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H 5170 LWVSC Testimony, Submitted to the Constitutional Laws Subcommittee of House Judiciary

The League of Women Voters appreciates this opportunity to comment on H. 5170, which would reform the judicial selection process. It is not everything we had hoped for and discussed in our testimony to the House Ad Hoc Committee on Judicial Selection but it makes some important improvements in the judicial selection process.

Expansion of the Judicial Merit Selection Commission (JMSC) to 13 members may prove to be excessive, but allocation of a smaller proportion of seats to current legislators should be a significant improvement. Our preference that legislators not serve on JMSC was outlined in our testimony to the House Ad Hoc Committee on Judicial Reform; it arises largely from concern for the balance of powers and the systems of checks and balances.

Term limiting appointments is extremely important and we applaud that change. The JMSC should not become an established base for patronage and influence by individuals.

The addition of an executive director for the JMSC is an important addition. The work of the commission is complex and requires professional organization and support. This will help to facilitate the very positive additions to JMSC work including midterm reviews of serving jurists and review of magistrate candidates.

We very much appreciate the change of "should" to "shall" in §2-19-35(B) regarding consideration of race, gender, national origin, and other demographic factors to avoid discrimination.

The prohibition of soliciting commitments from legislators until one week before the election is another positive change.

One of the most important changes is release of the names of ALL qualified candidates for consideration by the General Assembly. This is a long-sought and very important change.

We also note the important addition of a Magistrates Review Subcommittee as well as prohibition of extended holdovers of magistrates following the end of their appointment period. The role of magistrates is important and this should provide very important contributions to the quality of those holding these positions.

We appreciate the dedicated efforts of the members of the House Ad Hoc Committee on Judicial Selection and of those directly engaged in writing this bill. We hope that it will be forwarded by the Constitutional Laws Subcommittee with a positive recommendation.