

Judicial Selection Study Proposal 08.07

1. Describe your project idea, including clearly defining the problems and specific policy questions to be addressed.

Judicial elections across the country have become increasingly partisan, increasingly expensive and influenced by special interests, and extremely negative. Minnesota is one of only two states where there have been no negative television ads in judicial races. The policy question is whether Minnesota should retain its system of selecting its judges with most judges initially appointed by the governor and contested elections thereafter, where sitting incumbent judges and judicial candidates are now allowed to state their views on issues that may come before the courts and personally raise money for their campaigns.

2. Why is this problem important?

The impartiality and professionalism of our courts are threatened by these trends.

3. How could the Citizens League make a unique contribution?

The League has previously supported the merit selection of judges and is widely recognized for its advocacy for meaningful citizen participation in government. Its careful consideration of alternatives to our current judicial selection system could contribute to the quality of the debate.

4. What are prospects that project would yield recommendations that could be implemented and have a major impact on the problem?

The legislature is considering a proposed constitutional amendment to have all judges initially appointed by the governor, with retention elections replacing contested elections. This is a fundamental change to our democratic processes and the League should weigh in on this proposal, as well as any alternatives.

5. Explain how this problem can be addressed by data, research, and reason? Identify probable sources for data and research.

There is a substantial body of data and research on various methods of judicial selection in other states, as well as the impact of expensive, negative campaigns on judicial elections. Minnesotans for Impartial Courts, Justice at Stake, the League of Women Voters and other organizations have many resources available.

6. Explain how this proposal can be framed without partisan bias.

It is not fundamentally a partisan issue. Supporters of change, as well as defenders of the current system, cross party lines.

7. Why would this project be attractive to members?

Changes to the constitution are both important and inherently interesting. This would represent a fundamental change to our third branch of government. It has received substantial publicity this year, and will be back before the legislature in 2009-10.

8. How would this project reach out to under-represented segments of the community?

One of the effects of moneyed special interests trying to "buy" judgments in other states has been to disenfranchise the powerless. The underrepresented need access to fair and impartial courts.

9. What is the potential for making this issue visible to a broader public? Why?

Very high potential.

10. What resources—funding, experts, etc. might be available to support this project?

There are numerous well-informed experts from the legal, judicial and academic communities who would be available as resources to the League.