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Money, endorsements and an independent judiciary don't mix



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Eugene is a retired judge of the Santa Clara County Superior Court, where for 20 years he presided over cases in the criminal, civil, probate, family and delinquency divisions of the court. He has presided over an adult domestic violence court and in 1999 presided over the first juvenile domestic violence and family violence court in the United States.

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Judge Michael Stern, on May 3, and Attorney Tim Reuben, on May 9, both addressed the issue of judicial elections in California in the Daily Journal.

Missing from their debate are the twin issues of money and endorsements.

While I was appointed to the former Municipal Court in Santa Clara County, I ran for an open seat to the Superior Court. I spent \$132,000 on the primary and general elections! That was in 1996, obviously the cost has only increased.

Who were my contributors? Mostly attorneys. True, most of the donations were in the range of a hundred dollars. For the few who gave more than a thousand, I permanently recused myself from their cases.

Many groups and individuals endorse in judicial elections. The most prominent groups are prosecutors and law enforcement members/associations. They aren't big on donations, but their endorsements are the most important when it comes to voter's influence. Significant money is spent informing voters about them. Do we really want that influence in a judicial election? It may be ethical and legal, but visually, is it a good look?

I appreciate Mr. Reuben's comments about the vetting process for judicial candidates in LA. Very few counties, if any, have the resources that LA County is able to provide in the election process.

Do we truly want an independent judiciary? Do we want judges to be concerned about being challenged in an election for a decision that they made that was lawful and ethical?

If not, we should eliminate judicial elections and improve the present system that we have for judicial appointments. Several of Mr. Reuben's concerns are well stated. They can be incorporated in an improved appointment process that should be less politicized and more transparent. It won't be perfect, but much improved from the present system that should not be based upon the asking of attorneys for political contributions and the endorsement of those who regularly appear before the court.

— Eugene M. Hyman

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