LWVPA Position on the Judiciary

Position in Brief
LWVPA supports an efficient unified court system and a responsible, ethical judiciary that is free from political influence.

Background
LWVPA support for a merit appointment system for judges dates back to 1949. Following the narrow defeat in 1969 of the necessary constitutional amendment, the League has supported merit selection proposals in every session of the Legislature, believing that such a process will help remove judges from partisan politics.

In 1989, following a two-year study of the state district justice system, LWVPA adopted a revised statement of position that included support for state funding of all courts, inclusion of constables in the unified judicial system, and specific recommendations regarding minor court administration, educational requirements for district justices and court administrators, and oversight of the minor courts. The new position reaffirmed an earlier consensus that district justices need not be lawyers.

A League-supported constitutional amendment to restructure the judicial discipline system was approved in 1993. The amendment provided for a two-tiered system consisting of a Judicial Conduct Board and a Court of Judicial Discipline and eliminated a practice that required Supreme Court justices to sit in judgment on their peers.

Campaign expenditures by candidates for Pennsylvania’s three appellate courts have escalated dramatically over the years, reaching a peak in 2007 and raising public concern over possible conflicts of interest for judges and justices whose campaigns are funded largely by lawyers and law firms. This concern has prompted more widespread support for the idea of a merit-based appointment system that would eliminate the necessity to raise funds for partisan elections. Some suspicion was also cast on the elected judiciary due to the very unpopular and unconstitutional legislative pay raise that had been approved by the state Supreme Court and, in 2007, voters took
unprecedented action by voting against retention on the Court for a sitting justice.

As of the conclusion of the 2010 session the General Assembly had not passed a merit selection bill. LWVPA continues to support passage of a constitutional amendment to provide for merit selection, rather than election, of judges and is active in a large and growing coalition that favors the change.

In May 2008 the League brought a civil rights lawsuit against former Chief Justice of the PA Supreme Court, Ralph J. Cappy alleging improprieties linking negotiations with legislative leaders on a pay raise for judges to the outcome of a challenge to the constitutionality of gambling legislation that the League was a party to. Justice Cappy passed away while the case was still pending. Scheduled oral arguments were cancelled and the Court declined to take up the case.

*Updated
February 2012*

**Position in Detail**
LWVPA supports a unified court system and a judiciary that abides by a code of ethics and is accountable to the public for disclosure of personal finances, conflicts of interest, and costs of administration.

**Selection of Judges**
The League supports nonpartisan merit selection of trial and appellate judges. Until such merit selection becomes a reality, all candidates for elected judicial office should be permitted to cross-file. We support retention elections for trial and appellate judges.

**Unified Court System**
The League supports a unified court system, which includes the minor courts and constables. The unified court system should be funded by the state; the Chief Justice of the Supreme Court, supported by an adequately staffed administrative office, should be responsible for its administration.
**Minor Judiciary**
The League supports:

- A minor court system that provides:
  - Swift handling of cases.
  - An entry-level court accessible to the community.
  - A court where cases can be heard informally and with minimal expense to the parties involved and the public.

- Minor court administration that includes:
  - Clearly defined areas of responsibility assigned to the Administrative Office of Pennsylvania Courts (AOPC), the president judge and the court administrator.
  - Increased administrative support by the AOPC, including regular and timely procedural audits and corrective action where necessary. Financial audits should be conducted by the appropriate governmental entities and corrective action taken where necessary.
  - Delineation of the disciplinary powers of the president judge over district justices.
  - Mandatory instruction by the Commonwealth for court administrators.

- Educational requirements for the minor judiciary that include:
  - Expanded instruction before and after certification to meet the demands of the office.
  - Continuing education, including regional instruction where appropriate, and successful completion of tests.
  - Successful completion of the certifying examination by attorney district justices before taking office.
  - Limits on civil and criminal cases that reflect current economic conditions.