

METHODOLOGY

For several years OCPA has published a legislative scorecard whereby we grade Oklahoma lawmakers on how they vote on legislation related to OCPA's principles of limited government, free markets, personal responsibility, individual initiative, and strong families. This tool has proven to be a helpful resource for Oklahomans who want to know how their lawmakers align with OCPA's priorities.

Over and over again, Oklahomans have asked us where they can get information on Oklahoma's third branch of government—the judiciary. We hope this judicial scorecard is helpful for those who would like to know more about the judiciary's activities—especially in those cases affecting the public interest.

Just as with our legislative scorecard, we have not scored every case the Supreme Court decides. Instead, we have focused on those cases that deal with disputes that affect the public the most—especially cases where the Oklahoma Supreme Court is reviewing legislation passed by our elected officials.

Just as we don't score every case, neither have we scored every judge or justice who has ever sat on the Court. Instead, we've focused on those justices who are currently sitting on the Court in order to give Oklahomans a better picture of the Court as it is currently composed. Older cases will reflect fewer justices—as some of the current members had not yet taken their seat.

Unlike the political branches, we grade the judiciary differently. Even though we used terms like "conservative principles," these terms mean different things for the judiciary than they do the legislature. To score well, a justice will join in opinions which respect their role as the interpreter—not maker—of law. As John Marshall said in *Marbury v. Madison*, "it is emphatically the province and duty of the judicial department to say what the law is." That means it's not the Court's role to say what the law should be. Furthermore, we score justices well who interpret the law based on the text as it was written by the legislature without finding ambiguity where none exists. In sum, we expect judicial officers to decide cases based on the facts and the law—not their own individual preferences.

We are also doing our best to explain why we score cases the way we do. In far too many cases, the justices reach conclusions without writing opinions or engaging in the arguments raised by the parties. We don't want to be guilty of the same.