

## **LWVO's Eight-Point Plan for an Independent Judiciary**

In March, 2008, the state board approved an eight-point plan to clarify a statement in its judicial positions that "LWVO supports policies that promote the independence of the judiciary" (passed at the 2003 State Convention). Such a statement proved too vague for advocacy purposes, and so a committee was appointed to identify and recommend specific policies that promote a more independent judiciary, including a reexamination of our support for merit selection. The eight points for judicial independence are:

- 1) **LWVO supports the public financing of judicial campaigns**, consistent with the LWVUS position on campaign finance.
- 2) **LWVO supports increased transparency and timely reporting of corporate and individual campaign contributions** to judicial candidates, consistent with the LWVUS position on campaign finance.
- 3) **LWVO supports stricter standards for recusal**. Under Ohio's current Code of Judicial Conduct, judges are expected to disqualify themselves from cases in which their impartiality might be questioned. In practice, judges frequently do not recuse themselves even when they have received significant campaign contributions from a party or attorney appearing before them.
- 4) **LWVO supports an appointments process for judicial vacancies** wherein a bipartisan commission composed of attorneys and non-attorneys makes recommendations to the governor about candidates. Such a system has been established by executive order but should be codified through legislation.
- 5) **LWVO supports the use of a fair, impartial and non- or bi-partisan process for Judicial Performance Evaluations (JPEs)**. Similar to a routine performance evaluation encountered in most jobs, JPEs should be based on politically neutral expectations.
- 6) **LWVO supports policies that maintain the system of checks and balances/separation of powers among the three branches of government**, consistent with the LWVUS position on citizen's right to know. There is an inherent danger when the legislative or executive branch attempts to limit the powers of the judiciary in the face of unpopular decisions. Still, curbing one branch's ability to check another infringes on the constitutional separation of powers. Instead, the League should educate and motivate voters to take action if judicial independence is threatened by another branch.
- 7) **LWVO supports efforts to educate the electorate about the judicial system in general and about judicial candidates prior to elections** so that voters can make an educated evaluation of those candidates, whether they are sitting judges or not, consistent with the LWVUS position on citizen's right to know.

- 8) **LWVO supports the merit selection of supreme court and appellate court judges.** While all selection processes involve some degree of politicization, merit selection continues to be the League's ultimate goal.