



JUDICIAL ACCOUNTABILITY

Unlike legislators who are directly accountable at the ballot box to those they are elected to represent, judges must stand apart from politics and partisan ideas and focus on the fair resolution of problems and disputes under the Constitution and laws. Our system of government is carefully designed to foster fair and impartial courts - while holding judges accountable through a series of checks on judicial power.

While the mechanisms for judicial accountability vary from state to state, all establish high standards and strong protections to ensure equal protection and application of the law for all citizens

ACCOUNTABILITY MEASURES INCLUDE:

- If a party in a case believes a judge made an error, they may appeal to a higher court
- If citizens disagree with a court's interpretation of a law, they may petition the legislature to amend the law and change the law's effect in the future
- If citizens disagree with a court's interpretation of the Constitution, they have the ultimate power to amend the Constitution to change its effect in the future
- Judges charged with unethical behavior are subject to investigation and disciplinary measures, up to and including removal from office

**In these ways, courts are accountable to the laws,
to the Constitution, and to the people!**

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POLITICS AND SPECIAL INTERESTS HAVE NO PLACE IN OUR COURTROOMS

The rule of law is the cornerstone of democracy and we rely on our courts to uphold it. So it is no exaggeration to say that the future of democracy is at stake when partisan or political interests seek to seize control of our courts. And they are doing precisely that!

The threat is all too real. Our courts and judges are under siege for doing their job — deciding cases based on the evidence and the law, and not on the basis of some preconceived political agenda or ideology. And the politicians and special interests don't like it. They would have you believe any ruling that doesn't go their way is "judicial activism."

Unlike our representatives in the legislature, we depend on our judges to stand apart from politics and partisan ideas, and to focus on the fair resolution of our problems and disputes under the Constitution and laws. Judges should not be subject to influence by special interests, or fear losing their job because powerful outside groups dislike a particular decision.

IT IS TIME FOR US TO STAND UP FOR FAIR AND IMPARTIAL COURTS

Our courts have demonstrated the ability to uphold our basic rights with fair and impartial rulings based solely on the Constitution and laws. It is up to you as a voter to help keep it that way.

- Inform yourself about your state's courts and judges.
- Vote for judges based on their character, integrity, fairness and willingness to decide cases based on the law

OUR DEMOCRACY DEPENDS ON IT

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CAMPAIGN CASH UNDERMINES CONFIDENCE IN THE COURTS

Special interests spending at record highs

Increasingly in the United States, special interest groups are pouring millions of dollars into judicial campaigns in a way that threatens the cornerstone of democracy.

The Brennan Center for Justice at New York University School of Law as well as other legal scholars, report an "explosion" of private money pouring into state judicial elections in recent years, often cloaked in the anonymity of a large organizations, or by special interest groups better known for their partisan alliances.

Judicial races are increasingly marked by noisy, misleading advertising or groups that pressure judicial candidates to tell how they might rule in the future. One Brennan Center report concludes "many Americans have come to believe that justice is for sale." It is a concern that is spreading across the legal community.

The executive and legislative branches of government – the President and legislators – answer to voters who elected them. They are the political branches responsible for carrying out the will of the majority, within the boundaries of the constitution. The third branch of government, the judiciary, enforces those boundaries. Our courts and judges are accountable for ensuring equal application of the law to all citizens, protecting the individual rights guaranteed in our constitution. They must follow the law without political pressure or retribution

Since its founding, the American judicial system, considered one of the best in the free world, has shown that it will uphold basic rights based on the Constitution and laws, without fear or favor. Informed voters will keep it that way.

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Our goal is to have judges who are fair and impartial, qualified for their positions, and not influenced by politics, public opinion or other outside influences.

But how do we achieve this goal? Each state constitution establishes methods for seating judges – either through election, appointment, or hybrids of the two. Use the listing below to find out how appellate court judges are seated in your state.

- **Merit Appointment With Retention:**
AK, AZ, CO, WY, NE, SD, OK, IA, MO, IN, TN, FL
- **Merit Appointment with Confirmation and Retention:**
CA, UT, MD
- **Merit Appointment with Confirmation:**
HI, DE, NY, CT, RI, MA, VT
- **Governor Nominates, Legislature Appoints:** NH
- **Governor Appoints with Confirmation:** NJ, ME
- **Legislative Election:** SC, VA
- **Non Partisan Election:**
NV, OR, WA, ID, MT, MN, WI, AR, MS, GA, NC, KY
- **Partisan Election:** NM, TX, LA, AL, IL, OH, WV, PA
- **Election – Mix:** MI
- **Merit and Appointment Mix:** KS
- **Appointment and Non-partisan Election Mix:** ND

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Defending Justice. Protecting Citizens.

Fair and Impartial Courts play a critical, stabilizing role in our democracy

In America, courts exist to protect people and their rights, to guarantee fairness and justice for all. The procession of people through the nation's courts reflects the essence and issues within our country, from the smallest traffic offense to the most serious criminal case. Unlike legislators, judges must stand apart from politics and provide fair and impartial resolution of disputes.

Let's face it – life isn't always fair

A courtroom is the place to go to right a wrong or address an injustice. The peaceful resolution of differences depends on fair judges. When we end up in a lawsuit, we need to have confidence that judges will decide our case on the basis of the law and the evidence – with no consideration of the relative wealth or political clout of supporters who may be lobbying for a particular result. We want judges' decisions to be even-handed and impartial, so that those who win and those who lose know they received a fair hearing and can trust the outcome.

We must not take the rule of law for granted

In some countries, judges cannot be trusted to decide cases fairly and impartially. They are subject to outside pressures from forces that control the government. Our Constitution makes courts separate from the other branches of government, so that the courts can provide balance against partisanship.

Judicial selection systems must guard against those seeking to tip the scales

While federal judges are appointed for life, state judges are selected differently. In some states, judges are chosen by direct votes. In others, they are appointed through a judicial selection process and voters decide whether they will be retained in office. No matter how they are selected, a judge's ability to make fair and impartial decisions should not be threatened by political storms or limited by special interests.

Voters play a critical role

The judicial process is threatened when large amounts of money and political pressure are applied to influence how cases are decided. That type of interference is happening all across our country. Voters play a critical role in protecting the courts from those attacks and pressures by participating in choosing state court judges and determining how long they serve. To do this, voters must be fully informed about the value and importance of fair and impartial courts.

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FAIR AND IMPARTIAL COURTS – Whose Business Is It Anyway?

The rule of law provides the stability and certainty businesses rely on

To be sure, fair and impartial courts are the business of us all. No one should have to appear before a judge who is anything other than fair and impartial. That is not the American way. But in a very real sense it is business which has a proportionally larger stake in the issue of fair courts, because businesses, not individuals, are the repeat users of the court system.

We live in an era of hardcore partisan politics fueled by virtually unlimited access to cash. Many special interests seek to use their position and cash to influence the selection of judges who "better serve their interests." But for business, this is perilous.

Anyone in business for any length of time and on any scale must realize that the world of commerce is heavily dependent on a properly functioning judicial system. Courts resolve warranty claims, help business collect receivables, and enforce contracts, to name but a few examples. Business owners need to be confident that the judge hearing their case is competent, fair and impartial, and will follow the law and not bend to political or special interest pressures. Without that confidence, there is no predictability, no certainty, and no consistency in the rule of law. Making business decisions becomes a gamble – and business planning becomes meaningless. Business owners are left to bet-and hope—that the judge is not secretly beholden to the folks at the opposite table.

In an uncertain judicial environment, business will leave the state. This is, after all, the only rational decision a business owner can make to protect the assets of the company. The result is that the state's economic activity slows, and jobs are lost.

Can these consequences be avoided? Of course. The next time someone suggests voting for or against a judge based on his or her philosophical or political interests or because of an unpopular decision rendered by the judge, take the time to straighten them out. Tell them that the only selection criteria that matter are the judge's competence, ethics and integrity.

The problem with selecting judges "who are answerable to the people" is that you may not be the people they are answerable to!

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