

Caperton v. massey coal (2009) | analysis



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Legal reasoning defines as: “ a fundamental political expectation in the United States that those in power justify how they use this power” (Carter, L. H. & Burke, T. F. 14). This expands on the idea of expectations, and the expectations we hold from individuals in our daily lives, just as we do in our judicial system from those in power. We hold public officials, justices, judges, authoritarians, and individuals in power to a set standard comprised of a lack of bias, neutrality, and justification. A prime example of this lack of fundamental fairness is *Caperton v. Massey Coal* . Based on the 5-4 ruling the Court arrived upon, I agree with the majority decision on the basis of a guaranteed fair procedure under the Constitution, the possibility of bias, and the process of recusal for a judge.

This case consists of Supreme Court Justice Brent Benjamin, Donald Blankenship -the CEO of A. T. Massey Coal Company- and Hugh Caperton - the head of Harman Mining Corporation.- The essential facts of the case are as such, in 2002, Blankenship’s company, Massey Coal, had been sued by Hugh Caperton. Caperton won \$50 million in damages at trial. Justice Benjamin was elected to the West Virginia Supreme Court of Appeals in 2004. Blankenship spent over \$3 million on Justice Benjamin’s campaign to defeat his opponent, this contribution amounting to over 60% of all spending in Justice Benjamin’s candidacy. Masey Coal then proceeded to appeal the case to the West Virginia Supreme Court of Appeals in 2006. Caperton motioned for Justice Benjamin to recuse himself; however, the motion was denied.

Based on social standards, an individual knows that any one person is prone to biases. One also knows that justices are presumed to be impartial. Lastly, individuals can identify that personal involvement can cause one to be more prone to biases.

By the rule of law, the Fourteenth Amendment, which contains the Due Process Clause, promises citizens that all levels of American government will operate under the legality of the law and provide fair procedures. The Due Process Clause holds two components, the first being the Procedural Due Process, which requires government officials to follow fair procedures to prevent the deprivation of life, liberty, or the pursuit of happiness of an individual, overall reflecting on the conduction of legal proceedings. This correlates to the process of recusal, defined as “ the disqualification of a judge for a particular lawsuit or proceeding, especially due to some possible conflict of interest or prejudice” (Dictionary). Under Due Process, each individual holds access to an impartial judge through a fair procedure; an element Caperton was nullified by Justice Benjamin refusing to rescue him. In the case of *Tumey v. Ohio* , it is recognized that the Due Process Clause incorporated the common-law, therefore requiring recusal, and therefore making it unlawful for Justice Benjamin not to do so. The minority opinion, written by Chief Justice Roberts, refutes this by stating how “ Vaguer notions of bias or the appearance of bias were never a basis for disqualification, either at common law or under our constitutional precedents. Those issues were instead addressed by legislation or court rules.” The dissent recognized that the Court had opposed this by associating the due process clause to Justice Benjamin’s refuse to recusal based on the “ possibility of bias.”

As a republic, our moral values consist of the right to a fair trial, ensured by Article 6, where your hearing is held within a reasonable time, is heard by an independent and impartial decision-maker, provides you with all relevant information, provides you with representation and an interpreter when necessary, all leading to a public decision. This lack of impartiality is found in our decision-maker, directly correlating to Justice Benjamin. I do not believe Caperton was granted a fair trial when there was potential bias involved within the case. The question at hand should not focus on whether Justice Benjamin had a possibility of bias or not, but rather the fact that any potential influence or involvement should require recusal. The potentiality of bias runs a risk of creating an unfair trial, which is why I believe Justice Benjamin should have recused himself. In the broader aspect, even if there were no bias present, by removing himself from the case, Justice Benjamin would be preserving the trust individuals hold within the judicial system.

I concur with the Court's ruling of recusal for Justice Benjamin. Any judge who has received significant financial campaign donations should be obliged to recuse themselves from a case involving his campaign contributor based on the standard of a probability of bias created by the Supreme Court, where " a reasonable person looking at the facts of the case would feel that the judge was probably biased." The dictionary defines reasonable as " having sound judgment; fair and sensible." Any reasonable person may sight potential bias, and while the presence of bias can not be guaranteed, this potential destroys the trust established in the judicial system. Any judge who has received a financial contribution from a party to a case may be –or even appear to be– biased in deciding that case, the size of the contribution

matter significantly here. Blankenship spent \$3 million dollars supporting his friend Benjamin in his campaign, \$2.5 million of this contribution going to a foundation called 'And for the Sake of the Kids,' whose purported mission was to defeat Justice Benjamin's opponent, Warren McGraw. The total amount spent by Blankenship proved to be three times what Benjamin spent on his campaign. Benjamin won only by a margin of 53.3%, his victory being highly attributed to that of Blankenship's and his donations. This amount of involvement indefinitely leads to bias, even if Justice Benjamin says so otherwise. According to a 2008 survey conducted, over 67% of West Virginians also doubted Benjamin's ability to be fair and impartial during the trial, all leading to Benjamin's potential bias, primarily proving why Justice Benjamin should have recused himself in the case. Based on the timing, one also knows, "Blankenship had a vested interest in the campaign, knowing that the justice to be elected in the campaign would hear his case and could be the deciding vote" (Street Law Case Summary 3). The case of *Caperton v. Massey Coal* occurred before Blankenship's campaign, yet was appealed as Justice Benjamin ran his campaign, recognizing that Benjamin would hear his case if he won a spot on the Court. Blankenship's sizeable donation can lead to unintentionally favoring, and this relationship between himself and his major contributor can be said to follow into Court.

While the qualifications of a candidate are considered, the history of selecting a judge falls upon one element: connections. This proves prevalent for Blankenship, knowing that Benjamin's victory would only aid him and his case against Caperton. The increase in campaigns for judgeships and the charges "relate to either the quality of a judge's performance in office or the

substance of the judge's decisions" (Baum 108). The charges made for or against your opponent can prove to be the leading factor in their victory or downfall. Battling against an incumbent opponent already creates a battle between the two, but fighting for reelection only serves to emphasize the importance of campaigning. The amount of time, effort, and money Blankenship brought into Benjamin's campaign proved to be significant, presenting the prominence Blankenship held in Benjamin's career.

The case of *Caperton v. Massey Coal* proves to be a difficult one in that, while one may not be able to prove an actual "probability of bias," one may still view a potential influence in decision making. The majority decision ruling of Justice Benjamin's recusal proved to be efficient in that it did not define "actual bias," rather, observed the timing and happenings of the case, the relationship between Justice Benjamin and Blankenship, and the consequences of Benjamin refusing to recuse. On the basis of a guaranteed fair procedure under the Constitution, the possibility of bias, and the process of recusal for a judge, I side with the majority opinion in *Caperton v. A. T. Massey Coal Co.*

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