



JUSTICE FREE FROM SPECIAL INTERESTS

Judicial Selection Resources and the 2018 Midterm Elections

The National Association of Women Judges Informed Voters, Fair Judges Project Provides Community Education and Outreach Resources

Judges decide issues that touch every aspect of our lives. Yet when voting for state court judges, millions of people leave the ballot blank. Polls show voters lack knowledge to make informed decisions. We want to change that. This year, the Informed Voters, Fair Judges Project of the National Association of Women Judges created a variety of nonpartisan resources to educate the public about the unique role of the judicial branch, judicial selection processes, the differences between trial and appellate judges, and how to evaluate judges and judicial candidates on the ballot. With funding from the Prentice Foundation this year, the Informed Voters Project designed digital and print educational materials, informational handouts, exhibit resources, and presentations for use with a variety of public audiences.



Nonpartisan social media awareness ads were utilized to remind voters not to leave the ballot blank for judges this year. Florida postings highlighted specifically over 1.7 million voters left the ballots blank for judges in the 2016 elections. This figure dropped by over a half million votes during the 2018 election cycle. The ads were designed and piloted for use in future elections to raise public awareness of the importance of voting for judges on the ballot and where to locate resources on judicial selection methods as well as evaluating judicial candidates. The social media postings are easily adaptable for use in any state.

A new presentation on judicial selection was designed as a model and piloted for use in Florida and California. The presentation includes a PowerPoint and handouts as well as an overview for guiding interaction with adult audiences of all ages. The model can be adapted to other states using state-specific judicial selection processes. Presentations were made in colleges and universities, civic and community organizations, and a variety of other nonpartisan settings.



Judicial Selection
Understanding Judicial Elections in California

Informed Voters
FAIR JUDGES
JUSTICE FREE FROM SPECIAL INTERESTS

A Project of the
National Association
of Women Judges





Appellate Judges and the Informed Voter

How should I evaluate appellate judges? Resources for an informed decision



Trial and Appellate: What is the difference?
Trial court judges sit regularly and hear cases for the first time. Appellate court judges sit in panels and hear appeals from trial court judges. Appellate judges do not hear evidence or witness testimony. They only review the written record of the trial and the law.

Methods of Judicial Selection
State constitutions or state law provide methods of selecting state trial and appellate judges.

- Judicial Elections**
 - Either partisan or nonpartisan elections
- Appointments**
 - By governors or legislatures
 - Different modes in different states
- Combination Models: Merit Selection and Retention**
 - Using Nominating Commissions to review candidates, followed by appointment and retention elections

The Role of the Judicial Branch
Resolve disputes through a legal process.
Interpret and apply the law.
Determine if a law is unconstitutional.
Supervise the execution and ensure the rights of the people.



Evaluating Judicial Candidates

How should I judge a judicial candidate? Resources for an informed decision



Each year, voters make their voices heard on the ballot, selecting public officials to represent them and judges to serve on the bench to interpret and apply the law. And yet, voters have the heaviest burden when it comes to electing judges. Many voters do not know what to look for in selecting judges or why they are on the ballot. Additionally, voters are not sure what resources exist to help them evaluate judicial candidates. To ease an informed vote, voters should consider how judges are different from other public officials. Judges make decisions based on the facts and the law. They should not be swayed by public opinion, special interests, or political influences. What should you consider in voting for judicial candidates?

- What to Consider**
 - Experience**
 - What is the judicial candidate's background and legal experience?
 - How many years has the candidate been a lawyer and/or judge?
 - What type of law does the candidate practice?
 - What is the jurisdiction of the court they seek to serve on and how will that experience prepare them for the position?
 - Professional Competence**
 - How is the candidate viewed by others in the legal field?
 - Has he/she received any professional certifications or recognition?
 - What specific types of law does the candidate practice? Evaluate the qualifications for judges in your state.
 - Democracy**
 - Is the judicial candidate respectful, fair, neutral, and professional in and out of the courtroom?
 - What is the judicial candidate's reputation on social media?
 - What is the judicial candidate's interest in the public's law?
 - Service**
 - Is the judicial candidate committed to public service and the administration of justice?
 - What types of community service have they participated in?
 - What bars or organizations are they affiliated with?
 - Other important considerations:**
 - What is going for the candidate's promising or opposing a judicial candidate?
 - What is publishing voter information materials for judicial candidates?

Print and digital materials, emphasizing the differences between trial and appellate court judges and how to locate resources for use in evaluating judicial candidates, were designed and piloted for use with judicial selection presentations as well as for online dissemination. All materials can be adapted for state-specific use throughout the year to help familiarize the public with how judges are different from other elected officials, the importance of fair and impartial courts, and state processes for selecting judges. A short web-based animation addressing judicial selection has also been designed for national distribution. NAWJ members can access most

materials through the IVP website at www.ivp.nawj.org or by contacting Annette Boyd Pitts, National Education Chair at ivp.nawj@gmail.com.

New exhibit and display materials were also funded for use with state and national conferences. Palm cards, retractable exhibit banners highlighting judicial selection methods and IVP programs, and other promotional resources were designed for use throughout the country. A special session was held at the NAWJ Annual Conference in San Antonio to introduce some of the resources available this year and a display was featured to showcase materials. Exhibits and materials have also been utilized at state bar conventions and court conferences as well as community education and outreach programs. A national display was featured at the American Bar Association Law Related Education Conference in Chicago and another national exhibit is scheduled in conjunction with the National Judicial College as part of a forum at the National Press Club featuring leaders from the NAWJ Informed Voters, Fair Judges Project.



The IVP provides materials, program models, and training for attorneys and judges to assist with public education initiatives, as well as materials directly accessible to the public through web-based and social media outlets. Public presentations were made during a wide range of events including colleges and universities, civic organizations, nonpartisan voter forums, and other public assemblies. In addition, targeted presentations were made at forums for educators and reporters. Direct presentations and training programs were supplemented with webinars to impact specific audiences.

Later this year, IVP will be releasing information on a new video and animation on the role of judges and juries in the administration of justice and the importance of fair and impartial courts. Funding from ABOTA and the ABOTA Foundation will assist the NAWJ Informed Voters Project in creating these new resources. The videos will be available for use in jury assembly programs as well as court education and community outreach programs. A shortened version of the IVP Emmy Award-Winning *Fair and Free* video is currently being produced for release this year. For additional information, visit the IVP website at www.ivp.nawj.org as well as the Informed Voters, Fair Judges Facebook, Twitter, and Instagram accounts or contact Annette Boyd Pitts, National Education Chair at ivp.nawj@gmail.com.