

Judicial Selection Task Force

Honorary Chair
Hon. Sandra Day O'Connor

Task Force Co-chairs
Hon. Marilyn Kelly
Hon. James L. Ryan

FOR IMMEDIATE RELEASE
December 14, 2010

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JUDICIAL SELECTION, CAMPAIGN ISSUES ARE FOCUS OF TASK FORCE

Co-chairs Chief Justice Marilyn Kelly and U.S. 6th Circuit Court of Appeals Judge James L. Ryan lead independent group that will study, make recommendations about how Michigan appellate judges are chosen

DETROIT, MI, December 14, 2010 – An independent, bipartisan task force was established today to examine Michigan’s system for selecting judges for the Michigan Supreme Court and Court of Appeals. It is headed by Michigan Supreme Court Chief Justice Marilyn Kelly and U.S. 6th Circuit Court of Appeals Senior Judge James L. Ryan. Its Honorary Co-Chair is U.S. Supreme Court Justice Sandra Day O’Connor.

Included in the work of the 24-member task force will be an examination of recent campaign spending for Michigan Supreme Court races. After completing its study, the task force will publish recommendations for needed improvements and reforms in Michigan’s system. The group will begin meeting in January and will release its recommendations in 2011.

The formation of the Judicial Selection Task Force was announced at a press conference at Wayne State University Law School. “The most recent impetus for the task force comes from the record spending and the vitriolic advertising we saw in the 2010 Michigan judicial elections, especially the Supreme Court races,” Kelly explained.

“Millions of dollars have been spent to portray judicial candidates as unfit for office,” Kelly said. “It leads to a public perception that the justice system is neither effective nor impartial. We must find improvements to the way we choose our appellate judges.”

Ryan said the task force’s charge includes studying how other states select their judges. “We want to look at the full range of judicial selection processes,” he said.

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Ryan added, “We have a diverse, talented group of people on this task force. They represent a broad range of perspectives. What they have in common is that all of them care deeply about the rule of law and public trust. Our goal is to propose practical ways to improve the process.”

In a statement, O’Connor said she agreed to serve as honorary co-chair because “Judicial independence is critical to our system of government. There has to be one safe place, a place where being right is more important than being popular, where fairness trumps strength. In our country, that place is the courtroom. But that is true only so long as we keep political influences and cash out of the courtroom.”

The task force is not a public body and will not be funded by tax dollars, Kelly and Ryan said.

“A generous grant from the Michigan State Bar Foundation will support Phase One of our work to conduct research and convene a conference to discuss that research and generate additional ideas,” they said. “This funding supports important information-gathering to give us a solid base to use in the Task Force’s next steps of identifying possible improvements to our judicial selection system.”

Examples of issues likely to come under consideration include:

- Whether there should be a nominating commission to recommend a candidate pool from which the Governor would choose to fill a vacated position on the Supreme Court and the Court of Appeals;
- Whether partisan nominations are a suitable way to select candidates for nonpartisan competitive elections for the Michigan Supreme Court;
- How factual information that is useful to evaluate appellate judicial candidates can be made more readily accessible to voters;
- Whether there should be disclosure to the public of the sources of funds aggregated by the political parties and interest groups to pay for candidate-focused electioneering communications;
- Whether there should be competitive elections for appellate judgeships or instead a system of nomination, appointment and retention election.

Task Force members include:

Loretta M. Ames
Kathleen L. Bogas
Patricia L. Donath
Peter L. Dunlap
J. Kay Felt
Robert F. Garvey
W. Anthony Jenkins

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John H. Logie
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