



**LEAGUE OF WOMEN VOTERS®
OF PENNSYLVANIA**

226 Forster Street, Harrisburg, PA 17102-3220
717.234.1576

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**Testimony of the League of Women Voters of Pennsylvania
House Judiciary Committee Public Hearing on HB 1815 and HB 1816
March 1, 2012**

I am Olivia Thorne, President of the League of Women Voters of Pennsylvania. The League has been fighting the good fight for merit selection of statewide judges since 1948. During that time, the League has seen a deterioration of public respect for elected judges. Several reasons account for the public's growing distrust for elected judges.

First, the amount of money involved in elections has increased astronomically. In Pennsylvania, the cost of running for appellate courts has reached well into seven figures. Yet, despite the cost, the number of votes cast is diminishingly small. The elections are held in odd-numbered years when turnout is traditionally low. Voters admittedly have little information about judicial candidates, especially at the appeals level. Furthermore, public understanding of what judges do at the state level is poor.

Those who support judicial candidates are generally attorneys who already understand the purpose of the judicial branch. Those law firms who contribute most to the campaigns are those more likely to appear before them.

Because judges are elected in a partisan election, support also comes from political parties. The parties decide who will be supported. Although contributions to candidates must be reported, there is nothing that requires elected judges to recuse themselves even if a case involves a major contributor to their election campaign.

There was a notorious case a few years ago where an elected judge in another state decided a case in favor of a company which had contributed millions of dollars toward that judge's election. The United States Supreme Court ruled that the judge should have recused himself due to a "serious risk of actual bias".

Because the Pennsylvania Supreme Court is required to determine the constitutionality of all legislation, another problem arises. The courts are beholden to the General Assembly for financial support. They are loath to declare a piece of legislation unconstitutional if it is supported by members of their own party. The prime example of this was the legislative pay raise of a few years back that the courts did not strike down, despite its blatant disregard for process and the law. The pay raise included

more money for judicial salaries. Public reaction rather than judicial action resulted in the nullification of the pay raise.

The process we support would include a bipartisan or nonpartisan nominating committee representing diverse interests. In the event of a vacancy on a statewide court, applicants could apply for the position. The nominating commission would interview candidates, evaluate them and create a list of potential judges based on their qualifications. They are performing a task that the general public cannot do. These names would be submitted to the Governor who would select ONLY from those names. That name would then be presented to the Pennsylvania Senate for confirmation. After serving for four years, the public could then decide whether to have that judge continue in office in a nonpartisan retention election.

Pennsylvania is one of only six states (the others are: Alabama, Louisiana, Texas, West Virginia, and Illinois) that still elect all judges through partisan elections. The citizens of Pennsylvania deserve to have confidence in the judicial system without regard to any perceived prejudice. Isn't it time to have judicial reform now?