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Judicial Selection Reform Long Overdue

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BY RON RAMSEY

In 2006, the state witnessed a nearly year-long battle between the Judicial Selection Commission and Tennessee Gov. Phil Bredesen over the process of selecting appellate judges, including state Supreme Court justices.

It culminated in a state Supreme Court ruling that the commission had failed in its duty to provide diversity in the choices it sent to the governor. The commission had twice submitted the name of a favorite son and former head of the Tennessee Democratic Party – after Bredesen made it clear he wished to have qualified minority candidates on any slate he received.

FAST FORWARD to the beginning of this year. Early in the year, I announced that one of my highest priorities for the legislative session would be reform of the judicial selection process. There are many reasons for this:

- * Special interest control. Currently, special interests control the appointment process. Although I have eight appointments to the commission, six of those – by law – must come from the Tennessee Trial Lawyers Association (recently renamed the Tennessee Association for Justice) and the District Attorneys General Conference. This means that 75 percent of those who pick our judicial nominees are selected by special interests in the legal community. This must change. Tennesseans must have some form of accountability from those who choose appellate judges, including those who serve on the Supreme Court.

- * Open government. The Judicial Selection Commission refuses to open its meetings and deliberations to the public. This has been Gov. Bredesen's main disagreement with the commission, and I agree with him. The legislature now makes all floor sessions, committee and subcommittee meetings available online, in addition to posting all votes. There is no reason why the commission cannot at least meet in public.

- * Diversity. Until I was elected lieutenant governor, the Judicial Selection Commission had never had a member from east of Morristown. No one from Bristol, Kingsport, Johnson City, Elizabethton, Erwin, Greeneville, Newport, Mountain City or any other place in Northeast Tennessee had ever been included. Indeed, the commission had only one member from east of Knoxville in its history. That is why I was proud to appoint the late Steve Rose of Kingsport to the commission and was equally proud to appoint Tom Davenport of Bristol.

FOR THESE REASONS, I spoke with all interested parties during the legislative session to craft a

compromise reform for a process which obviously does not work. I proposed an amendment which removed special interest control of the nominations but still allowed legal groups to submit names, though neither I nor the speaker of the House would be bound by their list.

My amendment also required the commission to meet publicly and authorized the governor to do a standard Tennessee Bureau of Investigation background check on his nominee. The amendment required geographic and ethnic diversity on the commission and prohibited registered lobbyists from serving on it.

Once drafted, the amendment was shared with constituents, the press, the Tennessee Bar Association, the Tennessee Trial Lawyers Association and any other interested party who requested a copy. While I commend the Tennessee Bar Association for its willingness to discuss the details of the plan, no other legal group or legislator was remotely interested in a compromise that removed special interest control of the Judicial Selection Commission. That unwillingness to bend spelled defeat – at the hands of a bipartisan coalition – for the effort to renew the commission in both committee and floor votes.

Ironically, when the commission came into existence in 1994, it also faced bipartisan opposition. I voted against the measure, but so did many Senate Democrats, including Minority Leader Jim Kyle, Floor Leader Roy Herron and Sen. Douglas Henry. House Democratic Majority Leader Gary Odom also opposed the plan.

THE CURRENT judicial selection process is a perfect storm of special interest control, closed government and lack of accountability. I intend to continue the fight to reform the commission in 2009. While I would prefer to improve the current system, allowing Tennesseans to have a greater voice in the judicial selection process, our constitution clearly allows the election of appellate court judges and Supreme Court justices. Given the stark choice between entrenched special interests controlling who serves on the bench and allowing voters to decide, I feel certain the General Assembly will choose the latter.

Ron Ramsey, R-Blountville, is a senator and Tennessee's lieutenant governor.

Reader Reactions

Posted by (dadw5boys) on June 01, 2008 at 10:02 pm

Ron,

Please have our Washington Repersentative do the same in Washington!

Bush is currently appointing Judges to Lifetime appoints who are extremly to the right of anyone. What good is it to have descent and hornorable state Gudges when the Federal Appeals Court is AFIXED so that no citizen will ever be able to get a fair judgement.

Look at the Supreme Court they have alread Stompped all over Freedom of Speech!

Please use what ever pull the state government has with our Elected Federal Repersentatives to make sure the same standards are held in Federal Court Appointments.

I know many are just yes men up there so good luck!

Thanks, James Wilson