

Justice for the People: Should our judges be elected or appointed?

Judges should be appointed by the people's trusted elected representatives on the basis of qualification and distinction. The American Bar Association states that the role of a judge is to "see that the rules of court procedures are followed by both sides".¹ The decisions that they make in front of the court must be according to review of relevant facts and interpretation of the law² with no outside influences or partisan intentions. Though there may be belief among commentators and members of the general public that appointments can become politicized and that having a democracy would allow citizens to have control over their own government², it is important that the judges serving in the court system are qualified and have attained all of the appropriate credentials required of those who take a seat in within the Judicial Branch.

States should follow the federal system so that the process of selecting these honorable public servants is uniform across the board. At the federal level, in accordance with the United States Constitution, the President holds chief responsibility to provide nominations for federal justices.³ Following the nomination, the United States Senate must confirm the nominated candidate.³ In local courts, Governors should be provided with the same opportunity to present an individual of whom they find most fitting among a pool of worthy individuals.

¹"How Courts Work." *Courts and Legal Procedure*, www.americanbar.org/groups/public_education/resources/law_related_education_network/how_courts_work/judge_role/.

²"Electing Judges Is Texas Law - But Is Appointing Judges a Better System?" *Stephen Gustitis*, 24 Sept. 2018, www.gustitislaw.com/judges-appointed-v-elected/.

³"FAQs: Federal Judges." *United States Courts*, www.uscourts.gov/faqs-federal-judges.

Should election practices be utilized, there is possibility for additional motivation among judicial candidates to do anything that they can to “seek the approval of the voters”⁴ allowing for immediate bias. With many political campaigns being publicly funded, it would be unethical for the candidates for this position, of which is supposed to be grounded in justice and fairness, to be monetarily supported by someone who may appear in front of him in the court of law in the future.⁵ There is too much room for conflict of interest and public misinterpretation to arise. “Twenty-four states have used merit selection to pick judges for decades, so that judges can be screened for experience, intellect and judicial temperament, and not face a tidal wave of special-interest money seeking to tilt the scales for justice”.⁶ With around half of the country partaking in this practice successfully for this lengthy period of time, there is adequate evidence to prove that appointment works.

Elections, though allowing for the voice of the public to be heard and representing democracy, do not always result in success for the candidate best fit or most qualified for the job. Comparison often coincides with election as well and though that may assist in making some sort of informed decision, miniscule judgements are often made on the basis of candidate characteristics, their socioeconomic background, political party or their campaign “glitz”. These aspects become heavily considered rather than qualification and distinction.²

⁴Odland, Steve. “Why Judges Should Be Appointed, Not Elected.” *CNBC*, CNBC, 16 June 2016, www.cnb.com/2016/06/16/why-judges-should-be-appointed-not-elected-commentary.html.

⁵Kiplinger. “Should Judges Be Elected or Appointed?” *www.kimplinger.com*, Kiplingers Personal Finance, 29 Jan. 2013. www.kiplinger.com/article/business/T043-C013-S001-should-judges-be-elected-or-appointed.html.

⁶“Why Judges Should Be Appointed, Not Elected.” *The Washington Post*, WP Company, 30 May 2011, www.washingtonpost.com/opinions/why-judges-should-be-appointed-not-elected/2011/05027/AGwQEzEH_story.html?utm_term=.8523bb630218

As constituents, it is likely that the public would prefer to have representation in the court of law that is more aligned with their personal views, not that of a political figure, or someone who they can relate to just a slight bit more based on the aforementioned characteristics. The people's opinion deserves to be recognized, but public opinion does not always correlate with what is legally correct. The law ultimately must be upheld and rights of all must be regarded.

The entirety of the Judicial Branch of our United States Government would be benefitted by the selection of judges to be made by mode of appointment. There must be a uniform system set forth that keeps this branch free of being taken over by the outside influences that often plague the other two branches internally. There is otherwise imminent possibility of governmental downfall. This can be overcome by granting recognition to an individual who is qualified, distinguished and entrusted with the faith of our trusted elected representatives to keep justice and fairness at the forefront of this country.