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Proposal to open judicial selection meetings killed

Bredesen says secret discussions should be barred

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Associated Press

A House subcommittee on Tuesday killed Democratic Gov. Phil Bredesen's proposal to bar the Judicial Selection Commission from meeting in private.

The measure carried by House Judiciary Chairman Kent Coleman, a Murfreesboro Democrat, failed to advance on a voice vote in the Democrat-controlled House Civil Practice Subcommittee.

Members of the panel expressed concern that applicants' criminal background checks and credit information would be discussed in public meetings.

The governor said he was disappointed in the panel's actions.

"I can't imagine why they think a process as important as selecting judges to present to the governor — public officials with enormous power — ought to be conducted in secret," he said.

The commission is responsible for narrowing down appellate court applicants to three-person slates for the governor to choose from. Bredesen has criticized several recent slates for what he has called a lack of qualified minority candidates.

Subcommittee members argued that it would be unfair that the governor could still hold his interviews with candidates in private while commission deliberations would have to be public.

Said Rep. Rob Briley, D-Nashville: "I think the governor is really trying to have his cake and eat it, too, by doing this."

Personal info a key issue

Coleman said that the governor's decision-making process is different from that of a 17-member panel.

"This openness in today's environment will do much to help people believe that the selection process is fair and they can witness what takes place, the questions that are asked," Coleman said.

Bill Farmer, who has represented criminal defense attorneys on the commission since 1994, said he opposes opening up the deliberations about candidates.

Farmer said public discussions about candidates could have a chilling effect on applicants and on the panel.

"The selection of judges is far too important not to have open, candid, full discussions," he said.

Rep. Henry Fincher, a Cookeville Democrat and chairman of the subcommittee, said he voted to advance the proposal despite misgivings over airing personal information about judicial applicants.

Bredesen turned back arguments that applicants need to be protected by secret discussions. "I know it might be uncomfortable for a judge now and then to have some incident in their past talked over," Bredesen said. "But gosh, that's the way of things in public life."
