

## JUDICIAL IMPARTIALITY IS IMPORTANT

Judicial impartiality is the freedom a judge should have to decide cases based on the facts and the law—*not* based on public opinion, the views of special interest groups or even a judge’s own personal beliefs.

Judicial impartiality is important because the right of every citizen to a fair trial is a cornerstone of our democracy. Without judicial impartiality, this right would be compromised—by judges who make up their minds before hearing a case, or make decisions in accordance with their campaign contributors’ wishes. All citizens benefit from independent judges and fair courts.

## OHIO JUDGES ARE ELECTED

In Ohio, judges are elected. The purpose of electing judges is to get people involved in the judicial process, provide voters with meaningful choices and ensure that judges are accountable. A judge can be voted out of office if citizens feel that he or she does not decide cases fairly.

## JUDGES ARE DIFFERENT FROM OTHER CANDIDATES

Even though judges run for office, they are different from other candidates, and voters must respect that. Specifically:

- ❑ Judges are *not* elected to represent the views of the people who vote for them.
- ❑ Under state rules, judicial candidates may not make promises regarding how they will rule on controversial issues such as abortion or the death penalty because, if they did, they might appear to be biased toward a particular viewpoint. Most candidates refuse to discuss their opinions on such issues.
- ❑ After the primary, judges run on a nonpartisan ballot and typically do not identify with one party or the other.

## CHOOSING AMONG JUDICIAL CANDIDATES CAN SEEM HARD

Since most citizens do not routinely interact with judges, many voters don’t know much about them, which can make deciding among judicial candidates difficult.

Different types of judges may require voters to use different criteria. Trial court judges regularly deal with people under stress, and so they need to remain calm, patient and fair while resolving disputes quickly. Appellate judges, on the other hand, work primarily with records, research, legal briefs and colleagues. Voters may therefore conclude that “judicial temperament” is important for the lower courts while legal background, analytical research and writing skills are more important at the appellate level.

## CANDIDATE FORUMS

One of the best ways to learn about candidates for judge in your area is to attend a candidate forum or invite them to speak to your group. While judicial candidates cannot talk about specific issues, they can answer questions about their knowledge, judicial philosophy, effectiveness, character and experience. Examples of questions that a candidate should be able to answer are provided below.

### SAMPLE QUESTIONS

**Judicial philosophy:** What do you perceive as the greatest obstacles to justice, if any? To what extent do you believe that a judge should or should not defer to actions of a legislature?

**Effectiveness:** What criteria would you use for deciding whether to impose or affirm sentences outside of standard ranges? What are your views on whether the court, as a whole, deals effectively with racial and gender bias?

**Character:** Describe one instance in which you faced an ethical dilemma and how you resolved it.

**Experience:** As a prospective judge, what do you consider your greatest strengths? Weaknesses? To what extent have you practiced in the area of criminal law? Family law? Complex civil litigation?

*More questions at [www.lwvohio.org](http://www.lwvohio.org)*

## OTHER SOURCES OF CANDIDATE INFORMATION

Any judicial performance evaluation should be based on criteria relevant to how a judge performs in office. A few examples of relevant criteria are integrity, legal knowledge, professional experience and professional conduct. Sources of such information include:

- ❑ County boards of elections
- ❑ Local and state bar associations
- ❑ Civic leagues
- ❑ Local and state “good-government” organizations

If a candidate is endorsed by a certain group or organization, contact that organization and request information as to why it endorses that candidate and the criteria on which its endorsement is based.

## JUDICIAL ‘SCORECARDS’ CAN BE MISLEADING

During election time, many groups sponsor campaign advertisements featuring “scorecards” that rate judges based on their decisions in certain court cases. These “scorecards” are not reliable for two reasons:

- ❑ Judges issue hundreds of rulings each year, yet a very small number is used as the basis for these evaluations; and
- ❑ These ratings are based on the *false idea* that a judge’s decisions are choices that favor one political viewpoint over another.

In reality, judges apply the law to the facts of a case and then make decisions that, in many cases, they would not choose as a matter of politics, policy or personal viewpoint. To look at a judge’s decisions and infer something about that person’s individual political beliefs is to paint a false picture without knowing all of the facts.

## GET THE FACTS

Talk to people in your community who know the candidates. Contact the Ohio Secretary of State's Office, county boards of elections, state and local bar associations, the League of Women Voters or your attorney to obtain information about candidates. Contact information for these and other organizations is listed below:

### □ Ohio Secretary of State

*Toll-free:* (877) 767-6446

<http://www.state.oh.us/sos>

Information about appeals court and Supreme Court elections.

### □ Board of Elections

*Find county contact information at*

<http://serform.sos.state.oh.us/sos/boe/index.html>

Information about municipal and common pleas court elections.

### □ Ohio State Bar Association

*Toll-free:* (800) 282-6556

<http://www.ohiobar.org>

Judicial candidate ratings and links to local bar associations, which offer independent ratings.

### □ Supreme Court of Ohio

*Toll-free:* (800) 826-9010

<http://www.sconet.state.oh.us>

Information about court structure and related links.

### □ Board of Commissioners on Grievances and Discipline

*Telephone:* (614) 387-9370

<http://www.sconet.state.oh.us/BOC>

Handles ethical misconduct charges brought against Ohio attorneys and judges.

### □ Judicial Impartiality: The Next Steps

<http://www.thenextsteps.org>

Information about judicial election reform and recommendations for making the court system more fair.

## THE LEAGUE

For more than 80 years the League of Women Voters has been a leader in working to ensure that all citizens have a free role in making democracy work. Year in and year out, the League provides many kinds of voter service and education projects, such as:

- ✓ Voter registration drives
- ✓ Publications and brochures
- ✓ Nonpartisan candidate forums
- ✓ Printed voter guides
- ✓ Online voter information and voter guides
- ✓ Nonpartisan issue forums
- ✓ Presentations on radio/television and to groups

Working independently and with other civic groups that share our interests, the League is dedicated to helping citizens become informed and active participants in government at all levels. For further information:



Toll-free • (877) LWV-OHIO



E-mail • [lwvoinfo@lwvohio.org](mailto:lwvoinfo@lwvohio.org)



Web site • <http://www.lwvohio.org>



17 South High Street  
Suite 650  
Columbus, Ohio 43215  
(614) 469-1505

Call for the League's free companion brochure,  
*Changing the Way Ohio Elects Judges*

# How to Select a Judicial Candidate



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