Fair and Impartial Courts – Whose Business Is It Anyway?
The rule of law provides the stability and certainty businesses rely on

To be sure, fair and impartial courts are the business of us all. No one should have to appear before a judge who is anything other than fair and impartial. That is not the American way. But in a very real sense it is business which has a proportionally larger stake in the issue of fair courts, because businesses, not individuals, are the repeat users of the court system.

We live in an era of hardcore partisan politics fueled by virtually unlimited access to cash. Many special interests seek to use their position and cash to influence the selection of judges who "better serve their interests." But for business, this is perilous.

Anyone in business for any length of time and on any scale must realize that the world of commerce is heavily dependent on a properly functioning judicial system. Courts resolve warranty claims, help business collect receivables, and enforce contracts, to name but a few examples. Business owners need to be confident that the judge hearing their case is competent, fair and impartial, and will follow the law and not bend to political or special interest pressures. Without that confidence, there is no predictability, no certainty, and no consistency in the rule of law.

Making business decisions becomes a gamble - and business planning becomes meaningless. Business owners are left to bet--and hope--that the judge is not secretly beholden to the folks at the opposite table.

In an uncertain judicial environment, business will leave the state. This is, after all, the only rational decision a business owner can make to protect the assets of the company. The result is that the state's economic activity slows, and jobs are lost.

Can these consequences be avoided? Of course. The next time someone suggests voting for or against a judge based on his or her philosophical or political interests or because of an unpopular decision rendered by the judge, take the time to straighten them out. Tell them that the only selection criteria that matter are the judge's competence, ethics and integrity. The problem with selecting judges "who are answerable to the people" is that you may not be the people they are answerable to!

Learn more at http://ivp.nawj.org
Informed voters will not want judges influenced by politics or special interests, or by fear of losing their position because a powerful group dislikes a particular decision.

We should consider the differences between judges and other public officials when we cast our votes. Judges should make decisions based on the law and not be pressured based on politics or special interests.

The National Association of Women Judges "Informed Voters - Fair Judges" Project is a non-partisan program to inform voters about how to make sure our judges are fair and impartial. Its goal is to inform citizens about the judicial system and to ensure that judges are elected on the basis of their character and ability. Politics and special interests should have no place in American courts. Visit the Informed Voters – Fair Judges Project web site at http://ivp.nawj.org/.

“When a judge does what is right according to the law, when a judge decides each case strictly on the merits, when a judge gives every case and every person the same treatment, our courts are what they have always been and must always be… fair and free.”

From “Fair and Free” featuring Supreme Court Justice Sandra Day O’Connor, Ret.