

Ohio Chief Justice Thomas Moyer pushes to change how state judges are selected

By [Patrick O'Donnell, The Plain Dealer](#)

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Ohio Chief Justice Thomas Moyer is making a final push in his last term on the court to change how the state selects its judges.

This week he will host a forum in Columbus on judicial selection that will feature presentations on ways other states pick judges that differ from Ohio's elections.

Moyer has long wanted to reduce the amount of fund raising and campaign donations needed for state Supreme Court elections. Over the last several years, he has pushed to set campaign finance regulations for the court.

This time he is seeking a structural change in which the governor and a review panel would select Supreme Court justices. Voters would decide a few years later whether to retain those justices.

His second choice, he said last week, would be a system of public financing of judicial election campaigns. "The goal is to get the money out of the election process," he said.

Moyer said he hopes the state's legal community can reach consensus at the day-and-a-half forum that change is needed and gather behind one of those two alternatives. Though changes have been suggested before and were voted down, most recently in the 1980s, Moyer said legislative leaders have said they back changes. He cited Ohio House Speaker Armond Budish, a Beachwood Democrat, as supporting changing the state Constitution to have Supreme Court judges appointed. Such a change would require voter approval.

Moyer also said fallout from a nasty campaign in 2000 targeting former Ohio Supreme Court Justice Alice Robie Resnick and a recent U.S. Supreme Court decision involving a West Virginia Supreme Court judge who repeatedly ruled in favor of a major donor have brought more attention to the issue.

"This is the best opportunity we've had in my 23 years on the court," Moyer said.

But the idea may be a hard sell for some lawmakers, especially Republicans, who now hold all the seats on the elected state Supreme Court.

Legislative leaders say they are at least open to discussing changes. Budish spokesman Keary McCarthy said the speaker welcomes a free-wheeling debate on the issue. "The bottom line is that he is supportive of being part of the continuing dialogue around this issue," McCarthy said. Sen. Mark Wagoner, a northwest Ohio Republican who serves as the Senate majority whip, called the proposal from Moyer a "commendable first step" toward judicial reform.

"I'm willing to work with the chief on his proposal, and I find it commendable that he is trying to get money out these Supreme Court races," Wagoner said. "There would still be public oversight of these seats with these retention elections. I'm open to it."

Sen. Tom Niehaus, a New Richmond Republican who is the leading candidate to become the next senate president in 2010, said he wants to hear more about how the process would work. "I'm certainly open to listening to his ideas on this," Niehaus said. "I need to understand more of the details of how this would change our current system for electing justices."

The forum starts Thursday afternoon at the Ohio Judicial Center and continues through Friday. It is also sponsored by the League of Women Voters and the Ohio State Bar Association. Thursday's 2 1/2-hour panel discussion includes presenters from Arizona and Indiana, where a nominating panel recommends finalists for governors to appoint Supreme Court judges for two-year terms. Voters then decide whether to retain that judge for a six-year or 10-year term. Thursday's discussion also includes a panelist from North Carolina, where the public gives candidates for appeals courts and the state supreme court money for the general election campaigns. Candidates there raise money for their primaries, within a specified range.