

State Bar Supports Senate Joint Resolution No. 2

The State Bar of Nevada supports the enactment of SJR 2. Nevada's lawyers, those in the best position to evaluate the day-to-day operations of our courts; strongly believe it is time to change our system. SJR 2 provides for merit selection of judges and for the people to vote to remove judges who are not doing their jobs.

1. On March 7, 2007, the Board of Governors of the State Bar of Nevada voted overwhelmingly to change the system and advocate support for SJR 2.
2. Recent federal court decisions provide new reasons to change our system. Due to the United States Supreme Court's 2002 *Republican Party of Minnesota v. White* decision, candidates for judicial office will be able to state how they would decide cases, while accepting campaign contributions from businesses, like insurance companies, lawyers and special interests. Nevada is the only state in which elected judges are permitted to directly solicit campaign contributions. Judicial ethics rules and decisions in Nevada provide that no conflict exists when a judge decides a case involving a party that has given them a campaign contribution or who is represented by a lawyer who has given them a campaign contribution.
3. Judicial ethics rules exempt campaign contributions from their otherwise strict approach of requiring judges to disqualify themselves when their impartiality might reasonably be questioned.
4. The popular election does not provide an adequate method for voters to assess the qualifications, or judicial temperament, of judges. Because cases are decided on disputed facts that are not presented to the voters, and the voters, as a practical matter, are unable to watch proceedings, voters lack adequate information. SJR 2 provides for a judicial review commission that will report to the voters whether judges are doing their job.
5. Judicial campaigns require that candidates devote an increasing amount of time and resources to fundraising and campaigning and a decreasing amount of time to the increasing workload, particularly in Clark County, of Nevada's courts, which are already some of the busiest in the nation.
6. In the last election, new judicial campaign fundraising records were set in four states. In at least eight state Supreme Court campaigns, fundraising soared past one million dollars. The collective cost was more than thirty million dollars for the Supreme Court campaigns alone.
7. Judicial campaigns are becoming more expensive, costing businesses, citizens and interest groups hundreds of thousands (district court) to millions (supreme court) of dollars.
8. Ethics rules prohibit judges from advocating that the system should be changed.
9. SJR 2 will provide the following benefits: (a) reduced cost to all participants and the public of the election system; (b) elimination of the influence of money on the resolution of individual disputes in Nevada's courts; (c) reduction in negative campaigns and negative publicity about Nevada's justice system; and (d) judges will have more time to devote to resolving disputes and deciding cases.

For further information and research, contact:

Rew R. Goodenow, President, State Bar of Nevada, 50 West Liberty St., Ste. 750
Reno, Nevada 89501
(775)323-1601, fax 348-7250
Email -- RGoodenow@parsonsbehle.com