



**Edward Lynch
District Court Judge
First Judicial District**

**Dakota County Judicial Center
1560 Highway 55
Hastings, MN 55033**

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Mr. Mark Gehan, Chair
Judicial Election Committee of the
Minnesota State Bar Association
C/O Minnesota State Bar Association
Via email

Dear Mr. Gehan:

I have reviewed the drafts of the three subcommittee reports regarding the election/selection of judges and wanted to comment and express some concern.

I recognize that the method of selecting and electing judges is under scrutiny in the media and legal community and I believe that it is a topic that deserves serious discussion. I appreciate the work done by you and the other committee members.

I have been a lawyer for 30 years and have served as a judge in the First Judicial District for 14 years. I believe that Minnesota has an outstanding judiciary. The merit selection of most judges and the requirement that all judges face election has worked well. I understand that the *White* decision creates some fear that judicial elections will become highly partisan events and will undermine the public's confidence in the courts. While I share that concern, I believe that it is premature to react to the potential consequences of the *White* decision at this time. I think it would be preferable to wait and see whether judicial campaigns do in fact become problems before suggesting alternatives for our present system that has served the State well.

I am not sure there is an "ideal" system for selecting or electing judges. The federal appointment approach has broken down recently because of bitter partisan politics and many states are enduring costly negative judicial election campaigns. Minnesota has avoided these problems so far and unless problems arise legislative reforms are unnecessary. I am also concerned that even well intentioned legislative proposals may be subject to unpredictable and unwelcome amendments during the legislative process. The judicial election proposals that require constitutional amendments face a long difficult process and the chances for a successful constitutional amendment without a well-organized and funded campaign are limited.

In light of all these concerns, I urge the Committee to withhold any recommendations for changes in our present judicial selection/election system at this time. I also urge the Committee to detail the problems and concerns with any alternative it identifies for our current method of selecting/electing judges.

Thank you for your consideration. If you have any questions, please contact me.

Very truly yours,

Edward Lynch