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# JUDICIAL INDEPENDENCE PROJECT TALKING POINTS

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## *Judicial Independence*

- Judicial independence is the freedom that a judge should have to decide a case based upon the facts and the law, not public opinion, the views of special interest groups or even a judge's own personal beliefs.
- Judicial independence is important because the right of every citizen to a fair trial is a cornerstone of our democracy.
- When an Ohioan appears before a judge in either a criminal or a civil case, he/she expects the judge to decide the case on the facts presented, not on the basis of which attorney or which litigant contributed the most to the judge's campaign.

## *Campaign Finance Reform*

- According to recent surveys, a majority of Ohioans believe that judicial decisions are affected by political contributions, and the public clearly questions the impartiality of a judge who presides on a case involving a campaign contributor.
- The public believes that the current campaign finance system does not work, and most Ohioans favor reforming the election process for judges – although no single type of reform has received overwhelming support.
- In past years, the League of Women Voters of Ohio has worked on a variety of projects designed to remove the appearance of political influence on the courts:
  - The League worked successfully to get a **merit selection** proposal on the statewide ballot in the late 1980's, but it was defeated.
  - More recently, the League has researched proposals for **full public funding** for Ohio Supreme Court candidates as well as **disclosure requirements** for contributors to judicial campaigns, but neither proposal has yet been incorporated into legislation or onto a statewide ballot.

The League of Women Voters of Ohio Education Fund's (LWVOEF) current focus is on **education** as a means to facilitate reform. The LWVOEF's **Judicial Independence Project** is designed to:

- Increase citizen interest in judicial elections;
- Clearly outline the shortcomings of the current judicial campaign finance system; and,
- Educate the public, the media, and legislators on the merits of reform.

## *Project Components*

- Create Voluntary Monitoring Groups throughout the state to bring citizens together to follow judicial campaigns;
- Produce and distribute informational materials about the judicial branch, campaign finance reform and judicial candidates;
- Increase media awareness and interest in judicial campaigns;
- Work with local Leagues to hold effective judicial candidate forums and to use DNet as a tool to educate the public about judicial candidates;
- Use public service announcements to establish a greater awareness of judicial races and available voter resources; and,
- Work with academics and legal experts to hold a national conference on the issue.

### ***Judicial Campaigns Are Different***

- Even though judges run for office, they are different from other candidates. Judges are **NOT** elected to represent the views of the people who vote for them.
- Under state rules, judicial candidates cannot discuss their opinions on controversial issues of the day because they might appear to be biased toward a particular viewpoint.
- However, candidates can address questions regarding their experience, character and judicial philosophy.

### ***Questions for Judicial Candidates***

- The following questions are examples of the types of questions that local Leagues can use in a judicial candidate forum. A more comprehensive list of sample questions can be obtained by contacting our office.
1. What criteria would you use for deciding whether to impose or affirm sentences outside of standard ranges?
  2. To what extent have you practiced in the area of criminal law? Family law? Complex civil litigation?
  3. Do you believe there is such a thing as a “victimless crime?” If so, what offenses would you place in this category?
  4. As a prospective judge, what do you consider your greatest strengths? Weaknesses?
  5. What is your vision for the future of our judicial system? What changes would you advocate and why?
  6. Why should voters support you rather than your opponent?

### ***Additional Information***

For more information about the Judicial Independence Project, please contact:

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