35 (tie). Minnesota (18)
- New York (18)
- South Dakota (18)
38. Tennessee (17.25)

Fourth quartile: Failing, <17

39. Missouri (16.5)
- 40 (tie). Mississippi (16)
- North Dakota (16)
- Oklahoma (16)
43. Connecticut (15)
44. Kentucky (14.5)
- 45 (tie). Alabama (14)
- South Carolina (14)
47. Iowa (13)
48. Michigan (13)
49. New Jersey (12)
- 50 (tie). Idaho (0)
- Utah (0)

Takeaways:

1. Too few states are posting their justices' disclosure reports online.
2. In states where court administrators are not permitted to post the disclosures online, legislatures need to change the law to allow that.
3. All states need to include certain categories of disclosure that are critical for oversight, like outside income, spousal income, investments and gifts.
4. The 49 states (all but Hawaii) that don't require judges to affirm they've attended annual ethics training should.

